

108TH CONGRESS  
1ST SESSION

# H. R. 2519

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mr. ACKERMAN (for himself, Mr. HOUGHTON, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DOYLE, Mr. ENGEL, Mr. ENGLISH, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GOSS, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOBSON, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. KILDEE, Ms. KILPATRICK, Mr. KIRK, Mr. KUCINICH, Mrs. KELLY, Mr. LATOURETTE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MCGOVERN, Mr. McDERMOTT, Ms. MCCOLLUM, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIBERI, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WOLF, Ms. WOOLSEY, Mr. WU, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Agriculture

# A BILL

To amend the Farm Security and Rural Investment Act of 2002 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. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**  
7 **NONAMBULATORY LIVESTOCK.**

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

11 (1) by redesignating subsection (c) as sub-  
12 section (f);

13 (2) by striking subsections (a) and (b) and in-  
14 serting the following:

15 “(a) DEFINITIONS.—In this section:

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

18 “(A) a stockyard;

19 “(B) a market agency;

20 “(C) a dealer;

21 “(D) a slaughter facility; and

1                   “(E) an establishment.

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

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

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

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

17                  “(b) HUMANE TREATMENT, HANDLING, AND DIS-  
18                  POSITION.—The Secretary shall promulgate regulations to  
19                  provide for the humane treatment, handling, and disposi-  
20                  tion of nonambulatory livestock by covered entities, includ-  
21                  ing a requirement that nonambulatory livestock be hu-  
22                  manely euthanized.

23                  “(c) HUMANE EUTHANASIA.—

24                  “(1) IN GENERAL.—Subject to paragraph (2),  
25                  when an animal becomes nonambulatory, a covered

1 entity shall immediately humanely euthanize the  
2 nonambulatory livestock.

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

7 “(d) MOVEMENT.—

8 “(1) IN GENERAL.—A covered entity shall not  
9 move nonambulatory livestock while the non-  
10 ambulatory livestock are conscious.

11 “(2) UNCONSCIOUSNESS.—In the case of any  
12 nonambulatory livestock that are moved, the covered  
13 entity shall ensure that the nonambulatory livestock  
14 remain unconscious until death.

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

18 (3) in subsection (f) (as redesignated by para-  
19 graph (1))—

20 (A) in the first sentence—

21 (i) by inserting “this section and”  
22 after “enforcing”; and

23 (ii) by striking “subsection (b)” and  
24 inserting “this section”; and

25 (B) in the second sentence—

1 (i) by inserting “this section or” after  
2 “violates”; and

3 (ii) by striking “subsection (b)” and  
4 inserting “this section”.

5 (b) EFFECTIVE DATE.—

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

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

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