

Suspend the Rules and Pass the Bill, H.R. 693, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 693

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

JANUARY 22, 2019

Mr. SCHRADER (for himself, Mr. YOHO, Mr. COHEN, Mr. ESTES, Ms. SCHA-KOWSKY, and Mr. COLLINS of New York) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “U.S. Senator Joseph
3 D. Tydings Memorial Prevent All Soring Tactics Act of
4 2019” or the “PAST Act”.

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

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

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

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

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

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

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

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

25 (3) by adding at the end the following new
26 paragraph:

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

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

7 “(ii) personally giving instructions to an
8 exhibitor; or

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

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

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

17 (1) in paragraph (3)—

18 (A) by inserting “and soring horses for
19 such purposes” after “horses in intrastate com-
20 merce”; and

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

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

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

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

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

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

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

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

21 (1) in subsection (a)—

22 (A) by striking “appointed” and inserting
23 “licensed”; and

24 (B) by adding at the end the following new
25 sentences: “In the first instance in which the

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

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

14 (3) by striking subsection (c) and inserting the
15 following new subsection:

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

23 “(B) No person shall be issued a license under this
24 subsection unless such person is free from conflicts of in-

1 terest, as defined by the Secretary in the regulations
2 issued under subparagraph (A).

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

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

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

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

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

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

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

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

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

23 (1) in paragraph (2)—

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

1 (B) by striking “and (D)” and inserting
2 “(D) causing a horse to become sore or direct-
3 ing another person to cause a horse to become
4 sore for the purpose of showing, exhibiting, sell-
5 ing, auctioning, or offering for sale the horse in
6 any horse show, horse exhibition, or horse sale
7 or auction; and (E)”;

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

10 (3) in paragraph (4)—

11 (A) by striking “appoint” and inserting
12 “hire”; and

13 (B) by striking “qualified”;

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

16 (5) in paragraph (6)—

17 (A) by striking “appointed” and inserting
18 “hired”; and

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

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

23 “(12) The use of an action device on any limb
24 of a Tennessee Walking Horse, a Racking Horse, or

1 a Spotted Saddle Horse at a horse show, horse exhi-
2 bition, or horse sale or auction.

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

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

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

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

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

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

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

1 (ii) by striking “more than \$3,000, or
2 imprisoned for not more than one year, or
3 both.” and inserting “more than \$5,000,
4 or imprisoned for not more than three
5 years, or both, for each such violation.”;

6 (B) in paragraph (2)—

7 (i) by striking subparagraph (A);

8 (ii) by striking “(2)”; and

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

14 (C) by adding at the end the following new
15 paragraph:

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

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

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

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

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

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

8 (3) in subsection (c)—

9 (A) in the first sentence—

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

14 (ii) by striking “any subsequent” and
15 inserting “the second”;

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

1 in, any horse show, horse exhibition, or horse
2 sale or auction (regardless of whether walking
3 horses are shown, exhibited, sold, auctioned, or
4 offered for sale at the horse show, horse exhi-
5 bition, or horse sale or auction).”; and

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

8 (f) REGULATIONS.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary of
10 Agriculture shall issue regulations to carry out the amend-
11 ments made by this section, including regulations pre-
12 scribing the requirements under subsection (c) of section
13 4 of the Horse Protection Act (15 U.S.C. 1823(c)), as
14 amended by subsection (c)(3).

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

22 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

23 The budgetary effects of this Act, for the purpose of
24 complying with the Statutory Pay-As-You-Go Act of 2010,
25 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
2 Act, submitted for printing in the Congressional Record
3 by the Chairman of the House Budget Committee, pro-
4 vided that such statement has been submitted prior to the
5 vote on passage.