

115TH CONGRESS
1ST SESSION

H. R. 1338

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. DESJARLAIS (for himself, Mr. BARR, Mrs. BLACK, Mrs. BLACKBURN, Mr. COMER, Mr. DUNCAN of Tennessee, Mr. FLEISCHMANN, Mr. GUTHRIE, Mr. ROE of Tennessee, and Mr. ROGERS of Kentucky) introduced the following bill; which was referred to the Committee on Energy and Commerce

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”.

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 (2) and (3) as
2 paragraphs (3) and (4), respectively; and

3 (2) by inserting after paragraph (1) the fol-
4 lowing new paragraph:

5 “(2) The term ‘objective inspection’ means an
6 inspection conducted using only inspection methods
7 based on science-based protocols (including swabbing
8 or blood testing protocols) that—

9 “(A) have been the subject of testing and
10 are capable of producing scientifically reliable,
11 reproducible results;

12 “(B) have been subjected to peer review;
13 and

14 “(C) have received acceptance in the vet-
15 erinary or other applicable scientific commu-
16 nity.”.

17 **SEC. 3. INCREASING PROTECTIONS FOR HORSES PARTICI-**
18 **PATING IN HORSE SHOWS, EXHIBITIONS, OR**
19 **SALES OR AUCTIONS.**

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

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

24 (2) by inserting after paragraph (3) the fol-
25 lowing new paragraph:

1 “(4) the Inspector General of the Department
2 of Agriculture has determined the program through
3 which the Secretary inspects horses is not adequate
4 to ensure compliance with this Act;”.

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

8 (1) in the first sentence, by striking “appoint-
9 ment by the management of any horse show, horse
10 exhibition, or horse sale or auction of persons quali-
11 fied to detect and diagnose a horse which is sore or
12 to otherwise inspect horses for the purposes of en-
13 forcing this Act” and inserting “that affiliation and
14 appointment”;

15 (2) by inserting before the first sentence, the
16 following: “(1) The Horse Industry Organization es-
17 tablished under paragraph (2) shall establish a for-
18 mal affiliation with the management of each horse
19 sale, horse exhibition, and horse sale or auction, ap-
20 point inspectors to conduct inspections at each such
21 show, exhibition, and sale or auction, and in coordi-
22 nation with the Secretary, otherwise ensure compli-
23 ance with this Act.”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(2)(A) Not later than 180 days after the date
2 of the enactment of this paragraph, the Secretary
3 shall prescribe by regulation the establishment of a
4 single horse industry organization (referred to in
5 this Act as the ‘Horse Industry Organization’ or the
6 ‘HIO’). The HIO shall be headed or otherwise gov-
7 erned by not more than nine individuals appointed
8 in accordance with the following:

9 “(i) Four individuals shall be appointed by
10 the heads of State agencies on agriculture, two
11 of whom shall be appointed by the Commis-
12 sioner of Agriculture for the State of Tennessee
13 and two of whom shall be appointed by the
14 Commissioner of Agriculture for the Common-
15 wealth of Kentucky.

16 “(ii) Two individuals representing the Ten-
17 nessee Walking Horse industry shall be ap-
18 pointed from within such industry by the indi-
19 viduals appointed under clause (i) in accordance
20 with a process developed by the individuals so
21 appointed in consultation with the Walking
22 Horse Trainers’ Association.

23 “(iii) Not more than three individuals shall
24 be appointed by the six individuals appointed
25 under clauses (i) and (ii).

1 “(B) The nine individuals appointed under
2 clauses (i), (ii), and (iii) of subparagraph (A) shall
3 establish a process for filling any vacancy and for
4 the subsequent appointment of individuals initially
5 appointed under such subparagraph.

6 “(C) Section 14(a)(2)(B) of the Federal Advi-
7 sory Committee Act (5 U.S.C. App.; relating to the
8 termination of advisory committees) shall not apply
9 to the HIO.

10 “(D) The Horse Industry Organization shall
11 issue policies establishing requirements for any per-
12 son licensed by the Horse Industry Organization or
13 a member of the immediate family of such a person
14 to be free from conflicts of interest, by reason of any
15 association or connection with the walking horse in-
16 dustry including through—

17 “(i) being employed by or providing any
18 services to any show manager, trainer, owner,
19 or exhibitor of Tennessee Walking horses, Spot-
20 ted Saddle horses, or Racking horses; and

21 “(ii) training, exhibiting, shoeing, breeding,
22 or selling Tennessee Walking horses, Spotted
23 Saddle horses, or Racking horses.

24 “(E) Not later than 90 days after the date on
25 which the Horse Industry Organization is estab-

1 lished pursuant to this paragraph, the Secretary
2 shall revoke the certification issued to any horse in-
3 dustry organization under section 11.7 of title 9,
4 Code of Federal Regulations (or any successor regu-
5 lation), as in effect on such date.”.

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

8 (1) in paragraph (3), by striking “appoint and
9 retain a person in accordance with section 4(c) of
10 this Act” and inserting “establish a formal affili-
11 ation with the Horse Industry Organization under
12 section 4(c)”;

13 (2) in paragraph (4), by striking “appoint and
14 retain a qualified person in accordance with section
15 4(c) of this Act” and inserting “establish a formal
16 affiliation with the Horse Industry Organization
17 under section 4(c)”;

18 (3) in paragraph (5), by striking “appointed
19 and retained a person in accordance with section
20 4(c) of this Act” and inserting “establish a formal
21 affiliation with the Horse Industry Organization
22 under section 4(c)”;

23 (4) in paragraph (6)—

24 (A) by striking “appointed and retained a
25 person in accordance with section 4(c) of this

1 Act” and inserting “established a formal affili-
2 ation with the Horse Industry Organization
3 under section 4(c)”;

4 (B) by striking “such person or the Sec-
5 retary” and inserting “a person licensed by the
6 Horse Industry Organization”.

7 **SEC. 4. REGULATIONS.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Secretary shall issue regulations to
10 carry out the amendments made by this Act.

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