

United States Senate
WASHINGTON, DC 20510

April 29, 2021

The Honorable Thomas J. Vilsack
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Ave., SW
Washington, D.C. 20250

Dear Secretary Vilsack,

We are committed to ending the plight of Tennessee Walking Horses and related breeds who are subjected to the intense cruelty known as “soring.” As you know, this indefensible practice involves trainers deliberately inflicting pain on the legs and hooves of these horses using caustic chemicals, chains, weighted shoes, hard objects, cutting, and other gruesome techniques to force them to perform a pain-based artificially high-stepping gait known as the “Big Lick” that wins prizes at some horse shows. We fervently hope you will swiftly publish the USDA rule promulgated earlier under your leadership that will finally end the conflict-ridden industry self-policing scheme and the use on Tennessee Walking Horses and Racking Horses of devices integral to soring.

Congress passed the Horse Protection Act (HPA) more than 50 years ago to end this abuse, but a 2010 audit by USDA's Inspector General and undercover investigations by the Humane Society of the United States of top trainers and owners in 2012 and 2015 found persistent, rampant soring. Under your leadership, USDA promulgated a final regulation to strengthen HPA enforcement and end this cruel practice, drawing on the IG's recommendations. The final regulation was at the Federal Register and awaiting publication but then was withdrawn on January 23, 2017.

This rule had and continues to have massive bipartisan congressional and public support. The rule garnered more than 100,000 public comments in support, including bipartisan letters signed by 42 senators and 182 representatives. On February 9, 2017, just a few weeks into the new administration, a bipartisan group of 154 representatives, led by Representative Yoho, wrote to President Trump, urging him to publish the HPA final rule as it was announced on January 13, 2017.

Last spring, 41 senators and 207 representatives (covering 38 states plus the District of Columbia and the Northern Mariana Islands) requested FY21 appropriations language directing USDA to quickly publish this HPA rule. The House Agriculture Appropriations committee report contains the following provision, deemed adopted in the omnibus:

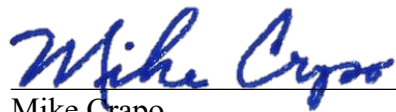
(p. 38) Final rule on horse protection.—The Secretary is strongly urged to reinstate and publish the final rule, Horse Protection; Licensing of Designated Qualified Persons and Other Amendments (Docket No. APHIS–2011–0009), as it was finalized and displayed in advance public notice in the Federal Register on January 19, 2017, with effective dates adjusted to reflect the delay in implementation.

USDA's final rule mirrors key reforms in the Prevent All Soring Tactics (PAST) Act (H.R. 693/S. 1007 in the 116th Congress), which was approved by an overwhelming bipartisan vote of 333-96 in the House in July 2019, with 308 cosponsors, and had 52 Senate cosponsors including then-Senator Harris. The identical legislation passed the Senate Commerce Committee in 2014. This legislation is endorsed by hundreds of stakeholder groups and individuals, including the American Horse Council, U.S. Equestrian Federation, and 69 other national and state horse groups, the American Veterinary Medical Association, American Association of Equine Practitioners, the state veterinary organizations of all 50 states, key individuals in the Tennessee Walking Horse show world, National Sheriffs' Association, and Association of Prosecuting Attorneys. In public opinion polls conducted in 2020 in Kentucky and Tennessee (the states where soring is most prevalent), respondents across all categories – political affiliation, gender, age and geographic region of each state – voiced resounding support for the PAST Act's reforms (78% in KY and 82% in TN).

In 2019, USDA and a segment of the Tennessee Walking Horse industry requested and subsequently funded a National Academies of Sciences, Engineering and Medicine (NASEM) study on methods of detecting soreness in horses, to determine if those methods currently in use in the inspection of horses for violations of the Horse Protection Act were valid and adequate. The study committee released its report in January of this year and made several findings that are supportive of current inspection methods, and recommended new ones for the agency to consider adopting. The report underscored the need to end the current system of industry self-policing, citing failures of industry inspectors to properly apply approved detection methods, and to find and cite violations. The NASEM recommendations are consistent with both the PAST Act and the 2017 USDA rule. Most of them can be implemented through policy changes and some could be accomplished through future rulemaking, but there is no need to hold up the pending rule.

We thank you for your consideration and urge you to swiftly publish and reinstate the final HPA rule that USDA developed under your leadership and announced in January 2017.

Sincerely,



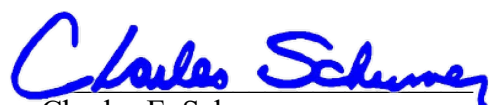
Mike Crapo
United States Senator



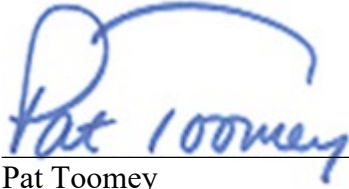
Mark R. Warner
United States Senator



Steve Daines
United States Senator



Charles E. Schumer
United States Senator



Pat Toomey
United States Senator



Tammy Baldwin
United States Senator



Jerry Moran
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator



Cory A. Booker
United States Senator



Maria Cantwell
United States Senator

/s/ Robert P. Casey, Jr.

Robert P. Casey, Jr.
United States Senator



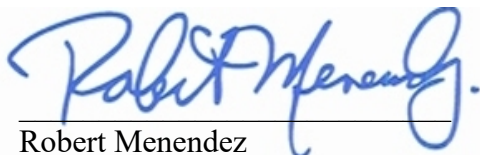
Tammy Duckworth
United States Senator



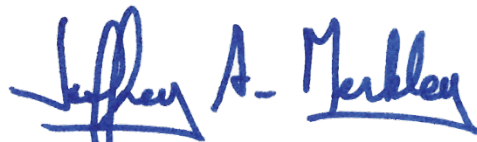
Richard J. Durbin
United States Senator



Tim Kaine
United States Senator



Robert Menendez
United States Senator



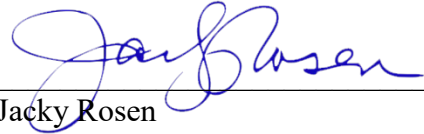
Jeffrey A. Merkley
United States Senator



Gary C. Peters
United States Senator

/s/ Jack Reed

Jack Reed
United States Senator



Jacky Rosen
United States Senator



Jeanne Shaheen
United States Senator



Tina Smith
United States Senator



Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



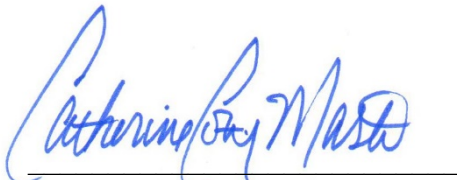
Michael F. Bennet
United States Senator



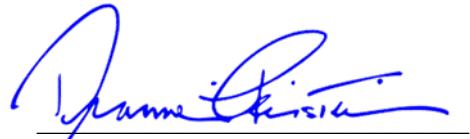
Sherrod Brown
United States Senator



Christopher A. Coons
United States Senator



Catherine Cortez Masto
United States Senator



Dianne Feinstein
United States Senator



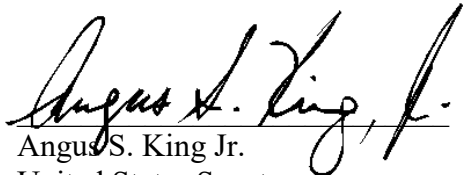
Kirsten Gillibrand
United States Senator



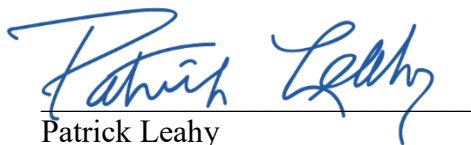
Margaret Wood Hassan
United States Senator

/s/ Martin Heinrich

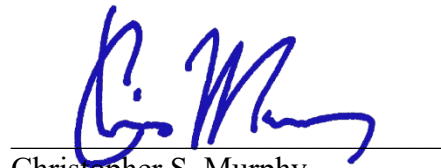
Martin Heinrich
United States Senator




Angus S. King Jr.
United States Senator



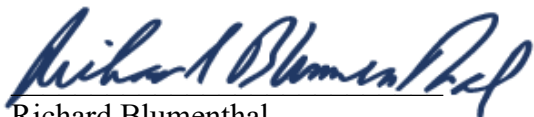
Patrick Leahy
United States Senator




Christopher S. Murphy
United States Senator



Bernard Sanders
United States Senator



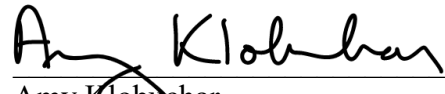
Richard Blumenthal
United States Senator




Debbie Stabenow
United States Senator

/s/ Mazie K. Hirono

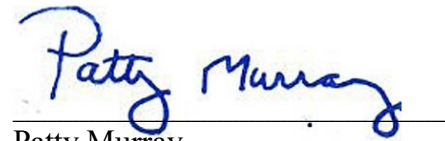
Mazie K. Hirono
United States Senator




Amy Klobuchar
United States Senator



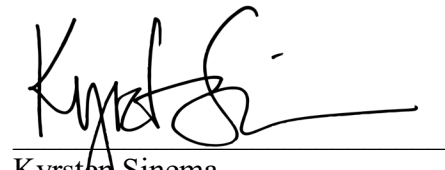
Edward J. Markey
United States Senator




Patty Murray
United States Senator



Brian Schatz
United States Senator



Kyrsten Sinema
United States Senator




Benjamin L. Cardin
United States Senator



Elizabeth Warren
United States Senator



Mark Kelly
United States Senator



Ben Ray Lujan
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Alex Padilla
United States Senator