

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 1947  
OFFERED BY MR. WHITFIELD OF KENTUCKY**

Page 629, after line 4, add the following new section:

1 **SEC. 12 \_\_\_\_ . INCREASED ENFORCEMENT UNDER HORSE**  
2 **PROTECTION 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  
11 boot, collar, chain, roller, or other device that encir-  
12 cles or is placed upon the lower extremity of the leg  
13 of a 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.

1           “(B) Such term does not include soft rubber or  
2           soft leather bell boots or quarter boots that are used  
3           as protective devices.”; and

4           (3) by adding at the end the following new  
5           paragraph:

6           “(6)(A) The term ‘participate’ means engaging  
7           in any activity with respect to a horse show, horse  
8           exhibition, or horse sale or auction, including—

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

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

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

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

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

22                   (1) in paragraph (3)—

23                           (A) by inserting “and soring horses for  
24                           such purposes” after “horses in intrastate com-  
25                           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)(1)(A) The Secretary shall prescribe by regula-  
22 tion requirements for the Department of Agriculture to  
23 license, train, assign, and oversee persons qualified to de-  
24 tect and diagnose a horse which is sore or to otherwise  
25 inspect horses at horse shows, horse exhibitions, or horse

1 sales or auctions, for hire by the management of such  
2 events, for the purposes of enforcing this Act.

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

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

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

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

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

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

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

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

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

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

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

1 (1) in paragraph (2)—

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

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

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

13 (3) in paragraph (4)—

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

16 (B) by striking “qualified”;

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

19 (5) in paragraph (6)—

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

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

24 (6) by adding at the end the following new  
25 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) CIVIL PENALTIES.—Section 6 of the Horse Pro-  
17           tection Act (15 U.S.C. 1825) is amended—

18                   (1) in subsection (b)—

19                           (A) in paragraph (1)—

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

23                                   (ii) by striking “\$2,000” and insert-  
24                                   ing “\$75,000”; and

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

3 “(5) Any person who fails to pay a licensed in-  
4 spector hired under section 4(c) shall be liable to the  
5 United States for a civil penalty of not more than  
6 \$75,000 for each such violation.”; and

7 (2) in subsection (c)—

8 (A) in the first sentence—

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

13 (ii) by striking “any subsequent” and  
14 inserting “the second”;

15 (B) by inserting before “Any person who  
16 knowingly fails” the following: “For the third  
17 or any subsequent violation, a person may be  
18 permanently disqualified by order of the Sec-  
19 retary, after notice and an opportunity for a  
20 hearing before the Secretary, from showing or  
21 exhibiting any horse, judging or managing any  
22 horse show, horse exhibition, or horse sale or  
23 auction, or otherwise participating in, including  
24 financing the participation of other individuals  
25 in, any horse show, horse exhibition, or horse

1 sale or auction (regardless of whether walking  
2 horses are shown, exhibited, sold, auctioned, or  
3 offered for sale at the horse show, horse exhi-  
4 bition, or horse sale or auction).”; and

5 (C) by striking “\$3,000” each place it ap-  
6 pears and inserting “\$75,000”.

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

14 (g) SEVERABILITY.—If any provision of this section  
15 or any amendment made by this section, or the application  
16 of a provision to any person or circumstance, is held to  
17 be unconstitutional, the remainder of this section and the  
18 amendments made by this section, and the application of  
19 the provisions to any person or circumstance, shall not be  
20 affected by the holding.

