

118TH CONGRESS
1ST SESSION

H. R. 6021

To prohibit the transportation, sale, and purchase of donkeys or donkey hides for the purpose of producing ejiao, to prohibit the transportation, sale, and purchase of products containing ejiao, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2023

Mr. BEYER introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Foreign Affairs, the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the transportation, sale, and purchase of donkeys or donkey hides for the purpose of producing ejiao, to prohibit the transportation, sale, and purchase of products containing ejiao, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ejiao Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Ejiao is a gelatin created from the skins of
4 donkeys which is used in traditional Chinese medi-
5 cine, beauty, cosmetic, and other luxury products.

6 (2) The donkey skin trade for the production of
7 ejiao is decimating global donkey populations and
8 harming impoverished global communities.

9 (3) Studies have shown that the use of ejiao is
10 unnecessary in the production of these products
11 since the gelatins from other sources, including
12 plants, may be used instead.

13 (4) Millions of donkeys are slaughtered annu-
14 ally for their skins to make ejiao.

15 (5) The domestic Chinese and international de-
16 mand for donkey skins is approximately 8,000,000
17 to 10,000,000 skins per year but the annual supply
18 in China is less than 1,800,000.

19 (6) Such demand has led to the slaughter of
20 massive numbers of donkeys across the globe, deci-
21 mating donkey populations, most notably in Africa
22 and Latin America.

23 (7) Such demand has had devastating effects on
24 the families who depend on donkeys for survival,
25 such as for farming and construction; transporting

1 water to drink, cook, and clean; taking products to
2 market for sale; and transporting children to school.

3 (8) A report by the Kenya Agricultural and
4 Livestock Research Organization said that 159,631
5 donkeys were slaughtered for their skins, 8.1 percent
6 of the population, in 2018. Today, up to 1,000 don-
7 keys a day can be slaughtered in Kenya alone, more
8 than 300,000 a year.

9 (9) Donkeys are regularly stolen and killed ille-
10 gally solely for their skins. Moreover, donkeys are
11 often stolen from families who depend on them for
12 their livelihoods, and who are already struggling and
13 living below the regional poverty line.

14 (10) Where owners willingly sell their donkeys,
15 they find that within months they are worse off fi-
16 nancially than they would have been had they kept
17 their donkeys. As prices constantly rise, it becomes
18 impossible for these owners to go back into the mar-
19 ket for a new donkey.

20 (11) Although ejiao products are expensive, as
21 the Chinese middle class has expanded, demand for
22 ejiao products has exploded over the course of the
23 last decade. As a result, the donkey population in
24 China has collapsed by 76 percent since 1992.

1 (12) Ejiao companies have set up donkey breed-
2 ing schemes in China in an attempt to breed the
3 species on a scale sufficient to meet local demand.
4 But due to the long gestation period of donkeys, and
5 the fact that they often only give birth once a year,
6 breeders have not been able to satisfy demand from
7 within China, which is why ejiao companies have
8 turned to Africa and Latin America to satisfy de-
9 mand for ejiao.

10 (13) A crisis in donkey populations has been
11 met with varied responses from affected countries.
12 Bans in the trade of donkey skins in seven African
13 countries have been poorly enforced or overturned.

14 (14) As demand for ejiao continues unabated,
15 donkey populations in lower-income countries con-
16 tinue to nosedive, despite governmental efforts to
17 outlaw the trade.

18 (15) A number of United States-based compa-
19 nies have already pledged to remove from the mar-
20 ket all products containing ejiao. Despite this, far
21 too many United States-based companies continue to
22 sell products containing ejiao.

23 (16) The leading importers in the world for
24 ejiao are mainland China and Hong Kong. However,
25 the United States is the third largest importer of

1 ejiao, with \$12,000,000 in annual imports of ejiao
2 each year.

3 **SEC. 3. PROHIBITIONS.**

4 (a) **DONKEYS AND DONKEY HIDES.**—No person shall
5 knowingly import, export, transport, sell, receive, acquire,
6 or purchase, in interstate or foreign commerce, in the
7 United States, any donkey or donkey hide for the purpose
8 of producing—

9 (1) ejiao; or

10 (2) any product containing ejiao.

11 (b) **PRODUCTS WITH EJIAO.**—No person shall know-
12 ingly import, export, transport, sell, receive, acquire, or
13 purchase, in interstate or foreign commerce (including by
14 means of the internet), in the United States, any product
15 containing ejiao.

16 **SEC. 4. PENALTIES AND SANCTIONS.**

17 (a) **CIVIL PENALTIES.**—

18 (1) **IN GENERAL.**—Any person who engages in
19 conduct prohibited by section 3 may be assessed a
20 civil penalty by the Secretary of not more than
21 \$10,000 for each such violation. Each violation shall
22 be a separate offense and the offense shall be
23 deemed to have been committed not only in the dis-
24 trict where the violation first occurred, but also in

1 any district in which a person may have taken or
2 been in possession of—

3 (A) in the case of a violation of section
4 3(a), the donkey or donkey hide; or

5 (B) in the case of a violation of section
6 3(b), the product containing ejiao.

7 (2) NOTICE AND OPPORTUNITY FOR HEAR-
8 ING.—No civil penalty may be assessed under this
9 subsection unless the person accused of the violation
10 is given notice and opportunity for a hearing with
11 respect to the violation.

12 (3) DETERMINATION OF AMOUNT.—In deter-
13 mining the amount of any penalty assessed under
14 this subsection, the Secretary shall take into account
15 the nature, circumstances, extent, and gravity of the
16 prohibited act committed, and with respect to the vi-
17 olator, the degree of culpability, ability to pay, and
18 such other matters as justice may require.

19 (b) HEARINGS.—Hearings held during proceedings
20 for the assessment of civil penalties under this section
21 shall be conducted in accordance with section 554 of title
22 5, United States Code. The administrative law judge may
23 issue subpoenas for the attendance and testimony of wit-
24 nesses and the production of relevant papers, books, or
25 documents, and may administer oaths. Witnesses sum-

1 moned shall be paid the same fees and mileage that are
2 paid to witnesses in the courts of the United States. In
3 case of contumacy or refusal to obey a subpoena issued
4 pursuant to this subsection and served upon any person,
5 the district court of the United States for any district in
6 which such person is found, resides, or transacts business,
7 upon application by the United States and after notice to
8 such person, shall have jurisdiction to issue an order re-
9 quiring such person to appear and give testimony before
10 the administrative law judge or to appear and produce
11 documents before the administrative law judge, or both,
12 and any failure to obey such order of the court may be
13 punished by such court as a contempt thereof.

14 (c) REVIEW OF CIVIL PENALTY.—Any person against
15 whom a civil penalty is assessed under this section may
16 obtain review thereof in the appropriate district court of
17 the United States by filing a complaint in such court with-
18 in 30 days after the date of such order and by simulta-
19 neously serving a copy of the complaint by certified mail
20 on the Secretary, the Attorney General, and the appro-
21 priate United States attorney. The Secretary shall
22 promptly file in such court a certified copy of the record
23 upon which such violation was found or such penalty im-
24 posed, as provided in section 2112 of title 28, United
25 States Code. If any person fails to pay an assessment of

1 a civil penalty after it has become a final and unappealable
2 order or after the appropriate court has entered final judg-
3 ment in favor of the Secretary, the Secretary may request
4 the Attorney General of the United States to institute a
5 civil action in an appropriate district court of the United
6 States to collect the penalty, and such court shall have
7 jurisdiction to hear and decide any such action. In hearing
8 such action, the court shall have authority to review the
9 violation and the assessment of the civil penalty de novo.

10 (d) CRIMINAL PENALTIES.—

11 (1) IMPORT OR EXPORT; VALUE IN EXCESS OF
12 \$350.—Any person who—

13 (A) in violation of section 3, knowingly im-
14 ports or exports—

15 (i) any donkey or donkey hide; or

16 (ii) any product containing ejiao; or

17 (B) violates section 3 by knowingly engag-
18 ing in conduct that involves the sale or pur-
19 chase of, the offer of sale or purchase of, or the
20 intent to sell or purchase—

21 (i) any donkey or donkey hide with a
22 market value in excess of \$350; or

23 (ii) any product containing ejiao with
24 a market value in excess of \$350,

1 knowing that the donkey, donkey hide, or product
2 containing ejiao was taken, possessed, transported,
3 or sold in violation of such section, shall be fined not
4 more than \$20,000 (notwithstanding the maximum
5 fine amount otherwise applicable under section 3751
6 of title 18, United States Code), or imprisoned for
7 not more than 5 years, or both. Each violation shall
8 be a separate offense and the offense shall be
9 deemed to have been committed not only in the dis-
10 trict where the violation first occurred, but also in
11 any district in which the defendant may have taken
12 or been in possession of such donkey, donkey hide,
13 or product containing ejiao.

14 (2) OTHER PROHIBITED CONDUCT.—Any per-
15 son who knowingly engages in conduct prohibited by
16 section 3 and in the exercise of due care should
17 know that the donkey, donkey hide, or product con-
18 taining ejiao was taken, possessed, transported, or
19 sold in violation of such section shall be fined not
20 more than \$10,000 (notwithstanding the maximum
21 fine amount otherwise applicable under section 3751
22 of title 18, United States Code), or imprisoned for
23 not more than 1 year, or both. Each violation shall
24 be a separate offense and the offense shall be
25 deemed to have been committed not only in the dis-

1 trict where the violation first occurred, but also in
2 any district in which the defendant may have taken
3 or been in possession of such donkey, donkey hide,
4 or product containing ejiao.

5 **SEC. 5. FORFEITURE.**

6 (a) IN GENERAL.—

7 (1) DONKEYS AND DONKEY HIDES.—All don-
8 keys or donkey hides imported, exported, trans-
9 ported, sold, received, acquired, or purchased con-
10 trary to the provisions of section 3(a), or any regula-
11 tion issued pursuant to such section, shall be subject
12 to forfeiture to the United States notwithstanding
13 any culpability requirements for civil penalty assess-
14 ment or criminal prosecution included in section 4.

15 (2) PRODUCTS WITH EJIAO.—All products con-
16 taining ejiao imported, exported, transported, sold,
17 received, acquired, or purchased contrary to the pro-
18 visions of section 3(b), or any regulation issued pur-
19 suant to such section, shall be subject to forfeiture
20 to the United States notwithstanding any culpability
21 requirements for civil penalty assessment or criminal
22 prosecution included in section 4.

23 (3) EQUIPMENT.—All vessels, vehicles, aircraft,
24 and other equipment used to aid in the importing,
25 exporting, transporting, selling, receiving, acquiring,

1 or purchasing of donkeys, donkey hides, or products
2 containing ejiao in a criminal violation of this Act
3 for which a felony conviction is obtained shall be
4 subject to forfeiture to the United States if—

5 (A) the owner of such vessel, vehicle, air-
6 craft, or equipment was at the time of the al-
7 leged illegal act a consenting party or privy
8 thereto or in the exercise of due care should
9 have known that such vessel, vehicle, aircraft,
10 or equipment would be used in a criminal viola-
11 tion of this Act; and

12 (B) the violation involved—

13 (i) the sale or purchase of, the offer
14 of sale or purchase of, or the intent to sell
15 or purchase, a donkey or donkey hide; or

16 (ii) the import, export, transportation,
17 sale, receipt, acquisition, or purchase of a
18 product containing ejiao.

19 (b) APPLICATION OF CUSTOMS LAWS.—All provisions
20 of law relating to the seizure, forfeiture, and condemnation
21 of property for violation of the customs laws, the disposi-
22 tion of such property or the proceeds from the sale thereof,
23 and the remission or mitigation of such forfeiture, shall
24 apply to the seizures and forfeitures incurred, or alleged
25 to have been incurred, under the provisions of this Act,

1 insofar as such provisions of law are applicable and not
2 inconsistent with the provisions of this Act; except that
3 all powers, rights, and duties conferred or imposed by the
4 customs laws upon any officer or employee of the Treasury
5 Department may, for the purposes of this Act, also be ex-
6 ercised or performed by the Secretary or by such persons
7 as the Secretary may designate: *Provided*, That any war-
8 rant for search or seizure shall be issued in accordance
9 with rule 41 of the Federal Rules of Criminal Procedure.

10 (c) STORAGE COST.—Any person convicted of an of-
11 fense, or assessed a civil penalty, under section 4 shall
12 be liable for the costs incurred in the storage, care, and
13 maintenance of any donkey, donkey hide, or product con-
14 taining ejiao seized in connection with the violation con-
15 cerned.

16 (d) CIVIL FORFEITURES.—Civil forfeitures under
17 this section shall be governed by the provisions of chapter
18 46 of title 18, United States Code.

19 **SEC. 6. ENFORCEMENT.**

20 (a) IN GENERAL.—The provisions of this Act and
21 any regulations issued pursuant thereto shall be enforced
22 by the Secretary, the Secretary of Transportation, or the
23 Secretary of the Treasury. Such Secretary may utilize by
24 agreement, with or without reimbursement, the personnel,
25 services, and facilities of any other Federal agency or any

1 State agency or Indian tribe for purposes of enforcing this
2 Act.

3 (b) POWERS.—

4 (1) IN GENERAL.—Any person authorized
5 under subsection (a) to enforce this Act—

6 (A) may carry firearms;

7 (B) may, when enforcing this Act, make an
8 arrest without a warrant, in accordance with
9 any guidelines which may be issued by the At-
10 torney General, for any offense under the laws
11 of the United States committed in the person's
12 presence, or for the commission of any felony
13 under the laws of the United States, if the per-
14 son has reasonable grounds to believe that the
15 person to be arrested has committed or is com-
16 mitting a felony;

17 (C) may search and seize, with or without
18 a warrant, in accordance with any guidelines
19 which may be issued by the Attorney General:
20 *Provided*, That an arrest for a felony violation
21 of this Act that is not committed in the pres-
22 ence or view of any such person and that in-
23 volves only the transportation, acquisition, re-
24 ceipt, purchase, or sale of a donkey, donkey
25 hide, or product containing ejiao taken or pos-

1 sessed in violation of any law or regulation of
2 any State shall require a warrant;

3 (D) may make an arrest without a warrant
4 for a misdemeanor violation of this Act if he
5 has reasonable grounds to believe that the per-
6 son to be arrested is committing a violation in
7 his presence or view; and

8 (E) may execute and serve any subpoena,
9 arrest warrant, search warrant issued in ac-
10 cordance with rule 41 of the Federal Rules of
11 Criminal Procedure, or other warrant of civil or
12 criminal process issued by any officer or court
13 of competent jurisdiction for enforcement of
14 this Act.

15 (2) DETENTION AND INSPECTION.—Any person
16 authorized under subsection (a) to enforce this Act,
17 in coordination with the Secretary of the Treasury,
18 may detain for inspection and inspect any vessel, ve-
19 hicle, aircraft, or other conveyance or any package,
20 crate, or other container, including its contents,
21 upon the arrival of such conveyance or container in
22 the United States or the customs waters of the
23 United States from any point outside the United
24 States or such customs waters, or, if such convey-
25 ance or container is being used for exportation pur-

1 poses, prior to departure from the United States or
2 the customs waters of the United States. Such per-
3 son may also inspect and demand the production of
4 any documents and permits required by the country
5 of natal origin, birth, or reexport of the donkey. Any
6 donkey, donkey hide, product containing ejiao, prop-
7 erty, or item seized shall be held by any person au-
8 thorized by the Secretary pending disposition of civil
9 or criminal proceedings, or the institution of an ac-
10 tion in rem for forfeiture of such donkey, donkey
11 hide, product containing ejiao, property, or item pur-
12 suant to section 5 of this Act; except that the Sec-
13 retary may, in lieu of holding such donkey, donkey
14 hide, product containing ejiao, property, or item,
15 permit the owner or consignee to post a bond or
16 other surety satisfactory to the Secretary.

17 (c) DISTRICT COURT JURISDICTION.—The several
18 district courts of the United States, including the courts
19 enumerated in section 460 of title 28, United States Code,
20 shall have jurisdiction over any actions arising under this
21 Act. The venue provisions of title 18 and title 28 of the
22 United States Code shall apply to any actions arising
23 under this Act. The judges of the district courts of the
24 United States and the United States magistrates may,
25 within their respective jurisdictions, upon proper oath or

1 affirmation showing probable cause, issue such warrants
2 or other process as may be required for enforcement of
3 this Act and any regulations issued thereunder.

4 (d) REWARDS AND CERTAIN INCIDENTAL EX-
5 PENSES.—

6 (1) IN GENERAL.—The Secretary or the Sec-
7 retary of the Treasury shall pay, from sums received
8 as penalties, fines, or forfeitures of property for any
9 violation of this Act or any regulation issued here-
10 under—

11 (A) a reward to any person who furnishes
12 information which leads to an arrest, a criminal
13 conviction, civil penalty assessment, or for-
14 feiture of property for any violation of this Act
15 or any regulation issued hereunder; and

16 (B) the reasonable and necessary costs in-
17 curred by any person in providing temporary
18 care for any donkey pending the disposition of
19 any civil or criminal proceeding alleging a viola-
20 tion of this Act with respect to that donkey.

21 (2) AMOUNT.—The amount of the reward re-
22 ferred to in paragraph (1)(A), if any, is to be des-
23 ignated by the Secretary or the Secretary of the
24 Treasury, as appropriate.

1 (3) INELIGIBILITY.—Any officer or employee of
2 the United States or any State or local government
3 who furnishes information or renders service in the
4 performance of his official duties is ineligible for
5 payment under this subsection.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) DONKEY.—The term “donkey” means a
9 wild, feral, or domestic donkey, ass, mule, burro, or
10 hinny, including *Equus africanus* and *Equus asinus*.

11 (2) EJIAO.—The term “ejiao” means a gelatin
12 created from the skin of a donkey (also known as
13 “gelatina nigra”).

14 (3) IMPORT.—The term “import” means to
15 land on, bring into, or introduce into, any place sub-
16 ject to the jurisdiction of the United States, whether
17 or not such landing, bringing, or introduction con-
18 stitutes an importation within the meaning of the
19 customs laws of the United States.

20 (4) SECRETARY.—The term “Secretary”
21 means, except as otherwise provided, the Secretary
22 of Commerce.

23 (5) TAKEN.—The term “taken” means cap-
24 tured, killed, or collected.

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