

PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION

SEPTEMBER 6, 2006.—Ordered to be printed

Mr. GOODLATTE, from the Committee on Agriculture,
submitted the following

ADVERSE REPORT

[To accompany H.R. 503]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes, having considered the same, report unfavorably thereon with an amendment and recommend that the bill do not pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION.

(a) DEFINITIONS.—Section 2 of the Horse Protection Act (15 U.S.C. 1821) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) The term ‘human consumption’ means ingestion by people as a source of food.”; and

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph:

“(4) The term ‘slaughter’ means the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption.”.

(b) FINDINGS.—Section 3 of the Horse Protection Act (15 U.S.C. 1822) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(2) by adding before paragraph (6), as so redesignated, the following new paragraphs:

“(1) horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;

“(2) horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;

“(3) unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;

“(4) individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption;

“(5) the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers;”;

(3) by striking paragraph (8), as so redesignated, and inserting the following new paragraph:

“(8) the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce;”.

(c) PROHIBITION.—Section 5 of the Horse Protection Act (15 U.S.C. 1824) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph:

“(8) As a pilot program to evaluate the feasibility and practicability of imposing such a prohibition nation-wide, the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine in the States of Kentucky or New York to be slaughtered for human consumption, unless the equine—

“(A) is owned or controlled by a State or local government or owned by an individual who purchased the equine from a State or local government;

“(B) will be slaughtered at a facility operating before the date of the enactment of this paragraph; or

“(C) will be slaughtered for human consumption for charitable or humanitarian purposes.”.

(d) AUTHORITY TO DETAIN.—Section 6(e) of the Horse Protection Act (15 U.S.C. 1825(e)) is amended—

(1) by striking the first sentence of paragraph (1);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) The Secretary may detain for examination, testing, or the taking of evidence—

“(A) any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probable cause to believe is sore; and

“(B) any horse or other equine which the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).”.

(e) REIMBURSEMENT.—Section 11 of the Horse Protection Act (15 U.S.C. 1830) is amended to read as follows:

“SEC. 11. REIMBURSEMENT OF OWNERS FOR LOSS OF VALUE OF HORSES.

“The Secretary shall compensate the owner of an equine who disposes of such equine due to the prohibition under section 5(8). The Secretary shall compensate such owner for the total amount of—

“(1) the loss in value of the equine due to such prohibition; and

“(2) the costs incurred in the disposal of such equine.”.

(f) RESPONSIBILITY FOR UNWANTED HORSES.—The Horse Protection Act is further amended by inserting after section 11 (15 U.S.C. 1830), as amended by subsection (e), the following new section:

“SEC. 11A. RESPONSIBILITY FOR UNWANTED HORSES.

“The Secretary shall assume responsibility for any equine that is unwanted by an owner.”.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Horse Protection Act (15 U.S.C. 1831) is amended by striking “\$500,000” and inserting “\$5,000,000”.

PURPOSE AND NEED

It is customary when submitting a report on a committee's legislative action to the full House to describe for the benefit of Members and to document the legislative history, a summary of the purpose and need for the legislation under consideration. In the case of H.R. 503, this is a particularly challenging task since the purpose appears to be nothing more than ameliorating the emotional tirade of the extreme animal rights movement; and the need is, well to be blunt, there simply is no need for this legislation.

H.R. 503, if adopted, would amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, processing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes. Note that the Congressional proponents do not seem to have a problem if the horse is slaughtered and disposed of in a landfill, or if the meat from the horse is used in animal feed. They only seem to be focused on outlawing the cultural and ethnic practice prevalent in communities in the United States and around the world of consuming horsemeat.

As the Committee on Agriculture heard in testimony from the veterinary medical community, specialists in equine medicine, and other horse and livestock associations, this legislation has far-reaching implications for the entire animal agriculture community.

As stated previously, H.R. 503 is part of a larger agenda for the animal rights activists, an agenda against all of animal agriculture. The proponents of H.R. 503 are not engaged in a public policy discussion; they are engaged in a public relations campaign. They have the bumper stickers, the celebrities and the sound bites. They do not have facts.

The House Committee on Agriculture and by extension the full House of Representatives has the duty to be guided by sound fact and reason in order to responsibly represent farmers, ranchers, agribusinesses and horse owners. As evidenced by the near unanimous rejection of this legislation, the Committee is concerned that if enacted, this bill would negatively impact the health and welfare of horses across the country.

H.R. 503 does not address the underlying issue of unwanted horses in the U.S. It contributes to the problem. As a public policy matter, this issue should be about what is the best approach for the humane treatment of horses. Right now, the only federally regulated transportation and euthanasia of horses are the programs that this bill seeks to abolish. Ironically, government supervision of humane treatment of horses would be the first casualty of H.R. 503.

If the true purpose of this legislation were to provide for humane treatment of horses, as the proponents say, then the bill would address the issue of the fate of the hundreds of thousands of horses it affects. If the bill were enacted as written, within the first 6 years there would be an estimated 272,000 additional unwanted horses. The cost of maintaining these horses has been conservatively estimated at between \$3 and \$4 billion. Several organizations have testified that there are approximately 6,000 stalls available nationwide for unwanted horses in rescue retirement facilities.

This obviously does not even scratch the surface of what will be needed if H.R. 503 is enacted.

If H.R. 503 were to be enacted and euthanasia for human consumption is prohibited, the Committee questions what would be done with the potentially tens of thousands of extra horse carcasses produced each year. All States regulate the disposal of animal carcasses. Local governments already grapple with the problem of unwanted dogs and cats and their disposal. Horses are on average 50 times larger animals. There will be tremendous difficulty for many local governments to properly dispose of carcasses of euthanized horses. It will be expensive and will create environmental and wildlife concerns. None of which seems to have raised the slightest nod of concern from the proponents of this legislation.

In a hearing before the Committee on Agriculture to review this legislation, some very important questions were considered. These included: What do we do to solve the problem of unwanted horses in America? What are the rights of individuals to decide what to do with their animals? What are the implications for other livestock sectors if we ban humane slaughter for one species? Why would the Federal Government put a legitimate business, and in effect thousands of people, out of work? What will happen to the thousands of horses that are shipped to slaughter plants in other countries?

Make no mistake about it: this bill will not stop the export of U.S. horses to other countries for slaughter.

H.R. 503 provides no mechanism to ensure owners do not abandon horses, thus compelling the Congress to consider who will deal with the abandoned, starving horses whose owners lack the ability to care for them? Since the proponents offer no solutions, it is incumbent upon the Congress to consider the impact on States and counties that have a statutory obligation to deal with unwanted animals. An answer must be given to the question of how States and counties will cope with the unintended consequence of abandoned horses left on their doorstep.

One scenario that proponents like to discuss is the option of sending the 90,000 or so unwanted horses every year to rescue sanctuaries. If this were to be considered a legitimate option, we must first ask who is going to ensure that there is enough space, money, and expertise to properly care for hundreds of thousands of animals that can easily live to 30 years of age? Who is going to pay for that? Who is going to regulate these facilities?

With all of these questions left completely unanswered in the hearing record, we must ask ourselves one final question: Why is Congress rushing to enact legislation that causes so many problems and solves none?

Even if the goal of this legislation was desirable, a premise rejected by the Agriculture Committee, this is not a bill that will improve the treatment of horses. Too little has been done to deal with the consequences of destroying a legitimate industry by government fiat.

If anything, H.R. 503 in its current form will lead to more suffering for the horses it purports to help. This draconian legislation will have far-reaching and significant detrimental effects for horses, horse owners and the larger agriculture sector.

Having accepted the responsibility to thoroughly review and explore all legislation and federal policies that affect the agriculture community, the Committee on Agriculture finds that this legislation is woefully inadequate, emotionally misguided, and fails to serve the best interest of the American horse, and horse owner.

SECTION-BY-SECTION ANALYSIS

Section 1. Prohibition on Shipping, Transporting, Moving, Delivering, Receiving, Possessing, Purchasing, Selling, or Donation of Horses and Other Equines for Slaughter for Human Consumption

Amends the Horse Protection Act (15 U.S.C. 1820 et seq.) for the purpose of prohibiting the slaughter of some horses for human consumption.

(a) Definitions. Subsection (a) adds two new definitions to the Horse Protection Act. It defines “human consumption” as “ingestion by people as a source of food,” and “slaughter” as “the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption.”

(b) Findings. Subsection (b) adds six new congressional findings to the Horse Protection Act.

(c) Prohibition. Subsection (c) adds a new prohibition to the Horse Protection Act in the form of a pilot program in the States of Kentucky and New York. Such pilot program shall evaluate the feasibility of a nation-wide prohibition on shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donating any horse or other equine to be slaughtered for human consumption. Subsection (c) also provides three exceptions to this prohibition: (1) the equine is owned by a State or local government; (2) the equine will be slaughtered at a facility in operation before the date of enactment of the pilot program; or (3) the equine will be slaughtered for human consumption for charitable or humanitarian purposes.

(d) Authority to detain. Subsection (d) authorizes the Secretary to detain for examination, testing, or the taking of evidence any horse at a horse show, exhibition, sale or auction that the Secretary has probable cause to believe is sore, or any horse that the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold or donated for purpose of slaughter for human consumption in violation of the prohibition on these activities.

(e) Reimbursement. Subsection (e) requires the Secretary to compensate the owner of an equine for the loss in value of the equine due to the prohibition created under subsection (c), above, and the cost of disposal of the equine.

(f) Responsibility for unwanted horses. Subsection (f) provides that the Secretary shall assume responsibility for any equine that is unwanted by its owner.

(g) Authorization of appropriations. Subsection (e) provides for an increase of \$4.5 million per year in the authorization for appropriations to carry out the Horse Protection Act, resulting in a total authorization of \$5 million per year.

COMMITTEE CONSIDERATION

I. Hearings

On July 27, 2006, the Committee on Agriculture convened a hearing to review H.R. 503. During the hearing, the Committee heard from two panels of witnesses including the Honorable Don Sherwood, former Agriculture Committee Ranking Member Charlie Stenholm, as well as witnesses representing organizations that oppose the bill.

More than 200 reputable horse organizations, animal health organizations and agricultural organizations, including the American Veterinary Medical Association, the American Association of Equine Practitioners, the American Quarter Horse Association and every state Horse Council that has taken a position on H.R. 503, oppose the legislation.

II. Full Committee consideration

The Committee on Agriculture met, pursuant to notice, with a quorum present, on July 27, 2006, to consider H.R. 503, legislation to amend the Horse Protection Act, and other pending business.

Chairman Goodlatte called the meeting to order and without objection, H.R. 503 was placed before the Committee and open for amendment at any point. Counsel was then recognized to give a brief summary of the bill.

Mr. Conaway was then recognized to offer and explain an amendment to require the Secretary of Agriculture to compensate any horse owner who, no longer having the option of selling a horse for processing, suffers a loss in value of his horse and incurs the cost of euthanasia and disposal of the horse. Brief discussion occurred and by a voice vote, the amendment was adopted.

Mr. Salazar was recognized to offer and explain an amendment to require the Secretary of Agriculture to assume responsibility for all unwanted horses. Brief discussion occurred and by a voice vote, the amendment was adopted.

Mr. King was then recognized to offer and explain an amendment to exempt horses that are owned or controlled by a state or local government. Brief discussion occurred and without objection, the amendment was withdrawn.

Mr. King then offered another amendment to require the Secretary of Agriculture to reimburse states and local governments for all costs they incur caring for stray or abandoned horses as well as providing for the sale, adoption, euthanization, or disposal, of such horses. Without objection, the amendment was withdrawn.

Mr. King also offered three amendments en bloc—an amendment to exempt horses to be processed for charitable or humanitarian relief purposes; an amendment to exempt horses that are owned or controlled by a state, a political subdivision of a state, or an individual who purchased the horse from a state or local government; and an amendment to provide that horses could not be shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated to be slaughtered at a plant that is not in existence on the date of the enactment of the Act. Brief discussion occurred and by a voice vote, the en bloc amendments were adopted.

Mr. Peterson was recognized to offer and explain an amendment to make H.R. 503 a pilot program for the states of Kentucky and

New York. Brief discussion occurred, and by a voice vote, the amendment was adopted.

There being no further amendments, Mr. Peterson moved that H.R. 503 be reported unfavorably to the House, as amended, with the recommendation that it do not pass. A recorded vote was requested and by a vote of 37 yeas, 3 nays, and 6 not voting, the bill was ordered reported, as amended, unfavorable to the House with the recommendation that it do not pass. See Rollcall No. 1.

After the Committee completed the other pending business, Mr. Goodlatte then advised Members that pursuant to the Rules of the House of Representatives that Members have 2 calendar days to file such views with the Committee. No Members came forth with intent to file additional views.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee

Chairman Goodlatte thanked all the Members and adjourned the meeting subject to the call of the Chair.

REPORTING THE BILL—ROLLCALL VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, the Committee sets forth the record of the following rollcall votes taken with respect to H.R. 503.

Rollcall No. 1

Summary: Motion to unfavorably report H.R. 503, as amended, to the House with the recommendation that it do not pass.

Offered by: Mr. Peterson.

Results: Adopted by a vote of 37 yeas/ 3 nays/ 6 not voting.

YEAS

- | | |
|-----------------|-----------------|
| 1. Goodlatte | 20. Sodrel |
| 2. Pombo | 21. Peterson |
| 3. Lucas | 22. Holden |
| 4. Moran | 23. McIntyre |
| 5. Jenkins | 24. Etheridge |
| 6. Hayes | 25. Cardoza |
| 7. Osborne | 26. Marshall |
| 8. Graves | 27. Herseth |
| 9. Bonner | 28. Butterfield |
| 10. Rogers | 29. Cuellar |
| 11. King | 30. Melancon |
| 12. Musgrave | 31. Costa |
| 13. Neugebauer | 32. Salazar |
| 14. Boustany | 33. Barrow |
| 15. Schwarz | 34. Pomeroy |
| 16. Kuhl | 35. Boswell |
| 17. Foxx | 36. Larsen |
| 18. Conaway | 37. Davis |
| 19. Fortenberry | |

NAYS

1. Johnson

2. Scott
3. Chandler

NOT VOTING

1. Everett
2. Gutknecht
3. Pence
4. Schmidt
5. Baca
6. Case

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture's oversight findings and recommendations are reflected in the body of this report.

BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2006.

Hon. BOB GOODLATTE,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 503, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jim Langley.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

H.R. 503—A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption

Summary: H.R. 503 would amend provisions of the Horse Protection Act of 1970 related to the slaughter of certain equines. The bill

would establish a pilot program in Kentucky and New York to prohibit certain activities associated with the slaughter of horses or other equines for human consumption. Due to exceptions included in the bill, this prohibition would not directly affect current equine slaughter activity in those or other States. The bill also would require the Secretary of Agriculture, subject to availability of appropriated funds, to compensate equine owners for any economic loss due to such prohibitions. In addition, the Secretary would be required to assume responsibility for any equine—in any state—that is unwanted by an owner.

The bill would authorize the appropriation of up to \$5 million per year to implement its provisions, but CBO estimates that those amounts would be insufficient to cover costs incurred by the U.S. Department of Agriculture (USDA). Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 503 would cost USDA \$21 million in 2007 and \$233 million over the 2007–2011 period. H.R. 503 would not affect direct spending or revenues.

H.R. 503 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

H.R. 503 would impose a private-sector mandate as defined in UMRA. It would amend the Horse Protection Act to prohibit—within the States of New York and Kentucky—the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. Certain exceptions to the prohibition would apply. The bill also would require the Secretary to compensate the owner of an equine who disposes of such equine due to the prohibition. The compensation would be equal to the loss in value of the equine due to the prohibition plus the disposal costs incurred. Since owners who would normally sell their horses for human consumption would be reimbursed for any loss in sale value, CBO estimates that the direct costs of the mandates in this bill would be minimal relative to the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 503 is shown in the following table. The costs of this legislation fall within budget function 350 (agriculture).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	25	35	50	60	75
Estimated Outlays	21	33	48	58	73

Basis of estimate: H.R. 503 would require the Secretary to assume responsibility for any equine (located in any state) that is unwanted by an owner and would authorize the appropriation of \$5 million annually for that purpose. CBO estimates, however, that the specified amounts would not be sufficient to cover the USDA's costs under H.R. 503. Based on information from USDA and private equine organizations, CBO estimates that fully implementing the bill would cost \$233 million over the 2007–2011 period, assum-

ing appropriation of the necessary amounts. That amount includes \$153 million to care for equines placed in suitable homes, \$60 million to euthanize equines which cannot be placed in homes, and \$20 million to transport equines and provide administrative services. That estimate assumes that equine owners would seek to dispose of about 100,000 animals annually.

According to USDA, the American Association of Equine Practitioners, and other private equine and humane associations, around 65,000 to 75,000 horses (about 1 percent of the domestic equine population) are sent to slaughter each year. Currently, there are three domestic slaughter facilities for horses: one in Illinois and two in Texas. H.R. 503 would not likely have a significant impact on the total number of equines slaughtered because the prohibition would only apply to horses in the states of Kentucky and New York, and even equines in those states would not be affected if, as expected, those equines were shipped to an existing facility for slaughter. Hence, CBO estimates that compensation payments from USDA to equine owners for the lost economic value of horses prohibited from being slaughtered, which would be subject to appropriation, would be small.

Estimated impact on State, local, and tribal Governments: H.R. 503 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: H.R. 503 would impose a private-sector mandate as defined in UMRA. It would amend the Horse Protection Act to prohibit—within the states of New York and Kentucky—the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.

Exceptions to the prohibition would apply if:

- The equine is owned or controlled by a state or local government or owned by an individual who purchased the equine from a state or local government;
- The equine will be slaughtered at a facility operating before the date of the enactment of the prohibition; or,
- The equine will be slaughtered for human consumption for charitable or humanitarian purposes.

The bill also would require the Secretary of Agriculture to compensate the owner of an equine who disposes of such equine due to the prohibition. The compensation would be equal to the loss in value of the equine due to the prohibition plus the disposal costs incurred. Since owners who would normally sell their horses for human consumption would be reimbursed for any loss in such sale value, CBO estimates that the direct costs of the mandates in this bill would be minimal relative to the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Jim Langley. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Tyler Kruzich.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objections of this legislation is to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

FEDERAL MANDATES STATEMENT

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HORSE PROTECTION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act".

SEC. 2. As used in this Act unless the context otherwise requires:

(1) *The term "human consumption" means ingestion by people as a source of food.*

[(1)] (2) The term "management" means any person who organizes, exercises control over, or administers or who is responsible for organizing, directing, or administering.

[(2)] (3) The term "Secretary" means the Secretary of Agriculture.

(4) *The term "slaughter" means the killing of one or more horses or other equines with the intent to sell or trade the flesh for human consumption.*

[(3)] (5) The term "sore" when used to describe a horse means that—

(A) * * *

* * * * *

[(4)] (6) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

SEC. 3. The Congress finds and declares that—

(1) *horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;*

(2) *horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;*

(3) *unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;*

(4) *individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption;*

(5) *the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers;*

[(1)] (6) the soring of horses is cruel and inhumane;

[(2)] (7) horses shown or exhibited which are sore, where such soreness improves the performance of such horse, compete unfairly with horses which are not sore;

[(3)] the movement, showing, exhibition, or sale of sore horses in intrastate commerce adversely affects and burdens interstate and foreign commerce;]

(8) *the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce;*

[(4)] (9) all horses which are subject to regulation under this Act are either in interstate or foreign commerce or substantially affect such commerce; and

[(5)] (10) regulation under this Act by the Secretary is appropriate to prevent and eliminate burdens upon commerce and to effectively regulate commerce.

* * * * *

SEC. 5. The following conduct is prohibited:

(1) * * *

* * * * *

(8) As a pilot program to evaluate the feasibility and practicability of imposing such a prohibition nation-wide, the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine in the States of Kentucky or New York to be slaughtered for human consumption, unless the equine—

(A) is owned or controlled by a State or local government or owned by an individual who purchased the equine from a State or local government;

(B) will be slaughtered at a facility operating before the date of the enactment of this paragraph; or

(C) will be slaughtered for human consumption for charitable or humanitarian purposes.

[(8)] (9) The failing to establish, maintain, or submit records, notices, reports, or other information required under section 4.

[(9)] (10) The failure or refusal to permit access to or copying of records, or the failure or refusal to permit entry or inspection, as required by section 4.

[(10)] (11) The removal of any marking required by the Secretary to identify a horse as being detained.

[(11)] (12) The failure or refusal to provide the Secretary with adequate space or facilities, as the Secretary may be regulation under section 9 prescribe, in which to conduct inspections or any other activity authorized to be performed by the Secretary under this Act.

SEC. 6. (a) * * *

* * * * *

(e)(1) The Secretary may detain for examination, testing, or the taking of evidence—

(A) any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probable cause to believe is sore; and

(B) any horse or other equine which the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).

[(1)] The Secretary may detain (for a period not to exceed twenty-four hours) for examination, testing, or the taking of evidence, any horse at any horse show, horse exhibition, or horse sale or auction which is sore or which the Secretary has probably cause to believe is sore. **[(2)]** The Secretary may require the temporary marking of any horse during the period of its detention for the purpose of identifying the horse as detained. A horse which is detained subject to this paragraph shall not be moved by any person from the place it is so detained except as authorized by the Secretary or until the expiration of the detention period applicable to the horse.

[(2)] (3) Any equipment, device, paraphernalia, or substance which was used in violation of any provision of this Act or any regulation issued under this Act or which contributed to the

soring of any horse at or prior to any horse show, horse exhibition, or horse sale or auction, shall be liable to be proceeded against, by process of libel for the seizure and condemnation and such equipment, device, paraphernalia, or substance, in any United States district court within the jurisdiction of which such equipment, device, paraphernalia, or substance is found. Such proceedings shall conform as nearly as possible to proceedings in rem in admiralty.

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【SEC. 11. As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.】

SEC. 11. REIMBURSEMENT OF OWNERS FOR LOSS OF VALUE OF HORSES.

The Secretary shall compensate the owner of an equine who disposes of such equine due to the prohibition under section 5(8). The Secretary shall compensate such owner for the total amount of—

- (1) *the loss in value of the equine due to such prohibition;*
- and*
- (2) *the costs incurred in the disposal of such equine.*

SEC. 11A. RESPONSIBILITY FOR UNWANTED HORSES.

The Secretary shall assume responsibility for any equine that is unwanted by an owner.

SEC. 12. There are authorized to be appropriated to carry out this Act \$125,000 for the period beginning July 1, 1976, and ending September 30, 1976; and for the fiscal year beginning October 1, 1976, and for each fiscal year thereafter there are authorized to be appropriated such sums, not exceed 【\$500,000】 \$5,000,000, as may be necessary to carry out this Act.