

108TH CONGRESS  
1ST SESSION

# H. R. 857

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. SWEENEY (for himself, Mr. SPRATT, Mr. SHAYS, Mr. FORD, Mr. SMITH of New Jersey, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ISAKSON, Mr. VITTER, Mr. CALVERT, Mr. GALLEGLY, and Mr. GREENWOOD) 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “The American Horse  
3 Slaughter Prevention Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

10 (3) As a non-food and recreational animal,  
11 horses should be protected from slaughter.

12 (4) The foreign-owned horse slaughter industry  
13 has slaughtered and exported for human consump-  
14 tion over 3 million American horses in the last 2  
15 decades.

16 (5) Approximately 55,000 American horses are  
17 slaughtered for human consumption annually in the  
18 United States by foreign-owned slaughterhouses.  
19 Tens of thousands of live horses are exported from  
20 the United States annually for slaughter.

21 (6) Horses slaughtered in these foreign-owned  
22 plants in the United States have often been hauled  
23 several thousand miles over several days, contrary to  
24 acceptable non-slaughter standards for water, food,  
25 and rest.

1           (7) Many horses shipped to slaughter are  
2 young, healthy animals. Others are old, sick, blind,  
3 crippled and in otherwise poor condition and are  
4 unfit to withstand the rigors of long travel. Horses  
5 sent to be slaughtered are often shipped on crowded  
6 double deck trucks designed for shorter necked spe-  
7 cies such as pigs, cattle and sheep, and are forced  
8 to travel in a bent position which can result in suf-  
9 fering, injury and death.

10           (8) Killing of horses by foreign-owned slaugh-  
11 terhouses in the United States contrasts with the  
12 preferable method of killing by chemical euthanasia.

13           (9) Horses endure repeated blows to the head  
14 with stunning equipment that often does not render  
15 the animals unconscious. Some horses proceed still  
16 conscious through the remaining stages of slaughter  
17 being bled out and dismembered.

18           (10) Because horses in America are not food  
19 animals, veterinarians commonly prescribe and treat  
20 horses with potent drugs that may reside in the  
21 horseflesh and be dangerous when consumed by hu-  
22 mans.

23           (11) Because of the lack of disclosure on the  
24 part of the agents and dealers for the slaughter  
25 plants people's horses are many times acquired and

1       slaughtered through fraud and misrepresentation.  
2       Slaughter also provides a quick and evidence-free  
3       outlet for stolen horses.

4               (12) The imposition of a ban on the sale of  
5       horseflesh for human consumption, regardless of its  
6       source, is consistent with the international obliga-  
7       tions of the United States because it applies equally  
8       to domestic and foreign producers and avoids any  
9       discrimination among foreign sources of competing  
10       products. Such a ban is also consistent with provi-  
11       sions of international agreements to which the  
12       United States is a party that expressly allow for  
13       measures designed to protect the health and welfare  
14       of animals and to enjoin the use of deceptive trade  
15       practices in international or domestic commerce.

16 **SEC. 3. PURPOSE.**

17       The purpose of this Act is —

18               (1) to prohibit the slaughter of horses for  
19       human consumption;

20               (2) to prohibit the sale, possession, and trade of  
21       horseflesh for human consumption;

22               (3) to prohibit the sale, possession, and trade of  
23       live horses for slaughter for human consumption.

1 **SEC. 4. DEFINITIONS.**

2 For the purposes of this Act, the following definitions  
3 apply:

4 (1) **EUTHANASIA.**—The term “euthanasia”  
5 means to kill an animal humanely by means that im-  
6 mediately renders the animal unconscious, with this  
7 state remaining until the animal’s swift death.

8 (2) **EXPORT.**—The term “export” means to  
9 take from any place subject to the jurisdiction of the  
10 United States to a place not subject to such jurisdic-  
11 tion, whether or not the taking constitutes an expor-  
12 tation within the meaning of the customs laws of the  
13 United States.

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

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

20 (5) **HUMAN CONSUMPTION.**—The term “human  
21 consumption” means ingestion by people as a source  
22 of food.

23 (6) **IMPORT.**—The term “import” means to  
24 bring into any place subject to the jurisdiction of the  
25 United States from a place not subject to such jurisdic-  
26 tion, whether or not the bringing constitutes an

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

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

4 (A) an individual, corporation, partnership,  
5 trust, association, or other private entity;

6 (B) an officer, employee, agent, depart-  
7 ment, or instrumentality of—

8 (i) the Federal Government; or

9 (ii) any State, municipality, or polit-  
10 ical subdivision of State; or

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

13 (8) SECRETARY.—The term “Secretary” means  
14 the Secretary of Agriculture.

15 (9) SLAUGHTER.—The term “slaughter” means  
16 the commercial slaughter of one or more horses with  
17 the intent to sell, barter, or trade the flesh for  
18 human consumption.

19 (10) STATE.—The term “State” means the sev-  
20 eral States, the District of Columbia, the Common-  
21 wealth of Puerto Rico, the Virgin Islands, Guam, the  
22 Commonwealth of the Northern Mariana Islands,  
23 American Samoa, and any other territory, or posses-  
24 sion of the United States.

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

4           (12) UNITED STATES.—The term “United  
5 States” means the customs territory of the United  
6 States, as defined in general note 2 of the Har-  
7 monized Tariff Schedule of the United States.

8 **SEC. 5. PROHIBITED ACTS.**

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

10           (1) slaughter a horse for human consumption;

11           (2) import into, or export from, the United  
12 States horseflesh for human consumption or live  
13 horses intended for slaughter for human consump-  
14 tion;

15           (3) sell or barter, offer to sell or barter, pur-  
16 chase, possess, transport, deliver, or receive horse-  
17 flesh for human consumption or live horses intended  
18 for slaughter for human consumption; or

19           (4) solicit, request, or otherwise knowingly  
20 cause any act prohibited under paragraph (1), (2),  
21 or (3).

22 **SEC. 6. PENALTIES AND ENFORCEMENT.**

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

1 (b) CIVIL PENALTIES.—

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

11 (2) DEBARMENT.—The Secretary shall prohibit  
12 a person from importing, exporting, transporting,  
13 trading, or selling horses in the United States, if the  
14 Secretary finds that the person has engaged in a  
15 pattern or practice of actions that has resulted in a  
16 final judicial or administrative determination with  
17 respect to the assessment of criminal or civil pen-  
18 alties for violations of any provision of this Act

19 (c) NOTICE; HEARING.—No monetary penalty may  
20 be assessed under this subsection against a person unless  
21 the person is given notice and opportunity for a hearing  
22 with respect to such violation in accordance with section  
23 554 of title 5, United States Code.

24 (d) ENFORCEMENT.—



1           (1) USE OF PERSONNEL.—The Secretary shall  
2           enforce this Act, and may use, by agreement, the  
3           personnel, services, and facilities of any other Fed-  
4           eral, State, or local agency for the purposes of en-  
5           forcing this Act. For good cause shown, the Sec-  
6           retary may remit or mitigate any civil penalty.

7           (2) EXECUTION OF PROCESS; ARREST; SEARCH;  
8           SEIZURE.—Any person authorized by the Secretary  
9           to enforce this Act may execute any warrant or proc-  
10          ess issued by any officer or court of competent juris-  
11          diction to enforce this Act. Such a person so author-  
12          ized may, in addition to any other authority con-  
13          ferred by law—

14                (A) with or without warrant or other proc-  
15                ess, arrest any person committing in his pres-  
16                ence or view a violation of this Act or the regu-  
17                lations issued thereunder;

18                (B) seize the cargo of any truck or other  
19                conveyance used or employed to violate this Act  
20                or the regulations issued hereunder or which  
21                reasonably appears to have been so used or em-  
22                ployed; and

23                (C) seize, whenever and wherever found, all  
24                horses and horseflesh possessed in violation of  
25                this Act or the regulations issued thereunder

1 and dispose of them, in accordance with this  
2 section and regulations prescribed by the Sec-  
3 retary.

4 (3) PLACEMENT OF CONFISCATED HORSES.—

5 (A) TEMPORARY PLACEMENT.—After con-  
6 fiscation of a live horse pursuant to this Act,  
7 the arresting authorities shall work with animal  
8 welfare societies and animal control depart-  
9 ments to ensure the temporary placement of the  
10 horse with an animal rescue facility that is an  
11 organization described in section 501(c)(3) of  
12 the Internal Revenue Code of 1986 and is ex-  
13 empt from taxation under section 501(a) of  
14 such Code, while the person charged with vio-  
15 lating this Act is prosecuted. If placement at  
16 such a facility is not possible, the arresting au-  
17 thorities shall work with animal welfare soci-  
18 eties and animal control departments to tempo-  
19 rarily place the horse with a facility that has as  
20 its primary purpose the humane treatment of  
21 animals, or another suitable location.

22 (B) BONDS.—

23 (i) POSTING OF BOND.—The owner of  
24 a horse confiscated pursuant to this Act  
25 may prevent permanent placement of the

1 horse by the facility that has temporary  
2 custody of the horse by posting a bond  
3 with the court in an amount the court de-  
4 termines is sufficient to provide for the  
5 necessary care and keeping of the horse for  
6 at least 60 days, including the day on  
7 which the horse was taken into custody.  
8 Such bond shall be filed with the court  
9 within 10 days after the horse is con-  
10 fiscated. If a bond is not so posted, the  
11 custodial facility shall determine perma-  
12 nent placement of the horse in accordance  
13 with reasonable practices for the humane  
14 treatment of animals. If the animal has  
15 not yet been returned to the owner at the  
16 end of the time for which expenses are cov-  
17 ered by the bond, and if the owner desires  
18 to prevent permanent placement of the ani-  
19 mal by the custodial facility, the owner  
20 shall post a new bond with the court within  
21 ten days following the prior bond's expira-  
22 tion. If a new bond is not so posted, the  
23 custodial facility shall determine perma-  
24 nent placement of the horse in accordance

1 with reasonable practices for the humane  
2 treatment of animals.

3 (ii) COSTS FOR PROVIDING CARE FOR  
4 HORSE DEDUCTED FROM BOND.—If a  
5 bond has been posted in accordance with  
6 clause (i), the custodial facility may draw  
7 from the bond the actual reasonable costs  
8 incurred by the facility in providing the  
9 necessary care and keeping of the con-  
10 fiscated horse from the date of the initial  
11 confiscation to the date of final disposition  
12 of the horse in the criminal action charg-  
13 ing a violation of this Act.

14 (C) PERMANENT PLACEMENT.—Any horse  
15 confiscated pursuant to this Act and not re-  
16 turned to the owner thereafter (except where  
17 otherwise provided in paragraph (4)) shall be  
18 placed permanently with an animal rescue facil-  
19 ity or other suitable facility as described in this  
20 section upon—

21 (i) the conviction of the horse's owner  
22 pursuant to this Act;

23 (ii) the owner's surrender of the  
24 horse;

1 (iii) the failure of the horse's owner to  
2 post a bond as required in accordance with  
3 subparagraph (B); or

4 (iv) the Secretary's inability to iden-  
5 tify the owner.

6 (4) EUTHANASIA OF HORSES.—

7 (A) EMERGENCY CIRCUMSTANCES.—The  
8 Secretary or any law enforcement individual  
9 charged with enforcing this Act may order or  
10 perform the immediate euthanasia of any horse  
11 in the field when such horse is injured beyond  
12 recovery and suffering irreversibly. Methods  
13 used shall be in accordance with the most re-  
14 cent Report of the American Veterinary Medical  
15 Association's Panel on Euthanasia (2000) and  
16 State and local laws and may include gunshot,  
17 but shall not include electrocution or pene-  
18 trating captive bolt.

19 (B) HORSES BEYOND RECOVERY AND  
20 UNPLACEABLE.—The Secretary or any indi-  
21 vidual charged with enforcing this Act may  
22 order the euthanasia of any confiscated horse  
23 when injured, disabled, or diseased beyond re-  
24 covery or when placement at an animal rescue  
25 facility or other suitable facility, as described in

1 this section, is not possible within 90 days of  
2 any circumstance as described in section  
3 6(d)(3)(C). An equine or large-animal veteri-  
4 narian shall perform the euthanasia rated “Ac-  
5 ceptable” for horses in the most recent Report  
6 of the American Veterinary Medical Associa-  
7 tion’s Panel on Euthanasia (2000), but shall  
8 not include penetrating captive bolt, electrocu-  
9 tion, gunshot, or other non-chemical means.

10 (e) FUNDING OF ANIMAL RESCUE FACILITIES.—

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

18 (2) PENALTIES, FINES, AND FORFEITED PROP-  
19 erty.—Amounts received as penalties, fines, or for-  
20 feited property under this Act shall be used for the  
21 care of any live horses seized from violators of this  
22 Act and taken into the possession of the United  
23 States or placed with an animal rescue facility as de-  
24 scribed in this section.

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

4 (1) Each live horse transported, traded, slaugh-  
5 tered, or possessed in violation of this Act shall con-  
6 stitute a separate offense.

7 (2) Every four hundred pounds or less of con-  
8 fiscated horseflesh shall constitute a separate of-  
9 fense.

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

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

16 **SEC. 8. EXEMPTIONS.**

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

20 (b) EXCEPTION FOR DESIGNATED LAW ENFORCE-  
21 MENT OFFICIAL PURPOSES.—A person described in sec-  
22 tion 4(7)(B) may engage in activities described in para-  
23 graphs (2), (3), and (4) of section 5 solely for purposes  
24 of enforcing this Act.

1 **SEC. 9. DATE OF ENFORCEMENT.**

2       This Act shall take effect one year after the date of  
3 the enactment of this Act.

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