



Legislative Bulletin.....September 7, 2006

Contents:

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

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$22.5 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

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—*as introduced* (Sweeney, R-NY)

Order of Business: The bill is scheduled to be considered on Thursday, September 7th, subject to a structured rule. The amendments made in order under the rule will be summarized in a separate RSC document.

Summary (Note: the version coming to the floor is the introduced version of the bill, not the reported version): H.R. 503 would increase by 900% (from \$500,000 annually to \$5 million annually) the authorizations under the Horse Protection Act (15 U.S.C. 1821-1831) to create and enforce a new, nationwide prohibition on the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donating of horses and other equines to be slaughtered for human consumption.

H.R. 503 would also:

- authorize the Secretary of Agriculture to detain (for examination, testing, or the taking of evidence for an unlimited period of time) any horse or other equine that the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated for human consumption; and
- strike the current 24-hour limit on the Agriculture Secretary's detention authority for any horse at any horse show, horse exhibition, or horse sale or auction that is sore or that the Secretary has probable cause to believe is sore (see "Additional Background" below).

The bill would also amend, and add to, the findings on horse protection in current law.

Among the new findings are:

- "horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion; and
- "horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport."

One finding of note in current law is: "the movement, showing, exhibition, or sale of sore horses in intrastate commerce adversely affects and burdens interstate and foreign commerce," which H.R. 503 would change to: "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."

Additional Background: The 30-year-old Horse Protection Act is aimed primarily at preventing the soring of horses for show. Soring is a practice in which an acid or other irritating chemical is placed on a horse to affect the way the animal walks. Walking horses are prized for their "high lick" steps of the front hooves. Soring is thus subject to federal criminal and/or civil penalties under current law.

Committee Action: On February 1, 2005, the bill was referred to the Energy & Commerce Committee. On July 13, 2006, the bill was referred to the Agriculture Committee and re-referred to the Energy & Commerce Committee. On July 27, 2006, the Agriculture Committee marked up, amended, and ordered the bill reported to the full House.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 503 violates private property rights, and thus reduces freedom, by telling American citizens what they cannot do with their own property (in instances that clearly do not involve harm to any person). In addition, conservatives may be concerned that the actual funding required to implement this legislation could exceed the amount authorized, which itself is a 900% increase over current law (see “Cost to Taxpayers” below).

Cost to Taxpayers: The bill would provide for \$4.5 million in new authorizations in FY2007 and \$22.5 million over the F2007-FY2011 period. CBO informally reported to RSC staff that actual funding requirements could *exceed* the authorized amounts. The formal CBO cost estimate was for the reported version of H.R. 503, which is NOT coming to the floor.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would increase the scope of government in federally prohibiting Americans from slaughtering horses for consumption.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the bill’s prohibition on the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donating of horses and other equines to be slaughtered for human consumption is a new private-sector mandate.

Constitutional Authority: The Agriculture Committee, in House Report 109-617, cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to make all laws “necessary and proper for carrying into Execution the foregoing Powers”), but fails to cite a foregoing power to which this clause refers. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

Outside Organizations:

Organizations publicly opposing H.R. 503 include:

- American Farm Bureau Federation
- American Feed Industry Association
- American Meat Institute
- American Quarter Horse Association
- American Veterinary Medical Association
- Animal Welfare Council
- National Association of Counties
- National Cattlemen’s Beef Association
- Palomino Breeders of America
- A variety of state-based farm and animal organizations

Organizations publicly supporting H.R. 503 include:

- National Thoroughbred Racing Association
- National Show Horse Registry
- A variety of thoroughbred trainers and jockeys

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718