

1 MORNINGSIDE PARTNERS, LLC

2 MARKUP OF H.R. 6598, THE "PREVENTION OF
3 EQUINE CRUELTY ACT OF 2008"
4 Tuesday, September 23, 2008
5 House of Representatives,
6 Committee on the Judiciary,
7 Washington, D.C.

8 The committee met, pursuant to call, at 2:20 p.m., in Room
9 2141, Rayburn House Office Building, Hon. John Conyers
10 [chairman of the committee] presiding.

11 Present: Representatives Conyers, Berman, Nadler,
12 Scott, Watt, Lofgren, Jackson Lee, Waters, Delahunt, Wexler,
13 Sanchez, Cohen, Johnson, Sutton, Baldwin, Wasserman Schultz,

14 Smith, Sensenbrenner, Coble, Gallegly, Goodlatte, Chabot,
15 Cannon, Keller, Issa, Pence, Forbes, King, and Feeney.

16 Staff present: Perry Apelbaum, Staff Director and Chief
17 Counsel; Ted Kalo, Counsel; Karen Wilkinson, Counsel,
18 Subcommittee on Crime, Terrorism, and Homeland Security; Sean
19 McLaughlin, Minority Chief Counsel; and Ali Halataei,
20 Minority Counsel.

21 Chairman Conyers. [Presiding.] Ladies and gentlemen,
22 this is likely the last markup of the Congress for the House
23 Judiciary Committee. I want to thank everyone for their
24 cooperation and participation and contribution for such a
25 productive session. I have enjoyed the relationship with our
26 ranking member, Lamar Smith.

27 I wanted to just mention Chris Cannon, who we will miss.
28 And although he fiercely advocated whatever he supported, he
29 was a team person, and we found him working across the aisles
30 whenever he thought it appropriate. We will miss you.

31 [Applause.]

32 At Thursday morning at 11:30, we will take our Judiciary
33 Committee photograph.

34 I will yield to Lamar Smith.

35 Mr. Smith. Mr. Chairman, thank you.

36 I just want to add my comments to yours about Chris
37 Cannon, who is going to be leaving us. Like you, Chris, in
38 my judgment, has embodied an ideal member. He is smart. He
39 is knowledgeable. He is committed. And by "committed," I
40 mean passionate about a number of issues of which he is also
41 an expert. He has been both chairman and ranking of the
42 Administrative Law Subcommittee. I think he preferred the
43 latter, but was grateful for the—perfectly grateful for the
44 latter.

45 He also this year, Mr. Chairman, as you know, has been

46 the ranking member on one of the busiest subcommittees we
47 have on the Judiciary Committee. Again, that was not
48 necessarily our idea, but he did a great job as ranking
49 member of that subcommittee. And also, I just in passing—it
50 is personal—but Chris Cannon is the father of eight children,
51 and anybody who is that good of a family man in addition to
52 being a good member of Congress deserves extra praise as
53 well.

54 So Chris, we will miss you, but stay in touch with us as
55 well.

56 Mr. Chairman, before I yield to the gentleman from Utah,
57 I want to thank you for a very productive 2 years. Not many
58 members of Congress realize, as we do on this committee, that
59 the Judiciary Committee is actually the most productive
60 committee in Congress. If you don't count, as I don't, bills
61 naming buildings after individuals like post offices, we
62 produce more bills that get to the House floor than any other
63 committee. And that is a testimony to the members of the
64 Judiciary Committee as well.

65 But also, Mr. Chairman, it has been a pleasant surprise
66 working with you these last couple of years. I suspect we
67 were both a little bit surprised by the other. I, for
68 example, was half expecting you to call for the impeachment
69 of the president every week, and you did not do so. You
70 probably expected me to engage in a lot of attacks and

71 hurling bombs and things like that, and that did not
72 transpire either. We have had a very cordial relationship,
73 which I think has come about in part because we have not
74 taken each other's names in vain. I know I have made a
75 special effort not to use your name in an inappropriate
76 manner in news releases or in public comments, and I know you
77 have done the same.

78 It has been a relationship that has allowed us to get a
79 lot done, to agree to disagree as friends, and still, as I
80 said, be able to enjoy some progress, some bipartisan
81 legislation, but always a sense of comity on the committee.
82 For that, I thank you for your chairmanship these last 2
83 years.

84 Chairman Conyers. Thank you.

85 Mr. Smith. Mr. Chairman, if it is all right, could we
86 jointly yield to the gentleman from Utah?

87 Mr. Cannon. I would like to thank the chairman and the
88 ranking member for those very kind words. I served on four
89 committees while here in Congress. In thinking about this, I
90 will say that this committee operates on a higher level in
91 every regard than the other committees do, not to be mean to
92 anyone, but only to express the appreciation I feel, Mr.
93 Chairman, for you and the way you have run the committee in
94 the last 2 years, and also to recognize the esteem in which I
95 hold the rest of the members of this committee. It is truly

96 the one thing that I regret about leaving Congress, is losing
97 the association with the people on this committee.

98 Thank you.

99 Chairman Conyers. The chair wishes to thank Darrell
100 Issa for providing the committee with its lunch at its
101 probably last markup. Not because of that, I yield to him to
102 take off from where we left at the last meeting.

103 Mr. Pence. Would the chairman yield for a question?

104 Chairman Conyers. Absolutely.

105 Mr. Pence. Did you get drinks at your lunch?

106 Chairman Conyers. Yes, we did.

107 Mr. Pence. Thank you, Mr. Chairman. I yield back.

108 [Laughter.]

109 Chairman Conyers. Did you?

110 Mr. Pence. As a point of fact, we did not, sir. Thank
111 you.

112 [Laughter.]

113 Chairman Conyers. The chair recognizes Darrell Issa to
114 continue where we were from the last markup.

115 Mr. Issa. You know, they never mention the biscuits.
116 They just complain about the absence of the drinks.

117 Mr. Chairman, I want to thank you not only for the work
118 on the bill that we are considering today, but for 2 years of
119 work that was as much as possible bipartisan. In that
120 spirit, after our discussion on my concerns on trying to make

121 sure that the bill we have before us today, the horse
122 slaughter bill, in fact does everything it can to support
123 states, and states' protection against the exploitation and
124 export of horses for consumption outside of what they want.

125 Our discussion on being able to weave that into this
126 legislation after it goes through committee gives me
127 confidence that we can look at this either before it goes to
128 the floor this year or before it is re-dropped next year.
129 And with that, I will not be offering any additional
130 amendments, and totally support the work you are doing to try
131 to find compromise on this bill.

132 I thank the chairman.

133 Chairman Conyers. Does the gentleman withdraw the
134 amendment of his that is pending?

135 Mr. Issa. I would ask unanimous consent to withdraw the
136 amendment.

137 Chairman Conyers. Without objection. I thank the
138 gentleman and give him public assurance that our discussions
139 will continue.

140 Mr. Issa. Thank you, Mr. Chairman.

141 Chairman Conyers. Are there any other amendments
142 pending on the measure before the committee?

143 Mr. Goodlatte. Mr. Chairman?

144 Chairman Conyers. Yes?

145 Mr. Goodlatte. I have an amendment at the desk.

146 Chairman Conyers. The gentleman from Virginia, Mr.

147 Goodlatte, has an amendment. Which one?

148 Mr. Goodlatte. Number 286, Mr. Chairman.

149 Chairman Conyers. Amendment 286.

150 Mr. Smith. Mr. Chairman?

151 Chairman Conyers. Try another one.

152 Mr. Smith. I reserve a point of order.

153 Chairman Conyers. We haven't found the amendment yet.

154 Mr. Smith. Okay.

155 Chairman Conyers. Is there another amendment while we

156 wait for Mr. Goodlatte's amendment?

157 Steve King?

158 Mr. King. Mr. Chairman, I have an amendment at the

159 desk. I believe it is designated as amendment number two.

160 Chairman Conyers. The clerk will report. She doesn't

161 have that either.

162 Well, let's go for a third one. Does anybody else have

163 an amendment that is at the desk?

164 Mr. Goodlatte. Mr. Chairman, I believe that my

165 amendment is now at the desk.

166 Chairman Conyers. All right. The clerk will report the

167 Goodlatte amendment.

168 The Clerk. Amendment to H.R. 6598 offered by Mr.

169 Goodlatte. "Page 3, line 7, after 'Attorney General,' insert

170 'in consultation with the Secretary of Agriculture.'"

171 [The amendment by Mr. Goodlatte follows:]

172 ***** COMMITTEE INSERT *****

173 Chairman Conyers. The gentleman from Virginia, ranking
174 member of Agriculture, is recognized in support of his
175 amendment.

176 Mr. Goodlatte. Well, thank you, Mr. Chairman.

177 Mr. Chairman, at the two previous markups that we have
178 had an opportunity to discuss what I think is well-
179 intentioned, but very misguided legislation that is going to
180 result in the inhumane treatment of literally hundreds of
181 thousands of horses.

182 I have had the opportunity to talk about a number of the
183 problems with this bill related to the definition of who
184 could be liable for this. There are farmers and ranchers and
185 other horse-owners who will in good faith ship their horses
186 to other countries. If that horse eventually winds up going
187 to slaughter, they could become a part of a prosecution that
188 they certainly never intended to have, and it would be a
189 serious problem for them.

190 I have at each one of these sessions passed our articles
191 from The Wall Street Journal, Time magazine, the New York
192 Times, USA Today, pointing out the explosion in unwanted
193 horses that is already occurring in this country, the
194 emaciated horses, the horses who are abandoned in various
195 places around the country, the fact that the very well-
196 intended horse rescue organizations have it is estimated
197 nationwide the capacity to take care of only 7,000 horses,

198 and yet it is estimated that we are already producing 100,000
199 unwanted horses a year.

200 This legislation will create even more. But my concern
201 in this amendment addresses the fact that the responsibility
202 for taking care of unwanted horses that are taken into
203 possession as a result of the execution of this law, should
204 it become law, is with the attorney general of the United
205 States. The attorney general of the United States has no
206 expertise in this area. I am not aware of any veterinarians
207 who are employed by the Department of Agriculture to take
208 care of emaciated, unwanted horses.

209 It is a fact that the attorney general does not have the
210 resources or the expertise to care for confiscated horses,
211 which would be up to 100,000 horses per year if this bill is
212 enforced. What is the attorney general going to do with
213 these large numbers of horses? Horses are expensive animals
214 to care for. They require feed, hay, veterinary care and
215 proper shelter. How is the attorney general going to provide
216 any of these necessities, since this is clearly not within
217 their realm of responsibility?

218 If we don't pass this amendment, which very simply adds
219 the responsibility and role of the secretary of agriculture,
220 an organization, the department of the federal government
221 that has more veterinarians in its employ than any other
222 organization in the world—unless we do that, we are not going

223 to be helping these horses even with the explosion of
224 unwanted horses. We are going to be putting the attorney
225 general into a situation where he will have a hefty burden
226 and price tag to bear in hiring new horse wranglers, buying
227 or renting property to house the horses, not to mention the
228 increasing price of feed and hay.

229 To care for one unwanted horse, it is estimated to cost
230 over \$2,000 per year. Take that times 100,000 horses, and
231 you are looking at around \$200 million a year. If the
232 Department of Justice is engaged in the horse business, it
233 will severely detract from their more important mission of
234 combating terrorism, crime and protecting the public from
235 violent threats here and abroad.

236 The logical way to solve this problem is to have the
237 secretary of agriculture take responsibility for these
238 horses. The USDA has the expertise, since they have well
239 over 1,600 veterinarians, numerous animal health experts, and
240 a knowledge of the horse industry and what is required to
241 fully care for these horses.

242 So while I oppose the underlying legislation, if you are
243 going to proceed and do this, you ought to do it in a caring
244 and compassionate way for those horses. I would encourage my
245 colleagues to do the responsible thing and vote for this
246 amendment to ensure the welfare of these confiscated animals.

247 Chairman Conyers. I thank the gentleman. There were

248 those who were ready to accept another amendment that you
249 had.

250 Mr. Goodlatte. Mr. Chairman, I have just been advised
251 by my staff that the wrong amendment was handed out.

252 Chairman Conyers. Oh, I see.

253 Mr. Goodlatte. We would ask unanimous consent to
254 replace it with the amendment that I just spoke about.

255 Chairman Conyers. Absolutely. Retroactively, so
256 ordered.

257 The chair recognizes the gentleman from Virginia, Mr.
258 Scott.

259 Mr. Scott. Well, Mr. Chairman, I would like to see what
260 we are voting on. I think I was prepared to accept the
261 amendment that we have, so I am not sure what we are—

262 Chairman Conyers. Are we discussing the amendment that
263 we will not accept? Or are we discussing the amendment that
264 we won't accept?

265 Mr. Goodlatte. Mr. Chairman, I think it would be
266 appropriate to discuss the amendment that you should accept
267 before you discuss the other one that was handed out
268 incorrectly.

269 This one simply says "strike Attorney General and insert
270 Secretary of Agriculture."

271 Chairman Conyers. That is the one we oppose.

272 Mr. Scott. That is the one I would have taken a point

273 of order on had we—

274 Chairman Conyers. Well, you can retroactively have a
275 point of order. The whole bill is retroactive, the whole
276 amendment is retroactive as far as I am concerned.

277 Mr. Scott. Let me just say that the amendment that was
278 passed out had "Attorney General in consultation with the
279 Secretary of Agriculture." The fact is—excuse me, I move to
280 strike the last word.

281 Chairman Conyers. Without objection, the gentleman is
282 recognized.

283 Mr. Scott. The purpose of seizing the animals is to
284 seize them as evidence in the court proceeding. Consultation
285 with the secretary of agriculture could help in caring for
286 the animals and possible disposition, but the primary purpose
287 of seizing the animals is to present evidence in court.

288 The secretary of agriculture is not prepared to preserve
289 the evidence in such a way that it could be presented as
290 evidence. You have chain of custody issues where the
291 attorney general knows that you have to keep up with the
292 chain of custody. And if somehow somebody ends up in
293 possession with the animals, and you can't document where
294 they came from, and you lose the chain of custody, they are
295 no longer admissible evidence in court.

296 The attorney general would be sensitive to this and the
297 secretary of agriculture would not, and that is why the

298 attorney general ought to be the primary, in consultation
299 with the secretary of agriculture, so that the animals can be
300 properly cared for. But just striking the attorney general
301 and inserting the secretary of agriculture in my judgment
302 would not accomplish that purposes. It would complicate the
303 legal proceedings and I would hope that we would defeat that,
304 and possibly consider the amendment that was passed out
305 originally if the amendment we are now considering is
306 defeated.

307 Mr. Goodlatte. Would the gentleman yield?

308 Mr. Scott. I yield.

309 Mr. Goodlatte. Would the gentleman explain to us what
310 the attorney general is going to do with all these horses?
311 We certainly have plenty of other criminal statutes where
312 there are violations of other sections of the code, and the
313 evidence is turned over to the attorney general to bring a
314 prosecution. It happens in many, many agencies and
315 departments of the federal government. Why wouldn't that be
316 effective in this situation in dealing with horses? And
317 wouldn't it better for the horses to have the Department of
318 Agriculture responsible for finding a place for them in the
319 interim, rather than the attorney general of the United
320 States?

321 Mr. Scott. Well, reclaiming my time, if the purpose of
322 the seizure is to pursue a criminal prosecution, you would

323 need the evidence preserved in such a way that it could be
324 introduced in court. The secretary of agriculture would not
325 have the expertise to maintain the evidence in such a way
326 that it would be ready for introduction. You know, sometimes
327 you can use pictures. Sometimes you can use affidavits. But
328 at some point, the attorney general's expertise on how to get
329 the evidence in a court proceeding would be the primary
330 purpose of the seizure.

331 Chairman Conyers. Would the gentleman yield to me?

332 Mr. Scott. I yield to the gentleman from Michigan.

333 Chairman Conyers. I have a daring idea. Why doesn't
334 the attorney general hire two veterinarians if that is the
335 big concern?

336 Mr. Scott. I am sorry?

337 Chairman Conyers. Why doesn't the attorney general hire
338 two veterinarians if we want the tender mercies of the
339 secretary of agriculture to take care of everything?

340 Mr. Scott. Reclaiming my time, the attorney general
341 would have to have some mechanism, and if he consults with
342 the secretary of agriculture, he could figure out what to do.
343 But the primary purpose of the seizure of the animals to
344 begin with is not for their disposition, but for evidence in
345 a criminal proceeding. That is why the original amendment,
346 the attorney general in consultation with the secretary of
347 agriculture, appeared to solve all of the problems. But what

348 we have apparently substituted for consideration is strike
349 attorney general and insert secretary of agriculture. It
350 deletes the attorney general and the Department of Justice
351 from any control over the evidence.

352 Chairman Conyers. Would the gentleman yield again?

353 Mr. Scott. I yield.

354 Chairman Conyers. This sounds like a legislative
355 jurisdictional problem.

356 Mr. Scott. If there was a point of order, I think it
357 would also require, in my judgment, a re-referral, which
358 would make the amendment not germane.

359 Chairman Conyers. There is no point of order.

360 Is there further discussion?

361 Mr. Forbes. Mr. Chairman?

362 Chairman Conyers. Yes, sir, Mr. Forbes.

363 Mr. Forbes. I move to strike the last word.

364 Chairman Conyers. The gentleman is recognized.

365 Mr. Forbes. Mr. Chairman, I yield to the gentleman from
366 Virginia.

367 Mr. Goodlatte. I thank the gentleman for yielding.

368 I would just say to the chairman of the full committee
369 and the chairman of the subcommittee, there is a whole lot
370 more to this than two veterinarians. We are talking about
371 responsibility for having farms and operations where the feed
372 is provided to untold numbers of horses. Certainly, the

373 legislation won't entail getting all 100,000 of those
374 unwanted horses. Many of them will remain emaciated. Many
375 of them will be mistreated. Many of them will be let loose
376 in the wild in various parts of the country. But there will
377 still be a large quantity of horses.

378 The federal government right now has responsibility for
379 BLM horses. I certainly wouldn't want to set up another
380 entire federal government agency to take care of these
381 horses. It seems to me making far more sense, since the
382 department already has the expertise, already does enforce
383 the current laws that exist in this country regarding the
384 humane transport of horses, and there are horses seized under
385 that law, that you would be consistent and have that same
386 entity take responsibility for these horses as well, and not
387 entrust to the attorney general of the United States a
388 responsibility for which he has no expertise whatsoever.

389 If there is a jurisdictional issue, it might be because
390 the Agriculture Committee and the Agriculture Department have
391 more expertise on this than the Judiciary Committee or the
392 U.S. Department of Justice. Either way, this is simply a way
393 of acknowledging that and making sure that those who have the
394 expertise have the opportunity to address this problem.

395 I thank the gentleman for yielding.

396 Chairman Conyers. I thank the gentleman from Virginia.

397 Mr. Forbes. Mr. Chairman?

398 Chairman Conyers. Yes, sir?

399 Mr. Forbes. I yield back the balance of my time.

400 Chairman Conyers. All right.

401 The question is asked at this time.

402 All those in favor of the amendment of the gentleman

403 from Virginia, Mr. Goodlatte, indicate by saying "aye."

404 [A chorus of ayes.]

405 Chairman Conyers. All those opposed indicate by saying

406 "no."

407 [A chorus of noes.]

408 Chairman Conyers. The ayes have it.

409 A recorded vote is requested.

410 The Clerk. Mr. Conyers?

411 Chairman Conyers. No.

412 The Clerk. Mr. Conyers votes no.

413 Mr. Berman?

414 [No response.]

415 Mr. Boucher?

416 [No response.]

417 Mr. Nadler?

418 [No response.]

419 Mr. Scott?

420 Mr. Scott. No.

421 The Clerk. Mr. Scott votes no.

422 Mr. Watt?

423 [No response.]
424 Ms. Lofgren?
425 [No response.]
426 Ms. Jackson Lee?
427 [No response.]
428 Ms. Waters?
429 [No response.]
430 Mr. Delahunt?
431 [No response.]
432 Mr. Wexler?
433 [No response.]
434 Ms. Sanchez?
435 [No response.]
436 Mr. Cohen?
437 [No response.]
438 Mr. Johnson?
439 [No response.]
440 Ms. Sutton?
441 Ms. Sutton. No.
442 The Clerk. Ms. Sutton votes no.
443 Mr. Gutierrez?
444 [No response.]
445 Mr. Sherman?
446 [No response.]
447 Ms. Baldwin?

448 Ms. Baldwin. No.
449 The Clerk. Ms. Baldwin votes no.
450 Mr. Weiner?
451 [No response.]
452 Mr. Schiff?
453 [No response.]
454 Mr. Davis?
455 [No response.]
456 Ms. Wasserman Schultz?
457 Ms. Wasserman Schultz. No.
458 The Clerk. Ms. Wasserman Schultz votes no.
459 Mr. Ellison?
460 [No response.]
461 Mr. Smith?
462 Mr. Smith. Aye.
463 The Clerk. Mr. Smith votes aye.
464 Mr. Sensenbrenner?
465 Mr. Sensenbrenner. Aye.
466 The Clerk. Mr. Sensenbrenner votes aye.
467 Mr. Coble?
468 Mr. Coble. Aye.
469 The Clerk. Mr. Coble votes aye.
470 Mr. Gallegly?
471 Mr. Gallegly. No.
472 The Clerk. Mr. Gallegly votes no.

473 Mr. Goodlatte?
474 Mr. Goodlatte. Aye.
475 The Clerk. Mr. Goodlatte votes aye.
476 Mr. Chabot?
477 [No response.]
478 Mr. Lungren?
479 [No response.]
480 Mr. Cannon?
481 Mr. Cannon. Aye.
482 The Clerk. Mr. Cannon votes aye.
483 Mr. Keller?
484 Mr. Keller. No.
485 The Clerk. Mr. Keller votes no.
486 Mr. Issa?
487 [No response.]
488 Mr. Pence?
489 [No response.]
490 Mr. Forbes?
491 Mr. Forbes. Aye.
492 The Clerk. Mr. Forbes votes aye.
493 Mr. King?
494 Mr. King. Aye.
495 The Clerk. Mr. King votes aye.
496 Mr. Feeney?
497 Mr. Feeney. Aye.

498 The Clerk. Mr. Feeney votes aye.
499 Mr. Franks?
500 [No response.]
501 Mr. Gohmert?
502 [No response.]
503 Mr. Jordan?
504 Mr. Jordan. Aye.
505 The Clerk. Mr. Jordan votes aye.
506 Chairman Conyers. Ms. Lofgren?
507 Ms. Lofgren. No.
508 The Clerk. Ms. Lofgren votes no.
509 Chairman Conyers. Ms. Sanchez?
510 Ms. Sanchez. No.
511 The Clerk. Ms. Sanchez votes no.
512 Chairman Conyers. Mr. Nadler?
513 Mr. Nadler. No.
514 The Clerk. Mr. Nadler votes no.
515 Chairman Conyers. Mr. Cohen?
516 Mr. Cohen. No.
517 The Clerk. Mr. Cohen votes no.
518 Chairman Conyers. Mr. Wexler?
519 Mr. Wexler. No.
520 The Clerk. Mr. Wexler votes no.
521 Chairman Conyers. Mr. Sherman?
522 Mr. Sherman. No.

523 The Clerk. Mr. Sherman votes no.

524 Chairman Conyers. Are there other members that wish to
525 vote?

526 The clerk will report.

527 The Clerk. Mr. Chairman, 13 members voted no, 9 members
528 voted aye.

529 Chairman Conyers. The amendment does not succeed.

530 Are there other amendments?

531 Mr. Goodlatte. Mr. Chairman?

532 Chairman Conyers. Yes, sir. Mr. Goodlatte?

533 Mr. Goodlatte. I now have an amendment that is already
534 past the desk and distributed to the members.

535 [Laughter.]

536 Chairman Conyers. The clerk will report the amendment.

537 The Clerk. Amendment to H.R. 6598 offered by Mr.

538 Goodlatte. "Page 3, line 7, after 'Attorney General,' insert
539 'in consultation with the Secretary of Agriculture.'"

540 [The amendment by Mr. Goodlatte follows:]

541 ***** COMMITTEE INSERT *****

542 Chairman Conyers. The gentleman is recognized in
543 support of his amendment.

544 Mr. Goodlatte. Well, thank you, Mr. Chairman.

545 Mr. Chairman, all the arguments I just made for the
546 other amendment would apply to this one. I don't think this
547 will accomplish the same goal of not duplicating the efforts
548 of the federal government, in requiring the attorney general
549 to hire people and to have land and employees and hay and
550 other feed and medical supplies and so on that duplicates
551 what already exists at the Department of Agriculture, but at
552 least it will require him to consult with the secretary of
553 agriculture in accomplishing his efforts. Therefore, I would
554 encourage my colleagues to support the amendment.

555 Mr. Scott. Will the gentleman yield?

556 Mr. Goodlatte. I would yield.

557 Mr. Scott. I would say, Mr. Chairman, the comments were
558 made earlier. I think this amendment accomplishes a worthy
559 goal, and I would hope we would accept it.

560 I yield back.

561 Chairman Conyers. I thank the gentleman.

562 If there is no further comment, all in favor of the
563 amendment say "aye."

564 [A chorus of ayes.]

565 Chairman Conyers. All those opposed say "no."

566 [No response.]

567 The ayes have it and the amendment is agreed to.

568 Steve King?

569 Mr. King. Thank you, Mr. Chairman.

570 I have an amendment I believe it at the desk, designated
571 amendment number two.

572 Chairman Conyers. The clerk will report the amendment.

573 The Clerk. Amendment to H.R. 6598 offered by Mr. King
574 of Iowa.

575 Mr. Scott. Mr. Chairman, I reserve a point of order.

576 Chairman Conyers. A point of order is reserved.

577 The Clerk. "On page 3, after the matter following line
578 14, insert the following:"

579 [The amendment by Mr. King follows:]

580 ***** COMMITTEE INSERT *****

581 Chairman Conyers. I ask unanimous consent that the
582 amendment be considered as read.

583 The gentleman from Iowa is recognized in support of his
584 amendment.

585 Mr. King. Thank you, Mr. Chairman.

586 What my amendment does is, really, it suspends the
587 enactment clause, and suspends the enactment until the
588 Department of Agriculture, which now will be in consultation
589 with the Department of Justice, certifies in advance that
590 there is enough space available in the United States in
591 rescue facilities to provide for unwanted horses that will be
592 in shelter.

593 Just do the numbers on this, Mr. Chairman. We have had
594 horse harvesting numbers that range between 90,000 and
595 100,000 a year. If you take the round number 100,000 and you
596 figure that a half-life of a horse is about 10 years, and
597 that is a little on the conservative side, we end up with a
598 cumulation of an additional million horses in America that
599 otherwise were going off to harvest, and they were being
600 managed by their owners in a fashion that I believe is
601 responsible and humane.

602 What is happening now is that horses are being turned
603 loose. I mentioned in our last markup that some of my
604 neighbors said, well, you have to keep the lock on the
605 pasture gate, especially if you have horses in it, because

606 your two horses might be five by the time the sun comes up in
607 the morning. So what we are going to do is assure with this
608 amendment that there is enough shelter space available.

609 I would read from an e-mail that came from an
610 organization called Angels Among Us. They are the folks that
611 take care of unwanted horses and try to provide essentially
612 the equivalent of foster care for unwanted horses. Here is
613 the e-mail. It is dated September 8 of this year, and it
614 says, it is to Montana Pets, and it says: "I wanted to let
615 you all know, Angels Among Us equine rescue will be closing
616 permanently. We hoped this would not have to happen, but the
617 fact is we no longer have pasture space for the horses in our
618 care, and our foster families are at full capacity. We still
619 have four horses that need homes as soon as possible. We
620 have temporary pasture for them until October 5, but if we
621 have not found homes for them by then, we will have no choice
622 but to put them down."

623 That is what we are faced with with facilities for care
624 for these extra horses that will be the result of—and already
625 are the result of litigation. Then it becomes a
626 responsibility of Congress if it is the result of
627 legislation. So this amendment is really pretty simple. It
628 just asks the secretary of agriculture, actually the
629 Department of Agriculture, to certify in advance that we have
630 enough space to take care of these horses. And we do have

631 federal programs to care for mustangs on federal lands, and
632 it does take a fair amount of federal tax dollars today. And
633 those numbers will go up substantially.

634 I would also add to this that I did a little
635 calculation, and I don't have my envelope in my jacket
636 pocket, but it is that precise and it has gone on an
637 envelope. And that is if you take about the average number
638 of acres required to support a horse—and we are in an
639 argument here now on whether we can actually do this argument
640 of fuel versus food, and that is corn ethanol versus we don't
641 eat that corn, by the way, but it is animal feed.

642 If we are worried about not being able to burn enough
643 gas or ethanol to move us back and forth that we should get
644 on a bicycle, if you just do the calculation that a million
645 horses in a year, if you take the acres that they will
646 consume to sustain those horses, and convert that to ethanol
647 production, that is right at a billion gallons of ethanol a
648 year. A million horses consume a billion gallons of ethanol.
649 If it is food versus fuel, it is food for horses against
650 fuel. It is not food against what goes on the table.

651 So I urge the adoption of this amendment. It puts some
652 of the expertise where it belongs in the Department of
653 Agriculture, rather than the Department of Justice. I
654 certainly agreed with Mr. Goodlatte's argument earlier, but
655 let's find out. If we are going to take on this

656 responsibility—and Mr. Goodlatte argued against taking on
657 this responsibility through the Department of Justice—let's
658 make sure that the people that have the expertise, which is
659 the Department of Agriculture, can certify that there is
660 space available and these horses can be cared for.

661 I saw a horse about 3 weeks ago that was literally a bag
662 of bones. You would not believe a horse could live that was
663 bones and hide. It was standing there with its head down.
664 It is a sad, sad sight to think how many days that horse had
665 to starve, and is still alive, still standing there. It is a
666 sad thing to see. We will see it by the tens of thousands,
667 if not up to a million, if we don't take some responsible
668 actions.

669 So I urge adoption of my amendment, and I yield back the
670 balance of my time.

671 I thank the chairman.

672 Chairman Conyers. I thank the gentleman.

673 Mr. Scott. Mr. Chairman?

674 Chairman Conyers. Mr. Scott?

675 Mr. Scott. Mr. Chairman, first I would like to ask
676 unanimous consent that a letter written by Josephine
677 Abercrombie, a thoroughbred industry leader, on behalf of
678 several leaders in the thoroughbred industry, be entered into
679 the record.

680 Chairman Conyers. Without objection.

681 [The information follows:]

682 ***** INSERT *****

683 Mr. Scott. And I had offered a point of order because
684 the amendment as drafted would require responsibilities of
685 the Department of Agriculture over which we have no
686 jurisdiction, and would therefore require a referral to the
687 Agriculture Committee. I understand someone else wants to
688 speak before you rule on that, but pending that, this
689 amendment would be impossible to administer. It violates due
690 process because this is a criminal statute, and no one would
691 know when and what year the criminal offense would apply and
692 when it doesn't. So I would hope we would defeat the
693 amendment if it is not thrown out on the point of order.

694 Chairman Conyers. Well, let's just do one thing at a
695 time, sir. Let's take the point of order.

696 Does anyone else wish to be heard on the point of order?

697 Mr. King. Mr. Chairman?

698 Chairman Conyers. Mr. King?

699 Mr. King. Thank you, Mr. Chairman.

700 I would argue this amendment is germane. While
701 opponents of this amendment might maintain that substituting
702 the secretary and putting responsibility over there to the
703 secretary is outside the jurisdiction of this committee, I
704 would argue that this entire bill is outside the jurisdiction
705 of this committee. It should have been in the Ag Committee
706 where Mr. Goodlatte and I could have perhaps prevailed with
707 the clear heads of the expertise and the assistance of the

708 people on that committee, as much as they don't challenge our
709 jurisdiction over the matters in the Judiciary Committee. So
710 I think it is quite unusual to have a horse bill before the
711 Judiciary Committee.

712 I would argue also that the previous amendment, which
713 was adopted, by Mr. Goodlatte, brings the secretary of
714 agriculture into consultations. So this amendment does
715 exactly the same thing, and I appreciate the support by Mr.
716 Scott of the previous amendment. I would argue that this
717 amendment goes exactly into the same subject matter, and I
718 believe it is germane.

719 I yield back.

720 Chairman Conyers. Are there any other persons that seek
721 to be recognized?

722 Mr. Goodlatte?

723 Mr. Goodlatte. Yes, on the issue of the germaneness of
724 the amendment.

725 Chairman Conyers. Exactly.

726 Mr. Goodlatte. Yes, Mr. Chairman.

727 I would just make the point that the addition of the
728 role of the Department of Agriculture to this does so in a
729 section that deals with the placement or other humane
730 disposition of horses. No where in Rule 10 does the
731 Judiciary Committee have jurisdiction over horse placement to
732 begin with. So the argument could be made that the entire

733 underlying section that we are amending is outside of
734 Judiciary's jurisdiction.

735 In fact, the Agriculture Committee has requested a
736 sequential referral on this bill, and that, I might add, is
737 by the Democratic chairman of the committee requesting that.
738 The referral cannot be granted until Judiciary has reported
739 the bill, but the fact that it has not yet been granted does
740 not mean that the section at hand is not within Agriculture's
741 jurisdiction.

742 As such, the gentleman's amendment will not trigger a
743 referral to Agriculture. The underlying text already
744 warrants the referral. Therefore, I do not think that the
745 chairman or any member can argue in good faith that this
746 amendment is non-germane on the grounds that it would trigger
747 a referral to another committee. Even if the chairman is of
748 the opinion that this section is not within the Agriculture
749 Committee's jurisdiction, I would argue that the amendment is
750 still germane.

751 What we are doing in this section of the bill is
752 specifying how we will deal with these large numbers of
753 unwanted horses that will be created by the passage of this
754 legislation. We do this all the time in criminal statutes.
755 In this case, we are specifying that the Department of
756 Agriculture has a role in this process by certifying that
757 there is capacity to handle these animals. Nonetheless, we

758 are still operating within the confines of a criminal law,
759 all of which is within this committee's jurisdiction.

760 In summary, the amendment is germane, as is the claim of
761 the Agriculture Committee for jurisdiction, and as such
762 sequential referral.

763 Thank you, Mr. Chairman.

764 Chairman Conyers. I thank all the gentlemen who
765 participated on this. And thanks to the Judiciary Committee
766 parliamentarian. The chair is prepared to rule.

767 This amendment deals with a different subject matter and
768 purpose and would broaden the underlying bill, the amendment,
769 beyond its current scope because, in the opinion of the
770 chair, it imposes a duty on the secretary of agriculture that
771 goes beyond the consultation duties that this committee has
772 accorded him.

773 And therefore, pursuant to House Rule 16, clause 7, and
774 other precedents, and after consultation with the House
775 parliamentarian as well, the chair rules the amendment to be
776 not germane to the bill.

777 Mr. King. Would the chairman yield?

778 Chairman Conyers. Of course.

779 Mr. King. Thank you, Mr. Chairman.

780 I just would ask you a question here, then, with regard
781 to that ruling.

782 Chairman Conyers. We cannot discuss the ruling, sir. I

783 recognize you to introduce another amendment if you have one.

784 Mr. King. But could be recognized to appeal the ruling
785 of the chair?

786 Chairman Conyers. Of course.

787 Mr. King. But of course, I wouldn't do that, Mr.

788 Chairman.

789 [Laughter.]

790 Chairman Conyers. Thank you.

791 Mr. King. So I would appreciate being recognized to
792 offer an amendment.

793 Chairman Conyers. All right. What a gentleman.

794 [Laughter.]

795 The gentleman from Iowa is recognized.

796 Mr. King. Amendment 3(a) please, presumably at the
797 desk. No? On its way to the desk, Mr. Chairman.

798 Mr. Scott. Mr. Chairman, I reserve a point of order.

799 Chairman Conyers. We want to hear the bill first.

800 The Clerk. Amendment to H.R. 6598.

801 Chairman Conyers. A point of order is recognized.

802 The Clerk. Amendment to H.R. 6598 offered by Mr. King
803 of Iowa. "Page 3 after the matter following line—"

804 [The amendment Mr. King follows:]

805 ***** COMMITTEE INSERT *****

806 Chairman Conyers. I ask unanimous consent the amendment
807 be considered as read. And I recognize the distinguished
808 gentleman from Iowa.

809 Mr. King. Thank you, Mr. Chairman.

810 My amendment, amendment 3(a), what it does is it
811 recognizes that there are going to be local governments that
812 have the burden of the costs of these horses. As they are
813 released onto the streets and in the pastures and onto the
814 BLM land and put onto people's land, or they are just simply
815 wandering around in the road ditches. The circumstances that
816 will unfold is that local government will be called to come
817 pick up the stray horses, and local government will be in the
818 form of cities, counties, states, whatever the organizations
819 happen to be, animal rescue leagues. And there will be some
820 other organizations that will be part of that—or a local
821 humane society, which are the people that do take care of
822 stray animals and will probably be called upon. They are a
823 good organization, the local humane societies are.

824 But the costs that will be incurred in this are
825 substantial, and by an action of this committee and Congress
826 can be putting that responsibility back on local government.
827 So what my amendment does is it sets it up so that the
828 attorney general shall reimburse state and local governments
829 for costs incurred for caring for stray or abandoned horses,
830 and it shall compensate the horse-owners for disposal of

831 horses other than through sale.

832 It recognizes that it is quite expensive to dispose of a
833 horse. The fee to go to rendering is someplace between \$75
834 and \$250. That is for the horse carcass pickup. I mean, I
835 am a fellow that has dug a lot of holes into mother earth,
836 and that cost is—maybe my notes are a little bit on the high
837 side. I think we can still do that for \$250, but it may run
838 up to \$500 or more depending on mobilization costs. The cost
839 to incinerate or cremate is \$600 to \$2,000. This is quite an
840 expensive undertaking that we have, and we are pushing this
841 burden down on local government.

842 My amendment lifts the burden at least off of local
843 government with regard to the cost and also to compensate the
844 horse-owners for disposal. So this action, that comes I
845 think inappropriately through the litigation and now the
846 legislation that bans the management of horses by the people
847 that rightfully own them, is the taking of property, and it
848 is putting the cost back into them, onto the horse-owners for
849 disposal. The market is gone. It used to be a \$500 to \$600
850 market. Now, it is a \$50 market, or maybe less. And that is
851 not nearly enough to compensate for dealing with these
852 unwanted horses.

853 So they are either going to go on the hands of
854 government, or the owner is going to have to take the
855 responsible thing and put them down. If they do, they incur

856 a significant cost, and this would be something that would be
857 utterly humane because that starving horse that I described
858 in the earlier amendment, that horse went through a lot of
859 pain and suffering starving. This at least brings it up to
860 where people are not starving their horses because they don't
861 have the money to deal with them, and where local government
862 is not pushing this off and pushing it onto the taxpayer.

863 So it is a simple amendment. We pushed the
864 responsibility down on local government, on the horse-owners.
865 It is the takings of their property. This compensates them
866 for that. I urge its adoption, and I yield back the balance
867 of my time.

868 Chairman Conyers. I thank the gentleman.

869 Does anyone seek recognition? Mr. Scott?

870 Mr. Scott. Thank you, Mr. Chairman.

871 Mr. Chairman, when we passed animal cruelty laws, we
872 never reimbursed anyone else. If you pass a bill to prohibit
873 cockfighting, we haven't considered reimbursing gambling
874 operators that we put out of business. This would be a new
875 precedent. Furthermore, there is no appropriation for this
876 new duty. I would hope we would defeat the amendment.

877 Chairman Conyers. Does the gentleman yield back his
878 time?

879 Does anyone else seek to be recognized?

880 Mr. Goodlatte. Mr. Chairman?

881 Chairman Conyers. The gentleman from Virginia, Mr.

882 Goodlatte?

883 Mr. Goodlatte. Thank you, Mr. Chairman.

884 Mr. Chairman, let me just say in response to the
885 gentleman from Virginia that we are talking about animals
886 that are very different than most of the animals that we have
887 dealt with in disposal in the past. Horses weigh 800, 1,200,
888 1,300 pounds. They are enormous animals. We are not talking
889 about the same kind of problems that are encountered with the
890 disposition of dogs or cats.

891 The fact of the matter is that this amendment addresses
892 the concern that has caused the National Association of
893 Counties to oppose this bill. This is a serious problem for
894 local governments across the country to deal with unwanted
895 horses. Are they each to do what the attorney general of the
896 United States would now have to do? And that is set up an
897 operation where they keep horses in facilities? Or are they
898 going to have to set up a whole different type of disposal
899 facility?

900 I mean, certainly the local animal facility that takes
901 care of dogs and cats is not going to be able to take care of
902 this problem. So they don't know what to do with this. We
903 had a system set up in this country for the human
904 euthanization of these horses. That is gone. This bill
905 would attempt—and I think it is very flawed in many ways, as

906 I have said before—would attempt to stop export of horses to
907 Canada or Mexico for purpose of human consumption. Nobody in
908 this country eats horse meat. I am sure you don't.

909 But the fact of the matter is, when you cut off all
910 these avenues, you are creating an enormous problem in this
911 country, and there is nothing in this legislation to address
912 it, nothing at all. This amendment is a good-faith effort to
913 do that by recognizing the enormous costs that we are
914 imposing upon state and local governments when we leave the
915 problem of dealing with abandoned horses unaddressed in this
916 legislation.

917 So I would urge my colleagues to support this amendment.
918 I think it is offered in good faith, and it is a very well-
919 intentioned amendment to address a very real problem.

920 Chairman Conyers. The gentleman yields back his time.
921 I thank him for his comments.

922 Does anyone else seek recognition?

923 If not, the question is on the amendment offered by Mr.
924 King.

925 All those in favor say "aye."

926 [A chorus of ayes.]

927 Chairman Conyers. All those opposed say "no."

928 [A chorus of noes.]

929 Chairman Conyers. The chair is in doubt. The clerk
930 will call the roll.

931 The Clerk. Mr. Conyers?

932 Chairman Conyers. No.

933 The Clerk. Mr. Conyers votes no.

934 Mr. Berman?

935 [No response.]

936 Mr. Boucher?

937 [No response.]

938 Mr. Nadler?

939 [No response.]

940 Mr. Scott?

941 Mr. Scott. No.

942 The Clerk. Mr. Scott votes no.

943 Mr. Watt?

944 [No response.]

945 Ms. Lofgren?

946 Ms. Lofgren. No.

947 The Clerk. Ms. Lofgren votes no.

948 Ms. Jackson Lee?

949 [No response.]

950 Ms. Waters?

951 [No response.]

952 Mr. Delahunt?

953 [No response.]

954 Mr. Wexler?

955 [No response.]

956 Ms. Sanchez?
957 Ms. Sanchez. No.
958 The Clerk. Ms. Sanchez votes no.
959 Mr. Cohen?
960 Mr. Cohen. No.
961 The Clerk. Mr. Cohen votes no.
962 Mr. Johnson?
963 [No response.]
964 Ms. Sutton?
965 [No response.]
966 Mr. Gutierrez?
967 [No response.]
968 Mr. Sherman?
969 [No response.]
970 Ms. Baldwin?
971 Ms. Baldwin. No.
972 The Clerk. Ms. Baldwin votes no.
973 Mr. Weiner?
974 Mr. Weiner. No.
975 The Clerk. Mr. Weiner votes no.
976 Mr. Schiff?
977 [No response.]
978 Mr. Davis?
979 [No response.]
980 Ms. Wasserman Schultz?

981 Ms. Wasserman Schultz. No.

982 The Clerk. Ms. Wasserman Schultz votes no.

983 Mr. Ellison?

984 [No response.]

985 Mr. Smith?

986 Mr. Smith. Aye.

987 The Clerk. Mr. Smith votes aye.

988 Mr. Sensenbrenner?

989 Mr. Sensenbrenner. Aye.

990 The Clerk. Mr. Sensenbrenner votes aye.

991 Mr. Coble?

992 Mr. Coble. Aye.

993 The Clerk. Mr. Coble votes aye.

994 Mr. Gallegly?

995 Mr. Gallegly. No.

996 The Clerk. Mr. Gallegly votes no.

997 Mr. Goodlatte?

998 Mr. Goodlatte. Aye.

999 The Clerk. Mr. Goodlatte votes aye.

1000 Mr. Chabot?

1001 [No response.]

1002 Mr. Lungren?

1003 [No response.]

1004 Mr. Cannon?

1005 Mr. Cannon. Aye.

1006 The Clerk. Mr. Cannon votes aye.
1007 Mr. Keller?
1008 Mr. Keller. No.
1009 The Clerk. Mr. Keller votes no.
1010 Mr. Issa?
1011 [No response.]
1012 Mr. Pence?
1013 [No response.]
1014 Mr. Forbes?
1015 [No response.]
1016 Mr. King?
1017 Mr. King. Aye.
1018 The Clerk. Mr. King votes aye.
1019 Mr. Feeney?
1020 [No response.]
1021 Mr. Franks?
1022 [No response.]
1023 Mr. Gohmert?
1024 [No response.]
1025 Mr. Jordan?
1026 Mr. Jordan. Aye.
1027 The Clerk. Mr. Jordan votes aye.
1028 Chairman Conyers. Are there other members who wish to
1029 cast their vote?
1030 Ms. Sutton?

1031 Ms. Sutton. No.

1032 The Clerk. Ms. Sutton votes no.

1033 Chairman Conyers. Mr. Nadler?

1034 Mr. Nadler. No.

1035 The Clerk. Mr. Nadler votes no.

1036 Chairman Conyers. Mr. Wexler?

1037 Mr. Wexler. No.

1038 The Clerk. Mr. Wexler votes no.

1039 Chairman Conyers. Mr. Berman?

1040 Mr. Berman. No.

1041 The Clerk. Mr. Berman votes no.

1042 Chairman Conyers. Are there other members that wish to
1043 cast a vote?

1044 The clerk will report.

1045 The Clerk. Mr. Chairman, 14 members voted no; 7 members
1046 voted yes.

1047 Chairman Conyers. The amendment does not succeed.

1048 Is there a final amendment?

1049 Mr. King. Mr. Chairman?

1050 Chairman Conyers. Yes, Mr. King?

1051 Mr. King. I actually believe that the amendment number
1052 16 at the desk does qualify for that definition.

1053 Chairman Conyers. The clerk will report the amendment.

1054 Thank you.

1055 The Clerk. Amendment to H.R. 6598 offered by Mr. King

1056 of Iowa. "Page 3, after the matter following line 14, insert
1057 the following: Section 3, Limitation on Effect. The
1058 amendments made by this Act shall not apply during a calendar
1059 year to conduct that would otherwise constitute an offense
1060 under them, unless the Department of Justice certifies in
1061 advance that for that year space is available at United
1062 States rescue facilities to provide unwanted horses with
1063 shelter."

1064 [The amendment by Mr. King follows:]

1065 ***** INSERT *****

1066 Chairman Conyers. I thank the gentlelady.

1067 The gentleman is recognized in support of his amendment.

1068 Mr. King. Thank you, Mr. Chairman.

1069 This is the amendment that I offered earlier that I had
1070 the Department of Agriculture certifying in advance that
1071 there was space available to care for horses in rescue
1072 facilities. But this attempts, and I believe successfully
1073 does, to establish a germane amendment that puts this
1074 responsibility to the Department of Justice, rather than the
1075 Department of Agriculture. So that is a technical change
1076 that is here, but the underlying principle and premise
1077 remains the same.

1078 I have in my hand a letter from the Horse Welfare
1079 Coalition which opposes the underlying bill of H.R. 6598.
1080 Just to pull some phrases out of this letter, it describes it
1081 as it will create "An Epidemic of Abandoned Horses." Or,
1082 "U.S. Shelters Saddled with Unwanted Horses" is another—it is
1083 a USA Today article. In the latter, it states, and this is
1084 in bold, it says this legislation does not help address the
1085 long-term care and funding that will be necessary to help the
1086 tens of thousands of horses that will be affected by the ban.
1087 That is a short summary of this letter, Mr. Chairman. I
1088 ask unanimous consent to introduce this letter from the Horse
1089 Welfare Coalition into the record.

1090 Chairman Conyers. Without objection, so ordered.

1091 [The information follows:]

1092 ***** INSERT *****

1093 Mr. King. Thank you, Mr. Chairman.

1094 I will wrap up my advocacy of this amendment fairly
1095 briefly, having made these arguments in the case of the
1096 secretary of agriculture. But the Department of Justice
1097 under this amendment would need to certify in advance that
1098 there is space available and rescue facilities available to
1099 provide unwanted horses with shelter. It is a compassionate
1100 amendment that says, all right, if the federal government is
1101 going to take the responsibility, then, to put a statutory
1102 end to the market for excess horses in America, then we end
1103 to take the responsibility for their care as well.

1104 It is back to the argument I made earlier. It is a
1105 takings of property, and it is not humane because horses
1106 starve when left to their own devices. Someone has to take
1107 care of these horses if we are going to be humane and
1108 compassionate. To put that back onto local government, local
1109 animal shelters, when this is a federal act, is
1110 irresponsible.

1111 So I say that this amendment makes it the attorney
1112 general and the Department of Justice, and I would urge its
1113 adoption, and I yield back the balance of my time.

1114 Chairman Conyers. I thank the gentleman from Iowa.

1115 Mr. Scott?

1116 Mr. Scott. Thank you, Mr. Chairman.

1117 Mr. Chairman, just because it is germane doesn't mean it

1118 is desirable. I would point out again as I indicated it
1119 would be impossible to administer because it violates due
1120 process. This is a criminal statute. People have to know
1121 whether certain behavior is criminal or not. Under this
1122 amendment, it could be criminal one year, not criminal the
1123 next, because you didn't have a certification in advance.
1124 Then next year it is a crime. The following year the
1125 Department of Justice forgets to certify, so it would not be
1126 a crime.

1127 It is impossible to administer. It is not fair to
1128 people to have a criminal statute that is here today and gone
1129 tomorrow and may be back the next day. So I would hope we
1130 would defeat the amendment. I yield back the balance of my
1131 time.

1132 Chairman Conyers. I thank the gentleman.

1133 If there is no further—

1134 Mr. Goodlatte. Mr. Chairman?

1135 Chairman Conyers. Yes, sir? Mr. Goodlatte is
1136 recognized.

1137 Mr. Goodlatte. I would be remiss if I didn't speak in
1138 favor of Mr. King's amendment. I think it is both germane
1139 and a good amendment. This amendment would be accomplishing
1140 the same goal as the amendment he offered earlier that was
1141 ruled non-germane. It is so important to do this. As noted
1142 earlier, it is estimated that all of the horse sanctuary

1143 facilities in the country have—the total capacity is about
1144 7,000 horses. I hope that grows. I hope it is growing.

1145 But when we are producing under this legislation and the
1146 closure of the U.S. facilities, 100,000 unwanted horses a
1147 year, Mr. King and I and those who have written in letters
1148 expressing concerns about this, which is most of the major
1149 horse organizations in the country, opposing this
1150 legislation, they are not doing this because they consume
1151 horse meat. They are not doing it because they don't like
1152 horses. They are doing it because they love horses.

1153 I think that this legislation is so thoroughly misguided
1154 that to allow it to take effect without having the ability to
1155 humanely take care of huge numbers of horses—and we already
1156 have them documented. We had one article that talked about a
1157 facility in Michigan that was turning away 100—this is a
1158 horse sanctuary—turning away 100 horses a week because they
1159 do not have the capacity to take care of them now.

1160 There is an article here about a facility in Florida
1161 where they had to rescue 120 horses because they were being
1162 inhumanely treated. The woman who was taking care of them
1163 did not have the resources, did not have the ability to take
1164 care of the 120 horses, that I am sure she wanted to try to
1165 help and try to save. You can drive around congressional
1166 districts like mine or Steve King's and you can see horses
1167 where their ribs are showing through, emaciated horses. Some

1168 I am sure will be reported and somebody will attempt to do
1169 something about that, but this bill sure doesn't.

1170 What this bill does is create a huge, huge problem for
1171 this country.

1172 I would yield to the gentleman from Iowa.

1173 Mr. King. I thank the gentleman from Virginia.

1174 As I listened to the gentleman describe what this
1175 country has in store for it if this legislation passes, I
1176 wanted to add another image for the benefit of the committee.
1177 That is that I have been on hundreds and hundreds of farms
1178 across my region in Iowa. I am not just a guy that goes into
1179 the gate or the rendering truck goes in to pick up dead
1180 animals, but I am the guy that goes back into the field, back
1181 into the ditch, back over past the horizon where you can't
1182 see it from the road.

1183 I know about what is back there. There is junk and
1184 garbage back there. There are old timber barrels, things
1185 like that. Not nearly as much as there used to be, but I can
1186 remember seeing the first buzzard in my neighborhood. When I
1187 grew up, there weren't any buzzards. The buzzard population
1188 has gone up. They go up because a species will expand to the
1189 limit of its habitat.

1190 I can remember counting 79 buzzards sitting on fence-
1191 posts down in a row south of me—79 buzzards. And I can tell
1192 you, if this legislation passes, the buzzard population goes

1193 up in America because they will expand to the limits of their
1194 habitat. And some of these horses will die of starvation and
1195 they will be drug over the hill by that ditch I described.
1196 Some of them will be shot back there. Some of them will be
1197 shot in the yard and drug back.

1198 But there is going to be an increase in the buzzard
1199 population in America because these horses are not going to
1200 be humanely treated. They are going to suffer. They are
1201 going to starve. Some of them will be euthanized with a .22,
1202 some with a 12-gauge—not very many of them with barbiturates
1203 in a relatively painless fashion. But many of them will go
1204 over the hill where you don't see them from the road. It is
1205 a disease risk, and it is a sanitation risk. It certainly is
1206 an aesthetic nightmare to think what you will see if you go
1207 over the hill.

1208 And when you count the buzzards when you drive down
1209 through the road in my district or across in the rural
1210 districts, remember when you count those buzzards, some of
1211 them are there if we pass this legislation.

1212 Thank you, and I yield back to the gentleman from
1213 Virginia.

1214 Mr. Goodlatte. Mr. Chairman, I would just close by
1215 saying that the problems of disposing of unwanted horses, I
1216 was just asked by the gentleman from California about
1217 euthanasia—there is extraordinary cost to doing that. But

1218 there is another problem with that, too, and that is that
1219 people today who have owned a horse, particularly as a pet,
1220 for years and years and years, when it comes time that their
1221 child has grown up and they no longer want to care for that
1222 horse, or they no longer have the ability to care for it,
1223 they do not want to go through the emotional trauma of
1224 bringing in a veterinarian and euthanizing that horse. Many,
1225 many people will not do that.

1226 The whole process for having others be able to take care
1227 of that horse—some of them will wind up as good riding horses
1228 for somebody else; some of them will be exported and may wind
1229 up in a slaughter facility. I would argue that that is a
1230 much more humane process for taking care of unwanted horses
1231 in a country that has nine million horses, hundreds of
1232 thousands of horses each year become unwanted or become too
1233 old to fulfill the function for which they were owned. When
1234 that occurs, we need to have an array of different ways.
1235 Yes, some people will choose euthanization. Some people will
1236 choose to find another caring home. Some will wind up in
1237 horse sanctuaries.

1238 But when you take away the other options, you are
1239 increasing dramatically the number of horses in this country
1240 who are not going to be taken care of properly.

1241 Mr. Gallegly. Would the gentleman yield?

1242 Mr. Goodlatte. I would be happy to yield, if the

1243 chairman would yield me additional time.

1244 Chairman Conyers. I yield the gentleman an additional 2
1245 minutes.

1246 Mr. Gallegly. I thank the gentleman for yielding.

1247 You know, as a parent and an animal owner, I do
1248 understand the trauma of euthanizing a pet, particularly when
1249 it has been a member of your family for 16 or 18 years. And
1250 I know that it is not only traumatic on the children, but
1251 sometimes it is a little traumatic on the parents. I do
1252 understand that.

1253 But as traumatic as that is, it would be a lot more
1254 traumatic on me as a person, and I feel confident of my
1255 children as well, if it is done the way ours have been done,
1256 with euthanization at 16 or 18 years old. I don't think that
1257 would be nearly as traumatic as wondering if it has gone off
1258 to a slaughterhouse somewhere, with the types of slaughter
1259 procedures that we see and read about, and know for a fact
1260 that it would take place particularly in places like Mexico,
1261 where an overwhelming number of these animals end up.

1262 I understand the dilemma. I think the people on our
1263 side are compassionate, caring people, but I just think that
1264 you are missing the target on this.

1265 Mr. Goodlatte. Let me reclaim my time and just say to
1266 the gentleman that that is a choice that you have and every
1267 other horse owner already has. For those who are not in that

1268 same situation, for those who use their horses in the
1269 livestock industry—there are hundreds of thousands of horses
1270 used in that industry—or those who are in the racing industry
1271 and who don't take the responsibility that they should—there
1272 needs to be other avenues for humanely disposing of horses.
1273 This legislation is going to take that away as the closing of
1274 the U.S. facilities, which I would agree with the gentleman,
1275 more humanely disposes of horses than is done in Mexico, but
1276 you are also taking away from Canada and other countries as
1277 well when you pass this legislation.

1278 Mr. Gallegly. Will the gentleman further yield?

1279 Mr. Goodlatte. Yes.

1280 Mr. Gallegly. The reason I brought up the issue of
1281 euthanization was in a follow up to your statement as it
1282 related to the trauma as a rationale. I am not using that as
1283 a—

1284 Mr. Goodlatte. Reclaiming my time, let me just say to
1285 the gentleman that different people handle that traumatic
1286 experience different ways. You have handled it in a good way
1287 and a wise way. Not everybody does. Other people want to
1288 avoid making that decision. That is when you get unwanted
1289 horses. That is what this legislation is going to create,
1290 and that is why I oppose it.

1291 Chairman Conyers. The gentleman's time has expired.

1292 All those in favor of the amendment of the gentleman

1293 from Iowa indicate by saying "aye."

1294 [A chorus of ayes.]

1295 Chairman Conyers. All those opposed indicate by saying

1296 "no."

1297 [A chorus of noes.]

1298 Chairman Conyers. The noes have it.

1299 Yes, sir?

1300 Mr. King. I ask for a recorded vote.

1301 Chairman Conyers. A recorded vote is requested.

1302 The clerk will call the roll.

1303 The Clerk. Mr. Conyers?

1304 Chairman Conyers. No.

1305 The Clerk. Mr. Conyers votes no.

1306 Mr. Berman?

1307 Mr. Berman. No.

1308 The Clerk. Mr. Berman votes no.

1309 Mr. Boucher?

1310 [No response.]

1311 Mr. Nadler?

1312 Mr. Nadler. No.

1313 The Clerk. Mr. Nadler votes no.

1314 Mr. Scott?

1315 Mr. Scott. No.

1316 The Clerk. Mr. Scott votes no.

1317 Mr. Watt?

1318 Mr. Watt. No.

1319 The Clerk. Mr. Watt votes no.

1320 Ms. Lofgren?

1321 Ms. Lofgren. No.

1322 The Clerk. Ms. Lofgren votes no.

1323 Ms. Jackson Lee?

1324 Ms. Jackson Lee. No.

1325 The Clerk. Ms. Jackson Lee votes no.

1326 Ms. Waters?

1327 Ms. Waters. No.

1328 The Clerk. Ms. Waters votes no.

1329 Mr. Delahunt?

1330 [No response.]

1331 Mr. Wexler?

1332 [No response.]

1333 Ms. Sanchez?

1334 Ms. Sanchez. No.

1335 The Clerk. Ms. Sanchez votes no.

1336 Mr. Cohen?

1337 Mr. Cohen. No.

1338 The Clerk. Mr. Cohen votes no.

1339 Mr. Johnson?

1340 Mr. Johnson. No.

1341 The Clerk. Mr. Johnson votes no.

1342 Ms. Sutton?

1343 Ms. Sutton. No.

1344 The Clerk. Ms. Sutton votes no.

1345 Mr. Gutierrez?

1346 [No response.]

1347 Mr. Sherman?

1348 [No response.]

1349 Ms. Baldwin?

1350 [No response.]

1351 Mr. Weiner?

1352 [No response.]

1353 Mr. Schiff?

1354 [No response.]

1355 Mr. Davis?

1356 [No response.]

1357 Ms. Wasserman Schultz?

1358 Ms. Wasserman Schultz. No.

1359 The Clerk. Ms. Wasserman Schultz votes no.

1360 Mr. Ellison?

1361 [No response.]

1362 Mr. Smith?

1363 Mr. Smith. Aye.

1364 The Clerk. Mr. Smith votes aye.

1365 Mr. Sensenbrenner?

1366 [No response.]

1367 Mr. Coble?

1368 [No response.]
1369 Mr. Gallegly?
1370 Mr. Gallegly. No.
1371 The Clerk. Mr. Gallegly votes no.
1372 Mr. Goodlatte?
1373 Mr. Goodlatte. Aye.
1374 The Clerk. Mr. Goodlatte votes aye.
1375 Mr. Chabot?
1376 Mr. Chabot. No.
1377 The Clerk. Mr. Chabot votes no.
1378 Mr. Lungren?
1379 [No response.]
1380 Mr. Cannon?
1381 Mr. Cannon. Aye.
1382 The Clerk. Mr. Cannon votes aye.
1383 Mr. Keller?
1384 Mr. Keller. No.
1385 The Clerk. Mr. Keller votes no.
1386 Mr. Issa?
1387 [No response.]
1388 Mr. Pence?
1389 [No response.]
1390 Mr. Forbes?
1391 Mr. Forbes. Aye.
1392 The Clerk. Mr. Forbes votes aye.

1393 Mr. King?

1394 Mr. King. Aye.

1395 The Clerk. Mr. King votes aye.

1396 Mr. Feeney?

1397 [No response.]

1398 Mr. Franks?

1399 [No response.]

1400 Mr. Gohmert?

1401 [No response.]

1402 Mr. Jordan?

1403 Mr. Jordan. Aye.

1404 The Clerk. Mr. Jordan votes aye.

1405 Chairman Conyers. The clerk will report.

1406 Wait, are there members that wish to cast a ballot?

1407 Ms. Baldwin?

1408 Ms. Baldwin. No.

1409 The Clerk. Ms. Baldwin votes no.

1410 Chairman Conyers. Mr. Weiner?

1411 Mr. Weiner. No.

1412 The Clerk. Mr. Weiner votes no.

1413 Chairman Conyers. Mr. Sherman?

1414 Mr. Sherman. No.

1415 The Clerk. Mr. Sherman votes no.

1416 Mr. Delahunt. Mr. Chairman?

1417 Chairman Conyers. Mr. Delahunt?

1418 Mr. Delahunt. No.

1419 The Clerk. Mr. Delahunt votes no.

1420 Chairman Conyers. Mr. Coble?

1421 Mr. Coble. Aye.

1422 The Clerk. Mr. Coble votes aye.

1423 Chairman Conyers. Are there members that wish to cast a
1424 ballot?

1425 If not, the clerk will report.

1426 The Clerk. Mr. Chairman, 20 members voted no; 7 members
1427 voted yes.

1428 Chairman Conyers. The amendment fails.

1429 A reporting quorum being present, the question is on
1430 reporting the bill, as amended, to the House favorably.

1431 All those in favor say "aye."

1432 [A chorus of ayes.]

1433 Chairman Conyers. All those opposed say "no."

1434 [A chorus of noes.]

1435 Chairman Conyers. The ayes have it and the bill as
1436 amended is ordered reported favorably.

1437 Without objection, the bill will be reported as a single
1438 amendment in the nature of a substitute, incorporating
1439 amendments adopted, and staff is authorized to make technical
1440 and conforming changes, and members will have 2 days to
1441 submit views.

1442 We will meet again Thursday at 11:30 a.m. to take the

1443 Judiciary Committee photograph.

1444 With that, the committee will stand adjourned. Thank
1445 you all very, very much.

1446 [Whereupon, at 3:24 p.m., the committee was adjourned.]