110TH CONGRESS
2D SESSION

S. 2770

To amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

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

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A BILL

To amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

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 En-

5 forcement Act of 2008".

SEC. 2. SUSPENSION OF INSPECTION SERVICES RELATING TO SLAUGHTER OF NONAMBULATORY LIVESTOCK.

Section 401 of the Federal Meat Inspection Act (21 U.S.C. 671) is amended—

(a) by striking "The Secretary may" and inserting the following:

"(a) IN GENERAL.—The Secretary may"; and

(b) by adding at the end the following:

"(b) SUSPENSION OF INSPECTION SERVICES RELATING TO SLAUGHTER OF NONAMBULATORY LIVESTOCK.—

"(1) DEFINITION OF NONAMBULATORY LIVESTOCK.—In this subsection, the term 'nonambulatory livestock' means any amenable species that will not stand and walk unassisted.

"(2) PROHIBITION.—It shall be a violation of this Act for an establishment—

"(A) to slaughter any nonambulatory livestock or to prepare any carcass or part of a carcass, or meat or meat food product, from any nonambulatory livestock, for use as human food; or

"(B) to fail to comply with Public Law 85–765 (commonly known as the 'Humane Methods of Slaughter Act of 1958') (7 U.S.C. 1901 et seq.) (including regulations promul-

1 gated under that Act), for the treatment and
2 slaughter of livestock.

3 "(3) PENALTIES.—In addition to any other
4 penalties imposed under this Act or any other provi-
5 sion of law for a violation described in paragraph
6 (2), the Secretary shall, with respect to any estab-
7 lishment that commits a violation described in that
8 paragraph—

9   "(A) for the first violation, impose a civil
10   penalty based on a percentage of the gross in-
11   come of the establishment, as determined by the
12   Secretary by regulation so that the same per-
13   centage applies to all establishments, with
14   amounts collected retained by the Food and
15   Safety Inspection Service, to be available with-
16   out appropriation or fiscal year limitation;

17   "(B) for the second violation, suspend in-
18   spection service under title I for a period of 1
19   year; and

20   "(C) for the third violation, permanently
21   withdraw inspection service under title I.".

22 **SEC. 3. REGULATIONS.**

23   (a) IN GENERAL.—Not later than 60 days after the
24 date of enactment of this Act, in order to improve vol-
25 untary food recall and public notification procedures in the

1 event of a meat or poultry recall by the Secretary, the
2 Secretary shall promulgate final regulations that provide
3 for public disclosure of a comprehensive list of establish-
4 ments at which recalled meat or poultry is known to be
5 available to the public for consumption or sale.

6 (b) PROCEDURE.—The promulgation of the regula-
7 tions described in subsection (a) shall be made without
8 regard to—

9 　　(1) the notice and comment provisions of sec-
10 　　tion 553 of title 5, United States Code;

11 　　(2) the Statement of Policy of the Secretary of
12 　　Agriculture effective July 24, 1971 (36 Fed. Reg.
13 　　13804), relating to notices of proposed rulemaking
14 　　and public participation in rulemaking; and

15 　　(3) chapter 35 of title 44, United States Code
16 　　(commonly known as the ''Paperwork Reduction
17 　　Act'').

18 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
19 MAKING.—In carrying out this section, the Secretary shall
20 use the authority provided under section 808 of title 5,
21 United States Code.

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