



Materials for House Markup on H.R. 5441, the Prevent All Soring Tactics (PAST) ACT

JUNE 23, 2022

Page 1: Letter to Chairwoman Schakowsky and Ranking Member Bilirakis

Page 3: Article Published by Tennessee Lookout

Page 7: Article Published by The Tennessee Tribune

Page 11: Article Published by the Mid-South Tribune

Page 12: Article Published by RFDTV

Page 16: Side by Side Comparison of the Current PAST Act vs.
Compromise Version of the PAST Act

Page 17: Video of PAST Act Floor Debate (with working link in PDF)

Marty Irby, executive director

ANIMAL WELLNESS ACTION | 611 PENNSYLVANIA AVE. S.E. #136 | WASHINGTON, D.C. 20003



June 23, 2022

The Honorable Jan Schakowsky
Chairwoman
U.S. House Subcommittee on Consumer Protection and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Gus Bilirakis
Ranking Member
U.S. House Subcommittee on Consumer Protection and Commerce
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis:

I write today as a follow-up to my written testimony submitted to the Subcommittee on May 26, 2022 in regard to the Prevent All Soring Tactics (PAST) Act, H.R. 5441. First, I would like to underscore my long-term support for the passage and enactment of the PAST Act as written.


I appreciate you affording H.R. 5441 a markup as we requested and wanted to point out today's markup will be the first PAST has seen in the ten years since it was first introduced in 2012 by Reps. Ed Whitfield, R-Ky., and Steve Cohen, D-Tenn. As the Subcommittee record shows, I served as an expert witness the last Congress the legislation saw action, then as H.R. 1518, before the Subcommittee in November of 2013. My testimony came less than a year after I had served two terms as president of the Tennessee Walking Horse Breeders' and Exhibitors' Association (2010-2012), the breed registry established in 1935 in Lewisburg, Tennessee.

My written testimony and document submission of over 330 pages on May 26th was somewhat incomplete. Today I offer several additional items including four articles published since the May hearing, and a side-by-side comparison of the proposed PAST Act revisions mentioned in my testimony. The articles included today were published in Tennessee Lookout, The Tennessee Tribune, the Mid-South Tribune, and by RFDTV. The first three go further to make the case in support of compromise legislation, and the latter, offers insight into the recent release of the U.S. House Appropriations Committee's Agriculture Appropriations bill that includes more than \$4 million in funding for enforcement of the Horse Protection Act for FY23.

In addition, I have included a working link to a short video of the floor speeches during the House floor debate on the PAST Act in July of 2019 compiled with key comments from Reps. Kurt Schrader, Buddy Carter, Earl Blumenauer, Ted Yoho, and Ted Budd.

As always, I appreciate your consideration, and am glad to answer any questions you may have.

All the best,

A handwritten signature in black ink, appearing to read "Marty Irby". The signature is fluid and cursive, with the first name "Marty" being more legible than the last name "Irby".

Marty Irby
Executive Director
Animal Wellness Action

NEWS ARTICLES

TENNESSEE | LOOKOUT

Commentary: Congress needs to deliver comprehensive soring reform

Industry leader says it's past time to end the barbaric practice on horses

BY MARTY IRBY

MAY 26, 2022 9:51 AM



Two-time World Grand Championship Tennessee Walking Horse Midnight Sun. (Photo: VisitFranklin.com)

In March 1984, at only four years old, I made my first public show-ring appearance aboard Carbon Princess—the 1979 Tennessee Walking Horse World Champion Aged Mare. She was 18 hands tall and had the heart of a champion. More than that, she was my best friend.

During that era, competitors came from far and wide, many of them the sons and daughters of Tennessee Walking Horse trainers who either train or still compete. We showed all across the region in Pin Oak, Texas; Lake Charles, LA; Jackson, Miss.; Montgomery, Ala.; Atlanta, G.; and more. Yet not even one of those horse shows exists today. Why? Because of soring. Soring is the intentional infliction of pain to Tennessee Walking Horses' front feet by means of applying caustic chemicals such as mustard oil or kerosene, or by inserting sharp objects into the hooves to create the pain-based high step known as the "Big Lick."

And today, the Tennessee Walking Horse is but a shadow of its former self because of soring, and the "Big Lick" is prized only in Bedford, Rutherford, and Maury Counties as well as North Alabama, Asheville, NC, and few rural parts of Kentucky. And the breed has become widely known as the "pariah of the equine world."



A horse's foot wearing chains and stacked shoes is still legal and is integral to the illegal practice of soring, says Marty Irby, executive director of Animal Wellness Action. Photo credit: Bradley Dick

Today, [the U.S. House will hear testimony](#) on the [Prevent All Soring Tactics \(PAST\)](#) Act, which would amend the Horse Protection Act (HPA) by banning the use of large-stacked shoes and ankle chains used in the show ring to exacerbate the pain induced; providing felony level penalties for those convicted of violating the HPA and eliminating the current industry self-policing scheme and replacing it with federally licensed USDA inspectors.

We [worked in 2019 to successfully pass the PAST Act through the U.S. House by a vote of 333 to 96](#) and it passed because [we developed a new strategy in concert with House Speaker Nancy Pelosi and others to rename PAST in honor of the HPA's author, my late friend, U.S. Sen. Joseph D. Tydings D-MD](#).

But the U.S. Senate is a different beast, and a handful of lawmakers can block a vote, which is exactly what happened. It's a political science lesson that a sectional alliance in the Senate can stymie a measure that would easily attract 80 "Yes" votes in the 100-member Upper Chamber.

While we continue to support the old PAST Act, the last decade has proven obstructionism prevails in the Senate. That's why we worked with leaders in the walking horse breed in 2020 forge revisions to the bill that would achieve buy-in from the breed. In the end, [we settled on a compromise](#) to eliminate ankle chains and provide felony penalties, as the PAST Act does, but allow a [smaller, removable shoe used by other breeds](#).

[Under the compromise](#), the USDA and federal law enforcement agencies could bring felony charges against perpetrators, but there would be a supplementary independent non-governmental body free from conflicts that could swiftly issue fines and suspensions, as the USDA continues to allow violators to compete for years before taking action against

them. We've all watched the USDA fail to end soring for six decades, and even [allow trainers to punt and take their suspensions after they've retired well past the age of seventy.](#)

The compromise went further than the PAST Act to end the use of [treacherous devices known as tail braces](#) that hold the horse's tail in a U-shaped position after the ligaments in the tail have been severed — all for a certain look. And the effort would effectively marry the old PAST Act with [alternative legislation recently introduced](#) by Tennessee Republican Sens. Bill Hagerty and Marsha Blackburn and Republican Reps. Scott DesJarlais and John Rose.

But some animal groups who want to continue fundraising on the issue blocked the ban [on soring that would have taken effect in November of last year.](#) It's time for them to get on board or get out of the way. A vote in the House is no win for horses especially if it falls short of 2019's 333 vote record and passing legislation through both chambers that can be signed into law is the only pathway to bring resolution to the issue.

Rather than banking on the uncertainty of very limited regulatory improvements that can be quickly unwound by any future Secretary of Agriculture, Congress should act to deliver comprehensive reform and end the scourge of soring.

The Tennessee Tribune

The Tennessee Tribune
Insightful coverage of Nashville and Middle, TN news

[It's Time to Bring Congress and Tennesseans Together to Finally End Walking Horse Abuse](#)

U.S. House Highlights Prevent All Soring Tactics Act This Week

May 29, 2022



Photo: Marty Irby, Animal Wellness Action

By Marty Irby

When most folks think of Tennessee, they think of Jack Daniels, Elvis Presley and Graceland, country music, the UT Vols and, in many cases, the Tennessee Walking Horse – the greatest, most versatile and smoothest breed of horse there is.

As a former Tennessean, past president of the Tennessee Walking Horse Breeders' & Exhibitor's Association and eight-time World Champion, I've been a lifelong supporter of the breed. The Tennessee Walking Horse has given so much to the state, and it's tied to many of our cultural symbols and industries like Jack Daniels, whose Old Number 7 remains the top-selling American whiskey in the world, and who built the brand and company straight from the spring-fed "holler" in Lynchburg by hauling corn in and shipping sour mash whiskey out on the backs of horses and the wagons they pulled.

Elvis Presley spent many days taking a break to ride his walkers down to the gates of Graceland to exhibit and show off for the fans – the horses were one of his major passions in life – Priscilla Presley, and the family still maintain walkers at Graceland today.

Country music stars like Tanya Tucker and the band Sawyer Brown have owned and ridden walkers, and even Taylor Swift, a horsewoman at heart, weighed in on the Tennessee Walking Horse a few years ago.

In addition, the University of Tennessee allows exhibition of a Tennessee Walking Horse at the annual Homecoming Game each year.

It's precisely because of the presence of Tennessee Walking Horses in so many aspects of our culture that we have a special obligation to protect them, but the issue of soring, something that's been debated in

the press and Congress since the 1960's, continues to bring controversy to the breed.

Soring is the intentional infliction of pain to horses' front limbs by applying caustic chemicals such as mustard oil or diesel fuel and inserting sharp objects into horses' hooves to produce an artificial pain-based gait known as the "Big Lick" that's prized in rural parts of Tennessee, Kentucky, Alabama, and North Carolina.

Because of soring, UT no longer allows the celebration's "Big Lick" World Grand Champion to be exhibited at the game, instead using a sound, flat-shod natural walker that performs the inherit gait. Jack Daniels dropped their sponsorship of the breed's world championship show just 17 miles down the road from the distillery. As for the country music stars and Priscilla Presley, they've spoken out publicly about soring with some going as far as describing how they've seen and experienced soring firsthand.

And despite the Prevent All Soring Tactics (PAST) Act designed to end soring being introduced in every Congress for the past decade and the PAST Act passing the U.S. House in 2019, the measure remains dead on arrival in the U.S. Senate due to opposition from all the major groups in the walking horse breed. It's a political science lesson on what can happen when the key stakeholders that legislation affects aren't given an opportunity to weigh in on the language.

And this week, the U.S. House Committee on Energy and Commerce is highlighting the PAST Act in a hearing on Capitol Hill. We haven't seen such action since a group of us first testified in support of the measure in 2013.

It's a key step in the legislative process, but an exercise in futility in light of the Senate's obstructionism unless the PAST Act is changed. With that in mind, we worked with leaders in the breed in 2020 to forge revisions to the PAST Act that would still accomplish ninety

percent of the bill by eliminating the use of ankle chains in the show ring that are used to exacerbate the pain caused by soring; allow for a smaller removable shoe like the ones worn by the American Saddlebred; and provide felony penalties for those convicted of soring.

The compromise we forged would go further than the old PAST Act to eliminate the use of despicable devices known as tail braces, that are used to create a certain look and cause the tail bone to bend in half after the tendons have been severed – it's a device the very first Tennessee Walking Horse World Grand Champion, Strolling Jim wore in 1939, and it's plagued every champion since.

But some animal groups opposed revisions to PAST because they want to continue fundraising on the issue – the day the PAST Act is signed into law is the day that some folks will likely be out of a job, yet another unfortunate circumstance for the horse.

Members of Congress on both sides of the issue should come together and deliver comprehensive reform with compromise legislation, and listen to the experts who truly want to see soring brought to an end.

Marty Irby is the executive director at Animal Wellness Action in Washington, D.C., and a past president of the Tennessee Walking Horse Breeders' & Exhibitors' Association who was honored in 2020 by Her Majesty Queen Elizabeth, II for his work to end soring. Follow him on Instagram @MartyIrby.

June 3-10, 2022

The Mid-South Tribune

Military News and More...

Over 330 pages of intel provided to House Committee debating 'Soring' and its devastation to health of horses



By Marty Irby

Washington, D.C., May 27, 2022 - Just when you thought you've seen it all, you haven't. That's what many folks have conveyed to me this week when the U.S. House Committee on Energy and Commerce dove into debate about the treatment of horses in the United States.

The Energy and Commerce Subcommittee on Consumer Commerce and Protection, led by lifelong equine protection advocate Rep. Jan Schakowsky, D-Ill., included the Prevent All Soring Tactics (PAST) Act, H.R. 5441, in a hearing on Thursday afternoon.

The PAST Act has been introduced in each Congress since 2012. It would amend the Horse Protection Act (HPA) of 1970, authored by my late friend, U.S. Senator Joseph D. Tydings, and help end soring – the intentional infliction of pain to Tennessee Walking Horses' front limbs in order to achieve the artificial high step known as the "Big Lick" that's prized in small rural parts of Tennessee and Kentucky.

I testified in person before the same Committee in 2013 on the issue of soring, and this week submitted written testimony including 332 pages of collateral material that provided a history of the massive amount of work we've done to pass the PAST Act and educate people on the issue of soring over the past decade.

This week's hearing convened just as the Tennessee Walking Horse National Celebration's Spring Fun Show began Thursday evening in Shelbyville, Tennessee leading up to the semi-annual Tennessee Walking Horse Breeders' & Exhibitors' Association's (TWHBEA) International Board of Directors met

on Saturday, May 28 in Lewisburg. TWHBEA is the oldest and largest entity in the Tennessee Walking Horse breed, and the registry established in 1935 that I served as president of from 2010-2012.

Following my presidency, in May of 2013, I led the charge to secure TWHBEA's endorsement of the PAST Act, but the pro-PAST position was later reversed by TWHBEA's International Board that has long-sought to maintain the use of ankle chains and large, stacked shoes in the show ring. And TWHBEA is currently led by president, Jack Heffington, a slick lawyer who has incurred numerous soring-related violations of the Horse Protection Act during his time as a competitor.

And while the PAST Act cleared the House by a vote of 333 to 96 in 2019, renamed the "U.S. Senator Joseph D. Tydings Memorial PAST Act" at the request of the Tydings family to honor the late senator who passed away in late 2018, the bill remains dead on arrival in the Senate due to

Even Rep. Steve Cohen, D-Tenn., the lead sponsor of PAST weighed in following the hearing in a press release acknowledging the failure we've seen: "Congress passed the Horse Protection Act more than 50 years ago to end the abuse of soring, but a 2010 audit by USDA's Inspector General found persistent, rampant soring."

lack of support from key leaders in the Upper Chamber, and the opposition of every major walking horse group in the country. PAST would eliminate the use of large, stacked shoes, and ankle chains that are placed on horses' feet to exacerbate pain in the showing and produce the Big Lick; revamp the USDA's inspection program; and provide felony level penalties to give teeth to the HPA.

And I can promise you there has been no one who has worked harder or in a more creative manner to see the PAST Act or portions of it enacted through law or regulation than I, but every single attempt over the past decade has failed.



Left: Stacked shoes, ankle chains, and rollers used on 'Big Lick' Tennessee Walking Horses. Right: X-ray of large stacked shoe and horses' hoof from a 'Big Lick' Tennessee Walking Horse (Left: Photo by Bradley Dick ; Right Photo: X-ray by USDA).

Even Rep. Steve Cohen, D-Tenn., the lead sponsor of PAST weighed in following the hearing in a press release acknowledging the failure we've seen: "Congress passed the Horse Protection Act more than 50 years ago to end the abuse of soring, but a 2010 audit by USDA's Inspector General found persistent, rampant soring."

So now it's time to think outside the box.

Following PAST's passage through the House in 2019, knowing the bill was dead on arrival in the Senate, AWA leaders worked with leaders in the walking horse breed for 19 months on revisions to the bill that would bring support from the top organizations in the Tennessee Walking Horse breed and from the senators who have long opposed the measure. And the compromise would have achieved 90 percent of PAST and taken effect last November. If it had passed the "Big Lick" would no longer exist in 2022.

But that effort was torpedoed by the Humane Society of the United States (HSUS) and the

Humane Society Legislative Fund (HSLF), who unfortunately want to continue fundraising off the issue of soring, instead of putting the welfare of the horses first. These are the same groups who caused the roundup, incarceration, or death of tens of thousands of wild horses and burros residing on federal lands with the so-called 'Path Forward,' a deal HSUS and HSLF cut with cattle ranchers and the American Farm Bureau.

But we've continued to press forward and worked with leaders in the Walking Horse breed to secure more than \$3 million in record breaking funding for enforcement of the Horse Protection Act in 2022, a tremendous gain in light of the fact that the HPA had never seen more than \$705,000 in enforcement funds in one year from 1970-2019. And the opportunity to make revisions to PAST still remains with those leaders who have conceded soring must end.

Tydings' grandson Ben Tydings Smith, who knew his grandfather's heart and spirit well, weighed in too: "My grandfather spoke often about compromise. He spoke often about compromise related to the HPA and how he reached across the aisle to the late U.S. Senator Howard Baker,

R-Tenn., to pass the measure and secure the very first law to protect our iconic American equines — whose very backs this country was built upon. He knew the HPA wasn't perfect. He knew the measure could have done more. But he also recognized that the perfect should never be the enemy of the good, and that supporting progress for horse protection was the right thing to do. The status quo was not acceptable to Joe Tydings."

We should take these words to heart, acknowledge that we've tried our best to pass the old PAST Act, and the groups that opposed compromise should rally behind revisions that can get the bill signed into law. Call your Members of Congress today at 202-224-3121 and ask them to support revisions to the PAST Act that can finally garner a long overdue win for the horses we care so deeply about.

Marty Irby is the executive director at Animal Wellness Action in Washington, D.C., and an 8-time world champion equestrian who was honored by Her Majesty Queen Elizabeth, II for his work to protect horses. Follow him on Instagram @MartyIrby.

Track & field stars Watson,



Photo: Shutterstock

Animal Wellness' Lobbying for Increase in Horse Protection Act Funding Secures \$4 Million in FY23 House Ag Spending Bill

Wednesday, June 15th 2022, 2:16 AM CDT

By Animal Wellness Action

Legislation Also Renews Ban on Horse Slaughter in U.S.

WASHINGTON, D.C -- Today, Animal Wellness Action (AWA), the Washington-based non-profit political advocacy group that worked diligently to pass the U.S. Senator Joseph D. Tydings Memorial Prevent All Soring Tactics (PAST) Act through the U.S. House in 2019, applauded U.S. House Appropriations leaders for their inclusion of the highest-ever funding levels for enforcement of the Horse Protection Act (HPA) of 1970 in their Fiscal Year 2023 spending bill released this afternoon. The measure includes \$4,096,000 in HPA funding, nearly six times the amount appropriated in 2018.

Until 2019, federal funding for HPA enforcement had never exceeded \$705,000 for a single fiscal year. AWA, which was formed in 2018, has made HPA funding a top priority in the war to end 'soring' – the intentional infliction of pain to horses' front limbs to induce an artificial high-step gait known as the 'big lick' that's prized at Tennessee Walking Horse shows in the Southeastern U.S.

The larger equine community and animal protection world has long recognized that a lack of HPA funding for enforcement has contributed to the soring events that run rampant, especially in Tennessee and Kentucky. AWA also helped secure HPA funding in the amount of \$1,000,000 for FY2020, \$2,009,000 for FY2021, and \$3,040,000 for FY2022 in collaboration with leaders in the Tennessee Walking Horse industry and Members of the Tennessee and Kentucky Congressional Delegations, all of whom have conceded that soring must end.

"We applaud appropriators in Congress for responding to our pleas to end soring by providing record-breaking funding to wipe-out this painful scourge that's marred the horse world since the 1950's," said Marty Irby, executive director at Animal Wellness Action, and a past president of the Tennessee

Walking Horse Breeders' & Exhibitors' Association who was honored by Her Majesty, Queen Elizabeth II in 2020 for his work to end soring. "While legislation that would also help stamp out soring continues to face tremendous opposition in the U.S. Senate, we remain steadfast in exploring new avenues and opportunities to work with leaders in the breed on provisions that we can all agree upon."

"A key House committee rightly proposed to renew a ban on slaughtering horses for human consumption again this year, and we applaud them," said Wayne Pacelle, president of Animal Wellness Action. "But if we disagree with the idea of slaughtering American horses in the U.S., we should also oppose slaughtering American horses in Canada and Mexico. It's time for the entire Congress to take up and pass a ban on slaughtering American horses anywhere in North America by forbidding their live export for that purpose."

Members of Congress who did the heaving lifting with AWA and Tennessee Walking Horse leaders to secure the new HPA funding include Reps. Sanford Bishop, D-Ga., Steve Cohen, D-Tenn., Ron Estes, R-Kansas, Hal Rogers, R-Ky., Jan Schakowsky, D-Ill., and John Rose, R-Tenn.

The de facto ban on horse slaughter in the U.S. first executed approximately 15 years ago has been achieved by defunding USDA inspection of horse slaughter plants on U.S. soil through language in the annual spending bill, and that provision was maintained in the House-released FY23 bill thanks to the work of Reps. Jan Schakowsky, D-Ill., Vern Buchanan, R-Fla., Steve Cohen, D-Tenn., and the leaders of the House Appropriations Committee and Subcommittee. A lack of inspections means horse meat cannot be legally sold in interstate commerce, effectively making horse slaughter illegal. Sadly, thousands of American equines continue to be shipped to foreign slaughter

plants, underscoring the need for a federal ban that will finally bring the predatory horse slaughter industry in the U.S. to a long-overdue end.

[Click here](#) to view the full FY23 Agriculture Appropriations bill released this afternoon with HPA funding on page 15 and the horse slaughter defund language on page 110.

Animal Wellness Action (Action) is a Washington, D.C.-based 501(c)(4) organization with a mission of helping animals by promoting legal standards forbidding cruelty. We champion causes that alleviate the suffering of companion animals, farm animals, and wildlife. We advocate for policies to stop dogfighting and cockfighting and other forms of malicious cruelty and to confront factory farming and other systemic forms of animal exploitation. To prevent cruelty, we promote enacting good public policies and we work to enforce those policies. To enact good laws, we must elect good lawmakers, and that's why we remind voters which candidates care about our issues and which ones don't. We believe helping animals helps us all.

Side-by-Side Comparison of the Proposed PAST Act Revisions

	House-Passed PAST Act	PAST Act Compromise
Bans chains and all action devices used as implements of soring from the show ring to exacerbate pain	Yes	Yes
Eliminates failed industry self-regulation, putting USDA back in charge of the inspection of horses and enforcement of the Horse Protection Act (as Congress originally intended)	Yes	Yes; in addition to USDA enforcement, it provides for new Organization composed of veterinarians nominated by AAEP and USEF
Increases civil and criminal (felony) penalties in the HPA, to provide a truly effective deterrent	Yes	Yes
Makes illegal the act of soring a horse for the purpose of exhibiting or selling the animal	Yes	Yes
Strengthens USDA authority to enforce the HPA	Yes	Yes
Makes horse show management, not taxpayers, responsible for paying for inspections	Yes	No; Raises the HPA Funding level to \$4 million per year
Bans possession of mustard oil and croton oil; chemicals utilized in the soring process	No	Yes
Bans the use of all tail braces and tail sets, tail docking	No	Yes
Bans possession of zip ties, alligator clips, and other distraction devices	No	Yes
Creates fair and objective inspection system with science-based objective testing with more than ten methods of inspections provided for	No	Yes

Bans large heavy stacked shoes; bans all shoes not made of steel, aluminum, or rubber.	Yes	Yes, but this bill allows trainers to use more than just a shoe. In all, it provides a more than 50% reduction in current shoe package size, allowing 1.5 inches at the toe.
Provides for lifetime penalties for chronic violators	No	YES

July 2019 PAST Act Floor Debate Excerpts



[Click here to watch the video](#)