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Animal Fighting Prohibition Enforcement Act of 2007:

A Legislative History

Background

The United States Congress spent most of the early 2000s trying to make animal fighting a felony offense. In the Farm Security and Rural Investment Act of 2002, the Animal Welfare Act was amended to include a higher fine and prohibit interstate transport of animals. In the 108th and 109th Congresses, a total of six bills (108: H.R.1532, S.736; H.R.4264, S.2908 and 109: H.R.817, S.382) were introduced that would add a higher jail sentence to animal fighting offenders, making it a felony offense. The bills in the 108th Congress were not considered; in the 109th Congress, Senate bill S.382 passed unanimously but was not considered after Subcommittee review in the House of Representatives (Frist, 2005, p. S4605).

In 2007, the Animal Fighting Prohibition Enforcement Act was introduced again, making animal fighting and transporting animals and weapons for the purposes of animal fighting across state lines a felony offense, with penalties including at least three years in prison. This legislative history traces the 2007 Act from its introduction in the House and Senate to its signature by President George W. Bush into Public Law 110-022 on May 3, 2007.

House of Representatives

On January 4, 2007 the Animal Fighting Prohibition Enforcement Act (H.R.137) was introduced in the House of Representatives by Representative Elton Gallegly from California (Gallegly, 2007, p. E2). This bill amended both U.S.C. title 18 (Crimes and Criminal Procedures - crimes against animals) and title 7 (Agriculture - transportation, sale, and handling of animals) to make animal fighting and transporting animals and weapons for the purposes of animal fighting across state lines a felony offense. After introduction by Representative Gallegly, the bill was referred to the House Committee on the Judiciary, and subsequently the Crime, Terrorism, and Homeland Security Subcommittee. The Subcommittee held a hearing on February 6, 2007, with testimonies from Wayne Pacelle of the Humane Society of the United States and Jerry Leber of the United Gamefowl Breeders Association (Committee on the Judiciary, March 2007, p. 2). The Subcommittee held a voice vote the same day, and it was ordered that the H.R.137 be favorably reported, without amendment.

After this decision, the House Committee on the Judiciary held a session on February 7, 2007 to consider the bill. During this session, Representative Steve King of Iowa recorded dissenting remarks against the bill, and suggested that if the Committee were to pass the bill, it should include an amendment to make a more general exception for using animals in hunting (Committee on the Judiciary, March 2007, p. 3, 8-9). At the end of the session, the House Committee on the Judiciary took a voice vote in which the yeas outweighed the nays, and H.R.137 was ordered to be favorably reported, with Representative King's amendment. The

Committee on the Judiciary's report was printed by the Government Printing Office on March 1, 2007 (Committee on the Judiciary, March 2007).

The bill was also referred to the House Committee on Agriculture on January 4, 2007 and underwent simultaneous review. The bill was further referred to the Livestock, Dairy, and Poultry Subcommittee on February 6, 2007. However, once the House Committee on the Judiciary favorably reported the bill, and released their report on March 1, 2007, they reached out to the House Committee on Agriculture and asked them to discharge the bill from consideration. Letters between representatives from the Committee on the Judiciary and the Committee on Agriculture were inserted in the March 26, 2007 *Congressional Record* (Scott, 2007, p. H3032). These communications stated that the House Committee on Agriculture agreed to discharge the bill from Committee and Subcommittee consideration so it could be expedited to the House of Representatives general calendar (Scott, 2007, p. H3032).

On March 26, 2007, Representative Robert Scott shared the House Committee on Agriculture's decision via the above mentioned letters, requested a suspension of the rules, and called for a vote on H.R.137 (Scott, 2007, p. H3031). The bill was considered under a suspension of the rules, and 40 minutes of debate ensued with supportive remarks from Representatives Scott, Coble, Conyers, Gallegly, Blumenauer, Sanchez, Cohen, Moran, Jackson-Lee, Shays, Bartlett, Farr, and Kucinich (Scott, 2007, p. H3032-3036). Dissenting remarks, if any, were not included in the *Congressional Record*. A voice vote was then ordered by the Speaker pro tempore, Mr. Salazar. He declared the bill passed by 2/3s majority. However, Representative

Westmoreland of Georgia demanded the yeas and nays and, under House Voting Procedures Rule XX Clause 8, the Speaker pro tempore was required to postpone proceedings on the bill until an official vote could be recorded (Scott, 2007, p. H3036). After a recess, a vote was taken the same day (March 26, 2007) via electronic device. The results were as follows: yeas 368, nays 39, not voting 26 (Speaker, 2007, p. H3053).

The bill officially passed, as amended by the Committee on the Judiciary, in the House of Representatives on March 26, 2007 with all further motions to reconsider tabled (Speaker, 2007, p. H3054).

Senate

As the bill was being considered in the House, the Animal Fighting Prohibition Enforcement Act of 2007 (S.261) was introduced in the Senate on January 11, 2007 by Senator Cantwell of Washington (Cantwell, 2007, p. S451). It is important to note that the Senate had unanimously passed this bill in its previous incarnations, but it was always held up in the House. Senator Cantwell cited the legislative history of the bill in her introductory remarks saying, “The legislative history of this animal fighting felony legislation shows it has broad bipartisan support of more than half the Senate, and it has won unanimous approval on the floor time and time again” (Cantwell, 2007, p. S451). After Senator Cantwell’s introductions, the bill was read twice and then referred to the Senate Committee on the Judiciary. The Committee on the Judiciary met on March 8, 2007 (Lieberman, 2007, p. 2954) and March 15, 2007 (Reed, 2007, p. S3228) and ordered the bill, with an amendment, to be reported. However, there was no written report or

official recording of the amendment to S.261, as the Senate received notice on March 27, 2007 that H.R.137 had passed in the House of Representatives, with a request that the Senate concurrently pass the bill. H.R.137 was then read twice and, by unanimous consent, was placed on the Senate calendar (Senate, 2007, p. S3832). On April 10, 2007, H.R.137 was read three times, a voice vote was taken, and the bill was declared unanimously passed (Harkin, 2007, p. S4317). On June 13, 2007 the Senate bill (S. 261) was unanimously postponed (Menendez, 2007, p. S7677).

The 110th Congress bill H.R.137 was amended by the House Committee on the Judiciary, passed in the House of Representatives on March 26, 2007 and passed in the Senate on April 10, 2007. It was presented to the President on April 24, 2007 and he signed it without a statement on May 3, 2007 and it became Pub. L. No. 110-22; 121 Stat. 88, 89; 7 U.S.C. § 2156, 18 U.S.C. § 49.

Conclusion

The Animal Fighting Prohibition Enforcement Act of 2007 was the first to amend the US title 18 penal code to include sentencing for the violation of Section 26, a,b,c,e of the Animal Welfare Act, thereby making animal fighting a felony offense. The act was stalled in Congress for many years for fear that the law would impede recreational hunting and agriculture animal transportation. With support from animal activist groups, and heavy bipartisan sponsorship, the bill finally passed in 2007. Furthermore, the Agriculture Act of 2014, Pub. L. No. 113-79, was just signed by the President in February 2014 and it includes a further amendment to 18 U.S.C. §

49 and 7 USC § 2156, making it unlawful to (1) attend an animal fighting venture and (2) force attendance of someone under the age of 16 to an animal fighting venture. The Animal Fighting Prohibition Enforcement Act of 2007 is an important piece of bipartisan legislation that continues to be at the forefront of the US Government's priorities. Due to the legislative history, it is safe to say that this legislation will continue to grow and expand in order to protect the welfare of animals.

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