

103D CONGRESS
1ST SESSION

S. 1343

Entitled the “Steel Jaw Leghold Trap Prohibition Act”.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

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

A BILL

Entitled the “Steel Jaw Leghold Trap Prohibition Act”.

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 jaw leghold traps by prohibiting the ship-
7 ment in interstate or foreign commerce of the traps and
8 of articles of fur from animals that were trapped in the
9 traps.

10 **SEC. 2. DEFINITIONS.**

11 As used in this Act—

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

1 (A) any furskin bearing hair, raw or not
2 dressed, or dressed; or

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

5 For purposes of subparagraph (A), the terms
6 “furskin”, “raw or not dressed”, and “dressed” have
7 the same respective meanings that are given the
8 terms in headnote 2 of subpart B of part 5 of sched-
9 ule 1 of the Tariff Schedules of the United States
10 (19 U.S.C. 1202).

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

14 (3) The term “import” means to land on, bring
15 into, or introduce into, any place in the United
16 States, whether or not such landing, bringing, or in-
17 troduction constitutes an importation within the
18 meaning of the customs laws of the Federal Govern-
19 ment.

20 (4) The term “person” includes any individual,
21 partnership, association, corporation, trust, or any
22 officer, employee, agent, department, or instrumen-
23 tality of the Federal Government or of any State or
24 political subdivision thereof, or any other entity sub-
25 ject to the jurisdiction of the Federal Government.

1 (5) The term “Secretary” means the Secretary
2 of the Interior.

3 (6) The term “steel jaw leghold trap” means
4 any spring-powered pan- or sear-activated device
5 with two opposing steel jaws which is designed to
6 capture an animal by snapping closed upon a limb
7 of the animal or any part of the limb.

8 (7) The term “United States” means the sev-
9 eral States, the District of Columbia, and territories
10 and possessions of the United States, including
11 Puerto Rico.

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

13 (a) IN GENERAL.—No article of fur shall be im-
14 ported, exported, or shipped in interstate or foreign com-
15 merce if any part or portion of such article is derived from
16 an animal that was trapped in a steel jaw leghold trap.

17 (b) PROHIBITIONS.—It is unlawful for any person
18 knowingly—

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

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

24 (3) to sell, receive, acquire, or purchase any
25 steel jaw leghold trap that was delivered, carried,

1 transported, or shipped in contravention of para-
2 graph (2); or

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

5 (c) PENALTIES.—Any person who knowingly commits
6 an act which violates subsection (a) or (b), or any regula-
7 tion issued under this section to carry out the provisions
8 of subsections (a) or (b), shall—

9 (1) upon conviction for the first such violation,
10 be fined not more than \$1,000; and

11 (2) upon conviction for the second and each
12 subsequent violation, be fined not more than \$5,000,
13 and imprisoned for not more than two years.

14 **SEC. 4. REWARDS.**

15 (a) IN GENERAL.—The Secretary shall pay to any
16 person who furnishes information that leads to a convic-
17 tion of a criminal violation of any provision of this Act
18 (including regulations promulgated to carry out the provi-
19 sion) in an amount equal to half of fine paid by the person
20 convicted of the criminal violation.

21 (b) EXCLUSION.—An officer or employee of the Unit-
22 ed States or of any State or local government who fur-
23 nishes information or renders service in the performance
24 of official duties is not eligible for payment under this sec-
25 tion.

1 **SEC. 5. ENFORCEMENT.**

2 (a) IN GENERAL.—The provisions of this Act and
3 any regulations issued pursuant to this Act shall be en-
4 forced by the Secretary. To the extent allowable by law,
5 the Secretary may utilize by agreement, with or without
6 reimbursement, the personnel, services, and facilities of
7 any other Federal agency or any State agency for pur-
8 poses of enforcing this Act.

9 (b) WARRANTS.—Any judge of a district court of the
10 United States and any United States magistrates may,
11 upon proper oath or affirmation showing probable cause,
12 issue such warrants or other process as may be required
13 for enforcement of this Act and any regulation issued
14 under this Act.

15 (c) SEARCHES.—To the extent allowable by law, any
16 individual authorized to carry out the enforcement of this
17 Act may—

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

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

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

1 (d) TREATMENT OF SEIZED ITEMS.—(1) Any item
2 seized pursuant to this Act shall, pending the disposition
3 of criminal proceedings or the institution of an action in
4 rem for forfeiture of the item under subsection (e), be held
5 by any person authorized by the Secretary.

6 (2) The Secretary may, in lieu of holding the item
7 described in paragraph (1), permit the owner or consignee
8 to post a bond or other surety satisfactory to the Sec-
9 retary. Upon forfeiture of the item to the United States,
10 or the abandonment or waiver of any claim to the item,
11 the item shall be disposed of (other than by sale to the
12 general public) by the Secretary in such manner, consist-
13 ent with the purposes of this Act, as the Secretary shall
14 prescribe by regulation.

15 (e) ITEMS SUBJECT TO FORFEITURE.—Any article of
16 fur or steel jaw leghold trap taken, possessed, sold, pur-
17 chased, offered for sale or purchase, transported, deliv-
18 ered, received, carried, shipped, exported, or imported con-
19 trary to the provisions of this Act or to any regulation
20 made pursuant thereto, shall be subject to forfeiture to
21 the Federal Government.

22 (f) ACTION BY ATTORNEY GENERAL.—The Attorney
23 General of the United States may seek to enjoin any per-
24 son who is alleged to be in violation of any provision of
25 this Act or regulation issued under this Act.

1 **SEC. 6. REGULATIONS.**

2 The Secretary shall prescribe such regulations as the
3 Secretary determines to be necessary to carry out the pro-
4 visions of this Act.

5 **SEC. 7. EFFECTIVE DATE.**

6 The provisions of this Act shall become effective on
7 the date that is 1 year after the date of the enactment
8 of this Act.

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