

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1018) TO AMEND THE  
WILD FREE-ROAMING HORSES AND BURROS ACT TO IMPROVE THE MAN-  
AGEMENT AND LONG-TERM HEALTH OF WILD FREE-ROAMING HORSES  
AND BURROS, AND FOR OTHER PURPOSES

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JULY 16, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. MCGOVERN, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 653]

The Committee on Rules, having had under consideration House Resolution 653, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1018, the “Restore Our American Mustangs Act,” under a structured rule providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides that the bill, as amended, shall be considered as read.

The resolution makes in order the amendment printed in part A of this report if offered by Representative Rahall or his designee which, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent. The resolution also makes in order the amendment in the nature of a substitute printed in part B of this report, if offered by Representative Hastings of Washington or his designee, which shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

The resolution waives all points of order against the amendments printed in this report except for clauses 9 and 10 of rule XXI. The

resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and all points of order against provisions of the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 213*

Date: July 16, 2009.

Measure: H.R. 1018.

Motion by: Mr. Diaz-Balart.

Summary of motion: To grant a modified open rule with a pre-printing requirement.

Results: Defeated 2–6.

Vote by Members: McGovern—Nay; Hastings—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 214*

Date: July 16, 2009.

Measure: H.R. 1018.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hastings (WA), #3, which would restrict the ability to acquire land for wild free-roaming horses and burros in any state with unemployment at 10% or higher.

Results: Defeated 2–6.

Vote by Member: McGovern—Nay; Hastings—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

#### SUMMARY OF AMENDMENT IN PART A MADE IN ORDER

Rahall (WV): The amendment broadens the types of fertility controls authorized under the bill, narrows the definition of prohibited “commercial” uses for wild horses and burros and clarifies the membership of the Wild Horse and Burro Advisory Council; relaxes the requirement that the acreage available to wild horses and burros never be less than when the original Act passed in 1971; and the amendment makes restoration of the acreage a goal, rather than a requirement. (10 minutes)

#### SUMMARY OF AMENDMENT IN THE NATURE OF A SUBSTITUTE IN PART B MADE IN ORDER

Hastings (WA): The amendment in the nature of a substitute is identical to the text of the wild horses and burros bill as passed by the House in the 110th Congress. It prohibits the commercial

slaughter of horses and estimated by CBO to cost less than \$500,000 a year to implement. (30 minutes)

PART A—TEXT OF AMENDMENT MADE IN ORDER

Page 6, line 20, insert “, to the extent practicable,” after “ensure that”.

Page 11, line 4, before “surgical” insert “fertility control for mares, stallions, or both, such as”.

Page 11, line 5, insert “, humane, and effective” after “safe”.

Page 12, line 11, strike “and” and all that follows through line 12, and insert “or their remains shall not be sold or transferred for consideration for processing into commercial products; and”.

Page 17, line 6, strike “at a minimum”.

Page 19, line 22, strike “immunocontraception” and insert “fertility control”.

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PART B—TEXT OF AMENDMENT IN THE NATURE OF A SUBSTITUTE  
MADE IN ORDER

Strike all after the enacting clause and insert the following:

**SECTION 1. SALE OF WILD FREE-ROAMING HORSES AND BURROS.**

(a) **IN GENERAL.**—Section 3(d)(5) of Public Law 92–195 (16 U.S.C. 1333(d)(5)) is amended—

(1) by striking the period and inserting the following: “*Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.”; and

(2) by striking subsection (e).

(b) **CRIMINAL PROVISIONS.**—Section (8)(a)(4) of Public Law 92–195 (16 U.S.C. 1338(a)(4)) is amended by striking “except as provided in section 3(e).”.