

114TH CONGRESS  
1ST SESSION

# S. 1121

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2015

Ms. AYOTTE (for herself, Mr. WARNER, Mr. BLUMENTHAL, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KIRK, Mr. MARKEY, Mr. PETERS, Mr. TOOMEY, Mr. VITTER, Mrs. MCCASKILL, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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”.

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

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

5 (1) by redesignating paragraphs (1), (2), (3),  
6 and (4) as paragraphs (2), (3), (4), and (5), respec-  
7 tively;

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

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

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

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

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

21 (3) by adding at the end the following new  
22 paragraph:

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

1           “(i) transporting or arranging for the  
2 transportation of a horse to or from a horse  
3 show, horse exhibition, or horse sale or auction;

4           “(ii) personally giving instructions to an  
5 exhibitor; or

6           “(iii) being knowingly present in a warm-  
7 up area, inspection area, or other area at a  
8 horse show, horse exhibition, or horse sale or  
9 auction that spectators are not permitted to  
10 enter.

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

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

14           (1) in paragraph (3)—

15           (A) by inserting “and soring horses for  
16 such purposes” after “horses in intrastate com-  
17 merce”; and

18           (B) by inserting “in many ways, including  
19 by creating unfair competition, by deceiving the  
20 spectating public and horse buyers, and by neg-  
21 atively impacting horse sales” before the semi-  
22 colon;

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

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

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

5           “(6) the Inspector General of the Department  
6 of Agriculture has determined that the program  
7 through which the Secretary inspects horses is inad-  
8 equate for preventing soring;

9           “(7) historically, Tennessee Walking Horses,  
10 Racking Horses, and Spotted Saddle Horses have  
11 been subjected to soring; and

12           “(8) despite regulations in effect related to in-  
13 spection for purposes of ensuring that horses are not  
14 sore, violations of this Act continue to be prevalent  
15 in the Tennessee Walking Horse, Racking Horse,  
16 and Spotted Saddle Horse breeds.”.

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

19           (1) in subsection (a)—

20                   (A) by striking “appointed” and inserting  
21 “licensed”; and

22                   (B) by adding at the end the following new  
23 sentences: “In the first instance in which the  
24 Secretary determines that a horse is sore, the  
25 Secretary shall disqualify the horse from being

1 shown or exhibited for a period of not less than  
2 180 days. In the second instance in which the  
3 Secretary determines that such horse is sore,  
4 the Secretary shall disqualify the horse for a  
5 period of not less than one year. In the third  
6 instance in which the Secretary determines that  
7 such horse is sore, the Secretary shall disqualify  
8 the horse for a period of not less than three  
9 years.”;

10 (2) in subsection (b) by striking “appointed”  
11 and inserting “licensed”;

12 (3) by striking subsection (c) and inserting the  
13 following new subsection:

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

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

1       “(C) If the Secretary determines that the perform-  
2       ance of a person licensed in accordance with subparagraph  
3       (A) is unsatisfactory, the Secretary may, after notice and  
4       an opportunity for a hearing, revoke the license issued to  
5       such person.

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

9       “(E) Licensure of a person in accordance with the  
10       requirements prescribed under this subsection shall not be  
11       construed as authorizing such person to conduct inspec-  
12       tions in a manner other than that prescribed for inspec-  
13       tions by the Secretary (or the Secretary’s representative)  
14       under subsection (e).

15       “(2)(A) Not later than 30 days before the date on  
16       which a horse show, horse exhibition, or horse sale or auc-  
17       tion begins, the management of such show, exhibition, or  
18       sale or auction may notify the Secretary of the intent of  
19       the management to hire a person or persons licensed  
20       under this subsection and assigned by the Secretary to  
21       conduct inspections at such show, exhibition, or sale or  
22       auction.

23       “(B) After such notification, the Secretary shall as-  
24       sign a person or persons licensed under this subsection

1 to conduct inspections at the horse show, horse exhibition,  
2 or horse sale or auction.

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

9 (4) by adding at the end the following new sub-  
10 section:

11 “(f) The Secretary shall publish on the public website  
12 of the Animal and Plant Health Inspection Service of the  
13 Department of Agriculture, and update as frequently as  
14 the Secretary determines is necessary, information on vio-  
15 lations of this Act for the purposes of allowing the man-  
16 agement of a horse show, horse exhibition, or horse sale  
17 or auction to determine if an individual is in violation of  
18 this Act.”.

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

21 (1) in paragraph (2)—

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

24 (B) by striking “and (D)” and inserting

25 “(D) causing a horse to become sore or direct-

1           ing another person to cause a horse to become  
2           sore for the purpose of showing, exhibiting, sell-  
3           ing, auctioning, or offering for sale the horse in  
4           any horse show, horse exhibition, or horse sale  
5           or auction, and (E)”;

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

8           (3) in paragraph (4)—

9                 (A) by striking “appoint” and inserting  
10                “hire”; and

11               (B) by striking “qualified”;

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

14           (5) in paragraph (6)—

15                 (A) by striking “appointed” and inserting  
16                “hired”; and

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

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

21                 “(12) The use of an action device on any limb  
22           of a Tennessee Walking Horse, a Racking Horse, or  
23           a Spotted Saddle Horse at a horse show, horse exhi-  
24           bition, or horse sale or auction.

1           “(13) The use of a weighted shoe, pad, wedge,  
2 hoof band, or other device or material at a horse  
3 show, horse exhibition, or horse sale or auction  
4 that—

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

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

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

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

14           (1) in subsection (a)—

15           (A) in paragraph (1)—

16           (i) by striking “Except as provided in  
17 paragraph (2) of this subsection, any per-  
18 son who knowingly violates section 5” and  
19 inserting “Any person who knowingly vio-  
20 lates section 5 or the regulations issued  
21 under such section, including any violation  
22 recorded during an inspection conducted in  
23 accordance with section 4(c) or 4(e)”; and

24           (ii) by striking “more than \$3,000, or  
25 imprisoned for not more than one year, or

1 both.” and inserting “more than \$5,000,  
2 or imprisoned for not more than three  
3 years, or both, for each such violation.”;

4 (B) in paragraph (2)—

5 (i) by striking subparagraph (A);

6 (ii) by striking “(2)”; and

7 (iii) by redesignating subparagraphs  
8 (B) and (C) as paragraphs (2) and (3), re-  
9 spectively, and moving the margins of such  
10 paragraphs (as so redesignated) two ems  
11 to the left; and

12 (C) by adding at the end the following new  
13 paragraph:

14 “(4) Any person who knowingly fails to obey an order  
15 of disqualification shall, upon conviction thereof, be fined  
16 not more than \$5,000 for each failure to obey such an  
17 order, imprisoned for not more than three years, or both.”;

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

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

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

1 (B) by adding at the end the following new  
2 paragraph:

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

6 (3) in subsection (c)—

7 (A) in the first sentence—

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

12 (ii) by striking “any subsequent” and  
13 inserting “the second”;

14 (B) by inserting before “Any person who  
15 knowingly fails” the following: “For the third  
16 or any subsequent violation, a person may be  
17 permanently disqualified by order of the Sec-  
18 retary, after notice and an opportunity for a  
19 hearing before the Secretary, from showing or  
20 exhibiting any horse, judging or managing any  
21 horse show, horse exhibition, or horse sale or  
22 auction, or otherwise participating in, including  
23 financing the participation of other individuals  
24 in, any horse show, horse exhibition, or horse  
25 sale or auction (regardless of whether walking

1 horses are shown, exhibited, sold, auctioned, or  
2 offered for sale at the horse show, horse exhi-  
3 bition, or horse sale or auction).”; and

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

6 (f) REGULATIONS.—Not later than 180 days after  
7 the date of the enactment of this Act, the Secretary of  
8 Agriculture shall issue regulations to carry out the amend-  
9 ments made by this section, including regulations pre-  
10 scribing the requirements under subsection (c) of section  
11 4 of the Horse Protection Act (15 U.S.C. 1823(c)), as  
12 amended by subsection (c)(3).

13 (g) SEVERABILITY.—If any provision of this Act or  
14 any amendment made by this Act, or the application of  
15 a provision to any person or circumstance, is held to be  
16 unconstitutional, the remainder of this Act and the  
17 amendments made by this Act, and the application of the  
18 provisions to any person or circumstance, shall not be af-  
19 fected by the holding.

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