

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-



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

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

8 “(4) CERTIFICATION.—

9 “(A) IN GENERAL.—After the members of  
10 the Board described in subclauses (I) through  
11 (III) of paragraph (1)(B)(i) have been ap-  
12 pointed, the Secretary shall certify the Organi-  
13 zation to train and license individuals, including  
14 inspectors, as designated qualified persons in  
15 accordance with section 11.7(b) of title 9, Code  
16 of Federal Regulations (or successor regula-  
17 tions).

18 “(B) REVOCATION OF CERTIFICATION.—  
19 Not later than 90 days after the date on which  
20 the Secretary certifies the Organization under  
21 subparagraph (A), the Secretary shall revoke  
22 the certification issued to any other horse in-  
23 dustry organization under section 11.7 of title  
24 9, Code of Federal Regulations (or successor  
25 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 affli-  
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.

○