

118TH CONGRESS
1ST SESSION

H. R. 5217

To amend the National Wildlife Refuge System Administration Act of 1966 to prohibit the possession or use of body-gripping traps in the National Wildlife Refuge System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 15, 2023

Mr. NADLER (for himself, Mr. BLUMENAUER, Ms. BARRAGÁN, Mr. BOYLE of Pennsylvania, Mr. CASTEN, Ms. CHU, Mr. COHEN, Mr. CONNOLLY, Ms. DELBENE, Mr. HUFFMAN, Mr. KILMER, Mr. KRISHNAMOORTHY, Ms. MCCOLLUM, Ms. MENG, Mr. MOSKOWITZ, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Mr. RASKIN, Ms. SCANLON, Mr. SCHIFF, and Ms. TOKUDA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Wildlife Refuge System Administration Act of 1966 to prohibit the possession or use of body-gripping traps in the National Wildlife Refuge System, and for other purposes.

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 “Refuge From Cruel
5 Trapping Act”.

1 **SEC. 2. POSSESSION OR USE OF BODY-GRIPPING TRAP PRO-**
2 **HIBITED.**

3 (a) IN GENERAL.—The National Wildlife Refuge
4 System Administration Act of 1966 (16 U.S.C. 668dd et
5 seq.) is amended—

6 (1) in section 4(f), by striking “this Act” each
7 place it appears and inserting “this section”; and

8 (2) by inserting after section 4 the following:

9 **“SEC. 4A. POSSESSION OR USE OF BODY-GRIPPING TRAP**
10 **PROHIBITED.**

11 “(a) IN GENERAL.—Except as provided in subsection
12 (b), a person may not possess or use a body-gripping trap
13 in the System.

14 “(b) EXCEPTIONS.—

15 “(1) FEDERAL AGENCY.—Subsection (a) does
16 not apply to the possession or use of a body-gripping
17 trap by a Federal agency—

18 “(A) to—

19 “(i) control an invasive species to
20 achieve resource management objectives; or

21 “(ii) protect a species that—

22 “(I) is listed as threatened or en-
23 dangered under the Endangered Spe-
24 cies Act of 1973 (16 U.S.C. 1531 et
25 seq.); or

1 “(II) the Secretary has des-
2 ignated as a sensitive species; and

3 “(B) if—

4 “(i) such use is in accordance with
5 Federal and State law; and

6 “(ii) all other viable nonlethal meth-
7 ods for achieving a goal described in sub-
8 paragraph (A) have been thoroughly ex-
9 plored, described, and attempted and docu-
10 mentation of such activities is maintained
11 at the relevant headquarters of the Federal
12 agency that carried out such exploration,
13 description, and attempt.

14 “(2) DISMANTLING.—Subsection (a) does not
15 apply to the dismantling of body-gripping traps.

16 “(3) ALASKA.—Subsection (a) does not apply to
17 the System in Alaska.

18 “(4) MEMBERS OF INDIAN TRIBES.—Subsection
19 (a) does not apply to the possession or use of a
20 body-gripping trap by a member of a federally recog-
21 nized Indian Tribe for subsistence purposes.

22 “(c) PENALTIES.—

23 “(1) IN GENERAL.—A person who violates sub-
24 section (a) shall be subject to—

1 “(A) a civil fine of not more than \$500
2 for—

3 “(i) each body-gripping trap pos-
4 sessed; and

5 “(ii) each use of a body-gripping trap;

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

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

10 “(2) ADJUSTMENT FOR INFLATION.—The Sec-
11 retary shall annually adjust the fine described in
12 paragraph (1) to reflect the change in the Consumer
13 Price Index for All Urban Consumers published by
14 the Bureau of Labor Statistics of the Department of
15 Labor.

16 “(d) FORFEITURE.—Any body-gripping trap that is
17 possessed or used in violation of this section, and any wild-
18 life captured through the use of such body-gripping trap,
19 including a pelt or raw fur of such wildlife, shall be subject
20 to forfeiture to the United States in accordance with the
21 provisions of chapter 46 of title 18, United States Code,
22 relating to civil forfeitures.

23 “(e) PAYMENT OF ASSOCIATED COURT COSTS.—A
24 person found to be in violation of subsection (a) shall pay
25 all associated court costs.

1 “(f) DEFINITIONS.—In this section:

2 “(1) BODY-GRIPPING TRAP.—The term ‘body-
3 gripping trap’—

4 “(A) means any device that is intended to
5 kill or capture wildlife by physically restraining
6 any part of the animal;

7 “(B) includes any—

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

10 “(ii) kill-type trap;

11 “(iii) snare trap; or

12 “(iv) modified version of any trap de-
13 scribed in clauses (i) through (iii); and

14 “(C) does not include any—

15 “(i) cage or box trap; or

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

17 “(2) INVASIVE SPECIES.—The term ‘invasive
18 species’ means, with regard to a particular eco-
19 system, a non-native organism the introduction of
20 which causes or is likely to cause economic or envi-
21 ronmental harm, or harm to human, animal, or
22 plant health.”.

23 (b) REGULATIONS.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this section, the

1 Secretary of the Interior shall issue any regulations
2 necessary to carry out the amendments made by
3 subsection (a).

4 (2) ENFORCEABILITY.—The enforceability of
5 the amendments made by subsection (a) shall not be
6 affected by a failure of the Secretary of the Interior
7 to issue regulations under paragraph (1).

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect on the date that is 120
10 days after the date of the enactment of this section.

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