

AMENDMENT TO H.R. _____
(FARM BILL EXTENSION)
OFFERED BY MR. WHITFIELD OF KENTUCKY

At the end of the bill, add the following new section:

1 **SEC. 3. INCREASED ENFORCEMENT UNDER HORSE PRO-**
2 **TECTION 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) 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 “(A) rotate around the leg or slide up and
15 down the leg, so as to cause friction; or

16 “(B) strike the hoof, coronet band, fetlock
17 joint, or pastern of the horse.”;

1 (3) in paragraph (2) (as so redesignated) by in-
2 serting “, including the sponsoring organization and
3 event manager” before the period; and

4 (4) 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
11 horse show, horse exhibition, or horse sale
12 or auction;

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

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

20 “(iv) financing the participation of
21 other individuals in any horse show, horse
22 exhibition, or horse sale or auction.

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

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

1 (1) in paragraph (3)—

2 (A) by inserting “and soring horses for
3 such purposes” after “horses in intrastate com-
4 merce,”; and

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

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

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

14 (4) by adding at the end the following new
15 paragraphs:

16 “(6) the Inspector General of the Department
17 of Agriculture has determined that the Secretary has
18 failed to adequately enforce this Act; and

19 “(7) 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 preva-
22 lent.”.

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

25 (1) in subsection (a)—

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

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

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

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

20 “(c) LICENSURE, TRAINING, AND ASSIGNMENT OF
21 INSPECTORS; MANNER OF INSPECTION.—(1)(A) Not later
22 than 180 days after the date of enactment of this sub-
23 section, the Secretary shall prescribe by regulation re-
24 quirements for the Department of Agriculture to license,
25 train, assign, and oversee persons qualified to detect and

1 diagnose a horse which is sore or to otherwise inspect
2 horses at horse shows, horse exhibitions, or horse sales
3 or auctions, to be hired by management of such events,
4 for the purposes of enforcing this Act.

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

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

24 “(B) After such notification, the Secretary shall as-
25 sign a person or persons licensed under this subsection

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

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

9 (4) in the heading for subsection (e), by strik-
10 ing “APPOINTED” and inserting “DESIGNATED”.

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

13 (1) in paragraph (2)—

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

16 (B) by striking “and (D)” and inserting
17 “(D) causing a horse to become sore or direct-
18 ing another person to cause a horse to become
19 sore for the purpose of showing, exhibiting, sell-
20 ing, auctioning, or offering for sale the horse in
21 any horse show, horse exhibition, or horse sale
22 or auction, and (E)”;

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

25 (3) in paragraph (4)—

1 (A) by striking “appoint” and inserting
2 “hire”; and

3 (B) by striking “qualified”;

4 (4) in paragraph (5), by striking “appointed”
5 and insert “hired”;

6 (5) in paragraph (6)—

7 (A) by striking “appointed” and inserting
8 “hired”; and

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

11 (6) by adding at the end the following new
12 paragraphs:

13 “(12) The use of an action device on any limb
14 of a Tennessee Walking, a Racking, or a Spotted
15 Saddle horse at a horse show, horse exhibition, or
16 horse sale or auction.

17 “(13) The use of a weighted shoe, pad, wedge,
18 hoof band, or other device or material at a horse
19 show, horse exhibition, or horse sale or auction
20 that—

21 “(A) is placed on, inserted in, or attached
22 to any limb of a Tennessee Walking, a Racking,
23 or a Spotted Saddle horse;

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

1 “(C) is not strictly protective or thera-
2 peutic in nature.”;

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

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “Except as provided in
8 paragraph (2) of this subsection, any per-
9 son who knowingly violates section 5” and
10 inserting “Any person who knowingly vio-
11 lates section 5 or the regulations issued
12 under such section, including any violation
13 recorded during an inspection conducted in
14 accordance with section 4(c) or 4(e)”; and

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

20 (B) in paragraph (2)—

21 (i) by striking subparagraph (A);

22 (ii) by striking “(2)”; and

23 (iii) by redesignating subparagraphs
24 (B) and (C) as paragraphs (2) and (3), re-
25 spectively, and moving the margins of such

1 paragraphs (as so redesignated) two ems
2 to the left; and

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

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

10 (2) in subsection (b)—

11 (A) in paragraph (1)—

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

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

17 (B) by adding at the end the following new
18 paragraph:

19 “(5) Any person who fails to pay a licensed in-
20 spector hired under section 4(c) shall, upon convic-
21 tion thereof, be fined not more than \$4,000 for each
22 such violation.”; and

23 (3) in subsection (c)—

24 (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
9 or any subsequent violation, a person may be
10 permanently disqualified by order of the Sec-
11 retary, after notice and an opportunity for a
12 hearing before the Secretary, from showing or
13 exhibiting any horse, judging or managing any
14 horse show, horse exhibition, or horse sale or
15 auction, or otherwise participating in any horse
16 show, horse exhibition, or horse sale or auc-
17 tion.”; and

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

20 (f) REGULATIONS.— Not later than 180 days after
21 the date of the enactment of this Act, the Secretary shall
22 issue regulations to carry out the amendments made by
23 this Act.

24 (g) SEVERABILITY.—If any provision of this Act or
25 any amendment made by this Act, or the application of

1 a provision to any person or circumstance, is held to be
2 unconstitutional, the remainder of this Act and the
3 amendments made by this Act, and the application of the
4 provisions to any person or circumstance, shall not be af-
5 fected by the holding.

