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117TH CONGRESS
1ST SESSION

H. R. 5441

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

SEPTEMBER 30, 2021

Mr. COHEN (for himself, Mr. FITZPATRICK, Ms. SCHAKOWSKY, Mr. BUCHANAN, Mr. SCHRADER, Mr. MALINOWSKI, Mrs. MCBATH, Ms. DELBENE, Ms. WASSERMAN SCHULTZ, Mr. HORSFORD, Ms. SHERRILL, Mrs. BEATTY, Mr. QUIGLEY, Mr. KILMER, Mr. MCKINLEY, Ms. ROYBAL-ALLARD, Ms. BROWNLEY, Mr. SHERMAN, Mr. NADLER, Mr. KHANNA, Mr. LOWENTHAL, Mr. BROWN, Ms. SCANLON, Ms. TITUS, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. DEFazio, Mr. CONNOLLY, Ms. ESCOBAR, Mr. VEASEY, Mr. MOULTON, Mr. TONKO, Mr. MEUSER, Ms. MOORE of Wisconsin, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GALLEGO, Mr. SARBANES, Mr. CASTEN, Mr. FOSTER, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. POCAN, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. RUSH, Mr. CARBAJAL, Ms. BARRAGÁN, Ms. BONAMICI, Ms. HOULAHAN, Mrs. DEMINGS, Mr. PAPPAS, Mr. WALTZ, Ms. KELLY of Illinois, Mr. BUDD, Mrs. AXNE, Ms. PINGREE, Ms. PORTER, Mr. GRIJALVA, Mr. PETERS, Ms. MATSUI, Ms. TLAIB, Mr. LARSEN of Washington, Ms. MENG, Ms. DEAN, Mr. DAVID SCOTT of Georgia, Mr. WELCH, Mr. CARTWRIGHT, Ms. SPEIER, Mr. PANETTA, Mr. REED, Mr. CÁRDENAS, Ms. CRAIG, Mr. HUFFMAN, Ms. KAPTUR, Mr. BEYER, Ms. LOIS FRANKEL of Florida, Mr. ALLRED, Mr. LIEU, Mr. KATKO, Mr. RASKIN, Ms. SÁNCHEZ, Ms. HERRERA BEUTLER, Ms. STEVENS, Mr. PRICE of North Carolina, Mr. YARMUTH, Mr. O'HALLERAN, Mr. JOHNSON of Ohio, Mr. BERA, Ms. DAVIDS of Kansas, Mr. CARTER of Louisiana, Mrs. TRAHAN, Mr. SWALWELL, Mr. ESPAILLAT, Mr. STANTON, Mrs. WATSON COLEMAN, Ms. BASS, Ms. JACKSON LEE, Mr. CASTRO of Texas, Mr. RYAN, Mr. BUCK, Mr. RESCHENTHALER, Mr. AGUILAR, Mr.

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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 “Prevent All Soring
3 Tactics Act of 2022” or the “PAST Act of 2022”.

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

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

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

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

13 “(1) The term ‘action device’—

14 “(A) means any boot, collar, chain, roller,
15 or other device that encircles or is placed upon
16 the lower extremity of the leg of a horse in such
17 a manner that it can—

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

20 or

21 “(ii) strike the hoof, coronet band,
22 fetlock joint, or pastern of the horse; and

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

1 (3) by adding at the end the following new
2 paragraph:

3 “(6) The term ‘participate’—

4 “(A) means engaging in any activity with
5 respect to a horse show, horse exhibition, or
6 horse sale or auction, including—

7 “(i) transporting or arranging for the
8 transportation of a horse to or from a
9 horse show, horse exhibition, or horse sale
10 or auction;

11 “(ii) personally giving instructions to
12 an exhibitor; or

13 “(iii) being knowingly present in a
14 warm-up area, inspection area, or other
15 area at a horse show, horse exhibition, or
16 horse sale or auction that spectators are
17 not permitted to enter; and

18 “(B) does not include spectating.”.

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

21 (1) in paragraph (3)—

22 (A) by inserting “and soring horses for
23 such purposes” after “horses in intrastate com-
24 merce”; and

1 (B) by inserting “in many ways, including
2 by creating unfair competition, by deceiving the
3 spectating public and horse buyers, and by neg-
4 atively impacting horse sales” before the semi-
5 colon;

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

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

10 (4) by adding at the end the following new
11 paragraphs:

12 “(6) the Inspector General of the Department
13 of Agriculture has determined that the program
14 through which the Secretary inspects horses is inad-
15 equate for preventing soring;

16 “(7) historically, Tennessee Walking Horses,
17 Racking Horses, and Spotted Saddle Horses have
18 been subjected to soring; and

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

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

1 (1) in subsection (a)—

2 (A) by striking “appointed” and inserting
3 “licensed”; and

4 (B) by adding at the end the following new
5 sentences: “In the first instance in which the
6 Secretary determines that a horse is sore, the
7 Secretary shall disqualify the horse from being
8 shown or exhibited for a period of not less than
9 180 days. In the second instance in which the
10 Secretary determines that such horse is sore,
11 the Secretary shall disqualify the horse for a
12 period of not less than one year. In the third
13 instance in which the Secretary determines that
14 such horse is sore, the Secretary shall disqualify
15 the horse for a period of not less than three
16 years.”;

17 (2) in subsection (b) by striking “appointed”
18 and inserting “licensed”;

19 (3) by striking subsection (c) and inserting the
20 following new subsection:

21 “(c) LICENSURE FOR INSPECTION; ASSIGNMENT OF
22 INSPECTOR; CITATIONS.—

23 “(1) LICENSURE FOR THE INSPECTION OF
24 HORSES.—

1 “(A) REGULATIONS REQUIRED FOR IN-
2 SPECTION OF HORSES.—The Secretary shall
3 prescribe by regulation requirements for the
4 Department of Agriculture to license, train, as-
5 sign, and oversee persons qualified to detect
6 and diagnose a horse which is sore or to other-
7 wise inspect horses at horse shows, horse exhi-
8 bitions, or horse sales or auctions, for hire by
9 the management of such events, for the pur-
10 poses of enforcing this Act.

11 “(B) CONFLICTS OF INTEREST.—A person
12 may not be issued a license under this sub-
13 section unless such person is free from conflicts
14 of interest, as defined by the Secretary in the
15 regulations prescribed pursuant to subpara-
16 graph (A).

17 “(C) REVOCATION OF LICENSE.—If the
18 Secretary determines that the performance of a
19 person licensed in accordance with subpara-
20 graph (A) is unsatisfactory, the Secretary may,
21 after notice and an opportunity for a hearing,
22 revoke the license issued to such person.

23 “(D) PREFERENCE FOR VETERINAR-
24 IANS.—In issuing licenses under this sub-
25 section, the Secretary shall give a preference to

1 persons who are licensed or accredited veteri-
2 narians.

3 “(E) RULE OF CONSTRUCTION.—Licensure
4 of a person in accordance with the requirements
5 prescribed under this subsection may not be
6 construed as authorizing such person to con-
7 duct inspections in a manner other than that
8 prescribed for inspections by the Secretary (or
9 the Secretary’s representative) under subsection
10 (e).

11 “(2) NOTIFICATION OF INSPECTION; ASSIGN-
12 MENT OF INSPECTOR.—

13 “(A) NOTIFICATION OF INSPECTIONS.—
14 Not later than 30 days before the date on
15 which a horse show, horse exhibition, or horse
16 sale or auction begins, the management of such
17 show, exhibition, or sale or auction may notify
18 the Secretary of the intent of the management
19 to hire a person or persons licensed under this
20 subsection and assigned by the Secretary to
21 conduct inspections at such show, exhibition, or
22 sale or auction.

23 “(B) ASSIGNMENT OF INSPECTOR.—After
24 such notification, the Secretary shall assign a
25 person or persons licensed under this subsection

1 to conduct inspections at the horse show, horse
2 exhibition, or horse sale or auction.

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

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

12 “(f) PUBLICATION REQUIRED FOR VIOLATIONS.—
13 The Secretary shall publish on the public website of the
14 Animal and Plant Health Inspection Service of the De-
15 partment of Agriculture, and update as frequently as the
16 Secretary determines is necessary, information on any vio-
17 lation of this Act for the purposes of allowing the manage-
18 ment of a horse show, horse exhibition, or horse sale or
19 auction to determine if an individual is in violation of this
20 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

1 accordance with subsection (c) or (e) of
2 section 4”; and

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

8 (B) in paragraph (2)—

9 (i) by striking subparagraph (A);

10 (ii) by striking “(2)”; and

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

16 (C) by adding at the end the following new
17 paragraph:

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

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

1 (i) by striking “section 5 of this Act”
2 and inserting “section 5 or the regulations
3 issued under such section”; and

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

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

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

11 (3) in subsection (c)—

12 (A) in the first sentence—

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

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

19 (B) by inserting before “Any person who
20 knowingly fails” the following: “For the third
21 or any subsequent violation, a person may be
22 permanently disqualified by order of the Sec-
23 retary, after notice and an opportunity for a
24 hearing before the Secretary, from showing or
25 exhibiting any horse, judging or managing any

1 horse show, horse exhibition, or horse sale or
2 auction, or otherwise participating in, including
3 financing the participation of other individuals
4 in, any horse show, horse exhibition, or horse
5 sale or auction (regardless of whether walking
6 horses are shown, exhibited, sold, auctioned, or
7 offered for sale at the horse show, horse exhi-
8 bition, or horse sale or auction).”; and

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

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

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