

105TH CONGRESS
1ST SESSION

H. R. 453

To amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

Mr. ACKERMAN (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. DELLUMS, Mr. FARR of California, Mr. FRANKS of New Jersey, Mr. KLECZKA, Mr. LANTOS, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. SCHUMER, Mr. SHAYS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, 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 STOCKYARD PRACTICES INVOLVING**
2 **NONAMBULATORY LIVESTOCK.**

3 (a) UNLAWFUL PRACTICES.—Title III of the Packers
4 and Stockyards Act, 1921, is amended by inserting after
5 section 317 (7 U.S.C. 217a) the following new section:

6 **“SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING**
7 **NONAMBULATORY LIVESTOCK.**

8 “(a) DEFINITIONS.—As used in this section:

9 “(1) The term ‘humanely euthanized’ means to
10 kill an animal by mechanical, chemical, or other
11 means that immediately render the animal uncon-
12 scious, with this state remaining until the animal’s
13 death.

14 “(2) The term ‘nonambulatory livestock’ means
15 any livestock that is unable to stand and walk unas-
16 sisted.

17 “(b) UNLAWFUL PRACTICES.—It shall be unlawful
18 for any stockyard owner, market agency, or dealer to buy,
19 sell, give, receive, transfer, market, hold, or drag any non-
20 ambulatory livestock unless the nonambulatory livestock
21 has been humanely euthanized.

22 “(c) CIVIL PENALTY.—The Secretary shall assess a
23 civil penalty of not more than \$2,500 against any stock-
24 yard owner, market agency, or dealer that violates this
25 section or any regulation or order of the Secretary under
26 this section. A penalty under this subsection shall be as-

1 sessed by the Secretary on the record after an opportunity
2 for a hearing. Each day on which a violation occurs and
3 each instance of prohibited action against nonambulatory
4 livestock shall be considered a separate violation.

5 “(d) CRIMINAL VIOLATIONS.—Any stockyard owner,
6 market agency, or dealer that knowingly violates this sec-
7 tion or any regulation or order of the Secretary under this
8 section shall be fined under title 18, United States Code,
9 or imprisoned for not more than one year, or both, for
10 each violation.”.

11 (b) EFFECTIVE DATE; RULES.—Section 318 of the
12 Packers and Stockyards Act, 1921, as added by subsection
13 (a), shall take effect at the end of the one-year period be-
14 ginning on the date of the enactment of this Act. By the
15 end of such period, the Secretary shall issue rules to im-
16 plement such section.

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