# 104TH CONGRESS 1ST SESSION H. R. 1404

To end the use of steel jaw leghold traps on animals in the United States.

### IN THE HOUSE OF REPRESENTATIVES

#### April 5, 1995

Mrs. Lowey (for herself, Mr. SHAYS, Mr. ACKERMAN, Mr. HYDE, Mr. NADLER, Mrs. MALONEY, Mr. ROEMER, Ms. PELOSI, Mr. TORRICELLI, Mr. MEEHAN, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. LIPINSKI, Mr. CLAY, Mr. JACOBS, Mrs. SCHROEDER, Mr. BEILENSON, Mr. TORRES, Mr. MILLER of California, Mr. LANTOS, Mr. MORAN, Mr. VENTO, Mr. McDERMOTT, Mr. GOSS, Mr. FILNER, Mr. MANTON, Mr. BROWN of California, Mr. DELLUMS, Mr. MARTINEZ, Mr. STARK, Mr. FRANK of Massachusetts, Mr. JOHNSTON of Florida, Ms. WOOLSEY, Mr. WAXMAN, Mr. PORTER, Ms. SLAUGHTER, Ms. ESHOO, Mr. MINETA, Mr. OWENS, Mr. DEUTSCH, Mr. YATES, MS. ROYBAL-ALLARD, Mr. GEJDENSON, Mr. SMITH of New Jersey, Mr. MARKEY, Mr. FARR, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. SCHUMER, Mr. ANDREWS, Mr. PAYNE of Virginia, Mr. STUDDS, Mr. FOGLIETTA, MS. NORTON, MrS. MINK of Hawaii, Mrs. KENNELLY, and Mr. BONIOR) introduced the following bill; which was referred to the Committee on Commerce

# A BILL

# To end the use of steel jaw leghold traps on animals in the United States.

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

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#### **1** SECTION 1. DECLARATION OF POLICY.

It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel jaw leghold traps by prohibiting the shipment in interstate or foreign commerce of such traps and of articles of fur from animals that were trapped in such traps.

#### 8 SEC. 2. DEFINITIONS.

9 As used in this Act—

10 (1) The term "article of fur" means—

11 (A) any furskin bearing hair, raw or not12 dressed, or dressed; or

(B) any article, however produced, thatconsists in whole or part of any furskin.

For purposes of subparagraph (A), the terms "furskin", "raw or not dressed", and "dressed" have the same respective meanings that are given them in headnote 2 of subpart B of part 5 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "interstate or foreign commerce"
shall have the same meaning as that given to such
term in section 10 of title 18, United States Code.
(3) The term "import" means to land on, bring
into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such

landing, bringing, or introduction constitutes an im portation within the meaning of the customs laws of
 the United States.

4 (4) The term "person" includes any individual,
5 partnership, association, corporation, trust, or any
6 officer, employee, agent, department, or instrumen7 tality of the Federal Government or of any State or
8 political subdivision thereof, or any other entity sub9 ject to the jurisdiction of the United States.

10 (5) The term "Secretary" means the Secretary11 of the Interior.

12 (6) The term "steel jaw leghold trap" means 13 any spring-powered pan- or sear-activated device 14 with two opposing steel jaws which is designed to 15 capture an animal by snapping closed upon the ani-16 mal's limb or part thereof.

#### 17 SEC. 3. PROHIBITED ACTS AND PENALTIES.

(a) No article of fur shall be imported, exported, or
shipped in interstate or foreign commerce if any part or
portion of such article is derived from an animal that was
trapped in a steel jaw leghold trap.

22 (b) It is unlawful for any person knowingly—

23 (1) to import, export, ship or receive any article
24 of fur in contravention of subsection (a);

(2) to deliver, carry, transport, or ship by any
 means whatever, in interstate or foreign commerce,
 any steel jaw leghold trap;

4 (3) to sell, receive, acquire, or purchase any
5 steel jaw leghold trap that was delivered, carried,
6 transported, or shipped in contravention of para7 graph (2); or

8 (4) to violate any regulation prescribed by the9 Secretary under this section.

10 (c) Any person who knowingly commits an act which 11 violates subsection (a) or (b), or any regulation issued 12 under this section, shall, upon conviction for the first such 13 violation, be fined not more than \$1,000; and, upon con-14 viction for the second and each subsequent violation, be 15 fined not more than \$5,000 and imprisoned for not more 16 than two years.

17 SEC. 4. REWARDS.

The Secretary shall pay an amount equal to half of the fine paid to any person who furnishes information which leads to a conviction of a criminal violation of any provision of this Act or any regulation issued thereunder. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties is not eligible for payment under this section.

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#### 1 SEC. 5. ENFORCEMENT.

(a) The provisions of this Act and any regulations
issued pursuant thereto shall be enforced by the Secretary,
who may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other
Federal agency or any State agency for purposes of enforcing this Act.

8 (b) The judges of the district courts of the United 9 States and the United States magistrates may, within 10 their respective jurisdictions, upon proper oath or affirma-11 tion showing probable cause, issue such warrants or other 12 process as may be required for enforcement of this Act 13 and any regulation issued thereunder.

14 (c) To the maximum extent now or hereafter per15 mitted by Federal law, any individual having authority to
16 enforce this Act may—

(1) detain for inspection, search, and seize any
package, crate, or other container, including its contents, and all accompanying documents;

20 (2) make arrests without a warrant for any vio-21 lation of this Act; and

(3) execute and serve any arrest warrant,
search warrant, or other warrant or criminal process
issued by any judge or magistrate of any court of
competent jurisdiction for enforcement of this Act.

Any item seized under this Act shall be held by any person 1 authorized by the Secretary, pending the disposition of 2 criminal proceedings or the institution of an action in rem 3 for forfeiture of the item under paragraph (4); the Sec-4 retary may, in lieu of holding the item, permit the owner 5 or consignee to post a bond or other surety satisfactory 6 to the Secretary. Upon forfeiture of any such item to the 7 United States, or the abandonment or waiver of any claim 8 to any such item, it shall be disposed of (other than by 9 10 sale to the general public) by the Secretary in such manner, consistent with the purposes of this Act, as the Sec-11 retary shall prescribe by regulation. 12

(d) Any article of fur or steel jaw leghold trap taken,
possessed, sold, purchased, offered for sale or purchase,
transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this Act
or to any regulation made pursuant thereto, shall be subject to forfeiture to the United States.

(e) The Attorney General of the United States may
seek to enjoin any person who is alleged to be in violation
of any provision of this Act or regulation issued under authority thereof.

#### 23 SEC. 6. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to enforce the provisions of this Act.

## 1 SEC. 7. EFFECTIVE DATE.

2 This Act shall take effect one year after the date of

3 its enactment.

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