

The Dog and Cat Protection Act of 2000

[Public Law 106-476, 114 Stat. 2101, codified at 19 U.S.C. 1308]

CHAPTER 3--PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the 'Dog and Cat Protection Act of 2000'.

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress makes the following findings:

- (1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.*
- (2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.*
- (3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.*
- (4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.*
- (5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.*
- (6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.*
- (7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.*
- (8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.*
- (9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing*

products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES- The purposes of this chapter are to--

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL- Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

(a) DEFINITIONS- In this section:

*(1) CAT FUR- The term 'cat fur' means the pelt or skin of any animal of the species *Felis catus*.*

(2) INTERSTATE COMMERCE- The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

(3) CUSTOMS LAWS- The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

(4) DESIGNATED AUTHORITY- The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

*(5) DOG FUR- The term 'dog fur' means the pelt or skin of any animal of the species *Canis familiaris*.*

(6) DOG OR CAT FUR PRODUCT- The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

(7) PERSON- The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

(8) UNITED STATES- The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

(b) PROHIBITIONS-

(1) IN GENERAL- It shall be unlawful for any person to--

(A) import into, or export from, the United States any dog or cat fur product; or

(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

`(2) EXCEPTION- This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

`(c) PENALTIES AND ENFORCEMENT-

`(1) CIVIL PENALTIES-

`(A) IN GENERAL- Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than--

`(i) \$10,000 for each separate knowing and intentional violation;

`(ii) \$5,000 for each separate grossly negligent violation; or

`(iii) \$3,000 for each separate negligent violation.

`(B) DEBARMENT- The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

`(C) FACTORS IN ASSESSING PENALTIES- In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

`(D) NOTICE- No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

`(2) FORFEITURE- Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

`(3) ENFORCEMENT- The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

`(4) REGULATIONS- Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

`(5) REWARD- The designated authority shall pay a reward of not less than \$500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

`(6) AFFIRMATIVE DEFENSE- Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care--

` (A) in determining the nature of the products alleged to have resulted in such violation; and

` (B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

`(7) COORDINATION WITH OTHER LAWS- Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

`(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS- The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

`(e) REPORTS- In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

` (1) PLAN FOR ENFORCEMENT- Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

` (2) REPORT ON ENFORCEMENT EFFORTS- Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.'

(b) CONFORMING AMENDMENT- Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting '(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)' after 'shall not include such articles'.

(c) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of enactment of this Act.