

109TH CONGRESS  
1ST SESSION

# H. R. 3442

To end the use of conventional steel-jawed leghold traps on animals in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2005

Mrs. LOWEY (for herself, Mr. SHAYS, Mr. VAN HOLLEN, Mr. FARR, Mr. MORAN of Virginia, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. ENGEL, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. SABO, Mr. CROWLEY, Mr. UDALL of Colorado, Mr. GALLEGLY, Ms. BORDALLO, Mr. KILDEE, Mr. SHERMAN, Mr. HOLT, Mr. BLUMENAUER, Ms. DELAUBO, Mr. LANTOS, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. HONDA, Mr. McNULTY, Mr. EVANS, Ms. NORTON, Mr. COSTELLO, Mrs. MALONEY, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. DEFAZIO, and Mr. ROTHSCHILD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, International Relations, and Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To end the use of conventional steel-jawed 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. SHORT TITLE.**

2 This Act may be cited as the “Inhumane Trapping  
3 Prevention Act”.

4 **SEC. 2. DECLARATION OF POLICY.**

5 It is the policy of the United States to end the need-  
6 less maiming and suffering inflicted upon animals through  
7 the use of conventional steel-jawed leghold traps by pro-  
8 hibiting the import or export of, and the shipment in inter-  
9 state commerce of, such traps and of articles of fur from  
10 animals that were trapped in such traps.

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

12 (a) **PROHIBITED ACTS.**—It shall be unlawful for any  
13 person—

14 (1) to import, export, or transport in interstate  
15 commerce an article of fur, if any part or portion of  
16 such article is derived from an animal that was  
17 trapped in a conventional steel-jawed leghold trap;

18 (2) to import, export, deliver, carry, or trans-  
19 port by any means whatever, in interstate commerce,  
20 any conventional steel-jawed leghold trap;

21 (3) to sell, receive, acquire, or purchase any  
22 conventional steel-jawed leghold trap that was deliv-  
23 ered, carried, or transported in violation of para-  
24 graph (2); or

25 (4) to violate any rule made by the Secretary  
26 under this Act.

1       (b) PENALTIES.—Whoever knowingly violates sub-  
2 section (a) shall, in addition to any other penalty that may  
3 be imposed—

4               (1) for the first such violation, be imprisoned  
5 for not more than 5 days or fined under title 18,  
6 United States Code, or both; and

7               (2) for each subsequent violation, be imprisoned  
8 for not more than two years or fined under title 18,  
9 United States Code, or both.

10 **SEC. 4. REWARDS.**

11       (a) GENERAL RULE.—The Secretary shall pay, to  
12 any person who furnishes information which leads to a  
13 conviction of a violation of any provision of this Act or  
14 any rule made under this Act, an amount equal to one-  
15 half of the fine paid pursuant to the conviction.

16       (b) EXCEPTION.—Any officer or employee of the  
17 United States or of any State or local government who  
18 furnishes information or renders service in the perform-  
19 ance of his or her official duties is not eligible for payment  
20 under this section.

21 **SEC. 5. ENFORCEMENT.**

22       (a) IN GENERAL.—Except with respect to violations  
23 of this Act to which subsection (b) applies, this Act and  
24 any rules made under this Act shall be enforced by the  
25 Secretary, who may utilize by agreement, with or without

1 reimbursement, the personnel, services, and facilities of  
2 any other Federal agency or any State agency for pur-  
3 poses of enforcing this Act and such rules.

4 (b) IMPORT AND EXPORT VIOLATIONS.—

5 (1) IMPORT VIOLATIONS.—The importation of  
6 articles in violation of section 3(a) shall be treated  
7 as a violation of the customs laws of the United  
8 States, and those provisions of law relating to viola-  
9 tions of the customs laws of the United States shall  
10 apply thereto.

11 (2) EXPORT VIOLATIONS.—The authorities  
12 under the Export Administration Act of 1979 (50  
13 U.S.C. App. 2401 et seq.) (as continued in effect  
14 under the International Emergency Economic Pow-  
15 ers Act), including penalties, shall be used to enforce  
16 the provisions of this Act relating to the export of  
17 articles in violation of section 3(a).

18 (c) ENFORCEMENT AUTHORITIES.—Any person hav-  
19 ing authority to enforce this Act (except with respect to  
20 violations to which subsection (b) applies), may, in exer-  
21 cising such authority—

22 (1) detain for inspection, search, and seize any  
23 package, crate, or other container, including its con-  
24 tents, and all accompanying documents, if such indi-  
25 vidual has reasonable cause to suspect that in such

1 package, crate, or other container are articles with  
2 respect to which a violation of this Act (except with  
3 respect to a violation to which subsection (b) ap-  
4 plies) has occurred, is occurring, or is about to  
5 occur;

6 (2) make arrests without a warrant for any vi-  
7 olation of this Act (except with respect to a violation  
8 to which subsection (b) applies) committed in his or  
9 her presence or view, or if the individual has prob-  
10 able cause to believe that the person to be arrested  
11 has committed or is committing such a violation;  
12 and

13 (3) execute and serve any arrest warrant,  
14 search warrant, or other warrant or criminal process  
15 issued by any judge or magistrate of any court of  
16 competent jurisdiction for enforcement of this Act  
17 (except with respect to violations to which subsection  
18 (b) applies).

19 (d) FORFEITURE.—

20 (1) GENERAL RULE.—Except with respect to  
21 exports to which the provisions of the Export Ad-  
22 ministration Act of 1979 (50 U.S.C. App. 2401 et  
23 seq.) (as continued in effect under the International  
24 Emergency Economic Powers Act) apply, and im-  
25 ports to which the customs laws of the United States

1 apply, pursuant to subsection (b), any article of fur  
2 or conventional steel-jawed leghold trap taken, pos-  
3 sessed, sold, purchased, offered for sale or purchase,  
4 imported, exported, transported, delivered, received,  
5 carried, or shipped in violation of this Act or any  
6 rule made under this Act, shall be subject to for-  
7 feiture to the United States. Those provisions of law  
8 relating to—

9 (A) the seizure, summary and judicial for-  
10 feiture, and condemnation of property for viola-  
11 tions of the customs laws of the United States,

12 (B) the disposition of such property or the  
13 proceeds from the sale thereof,

14 (C) the remission or mitigation of such for-  
15 feitures, and

16 (D) the compromise of claims,

17 shall apply to seizures and forfeitures incurred, or  
18 alleged to have been incurred, under the provisions  
19 of this subsection, insofar as applicable and not in-  
20 consistent with this Act.

21 (2) ENFORCEMENT.—Such duties as are im-  
22 posed upon the customs officer or any other person  
23 with respect to the seizure and forfeiture of property  
24 under the customs laws of the United States may be  
25 performed with respect to seizures and forfeitures of

1       property under this subsection by the Secretary or  
2       such officers and employees as may be authorized or  
3       designated for that purpose by the Secretary, or,  
4       upon the request of the Secretary, by any other  
5       agency that has authority to manage and dispose of  
6       seized property.

7       (e) INJUNCTIONS.—The Attorney General of the  
8       United States may seek to enjoin any person who is al-  
9       leged to be in violation of this Act or any rule made under  
10      this Act.

11      (f) COOPERATION.—The Secretary of Commerce, the  
12      Secretary of the Treasury, and the head of any other de-  
13      partment or agency with enforcement responsibilities  
14      under this Act shall cooperate with the Secretary in ensur-  
15      ing that this Act, and rules made under this Act, are en-  
16      forced in the most effective and efficient manner.

17 **SEC. 6. DEFINITIONS.**

18       In this Act:

19           (1) The term “article of fur” means—  
20               (A) any furskin (as such term is used  
21               under Note 1 of chapter 43 of the Harmonized  
22               Tariff Schedule of the United States), including  
23               any raw furskin classified under heading 4301  
24               of such Schedule; or

(B) any article, however produced, that consists in whole or part of any such fur skin.

19 (5) The term “interstate commerce” has the  
20 meaning given such term in section 10 of title 18,  
21 United States Code.

22 (6) The term "Secretary" means the Secretary  
23 of the Interior.

## 24 SEC. 7. RULEMAKING.

25 The Secretary may make rules to carry out this Act.

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act shall take effect one year after the date of  
3 its enactment.

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