AMENDMENT TO RULES COMMITTEE PRINT 117–47

OFFERED BY MR. NADLER OF NEW YORK

Add at the end the following new title:

TITLE IV—POSSESSION OR USE OF BODY-GRIPPING TRAP PROHIBITED

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

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

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

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

“(b) EXCEPTIONS.—

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

“(A) by an agency of the Federal Government;

“(B) to—
“(i) control an invasive species to achieve resource management objectives; or
“(ii) protect a species that—
“(I) is listed as endangered or threatened under the Endangered Species Act of 1973; or
“(II) the Secretary of the Interior has designated as a sensitive species; and
“(C) if—
“(i) such use is in accordance with Federal and State law; and
“(ii) all viable nonlethal methods for achieving a goal described in paragraph (1) have been thoroughly explored, described, or attempted and such documentation is maintained at the local office of the department that carried out such attempt.
“(2) TRAINING.—Subsection (a) does not apply to training in the dismantling of body-gripping traps.
“(3) REFUGES IN ALASKA.—Subsection (a) does not apply to refuges within the System in the State of Alaska.
“(4) INDIAN TRIBES.—Subsection (a) does not apply to any member of a federally recognized Indian Tribe using body-gripping traps for subsistence purposes.

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

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

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

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

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

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

“(d) FORFEITURE OF BODY-GRIPPING TRAP.—Any body-gripping trap that is possessed or used in violation of this section, and any wildlife captured by the use of such trap, including the pelt or raw fur of such wildlife, shall be subject to forfeiture to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures.
“(e) Payment of Court Costs and Other Associated Expenses.—A person found to be in violation of subsection (a) shall pay all associated court costs.

“(f) Regulations.—Not later than 120 days after the date of the enactment of this section, the Secretary shall issue any regulations necessary to carry out this section.

“(g) Definitions.—

“(1) Body-gripping trap.—In this section, the term ‘body-gripping trap’—

“(A) except as provided in paragraph (3), means any device that is intended to kill or capture wildlife by physically restraining any part of the animal;

“(B) includes any—

“(i) steel-jaw, padded, or other modified leghold trap;

“(ii) kill-type trap;

“(iii) snare trap; or

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

“(C) does not include any—

“(i) cage or box trap; or

“(ii) suitcase-type live beaver trap.
“(2) INVASIVE SPECIES.—The term ‘invasive species’ means with regard to a particular ecosystem, a non-native organism whose introduction causes or is likely to cause economic or environmental harm, or harm to human, animal, or plant health.

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

“(A) includes exclusions, barriers, harassment and scaring devices, and any other method that does not result in the death of target or non-target species, except

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