

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. BEILENSEN, 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,*

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

2 It is the policy of the United States to end the need-
3 less maiming and suffering inflicted upon animals through
4 the use of steel jaw leghold traps by prohibiting the ship-
5 ment in interstate or foreign commerce of such traps and
6 of articles of fur from animals that were trapped in such
7 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 not
12 dressed, or dressed; or

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

15 For purposes of subparagraph (A), the terms
16 “furskin”, “raw or not dressed”, and “dressed” have
17 the same respective meanings that are given them in
18 headnote 2 of subpart B of part 5 of schedule 1 of
19 the Tariff Schedules of the United States (19 U.S.C.
20 1202).

21 (2) The term “interstate or foreign commerce”
22 shall have the same meaning as that given to such
23 term in section 10 of title 18, United States Code.

24 (3) The term “import” means to land on, bring
25 into, or introduce into, any place subject to the ju-
26 risdiction of the United States, whether or not such

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

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

10 (5) The term “Secretary” means the Secretary
11 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.**

18 (a) No article of fur shall be imported, exported, or
19 shipped in interstate or foreign commerce if any part or
20 portion of such article is derived from an animal that was
21 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);

1 (2) to deliver, carry, transport, or ship by any
2 means whatever, in interstate or foreign commerce,
3 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 para-
7 graph (2); or

8 (4) to violate any regulation prescribed by the
9 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.**

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

1 **SEC. 5. ENFORCEMENT.**

2 (a) The provisions of this Act and any regulations
3 issued pursuant thereto shall be enforced by the Secretary,
4 who may utilize by agreement, with or without reimburse-
5 ment, the personnel, services, and facilities of any other
6 Federal agency or any State agency for purposes of en-
7 forcing 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 per-
15 mitted by Federal law, any individual having authority to
16 enforce this Act may—

17 (1) detain for inspection, search, and seize any
18 package, crate, or other container, including its con-
19 tents, and all accompanying documents;

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

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

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

13 (d) Any article of fur or steel jaw leghold trap taken,
14 possessed, sold, purchased, offered for sale or purchase,
15 transported, delivered, received, carried, shipped, ex-
16 ported, or imported contrary to the provisions of this Act
17 or to any regulation made pursuant thereto, shall be sub-
18 ject to forfeiture to the United States.

19 (e) The Attorney General of the United States may
20 seek to enjoin any person who is alleged to be in violation
21 of any provision of this Act or regulation issued under au-
22 thority thereof.

23 **SEC. 6. REGULATIONS.**

24 The Secretary shall prescribe such regulations as are
25 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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