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113TH CONGRESS
2D SESSION

S. 1406

[Report No. 113-254]

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, Mr. WARNER, Ms. LANDRIEU, Ms. COLLINS, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. MARKEY, Mr. WYDEN, Mr. CARDIN, Mr. SANDERS, Mr. COONS, Ms. WARREN, Mr. MERKLEY, Mr. CARPER, Mr. DURBIN, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MURPHY, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Ms. BALDWIN, Mr. FRANKEN, Mr. MENENDEZ, Mr. LEVIN, Mr. KIRK, Mr. VITTER, Mr. CRAPO, Mr. REED, Mrs. FEINSTEIN, Mr. LEAHY, Mr. THUNE, Ms. STABENOW, Mr. BEGICH, Ms. HIRONO, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. JOHNSON of South Dakota, Mr. KING, Mrs. BOXER, Mr. HARKIN, Mr. CASEY, Mr. UDALL of Colorado, Mr. RUBIO, Ms. MIKULSKI, Mr. ISAKSON, Mr. JOHANNIS, Mr. BENNET, Mr. KAINE, Mr. BOOKER, Mr. WALSH, Mr. SCHUMER, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. TOOMEY, Mr. PRYOR, Mr. DONNELLY, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2014

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

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—

10 (1) by redesignating paragraphs (1), (2), (3),
 11 and (4) as paragraphs (2), (4), (5), and (6) respec-
 12 tively;

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

15 “(1) ACTION DEVICE.—

16 “(A) IN GENERAL.—The term ‘action de-
 17 vice’ means any boot, collar, chain, roller, or
 18 other device that encircles or is placed upon the

1 lower extremity of the leg of a horse in a man-
 2 ner that it can—

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

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

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

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

14 “(3) PARTICIPATE.—

15 “(A) IN GENERAL.—The term ‘participate’
 16 means to engage in any activity with respect to
 17 a horse show, horse exhibition, or horse sale or
 18 auction, including—

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

23 “(ii) personally giving instructions to
 24 an exhibitor; or

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

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

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

10 (1) by striking paragraph (3) and inserting the
11 following:

12 “(3) the movement, showing, exhibition, or sale
13 of sore horses in intrastate commerce, and soring
14 horses for those purposes, adversely affects and bur-
15 dens interstate and foreign commerce in many ways,
16 including by—

17 “(A) creating unfair competition;

18 “(B) deceiving the spectating public and
19 horse buyers; and

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

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

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

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

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 are prevalent in the Ten-
11 nessee Walking Horse, racking horse, and Spotted
12 Saddle Horse breeds.”.

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

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

17 “(a) DISQUALIFICATION OF HORSES.—

18 “(1) IN GENERAL.—The management of any
19 horse show or horse exhibition shall disqualify any
20 horse from being shown or exhibited—

21 “(A) if the horse is sore; or

22 “(B) if the management has been notified
23 by a person licensed in accordance with sub-
24 section (c) or by the Secretary that the horse
25 is sore.

1 “(2) PERIOD OF DISQUALIFICATION.—

2 “(A) FIRST INSTANCE.—In the first in-
3 stance in which the Secretary determines that a
4 horse is sore, the Secretary shall disqualify the
5 horse from being shown or exhibited for a pe-
6 riod of not less than 180 days.

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

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

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

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

19 “(e) LICENSING OF INSPECTORS; MANNER OF IN-
20 SPECTIONS.—

21 “(1) IN GENERAL.—The Secretary shall pre-
22 scribe by regulation requirements for the Depart-
23 ment of Agriculture to license, train, assign, and
24 oversee persons qualified to detect and diagnose a
25 horse that is sore or to otherwise inspect horses at

1 horse shows, horse exhibitions, or horse sales or auc-
 2 tions, for hire by the management of such events,
 3 for the purposes of enforcing this Act.

4 “(2) CITATIONS.—A person licensed by the Sec-
 5 retary to conduct inspections under this subsection
 6 shall—

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

9 “(B) notify the Secretary of each violation
 10 not later than 5 days after the date on which
 11 the citation is issued.

12 “(3) QUALIFICATIONS FOR LICENSING.—The
 13 Secretary shall—

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

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

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

1 “(5) LIMITATION.—The granting of licenses
2 under this subsection shall not authorize a person li-
3 censed under this subsection to conduct inspections
4 in a manner other than the manner prescribed for
5 inspections by the Secretary under subsection (e).

6 “(6) NOTIFICATION.—

7 “(A) IN GENERAL.—Not later than 30
8 days before the date on which a horse show,
9 horse exhibition, or horse sale or auction be-
10 gins, the management of the show, exhibition,
11 or sale or auction may notify the Secretary of
12 the intent of the management to hire 1 or more
13 persons licensed under this subsection and as-
14 signed by the Secretary to conduct inspections
15 at the show, exhibition, or sale or auction.

16 “(B) ASSIGNMENT.—After receiving notice
17 under subparagraph (A), the Secretary shall as-
18 sign 1 or more persons licensed under this sub-
19 section to conduct inspections at the horse
20 show, horse exhibition, or horse sale or auc-
21 tion.”; and

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

23 “(f) PUBLICATION OF VIOLATIONS.—The Secretary
24 shall publish on the public website of the Animal and
25 Plant Health Inspection Service of the Department of Ag-

1 riculture, and update as frequently as the Secretary deter-
 2 mines necessary, information on violations of this Act to
 3 allow the management of a horse show, horse exhibition,
 4 or horse sale or auction to determine if an individual is
 5 in violation of this Act.”.

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

8 (1) by striking paragraph (2) and inserting the
 9 following:

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

12 “(A) showing or exhibiting any horse that
 13 is sore;

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

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

18 “(D) causing a horse to become sore or di-
 19 recting another person to cause a horse to be-
 20 come sore for the purpose of showing, exhib-
 21 iting, selling, auctioning, or offering for sale the
 22 horse; and

23 “(E) allowing any activity described in
 24 subparagraphs (A) through (D) with respect to

1 a horse that is sore by the owner of that
2 horse.”;

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

5 (3) in paragraph (4)—

6 (A) by striking “appoint” and inserting
7 “hire”; and

8 (B) by striking “qualified”;

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

11 (5) in paragraph (6)—

12 (A) by striking “appointed” and inserting
13 “hired”; and

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

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

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

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

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

4 “(B) is constructed to artificially alter the
5 gait of a horse described in subparagraph (A);
6 and

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

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

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

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

22 (ii) by striking “more than \$3,000, or
23 imprisoned for not more than one year, or
24 both” and inserting “more than \$5,000, or

1 imprisoned for not more than 3 years, or
2 both, for each violation”;

3 (B) in paragraph (2)—

4 (i) by striking “(2)(A)” and all that
5 follows through “(B) Any” and inserting
6 the following:

7 “(2) FALSE STATEMENTS AND ENTRIES.—
8 Any”;

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

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

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

13 “(4) NONCOMPLIANCE WITH DISQUALIFICA-
14 TION.—Any person who knowingly fails to obey an
15 order of disqualification shall, upon conviction there-
16 of, be fined not more than \$5,000 for each failure
17 to obey the order, imprisoned for not more than 3
18 years, or both.”;

19 (2) in subsection (b)—

20 (A) in the first sentence of paragraph
21 (1)—

22 (i) by striking “section 5 of this Act”
23 and inserting “section 5 (including the reg-
24 ulations issued under that section)”;

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

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

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

9 (3) in subsection (c)—

10 (A) by redesignating the first, second,
 11 third, and fourth sentences as paragraphs (1),
 12 (3), (4), and (5), respectively;

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

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

18 (ii) by striking “any subsequent” and
 19 inserting “the second”;

20 (C) by inserting after paragraph (1) (as so
 21 designated) the following:

22 “(2) PERMANENT DISQUALIFICATION.—For the
 23 third or any subsequent violation, a person may be
 24 permanently disqualified by order of the Secretary,
 25 after notice and an opportunity for a hearing before

1 the Secretary, from showing or exhibiting any horse,
2 judging or managing any horse show, horse exhi-
3 bition, or horse sale or auction, or otherwise partici-
4 pating in, including financing the participation of
5 other individuals in, any horse show, horse exhi-
6 bition, or horse sale or auction (regardless of wheth-
7 er walking horses are shown, exhibited, sold, auc-
8 tioned, or offered for sale at the horse show, horse
9 exhibition, or horse sale or auction).”;

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

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

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Prevent All Soring Tac-*
22 *tics Act of 2014” or the “PAST Act”.*

1 **SEC. 2. INCREASED ENFORCEMENT UNDER HORSE PROTEC-**
2 **TION 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 boot,
11 collar, chain, roller, or other device that encircles or
12 is placed upon the lower extremity of the leg of a
13 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 para-
22 graph:

23 “(6)(A) The term ‘participate’ means engaging
24 in any activity with respect to a horse show, horse ex-
25 hibition, 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 horse
8 show, horse exhibition, or horse sale or auction
9 that spectators are not permitted to enter.

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

11 (b) *FINDINGS.*—Section 3 of the Horse Protection Act
12 (15 U.S.C. 1822) is amended—

13 (1) in paragraph (3)—

14 (A) by inserting “and soring horses for such
15 purposes” after “horses in intrastate commerce”;
16 and

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

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

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

1 (4) *by adding at the end the following new para-*
2 *graphs:*

3 “(6) *the Inspector General of the Department of*
4 *Agriculture has determined that the program through*
5 *which the Secretary inspects horses is inadequate for*
6 *preventing soring;*

7 “(7) *historically, Tennessee Walking Horses,*
8 *Racking Horses, and Spotted Saddle Horses have been*
9 *subjected to soring; and*

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

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

17 (1) *in subsection (a)—*

18 (A) *by striking “appointed” and inserting*
19 *“licensed”; and*

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

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

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

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

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

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

22 *“(C) If the Secretary determines that the performance*
23 *of a person licensed in accordance with subparagraph (A)*
24 *is unsatisfactory, the Secretary may, after notice and an*

1 *opportunity for a hearing, revoke the license issued to such*
2 *person.*

3 “(D) *In issuing licenses under this subsection, the Sec-*
4 *retary shall give a preference to persons who are licensed*
5 *or accredited veterinarians.*

6 “(E) *Licensure of a person in accordance with the re-*
7 *quirements prescribed under this subsection shall not be*
8 *construed as authorizing such person to conduct inspections*
9 *in a manner other than that prescribed for inspections by*
10 *the Secretary (or the Secretary’s representative) under sub-*
11 *section (e).*

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

19 “(B) *After such notification, the Secretary shall assign*
20 *a person or persons licensed under this subsection to con-*
21 *duct inspections at the horse show, horse exhibition, or horse*
22 *sale or auction.*

23 “(3) *A person licensed by the Secretary to conduct in-*
24 *spections under this subsection shall issue a citation with*
25 *respect to any violation of this Act recorded during an in-*

1 *spection and notify the Secretary of each such violation not*
2 *later than five days after the date on which a citation was*
3 *issued with respect to such violation.”; and*

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

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

14 *(d) UNLAWFUL ACTS.—Section 5 of the Horse Protec-*
15 *tion Act (15 U.S.C. 1824) is amended—*

16 *(1) in paragraph (2)—*

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

19 *(B) by striking “and (D)” and inserting*
20 *“(D) causing a horse to become sore or directing*
21 *another person to cause a horse to become sore*
22 *for the purpose of showing, exhibiting, selling,*
23 *auctioning, or offering for sale the horse in any*
24 *horse show, horse exhibition, or horse sale or auc-*
25 *tion, 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 para-*
15 *graphs:*

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 that—*

23 “(A) *is placed on, inserted in, or attached*
24 *to any limb of a Tennessee Walking Horse, a*
25 *Racking Horse, or a Spotted Saddle Horse;*

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

3 “(C) is not strictly protective or therapeutic
4 in nature.”.

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “Except as provided in
10 paragraph (2) of this subsection, any person
11 who knowingly violates section 5” and in-
12 serting “Any person who knowingly violates
13 section 5 or the regulations issued under
14 such section, including any violation re-
15 corded during an inspection conducted in
16 accordance with section 4(c) or 4(e)”; and

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

22 (B) in paragraph (2)—

23 (i) by striking subparagraph (A);

24 (ii) by striking “(2)”; and

1 (iii) by redesignating subparagraphs
2 (B) and (C) as paragraphs (2) and (3), re-
3 spectively, and moving the margins of such
4 paragraphs (as so redesignated) two ems to
5 the left; and

6 (C) by adding at the end the following new
7 paragraph:

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

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

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

17 (ii) by striking “\$2,000” and inserting
18 “\$4,000”; and

19 (B) by adding at the end the following new
20 paragraph:

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

24 (3) in subsection (c)—

25 (A) in the first sentence—

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

5 (ii) by striking “any subsequent” and
6 inserting “the second”;

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

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

24 (f) *REGULATIONS.*—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of Agri-

1 *culture shall issue regulations to carry out the amendments*
2 *made by this section, including regulations prescribing the*
3 *requirements under subsection (c) of section 4 of the Horse*
4 *Protection Act (15 U.S.C. 1823(c)), as amended by sub-*
5 *section (c)(3).*

6 *(g) SEVERABILITY.—If any provision of this Act or*
7 *any amendment made by this Act, or the application of*
8 *a provision to any person or circumstance, is held to be*
9 *unconstitutional, the remainder of this Act and the amend-*
10 *ments made by this Act, and the application of the provi-*
11 *sions to any person or circumstance, shall not be affected*
12 *by the holding.*

Calendar No. 562

113TH CONGRESS
2^D SESSION

S. 1406

[Report No. 113-254]

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.

SEPTEMBER 15, 2014

Reported with an amendment