

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

MEMORANDUM TO THE COMMITTEE ON WAYS AND MEANS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES ON PROPOSED TARIFF LEGISLATION ¹

[**Date approved:** August 6, 2001]²

Bill No.: H.R. 1187; 107th Congress

Introduced by: Mrs. LOWEY and others

Similar and/or related³ bills: None.

Summary of the bill.⁴

The bill would end the use of steel-jawed leghold traps on animals in the United States. It would prohibit the importation or exportation of and interstate commerce in such traps and articles of fur (of chapter 43 of the Harmonized Tariff Schedule of the United States⁵) from animals that were trapped by such means.

Effective date: One year after the date of enactment.

Through: N/A.

Retroactive effect: None.

[The remainder of this memorandum is organized in five parts: (1) information about the bill's proponent(s) and the product which is the subject of this bill; (2) information about the bill's revenue effect; (3) contacts by Commission staff during preparation of this memorandum; (4) information about the domestic industry (if any); and (5) technical comments.]

¹ International trade analysts: Karl Tsuji (steel-jawed leghold traps, 202-205-3434), Rose Steller (furskins, 202-205-3323), and Jackie Jones (articles of fur, 202-205-3466); attorney: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at <http://www.usitc.gov/billrpts.htm>. Access to a paper copy is available at the Commission's Law Library (202-205-3287) or at the Commission's Main Library (202-205-2630).

³ "Similar bills" are bills in the other House, in the current Congress, which address, at least in part, the substance of this bill. "Related bills" are bills in the **same** House, in the current Congress, but which are either earlier (or later) in time than the bill which is the subject of this memorandum.

⁴ The product nomenclature is as set forth in the bill. See technical comments for suggested changes (if any).

⁵ See appendix A for definitions of tariff and trade agreement terms.

– THE PROPONENT AND THE IMPORTED PRODUCT –

The proponent firm/organization(s)			
Name of firm	Location contacted (city/state)	Date contacted	Response received? (Yes/No) ⁶
Rep. Lowey (D-18-NY) ⁷	Washington, DC	May 1, 2001	No

*Does the proponent plan **any** further processing or handling⁸ of the subject product after importation to its facilities in the United States (Y/N):* No⁹

If “Yes,” provide location of this facility if different from above (city/state):

If “No,” provide location of proponent’s headquarters or other principal facility if different from above (city/state): N/A

⁶ Non-confidential written responses received prior to approval of this report by the Commission, if any, will be included in appendix C.

⁷ Sponsoring representative’s staff member indicated that numerous animal welfare organizations have favored similar legislation introduced in the past and would be in favor of this legislation, but that this bill was not introduced on behalf of any specific organization(s). Member of sponsoring representative’s staff, U.S. House of Representatives, Washington, DC, telephone interview with USITC staff, May 1, 2001.

⁸ The phrase “further processing or handling” can include repackaging, storage or warehousing for resale, etc.

⁹ The subject products would be banned from importation into the United States under the bill.

The imported product	
Description and uses	Country(s) of origin
<p><u>Furskins (pelts)</u> are defined by note 1 to chapter 43 of the HTS as the hides or skins of all animals which have been tanned or dressed with the hair or wool on; the product group covered by the bill also includes the raw furskins of heading 4301. Furskins are derived from animals raised in captivity on fur farms or obtained from the wild catch of trappers and hunters (including such species as muskrat, raccoon, beaver, bobcat, fox, and mink). Raw or undressed furskins are either unprocessed skins or processed skins that have not been subject to any processing that will preserve them indefinitely in a pliant state. Most furskins are sold undressed at public auctions under an open competitive bidding system. All furskins are tanned before they are made into fur goods, and many dressed furskins are dyed to provide uniformity of color or to improve their appearance or to meet current fashion trends. The principal end use for processed furskins is the manufacture of fur wearing apparel, such as coats and jackets; such furskins are also used to make trim or linings for cloth or leather coats. The United States, Canada, and Russia are the principal producers of wild furs.</p>	<p>Primarily Canada and Russia</p>
<p><u>Articles of fur</u> consist primarily of (a) fur coats and jackets, and, to a lesser extent, fur headwear; and (b) non-apparel articles such as sheepskin car-seat covers, fur trinkets, or fur-covered figurines. The primary furskins affected by the proposed legislation are raccoon, nutria, fox, bobcat, and sable. Many fur coats and jackets are made from mink furskins; however, the majority of mink animals are ranch raised, not caught in the wild.</p>	<p>Primarily Canada, China, and Italy (excluding articles of mink)</p>
<p><u>Steel-jawed leghold traps</u> are set to catch animals not only for obtaining their pelts, but also for animal control and for wildlife management (e.g., control, relocation, reintroduction, or research). These traps are characterized by a pair of spring-loaded jaws that clamp around an animal's leg or foot as it steps on the trigger mechanism. Such traps generally include a chain for fastening the trap to an immovable object (e.g., a tree or a stake driven into the ground) to prevent the entrapped animal from escaping.</p>	<p>Korea and Taiwan; possibly China</p>

– EFFECT ON CUSTOMS REVENUE –

[*Note: This section is divided in two parts. The first table addresses the effect on customs revenue based on the duty rate for the HTS number set out in the bill. The second table addresses the effect on customs revenue based on the duty rate for the HTS number recommended by the Commission (if a different number has been recommended). Five-year estimates are given based on Congressional Budget Office “scoring” guidelines. If the indicated duty rate is subject to “staging” during the duty suspension period, the rate for each period is stated separately.*]

HTS number used in the bill: 4301 (and by implication, 4302)¹⁰					
	2002	2003	2004	2005	2006
General rate of duty ¹¹ (AVE) ¹²	Free to 5.6%				
Estimated value <i>dutiable</i> imports	\$18,742,300	\$18,742,300	\$18,742,300	\$18,742,300	\$18,742,300
Customs revenue loss	\$410,000 max.				

Furskins– HTS number recommended by the Commission: 4301 and 4302¹³					
	2002	2003	2004	2005	2006
General rate of duty ¹⁴ (AVE) ¹⁵	Free to 5.6%				
Estimated value <i>dutiable</i> imports	\$18,742,300	\$18,742,300	\$18,742,300	\$18,742,300	\$18,742,300

¹⁰ HTS heading 4301 is set forth in the bill, while heading 4302 is suggested by the reference to note 1 to chapter 43. See technical comments for explanation concerning HTS heading 4302 and suggested changes.

¹¹ See appendix B for column 1-special and column 2 duty rates.

¹² AVE is ad valorem equivalent expressed as percent. Staged rates may be found at: <http://dataweb.usitc.gov>

¹³ If a different HTS number is recommended, see technical comments.

¹⁴ See appendix B for column 1-special and column 2 duty rates.

¹⁵ AVE is ad valorem equivalent expressed as percent. Staged rates may be found at: <http://dataweb.usitc.gov>

Furskins– HTS number recommended by the Commission: 4301 and 4302 ¹³					
Customs revenue loss	\$410,000 max.				

Articles of fur– HTS number recommended by the Commission: 4303.10.00 and 4303.90.00 ¹⁶					
	2002	2003	2004	2005	2006
General rate of duty (AVE)	Free or 4.0 %				
Estimated value <i>dutiable</i> imports	\$34,675,200	\$34,675,200	\$34,675,200	\$34,675,200	\$34,675,200
Customs revenue loss	\$1,387,000	\$1,387,000	\$1,387,000	\$1,387,000	\$1,387,000

Steel-jawed leghold traps– HTS number recommended by the Commission: 7326.90.85 ¹⁷					
	2002	2003	2004	2005	2006
General rate of duty (AVE)	2.9 %	2.9 %	2.9 %	2.9 %	2.9 %
Estimated value <i>dutiable</i> imports	\$1,000,000 - \$3,000,000	\$1,000,000 - \$3,000,000	\$1,000,000 - \$3,000,000	\$1,000,000 - \$3,000,000	\$1,000,000 - \$3,000,000
Customs revenue loss	\$29,000 - \$87,000	\$29,000 - \$87,000	\$29,000 - \$87,000	\$29,000 - \$87,000	\$29,000 - \$87,000

¹⁶ If a different HTS number is recommended, see technical comments. See comments as well regarding other possible products.

¹⁷ If a different HTS number is recommended, see technical comments.

– CONTACTS WITH OTHER FIRMS/ORGANIZATIONS –

Contacts with firms or organizations <i>other than</i> the proponents			
Name of firm	Location contacted (city/state)	Date contacted	Response received? (Yes/No) ¹⁸
International Assoc. of Fish & Wildlife Agencies (IAFWA)	Washington, DC	May 1, 2001	No
National Trappers Association (NTA)	New Martinsville, WV	May 2, 2001	Yes
American Animal Hospital Association (AAHA)	Littleton, CO	May 4, 2001	Yes
American Veterinary Medical Association (AVMA)	Washington, DC	May 4, 2001	No
Friends of Animals (FOA)	Darien, CT	May 4, 2001	Yes
Fund for Animals	Silver Spring, MD	May 4, 2001	No
Fur Commission USA	Coronado, CA	May 4, 2001	Yes
Fur Takers of America (FTA)	Ventura, CA	May 4, 2001	Yes
Humane Society of the United States (HSUS)	Washington, DC	May 4, 2001	Yes
Louisiana Department of Wildlife and Fisheries	New Iberia, LA	May 4, 2001	No
Society for Animal Protective Legislation (SAPL) and Animal Welfare Institute (AWI)	Washington, DC	May 4, 2001	Yes
Tufts Center for Animals and Public Policy, School of Veterinary Medicine, Tufts University	North Grafton, MA	May 4, 2001	No
Wildlife Legislative Fund of America (WLFA)	Washington, DC	May 4, 2001	Yes

¹⁸ Non-confidential written responses received prior to approval of this report by the Commission, if any, will be included in appendix D. Only statements submitted in connection with **this** bill will be included in the appendix.

Contacts with firms or organizations <i>other than</i> the proponents			
Animal Protection Institute of America (API)	Sacramento, CA	May 7, 2001	Yes
Fur trapping consultant	New Martinsville, WV	May 7, 2001	No
U.S. Fish and Wildlife Service, U.S. Department of the Interior	Arlington, VA	May 7, 2001	No
<i>Sandy Parker Reports</i> (fur apparel industry newsletter)	New York, NY	May 8, 2001	No
Fur Information Council of America (FICA)	Herndon, VA	May 10, 2001	No
Schumacher Furs	Portland, OR	May 10, 2001	No
Idaho Trappers Association	Post Falls, ID	May 14, 2001	No
Cumberland's Northwestern Trappers' Supply	Owatonna, MN	May 15, 2001	No
Duke Traps	West Point, MS	May 15, 2001	No
M and M Fur Co.	Bridgewater, SD	May 15, 2001	No
Minnesota Trap Line Products	Pennock, MN	May 15, 2001	No
Montgomery Fur Co.	Ogden, UT	May 15, 2001	Yes
Sterling Tool and Fur Co.	Sterling, OH	May 15, 2001	No
State of Tennessee, Tennessee Wildlife Resources Agency	Nashville, TN	May 16, 2001	No
State of Alaska, Department of Fish and Game, Division of Wildlife Conservation	Juneau, AK	May 18, 2001	Yes
Wyoming Game and Fish Department	Cheyenne, WY	May 24, 2001	Yes
Delaware Department of Natural Resources and Environmental Control, Division of Fish & Wildlife, Wildlife Section	Dover, DE	May 25, 2001	Yes
Wisconsin Department of Natural Resources	Madison, WI	June 19, 2001	Yes

– THE DOMESTIC INDUSTRY –

*[Note: This section is divided in two parts. The first part lists non-confidential written submissions received by the Commission which assert that **the imported product itself** is produced in the United States and freely offered for sale under standard commercial terms. The second part lists non-confidential written submissions received by the Commission which assert either that (1) the imported product will be produced in the United States in the future; or (2) another product which **may compete** with the imported product is (or will be) produced in the United States and freely offered for sale under standard commercial terms. All submissions received by the Commission in connection with this bill prior to approval of the report will be included in appendix D. The Commission cannot, in the context of this memorandum, make any statement concerning the validity of these claims.]*

Statements concerning current U.S. production			
Name of product	Name of firm	Location of U.S. production facility	Date received
Furskins	State of Alaska, Department of Fish and Game, Division of Wildlife Conservation	N/A	May 18, 2001
Furskins	National Trappers Association (NTA)	N/A	May 24, 2001
Furskins	Montgomery Fur Co.	N/A	May 24, 2001
Furskins	Fur Commission USA	N/A	June 1, 2001
Furskins	Wildlife Legislative Fund of America	N/A	June 21, 2001

Statements concerning “future” or “competitive” U.S. production			
Name of product	Name of firm	Location of U.S. production facility	Date received
Furskins	Montgomery Fur Co.	N/A	May 24, 2001
Furskins	Fur Commission USA	N/A	June 1, 2001

Statements concerning “future” or “competitive” U.S. production

Furskins	Wildlife Legislative Fund of America	N/A	June 21, 2001
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– TECHNICAL COMMENTS –

*[The Commission notes that references to HTS numbers in temporary duty suspensions (i.e., proposed amendments to subchapter II of chapter 99 of the HTS) should be limited to **eight digits**. Ten-digit numbers are established by the Committee for Statistical Annotation of Tariff Schedules pursuant to 19 U.S.C. 1484(f) and are not generally referenced in statutory enactments.]*

Recommended changes to the nomenclature in the bill:

Section 5(1)(A) should refer to “note 1” rather than to “headnote 1”, and—as discussed below—the phrase “, including any raw furskin classified under heading 4301” should be deleted and “and any raw furskin of heading 4301” inserted in lieu thereof. The legal note expressly excludes the raw furskins of heading 4301 from its scope, making the use of the word “including” inappropriate, even though it is clear that the bill intends to include raw furskins. In addition, the definition of a “leghold” trap in section 5(2) should include (with the additional language shown below in italic type) the term “foothold” trap, commonly used in the trapping industry. Technically, these traps are designed to prevent an animal from withdrawing its foot or paw from the sprung trap jaws rather than being designed to hold an animal merely by spring-powered tension of the jaws applied against any portion of its leg. The following language is suggested:

(2) The term “conventional steel-jawed leghold trap,” *sometimes referred to as a “foothold” trap*, means any...

Recommended changes to any CAS numbers in the bill (if given): None.

Recommended changes to any Color Index names in the bill (if given): None.

*Basis for recommended changes to the HTS number used in the bill:*¹⁹

Other than raw furskins of HTS heading 4301, no HTS provisions were specified for products covered by the bill. As noted above, the definition in section 5(1)(A) includes all goods referred to as “furskins” in note 1 to chapter 43 of the HTS. The note defines the term “furskins” for purposes of the tariff schedule as being the “hides or skins of all animals which have been tanned or dressed with the hair or wool on”; the note excludes the raw furskins of heading 4301 from the definition. Most of the tanned or dressed skins are provided for in HTS heading 4302, and they include the skins of sheep and of other animals whose raw skins would fall in headings 4101 through 4103. If the coverage seems confusing, an alternative phrasing for the language of subdivision (1)(A) might be “any furskin covered by heading 4301 or 4302 or referred to in note 1 to chapter 43 of the Harmonized Tariff Schedule of the United States.”

¹⁹ The Commission may express an opinion concerning the HTS classification of a product to facilitate the Committee’s consideration of the bill, but the Commission also notes that, by law, the U.S. Customs Service is the only agency authorized to issue a binding ruling on this question. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

With respect to articles consisting in whole or part of any furskin, the bill did not specify the applicable HTS provisions. Fur articles are classified in heading 4303—specifically in HTS subheading 4303.10.00, which covers articles of apparel and clothing accessories of furskin, and HTS subheading 4303.90.00, which covers all other articles of furskin. The data presented above take these provisions into account for purposes of computing revenue losses potentially resulting from the bill; our revenue estimates are understated to the extent that other products may be imported. These chapter 43 provisions cover only those goods having the essential character of furskin, as determined by the Customs Service, and do not cover articles that merely contain small pieces of furskin such as an attached fur collar—as suggested by the language of section 5(1)(B). Such goods could fall in any heading of chapters 61 and 62 (the apparel chapters) and in numerous other headings throughout the tariff schedule. These products would be difficult to identify, especially where they fall in residual or “basket” tariff categories. Nor are such products easily distinguished from identical articles containing furskin not obtained from animals taken by leghold traps, because there is no physically distinguishing characteristic that suggests the furskin’s origin. Thus, the bill presents serious administrative and compliance burdens.

Steel-jawed leghold traps— The bill did not specify an HTS subheading for these traps. These articles are classified in a “basket” category, HTS subheading 7326.90.85, “Other articles of iron or steel, not elsewhere specified or identified.” Section 5(2) could include a reference to that HTS provision by the insertion before the final period of “, as provided for in HTS subheading 7326.90.85”.

Other technical comments (if any):

In addition to officials of the Customs Service, furskin buyers and furskin dealers may not know whether a given pelt was derived from an animal that was caught in a steel-jawed leghold trap, was caught in a different type of trap not covered in the bill (e.g., body-grip traps, leg snares, or live-animal traps), or was shot instead of being trapped. Moreover, industry sources contend that it would be impossible for buyers and dealers to have such knowledge about any particular pelt. While the traps would be relatively easy to identify (assuming Customs sees more than the entry documents, which would not be required to specify which miscellaneous articles of steel are being imported), the furskins and articles thereof would be difficult if not impossible to distinguish based upon physical characteristics, given the absence of documentation that would follow the raw skins through processing and into commerce.

Clarification(s) to the bill may be needed due to potential conflicts with existing state trapping regulations, because the states have primary authority to deal with fish and game.²⁰

Expanding the title (see *italic type*) would more accurately reflect product coverage of the bill, even though the title has no legal significance:

To end the use of steel-jawed leghold traps on animals in the United States *and to end U.S. trade in furskins and articles thereof derived from animals caught in such traps.*

²⁰ Providing specific clarification of these matters is not within the mission or expertise of the USITC. We defer on these questions to other government officials, such as those of the U.S. Fish and Wildlife Service’s (U.S. Department of the Interior) Office of Congressional and Legislative Affairs (202-208-5403).

APPENDIX A

TARIFF AND TRADE AGREEMENT TERMS

In the **Harmonized Tariff Schedule of the United States** (HTS), chapters 1 through 97 cover all goods in trade and incorporate in the tariff nomenclature the internationally adopted Harmonized Commodity Description and Coding System through the 6-digit level of product description. Subordinate 8-digit product subdivisions, either enacted by Congress or proclaimed by the President, allow more narrowly applicable duty rates; 10-digit administrative statistical reporting numbers provide data of national interest. Chapters 98 and 99 contain special U.S. classifications and temporary rate provisions, respectively. The HTS replaced the **Tariff Schedules of the United States** (TSUS) effective January 1, 1989.

Duty rates in the **general** subcolumn of HTS column 1 are normal trade relations rates, many of which have been eliminated or are being reduced as concessions resulting from the Uruguay Round of Multilateral Trade Negotiations. Column 1-general duty rates apply to all countries except those listed in HTS general note 3(b) (Afghanistan, Cuba, Laos, North Korea, and Vietnam) plus Serbia and Montenegro, which are subject to the statutory rates set forth in **column 2**. Specified goods from designated general-rate countries may be eligible for reduced rates of duty or for duty-free entry under one or more preferential tariff programs. Such tariff treatment is set forth in the **special** subcolumn of HTS rate of duty column 1 or in the general notes. If eligibility for special tariff rates is not claimed or established, goods are dutiable at column 1-general rates. The HTS does not enumerate those countries as to which a total or partial embargo has been declared.

The **Generalized System of Preferences** (GSP) affords nonreciprocal tariff preferences to developing countries to aid their economic development and to diversify and expand their production and exports. The U.S. GSP, enacted in title V of the Trade Act of 1974 for 10 years and extended several times thereafter, applies to merchandise imported on or after January 1, 1976 and before the close of September 30, 2001. Indicated by the symbol "A", "A*", or "A+" in the special subcolumn, the GSP provides duty-free entry to eligible articles the product of and imported directly from designated beneficiary developing countries, as set forth in general note 4 to the HTS.

The **Caribbean Basin Economic Recovery Act** (CBERA) affords nonreciprocal tariff preferences to developing countries in the Caribbean Basin area to aid their economic development and to diversify and expand their production and exports. The CBERA, enacted in title II of Public Law 98-67, implemented by Presidential Proclamation 5133 of November 30, 1983, and amended by the Customs and Trade Act of 1990, applies to merchandise entered, or withdrawn from warehouse for consumption, on or after January 1, 1984. Indicated by the symbol "E" or "E*" in the special subcolumn, the CBERA provides duty-free entry to eligible articles, and reduced-duty treatment to certain other articles, which are the product of and imported directly from designated countries, as set forth in general note 7 to the HTS.

Free rates of duty in the special subcolumn followed by the symbol "IL" are applicable to products of Israel under the **United States-Israel Free Trade Area Implementation Act** of 1985 (IFTA), as provided in general note 8 to the HTS.

Preferential nonreciprocal duty-free or reduced-duty treatment in the special subcolumn followed by the symbol "J" or "J*" in parentheses is afforded to eligible articles the product of designated beneficiary countries under the **Andean Trade Preference Act** (ATPA), enacted as title II of Public Law 102-182 and implemented by Presidential Proclamation 6455 of July 2, 1992 (effective July 22, 1992), as set forth in general note 11 to the HTS.

Preferential free rates of duty in the special subcolumn followed by the symbol "CA" are applicable to eligible goods of Canada, and rates followed by the symbol "MX" are applicable to eligible goods of Mexico, under the **North American**

Free Trade Agreement, as provided in general note 12 to the HTS and implemented effective January 1, 1994 by Presidential Proclamation 6641 of December 15, 1993. Goods must originate in the NAFTA region under rules set forth in general note 12(t) and meet other requirements of the note and applicable regulations.

Other special tariff treatment applies to particular **products of insular possessions** (general note 3(a)(iv)), **products of the West Bank and Gaza Strip** (general note 3(a)(v)), goods covered by the **Automotive Products Trade Act** (APTA) (general note 5) and the **Agreement on Trade in Civil Aircraft** (ATCA) (general note 6), **articles imported from freely associated states** (general note 10), **pharmaceutical products** (general note 13), and **intermediate chemicals for dyes** (general note 14).

The **General Agreement on Tariffs and Trade 1994** (GATT 1994), pursuant to the Agreement Establishing the World Trade Organization, is based upon the earlier GATT 1947 (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786) as the primary multilateral system of disciplines and principles governing international trade. Signatories' obligations under both the 1994 and 1947 agreements focus upon most-favored-nation treatment, the maintenance of scheduled concession rates of duty, and national treatment for imported products; the GATT also provides the legal framework for customs valuation standards, "escape clause" (emergency) actions, antidumping and countervailing duties, dispute settlement, and other measures. The results of the Uruguay Round of multilateral tariff negotiations are set forth by way of separate schedules of concessions for each participating contracting party, with the U.S. schedule designated as Schedule XX. Pursuant to the **Agreement on Textiles and Clothing** (ATC) of the GATT 1994, member countries are phasing out restrictions on imports under the prior "Arrangement Regarding International Trade in Textiles" (known as the **Multifiber Arrangement** (MFA)). Under the MFA, which was a departure from GATT 1947 provisions, importing and exporting countries negotiated bilateral agreements limiting textile and apparel shipments, and importing countries could take unilateral action in the absence or violation of an agreement. Quantitative limits had been established on imported textiles and apparel of cotton, other vegetable fibers, wool, man-made fibers or silk blends in an effort to prevent or limit market disruption in the importing countries. The ATC establishes notification and safeguard procedures, along with other rules concerning the customs treatment of textile and apparel shipments, and calls for the eventual complete integration of this sector into the GATT 1994 over a ten-year period, or by Jan. 1, 2005.

Rev. 1/4/00

APPENDIX B

**SELECTED PORTIONS OF THE
HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

[Note: Appendix may not be included in the electronic version of this memorandum.]

APPENDIX C

STATEMENTS SUBMITTED BY THE PROPONENTS

[Note: Appendix C may not be included in the electronic version of this memorandum posted on the Commission's web site if an electronic copy of the statement was not received by the Commission.]

APPENDIX D

STATEMENTS SUBMITTED BY OTHER FIRMS/ORGANIZATIONS

[Note: Appendix D may not be included in the electronic version of this memorandum posted on the Commission's web site if an electronic copy of the statement was not received by the Commission.]

107TH CONGRESS
1ST SESSION

H. R. 1187

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2001

Mrs. LOWEY (for herself, Mr. SHAYS, Mr. LANTOS, Mr. HYDE, Ms. MCKINNEY, Mr. CAPUANO, Mr. BERMAN, Ms. BALDWIN, Mr. DOYLE, Mr. GALLEGLY, Mr. PALLONE, Mr. THOMPSON of Mississippi, Mr. FRANK, Mr. OLVER, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. GEORGE MILLER of California, Mrs. KELLY, Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mrs. MEEK of Florida, Mr. BONIOR, Mr. COSTELLO, Mr. BLUMENAUER, Ms. BERKLEY, Mr. FILNER, Mr. STARK, Mr. DEFazio, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MORAN of Virginia, Ms. RIVERS, Mr. ENGEL, Mr. HOLT, Mr. MALONEY of Connecticut, Mr. GUTIERREZ, Mr. KILDEE, Mr. MEEHAN, Mr. SMITH of Washington, Mrs. MALONEY of New York, Mr. NEAL of Massachusetts, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. NADLER, Mr. SANDERS, Mrs. ROUKEMA, Mrs. MINK of Hawaii, Mr. HORN, Mr. LEWIS of Georgia, Mr. TIERNEY, Mr. KUCINICH, Ms. ROYBAL-ALLARD, Mr. BENTSEN, Mr. CLAY, Ms. DELAURO, Mr. ACKERMAN, Mr. FRELINGHUYSEN, Mrs. TAUSCHER, Mr. CONYERS, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. DAVIS of Illinois, Mr. ROTHMAN, and Ms. SLAUGHTER) 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 the 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

A BILL

To end the use of 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,*

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-jawed leghold traps by prohibiting the im-
7 port or export of, and the shipment in interstate commerce
8 of, such traps and of articles of fur from animals that
9 were trapped in such traps.

10 **SEC. 2. PROHIBITED ACTS AND PENALTIES.**

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

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

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

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

24 (4) to violate any rule made by the Secretary
25 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. 3. 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. 4. 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 2(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.) (including penalties) shall
14 be used to enforce the provisions of this Act relating
15 to the export of articles in violation of section 2(a).

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

20 (1) detain for inspection, search, and seize any
21 package, crate, or other container, including its con-
22 tents, and all accompanying documents, if such indi-
23 vidual has reasonable cause to suspect that in such
24 package, crate, or other container are articles with
25 respect to which a violation of this Act (except with

1 respect to a violation to which subsection (b) ap-
2 plies) has occurred, is occurring, or is about to
3 occur;

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

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

17 (d) FORFEITURE.—

18 (1) GENERAL RULE.—Except with respect to
19 exports to which the provisions of the Export Ad-
20 ministration Act of 1979 (50 U.S.C. App. 2401 et
21 seq.) apply, and imports to which the customs laws
22 of the United States apply, pursuant to subsection
23 (b), any article of fur or conventional steel-jawed
24 leghold trap taken, possessed, sold, purchased, of-
25 fered for sale or purchase, imported, exported, trans-

1 ported, delivered, received, carried, or shipped in vio-
2 lation of this Act or any rule made under this Act,
3 shall be subject to forfeiture to the United States.

4 Those provisions of law relating to—

5 (A) the seizure, summary and judicial for-
6 feiture, and condemnation of property for viola-
7 tions of the customs laws of the United States,

8 (B) the disposition of such property or the
9 proceeds from the sale thereof,

10 (C) the remission or mitigation of such for-
11 feitures, and

12 (D) the compromise of claims,

13 shall apply to seizures and forfeitures incurred, or
14 alleged to have been incurred, under the provisions
15 of this subsection, insofar as applicable and not in-
16 consistent with this Act.

17 (2) ENFORCEMENT.—Such duties as are im-
18 posed upon the customs officer or any other person
19 with respect to the seizure and forfeiture of property
20 under the customs laws of the United States may be
21 performed with respect to seizures and forfeitures of
22 property under this subsection by the Secretary or
23 such officers and employees as may be authorized or
24 designated for that purpose by the Secretary, or,
25 upon the request of the Secretary, by any other

1 agency that has authority to manage and dispose of
2 seized property.

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

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

13 **SEC. 5. DEFINITIONS.**

14 In this Act:

15 (1) The term “article of fur” means—

16 (A) any furskin (as such term is used
17 under headnote 1 of chapter 43 of the Har-
18 monized Tariff Schedule of the United States),
19 including any raw furskin classified under head-
20 ing 4301 of such Schedule; or

21 (B) any article, however produced, that
22 consists in whole or part of any such furskin.

23 (2) The term “conventional steel-jawed leghold
24 trap” means any spring-powered pan- or sear-acti-
25 vated device with two opposing steel jaws, whether

1 the jaws are smooth, toothed, padded, or offset,
2 which is designed to capture an animal by snapping
3 closed upon the animal's limb or part thereof.

4 (3) The term "customs laws of the United
5 States" means any other law or regulation enforced
6 or administered by the United States Customs Serv-
7 ice.

8 (4) The term "import" means to land on, bring
9 into, or introduce into, any place subject to the ju-
10 risdiction of the United States, whether or not such
11 landing, bringing, or introduction constitutes an
12 entry into the customs territory of the United
13 States.

14 (5) The term "interstate commerce" has the
15 meaning given such term in section 10 of title 18,
16 United States Code.

17 (6) The term "Secretary" means the Secretary
18 of the Interior.

19 **SEC. 6. RULEMAKING.**

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

21 **SEC. 7. EFFECTIVE DATE.**

22 This Act shall take effect one year after the date of
23 its enactment.

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