

117TH CONGRESS
1ST SESSION

H. R. 6341

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 HOUSE OF REPRESENTATIVES

DECEMBER 23, 2021

Mr. DESJARLAIS (for himself and Mr. ROSE) 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, 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 “Protecting Horses
5 from Soring Act of 2021”.

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).”; and

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 by
18 a veterinarian or veterinarian technician using only
19 an inspection method based on a science-based pro-
20 tocol that consists of, at a minimum, swabbing and
21 blood testing, and that—

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

1 “(B) has been subjected to peer review;
2 and
3 “(C) has received acceptance in the veteri-
4 nary or other applicable scientific community,
5 as determined by the Secretary.”.

6 **SEC. 3. FINDINGS.**

7 Section 3 of the Horse Protection Act (15 U.S.C.
8 1822) is amended—

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

11 (2) by inserting after paragraph (3) the fol-
12 lowing:

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

17 **SEC. 4. INCREASING PROTECTIONS FOR HORSES PARTICI-**

18 **PATING IN HORSE SHOWS, EXHIBITIONS,**

19 **SALES, OR AUCTIONS.**

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

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) DISQUALIFICATION OF HORSES.—

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

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

6 “(B) the management has been notified
7 that the horse is sore by—

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

10 “(ii) the Secretary.

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

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

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

19 (2) in subsection (b)—

20 (A) by striking “(b) The management”
21 and inserting the following:

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

24 (3) by striking subsection (c) and inserting the
25 following:

1 “(c) HORSE INDUSTRY ORGANIZATION.—

2 “(1) ESTABLISHMENT.—

3 “(A) IN GENERAL.—Not later than 180
4 days after the date of enactment of the Pro-
5 tecting Horses from Soring Act of 2021, the
6 Secretary shall establish an organization, to be
7 known as the ‘Horse Industry Organization’
8 (referred to in this subsection as ‘the Organiza-
9 tion’).

10 “(B) BOARD.—

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

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

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

22 “(III) two shall—

23 “(aa) represent the Ten-
24 nessee Walking Horse industry;
25 and

1 “(bb) be appointed by the
2 members appointed under sub-
3 clauses (I) and (II), in accord-
4 ance with a process developed by
5 those members; and

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

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

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

18 “(C) VACANCIES; PERIOD OF APPOINT-
19 MENT.—

20 “(i) VACANCIES.—Any vacancy on the
21 Board—

22 “(I) shall not impair the author-
23 ity of the Board; and

1 “(II) shall be filled as soon as
2 practicable in the same manner as the
3 original appointment.

4 “(ii) PERIOD OF APPOINTMENT.—

5 “(I) IN GENERAL.—Except as
6 provided in subclause (II), a member
7 of the Board shall be appointed for a
8 term of 4 years.

9 “(II) INITIAL APPOINTMENTS.—

10 Of the members first appointed to the
11 Board, the members described in sub-
12 paragraph (B)(i)(III) shall be ap-
13 pointed for an initial term of 3 years.

14 “(2) RESPONSIBILITIES.—The Organization
15 shall—

16 “(A) establish a formal affiliation with the
17 management of each horse sale, horse exhi-
18 bition, horse sale, and horse auction;

19 “(B) appoint inspectors to conduct inspec-
20 tions at each horse sale, horse exhibition, horse
21 sale, and horse auction;

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

1 “(i) objective scientific testing meth-
2 ods and procedures for objective inspec-
3 tions; and

4 “(ii) the certification of objective in-
5 spection results;

6 “(D) establish licensing requirements
7 under paragraph (3); and

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

11 “(3) LICENSING REQUIREMENTS.—

12 “(A) IN GENERAL.—The Organization
13 shall develop licensing requirements to submit
14 to the Secretary for licensing persons quali-
15 fied—

16 “(i) to detect and diagnose a horse
17 that is sore; or

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

20 “(B) CONFLICTS OF INTEREST.—Require-
21 ments developed under subparagraph (A) shall
22 include the requirement that any person li-
23 censed by the Organization, and any member of
24 the immediate family of any person licensed by
25 the Organization, is free from a conflict of in-

1 terest by reason of any association or connec-
2 tion with the walking horse industry, including
3 through—

4 “(i) employment by, or the provision
5 of any service to, any show manager, train-
6 er, owner, or exhibitor of a Tennessee
7 Walking horse, Spotted Saddle horse, or
8 Racking horse; and

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

13 “(4) CERTIFICATION.—

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

23 “(B) REVOCATION OF CERTIFICATION.—

24 Not later than 90 days after the date on which
25 the Secretary certifies the Organization under

1 subparagraph (A), the Secretary shall revoke
 2 the certification issued to any other horse in-
 3 dustry organization under section 11.7 of title
 4 9, Code of Federal Regulations (or successor
 5 regulations).

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

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

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

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

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

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

18 (1) by striking the section designation and all
 19 that follows through “The following” in the matter
 20 preceding paragraph (1) and inserting the following:

21 **“SEC. 5. PROHIBITED CONDUCT.**

22 **“The following”;**

23 (2) in paragraph (3), by striking “appoint and
 24 retain a person in accordance with section 4(c) of

1 this Act” and inserting “have a formal affiliation
2 with the Horse Industry Organization”;

3 (3) in paragraph (4), by striking “appoint and
4 retain a qualified person in accordance with section
5 4(c) of this Act” and inserting “have a formal affili-
6 ation with the Horse Industry Organization”;

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

11 (5) in paragraph (6)—

12 (A) by striking “appointed and retained a
13 person in accordance with section 4(c) of this
14 Act” and inserting “a formal affiliation with
15 the Horse Industry Organization”; and

16 (B) by striking “such person or the Sec-
17 retary” and inserting “a person licensed by the
18 Horse Industry Organization”.

19 **SEC. 5. RULEMAKING.**

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

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