

109TH CONGRESS
1ST SESSION

H. R. 3931

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2005

Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. WEXLER, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. CROWLEY, Ms. ESHOO, Ms. KAPTUR, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. ROTHMAN, Mr. MOORE of Kansas, Ms. LEE, Mr. SHERMAN, Mr. McNULTY, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. HOLT, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. KIRK, Ms. SCHAKOWSKY, Mr. STARK, Mr. HONDA, Mr. MCGOVERN, Mr. McDERMOTT, Mr. ISRAEL, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. NORTON, Mr. OWENS, Mr. KUCINICH, Mr. OLVER, Mr. PALLONE, Ms. WOOLSEY, Mr. SABO, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. UDALL of Colorado, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MEEHAN, Mr. FARR, Mrs. DAVIS of California, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. WEINER, Mr. PASCRELL, Mr. LANTOS, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. FOLEY, Mrs. MALONEY, Mr. UDALL of New Mexico, Ms. CARSON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. SHAYS, Mr. WELDON of Pennsylvania, Mrs. LOWEY, Mr. FERGUSON, Ms. BERKLEY, Mr. DEFazio, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. SANDERS, Mr. TIERNEY, Mr. WOLF, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. MARKEY, Mr. GALLEGLY, Mrs. KELLY, Mr. BERMAN, Mr. SAXTON, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory 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”.

6 **SEC. 2. FINDING AND DECLARATION OF POLICY.**

7 (a) FINDING.—Congress finds that the humane
8 euthanization of nonambulatory livestock in interstate and
9 foreign commerce—

10 (1) prevents needless suffering;

11 (2) results in safer and better working condi-
12 tions for persons handling livestock;

13 (3) brings about improvement of products and
14 reduces the likelihood of the spread of diseases that
15 have a great and deleterious impact on interstate
16 and foreign commerce in livestock; and

17 (4) produces other benefits for producers, proc-
18 essors, and consumers that tend to expedite an or-
19 derly flow of livestock and livestock products in
20 interstate foreign commerce.

1 (b) DECLARATION OF POLICY.—It is the policy of the
2 United States that all nonambulatory livestock in inter-
3 state and foreign commerce shall be immediately and hu-
4 manely euthanized when such livestock become non-
5 ambulatory.

6 **SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**
7 **NONAMBULATORY LIVESTOCK.**

8 (a) IN GENERAL.—Public Law 85–765 (commonly
9 known as the “Humane Methods of Slaughter Act of
10 1958”) (7 U.S.C. 1901 et seq.) is amended by inserting
11 after section 2 (7 U.S.C. 1902) the following:

12 **“SEC. 3. NONAMBULATORY LIVESTOCK.**

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

14 **“(1) COVERED ENTITY.—**The term ‘covered en-
15 tity’ means—

16 **“(A)** a stockyard;

17 **“(B)** a market agency;

18 **“(C)** a dealer;

19 **“(D)** a packer;

20 **“(E)** a slaughter facility; or

21 **“(F)** an establishment.

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

1 “(3) HUMANELY EUTHANIZE.—The term ‘hu-
2 manely euthanize’ means to immediately render an
3 animal unconscious by mechanical, chemical, or
4 other means, with this state remaining until the
5 death of the animal.

6 “(4) NONAMBULATORY LIVESTOCK.—The term
7 ‘nonambulatory livestock’ means any cattle, sheep,
8 swine, goats, or horses, mules, or other equines, that
9 will not stand and walk unassisted.

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

12 “(b) HUMANE TREATMENT, HANDLING, AND DIS-
13 POSITION.—The Secretary shall promulgate regulations to
14 provide for the humane treatment, handling, and dispo-
15 sition of all nonambulatory livestock by covered entities, in-
16 cluding a requirement that nonambulatory livestock be hu-
17 manely euthanized.

18 “(c) HUMANE EUTHANASIA.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 when an animal becomes nonambulatory, a covered
21 entity shall immediately humanely euthanize the
22 nonambulatory livestock.

23 “(2) DISEASE TESTING.—Paragraph (1) shall
24 not limit the ability of the Secretary to test non-

1 ambulatory livestock for a disease, such as Bovine
2 Spongiform Encephalopathy.

3 “(d) MOVEMENT.—

4 “(1) IN GENERAL.—A covered entity shall not
5 move nonambulatory livestock while the non-
6 ambulatory livestock are conscious.

7 “(2) UNCONSCIOUSNESS.—In the case of any
8 nonambulatory livestock that are moved, the covered
9 entity shall ensure that the nonambulatory livestock
10 remain unconscious until death.

11 “(e) INSPECTIONS.—

12 “(1) IN GENERAL.—It shall be unlawful for an
13 inspector at an establishment to pass through in-
14 spection any nonambulatory livestock or carcass (in-
15 cluding parts of a carcass) of nonambulatory live-
16 stock.

17 “(2) LABELING.—An inspector or other em-
18 ployee of an establishment shall label, mark, stamp,
19 or tag as ‘inspected and condemned’ any material
20 described in paragraph (1).”.

21 (b) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the amendment made by subsection (a)
24 takes effect on the date that is 1 year after the date
25 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 amendment made by subsection (a).

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