

104TH CONGRESS
1ST SESSION

H. R. 2433

To authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1995

Mr. GOODLING introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, 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 “Safe Commercial
5 Transportation of Horses for Slaughter Act of 1995”.

6 **SEC. 2. COMMERCIAL TRANSPORTATION OF HORSES FOR**
7 **SLAUGHTER.**

8 Public Law 85–765 (7 U.S.C. 1901 et seq.) is amend-
9 ed by adding at the end the following:

1 **“TITLE II—COMMERCIAL TRANS-**
2 **PORTATION OF HORSES FOR**
3 **SLAUGHTER**

4 **“SEC. 201. FINDINGS.**

5 “Congress finds that, to ensure that horses sold for
6 slaughter are provided humane treatment and care, it is
7 essential to regulate the transportation, care, handling,
8 and treatment of horses by any person engaged in the
9 commercial transportation of horses for slaughter.

10 **“SEC. 202. DEFINITIONS.**

11 “In this title:

12 “(1) COMMERCE.—The term ‘commerce’ means
13 trade, traffic, transportation, or other commerce—

14 “(A) between any State, territory, or pos-
15 session of the United States, or the District of
16 Columbia, and any place outside thereof;

17 “(B) between points within the same
18 State, territory, or possession of the United
19 States, or the District of Columbia, but through
20 any place outside thereof; or

21 “(C) within any territory or possession of
22 the United States or the District of Columbia.

23 “(2) DEPARTMENT.—The term ‘Department’
24 means the United States Department of Agriculture.

1 “(3) EQUINE.—The term ‘equine’ includes any
2 member of the Equidae family.

3 “(4) FOAL.—The term ‘foal’ means a horse
4 that is not more than 6 months of age.

5 “(5) HORSE.—The term ‘horse’ includes any
6 member of the Equidae family.

7 “(6) HORSE FOR SLAUGHTER.—The term
8 ‘horse for slaughter’ means any horse that is trans-
9 ported, or intended to be transported, to a slaughter
10 facility or intermediate handler from a sale, auction,
11 or intermediate handler by a person engaged in the
12 business of transporting horses for slaughter.

13 “(7) INTERMEDIATE HANDLER.—The term ‘in-
14 termediate handler’ means any person engaged in
15 the business of receiving custody of horses for
16 slaughter in connection with the transport of the
17 horses to a slaughter facility, including a stockyard,
18 feedlot, or assembly point.

19 “(8) PERSON.—The term ‘person’ includes any
20 individual, partnership, firm, company, corporation,
21 or association.

22 “(9) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Agriculture.

24 “(10) VEHICLE.—The term ‘vehicle’ means any
25 machine, truck, tractor, trailer, or semitrailer, or

1 any combination thereof, propelled or drawn by me-
2 chanical power and used on a highway in the com-
3 mercial transportation of horses for slaughter.

4 “(11) STALLION.—The term ‘stallion’ means
5 any uncastrated male horse that is 1 year of age or
6 older.

7 **“SEC. 203. STANDARDS FOR HUMANE COMMERCIAL TRANS-**
8 **PORTATION OF HORSES FOR SLAUGHTER.**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of enactment of this title, the Secretary shall
11 issue, by regulation, standards for the humane commercial
12 transportation of horses for slaughter.

13 “(b) PROHIBITION.—No person shall transport in
14 commerce, to a slaughter facility or intermediate handler,
15 a horse for slaughter except in accordance with the stand-
16 ards and this title.

17 “(c) MINIMUM REQUIREMENTS.—The standards
18 shall include minimum requirements for the humane han-
19 dling, care, treatment, and equipment necessary to ensure
20 the safe and humane transportation of horses for slaugh-
21 ter. The standards shall require, at a minimum, that—

22 “(1) no horse for slaughter shall be transported
23 for more than 24 hours without being unloaded from
24 the vehicle and allowed to rest for at least 8 con-

1 secutive hours and given access to adequate quan-
2 tities of wholesome food and potable water;

3 “(2) a vehicle shall provide adequate headroom
4 for a horse for slaughter with a minimum of at least
5 6 feet, 6 inches of headroom from the roof and
6 beams or other structural members overhead to floor
7 underfoot, except that a vehicle transporting 6
8 horses or less shall provide a minimum of at least
9 6 feet of headroom from the roof and beams or other
10 structural members overhead to floor underfoot if
11 none of the horses are over 16 hands;

12 “(3) the interior of a vehicle shall—

13 “(A) be free of protrusions, sharp edges,
14 and harmful objects;

15 “(B) have ramps and floors that are ade-
16 quately covered with a nonskid nonmetallic sur-
17 face; and

18 “(C) be maintained in a sanitary condition;

19 “(4) a vehicle shall—

20 “(A) provide adequate ventilation and shel-
21 ter from extremes of weather and temperature
22 for all equine;

23 “(B) be of appropriate size, height, and in-
24 terior design for the number of equine being
25 carried to prevent overcrowding; and

1 “(C) be equipped with doors and ramps of
2 sufficient size and location to provide for safe
3 loading and unloading, including unloading dur-
4 ing emergencies;

5 “(5)(A) horses shall be positioned in the vehicle
6 by size; and

7 “(B) stallions shall be segregated from other
8 horses;

9 “(6)(A) all horses for slaughter must be fit to
10 travel as determined by an accredited large animal
11 veterinarian, who shall prepare a certificate of in-
12 spection, prior to loading for transport, that—

13 “(i) states that the horses were inspected
14 and satisfied the requirements of subparagraph
15 (B);

16 “(ii) includes a clear description of each
17 horse; and

18 “(iii) is valid for 7 days;

19 “(B) no horse shall be transported to slaughter
20 if the horse is found to be—

21 “(i) suffering from a broken or dislocated
22 limb;

23 “(ii) unable to bear weight on all 4 limbs;

24 “(iii) blind in both eyes; or

1 “(iv) obviously suffering from severe ill-
2 ness, injury, lameness, or physical debilitation
3 that would make the horse unable to withstand
4 the stress of transportation;

5 “(C) no foal may be transported for slaughter;

6 “(D) no mare in foal that exhibits signs of im-
7 pending partition may be transported for slaughter;
8 and

9 “(E) no horse for slaughter shall be accepted by
10 a slaughter facility unless the horse is accompanied
11 by a certificate of inspection issued by an accredited
12 large animal veterinarian, not more than 7 days be-
13 fore the delivery, stating that the veterinarian in-
14 spected the horse on a specified date.

15 **“SEC. 204. RECORDS.**

16 “(a) IN GENERAL.—A person engaged in the busi-
17 ness of transporting horses for slaughter shall establish
18 and maintain such records, make such reports, and pro-
19 vide such information as the Secretary may, by regulation,
20 require for the purposes of carrying out, or determining
21 compliance with, this subtitle.

22 “(b) MINIMUM REQUIREMENTS.—The records shall
23 include, at a minimum—

24 “(1) the veterinary certificate of inspection;

1 “(2) the names and addresses of current owners
2 and consignors, if applicable, of the horses at the
3 time of sale or consignment to slaughter; and

4 “(3) the bill of sale or other documentation of
5 sale for each horse.

6 “(c) AVAILABILITY.—The records shall—

7 “(1) accompany the horses during transport to
8 slaughter;

9 “(2) be retained by any person engaged in the
10 business of transporting horses for slaughter for a
11 reasonable period of time, as determined by the Sec-
12 retary; and

13 “(3) on request of an officer or employee of the
14 Department, be made available at all reasonable
15 times for inspection and copying by the officer or
16 employee.

17 **“SEC. 205. AGENTS.**

18 “(a) IN GENERAL.—For purposes of this title, the
19 act, omission, or failure of an individual acting for or em-
20 ployed by a person engaged in the business of transporting
21 horses for slaughter, within the scope of the employment
22 or office of the individual, shall be considered the act,
23 omission, or failure of the person engaging in the commer-
24 cial transportation of horses for slaughter as well as of
25 the individual.

1 “(b) ASSISTANCE.—If a horse suffers a substantial
2 injury or illness while being transported for slaughter on
3 a vehicle, the driver of the vehicle should seek prompt as-
4 sistance from a large animal veterinarian.

5 **“SEC. 206. COOPERATIVE AGREEMENTS.**

6 “Not later than 180 days after the date of enactment
7 of this title, the Secretary shall, to the maximum extent
8 practicable, establish cooperative agreements and enter
9 into memoranda of agreement with appropriate Federal
10 and State agencies or political subdivisions of the agencies,
11 including State departments of agriculture, State law en-
12 forcement agencies, and foreign governments, to carry out
13 and enforce this title.

14 **“SEC. 207. INVESTIGATIONS AND INSPECTIONS.**

15 “(a) IN GENERAL.—The Secretary shall make such
16 investigations or inspections as the Secretary considers
17 necessary—

18 “(1) to enforce this title (including any regula-
19 tion issued under this title); and

20 “(2) pursuant to information regarding alleged
21 violations of this title provided to the Secretary by
22 a State official or any other person.

23 “(b) ACCESS.—For the purposes of conducting an in-
24 vestigation or inspection under subsection (a), the Sec-
25 retary shall, at all reasonable times, have access to—

1 “(1) the place of business of any person en-
2 gaged in the business of transporting horses for
3 slaughter;

4 “(2) the facilities and vehicles used to transport
5 the horses; and

6 “(3) records required to be maintained under
7 section 204.

8 “(c) **MINIMUM REQUIREMENT.**—An investigation or
9 inspection shall include, at a minimum, an inspection by
10 an employee of the Department of all horses and vehicles
11 carrying horses, on the arrival of the horses and vehicles
12 at the slaughter facility.

13 “(d) **ASSISTANCE TO OR DESTRUCTION OF**
14 **HORSES.**—The Secretary shall issue such regulations as
15 the Secretary considers necessary to permit employees or
16 agents of the Department to—

17 “(1) provide assistance to any horse that is cov-
18 ered by this title (including any regulation issued
19 under this title); or

20 “(2) destroy, in a humane manner, any such
21 horse found to be suffering.

22 **“SEC. 208. INTERFERENCE WITH ENFORCEMENT.**

23 “(a) **IN GENERAL.**—Subject to subsection (b), a per-
24 son who forcibly assaults, resists, opposes, impedes, in-
25 timidates, or interferes with any person while engaged in

1 or on account of the performance of an official duty of
2 the person under this title shall be fined not more than
3 \$5,000 or imprisoned not more than 3 years, or both.

4 “(b) WEAPONS.—If the person uses a deadly or dan-
5 gerous weapon in connection with an action described in
6 subsection (a), the person shall be fined not more than
7 \$10,000 or imprisoned not more than 10 years, or both.

8 **“SEC. 209. JURISDICTION OF COURTS.**

9 “Except as provided in section 210(a)(5), a district
10 court of the United States in any appropriate judicial dis-
11 trict under section 1391 of title 28, United States Court,
12 shall have jurisdiction to specifically enforce this title, to
13 prevent and restrain a violation of this title, and to other-
14 wise enforce this title.

15 **“SEC. 210. CIVIL AND CRIMINAL PENALTIES.**

16 “(a) CIVIL PENALTIES.—

17 “(1) IN GENERAL.—A person who violates this
18 title (including a regulation or standard issued
19 under this title) shall be assessed a civil penalty by
20 the Secretary of not more than \$2,000 for each vio-
21 lation.

22 “(2) SEPARATE OFFENSES.—Each horse trans-
23 ported in violation of this title shall constitute a sep-
24 arate offense. Each violation and each day during

1 which a violation continues shall constitute a separate offense.

2
3 “(3) HEARINGS.—No penalty shall be assessed
4 under this subsection unless the person who is alleged to have violated this title is given notice and
5 opportunity for a hearing with respect to an alleged
6 violation.

7
8 “(4) FINAL ORDER.—An order of the Secretary
9 assessing a penalty under this subsection shall be
10 final and conclusive unless the aggrieved person files
11 an appeal from the order pursuant to paragraph (5).

12 “(5) APPEALS.—Not later than 30 days after
13 entry of a final order of the Secretary issued pursuant to this subsection, a person aggrieved by the
14 order may seek review of the order in the appropriate United States Court of Appeals. The Court
15 shall have exclusive jurisdiction to enjoin, set aside,
16 suspend (in whole or in part), or to determine the
17 validity of the order.

18
19
20 “(6) NONPAYMENT OF PENALTY.—On a failure
21 to pay the penalty assessed by a final order under
22 this section, the Secretary shall request the Attorney
23 General to institute a civil action in a district court
24 of the United States or other United States court
25 for any district in which the person is found, resides,

1 or transacts business, to collect the penalty. The
2 court shall have jurisdiction to hear and decide the
3 action.

4 “(b) CRIMINAL PENALTIES.—

5 “(1) FIRST OFFENSE.—Subject to paragraph
6 (2), a person who knowingly violates this title (or a
7 regulation or standard issued under this title) shall,
8 on conviction of the violation, be subject to imprison-
9 ment for not more than 1 year or a fine of not more
10 than \$2,000, or both.

11 “(2) SUBSEQUENT OFFENSES.—On conviction
12 of a second or subsequent offense described in para-
13 graph (1), a person shall be subject to imprisonment
14 for not more than 3 years or to a fine of not more
15 than \$5,000, or both.

16 **“SEC. 211. PAYMENTS FOR TEMPORARY OR MEDICAL AS-**
17 **SISTANCE FOR HORSES DUE TO VIOLATIONS.**

18 “From sums received as penalties, fines, or forfeit-
19 ures of property for any violation of this title (including
20 a regulation issued under this title), the Secretary shall
21 pay the reasonable and necessary costs incurred by any
22 person in providing temporary care or medical assistance
23 for any horse that needs the care or assistance due to a
24 violation of this title.

1 **“SEC. 212. RELATIONSHIP TO STATE LAW.**

2 “Nothing in this title prevents a State from enacting
3 or enforcing any law (including a regulation) that is not
4 inconsistent with this title or that is more restrictive than
5 this title.

6 **“SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

7 “There is authorized to be appropriated for each fis-
8 cal year such sums as are necessary to carry out this
9 title.”.

10 **SEC. 3. CONFORMING AMENDMENTS.**

11 (a) The first section of Public Law 85–765 (7 U.S.C.
12 1901) is amended by striking “That the Congress” and
13 inserting the following:

14 **“SEC. 1. SHORT TITLE.**

15 “This Act may be cited as the ‘Federal Humane
16 Methods of Livestock Slaughter Act’.

17 **“TITLE I—HUMANE METHODS OF**
18 **LIVESTOCK SLAUGHTER**

19 **“SEC. 101. FINDINGS AND DECLARATION OF POLICY.**

20 “Congress”.

21 (b) Section 2 of the Federal Humane Methods of
22 Livestock Slaughter Act (7 U.S.C. 1902) is amended by
23 striking “SEC. 2. No” and inserting the following:

24 **“SEC. 102. HUMANE METHODS.**

25 “No”.

1 (c) Section 4 of the Act (7 U.S.C. 1904) is amended
2 by striking “SEC. 4. In” and inserting the following:

3 **“SEC. 103. METHODS RESEARCH.**

4 “In”.

5 (d) Section 6 of the Act (7 U.S.C. 1906) is amended
6 by striking “SEC. 6. Nothing” and inserting the following:

7 **“SEC. 104. EXEMPTION OF RITUAL SLAUGHTER.**

8 “Nothing”.

9 **SEC. 4. EFFECTIVE DATE.**

10 (a) IN GENERAL.—This Act and the amendments
11 made by this Act shall become effective 180 days after
12 the date of enactment of this Act.

13 (b) REGULATIONS.—As soon as practicable, but not
14 later than 180 days after the date of enactment of this
15 Act, the Secretary of Agriculture shall issue such regula-
16 tions as the Secretary determines are necessary to imple-
17 ment this Act and the amendments made by this Act.

18 (c) COMPLIANCE.—A person shall be required to
19 comply with—

20 (1) sections 203 and 204 of the Federal Hu-
21 mane Methods of Livestock Slaughter Act (as added
22 by section 2) beginning on the date that is 180 days
23 after the date of enactment of this Act; and

1 (2) other sections of title II of the Act begin-
2 ning on the date that is 90 days after the Secretary
3 issues final regulations under subsection (b).

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