

114TH CONGRESS
1ST SESSION

S. 1161

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

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2015

Mr. ALEXANDER (for himself, Mr. McCONNELL, 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, or sales, 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 2015”.

6 **SEC. 2. DEFINITION.**

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

1 (1) by redesignating paragraphs (1), (2) and
2 (3) as paragraphs (2), (4) and (5), respectively;

3 (2) by inserting before paragraph (2), as redes-
4 ignated, the following:

5 “(1) The term ‘Horse Industry Organization’
6 means the organization established pursuant to sec-
7 tion 4(c)(1).”; and

8 (3) by inserting after paragraph (2), as redesign-
9 ated, the following:

10 “(3) The term ‘objective inspection’ means an
11 inspection conducted using only inspection methods
12 based on science-based protocols (including swabbing
13 or blood testing protocols) that—

14 “(A) have been the subject of testing and
15 are capable of producing scientifically reliable,
16 reproducible results;

17 “(B) have been subjected to peer review;
18 and

19 “(C) have received acceptance in the vet-
20 erinary or other applicable scientific commu-
21 nity.”.

1 **SEC. 3. INCREASING PROTECTIONS FOR HORSES PARTICI-**
2 **PATING IN HORSE SHOWS, EXHIBITIONS, OR**
3 **SALES OR AUCTIONS.**

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

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

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

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

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

16 (1) by striking subsection (a) and inserting the
17 following:

18 “(a) DISQUALIFICATION OF HORSES.—

19 “(1) IN GENERAL.—In addition to being subject
20 to applicable criminal or civil penalties authorized
21 under section 6, the management of any horse show
22 or horse exhibition shall disqualify any horse from
23 being shown or exhibited—

24 “(A) which, upon objective testing, is de-
25 termined to be sore; or

1 “(B) if the management has been notified
2 that the horse is sore by—

3 “(i) a person appointed in accordance
4 with regulations prescribed under sub-
5 section (c); or

6 “(ii) the Secretary.

7 “(2) DURATION OF DISQUALIFICATION.—In ad-
8 dition to any other requirements or penalties im-
9 posed under this Act, any horse that has been deter-
10 mined to be sore by objective testing shall be dis-
11 qualified from being shown or exhibited for—

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

14 “(B) a period of 90 days for a second de-
15 termination and any subsequent determina-
16 tion.”; and

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) APPOINTMENT OF INSPECTORS; MANNER OF IN-
20 SPECTIONS.—

21 “(1) ESTABLISHMENT OF HORSE INDUSTRY OR-
22 GANIZATION.—

23 “(A) IN GENERAL.—Not later than 180
24 days after the date of the enactment of the
25 Horse Protection Amendments Act of 2015, the

1 Secretary shall prescribe, by regulation, the es-
2 tablishment of the Horse Industry Organiza-
3 tion, which shall be governed by a board con-
4 sisting of not more than 9 individuals, who
5 shall be appointed in accordance with subpara-
6 graphs (B) and (C).

7 “(B) MEMBERS.—Of the 9 members con-
8 stituting the Horse Industry Organization
9 Board—

10 “(i) 2 members shall be appointed by
11 the Commissioner of Agriculture for the
12 State of Tennessee to serve for a term of
13 4 years;

14 “(ii) 2 members shall be appointed by
15 the Commissioner of Agriculture for the
16 Commonwealth of Kentucky to serve for a
17 term of 4 years;

18 “(iii) 2 members shall represent the
19 Tennessee Walking Horse industry and
20 shall be appointed from within such indus-
21 try by the members appointed pursuant to
22 clauses (i) and (ii), in accordance with a
23 process developed by such members, to
24 serve for an initial term of 3 years; and

1 “(iv) not more than 3 members shall
 2 be appointed by the 6 members appointed
 3 pursuant to clauses (i) through (iii) to
 4 serve for a term of 4 years.

5 “(C) QUORUM; VACANCIES.—

6 “(i) QUORUM.—Five members of the
 7 Horse Industry Organization Board shall
 8 constitute a quorum for the transaction of
 9 business.

10 “(ii) EFFECT OF VACANCY.—A va-
 11 cancy on the Horse Industry Organization
 12 Board shall not impair the authority of the
 13 Board.

14 “(iii) SUBSEQUENT APPOINTMENTS.—
 15 Subsequent appointments, including re-
 16 appointments of existing Board members,
 17 shall be made in accordance with subpara-
 18 graph (B), except that all such appoint-
 19 ments shall be for a term of 4 years.

20 “(iv) BYLAWS.—The members of the
 21 Horse Industry Organization Board, in
 22 consultation with the Secretary, shall de-
 23 velop bylaws and other policies for oper-
 24 ations, the establishment of committees,
 25 and filling vacancies on the Board.

“(D) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Horse Industry Organization.

“(E) LICENSING REQUIREMENTS.—

“(i) IN GENERAL.—The Horse Industry Organization shall establish requirements to appoint persons qualified—

“(I) to detect and diagnose a horse which is sore; or

“(II) to otherwise inspect horses for the purposes of enforcing this Act.

“(ii) CONFLICTS OF INTEREST.—Requirements established pursuant to clause (i) shall require any person appointed by the Horse Industry Organization Board, or a member of the immediate family of such a person, to be free from conflicts of interest, by reason of any association or connection with the walking horse industry, including—

“(I) through employment by, or the provision of any services to, any show manager, trainer, owner, or exhibitor of Tennessee Walking horses,

1 Spotted Saddle horses, or Racking
2 horses; and

3 “(II) training, exhibiting, shoe-
4 ing, breeding, or selling Tennessee
5 Walking horses, Spotted Saddle
6 horses, or Racking horses.

7 “(F) CERTIFICATION.—

8 “(i) CERTIFICATION.—After the mem-
9 bers of the Horse Industry Organization
10 Board have been appointed pursuant to
11 subparagraph (B), the Secretary shall cer-
12 tify the Horse Industry Organization in ac-
13 cordance with section 11.7 of title 9, Code
14 of Federal Regulations (Certification and
15 licensing of designated qualified persons),
16 including the training of inspectors.

17 “(ii) REVOCATION OF CERTIFI-
18 CATION.—Not later than 90 days after the
19 date on which the Horse Industry Organi-
20 zation is established pursuant to this para-
21 graph, the Secretary shall revoke the cer-
22 tification issued to any other horse indus-
23 try organization under section 11.7 of title
24 9, Code of Federal Regulations (or any

1 successor regulation), as in effect on such
2 date.

3 “(2) RESPONSIBILITIES OF HORSE INDUSTRY
4 ORGANIZATION.—The Horse Industry Organization
5 shall—

6 “(A) establish a formal affiliation with the
7 management of each horse sale, horse exhi-
8 bition, and horse sale or auction;

9 “(B) appoint inspectors to conduct inspec-
10 tions at each such show, exhibition, and sale or
11 auction;

12 “(C) identify and contract with equine vet-
13 erinary experts to advise the Horse Industry
14 Organization Board on—

15 “(i) objective scientific testing meth-
16 ods and procedures; and

17 “(ii) the certification of testing re-
18 sults; and

19 “(D) otherwise ensure compliance with this
20 Act, in coordination with the Secretary.”.

21 (c) UNLAWFUL ACTS.—Section 5 of the Horse Pro-
22 tection Act (15 U.S.C. 1824) is amended—

23 (1) in paragraph (3), by striking “appoint and
24 retain a person in accordance with section 4(c) of
25 this Act” and inserting “establish a formal affili-

1 ation with the Horse Industry Organization under
2 section 4(c)(2)(A)”;

3 (2) in paragraph (4), by striking “appoint and
4 retain a qualified person in accordance with section
5 4(c) of this Act” and inserting “establish a formal
6 affiliation with the Horse Industry Organization
7 under section 4(c)(2)(A)”;

8 (3) in paragraph (5), by striking “appointed
9 and retained a person in accordance with section
10 4(c) of this Act” and inserting “established a formal
11 affiliation with the Horse Industry Organization
12 under section 4(c)(2)(A)”;

13 (4) in paragraph (6)—

14 (A) by striking “appointed and retained a
15 person in accordance with section 4(c) of this
16 Act” and inserting “established a formal affili-
17 ation with the Horse Industry Organization
18 under section 4(c)(2)(A)”;

19 (B) by striking “such person or the Sec-
20 retary” and inserting “a person licensed by the
21 Horse Industry Organization”.

22 **SEC. 4. RULEMAKING.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary of Agriculture shall issue

1 regulations to carry out the amendments made by this
2 Act.

