

Union Calendar No.

117TH CONGRESS
2D SESSION

H. R. 5441

[Report No. 117-]

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. GALLEGRO, 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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SEPTEMBER --, 2022

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

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 2021” or the “PAST Act of 2021”.

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), (3), (4), and (5), respec-
12 tively;

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

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

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

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

23 “(B) Such term does not include soft rubber or
24 soft 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)(A) The term ‘participate’ means engaging
4 in any activity with respect to a horse show, horse
5 exhibition, or horse sale or auction, including—

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

9 “(ii) personally giving instructions to an
10 exhibitor; or

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

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

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

19 (1) in paragraph (3)—

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

23 (B) by inserting “in many ways, including
24 by creating unfair competition, by deceiving the
25 spectating public and horse buyers, and by neg-

1 atively impacting horse sales” before the semi-
2 colon;

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

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

7 (4) by adding at the end the following new
8 paragraphs:

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

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

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

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

23 (1) in subsection (a)—

24 (A) by striking “appointed” and inserting
25 “licensed”; and

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

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

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

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

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

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

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

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

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

1 conduct inspections at such show, exhibition, or sale or
2 auction.

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

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

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

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

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

25 (1) in paragraph (2)—

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

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

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

12 (3) in paragraph (4)—

13 (A) by striking “appoint” and inserting
14 “hire”; and

15 (B) by striking “qualified”;

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

18 (5) in paragraph (6)—

19 (A) by striking “appointed” and inserting
20 “hired”; and

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

23 (6) by adding at the end the following new
24 paragraphs:

1 “(12) The use of an action device on any limb
2 of a Tennessee Walking Horse, a Racking Horse, or
3 a Spotted Saddle Horse at a horse show, horse exhi-
4 bition, or horse sale or auction.

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

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

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

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

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

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) by striking “Except as provided in
21 paragraph (2) of this subsection, any per-
22 son who knowingly violates section 5” and
23 inserting “Any person who knowingly vio-
24 lates section 5 or the regulations issued
25 under such section, including any violation

1 recorded during an inspection conducted in
2 accordance with section 4(c) or 4(e)”; 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 subsection (c) of section
16 4 of the Horse Protection Act (15 U.S.C. 1823(c)), as
17 amended by subsection (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.