

106TH CONGRESS
1ST SESSION

H. R. 1581

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1999

Mrs. LOWEY (for herself, Mr. SHAYS, Mr. LANTOS, Mr. HYDE, Mr. CONYERS, Mr. GILMAN, Mr. GEJDENSON, Mrs. MORELLA, Mr. MORAN of Virginia, Mr. CAMPBELL, Mr. BROWN of California, Mr. FRANKS of New Jersey, Mr. LEWIS of Georgia, Mr. COSTELLO, Mr. CLAY, Mr. SMITH of New Jersey, Mr. BONIOR, Mr. FARR of California, Mr. KENNEDY of Rhode Island, Ms. DELAURO, Mr. DICKS, Mr. WAXMAN, Mr. WEINER, Mr. SHERMAN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. WEYGAND, Ms. PELOSI, Mr. DOYLE, Mr. STARK, Mr. MEEHAN, Mr. FILNER, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. DEUTSCH, Mr. LIPINSKI, Mrs. MINK of Hawaii, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. WEXLER, Mr. GUTIERREZ, Mr. BENTSEN, Mr. CAPUANO, Mr. BLAGOJEVICH, Ms. SCHAKOWSKY, Mr. TIERNEY, Mrs. MALONEY of New York, Ms. LOFGREN, Ms. SLAUGHTER, Mr. PALLONE, Ms. RIVERS, Mr. NEAL of Massachusetts, Mrs. TAUSCHER, Ms. ESHOO, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. INSLEE, Ms. BALDWIN, Mr. UDALL of Colorado, Mr. DELAHUNT, and Mr. LUTHER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, 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 end the use of steel-jawed 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,*

3 **SECTION 1. DECLARATION OF POLICY.**

4 It is the policy of the United States to end the need-
5 less maiming and suffering inflicted upon animals through
6 the use of steel-jawed leghold traps by prohibiting the im-
7 port or export of, and the shipment in interstate commerce
8 of, such traps and of articles of fur from animals that
9 were trapped in such traps.

10 **SEC. 2. DEFINITIONS.**

11 As used in this Act:

12 (1) The term “article of fur” means—

13 (A) any furskin, whether raw or tanned or
14 dressed; or

15 (B) any article, however produced, that
16 consists in whole or part of any furskin.

17 For purposes of subparagraph (A), the terms
18 “furskin”, “raw”, and “tanned or dressed” have the
19 same respective meanings as those terms have under
20 headnote 1 of chapter 43 of the Harmonized Tariff
21 Schedule of the United States.

22 (2) The term “interstate commerce” shall have
23 the same meaning as that given to such term in sec-
24 tion 10 of title 18, United States Code.

1 (3) The term “import” means to land on, bring
2 into, or introduce into, any place subject to the ju-
3 risdiction of the United States, whether or not such
4 landing, bringing, or introduction constitutes an
5 entry into the customs territory of the United
6 States.

7 (4) The term “person” includes any individual,
8 partnership, association, corporation, trust, or any
9 officer, employee, agent, department, or instrumen-
10 tality of the Federal Government or of any State or
11 political subdivision thereof, or any other entity sub-
12 ject to the jurisdiction of the United States.

13 (5) The term “Secretary” means the Secretary
14 of the Interior.

15 (6) The term “conventional steel-jawed leghold
16 trap” means any spring-powered pan- or sear-acti-
17 vated device with two opposing steel jaws, whether
18 the jaws are smooth, toothed, padded, or offset,
19 which is designed to capture an animal by snapping
20 closed upon the animal’s limb or part thereof.

21 **SEC. 3. PROHIBITED ACTS AND PENALTIES.**

22 (a) PROHIBITION.—No article of fur shall be im-
23 ported, exported, or shipped in interstate commerce if any
24 part or portion of such article is derived from an animal

1 that was trapped in a conventional steel-jawed leghold
2 trap.

3 (b) OFFENSES.—It is unlawful for any person
4 knowingly—

5 (1) to import, export, ship, or receive any arti-
6 cle of fur in contravention of subsection (a);

7 (2) to import, export, deliver, carry, transport,
8 or ship by any means whatever, in interstate com-
9 merce, any conventional steel-jawed leghold trap;

10 (3) to sell, receive, acquire, or purchase any
11 conventional steel-jawed leghold trap that was deliv-
12 ered, carried, transported, or shipped in contraven-
13 tion of paragraph (2); or

14 (4) to violate any regulation prescribed by the
15 Secretary under this section.

16 (c) PENALTIES.—Any person who knowingly commits
17 an act which violates subsection (a) or (b), or any regula-
18 tion issued under this section, shall, in addition to any
19 other penalty that may be imposed—

20 (1) for the first such violation, be guilty of an
21 infraction under title 18, United States Code; and

22 (2) for each subsequent violation, be imprisoned
23 for not more than two years, or fined in the amount
24 set forth in title 18, United States Code, or both.

1 **SEC. 4. REWARDS.**

2 The Secretary shall pay, to any person who furnishes
3 information which leads to a conviction of a violation of
4 any provision of this Act or any regulation issued there-
5 under, an amount equal to one half of the fine paid pursu-
6 ant to the conviction. Any officer or employee of the
7 United States or of any State or local government who
8 furnishes information or renders service in the perform-
9 ance of his or her official duties is not eligible for payment
10 under this section.

11 **SEC. 5. ENFORCEMENT.**

12 (a) IN GENERAL.—Except with respect to violations
13 of this Act to which subsection (b) applies, the provisions
14 of this Act and any regulations issued pursuant thereto
15 shall be enforced by the Secretary, who may utilize by
16 agreement, with or without reimbursement, the personnel,
17 services, and facilities of any other Federal agency or any
18 State agency for purposes of enforcing this Act and such
19 regulations.

20 (b) EXPORT AND IMPORT VIOLATIONS.—

21 (1) IMPORT VIOLATIONS.—The importation of
22 articles in contravention of section 3 shall be treated
23 as a violation of the customs laws of the United
24 States, and those provisions of law relating to viola-
25 tions of the customs laws shall apply thereto.

1 (2) EXPORT VIOLATIONS.—The authorities
2 under the Export Administration Act of 1979 (in-
3 cluding penalties) shall be used to enforce the provi-
4 sions of this Act relating to the export of articles in
5 contravention of section 3.

6 (c) JUDICIAL PROCESS.—The district courts of the
7 United States may, within their respective jurisdictions,
8 upon proper oath or affirmation showing probable cause,
9 issue such warrants or other process as may be required
10 for enforcement of this Act and any regulation issued
11 thereunder.

12 (d) ENFORCEMENT AUTHORITIES.—Any individual
13 having authority to enforce this Act (except with respect
14 to violations to which subsection (b) applies), may, in exer-
15 cising such authority—

16 (1) detain for inspection, search, and seize any
17 package, crate, or other container, including its con-
18 tents, and all accompanying documents, if such indi-
19 vidual has reasonable cause to suspect that in such
20 package, crate, or other container are articles with
21 respect to which a violation of this Act (except with
22 respect to a violations to which subsection (b) ap-
23 plies) has occurred, is occurring, or is about to
24 occur;

1 (2) make arrests without a warrant for any vio-
2 lation of this Act (except with respect to a violation
3 to which subsection (b) applies) committed in his or
4 her presence or view or if the individual has probable
5 cause to believe that the person to be arrested has
6 committed or is committing such a violation; and

7 (3) execute and serve any arrest warrant,
8 search warrant, or other warrant or criminal process
9 issued by any judge or magistrate of any court of
10 competent jurisdiction for enforcement of this Act
11 (except with respect to violations to which subsection
12 (b) applies).

13 (e) FORFEITURE.—Except with respect to exports to
14 which the provisions of the Export Administration Act of
15 1979 apply, and imports to which the customs laws of the
16 United States apply, pursuant to subsection (b), any arti-
17 cle of fur or conventional steel-jawed leghold trap taken,
18 possessed, sold, purchased, offered for sale or purchase,
19 imported, exported, transported, delivered, received, car-
20 ried, or shipped in violation of this Act or any regulation
21 issued pursuant thereto, shall be subject to forfeiture to
22 the United States. Those provisions of law relating to—

23 (1) the seizure, summary and judicial forfeiture,
24 and condemnation of property for violations of the
25 customs laws,

1 (2) the disposition of such property or the pro-
2 ceeds from the sale thereof,

3 (3) the remission or mitigation of such forfeit-
4 ures, and

5 (4) the compromise of claims,

6 shall apply to seizures and forfeitures incurred, or alleged
7 to have been incurred, under the provisions of this sub-
8 section, insofar as applicable and not inconsistent with
9 this title; except that such duties as are imposed upon the
10 customs officer or any other person with respect to the
11 seizure and forfeiture of property under the customs laws
12 may be performed with respect to seizures and forfeitures
13 of property under this subsection by the Secretary or such
14 officers and employees as may be authorized or designated
15 for that purpose by the Secretary, or, upon the request
16 of the Secretary, by any other agency that has authority
17 to manage and dispose of seized property.

18 (f) INJUNCTIONS.—The Attorney General of the
19 United States may seek to enjoin any person who is al-
20 leged to be in violation of any provision of this Act or regu-
21 lation issued under authority thereof.

22 (g) COOPERATION.—The Secretary of Commerce, the
23 Secretary of the Treasury, and the head of any other de-
24 partment or agency with enforcement responsibilities
25 under this Act shall cooperate with the Secretary in ensur-

1 ing that this Act, and regulations issued thereunder, are
2 enforced in the most effective and efficient manner.

3 **SEC. 6. REGULATIONS.**

4 The Secretary shall prescribe such regulations as are
5 necessary to carry out this Act.

6 **SEC. 7. EFFECTIVE DATE.**

7 This Act shall take effect one year after the date of
8 its enactment.

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