

114TH CONGRESS
2D SESSION

H. R. 5954

To prohibit use of body-gripping traps by personnel of the Department of the Interior and the Department of Agriculture and on lands of such departments.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Mr. BLUMENAUER (for himself and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 prohibit use of body-gripping traps by personnel of the Department of the Interior and the Department of Agriculture and on lands of such departments.

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 “Limiting Inhumane
5 Federal Trapping for Public Safety Act”.

1 **SEC. 2. PROHIBITION OF USE OF BODY-GRIPPING TRAPS BY**
2 **PERSONNEL AND ON LANDS OF THE DEPART-**
3 **MENTS OF THE INTERIOR AND AGRICULTURE.**
4 **CULTURE.**

5 (a) PROHIBITIONS.—Except as provided in sub-
6 section (b)—

7 (1) no personnel of the Department of the Inte-
8 rior or the Department of Agriculture may, in per-
9 formance of their duties, use, recommend, train re-
10 garding the use of, or plan for use of, any body-grip-
11 ping trap; and

12 (2) no person shall use or possess any body-
13 gripping trap on property under the administrative
14 jurisdiction of the Department of the Interior or the
15 Department of Agriculture, without regard to wheth-
16 er the person is employed by, or working under a
17 contract with, the Department of the Interior or the
18 Department of Agriculture.

19 (b) EXCEPTIONS.—

20 (1) LIMITATION ON APPLICATION.—

21 (A) IN GENERAL.—Subsection (a) shall not
22 apply with respect to use of a body-gripping
23 trap to—

24 (i) control documented, invasive spe-
25 cies to achieve resource management objec-

1 tives where alternative methods have
2 failed; or

3 (ii) protect a species that is—

4 (I) listed as an endangered spe-
5 cies or threatened species under the
6 Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.); or

8 (II) treated by the Forest Service
9 as a sensitive species.

10 (B) CONDITIONS.—

11 (i) IN GENERAL.—Subparagraph (A)
12 shall not apply unless—

13 (I) such use of a body-gripping
14 trap is in accordance with applicable
15 State and Federal law;

16 (II) prior to use of a body-grip-
17 ping trap, all available and viable non-
18 lethal methods for such control or
19 protection, respectively, are at-
20 tempted; and

21 (III) such attempts are docu-
22 mented in writing, and such docu-
23 mentation is maintained at the head-
24 quarters of the department that em-

1 ploys the individual engaging in such
2 attempt.

3 (ii) NONLETHAL METHODS DE-
4 SCRIBED.—For purposes of clause (i)(II),
5 the term “nonlethal methods”—

6 (I) except as provided in sub-
7 clause (II), includes exclusions or bar-
8 riers, harassment and scaring devices,
9 and other methods that do not result
10 in the death of target or nontarget
11 species; and

12 (II) does not include any body-
13 gripping device.

14 (2) TRAINING.—Subsection (a)(1) shall not
15 apply with respect to training in the dismantling of
16 body-gripping traps that have been illegally placed.

17 (3) INDIAN COUNTRY.—Subsection (a)(2) shall
18 not apply with respect to use of a body-gripping trap
19 in the Indian country.

20 (c) PENALTIES.—

21 (1) KNOWING VIOLATIONS.—Any person who
22 knowingly violates or fails to comply with this Act
23 or any regulation issued under this Act shall be
24 fined under title 18, United States Code, or impris-
25 oned for not more than 1 year, or both.

1 (2) OTHER VIOLATIONS.—Any person who oth-
2 erwise violates or fails to comply with this Act or
3 any such regulation shall be fined under title 18,
4 United States Code, or imprisoned not more than
5 180 days, or both.

6 (d) DEFINITIONS.—In this section:

7 (1) BODY-GRIPPING TRAP.—The term “body-
8 gripping trap”—

9 (A) except as provided in subparagraph
10 (B), means any device that is intended to kill
11 or capture an animal by physically restraining
12 any part of the animal on land or in an aquatic
13 environment, including any—

14 (i) spring traps, including steel-jaw,
15 padded, enclosed and dog-proof, or other
16 modified foothold or leghold traps;

17 (ii) kill-type trap, including Conibear
18 and body-crushing traps;

19 (iii) snare traps, including foot snares
20 and strangling neck snares; and

21 (iv) modified version of any such a
22 trap; and

23 (B) does not include any—

24 (i) cage or box trap; or

25 (ii) suitcase-type live beaver trap.

1 (2) INDIAN COUNTRY.—The term “Indian coun-
2 try” has the meaning given that term under section
3 1151 or title 18, United States Code.

4 (3) PERSONNEL.—The term “personnel” in-
5 cludes individuals employed by, working under a
6 contract or cooperative agreement with, or otherwise
7 collaborating with the Department of the Interior or
8 the Department of Agriculture.

9 (e) ANILCA NOT AFFECTED.—Nothing in this Act
10 is intended or shall be construed to conflict with the Alas-
11 ka National Interests Lands Conservation Act (16 U.S.C.
12 3101 et seq.).

13 (f) STRICTER STATE LAWS NOT AFFECTED.—This
14 section shall not be construed to preempt or limit any re-
15 quirement of any law or regulation of a State or political
16 subdivision of a State, that—

17 (1) is more restrictive than the requirements of
18 this section; or

19 (2) creates penalties for conduct regulated by
20 this section.

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