

107TH CONGRESS
2D SESSION

H. R. 3781

To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2002

Mrs. MORELLA (for herself, Mr. GILMAN, Mr. JONES of North Carolina, Mr. HORN, Mr. PALLONE, Mr. HINCHEY, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, 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 “American Horse
5 Slaughter Prevention Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Horses have played a significant role in the
4 history and culture of the United States.

5 (2) Horses in the United States are not raised
6 for food or fiber.

7 (3) Approximately 50,000 horses from the
8 United States are slaughtered for human consump-
9 tion annually at three United States-based, foreign-
10 owned slaughterhouses. Thousands of live horses are
11 exported across United States borders annually for
12 slaughter and consumption.

13 (4) Many horses shipped to slaughter are
14 young, healthy animals. Others are in poor body
15 condition and may be suffering broken limbs and
16 other serious ailments. Many are shipped on double-
17 deck trucks designed for shorter-necked species,
18 such as pigs, cattle, and sheep, and are forced to
19 travel in a bent position. Many suffer horribly dur-
20 ing the long journey to the slaughterhouse. Horses
21 that collapse due to injury or illness during the long
22 journey may be trampled. Mares at risk of foaling,
23 sick, emaciated, very young, or badly injured ani-
24 mals may not survive transport.

25 (5) Poor conditions and callous treatment in
26 slaughterhouses for horses often result in prolonged

1 suffering. Due to improper stunning methods, horses
2 often endure repeated blows to the head with stun-
3 ning equipment that often does not render the ani-
4 mals unconscious. Some animals proceed still con-
5 scious through the remaining stages of slaughter, in-
6 cluding throat slitting.

7 (6) The slaughtering of horses for human con-
8 sumption outside of the United States is a commer-
9 cial activity that generally occurs in, and affects,
10 both interstate and international commerce. While
11 horses are slaughtered for human consumption pri-
12 marily outside the United States, a ban on slaugh-
13 tering horses for human consumption either inside
14 or outside the United States is necessary to ensure
15 effective enforcement of the ban on slaughtering
16 horses for human consumption outside of the United
17 States.

18 (7) The imposition of a ban on the sale of
19 horseflesh for human consumption, regardless of its
20 source, is consistent with the international obliga-
21 tions of the United States because it applies equally
22 to domestic and foreign producers and avoids any
23 discrimination among foreign sources of competing
24 products. Such a ban is also consistent with provi-
25 sions of international agreements to which the

1 United States is a party that expressly allow for
2 measures designed to protect the health and welfare
3 of animals and to enjoin the use of deceptive trade
4 practices in international or domestic commerce.

5 **SEC. 3. PURPOSE.**

6 The purpose of this Act is to ensure that horses in
7 the United States are not slaughtered for human con-
8 sumption by prohibiting—

9 (1) the slaughter of horses for human consump-
10 tion; and

11 (2) the trade in horseflesh for human consump-
12 tion or live horses destined for slaughter for human
13 consumption.

14 **SEC. 4. DEFINITIONS.**

15 For the purposes of this Act, the following definitions
16 apply:

17 (1) **EUTHANASIA.**—The term “euthanasia”
18 means to kill an animal humanely by chemical or
19 other means, excluding electrocution, that imme-
20 diately renders the animal unconscious, with this
21 state remaining until the animal’s swift death.

22 (2) **EXPORT.**—The term “export” means to
23 take from any place subject to the jurisdiction of the
24 United States to a place not subject to such jurisdic-
25 tion, whether or not the taking constitutes an expor-

1 tation within the meaning of the customs laws of the
2 United States.

3 (3) HORSE.—The term “horse” means all mem-
4 bers of the equid family, including horses, ponies,
5 donkeys, mules, asses, and burros.

6 (4) HORSEFLESH.—The term “horseflesh”
7 means the flesh of a dead horse, including the ani-
8 mal’s viscera, skin, hair, hide, hooves, and bones.

9 (5) HUMAN CONSUMPTION.—The term “human
10 consumption” means ingestion by people as a source
11 of food.

12 (6) IMPORT.—The term “import” means to
13 bring into any place subject to the jurisdiction of the
14 United States from a place not subject to such juris-
15 diction, whether or not the bringing constitutes an
16 importation within the meaning of the customs laws
17 of the United States.

18 (7) PERSON.—The term “person” means—

19 (A) an individual, corporation, partnership,
20 trust, association, or other private entity;

21 (B) an officer, employee, agent, depart-
22 ment, or instrumentality of—

23 (i) the Federal Government; or

24 (ii) any State, municipality, or polit-
25 ical subdivision of State; or

1 (C) any other entity subject to the jurisdic-
2 tion of the United States.

3 (8) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (9) SLAUGHTER.—The term “slaughter” means
6 the commercial slaughter of a horse.

7 (10) STATE.—The term “State” means the sev-
8 eral States, the District of Columbia, the Common-
9 wealth of Puerto Rico, the Virgin Islands, Guam, the
10 Commonwealth of the Northern Mariana Islands,
11 American Samoa, and any other territory, or posses-
12 sion of the United States.

13 (11) TRANSPORT.—The term “transport”
14 means to move by any means, or to receive or load
15 onto a vehicle for the purpose of movement.

16 (12) UNITED STATES.—The term “United
17 States” means the customs territory of the United
18 States, as defined in general note 2 of the Har-
19 monized Tariff Schedule of the United States.

20 **SEC. 5. PROHIBITED ACTS.**

21 (a) IN GENERAL.—A person shall not—

22 (1) slaughter a horse for human consumption;

23 (2) import into, or export from, the United
24 States horseflesh for human consumption or live

1 horses intended for slaughter for human consump-
2 tion;

3 (3) sell or barter, offer to sell or barter, pur-
4 chase, possess, transport, deliver, or receive horse-
5 flesh for human consumption or live horses intended
6 for slaughter for human consumption; or

7 (4) solicit, request, or otherwise knowingly
8 cause any act prohibited under paragraph (1), (2),
9 or (3).

10 **SEC. 6. PENALTIES AND ENFORCEMENT.**

11 (a) CRIMINAL PENALTIES.—A person who violates
12 section 5 shall be fined under title 18, United States Code,
13 imprisoned for not more than 1 year, or both.

14 (b) CIVIL PENALTIES.—

15 (1) IN GENERAL.—Any person who violates any
16 provision of section 5 shall, in addition to any other
17 civil or criminal penalty that may be imposed under
18 title 18, United States Code, or any other provision
19 of law, be assessed, by the Secretary, a civil penalty
20 of not more than \$5,000 but not less than \$2,500,
21 and shall have confiscated all horses in that person's
22 physical or legal possession at the time of arrest, if
23 said horses are intended for slaughter.

24 (2) DEBARMENT.—The Secretary shall prohibit
25 a person from importing, exporting, transporting,

1 trading, or selling horses in the United States, if the
2 Secretary finds that the person has engaged in a
3 pattern or practice of actions that has resulted in a
4 final administrative determination with respect to
5 the assessment of criminal or civil penalties for vio-
6 lations of any provision of this Act.

7 (c) NOTICE; HEARING.—No monetary penalty may
8 be assessed under this subsection against a person unless
9 the person is given notice and opportunity for a hearing
10 with respect to such violation in accordance with section
11 554 of title 5, United States Code.

12 (d) ENFORCEMENT.—

13 (1) IN GENERAL.—The provisions of this Act
14 shall be enforced by the Secretary. When imposing
15 penalties under this section, the Secretary shall take
16 into account the seriousness of the violation, the cul-
17 pability of the violator, and the violator's record of
18 cooperating with the Government in disclosing the
19 violation.

20 (2) PLACEMENT OF CONFISCATED HORSES.—

21 (A) TEMPORARY PLACEMENT.—After con-
22 fiscation of a live horse pursuant to this Act,
23 the arresting authorities shall work with animal
24 welfare societies and animal control depart-
25 ments to ensure the temporary placement of the

1 horse with an animal rescue facility that is an
2 organization described in section 501(c)(3) of
3 the Internal Revenue Code of 1986 and is ex-
4 empt from taxation under section 501(a) of
5 such Code, while the person charged with vio-
6 lating this Act is prosecuted. If placement at
7 such a facility is not possible, the arresting au-
8 thorities shall work with animal welfare soci-
9 eties and animal control departments to tempo-
10 rarily place the horse with a facility that has as
11 its primary purpose the humane treatment of
12 animals, or another suitable location.

13 (B) BONDS.—

14 (i) POSTING OF BOND.—The owner of
15 a horse confiscated pursuant to this Act
16 may prevent permanent placement of the
17 horse by the facility that has temporary
18 custody of the horse by posting a bond
19 with the court in an amount the court de-
20 termines is sufficient to provide for the
21 necessary care and keeping of the horse for
22 at least 60 days, including the day on
23 which the horse was taken into custody.
24 Such bond shall be filed with the court
25 within 10 days after the horse is con-

1 fiscated. If a bond is not so posted, the
2 custodial facility shall determine perma-
3 nent placement of the horse in accordance
4 with reasonable practices for the humane
5 treatment of animals. If the animal has
6 not yet been returned to the owner at the
7 end of the time for which expenses are cov-
8 ered by the bond, and if the owner desires
9 to prevent permanent placement of the ani-
10 mal by the custodial facility, the owner
11 shall post a new bond with the court within
12 ten days following the prior bond's expira-
13 tion. If a new bond is not so posted, the
14 custodial facility shall determine perma-
15 nent placement of the horse in accordance
16 with reasonable practices for the humane
17 treatment of animals.

18 (ii) COSTS FOR PROVIDING CARE FOR
19 HORSE DEDUCTED FROM BOND.—If a
20 bond has been posted in accordance with
21 clause (i), the custodial facility may draw
22 from the bond the actual reasonable costs
23 incurred by the facility in providing the
24 necessary care and keeping of the con-
25 fiscated horse from the date of the initial

1 confiscation to the date of final disposition
2 of the horse in the criminal action charg-
3 ing a violation of this Act.

4 (C) PERMANENT PLACEMENT.—Any horse
5 confiscated pursuant to this Act and not re-
6 turned to the owner thereafter (except where
7 otherwise provided in paragraph (3)) shall be
8 placed permanently with an animal rescue facil-
9 ity or other suitable facility as described in this
10 section upon—

11 (i) the conviction of the horse’s owner
12 pursuant to this Act;

13 (ii) the owner’s surrender of the
14 horse;

15 (iii) the failure of the horse’s owner to
16 post a bond as required in accordance with
17 subparagraph (B); or

18 (iv) the Secretary’s inability to iden-
19 tify the owner.

20 (3) EUTHANASIA OF HORSES.—

21 (A) HORSES PAST RECOVERY.—The Sec-
22 retary or any individual charged with enforcing
23 this Act shall order or perform the immediate
24 euthanasia of any confiscated horse when such
25 horse is injured, disabled, or diseased past re-

1 covery. Methods used shall be in accordance
2 with the most recent Report of the American
3 Veterinary Medical Association's Panel on Eu-
4 thanasia and State and local laws, but shall not
5 include electrocution.

6 (B) UNPLACEABLE HORSES.—The Sec-
7 retary or any individual charged with enforcing
8 this Act may order or perform the euthanasia
9 of any confiscated horse when placement at an
10 animal rescue facility or other suitable facility,
11 as described in this section, is not possible with-
12 in 30 days of any circumstance as described in
13 Section 6(d)(2)(C).

14 (e) FUNDING OF ANIMAL RESCUE FACILITIES.—

15 (1) GRANTS.—To the extent that funds are
16 made available for this purpose by Acts of appro-
17 priation, the Secretary shall make grants to animal
18 rescue facilities described in this section that have
19 given adequate assurances to the Secretary that they
20 are willing to accept horses confiscated pursuant to
21 this Act.

22 (2) PENALTIES, FINES, AND FORFEITED PROP-
23 ERTY.—Amounts received as penalties, fines, or for-
24 feited property under this Act shall be used for the
25 care of any live horses seized from violators of this

1 Act and taken into the possession of the United
2 States or placed with an animal rescue facility as de-
3 scribed in this section.

4 (f) CALCULATION OF VIOLATIONS.—For purposes of
5 this section, a separate offense shall be calculated as fol-
6 lows:

7 (1) Each live horse transported, traded, or pos-
8 sessed in violation of this Act shall constitute a sepa-
9 rate offense.

10 (2) Five hundred pounds of confiscated horse-
11 flesh shall constitute a separate offense.

12 **SEC. 7. REPORT ON ENFORCEMENT EFFORTS.**

13 Not later than 2 years after the date of the enact-
14 ment of this Act, and on an annual basis thereafter, the
15 Secretary shall submit a report to Congress on the efforts
16 of the United States Government to enforce the provisions
17 of this Act and the adequacy of the resources to do so.

18 **SEC. 8. EXEMPTIONS.**

19 (a) IN GENERAL.—Except as provided in section 5,
20 nothing in this Act shall be construed to affect the regula-
21 tion by any State of its horse population.

22 (b) EXCEPTION FOR DESIGNATED LAW ENFORCE-
23 MENT OFFICIAL PURPOSES.—A person described in sec-
24 tion 4(7)(B) may engage in activities described in para-

1 graphs (2), (3), and (4) of section 5 solely for purposes
2 of enforcing this Act.

3 **SEC. 9. DATE OF ENFORCEMENT.**

4 This Act shall take effect one year after the date of
5 the enactment of this Act.

