

AMENDMENT TO RULES COMMITTEE PRINT 117-

47

OFFERED BY MR. NADLER OF NEW YORK

Add at the end the following new title:

1 **TITLE IV—POSSESSION OR USE**
2 **OF BODY-GRIPPING TRAP**
3 **PROHIBITED**

4 **SEC. 401. POSSESSION OR USE OF BODY-GRIPPING TRAP**
5 **PROHIBITED.**

6 The National Wildlife Refuge System Administration
7 Act of 1966 (16 U.S.C. 668dd et seq.) is amended by add-
8 ing at the end the following:

9 **“SEC. 6. POSSESSION OR USE OF BODY-GRIPPING TRAP**
10 **PROHIBITED.**

11 “(a) IN GENERAL.—Except as provided in subsection
12 (b), no person may possess or use a body-gripping trap
13 in the System.

14 “(b) EXCEPTIONS.—

15 “(1) IN GENERAL.—Subsection (a) shall not
16 apply to the use of a body-gripping trap—

17 “(A) by an agency of the Federal Govern-
18 ment;

19 “(B) to—

1 “(i) control an invasive species to
2 achieve resource management objectives; or

3 “(ii) protect a species that—

4 “(I) is listed as endangered or
5 threatened under the Endangered
6 Species Act of 1973; or

7 “(II) the Secretary of the Inte-
8 rior has designated as a sensitive spe-
9 cies; and

10 “(C) if—

11 “(i) such use is in accordance with
12 Federal and State law; and

13 “(ii) all viable nonlethal methods for
14 achieving a goal described in paragraph (1)
15 have been thoroughly explored, described,
16 or attempted and such documentation is
17 maintained at the local office of the de-
18 partment that carried out such attempt.

19 “(2) TRAINING.—Subsection (a) does not apply
20 to training in the dismantling of body-gripping
21 traps.

22 “(3) REFUGES IN ALASKA.—Subsection (a)
23 does not apply to refuges within the System in the
24 State of Alaska.

1 “(4) INDIAN TRIBES.—Subsection (a) does not
2 apply to any member of a federally recognized In-
3 dian Tribe using body-gripping traps for subsistence
4 purposes.

5 “(c) ENFORCEMENT PROVISIONS.—Notwithstanding
6 section 4(f), a person who possesses or uses a body-grip-
7 ping trap in the System shall be subject to the following:

8 “(1) In the case of a first offense, a civil fine
9 of not more than \$500 imposed by the Secretary for
10 each body-gripping trap possessed or used.

11 “(2) In the case of a subsequent offense—

12 “(A) a civil fine of not more than \$1,000
13 imposed by the Secretary for each body-grip-
14 ping trap possessed or used;

15 “(B) imprisonment for not more than 180
16 days; or

17 “(C) both a civil fine and imprisonment in
18 accordance with subparagraphs (A) and (B).

19 “(d) FORFEITURE OF BODY-GRIPPING TRAP.—Any
20 body-gripping trap that is possessed or used in violation
21 of this section, and any wildlife captured by the use of
22 such trap, including the pelt or raw fur of such wildlife,
23 shall be subject to forfeiture to the United States in ac-
24 cordance with the provisions of chapter 46 of title 18,
25 United States Code, relating to civil forfeitures.

1 “(e) PAYMENT OF COURT COSTS AND OTHER ASSO-
2 CIATED EXPENSES.—A person found to be in violation of
3 subsection (a) shall pay all associated court costs.

4 “(f) REGULATIONS.—Not later than 120 days after
5 the date of the enactment of this section, the Secretary
6 shall issue any regulations necessary to carry out this sec-
7 tion.

8 “(g) DEFINITIONS.—

9 “(1) BODY-GRIPPING TRAP.—In this section,
10 the term ‘body-gripping trap’—

11 “(A) except as provided in paragraph (3),
12 means any device that is intended to kill or cap-
13 ture wildlife by physically restraining any part
14 of the animal;

15 “(B) includes any—

16 “(i) steel-jaw, padded, or other modi-
17 fied leghold trap;

18 “(ii) kill-type trap;

19 “(iii) snare trap; or

20 “(iv) modified version of any such
21 trap; and

22 “(C) does not include any—

23 “(i) cage or box trap; or

24 “(ii) suitcase-type live beaver trap.

1 “(2) INVASIVE SPECIES.—The term ‘invasive
2 species’ means with regard to a particular eco-
3 system, a non-native organism whose introduction
4 causes or is likely to cause economic or environ-
5 mental harm, or harm to human, animal, or plant
6 health.

7 “(3) NONLETHAL METHODS.—The term ‘non-
8 lethal methods’—

9 “(A) includes exclusions, barriers, harass-
10 ment and scaring devices, and any other meth-
11 od that does not result in the death of target
12 or non-target species, except

13 “(B) does not include the use of a body-
14 gripping trap.”.

