

105TH CONGRESS
1ST SESSION

S. 1557

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 1997

Mr. TORRICELLI (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. FEINSTEIN) 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.

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 import
7 or export of, and the shipment in interstate commerce of,
8 such traps and of articles of fur from animals that were
9 trapped in such traps.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

3 (1) **ARTICLE OF FUR.**—The term “article of
4 fur” means—

5 (A) any furskin, whether raw or tanned or
6 dressed; or

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

9 For purposes of subparagraph (A), the terms
10 “furskin”, “raw”, and “tanned or dressed” have the
11 same respective meanings as those terms have under
12 headnote 1 of chapter 43 of the Harmonized Tariff
13 Schedule of the United States.

14 (2) **CUSTOMS LAWS OF THE UNITED STATES.**—
15 The term “customs laws of the United States”
16 means any law enforced or administered by the Cus-
17 toms Service.

18 (3) **INTERSTATE COMMERCE.**—The term “inter-
19 state commerce” has the same meaning as given
20 such term in section 10 of title 18, United States
21 Code.

22 (4) **IMPORT.**—The term “import” means to
23 land on, bring into, or introduce into, any place sub-
24 ject to the jurisdiction of the United States, whether
25 or not such landing, bringing, or introduction con-

1 stitutes an entry into the customs territory of the
2 United States.

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

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (7) STEEL JAW LEGHOLD TRAP.—The term
13 “steel jaw leghold trap” means any spring-powered
14 pan- or sear-activated device with two opposing steel
15 jaws which is designed to capture an animal by
16 snapping closed upon the animal’s limb or part
17 thereof.

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

19 (a) OFFENSES.—It is unlawful for any person know-
20 ingly—

21 (1) to import, export, ship, or receive in inter-
22 state commerce an article of fur if any part of the
23 article of fur is derived from an animal that was
24 trapped in a steel jaw leghold trap;

1 (2) to import, export, deliver, carry, transport,
2 or ship by any means whatever, in interstate com-
3 merce, any steel jaw leghold trap; or

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).

8 (b) PENALTIES.—A person who violates subsection
9 (a), in addition to any other penalty that may be im-
10 posed—

11 (1) for the first such violation, shall be guilty
12 of an infraction punishable under title 18, United
13 States Code; and

14 (2) for each subsequent violation, shall be im-
15 prisoned not more than 2 years, fined under title 18,
16 United States Code, or both.

17 **SEC. 4. REWARDS.**

18 The Secretary shall pay, to any person who furnishes
19 information which leads to a conviction of a violation of
20 any provision of this Act or any regulation issued there-
21 under, an amount equal to one half of the fine paid pursu-
22 ant to the conviction. Any officer or employee of the Unit-
23 ed States or of any State or local government who fur-
24 nishes information or renders service in the performance

1 of his or her official duties is not eligible for payment
2 under this section.

3 **SEC. 5. ENFORCEMENT.**

4 (a) **IN GENERAL.**—Except with respect to violations
5 of this Act to which subsection (b) applies, the provisions
6 of this Act and any regulations issued pursuant thereto
7 shall be enforced by the Secretary, who may use by agree-
8 ment, with or without reimbursement, the personnel, serv-
9 ices, and facilities of any other Federal agency or of any
10 State agency for purposes of enforcing this Act.

11 (b) **EXPORT AND IMPORT VIOLATIONS.**—

12 (1) **IMPORT VIOLATIONS.**—The importation of
13 articles in contravention of section 3 shall be treated
14 as a violation of the customs laws of the United
15 States, and the provisions of law relating to viola-
16 tions of the customs laws shall apply thereto.

17 (2) **EXPORT VIOLATIONS.**—The provisions of
18 the Export Administration Act of 1979 (including
19 the penalty provisions) (50 U.S.C. App. 2401 et
20 seq.) shall apply for purposes of enforcing the prohi-
21 bition relating to the export of articles described in
22 section 3.

23 (c) **JUDICIAL PROCESS.**—The district courts of the
24 United States may, within their respective jurisdictions,
25 upon proper oath or affirmation showing probable cause,

1 issue such warrants or other process as may be required
2 for enforcement of this Act and any regulation issued
3 thereunder.

4 (d) ENFORCEMENT AUTHORITIES.—Any individual
5 having authority to enforce this Act (except with respect
6 to violations to which subsection (b) applies), may, in exer-
7 cising such authority—

8 (1) detain for inspection, search, and seize any
9 package, crate, or other container, including its con-
10 tents, and all accompanying documents, if such indi-
11 vidual has reasonable cause to suspect that in such
12 package, crate, or other container are articles with
13 respect to which a violation of this Act (except with
14 respect to violations to which subsection (b) applies)
15 has occurred, is occurring, or is about to occur;

16 (2) make arrests without a warrant for any vio-
17 lation of this Act (except with respect to violations
18 to which subsection (b) applies) committed in his or
19 her presence or view or if the individual has probable
20 cause to believe that the person to be arrested has
21 committed or is committing such a violation; 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 (except with respect to violations to which subsection
2 (b) applies).

3 (e) FORFEITURE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (3), any article of fur or steel jaw leghold trap
6 taken, possessed, sold, purchased, offered for sale or
7 purchase, transported, delivered, received, carried, or
8 shipped in violation of this Act shall be subject to
9 forfeiture to the United States.

10 (2) APPLICABLE LAW.—The provisions of law
11 relating to—

12 (A) the seizure, summary and judicial for-
13 feiture, and condemnation of property for viola-
14 tions of the customs laws,

15 (B) the disposition of such property or the
16 proceeds from the sale thereof,

17 (C) the remission or mitigation of such for-
18 feitures, and

19 (D) the compromise of claims,

20 shall apply to seizures and forfeitures under this
21 subsection, except that the duties performed by a
22 customs officer or any other person with respect to
23 the seizure and forfeiture of property under the cus-
24 toms laws of the United States may be performed
25 with respect to seizures and forfeitures of property

1 under this subsection by the Secretary or such offi-
2 cers and employees as the Secretary may designate.

3 (3) EXCEPTION.—The provisions of the Export
4 Administration Act of 1979 shall apply with respect
5 to the seizure and forfeiture of any article of fur or
6 steel jaw leghold trap exported in violation of this
7 Act and the customs laws of the United States shall
8 apply with respect to the seizure and forfeiture of
9 any such article or trap imported in violation of this
10 Act.

11 (f) INJUNCTIONS.—The Attorney General of the
12 United States may seek to enjoin any person who is al-
13 leged to be in violation of any provision of this Act.

14 (g) COOPERATION.—The Secretary of Commerce, the
15 Secretary of the Treasury, and the head of any other de-
16 partment or agency with enforcement responsibilities
17 under this Act shall cooperate with the Secretary in ensur-
18 ing that this Act is enforced in the most effective and effi-
19 cient manner.

20 **SEC. 6. REGULATIONS.**

21 The Secretary shall prescribe such regulations as are
22 necessary to carry out this Act.

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act shall take effect on the date that is 1 year
3 after the date of enactment.

○