

116TH CONGRESS
1ST SESSION

S. 1455

To amend the Horse Protection Act to provide increased protection for horses participating in shows, exhibitions, sales, and auctions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. ALEXANDER (for himself, Mr. McCONNELL, Mrs. BLACKBURN, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Horse Protection Act to provide increased protection for horses participating in shows, exhibitions, sales, and auctions, 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 “Horse Protection
5 Amendments Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 Section 2 of the Horse Protection Act (15 U.S.C.
8 1821) is amended—

1 (1) by striking the section designation and all
 2 that follows through “requires:” in the matter pre-
 3 ceding paragraph (1) and inserting the following:

4 **“SEC. 2. DEFINITIONS.**

5 “‘In this Act:’;

6 (2) by redesignating paragraphs (1), (2), (3),
 7 and (4) as paragraphs (2), (4), (5), and (6), respec-
 8 tively;

9 (3) by inserting before paragraph (2) (as so re-
 10 designated) the following:

11 “(1) HORSE INDUSTRY ORGANIZATION.—The
 12 term ‘Horse Industry Organization’ means the orga-
 13 nization established under section 4(c)(1)(A).”;

14 (4) by inserting after paragraph (2) (as so re-
 15 designated) the following:

16 “(3) OBJECTIVE INSPECTION.—The term ‘ob-
 17 jective inspection’ means an inspection conducted
 18 using only an inspection method based on a science-
 19 based protocol (including swabbing or blood testing
 20 protocol) that—

21 “(A) has been the subject of testing and is
 22 capable of producing scientifically reliable and
 23 reproducible results;

24 “(B) has been subjected to peer review;
 25 and

1 “(C) has received acceptance in the veteri-
 2 nary or other applicable scientific community,
 3 as determined by the Secretary.”.

4 **SEC. 3. FINDINGS.**

5 Section 3 of the Horse Protection Act (15 U.S.C.
 6 1822) is amended—

7 (1) by redesignating paragraphs (4) and (5) as
 8 paragraphs (5) and (6), respectively; and

9 (2) by inserting after paragraph (3) the fol-
 10 lowing:

11 “(4) the Inspector General of the Department
 12 of Agriculture has determined that the program
 13 through which the Secretary inspects horses is not
 14 adequate to ensure compliance with this Act;”.

15 **SEC. 4. INCREASING PROTECTIONS FOR HORSES PARTICI-
 16 PATING IN HORSE SHOWS, EXHIBITIONS,
 17 SALES, OR AUCTIONS.**

18 (a) HORSE SHOWS AND EXHIBITIONS.—Section 4 of
 19 the Horse Protection Act (15 U.S.C. 1823) is amended—

20 (1) by striking subsection (a) and inserting the
 21 following:

22 “(a) DISQUALIFICATION OF HORSES.—

23 “(1) IN GENERAL.—The management of any
 24 horse show or horse exhibition shall disqualify any
 25 horse from being shown or exhibited if—

1 “(A) the horse is determined to be sore by
2 an objective inspection; or

3 “(B) the management has been notified
4 that the horse is sore by—

5 “(i) a person licensed under sub-
6 section (c)(3)(A); or

7 “(ii) the Secretary.

8 “(2) DURATION OF DISQUALIFICATION.—Any
9 horse that is determined to be sore by an objective
10 inspection shall be disqualified from being shown or
11 exhibited—

12 “(A) for a period of not less than 30 days
13 if it is the first determination; and

14 “(B) for a period of not less than 90 days
15 if it is a second or subsequent determination.”;

16 (2) in subsection (b)—

17 (A) by striking “(b) The management”
18 and inserting the following:

19 “(b) PROHIBITION ON SALE, AUCTION, AND EXHI-
20 BITION.—The management”;

21 (3) by striking subsection (c) and inserting the
22 following:

23 “(c) HORSE INDUSTRY ORGANIZATION.—

24 “(1) ESTABLISHMENT.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of the Horse
3 Protection Amendments Act of 2019, the Sec-
4 retary shall establish an organization, to be
5 known as the ‘Horse Industry Organization’
6 (referred to in this subsection as ‘the Organiza-
7 tion’).

8 “(B) BOARD.—

9 “(i) IN GENERAL.—The Organization
10 shall be governed by a board (referred to
11 in this subsection as ‘the Board’) con-
12 sisting of not more than 9 individuals, of
13 whom—

14 “(I) two shall be appointed by
15 the Commissioner of Agriculture for
16 the State of Tennessee;

17 “(II) two shall be appointed by
18 the Commissioner of Agriculture for
19 the State of Kentucky;

20 “(III) two shall—

21 “(aa) represent the Ten-
22 nessee Walking Horse industry;
23 and

24 “(bb) be appointed by the
25 members appointed under sub-

1 clauses (I) and (II), in accord-
 2 ance with a process developed by
 3 those members; and

4 “(IV) not more than three shall
 5 be appointed by the members ap-
 6 pointed under subclauses (I) through
 7 (III).

8 “(ii) QUORUM.—Five members of the
 9 Board shall constitute a quorum for the
 10 transaction of business.

11 “(iii) BYLAWS.—The members of the
 12 Board, in consultation with the Secretary,
 13 shall develop bylaws and other policies to
 14 operate the Organization, establish com-
 15 mittees, and fill vacancies on the Board.

16 “(C) VACANCIES; PERIOD OF APPOINT-
 17 MENT.—

18 “(i) VACANCIES.—Any vacancy on the
 19 Board—

20 “(I) shall not impair the author-
 21 ity of the Board; and

22 “(II) shall be filled as soon as
 23 practicable in the same manner as the
 24 original appointment.

25 “(ii) PERIOD OF APPOINTMENT.—

1 “(I) IN GENERAL.—Except as
 2 provided in subclause (II), a member
 3 of the Board shall be appointed for a
 4 term of 4 years.

5 “(II) INITIAL APPOINTMENTS.—
 6 Of the members first appointed to the
 7 Board, the members described in sub-
 8 paragraph (B)(i)(III) shall be ap-
 9 pointed for an initial term of 3 years.

10 “(2) RESPONSIBILITIES.—The Organization
 11 shall—

12 “(A) establish a formal affiliation with the
 13 management of each horse sale, horse exhi-
 14 bition, horse sale, and horse auction;

15 “(B) appoint inspectors to conduct inspec-
 16 tions at each horse sale, horse exhibition, horse
 17 sale, and horse auction;

18 “(C) identify and contract with equine vet-
 19 erinary experts to advise the Board on—

20 “(i) objective scientific testing meth-
 21 ods and procedures for objective inspec-
 22 tions; and

23 “(ii) the certification of objective in-
 24 spection results;

1 “(D) establish licensing requirements
2 under paragraph (3); and

3 “(E) take any other action to ensure com-
4 pliance with this Act, as determined in coordi-
5 nation with the Secretary.

6 “(3) LICENSING REQUIREMENTS.—

7 “(A) IN GENERAL.—The Organization
8 shall develop licensing requirements to submit
9 to the Secretary for licensing persons quali-
10 fied—

11 “(i) to detect and diagnose a horse
12 that is sore; or

13 “(ii) to otherwise inspect a horse for
14 the purpose of enforcing this Act.

15 “(B) CONFLICTS OF INTEREST.—Require-
16 ments developed under subparagraph (A) shall
17 include the requirement that any person li-
18 censed by the Organization, and any member of
19 the immediate family of any person licensed by
20 the Organization, is free from a conflict of in-
21 terest by reason of any association or connec-
22 tion with the walking horse industry, including
23 through—

24 “(i) employment by, or the provision
25 of any service to, any show manager, train-

er, owner, or exhibitor of a Tennessee Walking horse, Spotted Saddle horse, or Racking horse; and

“(ii) training, exhibiting, shoeing, breeding, or selling a Tennessee Walking horse, Spotted Saddle horse, or Racking horse.

“(4) CERTIFICATION.—

“(A) IN GENERAL.—After the members of the Board described in subclauses (I) through (III) of paragraph (1)(B)(i) have been appointed, the Secretary shall certify the Organization to train and license individuals, including inspectors, as designated qualified persons in accordance with section 11.7(b) of title 9, Code of Federal Regulations (or successor regulations).

“(B) REVOCATION OF CERTIFICATION.—

Not later than 90 days after the date on which the Secretary certifies the Organization under subparagraph (A), the Secretary shall revoke the certification issued to any other horse industry organization under section 11.7 of title 9, Code of Federal Regulations (or successor regulations).

1 “(5) FEDERAL ADVISORY COMMITTEE ACT EX-
 2 EMPTION.—Section 14(a)(2)(B) of the Federal Advi-
 3 sory Committee Act (5 U.S.C. App.) shall not apply
 4 to the Organization.”;

5 (4) in subsection (d), by striking “(d) The man-
 6 agement” and inserting the following:

7 “(d) RECORDKEEPING.—The management”; and

8 (5) in subsection (e), by striking “(e) For pur-
 9 poses of” and inserting the following:

10 “(e) RIGHT OF INSPECTION.—For purposes of”.

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

13 (1) by striking the section designation and all
 14 that follows through “The following” in the matter
 15 preceding paragraph (1) and inserting the following:

16 **“SEC. 5. PROHIBITED CONDUCT.**

17 “The following”;

18 (2) in paragraph (3), by striking “appoint and
 19 retain a person in accordance with section 4(c) of
 20 this Act” and inserting “have a formal affiliation
 21 with the Horse Industry Organization”;

22 (3) in paragraph (4), by striking “appoint and
 23 retain a qualified person in accordance with section
 24 4(c) of this Act” and inserting “have a formal affili-
 25 ation with the Horse Industry Organization”;

1 (4) in paragraph (5), by striking “appointed
2 and retained a person in accordance with section
3 4(c) of this Act” and inserting “a formal affiliation
4 with the Horse Industry Organization”; and

5 (5) in paragraph (6)—

6 (A) by striking “appointed and retained a
7 person in accordance with section 4(c) of this
8 Act” and inserting “a formal affiliation with
9 the Horse Industry Organization”; and

10 (B) by striking “such person or the Sec-
11 retary” and inserting “a person licensed by the
12 Horse Industry Organization”.

13 **SEC. 5. RULEMAKING.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Secretary of Agriculture shall issue regula-
16 tions to carry out the amendments made by this Act.

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