

93rd CONGRESS
1ST SESSION

S. 1637

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.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That Congress finds and declares that vast numbers of wild
- 4 and domestic animals and birds, including family pets and
- 5 valuable hunting dogs, are needlessly maimed and exposed
- 6 to prolonged and painful suffering through the use of steel
- 7 leghold traps, and other painful, sublethal devices used to
- 8 trap or otherwise capture animals and birds. It is the policy
- 9 of Congress to prevent this unnecessary suffering through
- 10 discouraging the use of such traps and devices, but in a

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

4 SEC. 2. As used in this Act, the term—

5 (1) "trap" means any trap, snare, net, or other
 6 device designed to trap or capture any animal or bird;

7 (2) "approved trap" means any trap which is
 8 designed to trap or capture any animal or bird in a
 9 manner by which the animal or bird is either captured
 10 painlessly or killed instantly, and which meet the stand-
 11 ards and criteria contained in the regulations promul-
 12 gated by the Secretary pursuant to section 3 of this Act;

13 (3) "person" means any individual, partnership,
 14 association, corporation, or other entity; and

15 (4) "interstate or foreign commerce" shall have the
 16 same meaning as that provided under section 10 of title
 17 18, United States Code.

18 SEC. 3. (a) (1) As soon as practicable following the date
 19 of the enactment of this Act, but in no event later than one
 20 hundred and twenty days following such date, the Secretary
 21 of the Interior (hereinafter referred to as the "Secretary")
 22 shall, in consultation with the affected heads of other depart-
 23 ments and agencies of the United States, issue, and revise
 24 from time to time, regulations relating to the trapping and
 25 capturing of animals and birds thereon. Such regulations shall

1 prescribe acceptable means and methods for trapping and
 2 capturing animals and birds on the Federal lands in a humane
 3 manner. Such regulations shall contain standards and criteria
 4 setting forth the type of trap determined by the Secretary to
 5 be a trap which either captures painlessly or kills instantly
 6 any animal or bird caught therein, and which, to the extent
 7 practicable, minimizes the possibility of trapping animals
 8 and birds not intended for capture. Regulations promulgated
 9 pursuant to this section shall be published in the Federal
 10 Register. The Secretary is authorized to conduct such tests
 11 as may be necessary to enable him to carry out his duties
 12 under this Act.

13 (2) Any person violating any such regulation shall be
 14 fined not more than \$500 or imprisoned not more than one
 15 year, or both.

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

25 (2) Members of such commission shall receive no com-

1 pension as such for their service as members of the com-
2 mission but may be reimbursed for expenses actually incurred
3 by them in the performance of their duties under this Act.

4 SEC. 4. (a) Whoever sells, ships, transports, or car-
5 ries, or causes to be sold, shipped, transported, or carried,
6 in interstate or foreign commerce, any trap designed or in-
7 tended for use in trapping or capturing animals or birds, or
8 both, which is not an approved trap, shall be fined not more
9 than \$5,000 or imprisoned not more than one year, or both;
10 and such trap shall be forfeited to the United States.

11 (b) Interstate or foreign shipment of any hide, skin, or
12 feathers taken from an animal or bird which has been cap-
13 tured on any lands with a trap other than an approved trap,
14 or any product made from such hide, skin, or feathers, shall
15 be prohibited. The Secretary of Interior shall publish regula-
16 tions for the enforcement of this subsection. Any person vi-
17 olating the regulations or this subsection shall be fined not
18 more than \$5,000 or imprisoned not more than one year, or
19 both; and such hides, skins, feathers, or products thereof shall
20 be forfeited to the United States.

21 (c) Whoever, upon any of the Federal lands, places or
22 causes to be placed any trap other than an approved trap for
23 the purpose of trapping or otherwise capturing any animal or
24 bird, or who, having so placed or caused to be so placed an
25 approved trap, fails to inspect and empty such trap or fails

1 to cause such trap to be inspected or emptied, at least once
2 every twenty-four hour period, shall be fined not more than
3 \$5,000 or imprisoned not more than one year, or both; and
4 such trap shall be forfeited to the United States.

5 SEC. 5. In any violation of subsection (d) of section 4
6 of this Act involving the placing or causing to be placed of
7 any trap other than an approved trap upon any of the Fed-
8 eral lands, the appropriate Secretary shall, with respect to
9 any person so convicted of such violation, immediately take
10 such action as may be necessary to suspend, revoke, or other-
11 wise terminate any lease, license, contract, permit, or other
12 agreement involved in or connected with such violation, be-
13 tween such person and the United States.

14 SEC. 6. (a) On and after the effective date of this section,
15 no action involving the trapping or capturing of animals and
16 birds shall be carried out on any Federal lands unless such
17 action is (1) otherwise authorized by or pursuant to any Fed-
18 eral law, (2) carried out in accordance with a program or
19 activity conducted or supervised by Federal or State person-
20 nel, designed for the purpose of conserving or controlling,
21 predatory or other wild animals or birds, (3) carried out by
22 means of an approved trap, and (4) in compliance with reg-
23 ulations promulgated pursuant to section 3 of this Act.

24 (b) Any person violating this section shall be fined not

1 more than \$5,000 or imprisoned not more than one year,
2 or both.

3 SEC. 7. On and after the effective date of this section,
4 no Federal agency shall (1) engage in any program or
5 activity which aids, subsidizes, or encourages the trapping
6 or capturing of wild animals or birds for recreational or com-
7 mercial purposes, or (2) assist, financially or otherwise,
8 any State or political subdivision thereof in connection with
9 any program or activity of that State or subdivision involv-
10 ing the trapping or capturing of wild animals or birds for
11 recreational or commercial purposes.

12 SEC. 8. Notwithstanding the provisions of section 7 of
13 this Act, the Secretary is authorized to enter into coopera-
14 tive agreements with any affected State or political subdi-
15 vision of a State pursuant to which the Secretary shall be
16 authorized to assist such State or subdivision financially or
17 otherwise to enable it to comply with the requirements of
18 this Act. Such financial assistance may be provided in such
19 amounts, in such manner, and subject to such conditions as
20 the Secretary may prescribe.

21 SEC. 9. (a) Subsections (a) and (d) of section 4, sec-
22 tions 5 and 6, regulations promulgated by the Secretary
23 pursuant to section 3 shall take effect upon the expiration
24 of the one hundred and eighty day period following the
25 date of the enactment of this Act.

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

4 (c) This section, the first section, and sections 2, 3, 7,
5 8, 10, and 11 shall take effect upon the date of the enact-
6 ment of this Act.

7 SEC. 10. The Attorney General of the United States is
8 authorized to pay any individual an amount not to exceed
9 \$10,000 for information and services furnished by such
10 individual concerning any violation of this Act. Any officer
11 or employee of the United States or of any State or local
12 government who furnishes information or renders service in
13 the performance of his official duties shall not be eligible for
14 payment under this section.

15 SEC. 11. There are authorized to be appropriated such
16 sums as may be necessary to carry out the provisions of this
17 Act.

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