

104TH CONGRESS
2D SESSION

S. 1701

To end the use of steel jaw leghold traps on animals in the United States,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1996

Mr. PELL introduced the following bill; which was read twice and referred to
the Committee on Environment and Public Works

A BILL

To end the use of steel jaw leghold traps on animals in
the United States, 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. DECLARATION OF POLICY.**

4 It is the policy of the United States to end the need-
5 less maiming and suffering inflicted on animals through
6 the use of steel jaw leghold traps by prohibiting the ship-
7 ment in interstate commerce or foreign commerce of the
8 traps and articles of fur from animals that were trapped
9 in the traps.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ARTICLE OF FUR.—

4 (A) IN GENERAL.—The term “article of
5 fur” means—

6 (i) any furskin bearing hair, whether
7 raw or not dressed, or dressed; or

8 (ii) any article, however produced,
9 that consists in whole or part of a furskin.

10 (B) OTHER TERMS.—In subparagraph (A),
11 the terms “furskin”, “raw or not dressed”, and
12 “dressed” have the meanings provided in head-
13 note 2 of subpart B of part 5 of schedule 1 of
14 the Tariff Schedules of the United States (19
15 U.S.C. 1202).

16 (2) FOREIGN COMMERCE.—The term “foreign
17 commerce” has the meaning provided in section 10
18 of title 18, United States Code.

19 (3) IMPORT.—The term “import” means to
20 land on, bring into, or introduce into, any place sub-
21 ject to the jurisdiction of the United States, regard-
22 less of whether the landing, bringing, or introduction
23 constitutes an importation within the meaning of the
24 customs laws of the United States.

1 (4) INTERSTATE COMMERCE.—The term “inter-
2 state commerce” has the meaning provided in sec-
3 tion 10 of title 18, United States Code.

4 (5) PERSON.—The term “person” includes—

5 (A) any individual, partnership, associa-
6 tion, corporation, or trust;

7 (B) any officer, employee, agent, depart-
8 ment, or instrumentality of the Federal Govern-
9 ment or of any State or political subdivision of
10 a State; and

11 (C) any other entity subject to the jurisdic-
12 tion of the United States.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (7) STEEL JAW LEGHOLD TRAP.—The term
16 “steel jaw leghold trap” means any spring-powered
17 pan-activated or sear-activated device with 2 oppos-
18 ing steel jaws that is designed to capture an animal
19 by snapping closed on a limb or part of a limb of
20 the animal.

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

22 (a) ACTS INVOLVING ARTICLES OF FUR.—An article
23 of fur may not be imported, exported, shipped, or received
24 in interstate commerce or foreign commerce if any part
25 of the article is derived from an animal the trapping of

1 which in a steel jaw leghold trap permitted the production
2 of the article.

3 (b) ACTS BY PERSONS.—It is unlawful for a person
4 knowingly—

5 (1) to import, export, ship, or receive an article
6 of fur in violation of subsection (a);

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

10 (3) to sell, receive, acquire, or purchase a steel
11 jaw leghold trap that was delivered, carried, trans-
12 ported, or shipped in violation of paragraph (2); or

13 (4) to violate a regulation issued by the Sec-
14 retary under this section.

15 (c) PENALTIES.—A person who knowingly commits
16 an act that violates subsection (a) or (b), shall, on convic-
17 tion—

18 (1) for the first violation, be fined not more
19 than \$1,000; and

20 (2) for the second and each subsequent viola-
21 tion, be fined not more than \$5,000, imprisoned not
22 more than 2 years, or both.

23 **SEC. 4. REWARDS.**

24 (a) IN GENERAL.—

1 (1) BASIS.—Except as provided in subsection
2 (b), the Secretary shall pay a reward to a person
3 who provides information that leads to a conviction
4 under section 3.

5 (2) AMOUNT.—The amount of the reward shall
6 be equal to 50 percent of the fine assessed against
7 the person convicted.

8 (b) GOVERNMENTAL EMPLOYEES.—An officer or em-
9 ployee of the United States or of a State or local govern-
10 ment who provides information or renders service in the
11 performance of the official duties of the officer or em-
12 ployee shall not be eligible for an award under subsection
13 (a).

14 **SEC. 5. ENFORCEMENT.**

15 (a) IN GENERAL.—In enforcing this Act, the Sec-
16 retary may use by agreement, with or without reimburse-
17 ment, the personnel, services, and facilities of any other
18 Federal agency or a State agency.

19 (b) WARRANTS.—The judges of the district courts of
20 the United States and the United States magistrates may,
21 within their respective jurisdictions, on proper oath or af-
22 firmation showing probable cause, issue such warrants or
23 other process as may be required for enforcement of this
24 Act.

25 (c) OTHER ENFORCEMENT AUTHORITY.—

1 (1) IN GENERAL.—To the maximum extent per-
2 mitted by Federal law, an individual having author-
3 ity to enforce this Act may, in the course of enforce-
4 ment—

5 (A) detain for inspection, search, and seize
6 a package, crate, or other container, including
7 its contents, and all accompanying documents;

8 (B) make an arrest without a warrant for
9 a violation of this Act; and

10 (C) execute and serve an arrest warrant,
11 search warrant, or other warrant or criminal
12 process issued by a judge or magistrate of a
13 court of competent jurisdiction for a violation of
14 this Act.

15 (2) HANDLING OF ITEMS SEIZED.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), an item seized under this
18 Act shall be held by a person authorized by the
19 Secretary, pending the disposition of criminal
20 proceedings or the institution of an action in
21 rem for forfeiture of the item under subsection
22 (d).

23 (B) POSTING OF BOND.—In lieu of holding
24 an item described in subparagraph (A), the Sec-
25 retary may return the item to the owner or con-

1 signee in exchange for the posting of a bond or
2 other surety satisfactory to the Secretary.

3 (C) DISPOSITION.—On forfeiture of an
4 item described in subparagraph (A) to the Unit-
5 ed States, or the abandonment or waiver of any
6 claim to such an item, the item shall be dis-
7 posed of (other than by sale to the general pub-
8 lic) by the Secretary in such manner, consistent
9 with this Act, as the Secretary shall require by
10 regulation.

11 (d) FORFEITURE.—An article of fur or steel jaw
12 leghold trap taken, possessed, sold, purchased, offered for
13 sale or purchase, transported, delivered, received, carried,
14 shipped, exported, or imported in violation of this Act shall
15 be subject to forfeiture to the United States.

16 (e) INJUNCTIONS.—The Attorney General of the
17 United States may seek to enjoin a person from engaging
18 in a violation of this Act.

19 **SEC. 6. REGULATIONS.**

20 The Secretary shall issue such regulations as are nec-
21 essary to carry out this Act.

22 **SEC. 7. EFFECTIVE DATE.**

23 This Act shall take effect on the date that is 1 year
24 after the date of enactment of this Act.

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