

114TH CONGRESS
1ST SESSION

H. R. 3268

To amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2015

Mr. YOHIO (for himself, Mr. SCHRADER, Mr. FITZPATRICK, Mr. COHEN, Mr. JOLLY, Ms. SCHAKOWSKY, Mr. BUCHANAN, Ms. SLAUGHTER, Mr. COLLINS of New York, Mr. YARMUTH, Mr. LOBIONDO, Ms. DELBENE, Mr. MARINO, Mr. FARR, Mr. JONES, Mr. HECK of Washington, Mr. SMITH of New Jersey, Ms. DELAURO, Mr. WILLIAMS, Mrs. KIRKPATRICK, Mr. DENHAM, Mr. WELCH, Mr. BRAT, Mr. SARBANES, Mr. SMITH of Texas, Mr. BLUMENAUER, Mr. CRENSHAW, Ms. JACKSON LEE, Mr. GIBSON, Mr. LEVIN, Mr. MEADOWS, Ms. DEGETTE, Mr. RODNEY DAVIS of Illinois, Mr. BEN RAY LUJÁN of New Mexico, Mr. BARLETTA, Mr. QUIGLEY, Mr. MICA, Mr. DEUTCH, Mr. LANCE, Mr. PRICE of North Carolina, Mr. POSEY, Ms. MCCOLLUM, Mr. MEEHAN, Mr. MCGOVERN, Mr. ROSKAM, Mr. VELA, Mr. COSTELLO of Pennsylvania, Mr. KEATING, Mr. JOYCE, Mrs. LOWEY, Mr. HECK of Nevada, Mr. VARGAS, Mr. FORBES, Mr. CONNOLLY, Mr. YODER, Mr. PETERS, Mr. HUNTER, Mr. ENGEL, Mr. SALMON, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SCHWEIKERT, Ms. SINEMA, Mr. CHABOT, Mr. GRIJALVA, Mr. CALVERT, Mrs. DAVIS of California, Mr. DONOVAN, Ms. PINGREE, Mrs. WALORSKI, Mr. CARTWRIGHT, Mr. FARENTHOLD, Mr. POCAN, Mr. RIBBLE, Ms. MENG, Mr. JOHNSON of Ohio, Ms. NORTON, Mr. DIAZ-BALART, Mr. WALZ, Mr. HUDSON, Mr. LARSEN of Washington, Mr. HANNA, Ms. ESHOO, Mr. VALADAO, Mr. VAN HOLLEN, Mr. FLORES, Mr. ISRAEL, Mr. WITTMAN, Ms. FRANKEL of Florida, Mr. COOK, Mr. LANGEVIN, Mr. TURNER, Ms. WILSON of Florida, Ms. MCSALLY, Mr. KILMER, Ms. GRANGER, Mr. GUTIÉRREZ, Mr. NUGENT, Ms. BORDALLO, Mr. PERRY, Mr. GRAYSON, Mr. KING of New York, Mr. SEAN PATRICK MALONEY of New York, Mr. KELLY of Pennsylvania, Mr. PALLONE, Mr. DOLD, Mr. HONDA, Mr. FORTENBERRY, and Mrs. BEATTY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, 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 “Prevent All Soring
 5 Tactics Act of 2015” or the “PAST Act”.

6 **SEC. 2. INCREASED ENFORCEMENT UNDER HORSE PRO-**
 7 **TECTION ACT.**

8 (a) DEFINITIONS.—Section 2 of the Horse Protection
 9 Act (15 U.S.C. 1821) is amended—

10 (1) by redesignating paragraphs (1), (2), (3),
 11 and (4) as paragraphs (2), (3), (4), and (5), respec-
 12 tively;

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

15 “(1)(A) The term ‘action device’ means any
 16 boot, collar, chain, roller, or other device that encir-
 17 cles or is placed upon the lower extremity of the leg
 18 of a horse in such a manner that it can—

19 “(i) rotate around the leg or slide up and
 20 down the leg, so as to cause friction; or

1 “(ii) strike the hoof, coronet band, fetlock
2 joint, or pastern of the horse.

3 “(B) Such term does not include soft rubber or
4 soft leather bell boots or quarter boots that are used
5 as protective devices.”; and

6 (3) by adding at the end the following new
7 paragraph:

8 “(6)(A) The term ‘participate’ means engaging
9 in any activity with respect to a horse show, horse
10 exhibition, or horse sale or auction, including—

11 “(i) transporting or arranging for the
12 transportation of a horse to or from a horse
13 show, horse exhibition, or horse sale or auction;

14 “(ii) personally giving instructions to an
15 exhibitor; or

16 “(iii) being knowingly present in a warm-
17 up area, inspection area, or other area at a
18 horse show, horse exhibition, or horse sale or
19 auction that spectators are not permitted to
20 enter.

21 “(B) Such term does not include spectating.”.

22 (b) FINDINGS.—Section 3 of the Horse Protection
23 Act (15 U.S.C. 1822) is amended—

24 (1) in paragraph (3)—

1 (A) by inserting “and soring horses for
2 such purposes” after “horses in intrastate com-
3 merce”; and

4 (B) by inserting “in many ways, including
5 by creating unfair competition, by deceiving the
6 spectating public and horse buyers, and by neg-
7 atively impacting horse sales” before the semi-
8 colon;

9 (2) in paragraph (4), by striking “and” at the
10 end;

11 (3) in paragraph (5), by striking the period at
12 the end and inserting a semicolon; and

13 (4) by adding at the end the following new
14 paragraphs:

15 “(6) the Inspector General of the Department
16 of Agriculture has determined that the program
17 through which the Secretary inspects horses is inad-
18 equate for preventing soring;

19 “(7) historically, Tennessee Walking Horses,
20 Racking Horses, and Spotted Saddle Horses have
21 been subjected to soring; and

22 “(8) despite regulations in effect related to in-
23 spection for purposes of ensuring that horses are not
24 sore, violations of this Act continue to be prevalent

1 in the Tennessee Walking Horse, Racking Horse,
2 and Spotted Saddle Horse breeds.”.

3 (c) HORSE SHOWS AND EXHIBITIONS.—Section 4 of
4 the Horse Protection Act (15 U.S.C. 1823) is amended—

5 (1) in subsection (a)—

6 (A) by striking “appointed” and inserting
7 “licensed”; and

8 (B) by adding at the end the following new
9 sentences: “In the first instance in which the
10 Secretary determines that a horse is sore, the
11 Secretary shall disqualify the horse from being
12 shown or exhibited for a period of not less than
13 180 days. In the second instance in which the
14 Secretary determines that such horse is sore,
15 the Secretary shall disqualify the horse for a
16 period of not less than one year. In the third
17 instance in which the Secretary determines that
18 such horse is sore, the Secretary shall disqualify
19 the horse for a period of not less than three
20 years.”;

21 (2) in subsection (b) by striking “appointed”
22 and inserting “licensed”;

23 (3) by striking subsection (c) and inserting the
24 following new subsection:

1 “(c)(1)(A) The Secretary shall prescribe by regula-
2 tion requirements for the Department of Agriculture to
3 license, train, assign, and oversee persons qualified to de-
4 tect and diagnose a horse which is sore or to otherwise
5 inspect horses at horse shows, horse exhibitions, or horse
6 sales or auctions, for hire by the management of such
7 events, for the purposes of enforcing this Act.

8 “(B) No person shall be issued a license under this
9 subsection unless such person is free from conflicts of in-
10 terest, as defined by the Secretary in the regulations
11 issued under subparagraph (A).

12 “(C) If the Secretary determines that the perform-
13 ance of a person licensed in accordance with subparagraph
14 (A) is unsatisfactory, the Secretary may, after notice and
15 an opportunity for a hearing, revoke the license issued to
16 such person.

17 “(D) In issuing licenses under this subsection, the
18 Secretary shall give a preference to persons who are li-
19 censed or accredited veterinarians.

20 “(E) Licensure of a person in accordance with the
21 requirements prescribed under this subsection shall not be
22 construed as authorizing such person to conduct inspec-
23 tions in a manner other than that prescribed for inspec-
24 tions by the Secretary (or the Secretary’s representative)
25 under subsection (e).

1 “(2)(A) Not later than 30 days before the date on
2 which a horse show, horse exhibition, or horse sale or auc-
3 tion begins, the management of such show, exhibition, or
4 sale or auction may notify the Secretary of the intent of
5 the management to hire a person or persons licensed
6 under this subsection and assigned by the Secretary to
7 conduct inspections at such show, exhibition, or sale or
8 auction.

9 “(B) After such notification, the Secretary shall as-
10 sign a person or persons licensed under this subsection
11 to conduct inspections at the horse show, horse exhibition,
12 or horse sale or auction.

13 “(3) A person licensed by the Secretary to conduct
14 inspections under this subsection shall issue a citation
15 with respect to any violation of this Act recorded during
16 an inspection and notify the Secretary of each such viola-
17 tion not later than five days after the date on which a
18 citation was issued with respect to such violation.”; and

19 (4) by adding at the end the following new sub-
20 section:

21 “(f) The Secretary shall publish on the public website
22 of the Animal and Plant Health Inspection Service of the
23 Department of Agriculture, and update as frequently as
24 the Secretary determines is necessary, information on vio-
25 lations of this Act for the purposes of allowing the man-

1 agement of a horse show, horse exhibition, or horse sale
2 or auction to determine if an individual is in violation of
3 this Act.”.

4 (d) UNLAWFUL ACTS.—Section 5 of the Horse Pro-
5 tection Act (15 U.S.C. 1824) is amended—

6 (1) in paragraph (2)—

7 (A) by striking “or (C) respecting” and in-
8 serting “(C), or (D) respecting”; and

9 (B) by striking “and (D)” and inserting
10 “(D) causing a horse to become sore or direct-
11 ing another person to cause a horse to become
12 sore for the purpose of showing, exhibiting, sell-
13 ing, auctioning, or offering for sale the horse in
14 any horse show, horse exhibition, or horse sale
15 or auction, and (E)”;

16 (2) in paragraph (3), by striking “appoint” and
17 inserting “hire”;

18 (3) in paragraph (4)—

19 (A) by striking “appoint” and inserting
20 “hire”; and

21 (B) by striking “qualified”;

22 (4) in paragraph (5), by striking “appointed”
23 and inserting “hired”;

24 (5) in paragraph (6)—

1 (A) by striking “appointed” and inserting
2 “hired”; and

3 (B) by inserting “that the horse is sore”
4 after “the Secretary”; and

5 (6) by adding at the end the following new
6 paragraphs:

7 “(12) The use of an action device on any limb
8 of a Tennessee Walking Horse, a Racking Horse, or
9 a Spotted Saddle Horse at a horse show, horse exhi-
10 bition, or horse sale or auction.

11 “(13) The use of a weighted shoe, pad, wedge,
12 hoof band, or other device or material at a horse
13 show, horse exhibition, or horse sale or auction
14 that—

15 “(A) is placed on, inserted in, or attached
16 to any limb of a Tennessee Walking Horse, a
17 Racking Horse, or a Spotted Saddle Horse;

18 “(B) is constructed to artificially alter the
19 gait of such a horse; and

20 “(C) is not strictly protective or thera-
21 peutic in nature.”.

22 (e) VIOLATIONS AND PENALTIES.—Section 6 of the
23 Horse Protection Act (15 U.S.C. 1825) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “Except as provided in
2 paragraph (2) of this subsection, any per-
3 son who knowingly violates section 5” and
4 inserting “Any person who knowingly vio-
5 lates section 5 or the regulations issued
6 under such section, including any violation
7 recorded during an inspection conducted in
8 accordance with section 4(c) or 4(e)”; and

9 (ii) by striking “more than \$3,000, or
10 imprisoned for not more than one year, or
11 both.” and inserting “more than \$5,000,
12 or imprisoned for not more than three
13 years, or both, for each such violation.”;

14 (B) in paragraph (2)—

15 (i) by striking subparagraph (A);

16 (ii) by striking “(2)”; and

17 (iii) by redesignating subparagraphs
18 (B) and (C) as paragraphs (2) and (3), re-
19 spectively, and moving the margins of such
20 paragraphs (as so redesignated) two ems
21 to the left; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(4) Any person who knowingly fails to obey an order
25 of disqualification shall, upon conviction thereof, be fined

1 not more than \$5,000 for each failure to obey such an
2 order, imprisoned for not more than three years, or both.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by striking “section 5 of this Act”
6 and inserting “section 5 or the regulations
7 issued under such section”; and

8 (ii) by striking “\$2,000” and insert-
9 ing “\$4,000”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(5) Any person who fails to pay a licensed inspector
13 hired under section 4(c) shall, upon conviction thereof, be
14 fined not more than \$4,000 for each such violation.”; and

15 (3) in subsection (c)—

16 (A) in the first sentence—

17 (i) by inserting “, or otherwise partici-
18 pating in any horse show, horse exhibition,
19 or horse sale or auction” before “for a pe-
20 riod of not less than one year”; and

21 (ii) by striking “any subsequent” and
22 inserting “the second”;

23 (B) by inserting before “Any person who
24 knowingly fails” the following: “For the third
25 or any subsequent violation, a person may be

1 permanently disqualified by order of the Sec-
2 retary, after notice and an opportunity for a
3 hearing before the Secretary, from showing or
4 exhibiting any horse, judging or managing any
5 horse show, horse exhibition, or horse sale or
6 auction, or otherwise participating in, including
7 financing the participation of other individuals
8 in, any horse show, horse exhibition, or horse
9 sale or auction (regardless of whether walking
10 horses are shown, exhibited, sold, auctioned, or
11 offered for sale at the horse show, horse exhi-
12 bition, or horse sale or auction).”; and

13 (C) by striking “\$3,000” each place it ap-
14 pears and inserting “\$5,000”.

15 (f) REGULATIONS.—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary of
17 Agriculture shall issue regulations to carry out the amend-
18 ments made by this section, including regulations pre-
19 scribing the requirements under subsection (c) of section
20 4 of the Horse Protection Act (15 U.S.C. 1823(c)), as
21 amended by subsection (c)(3).

22 (g) SEVERABILITY.—If any provision of this Act or
23 any amendment made by this Act, or the application of
24 a provision to any person or circumstance, is held to be
25 unconstitutional, the remainder of this Act and the

1 amendments made by this Act, and the application of the
2 provisions to any person or circumstance, shall not be af-
3 fected by the holding.

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