

107TH CONGRESS  
1ST SESSION

# H. R. 1421

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. ACKERMAN (for himself, Mr. ALLEN, Ms. BALDWIN, Mr. BASS, Mr. BERMAN, Mr. BLUMENAUER, Mr. BORSKI, Mr. CLYBURN, Mr. CONYERS, Mr. CROWLEY, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FOLEY, Mr. FRANK, Mr. FRELINGHUYSEN, Mr. GILMAN, Mr. GOSS, Mr. HINCHEY, Mr. HOLT, Mr. HORN, Mr. INSLEE, Mrs. KELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. PHELPS, Ms. RIVERS, Mrs. ROUKEMA, Mr. SABO, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WEINER, Ms. WOOLSEY, Mrs. MALONEY of New York, Ms. MCKINNEY, Mrs. MORELLA, Mr. STARK, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. WEXLER, Mr. SHAYS, Mrs. TAUSCHER, Mr. ABERCROMBIE, Ms. SLAUGHTER, Ms. KILPATRICK, Mr. GALLEGLY, Ms. CARSON of Indiana, Mr. BARCIA, Ms. SCHAKOWSKY, Mr. DEFazio, Mr. ANDREWS, Ms. DELAURO, Mr. RUSH, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. BONIOR, Mr. HYDE, Ms. ROYBAL-ALLARD, and Mrs. CLAYTON) introduced the following bill; which was referred to the Committee on Agriculture

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## 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”.

6 **SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING**  
 7 **NONAMBULATORY LIVESTOCK.**

8       (a) UNLAWFUL PRACTICES.—Title III of the Packers  
 9 and Stockyards Act, 1921, is amended by inserting after  
 10 section 317 (7 U.S.C. 217a) the following new section:

11 **“SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING**  
 12 **NONAMBULATORY LIVESTOCK.**

13       “(a) DEFINITIONS.—In this section:

14               “(1) The term ‘humanely euthanized’ means to  
 15 kill an animal by mechanical, chemical, or other  
 16 means that immediately render the animal uncon-  
 17 scious, with this state remaining until the animal’s  
 18 death.

19               “(2) The term ‘nonambulatory livestock’ means  
 20 any livestock that is unable to stand and walk unas-  
 21 sisted.

22       “(b) UNLAWFUL PRACTICES.—It shall be unlawful  
 23 for any stockyard owner, market agency, or dealer to buy,

1 sell, give, receive, transfer, market, hold, or drag any non-  
2 ambulatory livestock unless the nonambulatory livestock  
3 has been humanely euthanized.

4 “(c) CIVIL PENALTY.—The Secretary shall assess a  
5 civil penalty of not more than \$2,500 against any stock-  
6 yard owner, market agency, or dealer that violates this  
7 section or any regulation or order of the Secretary under  
8 this section. A penalty under this subsection shall be as-  
9 sessed by the Secretary on the record after an opportunity  
10 for a hearing. Each day on which a violation occurs and  
11 each instance of prohibited action against nonambulatory  
12 livestock shall be considered a separate violation.

13 “(d) CRIMINAL VIOLATIONS.—Any stockyard owner,  
14 market agency, or dealer that knowingly violates this sec-  
15 tion or any regulation or order of the Secretary under this  
16 section shall be fined under title 18, United States Code,  
17 imprisoned for not more than one year, or both, for each  
18 violation.”.

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

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