105TH CONGRESS 1ST SESSION H.R.453

To amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

Mr. ACKERMAN (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. DEL-LUMS, Mr. FARR of California, Mr. FRANKS of New Jersey, Mr. KLECZ-KA, Mr. LANTOS, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. SCHUMER, Mr. SHAYS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

- To amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, 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 "Downed Animal Pro-5 tection Act".

1	SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING
2	NONAMBULATORY LIVESTOCK.
3	(a) UNLAWFUL PRACTICES.—Title III of the Packers
4	and Stockyards Act, 1921, is amended by inserting after
5	section 317 (7 U.S.C. 217a) the following new section:
6	"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING
7	NONAMBULATORY LIVESTOCK.
8	"(a) DEFINITIONS.—As used in this section:
9	"(1) The term 'humanely euthanized' means to
10	kill an animal by mechanical, chemical, or other
11	means that immediately render the animal uncon-
12	scious, with this state remaining until the animal's
13	death.
14	"(2) The term 'nonambulatory livestock' means
15	any livestock that is unable to stand and walk unas-
16	sisted.
17	"(b) UNLAWFUL PRACTICES.—It shall be unlawful
18	for any stockyard owner, market agency, or dealer to buy,
19	sell, give, receive, transfer, market, hold, or drag any non-
20	ambulatory livestock unless the nonambulatory livestock
21	has been humanely euthanized.
22	"(c) CIVIL PENALTY.—The Secretary shall assess a
23	civil penalty of not more than \$2,500 against any stock-
24	yard owner, market agency, or dealer that violates this
25	section or any regulation or order of the Secretary under
26	this section. A penalty under this subsection shall be as-

sessed by the Secretary on the record after an opportunity
 for a hearing. Each day on which a violation occurs and
 each instance of prohibited action against nonambulatory
 livestock shall be considered a separate violation.

5 "(d) CRIMINAL VIOLATIONS.—Any stockyard owner,
6 market agency, or dealer that knowingly violates this sec7 tion or any regulation or order of the Secretary under this
8 section shall be fined under title 18, United States Code,
9 or imprisoned for not more than one year, or both, for
10 each violation.".

(b) EFFECTIVE DATE; RULES.—Section 318 of the
Packers and Stockyards Act, 1921, as added by subsection
(a), shall take effect at the end of the one-year period beginning on the date of the enactment of this Act. By the
end of such period, the Secretary shall issue rules to implement such section.

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