

106TH CONGRESS
1ST SESSION

H. R. 443

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

FEBRUARY 2, 1999

Mr. ACKERMAN (for himself, Mr. SHAYS, Ms. KILPATRICK, Mr. SMITH of New Jersey, Mr. CAMPBELL, Mrs. JOHNSON of Connecticut, Mr. SHERMAN, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Ms. PELOSI, Mr. PAYNE, Mr. WYNN, Mr. DELAHUNT, Mr. BROWN of California, Mr. FARR of California, Mr. MORAN of Virginia, Ms. DEGETTE, Mr. TRAFICANT, Mrs. TAUSCHER, Mr. DEUTSCH, Mr. WAXMAN, Ms. RIVERS, Ms. LEE, Mr. FILNER, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. BERMAN, Mr. PASCRELL, Mr. GEORGE MILLER of California, Mr. GILMAN, Ms. WOOLSEY, Mr. DEFazio, Mr. TIERNEY, Mr. CROWLEY, Mr. CLYBURN, Mr. BORSKI, Mr. BLUMENAUER, Mrs. MALONEY of New York, and Mr. LANTOS) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Downed Animal Pro-
3 tection Act”.

4 **SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING**
5 **NONAMBULATORY LIVESTOCK.**

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

9 **“SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING**
10 **NONAMBULATORY LIVESTOCK.**

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

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

17 “(2) The term ‘nonambulatory livestock’ means
18 any livestock that is unable to stand and walk unas-
19 sisted.

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

25 “(c) CIVIL PENALTY.—The Secretary shall assess a
26 civil penalty of not more than \$2,500 against any stock-

1 yard owner, market agency, or dealer that violates this
2 section or any regulation or order of the Secretary under
3 this section. A penalty under this subsection shall be as-
4 sessed by the Secretary on the record after an opportunity
5 for a hearing. Each day on which a violation occurs and
6 each instance of prohibited action against nonambulatory
7 livestock shall be considered a separate violation.

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

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

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