

117TH CONGRESS
2D SESSION

S. 4005

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

APRIL 5, 2022

Mr. HAGERTY (for himself, Mrs. BLACKBURN, 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, 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 2022”.

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—

21 “(A) consists of, at a minimum, swabbing
 22 and blood testing;

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

1 “(C) has been subjected to peer review;
 2 and
 3 “(D) 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 2022, 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) 2 shall be appointed by the
17 Commissioner of Agriculture for the
18 State of Tennessee;

19 “(II) 2 shall be appointed by the
20 Commissioner of Agriculture for the
21 State of Kentucky;

22 “(III) 2 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 3 shall be
 7 appointed by the members appointed
 8 under subclauses (I) through (III).

9 “(ii) QUORUM.—5 members of the
 10 Board shall constitute a quorum for the
 11 transaction of business.

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

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

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

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

23 “(II) shall be filled as soon as
 24 practicable in the same manner as the
 25 original appointment.

1 “(ii) PERIOD OF APPOINTMENT.—

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

6 “(II) INITIAL APPOINTMENTS.—

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

11 “(2) RESPONSIBILITIES.—The Organization
12 shall—

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

16 “(B) appoint inspectors to conduct inspec-
17 tions at each horse sale, horse exhibition, horse
18 sale, and horse auction;

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

21 “(i) objective scientific testing meth-
22 ods and procedures for objective inspec-
23 tions; and

24 “(ii) the certification of objective in-
25 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-

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

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

“(4) CERTIFICATION.—

“(A) IN GENERAL.—After the members of the Board described in subclauses (I) through (III) of paragraph (1)(B)(i) have been appointed, the Secretary shall certify the Organization to train and license individuals, including inspectors, as designated qualified persons in accordance with section 11.7(b) of title 9, Code of Federal Regulations (or successor regulations).

“(B) REVOCATION OF CERTIFICATION.—

Not later than 90 days after the date on which the Secretary certifies the Organization under subparagraph (A), the Secretary shall revoke the certification issued to any other horse industry organization under section 11.7 of title 9, Code of Federal Regulations (or successor 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 affili-
 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.

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