

108TH CONGRESS
1ST SESSION

S. 1298

To amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2003

Mr. AKAKA (for himself, Mr. LEAHY, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of nonambulatory livestock, 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 SLAUGHTER PRACTICES INVOLVING**
2 **NONAMBULATORY LIVESTOCK.**

3 (a) IN GENERAL.—Section 10815 of the Farm Secu-
4 rity and Rural Investment Act of 2002 (7 U.S.C. 1967)
5 is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (f);

8 (2) by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) DEFINITIONS.—In this section:

11 “(1) COVERED ENTITY.—The term ‘covered en-
12 tity’ means—

13 “(A) a stockyard;

14 “(B) a market agency;

15 “(C) a dealer;

16 “(D) a slaughter facility; and

17 “(E) an establishment.

18 “(2) ESTABLISHMENT.—The term ‘establish-
19 ment’ means an establishment that is covered by the
20 Federal Meat Inspection Act (21 U.S.C. 601 et
21 seq.).

22 “(3) HUMANELY EUTHANIZE.—The term ‘hu-
23 manely euthanize’ means to kill an animal by me-
24 chanical, chemical, or other means that immediately
25 renders the animal unconscious, with this state re-
26 maining until the death of the animal.

1 “(4) NONAMBULATORY LIVESTOCK.—The term
2 ‘nonambulatory livestock’ means any cattle, sheep,
3 swine, goats, or horses, mules, or other equines, that
4 are unable to stand and walk unassisted.

5 “(5) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of Agriculture.

7 “(b) HUMANE TREATMENT, HANDLING, AND DIS-
8 POSITION.—The Secretary shall promulgate regulations to
9 provide for the humane treatment, handling, and disposi-
10 tion of nonambulatory livestock by covered entities, includ-
11 ing a requirement that nonambulatory livestock be hu-
12 manely euthanized.

13 “(c) HUMANE EUTHANASIA.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 when an animal becomes nonambulatory, a covered
16 entity shall immediately humanely euthanize the
17 nonambulatory livestock.

18 “(2) DISEASE TESTING.—Paragraph (1) shall
19 not limit the ability of the Secretary to test non-
20 ambulatory livestock for a disease, such as Bovine
21 Spongiform Encephalopathy.

22 “(d) MOVEMENT.—

23 “(1) IN GENERAL.—A covered entity shall not
24 move nonambulatory livestock while the non-
25 ambulatory livestock are conscious.

1 “(2) UNCONSCIOUSNESS.—In the case of any
2 nonambulatory livestock that are moved, the covered
3 entity shall ensure that the nonambulatory livestock
4 remain unconscious until death.

5 “(e) INSPECTIONS.—It shall be unlawful for an es-
6 tablishment to pass through inspection any nonambulatory
7 livestock.”;

8 (3) in subsection (f) (as redesignated by para-
9 graph (1))—

10 (A) in the first sentence—

11 (i) by inserting “this section and”
12 after “enforcing”; and

13 (ii) by striking “subsection (b)” and
14 inserting “this section”; and

15 (B) in the second sentence—

16 (i) by inserting “this section or” after
17 “violates”; and

18 (ii) by striking “subsection (b)” and
19 inserting “this section”.

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made by subsection (a)
23 take effect on the date that is 1 year after the date
24 of enactment of this Act.

1 (2) REGULATIONS.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 Agriculture shall promulgate final regulations to im-
4 plement the amendments made by subsection (a).

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