

113TH CONGRESS
1ST SESSION

S. 1406

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 SENATE OF THE UNITED STATES

JULY 31, 2013

Ms. AYOTTE (for herself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 2013” 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), (4), (5), and (6) respec-
7 tively;

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

10 “(1) ACTION DEVICE.—

11 “(A) IN GENERAL.—The term ‘action de-
12 vice’ means any boot, collar, chain, roller, or
13 other device that encircles or is placed upon the
14 lower extremity of the leg of a horse in a man-
15 ner that it can—

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

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

21 “(B) EXCLUSION.—The term ‘action de-
22 vice’ does not include soft rubber or soft leather
23 bell boots or quarter boots that are used as pro-
24 tective devices.”; and

25 (3) by inserting after paragraph (2) (as so re-
26 designated) the following:

1 “(3) PARTICIPATE.—

2 “(A) IN GENERAL.—The term ‘participate’
3 means to engage in any activity with respect to
4 a horse show, horse exhibition, or horse sale or
5 auction, including—

6 “(i) transporting or arranging for the
7 transportation of a horse to or from a
8 horse show, horse exhibition, or horse sale
9 or auction;

10 “(ii) personally giving instructions to
11 an exhibitor; or

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

17 “(B) EXCLUSION.—The term ‘participate’
18 does not include spectating.”.

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

21 (1) by striking paragraph (3) and inserting the
22 following:

23 “(3) the movement, showing, exhibition, or sale
24 of sore horses in intrastate commerce, and soring
25 horses for those purposes, adversely affects and bur-

1 dens interstate and foreign commerce in many ways,
2 including by—

3 “(A) creating unfair competition;

4 “(B) deceiving the spectating public and
5 horse buyers; and

6 “(C) negatively impacting horse sales;”;

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

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

11 (4) by adding at the end the following:

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

16 “(7) historically, Tennessee Walking Horses,
17 racking horses, and Spotted Saddle Horses have
18 been subjected to soring; and

19 “(8) despite regulations in effect related to in-
20 spection for purposes of ensuring that horses are not
21 sore, violations of this Act are prevalent in the Ten-
22 nessee Walking Horse, racking horse, and Spotted
23 Saddle Horse breeds.”.

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

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) DISQUALIFICATION OF HORSES.—

4 “(1) IN GENERAL.—The management of any
5 horse show or horse exhibition shall disqualify any
6 horse from being shown or exhibited—

7 “(A) if the horse is sore; or

8 “(B) if the management has been notified
9 by a person licensed in accordance with sub-
10 section (c) or by the Secretary that the horse
11 is sore.

12 “(2) PERIOD OF DISQUALIFICATION.—

13 “(A) FIRST INSTANCE.—In the first in-
14 stance in which the Secretary determines that a
15 horse is sore, the Secretary shall disqualify the
16 horse from being shown or exhibited for a pe-
17 riod of not less than 180 days.

18 “(B) SECOND INSTANCE.—In the second
19 instance in which the Secretary determines that
20 a horse is sore, the Secretary shall disqualify
21 the horse for a period of not less than 1 year.

22 “(C) THIRD INSTANCE.—In the third in-
23 stance in which the Secretary determines that a
24 horse is sore, the Secretary shall disqualify the
25 horse for a period of not less than 3 years.”;

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

3 (3) by striking subsection (c) and inserting the
4 following:

5 “(c) LICENSING OF INSPECTORS; MANNER OF IN-
6 SPECTIONS.—

7 “(1) IN GENERAL.—The Secretary shall pre-
8 scribe by regulation requirements for the Depart-
9 ment of Agriculture to license, train, assign, and
10 oversee persons qualified to detect and diagnose a
11 horse that is sore or to otherwise inspect horses at
12 horse shows, horse exhibitions, or horse sales or auc-
13 tions, for hire by the management of such events,
14 for the purposes of enforcing this Act.

15 “(2) CITATIONS.—A person licensed by the Sec-
16 retary to conduct inspections under this subsection
17 shall—

18 “(A) issue a citation for any violation of
19 this Act recorded during an inspection; and

20 “(B) notify the Secretary of each violation
21 not later than 5 days after the date on which
22 the citation is issued.

23 “(3) QUALIFICATIONS FOR LICENSING.—The
24 Secretary shall—

1 “(A) not issue a license under this sub-
2 section to a person unless the person is free
3 from conflicts of interest, as defined by the Sec-
4 retary in the regulations issued under para-
5 graph (1); and

6 “(B) give a preference to persons who are
7 licensed or accredited veterinarians;

8 “(4) REVOCATION OF LICENSE.—If the Sec-
9 retary determines that the performance of a person
10 licensed under paragraph (1) is unsatisfactory, the
11 Secretary may, after notice and an opportunity for
12 a hearing, revoke the license issued to the person.

13 “(5) LIMITATION.—The granting of licenses
14 under this subsection shall not authorize a person li-
15 censed under this subsection to conduct inspections
16 in a manner other than the manner prescribed for
17 inspections by the Secretary under subsection (e).

18 “(6) NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 30
20 days before the date on which a horse show,
21 horse exhibition, or horse sale or auction be-
22 gins, the management of the show, exhibition,
23 or sale or auction may notify the Secretary of
24 the intent of the management to hire 1 or more
25 persons licensed under this subsection and as-

1 signed by the Secretary to conduct inspections
2 at the show, exhibition, or sale or auction.

3 “(B) ASSIGNMENT.—After receiving notice
4 under subparagraph (A), the Secretary shall as-
5 sign 1 or more persons licensed under this sub-
6 section to conduct inspections at the horse
7 show, horse exhibition, or horse sale or auc-
8 tion.”; and

9 (4) by adding at the end the following:

10 “(f) PUBLICATION OF VIOLATIONS.—The Secretary
11 shall publish on the public website of the Animal and
12 Plant Health Inspection Service of the Department of Ag-
13 riculture, and update as frequently as the Secretary deter-
14 mines necessary, information on violations of this Act to
15 allow the management of a horse show, horse exhibition,
16 or horse sale or auction to determine if an individual is
17 in violation of this Act.”.

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

20 (1) by striking paragraph (2) and inserting the
21 following:

22 “(2) In the case of any horse show, horse exhi-
23 bition, or horse sale or auction—

24 “(A) showing or exhibiting any horse that
25 is sore;

1 “(B) entering any horse that is sore for
2 the purpose of showing or exhibiting the horse;

3 “(C) selling, auctioning, or offering for
4 sale any horse that is sore;

5 “(D) causing a horse to become sore or di-
6 recting another person to cause a horse to be-
7 come sore for the purpose of showing, exhib-
8 iting, selling, auctioning, or offering for sale the
9 horse; and

10 “(E) allowing any activity described in
11 subparagraphs (A) through (D) with respect to
12 a horse that is sore by the owner of that
13 horse.”;

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

16 (3) in paragraph (4)—

17 (A) by striking “appoint” and inserting
18 “hire”; and

19 (B) by striking “qualified”;

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

22 (5) in paragraph (6)—

23 (A) by striking “appointed” and inserting
24 “hired”; and

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

3 (6) by adding at the end the following:

4 “(12) The use of an action device on any limb
5 of a Tennessee Walking Horse, racking horse, or
6 Spotted Saddle Horse at a horse show, horse exhi-
7 bition, or horse sale or auction.

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

12 “(A) is placed on, inserted in, or attached
13 to any limb of a Tennessee Walking Horse,
14 racking horse, or Spotted Saddle Horse;

15 “(B) is constructed to artificially alter the
16 gait of a horse described in subparagraph (A);
17 and

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

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “Except as provided in
25 paragraph (2) of this subsection, any per-

1 son who knowingly violates section 5” and
 2 inserting “Any person who knowingly vio-
 3 lates section 5 (including the regulations
 4 issued under that section), including any
 5 violation recorded during an inspection
 6 conducted under subsections (c) or (e) of
 7 section 4”; and

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

13 (B) in paragraph (2)—

14 (i) by striking “(2)(A)” and all that
 15 follows through “(B) Any” and inserting
 16 the following:

17 “(2) FALSE STATEMENTS AND ENTRIES.—
 18 Any”; and

19 (ii) by striking “(C) Any” and insert-
 20 ing the following:

21 “(3) INTERFERENCE WITH DUTIES.—Any”; and

22 (C) by adding at the end the following:

23 “(4) NONCOMPLIANCE WITH DISQUALIFICA-
 24 TION.—Any person who knowingly fails to obey an
 25 order of disqualification shall, upon conviction there-

1 of, be fined not more than \$5,000 for each failure
 2 to obey the order, imprisoned for not more than 3
 3 years, or both.”;

4 (2) in subsection (b)—

5 (A) in the first sentence of paragraph

6 (1)—

7 (i) by striking “section 5 of this Act”

8 and inserting “section 5 (including the reg-
 9 ulations issued under that section)”;

10 (ii) by striking “\$2,000” and insert-

11 ing “\$4,000”; and

12 (B) by adding at the end the following:

13 “(5) NONPAYMENT OF LICENSED INSPEC-
 14 TORS.—Any person who fails to pay a licensed in-
 15 spector hired under section 4(c) shall, upon convic-
 16 tion thereof, be fined not more than \$4,000 for each
 17 violation.”; and

18 (3) in subsection (c)—

19 (A) by redesignating the first, second,
 20 third, and fourth sentences as paragraphs (1),
 21 (3), (4), and (5), respectively;

22 (B) in paragraph (1) (as so designated)—

23 (i) by inserting “, or otherwise partici-
 24 pating in any horse show, horse exhibition,

1 or horse sale or auction” before “for a pe-
2 riod of not less than one year”; and

3 (ii) by striking “any subsequent” and
4 inserting “the second”;

5 (C) by inserting after paragraph (1) (as so
6 designated) the following:

7 “(2) PERMANENT DISQUALIFICATION.—For the
8 third or any subsequent violation, a person may be
9 permanently disqualified by order of the Secretary,
10 after notice and an opportunity for a hearing before
11 the Secretary, from showing or exhibiting any horse,
12 judging or managing any horse show, horse exhi-
13 bition, or horse sale or auction, or otherwise partici-
14 pating in, including financing the participation of
15 other individuals in, any horse show, horse exhi-
16 bition, or horse sale or auction (regardless of wheth-
17 er walking horses are shown, exhibited, sold, auc-
18 tioned, or offered for sale at the horse show, horse
19 exhibition, or horse sale or auction).”; and

20 (D) in paragraphs (3) and (4) (as so des-
21 ignated), by striking “\$3,000” each place it ap-
22 pears and inserting “\$5,000”.

23 (f) REGULATIONS.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary of
25 Agriculture shall issue regulations to carry out the amend-

1 ments made by this section, including regulations pre-
2 scribing the requirements under section 4(c) of the Horse
3 Protection Act (15 U.S.C. 1823(c)) (as amended by sub-
4 section (c)(3)).

○