

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. AYOTTE

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevent All Soring
5 Tactics Act of 2014” 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—

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

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

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

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

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

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

17 (3) by adding at the end the following new
18 paragraph:

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

22 “(i) transporting or arranging for the
23 transportation of a horse to or from a horse
24 show, horse exhibition, or horse sale or auction;

1 “(ii) personally giving instructions to an
2 exhibitor; or

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

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

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

11 (1) in paragraph (3)—

12 (A) by inserting “and soring horses for
13 such purposes” after “horses in intrastate com-
14 merce,”; and

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

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

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

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

1 “(6) the Inspector General of the Department
2 of Agriculture has determined that the program
3 through which the Secretary inspects horses is inad-
4 equate for preventing soring;

5 “(7) historically, Tennessee Walking Horses,
6 Racking Horses, and Spotted Saddle Horses have
7 been subjected to soring; and

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

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

15 (1) in subsection (a)—

16 (A) by striking “appointed” and inserting
17 “licensed”; and

18 (B) by adding at the end the following new
19 sentences: “In the first instance in which the
20 Secretary determines that a horse is sore, the
21 Secretary shall disqualify the horse from being
22 shown or exhibited for a period of not less than
23 180 days. In the second instance in which the
24 Secretary determines that such horse is sore,
25 the Secretary shall disqualify the horse for a

1 period of not less than one year. In the third
2 instance in which the Secretary determines that
3 such horse is sore, the Secretary shall disqualify
4 the horse for a period of not less than three
5 years.”;

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

8 (3) by striking subsection (c) and inserting the
9 following new subsection:

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

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

21 “(C) If the Secretary determines that the perform-
22 ance of a person licensed in accordance with subparagraph
23 (A) is unsatisfactory, the Secretary may, after notice and
24 an opportunity for a hearing, revoke the license issued to
25 such person.

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

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

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

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

22 “(3) A person licensed by the Secretary to conduct
23 inspections under this subsection shall issue a citation
24 with respect to any violation of this Act recorded during
25 an inspection and notify the Secretary of each such viola-

1 tion not later than five days after the date on which a
2 citation was issued with respect to such violation.”; and

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

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

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

15 (1) in paragraph (2)—

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

18 (B) by striking “and (D)” and inserting
19 “(D) causing a horse to become sore or direct-
20 ing another person to cause a horse to become
21 sore for the purpose of showing, exhibiting, sell-
22 ing, auctioning, or offering for sale the horse in
23 any horse show, horse exhibition, or horse sale
24 or auction, and (E)”;

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

3 (3) in paragraph (4)—

4 (A) by striking “appoint” and inserting
5 “hire”; and

6 (B) by striking “qualified”;

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

9 (5) in paragraph (6)—

10 (A) by striking “appointed” and inserting
11 “hired”; and

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

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

16 “(12) The use of an action device on any limb
17 of a Tennessee Walking Horse, a Racking Horse, or
18 a Spotted Saddle Horse at a horse show, horse exhi-
19 bition, or horse sale or auction.

20 “(13) The use of a weighted shoe, pad, wedge,
21 hoof band, or other device or material at a horse
22 show, horse exhibition, or horse sale or auction
23 that—

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

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

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

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

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

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

20 (ii) by striking “more than \$3,000, or
21 imprisoned for not more than one year, or
22 both.” and inserting “more than \$5,000,
23 or imprisoned for not more than three
24 years, or both, for each such violation.”;

25 (B) in paragraph (2)—

- 1 (i) by striking subparagraph (A);
2 (ii) by striking “(2)”; and
3 (iii) by redesignating subparagraphs
4 (B) and (C) as paragraphs (2) and (3), re-
5 spectively, and moving the margins of such
6 paragraphs (as so redesignated) two ems
7 to the left; and
8 (C) by adding at the end the following new
9 paragraph:

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

14 (2) in subsection (b)—

15 (A) in paragraph (1)—

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

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

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

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

1 (3) in subsection (c)—

2 (A) in the first sentence—

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

7 (ii) by striking “any subsequent” and
8 inserting “the second”;

9 (B) by inserting before “Any person who
10 knowingly fails” the following: “For the third
11 or any subsequent violation, a person may be
12 permanently disqualified by order of the Sec-
13 retary, after notice and an opportunity for a
14 hearing before the Secretary, from showing or
15 exhibiting any horse, judging or managing any
16 horse show, horse exhibition, or horse sale or
17 auction, or otherwise participating in, including
18 financing the participation of other individuals
19 in, any horse show, horse exhibition, or horse
20 sale or auction (regardless of whether walking
21 horses are shown, exhibited, sold, auctioned, or
22 offered for sale at the horse show, horse exhi-
23 bition, or horse sale or auction).”; and

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

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

8 (g) SEVERABILITY.—If any provision of this Act or
9 any amendment made by this Act, or the application of
10 a provision to any person or circumstance, is held to be
11 unconstitutional, the remainder of this Act and the
12 amendments made by this Act, and the application of the
13 provisions to any person or circumstance, shall not be af-
14 fected by the holding.