

115TH CONGRESS
2D SESSION

S. 2957

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

MAY 24, 2018

Mr. CRAPO (for himself, Mr. WARNER, Mr. MORAN, Mr. BLUMENTHAL, Ms. COLLINS, Mrs. FEINSTEIN, Mr. TOOMEY, Mrs. MCCASKILL, Mr. DAINES, and Mr. MARKEY) 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 2018” 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.

○