

106TH CONGRESS
1ST SESSION

S. 1197

To prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1999

Mr. ROTH (for himself, Mr. SMITH of New Hampshire, Mr. LEVIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur 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. SHORT TITLE.**

4 This Act may be cited as the “Dog and Cat Protec-
5 tion Act of 1999”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) An estimated 2,000,000 dogs and cats are
5 slaughtered and sold annually as part of the inter-
6 national fur trade. Internationally, dog and cat fur
7 is used in a wide variety of products, including fur
8 coats and jackets, fur-trimmed garments, hats,
9 gloves, decorative accessories, stuffed animals, and
10 other toys.

11 (2) As demonstrated by forensic tests, dog and
12 cat fur products are being imported into the United
13 States, in some cases with deceptive labeling to con-
14 ceal the use of dog or cat fur.

15 (3) Dog and cat fur, when dyed, is not easily
16 distinguishable to persons who are not experts from
17 other furs such as fox, rabbit, coyote, wolf, and
18 mink. Dog and cat fur is generally less expensive
19 than other types of fur and may be used as a sub-
20 stitute for more expensive types of furs.

21 (4) Foreign fur producers use dogs and cats
22 bred for their fur, and also use strays and stolen
23 pets.

24 (5) The methods of housing, transporting, and
25 slaughtering dogs and cats for fur production are
26 generally unregulated and inhumane.

1 (b) PURPOSES.—The purposes of this Act are—

2 (1) to prohibit the sale, manufacture, offer for
3 sale, transportation, and distribution in the United
4 States of dog and cat fur products;

5 (2) to require accurate labeling of fur species so
6 that consumers in the United States can make in-
7 formed choices; and

8 (3) to prohibit the trade in, both imports and
9 exports of, dog and cat fur products, to ensure that
10 the United States market does not encourage the
11 slaughter of dogs or cats for their fur, and to ensure
12 that the purposes of this Act are not undermined.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) DOG FUR.—The term “dog fur” means the
16 pelt or skin of any animal of the species *canis*
17 *familiaris*.

18 (2) CAT FUR.—The term “cat fur” means the
19 pelt or skin of any animal of the species *felis catus*.

20 (3) UNITED STATES.—The term “United
21 States” means the customs territory of the United
22 States, as defined in general note 2 of the Har-
23 monized Tariff Schedule of the United States.

24 (4) COMMERCE.—The term “commerce” means
25 transportation for sale, trade, or use between any

1 State, territory, or possession of the United States,
2 or the District of Columbia, and any place outside
3 thereof.

4 (5) DOG OR CAT FUR PRODUCT.—The term
5 “dog or cat fur product” means any item of mer-
6 chandise which consists, or is composed in whole or
7 in part, of any dog fur, cat fur, or both.

8 (6) PERSON.—The term “person” includes any
9 individual, partnership, corporation, association, or-
10 ganization, business trust, government entity, or
11 other entity.

12 (7) INTERESTED PARTY.—The term “interested
13 party” means any person having a contractual, fi-
14 nancial, humane, or other interest.

15 (8) SECRETARY.—The term “Secretary” means
16 the Secretary of the Treasury.

17 (9) DULY AUTHORIZED OFFICER.—The term
18 “duly authorized officer” means any United States
19 Customs officer, any agent of the Federal Bureau of
20 Investigation, or any agent or other person author-
21 ized by law or designated by the Secretary to enforce
22 the provisions of this Act.

23 **SEC. 4. PROHIBITIONS.**

24 (a) PROHIBITION ON MANUFACTURE, SALE, AND
25 OTHER ACTIVITIES.—No person in the United States or

1 subject to the jurisdiction of the United States may intro-
2 duce into commerce, manufacture for introduction into
3 commerce, sell, trade, or advertise in commerce, offer to
4 sell, or transport or distribute in commerce, any dog or
5 cat fur product.

6 (b) IMPORTS AND EXPORTS.—No dog or cat fur
7 product may be imported into, or exported from, the
8 United States.

9 **SEC. 5. LABELING.**

10 Section 2(d) of the Fur Products Labeling Act (15
11 U.S.C. 69(d)) is amended by striking “; except that such
12 term shall not include such articles as the Commission
13 shall exempt by reason of the relatively small quantity or
14 value of the fur or used fur contained therein”.

15 **SEC. 6. ENFORCEMENT.**

16 (a) IN GENERAL.—The Secretary, either independ-
17 ently or in cooperation with the States, political subdivi-
18 sions thereof, and interested parties, is authorized to carry
19 out operations and measures to eradicate and prevent the
20 activities prohibited by section 4.

21 (b) INSPECTIONS.—A duly authorized officer may,
22 upon his own initiative or upon the request of any inter-
23 ested party, detain for inspection and inspect any product,
24 package, crate, or other container, including its contents,

1 and all accompanying documents to determine compliance
2 with this Act.

3 (c) SEIZURES AND ARRESTS.—If a duly authorized
4 officer has reasonable cause to believe that there has been
5 a violation of this Act or any regulation issued under this
6 Act, such officer may search and seize, with or without
7 a warrant, the item suspected of being the subject of the
8 violation, and may arrest the owner of the item. An item
9 so seized shall be held by any person authorized by the
10 Secretary pending disposition of civil or criminal pro-
11 ceedings.

12 (d) BURDEN OF PROOF.—The burden of proof shall
13 lie with the owner to establish that the item seized is not
14 a dog or cat fur product subject to forfeiture and civil pen-
15 alty under section 7.

16 (e) ACTION BY U.S. ATTORNEY.—Upon presentation
17 by a duly authorized officer or any interested party of
18 credible evidence that a violation of this Act or any regula-
19 tion issued under this Act has occurred, the United States
20 Attorney with jurisdiction over the suspected violation
21 shall investigate the matter and shall take appropriate ac-
22 tion under this Act.

23 (f) CITIZEN SUITS.—Any person may commence a
24 civil suit to compel the Secretary to implement and enforce
25 this Act, or to enjoin any person from taking action in

1 violation of any provision of this Act or any regulation
2 issued under this Act.

3 (g) REWARD.—The Secretary may pay a reward to
4 any person who furnishes information which leads to an
5 arrest, criminal conviction, civil penalty assessment, or
6 forfeiture of property for any violation of this Act or any
7 regulation issued under this Act.

8 (h) REGULATIONS.—

9 (1) IN GENERAL.—The Secretary shall issue
10 final regulations, after notice and opportunity for
11 public comment, to implement this Act within 180
12 days after the date of enactment of this Act.

13 (2) FEES.—The Secretary may charge reason-
14 able fees for expenses to the Government connected
15 with permits or certificates authorized by this Act,
16 including expenses for—

17 (A) processing applications;

18 (B) reasonable inspections; and

19 (C) the transfer, handling, or storage of
20 evidentiary items seized and forfeited under this
21 Act.

22 All fees collected pursuant to this paragraph shall be
23 deposited in the Treasury in an account specifically
24 designated for enforcement of this Act and available
25 only for that purpose.

1 **SEC. 7. PENALTIES.**

2 (a) CIVIL PENALTY.—Any person who violates any
3 provision of this Act or any regulation issued under this
4 Act may be assessed a civil penalty of not more than
5 \$25,000 for each violation.

6 (b) CRIMINAL PENALTY.—Any person who knowingly
7 violates any provision of this Act or any regulation issued
8 under this Act shall, upon conviction for each violation,
9 be imprisoned for not more than 1 year, fined in accord-
10 ance with title 18, United States Code, or both.

11 (c) FORFEITURE.—Any dog or cat fur product that
12 is the subject of a violation of this Act or any regulation
13 issued under this Act shall be subject to seizure and for-
14 feiture to the same extent as any merchandise imported
15 in violation of the customs laws.

16 (d) INJUNCTION.—Any person who violates any pro-
17 vision of this Act or any regulation issued under this Act
18 may be enjoined from further sales of any fur products.

19 (e) APPLICABILITY.—The penalties in this section
20 apply to violations occurring on or after the date of enact-
21 ment of this Act.

○