

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5441
OFFERED BY Ms.SCHAKOWSKY OF ILLINOIS

Strike all after the enacting clause and insert the following:

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—

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

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

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

9 (3) by adding at the end the following new
10 paragraph:

11 “(6) The term ‘participate’—

12 “(A) means engaging in any activity with
13 respect to a horse show, horse exhibition, or
14 horse sale or auction, including—

15 “(i) transporting or arranging for the
16 transportation of a horse to or from a
17 horse show, horse exhibition, or horse sale
18 or auction;

19 “(ii) personally giving instructions to
20 an exhibitor; or

21 “(iii) being knowingly present in a
22 warm-up area, inspection area, or other
23 area at a horse show, horse exhibition, or
24 horse sale or auction that spectators are
25 not permitted to enter; and

1 “(B) does not include spectating.”.

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

4 (1) in paragraph (3)—

5 (A) by inserting “and soring horses for
6 such purposes” after “horses in intrastate com-
7 merce”; and

8 (B) by inserting “in many ways, including
9 by creating unfair competition, by deceiving the
10 spectating public and horse buyers, and by neg-
11 atively impacting horse sales” before the semi-
12 colon;

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

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

17 (4) by adding at the end the following new
18 paragraphs:

19 “(6) the Inspector General of the Department
20 of Agriculture has determined that the program
21 through which the Secretary inspects horses is inad-
22 equate for preventing soring;

23 “(7) historically, Tennessee Walking Horses,
24 Racking Horses, and Spotted Saddle Horses have
25 been subjected to soring; and

1 “(8) despite regulations in effect related to in-
2 spection for purposes of ensuring that horses are not
3 sore, violations of this Act continue to be prevalent
4 in the Tennessee Walking Horse, Racking Horse,
5 and Spotted Saddle Horse breeds.”.

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

8 (1) in subsection (a)—

9 (A) by striking “appointed” and inserting
10 “licensed”; and

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

24 (2) in subsection (b) by striking “appointed”
25 and inserting “licensed”;

1 (3) by striking subsection (c) and inserting the
2 following new subsection:

3 “(c) LICENSURE FOR INSPECTION; ASSIGNMENT OF
4 INSPECTOR; CITATIONS.—

5 “(1) LICENSURE FOR THE INSPECTION OF
6 HORSES.—

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

17 “(B) CONFLICTS OF INTEREST.—A person
18 may not be issued a license under this sub-
19 section unless such person is free from conflicts
20 of interest, as defined by the Secretary in the
21 regulations prescribed pursuant to subpara-
22 graph (A).

23 “(C) REVOCATION OF LICENSE.—If the
24 Secretary determines that the performance of a
25 person licensed in accordance with subpara-

1 graph (A) is unsatisfactory, the Secretary may,
2 after notice and an opportunity for a hearing,
3 revoke the license issued to such person.

4 “(D) PREFERENCE FOR VETERINARI-
5 IANS.—In issuing licenses under this sub-
6 section, the Secretary shall give a preference to
7 persons who are licensed or accredited veteri-
8 narians.

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

17 “(2) NOTIFICATION OF INSPECTION; ASSIGN-
18 MENT OF INSPECTOR.—

19 “(A) NOTIFICATION OF INSPECTIONS.—
20 Not later than 30 days before the date on
21 which a horse show, horse exhibition, or horse
22 sale or auction begins, the management of such
23 show, exhibition, or sale or auction may notify
24 the Secretary of the intent of the management
25 to hire a person or persons licensed under this

1 subsection and assigned by the Secretary to
2 conduct inspections at such show, exhibition, or
3 sale or auction.

4 “(B) ASSIGNMENT OF INSPECTOR.—After
5 such notification, the Secretary shall assign a
6 person or persons licensed under this subsection
7 to conduct inspections at the horse show, horse
8 exhibition, or horse sale or auction.

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

16 (4) by adding at the end the following new sub-
17 section:

18 “(f) PUBLICATION REQUIRED FOR VIOLATIONS.—
19 The Secretary shall publish on the public website of the
20 Animal and Plant Health Inspection Service of the De-
21 partment of Agriculture, and update as frequently as the
22 Secretary determines is necessary, information on any vio-
23 lation of this Act for the purposes of allowing the manage-
24 ment of a horse show, horse exhibition, or horse sale or

1 auction to determine if an individual is in violation of this
2 Act.”.

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

5 (1) in paragraph (2)—

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

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

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

17 (3) in paragraph (4)—

18 (A) by striking “appoint” and inserting
19 “hire”; and

20 (B) by striking “qualified”;

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

23 (5) in paragraph (6)—

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

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

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

5 “(12) The use of an action device on any limb
6 of a Tennessee Walking Horse, a Racking Horse, or
7 a Spotted Saddle Horse at a horse show, horse exhi-
8 bition, or horse sale or auction.

9 “(13) The use of a weighted shoe, pad, wedge,
10 hoof band, or other device or material at a horse
11 show, horse exhibition, or horse sale or auction
12 that—

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

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

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

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “Except as provided in
25 paragraph (2) of this subsection, any per-

1 son who knowingly violates section 5” and
2 inserting “Any person who knowingly vio-
3 lates section 5 or the regulations issued
4 under such section, including any violation
5 recorded during an inspection conducted in
6 accordance with subsection (c) or (e) of
7 section 4”; and

8 (ii) by striking “more than \$3,000, or
9 imprisoned for not more than one year, or
10 both.” and inserting “more than \$5,000,
11 or imprisoned for not more than three
12 years, or both, for each such violation.”;

13 (B) in paragraph (2)—

14 (i) by striking subparagraph (A);

15 (ii) by striking “(2)”; and

16 (iii) by redesignating subparagraphs
17 (B) and (C) as paragraphs (2) and (3), re-
18 spectively, and moving the margins of such
19 paragraphs (as so redesignated) two ems
20 to the left; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(4) Any person who knowingly fails to obey an order
24 of disqualification shall, upon conviction thereof, be fined

1 not more than \$5,000 for each failure to obey such an
2 order, imprisoned for not more than three years, or both.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

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

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

10 (B) by adding at the end the following new
11 paragraph:

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

15 (3) in subsection (c)—

16 (A) in the first sentence—

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

21 (ii) by striking “any subsequent” and
22 inserting “the second”;

23 (B) by inserting before “Any person who
24 knowingly fails” the following: “For the third
25 or any subsequent violation, a person may be

1 permanently disqualified by order of the Sec-
2 retary, after notice and an opportunity for a
3 hearing before the Secretary, from showing or
4 exhibiting any horse, judging or managing any
5 horse show, horse exhibition, or horse sale or
6 auction, or otherwise participating in, including
7 financing the participation of other individuals
8 in, any horse show, horse exhibition, or horse
9 sale or auction (regardless of whether walking
10 horses are shown, exhibited, sold, auctioned, or
11 offered for sale at the horse show, horse exhi-
12 bition, or horse sale or auction).”; and

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

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

22 (g) SEVERABILITY.—If any provision of this Act or
23 any amendment made by this Act, or the application of
24 a provision to any person or circumstance, is held to be
25 unconstitutional, the remainder of this Act and the

1 amendments made by this Act, and the application of the
2 provisions to any person or circumstance, shall not be af-
3 fected by the holding.

