

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1283

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

SEPTEMBER 28 (legislative day, SEPTEMBER 25), 1995

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 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       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Safe Commercial  
5       Transportation of Horses Act of 1995”.

6       **SEC. 2. COMMERCIAL TRANSPORTATION OF HORSES FOR**  
7       **SLAUGHTER.**

8       Public Law 85–765 (7 U.S.C. 1901 et seq.) is amend-  
9       ed by adding at the end the following:

1 **“TITLE II—COMMERCIAL TRANS-**  
2 **PORTATION OF HORSES FOR**  
3 **SLAUGHTER**

4 **“SEC. 201. FINDINGS.**

5 “Congress finds that, to ensure that horses sold for  
6 slaughter are provided human treatment and care, it is  
7 essential to regulate the transportation, care, handling,  
8 and treatment of horses by any person engaged in the  
9 commercial transportation of horses for slaughter.

10 **“SEC. 202. DEFINITIONS.**

11 “In this title:

12 “(1) **COMMERCE.**—The term ‘commerce’ means  
13 trade, traffic, transportation, or other commerce—

14 “(A) between any State, territory, or pos-  
15 session of the United States, or the District of  
16 Columbia, and any place outside thereof;

17 “(B) between points within the same  
18 State, territory, or possession of the United  
19 States, or the District of Columbia, but through  
20 any place outside thereof; or

21 “(C) within any territory or possession of  
22 the United States or the District of Columbia.

23 “(2) **DEPARTMENT.**—The term ‘Department’  
24 means the United States Department of Agriculture.

1           “(3) EQUINE.—The term ‘equine’ includes any  
2 member of the Equidae family.

3           “(4) FOAL.—The term ‘foal’ means a horse  
4 that is not more than 6 months of age.

5           “(5) HORSE.—The term ‘horse’ includes any  
6 member of the Equidae family.

7           “(6) HORSE FOR SLAUGHTER.—The term  
8 ‘horse for slaughter’ means any horse that is trans-  
9 ported, or intended to be transported, to a slaughter  
10 facility or intermediate handler from a sale, auction,  
11 or intermediate handler by a person engaged in the  
12 business of transporting horses for slaughter.

13           “(7) INTERMEDIATE HANDLER.—The term ‘in-  
14 termediate handler’ means any person engaged in  
15 the business of receiving custody of horses for  
16 slaughter in connection with the transport of the  
17 horses to a slaughter facility, including a stockyard,  
18 feedlot, or assembly point.

19           “(8) PERSON.—The term ‘person’ includes any  
20 individual, partnership, firm, company, corporation,  
21 or association.

22           “(9) SECRETARY.—The term ‘Secretary’ means  
23 the Secretary of Agriculture.

24           “(10) VEHICLE.—The term ‘vehicle’ means any  
25 machine, truck, tractor, trailer, or semitrailer, or

1 any combination thereof, propelled or drawn by me-  
2 chanical power and used on a highway in the com-  
3 mercial transportation of horses for slaughter.

4 “(11) STALLION.—The term ‘stallion’ means  
5 any uncastrated male horse that is 1 year of age or  
6 older.

7 **“SEC. 203. STANDARDS FOR HUMANE COMMERCIAL TRANS-**  
8 **PORTATION OF HORSES FOR SLAUGHTER.**

9 “(a) IN GENERAL.—Not later than 180 days after  
10 the date of enactment of this title, the Secretary shall  
11 issue, by regulation, standards for the humane commercial  
12 transportation of horses for slaughter.

13 “(b) PROHIBITION.—No person shall transport in  
14 commerce, to a slaughter facility or intermediate handler,  
15 a horse for slaughter except in accordance with the stand-  
16 ards and this title.

17 “(c) MINIMUM REQUIREMENTS.—The standards  
18 shall include minimum requirements for the humane han-  
19 dling, care, treatment, and equipment necessary to ensure  
20 the safe and humane transportation of horses for slaugh-  
21 ter. The standards shall require, at a minimum, that—

22 “(1) no horse for slaughter shall be transported  
23 for more than 24 hours without being unloaded from  
24 the vehicle and allowed to rest for at least 8 con-

1       secutive hours and given access to adequate quan-  
2       tities of wholesome food and potable water;

3           “(2) a vehicle shall provide adequate headroom  
4       for a horse for slaughter with a minimum of at least  
5       6 feet, 6 inches of headroom from the roof and  
6       beams or other structural members overhead to floor  
7       underfoot, except that a vehicle transporting 6  
8       horses or less shall provide a minimum of at least  
9       6 feet of headroom from the roof and beams or other  
10      structural members overhead to floor underfoot if  
11      none of the horses are over 16 hands;

12           “(3) the interior of a vehicle shall—

13                   “(A) be free of protrusions, sharp edges,  
14                   and harmful objects;

15                   “(B) have ramps and floors that are ade-  
16                   quately covered with a nonskid nonmetallic sur-  
17                   face; and

18                   “(C) be maintained in a sanitary condition;

19           “(4) a vehicle shall—

20                   “(A) provide adequate ventilation and shel-  
21                   ter from extremes of weather and temperature  
22                   for all equine;

23                   “(B) be of appropriate size, height, and in-  
24                   terior design for the number of equine being  
25                   carried to prevent overcrowding; and

1           “(C) be equipped with doors and ramps of  
2           sufficient size and location to provide for safe  
3           loading and unloading, including unloading dur-  
4           ing emergencies;

5           “(5)(A) horses shall be positioned in the vehicle  
6           by size; and

7           “(B) stallions shall be segregated from other  
8           horses;

9           “(6)(A) all horses for slaughter must be fit to  
10          travel as determined by an accredited large animal  
11          veterinarian, who shall prepare a certificate of in-  
12          spection, prior to loading for transport, that—

13               “(i) states that the horses were inspected  
14               and satisfied the requirements of subparagraph  
15               (B);

16               “(ii) includes a clear description of each  
17               horse; and

18               “(iii) is valid for 7 days;

19          “(B) no horse shall be transported to slaughter  
20          if the horse is found to be—

21               “(i) suffering from a broken or dislocated  
22               limb;

23               “(ii) unable to bear weight on all 4 limbs;

24               “(iii) blind in both eyes; or

1           “(iv) obviously suffering from severe ill-  
2           ness, injury, lameness, or physical debilitation  
3           that would make the horse unable to withstand  
4           the stress of transportation;

5           “(C) no foal may be transported for slaughter;

6           “(D) no mare in foal that exhibits signs of im-  
7           pending partition may be transported for slaughter;  
8           and

9           “(E) no horse for slaughter shall be accepted by  
10          a slaughter facility unless the horse is accompanied  
11          by a certificate of inspection issued by an accredited  
12          large animal veterinarian, not more than 7 days be-  
13          fore the delivery, stating that the veterinarian in-  
14          spected the horse on a specified date.

15   **“SEC. 204. RECORDS.**

16          “(a) IN GENERAL.—A person engaged in the busi-  
17          ness of transporting horses for slaughter shall establish  
18          and maintain such records, make such reports, and pro-  
19          vide such information as the Secretary may, by regulation,  
20          require for the purposes of carrying out, or determining  
21          compliance with, this subtitle.

22          “(b) MINIMUM REQUIREMENTS.—The records shall  
23          include, at a minimum—

24               “(1) the veterinary certificate of inspection;

1           “(2) the names and addresses of current owners  
2           and consignors, if applicable, of the horses at the  
3           time of sale or consignment to slaughter; and

4           “(3) the bill of sale or other documentation of  
5           sale for each horse.

6           “(c) AVAILABILITY.—The records shall—

7           “(1) accompany the horses during transport to  
8           slaughter;

9           “(2) be retained by any person engaged in the  
10          business of transporting horses for slaughter for a  
11          reasonable period of time, as determined by the Sec-  
12          retary; and

13          “(3) on request of an officer or employee of the  
14          Department, be made available at all reasonable  
15          times for inspection and copying by the officer or  
16          employee.

17   **“SEC. 205. AGENTS.**

18          “(a) IN GENERAL.—For purposes of this title, the  
19          act, omission, or failure of an individual acting for or em-  
20          ployed by a person engaged in the business of transporting  
21          horses for slaughter, within the scope of the employment  
22          or office of the individual, shall be considered the act,  
23          omission, or failure of the person engaging in the commer-  
24          cial transportation of horses for slaughter as well as of  
25          the individual.



1       “(b) ASSISTANCE.—If a horse suffers a substantial  
2 injury or illness while being transported for slaughter on  
3 a vehicle, the driver of the vehicle should seek prompt as-  
4 sistance from a large animal veterinarian.

5       **“SEC. 206. COOPERATIVE AGREEMENTS.**

6       “Not later than 180 days after the date of enactment  
7 of this title, the Secretary shall, to the maximum extent  
8 practicable, establish cooperative agreements and enter  
9 into memoranda of agreement with appropriate Federal  
10 and State agencies or political subdivisions of the agencies,  
11 including State departments of agriculture, State law en-  
12 forcement agencies, and foreign governments, to carry out  
13 and enforce this title.

14       **“SEC. 207. INVESTIGATIONS AND INSPECTIONS.**

15       “(a) IN GENERAL.—The Secretary shall make such  
16 investigations or inspections as the Secretary considers  
17 necessary—

18               “(1) to enforce this title (including any regula-  
19 tion issued under this title); and

20               “(2) pursuant to information regarding alleged  
21 violations of this title provided to the Secretary by  
22 a State official or any other person.

23       “(b) ACCESS.—For the purposes of conducting an in-  
24 vestigation or inspection under subsection (a), the Sec-  
25 retary shall, at all reasonable times, have access to—

1           “(1) the place of business of any person en-  
2           gaged in the business of transporting horses for  
3           slaughter;

4           “(2) the facilities and vehicles used to transport  
5           the horses; and

6           “(3) records required to be maintained under  
7           section 204.

8           “(c) MINIMUM REQUIREMENT.—An investigation or  
9           inspection shall include, at a minimum, an inspection by  
10          an employee of the Department of all horses and vehicles  
11          carrying horses, on the arrival of the horses and vehicles  
12          at the slaughter facility.

13          “(d) ASSISTANCE TO OR DESTRUCTION OF  
14          HORSES.—The Secretary shall issue such regulations as  
15          the Secretary considers necessary to permit employees or  
16          agents of the Department to—

17                 “(1) provide assistance to any horse that is cov-  
18                 ered by this title (including any regulation issued  
19                 under this title); or

20                 “(2) destroy, in a humane manner, any such  
21                 horse found to be suffering.

22          **“SEC. 208. INTERFERENCE WITH ENFORCEMENT.**

23                 “(a) IN GENERAL.—Subject to subsection (b), a per-  
24                 son who forcibly assaults, resists, opposes, impedes, in-  
25                 timidates, or interferes with any person while engaged in

1 or on account of the performance of an official duty of  
2 the person under this title shall be fined not more than  
3 \$5,000 or imprisoned not more than 3 years, or both.

4 “(b) WEAPONS.—If the person uses a deadly or dan-  
5 gerous weapon in connection with an action described in  
6 subsection (a), the person shall be fined not more than  
7 \$10,000 or imprisoned not more than 10 years, or both.

8 **“SEC. 209. JURISDICTION OF COURTS.**

9 “Except as provided in section 210(a)(5), a district  
10 court of the United States in any appropriate judicial dis-  
11 trict under section 1391 of title 28, United States Court,  
12 shall have jurisdiction to specifically enforce this title, to  
13 prevent and restrain a violation of this title, and to other-  
14 wise enforce this title.

15 **“SEC. 210. CIVIL AND CRIMINAL PENALTIES.**

16 “(a) CIVIL PENALTIES.—

17 “(1) IN GENERAL.—A person who violates this  
18 title (including a regulation or standard issued  
19 under this title) shall be assessed a civil penalty by  
20 the Secretary of not more than \$2,000 for each vio-  
21 lation.

22 “(2) SEPARATE OFFENSES.—Each horse trans-  
23 ported in violation of this title shall constitute a sep-  
24 arate offense. Each violation and each day during

1       which a violation continues shall constitute a sepa-  
2       rate offense.

3           “(3) HEARINGS.—No penalty shall be assessed  
4       under this subsection unless the person who is al-  
5       leged to have violated this title is given notice and  
6       opportunity for a hearing with respect to an alleged  
7       violation.

8           “(4) FINAL ORDER.—An order of the Secretary  
9       assessing a penalty under this subsection shall be  
10      final and conclusive unless the aggrieved person files  
11      an appeal from the order pursuant to paragraph (5).

12          “(5) APPEALS.—Not later than 30 days after  
13      entry of a final order of the Secretary issued pursu-  
14      ant to this subsection, a person aggrieved by the  
15      order may seek review of the order in the appro-  
16      priate United States Court of Appeals. The Court  
17      shall have exclusive jurisdiction to enjoin, set aside,  
18      suspend (in whole or in part), or to determine the  
19      validity of the order.

20          “(6) NONPAYMENT OF PENALTY.—On a failure  
21      to pay the penalty assessed by a final order under  
22      this section, the Secretary shall request the Attorney  
23      General to institute a civil action in a district court  
24      of the United States or other United States court  
25      for any district in which the person is found, resides,

1 or transacts business, to collect the penalty. The  
2 court shall have jurisdiction to hear and decide the  
3 action.

4 “(b) CRIMINAL PENALTIES.—

5 “(1) FIRST OFFENSE.—Subject to paragraph  
6 (2), a person who knowingly violates this title (or a  
7 regulation or standard issued under this title) shall,  
8 on conviction of the violation, be subject to imprison-  
9 ment for not more than 1 year or a fine of not more  
10 than \$2,000, or both.

11 “(2) SUBSEQUENT OFFENSES.—On conviction  
12 of a second or subsequent offense described in para-  
13 graph (1), a person shall be subject to imprisonment  
14 for not more than 3 years or to a fine of not more  
15 than \$5,000, or both.

16 **“SEC. 211. PAYMENTS FOR TEMPORARY OR MEDICAL AS-**  
17 **SISTANCE FOR HORSES DUE TO VIOLATIONS.**

18 “From sums received as penalties, fines, or forfeit-  
19 ures of property for any violation of this title (including  
20 a regulation issued under this title), the Secretary shall  
21 pay the reasonable and necessary costs incurred by any  
22 person in providing temporary care or medical assistance  
23 for any horse that needs the care or assistance due to a  
24 violation of this title.

1 **“SEC. 212. RELATIONSHIP TO STATE LAW.**

2 “Nothing in this title prevents a State from enacting  
3 or enforcing any law (including a regulation) that is not  
4 inconsistent with this title or that is more restrictive than  
5 this title.

6 **“SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

7 “There is authorized to be appropriated for each fis-  
8 cal year such sums as are necessary to carry out this  
9 title.”.

10 **SEC. 3. CONFORMING AMENDMENTS.**

11 (a) The first section of Public Law 85–765 (7 U.S.C.  
12 1901) is amended by striking “That the Congress” and  
13 inserting the following:

14 **“SEC. 1. SHORT TITLE.**

15 This Act may be cited as the ‘Federal Humane Meth-  
16 ods of Livestock Slaughter Act’.

17 **“TITLE I—HUMANE METHODS OF**  
18 **LIVESTOCK SLAUGHTER**

19 **“SEC. 101. FINDINGS AND DECLARATION OF POLICY.**

20 “Congress”.

21 (b) Section 2 of the Federal Humane Methods of  
22 Livestock Slaughter Act (7 U.S.C. 1902) is amended by  
23 striking “SEC. 2. No” and inserting the following:

24 **“SEC. 102. HUMANE METHODS.**

25 “No”.

1 (c) Section 4 of the Act (7 U.S.C. 1904) is amended  
2 by striking “SEC. 4. In” and inserting the following:

3 **“SEC. 103. METHODS RESEARCH.**

4 “In”.

5 (d) Section 6 of the Act (7 U.S.C. 1906) is amended  
6 by striking “SEC. 6. Nothing” and inserting the following:

7 **“SEC. 104. EXEMPTION OF RITUAL SLAUGHTER.**

8 “Nothing”.

9 **SEC. 4. EFFECTIVE DATE.**

10 (a) IN GENERAL.—This Act and the amendments  
11 made by this Act shall become effective 180 days after  
12 the date of enactment of this Act.

13 (b) REGULATIONS.—As soon as practicable, but not  
14 later than 180 days after the date of enactment of this  
15 Act, the Secretary of Agriculture shall issue such regula-  
16 tions as the Secretary determines are necessary to imple-  
17 ment this Act and the amendments made by this Act.

18 (c) COMPLIANCE.—A person shall be required to  
19 comply with—

20 (1) sections 203 and 204 of the Federal Hu-  
21 mane Methods of Livestock Slaughter Act (as added  
22 by section 2) beginning on the date that is 180 days  
23 after the date of enactment of this Act; and

1           (2) other sections of title II of the Act begin-  
2           ning on the date that is 90 days after the Secretary  
3           issues final regulations under subsection (b).

