

110TH CONGRESS  
1ST SESSION

# H. R. 661

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2007

Mr. ACKERMAN (for himself, Mr. LATOURETTE, Ms. DELAURO, Mr. CROWLEY, Mr. TIERNEY, Ms. LEE, Mr. GRIJALVA, Ms. BERKLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Ms. SCHWARTZ, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. GEORGE MILLER of California, Mr. SMITH of New Jersey, Ms. PRYCE of Ohio, Mr. KILDEE, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. SUTTON, Mr. WEINER, Mr. DICKS, Mr. DOYLE, Mr. BLUMENAUER, Mr. NADLER, Mr. SERRANO, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. HIGGINS, Mr. McDERMOTT, Mr. SHERMAN, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Mr. PALLONE, Mrs. DAVIS of California, Mr. HINCHEY, Mr. FARR, Mrs. McCARTHY of New York, Mr. WEXLER, Mr. DEFazio, Mrs. MALONEY of New York, Mr. HOLT, Mr. SHAYS, Mr. GERLACH, Mr. GALLEGLY, Mrs. LOWEY, Ms. MATSUI, Mrs. CAPPS, Mrs. TAUSCHER, Mr. ISRAEL, Mr. LOBIONDO, Ms. CARSON, Mr. CLYBURN, Mrs. CAPITO, Mr. BISHOP of New York, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. VAN HOLLEN, Mr. UDALL of Colorado, Mr. PLATTS, Mr. RANGEL, Mr. McNULTY, Mr. OLVER, Mr. SCHIFF, Mr. CONYERS, Mr. SAXTON, Mrs. BIGGERT, Mr. WOLF, Mr. KIRK, Mr. CLEAVER, Mr. HONDA, and Mr. STARK) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory 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 and  
5 Food Safety Protection 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.

21       (b) DECLARATION OF POLICY.—It is the policy of the  
22 United States that all nonambulatory livestock in inter-  
23 state and foreign commerce shall be immediately and hu-  
24 manely euthanized when such livestock become non-  
25 ambulatory.

1 **SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**2 **NONAMBULATORY LIVESTOCK.**

3 (a) IN GENERAL.—Public Law 85-765 (commonly  
4 known as the “Humane Methods of Slaughter Act of  
5 1958”) (7 U.S.C. 1901 et seq.) is amended by inserting  
6 after section 2 (7 U.S.C. 1902) the following:

7 **“SEC. 3. NONAMBULATORY LIVESTOCK.**

8 “(a) DEFINITIONS.—In this section:

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

11 “(A) a stockyard;  
12 “(B) a market agency;  
13 “(C) a dealer;  
14 “(D) a packer;  
15 “(E) a slaughter facility; or  
16 “(F) an establishment.

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

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

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

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

7           “(b) HUMANE TREATMENT, HANDLING, AND DIS-  
8       POSITION.—The Secretary shall promulgate regulations to  
9       provide for the humane treatment, handling, and disposi-  
10      tion of all nonambulatory livestock by covered entities, in-  
11      cluding a requirement that nonambulatory livestock be hu-  
12      manely euthanized.

13           “(c) HUMANE EUTHANASIA.—

14           “(1) IN GENERAL.—Subject to paragraph (2),  
15       when an animal becomes nonambulatory, a covered  
16       entity shall immediately humanely euthanize the  
17       nonambulatory livestock.

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

22           “(d) MOVEMENT.—

23           “(1) IN GENERAL.—A covered entity shall not  
24       move nonambulatory livestock while the non-  
25       ambulatory livestock are conscious.

1           “(2) UNCONSCIOUSNESS.—In the case of any  
2       nonambulatory livestock that are moved, the covered  
3       entity shall ensure that the nonambulatory livestock  
4       remain unconscious until death.

5           “(e) INSPECTIONS.—

6           “(1) IN GENERAL.—It shall be unlawful for an  
7       inspector at an establishment to pass through in-  
8       spection any nonambulatory livestock or carcass (in-  
9       cluding parts of a carcass) of nonambulatory live-  
10       stock.

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

15           (b) EFFECTIVE DATE.—

16           (1) IN GENERAL.—Except as provided in para-  
17       graph (2), the amendment made by subsection (a)  
18       takes effect on the date that is 1 year after the date  
19       of enactment of this Act.

20           (2) REGULATIONS.—Not later than 1 year after  
21       the date of enactment of this Act, the Secretary of  
22       Agriculture shall promulgate final regulations to im-  
23       plement the amendment made by subsection (a).

