

Suspend the Rules and Pass the Bill, H.R. 724, With an Amendment

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

116TH CONGRESS
1ST SESSION

H. R. 724

To revise section 48 of title 18, United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. DEUTCH (for himself, Mr. BUCHANAN, Mr. NADLER, Mr. AGUILAR, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BROWNLEY of California, Mr. BEYER, Mr. CHABOT, Mr. CARTWRIGHT, Mr. CLAY, Mr. CONNOLLY, Mr. CRIST, Mr. CALVERT, Mr. BUDD, Ms. DELAURO, Mrs. DEMINGS, Mr. SWALWELL of California, Ms. ESHOO, Mr. CICILLINE, Mr. FOSTER, Mr. FITZPATRICK, Mr. GARAMENDI, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. ENGEL, Ms. JAYAPAL, Mr. JONES, Mr. GONZALEZ of Texas, Ms. KAPTUR, Mr. LIPINSKI, Ms. MCCOLLUM, Mrs. MURPHY, Mr. HIGGINS of New York, Mr. MAST, Mr. ESPAILLAT, Mr. O'HALLERAN, Mr. MEADOWS, Ms. NORTON, Mr. PAYNE, Mr. MOULTON, Ms. MENG, Mr. KRISHNAMOORTHY, Mr. KHANNA, Ms. MATSUI, Mr. KEATING, Mr. KING of New York, Mr. PANETTA, Mr. QUIGLEY, Mr. CURTIS, Mr. POCAN, Mr. SHERMAN, Mr. SERRANO, Mr. SCHRADER, Mr. TIPTON, Mr. TONKO, Mr. THOMPSON of California, Mr. RYAN, Ms. FRANKEL, Mr. PRICE of North Carolina, Ms. BASS, Mr. SUOZZI, Ms. SCHAKOWSKY, Mr. MEEKS, Mrs. KIRKPATRICK, Mrs. BEATTY, Ms. KUSTER of New Hampshire, Mr. JOHN W. ROSE of Tennessee, Ms. SHALALA, Mr. LOEBSACK, Mr. KILMER, Mrs. LOWEY, Mr. CORREA, Ms. GABBARD, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. GAETZ, Mr. BUCK, Mr. SCHWEIKERT, Mr. GALLEGO, Mr. YARMUTH, Mr. ZELDIN, Mr. TURNER, Ms. HERRERA BEUTLER, Mr. COLLINS of New York, Mr. YOHO, Miss RICE of New York, Mr. SABLAN, Mr. WELCH, Mr. DESAULNIER, Ms. STEFANIK, Mr. LANGEVIN, Ms. WASSERMAN SCHULTZ, Mr. POSEY, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. VARGAS, Mr. UPTON, Ms. CLARK of Massachusetts, Mr. RUPPERSBERGER, Mr. KATKO, Mr. COLE, Mr. SMITH of Washington, Mr. PETERS, Ms. TITUS, Mr. KENNEDY, Mr. CÁRDENAS, Mrs. AXNE, Mr. BERA, Ms. LEE of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. TED LIEU of California, Mr. RODNEY DAVIS of Illinois, Mr. PERRY, Mr. RASKIN, Mr. GOMEZ, Ms. HILL of California, Ms. PINGREE, Mr. JOYCE

of Ohio, Mr. NEAL, Ms. SPEIER, Mrs. DAVIS of California, Mr. WITTMAN, Ms. VELÁZQUEZ, Mrs. TORRES of California, Mr. WILLIAMS, Mr. COHEN, Ms. BONAMICI, Mr. LEVIN of California, Mr. LEWIS, Mr. PALLONE, Mr. GOTTHEIMER, Mr. MCEACHIN, Mr. HECK, Mr. LOUDERMILK, Mr. VELA, Mrs. BUSTOS, Mr. KILDEE, Ms. SLOTKIN, Ms. JUDY CHU of California, Ms. WILSON of Florida, Mr. SIRES, Mr. SEAN PATRICK MALONEY of New York, Mr. SCHNEIDER, Mr. DEFAZIO, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To revise section 48 of title 18, United States Code, 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 “Preventing Animal
5 Cruelty and Torture Act” or the “PACT Act”.

6 **SEC. 2. REVISION OF SECTION 48.**

7 (a) IN GENERAL.—Section 48 of title 18, United
8 States Code, is amended to read as follows:

9 **“§ 48. Animal crushing**

10 “(a) OFFENSES.—

11 “(1) CRUSHING.—It shall be unlawful for any
12 person to purposely engage in animal crushing in or
13 affecting interstate or foreign commerce or within
14 the special maritime and territorial jurisdiction of
15 the United States.

1 “(2) CREATION OF ANIMAL CRUSH VIDEOS.—It
2 shall be unlawful for any person to knowingly create
3 an animal crush video, if—

4 “(A) the person intends or has reason to
5 know that the animal crush video will be dis-
6 tributed in, or using a means or facility of,
7 interstate or foreign commerce; or

8 “(B) the animal crush video is distributed
9 in, or using a means or facility of, interstate or
10 foreign commerce.

11 “(3) DISTRIBUTION OF ANIMAL CRUSH VID-
12 EOS.—It shall be unlawful for any person to know-
13 ingly sell, market, advertise, exchange, or distribute
14 an animal crush video in, or using a means or facil-
15 ity of, interstate or foreign commerce.

16 “(b) EXTRATERRITORIAL APPLICATION.—This sec-
17 tion applies to the knowing sale, marketing, advertising,
18 exchange, distribution, or creation of an animal crush
19 video outside of the United States, if—

20 “(1) the person engaging in such conduct in-
21 tends or has reason to know that the animal crush
22 video will be transported into the United States or
23 its territories or possessions; or

24 “(2) the animal crush video is transported into
25 the United States or its territories or possessions.

1 “(c) PENALTIES.—Whoever violates this section shall
2 be fined under this title, imprisoned for not more than
3 7 years, or both.

4 “(d) EXCEPTIONS.—

5 “(1) IN GENERAL.—This section does not apply
6 with regard to any conduct, or a visual depiction of
7 that conduct, that is—

8 “(A) a customary and normal veterinary,
9 agricultural husbandry, or other animal man-
10 agement practice;

11 “(B) the slaughter of animals for food;

12 “(C) hunting, trapping, fishing, a sporting
13 activity not otherwise prohibited by Federal
14 law, predator control, or pest control;

15 “(D) medical or scientific research;

16 “(E) necessary to protect the life or prop-
17 erty of a person; or

18 “(F) performed as part of euthanizing an
19 animal.

20 “(2) GOOD-FAITH DISTRIBUTION.—This section
21 does not apply to the good-faith distribution of an
22 animal crush video to—

23 “(A) a law enforcement agency; or

1 “(B) a third party for the sole purpose of
2 analysis to determine if referral to a law en-
3 forcement agency is appropriate.

4 “(3) UNINTENTIONAL CONDUCT.—This section
5 does not apply to unintentional conduct that injures
6 or kills an animal.

7 “(4) CONSISTENCY WITH RFRA.—This section
8 shall be enforced in a manner that is consistent with
9 section 3 of the Religious Freedom Restoration Act
10 of 1993 (42 U.S.C. 2000bb–1).

11 “(e) NO PREEMPTION.—Nothing in this section shall
12 be construed to preempt the law of any State or local sub-
13 division thereof to protect animals.

14 “(f) DEFINITIONS.—In this section—

15 “(1) the term ‘animal crushing’ means actual
16 conduct in which one or more living non-human
17 mammals, birds, reptiles, or amphibians is purposely
18 crushed, burned, drowned, suffocated, impaled, or
19 otherwise subjected to serious bodily injury (as de-
20 fined in section 1365 and including conduct that, if
21 committed against a person and in the special mari-
22 time and territorial jurisdiction of the United States,
23 would violate section 2241 or 2242);

1 “(2) the term ‘animal crush video’ means any
2 photograph, motion-picture film, video or digital re-
3 cording, or electronic image that—

4 “(A) depicts animal crushing; and

5 “(B) is obscene; and

6 “(3) the term ‘euthanizing an animal’ means
7 the humane destruction of an animal accomplished
8 by a method that—

9 “(A) produces rapid unconsciousness and
10 subsequent death without evidence of pain or
11 distress; or

12 “(B) uses anesthesia produced by an agent
13 that causes painless loss of consciousness and
14 subsequent death.”.

15 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
16 The table of sections for chapter 3 of title 18, United
17 States Code, is amended by striking the item relating to
18 section 48 and inserting the following:

 “48. Animal crushing.”.

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

20 The budgetary effects of this Act, and the amend-
21 ments made by this Act, for the purpose of complying with
22 the Statutory Pay-As-You-Go Act of 2010, shall be deter-
23 mined by reference to the latest statement titled “Budg-
24 etary Effects of PAYGO Legislation” for this Act, sub-
25 mitted for printing in the Congressional Record by the

1 Chairman of the House Budget Committee, provided that
2 such statement has been submitted prior to the vote on
3 passage.