107th Congress 1st Session

H. R. 2622

To prohibit the interstate transport of horses for the purpose of slaughter or horse flesh intended for human consumption, and for other purposes.

In the House of Representatives

July 25, 2001

Mr. REYNOLDS introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To prohibit the interstate transport of horses for the purpose of slaughter or horse flesh intended for human consumption, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Helping Out to Rescue
5 and Save Equines Act”.

6 SEC. 2. INTERSTATE TRANSPORT OF HORSES FOR SLAUGH-
7 TER PROHIBITED.

8 (a) PROHIBITION.—It shall be unlawful for any per-
9 son to willingly and knowingly transport or cause to be
transported between any place in a State and any place outside of such State—

(1) any horse (other than a downed horse) for the purpose of slaughtering the horse; or

(2) any horse flesh processed or intended to be processed for human consumption.

(b) INSPECTIONS.—The Secretary shall make such investigations or inspections as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section or any regulation issued under this section.

(c) CONFISCATION.—The Secretary shall promulgate regulations to permit inspectors to confiscate any horse or horse flesh found to be in transport or to have been transported in violation of subsection (a).

(d) PENALTIES.—

(1) ILLEGAL TRANSPORT.—Any person who is found to have violated subsection (a) shall be fined $5,000. Such a fine shall be assessed per horse that is transported in violation of subsection (a)(1) and per property-carrying unit (as defined in section 31112 of title 49, United States Code) for a violation of subsection (a)(2) regardless of how many State lines were crossed during that transport. In addition to such fine, in the case of a violation of
subsection (a)(1), such person shall be fined an amount determined by the Secretary to defray or help defray the costs of confiscating, transporting, boarding, and providing veterinary care to the horse until it is placed in a rescue facility pursuant to subsection (e).

(2) INTERFERENCE WITH OFFICIALS.—Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of official duties under this section shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of official duties under this section shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

(e) PLACEMENT OF CONFISCATED HORSES.—After confiscation of a live horse pursuant to subsection (e), the Secretary shall donate the horse to a rescue facility that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax
under section 501(a) of such Code. The Secretary shall make reasonable efforts to place the horse in such a rescue facility located within the State where the horse last resided.

(f) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to rescue facilities described in subsection (e) that have given adequate assurances to the Secretary that they are willing to accept horses donated pursuant to that subsection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this subsection amounts equal to amounts collected under subsection (d).

(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) DOWNED HORSE.—The term “downed horse” means a horse that is unable to stand and walk unassisted.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) STATE.—The term “State” means the several States, the District of Columbia, and any territory or possession of the United States.
SEC. 3. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue final regulations to carry out this Act, including regulations for enforcement of and inspections under this Act. This Act shall take effect on the date of the enactment of this Act without regard to whether such regulations have been issued.
H.R.3781
Title: To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.
Sponsor: Rep Morella, Constance A. [MD-8] (introduced 2/14/2002) Cosponsors (65)

ALL ACTIONS:

2/14/2002:
    Referred to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

2/14/2002:
    Referred to House Agriculture

2/25/2002:
    Referred to the Subcommittee on Livestock and Horticulture.

2/14/2002:
    Referred to House International Relations

2/14/2002:
    Referred to House Ways and Means

2/15/2002:
    Introductory remarks on measure. (CR E178)
107th Congress
2d Session

H.R. 3781

To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 14, 2002

Mrs. Morella (for herself, Mr. Gilman, Mr. Jones of North Carolina, Mr. Horn, Mr. Pallone, Mr. Hinchey, and Mr. Lantos) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “American Horse
5 Slaughter Prevention Act”.
SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Horses have played a significant role in the history and culture of the United States.

(2) Horses in the United States are not raised for food or fiber.

(3) Approximately 50,000 horses from the United States are slaughtered for human consumption annually at three United States-based, foreign-owned slaughterhouses. Thousands of live horses are exported across United States borders annually for slaughter and consumption.

(4) Many horses shipped to slaughter are young, healthy animals. Others are in poor body condition and may be suffering broken limbs and other serious ailments. Many are shipped on double-deck trucks designed for shorter-necked species, such as pigs, cattle, and sheep, and are forced to travel in a bent position. Many suffer horribly during the long journey to the slaughterhouse. Horses that collapse due to injury or illness during the long journey may be trampled. Mares at risk of foaling, sick, emaciated, very young, or badly injured animals may not survive transport.

(5) Poor conditions and callous treatment in slaughterhouses for horses often result in prolonged
suffering. Due to improper stunning methods, horses often endure repeated blows to the head with stunning equipment that often does not render the animals unconscious. Some animals proceed still conscious through the remaining stages of slaughter, including throat slitting.

(6) The slaughtering of horses for human consumption outside of the United States is a commercial activity that generally occurs in, and affects, both interstate and international commerce. While horses are slaughtered for human consumption primarily outside the United States, a ban on slaughtering horses for human consumption either inside or outside the United States is necessary to ensure effective enforcement of the ban on slaughtering horses for human consumption outside of the United States.

(7) The imposition of a ban on the sale of horseflesh for human consumption, regardless of its source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the
United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that horses in the United States are not slaughtered for human consumption by prohibiting—

(1) the slaughter of horses for human consumption; and

(2) the trade in horseflesh for human consumption or live horses destined for slaughter for human consumption.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) EUTHANASIA.—The term “euthanasia” means to kill an animal humanely by chemical or other means, excluding electrocution, that immediately renders the animal unconscious, with this state remaining until the animal’s swift death.

(2) EXPORT.—The term “export” means to take from any place subject to the jurisdiction of the United States to a place not subject to such jurisdiction, whether or not the taking constitutes an expor-
tation within the meaning of the customs laws of the
United States.

(3) HORSE.—The term “horse” means all mem-
bers of the equid family, including horses, ponies,
donkeys, mules, asses, and burros.

(4) HORSEFLESH.—The term “horseflesh”
means the flesh of a dead horse, including the ani-
mal’s viscera, skin, hair, hide, hooves, and bones.

(5) HUMAN CONSUMPTION.—The term “human
consumption” means ingestion by people as a source
of food.

(6) IMPORT.—The term “import” means to
bring into any place subject to the jurisdiction of the
United States from a place not subject to such juris-
diction, whether or not the bringing constitutes an
importation within the meaning of the customs laws
of the United States.

(7) PERSON.—The term “person” means—

(A) an individual, corporation, partnership,
trust, association, or other private entity;

(B) an officer, employee, agent, depart-
ment, or instrumentality of—

(i) the Federal Government; or

(ii) any State, municipality, or polit-
ical subdivision of State; or

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(C) any other entity subject to the jurisdiction of the United States.

(8) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(9) SLAUGHTER.—The term “slaughter” means the commercial slaughter of a horse.

(10) STATE.—The term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, or possession of the United States.

(11) TRANSPORT.—The term “transport” means to move by any means, or to receive or load onto a vehicle for the purpose of movement.

(12) UNITED STATES.—The term “United States” means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

SEC. 5. PROHIBITED ACTS.

(a) IN GENERAL.—A person shall not—

(1) slaughter a horse for human consumption;

(2) import into, or export from, the United States horseflesh for human consumption or live
horses intended for slaughter for human consump-
tion;

(3) sell or barter, offer to sell or barter, pur-
chase, possess, transport, deliver, or receive horse-
flesh for human consumption or live horses intended
for slaughter for human consumption; or

(4) solicit, request, or otherwise knowingly
cause any act prohibited under paragraph (1), (2),
or (3).

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) CRIMINAL PENALTIES.—A person who violates
section 5 shall be fined under title 18, United States Code,
imprisoned for not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who violates any
 provision of section 5 shall, in addition to any other
civil or criminal penalty that may be imposed under
title 18, United States Code, or any other provision
of law, be assessed, by the Secretary, a civil penalty
of not more than $5,000 but not less than $2,500,
and shall have confiscated all horses in that person’s
physical or legal possession at the time of arrest, if
said horses are intended for slaughter.

(2) DEBARMENT.—The Secretary shall prohibit
a person from importing, exporting, transporting,
trading, or selling horses in the United States, if the
Secretary finds that the person has engaged in a
pattern or practice of actions that has resulted in a
final administrative determination with respect to
the assessment of criminal or civil penalties for viola-
tions of any provision of this Act.

(c) NOTICE; HEARING.—No monetary penalty may
be assessed under this subsection against a person unless
the person is given notice and opportunity for a hearing
with respect to such violation in accordance with section
554 of title 5, United States Code.

(d) ENFORCEMENT.—

(1) IN GENERAL.—The provisions of this Act
shall be enforced by the Secretary. When imposing
penalties under this section, the Secretary shall take
into account the seriousness of the violation, the cul-
pability of the violator, and the violator's record of
cooperating with the Government in disclosing the
violation.

(2) PLACEMENT OF CONSPICATED HORSES.—

(A) TEMPORARY PLACEMENT.—After con-
fiscation of a live horse pursuant to this Act,
the arresting authorities shall work with animal
welfare societies and animal control depart-
ments to ensure the temporary placement of the
horse with an animal rescue facility that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code, while the person charged with violating this Act is prosecuted. If placement at such a facility is not possible, the arresting authorities shall work with animal welfare societies and animal control departments to temporarily place the horse with a facility that has as its primary purpose the humane treatment of animals, or another suitable location.

(B) BONDS.—

(i) POSTING OF BOND.—The owner of a horse confiscated pursuant to this Act may prevent permanent placement of the horse by the facility that has temporary custody of the horse by posting a bond with the court in an amount the court determines is sufficient to provide for the necessary care and keeping of the horse for at least 60 days, including the day on which the horse was taken into custody. Such bond shall be filed with the court within 10 days after the horse is con-
fiscated. If a bond is not so posted, the custodial facility shall determine permanent placement of the horse in accordance with reasonable practices for the humane treatment of animals. If the animal has not yet been returned to the owner at the end of the time for which expenses are covered by the bond, and if the owner desires to prevent permanent placement of the animal by the custodial facility, the owner shall post a new bond with the court within ten days following the prior bond’s expiration. If a new bond is not so posted, the custodial facility shall determine permanent placement of the horse in accordance with reasonable practices for the humane treatment of animals.

(ii) COSTS FOR PROVIDING CARE FOR HORSE DEDUCTED FROM BOND.—If a bond has been posted in accordance with clause (i), the custodial facility may draw from the bond the actual reasonable costs incurred by the facility in providing the necessary care and keeping of the confiscated horse from the date of the initial
confiscation to the date of final disposition
of the horse in the criminal action charg-
ing a violation of this Act.

(C) PERMANENT PLACEMENT.—Any horse
confiscated pursuant to this Act and not re-
turned to the owner thereafter (except where
otherwise provided in paragraph (3)) shall be
placed permanently with an animal rescue facil-
ity or other suitable facility as described in this
section upon—

(i) the conviction of the horse’s owner
pursuant to this Act;

(ii) the owner’s surrender of the
horse;

(iii) the failure of the horse’s owner to
post a bond as required in accordance with
subparagraph (B); or

(iv) the Secretary’s inability to iden-
tify the owner.

(3) EUTHANASIA OF HORSES.—

(A) HORSES PAST RECOVERY.—The Sec-
retary or any individual charged with enforcing
this Act shall order or perform the immediate
euthanasia of any confiscated horse when such
horse is injured, disabled, or diseased past re-
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ecovery. Methods used shall be in accordance
with the most recent Report of the American
Veterinary Medical Association's Panel on Eu-
thanasia and State and local laws, but shall not
include electrocution.

(B) UNPLACEABLE HORSES.—The Sec-
retary or any individual charged with enforcing
this Act may order or perform the euthanasia
of any confiscated horse when placement at an
animal rescue facility or other suitable facility,
as described in this section, is not possible with-
in 30 days of any circumstance as described in
Section 6(d)(2)(C).

(c) FUNDING OF ANIMAL RESCUE FACILITIES.—

(1) GRANTS.—To the extent that funds are
made available for this purpose by Acts of appro-
priation, the Secretary shall make grants to animal
rescue facilities described in this section that have
given adequate assurances to the Secretary that they
are willing to accept horses confiscated pursuant to
this Act.

(2) PENALTIES, FINES, AND FORFEITED PRO-
PERTY.—Amounts received as penalties, fines, or for-
feited property under this Act shall be used for the
care of any live horses seized from violators of this
Act and taken into the possession of the United
States or placed with an animal rescue facility as de-
scribed in this section.
(f) CALCULATION OF VIOLATIONS.—For purposes of
this section, a separate offense shall be calculated as fol-
lows:
(1) Each live horse transported, traded, or pos-
sessed in violation of this Act shall constitute a sepa-
rate offense.
(2) Five hundred pounds of confiscated horse-
flesh shall constitute a separate offense.

SEC. 7. REPORT ON ENFORCEMENT EFFORTS.
Not later than 2 years after the date of the enact-
ment of this Act, and on an annual basis thereafter, the
Secretary shall submit a report to Congress on the efforts
of the United States Government to enforce the provisions
of this Act and the adequacy of the resources to do so.

SEC. 8. EXEMPTIONS.
(a) IN GENERAL.—Except as provided in section 5,
nothing in this Act shall be construed to affect the regu-
lation by any State of its horse population.
(b) EXCEPTION FOR DESIGNATED LAW ENFORCE-
MENT OFFICIAL PURPOSES.—A person described in sec-
tion 4(7)(B) may engage in activities described in para-
graphs (2), (3), and (4) of section 5 solely for purposes of enforcing this Act.

SEC. 9. DATE OF ENFORCEMENT.

This Act shall take effect one year after the date of the enactment of this Act.
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H.R.857
Title: To prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.
Related Bills: S.2352

ALL ACTIONS:

2/13/2003:
Referred to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

2/13/2003:
Referred to House Agriculture

3/3/2003:
Referred to the Subcommittee on Livestock and Horticulture.

2/13/2003:
Referred to House International Relations

2/13/2003:
Referred to House Ways and Means

3/3/2003:
Referred to the Subcommittee on Trade.
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**S.2352**

**Title:** A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

**Sponsor:** Sen Ensign, John [NV] (introduced 4/27/2004)  
**Cosponsors:** (11)

**Related Bills:** H.R.857

**Latest Major Action:** 4/27/2004 Referred to Senate committee. Status: Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.

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H.R.503
Title: 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.
Related Bills: S.1915

ALL ACTIONS:

2/1/2005:
Referred to the House Committee on Energy and Commerce.

2/25/2005:
Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
109TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mr. SWEENEY (for himself, Mr. SPRATT, Mr. WHITFIELD, Mrs. BONO, Mr. BROWN of Ohio, Mr. COX, Mrs. CAPP, Mr. ENGEL, Ms. ESHOO, Mr. FERGUSON, Mr. GENE GREEN of Texas, Mr. PALLONE, Mr. TOWNS, Mr. GALLEGLY, Mr. MORAN of Virginia, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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”; and

(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;”.

(e) 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) The shipping, transporting, moving, deliver-
ering, receiving, possessing, purchasing, selling, or
donation of any horse or other equine to be slaugh-
tered for human consumption.”.

(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)
and as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2), as so re-
designated, the following new paragraph:

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

“(A) any horse at any horse show, horse exhi-
bition, or horse sale or auction which is sore or

•HR 503 IH
which the Secretary has probable cause to believe is
sore; and

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

(e) 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".
NEW SEARCH | HOME | HELP

S.1915
Title: 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, and for other purposes.
Related Bills: H.R.503