

AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. DESJARLAIS OF TENNESSEE

At the end of title XI, add the following (and make such conforming changes as may be necessary):

1 Subtitle H—Amendments to Horse
2 Protection Act

3 SEC. 11801. DEFINITION.

4 Section 2 of the Horse Protection Act (15 U.S.C.
5 1821) is amended—

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

8 (2) by inserting before paragraph (2), as redesi-
9 gnated, the following:

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

13 (3) by inserting after paragraph (2), as redesi-
14 gnated, the following:

15 “(3) The term ‘objective inspection’ means an
16 inspection conducted using only inspection methods
17 based on science-based protocols (including swabbing
18 or blood testing protocols) that—

1 “(A) have been the subject of testing and
2 are capable of producing scientifically reliable,
3 reproducible results;

4 “(B) have been subjected to peer review;
5 and

6 “(C) have received acceptance in the vet-
7 erinary or other applicable scientific commu-
8 nity.”.

9 **SEC. 11802. INCREASING PROTECTIONS FOR HORSES PAR-**
10 **TICIPATING IN HORSE SHOWS, EXHIBITIONS,**
11 **OR SALES OR AUCTIONS.**

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

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

16 (2) by inserting after paragraph (3) the fol-
17 lowing:

18 “(4) the Inspector General of the Department
19 of Agriculture has determined that the program
20 through which the Secretary inspects horses is not
21 adequate to ensure compliance with this Act;”.

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

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) DISQUALIFICATION OF HORSES.—

2 “(1) IN GENERAL.—In addition to being subject
3 to applicable criminal or civil penalties authorized
4 under section 6, the management of any horse show
5 or horse exhibition shall disqualify any horse from
6 being shown or exhibited—

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

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

11 “(i) a person appointed in accordance
12 with regulations prescribed under sub-
13 section (c); or

14 “(ii) the Secretary.

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

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

22 “(B) a period of 90 days for a second de-
23 termination and any subsequent determina-
24 tion.”; and

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

3 “(c) APPOINTMENT OF INSPECTORS; MANNER OF IN-
4 SPECTIONS.—

5 “(1) ESTABLISHMENT OF HORSE INDUSTRY OR-
6 GANIZATION.—

7 “(A) IN GENERAL.—Not later than 180
8 days after the date of the enactment of the
9 Horse Protection Amendments Act of 2014, the
10 Secretary shall prescribe, by regulation, the es-
11 tablishment of the Horse Industry Organiza-
12 tion, which shall be governed by a board con-
13 sisting of not more than 9 individuals, who
14 shall be appointed in accordance with subpara-
15 graphs (B) and (C).

16 “(B) MEMBERS.—Of the 9 members con-
17 stituting the Horse Industry Organization
18 Board—

19 “(i) 2 members shall be appointed by
20 the Commissioner of Agriculture for the
21 State of Tennessee to serve for a term of
22 4 years;

23 “(ii) 2 members shall be appointed by
24 the Commissioner of Agriculture for the

1 Commonwealth of Kentucky to serve for a
2 term of 4 years;

3 “(iii) 2 members shall represent the
4 Tennessee Walking Horse industry and
5 shall be appointed from within such indus-
6 try by the members appointed pursuant to
7 clauses (i) and (ii), in accordance with a
8 process developed by such members, to
9 serve for an initial term of 3 years; and

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

14 “(C) QUORUM; VACANCIES.—

15 “(i) QUORUM.—Five members of the
16 Horse Industry Organization Board shall
17 constitute a quorum for the transaction of
18 business.

19 “(ii) EFFECT OF VACANCY.—A va-
20 cancy on the Horse Industry Organization
21 Board shall not impair the authority of the
22 Board.

23 “(iii) SUBSEQUENT APPOINTMENTS.—
24 Subsequent appointments, including re-
25 appointments of existing Board members,

1 shall be made in accordance with subpara-
2 graph (B), except that all such appoint-
3 ments shall be for a term of 4 years.

4 “(iv) BYLAWS.—The members of the
5 Horse Industry Organization Board, in
6 consultation with the Secretary, shall de-
7 velop bylaws and other policies for oper-
8 ations, the establishment of committees,
9 and filling vacancies on the Board.

10 “(D) TERMINATION.—Section 14(a)(2)(B)
11 of the Federal Advisory Committee Act (5
12 U.S.C. App.) shall not apply to the Horse In-
13 dustry Organization.

14 “(E) LICENSING REQUIREMENTS.—

15 “(i) IN GENERAL.—The Horse Indus-
16 try Organization shall establish require-
17 ments to appoint persons qualified—

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

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

22 “(ii) CONFLICTS OF INTEREST.—Re-
23 quirements established pursuant to clause
24 (i) shall require any person appointed by
25 the Horse Industry Organization Board, or

1 a member of the immediate family of such
2 a person, to be free from conflicts of inter-
3 est, by reason of any association or connec-
4 tion with the walking horse industry, in-
5 cluding—

6 “(I) through employment by, or
7 the provision of any services to, any
8 show manager, trainer, owner, or ex-
9 hibitor of Tennessee Walking horses,
10 Spotted Saddle horses, or Racking
11 horses; and

12 “(II) training, exhibiting, shoe-
13 ing, breeding, or selling Tennessee
14 Walking horses, Spotted Saddle
15 horses, or Racking horses.

16 “(F) CERTIFICATION.—

17 “(i) CERTIFICATION.—After the mem-
18 bers of the Horse Industry Organization
19 Board have been appointed pursuant to
20 subparagraph (B), the Secretary shall cer-
21 tify the Horse Industry Organization in ac-
22 cordance with section 11.7 of title 9, Code
23 of Federal Regulations (Certification and
24 licensing of designated qualified persons),
25 including the training of inspectors.

1 “(ii) REVOCATION OF CERTIFI-
2 CATION.—Not later than 90 days after the
3 date on which the Horse Industry Organi-
4 zation is established pursuant to this para-
5 graph, the Secretary shall revoke the cer-
6 tification issued to any other horse indus-
7 try organization under section 11.7 of title
8 9, Code of Federal Regulations (or any
9 successor regulation), as in effect on such
10 date.

11 “(2) RESPONSIBILITIES OF HORSE INDUSTRY
12 ORGANIZATION.—The Horse Industry Organization
13 shall—

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

17 “(B) appoint inspectors to conduct inspec-
18 tions at each such show, exhibition, and sale or
19 auction;

20 “(C) identify and contract with equine vet-
21 erinary experts to advise the Horse Industry
22 Organization Board on—

23 “(i) objective scientific testing meth-
24 ods and procedures; and

1 “(ii) the certification of testing re-
2 sults; and

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

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

7 (1) in paragraph (3), by striking “appoint and
8 retain a person in accordance with section 4(c) of
9 this Act” and inserting “establish a formal affili-
10 ation with the Horse Industry Organization under
11 section 4(c)(2)(A)”;

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

17 (3) in paragraph (5), by striking “appointed
18 and retained a person in accordance with section
19 4(c) of this Act” and inserting “established a formal
20 affiliation with the Horse Industry Organization
21 under section 4(c)(2)(A)”;

22 (4) in paragraph (6)—

23 (A) by striking “appointed and retained a
24 person in accordance with section 4(c) of this
25 Act” and inserting “established a formal affili-

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

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

6 **SEC. 11803. RULEMAKING.**

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

