IN THE SENATE OF THE UNITED STATES

APRIL 18, 1973

Mr. BAYH introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To discourage the use of painful devices in the trapping of animals and birds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Congress finds and declares that vast numbers of wild and domestic animals and birds, including family pets and valuable hunting dogs, are needlessly maimed and exposed to prolonged and painful suffering through the use of steel leghold traps, and other painful, sublethal devices used to trap or otherwise capture animals and birds. It is the policy of Congress to prevent this unnecessary suffering through discouraging the use of such traps and devices, but in a

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manner which shall not prejudice the right of private land-
owners to protect private property, or domestic animals on
private property, against damage and depredation.

Sec. 2. As used in this Act, the term—
(1) "trap" means any trap, snare, net, or other
device designed to trap or capture any animal or bird;
(2) "approved trap" means any trap which is
designed to trap or capture any animal or bird in a
manner by which the animal or bird is either captured
painlessly or killed instantly, and which meet the stan-
dards and criteria contained in the regulations promul-
gated by the Secretary pursuant to section 3 of this Act;
(3) "person" means any individual, partnership,
association, corporation, or other entity; and
(4) "interstate or foreign commerce" shall have the
same meaning as that provided under section 10 of title
18, United States Code.

Sec. 3. (a) (1) As soon as practicable following the date
of the enactment of this Act, but in no event later than one
hundred and twenty days following such date, the Secretary
of the Interior (hereinafter referred to as the "Secretary")
shall, in consultation with the affected heads of other depart-
ments and agencies of the United States, issue, and revise
from time to time, regulations relating to the trapping and
capturing of animals and birds thereon. Such regulations shall
prescribe acceptable means and methods for trapping and
capturing animals and birds on the Federal lands in a humane
manner. Such regulations shall contain standards and criteria
setting forth the type of trap determined by the Secretary to
be a trap which either captures painlessly or kills instantly
any animal or bird caught therein, and which, to the extent
practicable, minimizes the possibility of trapping animals
and birds not intended for capture. Regulations promulgated
pursuant to this section shall be published in the Federal
Register. The Secretary is authorized to conduct such tests
as may be necessary to enable him to carry out his duties
under this Act.

(b) (1) An advisory commission of seven members
shall be appointed by the Chairman of the Council on En-
vironmental Quality, in consultation with the Secretary of
the Smithsonian Institution, to consult with, and to advise
and make recommendations to, the Secretary with respect to
traps designed or intended for use in trapping or capturing
animals or birds, including regulations of the Secretary. The
commission shall further supervise any and all tests carried
out pursuant to subsection (a) of this section.

(2) Members of such commission shall receive no com-
Sec. 4. (a) Whoever sells, ships, transports, or carries, or causes to be sold, shipped, transported, or carried, in interstate or foreign commerce, any trap designed or intended for use in trapping or capturing animals or birds, or both, which is not an approved trap, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forfeited to the United States.

(b) Interstate or foreign shipment of any hide, skin, or feathers taken from an animal or bird which has been captured on any lands with a trap other than an approved trap, or any product made from such hide, skin, or feathers, shall be prohibited. The Secretary of Interior shall publish regulations for the enforcement of this subsection. Any person violating the regulations or this subsection shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such hides, skins, feathers, or products thereof shall be forfeited to the United States.

(c) Whoever, upon any of the Federal lands, places or causes to be placed any trap other than an approved trap for the purpose of trapping or otherwise capturing any animal or bird, or who, having so placed or caused to be so placed an approved trap, fails to inspect and empty such trap or fails to cause such trap to be inspected or emptied, at least once every twenty-four hour period, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forfeited to the United States.

Sec. 5. In any violation of subsection (d) of section 4 of this Act involving the placing or causing to be placed of any trap other than an approved trap upon any of the Federal lands, the appropriate Secretary shall, with respect to any person so convicted of such violation, immediately take such action as may be necessary to suspend, revoke, or otherwise terminate any lease, license, contract, permit, or other agreement involved in or connected with such violation, between such person and the United States.

Sec. 6. (a) On and after the effective date of this section, no action involving the trapping or capturing of animals and birds shall be carried out on any Federal lands unless such action is (1) otherwise authorized by or pursuant to any Federal law, (2) carried out in accordance with a program or activity conducted or supervised by Federal or State personnel, designed for the purpose of conserving or controlling, predatory or other wild animals or birds, (3) carried out by means of an approved trap, and (4) in compliance with regulations promulgated pursuant to section 3 of this Act.

(b) Any person violating this section shall be fined not
Sec. 7. On and after the effective date of this section, no Federal agency shall (1) engage in any program or activity which aids, subsidizes, or encourages the trapping or capturing of wild animals or birds for recreational or commercial purposes, or (2) assist, financially or otherwise, any State or political subdivision thereof in connection with any program or activity of that State or subdivision involving the trapping or capturing of wild animals or birds for recreational or commercial purposes.

Sec. 8. Notwithstanding the provisions of section 7 of this Act, the Secretary is authorized to enter into cooperative agreements with any affected State or political subdivision of a State pursuant to which the Secretary shall be authorized to assist such State or subdivision financially or otherwise to enable it to comply with the requirements of this Act. Such financial assistance may be provided in such amounts, in such manner, and subject to such conditions as the Secretary may prescribe.

Sec. 9. (a) Subsections (a) and (d) of section 4, sections 5 and 6, regulations promulgated by the Secretary pursuant to section 3 shall take effect upon the expiration of the one hundred and eighty day period following the date of the enactment of this Act.

(b) Subsections (b) and (c) of section 4 shall take effect upon the expiration of the twenty-four month period following the date of the enactment of this Act.

Sec. 10. The Attorney General of the United States is authorized to pay any individual an amount not to exceed $10,000 for information and services furnished by such individual concerning any violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

Sec. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.
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By Mr. Bayh

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