

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2522

To amend the Federal Humane Methods of Livestock Slaughter Act to authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Federal Humane Methods of Livestock Slaughter Act to authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, 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       That this Act may be cited as the “Humane and Safe  
4       Commercial Transportation of Horses for Slaughter Act  
5       of 1994”.

6       SEC. 2. The Act of August 27, 1958, as amended (7  
7       U.S.C. 1901–1906) is amended by inserting as a second  
8       title the following:

1 “TITLE II—COMMERCIAL TRANSPORTATION OF  
2 HORSES FOR SLAUGHTER

3 “SEC. 201. In order to ensure that horses sold for  
4 slaughter are provided humane treatment and care it is  
5 essential to regulate the transportation, care, handling,  
6 and treatment of horses by any person engaged in the  
7 commercial transportation of horses for slaughter.

8 “SEC. 202. When used in this title—

9 “(a) the term ‘person’ means an individual,  
10 partnership, firm, company, corporation, or associa-  
11 tion;

12 “(b) the term ‘Secretary’ means the Secretary  
13 of Agriculture of the United States or his represent-  
14 ative who shall be an employee of the United States  
15 Department of Agriculture;

16 “(c) the term ‘commercial transportation’  
17 means trade, traffic, commerce and transportation  
18 among the several States, or between any State, ter-  
19 ritory, possession, or the District of Columbia, or  
20 the Commonwealth of Puerto Rico, and any place  
21 outside thereof; or between points within the same  
22 State, territories, or possession, or the District of  
23 Columbia, or the Commonwealth of Puerto Rico, but  
24 through any place outside thereof; or within any ter-  
25 ritory, possession, or the District of Columbia;

1           “(d) the terms ‘horse’, ‘horses’, and ‘equine’ in-  
2           clude all members of the family Equidae; and

3           “(e) the term ‘vehicle’ means any machine,  
4           truck, tractor, trailer, or semitrailer, or any com-  
5           bination thereof, propelled or drawn by mechanical  
6           power and used upon the highways in the commer-  
7           cial transportation of horses for slaughter.

8           “SEC. 203. (a) The Secretary shall promulgate by  
9           rule, within six months after the date of enactment of this  
10          title, standards to govern the humane commercial trans-  
11          portation of horses for slaughter. Such standards shall in-  
12          clude minimum requirements with respect to the humane  
13          handling care, treatment, and equipment necessary to en-  
14          sure the safe and humane transportation of horses for  
15          slaughter.

16          “(b) The standards to be promulgated pursuant to  
17          subsection (a) herein shall require, at a minimum, that:

18                 “(1) No horse shall be transported for more  
19                 than 24 hours without being unloaded from the vehi-  
20                 cle and allowed to rest for at least 8 consecutive  
21                 hours and given access to adequate quantities of  
22                 food and potable water.

23                 “(2) Vehicles shall provide headroom of at least  
24                 six feet, six inches from roof or beams or other  
25                 structural members overhead to floor underfoot.

1           “(3) Vehicle interiors shall be free of protru-  
2           sions and sharp edges or objects, all ramps and  
3           floors shall be covered with a nonskid surface, and  
4           shall be maintained in a sanitary condition.

5           “(4) Vehicles shall provide adequate ventilation  
6           and shelter from extremes of weather and tempera-  
7           ture for all equines; shall be of appropriate size and  
8           interior design for the number of equines being car-  
9           ried, to prevent overcrowding; shall allow for the po-  
10          sition of horses by sex and size; and shall be  
11          equipped with doors and ramps of sufficient size and  
12          location to provide for safe loading and unloading,  
13          including unloading during emergencies.

14          “(5) All horses transported for slaughter must  
15          be fit to travel. No horse shall be transported for  
16          slaughter if it is found, on pre-shipment inspection,  
17          to be in imminent danger of death; to be suffering  
18          from a broken or dislocated limb; to be unable to  
19          bear weight on all four limbs; to be blind in both  
20          eyes; or to be obviously suffering from severe illness,  
21          injury, lameness or physical debilitation that would  
22          make the animal unable to withstand the stresses of  
23          transportation.

24          “SEC. 204. (a) Any person engaging in the commer-  
25          cial transportation of a horse for slaughter shall establish

1 and maintain such records, make such reports, and pro-  
2 vide such information as the Secretary may by regulation  
3 reasonably require for the purposes of implementing or de-  
4 termining compliance with this chapter. Such records shall  
5 include, at a minimum, the names and addresses of cur-  
6 rent owners and consignors, if utilized, of the horses at  
7 the time of sale or consignment to slaughter, and the bill  
8 of sale or other documentation of sale for each horse. Such  
9 records must accompany the horse during transport to  
10 slaughter.

11       “(b) Such records shall be retained by any person en-  
12 gaging in the commercial transportation of a horse for  
13 slaughter for a reasonable period of time determined by  
14 the Secretary, and upon request of an officer or employee  
15 duly designated by the Secretary, shall be made available  
16 at all reasonable times for inspection and copying (on or  
17 off the premises) by the Secretary or his authorized rep-  
18 resentative.

19       “SEC. 205. When construing or enforcing the provi-  
20 sions of this title, the act, omission, or failure of any per-  
21 son acting for or employed by any person engaging in the  
22 commercial transportation of horses for slaughter, within  
23 the scope of his employment or office, shall be deemed the  
24 act, omission, or failure of the person engaging in the com-

1 merical transportation of horses for slaughter as well as  
2 of such person.

3       “SEC. 206. The Secretary is authorized to establish  
4 cooperative agreements and to enter into memorandums  
5 of agreement with appropriate Federal and State agencies  
6 or political subdivisions thereof, including but not limited  
7 to State departments of agriculture and State law enforce-  
8 ment agencies, as well as foreign governments, to carry  
9 out and enforce the provisions of this title.

10       “SEC. 207. (a) The Secretary shall make such inves-  
11 tigation or inspections as they deem necessary for pur-  
12 poses of enforcement of this chapter, including any regula-  
13 tion issued thereunder.

14       “(b) For the purposes of making investigations or in-  
15 spections required under subsection (a), the Secretary  
16 shall at all reasonable times have access to the place of  
17 business of any person engaged in the commercial trans-  
18 portation of horses for slaughter; to the facilities and vehi-  
19 cles used to transport the horses; and to those records re-  
20 quired to be kept pursuant to section 204. Such investiga-  
21 tions and inspections shall include at a minimum an in-  
22 spection by employees of the Secretary of all horses and  
23 vehicles carrying horses, upon their arrival at the slaugh-  
24 ter facility. The Secretary shall also conduct such inves-  
25 tigation as may be appropriate pursuant to information

1 regarding alleged violations of this title provided to him  
2 by State officials.

3 “(c) The Secretary shall promulgate such rules and  
4 regulations as he deems necessary to permit employees of  
5 the Department of Agriculture to destroy in a human  
6 manner any horse found to be suffering as a result of a  
7 failure to comply with any provision of this title or any  
8 regulation issued thereunder.

9 “SEC. 208. Any person who forcibly assaults, resists,  
10 opposes, impedes, intimidates, or interferes with any per-  
11 son while engaged in or on account of the performance  
12 of his official duties under this title shall be fined not more  
13 than \$5,000 or imprisoned not more than three years or  
14 both. Whoever, in the commission of such acts, uses a  
15 deadly or dangerous weapon shall be fined not more than  
16 \$10,000 or imprisoned not more than ten years, or both.

17 “SEC. 209. The United States district courts, the  
18 District Court of Guam, the District Court of the Virgin  
19 Islands, the highest court of Samoa, and the United States  
20 courts of the other territories, are vested with jurisdiction  
21 to specifically enforce, and to prevent and restrain viola-  
22 tions of this title, and shall have jurisdiction in all other  
23 kinds of cases arising under this title, except as provided  
24 in section 209(b) of this title.

1       “SEC. 210. (a) Any person who violates any provision  
2 of this Act, or any rule, regulation or standard promul-  
3 gated by the Secretary thereunder, shall be assessed a civil  
4 penalty by the Secretary of not more than \$2,000 for each  
5 violation. Each violation and each day under which a viola-  
6 tion continues shall constitute a separate offense. No pen-  
7 alty shall be assessed unless such person is given notice  
8 and opportunity for a hearing with respect to the alleged  
9 violation, and the order of the Secretary assessing a pen-  
10 alty shall be final and conclusive unless the affected person  
11 files an appeal from the Secretary’s order with the appro-  
12 priate United States court of appeals. Upon any failure  
13 to pay the penalty assessed by a final order under this  
14 section, the Secretary shall request the Attorney General  
15 to institute a civil action in a district court of the United  
16 States or other United States court for any district in  
17 which such person is found or resides or transacts busi-  
18 ness, to collect the penalty, and such court shall have ju-  
19 risdiction to hear and decide any such action.

20       “(b) Any person aggrieved by a final order of the Sec-  
21 retary issued pursuant to this section may, within days  
22 after entry of such an order, seek review of such order  
23 in the appropriate United States Court of Appeals and  
24 such Court shall have exclusive jurisdiction to enjoin, set

1 aside, suspend (in whole or in part) or to determine the  
2 validity of the Secretary's order.

3       “(c) Any person who knowingly violates any provision  
4 of this Act shall, on conviction thereof, be subject to im-  
5 prisonment for not more than one year or a fine of not  
6 more than \$2,000, or both. Upon conviction of a second  
7 or subsequent offense, a person shall be subject to impris-  
8 onment for not more than three years or to a fine of not  
9 more than \$5,000, or both.

10       “SEC. 211. The Secretary is authorized to promul-  
11 gate such rules, regulations, and orders as he may deem  
12 necessary in order to effectuate the purposes of this title.

13       “SEC. 212. If any provision of this title or the appli-  
14 cation of any such provision to any person or cir-  
15 cumstances shall be held invalid, the remainder of this title  
16 and the application of any such provision to persons or  
17 circumstances other than those as to which it is held in-  
18 valid shall not be affected thereby.

19       “SEC. 213. There is authorized to be appropriated  
20 to the Secretary to carry out the provision of this title  
21 such sums as are necessary for the fiscal year beginning  
22 October 1, 1994.”.

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