

LEGISLATIVE HEARING TO PROTECT CONSUMERS AND STRENGTHEN THE ECONOMY VIA WEBEX

HYBRID HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION AND COMMERCE

OF THE

COMMITTEE ON ENERGY AND COMMERCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

MAY 26, 2022

Serial No. 117-87



Published for the use of the Committee on Energy and Commerce
govinfo.gov/committee/house-energy
energycommerce.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

61-990 PDF

WASHINGTON : 2026

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¹ Katlin Kraska statement has been retained in committee files and is available at <https://docs.house.gov/meetings/IF/IF17/20220526/114843/HHRG-117-IF17-Wstate-KraskaK-20220526.pdf>.

² The witness did not answer submitted questions for the record by the time of publications.

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³The legislation has been retained in committee files and is available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114843>.

⁴The AWA has been retained in committee files and is available at <https://docs.house.gov/meetings/IF/IF17/20220526/114843/HHRG-117-IF17-20220526-SD014.pdf>.

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⁵ The Report has been retained in committee files and is available at <https://docs.house.gov/meetings/IF/IF17/20220526/114843/HHRG-117-IF17-20220526-SD035.pdf>.

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⁶The Study on NAPSEM has been retained in committee files and is available at <https://docs.house.gov/meetings/IF/IF17/20220526/114843/HHRG-117-IF17-20220526-SD041.pdf>.

⁷The six organization has been retained in committee files and is available at <https://docs.house.gov/meetings/IF/IF17/20220526/114843/HHRG-117-IF17-20220526-SD042.pdf>.

LEGISLATIVE HEARING TO PROTECT CONSUMERS AND STRENGTHEN THE ECONOMY VIA WEBEX

THURSDAY, MAY 26, 2022

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSUMER PROTECTION AND
COMMERCE,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 12:02 p.m., in the John D. Dingell Room, 2123 Rayburn House Office Building, and remotely via Cisco Webex online video conferencing, Hon. Jan Schakowsky, (chairwoman of the subcommittee), presiding.

Present: Representatives Schakowsky, Castor, Clarke, Dingell, Kelly, Soto, Rice, Craig, Fletcher, Pallone (ex officio); Bilirakis (subcommittee ranking member), Latta, Guthrie, Bucshon, Dunn, Lesko, Armstrong, and Rodgers (ex officio).

Also present: Cárdenas, Clarke, Eshoo, McNerney, Rush, Soto, Tonko, Trahan; Armstrong, Curtis, Dunn, Pence, Upton, and Walberg.

Staff present: Katherine Durkin, Policy Coordinator; Waverly Gordon, Deputy Staff Director and General Counsel; Daniel Greene, Professional Staff Member; Tiffany Guarascio, Staff Director; Ed Kaczmariski, Policy Analyst; Zach Kahan, Deputy Director Outreach and Member Service; Mackenzie Kuhl, Digital Assistant; Jerry Leverich, Chief Counsel, Communications and Technology; David Miller, Counsel; Kaitlyn Peel, Digital Director; Chloe Rodriguez, Clerk; Andrew Souvall, Director of Communications, Outreach, and Member Services; Michele Viterise, Counsel; Caroline Wood, Staff Assistant; C.J. Young, Deputy Communications Director; Michael Cameron, Policy Analyst, Consumer Protection and Commerce, Energy, Environment; Emily King, Member Services Director; Tim Kurth, Chief Counsel, Consumer Protection and Commerce; and Brannon Rains, Professional Staff Member, Consumer Protection and Commerce.

Ms. SCHAKOWSKY. The subcommittee on Consumer Protection and Commerce will now come to order via Webex. Today we will be holding a hearing entitled “Legislative Hearing to Protect Consumers and Strengthen Our Economy and Protect our Economy.”

Due to the COVID-19 public health emergency, members can participate in today’s hearing either in person or remotely via video conferencing in accordance with the updated guidance issued by

the attending physician. Members, staff, and members of the press who may be in the hearing room are not required to wear a mask.

For members participating remotely, your microphone will be set on mute for the purpose of eliminating inadvertent background noise. Members participating remotely will need to unmute your microphones each time that you wish to speak. Please note that once you are unmuted, anything that you say in Webex will be heard over the loudspeaker in the committee room and subject to being heard by Livestream and CSPAN.

Today, members are participating from different locations, and all recognition of Members such as for questions will be in the order of subcommittee seniority.

Documents for the record can be sent to Ed Kaczmariski at the email that has been provided to the staff, and all documents will be entered into the record at the conclusion of the hearing.

And to begin, now, the Chair will recognize herself for 5 minutes for an opening statement.

OPENING STATEMENT OF HON. JAN SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

So today, we will consider nine pieces of bipartisan legislation that will address a wide range of popular often kitchen-table issues. Today we will consider bills that protect consumers, children, and yes, horses and strengthen our economy.

These bills include the SAFE Act that I introduced with Representative Buchanan. This legislation will protect horses from being slaughtered for human consumption. Horse slaughter is not only inherently cruel, but it is also very dangerous.

Horse meat can be toxic because horses are given drugs that are unregulatedly administrated that can be absolutely toxic to people who would eat that horse meat, and we also have the opportunity to end the abusive practice of horse soring. This horrifying act involves the intentional injury of horses hooves and legs of performing walking horses.

Representatives Cohen, Fitzpatrick, Buchanan, and I are cosponsors of the PAST Act which would strengthen protections against horse soring.

The Pink Tax Repeal Act sponsored by Representative Jackie Speier will end gender bias when it comes to—and discrimination—and ensure that women are not going to have to pay more for goods and services like household and children's essential items that are virtually identical to those used by men.

We have seen everything from diapers and bibs and deodorants and probiotics that are significantly marked up when advertised for women and girls and even baby girls.

The Visit America Act introduced by Representative Titus, Case, and the late great Don Young, as well as the Travel and Tourism Act led by Representatives Dunn, Soto, and Salazar will booster our travel and tourist industry which we certainly want to do at this time.

Legislation by Representatives Dean and Armstrong will offer consumers a convenient and accessible way to safely navigate the notarization procedure remotely.

Legislation from Representatives Kelly, Arrington, and Leiu will protect children from deadly batteries that can be easily ingested.

Reese's Law is named in the honor of Reese Hamsmith, the daughter of our courageous witness today, Trista, who will share her story with us, and I thank her for being here, and I look forward to moving Reese's Law to ensure that no parent must come before the subcommittee again because they have lost their child and because of a dangerous product.

So if I just could end here together, these bills will make American's daily lives safer and easier and help grow our economy.

[The prepared statement of Ms. Schakowsky follows:]

PREPARED STATEMENT OF HON. JAN SCHAKOWSKY

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of

Subcommittee on Consumer Protection and Commerce Chair Janice D. Schakowsky

Hearing on "Legislative Hearing to Protect Consumers and Strengthen the Economy"

May 26, 2022

Today we will consider 9 pieces of bipartisan legislation that will protect consumers and strengthen the economy.

As many of you may know, my political career began as a consumer advocate pushing grocery stores to include freshness dates on their products.

Kitchen table issues like this are near and dear to my heart.

These issues impact all of us and the bills we are taking up today would have a tangible, positive impact on our constituents' daily lives.

These bills include the SAFE (Save America's Forgotten Equines) Act that I introduced with Representative Buchanan.

This legislation will prevent horses from being slaughtered for human consumption.

Horse slaughter is not only inherently cruel, but it is also dangerous, and horsemeat can be toxic to humans due to the unregulated administration of drugs to horses.

We have the opportunity to end the cruel practice of horse slaughter. And we have the opportunity to end the abusive practice of horse soring.

This horrifying act involves the intentional injuring of the hooves and legs of performance walking horses.

Representatives Cohen, Fitzpatrick, Buchanan, and my "PAST Act" would strengthen protections against horse soring.

The Pink Tax Repeal Act sponsored by my colleague Representative Jackie Speier will end gender-based pricing discrimination and ensure that women aren't paying more for goods and services like house and childcare essentials that are virtually identical to those used by men.

We have seen everything from diapers and bibs to deodorant and probiotics significantly marked up when advertised for women and girls.

May 26, 2022

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The “Visit America Act” introduced by Representatives Titus, Case and the late Don Young, and the “Travel and Tourism Act” led by Representatives Dunn, Soto, and Salazar, will boost our travel and tourism industry.

Legislation by Representatives Dean and Armstrong will offer consumers a convenient and accessible way to safely navigate the notarization process remotely.

Legislation from my colleagues Representatives Kelly , Arrington, and Lieu will protect children from deadly batteries that can be easily ingested.

“Reese’s Law” is named in honor of Reese Hamsmith, the daughter of our courageous witness Trista, who will share her story with us today.

I look forward to moving Reese’s Law to ensure that no parent must come before this subcommittee again because they lost a child to a dangerous product.

Together, these bills will make Americans’ daily lives safer and easier.

I am looking forward to hearing from the witnesses here today on how we can protect consumers and grow our economy.

Thank you to the witnesses for joining us. I now recognize Mr. Bilirakis for 5 minutes.

So I thank the witnesses that are here today for joining us, and now, it's my pleasure to introduce Mr. Bilirakis, the ranking member of the subcommittee, for his 5 minutes.

OPENING STATEMENT OF HON. GUS BILIRAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BILIRAKIS. Thank you, Madam Chair, and I want to wish you a happy 39th birthday.

Ms. SCHAKOWSKY. Exactly.

Mr. BILIRAKIS. I got that, right. Thank you, again, for holding this legislative hearing and thank you to the witnesses for sharing your expertise today. I look forward to hearing you.

There is a lot to cover with a broad scope of bills on the docket, so we appreciate all of you speaking with us today, albeit, virtually.

Before jumping into the list in front of us, this subcommittee has a lot of bills, 37 to be specific, in post-legislative hearing limbo that have yet to receive a markup. I know a lot of our members on this side of the aisle are anxiously waiting to hold the meeting—and I'm sure on the other side as well—to further discuss some of those bills and work across the aisle to make bipartisan progress.

I am hopeful we can move forward with actual legislative action on those bipartisan bills and leave the partisan ones to the way-side.

Onto the subject, again, at hand, I am pleased to see bipartisan bills included in today's hearing, like, H.R. 7820, the Travel and Tourism Act, introduced by my friends in the Florida delegation, Representative Dunn, Representative Soto, and Representative Salazar, and I am fully supportive of their efforts.

I am also glad to see the Visit America Act that my colleague and fellow Travel and Tourism co-chair, Dina Titus, sponsors which I know also tackles broader issues for the industry beyond this committee's jurisdiction.

This subcommittee has a rich history of coming together in the name of promoting America's travel and tourism industry; and after the wake of the COVID-19 pandemic, this legislation urgently shows, again, the need for this industry to be a focus point for the Department of Commerce.

As you all know, our committee unanimously passed the Restoring Brand USA legislation which will release dollars already collected for the program to help restore our travel and tourism industry back to even better than the pre-pandemic levels.

H.R. 7820 will further assist the travel and tourism industry by requiring the Department of Commerce to develop a ten year travel and tourism strategy with annual goals for the number of international visitors to the United States. I believe this legislation complements the committee's previous efforts, and I look forward to seeing the bill move forward.

The committee is also considering legislation to provide greater transparency to our constituents with H.R. 4081, the Informing Consumers about Smart Devices Act, introduced by Representative Curtis and Representative Moulton holding big tech accountable has been a priority for Republicans, for Leader Rodgers, throughout this Congress, and I believe this legislation will help us move forward accomplishing this particular goal.

In the wake of advancements in technology, increasingly more innovative devices are being developed and deployed into our economy that have cameras or microphones. I am certain every member here on the dais has at least one or two smart TVs or speakers in their homes. I know I do.

This legislation would simply require companies that manufacture devices with these cameras and microphones to disclose to consumers of such features, and I think, there is nothing wrong with that.

Unfortunately, I am not able to cover all the bills in today's docket in 5 minutes, but I did want to raise one final bill that is important to a founding principle of this subcommittee which is protecting consumers.

Our subcommittee has jurisdiction over the Consumer Protection Safety Commission, an independent organization whose mission is to protect people against risks of injuries and deaths associated with consumer products. We owe it to our constituents to examine whether there are dangerous products in the marketplace and actions we need to take without creating loopholes for bad actors or unduly burdening those that follow the law.

That's why I am proud to support Reese's Law which will require the CPSC to develop product safety standards with respect to batteries that pose an ingestion hazard.

I want to share my sympathy to Trista Hamsmith on the loss of dear Reese and thank you for being with us today to share your story—you will make a difference—and for the countless hours that you have dedicated to the bipartisan legislation brought before today.

Again, Madam Chair, I will yield back the balance of my time, and I appreciate you giving me the time.

[The prepared statement of Mr. Bilirakis follows:]

PREPARED STATEMENT OF HON. GUS BILIRAKIS

**Opening Statement of Republican Leader
Gus Bilirakis
Subcommittee on Consumer Protection and Commerce
Legislative Hearing on “Legislative Hearing to Protect Consumers and
Strengthen the Economy”
May 26, 2022**

Thank you, Madam Chair, for holding this legislative hearing and thank you to the witnesses for sharing your expertise today. There is a lot to cover with the broad scope of bills on the docket, so we appreciate you all speaking with us, albeit virtually.

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Onto the subject at hand, I’m pleased to see bipartisan bills included in today’s hearing like H.R. 7820, the Travel and Tourism Act introduced by my friends in the Florida delegation Representatives Dunn, Soto, and Salazar, and I’m fully supportive of their efforts. I’m also glad to see the Visit America Act that my and colleague and fellow Travel & Tourism Caucus Co-Chair Dina Titus sponsors, which I know also tackles broader issues for the industry beyond our Committee’s jurisdiction.

This Subcommittee has a rich history of coming together in the name of promoting America’s travel and tourism industry, and after the wake of the COVID-19 pandemic this legislation urgently shows the need for this industry to be a focal point for the Department of Commerce. As you all know, our committee unanimously passed my Restoring Brand USA legislation which will release dollars already collected for the program to help restore our travel and tourism industry back to even better than pre-pandemic levels.

H.R. 7820 will further assist the travel and tourism industry by requiring the Department of Commerce to develop a 10-year travel and tourism strategy with annual goals for the number of international visitors to the United States. I believe

the legislation compliments the Committee's previous efforts and I look forward to seeing the bill move forward.

The Committee is also considering legislation to provide greater transparency to our constituents with H.R. 4081, the Informing Consumers about Smart Devices Act introduced by Representatives Curtis and Moulton.

Holding Big Tech accountable has been a priority for Republicans and for Leader Rodgers throughout this Congress, and I believe this legislation will help us move towards accomplishing that goal. In the wake of advancements in technologies, increasingly more innovative devices are being developed and deployed into our economy that have cameras or microphones. I'm certain every member here on the dais has at least 1 or 2 smart TVs or speakers in their homes – I know I do. This legislation would simply require companies that manufacture devices with these cameras and microphones to disclose to consumers of such features.

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I want to share my sympathy to Trista Hamsmith on the loss of dear Reese, and thank you for being with us today to share your story and for the countless hours that you have dedicated to the bipartisan legislation brought before us today.

Thank you again Madam Chair. I yield back.

Ms. SCHAKOWSKY. The gentleman yields back.

And now, I yield 5 minutes to the chair of the full committee, Frank Pallone.

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Chairwoman Schakowsky, and today we'll discuss several bipartisan bills that would strengthen our economy and protect both consumers and horses.

We are going to discuss two bills that will help strengthen our economy by boosting the travel and tourism industry. It is very important to my district—an industry that desperately is trying to recover from the COVID-19 pandemic.

The Visit America Act and the Travel and Tourism Act both call on the Department of Commerce to develop and implement a pandemic recovery strategy for the travel and tourism industry. We also have a bill to further enhance our Nation's manufacturing sector.

Today there is no centralized repository of information about the various Federal programs supporting manufacturing. The Manufacturing.gov Act changes that by requiring the Department of Commerce to ensure that the Manufacturing.gov website serves as the primary hub for information relating to Federal manufacturing programs.

We also consider legislation that would protect consumers, as I mentioned. Reese's Law, a bill named after Reese Hamsmith, an 18-month-old baby, who tragically died after ingesting a button cell battery. These batteries are very small, the size of a button, and are found in common household electronics like television remotes, key fobs, and meat thermometers. They have been shown to cause serious injury and death to children who swallow them.

Reese's Law directs the Consumer Product Safety Commission to establish mandatory safety standards to protect children from ingesting button cell batteries. We are so grateful that Reese's mother, Trista, is here today to share her story. Her advocacy has no doubt saved lives, and this bill will save more.

We will also examine legislation to address the far too common practice of charging women higher prices than men for identical products and services. This so-called Pink Tax is simply not fair, and it has to stop. The bipartisan Pink Tax Repeal Act would do that. It prohibits the selling of substantially similar consumer products and services at different prices based on gender, and the bill also puts violators on the hook for civil penalties.

Then we have the bipartisan Informing Consumers about Smart Devices Act that would require that manufacturers of devices connected to the internet that have cameras or microphones inform consumers that those cameras or microphones are part of the device. No one should be surprised to learn if their electronic device has the ability to record them. The bill also gives the Federal Trade Commission the authority to punish violators.

And we also consider the Securing and Enabling Commerce Using Remote and Electronic Notarization Act, and that establishes nationwide standards and technical requirements for remote

online notarization. This bill will transition notarization to the 21st century without sacrificing security making the process more convenient and safer for the American public.

And finally, but certainly last but not least, two bills that would end horrendous practices and intolerable abuse that is suffered by horses. I have a major track in my district called Monmouth Park, and my home county is very much horse country.

Since 2015, hundreds of thousands of horses have been exported from the United States to Canada and Mexico for slaughter for human consumption; and despite a national ban, the practice of soring, applying an irritating or blistering agent to a limb of a horse to accentuate the horse's gate, continues.

So the SAFE Act and the PAST Act will address unfortunate gaps in our animal welfare laws that have left these innocent animals far too vulnerable.

So I look forward to the discussion, and I yield the time left—a minute and a half—to Representative Kelly, vice-chair of the full committee.

[The prepared statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Chairman Frank Pallone, Jr.

*Hearing on “Protecting America’s Consumers: Bipartisan Legislation To Strengthen Data
Privacy and Security”*

June 14, 2022

Today, the Subcommittee is taking a significant step of putting consumers back in control of their data and protecting their privacy.

Over the years, this Subcommittee has discussed major breaches and scandals involving the misuse and unauthorized sharing of people’s data. We’ve also talked about how emerging technologies can be used by companies in unintended and potentially harmful ways, including targeting our children.

Our privacy is something we each confront on a daily basis. Almost every company we interact with is conducting surveillance on us. When we visit a single website, many companies are tracking our actions on that site, and we all visit many sites every day.

That’s why there is near universal agreement that a national data privacy and security law is urgently needed to protect consumers. More than half of all U.S. adults now say they have declined to try a product or service because they feared how their data might be used—or abused—if they did so.

There is simply no real “choice” when consumers must trade their personal data to use essential services. People cannot navigate the modern world without their smartphone or email address. And with the minimal protections that apply today, most Americans have little reason to think their data won’t be used in unanticipated ways.

Comprehensive, national privacy legislation is necessary to limit the excesses of Big Tech and ensure Americans can safely navigate the digital world.

For far too many years, Congress has tried and failed to advance comprehensive federal privacy protections, but today, with the American Data Privacy and Protection Act, we have a real chance to begin doing what many in Washington have said was impossible.

This proposal is the first serious, bipartisan, bicameral, comprehensive national privacy bill that directly confronts the sticking points which derailed earlier efforts.

This legislation represents a fundamental shift in how data is collected, used, and transferred. It rejects the coercive “notice and consent” system that has totally failed to protect Americans’ data privacy and security.

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At its core, the draft legislation requires relevant uses of personal data to be reasonably necessary, proportionate, and limited to the services consumers are requesting. The bill adds individual rights that allow people to control their data, opt-out of targeted advertising, and stop their data from being sold without their permission. Our kids will be protected from abusive advertising and data transfers. And businesses will be required to protect consumer data or face real consequences.

I also believe data privacy rights are civil rights, and this draft legislation ensures that online discrimination is prohibited. It also requires the largest companies to conduct impact assessments on their algorithms, including whether they may harm protected classes.

To ensure innovation continues and Big Tech players are not cemented in place, this discussion draft imposes different obligations on different kinds of businesses to reflect their roles in the internet ecosystem. Steps are taken to limit the compliance burden on small and midsize businesses without sacrificing consumer protections.

Large data holders, like Big Tech, face additional requirements and obligations and data brokers that profit from buying and selling your data are brought out of the shadows.

The bill also provides for robust enforcement by the Federal Trade Commission, state attorneys general, and individuals. It takes a balanced, thoughtful approach to existing laws by setting up a strong national framework and preserving room for states to continue protecting their residents where the bill's protections stop.

While Congress has stalled on privacy, the rest of the world has not. The European Union and even China have passed comprehensive privacy laws. American companies have continued to innovate while their federal government has struggled to keep pace. This bill would immediately reset the global landscape.

I want to thank Ranking Member Rodgers, Senator Wicker, and Subcommittee Chair Schakowsky and Ranking Member Bilirakis for their relentless commitment to coming to a bipartisan consensus on this discussion draft. I also thank many members of this Subcommittee for their tireless efforts as this legislation includes so many proposals from our members over the years.

Today's hearing comes after many hearings and roundtables focusing on protecting our privacy online. This draft legislation is the culmination of all that work. I look forward to continuing that process today and keeping the momentum going to finally pass this critical privacy legislation.

Ms. KELLY. Thank you, Chairman Pallone, and thank you, Chairwoman Schakowsky and Ranking Member Bilirakis, for having this hearing today and including Reese's Law.

Reese's Law, as you have heard, is named after Reese Hamsmith, a young child who passed away in December 2020 after complications from swallowing a button battery, and I thank her mom, Trista, for being here virtually today to share her story.

I first met Trista last fall when she approached my office with an idea for a bill. She shared Reese's story with me, and as a mother and grandmother, I knew we had to do something. More than three thousand children ingest button batteries every year. The health impacts of swallowing can be severe, and in many cases, result in death. These instances are on the rise and addressing this issue cannot wait any longer.

That is why I introduce Reese's Law which will require the Consumer Product Safety Commission to create safety standards for button cell and coin batteries that prevent accidental ingestion by children six years old and younger.

Fortunately, after of months of hard work, and Trista working tirelessly to share her story and get support for the bill, I am excited to be having this hearing and look forward to working with Trista and the committee to make this bill law.

And I will just say really quickly, since we are Consumer Protection, I hope at some point, we can do something to protect so many of our children and people from guns.

Thank you, and I yield back.

Mr. PALLONE. And I yield back, Madam Chair.

Ms. SCHAKOWSKY. The gentleman yields back.

And now, I recognize the ranking member of the full committee, Mrs. Rodgers, for 5 minutes.

**OPENING STATEMENT OF HON. CATHY McMORRIS RODGERS,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF
WASHINGTON**

Mrs. RODGERS. Thank you, Madam Chair. Good morning, everyone. Thank you for participating.

We are here today to tackle a variety of challenges and several proposed solutions to protect people and ensure America's economic leadership. That includes a number of solutions addressing the challenges and lessons learned from the pandemic.

I am pleased to see bipartisan legislation at today's hearing like Mr. Armstrong's bill to add permissions for remote notary, and Mr. Curtis's bill which requires companies to clearly indicate when home devices may be able to watch or listen to you.

The pandemic also highlighted the need for more resiliency in critical industries like travel and tourism, the gig economy, and services industries so that they can rebound quickly after future disruptions.

Our subcommittee Republican Leader, Gus Bilirakis's, bipartisan Brand USA Travel and Tourism bill signed into law this year would do just that.

Mr. Dunn's legislation along with Mr. Soto and Ms. Salazar also focuses on solutions to pandemic-era challenges experienced by the tourism industry to rebound from the pandemic.

On a much more serious note, we'll also be discussing Reese's Law which will help prevent accidental ingestion of button cell and coin batteries by children. I want to join in saying thank you to Reese's mom, Trista Hamsmith, who is here today. As a mom, I admire your leadership and your strength to share your daughter's story with us and to save lives with Reese's Law. Your courage and your leadership is making a difference.

Thank you also to Robin Kelly for introducing this bipartisan legislation. As the former Republican leader of this subcommittee, I know the importance of having the Consumer Product Safety Commission focus on protecting people, especially children, and I applaud Chair Schakowsky's leadership in this important issue.

I also look forward to hearing about other bills on the agenda today that will impact manufacturing, retail, and horses. We have a lot to discuss to ensure these bills have the intended outcomes without producing unintended burdens or consequences.

It is important to note this subcommittee also has a few dozen post-legislative hearing bills waiting to move out of committee. So we have our work cut out for us on deciding which bills are best positioned to move.

With the challenges that Americans and businesses are going through right now, I caution against enacting legislation that will ultimately make things worse. The so-called Pink Tax Repeal is not something that I see a clear path for. It would make the supply chain crisis worse, reduce diversity of goods and services, and eliminate choices that men and women may have different preferences on.

We don't need any more empty shelves. Our focus should be on how incentivize female entrepreneurship rather than the government putting its heavy hand on how to set prices with more regulations.

I know we'll have a robust debate today, so I look forward to discussing and learning more on all of the solutions before you. Thank you to my colleagues for their hard work. Thank you, and I yield back.

[The prepared statement of Ms. Rodgers follows:]

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Committee on Energy and Commerce

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There is simply no real “choice” when consumers must trade their personal data to use essential services. People cannot navigate the modern world without their smartphone or email address. And with the minimal protections that apply today, most Americans have little reason to think their data won’t be used in unanticipated ways.

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Today's hearing comes after many hearings and roundtables focusing on protecting our privacy online. This draft legislation is the culmination of all that work. I look forward to continuing that process today and keeping the momentum going to finally pass this critical privacy legislation.

Ms. SCHAKOWSKY. The gentlelady yields back. And now, I would like to introduce our witnesses for today's hearing.

First, let me introduce Katlin Kraska who is the director of Federal Legislation and Government Affairs at the American Society for the Prevention of Cruelty to Animals.

Michael O'Brien (sic) is the vice-president of corporate underwriting at First American Title Trust—American Title Insurance Company.

Brian (sic) Hagopian is the CEO and president at Pilot—let's see—it's—

VOICE. Pilot Precision.

Ms. SCHAKOWSKY. OK. Pilot Precision Products. Sorry, Mr. Hagopian.

Julie Menin is the former commissioner at New York City's Department of Consumer Affairs.

And Hadley Heath Manning is vice-president for Policy at Independent Women's Forum.

Tori Barnes is executive vice-president of Public Affairs and Policy at United States Travel Association.

And Trista Hamsmith that you have heard much about who is Reese's mom and founder of Reese's Purpose.

At this time, the Chair will recognize each of our—each of our witnesses for 5 minutes to provide their opening statement. Before I do so, let me just mention the system with our clock so that the witnesses will know when to begin to end their remarks.

There is a timer on your screen that will count down your remaining time as the time reaches the 1-minute mark, please begin to wrap up—as much as you can—wrap up your testimony.

So Ms. Kraska, you are recognized for 5 minutes.

Ms. KRASKA. Wonderful. Happy birthday Congresswoman.

Ms. SCHAKOWSKY. Thanks.

STATEMENT OF KATLIN KRASKA

Ms. KRASKA. Good afternoon. Thank you, Chair Schakowsky, Ranking Member Bilirakis, and honorable members of the subcommittee for inviting me to testify in support of the Save America's Forgotten Equines Act and the Prevent All Soring Tactics Act. Special thanks to Chair Schakowsky and Rep. Buchanan for their leadership on the SAFE Act and the long list of bipartisan leaders of the PAST Act. These two bills are critical to protecting horses in this country and the people who love them.

My name is Katie Kraska. I am the director of Federal legislation for the ASPCA. It's a special honor for me to be here because I grew up in Kentucky and horses have always been a big part of my life.

The ASPCA was the first animal welfare organization on this continent founded in 1866 on a mission to protect equines. Since then, we have developed innovative programs working closely with adoption organizations and the equine industry to ground solutions in science. We have simple, yet, ambitious goal that all horses have good welfare.

This goal is impossible to achieve without passage of the SAFE Act and the PAST Act, bills to finally end the slaughter of American horses for human consumption and horse soring which is the

intentional injuring of a horse's legs to induce an unnaturally high-stepping gate.

First, Congress has already acted to end these cruel practices shutting horse slaughterhouses in 2007 and voting annually to keep them closed.

Soring was banned with passage of the Horse Protection Act in 1970, but loopholes have allowed American equines to be exported to other countries for slaughter, and horse soring to persist largely because of industry self-policing.

This is not what Congress had in mind. We need to pass these bills to finally finish what Congress started years ago.

Second, the public has made their opposition to this cruelty abundantly clear. A poll released this year found a bipartisan 83 percent of American voters want to end the slaughter of American equines. The equine community wants to end horse slaughter.

Hall-of-fame jockeys and trainers, well-respected veterinarians, and industry leaders like the Jockey Club, the U.S. Trotting Association, Breeders Cup, the Stronach Group, recently joined us to announce the Final Stretch Alliance to End Horse Slaughter. Every single animal protection group and over 400 equine rescues support these bills.

Finally, we see this overwhelming support because horse slaughter is bad for business, it's bad for the equine community, and it's bad for the equines themselves.

Equine industries are built on public perception. Industry has already stepped up to provide aftercare options, resources, safety net services for horses in their care; but as long as horse slaughter is legal, they will continue to slip through the cracks; and as long as they end up there, industry will not have the public's trust.

Horse slaughter also strikes fear in the hearts of anyone trying to rehome their horse distorting markets and putting welfare at risk and incentivizes predatory behavior when kill buyers pose as good homes but sell horses into the slaughter pipeline, and it drains the resources of rescues having to compete with kill buyers.

And to be clear, when I say, the "slaughter pipeline," I mean, a 28-plus-hour journey packed with other unfamiliar animals in a trailer often enduring horrific injury or even death along the way. This is a fate that no one would want for their horse. It's a fate that no vet would ever prescribe for a horse. It's cruelty, and there is no reason for it to continue.

Between food safety concerns over the toxic drugs and chemicals present in American meat and the equine communities' hard work to rehome and adopt horses, we have seen a massive drop in the number of American horses exported for slaughter in recent years.

We also know that there are 2.3 million Americans that are interested and able to adopt a horse right now. Compare this to the 23,000 horses that were exported for slaughter last year; there are homes for horses for decades, but the truth is, that no amount of aftercare or adoption work or responsible owners could prevent American horses from going to slaughter.

We are trying; but as long as export is legal, owners will be scared, horses will suffer, and industry will be at risk. The SAFE Act is the only solution that will finally keep horses and the equine community safe.

Similarly, for the sake of the horses undergoing horrific torture and the integrity of this part of show industry, we must enact the PAST Act. This bill would bring long-needed updates to the Horse Protection Act ensuring that its true intent is achieved, and that no more horses ever endure a life full extreme pain and suffering.

These bills are both unfinished business for Congress, and they will protect horses, their owners, and the horse industry.

Thank you for your time, and I look forward to hearing your questions.

[The prepared statement of Ms. Kraska follows:]¹

Ms. SCHAKOWSKY. Thank you.

Mr. O'Brien (sic), you are now recognized.

STATEMENT OF MICHAEL O'NEAL,

Mr. O'NEAL. Chairman Pallone, Ranking Member McMorris Rodgers, Subcommittee Chairwoman Schakowsky, and Ranking Member Bilirakis, and members of the subcommittee, my name is Michael O'Neal. I am vice president of corporate underwriting at First American Title, and I am here on behalf of the American Land Title Association.

Over the past five years, I have assisted dozens of states in updating their notary laws to allow for the use of remote online notarization, and I am honored for the opportunity to speak to you today.

Notaries are perhaps easily overlooked, but they are critically important to our economy, especially for real eState. Notaries have been with us for a very long time; and in fact, they go all the way back to the Roman Empire. So why do we continue to use notaries? It's because they are proven to increase the security of life's most critical transactions by authenticating a document signer's identity and by serving as an impartial witness.

The Secure Notarization Act is a bipartisan bill thanks to the leadership of Representatives Armstrong and Dean. It modernizes notary law for the 21st century by allowing documents to be securely notarized over a webcam or a smartphone. We call this remote online notarization.

Remote notarization benefits and protects consumers. It gives them the flexibility to execute documents based on their schedules without the need to take time off work and find a babysitter.

As you might imagine, the biggest driver of remote notarization has been the COVID-19 pandemic. As of today, 40 states and counting authorized the use of remote notarization, but the national solution is needed to provide this valuable flexibility to every American, including those who need it most like service members, others who are overseas, and underserved communities.

Furthermore, the country's legal landscape would benefit from additional certainty around the acceptance of remote notarization.

Congress's best position to provide this certainty just as it did for electronic signatures with the enactment of the E-Sign Act more than two decades ago. The Secure Notarization Act does three basic things:

First, it permits all consumers to have access to remote notary services. Imagine anyone being able to close on a home from the comfort and convenience of the kitchen table.

Second, the bill creates national minimum consumer protections. This includes using multi-factor authentication for determining a document signer's identity, tamper-evident technology, so you can detect any changes made to an electronic document after it has been executed, and an audio/video recording of the notarization. This both deters fraud and provides strong evidence in court if there is a dispute.

Finally, the Secure Notarization Act provides certainty around the interState recognition of remotely notarized documents. This ensures American's legal documents will be valid and enforceable nationwide no matter where they were signed just as is the case today with any traditional in-person notarization.

Equally important to what the Secure Notarization Act does is, what it doesn't do. States will continue to commission and regulate notaries. They are free to add standards above the minimum consumer protections. The Act also works in tandem with existing State privacy laws to protect consumer data.

And finally, the Act does not favor or restrict the use of specific technologies. Today, the country stands at an inflection point with remote notarization. Just as Congress acted decisively to enable online commerce by enacting E-Sign, now is the time to do the same for notarizations.

So I will leave you with a quote from a service member who recently used remote notarization for a home purchase: "I am stationed overseas in South Korea. My closing happened nearly 7,000 air miles and 13 time zones away. Closing on a house would have been impossible without this option. Our dream house would have slipped away from us had we not been able to execute the buy remotely."

Thank you for inviting me to testify today, and I am happy to answer any questions.

[The prepared statement of Mr. O'Neal follows:]

Legislative Hearing to Protect Consumers and Strengthen the Economy

House Committee on Energy & Commerce

Subcommittee on Consumer Protection and Commerce

Thursday, May 26, 2022

12:00 p.m.

Written Testimony Submitted By Michael O'Neal

AMERICAN
LAND TITLE
ASSOCIATION



www.alta.org

Chairwoman Schakowsky, Ranking Member Bilirakis and members of the subcommittee, my name is Michael O'Neal. I am a Vice President of Corporate Underwriting with First American Title Insurance Company. In that role, I work on notarial law and practice around the country. Over the past five years, I have assisted dozens of states in updating their notary laws to allow for the use of electronic signatures and to leverage the notarization tools available in the 21st century. Thank you for the opportunity to speak to you today on the SECURE Notarization Act and the importance of remote online notarization.

I am here today speaking on behalf of the American Land Title Association ("ALTA"). ALTA is the national trade association representing the almost 20,000 title insurance and real estate settlement service companies that employ over 145,000 professionals across the country. ALTA members serve homebuyers, sellers, and lenders in every county in the United States to safely facilitate real estate transactions, which are often the largest transaction a consumer will ever make and the greatest source of wealth for many Americans. In 2021, real estate accounted for \$3.8 trillion in U.S. economic activity.

Notarial law is critically important to the real estate and title industry. The most common time Americans use notarial services is when they buy or refinance property. Notaries improve the safety and security of life's most critical transactions. They do this by authenticating a signer's identity and serving as an impartial witness to the execution of legal documents. Beyond real estate, notaries are commonly used for transactions involving wills, trusts, health care proxies, life insurance, automobile ownership, powers of attorney, and in many other contexts.

Even before the COVID-19 pandemic, the title and lending industries began undergoing a digital transformation to provide consumers with convenient options when buying a home. One of these new tools is remote online notarization, or "RON" for short. The Securing and Enabling Commerce Using Remote and Electronic Notarization Act ("SECURE Notarization Act")¹ is a bipartisan bill that increases access to RON for consumers. Just like it sounds, remote online notarization takes the traditional notarial process and moves it online—allowing a signer to get a document securely notarized over a webcam or smart phone. Americans sign documents and engage in countless e-commerce transactions every day using electronic signatures thanks to Congress's adoption of E-SIGN in 2000.² Now is the time to do the same for notarizations.

¹ Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2021, S. 1625, 117th Cong. (2021); H.R. 3962, 117th Cong. (2021) (hereinafter, "SECURE Notarization Act").

² Electronic Signatures in Global and National Commerce Act, § 101, 15 U.S.C. § 7001.

The SECURE Notarization Act is Critical to Support Digital Closings

RON benefits and protects consumers by offering them safe and convenient options for executing legal documents online. When title companies and other financial service providers offer customers a digital closing option using RON, it puts the consumer in the driver's seat, allowing them flexibility to execute documents based on their schedules without the need to take time off work or find a babysitter.

As of May 2022, 40 states have enacted permanent statutes that approve the use of RON under state law. However, the lack of national authority makes it harder to provide this valuable flexibility to those that need it the most, like servicemembers, overseas Americans, and underserved communities. Furthermore, the legal landscape would benefit from additional certainty around the use and interstate recognition of RON, and Congress is best positioned to provide this certainty just as it did with electronic signatures.

The SECURE Notarization Act does three things. First, it permits all consumers to have access to remote notary services. In the context of real estate, it gives consumers the option of closing from the comfort and convenience of their homes.

Second, the bill creates national minimum consumer protections for use of the technology supporting RON. These minimum protections include the use of multifactor authentication for determining a signer's identity, tamper-evident technology to identify changes to a document after it has been executed, and an audio-visual recording of the notarization to deter fraud and provide strong evidence in court if there is a dispute.

Finally, by providing certainty around interstate recognition of remotely notarized documents, the SECURE Notarization Act ensures a document is enforceable and valid everywhere, no matter where it was signed.

Equally important to what the SECURE Notarization Act does, is what it doesn't do. The Act allows states (the traditional source of notary law) to continue to commission and regulate notaries. It allows states to add standards and requirements for RON. Additionally, the SECURE Notarization Act works in tandem with a state's existing data privacy requirements to protect consumer data. Lastly, the Act does not favor or restrict the use of specific technologies.

Today, the country stands at an inflection point with RON. Just as Congress acted decisively to facilitate the adoption of electronic signature technology by enacting E-SIGN, the SECURE Notarization Act will provide a uniform rule supporting RON nationwide and will encourage states to enact the

Uniform Law Commission's Revised Uniform Law on Notarial Acts ("RULONA")³ or a consistent equivalent. It addresses the current patchwork of state laws by promoting national standards that are necessary for today's financial services market. Absent congressional action, American consumers and businesses will continue to have to navigate the thicket of inconsistent state laws. They could also face potentially catastrophic consequences if courts hold to be invalid or ineffective the tens of thousands of estate planning, health care planning, and real property conveyancing documents executed by using RON since the beginning of the COVID-19 pandemic.

How the SECURE Notarization Act Works

As stated above, the first component of the SECURE Notarization Act is to permit any state notary to perform remote notarizations.⁴ This provision expands access to local notary services for consumers. With 40 states having passed RON legislation, this component remains important because it clarifies the ability to use RON in states that don't specifically authorize it, provides a federal-law backstop to authority challenges to a notary's power to perform RON, and levels the playing field for local notaries.

While this provision would authorize notaries to conduct RON in the 10 states that have not passed a law, it is important to note that it does not alter the states' ability to set special qualifications or authorizations as a condition to performing a RON or any of the duties of care a notary must abide under its commission.⁵ States remain the primary regulator for their commissioned notaries. The Act provides an incentive for the remaining states to pass their own authorizing laws with whatever additional conditions or requirements they desire, such as compliance with educational or training mandates.

The second policy objective of the SECURE Notarization Act is to create national minimum consumer protections for performing remote notarizations. These standards effectively mirror those in the Uniform Law Commission's RULONA⁶ and can be broken down into three fundamental requirements:

1. Remote notarizations would require the use of tamper-evident technology, so that third parties can examine electronically signed and notarized documents to determine if they have been

³ REVISED UNIF. L. ON NOTARIAL ACTS (UNIF. L. COMM'N 2018/2021) (hereinafter, "RULONA" with all references to the 2021 version of the uniform law).

⁴ SECURE Notarization Act § 4(a) (granting state-commissioned notaries authority to perform RON "[u]nless prohibited under section 10", on which see *infra* note 5).

⁵ *Id.* § 10(b)(1) (requiring notaries to receive any special commissions or authorizations required under state law).

⁶ See RULONA § 14A for requirements applicable to remote online notarizations.

modified since the time of the notarization.⁷

2. The remotely located individual must be identified by the notary through personal knowledge, use of a credible witness, or multifactor authentication.⁸

3. The notary must create and retain an audio-video recording for 10 years unless another time frame (not falling below five years) is stipulated under state law.⁹

These minimum standards make RON safer than traditional paper notarizations and endow them with superior evidentiary value. The requirement for multifactor authentication provides additional identity verification beyond what an in-person notary can obtain by visually reviewing a signer's driver's license or passport. Additionally, the retention of the audio-visual recording ensures that a notary can produce additional evidence when the validity of a document is challenged in court. Besides deterring would-be fraudsters, the video can also show evidence of the signer's mental state in cases of potential elder abuse. By contrast, only a minority of states require any sort of notarial recordkeeping for paper notarizations,¹⁰ and a notary's journal entry cannot reveal what actually happened during a notarization or visually capture the identity of fraudsters.

The third policy goal is to conclusively address interstate recognition of remotely notarized documents. Although many states have enacted RULONA or another form of RON law consistent with it, this has not been the case universally. Many existing interstate recognition statutes were drafted in the era of the horse and buggy and even before the invention of the telephone, much less the Internet and webcam. The SECURE Notarization Act plugs this gap by requiring every state to "recognize" notarizations performed under another state's laws regardless of whether the notarization was performed electronically or remotely. It requires similar recognition be provided by federal courts regardless of whether the rule of decision is supplied by state or federal law. Furthermore, Sections 5 and 6 of the Act follow the three-part test for proving the authority of a notarial officer as contained in RULONA and prior iterations of the uniform notarial laws.¹¹ Taken together, these provisions provide legal certainty for consumers and businesses alike that a document that is validly notarized in any state will be treated as valid in every other state.

⁷ SECURE Notarization Act § 3(b)(2). Cf. RULONA § 20(a) on use of tamper-evident technology for all electronic notarizations, whether performed in-person or remotely.

⁸ *Id.* § 4(b)(2)(A). Cf. RULONA § 14A(c)(1).

⁹ *Id.* § 4(b)(2)(B). Cf. RULONA §§ 14A(c)(3), 14A(k) (recommended 10-year retention requirement).

¹⁰ An up-to-date list of state requirements for notarial journals is maintained by the American Society of Notaries at <https://www.asnnotary.org/?form=rbkrequirements>.

¹¹ See RULONA § 11 cmt. (three steps are: (1) proof that the signature in the notarial certificate is that of the identified individual, (2) proof the named individual holds the designated notarial office, and (3) proof the individual holding the designated notarial office may perform the notarial act).

Importantly, Section 9 of the SECURE Notarization Act contains a rule of non-preemption modeled on the earlier E-SIGN Act.¹² The imitation is intentional because it deals broadly with the same problem. In E-SIGN, Congress enacted the broad rule of legal equivalence envisioned by the Uniform Electronic Transactions Act (“UETA”) to the full extent of Congress’s Commerce Clause power.¹³ In doing so, it expressly preempted contrary state laws. However, Congress also provided a mechanism that ensured a state’s laws would *not* be preempted to the extent that it enacts either a “clean” version of UETA as originally approved by the Uniform Law Commission or another state law “consistent” with E-SIGN.¹⁴

The SECURE Notarization Act follows a nearly identical approach. It would not preempt any state law that is either an enactment of RULONA or that provides “additional or alternative” protections that are “consistent” with the national minimum standards, including the minimum five-year retention requirement for the audio-visual recording.¹⁵

The Act further follows E-SIGN by incorporating a principle of technology neutrality. A state law can “modify, limit, or supersede” the national authorization or minimum standards only if it does “not accord greater legal effect to the implementation or application of a specific technology or technical specification for performing those notarizations.”¹⁶ At its most basic level, the technology-neutrality principle says that all technologies result in equally valid notarizations with the same legal effects. Like in E-SIGN, the technology neutrality principle in the SECURE Notarization Act is limited and does not preclude a state from mandating notaries to use specific technologies, but it does prevent states from invalidating a notarization because the notary failed to use a specifically mandated technology.¹⁷

Notaries Provide a Critical Anti-Fraud Service

Equally important, the SECURE Notarization Act modernizes notarial law for the 21st century to ensure that notaries will continue to play their crucial anti-fraud role for future generations. The office of notary public is the oldest civil-law institution in America. Notaries can be continually traced back to

¹² SECURE Notarization Act § 9(a); *cf.* 15 U.S.C. § 7002(a).

¹³ 15 U.S.C. § 7001(a) (applicable to “any transaction in or affecting interstate or foreign commerce”).

¹⁴ 15 U.S.C. § 7002(a). *See also* 1 RAYMOND T. NIMMER & HOLLY K. TOWLE, THE LAW OF ELECTRONIC COMMERCIAL TRANSACTIONS § 4.09[3] (LexisNexis A.S. Pratt) (discussing the so-called “back-in rule”).

¹⁵ SECURE Notarization Act § 9(a).

¹⁶ *Id.* § 9(a)(B)(ii); *cf.* 15 U.S.C. § 7002(a)(2)(A)(ii).

¹⁷ *Cf.* NIMMER & TOWLE, *supra* note 12, § 4.09[3][b][i]. E-SIGN’s technology neutrality principle is also incorporated into RULONA § 27. *See id.* cmt. (noting that “[t]his is the same requirement provided in ESign”).

ancient Rome.¹⁸ They made their way from Italy to England in medieval times and were one of the earliest legal transplants to the New World.¹⁹ For centuries, the American colonies²⁰ and later states have required real estate documents to be “acknowledged” before a notarial officer to reduce fraud and prove their authenticity.²¹ In nearly every state today, a conveyance or mortgage of real property continues to require a notarization to be valid or fully effective.²² The same rule often applies to powers of attorney.²³ Generations of lawmakers have thus continually reaffirmed the importance of notaries and the crucial societal benefits they provide.

A “notary public” is a public officer who attests to the genuineness of writings to render them available as evidence of the facts they contain. A notary public is also authorized to administer oaths and to take affidavits or sworn statements. While not an elected position, notaries are usually considered public officials whose acts are performed under the color of state authority.²⁴

In general, notaries public are appointed by the state governor, secretary of state, or judicial bar. The powers of a notary are defined by both statute and the common law. State laws vary on their requirements for appointment, but they commonly include: 1) a written examination; 2) a sworn oath; 3) obtaining appropriate insurance or surety bond; 4) use of a special stamp or seal; and 5) maintenance of a journal. Notaries public are usually appointed for a limited period of time (commonly for four years) subject to periodic renewal. The duties and liability of notaries are likewise products of both statutory and common law. Primary regulatory authority over notaries typically rests with the state official who appoints them. A notary who breaches a duty or engages in official misconduct may face private civil

¹⁸ Michael L. Closen & G. Grant Dixon III, *Notaries Public from the Time of the Roman Empire to the United States Today, and Tomorrow*, 68 N.D. L. REV. 873 (1992); C.H. Zyl, *Notaries: Their Origin and Office*, 26 S. AFRICAN L.J. 34 (1909); HAN C. TEITLER, *NOTARII AND EXCEPTORES* (1985).

¹⁹ C.R. CHENEY, *NOTARIES PUBLIC IN ENGLAND IN THE THIRTEENTH AND FOURTEENTH CENTURIES* 23–25 (1972); DONNA MERWICK, *DEATH OF A NOTARY: CONQUEST & CHANGE IN COLONIAL NEW YORK* (1999); John E. Seth, *Notaries in the American Colonies*, 32 J. MARSHALL L. REV. 863 (1999).

²⁰ Joseph H. Beale, Jr., *The Origin of the System of Recording Deeds in America*, 19 THE GREEN BAG 335 (1907); George L. Haskins, *The Beginnings of the Recording System in Massachusetts*, 21 B.U.L. REV. 281 (1941).

²¹ Under the Federal Rules of Evidence and many state evidence rules, a document is self-authenticating (meaning no extrinsic evidence of its authenticity is needed) if it is acknowledged by a notary. FED. R. EVID. 902(8).

²² See 1 AM. JUR. 2D *Acknowledgments* §§ 3–4 (2022); 23 AM. JUR. 2D *Deeds* § 88 (2022); 1A C.J.S. *Acknowledgment* §§ 5–6 (2022); 2 JOYCE PALOMAR, PATTON & PALOMAR ON LAND TITLES § 356 (3d ed.), Westlaw (database updated Dec. 2021); 14 MICHAEL ALLAN WOLF, POWELL ON REAL PROPERTY § 81A.04[1][g] (LexisNexis Matthew Bender).

²³ See, e.g., N.Y. GEN. OBLIG. LAW § 5-1501B (McKinney 2021) (“To be valid . . . [a power of attorney] must . . . [b]e signed . . . with the signature of the person signing duly acknowledged in the manner prescribed for the acknowledge of a conveyance of real property . . .”); CAL. PROB. CODE § 4121(c) (West 2021) (acknowledgment before notary or signature of at least two witnesses “legally sufficient”); FLA. STAT. § 709.2105(2) (2021) (two subscribing witnesses and acknowledgment before a notary public required).

²⁴ Michael L. Closen, *The Public Official Role of the Notary*, 31 J. MARSHALL L. REV. 651 (1998).

liability (damages),²⁵ official sanctions (including monetary fines), or suspension or removal from office.

Although there are many federal notarial officers, the vast majority of the nation's more than 4.3 million notaries are appointed by the states. Nonetheless, Congress has continually played a vital role in defining the authority and legality of notarial acts performed by state-appointed notaries throughout American history.

In the 19th century, Congress granted state-appointed notaries federal-law notarial powers on numerous occasions.²⁶ These statutes played an important role in our country's legal integration and development, especially in the then sparsely populated western territories. At the dawn of the 21st century, Congress stepped in to ensure the nationwide validity of electronic notarizations by passing the E-SIGN Act, one of the most important and successful e-commerce statutes of the Internet era.²⁷ Today, various federal statutes authorize persons to act as notaries public including consular officers, military officers, and legal personnel in the Department of Justice.

Notarization is a bedrock of our legal system, and has been for nearly all of American history. The SECURE Notarization Act will help to ensure that this continues to be the case in the 21st century.

The Advent of Remote Online Notarization

For centuries, the notarial process has also been wedded to the traditional requirements of pens, paper, and physical presence. Although webcam technology has been available since the 1990s, it took a couple of decades of technological and legal development to safely bring this technology to the notarial process.

In 2011, the first RON law was passed in Virginia, followed by Montana in 2015.²⁸ Fast-forward to today and as of May 2022, 40 states have enacted permanent statutes that approve the use of RON under state law.²⁹ The earliest RON laws paved the way, but they also exposed some gaps in security and consumer safeguards. As more states began passing similar laws, the need for uniformity and consistency became apparent to avoid conflicts.

²⁵ Closen & Dixon, *supra* note 18, at 888–93; Nancy Perkins Spyke, *Taking Note of Notary Employees: Employer Liability for Notary Employee Misconduct*, 50 ME. L. REV. 23, 28–29 (1998).

²⁶ Act of Aug. 23, 1843, ch. 188, 5 Stat. 516, 517 (1842) (the power to take acknowledgments of bail); Act of Sept. 16, 1850, ch. 52, 9 Stat. 458 (1850) (power to take oaths, affirmations, and acknowledgments under federal law to the same extent as state-appointed justices of the peace); Act of Aug. 15, 1876, ch. 304, 19 Stat. 206 (1876) (powers to take acknowledgments and affidavits as federal district court commissioners); Act of June 22, 1874, § 20, 18 Stat. 178, 186 (1874) (amending the Bankruptcy Act of 1867, 14 Stat. 517 (1867)) (bankruptcy proceedings). *See also* United States v. Curtis, 107 U.S. 671, 675 (1883) (under the 1876 Act notaries had the same powers as district court commissioners).

²⁷ Electronic Signatures in Global and National Commerce Act, § 101(g), 15 U.S.C. § 7001(g).

²⁸ Virginia Electronic Notaries Act of 2011, 2011 Va. Acts, ch. 731; 2015 Mont. Laws, ch. 391.

²⁹ <https://www.alta.org/advocacy/online-notarization.cfm>.

Getting from two states to 40 was a herculean effort that involved input from a broad coalition of stakeholders, including state officials, notary associations, consumer protection groups, the title and mortgage industries, and technology providers. In 2017, the Mortgage Bankers Association (“MBA”) and ALTA adopted model legislation that addressed many of the shortcomings identified in the earliest RON laws.³⁰ Most importantly, in 2018 the Uniform Law Commission formally adopted RULONA with the guidance of the nation’s leading notarial law experts and input from a broad cross-section of stakeholders. RULONA was a breakthrough model act and is largely consistent with the MBA-ALTA model.

The Benefits of Remote Online Notarization for American Consumers

When appropriately implemented, RON provides consumers with additional flexibility for signing documents related to real estate and other financial transactions. It is strictly optional and is simply an alternative for those Americans who wish to use it. As noted by the Consumer Financial Protection Bureau in a 2015 report, electronic loan closings can benefit consumers significantly by making the process more efficient, less complex, and more understandable.³¹

RON promotes ease of access to notary services. Americans can get documents notarized anywhere, anytime. RON is especially useful to disadvantaged or immobilized Americans who need to notarize official documents. Expanding access to broadband will only improve access to RON for more Americans, especially those in rural and underserved communities.

RON saves Americans lost wages, time and travel costs. RON eliminates the need to make appointments, take leave from work, find a babysitter, or drive for miles to find a notary to conduct a real estate closing. This flexibility helps improve the closing experience for homebuyers.

RON benefits members of the military who are deployed overseas. RON permits servicemembers to finalize important financial documents directly instead of having to rely on finding a military notary or executing a power of attorney before deployment. This lets their families more easily take advantage of favorable refinance or other transactions while deployed.

The biggest driver of RON adoption in the past two years was COVID-19. A survey conducted by the ALTA of major vendors working in the RON space found that the use of RON increased 547% during 2020 when compared to 2019. According to another ALTA survey, in 2020, more than 5% of transactions were closed with some variation of RON, and 35% of title and settlement companies offered RON to

³⁰ MODEL LEGIS. FOR REMOTE ONLINE NOTARIZATION (MORTG. BANKERS ASS’N & AM. LAND TITLE ASS’N 2017).

³¹ CFPB, LEVERAGING TECHNOLOGY TO EMPOWER MORTGAGE CONSUMERS AT CLOSING: LEARNINGS FROM THE eCLOSING PILOT (August 2015), at <https://www.consumerfinance.gov/about-us/newsroom/cfpb-study-finds-electronic-mortgage-closings-can-benefit-consumers/>.

close deals.

The pandemic made Americans rethink the meaning and importance of home. It also sped up a shift to digital, with the increased need for remote options. Current requirements for a signer to be physically in the presence of a notary are often impractical and sometimes impossible due to health concerns, social distancing, or just life. Digital transactions have been critical to helping the title insurance industry serve Americans during an unprecedented and uncertain housing market.

As a survey by ALTA member company Champion Title in Virginia showed, consumers appreciate the convenience and choice provided by RON.³² In that survey of 350 customers, 95% said they would recommend the RON process to others. Additionally, 97% of consumers who closed on transactions in Virginia using RON said the process was safe and secure. Here is what some of the consumers said about their use of RON:

- “I am stationed overseas in South Korea. My closing happened nearly 7,000 air miles away and 13 time zones different. Closing on the house would have been impossible without this option. Our dream house would have slipped away from us had we not been able to execute the buy remotely.”
- “It allows for people with disabilities, autoimmune disorders, and those without access to transportation to easily close. It’s a more inclusive and accessible option.”
- “For a family with three children, the remote process made it so much easier for us. We didn’t have to arrange for a sitter, get all the kids ready, take them to a sitter, etc. If the kids were in school, it wouldn’t be a problem but with being in a time of virtual learning, the remote process took a lot of stress off our shoulders.”
- “We had already moved across country. Remote closing saved us from flying back for one hour of signing papers. It was also much more convenient than manually signing all the papers in a real estate transaction.”
- “It allowed me to physically remain at work but take a break to take care of my closing. Minimal disruption of my workday, no dealing with commuter traffic, no finding/paying for parking in an unfamiliar location, and then having to go back to work.”

Furthermore, in a 2,000-person nationally representative Harris Poll survey³³ conducted last year on behalf of one RON provider, the majority of respondents agreed (68%) that they wish there was an easier, faster way to get a document notarized. A full 59% believe the traditional way of getting a

³² <https://blog.alta.org/2021/08/consumers-call-remote-online-notarization-process-safe-secure.html>.

³³ <https://www.businesswire.com/news/home/20210804005307/en/Notarize-Survey-Reveals-That-The-Majority-of-Americans-Feel-Secure-Making-Transactions-Online-Though-Generational-Differences-Exist>.

Ms. SCHAKOWSKY. Thank you for your testimony.

And now, Mr. Hagopian, I'm so sorry. I messed up the name of your company. You'll introduce yourself, and I recognize you for 5 minutes.

STATEMENT OF ERIC D. HAGOPIAN

Mr. HAGOPIAN. Thank you, Chair Schakowsky and Ranking Member Bilirakis and those committee members.

Thank you for the opportunity to testify before the subcommittee in support of Manufacturing.gov Act today. My name is Eric Hagopian. I am the owner and CEO of Pilot Precision Products located in western Massachusetts in South Deerfield near Amherst about two hours west of Boston, rather.

I founded Pilot Precision Products in 2016, but our roots date back to 1945 when the Dumont Company was established to manufacture broaching tools in the area which was also home to many other industrial cutting tool companies such as Greenfield Tap and Die Bendix and others.

My small business employs about 35 highly skilled machinists. We manufacture and distribute precision broaching tools and other hole-making tools for the aerospace, defense, automotive, and medical industries to name a few.

Broaching is a metal cutting operation that uses a multitooth tool called a broach to change a round hole into a desired shape such as a square, hex, (inaudible) or other form used in mechanical drive components. Materials such as steel and aluminum are very prevalent.

I also, serve on the executive committee of the National Tooling and Machining Association based in Cleveland, Ohio, and I'm speaking today on their behalf, and of course, on behalf of the thousands of small-and medium-sized manufacturing companies across the country like Pilot Precision Products.

As the past two years have shown, manufacturing in America is crucial to our economic and national security interests. During the early days of the COVID-19 pandemic, most U.S. manufacturing businesses were deemed essential. We kept our doors open and lights on producing the products Americans need to keep our communities safe.

No matter what, manufacturers are always there for Americans. Now, manufacturers need our government to be there for us. We work hard to compete on an uneven global playing field. Time and again, we are up against foreign government subsidized companies; and although U.S. Government has programs to help improve our competitiveness, there are often difficult to find, and certainly, to navigate.

I am fortunate in that I have an active trade association to support me, but thousands of other manufacturing business owners see the Federal Government as too big to help and too difficult to be effective.

The truth is that manufacturing touches virtually every part of the Federal Government from job training programs to advanced manufacturing initiatives. Our sector could benefit from programs at the Departments of Commerce, Labor, Energy, Defense, and Transportation.

The Government Accountability Office recently found that 58 Federal programs across 11 Federal agencies exist to support manufacturing, and this is the problem. These programs are so scattered across so many different agencies and departments.

According to that same GAO report, 11 programs are at the Commerce Department alone, but one must search all different parts of the department to find them, and that's why we need the Manufacturing.gov Act.

The Commerce Department should be the best go-to resource for all things related to industry. Right now, I must know what a program is called, and where to look for it, and then try and back down the program content, but what if I didn't know that there is a program that exists that could benefit my business? How would I learn about it without the support of my industry association?

We need a one-stop shop where manufacturers can quickly go to learn about programs that are already funded and available. By passing the Manufacturing.gov Act and establishing a section in the Manufacturing.gov website with information about Federal manufacturing programs, our business can quickly identify how we can invest our dollars back into our business and community and industry.

The bill places focus on providing more information and resources available in all areas top of (inaudible) to manufacturers like us. Having links and information on programs available to our small business in one place would not only save time but allow us to identify and benefit from other existing programs. The topics under the Manufacturing.gov Act such as workforce training, supply chain technology, research and development, and trade are all very essential to our business.

Frankly, when I first heard about the Manufacturing.gov Act, I was somewhat surprised thinking that something like this must already exist, but a connected centralized hub to manufacturers with Federal manufacturing programs seems just like a commonsense approach that would help us to benefit programs already designed and funded to support manufacturing in America.

But knowing about the programs is only the first step. Small businesses often lack resources and know how to go about applying and then implementing these necessary steps. This is where the industry trade groups such as the National Tooling and Machining Association did partner with the Federal Government under stakeholders to increase awareness of the programs and provide initial support.

Manufacturers are always there for this country innovating, creating, empowering, and growing our economy, but we are facing many challenges from worker shortages to supply chain disruptions. Passing the Manufacturing.gov Act will ensure that our government can be there for us. With a one-stop hub for manufacturers, the U.S. Government can help businesses like mine identify existing programs that could benefit our company and our industry.

Thank you for the opportunity to testify before you today, and on behalf of myself and the National Tooling and Machining Association and the industry, I encourage you to pass the Manufacturing.gov.

Thank you.

[The prepared statement of Mr. Hagopian follows:]

**Testimony of
Eric Hagopian
Owner and CEO
Pilot Precision Products**

before the

**House Energy and Commerce Subcommittee on Consumer Protection and Commerce
U.S. House of Representatives**

May 26, 2022

Chair Schakowsky, Ranking Member Bilirakis,
Thank you for the opportunity to testify before the subcommittee today in support of the manufacturing.gov act.

My name is Eric Hagopian, owner and CEO of Pilot Precision Products located in Western Massachusetts in South Deerfield near Amherst and about two hours from Boston. I formed today's version of Pilot Precision Products in 2016, but our roots trace back to 1945, when The duMONT Company was founded to manufacture broaching tools in the area which was also home to many other industrial cutting tool companies such as Greenfield Tap and Die, Bendix and many others.

We now have 35 employees as part of this small business, manufacturing and supplying precision broaching tools and other hole making tools for the aerospace, defense, automotive, and medical, industries to name a few. Broaching is a metal cutting operation that uses a multi-tooth tool called a broach to change a round hole into a shape such as a hex, spline or other shape used in mechanical drive components. Metals such as steel and aluminum are most prevalent.

I also serve on the Executive Committee of the National Tooling and Machining Association based in Cleveland, Ohio and am speaking today on their behalf and on behalf of the thousands of small and medium sized manufacturing shops across this country just like Pilot Precision Products.

As the past two years have shown, manufacturing in America is critical to our economic and national security. During the early days of the COVID-19 pandemic, most U.S. manufacturing businesses were deemed "essential." We kept our doors open and the lights on, producing the products Americans need and keeping our communities safe.

No matter what, manufacturers are there for Americans.

Now, manufacturers need our government to be there for us. We work hard to compete on an uneven global playing field. We are often up against foreign government-subsidized companies and though the U.S. government has programs to help improve our competitiveness they are often difficult to find and to navigate.

I am fortunate in that I have an active trade association to support me but thousands of other manufacturing owners see the federal government as too big to help and too diffuse to be effective.

The truth is that manufacturing touches virtually every part of the federal government. From job training programs to advanced manufacturing initiatives, our sector can benefit from programs at the Departments of Commerce, Labor, Energy, Defense, Transportation.

The Government Accountability Office recently found that the fifty-eight federal programs across eleven federal agencies exist to support manufacturing. And this is the problem! These programs are scattered across the many different agencies and departments with which manufacturers interact. According to that same GAO report, eleven programs are at the Commerce Department alone, but can be found in all different parts of the Department.

That's why we need the manufacturing.gov Act.

The Commerce Department should be the go-to resource for all things related to industry. Right now, I have to know what a program is called and know where to look for it and then then try to track down a program contact. But what if I do not know that a program exists that could benefit my small business? How would I learn about it without the support of my industry association?

We need a one-stop shop where manufacturers can quickly go to learn about programs already funded and available.

By passing the manufacturing.gov Act and establishing a section on the manufacturing.gov website with information about federal manufacturing programs, our businesses can quickly identify how we can reinvest our tax dollars back into our local community and industry.

The bill places focus on providing more information on resources available in the all the areas top-of-mind to manufacturers like us. Having all links and information on programs available to our small business in one place would not only save time but allow us to identify and benefit from programs. The topics under the manufacturing.gov Act such as workforce training, supply chains, technology and research and development, and trade are all central to our business.

To be honest, when I first heard about the manufacturing.gov Act, I was somewhat surprised something like that did not already exist. A centralized hub to connect manufacturers with federal manufacturing programs seems like a commonsense approach that would help us benefit from programs already designed and funded to support manufacturing in America.

But knowing about the programs is only the first step. Small businesses often lack the resources and know-how to go about applying and then implementing the necessary step. This is where industry trade groups such as the National Tooling and Machining Association can partner with the federal government and other stakeholders to increase awareness of the programs and provide initial support.

Manufacturers are always there for this country, innovating, creating, powering our growing economy. But we are facing many challenges from worker shortages to supply chain disruptions. Passing the manufacturing.gov Act will ensure that our government can be there for us. With a one-stop hub for manufacturers, the U.S. government can help businesses like mine identify existing programs that could benefit our industry.

Thank you for the opportunity to testify before you today, and on behalf of myself the NTMA, and our industry, I encourage you pass the manufacturing.gov Act.

Ms. SCHAKOWSKY. Well, thank you.
Next, I recognize Julie Menin for 5 minutes.

STATEMENT OF JULIE MENIN

Ms. MENIN. Thank you very much.

Hello. My name is Julie Menin, and I am testifying before you today as the former commissioner of the New York City Department of Consumer Affairs. Thank you, Chair Schakowsky, Ranking Member Bilirakis, and distinguished members of the subcommittee for inviting me to speak today as a witness.

I know this committee is doing critical work to protect American consumers across the country. In this difficult environment for today's consumers, it is imperative that lawmakers do everything they can to promote equity, transparency, and affordability for the American consumer.

One law that will do just that is the Pink Tax Repeal Act, the bill that I am going to be focusing my testimony on today. I have done extensive work in the arena of consumer products. Before I began my career in public service, I worked as a regulatory attorney, first, at Wiley, Rein & Fielding in Washington, DC. where I specialized in consumer protection issues.

I then worked as Senior Regulatory Attorney at Colgate Palmolive Company in New York City where I handled regulatory legal matters for the agency encompassing the Department of Justice, the Federal Trade Commission, and other regulatory issues and consumer litigation.

Through this experience, I saw firsthand that, although there might be two products that were a very similar, there was a (inaudible) to market them differently.

In 2014, I was appointed commissioner of the New York City Department of Consumer Affairs. In 2015, as commissioner, I used this prior experience I had to spearhead a large study investigating the gender pricing of goods in New York City.

The goal of the study was to determine the frequency and extent to which female consumers face higher prices than male consumers when literally buying the exact same products. We understood that the study needed to be precise in the data it collected and needed to cast a wide net around consumer life cycle.

We ultimately examined 794 staple consumer goods across five industries: children's toys and accessories, children's clothing, adult clothing, personal care products, and senior healthcare products.

Each product category was selected to reflect a stage of the consumer life cycle, thereby providing a glimpse into the experiences of consumers of all types and all ages. While the study focused on New York City markets, many of the stores and brands that we examined were, in fact, top national chain retailers.

We also understood that to get the most the accurate results, it was critical to minimize differences between the men's and women's items that we were comparing. The agency only selected products that had similar male and female versions and were closest in branding, ingredients, appearance, textile, construction, and/or marketing.

When the researchers came back with the results, it was very clear that we were not looking at a case of occasional overpricing.

Rather, we saw that 42 percent of the time women are charged an average of seven percent more for what is essentially the exact same product.

So for example, women's jeans were ten percent more than virtually identical men's products of the exact same size and make. Girls' helmets and pads cost 13 percent more than boys' helmets and pads. Razors and razor cartridges cost 11 percent more for women. Over and over and over again, we saw significant markup for products aimed for women and girls.

I remember one particularly egregious case where a boys' scooter that was colored red cost \$25 from Target. The girls' scooter was double the price, and the only difference is that it was painted pink.

What our findings suggested was that, over the course of their lives, women are paying thousands of dollars more to purchase similar products as men. These higher prices are mostly unavoidable for women and permeate many different types of products they buy. Individual consumers do not have control over the textile and ingredients that are used in products marketed to them and must make purchasing choices based on only what is available in the marketplace.

We conducted the study to raise public awareness about pricing disparity, so consumers could make the most educated shopping choices. However, the burden should not be on the consumer to have to ferret out this type of discriminatory practice. The burden must be on the manufacturer and the retailer to do the right thing.

An educated consumer can call out brands and diligently check and compare prices, but they really shouldn't have to, and that it's basically time and energy that a woman is being forced to put on solely because of her gender.

All consumers deserve a marketplace in which they don't have to conduct an investigation to ensure that they're getting a fair price. For this reason, we need authorities to step in and enforce fair practices.

Gender-based pricing is not indigenous to just New York City, of course. It's happening all over the country. This issue is compounded by the fact that women are still, on average, being paid 83 cents on the dollar to men. They're earning less but being charged more for everyday basic products.

In order to combat gender inequality in our country, it's essential to take stronger action against this widespread and unfair practice. The bill that this committee is considering would do just that, and by passing this bill, this committee would provide significant relief for consumers.

And I would just say in closing, I really appreciate the honor to be able to be here today, and I am happy to answer any questions that the committee has. Thank you.

[The prepared statement of Ms. Menin follows:]

May 25, 2022

**Testimony before the U.S. House Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce**

**Julie Menin
Former New York City Commissioner of Consumer Affairs**

Hello, my name is Julie Menin and I am testifying before you today as the former Commissioner of New York City's Department of Consumer Affairs.

Thank you Chair Schakowsky, Ranking Member Bilirakis and distinguished members of the subcommittee for inviting me to speak as a witness today. I know this Committee is doing critical work protecting American consumers. In this difficult environment for today's consumers, it is imperative that lawmakers do everything they can to promote equity, transparency, and affordability for the American consumer. One law that will do exactly that is the Pink Tax Repeal Act, the bill I will be focusing my testimony on today.

I have done extensive work in the arena of consumer products. Before I began my career in public service, I worked as a regulatory attorney—first at Wiley, Rein & Fielding in Washington D.C., where I specialized in consumer protection issues. I then worked as Senior Regulatory Attorney at Colgate-Palmolive in New York City, handling regulatory matters for the agency encompassing the Department of Justice, Federal Trade Commission and consumer litigation. Through this experience, I saw firsthand that although there might be two products that were very similar, there was a bent to market them differently. In 2014, I was appointed Commissioner of Consumer Affairs for New York City. In 2015, as Commissioner, I used this prior experience to spearhead a large study investigating the gender pricing of goods in New York City.

The goal of the study was to determine the frequency and extent to which female consumers face higher prices than male consumers when buying similar products.

We understood that the study needed to be precise in the data it collected and needed to cast a wide net around the consumer lifecycle. We ultimately examined 794 staple consumer goods across five industries: children's toys and accessories, children's clothing, adult clothing, personal care products, and senior healthcare products. Each product category was selected to reflect a stage of the consumer lifecycle, thereby providing a glimpse into the experiences of consumers of all types and all ages. While the study focused on NYC markets, many of the stores and brands examined were, in fact, top national chain retailers. We also understood that to get the most accurate results, it was critical to minimize differences between the men's and

women's items we were comparing. The Agency only selected products that had similar male and female versions and were closest in branding, ingredients, appearance, textile, construction, and/or marketing.

When the researchers came back with the results, it was clear we were not looking at a case of occasional overpricing. Rather, we saw that 42% of the time, women are charged an average of 7% more than men for what is ostensibly the same product. Women's jeans were 10% more than virtually identical men's products of the same size; girls' helmets and pads cost 13% more than boys' helmets and pads; razors and razor cartridges cost 11% more for women. Over and over, we saw a significant mark-up for products aimed for women and girls. I remember one particular egregious case where a boys' scooter, colored red, cost \$25 from Target. The girls' scooter was double the price. The only difference was that it was pink.

What our findings suggested was that, over the course of their lives, women are paying thousands of dollars more to purchase similar products as men. These higher prices are mostly unavoidable for women and permeate many different types of products they buy. Individual consumers do not have control over the textiles or ingredients used in the products marketed to them and must make purchasing choices based only on what is available in the marketplace.

We conducted this study to raise public awareness about pricing disparities so consumers could make the most educated shopping choices. However, the burden should never be on the consumer to have to ferret out this kind of discriminatory practice. The burden should be on the manufacturer and the retailer to do the right thing. An educated consumer can diligently check and compare prices. They can publicly call out the brands who are unfairly marking up women's products. But that's time and energy that a woman is being forced to put in due solely to her gender.

All consumers deserve a marketplace in which they don't have to conduct an investigation to ensure that they're getting a fair price. For this reason, we need authorities to step in and enforce fair practices. Gender-based pricing is not indigenous to New York City. It is happening all across the country.

This issue is compounded by the fact that women still make only 83 cents for every dollar earned by men. They're earning less, but being charged more for everyday, basic products. In order to combat gender inequality in our country, it's essential to take stronger action against this widespread, unfair practice. The bill that this committee is considering would do just that and by passing this bill, this Committee would provide significant relief for consumers.

Ms. SCHAKOWSKY. Thank you.
And now, I would recognize Hadley Heath Manning.

STATEMENT OF HADLEY HEATH MANNING

Ms. MANNING. Yes. Thank you.
Ms. SCHAKOWSKY. Yes. For 5 minutes.
Ms. MANNING. Thank you.

Hello. I am Hadley Heath Manning, vice-president for policy at Independent Women's Forum, a non-profit organization dedicated to developing and advancing policies that aren't just well intended, but actually, enhance people's freedom, opportunities, and well-being. Thank you, Madam Chair Schakowsky, for the invitation to serve as a witness at this hearing today and happy birthday to you.

I appreciate the work of this subcommittee to find bipartisan solutions to help reduce cost for American consumers and families who are struggling during this time of record-high inflation. However, my testimony will focus on one proposed bill that will not be helpful. The proposed repeal of the so-called Pink Tax may be well intended, but it will result in fewer choices and reduce consumer satisfaction.

First, we should clarify that the Pink Tax isn't a tax at all. If it were, I would be in favor of repealing it. But the term refers not to a government levy, but to the disparity in pricing between products marketed to men versus women.

Some women's products and services, most notably those oriented to personal care and hygiene, cost more than similar products made and marketed to men. One well-known and frequently cited report that we just heard a lot about from the New York City Department of Consumer Affairs found that women's products on average cost 7 percent more than men's.

But—and this is critically important—a disparity isn't always evidence of discrimination. In this case, the disparity actually represents diversity, the robust free and capitalist American marketplace is capable of providing millions of products that are customized to the diverse American population. This is something to celebrate, not squelch.

Importantly, women are free to buy products marketed to either sex. Either men's and women's products like shampoo, facewash, razors, and deodorant are substitute goods, or they are not. If they are, women and men are savvy enough as consumers to choose what they want based on the product and the price point.

Women make 85 percent of consumer brand decisions and are capable of navigating this marketplace. In fact, when a writer for Mic.com. bought all men's beauty products instead of women's, she saved about \$24 over the course of one week. Nothing is stopping any American woman from doing this. No law is needed to make these more affordable men's beauty products available to us.

However, the reason many women do not buy men's or gender-neutral products is, because in many cases, these goods are not substitutes, therefore, it's not appropriate to compare the prices of products that substantially different.

Even the study out of the New York City Department of Consumer Affairs says explicitly that "men's and women's products are rarely identical making exact comparison's difficult when often

men and women's products are so different that the cost of production alone can explain the difference in price."

For example, men and women's personal care products often have a different mix of active and inactive ingredients, they often smell different, and have different features.

Even when it comes to services such as dry cleaning, there are different costs on the supply side. Men's shirts can often be machine pressed; women's blouses often cannot. This saves the dry cleaner time and money, and he passes along these savings to male dry-cleaning customers.

The Pink Tax is not a just function of supply costs, but also a function of demand. Despite higher costs, women demonstrate a preference for goods that are made and marketed for them. Some goods are truly identical except for the color; and as the mother of two young girls and one young boy, I can tell you that often my girls prefer the pink or sparkly version of whatever toy or product their brother has.

Now, we can speculate and debate about the reasons why boys and girls have different preferences, but that might be beyond the scope of this hearing. Instead today, we can simply observe that these preferences exist, and that no consumer protection is needed to keep Americans from demonstrating those preferences in the marketplace.

Referring to the preferences of female customers as a Pink Tax may actually shortchange some smart and socially conscious choices that many women are making. According to a study by the global management consulting firm, Kearney, female consumers value female-focused products, pro-women branding and advertising and socially conscious companies with female leadership.

No one could or should blame female consumers who prefer to pay a little bit more when a brand or product speaks to their core identity as women or allows them to support a cause that they believe in.

Attempts to repeal the Pink Tax would have unintended consequences. Prohibiting disparate pricing for products geared toward men and women ignores the supply and demand factors that I have discussed here today. The results would be that producers would simply standardize products eliminating sex-specific options that women and men value and prefer. This would reduce the diversity of goods and services available and reduce consumer satisfaction.

A robust marketplace provides a broad spectrum of goods and services. The choice among different goods and services should belong to consumers. In some more socialized countries, consumers have fewer options, rather than having our choice of more than 75 different brands of shampoo, we could arrive at the personal care aisle only to find "the shampoo" or "the soap."

We are blessed to live in a country where the market is free to respond to the preferences of so many different types of consumers. We have organic shampoo, shampoo for black hair, kids' shampoo, shampoo for curly hair, flat hair, hair that's been permed or dyed. We have a variety of choice, and naturally, prices vary according to product.

Sadly, today in the U.S. due to supply chain issues and shortages, the specter of empty shelves is not a far-off concern. This is

the matter that should hold the attention of the lawmakers, not proposed restrictions like the Pink Tax Repeal that, rather than offering consumers protection, would take products away.

The problems that undergird so many of our economic problems today making it harder and harder for American consumers to afford basic necessities are the result of needless government regulation and meddling. The attempt to eliminate the so-called Pink Tax and standardize pricing by fiat would be another step in the wrong direction.

Thank you.

[The prepared statement of Ms. Manning follows:]



**Testimony before the U.S. House Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce**

**Hadley Heath Manning
Vice President for Policy
Independent Women's Forum
May 26, 2022**

Hello, I'm Hadley Heath Manning, Vice President for Policy at Independent Women's Forum, a nonprofit organization (501c3) dedicated to developing and advancing policies that aren't just well-intended, but actually enhance people's freedom, opportunities, and well-being.

Thank you Madam Chair Schakowsky for the invitation to serve as a witness at this hearing today. I appreciate the work of this Subcommittee to find bipartisan solutions to help reduce costs for American consumers and families, who are struggling during this time of record-high inflation.

However, my testimony will focus on one proposed bill that will not be helpful. The proposed repeal of the so-called Pink Tax may be well-intended, but it will result in fewer choices and reduced satisfaction for consumers.

The Pink Tax is Not a Tax, but an Economic Disparity

First, we should clarify that the Pink Tax isn't a tax at all. If it were, I would be in favor of repealing it! But the term refers not to a government levy but to the disparity in pricing between products marketed to men versus women. Some

women's products and services, most notably those oriented to personal care and hygiene, cost more than similar products made and marketed to men. One well-known and frequently cited [report from the New York City Department of Consumer Affairs](#) found that women's products, on average, cost 7 percent more than men's.

But — and this is critically important — **a disparity isn't always evidence of discrimination**. In this case, the disparity actually represents diversity: The robust, free, and capitalist American marketplace is capable of providing millions of products that are customized to the diverse American population. This is something to celebrate, not squelch.

Importantly, women are free to buy products marketed to either sex. Either men's and women's products — like shampoo, face wash, razors, and deodorant — are substitute goods or they are not. If they are, women (and men) are savvy enough as consumers to choose what they want, based on the product and the price point. Women make [85 percent of consumer brand decisions](#) and are capable of navigating this marketplace. In fact, when a writer for Mic.com bought all men's beauty products (instead of women's), [she saved about \\$24 over the course of one week](#). Nothing is stopping any American woman from doing this. No law is needed to make these more affordable men's beauty products available to us.

However, the reason many women do not buy men's or gender-neutral products is because in many cases these goods are not substitutes. Therefore, it's not appropriate to compare the prices of products that are substantially different. Even the aforementioned study showing that women's products are 7 percent more expensive explicitly says, "Men's and women's products are rarely identical, making exact comparisons difficult."

The Pink Tax is Driven by Supply and Demand

Often men and women's products are so different that the costs of production alone can explain the difference in price. For example, men and women's personal

care products often have a different mix of active and inactive ingredients. They often smell different or have different features.

Even when it comes to services, such as dry cleaning, there are different costs on the supply side. Men's shirts can be machine pressed; women's blouses cannot. Men's shirts — and clothing in general — are simply more standardized than women's, meaning the average men's shirt fits the machine press and saves the dry cleaner time and money. These savings are passed along to male dry-cleaning customers.

The Pink Tax is not just a function of supply costs, but also a function of demand: Despite higher costs, women demonstrate a preference for goods that are made and marketed for them. Some goods are truly identical except for different colors or different colored packaging. As the mother of two young girls — and one young boy — I can tell you that my girls often prefer the pink or sparkly version of whatever toy or product their brother has.

We can speculate and debate the reasons why girls and boys have different preferences, but that may be beyond the scope of this hearing. Instead, today we can simply observe that these preferences exist and that no consumer protection is needed to keep Americans from demonstrating their preferences in the marketplace.

Referring to the preferences of female consumers as a "Pink Tax" may shortchange some smart and socially conscious choices many women are making. According to [a study by the global management consulting firm Kearney](#), women control more than 50 percent of household spending on average in their late 20s and up to 74 percent at age 55. Female consumers value female-focused products, pro-woman branding and advertising, and socially-conscious companies with female leadership. No one could, or should, blame female consumers who prefer to pay a little more when a brand or product speaks to their core identity as women or allows them to support a cause they believe in.

The “Repeal of the Pink Tax” Will Harm Consumers

Attempts to “repeal” the Pink Tax would have unintended consequences. Prohibiting disparate pricing for products geared toward men and women ignores the supply and demand factors that I have discussed here today. The result would be that producers would simply standardize products, eliminating sex-specific options that women (and men) value and prefer. This would reduce the diversity of goods and services available and reduce consumer satisfaction.

A robust marketplace provides a broad spectrum of goods and services. The choice among different goods and services should belong to consumers. In some more socialized countries, consumers have fewer options. Rather than having our choice of more than 75 different brands of shampoo, we could arrive at the personal care aisle to find only “the shampoo” or “the soap.” We are blessed to live in a country where the market is free to respond to the preferences of so many different types of consumers: shampoo for black hair, organic shampoo, kids’ shampoo, shampoo for curly hair, flat hair, hair that’s been permed or dyed... We have a variety of choices, and naturally prices vary according to product.

Sadly today in the U.S., due to supply chain issues and shortages, the specter of empty shelves is not a far-off concern. This is the matter that should hold the attention of lawmakers, not proposed restrictions like the Pink Tax repeal that, rather than offering consumers protection, would take products away.

The problems that undergird so many of our economic problems today—making it harder and harder for American consumers to afford basic necessities—are the result of needless government regulation and meddling. The attempt to eliminate the so-called Pink Tax and standardize pricing by fiat would be another step in the wrong direction.

VOICE. Madam Chair, you have to unmute yourself.
 Ms. SCHAKOWSKY. I thought I had. I'm sorry.
 Tori Barnes, you are recognized for 5 minutes.

STATEMENT OF TORI EMERSON BARNES

Ms. BARNES. Thank you, Chairwoman Schakowsky, Ranking Member Bilirakis, and members of the subcommittee.

Good afternoon. I am Tori Emerson Barnes, executive vice president for Public Affairs and Policy for the U.S. Travel Association and thank you for inviting the travel industry to participate in today's hearing.

Before I start, I would like to thank Ranking Member Bilirakis for his leadership on the Restoring Brand USA Act and Chairwoman Schakowsky and members of the subcommittee as well as Chairman Pallone and Ranking Member McMorris Rodgers for supporting its enactment.

These two bills being considered today are a continuation of the work on Brand USA and exemplify this committee's ongoing bipartisan engagement on travel and tourism issues.

The Visit America Act and the Travel and Tourism Act would both support the economic recovery and long-term competitiveness of America's travel and tourism industry. While both bills contain similar provisions,

there are also some key omissions in the Travel and Tourism Act, and we look forward to working with this committee to address those.

The Visit America Act is a bipartisan bill with strong support across the travel industry. There is also companion legislation in the Senate led by Senator Sullivan and the Act is included in the Senate's bipartisan Travel and Tourism Omnibus Bill Act of 2021.

First and most important, the bill establishes an assistant secretary of travel and tourism at the Department of Commerce. The assistant secretary would provide high-level leadership accountable to Congress that would work effectively across the administration to develop and implement national travel policies.

Because travel touches so many areas of government from DHS, TSA, and CBP, to the Department of State, DOT, FAA, and more, a senior Federal official is needed to more effectively coordinate policies across the administration. It's also important to note that the U.S. is the only G20 country without a Federal agency or cabinet-level official in charge of tourism policy.

Establishing an assistant secretary would put the U.S. on par with the other top destinations for international travel and provide a high-level official to work with other countries on travel facilitation issues.

Second, the Visit America Act directs the Department of Commerce to develop a COVID-19 recovery strategy. At the end of 2021, international travel spending was 78 percent below pre-pandemic levels, while business travel spending was down 56 percent.

This provision ensures that the Federal Government develops and implements a plan to quickly restore travel, rebuild our workforce, and prepare for future pandemics.

Third, the Visit America Act directs the Department of Commerce to consistently set national goals and strategies to grow trav-

el to and within the U.S. The bill also charges the assistant secretary with carrying out the strategies on an annual basis.

We would like to thank Secretary Raimondo for her work to develop a national travel and tourism strategy for the next decade. She has been a very strong advocate for our industry's recovery and future competitiveness.

Unfortunately, the same type of leadership has been very inconsistent across administrations. The Visit America Act would ensure that the national travel and tourism strategies are consistently developed and carried out from administration to administration.

Finally, the Visit America Act directs the assistant secretary to work with the International Trade Administration and the U.S. Commercial Services to promote and facilitate U.S. bids for large international trade shows and events.

The Department of Commerce provides export promotion and trade facilitation services for other U.S. exports like transportation equipment and manufactured goods, but the department does not consistently do the same do help U.S. destinations compete for large international events and trade shows, despite the fact that international inbound travel is historically our Nation's second largest industry export.

This is a crucial provision to ensure that the U.S. does not miss out on major international events which generate substantial economic impact for local communities. For example, U.S. Travel will host IPW, the leading international travel trade show, next week in Orlando. Past IPWs have generated an estimated 28.9 billion in export spending in the U.S., which is equivalent to exporting 69 Boeing 747s, 700 GE9X engines, or nearly 58,000 John Deer combines.

This demonstrates international travel's substantial economic power and shows why it should be prioritized along the other U.S. exports.

Next, I would like to turn to the Travel and Tourism Act which includes many of these same provisions including the development of COVID recovery strategy and direction for the Department of Commerce to set national travel and tourism strategies at least once every ten years; however, the bill is missing two critical policies:

First, the bill does not establish an assistant secretary for travel and tourism; and second, the bill does not direct the secretary of commerce to support and facilitate U.S. bids for larger international trade shows, conferences, and events.

In our view, these are two important and impactful policies both of which are within the committee's jurisdiction.

We want to thank Representatives Titus, Case, Dunn, Soto, and Salazar for their work on these critical bills for recovery and competitiveness. We hope that the work the bill sponsors and this committee can do to ensure to amend the Travel and Tourism Act to include similar provisions so that both bills can move forward.

Thank you for your time and for your strong continued support of the travel and tourism industry.

[The prepared statement of Ms. Barnes follows:]



WRITTEN STATEMENT

OF

**Ms. TORI EMERSON BARNES
EXECUTIVE VICE PRESIDENT, PUBLIC AFFAIRS AND POLICY
U.S. TRAVEL ASSOCIATION**

ON

**“LEGISLATIVE HEARING TO PROTECT CONSUMERS AND
STRENGTHEN THE ECONOMY”**

**BEFORE THE HOUSE COMMITTEE ON ENERGY AND
COMMERCE’S
CONSUMER PROTECTION AND COMMERCE SUBCOMMITTEE
MAY 26, 2022**

Chair Schakowsky, Ranking Member Bilirakis, and members of the subcommittee, good afternoon.

I'm Tori Emerson Barnes, Executive Vice President of Public Affairs and Policy for the U.S. Travel Association. Thank you for inviting the travel industry to participate in today's hearing.

Before I start, I'd like to thank Ranking Member Bilirakis for his leadership on the Restoring Brand USA Act, and Chair Schakowsky and members of this subcommittee for supporting its enactment. The two bills being considered today are a continuation of the work on Brand USA and exemplify this subcommittee's ongoing bipartisan engagement on travel and tourism issues.

The Visit America Act (H.R. 6965) and the Travel and Tourism Act (H.R. 7820) would both support the economic recovery and long-term competitiveness of America's travel and tourism industry. While both bills contain similar provisions, there are also some key omissions in the Travel and Tourism Act which we look forward to working with this committee to address.

[Pass the Visit America Act \(H.R. 6965\)](#)

The Visit America Act is a bipartisan bill with strong support across the travel industry. There is also companion legislation in the Senate, led by Senator Sullivan, and the Act is included in the Senate's bipartisan Travel and Tourism Omnibus Act of 2021.

First, and most important, the bill establishes an Assistant Secretary of Travel and Tourism position at the Department of Commerce.

- The Assistant Secretary would provide high-level leadership, accountable to Congress, that could work effectively across federal agencies to develop and implement national strategies and policies that grow travel.

- Travel policy touches so many federal departments and agencies, from DHS, TSA, CBP, to State, Consular Affairs, DOT, FAA, and more.
- The U.S. is the only G20 country without a federal agency or cabinet-level official in charge of tourism policy. Establishing an Assistant Secretary would put the U.S. on par with its top competitors for tourism and provide a high-level official to work with our partners across the world on travel facilitation issues.

Second, the Visit America Act directs the Department of Commerce to develop a COVID-19 recovery strategy.

- At the end of 2021, international travel spending was 78% below pre-pandemic levels while business travel spending was down 56%.
- This provision ensures that the federal government works productively with the private sector to develop and implement a plan to quickly restore travel and respond to future pandemics.

Third, the Visit America Act directs the Department of Commerce to consistently develop national goals and strategies to grow travel. The bill also charges the Assistant Secretary with carrying out the strategies on an annual basis.

We'd like to thank Secretary Raimondo for her work to develop a national strategy for the next decade. She has been a strong advocate for our industry's recovery and future competitiveness. Unfortunately, this same type of leadership has been inconsistent from administration to administration. The Visit America Act would ensure that national tourism strategies are consistently developed and carried out across administrations.

Finally, the Visit America Act directs the Assistant Secretary to work with the International Trade Administration and the U.S. Commercial Service to promote and facilitate

U.S. bids to host large international trade shows and events.

- The Department of Commerce provides export promotion and trade facilitation services for other top U.S. exports, like transportation equipment and manufactured goods.
- But the Department does not consistently do the same to help U.S. destinations and travel businesses compete for large international events and trade shows, even though international inbound travel was our nation's second largest industry export pre-pandemic.

This is a crucial provision to ensure that the U.S. does not miss out on major international events, which generate substantial economic impact for local communities. For example, U.S. Travel will host IPW, the leading international travel trade show, next week in Orlando. Past IPWs have generated an estimated \$28.9 billion in export spending in the U.S., which is equivalent to exporting 69 Boeing 747s, 700 GE9X engines or 57,958 John Deere Combines. This demonstrates international travel's substantial economic power, and how travel should be prioritized on par with other top U.S. exports.

Additional Provisions Needed for the Travel and Tourism Act (H.R. 7820)

Next, I'd like to turn to the Travel and Tourism Act, which includes many of these same provisions—including development of a COVID recovery strategy and direction for the Department of Commerce to set national strategies at least every 10 years. However, the bill is missing two critical policies:

- **First**, the bill does not establish an Assistant Secretary for Travel and Tourism at the Department of Commerce.
- **Second**, the bill does not direct the Secretary of Commerce to support and facilitate U.S. bids for large international trade shows, conferences and events.

In our view, these are two important and impactful policies, both of which are within this committee's jurisdiction.

Conclusion

We want to thank Representatives Titus, Case, Dunn, Soto and Salazar for their work on these critical bills for recovery and competitiveness. We hope to work with the bill's sponsors and this committee to ensure we can amend the Travel and Tourism Act to include similar provisions so that both bills are able to move forward.

Thank you for your time today and for your continued support of the travel and tourism industry.

Ms. SCHAKOWSKY. Thank you.

And last, but certainly, not least, I am going to introduce Trista Hamsmith. We know this is not easy for you, and we are so appreciative for your coming here. Reese's mom, you have 5 minutes for your opening—for your statement. Thank you.

STATEMENT OF TRISTA HAMSMITH

Ms. HAMSMITH. Thank you. And thank you for inviting me here today.

My name is Trista Hamsmith, and I am here to share why enacting legislation to make consumer products that use button batteries safer is so important and to impress upon you why time is of the essence.

Button batteries are a hidden hazard to young children, elderly, and pets, and I am here today to implore you to protect families from what mine suffered through just a year ago.

My daughter, Reese Elizabeth Hamsmith, meant affectionately to those closest to her as, "Re Re," born a spunky sassy full-of-life girl on June 13th of 2019. At an early age, Reese took the attention of the entire room when she walked in with her inquisitive spirit and demeanor. She lived life in a way that most will never know. She loved hard, she played hard, and she fought harder.

Reese swallowed a button battery in October 2020 and lost her fight on December 17th of 2020 at just over 18 months old. Reese was an example for us all, and here is her story.

Reese seemed sick and not her spunky self. We took her to the pediatrician, and she was diagnosed with croup. Croup is a common misdiagnosis for button battery ingestion as it does mimic it almost to a T.

After returning home, we noticed a button battery missing from a device in our home. We tore the house apart; and after a quick Google search, realized that we needed to get to the hospital immediately. Once there, they confirmed that the button battery had, in fact, been ingested, and there was emergency surgery to remove the battery.

I think it's important to note here that, even once the battery is taken out, these batteries continue to burn for days after. So whatever damage you think you have, it actually continues to get worse.

After a few days in PICU, she was released on a liquid-only diet. A couple of days later, took her back for a checkup, and they wanted to do a CAT scan. They were worried that a hole had been created.

In fact, that battery had continued to burn. It burned a hole through her esophagus and then through her trachea creating a fistula which acts as a tunnel connecting the two. So we now had air going it didn't need to go, and we had liquids going where it didn't need to go.

That next morning, she went back for surgery. She came back with a G-button so we could administer food to her stomach, and she came back sedated. That morning was the last morning that we saw Reese as herself.

The plan was to keep her sedated and let her rest for a week, but it was just a few days later, she had her first code in the mid-

dle of the night. At that point in time, the doctors decided that we need to go to Texas Children's Hospital.

Reese spent most of her time at the hospital fighting sedation, showing us her spunky self, and I firmly believe that every doctor and nurse there knew her attitude and her spirit by the time we left just from the (audio disruption).

A few weeks after Reese swallowed the battery, surgeons would attempt to close the holes in her esophagus and trachea. It was an all-day event, and it was successful. We were able to repair the holes.

Now, it was more of a waiting game, let the healing happen, and then we were to take her off of the ventilator. We did get her off successfully. That evening, I went down for dinner, came back up, and walked into the nightmare of starting compressions. This was now her second code event.

They worked for about ten minutes, and we were able to get her back that time, and the consensus was that she just isn't strong enough yet. So we waited and tried again.

Once we did try again, it was obvious that she was not going to be able to breathe on her own, and we were going to need a tracheotomy. Our path was getting harder, but she was still with us, and we could do this together.

Around, I guess, around eight o'clock that evening, they took her back for the trach, came back in, got settled, middle of the night, I woke up to the doctors who were in the room—filled—and the numbers weren't looking right, and they wanted to give her a different trach that would be a better fit. We did that. Eight-thirty in the morning, same thing, the doctors were back, numbers weren't looking right.

They wanted to do a bedside scope at which point the real nightmare began for us. It was shortly after that, that the beeping started. I remember watching the numbers (inaudible), and the last time I saw a six before I dropped my head, OK? They worked for 30 to 40 minutes, and we could not get her back.

Early on, while Reese was still fighting her battle, I knew that I wanted to spread awareness about the dangers of button batteries; and at the time, I imagined it would be with Re Re by my side. I guess, my plan (inaudible). In Reese's hospital room sat a plaque that said, "He has a plan, and I have a purpose."

We always knew that Reese would do big things in this world, and her early battle may be over, but her true battle—her true plan and her true purpose has just begun.

There were 4,000 button battery ingestions reported in 2020; however, it's estimated that only 11 percent of all cases are reported meaning that, that number is closer to 36,000 children annually, and any one of these instances could prove to be deadly.

The CPSC released data on injuries with a 93 percent growth in injuries. Once ingested, the button battery can cause severe tissue burns in as little as two hours. Sixty-one-point-eight percent of ingestions are coming from the products—not from our dump or not from our trash can, from the product.

As the market trend grows, the more products use these batteries, the more we're going to see these numbers rise. In December

2020 alone, we know of two—and two toddlers that passed away from a button battery ingestion.

It's been estimated that a child swallows a button battery every three hours which means by the time we get done here today, at least one child will have swallowed a battery.

We never knew about the dangers of button battery ingestion, and I hear families all of the time that didn't know either. It's a club I never wanted to be in, and I wish I wasn't sitting here in front of you today because that would mean my baby girl would still be with (audio disruption).

Please don't let the death of my daughter, Reese, and her purpose be in vain. We all have children that we love and want to protect whether it's our own children or children in our lives. Help protect all the children of the United States, so that we never have to hear a story like Reese's again.

Thank you for your time.

[The prepared statement of Ms. Hamsmith follows:]

Subcommittee on Consumer Protection and Commerce Hearing
“Legislative Hearing to Protect Consumers and Strengthen the Economy”
May 26, 2022

Written statement submission by Mrs. Trista Hamsmith, Lubbock, TX
Mother, Parent Advocate, and Founder of Reese’s Purpose

Good Morning, thank you to the Subcommittee for inviting me to be here today. My name is Trista Hamsmith. I am the founder of Reese’s Purpose, an organization to protect children from hidden dangers and threats to their safety. Reese’s Purpose was founded after my daughter died from an accidental button battery ingestion. I am here to share why enacting legislation to make consumer products that use button batteries safer is so important and to implore you to protect families from what mine suffered through a year ago.

My daughter, Reese Elizabeth Hamsmith, known affectionately to those closest to her as ReRe, was born into this world as a spunky, sassy, full-of-life little girl on June 13, 2019. At an early age, Reese took the attention of an entire room the moment she walked in with her spirited demeanor and inquisitive attitude. She lived life in a way that most will never know. She loved hard, played hard, and fought harder. Reese swallowed a button battery in October 2020 and lost her fight on December 17, 2020, at just over eighteen months old. Reese was an example for us all. This is her story.

Reese seemed sick. Not her spunky self. We took her to the pediatrician, and she was diagnosed with croup. Croup is a common misdiagnosis for button battery ingestion, as the early symptoms can be similar. After returning home we noticed a button battery missing from a device. We tore the house apart but couldn’t find it. A quick Google search had us rushing to the emergency room. An x-ray confirmed that she had ingested the battery and doctors performed emergency surgery to remove the battery. We stayed in the PICU a few days, and doctors released Reese on a liquid-only diet. The plan was to return to the hospital to re-scope in 4-6 weeks.

I took a deep breath and went to the store to stock up on every possible thing that might satisfy our eater over the next month. It was such a great few days with Reese back home. One of those days we went to Target and she saw a dinosaur. She looked at it and as brave and loud as she could she said, ‘RAWWWRR!’ Her sister Blake, Reese, my mom, and I all belly laughed like never before. It was classic Reese – so spirited and always lighting up the room with so much joy. Other customers were lucky enough to witness it that day and laughed with us as well.

At her next visit, the pediatrician diagnosed her with stridor and Reese was readmitted. A scan revealed a hole in both her esophagus and her trachea. The two holes created a passage, known as a fistula. The fistula acted like a tunnel between the esophagus and trachea, allowing air into her stomach and food and liquid into her lungs.

We learned that the fistula was only one centimeter above the carina, a ridge of cartilage where the trachea divides and heads toward the lungs. This location made it extremely difficult to place a

breathing tube. Any movement she made could cause the tube to move too high and send air to her stomach through the fistula or too low and collapse a lung. The plan was to keep her sedated and let her rest for a week, that was the last time we saw our daughter as herself. Monday evening, Reese went into respiratory code and the decision was made to move Reese to Texas Children's Hospital given their expertise and equipment to treat Reese. For us, it was lots of waiting. Reese spent her time showing her spunky self by fighting the sedation. I think every doctor and nurse there learned her personality through her sedation battles.

On December 1, 2020, a few weeks after Reese swallowed the button battery, surgeons would attempt to close the holes in her esophagus and trachea. The surgery was an all-day event, and the doctors successfully repaired the fistula. A week passed, and they took Reese off the ventilator. I left the room to grab dinner, and when I returned, I walked into a nightmare. I remember hearing someone say, "Starting compressions!" I was then looking at my lifeless child as the nurses and doctors tried to save her. I had never prayed that hard in my life. Fortunately, we were able to get her back.

Reese was reintubated, the doctors wanted to give her some more time to heal before again removing the breathing tube. On December 14, we tried again. It was shortly after removing the breathing tube that the doctors and I decided she wasn't strong enough. The look in her eyes and face was heartbreaking, telling me without words, "Mommy, do something." We reintubated her again. Doctors began to discuss more seriously performing a tracheostomy.

I had been so terrified of the tracheostomy. However, after two unsuccessful attempts by Reese to breathe without intubation, I was welcoming it. Our path was getting harder, but she was still with us. Two long days went by before they performed the procedure. Around 6:30 pm, doctors inserted the tracheostomy tube. She would need another week on sedation for healing.

We were ready to move on to our new normal, and we were excited Reese hit that next mark in getting closer to going home. I went to sleep that night, excited that in one week I would see her awake again. Around 2:30 am I woke up to a full room. Our head ENT was there among the crowd, and I knew this was a bad sign. Reese's numbers on the vent didn't look right. They wanted to take her back to surgery to place a different tracheostomy tube that would be a better fit. After a couple of hours, Reese got back to the room with yet another surgery complete.

At 8:30 am, the room was full of noise again. Her numbers were not looking right. Doctors started a bedside scope to determine what was going on. My real nightmare began here. Shortly after beginning, the beeping started. I looked up at the screen and watched all of Reese's numbers drop. The last number I saw was "six" before my head fell, and I began to pray. When I looked back up, I saw "zero". They immediately started compressions. There I was again, watching them try to bring life back to my baby. It went on for thirty or forty minutes. They couldn't get her back.

Early on, when Reese was still fighting her battle, I knew that I wanted to spread awareness about the danger of button batteries. At the time, I imagined it would be with Reese by my side. I guess my plan

wasn't *the* plan. In Reese's hospital room sat a plaque that read, "He has a plan, and I have a purpose." We always knew Reese would do big things in this world. Her Earthly battle may be over, but her true battle, her true plan, and her true purpose had just begun.

Button Battery ingestion is a growing threat to children:

- There were 4000 button battery ingestions reported in 2020¹
- However, it is estimated that only 11% of all cases are reported, meaning this is happening to 36,000 children annually and any one of these incidences could prove deadly²
- The CPSC released data on injuries during COVID that shows a 93% increase in ER-treated injuries related to button batteries during the study period³
- 61.8% of ingestions under the age of 6 are coming from the product. Not the trash can or junk drawer but from products that are not properly securing the closure of these batteries⁴
- Once ingested, button batteries can cause severe tissue burns in as little as 2 hours and can cause lifelong injuries and death⁵

From 1977, when the US began tracking button battery ingestion deaths, through mid-2018, 59 children had lost their lives. That doesn't even begin to count the near misses and injuries, both minor and severe. In December 2020 alone, we know of two toddlers who were lost after accidental button battery ingestion - my Reese and another little boy from North Carolina. How many more children and families have to needlessly suffer before we do better to protect our children? Australia recently passed mandatory industry standards after three children died and numerous others were consistently injured from accidental button battery ingestion. The United States needs to do better. I am asking for your support to mandate guidelines to make all consumer products safer.

Button batteries are the fastest growing and highest margin segment in the battery market. With double-digit industry growth projected for production of and products using button batteries, these incidents will only continue to rise and pose a bigger threat for children. Everyday items that use button batteries include watches, scales, and key fobs. Items attracting children and pets, such as LED light remotes, flashing jewelry, clothing and shoes, and musical cards and ornaments are part of a very long list of items that pose a danger to our children.

On September 21, 2021, Congresswoman Robin Kelly (D) from IL, my Congressman Jodie Arrington (R) from Texas and Ted Liu (D) from CA, introduced **Reese's Law - H.R. 5313** to the House of Representatives. On November 30th a companion bill was introduced in the Senate with bipartisan support and has successfully navigated through mark up. In the wake of this rising threat I ask this

¹ Texas Poison Control

² Estimate from Dr. Kris R. Jatana, MD, FACS, FAAP, Director of Pediatric Otolaryngology Quality Improvement at Nationwide Children's Hospital. Member of National Button Battery Task Force

³ Effect of Novel Coronavirus Pandemic on Preliminary NEISS Estimates, Consumer Products Safety Commission Report

⁴ Litovitz T, Whitaker N, Clark L. Preventing battery ingestions: an analysis of 8648 cases. *Pediatrics*. 2010 Jun;125(6):1178-83. doi: 10.1542/peds.2009-3038. Epub 2010 May 24. PMID: 20498172.

⁵ <https://www.congress.gov/117/bills/hr/5313/BILLS-117hr5313ih.xml>

committee to prioritize protecting our children from the danger of button batteries by passing Reese's Law, H.R. 5313 into a law immediately.

It has been estimated a child swallows a button battery every 3 hours. Think about that. In the time this committee meets today, at least one child (possibly more) will have swallowed an unsecured battery and face a lifetime of health issues or worse, end up dying. As mentioned, most ingestions a result of children getting the battery out of product that is not properly secured. Often these ingestions are unseen, making the critical window for survival absent by the time they are discovered.

We never knew about the dangers of battery ingestion. I hear from families all over the country on a daily basis that they did not either. They share with me their story, their heartache, their near miss, and long road to recovery. It is a club that I never wanted to be in. I wish I wasn't standing here in front of you alone because that would mean my baby girl would still be here.

Please don't let the death of my daughter Reese - and her purpose - be in vain. Children's safety is a nonpartisan issue. We all have children that we love and want to protect, whether it's our own children or children in our lives. Help me protect all children of the United States so we never have to hear a story like Reese's again. Thank you for your time.



www.reesespurpose.org



X-ray of Reese Hamsmith showing the button battery lodged in her trachea



Reese Hamsmith being transported to Texas Children's Hospital.



Reese Hamsmith under sedation at Texas Children's Hospital.



"He has a plan and I have a purpose" plaque from Reese Hamsmith's hospital room"

Ms. SCHAKOWSKY. Thank you. Thank you, Trista.

You know, members, you saw, I let her go even longer than some of the other witnesses, but I think we really wanted to allow her to tell this painful story, so that we can do all that we can to make sure that no other family has to experience this; no other child has to experience this.

So at this point, the chairman has recognized each witness for 5 minutes, and now, we will move to member questions, and I am going to begin with 5 minutes.

So my first question has to do with the Pink Tax, and we've heard two sides of the story. I wanted to ask Ms. Menin about, you know, my understanding is that—and by the way, I have experienced the Pink Tax myself. It wasn't in a product, it was in services, and it was at my cleaner. When I was charged more for having a blouse—just a plain blouse—and I take my husband's things in, and I take mine in, and I saw that I was being charged more for exactly the same service.

But it seems to me that it is nothing more than discrimination when you say that a pink scooter and a red scooter or whatever a boy color is, a blue scooter, is as much twice more. And you know, we've heard that, yes, there is the option you can get the blue, but I—what my question is, are the people who are—the women who are—marketed, something for women or for girls, aware of the other options that could be cheaper?

Ms. MENIN. Thank you, Chair, for the question.

No. They're not aware, and this is the whole problem with the Pink Tax. We're putting the burden back on the consumer to ferret out and look at different products to determine which one is the most cost effective for them. That is completely unreasonable, and quite frankly, I think it is illegal.

This is a huge problem. There is no rational basis for a scooter, the one that is painted red to be half the price of one that is painted pink. Our study also found out that bike helmets, the helmet that is marketed to boys was half the price as a helmet painted pink that is marketed to girls. I am the mother of four kids. I see this, you know, as a real issue for consumers.

And by the way, as I mentioned in our study—we studied close to 800 consumer products: one is marketed for babies, for teenagers, for adults, and for seniors, and we saw it across the board no matter what the product category was.

Ms. SCHAKOWSKY. The other criticism was that, you know, sometimes, there really are these kinds of differences, and how do we make sure that we're really talking about the equivalency?

Ms. MENIN. Sure. And that, I think, is a great question. Look, I worked as an attorney, as I mentioned in my testimony, for Colgate Palmolive. I have been a consumer protection attorney for a long time, but I mentioned Colgate Palmolive because it is a consumer-products company. This is where I really first started focusing on this idea of the ingredients in various products.

It is not correct what was said before in other testimony that these differences are reasonable. In other words, if you have a shampoo, and it might have a slightly different fragrance based on whether it is marketed to a woman or a man, it is not the fragrances that should account for a different cost. The majority of

cost in any consumer product derives from research and development. That is the No. 1 cost center, and research and development has nothing to do with what type of fragrance you might put in a shampoo.

Many——

Ms. SCHAKOWSKY. I am going to have to cut you off because I do want to get to one other question of one other witness.

I wanted to talk to Ms. Kraska about the horse slaughter bill, and how big a problem is this in the United States that horses are being transported for human consumption out of the United States of America, and who are these? Where are these horses?

Ms. KRASKA. Thank you, Chairwoman, and I will try to be brief here.

But from the ASPCA's perspective, one horse is too many. If any horses are being exported for this purpose, that represents cruelty, but we know that the number has been dropping pretty significantly in recent years, so between 2016 and last year, the number of horses being exported for slaughter dropped by 78 percent, so that's down to 23,000 horses last year; and if you compare that to the 2.3 million Americans that have said that they are both willing and able—when I say, “able,” like I live in Washington, DC.; I can't necessarily adopt a horse even though I would really want to—that's what we (inaudible), and they are both willing and able to do that. So we know that there are homes for these horses.

Ms. SCHAKOWSKY. Thank you. So we're talking about tens of thousands. Thank you to the witnesses.

And now, I recognize Mr. Bilirakis for his 5 minutes of questions.

Mr. BILIRAKIS. Thank you, Madam Chair. Thank you for holding this very important, very informative, hearing.

The first question is for Ms. Hamsmith. Thank you so much for joining us here today and for taking on this task while still grieving.

What happened to your little girl, Reese, is a terrible tragedy. Ma'am, can you elaborate on your testimony regarding your outreach to companies and what their rationale is as to why there aren't better standards in place?

Ms. HAMSMITH. Most of the companies that I have spoken to are fully supportive of what we're trying to get done here. We looked at the toy law that was enacted that required screws to secure those in, and everybody is wondering why have we not done this for everyday products?

I think it is pretty well supported across the board that our children do have access to things that are not just specifically children toys; and in our case, it was a remote, you know, she reached up and grabbed that remote, dropped it—is what we're assuming—and that's how she got it.

And so the support has really been quite unwavering as far as the need for this for our children across the U.S.

Mr. BILIRAKIS. Yes. I had an opportunity to speak with a parent whose child was affected by this in Jacksonville. Congressman Rutherford introduced me to her, and she told me the story, and I am a cosponsor of the bill.

So as you developed this proposal, are there particular companies that you modeled it after to help prevent another tragedy like the one your family has endured?

Ms. HAMSMITH. So what we would like to do is delegate it to the CPSC for them to make the choice on how to properly secure these closures and the warning labels. Of course, the toy industry does have the screws. I know the CPSC had talked about push-pull mechanisms, and they are currently looking into the most cost-effective way to do this; and of course, the best way to keep these secure and out of our children's hands.

Mr. BILIRAKIS. Thank you very much. Appreciate it.

Ms. Barnes, in addition to my role as the committee—co-chair of the congressional Travel and Tourism Caucus, as you know, one of the themes of our caucus is that we all benefit when tourism is thriving. It means less tax burdens, more jobs, and a strengthened economy. I know you agree with that. Most everyone does.

Unfortunately, travel and tourism was one of the hardest hit sectors during the pandemic. Commonsense solutions like a Travel and Tourism Act will help boost the economy and help get us moving in the right direction.

While this committee has fast jurisdiction, it certainly isn't exclusive when it comes to your sector. What areas do you see we can focus on in our work with the Commerce Department, especially in terms of travel and tourism businesses, most severely impacted by the COVID-19 pandemic?

Ms. BARNES. So thank you for the question and again, thank you for your leadership on the issues around travel and tourism. It's so important.

You know, I think, one of the things that we see, and I think, one of the things we would like to see included in the Travel and Tourism Act really is the establishment of an assistant secretary of travel and tourism because the ability for commerce to actually facilitate U.S. bids for large international events is really, really important.

And additionally, one of the things that is really a deterrent for folks to come here and hold events here are our slow visa processing—we are up at over 400 days in some cases—for folks to get a visa to come to the U.S., our wait times in customs, and having inadequate infrastructure.

And so an example of how an assistant secretary could really facilitate bids and help to alleviate some of these challenges would be to ensure that visa appointments and processing times are efficient for international attendees, ensure adequate CBP and TSA staffing are available at airports during the times around the event, and then, obviously, to identify Federal infrastructure resources to build the infrastructure that is needed to host events.

You know, it's really important that we have that whole government approach. As I mentioned in my testimony, we are the only one of the top G20 countries that does not have a tourism minister, and so without senior leadership at the Department of Commerce, again directed by Congress, we won't be able to really optimize all that we could from an economic standpoint across this industry.

So really think that, that is important for us to move forward and elevate and make the country more globally competitive related to travel specifically.

Mr. BILIRAKIS. OK. I know I have to stop, so I'll submit the rest of the questions, but I do want to know this. As far as the backlog is concerned with regard to the visa processing, what was it like—maybe, you can answer this at another time—what was it like prior to the pandemic? Did we have a backlog?

Ms. BARNES. No.

Mr. BILIRAKIS. And to what extent?

Ms. BARNES. It was 12 days on average, and now, we're up, again, well over 230 days for the top ten markets, I believe, and 400 to 600 days for some countries.

Mr. BILIRAKIS. OK. Thank you very much. I yield back, Madam Chair. Thanks for the extra time.

Ms. SCHAKOWSKY. Thank you.

And now, I recognize the chairman of the full committee, Mr. Pallone, for 5 minutes of questions.

The CHAIRMAN. Thank you, Chair Schakowsky.

I wanted to ask Ms. Kraska about the SAFE Act. I know it's very important to protect horses from slaughter. But there could very well be inhumane treatment of horses on the way to slaughter, and that's what I wanted to ask you about. Talk, if you could a little bit about how horses are treated on their way to slaughter, and is there is further abuse that occurs?

Ms. KRASKA. (Audio disruption) the question Chairman and this is one of the worst parts of the slaughter pipeline. So what we consider the pipeline is everything between when horses end up in kill pens and all the way after they make the, you know, 28-plus-hour journey all the way across the border to Canada or Mexico; and during this time, you know kill buyers are turning a profit by the number of horses or the poundage, I guess, that they're cramming into trailers at one time.

So they are going to try to fit as many animals in there as they can. These are unfamiliar animals that don't know each other; and we know from when horse slaughterhouses were operating in the United States, that many of these horses were showing up at slaughterhouses with absolutely horrific injuries like eyeballs hanging from their heads and limbs that were completely off, dead in the trailer. I mean, once a horse goes down it's very difficult for them to get back up in that type of situation.

And we also know that there was a study published last year, 2021, in the journal Meat Science that found that carcass bruising on the horses that—American horses—that were exported for slaughter to Mexico, I think, it was about 79 percent, so that indicates that it's a really, really highly prevalent problem.

The EU also did an audit in 2014 that found very similar things, so we know that slaughter is cruel from start to finish.

The CHAIRMAN. Thank you so much and thank you for all that you do to protect animals.

I wanted to also ask Ms. Hamsmith with regard to her daughter's tragedy; but before it, were you aware of how much damage the button battery could cause to Reese's system? I fear that too few know the serious and deadly risk, and also maybe, how Reese's

Law would help implement regulations to warn parents about the dangers of these batteries.

Ms. HAMSMITH. No. We were not aware at all. When a battery is ingested, it actually causes that positive and negative charge to connect, so it's literally burning our children from the inside out. Obviously, we had zero clue that, that could happen.

As far as what, you know, this legislation could do, having the stronger warning labels that are actually at a point parents could see and are more graphic detail. It is so important for parents to know what actually can happen and what those long-term (audio disruption).

The CHAIRMAN. Well, thank you.

Ms. HAMSMITH. Yes. You know, what can happen long term and that this isn't always something that these kids come back from.

The CHAIRMAN. Thank you so much.

And then last, I wanted to ask Ms. Menin if you would elaborate on why the FTC needs the new authority in the Pink Tax Repeal Act, and can you address the concern that some have raised that ensuring women pay the same price as men might somehow mean less choice for consumers?

Ms. MENIN. Sure. I would be happy to.

Well, the FTC needs this legal authority because they currently don't have it, and otherwise, we're going to result in a patchwork of different State laws. We, here in New York, have a very good State law that bans the Pink Tax, but the majority of states do not, and so obviously, this law would give FTC the necessary legal authority it needs to be able to crack down on the Pink Tax.

To your second question about choice, this, in my opinion, does not in any way diminish consumer choice, because look at the end of the day, all this is doing is telling manufacturers that they cannot charge more for what is really the same exact product, and so we are in no way interfering with consumer choice, and I would add, in the new York State where we do have a very robust law, we have not seen any evidence of an impact on consumer choice at all.

The CHAIRMAN. Well, thank you so much, and I yield back. Thank you, Madam Chair.

Ms. SCHAKOWSKY. Thank you.

And now, I recognize the ranking member of the full committee, Mrs. Rodgers, for 5 minutes of questions.

Mrs. RODGERS. Thank you, Madam Chair. Let me join in saying happy birthday. We're both May babies. All right. OK.

Ms. SCHAKOWSKY. (Crosstalk) do them too.

Mrs. RODGERS. Thank you.

Before I begin my questions, this morning, we received a letter from the National Tribal Horse Coalition, and I would like to—it includes some federally recognized native nations in my home State expressing their opposition to H.R. 3355, the SAFE Act. I will be looking into the issues that they raise and would ask for it to be entered in today's record.

Ms. SCHAKOWSKY. Without objection.

Mrs. RODGERS. Thank you.

[The information appears at the conclusion of the hearing.]

Mrs. RODGERS. Ms. Manning, thank you again for testifying. As I mentioned in my opening statement, I have significant concerns with H.R. 3853, the so-called Pink Tax Repeal legislation.

The simple truth of the matter is that, there is many different variables for how the price of a product or service is determined, and we are seeing the same debate unfold with alleged price gauging proposals, but time and time again, we learn that multiple factors go into determining prices.

Like those recent proposals, this legislation is a solution in search of a problem. The legislation uses the term, quote, substantially similar, which is defined as having no substantial differences.

In your research, would that take into consideration what the different variables could be when determining the price of a good or service?

Ms. MANNING. So thank you for the question, and this language, "substantially similar," is very important. In fact, it's the same language that is used in the New York State law that we just heard about, and it is one of the reasons why the New York State law hasn't been effective at equalizing the prices of goods that are targeted toward men and women; because in order for goods to be considered substantially similar, they have to have no substantial differences, and the materials used in production, intended use of the good, the functional design and features of the good, the brand of the good.

And "substantially similar services" are defined as two services that exhibit no substantial difference in the amount of time to provide the service, the difficulty in providing the service, the cost of providing the service, and of course, all of these are factors in the way that goods and services are priced.

So the market price is simply the intersection of market supply and market demand, and there are different price points for every different type of product depending on the features.

Mrs. RODGERS. Thank you.

Ms. Manning, you State in your testimony, you quoted, "Disparity isn't always the evidence of discrimination"; but because the legislation is vague in defining what factors should be considered when determining if something is discriminatory, the FTC could simply determine whether or not a price for that good or service is discriminatory without any justification.

Wouldn't this allow the FTC to determine the prices that a business may sell their products or services?

Ms. MANNING. Yes. And if not the exact price, you know, I don't know that the FTC is going to get in the business of saying, "This bottle of shampoo has to be \$5.99." Because of the language of this bill, I could foresee the FTC becoming very prescriptive and formulaic in terms of how products that are made and marketed for the two different sexes are ultimately priced.

Mrs. RODGERS. And I have one more question. To make matters worse, the legislation grants the FTC with the first-time civil penalty authority for a violation of the Act.

So now, the FTC gets to label any price they see as discriminatory when businesses themselves don't even know. Then, they get to hit a company with civil penalties for which many will not be

able to afford, and I don't see any kind of cost benefit analysis or economic impact conducted by the FTC Bureau of Economics.

So it almost suggests that we are going to ignore the impact on business, but I would also like to think about the consequences for consumers. How do you see our constituents being impacted when it's already difficult to find products on the shelves?

Ms. MANNING. Sure. Well, it's important when lawmakers consider any new regulation to do a cost benefit analysis; and of course, the cost of any regulation isn't simply a dollar figure. It is also the cost, in this case, of risk or legal exposure when firms like retailers or manufacturers produce or market products to the two different sexes.

They will now face the specter of litigation, the specter of being accused of discrimination, when in fact, there is not discrimination at play, but rather, a disparity based on supply and demand factors, and this cost is going to be passed on to consumers during a time where—I don't have to tell you—but we're experiencing record-high inflation, 8.3 percent this April over 12 months. This is a very difficult time to navigate in a marketplace as an American consumer, and I hope lawmakers don't make it more difficult.

Mrs. RODGERS. Thank you.

The title for today's hearing is about legislation strengthening our economy. I am very concerned that this legislation, the so-called Pink Tax Repeal, will actually have the opposite effect on small businesses.

And to all of my colleagues, we need to stay focused on celebrating the diversity of businesses large and small, family owned and operated, and the vast products and services these businesses offer.

I also want to say thanks to Reese's mom for joining us. I have the chance to meet you and talk with you, and I appreciate you sharing your story and bringing this legislation forward.

I yield back, Madam Chair.

Ms. SCHAKOWSKY. Thank you.

And now, I recognize Kathy Castor, Congresswoman Castor, for 5 minutes for questioning.

Ms. CASTOR. Well, thank you, Madam Chair, and happy birthday to you, and thank you for organizing this important consumer protection hearing where we have such a wide variety of topics on animal cruelty and manufacturing and gender discrimination.

And of course, thank you, Ms. Hamsmith, for sharing your personal story. You are very brave to do so. You are speaking up for a lot of parents who often don't have the wherewithal to appear before a congressional committee and tell this story, but it's a very important one.

You know, I represent the sunshine State and watched with dismay during the pandemic how so many small business owners and mom-and-pop businesses really suffered when travel and tourism fell off.

In 2020, the travel industry's economic footprint fell a whopping 42 percent from 2.6 trillion to 1.5 trillion, resulted in a loss of 5.6 million travel-supported jobs, according to U.S. Travel. Ms. Barnes, so I was focused on helping and introduced with Representative Upton, the Protecting Tourism in the United States Act to direct

the Department of Commerce to take a deep dive on the effects of the pandemic on travel and tourism and help us with an action plan in growing back, so I think a few of these bills would really help.

Ms. Barnes, you answered a some of the questions I was going to ask already, but maybe, talk a little bit more about what the impact was of the pandemic, how fast the falloff was, and the real challenges for those businesses as we work to get all of those businesses large and small and all of the industry back on its feet.

Ms. BARNES. No. Thank you for your question and thank you so much for everything you have done to lead our recovery efforts.

As you know, it really was incredibly catastrophic. Prior to the pandemic, the U.S. travel industry employed one in ten jobs and was the number two export for our country, and we still have a long way to go. We have really recovered strong on domestic leisure, but international travel is still down, at the end of 2021, about 78 percent; business travel down, 56 percent, and we really need consistent policies to help ensure that we can continue to recover.

We are still looking at a 2024/2025-time horizon just to get back to 2019 numbers, and that would be absent five years of growth.

One of the things we really need to see on the international side is for the administration to lift the predeparture testing requirement that's currently still in place requiring 24-hours before you come back to the U.S. or come to the U.S. to have a test, and you know, Mexico, Canada, the UK, most of the EU, all of Latin America aren't requiring this. So it's really putting us at a competitive disadvantage.

We also need to see an accelerated processing of visas. I noted the visa backlog. It is tremendous. We really need to move that forward more quickly.

And then, you know, we also think that there is an opportunity to encourage businesses to get back out there, to get back to work, to get back to traveling. We need business leaders to really lead by example.

And then, we also have a challenge with our workforce. Our workforce is really significantly suffering. One-point-seven million jobs are open within the travel and tourism industry, and so we need to look at things like the H-2B visa process which I know is out of your jurisdiction, but we need access to more workers.

For every 100 jobs that are open across the entire economy, only 65 people are unemployed Americans who are looking for work, so that's something that we also need. Without workforce, we won't be able to bring back the travel industry.

Mrs. RODGERS. Well, thank you very much.

And for my colleagues, supporting the travel and tourism industry is so important to building back our economy and American jobs. So I will look forward to working with everyone to craft the right policies moving forward.

I want to move on, Council member Menin, on H.R. 4081, the Informing Consumers about Smart Devices Act, I know—everyone knows that smart device usage has increased astronomically across the country. That's how we operate in this world now.

So that means, it has never been more important to ensure that consumers are fully informed about their smart devices, from what data these devices collect, to what capabilities these devices possess, and what they are used for.

So you have got a broad range of experience, but I am especially worried about our kids and teens who will—they will never know a world where smart devices don't exist, and they are particularly vulnerable to what they encounter in the digital realm.

So talk to us about what you have learned in your experience, and what we need to be focused on when it comes to kids and the internet of things.

Ms. MENIN. Thank you very much.

I was invited to offer testimony on the Pink Tax, so that's where I am going to keep my comments on. The subject that you are raising is incredibly important, but I want to respect the fact that the invitation from the committee came on the Pink Tax, so I will keep my comments to that.

Thank you.

Mrs. RODGERS. OK. Well, I think, a lot of my colleagues here understand the challenges and how important it is for us to move on kids privacy. I want to thank Chair and all the other members who are working on children's online privacy including the My Kid's—

Ms. SCHAKOWSKY. We are going to have to move on.

Mrs. RODGERS [continuing]. Privacy Act.

Ms. SCHAKOWSKY. Your time is way up. So—

Mrs. RODGERS. Oh, OK. Sorry about that, and I yield back then.

Ms. SCHAKOWSKY. OK. Thank you.

Next, I am calling on Congressman Douglas (audio disruption) 5 minutes for (audio disruption).

Mr. DOUGLAS. Thank you, Madam Chair, and also happy birthday.

Ms. SCHAKOWSKY. Thank you.

Mr. DOUGLAS. I hope you have a great birthday (audio disruption) in Evanston, so have a great birthday in a great city.

Ms. SCHAKOWSKY. Happy to be with all of you.

Mr. DOUGLAS. So thanks. Thank you.

I want to thank you for having this hearing and Ranking Member Bilirakis for holding this hearing and for all the witnesses and your testimony and especially Ms. Hamsmith that is willing to share your stories which hopefully will lead to legislation to, as you said, to continue the life of and the legacy of your child.

But today, I want to talk about horses; and as you know, I'm from the Commonwealth of Kentucky, and we are home of the greatest two minutes in sports with this year proved to be great with Rich Strike winning from coming from so far behind.

While we are well known for our wonderful thoroughbreds, we also have a variety of other horses and other competitions, which you know, today, we are talking about the Tennessee Walking Horse, and I just want to share that I have heard from stakeholders from the Tennessee Walking Horse industry in my State and also in other states, and their concerns about the PAST Act.

Concerns raised to my office indicate that the Tennessee Walking Horse is already one of the most inspected horses under current

law by both USDAs Animal and Plant health Inspection Service and the horse-industry organization inspectors.

To that end, the PAST Act eliminates the industry inspection entities under the Horse Protection Act and replaces them with new employees of the U.S. Department of Agriculture and the U.S. Department of Justice.

USDA has never had the policing powers over this issue, and therefore, there are concerns that it does not have the expertise nor the resources to oversee that important responsibility.

And to share some of their concerns in greater depth, I would just like to submit for the record the following documents: a written statement from the Performance Show Horse Association and several other written statements from industry groups, inspection reports from the past few years, and a study by the National Academy of Sciences regarding Tennessee Walking Horse inspection.

And my understanding, Madam Chair, is that the committee already has these documents. It's been presented before the hearing, so I would like to submit those for the record.

[The information appears at the conclusion of the hearing.]

Mr. DOUGLAS. And just to close, I want all horses to be protected, and I want them to all be safe from abuse. I strongly believe that horses are continued to—if they are continuing to be sored in violation of the Horse Protection Act, we need to address that. Perhaps, should we look to the Horse Racing Integrity and Safety Act as a model.

In that case, our committee affirmed that thoroughbred racing could and should be independently regulated. I believe that stakeholders can find consensus that would preserve the Tennessee Walking Horse in their competitions, and most important of all, protect these wonderful horses, and I hope this information is useful to the committee as it moves through the legislative process.

I don't really have any questions, Madam Chair, and I'll yield back.

Ms. SCHAKOWSKY. Thank you. The gentleman yields back.

And I now, recognize Congresswoman Clarke for her 5 minutes of questions.

Ms. CLARKE. Happy birthday, Madam Chair.

Ms. SCHAKOWSKY. Thank—

Ms. CLARKE. Before I begin my prepared remarks and questions, I would like to once again, publicly express my heartfelt condolences to the loved ones of the victims of the onslaught of gun violence in our Nation.

I remain distraught and dismayed at the tolerance and indifference of my colleagues on the other side of the aisle at the, now, decades-old endemic gun violence that continues to plague our Nation.

I would like to encourage my colleagues to search their souls and join the 90 percent of Americans who desire to see us pass commonsense anti-gun violence laws in this Congress to break the cycle of death that our nation—that your inaction actually—permits. In other words, in the words of Senator Murphy, "What are we doing?"

Having said that, Madam Chair, I now, want to direct my questions to our distinguished panelists and thank them for joining us today.

My questions begin with this statement—excuse me, sorry about that. Let me thank our witnesses for their testimony today.

To put it simply, discrimination against women in our civil society is broad and pervasive, and it is particularly pronounced against women of color. Studies have shown that doctors pay less attention to women who complain about the severity of their symptoms. Women continue to make 83 cents to every dollar earned by men, and women are less likely than men to be promoted into leadership roles despite having equal or greater experiences.

Not surprisingly, this very same discrimination is also baked into the price of goods and services that we, as women, pay for daily. Studies have shown that women are frequently charged more than men for goods and services that require the same amount of labor, use the same components, and serve the same purposes.

This is marketplace discrimination plain and simple, and it is abhorrent and cannot be allowed to continue, and that is why I am a proud cosponsor of Congresswoman Jackie Speier's Pink Tax Repeal Act.

Having said that, my first question is for my dear friend and colleague, Council member Menin. It's so nice to see you here today.

When you oversaw the New York City Department of Consumer Affairs, your agency led a groundbreaking study that exposed gender-based pricing across 35 different categories and nearly 800 products. Unfortunately, there are those who still claim that the Pink Tax is a myth.

Is that what the New York City Department of Consumer Affairs study found, and how do you respond to those claims?

Ms. MENIN. Well, thank you so much, Congress member. It's great to see you as always.

First of all, the study that we did which studied over 800 consumer products found incredible price discrimination. You can't argue that when women are being overcharged 42 percent of the time that it is in any way not intentional, and it really cut across every single product category—everything from products targeted to seniors like the bladder pads to the scooter example, the helmets I mentioned, shampoos, razors—every single category across the board.

It is very clear from the seminal study that we did that women are truly being charged a Pink Tax, and it is abhorrent; and if you take that over the course of their lifetime, they are literally paying tens and tens of thousands of dollars in money that they shouldn't have to.

Ms. CLARKE. Can you speak a little more about the impact that this discriminatory practicing can have on women over the course of their lives?

Ms. MENIN. Sure. I would be happy to.

So a study by the State of California estimated that the Pink Tax on services alone cost a woman roughly \$1,350 per year. So if you adjust that for inflation, it means that a woman is paying a Pink Tax at least the equivalent of \$2,300 each year, and picture if that same amount of money was instead being deposited in a retirement account with five percent annual returns. We're talking about, over the course of a lifetime, women are being charged hundreds of thousands of dollars that they shouldn't be.

Ms. CLARKE. And why is it so important that we legally hold companies accountable for gender-based pricing discrimination?

Ms. MENIN. Because unfortunately, if we do not hold them legally accountable, they will oftentimes not do the right thing. You can walk into any drugstore or any store across the United States, and you can see evidence of this. You will see shampoos where literally the shape of the bottle might be curvy, and it is marketed to women, or it might be painted pink, or it might have a slightly different fragrance.

So we're seeing this as endemic to product categories across the board, and so it is imperative that Congress regulate and specifically give the Federal Trade Commission the legal jurisdiction to crack down on these illegal discriminatory practices.

Ms. CLARKE. I thank you, Councilwoman, for your diligence, your hard work, and your commitment, not only to our city, but of course, to our Nation.

With that, Madam Chair, I yield back and just ask my colleagues, what are we doing? And I yield back.

Ms. SCHAKOWSKY. Thank you. Thank you.

And now, I recognize Representative Bucshon for 15—not for 15—how about for 5 minutes for your questions.

Mr. BUCSHON. Thank you very much, Madam Chair, and let me add my well wishes for your birthday. (Inaudible) everybody else's as well, and I think it's a great opportunity to discuss the legislation before the committee today.

Mr. DUNN. (Out of turn) included among the bills is one that I introduced with my Florida colleagues Representatives Soto and Salazar to support the United States tourism industry. That's H.R. 7820, the Travel and Tourism Act.

Ms. SCHAKOWSKY. Excuse me. I'm going to let you continue if it's OK with Mr. Bucshon because I actually called on Mr. Bucshon who was next in line for his questioning.

Mr. DUNN. Oh, I'm sorry.

Ms. SCHAKOWSKY. Mr. Bucshon, do you want to just go ahead?

Mr. BUCSHON. No. He should go ahead—

Ms. SCHAKOWSKY. OK.

Mr. BUCSHON [continuing]. And I'll go after him.

Ms. SCHAKOWSKY. OK.

Mr. DUNN. Sorry about that, Larry. I (crosstalk)—

Mr. BUCSHON. No. You're fine.

Mr. DUNN. I only heard the last syllable of your (inaudible).

Mr. BUCSHON. It's all good.

Mr. DUNN. (Audio disruption) from across the world, travel to the United States to take advantage of all the great things there are to do and see in our Nation; and in the Second District of Florida, and indeed, across our entire State, tourists enjoy white sand beaches, State and national parks with diverse wildlife, first-class fishing, and water sports, and some of the world's great golf courses.

The State of Florida saw a record number of visitors for the tenth consecutive year just before the pandemic. In fact, in 2019, contributed \$97 billion to Florida's economy supporting over 1.6 million jobs.

Unfortunately, in 2020, we all know what happened. The pandemic grounded the United States tourism industry to a complete stop, and the many families who rely on this industry sustained substantial losses and were often forced to close the doors of their businesses—businesses their livelihoods depended on.

Fortunately, the response by the Florida Governor and legislature was inspiring across multiple industries, and they were ready to respond at the height of the pandemic. Because of their leadership, Florida exceeded visitor projections for every quarter in 2021 and so far, this year, setting records.

According to data from the U.S. Travel Association, for the record, Florida's recovery to travel has outpaced other states recoveries in every month since February 2021. The United States and the Federal Government should learn from the Governors of these states that were so successful and the industry leaders in those states as well.

I have a question for Ms. Tori Barnes. When the CDC puts out confusing or conflicting guidance as they did throughout the pandemic, how does this affect your industry and the decisions that they make in their planning?

Ms. BARNES. Thank you for the question.

And no, absolutely, we have absolutely seen a very uneven recovery, but I think, what, from you laid out, one of the most important takeaways is that, we can have health and safety measures in place, and we can return to business practices that enable (background noise) to move about, and that it is absolutely critical. I think, Florida was, in fact, a really good example of letting businesses continue to thrive.

And so what we really need from the government is clear consistent policies across the board and not a patchwork approach. The reason that we are seeing such a recent uneven recovery (background noise) we got a different environment and different states, and the international front, in particular, as I noted, still have this predeparture testing requirement, which is not based on science at this juncture, but simply, CDC is giving a strong, you know, hold on that particular operation.

So we couldn't agree more that the policies that Florida have taken to enable the health and safety as well as economic recovery, and that is critical to (background noise) the whole of the travel industry.

Mr. DUNN. So do you think that input from industry leaders, people, your members, to the Federal agencies, the Department Commerce, CDC, other agencies—when they publish guidelines, shouldn't they be consulting with you so that they can understand, they have a clear, much more clear, interpretation, and we all get the consistent messaging. Wouldn't that help?

Ms. BARNES. Yes. I mean, absolutely, and quite frankly, early on in the pandemic, we as an industry, put together a health and safety guidance on our own to ensure that (background noise) had an even higher degree of health and safety than we already had within the industry, and we (audio disruption) agree more that we need to have consistent messaging.

There needs to be collaboration, and I think, that is why this legislation is so important. We need (audio disruption) there is someone that is prioritizing the travel industry within the government.

But again, that is why we would like to see (audio disruption).

Mr. DUNN. All right. Thank you very much for your answer. Our time is growing short, but for the record, I agree that informed input by specialized knowledge is usually a better thing.

With that, Madam Chair, I yield back. Thank you.

VOICE. You're muted.

VOICE. We can't hear you, Madam Chair.

Ms. SCHAKOWSKY. (Crosstalk), you know, I'm going to have to call on a Democrat right now.

Debbie Dingell, who has been waiting, is next for 5 minutes of questions, and then, I will be calling on you. Sorry.

Mrs. DINGELL. Thank you, Madam Chair, and happy birthday like everyone else. I hope you enjoyed spending it with your colleagues doing good work.

Ms. SCHAKOWSKY. My favorite people. Thank you.

Mrs. DINGELL. And I want to thank you for holding this hearing, and I am heartened by the amount of attention that all of these diverse bipartisan proposals are receiving, and I want to thank all of you who are testifying here today for the work you are doing to help us discuss how we can do more to protect consumers and strengthen our economy. I would love to talk about all the subjects, but I probably will only be able to get to two if I am lucky.

So I'm a manufacturing girl, so I'm going to start with manufacturing. I have long fought for policies to support domestic manufacturing capacity, strengthen supply chains, grow American jobs, and improve America's competitiveness.

The impact of COVID-19 underscored the vulnerabilities in our manufacturing base, and we must be proactive in taking steps to promote further workforce training, research and development, and supply chain resiliency in critical industries.

Mr. Hagopian, how would having a centralized location for Federal manufacturing programs help alleviate supply chain disruption?

Mr. HAGOPIAN. Thank you.

You know, it definitely would be helpful if we had some central repository for information specifically related to programs that would help benefit our industry. Right now, as I stated in my opening comments, it is very difficult for us to find what we are looking for because we just have to comb through all the data.

So I did look through the Manufacturing.gov website. Let's just say it is a good start, but it needs a lot of work; and so to that extent, so long as the information that is provided is done so alongside industry and industry partners like the National Tooling and Machining Association, I think it would be most effective for small, medium, and large businesses, frankly, as well.

Mrs. DINGELL. Thank you for that. And while we are talking about manufacturing capabilities, I just want to reinforce that we need to get (inaudible) into the American compete supply chain subtitle across the finish line to strengthen our domestic manufacturing capacity now.

Let me switch gears to another critical issue I have been hearing with a great deal of respect for my colleague, the ranking member of the committee, but I really do have some real concerns about gender equity.

In many cases, women are paying more than men—that is a reality—for the very same identical personal care items, while still, unfortunately, in this country on the average, earning less for every dollar that a man earns exasperating purchase power inequities and outcomes.

I am an original cosponsor of the Pink Tax Repeal Act, and I heard the issues she raised, and hopefully, we can talk about them, but I think, it is beyond time that we end gender discrimination in the pricing of goods and services. So I think, this measure is vital to protecting women in this country.

Ms. Menin, it is an honor to be here with you. Is there any current—well, let me go to this. Why is both the FTC and State attorney general enforcement authority necessary to prevent unfair discrimination in the pricing of these nearly identical products?

Ms. MENIN. Thank you. You really need both to have jurisdiction. The Federal Trade Commission, obviously, is going to be setting national standards, they will do a lot through rulemaking, it will be incredibly important to have that national standard, and they are able to crack down on national retailers that may be operating in numerous states across the country.

At the same time, we also of course, want to have the State attorney generals to have their jurisdiction to be able to go after these practices as well.

Mrs. DINGELL. I think, there is oftentimes a misconception in this conversation that women should just purchase lower priced men's products without addressing the fundamental issue of why the prices between substantially identical products are different in the first place.

Ms. Menin, how does this argument perpetuate harmful disparities and purchasing power and equity for women? Would leaving this issue unaddressed exasperate disparities and equity for women, especially for those in lower incomes who might feel additional constrained by increased prices?

Ms. MENIN. Absolutely. The evidence is unbelievably clear that women are being charged more than men for literally almost the same product. I would like to give a couple of additional examples: Neutrogena women's lotion that's being sold \$16, men's Neutrogena lotion, \$10.28; Walgreens Schick razors, \$18.50 for women; Walgreens Schick razors, \$15 for men.

I could go on and on and on. Our study showed, again, 42 percent of the time that women were being charged more; and if you take that over the course of a woman's lifetime, it is completely unfair this Pink Tax. This is money that is being charged to women, it is not being charged to men; and when you compound that with the fact that women on average are making 83 cents to the dollar to men, we are losing out on incredible amounts of resources that rightfully belong to women in this country.

Mrs. DINGELL. Thank you very much.

Madam Chair, I am out of time, but I do want to associate with the comments of several of my other committee members on the

subjects of the need to do something about gun violence in this country as well. I yield back.

Ms. SCHAKOWSKY. Now, I want to make it clear. I am calling on Congressman Bucshon for 5 minutes.

Mr. BUCSHON. Thank you, Madam Chair. Happy birthday.

Ms. SCHAKOWSKY. Thanks.

Mr. BUCSHON. Thanks for having the hearing.

Travel and Tourism are an important economic sector for Indiana and the United States that have taken a massive hit over the course of the COVID-19 pandemic. The number of overseas arrivals for March were still 52 percent below pre-pandemic levels, and overall travel spending was still five percent below 2019 levels.

This is why I am glad that the Visit America Act, H.R. 6965, and the Travel and Tourism Act, H.R. 7820, are before us today. These bills will build off the work that Congress has already taken this year in enacting the bipartisan Restoring Brand USA Act which I was proud to be a cosponsor of that will help promote the return of international visitors to the U.S. by ensuring that Brand USA has the access to the funding it needs to fulfill its mission and to help showcase to the world the great things to visit in Indiana and throughout our country.

Unfortunately, successes like this are counteracted by the continuing implementation of COVID-19 travel restrictions and testing requirements such as requiring all international visitors to show a negative test within 24 hours of arrival.

I have cosigned a bipartisan letter highlighting that the inbound testing order remains the single biggest barrier to the full recovery of our international travel system, and that fully vaccinated travelers, in my view, should be exempt from these requirements. And ultimately, people who can show that they are naturally immune due to previously acquired COVID-19 disease should also be exempted.

Unfortunately, the CDC has not enacted commonsense policies like that; so when someone is considering visiting the U.S. or Europe, we help make that choice for them by making travel harder.

Ms. Barnes, thank you for all that you and the U.S. Travel Association do to support our economy. Would you agree that inbound testing requirements remain one of, if not the primary, deterrent for many travelers coming to our country? Is that true?

Ms. BARNES. Yes. Thanks, Congressman. Thank you for that question. In fact, we just did a recent international survey, and vaccinated travelers to come to top inbound markets, and 54 percent of them said the predeparture testing requirements were still discouraging them from coming to the United States, and so absolutely, it is a deterrent. That and the visa processing backlog are two of the biggest issues, but the predeparture testing requirement, that should go away today. Quite frankly, there is no science-based reason to keep that in place, and it is obviously, a significant deterrent.

Mr. BUCSHON. Well, thank you. I would agree with that, and you know, I mean, as a physician, I have my own views on when we should be testing completely asymptomatic vaccinated individuals and what the result of a, quote/unquote, positive test even means in those individuals.

It is a deterrent in a lot of areas right now; and at some point, I really believe, you know, we are going to have to decide when the endpoint is of just constantly testing everyone for COVID-19 because we'll be doing this forever if we don't define some endpoints here.

Also, the Travel and Tourism Act (inaudible) would require the development of a strategy to encourage international visitors to the U.S. I believe that this strategy should include provisions to encourage travel to places like Indiana that international visitors may not be aware of like they would things that are in New York or Los Angeles for example.

What are some of the ways that you and the U.S. Travel Association would work with the administration to ensure middle America doesn't get left out of these travel strategies and encourage people to visit our country?

Ms. BARNES. Sure. So two things: One would be, we really do think it is important to have an assistant secretary for travel and tourism. The reason is, is we need to have someone that is really focused on the industry at large and can help across all of the agencies to really enable a more travel-friendly environment, and I think that it is important to note that Brand USA, in fact—and as you noted, you cosponsored, and we are grateful for that—does this important work to bring international travelers to all destinations across all 50 states and communities alike.

So having a senior-level governmental official—again, I mentioned before that of the G20, the United States is the only country that does not have a minister of tourism—and so we think that having that person in place would be really important. Coupling that with the work that Brand USA does could mean really great things for all 435 districts in this country, including Indiana.

Mr. BUCSHON. Well, thank you very much for that answer.

And Madam Chair, I yield back.

Ms. SCHAKOWSKY. Thank you.

And now, I recognize Congresswoman Robin Kelly for 5 minutes.

Ms. KELLY. Thank you, Madam Chair, and I want to lend my happy birthday to you also. I hope you have great plans this evening.

I will start by saying thank you to Trista for providing her testimony today. I know it can't be easy to keep telling your story over and over, but it is inspiring that you turn a tragedy into action so no family has to go through what yours did.

When I (audio disruption), that was my hope, to prevent children from accessing button and coin batteries, so no family has to go through what the Hamsmith family have had to go through. I just really wanted to give you, Trista, the opportunity to share with the committee anything that you didn't get a chance to share in your opening statement.

Ms. HAMSMITH. Yes. Thank you, Ms. Kelly. I think it's important to note that, in our case, Reese didn't make it; but there are many children across the U.S. that, that was not the case, and they did make it, but they are living with lifelong injuries, and when I say, "lifelong injuries," I'm talking, they are having to go in for monthly dilations of their esophagus, their voice boxes are paralyzed, they are living years of their life on a trach.

For Reese, had she made it, they said that she would have been in the third grade before being able to sit down and eat a meal with her fellow classmates for lunch.

So I think it is important to note that, you know, whether these kids live or die, the devastation, whether it is for the family or the child, is a lifelong devastation that needs to be fixed.

Ms. KELLY. Thank you so much for sharing, and I am just grateful that Reese's Law is being discussed today, and I just want to encourage my colleagues to join as cosponsors and support this very, very important legislation so that, again, families will not have to go through the tragedy that this family went through.

And with that—it's my birthday present to you, Madam Chair—I yield back.

Ms. SCHAKOWSKY. Thank you both for that and for your support of this legislation.

And now, I want to give Debbie Lesko, who is one of the most loyal members of this subcommittee, and I appreciate your attendance and participation, and you have 5 minutes.

Mrs. LESKO. Thank you, Madam Chairwoman, and I wish you a blessed day and a blessed year.

Ms. SCHAKOWSKY. Thank you.

Mrs. LESKO. I think we are discussing a lot of really good bills today. The Reese's Law, Informing Consumers about Smart Devices, Travel and Tourism Act, the Remote Notarization Act, the Manufacturing.gov Act, and the Visit America Act all are good bills, and I am glad that they have bipartisan support.

I have a question, though, about the bill that is called the Pink Tax bill, and I want to pursue that a little bit more. While others were talking, I went onto Amazon, and there were 20,000 results for moisturizers when I looked up moisturizers. And so it ranged from Bulldog Skin Care Original Moisturizer, which is for men or teenage boys, \$2.81 a fluid ounce; Neutrogena was \$2.41 a fluid ounce; Aveeno was 0.61 cents a fluid ounce, and then, I looked up deodorants on Amazon. There was 4,000 results for deodorants.

VOICE. Hi. This is—

Mrs. LESKO. I remember when my son was a teenager, he liked the Axe brand, right? Because that was advertised to teenage boys and Axe Black deodorant for men is a dollar ninety-two an ounce versus, let's say, Lady Speed Stick is 0.81 cents an ounce.

And there are 3,000 results for razors. The Gillette Venus sensitive disposable razor, which is for women, is \$2.32 a razor. The Gillette Sensor III sensitive men's disposable razor was a dollar forty-two a razor.

So obviously, in that case, the same brand, they both say, "sensitive," they both say, "disposable." The women's razor was more than the men's, but it's different. It's a different head to the razor, a different shape.

So I guess, my question is for Ms. Manning. You know, how in the world is a woman or a man working for the Federal Trade Commission or in a State attorney general's office going to determine out of 20,000 different moisturizers or 4,000 different razors, if the reason for the price difference was because it is marketed to a man versus a woman or was it because of advertising?

For instance, my son, when he was a teenager, he wanted the Axe brand even though there are comparable brands that were a lot cheaper.

Also, not necessarily with women and men, but also, the point of it is, how about cornflakes? I buy Kroger brand cornflakes. They are a dollar forty-nine a box. Kellogg's cornflakes, the same thing, are \$5.00 a box. How is somebody in a government going to determine this?

Ms. MANNING. Well, I so appreciate the question because I think you are question raises the importance point that these are highly competitive markets for consumer goods, and that we are blessed with robust choice, and even now, with retailers like Amazon, we have access to many more choices than before, and you know, one misconception that I want to push back on is, the idea that all of this choice is somehow a burden.

This choice is not a burden. It's a great opportunity for women and men as consumers to find the exact product that they are looking for that fits their needs and their preferences and their price point.

I also want to point out, since we're here with the Consumer Protection and Commerce subcommittee, that the best consumer protection is that market competition that we are talking about, and when there are retailers in the market who are trying to provide a good or service, whether it is for men or women or a gender-neutral product, the downward pressure on price that we experience as consumers is because of market competition, and so I am happy to hear that there are so many retailers offering so many different—a wide variety of—choices in the marketplace.

I also did some research while others were talking, and I found that, the red and pink scooters that featured prominently in the New York City report, are available on Walmart.com today for exactly the same price. You know, they were cited as a Target.com purchase in the report.

Because we have market competition, because there are different retailers, women and men as consumers can patronize businesses that price products according to their values and their needs.

Mrs. LESKO. Thank you, Madam Chair, and I have run out of time, so I yield back.

Ms. SCHAKOWSKY. And the gentlewoman yields back.

And now, I recognize Congressman Soto for 5 minutes.

Mr. SOTO. Thank you so much, Madam Chair, for your indulgence. It is graduation season, so it has been pretty busy back here in Florida's Ninth congressional District.

What an exciting day today. I am thrilled to address multiple different key bills today with you and appreciate you and Ranking Member Bilirakis for your leadership to promote commerce and to protect consumers and ensure fair practices, whether it is Manufacturing.gov, a centralized website to create a primary hub for information for Federal manufacturing programs.

We make microchips. We make aerospace products. We also make boat products in the district. So this is going to be key for our district.

In addition, proving disclosures for devices like Alexa, Siri, and other home devices, we need to make we are protecting consumers.

Stopping the Pink Tax, practice of charging women and girls more than men for similar products, we are right with you, Madam Chair, on this one.

And Reese's Law, to protect children who accidentally ingest batteries named after a young boy who tragically lost his life in one of these situations.

Banning horse meat, horse soring tactics, as well as online notarization and statewide notary standards. As a notary, I can appreciate that, and I certainly appreciate all that you are doing.

I am also honored to represent the theme park capital of the world, Orlando, Florida. Visitors come from around the United States and the world to enjoy major tourism destinations like Disney, Universal, SeaWorld, Legoland, Old Town, Gator Land, and so much more.

Domestic tourism, I'm proud to report, Madam Chairwoman, has been very strong. The parks are packed as Americans are getting back to enjoying traveling with their families. I hope you see the same thing in all of your districts.

International travel has increased in North America and in Europe, but it has been more difficult for folks in South America, Asia, and Australia, potentially, because of pandemic-related delays, and so we want to make sure we are organized, have a plan to boost international tourism, and that's going to be exactly what the Travel and Tourism Act does.

It's going to require the secretary of commerce to establish an annual goal; and for international visitors, it will allow the secretary to develop and implement a COVID-19 pandemic recovery and strategy to assist this recovery, as well as statutory authority for U.S. Travel and Tourism Advisory Board to make sure the secretary is engaging with industry as we are developing and implementing COVID-19 pandemic recovery strategies.

Madam Chair, I want to make clear that I support both H.R. 7820, the Travel and Tourism Act, as introduced by Mr. Dunn and myself from Florida, as well as H.R. 6965, the Visit America Act, as introduced by Ms. Titus of Nevada.

As a sponsor of the Travel and Tourism Act, I want to make clear our intent is to have the bill be complimentary of the Visit America Act, and not a substitute for it. Is that also your understanding, and would you support moving the bills through committee through an open amendment process to ensure (audio disruption), and I ask, Madam Chair, if you wouldn't mind yielding for that question?

Ms. SCHAKOWSKY. I'm sorry. What was the question? Excuse me. I'm sorry.

Mr. SOTO. I am asking, is it your understanding, and would you support moving the bills through the committee through an open amendment process to ensure the proposers are complimentary to each other, and I ask if the chairwoman would like to yield to that question?

Ms. SCHAKOWSKY. This is not a question that the chair can answer, if you want to yield to the chair of the committee.

Mr. SOTO. Yes.

Ms. SCHAKOWSKY. Chair of the full committee? Yes.

Mr. SOTO. I am happy to yield to the Chair Pallone.

Ms. SCHAKOWSKY. I don't know that he is still here.

Mr. SOTO. Well, thank you, Madam Chair, this was my understanding. It's something that I will look forward to working with you and the ranking member and others on, so we get a bipartisan product that we all can support going forward and thank you for your time, and I yield back.

Ms. SCHAKOWSKY. Well, thank you, and I know that there is certainly a lot of bipartisan support for this legislation, so we will work together to move it forward.

And now, I call on Representative Armstrong for his 5 minutes.

Mr. ARMSTRONG. Happy birthday, Madam Chair.

Ms. SCHAKOWSKY. Thanks.

Mr. ARMSTRONG. Before I start, I would like to seek unanimous consent to enter into the record a letter from the American Land Title Association and 17 other organizations in support of H.R. 3962, and I think, your staff has got that letter this morning.

Ms. SCHAKOWSKY. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. ARMSTRONG. All right.

H.R. 3962, the Secure Act, is legislation to permit the nationwide use of remote online notarization which is simply an electronic notarization where the party and the notary are in different locations.

Even before the pandemic, we were rapidly transitioning to a world where the business is conducted through remote and electronic transactions. You can bank by a remote electronic transaction, testify in a judicial ?

VOICE. Hey.

Mr. ARMSTRONG. -? proceeding.

VOICE. (Crosstalk), I think, I was ? had to text real quick, and I wonder if that is why it happened because—?

Ms. SCHAKOWSKY. So ?-OK.

Mr. ARMSTRONG. And you can even draft eState documents that will eventually need to be notarized. There simply is no reason we should not allow remote online notarization.

Mr. O'Neal, is remote online notarization the equivalent or even superior to in-person notarization?

Mr. O'NEAL. Thank you, Representative Armstrong. Thank you, again, for your strong bipartisan leadership on this bill.

I think, comparing remote online notarization with traditional notarization is really instructive. Obviously, remote notarization is more convenient, but actually, it is also safer and more reliable too. You can see that in several ways:

One is the ID verification process. In a remote online notarization, you use the latest technological tools with multifactor authentication which is far superior to a notary trying to detect whether an ID that is handed to the notary is fraudulent or not.

Second is that remote notarization results in a much more robust audit trail, an audio/video recording. Traditional notarizations oftentimes don't have any evidence. Only a few states even require a notary to keep a paper journal.

Finally, the outcome of the notarization. A traditional notarization results in a paper document with notarization typically at the end, and it's relatively easy to slip a page or modify the document. Remote notarization, by contrast, results in a tamper-sealed elec-

tronic document. You see exactly what the document was when it was notarized and any changes made afterwards.

And finally, I will of course, just add that, both consumer and notary health and safety concerns make the remote option attractive and brings stronger consumer protections.

Mr. SOTO. As someone who has tried cases for a living, I agree that video evidence is highly probative and a safe considerable judicial resources. I have been a notary for two different professions, and I always wanted to get the one where you could actually pinch the paper and have the raised seal, but alas, I only ever had the stamp.

So I don't know if there is a special level of notary you get to where you get that, or if they just were transitioning in the State of North Dakota, but what groups of people are most likely to benefit from expanded access remote online notarization services?

Mr. ARMSTRONG. Well, obviously, all American consumers can benefit from remote services, but of course, think of the sick or elderly, people who are childcare givers, any immobilized Americans, or of course, anyone exercising social distancing could obviously benefit from remote notarization.

I will also highlight, any Americans who are traveling overseas, including servicemembers, if you are overseas, you often have to travel long distances to find an embassy or consulate to get a document notarized.

Remote notarization allows you to connect with a U.S. notary in real time and the resulting document is an electronic document that can be used instantly in the United States as opposed to trying to find a way to get a paper document notarized overseas shipped back home for use.

So I think it benefits all Americans.

Mr. SOTO. I actually remember when we had a lot of national guards men and women deployed to Iraq. We had people in North Dakota that would specifically go over there essentially as couriers to get documents notarized from overseas guards men and women and I mean, it just it was fascinating that, even at that point in time, that we couldn't figure out a better way to do it.

But this bill doesn't seek to Federalize the regulation of notaries or otherwise replace authority of states to regulate notaries, right?

Mr. ARMSTRONG. That's correct. This bill does not replace the states as the primary authority for both commissioning and regulating notaries. It simply provides a legal foundation and minimum consumer protections that states can exceed, and in fact, every State should be encouraged to add additional consumer protections and regulate notaries as they traditionally have done.

Mr. SOTO. And there is nothing in this bill that mandates a specific use of any particular technology either; is there?

Mr. ARMSTRONG. That's an extremely important point. This bill is technology neutral, doesn't mandate the use of any specific technologies, so the notaries can continually take advantage of whatever latest technologies, fraud deterrent technologies, come along.

Mr. SOTO. And I just want to—I will just end with, you know, I have actually had a lot of fun working with Representative Dean on this issue. We have got to do some different things, and it is not a trivial thing. The pandemic showed us that people—and particu-

larly with housing markets and highly competitive things—that this is really something that is more than just advancing technology. This can help people in a very real way while still protecting everything that notaries do.

So I appreciate the chance to do this. Thank you for your testimony, and with that, I will yield back.

Ms. SCHAKOWSKY. Thank you.

And now, I call on Kathleen Rice. I know you have been patiently waiting, and I appreciate it for your 5 minutes of questioning.

Miss RICE. Thank you, Madam Chairwoman, and again, happy birthday to you. What a way to spend your birthday, but I'm happy to be here with you.

First, I want to say a couple of things. There are very few bright parts. There is really very little that you could say positively about the pandemic, but one thing I appreciated during the pandemic was that, I wasn't wearing clothes that had to be dry cleaned anymore because I am sick and tired of paying not just a dollar more to have the same article of clothing cleaned, but multiple dollars more for no reason that I have heard during this hearing.

It was said that "disparity isn't always evidence of discrimination"; but in the absence of the disparity being based on something else, it is flat out discrimination it seems to me; and instead of talking about the possible negative economic impact of repealing the Pink Tax, how about the negative economic impact that women are experiencing every single day by spending more for the same exact thing and taking that money out of something that can be put in the bank making money for them given their lessor status already in the workplace. So I just wanted to make those two comments.

I have to say that I have known Julie Manning for many years, and I am so thrilled to have you here. You have been such a fighter for consumers and thank you so much for your time today.

I want to ask you, specifically—I would like to talk a little bit about the New York State Pink Tax law that was passed in 2020. Obviously, legislation aimed at ending gender-based price discrimination, and it was based on the powerful study that you did. Can you explain to us how the law is being implemented in New York? Has it? Because it was claimed that the New York law has not had a positive impact on lowering prices for women.

Can you talk a little bit about how it is being implemented in New York, and has it been effective in curtailing discriminatory gender pricing?

Ms. MANNING. Yes. Absolutely great to see you, Congress member Rice, as always.

So the New York State law was based on the study that we did at the New York City Department of Consumer Affairs, and the New York State law covers both goods and services that are essentially similar.

It defines "goods" as "substantially similar goods as to goods that exhibit little difference in the materials used in production, intended use, or design," and "services" definition is "services that exhibit little difference in the amount of time delivering, difficulty, and cost in providing the service."

It has been implemented, and fines are \$250 for the first violation. We think this law is incredibly important because it covers both goods and services; and as you correctly pointed out, women are being overcharged thousands and thousands of dollars a year for no reason whatsoever.

And when, for example, our study of 800 goods showed that 42 percent of the time, women are being charged more than men, the only natural conclusion there is that, there is discriminatory intentional conduct.

Miss RICE. Well, I mean, I couldn't agree with you more. I mean, the example that you gave about the scooter that is the same product, literally the same product, and the only difference is the color. I mean, that to me, is just the most outrageous example of this.

Ms. MANNING. Correct.

Miss RICE. Can you talk—

Ms. MANNING. And Target apologized and changed it as a result of the study. So the comment that was made earlier about that other companies aren't, we really were able to get companies across the board to stop this discriminatory practice.

Miss RICE. So Target did that, Ms. Manning, and did it have the impact of not having any scooters available for girls?

Ms. MANNING. Absolutely not. Scooters are available for girls. Scooters are available for boys. The only difference, now, is that they are the same price as they should be.

Miss RICE. I have got about 50 seconds, and you know, we talked before about the structure of the FTC working in conjunction with State attorneys general. Can you talk about the enforcement structure in New York and how that works?

Ms. MANNING. Absolutely. So the State is the enforcer. The City doesn't have the legal jurisdiction to enforce on the Pink Tax, so the State is doing it. It is the State consumer affairs department. They are the ones that are enforcing it. The State attorney general also has enforcement.

This is why, again, it is so important to have the Federal Trade Commission. That Federal Trade Commission, I have practiced law before them for years. They have particular expertise in ferreting out this exact type of content.

Miss RICE. I want to thank all the witnesses here. This is incredibly important conversation on all of these bills, and I yield back the 7-seconds I have left, Madam Chairwoman.

Ms. SCHAKOWSKY. Thank you so much.

And I am really—I would almost say, honored—to have someone who has signed on to be at this hearing today, has waited for quite a while, and I am proud to say that Paul Tonko, Congressman Tonko, now has his 5 minutes, and this is—if I am not wrong—last but not least.

Mr. TONKO. There you go. Well, thank you, Chair Schakowsky, and thank you to you and Chair Pallone for holding this hearing on these really important legislative issues, and of course, a ringing happy birthday and thank you for your youthful activism which cannot be denied.

I would like start by highlighting the Manufacturing.gov Act which I introduced, with Representatives Upton and Axne last year. Small-and medium-sized enterprises are the bedrock of our

manufacturing base employing about 43 percent of all manufacturing workers in the U.S.

They play an instrumental role in producing critical products essential to our economic vitality. They include fabricated metal products, machinery, electrical equipment, appliances, computers, plastics to name a few.

I think, we all agree the Federal Government needs to be doing more to promote manufacturing here at home.

But, Mr. Hagopian, what are some of the current Federal programs that assists small-and medium-sized manufacturers to become more competitive, and how familiar are manufacturers with these programs?

Mr. HAGOPIAN. Thank you for the question. I would say that manufacturers, especially small-and medium-sized enterprises, are largely unfamiliar with government programs because the owners of these—and managers—of these companies are largely head-down leaders. They are very engaged in the day-to-day activities of their business; and as such, find it difficult to avail themselves of these resources mainly because they have to search for them.

That being said, there are two particular resources that are available that these companies do use on a large basis, and those two things are Section 179 Accelerated Depreciation and the R&D Tax Credit, both of which my company enjoys, and we use that money to reinvest in our business.

Mr. TONKO. So, sir, I would ask you then, Mr. Hagopian, you know, would the Manufacturing.gov Act assist small-and medium-sized manufacturers in terms of awareness of Federal programs?

Mr. HAGOPIAN. Yes. So certainly, we need a place, a central repository, where the information is easy to access and understand; and again, through our industry association and the National Tool and Machining Association, we'll assist the government in promoting all of those benefits to the small-and medium-sized enterprises.

Mr. TONKO. Thank you. And this bill has already passed the Senate, and I hope that we can pass it here in the House as well to deliver on a bipartisan basis for our U.S. manufacturers. I am going to switch gears now.

As co-chair of the congressional Horse Caucus, and as one who worked with Chair Schakowsky with the ASPCA to develop our Horse Racing Integrity and Safety Act, I would like to provide or State my support for two vital bills to protect horses: the SAFE Act and the PAST Act.

As we have heard, the SAFE Act would finally put in place a permanent Federal ban to protect horses from slaughter. It is critical for the welfare of our equines, the sustainability of the equine industry, and the protection of horse owners across the country that we end this predatory practice for good.

The PAST Act ends the failed system of industry self-policing on abusive soring practices and strengthens enforcement measures for those caught continuing this horrible practice. It passed the House in 2019 on a bipartisan basis, as you all know, and I hope we will be able to pass this into law this year.

So Ms. Kraska, can you tell us why it is so important to pass these two bills to protect our American equines and those equine athletes?

Ms. KRASKA. Thank you so much, Congressman Tonko, and you have been a real leader in this phase, and we greatly appreciate everything that you have done for horses and the people who love them in this country.

So I am here, of course, representing an animal protection organization, the ASPCA; and from our perspective, both of these practices need to end because they are extremely cruel, but we are on the Consumer Protection subcommittee, and one of the additional most important reasons that we need to pass both of these bills is because of the people that they impact in this country—the impact of this cruelty on industries, on horse owners, on the people who care about horses in this country.

There are 38 million, you know, self-described horse enthusiasts. That's a ton of people, and horse soring and horse slaughter are both black eyes on the overall industry, and that is why we see so much industry support for passing these measures.

We also know that these practices impact the entire equine community. They drive down participation in shows, they cause owners to be fearful of rehoming their horses which has some really distressing negative externalities. They (inaudible) predatory behavior practices like kill pen bailouts, and we know that there are even some individuals who will buy racehorses and then go back to their previous owners to try to extort them for funds before sending them to slaughter.

So there is really no reason for these practices to exist anymore. That is why we need these bills.

Mr. TONKO. Wonderful. Well, thank you for your advocacy and let's get it done.

I have exhausted my time, Madam Chair, again, wonderful happy birthday to you, and I hope you and Bob celebrate wickedly. So I yield back.

Ms. SCHAKOWSKY. Well, I really want to express my real gratitude to the witnesses today. I think, all of you did an extraordinary job of making your positions very clear answering the questions.

I want to remind Members that, pursuant to committee rules, they have ten business days to submit additional questions for the record to be answered by the witnesses who have appeared today, and I ask each of the witnesses to respond as promptly as possible to questions that you are getting in writing. I would appreciate it so very, very much.

Ms. SCHAKOWSKY. And before I adjourn, I just wanted to—where is it?

VOICE. It is right here.

Ms. SCHAKOWSKY. OK. Yes. Before we adjourn, I request unanimous consent. Well, first, let me see if there anything that Mr. Bilirakis wanted to add before we adjourn about the hearing—the ranking member.

Gus, do you want any final—

Mr. BILIRAKIS. I tell you, it was an extremely productive hearing, and I appreciate it very much, Madam Chair. We learned a lot, a

very diverse amount of bills, and extremely informative, and I want to wish you, again, a very happy birthday.

Ms. SCHAKOWSKY. Thank you. Thank you.

So I request a unanimous consent now to enter the list of 47 documents as reviewed by Democratic and Republican staff into the record. Is there any objection?

And hearing none, so ordered, and without objections, then, we will enter that into the record.

Ms. SCHAKOWSKY. And with that, this wonderful hearing is adjourned.

[Whereupon, at 2:35 p.m., the Subcommittee was adjourned.]

[The information appears at the conclusion of the hearing.]



AMERICAN
HORSE COUNCIL
1616 H Street, NW, 7th Floor
Washington, DC 20006

May 22, 2022

The Honorable Janice D. Schakowsky
Chairwoman
House Subcommittee on Consumer Protection and Commerce
House Committee on Energy and Commerce
2125 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable Gus M. Bilirakis
Ranking Member
House Subcommittee on Consumer Protection and Commerce
House Committee on Energy and Commerce
2125 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairwoman Schakowski and Ranking Member Bilirakis:

The American Horse Council is grateful the House Subcommittee on Consumer Protection and Commerce (House Committee on Energy and Commerce) will be conducting a legislative hearing on May 26, 2022 to consider a series of bills to “*Protect Consumers and Strengthen the Economy*.” Two of the bills under review at the hearing (H.R. 5441, the “*Prevent All Soring Tactics of 2021*” (PAST Act of 2021) and H.R. 3355 the *Save America’s Forgotten Equines Act of 2021* (SAFE Act of 2021) involve the horse industry, and we are grateful for your thoughtful consideration. The American Horse Council also offers our expertise to assist the Subcommittee as well as all Members of Congress as it relates to the horse industry.

As do all associations, the American Horse Council is founded on consensus of its membership in terms of positioning on issues. As our goal aspires and reflects the intentions of our membership – we do not have a formal position on the SAFE Act due to our commitment to our members. The horse industry is still split on its evaluation concerning the needs and utility of horse processing within the United States. However, we strongly support the PAST Act, as we are committed to ending the cruel practice of soring of Tennessee Walking Horses, Spotted Saddle Horses and racking horses and urge the Subcommittee’s expedient support and approval

of the PAST Act to strengthen the Horse Protection Act (HPA) and ultimately end the practice of soring.

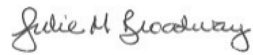
Soring is an abusive practice used by some horse trainers in the Tennessee Walking Horse industry, and usually involves the use of action devices, chemicals, pads, wedges or other practices to cause pain in the horse's forelegs and produce an accentuated show gait for competition. Despite the existence of a federal ban on soring for over fifty years, this cruel practice continues in the "big lick" community.

The PAST act would amend the HPA to prohibit Tennessee Walking Horses, Spotted Saddle Horses and racking horses being shown, exhibited, or auctioned with an "action device," or "a weighted shoe, pad, wedge, hoof band or other device or material" if it is constructed to artificially alter the gait of the horse and is not strictly protective or therapeutic. The legislation would also increase fines and penalties for violations. As you know, the PAST Act has strong bipartisan support in both the House and Senate.

Most major national horse show organizations support the PAST Act, including the American Horse Council, the American Quarter Horse Association, the American Association of Equine Practitioners, the American Paint Horse Association, U.S. Equestrian Federation, the American Morgan Horse Association, the Pinto Horse Association of America, the Arabian Horse Association, the American Saddlebred Horse Association, the United Professional Horsemen's Association, and the Appaloosa Horse Club as well as many state and local horse organizations.

Again, we very much appreciate the prompt consideration and support of the PAST Act and urge the bill's approval and timely consideration in the full Energy and Commerce Committee and ultimate House floor consideration.

Sincerely,

A handwritten signature in cursive script that reads "Julie M. Broadway".

Julie M. Broadway, CAE
President - American Horse Council & American Horse Council Foundation
1616 H Street NW, 7th Floor Washington DC 20006
202-296-4031

DINA TITUS
MEMBER OF CONGRESS
1ST DISTRICT NEVADA



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

COMMITTEE ON
FOREIGN AFFAIRS
COMMITTEE ON
HOMELAND SECURITY
COMMITTEE ON
TRANSPORTATION &
INFRASTRUCTURE

CHAIRWOMAN, SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,
AND EMERGENCY MANAGEMENT

May 26, 2022

The Honorable Jan Schakowsky
Chair
Subcommittee on Consumer Protection &
Commerce
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member
Subcommittee on Consumer Protection &
Commerce
Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Chairwoman Schakowsky and Ranking Member Bilirakis,

Thank you for the opportunity to have my bill, H.R. 6965, the *Visit America Act*, heard before your subcommittee today. The *Visit America Act* would help strengthen the U.S. travel and tourism industry at a time when it is needed most.

The pandemic has been difficult for our country, and our region in Southern Nevada was hit harder than anywhere. With a workforce heavily dependent on travel, tourism, and hospitality, many folks lost their jobs and livelihoods as the pandemic brought our economy to a halt.

Before the pandemic hit, Las Vegas had the highest concentration of employees in the U.S. tied to the tourism industry with 28 percent of the workforce. When the regional economy is tied so closely to the hospitality sector, it is extremely vulnerable to economic shocks. In the first year of the pandemic, only 19 million people visited Southern Nevada, our lowest volume since 1989, representing a 55 percent decrease from pre-pandemic levels. As a result, unemployment spiked to 33.3 percent and averaged 14.7 percent throughout 2020.

Fortunately, the tide is beginning to turn. I have heard from multiple businesses in Southern Nevada that rooms are fully booked on the weekends and tax revenue is up 4.2% as a result of the pent-up demand for travel. Yet, we need to do more to insulate this industry from future disruptions and create a long-term strategy for its resilience.

That is why I introduced the *Visit America Act* which would create an assistant secretary position within the Department of Commerce focused on coordinating travel and tourism policy across federal stakeholders.

Currently, the U.S. is the only member of the G20 that does not have a Cabinet-level or equivalent position focused on tourism. By elevating this role within the Department of Commerce, we are also recognizing the strategic importance of the travel economy in the age of global competitiveness.

Additionally, my bill would formally authorize the U.S. Travel and Tourism Advisory Board to serve as the advisory body to the Secretary of Commerce and to help develop a 10-year travel and tourism strategy that sets forth goals for international visitation and travel exports, and ensures domestic policy is optimal for achieving these priorities.

As the subcommittee continues to consider legislation to strengthen our economy, I really appreciate your allowing my bill to be a part of the discussion. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dina Titus".

Dina Titus
Member of Congress



Neda DeMayo
Founder, President
Return to Freedom Wild Horse Conservation

Testimony before the
United States House of Representatives
Subcommittee on Consumer Protection and Commerce

Legislative Hearing to Protect Consumers and Strengthen the Economy
Thursday, May 26, 2022 - 12:00pm
John D. Dingell Room, 2123 of the Rayburn House Office Building

Chairman Schakowsky, Ranking Member Bilirakis and distinguished members of the Subcommittee, thank you for the opportunity to present testimony in support of the Save America's Forgotten Equines (SAFE) Act of 2021 (H.R. 3355) and the Prevent All Soring Tactics (PAST) Act (H.R. 5441). The SAFE Act would finally place a permanent ban on horse slaughter in the United States and the export of American horses for slaughter, while the PAST Act aims to eliminate the failed system of industry self-policing, strengthen penalties against the soring of horses and ban devices that are integral to the soring process. For the purposes of this statement, we will focus on the SAFE Act.

My name is Neda DeMayo, and I am the founder and president of Return to Freedom Wild Horse Conservation (RTF): a national nonprofit wild horse and burro advocacy organization. As a lifetime equestrian and advocate against horse slaughter, I first became involved in the wild horse issue in 1994 and incorporated Return to Freedom in 1997. A year later, RTF founded its American Wild Horse Sanctuary in Lompoc, Calif.

RTF has worked to end horse slaughter of over 20 years alongside our representative in Washington, D.C., Chris Heyde, who initiated the national campaign to end horse slaughter in 2001 and continues to actively lead efforts before Congress on this important bill. He is one of the few working on this issue to have been inside an operating horse slaughter facility in the United States, followed trucks hauling horses to Mexico and Canada and gone undercover in auctions selling horses to slaughter across the United States. His efforts have shown the urgent need to end this cruel practice and refute the excuses put forward to defend it. I am submitting for the record an article that Chris wrote for us marking the 20th anniversary of the bill which was February 14th of this year.

RTF works to meet the immediate needs of rescue and sanctuary for wild horses and burros while striving to provide humane, non-lethal solutions to preserve wild horses in free-ranging herds. RTF has played an active role in the rescue and rehoming of more than 2,000 at-risk horses and burros.

We now care for more than 450 wild horses and burros at our sanctuary's three California locations – horses and burros that might have otherwise fallen into the foreign slaughter pipeline.

Our sanctuary has provided us with the opportunity to share the story of America's wild horses and burros, from their legacy as a reintroduced native species to the challenges that they face. Some sanctuary visitors are surprised that there are still wild horses and burros roaming our public lands, but there is no doubt why people of all ages continue to visit: Americans have an unwavering bond with the descendants of the horses that have helped build our country and shape our culture.

Horse slaughter is the ultimate betrayal of that bond.

With the support of Congress, advocates have succeeded in keeping horse slaughter plants closed within our borders since 2007, the foreign slaughter pipeline remains a shameful open secret for a horse-loving country such as ours.

That an unknown number of wild horses and burros – animals that are federally protected while roaming our public lands – are among those sent to slaughter each year adds further insult to injury. It is an insult to the taxpayers who have invested so much into our wild herds in the more than 50 years since Congress unanimously passed the Wild and Free-Roaming Horses and Burros Act (Act) out of concern for their dwindling numbers.

Congressional appropriators have repeatedly told the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) that they cannot sell captured wild horses and burros without protections against slaughter. Yet, wild equines are among those that die in foreign slaughterhouses each year.

How can that be? Because once title is passed from the BLM or USFS, immediately to buyers and after one year to adopters, wild horses and burros lose their federal protection and are no longer tracked by the agencies. The agencies are allowed to sell a wild horse or burro ages 10-older or that has been passed over for adoption three times, a change made to the Act without public knowledge and something RTF has worked to reverse.

As for adoptions: In 2019, the BLM created an Adoption Incentive Program (AIP) that pays adopters \$1,000 per wild horse or burro in an effort to reduce off-range holding costs. This has resulted in adopters holding wild horses or burros for a year, collecting the cash, then auctioning off horses or burros at places where known kill buyers are waiting.

RTF has urged the BLM to address public and congressional concerns about the safety of adopted wild horses and burros. While some changes have been made to AIP, more must be done to protect captured wild horses and burros from having their lives handed over to people willing to make a quick buck from their deaths, abusive homes or even well-meaning adopters that cannot afford a horse or burro – all ways that they can end up in the slaughter pipeline.

It must be stressed that wild horses and burros are captured and removed from the range and placed at risk of slaughter by federal mismanagement that has stretched over decades. In the absence of predators, the BLM (as well as USFS) continues to try and fail to meet low, arbitrary population targets by capturing and removing wild horses and burros while scarcely implementing proven, safe and humane fertility control. As a result, thousands of wild horses and burros are removed from their home ranges each year in controversial and often deadly helicopter roundups.

Please keep in mind: More than 90 percent of horses – domestic and wild – exported for slaughter are in good condition, according to a U.S. Department of Agriculture study. These are healthy animals enduring terror, trauma and pain in crowded trailers bound for Mexico and Canada. Then, on the killing floor, horses can have their throats cut while fully conscious.

That is unacceptable and un-American.

And yet, it has been more than 20 years since the first bill to ban horse slaughter was introduced, only to be reintroduced over and over again. In the time since:

- Voters from both parties have repeatedly voiced overwhelmingly opposition to horse slaughter. As recently as December, a poll found that 83 percent of Americans oppose it. This is opposition that holds strong regardless of political affiliation.
- Congress has consistently supported language in annual Agriculture Appropriations bills blocking horse slaughter; however, this de facto ban does nothing to protect thousands of American horses shipped to foreign slaughterhouses each year.
- Support for this legislation within Congress is strong, with 215 bipartisan House cosponsors as of today.
- Attention to equine aftercare and retirement have greatly improved and the number of quality rescues continues to grow.
- The number of horses exported for slaughter has plummeted from more than 166,000 per year in 2012 to 23,431 in 2021, thus exposing false claims of “unwanted horses” flooding the system should slaughter and the export of horses for slaughter be banned.

This is not some thriving business employing many. Rather, it is one in which an unscrupulous few continue to profit from cruelty by irresponsibly sending unwanted healthy animals to an ugly, undeserved death – while also threatening human life because of the many veterinary medications that American horses routinely receive.

It is time to end this ongoing tragedy out of respect for the lasting connection that our country has had with the horse – in work and at war and in play – and out of concern for both horses and human health.

I strongly urge you to be part of a proud new chapter for America’s horses by advancing this popular bipartisan bill.



20 Years Ago Today, Congress Took Up the First Bill to End Horse Slaughter

By *Chris Heyde*
Lobbyist, Return to Freedom
Feb. 14, 2022

I never imagined I would still be fighting to end horse slaughter, but as the classic Beatles song goes, it was 20 years ago today that our first federal bill aiming to ban horse slaughter was introduced in the United States House of Representatives by then-Rep. Connie Morella, R-Maryland.

The American Horse Slaughter Prevention Act (H.R. 3781) was a straightforward ban on the slaughter of American horses for human consumption or their export for the same purpose. It came as the result of visits I took to the New Holland Livestock Auction in Pennsylvania after hearing about what was happening there from a friend and colleague, Liz Clancy Ross. Ross had visited the auction where horses, many of them quite healthy, were being bought by unscrupulous “killer buyers” who were then trucking them to slaughter. Three U.S.-based, foreign-owned plants (a fourth in Nebraska had recently closed) were brutally slaughtering these majestic animals and exporting the meat to high-end diners in Europe and Asia. Horses were trucked over the border for slaughter there. Additionally, in order to meet the demand, horses were imported into the United States from Canada and Mexico for slaughter as well as exported to those countries for the same purpose.

American Horses Exported for Slaughter			
Year	To Canada	To Mexico	Total
2002	25,219	774	25,993
2003	21,434	818	22,252
2004	19,725	4,114	23,839
2005	17,324	7,821	25,145
2006	21,709	11,080	32,789
2007	32,452	45,609	78,061
2008	42,232	56,731	98,963
2009	52,405	46,098	98,503
2010	53,803	52,862	106,665
2011	59,743	67,782	127,525
2012	55,781	110,791	166,572
2013	42,102	102,554	144,656
2014	40,410	105,375	145,785
2015	40,670	84,938	125,608
2016	29,472	78,724	108,196
2017	12,273	67,289	78,857
2018	10,568	70,708	81,708
2019	10,486	53,947	64,433
2020	6,919	29,966	36,885
2021	5,139	18,292	23,431
2022	612*	2,152*	2,764*

*As of March

I had to see for myself and subsequently visited the auction on multiple occasions. What I witnessed was heartbreaking, but I knew I had to follow the trail further. I arranged to visit the Cavel International slaughterhouses in DeKalb, Ill. – something nobody else had done. My report from the Animal Welfare Institute Quarterly speaks of the unthinkable cruel treatment horses endured there. I had seen the suffering with my own eyes. I knew the only remedy was a complete ban on horse slaughter. Ross and I began drafting legislation and, soon after, Rep. Morella agreed to introduce the bill.

As we visited with lawmakers to recruit congressional support for Rep. Morella's bill, we continued to build a vast library of knowledge about horse slaughter. We collaborated with grassroots activists to track horses going to the domestic plants and across our borders into Canada and Mexico. We partnered with wonderful people providing rescue and sanctuary to horses in need. We made close ties with residents and officials adjacent to the U.S. plants who strongly opposed their presence. We befriended experts who shared their knowledge about horses and the suffering they endured. We spoke to those with hands-on knowledge of the transport issues involved (the horses were being moved on double-deck trailers designed for cattle and pigs – a practice we eventually outlawed for horses going to slaughter). We spoke with horse owners, with veterinarians, and with the American public. In short, we built an incredibly strong campaign to end the slaughter of American horses.

Support for banning slaughter caught on like wildfire. Hundreds of elected officials on Capitol Hill signed their names to the bill. It also touted enormous support in the horse racing industry, and with general horse owners, business moguls, high-profile athletes, and scores upon scores of celebrities. Press interest ran high. After a few years, the energy around the issue caught the eye of other animal welfare organizations that joined the fight. And yet, opponents claimed that horse slaughter was a “necessary evil” to dispose of “unwanted” horses. The quagmire grew thick. While public support for a ban continued to grow, the bill got stuck in the mud. In short, our horses continued to suffer the horror of slaughter at the expense of petty politics. Today, a full ban remains elusive.

That is not to say that there has not been tremendous progress in the meantime. By discovering and enforcing an existing 1949 state law in Texas, two plants there were closed. The Belgian-owned Cavel International plant in Illinois was shuttered after I worked with state legislators (including then-state Sen. Barack Obama) on the first outright state legislative ban on horse slaughter. Unfortunately, the transport of horses to slaughter comes under federal regulation, making state-level policy only a temporary solution.

While a vast network of horse rescue facilities and sanctuaries continues to grow, today there are very few Americans unaware of horse slaughter. Congressional support for a ban remains high and vocal opponents of a ban are thankfully few and far between, though still lurking in the shadows. Those who once cried that a ban on horse slaughter would lead to a flood of “unwanted horses” across the fields of America, who said a ban would cause horse abuse and neglect to rise, have been proven wrong. Yes, American horses still go to slaughter – across the border to Canada and Mexico – but the numbers have declined significantly with each passing year. Last year, fewer American horses were slaughtered than ever before, but one horse lost to this industry is one too many.

Americans have spoken loudly and clearly. The American people oppose the inhumane slaughter of this country's horses, period. Twenty years later, the case for ending horse slaughter in America is stronger than ever, and it is time for Congress to pass our bill into law.



Necessary Evil or Blind Eye? Putting an End to the Cruel Practice of Horse Slaughter

BY CHRISTOPHER J. HEYDE

To most Americans the horse slaughter industry exists only in the shadows of the nation's dark past. It is a practice that is off the mark. Neglected, surplus, or discarded horses considered burdensome are currently more likely to fall victim to slaughtering in the United States for human consumption abroad.

A long fought against the cruel and inhumane conditions within livestock slaughterhouses. Horse slaughter facilities are no different and may, in fact, be worse. Since horses in the US are not raised or consumed for their meat, the horse slaughter industry manages to avoid much of what little oversight exists. Until December 7, 2001 no regulations even existed in the US governing the treatment and care of horses during transport to slaughter.

Horses end up in slaughter in a variety of ways. Many are sent there after being slaughtered by individuals or groups no longer able or willing to care for them. Sometimes they are retired or injured race horses, riding school or show horses, federally protected wild horses, foals born as a by-product of the Framarino industry, or stolen horses. Auction houses provide a place for these horses to be sold, and owners to discard an animal they no longer want while getting some cash in return. Those purchased at auctions by individuals known as "killer buyers" are then shipped on double-deck trailers for as long as seven days without adequate water, food, or rest only to

arrive at the slaughterhouse where workers abuse them right up to the actual slaughter.

To better understand the cruelty perpetrated by the horse slaughter industry I went to one of the three remaining US-based, foreign-owned horse slaughterhouses (two in Texas and one in Illinois) to see what it takes place. It didn't take long to realize that all of the horrible stories were going to prove true before my eyes within the 45 minutes I was there.

Located at the rear of the nondescript facility was a double-deck trailer fully loaded with horses. They filled the trailer and were packed so tightly that they were normally forced to keep their heads low. Despite the fact that several of the horses I could see had cuts and blood trailing from their mouths and noses, all looked healthy and fairly young. Only a few horses at a time were moved from the trailer to the processing area. When they were taken some were moved off the trailer, workers poked them with long fiberglass rods through holes on the side of the trailer. The horses, typically very sensitive animals, slid and fell down the ramp only to be whipped by another worker's rod. All of the horses had the same look of fear, a typical of "flight" behavior in horses.

passing in panic-like movements with their ears pinned back against their heads and eyes wide open.

Once inside the building more callous workers, standing on the roof of the building, pushed the stalls, beat the horses on the nose, forehead, neck, back, or hindquarters to get them to move. This continued until they entered the kill chute.

Two egregious acts of cruelty took place right in front of me. The first was the kicking of the horse's hindquarters as they were being moved down about three feet deep. A section of the grates was missing in one of the stalls through which horses were being forced. Because they were crammed into a space and panicked, each horse fell into

the open hole, unable to get out since the floor was wet and slippery. Workers continued to beat the horses until they were able to throw their bodies out of this hole. Due to the overcrowding and panic, a large male got his leg hooked over one of the upper grates and was unable to get out. He beat him continually until the horse lunged forward gouging his leg open on the solid metal fence, which forced his leg free of the rail. Federal Department of Agriculture inspector during slaughter, but an inspector was now in the facility with a sense of utter disbelief at the magnitude of the brutal treatment. These horses were not sick, sick, or past recovery. They were adoptable. One can only imagine how many more horrific incidents take place at this and other slaughterhouses each day where any oversight is minimal.

Mr. Hettinger, a Thoroughbred industry for his tireless campaign to educate owners and push for a ban on slaughter. Mr. Hettinger, in a letter strongly refuting a statement issued by the "Horse Industry," rebutted its claim that the "Horse Industry" is opposed to slaughter. He stated that the industry to slaughter provides additional money to purchase another horse or

extra cash to those stealing them. These horses are being slaughtered simply because the option exists, and money can be gained. There can be no defense of this industry.

John Hettinger, a Thoroughbred owner well known in the Thoroughbred community, has taken the lead in the fight against horse slaughter. He has received numerous awards from the Thoroughbred industry for his tireless campaign to educate owners and push for a ban on slaughter. Mr. Hettinger, in a letter strongly refuting a statement issued by the "Horse Industry," rebutted its claim that the "Horse Industry" is opposed to slaughter. He stated that the industry to slaughter provides additional money to purchase another horse or



At the end of his life he should be retired, adopted, or humanely euthanized if no better solution can be found. Anything else makes a mockery of the words which, for centuries have been used to describe our game...

Sport of Kings.

—John Hettinger, Trustee, New York Racing Association

(throughout the "Horse Industry") killer buyers and the callous and irresponsible people who dump their horses at the end of their usefulness."

Allowing slaughter to continue is simply turning a blind eye to the larger problem of cruelty, neglect, and complete irresponsibility. Horses should not be treated as commodities to be bought and sold, and they should not be treated as a means to a profit. Horses should be treated as sentient beings and have exist in every state and should be enforced when animals are being abused. Simply exchanging one form of cruelty for another is not the answer.

Mr. Hettinger summed up the need for a total ban when he noted, "Absent legislation, horses are involved in this worst case slaughter that is completely a shameful situation. With a ban on slaughter we could concentrate all our efforts on making sure that the other quality of life problems of horses will receive more and better attention than they ever have before."

The AVMA's companion organization, the Society for the Prevention of Cruelty to Animals (SPCA), is working with the American Horse Slaughter Prevention Act, together with the Doris Day Animal League, is working with Congresswoman Constance Morella (R-MD), who introduced legislation called the American Horse Slaughter Prevention Act to ban the domestic and international transport of live horses for slaughter for human consumption. 🐾

Opposite page: Two terrified horses await their fate at a US slaughterhouse. Photo by Gail Eisnitz/Humane Farming Association.

Left: Retired horse lives at peace on one of the many horse sanctuaries throughout the US.



Horses In Our Hands

9647 N 63rd Street, Longmont, CO 80503

<https://www.horsesinourhands.org/>

May 24, 2022

The Honorable Janice D. Schakowsky
Chair Subcommittee on Consumer
Protection and Commerce
U.S House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Gus M. Bilirakis
Ranking Member Subcommittee on
Consumer Protection and Commerce
U.S House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

Distinguished Chair Schakowsky and Ranking Member Bilirakis,

My name is Siri Lindley. Both my wife, Rebekah, and I are World Champion athletes turned animal advocates. We co-founded Believe Ranch and Rescue our non-profit 501©3 saving horses from slaughter and Horses in Our Hands our 501©4 a lobbying and education organization dedicated to passing the SAFE ACT (HR 3355) and banning the barbaric practice which is horse slaughter.

Horses are an American Icon. We have fought wars on their backs. They have carried across the frontiers. They have worked our ranches, rounded up our cattle, and been invaluable partners throughout the centuries.

Horses are powerful teachers, for they have no egos, they never lie, and they manifest unbridled compassion. The things we learn through working together with horses and witnessing how they live their lives, give us deeply powerful insights into how best to navigate life. They model relationships that demonstrate acceptance, kindness, tolerance, patience, justice, compassion, and forgiveness. Horses cause all of us to become better people, better friends, better parents, children, partners, and citizens.

In the last decade, it has become abundantly clear, the transformational healing power of the horse. Horses have an extraordinary ability to emotionally transform the lives of millions of men, women and children suffering from deep psychological wounds, PTSD, emotional and mental disabilities, Autism, Addiction, and anxiety.

Equine therapy has become one of today's most effective cutting-edge methods of healing.

Often, a last resort option that leads to the answer to many people's lifelong struggles.

Millions of these beautiful healers are brutally slaughtered each year. You may picture in your mind what slaughter means, a quick and painless death. This is far from the truth for horses.

Horses, regardless of the condition they are in, endure a long 2-5-day trip in an overcrowded trailer. No food, no water, and no place to move. Especially horrific are these trailer rides in the middle of summer. Horses die without water and oftentimes, they do not make it to the slaughterhouse alive. Many arrive in Mexico and Canada with broken legs, missing eyes or just having been beat to a pulp during this terrifying ride.

Once at the slaughterhouse, the terrified horses are beat on the back with metal rods, forced into a corral leading into the slaughterhouse where one by one their back legs are attached to a pulley. They are lifted into the air, hanging upside down. They receive a shot to the head or a machete to the spine, which does NOT kill them immediately. For over 5 minutes these horses are being dismembered ALIVE hemorrhaging blood that lands at the feet of the terrified horses next in line. The sounds within that house of terror would bring any human with a heart to their knees, witnessing this savage, barbaric torture of these beautiful American heroes.

When I rescued my first horse Savannah, I had never had horses before. In trying to create a relationship with her, I learned more about myself than I had in the previous 47 years of my life. Savannah showed me a bravery and courage inside of me that I could never imagine could exist. She changed me. I would never be the same me again.

In November 2019, I was diagnosed with a rare and most often, deadly, form of Acute Myeloid Leukemia. 2 years after my wife and I began our mission to give these beautiful animals a voice.

Savannah played a crucial role in my overcoming this deadly disease. Not only because of the purpose that gave power to my every breath, but she reminded me of who I am. You get to choose what is possible for you, what you are capable of and what any single circumstance will mean to you.

I made the decision to survive and to thrive. Every thought I had, every action I took, every decision I made was with that outcome in mind.

This would prove to be the hardest, toughest, most terrifying fight of my life. Bringing me to my knees daily. In my darkest moments I would seek refuge with the horses. Just sitting in the middle of the pasture soaking up the peacefulness, the acceptance, the calm of these beautiful beings.

Every time I would come inside from time with the horses, I had a sense of peace. Inner calm that allowed me to build up my mental and emotional strength that I needed more than ever.

Horses are our mirrors. They know exactly how we are feeling at any given moment. Thus, they know what we need in any given moment. Once you have earned the trust of the horses, and you trust them in return, they will give you exactly what you need, every single time.

After being in hospital, and away from home for over 2 months, I returned home to the ranch. I had fallen into deep depression. The fight for my life wearing me down and having no access to what always filled me up and gave me strength, the horses.

The moment I returned home; 25 pounds lighter than I am today. Weak and so very sick. I told my wife; I want to ride Savannah. She said “absolutely, not.” She is too powerful, too fast, too feisty, this is so dangerous.” I understand horses and I understand Savannah. I knew she would protect me with her life.

I got on my horse, in the middle of spring, grass a foot high.

She didn’t reach for the grass. She didn’t move until I lightly pressed my heels to her body. She took the tiniest little steps. Slowly and patiently, knowing that in my state, that is all I could handle.

Each week, as I got stronger and stronger, her steps would get a bit bigger, a bit faster.

1 year post bone marrow transplant, having just been told I am cancer free, I mounted Savannah and before I even had my feet in the stirrups she took off. She was saying “mom, you are healthy now. I will no longer treat you like you are sick and fragile. I will show you every step of the way what you are capable of and what you can handle.”

This was the most powerful gift. If any of you are cancer survivors, it is often hard to break the feeling of being a patient. My horse showed me the way and led me to my full recovery to where I am now. Thriving together with her.

These horses were a crucial part of my triumph over Leukemia. This mission drove me to survive and defy all the odds.

Due to my experience in the healing power of horses. My wife and I decided to create our own equine therapy program for cancer patients, and survivors like me, for kids with disabilities, people with PTSD, autism, addiction, anxiety, and grief.

We have saved 186 horses from slaughter, most of whom have gone on to heal humans through these programs all around the country. It has come full circle.

As you can see horses have incredible healing powers.

They are NOT livestock. They have been our war heroes, our partners, our friends, our teachers, and our healers.

My wife and I are here, voices for these animals. Advocates not only for them but for every one of you.

We need these animals, and they need us.

Horses deserve to be respected and treated with kindness and compassion after all they have done to serve humans. We cannot continue to discard them, forget their importance in American history, and intentionally torture them.

Please join your fellow committee members in Co-Sponsoring the SAFE ACT bill to end horse slaughter and finally get this bipartisan bill passed and through the house.

84% of Americans do NOT support the slaughter of these beautiful animals. No matter what political party, whether they live in a rural, suburban, or urban locale. We all agree the SAFE ACT MUST be passed.

Horses have been our heroes for centuries, now it is your turn. To saddle up, cosponsor the bill and get it passed through the house. You will truly be a hero not only for the horses but for every single human whose life is positively changed because of them.

Thank you! Thank you for listening to your heart. For doing what is right and for choosing to be our horses' hero.
Sincerely,

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Siri Lindley' written in a cursive, flowing style. The second signature, on the right, is 'Rebekah Keat' also in a cursive style, with a large, prominent 'R'.

Siri Lindley

On behalf of Siri Lindley and Rebekah Keat
Co Founders, In Our Hands Action Fund

Horses In Our Hands Achievements

- Number of horses shipped to slaughter reduced by 65% from 65k in 2019 to 26k in 2022
- Over 84 million homes reached through our Ban Horse Slaughter Documentary and Commercial screened on PBS stations Nationwide.
- Over 9 million of engagement on social media platforms bringing awareness to this issue
- 207 thousand letters sent to legislators via our website, to co-sponsor the Ban Horse Slaughter Bill (HR3355 S2732)
- 216 Bipartisan Co-Sponsors
- 500 meetings with legislators.
- 40,000 Community members
- 3746 letters sent to Newspaper Editors
- 800,000 minutes of Horses in Our Hands Videos watched
- 186 horses saved directly from the horse slaughter pipeline via our 501©3 Believe Ranch and Rescue.
- Celebrity sponsors: John-Paul DeJoria, Melissa Etheridge, Tony Robbins, Julianne Hough, Willie Nelson, Bo Derek, Kerri Kasem, Katherine Kelly Lang, Bonnie-Jill Laflin



The California League of Independent Notaries

PO Box 640873

San Francisco, CA 94164

05/25/2022

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Re: Hearing on "Legislative Hearing to Protect Consumers and Strengthen the Economy"

Dear Members and Staff,

I am writing to express our strong opposition to H.R. 3692, the Securing and Enabling Commerce Using Remote Online Notarization Act (SECURE Notarization Act of 2021). This bill would impose remote online notarization immediately onto all states and in doing so will harm the privacy of Americans and impact the ability of courts to determine whether notarized documents are valid or fraudulent. Also, the proposal would interfere with states' long-standing ability to enact and enforce their own laws regarding the authenticity of critical documents by weakening the requirements for notarization to a vague federal standard.

Remote online notarization creates significantly greater data privacy issues than traditional notarization. This is especially true given public concerns about facial recognition and voice biometrics. An online notary public will capture much more data than a traditional notary would including facial recognition biometrics, identification credentials and the contents of personal legal documents. Unfortunately, there is no prohibition in the bill against selling, sharing or using the data collected during an online notarization by the online notary public or the companies providing the platform used to conduct online notarizations, such as using recordings as a training set for a facial recognition algorithm. Also, there is no requirement for the online notary to inform a person how their personal information will be stored and secured and how that would differ from traditional notarization.

This bill does not include privacy and security requirements to protect the personal information and important documents involved in notarizations. Online notaries would be required to keep audio/video recordings of online notarizations as evidentiary value records and be required to take "reasonable steps" to protect this data from unauthorized use, but those steps are not specified. In addition, privacy and security requirements for the platforms available to facilitate remote online notarizations are not specified and would not be uniform in their levels of security and privacy safeguards. Further, this bill provides no incentives for these platforms to create secure systems since the liability for not keeping records falls on the individual notary and not the platform. Also, this bill lacks guidance on what happens if data were lost, stolen or if an online notary platform were to go out of business without first securing or transferring data, despite the risk being far greater than that of a traditional notary.

The bill under consideration does not require a notary to register before performing electronic notarizations. Further, it does not require states to maintain a publicly accessible, online database of electronic notaries to enable the public to confirm notarial credentials. More troubling, the bill does not require an electronic notary to have any specific training or pass any examination to perform online notarizations. Nor does the bill make any provision for the posting of surety bonds by online notaries or platform providers to protect the public from notarial misconduct.

Finally, this bill provides no guidance or standards to govern the adoptions of any of the new regulations contained in the proposal. While imposing the burden of adopting new rules on states immediately, it makes no provision to pay the expenses which the adoption of these regulations will entail. Also, the bill does not provide any source of new revenue for states to cover these costs.

For these reasons, I urge Congress to abandon any attempts to impose minimum standards for remote online notarization onto states and to allow the policing of notarization of documents to continue as an individual state concern. Thank you for your attention to this matter; if you have any questions, please feel free to contact me directly at: matt@mmmobilenotary.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Miller", followed by a horizontal line.

Matt Miller, President
The California League of
Independent Notaries

MADELEINE DEAN
4TH DISTRICT, PENNSYLVANIA

COMMITTEES:
JUDICIARY COMMITTEE
VICE CHAIR

FINANCIAL SERVICES
COMMITTEE

BIPARTISAN WOMEN'S CAUCUS
CO-CHAIR

Congress of the United States
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Washington, DC 20515-3804

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202-225-4731

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101 EAST MAIN STREET, SUITE A
NORRISTOWN, PA 19401
610-382-1250

May 26, 2022

The Honorable Janice Schakowsky
Chairwoman
House Energy and Commerce Committee
Subcommittee on Consumer Protection
& Commerce
2367 Rayburn House Office Building
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member
House Energy and Commerce Committee
Subcommittee on Consumer Protection
& Commerce
2354 Rayburn House Office Building
Washington, DC 20515

Re: Support for the SECURE Notarization Act

Dear Chairwoman Schakowsky, Ranking Member Bilirakis, and Members of the Subcommittee:

Thank you for including H.R. 3962, the Securing and Enhancing Commerce Using Remote and Electronic (SECURE) Notarization Act, in today's hearing. I am writing in strong support of this bipartisan legislation.

The SECURE Notarization Act permits nationwide use of remote online notarization (RON) with key consumer protections – including multi-factor authentication of the signer and the use of tamper-evident technology, along with certainty for the interstate recognition of RON.

RON provides additional flexibilities and options for safely executing critical life documents, including real estate transactions, wills, and health care directives. During the COVID-19 pandemic, we have realized that requiring a signer to be physically present with a notary is impractical and sometimes not possible. For example, some people may not be able to take time away from work, have difficulty locating a notary, or are physically immobile due to age or a disability. RON allows those who may otherwise skip or delay a notarization the flexibilities and freedom to do so at their preferred time. Importantly, our active-duty military personnel stationed overseas may use RON to conduct business back in the United States – like closing on a lease with their family.

More than 40 states have already recognized the benefits of RON and enacted permanent laws allowing its use, while others have authorized RON via emergency orders. Current or future state laws that meet the national minimum standards will work in concert with this federal law – the language in the SECURE Notarization Act was designed to complement state notarial laws while setting practical nation-wide standards.

Finally, I would also like to note the SECURE Notarization Act passed the House of Representatives as Title LXV of H.R. 4350, the National Defense Authorization Act for Fiscal Year 2022. Additionally, the bill currently has 92 bipartisan cosponsors.

Thank you again for including this legislation as part of your hearing, and for exploring the possibility of enacting federal remote online notarization standards. I am eager to advance this important bill and am happy to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Madeleine Dean". The signature is written in a cursive, flowing style.

Madeleine Dean
Member of Congress



MORTGAGE BANKERS ASSOCIATION

May 26, 2022

The Honorable Janice D. Schakowsky
U.S. House of Representatives
Chair
Subcommittee on Consumer Protection
and Commerce
2367 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Gus M. Bilirakis
U.S. House of Representatives
Ranking Member
Subcommittee on Consumer Protection
and Commerce
2357 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Schakowsky and Ranking Member Bilirakis:

On behalf of the Mortgage Bankers Association (MBA),¹ I am writing to share our views on the real estate finance industry's priorities for the House Energy and Commerce Committee's Subcommittee on Consumer Protection and Commerce hearing held today and titled, "Legislative Hearing to Protect Consumers and Strengthen the Economy." MBA strongly supports approaches to modernize and streamline the homebuying process for consumers, including efforts related to real estate closings. For these reasons, MBA supports H.R. 3962, the *Securing and Enabling Commerce Using Remote and Electronic (SECURE) Notarization Act*.

H.R. 3692, the SECURE Notarization Act

MBA commends Representatives Madeleine Dean and Kelly Armstrong for their legislation that would create minimum federal standards for the use of Remote Online Notarization (RON). Currently, forty states have adopted RON laws that help American consumers safely and securely conduct transactions, including purchasing, selling, or refinancing a home. Unfortunately, consumers who want to take advantage of the convenience of RON do not have the same options in all states. The *SECURE Notarization Act* requires tamper-evident technology in electronic notarizations and provides fraud prevention through use of multifactor authentication for identity proofing and audiovisual recording of the notarial act. This federal legislation would complement

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 390,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of more than 2,200 companies includes all elements of real estate finance: independent mortgage banks, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies, credit unions, and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

existing state RON laws, while allowing states the flexibility and freedom to implement their own individual standards.

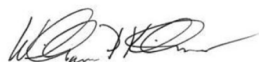
The benefits of RON transactions became abundantly clear at the outset of the pandemic, which fundamentally altered the ways many industries conduct business, including the buying and selling of real estate. Individuals living within a RON-approved jurisdiction had the ability to complete real estate and loan transactions without having to gather at a closing table and risk contracting or spreading COVID-19.

Given the obvious benefits it would provide to active-duty U.S. servicemembers deployed across the globe, the House unanimously supported the adoption of the *SECURE Notarization Act* when the bill's text was included within H.R. 4350, the *National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022*.

Conclusion

Thank you in advance for your consideration of the views expressed within this letter. We stand ready to collaborate with members of this subcommittee (and full committee) to encourage actions that ensure a robust housing market, protect consumers, and strengthen the overall economy.

Best regards,



Bill Killmer
Senior Vice President, Legislative & Political Affairs

cc: The Honorable Frank Pallone, Chairman, House Committee on Energy and Commerce
The Honorable Cathy McMorris Rodgers, Ranking Member, House Committee on Energy and Commerce
All members of the House Committee on Energy and Commerce Subcommittee on Consumer Protection & Commerce
The Honorable Madeleine Dean
The Honorable Kelly Armstrong



May 26, 2022

Congressman Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Congresswoman Cathy McMorris Rodgers
Ranking Member
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone and Ranking Member McMorris Rodgers:

Re: Support for the SAFE Act (H.R. 3355) and the PAST Act (H.R. 5441)

The Homes for Horses Coalition (HHC) is a national network of over 500 equine rescues and sanctuaries in the United States, founded to further the goal of ending horse slaughter and advance equine protection. HHC stands in strong support of two bills before the Energy and Commerce Committee: the Save America's Forgotten Equines (SAFE) Act – led by Reps. Jan Schakowsky (D-IL) and Vern Buchanan (R-FL) – and the Prevent All Soring Tactics (PAST) Act – led by Reps. Steve Cohen (D-TN), Brian Fitzpatrick (R-PA), Jan Schakowsky, and Vern Buchanan.

With respect to the SAFE Act, HHC's members have unique expertise and firsthand experience when it comes to the longstanding problems associated with the predatory horse slaughter industry. Many of our member groups regularly rescue horses who are unfortunate enough to wind up in the slaughter pipeline, but most slip from owner to slaughter plant before a rescue can intervene to save them and find them a safe home.

Americans overwhelmingly oppose the practice of killing horses for food, yet tens of thousands of our horses continue to be exported annually to Canada and Mexico to be butchered in slaughterhouses. The entire process of horse slaughter – from cramped and dangerous transport conditions to stunning methods with a bolt (or several) to the horse's brain – is inherently cruel. Horses are frequently purchased at auction from unsuspecting sellers by "kill-buyers" who then profit from selling the animals to foreign slaughterhouses. These horses, who are typically healthy, sound, and young, must endure long, overcrowded journeys without adequate food, water, or rest. Not all survive the trip.

Horses are of course not raised for human consumption in this country; rather, they serve in a wide range of capacities as trusted working and performance partners and beloved companions. Horses naturally exhibit a strong fight or flight reflex; once in the kill chute, panicked horses – which are claustrophobic by nature – often severely injure themselves while instinctively thrashing in the chute in an attempt to escape the bolt gun, and rendering them unconscious often requires repeated blows to the head. Before the last horse slaughter facilities closed in the United States, the U.S. Department of Agriculture documented serious welfare problems, including horses arriving at the facilities in appalling conditions after torturous journeys.

Virtually any horse can be one bad sale from entering into the slaughter pipeline. Equine rescue groups are often the boots on the ground when it comes to saving horses from this form of cruelty – yet the predatory horse slaughter industry directly undermines the work of equine rescues as kill-buyers routinely try to outbid rescue groups in an effort to force them to expend their limited financial resources in bidding wars (thus preventing the rescue from securing a greater number of at-risk horses in a given auction). Similarly, with the rise of social media, kill-buyers increasingly post photos of horses to be shipped to slaughter along with a “bail-out” fee to be paid by individuals wishing to fund an individual horse’s rescue; the scheme is designed to turn an enormous profit from horses purchased cheaply at auctions so that kill-buyers can use the additional funding to procure many more horses.

Turning to the PAST Act, many of HHC’s members are also acutely familiar with the abhorrent practices associated with “soring”, which involves the deliberate infliction of pain to produce an artificial and grossly exaggerated gait known as “the big lick.” The Tennessee walking horse, racking horse, and spotted saddle horse breeds in particular endure extreme pain from the use of action devices including chains, the application of blistering chemicals to a horse’s forelegs, the grinding down of the hoof sole and insertion of hard objects into tender areas, pressure shoeing, the use of very tall heavy stacked horseshoes, and more. The goal of these barbaric soring tactics is to cause a horse to attempt – in vain – to avoid the pain by lifting its feet higher and faster.

The landmark Horse Protection Act of 1970 was intended to stamp out soring, but this abuse has continued unabated. Unfortunately, an industry-run inspection system tantamount to the fox guarding the hen house, coupled with weak deterrents and punishments, has allowed this problem to fester despite the widespread acknowledgement that the status quo fails to adequately protect horses. The country watched in horror when a 2012 ABC News exposé revealed in shocking detail the unthinkable cruelty that horses subjected to soring endure. The PAST Act would implement long overdue reforms in line with recommendations from both the USDA Office of Inspector General and the National Academies of Sciences, Engineering and Medicine to finally combat this scourge.

As the largest national coalition of equine rescues and sanctuaries, we urge Congress to protect our nation’s cherished horses from abuse and cruelty by passing legislation to save horses from the gruesome and unnecessary fate of slaughter, as well as the horrific agony caused by soring. Thank you for the opportunity to provide input on behalf of the Homes for Horses Coalition and for your attention to these two bills vital to the welfare, health, and safety of America’s horses.



May 26, 2022

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

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

Dear Chairwoman Schakowsky and Ranking Member Bilirakis:

On behalf of Animal Wellness Action, the Animal Wellness Foundation, and the Center for a Humane Economy, we thank you for the opportunity to offer support on H.R. 3355, the Save America's Forgotten Equines (SAFE) Act. We offer these comments on behalf of these affiliated organizations and their members, and as equine welfare experts. We urge the Subcommittee to advance the SAFE Act to a full Committee markup and a vote before the full House.

Because of the central role they played in our nation's history, we Americans have a deep respect and love for horses. It's a part of our American cultural heritage to regard horses as companions and partners in work, sport, and recreation. And just as we don't eat dogs or cats, we also don't eat horses. That is why Congress passed the Dog and Cat Meat Trade Prohibition Act signed into law in 2018. In fact, the idea of eating the meat of an animal as beloved and iconic as the horse is antithetical to American ideals. Horses feature prominently in American literature, film, and television, and we even name our most famous American muscle car and a number of our sports teams after equine icons. Unfortunately, while we have a long history of celebrating horses as something above and beyond mere companions, the U.S. has been a "producer" nation when it comes to horses killed and butchered for their meat, which is served up on dinner plates in places of the world where horse is considered a delicacy.

A 2012 poll found that 80 percent of Americans are opposed to the slaughter of American horses for human consumption. This popular sentiment is reflected in the laws of a number of states including Texas, New Jersey, Illinois, Florida, and California, all of which have passed laws to protect horses from the cruelty of slaughter.

Our high esteem for these magnificent creatures is also the reason there are no horse slaughter plants operating in the U.S. The last plants closed in 2007 after the federal government decided not to allocate funds to the USDA to inspect horse slaughter facilities. This also prevented new facilities from opening. Simply put, Americans don't want their hard-earned tax dollars being used to subsidize an industry we don't support, for a product we don't consume.

Horses are not raised as food animals in this country and are routinely administered drugs and other substances by veterinarians, trainers, and private owners that are toxic to humans. Due to serious food safety and animal welfare concerns, the European Union suspended horsemeat imports from Mexico – where 87% of horses slaughtered for export to the EU are of U.S. origin – and tightened regulations on Canadian horsemeat imports.

The 2013 horse meat scandal in Europe should serve as a cautionary tale. When horsemeat was discovered in meat products in Europe, the livestock and food industries suffered serious losses. When the USDA was asked if this contamination could happen here, their only reassurance was that horses are not slaughtered in the U.S.

Proponents of horse slaughter like to characterize it as a “necessary evil,” as if horse owners have no other options when they are no longer able or willing to care for their horse. Yet recent research in 2017 found that there are 2.3 million Americans who are both willing and currently have the resources to rescue a horse. While tens of thousands of horses are still exported for slaughter each year, most horse owners humanely euthanize their animals with a licensed veterinarian when the animal becomes old, sick, or lame. If a person can no longer care for their horse, they have a responsibility to rehome the horse or, as a last resort, opt for humane euthanasia if no other option exists.

Faced with congressional inaction to pass the SAFE Act, Animal Wellness Action conceived an amendment to the INVEST Act last year, which passed the House by an overwhelming majority with no vocal opposition. It would have banned the transportation of horses for the purposes of slaughter across state and federal lines. The measure was supported by more than 225 animal and equine groups, organizations, businesses, and trade associations, including The Jockey Club, The Breeders' Cup, The Preakness Stakes, The Belmont Stakes, the Water, Hay, Oats Alliance, and others – proof we've turned the tide against slaughter with the assistance of our allies in the horse world. The measure didn't make it into the final piece of legislation passed due to lack of support in the Senate, and the unfortunate circumstance that U.S. Senator Lindsey Graham, R-S.C., one of the bill's leaders, was out with COVID that week but it brought life back to the issue and will forever be a marker in the fight to end horse slaughter.

No animal has played a more pivotal role in the development of a nation than the horse did in the United States. Now it is time to transform our love for the horse into real, permanent protections. The forces that prey on horses are on the losing end of a trajectory that is sure to culminate in an end to horse slaughter, but we must wait no longer. The time is now.

*611 Pennsylvania Avenue Southeast #136
Washington, D.C. 20003*

MYTHS AND FACTS REGARDING HORSE SLAUGHTER

Myth: The foreign-owned plants in the U.S. were a better alternative than horse slaughter plants over the border.

Fact: The plants in the U.S. were finally prohibited from slaughtering horses for good reason. Undercover footage from inside these horse slaughter facilities in the U.S. demonstrated how horrific these plants were - many horses were conscious when they were shackled and hoisted by a rear leg to have their throats cut. There was a history of abuse and cruelty at the U.S. plants, including employees whipping horses in the face and horses giving birth on the killing floors. The USDA released photos of horses with broken bones protruding from their bodies, eyeballs hanging by a thread of skin, and open wounds, all taken at former U.S. horse slaughterhouses. Slaughter is not “euthanasia” – it is a brutal and terrifying end for horses. We should not allow our horses to be subjected to this tremendous cruelty inside – or outside – of our borders.

Myth: This legislation will lead to an increase in unwanted horses and resulting horse abuse and neglect.

Fact: A ban on horse slaughter will not lead to an increase in unwanted horses or abuse and neglect. USDA statistics show that more than 92% of horses slaughtered are in good condition and able to live productive lives. In California, where horse slaughter was banned in 1998, there has been no corresponding rise in cruelty and neglect cases, while horse theft dropped by 34% after the ban. In Illinois, when the plant was shut down for two years, horse neglect and abuse decreased in the state. Allowing one’s horse to starve is not an option in any state – state anti-cruelty laws prohibit such neglect. Most horses that go to slaughter are not unwanted, but rather wind up in the hands of killer buyers because they are in good health and will bring a better price per pound for their meat. Providing for a horse, including humane euthanasia when necessary, is just part of responsible ownership. The SAFE Act will not limit owners’ rights to sell, donate, or euthanize their horses.

Myth: There is no need for this legislation because slaughter is a humane form of euthanasia.

Fact: Horse slaughter is a far cry from humane euthanasia. “Euthanasia” means a gentle, painless death provided in order to prevent suffering. Horse slaughter is a death fraught with terror, pain, and suffering. Horses are shipped for more than 24 hours at a time in crowded double-deck cattle trucks without food, water, or rest. Pregnant mares, foals, injured horses, and even blind horses must endure the journey. Once they arrive, their suffering intensifies – our undercover footage of horse slaughter plants in the U.S. demonstrated that conscious horses were shackled and hoisted by the rear leg and have their throats slit. When no other option exists, unwanted horses should be humanely euthanized by a licensed veterinarian rather than placed on a truck, cruelly transported and then butchered. The vast majority of horse owners provide their horses with a dignified death by euthanasia administered by a trained veterinarian when their horses become elderly, ill, or lame.

Myth: Banning horse slaughter undermines private property rights.

Fact: Allowing horse slaughter facilitates violation of property rights by encouraging the conversion of private property when horses stolen and sold for a profit. Many domestic horses are stolen out of pastures and barns every year for the horsemeat trade. When California banned horse slaughter in 1998, the horse theft rate dropped 34%. Further, private property rights do not grant owners the unfettered right to abuse their animals. Every state has anti-cruelty laws that mandate protections for animals. Owners will still have ample legal options of reselling, donating, or euthanizing their horse, which costs approximately \$200-300 – the amount of one month's keep for a horse).

Myth: Ending horse slaughter will cause environmental harm because there will be so many carcasses in need of disposal.

Fact: USDA documents that more than 92% of horses that go to slaughter are in good condition – they will not need to be euthanized. Some 900,000 horses die annually and are safely disposed of by means other than slaughter, and the infrastructure can easily absorb an increase in numbers. Rendering, incineration and burial are all options, depending on local laws. Conversely, the operation of the horse slaughterhouses has a very real negative environmental impact, with all three in violation of local environmental laws related to the disposal of blood and other waste materials.

Myth: If this legislation is enacted, the federal government will face the financial burden of care for horses no longer going to slaughter.

Fact: This assertion rests on the false premise that all horses currently going to slaughter would become the financial responsibility of the federal government. Horse owners, not the government, will remain responsible for the care of their horses. Owners who no longer wish to keep their horses and who cannot sell or place their horses in a new home will have the option of humane euthanasia. The average cost for veterinarian-administered euthanasia and carcass disposal – approximately \$200-300, the cost of one month's care – is simply a part of responsible horse ownership.

COMMON HORSE SLAUGHTER QUESTIONS AND ANSWERS

Question: Won't this legislation prohibit owners from putting horses down on their property?

Answer: Absolutely not. In fact, that is exactly the sort of humane treatment we mean to encourage rather than loading horses on to trucks for days of suffering and a cruel death. More than 90 percent of all horse owners already use humane euthanasia when their horse is too old or ill to enjoy a good quality of life. This legislation specifically prohibits the commercial slaughter of horses for human consumption – humane euthanasia will continue to be a legal option.

Question: What will we do with all the unwanted horses who otherwise would go to slaughter if there isn't room for them in sanctuaries?

Answer: Not every horse currently going to slaughter will need to be absorbed into the rescue community – only a small minority of horses will need placement. Most will be sold to a new owner and others will be kept longer. For the small number unable to find a home or enjoy a good quality of life, a licensed veterinarian can provide humane euthanasia. USDA documents that 92.3% of all horses sent to slaughter are in good condition and therefore able to live out a productive life. Passage of this legislation will not necessarily lead to an increase in the number of horses sent to rescue facilities, precisely because humane euthanasia is so widely used. Hundreds of horse rescue organizations operate around the country, and additional facilities are being established.

Question: If slaughter is not an option, what will we do with sick, old and "unwanted horses?"

Answer: Approximately 900,000 horses die annually in this country (10 percent of an estimated population of 9 million) and the vast majority are not slaughtered, but euthanized and rendered or buried. Humane euthanasia and carcass disposal is highly affordable and widely available. The average cost of having a horse humanely euthanized and safely disposing of the animal's carcass is usually between two hundred and three hundred dollars, approximately the average monthly cost of keeping a horse.

Question: Is it true that slaughter is only a last resort for infirm, dangerous or no longer serviceable horses?

Answer: No. 92.3 percent of horses arriving at slaughter plants in this country are in "good" condition, according to the US Department of Agriculture's Guidelines for Handling and Transporting Equines to Slaughter. Horses arrive at slaughter after being purchased by "killer buyers" (middlemen hired by slaughterhouses to secure horses) who seek out healthy, fat horses who provide greater profits than older, leaner horses. For those who are sick or injured, the last resort should be immediate euthanasia rather subjecting such vulnerable horses to grueling transport and a terrible slaughter process.

Question: Won't the disposal of thousands of horse carcasses cause environmental harm?

Answer: Approximately 900,000 horse carcasses are safely disposed of annually by means other than slaughter, and the current infrastructure can absorb an increase in numbers. Conversely, horse slaughterhouses have a very real negative environmental impact, with all three that operated in the U.S. in violation of environmental law related to the disposal of blood and other waste materials. Mayor Paula Bacon of Kaufman, TX – the former home of one of the three horse slaughter plants – stated, "Dallas-Crown is operating in violation of a multitude of local laws pertaining to waste management, air quality and other environmental concerns... Residents are also fed up with the situation. Long-established neighbors living adjacent to the plant cannot open their windows or run air conditioners without enduring the most horrific stench."

Question: Won't this legislation result in "unregulated shipment of horses to slaughter" and the continued movement of horses longer distances to Canada or Mexico for slaughter?

Answer: No. Under the bill, American horses would not be allowed to be exported for slaughter. The bill will terminate any legal option for sending American horses to slaughter – within the United States or to any foreign slaughterhouse.

Question: Won't people just lie and ship horses to Mexico and Canada under false pretenses?

Answer: If they do, they will be criminally liable under the False Claims Act which makes it illegal to falsify any information in statements made to the U.S. government. Further, any legislative change requires enforcement and there is already an enforcement mechanism in place with the USDA and border agents. Making it illegal to move horses for slaughter, as the legislation does, will at the very least, dramatically reduce the number of horses exported for slaughter and it will make a criminal of anyone who dares to continue this practice. We will be committed to supporting funding for USDA's enforcement efforts, as we have been for many years, to ensure that anyone acting illegally is prosecuted.

Question: Don't transport regulations provide strong protection for horses being shipped to slaughter?

Answer: No. The 2002 regulations allow horses to be shipped for more than 24 hours without food, water or rest, with injured limbs, with eyes missing, even heavily pregnant. The regulations only cover the final journey to the slaughterhouse. If horses are loaded and unloaded at various places as part of their route to slaughter, only the final leg of the trip is currently covered. Enforcement of these regulations will only occur once the truck reaches the slaughter plant, so these guidelines have little preventative effect. The regulations are wholly inadequate and allow extreme suffering in transport to continue.

Question: Won't the federal government face the financial burden of care for horses no longer going to slaughter?

Answer: Certainly not. Horses that are currently going to slaughter would not suddenly become the financial responsibility of the federal government. Horse owners, not the government, will remain responsible for the care of their horses. Owners who no longer wish to keep their horses and who cannot sell or place their horses in a new home will have the option of humane euthanasia. The average cost for veterinarian-administered euthanasia and carcass is simply a part of responsible horse ownership.

Question: Won't a prohibition on horse slaughter create a precedent to ban beef, pork and poultry production by legitimizing efforts to end consumption of food derived from any animal?

Answer: Americans don't eat horses and, unlike cows, pigs, and chickens, we don't breed them for human consumption. Last year, more than 10 billions animals were bred and raised as food animals and consumed in America. It is an unreasonable leap to think that preventing horse slaughter for human consumption (that doesn't even take place in the U.S.) could possibly lead to a ban on hamburgers. With horses, we, along with the American public, see a completely different situation because they simply are not food animals in America. The American public overwhelmingly supports a ban on horse slaughter

precisely because horses have a special place in our heritage and they are beloved companions to millions today.

Question: If there is a ban on horse slaughter, will horsemeat no longer be available for pet food?

Answer: No. This practice stopped decades ago related to the enactment of protections for America's wild horses in 1971. The US public and Congress were outraged to learn federal agencies were rounding up and allowing the exploitation and slaughter of these national treasures for items such as pet food. Pet food in the U.S. does not contain horsemeat.

Question: If the bill is passed, will zoos be prevented from feeding their big cats an adequate diet?

Answer: No. Zoos will be able to continue to feed horse meat to their big cats, as the bill will only stop the domestic slaughter of horses for human consumption. However, very few facilities have ever used horsemeat and there is a growing trend to feed a beef-based diet to captive big cats. Most USDA-licensed facilities that keep big cats like lions and tigers have switched to such diets because it is a healthier alternative for these species. Horses are routinely treated with wormers and many drugs that are prohibited for use in animals raised for food.

Question: Don't horse slaughterhouses provide meaningful financial resources for their communities?

Answer: In all three local communities where they recently operated, horse slaughterhouses had worn out their welcome. For example, on August 15, 2005, the Kaufman City council, home to Dallas Crown, fed up with the ongoing problems stretching from the plants opening in 1986, voted unanimously to implement termination proceedings against the plant. Mayor Paula Bacon of Kaufman has written a letter to the entire Senate requesting federal action to stop horse slaughter in their community. These foreign-owned horse slaughterhouses have repeatedly been fined for violations of local laws and creating sewage overflows in the community. These plants pay less local property tax (\$7500 for Dallas Crown) than an average citizen in the community. Income tax documents for Dallas Crown were even more shocking, showing that the plant paid \$5.00 in income tax for 2005. There is no import or export tariff on horsemeat and most, if not all, of the profits are sent back to the parent companies in France and Belgium. It is difficult for these communities to attract any new businesses because of the negative stigma created by these plants. The minimal financial contributions of these facilities are vastly overshadowed by the enormous economic and development-suppressing burden they represent to their local communities and the negative image they create for our country. As Mayor Bacon said in her letter, *"As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is negative. The foreign-owned companies profit at our expense -- it is time for them to go."*

Question: Don't horse slaughterhouses provide employment?

Answer: All three of the foreign-owned plants in the U.S. collectively employed a sum total of less than 150 workers and those workers received poor pay and benefits. Many were immigrants working in one of the most dangerous jobs because horses, in particular, are so flighty that they are difficult to stun properly before dismemberment. This dangerous environment, where workers wield sharp knives and deal with fractious horses, does not provide desirable employment. The employment opportunities related to the horse slaughter industry were vastly overshadowed by the direct harm to their employees, the enormous burden and harm they inflicted on their local communities, and the negative image they created for our country. For the foregoing reasons, and for our nation's love of the horse and its important place in our nation's history and culture, we urge your immediate action to pass the SAFE Act into law.

Please feel free to contact us should you have any questions or would like to further discuss the issue. We hope the Subcommittee will take swift action to move the SAFE Act to a markup and subsequently to a vote before the full House before the August recess.

We can be reached at sbeckstead@centerforahumaneconomy.org and marty@animalwellnessaction.org respectively.

Sincerely yours,



Scott Beckstead
Director of Campaigns
Equine Welfare Specialist
The Center for a Humane Economy



Marty Irby
Executive Director
Animal Wellness Action
8-time World Champion Equestrian

Supplements:

The Salt Lake Tribune

Scott Beckstead: Utah delegation should get behind law to prevent slaughter of horses

Given the importance of horses in Utah's history and development, we should protect them from becoming food.



(Rick Egan | The Salt Lake Tribune) Wild horses from the Onaqui wild horse herd frolic near Dugway, on Wednesday, July 14, 2021.

By Scott Beckstead | Special to The Tribune
| May 25, 2022, 8:00 a.m.

Last summer, when the Bureau of Land Management rounded up and removed hundreds of horses belonging to the beloved Onaqui herd from their rangeland in the west desert, many advocates feared some of the horses would end up bound for meat plants in Canada and Mexico, and served up to foreign diners in places where horse flesh is considered a delicacy. It was a scenario that drew concern nationwide from people who were appalled at the idea of proud American mustangs consigned to such a horrific fate.

No Onaqui horses faced that awful scenario, thanks largely to the efforts of [Red Birds Trust](#), a Utah nonprofit dedicated to making sure none of the horses fell into the wrong hands. But too many American horses, both wild and domesticated, aren't so lucky.

In 2021 alone, more than 23,000 American equines, including formerly wild BLM mustangs, retired race and show horses and discarded pet ponies, were shipped across the border to the slaughter plants.

Americans feel a deep revulsion at the idea of eating horses, with polls showing more than 80 percent of us strongly oppose the slaughter of horses for human consumption.

The horse plays a central role in U.S. history and culture. We relied on horses to pull our plows, our wagons and our cannons; native peoples became expert horsemen and rode their trusted mounts into battle and on buffalo hunts. Americans have elevated horses to icon status, featuring them in our literature, films and television, even using them as namesakes for cars and sports teams.

We don't eat dogs and cats in the America, thanks to the Dog and Cat Meat Trade Prohibition Act enacted in 2018, and because they arguably occupy an even higher status in terms of their importance to who we are as a people, Americans don't eat our horses, either.

The vast majority of owners choose humane euthanasia for horses that are elderly, ill or lame, yet there are those few who turn their animals over to the kill buyers, notoriously unscrupulous profiteers with zero regard for animal welfare. Proponents of horse slaughter like to characterize it as a "necessary evil," as if horse owners have no other options when they are no longer able or willing to care for their horse.

A 2017 study, however, found there are 2.3 million Americans who are both willing and currently have the resources to rescue a horse. Hundreds of nonprofit programs exist across the country to help people provide good care for their animals, including hay banks, gelding and euthanasia clinics and training incentives. Many horse rescue organizations and sanctuaries use networks of foster homes to help place horses in transition.

While most of us would agree that the kill buyers and foreign meat companies aren't relevant on the topic of how we treat our horses, they unfortunately have the ear of a core group of members of Congress who consistently block legislation to protect American horses from the horrors of foreign abattoirs.

This week, the House subcommittee on Energy and Commerce will take up the Save America's Forgotten Equines (SAFE) Act, a bill to ban the slaughter, sale for slaughter, and transport for slaughter of American horses for human consumption. Roughly half of the House of Representatives have cosponsored the bill, a sign that a large number of Americans have contacted their legislators.

The bill enjoys bipartisan sponsorship, but sadly, Utah's delegation has either spoken in support of horse slaughter or remained silent. Given the role horses played in Utah's history, especially for the native tribes and the early Mormon pioneers, one would think the state's leaders would be leading the effort to protect horses. They have chosen instead to be some of the loudest voices for clearing our public lands of wild horses to make room for more livestock and sending horses to slaughter.

Horses and the people who love them deserve better. If you agree that sending our cherished equines to Canadian or Mexican meat plants for the benefit of foreign diners amounts to a betrayal of a good and trusted friend, please take time to call on your members of Congress to pass the SAFE Act.



Scott Beckstead, Sutherlin, Oregon, is campaigns director for Animal Wellness Action and an adjunct professor of law at Willamette University. He has bachelor's degrees in pre-law and philosophy from Utah State University and a law degree from the University of Utah.

Letter to the Editor from Marty Irby

Monday, February 18, 2019 at 12:39 pm



America was built on the backs of horses, and this month, U.S. Reps. Jan Schakowsky (D-IL) and Rep. Vern Buchanan (R-FL) introduced the Safeguard American Food Exports (SAFE) Act, [H.R. 961](#), to end the slaughter of our iconic American equines. The measure prohibits the transport and export of U.S. horses to slaughter for human consumption. Horses have played an unmeasurable role in our culture and in building our modern-day society, and they don't deserve this end.

The bipartisan SAFE Act garnered 219 cosponsors in the House in the previous Congress. An even larger majority of the newly elected House undoubtedly supports this legislation, perhaps as many as two-thirds of them. More than a decade ago, a similar measure passed the House, and even Vice-President Mike Pence, then a U.S. Congressman from Indiana, was among the super-majority supporting the bill.

The Senate also has shown an willingness to end horse slaughter, with U.S. Senators Lindsey Graham (R-SC), Robert Menendez (D-NJ), and Tom Udall (D-NM) leading the charge in the Upper Chamber. In fact, last year, the Senate Appropriations Committee, chaired by my home state Senator Richard Shelby (R-AL), included language in their Agriculture Appropriations to defund horse slaughter inspections in the U.S., making it impossible to slaughter horses here.

The slaughter of American equines for human consumption claimed around 70,000 horses in 2018—most of them perfectly healthy, and fit to be utilized for recreation, or competition. We don't eat horse meat in America just as we don't eat dogs and cats (Congress banned the slaughter of Dogs and Cats for human consumption in the Farm Bill and President Trump signed that measure into law

in December). Horse slaughter is a cruel and terrifying end for the horses, and these creatures have done nothing to warrant this kind of mistreatment and crass exploitation.

In 2012, [a report showed](#) that approximately 19% of horses sent to slaughter were Thoroughbreds, but there does not appear to be much data on the numbers since then. Due to the efforts of the Thoroughbred Aftercare Alliance and increasing anti-horse slaughter policies at many of America's racetracks, the numbers have most certainly declined, and we applaud their work. But there's still room for work to prevent slaughter by supporting the SAFE Act.

The U.S. Department of Agriculture [documented serious cruelty violations](#) in plants previously operated in the United States prior to closure in 2007. Millions of taxpayer funds were being wasted to “oversee” operations involving horses with broken bones and terrifying eye injuries in foreign-owned facilities on an annual basis prior to their closure.

As our national debt continues to rise, and the taxpayer continues to foot the bill, Congress should be more mindful of our fiscal responsibility and prevent millions of tax dollars from funding the slaughter of horses and propping up an egregious foreign-driven enterprise.

Most Americans want no part of this enterprise of supplying foreign diners with horse slabs. Even Ferdinand, the winner of the 1986 Kentucky Derby, fell victim to this predatory industry, and that's just not acceptable. If one of the nation's most popular horses is prodded into a kill chute, then no horse is safe.

In this time of political division, the SAFE Act is a bill both parties can get behind. Hundreds of thousands of advocates are calling on the House Agriculture and Energy and Commerce Committees—that have joint jurisdiction over the issue—led by Chairmen Collin Peterson (D-MN) and Frank Pallone (D-NJ), and Ranking Members Greg Walden (R-OR) and Mike Conaway (R-TX) to work together to advance the bill to vote. The measure would surely pass and fulfill the will of the people—something that poll after poll have proven more than 80% of Americans support.

The U.S. House of Representatives can take first action on this bill. We hope you'll support this effort and call your legislators at 202-224-3121 to ask them to cosponsor the SAFE Act, H.R. 961, or take action immediately by [clicking here](#).

Marty Irby

Marty Irby is the executive director at Animal Wellness Action in Washington, D.C., eight-time world champion rider, and a past president of the Tennessee Walking Horse Breeders' & Exhibitors' Association.



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003
awionline.org phone: (202) 337-2332 fax: (202) 446-2131

May 26, 2022

Congressman Frank Pallone
Chair
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Congresswoman Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

Congresswoman Jan Schakowsky
Chair
Committee on Energy and Commerce
Consumer Protection & Commerce
Subcommittee
2125 Rayburn House Office Building
Washington, DC 20515

Congressman Gus Bilirakis
Ranking Member
Committee on Energy and Commerce
Consumer Protection & Commerce
Subcommittee
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone, Chairwoman Schakowsky, Ranking Member McMorris Rodgers, and Ranking Member Bilirakis:

On behalf of the Animal Welfare Institute, I am writing to express our strong support for H.R. 3355, the Save America's Forgotten Equines (SAFE) Act, and H.R. 5441, the Prevent All Soring Tactics (PAST) Act. We are especially grateful to Congresswoman Schakowsky for her longstanding leadership on ending horse slaughter, as well as on numerous equine welfare priorities. Both the SAFE Act and the PAST Act, with 216 and 257 current cosponsors, respectively – enjoy tremendous bipartisan support. AWI greatly appreciates the Energy and Commerce Consumer Protection & Commerce Subcommittee holding a hearing on these two priority equine protection bills and we hope the full Committee will swiftly mark up both so that SAFE and PAST can come to the floor of the House of Representatives in the weeks ahead.

The Save America's Forgotten Equines (SAFE) Act (H.R. 3355)

AWI initiated the national campaign to pass a federal ban on horse slaughter over twenty years ago by securing the introduction of the American Horse Slaughter Prevention Act – predecessor legislation to the SAFE Act. We are encouraged by the progress that has been made on this issue in the intervening years – namely the inclusion of annual appropriations language blocking horse slaughter facilities from operating domestically, as well as the steep decline in the number of American horses exported abroad for slaughter. But until the SAFE Act is passed, tens of thousands of horses will be subjected to inhumane conditions both en route to and at slaughterhouse facilities each year.

The horse slaughter industry is a foreign-driven trade as there is no domestic market or demand for horsemeat. At the height of the export trade in 2012, over 166,000 horses were transported to Canada and Mexico to be killed for food. The American public overwhelmingly opposes horse slaughter; a 2022 poll showed that 83% of Americans support a ban on horse slaughter – a view that transcends demographics, geographic region, and party line.

The last U.S. based horse slaughter facility closed in 2007; prior to its closure, U.S. Department of Agriculture inspection reports revealed appalling mistreatment of the horses and numerous “egregious humane handling” violations. Indeed, the welfare problems associated with the horse slaughter industry are myriad. The entire process of horse slaughter – from transport conditions to stunning methods – is inherently cruel. Horses unfortunate enough to wind up in the slaughter pipeline are usually purchased from unsuspecting owners by “kill-buyers” who profit from selling the animals to foreign slaughterhouses. These horses typically endure long, overcrowded journeys without adequate food, water, or rest. Because they instinctively thrash their long necks when frightened, stunning them often requires repeated blows to the head. Consequently, horses may inadvertently remain conscious during slaughter.

Because horses are not raised for food in the United States, they are routinely given a wide range of chemical substances – including an array of common pain relievers and other medications, dewormers, and fly sprays – that are expressly prohibited by the Food and Drug Administration for use in animals raised for food. Those drugs can be toxic when ingested by humans. In direct response to this food safety threat, the European Union, a primary importer of horsemeat derived from American horses, has instituted more stringent import policies, including a ban on horsemeat sourced in Mexico (of which a significant portion derives from U.S. horses trucked across the border). From a consumer safety perspective, horsemeat has absolutely no place in the food supply.

We were heartened to see an amendment to ban the transport of equines to slaughter easily pass the full House last summer as part of the transportation and infrastructure package (H.R. 3684). AWI worked tirelessly to advance this effort which had strong bipartisan support, including from Members on this Committee. Unfortunately, the House-passed version did not move forward in the Senate. Still, with increasingly broad support and renewed momentum, closing the loophole that has allowed the export of horses for slaughter to persist, as well as enacting a long overdue permanent ban on the domestic slaughter of horses, is well within reach.

The Prevent All Soring Tactics (PAST) Act (H.R. 5441)

The Horse Protection Act (HPA) was enacted in 1970 to end the abusive practice of soring. Soring methods include applying caustic chemicals on horses’ legs, using plastic wrap and tight bandages to “cook” those chemicals deep into their flesh for days, attaching chains to strike against the sore legs, inserting hard objects such as screws and resins into tender areas of the hooves, paring the soles of the feet down to sensitive tissue, and using salicylic acid or other painful substances to slough off scarred tissue in an attempt to disguise the sores.

Unscrupulous trainers rely on soring to induce an exaggerated high-stepping gait for competition and shows. As USDA data and records show, soring remains a persistent and rampant problem

among Tennessee Walking Horses and related breeds. A 2010 USDA Office of Inspector General (OIG) investigation underscored the failings of the current industry self-policing scheme and the lengths to which trainers go to evade detection. The OIG audit recommended eliminating the flawed system of industry self-policing. Unfortunately, little has changed with HPA enforcement, and in 2021, the National Academies of Sciences, Engineering and Medicine released a report urging the USDA to discontinue its reliance on industry inspectors, and instead depend on veterinarians to inspect horses for soreness.

The PAST Act enjoys virtually unparalleled levels of support in Congress and among animal protection, horse industry, and veterinary groups. The American Horse Council, the American Association of Equine Practitioners, and the American Veterinary Medication Association all endorse the bill. After securing well over 290 cosponsors in the 116th Congress (308 by the end of the session), the PAST Act moved directly to the floor per House rules where it overwhelmingly passed by a vote of 333-96.

It is disappointing that over fifty years have gone by without a significant upgrade to the HPA. Meanwhile, horses continue to suffer from the extreme and grotesque abuses associated with soring. A 2017 attempt by USDA to finalize a rulemaking that mirrored many of the PAST Act's core components was promptly frozen by the prior administration. An urgent need exists for Congress to address this ongoing problem. By strengthening penalties, ensuring that USDA licensed and trained inspectors are enforcing the HPA, making the actual act of soring illegal, and prohibiting the use of specific devices implicated in soring, the PAST Act would implement much needed reforms to protect horses from abuse.

The Animal Welfare Institute greatly appreciates the Energy and Commerce Committee's attention to these critical equine welfare priorities. Ending the cruelty linked to horse slaughter and soring has never been closer given the remarkably strong support among Members of Congress for both the SAFE Act and the PAST Act. We respectfully ask that you advance these bills out of Committee and work with House leadership to bring them to the floor.

Sincerely,



Joanna Grossman, PhD
Equine Program Manager and Senior Advisor
Animal Welfare Institute
900 Pennsylvania Ave, SE
Washington, DC 20003
202-446-2143
joanna@awionline.org

National Tribal Horse Coalition



May 26, 2022

Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Cathy McMorris Rogers
Ranking Member
Committee on Energy and Commerce
2322 Rayburn House Office
Washington, DC 20515

Honorable Jan Schakowsky
Chairman
Subcommittee on Consumer Protection
and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Honorable Gus Bilirakis
Ranking Member
Subcommittee on Consumer Protection
and Commerce
2322 Rayburn House Office
Washington, DC 20515

Re: HR 3355, the SAFE Act of 2021

Dear Chairman Pallone and Schakowsky, Ranking Members Rogers and Bilirakis
and Honorable Committee Members,

I write on behalf of the National Tribal Horse Coalition ("NTHC") to oppose the SAFE Act of 2021,
which would permanently ban the intrastate or foreign export of horse meat for human consumption.

The NTHC is comprised of five federally recognized Native Nations: the Confederated Tribes and Bands of the Yakama Nation (Washington), the Confederated Tribes of Warm Springs, the Confederated Tribes of the Umatilla Indian Reservation (both of Oregon), the Confederated Tribes of the Colville Reservation (Washington), and the Shoshone Bannock Tribes (Idaho). These Nations all hold the horse in high esteem. Historically, this animal served a vital role in our cultures by offering a means to travel and trade. Our people continue to respect the horse for the variety of benefits that it provides: livestock economy, farming, gathering of livestock, hunting, recreation, and ceremonial purposes.

Therefore, the NTHC's opposition to the SAFE Act is not the result of a disregard for the horse as a species. However, wild horse (more accurately, "feral" horse) populations are having a profound and problematic impact on our Nations' resources, including those held in trust by the federal government for our benefit. For example, by exceeding the carrying capacity of our tribal lands, horses cause significant forage depredation and diminish vegetation needed by big and small game. Feral horses also damage plants and animals important to Native culture, spiritual practices, and medicine. Finally, excessive feral

horse populations consuming all manner of vegetation and traveling through tribal lands cause valuable soils to roll off from denuded slopes, thereby degrading streams important to sport and subsistence fisheries. See the attached photos, one showing healthy bunchgrass that horses can't get to and another a hillside on the Yakama Reservation that has been totally denuded of all vegetation by hungry horses.

Feral horse populations, which are a non-native, invasive species, must be reduced in order to rebalance our fragile ecosystems. Today, there are well over 30,000 wild horses on tribal lands in the Pacific Northwest region alone. Other regions, including the Navajo Nation whose lands are in Arizona, New Mexico and Utah are experiencing even greater horse numbers. We have also heard from tribes in Nevada, Montana and Wyoming about problems they are having with an overabundance of feral horses. Wild horse populations can increase at an average of twenty percent every year. To compound the problem, many non-Native people who have horses and can no longer afford them are using Indian reservations as a place to abandon them. We have found horses with brands on them roaming our lands.

The SAFE Act would exacerbate these problems by eliminating the last remaining option for Native Nations to humanely and economically dispose of these animals by exporting them to a foreign country that will process horses for human consumption. Due to a troubling rider on the Ag Appropriations bill, we are already precluded from sending captured feral horses to domestic processing facilities, which the rider has effectively closed. The SAFE Act would further limit our ability to mitigate the problem of wild horses because, rather than rounding up feral horses for export to foreign countries, we would be forced to end their lives on tribal lands using toxic euthanasia or other undesirable means. Furthermore, we would lose the financial incentive of exporting these animals, which provides much-needed economic benefit to our people and wildlife departments that can be used to protect truly native species and important habitats. We also ask the members and staff of this committee to check with the American Veterinary Medical Association on what it is that constitutes humane euthanasia of horses. These professional veterinarians have written numerous papers chronicling the fact that the use of a penetrating captive bolt gun is a humane way of ending a horse's life. Yet the HSUS, AWI and other advocates of HR 3355 insist that injecting poison into a horse is the only humane way to put a horse down. Not only is this contrary to what veterinarians tell us (and therefore contrary to the humane practices used at facilities in Canada), but what then do we do with a thousand-pound dead horse chocked full of poison? Pay hundreds of dollars to have it buried by renting a backhoe? Risk other animals (coyotes, wolves, birds of prey) consuming the poison now in the dead horse's carcass? And what sense does this make when the horse meat involved constitutes a perfectly good source of sought after and low-cholesterol protein?

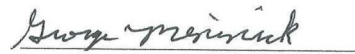
While on the subject of the novel and often misleading arguments being used to advance this legislation, the committee should really do a deep dive into the suggestion that all horse meat is tainted with drugs and therefore unfit for human consumption. How is it that horse meat is eaten in Quebec and throughout many European and Asian countries? Why don't the residents of those countries become ill when eating horse meat whose origin is often the US and Canada? You are often told of the danger of Bute in horse meat, but what the bill's proponents don't tell you is that Bute has a half life of 6 hours and that it would be nearly impossible for Bute to be consumed by a person eating horse meat. Please see the attached paper authored by four well know professors of equine science including Dr. Sheryl King, PhD, PAS, the Director of Equine Studies at Southern Illinois State University. And of course, the feral horses on Indian land have not been administered any drugs.

Finally, the advocates of HR 3355 tell us that our problem can be solved by injecting (darting) our mares with the contraceptive drug called porcine zona pellucida, or PZP. While that may work on small herds in limited land areas such as the wild ponies of Chincoteague Island in Virginia and Maryland, it is not a practical solution to regularly dart thousands of horses on Indian reservations that constitute hundreds of thousands of acres—some exceeding 1 million acres—of land. The Navajo Nation is over 16 million acres in size.

Consistent with the federal government's obligation to protect the resources of federally recognized Indian Tribes, the NTHC urges you to stand with us in opposition to the SAFE Act. The export of feral horses is a critical tool for responding to the feral horse populations on our respective Nations. Any attempts to make this practice illegal or impracticable through regulation will result in severe impacts to trust resources and therefore should not move forward.

The NTHC appreciates your attention to this matter. If you have any questions or concerns regarding this letter, please contact me at (509) 865-5121, extension 4335.

Sincerely,

A handwritten signature in cursive script, reading "George Meninick", written in dark ink. The signature is positioned above a horizontal line.

George Meninick, Chairman
National Tribal Horse Coalition

Enclosures

Yakama Reservation healthy bunchgrass
inside fenced enclosure area



Hillside on Yakama Reservation denuded of almost all vegetation by feral horses



Subject: The public health risk of horse meat from American racehorses is unsubstantiated by the 2010 Dodman et al. paper published in the Journal, Food and Chemical Toxicology.

In their paper, "Association of phenylbutazone usage with horses bought for slaughter:

A public health risk", the authors Nicolas Dodman, Nicolas Blondeau, and Ann Marini assert that human consumption of horsemeat following the administration of therapeutic amounts of the anti-inflammatory medication phenylbutazone (PBZ) could hold health risks similar to the direct consumption of the drug. Examples they included were case studies reported 25-62 years ago in which adults and children administered multiple human therapeutic PBZ doses experienced severe and sometimes fatal outcomes, most notably from aplastic anemia, a precursor to Leukemia.

Direct human administration of PBZ was discontinued in the US as a result of these findings. No studies on the risk of these serious side-effects developing from significantly lower (parts per million or less) exposures – such as those that could conceivably occur from consumption of horsemeat products produced from animals recently treated with PBZ – are present in the scientific literature. Experimental Pathologist and Toxicologist, K.N Woodward, author of "Surveillance of Veterinary Residues" in the book Veterinary Pharmacovigilance (1990) states that "it is difficult to associate human health problems with residues of veterinary drugs". In other words, there is no cogent frame of reference for the authors' arguments.

The Dodman et al. 2010 study did not actually measure PBZ levels in any of the horses that were used in this report. Therefore, no conclusions can be drawn – particularly conclusions linking the meat produced by these subject horses and the possibility of human risk. The authors assume that the consumption of horsemeat produced from animals treated with PBZ one week or longer prior to slaughter is unsafe for human consumption. As we consider the millions of pounds of horsemeat consumed each year and the length of time horses have been treated with PBZ we might ask: Why has this risk never been proven?

Indeed, no cause-and-effect relation between consumption of meat products (from horse or other species) from PBZ-treated animals and a single case of aplastic anemia in any child worldwide has ever been reported.

The authors have taken one serious human health threat, in the form of treatment of humans with pharmacological doses (averaging 100 mg) of PBZ - a threat that has since been eliminated - and erroneously extrapolated it to the consumption of horsemeat. It is important to note that this study produced not one thread of scientific evidence supporting the supposed threats to human health resulting from horsemeat consumption. No reference was cited - in fact, no reference exists - to human disease or death associated with the consumption of horsemeat. In short, this study was specifically designed to be inflammatory, not scientific. The authors had political agendas that were promulgated by this publication. The level of scientific rigor both in the design of the study as well as in the peer review process was lacking. It is indeed surprising that a study of this caliber should make it past the reviewers of this journal.

To better understand the level of possible PBZ residue in horses we suggest the following explanation (this applies to PBZ levels in blood, where it is primarily sequestered – levels in muscle would be far less than those calculated below) ...

The half-life for PBZ in horses is 5 to 6 hrs (MERCK Veterinary Manual). This is the time needed for a horse to naturally remove 50% of the drug from its system. So, by 6 hours post-administration, half of the PBZ has been eliminated from the horse; by 12 hours, half of this remaining half-concentration has been eliminated, and so forth.

Human PBZ dosages of 100mg were reported in the 1960's to increase the risk of bone marrow depression disorders. Considering the half-life of PBZ in the body of the horse, in order for a human to consume a 100mg dose of PBZ, assuming that PBZ is evenly distributed throughout the horse, that person would need to eat at least 100lbs of horse meat produced within one hour after that 1000 pound horse was administered a normal therapeutic dose of 1000mg PBZ.

If the same horse were slaughtered the following day, a person would have to consume 1000 lbs of its meat – in other words, an entire horse and about 2/3 of a second horse (assuming a dressing percentage yielding a 600 pound carcass). For horses processed after 2 days withdrawal, 10,000 lbs would need to be consumed. After 3 days, 100,000 pounds. After 4 days, 1 million pounds. After 5 days, 10 million pounds. After 6 days, 100 million pounds. So then, after just a single week of withdrawal, the shortest holding time reported in this study, a person would have to eat 1 billion pounds of horsemeat to consume 100mg of PBZ.

In effect, an adult would need to consume about 1.5 million horses to receive a single, potentially toxic dose of 100mg. That would be more than the total number of horses than have been exported since US horse processing ceased in 2007.

The authors skirt this issue by claiming that any amount of PBZ, even those that cannot be measured by current toxicological screening methods, has the potential to produce aplastic anemia in children. Where is the evidence for such a bold statement? The authors point to the EU regulations prohibiting PBZ administration at any time in the life of a horse intended to enter the human food chain as their "proof". This doesn't prove a health risk, it merely highlights a regulation created because there have been no studies on a withdrawal period for this drug.

As reported by Dodman et al., PBZ and its metabolite, oxyphenbutazone, are not distributed evenly throughout the horse. Instead they accumulate in the kidneys and liver as they are naturally and continually removed or degraded from the animal. PBZ is not permanently retained by muscle or fatty tissues, thus its concentration in these edible tissues would be far less than in the blood that is drained away. Also noteworthy is that other potential causes of aplastic anemia include toxic chemicals in gasoline and some pesticides, autoimmune disorders and some types of viral infections.
<http://www.mayoclinic.com/health/aplastic-anemia/DS00322/DSECTION=causes>

As indicated in the 11th paragraph of the Dodman et al. 2010 discussion section, the FDA has set no safe levels of PBZ in livestock carcasses. A safe drug withdrawal period can be attained even in animals that

have been administered PBZ at some time during their life, as there is a time following administration of PBZ where it has been completely eliminated from an animal's system with absolutely no detectable residues in any tissues. Perhaps the FDA should work to establish a timeline for withdrawal that results in zero PBZ levels in these carcasses.

If the FDA were to establish a withdrawal period, this would appropriately release an implied and unsubstantiated ban on this important veterinary NSAID for horses. Related public educational programs on drug residues in meat could help provide public assurance on food safety issues and make known how such issues affect food prices and animal agriculture.

Sincerely,

Dr William Day, PhD
Assistant Professor
Morrisville State College Equine Institute
Morrisville, NY

Dr Sheryl King, PhD, PAS
Professor
Director of Equine Studies
Southern Illinois State University
Carbondale, IL

Dr Don Henneke, PhD
Professor
Director of Equine Science
Tarleton State University
Tarleton, TX

Dr Pat Evans, EdD
Director of Equine Science
Scottsdale Community College
Scottsdale, AZ

May 25, 2022

The Honorable Madeleine Dean
United States House of Representatives
120 Cannon House Office Building
Washington, DC 20515

The Honorable Kelly Armstrong
United States House of Representatives
1740 Longworth House Office Building
Washington, DC 20515

Dear Representatives Dean and Armstrong:

We, the undersigned organizations, write to express our strong support for H.R. 3962, the Securing and Enabling Commerce Using Remote and Electronic Notarization Act (SECURE Notarization Act). The SECURE Notarization Act has the strong, bipartisan support of over 90 cosponsors.

The SECURE Notarization Act provides businesses and consumers with the ability to execute critical documents using two-way audiovisual communication. Current requirements for a signer to physically be in the presence of a Notary are often impractical and sometimes impossible due to social distancing constraints resulting from COVID-19, as well as other barriers including military service or work travel. Forty states have already recognized the benefits of Remote Online Notarization (RON) and passed legislation authorizing its use.

Notarizations are used extensively in real estate transactions, as well as in a variety of other important areas including affidavits, powers of attorney, living trusts, advance health care directives, and automotive transactions, among others.

A survey conducted by the American Land Title Association of major vendors working in the RON space found that use of RON has increased 547% during 2020 when compared to 2019. This increase can be attributed to heightened demand for RON during the pandemic, in addition to the expansion of States with permanent law recognizing its value. Clearly there is a need and demand for this approach across the country.

Given the dramatic adjustments businesses have had to make during the COVID-19 pandemic, the federal government should provide the critical tools to leverage technology to continue to keep Americans safe while also meeting their needs into the future through innovation. The past few years have shown technological solutions can increase accessibility and reduce burdens for people across the United States.

The SECURE Notarization Act would allow for the immediate nationwide use of RON technology. The legislation provides certainty for interstate recognition of RON and establishes robust minimum standards to ensure strong nationwide consumer protections.

We greatly appreciate your leadership, and we look forward to continuing to work with you and Congress to enact this common-sense proposal.

Sincerely,

American Council of Life Insurers
American Escrow Association
American Financial Services Association
American Land Title Association

Council of Insurance Agents & Brokers
 Credit Union National Association
 Electronic Signature and Records Association
 Financial Services Institute
 Housing Policy Council
 Independent Community Bankers of America®
 Insured Retirement Institute
 Mortgage Bankers Association
 National Association for Fixed Annuities
 National Association of Federally-Insured Credit Unions
 National Association of Home Builders
 National Association of Insurance and Financial Advisors
 National Association of REALTORS®
 Worldwide ERC



May 26, 2022

Representative Janice D. Schakowsky
 Chairwoman
 Subcommittee on Consumer Protection and Commerce
 Committee on Energy and Commerce
 U.S. House of Representatives
 2367 Rayburn House Office Building
 Washington, DC 20515

Representative Gus M. Bilirakis
 Ranking Member
 Subcommittee on Consumer Protection and Commerce
 Committee on Energy and Commerce
 U.S. House of Representatives
 2354 Rayburn House Office Building
 Washington, DC 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis, and Committee and Subcommittee members,

On behalf of our more than 9,300 members in the field of equine veterinary medicine, I am writing to express our strong support for the passage of **H.R. 5441**, the Prevent All Soring Tactics Act of 2021 also known as the “PAST Act of 2021.”

Broad support in Congress and in horse industry, veterinary, and other groups

The PAST Act has broad bipartisan support. It has tremendous public support, with endorsements by hundreds of groups and key individuals including:

- the American Horse Council and 67 other national and state horse breed and show organizations,
- the American Veterinary Medical Association, American Association of Equine Practitioners, and state veterinary groups in all 50 states,
- key individuals in the Tennessee Walking Horse show world,
- the National Sheriffs’ Association, Association of Prosecuting Attorneys, and major newspapers in Kentucky and Tennessee (the states where soring is most concentrated).

What PAST will do

The PAST Act simply amends existing federal law – the Horse Protection Act of 1970 – to better crack down on the cruel practice of “soring,” in which unscrupulous trainers deliberately inflict pain on the hooves and legs of Tennessee Walking Horses and certain other breeds to force them to perform an unnaturally high-stepping gait known as the “Big Lick” and gain unfair competitive advantage at horse shows. Examples of this abuse were documented in undercover investigations of top trainers and owners in 2012 and 2015. Soring methods include applying caustic chemicals, then wrapping tight bandages to “cook” those chemicals deep into the horse’s flesh for days, attaching heavy chains to strike against the sore legs and heavy, stacked horseshoes that force the horse’s legs into an unnatural angle, jamming hard objects into sensitive areas of the feet, cutting the hooves down to expose the live tissue, and using painful salicylic acid to slough off scarred tissue or numbing agents in an attempt to disguise the sores. The horses are also subjected to “stewarding” – in which trainers shock them in the face, kick them, and hit them with heavy wooden sticks to get them to stand still despite the pain and learn not to flinch when an inspector presses their sore legs.

Nearly 50 years ago, Congress tried to rein in this abuse by enacting the HPA, but the law is too weak and rampant soring continues, according to a 2010 audit by the USDA Inspector General that recommended reforms incorporated in the PAST Act. The PAST Act will end the failed industry self-policing system, ban the use of devices associated with soring, strengthen penalties, and make illegal the actual soring of a horse, as well as directing another to do so. This legislation is carefully crafted to fix problems in the existing program but not overreach. It imposes no mandate on horse show management – they will still have the option to hire inspectors or not, with the continued incentive that if they do, they’ll be shielded from personal liability if soring is detected on their premises. The key difference is that under the PAST Act, those inspectors will be legitimate – licensed and assigned by USDA – rather than “in cahoots” with show management and encouraged to turn a blind eye to soring, as too often occurs now.

No additional taxpayer burden

This bill will not increase the deficit. The PAST Act will simply enable USDA to redirect its enforcement efforts and resources in a more efficient and effective way.

Who opposes PAST?

The only ones opposing this non-controversial legislation are those who are already breaking federal law, committing heinous cruelty, cheating to win unfair advantage at horse shows, and profiting from it, and their handful of defenders in Congress. This subset of the show horse world doesn’t want Congress to alter the status quo. (It’s like dog fighters coming to Congress and saying, “don’t do anything to make the federal law any tougher – we want to keep getting away with dogfighting and not have anyone get in our way!”) Many others in the show horse world are strongly advocating the PAST Act to deal with morally repugnant behavior that is giving their industry a major black eye, pulling down attendance at shows, costing them corporate and charitable sponsorships, and driving down their breed registry and prices for their horses.

The AAEP has long supported this much needed legislation to help combat the cruel practice of horse soring and encourage members of the committee to do so as well.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emma Read', with a stylized flourish at the end.

Emma Read, DVM, MVSc, DACVS,
President 2022
American Association of Equine Practitioners



May 26, 2022

Representative Janice D. Schakowsky
Chairwoman
Subcommittee on Consumer Protection and Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Representative Gus M. Bilirakis
Ranking Member
Subcommittee on Consumer Protection and Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis, and Committee and Subcommittee members,

On behalf of our more than 9,300 members in the field of equine veterinary medicine, I am writing to express our **strong opposition** to the passage of **H.R. 3355 the Save America's Forgotten Equines Act of 2021**, also known as the "SAFE Act of 2021"

Opposition in Congress and in horse industry, veterinary, and other groups

The SAFE Act DOES NOT have broad bipartisan support. In addition, the two largest veterinary associations in the U.S., the American Association of Equine Practitioners and American Veterinary Medical Association, and the largest equine association in the world, the American Quarter Horse Association, along with countless other horse producers, and equine associations, do not support this legislation. Plus, there is no interest by the Senate to support such legislation and there is no similar legislation introduced in the Senate, nor has there been in previous Congresses of late.

How SAFE could harm horses

The Save America's Forgotten Equine (SAFE) Act, H.R.3355, would make it illegal to export horses for processing for human consumption. This legislation, if passed would have immediate and significant unintended consequences for thousands of domestic horses at risk for inadequate care. AAEP has always opposed this legislation because the association does not believe that any horse should suffer from abandonment, neglect, nor starvation.

In 2011, the Government Accountability Office (GAO) submitted a report to Congress which concluded that horse welfare in the U.S. had generally declined since the shuttering of horse processing facilities in the U.S. in 2007. The report clearly linked the 2007 ban with the decline in welfare conditions, discussing the notable increase in horse abandonments and increased incidents of investigation for abuse and neglect. The domestic ban removed a necessary tool for horse owners who may not have other humane options for horses that would otherwise face abandonment or starvation. Should the SAFE Act pass, it would further remove options for humane euthanasia for horse owners with unwanted horses.

Humane treatment of all horses is paramount. AAEP's position is consistent with those of the American Veterinary Medical Association (AVMA):

"The processing of unwanted horses is currently a necessary aspect of the equine industry and provides a humane alternative to otherwise subjecting a horse to a continued life of discomfort, pain and possibly inadequate care or abandonment."

AAEP believes horses, including those destined for a processing facility, should be euthanized humanely with dignity in accordance with AVMA's Euthanasia Guidelines, endorsed by the AAEP as well. Furthermore, transportation to the processing facilities should be in accordance with the robust federal statute, regulation and guidelines passed in the Humane Transportation of Horses to Slaughter Act approved by the United States Department of Agriculture in 2002.

In February 2020, AAEP Past President Dr. Doug Corey from Oregon testified at an Energy and Commerce hearing on this issue. View Dr. Corey's testimony at <https://docs.house.gov/meetings/IF/IF14/20200129/110423/HHRG-116-IF14-Wstate-CoreyD-20200129.pdf>.

The AAEP has long opposed this legislation. The industry continues to work promote owner responsibility, aftercare, adoption and more. We encourage members of the committee to oppose this legislation as well and allow the industry to continue to care for its horses.

Sincerely,



Emma Read, DVM, MVSc, DACVS,
President 2022
American Association of Equine Practitioners



Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

May 25, 2022

Congressman John Curtis
2400 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Curtis,

I write in support of H.R. 4081, the Informing Consumers about Smart Devices Act. If enacted, this bill would require the labeling or transparent disclosure of products that have audio or visual recording components, assuring that consumers are aware of the type of product they are bringing into their homes.

This important piece of legislation is a pragmatic way to protect consumer privacy and provide the Federal Trade Commission (FTC) the proper authority to ensure oversight and enforcement. As privacy protections have become increasingly more prominent as technology evolves, Google is proud to support legislation that expands upon those protections.

Labeling standards should reflect today's smart technology as new technologies advance to make everyday tasks more efficient and user-friendly for consumers. We applaud your leadership on this issue and look forward to working with you to ensure swift passage of H.R. 4081.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rishi Chandra", is written over the typed name.

Rishi Chandra
VP/GM, Google Nest



HUMANE SOCIETY
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THE HUMANE SOCIETY
OF THE UNITED STATES

May 25, 2022

The Honorable Frank Pallone
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

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

The Honorable Cathy McMorris Rodgers,
Ranking Member
Committee on Energy & Commerce
U.S. House of Representatives
2322A Rayburn HOB
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member
Subcommittee on Consumer Protection and
Commerce
U.S. House of Representatives
2322A Rayburn HOB
Washington, DC 20515

Dear Chairman Pallone, Chairwoman Schakowsky, Ranking Member McMorris Rodgers, and
Ranking Member Bilirakis,

We write on behalf of The Humane Society of the United States National Horse Racing Advisory
Council to share our strong support for the Save America's Forgotten Equines (SAFE) Act (H.R.
3355) that will once and for all end the slaughter of American horses in the U.S. and abroad.

The Council was formed in 2016 and consists of a wide variety of horse racing industry
professionals who seek to improve communication and foster cooperation between the animal
welfare community and the horse racing industry regarding equine welfare. We also work
together to improve the welfare of horses after their racing and/or breeding careers have
ended, including expanding horse retirement opportunities.

The entire horse slaughter pipeline is filled with suffering, from the kill auctions, to crowded
transport without food and water, to the wretched slaughter process itself. No horse should
end a career on a dinner plate.

We urge swift passage of the SAFE Act for the protection of all American horses at risk of
slaughter.

Sincerely,

Humane Society of the United States National Horse Racing Advisory Council



May 24, 2022

Representative Janice D. Schakowsky
Chairwoman
Subcommittee on Consumer Protection and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Representative Gus M. Bilirakis
Ranking Member
Subcommittee on Consumer Protection and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis,

On behalf of the American Veterinary Medical Association's 100,000 members, we thank you for holding a hearing to discuss H.R. 5441, the Prevent All Soring Tactics Act or PAST Act. The PAST Act is critical to once and for all end the inhumane practice of soring, which has irreversible negative effects on America's walking horses. Soring is the act of deliberately causing pain through chemical or physical means to exaggerate the leg motion of high-gaited horses, specifically Tennessee Walking Horses, Spotted Saddle Horses, and Racking Horses. Irrespective of the technique, the purpose of soring is to cause the horse pain so that it lifts its legs faster and higher (known as the "big lick") in the show ring. Congress enacted the Horse Protection Act in 1970 with the goal of ending this heinous practice. Unfortunately, despite being illegal for more than 50 years, soring still continues in the show ring today at an alarming rate.

Introduced by Representative Steve Cohen, H.R. 5441 has strong bipartisan support in Congress, with 256 cosponsors in the House and 52 in the Senate. This legislation is desperately needed to end the cruel practice of soring, which can cause irreversible negative effects or even death in America's walking horses. The bill will amend the Horse Protection Act to designate additional unlawful acts, strengthen penalties for violation, and improve the U.S. Department of Agriculture's enforcement capabilities. The bill is supported by more than 100 veterinary, horse industry, and animal protection organizations as well as former walking horse industry leaders who have witnessed the pain and agony these horses must endure.

We thank the committee for taking up this important piece of legislation that aims to end the inhumane practice of soring and protect the welfare of America's walking horses. If you would like additional information on preventing the practice of soring or other animal welfare issues, please contact Dr. Cia Johnson (cjohnson@avma.org) or Whitney Tyler (wt Tyler@avma.org).

Respectfully,

Janet D. Donlin, DVM, CAE
Executive Vice President and Chief Executive Officer



May 26, 2022

Representative Janice D. Schakowsky
Chairwoman
Subcommittee on Consumer Protection and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2367 Rayburn House Office Building
Washington, DC 20515

Representative Gus M. Bilirakis
Ranking Member
Subcommittee on Consumer Protection and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis,

The American Veterinary Medical Association (AVMA), which represents 95,500 veterinarians nationwide, appreciates the committee holding a hearing to bring attention to the welfare of America's unwanted horse population. The objective of the AVMA is to advance the science and art of veterinary medicine, including its relationship to public health, biological science, and agriculture. The AVMA provides its members a forum for discussion of issues of importance to the veterinary profession and for the development of official positions in related areas. The AVMA is therefore the recognized voice for the profession in presenting its views to government, academia, the agriculture industry, animal owners, the media, and other stakeholders.

While the AVMA appreciates the intent of H.R. 3355, the SAFE Act, is to protect horses, the bill is not consistent with AVMA policy on Transportation and Processing of Equines, which endorses the American Association of Equine Practitioners' (AAEP) policy stating, "The AAEP recognizes that the processing of unwanted horses is currently a necessary aspect of the equine industry, and provides a humane alternative to allowing the horse to continue a life of discomfort and pain, and possibly inadequate care or abandonment."

The AVMA's primary concern is the long-term wellbeing of the horses affected by the proposed legislation. We oppose H.R. 3355 because it does not adequately address the following issues:

- **Animal Welfare:** H.R. 3355 does not address the welfare of horses that will not be slaughtered. Many of these unwanted horses will be donated to horse rescue and retirement facilities, which are not regulated by any governmental body. While many of these facilities are well run, some are not and regulations must be put in place to establish standards of care to ensure the humane treatment of these unwanted horses across all of these facilities.
- **Costs Related to the Care of the Horses:** H.R. 3355 does not address the financial support required for unwanted horses that cannot be slaughtered. Insufficient funding has a huge



potential to create opportunities for inadequate care, which will negatively impact the welfare of the horse.

- **Environmental Concerns Related to Horse Carcass Disposal:** The primary options to dispose of horse carcasses, other than processing at slaughter facilities, include burial, rendering, cremation, placement in a landfill, and composting. However, disposal regulations and methods available for disposal vary by state and, sometimes, county or municipality. Not all options are available to all horse owners, and the inevitable disposal of additional horse carcasses raises environmental concerns, including potential soil contamination and poisoning of wildlife by euthanasia drugs in buried carcasses. The cost of disposal for a horse carcass also varies widely by state, from \$10 to \$1500, depending on the method of disposal.

Please feel free to contact Dr. Cia Johnson (cjohnson@avma.org) or Whitney Tyler (wtyler@avma.org) with any questions or comments as the AVMA is committed to working with you to address the unwanted horse problem in this country.

Respectfully,

Janet D. Donlin, DVM, CAE
Executive Vice President and Chief Executive Officer

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May 26, 2022

The Honorable Frank Pallone
Chairman, Committee on
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U.S. House of Representatives
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The Honorable Jan Schakowsky
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The Honorable Cathy McMorris Rodgers
Ranking Member, Committee on Energy &
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The Honorable Gus Bilirakis
Ranking Member, Subcommittee on
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**RE: VETERINARY SUPPORT for H.R. 5441 Prevent All Soring Tactics (PAST) Act and
H.R.3355/S.2732 Save America's Forgotten Equines Act (SAFE)**

Dear Chairman Pallone, Chairwoman Schakowsky, Ranking Member McMorris
Rodgers, and Ranking Member Bilirakis,

On behalf of the Humane Society Veterinary Medical Association (HSVMA), we are
writing to convey our **strong support for the Prevent All Soring Tactics (PAST), H.R.
5441 and the Save America's Forgotten Equines Act (SAFE) HR.3355**. HSVMA is an
association of veterinary professionals with approximately 9,000 members with a focus
on animal health and welfare.

It is not often you will find a bill where the Humane Society of the US, Humane Society
Legislative Fund, HSVMA, American Association of Equine Practitioners, American
Veterinary Medical Association, American Society for the Prevention of Cruelty to
Animals, American Horse Council and the Association of Prosecuting Attorney's and
hundreds of other organizations agree. Please take note! The PAST Act enjoys
bipartisan co-sponsorship, has vast support across the veterinary community, the horse
industry and law enforcement organizations.

What PAST will do

The PAST Act will incorporate important amendments to existing federal law, the Horse
Protection Act (HPA) of 1970, to finally rein in the culture of cruelty in the Tennessee
Walking Horse and other breeds' "Big Lick" community. "Soring" is a common practice
where horses are subjected to deliberate infliction of intense pain to their hooves and
legs to force them to perform an unnaturally high-stepping gait known as the "Big Lick,"
all to gain unfair competitive advantage at horse shows.

Examples of this abuse were documented in undercover investigations of top trainers
and owners in [2012](#) and [2015](#) which revealed the barbaric methods used by this
industry. As veterinarians we are uniquely qualified to report that the methods used in

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the walking horse industry to exaggerate the gait clearly shift most of the weight onto the hind legs of the horse (abnormally), causing a praying mantis type crawl, bizarrely low on the hind end while throwing their front hooves up high with each step. These movements are a desperate attempt to stop the pain caused by stepping on the ground which causes excruciating pain. Some have equated it with “walking on broken glass”. The strained tendons, laminitis (painful and chronic hoof condition), arthritis, swellings, caustic burns, abrasions, ulcers, scarring and so many more abnormalities seen routinely in these horses are obvious and painful consequences of these practices.

One does not need to be a veterinarian or an equine expert to clearly see the difference in the way a natural gaited walking horse moves compared to a “Big Lick” horse. This is NOT normal, it is not genetic, it is not acquired through training. This is torture inflicted upon horses in the name of “sport,” winning ribbons and the prestige and financial rewards that follow. It must stop.

In recent years, veterinarians have developed objective assessments for pain in horses. Some examples are Horse Chronic Pain Scale (HCPS)¹, Ridden Horse Pain Ethogram (RHPE)² and the Horse Grimace Scale (HGS).³ The indicators of pain they describe such as ears back, mouth open, tongue out, change in eye position, tension of muscles around eyes and nose, head tossing or tilting, stumbling, to name just a few seem to be omnipresent in “Big Lick” horses. Seeing them in person is a heartbreaking experience for any objective equine veterinarian not deeply entrenched in this corrupt industry. The American Association of Equine Practitioners calls soring “one of the most significant welfare issues affecting any equine breed or discipline.”

Nearly 50 years ago, Congress tried to rein in this abuse by enacting the HPA, but the law is too weak and rampant soring continues. This industry had been given plenty of opportunity to self-police; it is time to end the charade. Under the PAST Act, inspectors will be legitimate, licensed and assigned by USDA, rather than industry insiders. It is not a coincidence that USDA’s own data shows that when Veterinary Medical Officers (VMOs) from USDA are involved in inspections the number of violations reported are 12-30 times higher than when Designated Qualified Persons (DQP) carry out inspections.

There are many techniques used to inspect horses but as with many “sports” unethical participants are very creative at avoiding detection. Numbing agents, punishing horses for flinching or responding to hands on examination of painful areas or even inflicting more pain on another part of the body to distract a horse are just some of the unimaginable practices used to avoid detection.

You have the opportunity to enact a law that will finally make these actions illegal, allow for objective professional inspections and increase penalties. We urge you to pass H.R. 5441

RE: Veterinary Support for Save America’s Forgotten Equines Act H.R.3355

HSVMA wants to also express our support for Save America’s Forgotten Equines Act, H.R.3355 (SAFE) Act. This bill would prevent the re-introduction of horse slaughter operations in the U.S., close our borders to the current export of American horses for slaughter abroad, and protect the public from consuming potentially toxic horse meat. Shipping “unwanted” horses to slaughter as a means of



convenient disposal is a welfare issue that our over 9,000 veterinary professional constituents are deeply concerned about.

The thousands of horses shipped to be slaughtered outside of the U.S. include domestic pets used in working, racing, sporting events and even children's ponies. Making the decision to ship a horse to be brutally slaughtered so their meat can be sent overseas to Asia and Europe for human consumption is a violation of the human-animal bond, a betrayal of trust almost like no other. Slaughter is a brutal and terrifying end for horses. Horses are shipped for more than 24 hours at a time without food, water, or rest in crowded trucks in which the animals are often seriously injured or killed during transit.

Equines have evolved over thousands of years as prey animals, meaning they are often hunted by predators which keeps them on high alert, always afraid of danger with a heightened sense of fight or flight. As skittish animals, horses often panic while in crowded transport vehicles and in the slaughterhouse kill box, making them difficult to stun accurately--and are sometimes conscious while they are suspended by a back leg, bled out, and dismembered. In horse slaughter plants previously operated on U.S. soil, the USDA documented horrific injuries and cruelty.

As veterinarians we work with clients who agonize over end of life or end of "useful" life decisions about their horses. Most choose retirement or humane euthanasia. Shipping a horse to slaughter is the antithesis of humane euthanasia. At auctions "kill buyers" often openly outbid companion buyers or worse, pretend to be rescuers and naïve owners entrust their beloved horses to them. What does it mean to be an "unwanted" horse? Someone wanted that horse when they bought, bred, showed, raced, or used the horse as a camp pony to teach children to ride, etc. The industries that use slaughter as a convenient means of disposal of horses are losing their social license to conduct business as usual. Social media and videos able to be shared in seconds have put the reality of these industries in the spotlight. The public, your voters, do not support consumption of horse meat or horse slaughter.

The horse slaughter industry also poses serious food safety concerns to humans. Horses are regularly administered drugs and other substances that are known to be dangerous to humans or expressly prohibited by current federal regulations for use in animals intended for human consumption. Horses are gathered from random sources, and there is no system in the U.S. to track the medications and veterinary treatments given to horses to ensure that their meat is safe for human consumption.

This legislation is supported by the nation's leading animal welfare organizations, as well as many veterinarians and equine groups across the country. We join them and 83% of the American public in supporting the SAFE Act to end horse slaughter once and for all.

We urge your humane leadership in supporting both of these important animal protection and consumer safety bills.



Sincerely,

A handwritten signature in black ink that reads "Lorna Grande".

Lorna Grande, DVM
HSVMA Program Director, Education and Outreach

ⁱ Development of the Horse Grimace Scale (HGS) as a Pain Assessment Tool in Horses Undergoing Routine Castration, Emanuela Dalla Costa , et al Published: March 19, 2014,
<https://doi.org/10.1371/journal.pone.0092281>

ⁱⁱ The Ridden Horse Pain Ethogram, S. Dyson, First published: 15 March 2021,
<https://doi.org/10.1111/eve.13468>

ⁱⁱⁱ Objective Assessment of Chronic Pain in Horses Using the Horse Chronic Pain Scale (HCPS): A Scale-Construction Study, Johannes P. A. M. van Loon and Lucia Macri, Published online 2021 Jun 18. <https://www.mdpi.com/2076-2615/11/6/1826>



HUMANE SOCIETY
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THE HUMANE SOCIETY
OF THE UNITED STATES

May 26, 2022

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jan Schakowsky
Chairwoman, Subcommittee on Consumer
Protection and Commerce
2125 Rayburn House Office Building
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The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
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Washington, D.C. 20515

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

Dear Chairs Pallone and Schakowsky and Ranking Members McMorris Rodgers and Bilirakis:

As the Senior Director on Equine Protection for the Humane Society of the United States, I am writing on behalf of my organization and the Humane Society Legislative Fund to thank you for holding today's hearing and to voice our unequivocal support for passage of the Prevent All Soring Tactics (PAST) Act, H.R. 5441, and the Save America's Forgotten Equines (SAFE) Act, H.R. 3355.

I have been involved in the Tennessee Walking Horse industry for over 50 years, as an owner, breeder, amateur trainer and exhibitor. I am a horse show judge licensed to adjudicate shows in many gaited breeds, including Tennessee Walking Horses, Racking Horses and Spotted Saddle Horses. I have judged horse shows across the U.S. and in Canada and Europe.

I have served as president of several state and local Tennessee Walking Horse associations and two national organizations which I helped to found (International Plantation Walking Horse Association and Friends of Sound Horses (FOSH)), which were created to promote and protect the Tennessee Walking Horse and other gaited breeds and provide a level playing field for exhibitors of those horses, free from animal cruelty and abuse and in compliance with the law. I also served as FOSH's director of judges and liaison to USDA for the organization's agency-certified Horse Industry Organization inspection program. I served as the Maryland Director for the Tennessee Walking Horse Breeders and Exhibitors Association (TWHBEA), the breed registry formed in 1935 and the largest and oldest organization in the breed. I have devoted much of my life to the protection and preservation of the Tennessee Walking Horse breed.

In my role at the Humane Society of the United States, I have worked for over 15 years to end the cruel practices of horse soring and slaughter and am the organization's subject matter expert on these issues.

Prevent All Soring Tactics (PAST) Act, H.R.5441

Methods of horse soring

Congress passed the Horse Protection Act (HPA) in 1970 to bring about an end to the cruel practice of soring which had by then become a commonplace method used among the upper echelons of the Tennessee Walking Horse show industry to cause pain to the legs of horses, to force an accentuated, unnaturally high-stepping gait known as the "Big Lick" to win ribbons in the show ring. But deficiencies in the law, underfunding, weak enforcement, and political pressure from industry insiders have allowed the perpetuation of this cruelty by a small subset of this industry.

Only about 10% of those involved with showing Tennessee Walking Horses and related breeds engage in soring – the rest of the industry wants nothing to do with this cruelty, and recognizes that it's not only immoral but bad for business, as the stigma of soring has driven down breeding fees and prices for horses and driven away spectators and corporate sponsorships.

The many methods used to sore horses – which all aim to make it excruciating for them to put weight on their front legs, so they fling them high in the air every time they step down – include:

- The use of caustic chemicals on the pasterns of horses to cause intense pain, which is further heightened by the application of metal chains or rollers (action devices) which strike the raw pastern when the horse is ridden. There is very little reason to use an action device on the pastern of a Walking Horse unless the horse has been sored, because such a device will create nothing more than a mild, temporary annoyance on a horse that has not been sored. The action devices used are part and parcel of the soring process.
- The use of multiple, often overweight chains on the pastern of the horse during training (often in combination with chemicals described above, intended to have the same pain-inducing effect). These are prohibited under current regulations at shows, but not in the training barn, where the horses are conditioned to perform the Big Lick gait.
- The use of tall platform shoes, or "stacks" instead of normal horse shoes, that force the horse to stand at an unnatural angle, causing pain to tendons and joints.
- Mechanical soring, accomplished by pressure shoeing (using a variety of methods to cause pain to the hoof wall or sole of the horse), such as:
 - o cutting or grinding the horse's sole down to the sensitive laminae (the "quick") and inserting sharp or hard foreign objects between the sole and the stack;

- the overtightening of bands (the purported purpose of which is to hold the stack on the horse's hoof), used like a vise to squeeze the hoof to the point of causing pain;
- the driving of wedges between the overtightened stack and the hoof, to intensify the effects of the bands;
- the standing of horses on metal bolts or blocks of wood, on concrete, for extended periods of time to cause extreme pain to the sole of the hoof;
- and a host of other practices intended to cause pain – all of which are practically if not virtually undetectable unless the entire attachment is removed from the hoof at the show, and the sole of the hoof examined – which has never been adopted as a standard inspection methodology.

Methods used to hide evidence of soring, avoid detection and penalties under the law

There are many lengths to which sorers will go to evade detection of (and prosecution for) their illegal activity, and many methods of camouflaging it to circumvent the law:

- Stewarding – teaching a horse not to react to pain during inspection, by conducting mock inspections in the training barn whereby a handler punishes the horse when it flinches upon examination of its pasterns, by striking it about the head or neck with a blunt object
- Use of numbing agents (topical/injectable drugs, ice water, etc.) to mask pain during inspections – and/or masking agents to cover up evidence of soring scars (such as dark hoof polish, hair dye, glue-on hair);
- Use of painful, hidden distraction devices (alligator clips, bit burrs, zip ties) on various sensitive parts of the horse's anatomy during inspection (so that it focuses more on the localized pain and does not react to the pain in its legs during examination);
- Switching of horses at shows - presenting one horse for inspection which has not been sore then substituting the actual sore entry which is ridden into the ring for competition;
- Ticket taking – the practice of falsely listing an individual as the trainer of a horse, who is often a barn hand or groom for which a trainer's license has been secured by the horse's actual trainer (who may already be on suspension for HPA violations, or is hoping to avoid being cited for such violations, and punished);
- Transferring of ownership to a relative while an owner serves an industry suspension or federal disqualification, so that the horse may continue to be shown, thereby neutralizing the whole point of suspending the owner;
- Registering horses in the names of minors to avoid citations and prosecutions.

Horse Industry Organizations' (HIOs') failure to enforce, comply with law

Inspectors at horse shows where soring is likely to occur typically examine the front legs of a horse to look for a pain response or any other abnormalities, including evidence of scarring indicative of soring, such as missing hair, scars, or cuts. As a result of a 1976 amendment to the

HPA, USDA instituted an enforcement scheme that relies heavily on industry-run inspection programs for the detection of soring at the vast majority of covered horse shows, sales and exhibitions. Agency inspectors (veterinary medical officers – VMOs) attend only a small fraction of these events to inspect horses and oversee the efforts of industry inspectors.

As identified by the USDA's Office of Inspector General in a 2010 audit of the Horse Protection Program, in their enforcement of the HPA and regulations, several of the agency-certified Horse Industry Organization inspection programs have exhibited chronic non-compliance. Some examples of such HIO non-compliance include:

- Inspectors' failure to cite violations;
- Failure to apply penalties when violations are cited;
- Failure to enforce penalties, including the prohibition on violators' participation in shows while on suspension;
- Licensure of inspectors who themselves are industry participants with serious conflicts of interest.

Current USDA data shows that the same patterns as have been the case for years are ongoing. The data from 2018 to 2020 demonstrates that inspectors in the Walking Horse industry find only a fraction of the violations found by USDA inspectors.

- During that 3-year period, at the shows USDA attended, USDA inspectors found violations at a rate 403% higher than did industry inspectors.
- Also, industry inspectors found violations at a rate 606% higher when USDA VMOs were present, than when not.

In January 2021, a committee of the National Academies of Sciences, Engineering and Medicine released a [report](#) confirming that industry inspectors often conduct improper and inadequate examinations, and recommended that USDA rely solely on qualified veterinarians as inspectors, as the PAST Act encourages.

It's clear that industry inspectors are still turning a blind eye to soring and can't be trusted to find and cite violations. Industry inspectors have a clear conflict of interest and should not be given the responsibility for enforcing the law. PAST is needed as urgently as ever because soring abuse will never end unless industry self-policing is abolished.

Humane Society efforts to help Tennessee Walking horse show industry effect change

The Humane Society of the United States supports and encourages the humane, responsible riding and exhibition of Tennessee Walking Horses, Racking Horses, Spotted Saddle Horses and horses of all breeds and disciplines. The organization has worked to identify violators of the HPA and state anti-soring laws and bring them to justice. Some of that work has included:

- Offering a reward of up to \$10,000 for tips leading to the arrest and conviction of individuals for violations of anti-soring laws. Often tipsters insist on remaining anonymous, citing a fear for the safety and even lives of themselves, their families and horses. In 2012 the HSUS paid a reward for information that led to the first-ever successful criminal prosecution under the HPA, of industry trainer Barney Davis who stated: "every trainer sored horses....You have to. That's the bottom line....Without the soring, without some kind of soring, the horse, they're not going to do the Big Lick."
- Conducting investigations into training barns which have allegedly sored horses, including that of Hall of Fame World Grand Champion-winning Collierville, Tennessee trainer Jackie McConnell, which sparked nationwide outrage about his brutal mistreatment of horses and resulted in his successful prosecution at the federal and state level and introduction of the precursor to the PAST Act.

Undercover investigations by the HSUS at top "Big Lick" training stables and the ongoing findings of soring at industry shows are undeniable proof that horses continue to suffer from widespread abuse more than 50 years after the Horse Protection Act became law, underscoring the urgent need for the PAST Act.

PAST closes gaps in the HPA that have allowed torment of horses for the sake of a blue ribbon

The Prevent All Soring Tactics Act, which already passed the House by an overwhelming bipartisan vote of 333 to 96 in the 116th Congress, will make urgently-needed reforms to end this torture of horses:

- End the failed system of industry self-policing. USDA will train, license, and assign inspectors to horse shows instead of having HIOs choose who conducts inspections. Shows will still have the option of hiring inspectors or declining to do so; show management who opt out will (as in current law) risk greater liability if soring is uncovered at their show.
- Ban the use of devices integral to soring. Chains, weighted shoes, pads, and other devices used on three specified breeds (to intensify pain and conceal foreign objects) will be expressly prohibited.
- Strengthen penalties. PAST authorizes criminal penalty of up to 3 years' jail time for core offenses now subject to only misdemeanor; increased fines of up to \$5,000 per violation; for third violation, permanent disqualification from any horse show, exhibition, sale or auction; and mandatory disqualification of sore horses for increasing periods based on number of violations.
- Make the actual soring of a horse for the purpose of showing or selling it illegal, as well as directing another to do so.

PAST will have negligible taxpayer impact. In 2019, the Congressional Budget Office (CBO) estimated that the PAST Act would cost about \$2 million per year to implement. This fits within USDA's budget for HPA enforcement. Congress boosted funding for this program to \$2.009 million for FY 2021 and to \$3.04 million for FY 2022. PAST will allow USDA to utilize this modest

budget in a more efficient way that actually gets the job done rather than wasting tax dollars on a futile effort to oversee the corrupt industry self-policing entities.

The PAST Act 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, Association of Prosecuting Attorneys, and major newspapers in Kentucky and Tennessee (the states where soring is most prevalent). In public opinion polls conducted in 2020 in those two states, 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).

PAST needed to help industry recover from damage inflicted by “Big Lick” horse show culture

An industry faction that is comprised of people who do not value Walking Horses and who sore them in violation of the law is not an industry, but a criminal enterprise - and should be eliminated. When it is, the stigma associated with soring – which has damaged the reputation of the entire breed, devalued its horses, caused a tumultuous decline in the number of horses bred, registered and shown, as well as the number of shows held and spectators at those shows – will be lifted, and the breed will flourish, attract new participants and markets domestically and abroad, and once again contribute to the economy.

For over half a century, participants in this industry faction have worked to find ways to violate the law and evade detection. They have found one new way after another to sore horses, and to hide and camouflage their deeds from the eyes of inspectors. No other sector or competitive discipline in the horse industry relies on the intentional infliction of pain to achieve a performance that is prized and rewarded in the show ring. No other sector of the horse industry is based on circumvention of the law. The HIO inspection system, for the most part, is a house of deception built to obfuscate this illegal activity and deceive the media, the public, regulators and lawmakers. It is time that this chronic, institutionalized animal cruelty and the system created to reward, promote and condone it be brought to an end. Congress must enact the PAST Act to fix the Horse Protection Act, and to guarantee a level playing field in this industry, free of animal cruelty, as Congress originally intended.

Save America's Forgotten Equines (SAFE) Act, H.R.3355

History Behind Horse Slaughter

Horse meat is viewed as a delicacy in parts of Europe and Asia but Americans do not see our equine pets, companions and partners in work and sport as animals for consumption, nor are they raised that way.

In 2007, state legislation in Illinois and Texas shuttered the last three foreign-owned domestic horse slaughter plants, ending the slaughter of horses for human consumption on American soil. Not only did these plants commit atrocities on horses, they also wreaked havoc on their local economies. They polluted local water resources, decreased property values, permeated the air with foul stench, and drained local economies. They offered only a few low-income and dangerous jobs that did nothing to bolster local economies. In 2005, the City Council of Kaufman, Texas, home to the Dallas Crown facility, voted unanimously to implement termination proceedings against the plant.

Since the closure of the domestic plants, this predatory industry has been prohibited from reopening on U.S. soil thanks to annual congressional appropriations language that prohibits federal funds from being used to inspect such plants. Unfortunately, these domestic “defund” provisions have not stopped the slaughter of American horses, as the animals continue to be shipped to plants in Canada and Mexico. So we still face the challenge of preventing our American horses from being sold and exported to be killed for human consumption.

The Cruelty Behind Horse Slaughter

Today, foreign slaughterhouses contract people known as “kill buyers” to attend American horse auctions to purchase their quota. These buyers outbid horse rescues and potential caring owners and, in some cases, pose as legitimate rescues or horse owners in hope of tricking horse owners into selling their horses to them for a higher price. After their purchase by kill buyers, the horses are then crammed into overcrowded trucks and shipped in crowded trucks, often for more than 24 hours at a time without food, water, or rest, resulting in animals being seriously injured or killed during transit. At the slaughter plants, the methods used to kill the horses rarely result in quick, painless deaths. Horses are skittish by nature due to their heightened fight or flight response, and they often endure repeated blows to the head during attempts to render them unconscious and sometimes remain alive and kicking during dismemberment.

The USDA has documented rampant cruelty violations and severe injuries to live horses in the slaughter pipeline, including broken bones protruding from their bodies, eyeballs hanging by a thread of skin, and gaping wounds. The agency also documented that 92.3% of these horses sent to slaughter are in good condition and could live out a productive life.

The Dangers of Consuming American Horses

American horses are raised to be companion animals, not animals for consumption. As a result, they are routinely treated or injected with medications and chemical substances that are dangerous for humans to ingest and prohibited for use in animals raised for human consumption. Horses are gathered for slaughter from random sources at various stages in their life, and there is no system in the U.S. to track medications and veterinary treatments given to horses to ensure that their meat is safe for human consumption.

In fact, due to concerns about the health threats of drug-laced horsemeat, the European Union (EU), a primary importer of North American horsemeat, placed a moratorium on horsemeat imports from Mexico—where 87% of horses slaughtered for export to the EU were of U.S. origin. EU authorities made this decision after a series of scathing audits that exposed a plethora of problems, including the lack of traceability of American horses and horrific suffering of horses on U.S. soil and in Mexico. Ending the slaughter of American horses will also put an end to a significant public health concern.

Just 10 years ago, over 166,000 American horses were exported to Canada and Mexico to be slaughtered for their meat. With active advocacy and awareness raised about this inhumane practice, more responsible horse breeding practices, increased capacity of the horse rescue community to rehome adoptable horses, and reduced foreign demand for North American horse meat, that number has dramatically decreased to 23,431 in 2021. This is a 36.5% decline just from the previous year, with 13,454 fewer horses slaughtered in 2021 compared to 2020. Given this consistent downward trend and a recent national poll confirming that 83% of Americans oppose this cruel industry, now is the time to protect our horses by ending the predatory practice of slaughtering American horses for human consumption once and for all.

Thank you again for holding a hearing to consider both of these important bills. We fervently hope the committee and the full House will approve them swiftly and they will both be enacted in the 117th Congress.

Sincerely,

Keith Dane
Senior Director, Equine Protection
Companion Animals
Humane Society of the United States

Endorsements for the Prevent All Soring Tactics (PAST) Act

Horse Industry and Agriculture Groups

- | | |
|--|---|
| 1. All American Walking Horse Alliance | 38. North American Peruvian Horse Association |
| 2. American Competitive Trail Horse Association | 39. Northern California Walking Horse Association |
| 3. American Horse Council | 40. One Horse at a Time, Inc. (Kentucky) |
| 4. American Quarter Horse Association | 41. Paso Fino Horse Association |
| 5. American Morgan Horse Association | 42. Pennsylvania Equine Council |
| 6. American Paint Horse Association | 43. Pennsylvania Pleasure Walking Horse Association |
| 7. American Riding Instructors Association | 44. Pinto Horse Association of America |
| 8. American Saddlebred Horse Association | 45. Plantation Walking Horse Association of California |
| 9. Appaloosa Horse Club | 46. Plantation Walking Horses of Maryland |
| 10. Arabian Horse Association | 47. Professional Association of Therapeutic Horsemanship International |
| 11. Arizona Coalition for Equines | 48. Professional Horsemen's Association of America |
| 12. Carolina Walkers, Inc. (South Carolina) | 49. Pure Pleasure Gaited Horse Association (Oklahoma) |
| 13. Delaware Equine Council | 50. Rate My Horse Pro, Inc. |
| 14. Equine Voices Rescue & Sanctuary (Arizona) | 51. Rio Verde Roverettes (Arizona) |
| 15. European Tennessee Walking Horse Association | 52. Rocky Mountain Horse Association (Kentucky) |
| 16. Fenway Foundation for Friesian Horses | 53. Sound Trails and Rails Society (Georgia) |
| 17. For The Tennessee Walking Horse | 54. South Carolina Horse Council |
| 18. Friends of Sound Horses | 55. South Dakota Quarter Horse Association |
| 19. Friesian Horse Association of North America | 56. Southern Comfort Gaited Horse Club (Idaho) |
| 20. Gaitway Walking Horse Association (Missouri) | 57. Speak Up for Horses, Inc. (Kentucky) |
| 21. Highland Equestrian Conservancy (Michigan) | 58. Tennessee Walking Horse Exhibitors Association of Montana |
| 22. Idaho Horse Council | 59. Tennessee Walking Horse Association of Colorado |
| 23. Illinois Walking Horse Association | 60. Tennessee Walking Horse Association of New Jersey, Inc. |
| 24. Indiana Farmers Union | 61. Tennessee Walking Horse Association of Oklahoma |
| 25. International Friesian Show Horse Association | 62. Tennessee Walking Horse Exhibitors Association of Oregon |
| 26. International Walking Horse Association | 63. Tennessee Walking Horse Heritage Society |
| 27. Maryland Horse Council | 64. Texas State Horse Council |
| 28. Michigan Horse Council | 65. United Pleasure Walking Horse Association (Missouri) |
| 29. Minnesota Horse Council | 66. United Professional Horsemen's Association |
| 30. Missouri Horse Show Association | 67. United States Equestrian Federation |
| 31. Mountain Pleasure Horse Association (Kentucky) | 68. Walking Horse Association of Michigan |
| 32. National Plantation Walking Horse Association | 69. Wisconsin Horse Council |
| 33. National Walking Horse Association | 70. World Walking Horse Association |
| 34. Natural Walking Horses (Europe) | 71. Yankee Walkers/Gaited Horses of New England (Maine/New Hampshire, Massachusetts, Rhode Island/Connecticut, Vermont) |
| 35. New York State Horse Breeders Association | |
| 36. New York State Horse Council | |
| 37. New York State Plantation Walking Horse Club | |

Veterinary and Animal Health

- | | |
|--|---|
| 1. American Veterinary Medical Association | 21. Idaho Veterinary Medical Association |
| 2. American Association of Equine Practitioners | 22. Illinois Veterinary Medical Association |
| 3. National Association of Federal Veterinarians | 23. Indiana Veterinary Medical Association |
| 4. U.S. Animal Health Association | 24. Iowa Veterinary Medical Association |
| 5. American College of Veterinary Sports Medicine and Rehabilitation and Homecoming Farm, Inc. | 25. Kansas Veterinary Medical Association |
| 6. Humane Society Veterinary Medical Association | 26. Kentucky Veterinary Medical Association |
| 7. Veterinarians for Equine Welfare | 27. Louisiana Veterinary Medical Association |
| 8. Alabama Veterinary Medical Association | 28. Maine Veterinary Medical Association |
| 9. Alaska Veterinary Medical Association | 29. Maryland Veterinary Medical Association |
| 10. Arizona Veterinary Medical Association | 30. Massachusetts Veterinary Medical Association |
| 11. Arkansas Veterinary Medical Association | 31. Michigan Veterinary Medical Association |
| 12. California Veterinary Medical Association | 32. Minnesota Veterinary Medical Association |
| 13. Colorado Veterinary Medical Association | 33. Mississippi Veterinary Medical Association |
| 14. Connecticut Veterinary Medical Association | 34. Missouri Veterinary Medical Association |
| 15. Delaware Veterinary Medical Association | 35. Montana Veterinary Medical Association |
| 16. District of Columbia Veterinary Medical Association | 36. Nebraska Veterinary Medical Association |
| 17. Florida Association of Equine Practitioners | 37. Nevada Veterinary Medical Association |
| 18. Florida Veterinary Medical Association | 38. New Hampshire Veterinary Medical Association |
| 19. Georgia Veterinary Medical Association | 39. New Jersey Veterinary Medical Association |
| 20. Hawaii Veterinary Medical Association | 40. New Mexico Veterinary Medical Association |
| | 41. New York State Veterinary Medical Association |

42. North Carolina Veterinary Medical Association
43. North Dakota Veterinary Medical Association
44. Ohio Veterinary Medical Association
45. Oklahoma Veterinary Medical Association
46. Oregon Veterinary Medical Association
47. Pennsylvania Veterinary Medical Association
48. Puerto Rico Veterinary Medical Association
49. Rhode Island Veterinary Medical Association
50. South Carolina Association of Veterinarians
51. South Dakota Veterinary Medical Association
52. Tennessee Veterinary Medical Association
53. Texas Veterinary Medical Association
54. Utah Veterinary Medical Association
55. Vermont Veterinary Medical Association
56. Virginia Veterinary Medical Association
57. Washington State Veterinary Medical Association
58. West Virginia Veterinary Medical Association
59. Wisconsin Veterinary Medical Association
60. Wyoming Veterinary Medical Association
61. Donna Preston Moore, DVM, former head of USDA's Horse Protection Program
62. Tracy A. Turner, DVM, MS
63. Michelle Abraham, Resident, New Bolton Center, University of Pennsylvania School of Veterinary Medicine
64. John C. Haffner, DVM, ABVP(Eq)
65. Susan Botts, DVM
66. Angela M. Dion, DVM
67. Hanna Galantino-Homer, VMD, PHD
68. Alicia Grossman, DVM
69. Sue Lindborg, CVT Research Specialist New Bolton Center
70. Midge Leitch, VMD, former head of Radiology, New Bolton Center
71. Harry Werner, VMD, past president, American Association of Equine Practitioners
72. Judith L. Ford, Veterinary Technician
73. Benson B. Martin, DVM, Associate Professor Sports Medicine, New Bolton Center
74. Nat Messer, DVM, University of Missouri College of Veterinary Medicine
75. Mary A. Robinson, VMD, PhD
76. Mary Lynn Stanton, DVM
77. Joy Tomlinson, DVM
78. Steve O'Grady, DVM, APF
79. Susanella Noble, Holistic Hoof Care Practitioner
80. Diana Ashnakov, Natural Hoof Care Practitioner

Farriers

1. Walt Taylor, Founder & Past Pres., American Farriers Assoc.; Founder & Pres., World Farrier's Assoc.
2. Lila Corey, farrier
3. Jared Humphry, AL Professional Farriers Assoc.

Animal/Horse Protection Groups

1. American Society for the Prevention of Cruelty to Animals
2. Animal Law Coalition
3. Animal Legal Defense Fund
4. Animal Protection Voters (New Mexico)
5. Animal Welfare Institute
6. Attorneys for Animals, Inc. (Michigan)
7. Best Friends Animal Society
8. Dakin Humane Society (Massachusetts)
9. Equine Welfare Alliance
10. Georgia Equine Rescue League, Ltd.
11. Homes for Horses Coalition
12. Horse Harbor Foundation (Washington State)
13. Horse Haven of Tennessee
14. Horse Rescues United of Georgia
15. Horse Rescue, Relief and Retirement Fund/SaveTheHorses.org (Georgia)
16. Humane Society Legislative Fund
17. Humane Society of Utah
18. Michigan Horse Welfare Coalition
19. Mississippi Horses
20. Missouri Alliance for Animal Legislation
21. Nevins Farm & Equine Center, Massachusetts SPCA
22. Oregon Horse Welfare Council
23. Richmond Friends of Animals (Virginia)
24. Richmond Society for the Prevention of Cruelty to Animals (Virginia)
25. Royal Society for the Prevention of Cruelty to Animals (United Kingdom)
26. Second Chance Ranch (Washington State)
27. Tennessee Voters for Animal Protection
28. Texas Humane Legislation Network
29. The Humane Society of Missouri
30. The Humane Society of the United States
31. Virginia Alliance for Animal Shelters
32. Virginia Equine Welfare Society
33. Virginia Federation of Humane Societies
34. Virginia Beach Society for the Prevention of Cruelty to Animals

Horse Industry Professionals

1. Bill Harlin, Past President, Tennessee Walking Horse Breeders and Exhibitors Association and owner of Harlinsdale Farm
2. Clay Harlin, former Senior Vice-President, Tennessee Walking Horse Breeders and Exhibitors Association
3. Marty Irby, Past President, Tennessee Walking Horse Breeders and Exhibitors Association
4. Chuck Cadle, Past Executive Director, Tennessee Walking Horse Breeders and Exhibitors Association
5. Georgina Bloomberg, professional equestrian sponsored by Ariat International
6. Rick Wies, MT, Tennessee Walking Horse Breeders and Exhibitors Association director, former VP Pleasure Horse Division
7. Susan Kayne, host of "Unbridled" television show
8. Pat Parelli, founder of Parelli Natural Horsemanship
9. Tom Seay, Best of America by Horseback, trail riding TV show
10. Jan Ebeling, dressage trainer, member of the 2012 Olympic dressage team for the USA and co-owner of Rafalca
11. Dr. April Austin, USDF Bronze, Silver and Gold medalist

12. Monty Roberts, award-winning trainer, best-selling author of [The Man Who Listens to Horses](#)
13. Carl Bledsoe, former member of Walking Horse Trainers' Association
14. Pamela Reband, MD, Tennessee Walking Horse Breeders and Exhibitors Association director, former Vice President
15. Eric Gray, walking horse farrier
16. Dr. Rebecca Gimenez, Technical Large Animal Emergency Rescue
17. Leslie Desmond, natural horsemanship clinician and author
18. Gael Borquin, dressage and eventing coach
19. Karl Mikolka, Former Chief Rider, Spanish Riding School, Austria and USDF Hall of Fame
20. E. Allen Buck, Sympathetic Horsemanship
21. Steffen Peters, American Olympian and FEI rider
22. Shannon Peters, dressage instructor and FEI rider
23. Sheryl Rudolph, FITS/Fun in the Saddle, Inc.
24. Heather Barklow, Equine Connections, LLC
25. Diane Sept, Connected Riding Senior Instructor
26. Anita Adams, dressage trainer and FEI rider
27. Mary Werning, dressage trainer and FEI Rider, USDF Medalist
28. Maria Lisa Eastman, Raintree Equine Assisted Services
29. Dr. Christine Teicheira, equine and human chiropractor
30. Gigi Nutter, USDF Gold Medalist, dressage trainer, owner Touch-N-Go Farm
31. Lisa Kelly Simmons, Past Director of the United States Lipizzan Federation
32. Jayne Fingerhut, MA, CMT, USDF Regional Champion Rider
33. Michelle Andrews Sabol, equestrian therapy program director
34. Holly Mason, Equine Biomechanics Specialist, author of [It's Never Too Late](#)
35. Terri Farley (author, the Phantom Stallion series)
36. Elizabeth Graves, multi-licensed multi-breed judge, equine sciences educator, trainer, international clinician
37. Gigi Meyer, trainer and owner, Windflower Farm LLC
38. Kimry Jelen, equine-focused fine artist
39. Joren Traveller, dressage, jumper, and eventing trainer
40. Sue Sherry, dressage instructor since 1967
41. Anniken Moe, life coach, massage therapist and equestrian
42. Gena Lee Sharp, equine-focused fine artist
43. Scott Trees, equestrian and photographer, Trees Media
44. Alexandra VonHawk, equestrian and fine art conservator
45. Elizabeth Hale-Garland, dressage trainer
46. Candice Piraino, horse owner and dressage rider
47. Elly Lessin, producer, the Lessin Group, dressage rider
48. Mary C. Robinson, horse owner
49. Lynn Smith, equestrian and horse owner
50. Viv Graves, President, Refurbished Canine Rescue, long-time walking horse owner
51. Zahna Murray, former TN farm owner, long-time equestrian
52. Ilona Gerou, RN WCC CWCA, equestrian, USDF member
53. Judith L. Ford, equine veterinary technician
54. Joan Bullock, dressage rider, long-time Tennessee Walking Horse owner
55. Wilhelmina Hassel, owner Thofje Farm, equine wellness and life coach
56. Dr. Werner Poscharnigg, horseman and internationally known author of Milestones in Austrian Riding
57. Oberbeiter Klaus Krzisch, former First Chief Rider Spanish Riding School of Vienna
58. Susan Cook & Peggy Cummings, Connected Riding & Connected Enterprises, Inc.
59. Jillian Kreinbring, MS, Lecturer – Equine Biomechanics
60. Deb Davies, Certified Connected Riding Instructor
61. Linda Tellington Jones, Founder/Director of TTtouch Method; expert on humane training of horses
62. Charlotte Bredahl, Olympic medalist

Newspaper Editorial Boards

1. The Tennessean
2. Chattanooga Times Free Press
3. Lexington Herald-Leader
4. The Courier-Journal (Louisville, KY)
5. Richmond Times-Dispatch

Law Enforcement

1. Association of Prosecuting Attorneys
2. National Sheriffs' Association
3. Sheriff Harrison Moss, Adair County, KY
4. Sheriff Stan Hudson, Caldwell County, KY
5. Sheriff Bill Marcum, Calloway County, KY
6. Sheriff Keith Cane, Daviess County, KY
7. Sheriff Rick Clemons, Grayson County, KY
8. Sheriff Frank Latham, Hopkins County, KY
9. Sheriff Charles Lee Korzenborn, Kenton County, KY
10. Sheriff Merle Edlin, Larue County, KY
11. Sheriff Jimmy Clements, Marion County, KY
12. Sheriff Patrick Boggs, Mason County, KY
13. Sheriff William "Butch" Kerrick, Meade County, KY

Public Opinion in Key States with Largest Tennessee Walking Horse Industry

A poll conducted in December 2012 by Mason-Dixon Polling & Research found that 75% of Tennessee voters and 69% of Kentucky voters support federal legislation to strengthen the Horse Protection Act by ending the current, failed system of industry self-policing, banning the use of chains and stacks (devices implicated in the soring process) on horses at shows, and increasing penalties for violating the law.

Key Officials

Former Senator Joseph Tydings (D-MD) – sponsor of original Horse Protection Act of 1970
 Former Senator John Warner (R-VA) – [joint op-ed](#) published in The Hill with Senator Tydings
 Former Governor of Tennessee Winfield Dunn (Republican – Served 1971-1975)

Celebrity Endorsements

1. Alyssa Milano, actress, Charmed, Project Runway All-Stars
2. [Priscilla Presley](#), film and TV actress, Dallas, The Naked Gun
3. Emmylou Harris, singer-songwriter, 12-time Grammy winner
4. [Kesha](#), platinum recording singer-songwriter
5. Viggo Mortensen, actor, The Lord of the Rings
6. Wendie Malick, actress, Hot in Cleveland
7. Loretta Swit, stage and TV actress, MASH
8. Maria Menounos, actress, journalist, TV correspondent
9. Jillian Michaels, trainer on The Biggest Loser
10. Tricia Helfer, actress, Battlestar Galactica
11. Torrey DeVitto, actress, The Rite, Pretty Little Liars
12. Michael Vartan, actor, Hawthorne, Alias
13. Bonnie-Jill Laflin, actress, model, broadcast journalist
14. Fiona Gubelmann, actress, Wilfred, Blades of Glory
15. Kathy Freston, New York Times best-selling author and wellness activist
16. Mark Miller, musician, Sawyer Brown
17. Victoria Summer, actress, Transformers: Age of Extinction
18. Jenna Morasca, actress, model, grand prize winner of Survivor: The Amazon
19. Alexandra Paul, actress, Baywatch
20. Dawn Olivieri, film and TV actress, True Blood
21. Joe Camp, director of Benji films, author of [Soul of a Horse](#)
22. Kelly Carlson, actress, Nip/Tuck
23. Mary Ann Kennedy, singer-songwriter
24. Lacy J. Dalton, singer-songwriter
25. Willie Nelson, singer-songwriter, 15-time Grammy winner
26. Michael Keaton, actor, producer
27. Katherine Heigl, actor, producer, former fashion model
28. Nikki Reed, actress, screenwriter, singer-songwriter and model
29. Ian Somerhalder, actor, model and director
30. Kaley Cuoco, actress, The Big Bang Theory
31. Tanya Tucker, singer-songwriter, Academy of Country Music award winner
32. Molly Shaheen, entrepreneur, founder of Wheat Boutique, State and Manor fashion line, restaurants
33. Huw Collins, actor, Pretty Little Liars, and husband of Molly Shaheen



The Jockey Club

40 East 52nd Street, New York, NY 10022
Phone: (212) 371-5970 | Fax: (212) 371-6123

May 20, 2022

The Honorable Frank Pallone
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

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

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy & Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member
Subcommittee on Consumer Protection and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone, Chairman Schakowsky, Ranking Member McMorris Rodgers, and Ranking Member Bilirakis,

I write on behalf of The Jockey Club to express our support for the Save America's Forgotten Equines (SAFE) Act (H.R. 3355) to end the slaughter of American horses in the U.S. and abroad. This bill enjoys overwhelming support in Congress, among the American public, and in the Thoroughbred community across the country.

As a steward of the Thoroughbred since 1894, we believe that our equine athletes should be treated humanely throughout their lives – before, during, and after their racing careers. Our organization has been instrumental in protecting racehorses through track policies that expressly prohibit trainers or owners from selling their horse to slaughter. And though these measures are crucial in the interim, the only guaranteed way to protect our nation's equines from this fate is to ban the practice in perpetuity.

We are proud of the steps that our industry has taken towards facilitating new careers for retired racehorses, and for providing resources towards aftercare programs across the country. Valuing our equine athletes throughout their lives is a hallmark of the Thoroughbred industry, which is why it is critical both for the welfare of our equines and for the sustainability of our industry that American



The Jockey Club

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horses no longer fall prey to the slaughter pipeline. Americans, and particularly the equine community, overwhelmingly oppose this practice.

We appreciate your consistent support of the SAFE Act, and hope to see this bill move forward in the near future.

Thank you for your consideration of this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'James L. Gagliano'.

James L. Gagliano
President & Chief Operating Officer

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AFFILIATE OFFICES
MUMBAI, INDIA

September 19, 2016

BY EMAIL & U.S. MAIL

Lee Fink, Esq.
Principal Deputy General Counsel
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington DC 20250

Re: Your September 2, 2016 Letter

Dear Counselor Fink:

Your September 2, 2016 letter to me reiterates the USDA position that General Counsel Prieto espoused in his August 23rd letter to me, *i.e.*, it is horse show management, not APHIS, that is responsible for deciding to disqualify a horse from a show.

My client, the Tennessee Walking Horse National Celebration Association (the "Association"), understands that the USDA has taken that position, but disagrees with it. The HPA makes it unlawful – under pain of civil and criminal penalties – for show management to fail to disqualify a horse after having been notified by USDA that the horse is sore. *See* 15 U.S.C. § 1824(5). Therefore, as a real and practical matter, show management has no choice but to disqualify a horse from a show if an APHIS VMO informs it that the horse is sore (in contrast to the VMO advising management of his belief that the horse may be sore). In these circumstances, the inescapable conclusion is that it is not show management's decision, but APHIS's, to disqualify the horse.

Your letter notes that USDA "disagrees with [the Association's] concern that occasional variance in VMO inspection results demonstrates a lack of reliability" and that what is important is that VMOs agree in their finding on whether the horse is sore and not on their findings of "the indicia of soreness." As to inconsistencies regarding "indicia of soreness," the Association recognizes that some, perhaps, could have a reasonable explanation, such as, the horse became more or less sensitive in the time between the examination and re-examination. Such an explanation, however, should be few and far between, given the brief time period between the examination and the re-examination. Furthermore, it appears that many of the inconsistencies could not be explained away, at least not reasonably. For example, scars do not grow or disappear in a matter of minutes, but there were several instances where a VMO identified an alleged scar on re-examination that was not identified on the first examination, and vice versa.

KELLEY DRYE & WARREN LLP

Lee Fink, Esq.
September 19, 2016
Page Two

The Association's data shows the following rate of VMO inconsistency between examination and re-examination for this year's Celebration to be:

A	B	C	D	E
Total Re-exams by VMOs:	Total Horses Found Compliant on Re-Exam:	% Found Compliant on Re-Exam:	Total Inconsistencies (includes those in Col. B):	Inconsistencies as % of Total Re-Exams:
75	17	22.67%	39	52.00%

In your letter, USDA takes the position that the rate of inconsistencies is not problematic because, in most instances, the examining VMO and re-examining VMO both arrived at the belief that the horse was non-compliant, regardless of whether the basis for their respective beliefs, *i.e.*, their findings as to the "indicia" of soreness, differed.

The USDA's position does not refute the Association's point that the high rate of inconsistencies demonstrates that the current examination process is unscientific and unlawful because it results in a high rate of inconsistencies, among other reasons. Even under USDA's meaning of an "inconsistency," which we believe is more correctly defined as an "error rate, the rate is still a shocking 22.67%, which is contrary to USDA's position that this is "the occasional variance." The inconsistency rate is even higher — 52% — when accounting for inconsistencies in addition to conflicting compliance calls. Contrary to USDA's position, inconsistent findings aside from those as to compliance/non-compliance are still substantively significant. That is because what the particular basis is for a charge of non-compliance can affect the potential number of alleged violations for which an alleged violator is charged and the nature of the alleged non-compliance can be a factor that is considered by ALJs in the sanction to be issued.

These already high rates do not even take into account the inherent bias in the VMO examination process in favor of arriving at a belief of non-compliance. Only horses that the first VMO examiner believed to be non-compliant were re-examined at the Celebration. Thus, the VMO re-examiner knew that his APHIS co-worker, the first VMO examiner, found the horse to be non-compliant. The VMO examiner and re-examiner are team members, work for the same employer and, due to human nature, will have a strong and natural inclination not to disagree with each other. As such while we think the above-noted rates alone demonstrate a defective examination protocol we also believe that a true blind re-examination process would have shown substantially higher rates of inconsistencies, including a high error rate of non-compliance to compliance calls.

Based on APHIS's USDA Horse Program Activity Report for the Celebration posted the week of September 12th, one hundred four horses were disqualified at the Celebration following an APHIS VMO's statement that s/he believed the horse was non-compliant with the HPA. Applying the error rate for conflicting VMO compliance/non-compliance calls of 22.67% to the number of horses that APHIS VMOs did not re-examine (29) means that another approximately 7 horses were improperly disqualified because of VMO error. Table 1 in APHIS's notice of proposed rulemaking for the pending proposed amendments to the horse protection regulations (*see* 81 Fed. Reg. 49112, July 26, 2016) states that APHIS detected 3,355 instances of noncompliance at horse shows that VMOs attended from FY 2010-FY 2015. Applying the 22.67% error rate to this number means that APHIS wrongly disqualified approximately 761 horses during that time period.

KELLEY DRYE & WARREN LLP

Lee Fink, Esq.
September 19, 2016
Page Three

In the end, there is only one reasonable conclusion that can be reached: the examination process is unreliable, unscientific and unlawful. If the process were scientific and reliable, it would not result in a 52% rate of inconsistencies and conflicting results or a 22.67% error rate of compliance to non-compliance calls between APHIS's own VMOs.

Mr. Prieto's August 23rd letter states that USDA is "committed to using scientifically sound methods and lawful processes to effectively enforce the HPA." Thus, we hope that USDA seriously considers the data outlined above, including the rate of inconsistent VMO findings, and the miscarriage of justice by the government in enforcing the HPA that this data indicates.

The Association remains committed to protecting the welfare of horses, as well as committed – as we hope that USDA is – to protecting the due process rights of exhibitors and owners. These are complementary, not conflicting, objectives. Both goals would be advanced by the adoption of a scientifically sound and reliable examination process based on an objective examination protocol that is repeatable, peer reviewed and approved, and can be consistently and objectively applied. Such a protocol would facilitate the accurate identification of those who are truly soring horses, which would benefit horses, and safeguard the due process rights of those involved with TWH shows.

The Association looks forward to continuing to work with APHIS and appreciates your consideration of the matters set forth above. You may contact me should you have any questions about them.

Sincerely,

/s/ Joseph D. Wilson

Joseph D. Wilson
*Counsel To The Tennessee Walking Horse
National Celebration Association*

ccs (by U.S. mail only):

Thomas Vilsack,
Secretary of Agriculture, USDA

Jeffrey Prieto, Esq.
General Counsel, USDA

Bernadette Juarez,
Deputy Administrator
Animal Care Program, APHIS



U.S. Trotting Association

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May 26, 2022

The Honorable Jan Schakowsky
 Chairwoman
 Energy and Commerce Subcommittee on Consumer Protection & Commerce
 United States House of Representatives
 2125 Rayburn House Office Building
 Washington, D.C. 20515

The Honorable Gus Bilirakis
 Ranking Member
 Energy and Commerce Subcommittee on Consumer Protection & Commerce
 United States House of Representatives
 2322 Rayburn House Office Building
 Washington, D.C. 20515

Dear Chairwoman Schakowsky and Ranking Member Bilirakis:

On behalf of the U.S. Trotting Association (USTA) and our members, I'd like to thank you for the opportunity to submit this important information for the record to the Energy and Commerce Subcommittee on Consumer Protection & Commerce for consideration at your May 26, 2022, hearing on H.R. 3355, the "Save America's Forgotten Equines Act of 2021" or the "SAFE Act of 2021." The USTA wholeheartedly supports the SAFE Act of 2021 and urges swift consideration and passage of this important legislation.

Since being founded in 1939, the USTA's mission has been to ensure the highest standards of safety and care for Standardbred horses and to promote and protect the harness racing industry. With nearly 17,000 members, the USTA serves a broad constituency, including Standardbred owners, breeders, drivers, trainers, racetracks, regulators, media, and racing fans.

The USTA strongly supports ending the legal pipeline of U.S. horses being transported outside of the U.S. for slaughter and human consumption. Horse slaughter within the U.S. is currently prohibited because Congress has not appropriated funding for U.S. Department of Agriculture inspectors to regulate the industry; therefore, transporting horses outside the U.S. for slaughter creates a loophole. In recent years, this loophole has enabled bad actors, known as "kill buyers," to take advantage of horses and horse owners in vulnerable situations. The kill buyers legally purchase retired horses and contact their previous owners (USTA members) to say they must either pay to buy the horse back or it will be transported to Canada or Mexico for slaughter. This illicit ransom economy is not only wrong, but it also provides kill buyers with more revenue to continue the practice and ultimately puts horses at lethal risk.

Horse owners, breeders, and the like should not have to fear selling or donating their horse might mean unintentionally placing them in the horsemeat pipeline. Likewise, potential horse buyers looking to provide for the long-term care of the horse should only be competing against others with a similar goal. Unlike buyers for the horsemeat market, these individuals, businesses, and organizations must consider the long-term costs of caring for the horse when allocating capital toward the purchase price, putting them at an inherent disadvantage to the so-called “kill buyers,” who do not face these costs. Closing this loophole will allow for the better protection of horses by those looking to provide them with care.

Additionally, the existence of this loophole stymies programs and organizations working to provide more suitable rehoming options for care. For example, the USTA leads and supports programs for retired Standardbred racehorses, including programs that provide safety nets for horses in need of care. These programs include the Support Our Standardbreds program, the Full Circle program, and an organization founded by USTA, the Standardbred Transition Alliance. The USTA would much rather see a Standardbred racehorse finish its racing days and serve as a pleasure horse or police force horse than end up on a truck bound for the boarder for slaughter. Our programs noted above help provide options for owners.

The USTA is proud to be a part of the “Final Stretch Alliance to End Horse Slaughter,” an innovative effort by equine industry and animal welfare organizations to enact a ban on horse slaughter. Collectively, we call on Congress to act quickly to pass the SAFE Act of 2021.

Sincerely,

The U.S. Trotting Association

A handwritten signature in black ink that reads "Michael J. Tanner". The signature is written in a cursive, flowing style.

Michael J. Tanner
Executive Vice President and CEO

November 2019 DQP YTD Report

	TWH PADDED	TWH FLAT SHOD	RACKING PADDED	RACKING FLAT- SHOD	OTHER GAITED BREEDS	TOTAL
Number of Horses						
Inspected in Show/Sale:	6,813	3,286	804	882	467	12,252
Pre-show:						
Bilateral Sore	79	2	18	1		100
Unilateral	200	8	34	2		244
Scar Rule	67		11	3		81
Bad Image	1	1	3			5
Fractious/Unruly	1					1
Foreign Subst.	18		3	1		22
High Band	6	5	2	3		16
Illegal Shoeing	31		11	1		43
Scurffing	2					2
Pressure Shod						0
Open Lesion	1	2	1			4
Failure to Report						0
Other			1			1
Non HPA Illegal Sho	5					5
<i>Total Pre-show Violations</i>						524
<i>Post Show Inspections:</i>	1127	715	236	185	100	2363
Post Show:	Pre/Post Total Insp:					14,615
Bilateral Sore	2					2
Unilateral	14		1			15
Scar Rule	30		1			31
Bad Image	1					1
Fractious/Unruly						0
Foreign Subst.						0
High Band	2					2
Illegal Shoeing	5					5
Scurffing						0
Pressure Shod						0
Open Lesion	33	1	1			35
Failure to Report	2					2
Illegal Chain	7		1			8
Low Chain	3		4			7
Other Inflamma	12	1	6			19
						0
<i>Total Post Show Violations</i>						127
UNACCEPTABLE						0
TOTAL VIOLATIONS						651

November 2020 DQP Year To Date Report

	TWH PADDED	TWH FLAT SHOD	RACKING PADDED	RACKING FLAT- SHOD	OTHER GAITED BREEDS	TOTAL
Number of Horses						
Inspected in Show/Sale:	5,995	2,739	692	780	101	10,307
Pre-show:						
Bilateral Sore	25	1	1			27
Unilateral	114	7	11	1		133
Scar Rule	10		1			11
Bad Image	1					1
Fractious/Unruly	1					1
Foreign Subst.	4		2	1		7
High Band	3	1				4
Illegal Shoeing	7					7
Scurffing						0
Pressure Shod						0
Open Lesion						0
Failure to Report						0
Other	1					1
						0
Total Pre-show Violations						192
Post Show Inspections:	869	552	165	132	41	1759
Post Show:	Pre/Post Total Insp:					12,066
Bilateral Sore	1					1
Unilateral	8					8
Scar Rule	4					4
Bad Image						0
Fractious/Unruly						0
Foreign Subst.						0
High Band						0
Illegal Shoeing						0
Scurffing						0
Pressure Shod						0
Open Lesion/Inflammation	20	1				21
Failure to Report	1					1
Illegal Chain	1		1			2
Low Chain	2					2
Other						0
						0
Total Post Show Violations						39
UNACCEPTABLE						0
TOTAL VIOLATIONS						231

November 2021 YTD DQP Report

	TWH PADDED	TWH FLAT SHOD	RACKING PADDED	RACKING FLAT- SHOD	OTHER GAITED BREEDS	TOTAL
Number of Horses:						
Inspected in Show/Sale:	6,717	3,227	705	1,045	48	11,742
Pre-show:						
Bilateral Sore	20	3	4			27
Unilateral	113	7	17	2		139
Scar Rule	16		2			18
Bad Image			2			2
Fractious/Unruly	1		1			2
Foreign Subst.	13		3			16
High Band	3					3
Illegal Shoeing	7					7
Scurffing						0
Pressure Shod						0
Open Lesion	8		1	2		11
Failure to Report						0
Other Locomo		1				1
						0
Total Pre-show Violations						226
Post Show Inspections:	1208	743	172	176	16	2315
Post Show:	Pre/Post Total Insp:					14,057
Bilateral Sore	3					3
Unilateral	14		3			17
Scar Rule	5					5
Bad Image						0
Fractious/Unruly						0
Foreign Subst.	1					1
High Band						0
Illegal Shoeing	2		1			3
Scurffing						0
Pressure Shod						0
Open Lesion/Inflamm	51		6			57
Failure to Report						0
Illegal Chain	12		1			13
Low Chain	4		2			6
Other						0
						0
Total Post Show Violations						105
UNACCEPTABLE						0
TOTAL VIOLATIONS						331

FY2019 USDA Horse Program Activity Report October 1, 2018 - September 30, 2019							
DATE	EVENT	HIO	TOTAL ENTRIES INSPECTED BY DESIGNATED QUALIFIED PERSONS	TOTAL ENTRIES INSPECTED BY USDA VETERINARY MEDICAL OFFICERS (VMOs)	TOTAL NUMBER OF HPA NONCOMPLIANCES REFERRED BY USDA VMOs TO SHOW MANAGEMENT FOR DISQUALIFICATION	TOTAL NUMBER OF HORSES DISQUALIFIED BY SHOW MANAGEMENT AFTER RECEIVING USDA VMOs INSPECTION RESULTS	TYPE OF NONCOMPLIANCE
10/13/18	Morehead State University Fall Classic Horse Show, Morehead, KY	KY	49	9	0	0	None
10/13/18	Baileytan Fall Classic, Baileytan, AL	RHBAA	147	44	OBSERVATION ONLY SHOW		
10/18/18-10/20/18	ETWHA Fall Classic Horse Show, White Pine, TN	KY	286	56	0	0	None
10/19/18-10/20/18	HAWHA Fall Classic, Springfield, MO	HAWHA	117	44	OBSERVATION ONLY SHOW		
10/26/18-10/27/18	South Carolina Walking Horse Championship Show, Pendleton, SC	KY	203	44	0	0	None
11/03/18	NCWHA TIP Show, Dallas, NC	AHS	79	13	OBSERVATION ONLY SHOW		
02/09/19	USDA/DQP Joint Training, Shelbyville, TN						
02/23/19	East Tennessee 4B Horse Sale, White Pine, TN	KY	87	4	0	0	None
03/09/19	HAWHA DQP Training, Bolivar, MO						
03/09/19	KY DPQ Training, Richmond, KY						
03/09/19	NCWHA Sneak Preview, Dallas, NC	AHS	2	2	OBSERVATION ONLY SHOW		
03/22/19-03/23/19	51st Annual National Walking Horse Trainers' Show, Shelbyville, TN	SHOW	328	27	0	0	None

03/23/19	Four Beats for Pleasure Eastern North Carolina Jubilee, Williamston, NC	WHGA	328	16	OBSERVATION ONLY SHOW		
04/05/19-04/06/19	Southern Championship Charity Horse Show, Franklin, GA	AHS	157	38	0	0	None
04/12/19-04/13/19	URHOEA 21st Annual Spring Show, White Pine, TN	KY	133	33	OBSERVATION ONLY SHOW		
04/13/19	ANWARC Gaited Show, Fayetteville, AR	HAWHA	114	14	OBSERVATION ONLY SHOW		
04/20/19	Southeastern NC Walking & Racking Horse Show, Lumberton, NC	AHS	92	15	OBSERVATION ONLY SHOW		
04/20/19	HAWHA Spring Kickoff, Bolivar, MO	HAWHA	61	15	OBSERVATION ONLY SHOW		
05/04/19	KWRHT Derby Classic, Harrodsburg, KY	KY	186	20	OBSERVATION ONLY SHOW		
05/10/19	WHAO Spring Fling, Jackson, OH	KY	85	11	OBSERVATION ONLY SHOW		
05/10/19	NCWHA Spring Show, Dallas, NC	AHS	117	11	OBSERVATION ONLY SHOW		
05/11/19	Ohio Valley Walking Horse Association 52nd Annual Horse Show, Stanford, KY	KY	80	8	OBSERVATION ONLY SHOW		
05/25/19	46th Annual Mississippi State Racking Horse Championship Show, Booneville, MS	KY	117	19	OBSERVATION ONLY SHOW		
05/25/19	Virginia Walking and Racking Horse Owners Association Show, Chatham, VA	KY	264	38	OBSERVATION ONLY SHOW		
05/25/19	EKWRHA 30th Annual Celebration, West Liberty, KY	KY	119	17	OBSERVATION ONLY SHOW		
06/01/19	East Tennessee Walking Horse Association Trainers Show, Newport, TN	KY	100	19	OBSERVATION ONLY SHOW		
06/15/19	Midwest Walking Horse Trainers Association Show, Marshfield, MO	HAWHA	85	12	OBSERVATION ONLY SHOW		
06/15/19	50th Annual East Tennessee Classic Horse Show, Chuckey, TN	AHS	161	53	0	0	None
06/21/19-06/22/19	West Virginia Summer Classic, Winfield, WV	KY	365	45	0	0	None
06/28/19-06/29/19	44th Annual Chestnut Hill Charity Horse Show, Chestnut Hill, KY	KY	187	25	1	1	1 - Inflammation
06/29/19	48th Annual Northside Lions Club Horse Show, Samantha, AL	SHOW	89	12	OBSERVATION ONLY SHOW		
07/05/19-07/06/19	Owingsville Lions Club Horse Show, Owingsville, KY	KY	349	46	OBSERVATION ONLY SHOW		
07/12/19-07/13/19	Southern WV Horsemen's Association 2019 State Walking and Racking Horse Championship Show, Danville, WV	KY	139	22	OBSERVATION ONLY SHOW		
07/13/19	Putnam County Fair Horse Show, Cookeville, TN	KY	29	2	OBSERVATION ONLY SHOW		
07/19/19	4th Annual Walking For Hope Horse Show, Brodhead, KY	KY	115	25	0	0	None

07/20/19	Come-Unity Cooperative Care's Tim Philpot Memorial Show, London, KY	KY	119	22	0	0	None
07/26/19-07/27/19	Tennessee Valley Classic Horse Show, White Pine, TN	KY	196	29	OBSERVATION ONLY SHOW		
07/27/19	Ohio-Kentucky Walking & Racking Horse Association Horse Show, Greensp, KY	KY	101	9	OBSERVATION ONLY SHOW		
08/02/19-08/03/19	Harlan County Shrine Horse Show, Putney, KY	Unaffiliated	0	12	1	1	1 - Heel/Toe
08/16/19-08/17/19	95th Annual State Fair of West Virginia Horse Show, Lewisburg, WV	KY	249	30	OBSERVATION ONLY SHOW		
08/23/19-08/24/19, 08/30/19-08/31/19	81st Annual Tennessee Walking Horse National Celebration, Shelbyville, TN	SHOW	645	166	0	0	None
08/31/19	Alabama Open Horseman's Association State Show, Montgomery, AL	AHS	72	21	0	0	None
09/06/19-09/07/19	2019 Bland County Fair Horse Show, Bland, VA	KY	94	14	OBSERVATION ONLY SHOW		
09/07/19	ANWARC Gaited Show, Fayetteville, AR	HAWHA	108	21	OBSERVATION ONLY SHOW		
09/14/19	Warren County Ag & Livestock Fair Walking Horse Show, McMinnville, TN	KY	61	8	OBSERVATION ONLY SHOW		
09/20/19-09/21/19	Kentucky Celebration, Harrodsburg, TN	KY	251	69	3	3	2 - Unilateral Sore 1 - Bilateral Sore
09/20/19-09/21/19	48th Annual World Celebration, Decatur, AL	SHOW	240	34	OBSERVATION ONLY SHOW		
09/27/19	Brown County Fair Horse Show, Georgetown, OH	KY	77	10	OBSERVATION ONLY SHOW		
09/28/19	WHAO Buckeye Fall Classic, Jackson, OH	KY	40	6	OBSERVATION ONLY SHOW		
Total Events: 49 (46 Shows, 1 Joint USDA/DQP Training, 2 DQP Trainings)			7,023	1,210	5	5	

NOTE: Dates of Event and Total Entries Inspected numbers only reflect data from the days USDA attended the show(s).

DATE ¹	EVENT	HORSE INDUSTRY ORGANIZATION	TOTAL ENTRIES INSPECTED BY DESIGNATED QUALIFIED PERSONS (DQPs) ²	TOTAL ENTRIES INSPECTED BY USDA VETERINARY MEDICAL OFFICERS (VMOs)	TOTAL NUMBER OF HPA NONCOMPLIANCES REFERRED BY USDA VMOs TO SHOW MANAGEMENT FOR DISQUALIFICATION	TOTAL NUMBER OF HORSES DISQUALIFIED BY SHOW MANAGEMENT AFTER RECEIVING USDA VMOs' INSPECTION RESULTS	TYPE OF NONCOMPLIANCE
10/05/19	2nd Annual Jerry Manes Memorial Show, Stoutland, MO	HAWHA	73	21	OBSERVATION ONLY SHOW		
10/11/19-10/12/19	The Appalachian Championships, Winfield, WV	KY	325	39	OBSERVATION ONLY SHOW		
10/12/19	Balleyston Fall Classic Horse Show, Balleyston, AL	AHS	154	19	OBSERVATION ONLY SHOW		
10/18/19-10/19/19	ETWHA Fall Classic Horse Show, White Pine, TN	SHOW	290	48	OBSERVATION ONLY SHOW		
10/18/19-10/19/19	HAWHA Fall Classic, Springfield, MO	HAWHA	168	36	OBSERVATION ONLY SHOW		
02/08/19	USDA/DQP Joint Training, Shelbyville, TN						
02/15/19	KY-HIO DQP Training, Richmond, KY						
03/06/20-03/07/20	WHQA HIO DQP Clinic, Murfreesboro, TN						
03/07/20	Gulf Central Association Mobile Horse Show, Mobile, AL	unaffiliated	N/A	2	0	0	None
07/03/20-07/04/20	Owingsville Lions Club Horse Show, Owingsville, KY	AHS	237	43	1	1	Unilateral Score
08/27/20-08/28/20, 09/04/20-09/05/20	82nd Annual Tennessee Walking Horse National Celebration, Shelbyville, TN	SHOW	618	120	1	1	Scar Rule
Total Events: 11 (8 Shows, 1 Joint USDA/DQP Training, 2 DQP Trainings)			1,865	328	2	2	

¹Date(s) of Event and Total Entries Inspected by DQPs only reflects data from the day(s) USDA attended the show.
²NOTE: USDA attendance affected in FY20 as a result of COVID-19.



Statement of the ((Name of Organization))
 House Energy and Commerce Committee
 Subcommittee on Consumer Protection and Commerce
 May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The Tennessee Walking Horse National Celebration appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

The Tennessee Walking Horse National Celebration proudly crowns the Tennessee Walking Horse World Grand Champion annually, and has been doing that for the last 84 years. Annually, over 200,000 equine enthusiasts visit the historic Tennessee Walking Horse Celebration grounds in the heart of Shelbyville, Tenn. The Celebration contributes over **\$30 million** annually to the local economy, and provides a venue for local civic groups to raise the majority of their annual funds.

Our goal is to work within the industry and with the industry's regulators and with Congress to bring common-sense and realistic reforms that will protect the horse and save the industry through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

WHY YOU SHOULD NOT SUPPORT THE PAST ACT

The PAST Act is legislation with the supposed purpose of eliminating "soring" and protecting horses. It attempts to do this by simply eliminating the equipment that is used by the Tennessee Walking Horse as part of its performance. This legislative elimination of equipment is important because many other breeds of show horses utilize pads and other equipment that is similar to equipment utilized by the Tennessee Walking Horse. The HPA applies to all breeds of horses so this revision of the HPA would lead to the question would these new prohibitions not apply to all show breeds?

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection so walking horses. APHIS also attends various shows and often conducts their own inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. Every horse is inspected before a performance and all winners are inspected again after their performance. The current inspection methodology employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is mainly subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a "solution" in search of a problem.

NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

One of the changes called for in the proposed HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the Industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that “there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse...” (AAEP/AVMA joint statement June 14, 2012).

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and our World Championship Horse show has a class designated for horses 15 years of age and older, something few other breeds could claim.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review.

THE CURRENT SUBJECTIVE INSPECTION PROCESS:

As noted, even with the Walking Horse being the most inspected horse in the world and having an extremely high compliance rate with the Horse Protection Act requirements, it is extremely important that you as a Member of Congress understand the subjective inspection process and methodology placed upon the industry by APHIS. Under the Horse Protection Act, both Designated Qualified Persons (DQPs), inspecting on behalf of the HIOs, and APHIS inspectors utilize subjective testing methods. The subjectivity creates significant inconsistencies, allows for the introduction of personal bias and creates constant problems and conflicts.

The Celebration, and its Horse Industry Organization, SHOW, take seriously the responsibility of the enforcement of the HPA. The SHOW HIO has documented the inconsistencies of the inspection process, not only within the HIOs but within the USDA veterinarians when enforcing the HPA. This documentation is included with our statement. To summarize veterinarians employed by APHIS disagreed over 50% of the time when looking at the same horse as to its compliance with the HPA at the 2016 Celebration.

In addition, the industry, the USDA and the State of Tennessee recently jointly funded an independent study conducted by the National Academies of Science to review the current inspection process and its reliability in detecting soreness. The report is attached for your review. NAS concluded the current inspection process falls short, could be dramatically improved by including more objective testing methodologies and concluded the “Scar Rule” could not be enforced as written. **Yet, the PAST Act takes none of the NAS recommendations into account nor implements any of its suggestions.**

CONCLUSION:

As we have noted throughout this letter, the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry's economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid. And as noted, it totally ignores the most recent independent study conducted by NAS, taking into account none of the suggestions of this expert panel.

The Tennessee Walking Horse National Celebration is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has, as noted, a 96% to 99% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization's statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this statement and The Tennessee Walking Horse National Celebration appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and outdated facts, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a common-sense and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



Warren Wells
Chief Executive Officer

Statement of the North Carolina Walking Horse Association
House Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce
May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The North Carolina Walking Horse Association appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

The North Carolina Walking Horse Association includes members from North Carolina, South Carolina, Virginia, Tennessee, and West Virginia ; trainers, owners, breeders and other long-time participants in the walking horse industry. The North Carolina Walking Horse Association has been existence since 1969. Our goals are to work within the industry and with the industry's regulators and with the Congress to bring common-sense and realistic reforms that will protect the horse and save the industry through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

The entire equine world is built on the beauty of the horse, its abilities and the desire of its owners to show, exhibit, and compete to win. By and large, the Tennessee Walking Horse industry stems from a family-based hobby for most owners who love this breed of horse and enjoy the community, tradition and competition the horse show industry provides. The Tennessee Walking Horse is an extremely gentle and docile breed which allows amateur riders of all ages to participate and enjoy this sport.

And why is this legislation and the severe economic impacts associated with it being proposed? Because the Humane Society of the United States (HSUS) has an agenda to eliminate the horse as a farm and sport animal. They have an agenda to eliminate the horse from all competitive arenas. All horses. Their goal is to make the horse a companion animal. Make no mistake - this is an HSUS bill that has significant impacts beyond the Tennessee Walking Horse.

THE PAST ACT IS NO SOLUTION

The PAST Act is legislation with the supposed purpose of eliminating "soring" and protecting horses. It does this by simply eliminating the equipment that is used by the Tennessee Walking Horse as part of its performance. This legislative elimination of equipment is importance because many other breeds of show horses utilize pads and other equipment that is similar to, or greater than, the pads and equipment utilized by the Tennessee Walking Horse. As the PAST Act requires significant new rulemaking from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), the entity Congress has authorized to enforce the Horse Protection Act, and as APHIS has emphasized in a proposed rulemaking action in 2016 that "(t)he Horse Protection Act applies to ALL breeds of horses.....", other breeds can expect the provisions of the PAST Act to apply to them just as HSUS wishes.

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection so walking horses. APHIS also attends various shows and often conducts their own

inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. This horse is inspected before a performance and, quite often, right after a performance. And even though the inspection methodology currently employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is 100% subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a “solution” in search of a problem and, therefore, is simply a legislative initiative to eliminate the walking horse industry and bring other equine breeds into the APHIS inspection and penalties regime and these points are discussed in more detail below.

NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

One of the changes called for in the proposed Whitfield/HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the Industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that “there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse...” (AAEP/AVMA joint statement June 14, 2012).

Proponents of this bill also claim the weighted shoes used by 85% of the Tennessee Walking horses currently competing are used to “hide” abuse. They claim such soring techniques are “regularly used” and have been “documented”. However, the only documented instance of “pressure shoeing” in the last four or five years was detected through inspections performed by an HIO inspector – not the USDA. We are unaware of the USDA ever prosecuting any individual for allegations related to “pressure shoeing” abuse despite the hundreds of digital x-rays performed by USDA inspectors over the years.

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and the World Championship Horse show has a class designated for Classic Horses, which are those 15 years of age and older and in this year’s Celebration, 32 Classic horses competed.

Even with these facts and their own statements, the leadership of the American Association of Equine Practitioners (AAEP) has refused to meet with walking horse industry representatives even though our legislation calls for the use of veterinarians or veterinary technicians for the inspection process whenever possible and for utilizing only objective science-based inspection methods versus the current 100% subjective inspection process. This opposition to discuss these issues or provide constructive and useful suggestions or solutions to one of the major components of their own profession certainly calls into question the motivations and professional integrity of these organizations as they continually attack and malign a horse that, as noted, is the most inspected horse in the world and that maintains an extremely high compliance rate with the Horse Protection Act and yet remains strangely quiet about the abuses and deaths that occur on a daily basis within the Thoroughbred Industry.

The travesties associated with last year's Kentucky Derby and the hundreds of unacceptable deaths of thoroughbreds either racing or training to race last year alone should have resulted in significant actions by AAEP to stop this horrific cheating and abuse. But they remained quiet. As noted by the New York Times expose, during the period of 2009-2011, over 3000 thoroughbred horses died because of racing, or the training connected to racing. It is also very significant to note that during this same time of 2009-2011, there was one death of a performing Tennessee Walking Horse.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review. Most importantly, these compliance rates are by and large a result of SUBJECTIVE testing methods, subject to human bias and mistakes, rather than science-based OBJECTIVE testing.

We have not been able to find any other Industry, either government-regulated or self-regulated, that maintains this high level of compliance that are also being achieved through clearly subjective inspection protocols. By way of example, based on publicly reported numbers generated by the U.S. Department of Agriculture, its Food Safety and Inspection Service (FSIS) branch reports an approximately 98% compliance rate for 2010 and 2011, using we hope objective inspections as they are dealing with our country's food supply. If APHIS, charged with enforcement of the Horse Protection Act under current law, the PAST Act if enacted and our legislation if enacted, is to be believed, only a very small percentage of Tennessee Walking Horses are out of compliance with the HPA. These compliance FACTS are direct and irrefutable counters to the claims and misrepresentations of the PAST Act supporters. At the same time, we and other leaders within the Tennessee Walking Horse industry believe this extremely high compliance rate can be even better through the industry's continued request for APHIS to utilize objective inspections and the requirement of which is contained in our legislation.

THE CURRENT SUBJECTIVE INSPECTION PROCESS:

As noted, even with the Walking Horse being the most inspected horse in the world and having an extremely high compliance rate with the Horse Protection Act requirements, it is extremely important that you as a Member of Congress understand the subjective inspection process and methodology placed upon the industry by APHIS. Under the Horse Protection Act, both Designated Qualified Persons (DQPs), inspecting on behalf of the HIOs, and APHIS inspectors utilize subjective testing methods. The subjectivity creates significant inconsistencies, allows for the introduction of personal bias and creates constant problems and conflicts. What other industry goes through a series of inspection stations by both DQPs and Government VMOs prior to competition and can pass that inspection but fail an inspection 30 or 45 minutes later after it competes? Or must contend with variations or inconsistencies with an inspection process that, for example, results in APHIS inspectors disagreeing approximately 25% of the time on whether a horse is in compliance. Attached for your consideration is a letter from the industry's premier horse show, the National Celebration, to the U.S. Department of Agriculture's Office of General Counsel outlining these extreme inconsistencies.

CLAIMS REGARDING "FOREIGN SUBSTANCE" TESTING:

Another claim made by our industry's opponents is that in one instance of testing, 52 out of 52 horses tested positive for the presence of foreign substances and, therefore, must be sore. Under current regulation and the testing methodologies used by the USDA inspectors, the Department has a zero-

tolerance policy. The current testing methods essentially require a horse's foot area to be sterile with the exception of certain lubricants identified in the regulations— despite the fact that the Act only prohibits foreign substances which are intended to alter the gait of the horse or mask the inspection process.

Even a proponent of the PAST Act, the United States Equestrian Foundation, has said that “zero-tolerance” is an unacceptable protocol. Numerous experts in the field of mass spectrometry (the technology used by USDA inspectors) agree that, given the current technology and advances since its introduction in 1970, a zero-tolerance protocol is unacceptable. The technology has improved exponentially and detection on the level of 1 part per billion is possible.

An additional issue with the Department's Foreign Substance Policy is that they have not developed or identified any type of baseline or tolerance level. They have not established by policy or regulation which “foreign substances, and at what particle level, cause soring. The current “foreign substance” testing returns a “positive” result for any substance present on the horse's foot – including those which common sense would tell you are not intended to alter the horse's gait such as hoof paint, fly spray and other normal equine care products.

Additionally, in 2012, the Walking Horse Trainers' Association instituted a swabbing program aimed at protecting the welfare of the horse and increasing compliance by its member trainers. Both the AAEP and AVMA were approached in face-to-face meetings and through correspondence soliciting the organizations' involvement in development of the swabbing program and participation in its implementation. Neither the AAEP nor the AVMA chose to assist the industry in its efforts to eliminate soring and, instead, issued a statement supporting the ban on pad and action devices which was contradictory to their previous public statements. This voluntary compliance program has continued and, in fact, during last year's show season, APHIS and the Trainers' Association inspected approximately 1200 horses utilizing the swabbing protocol and were able to only identify 14 horses as being “out of compliance” with the Horse Protection Act which is a 99% compliance rate.

The statements, therefore, by the Humane Society of the United States and their supporters that “all horses are sore”, that “rampant soring continues” and that there is “massive abuse” are, quite simply, factually incorrect and not backed up by any fact whatsoever. When an organization is pushing an agenda, the truth is not a concern. For any individual or group to attempt to use these findings as support for their claims that these horses are sore and/or that the shoes and actions devices should be removed is absurd.

ADDITIONAL EXPENSE TO FEDERAL GOVERNMENT OF PROPOSED LEGISLATION:

The Legislative History and records regarding creation of the Horse Protection Act and the amendments in 1976 indicate the clear intent of the legislation was to provide for industry self-regulation that was overseen by and partnered with the Department of Agriculture and APHIS. In fact, the amendments passed in 1976 were a response to the Department's failure to adequately inspect and Congress's recognition of the need to create industry inspection methodology through the creation of the Horse Industry Organizations. The PAST Act guts the very foundations of the Horse Protection Act because it eliminates the self-regulatory mechanics of the bill and turns over to the Department all control, oversight, authority and actions and it creates additional regulatory needs and burdens by insuring that all breeds of horses will come under the requirements of the Horse Protection Act and these amendments from 1976.

First and foremost, the elimination of the HIOs will require ALL tickets or notices of non-compliance written at shows to be adjudicated by the Department as, currently, the HIOs handle that process for the majority of the written tickets. Any ticket written for scar rule, foreign substance detection, soring, etc., must be dealt with by Government staff, attorneys, and support personnel as we certainly would not question the PAST Act's supporters of their belief in the sanctity of due process of law. These violations, therefore, must be provided that process.

Secondly, the legislation, if enacted, would require additional funding since the entire inspection resources of the HIOs will be eliminated and replaced with Government-selected inspectors. The Government, therefore, will have to recruit, manage and schedule for participating shows that remain, along with the other performance equine shows that will be subject to APHIS inspections.

All expenses associated with DQP training are currently paid for by the HIOs. This includes requirements for an all-day training session EACH year for EVERY inspector, additional sessions for those inspectors who could not attend the initial session, a recurrent session of at least 4 hours EACH year for EACH inspector. It also includes a continuation of the Department's regulatory requirement of APHIS oversight, monitoring and appraisal of the performance of new inspectors, the apprenticeship requirement of all new inspectors for 2 shows and, as the legislation provides a preference for veterinarians, have a ready schedule of extra inspectors due to professional requirements that conflict with show requirements.

Additionally, regulations require a significant amount of reporting for each show, proper training and actions associated with their enforcement responsibilities and proper consideration and actions related to the provision of due process of law for those charged or ticketed with violating the Horse Protection Act. And since these new inspectors are federal government employees or subcontractors the security currently required by APHIS will need to be extended to every inspector at every show – not an insignificant cost. All of this while taking into account that the majority of the shows occur on the weekends when most busy professionals want and need personal time with their families. ***The cost of all of these items will be the responsibility of the United States government.***

The USDA itself has recognized the significant costs associated with the undertakings proposed by this legislation. During the rulemaking process of adopting the Regulations implementing the industry self-regulation HIO program, the USDA stated the following:

“[comments] suggested that the DQP program should be operated by the Department and the applicants should be trained and licensed directly by the Department. **The Department has neither the personnel nor the funds to carry out such an extensive undertaking and feels that the DQP program should remain in the realm of industry self-regulation.**”

44 Fed. Reg. 1158, 1160 (emphasis added).

- Additionally, as part of the 2011 rulemaking regarding the adoption of mandatory minimum penalties, the USDA stated the following:

“The Act provides us with the authority to pursue civil and criminal penalties against persons who violate the Act. However, **such proceedings may be time-consuming and expensive, and our resources for prosecuting such cases are limited.**”

76 Fed. Reg. 30864, 30865 (May 27, 2011) (emphasis added).

The Office of the Inspector General’s Audit Report of September 2010 also found the following regarding expenses of HPA enforcement:

- Page 113: “Given its limited resources – which APHIS regards as inadequate to send its own veterinarians to the approximately 500 horse shows that are held each year – the agency implemented the program by collaborating with horse industry organizations sponsoring the shows.”
- Page 126: “According to the Horse Protection Act, APHIS employees have the authority to inspect horses and initiate civil proceedings against individuals who are suspected of having abused their horses. Because **these proceedings can be long, expensive, and have unpredictable results, APHIS has structured its enforcement process so that horse industry organizations and DQPs are the primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act.**” (emphasis added).

With the Horse Protection Act amendments passed in 1976, Congress recognized that the Department of Agriculture could not manage and did not have the capabilities to inspect all of the walking horse shows. Congress, therefore, set up the DQP Program. This legislation eliminates that program, establishes a government-selected and managed program and proposes to pass the inspection costs on to the show manager. If a show manager, however, chooses NOT to utilize this government inspector, he or she assumes the risk and personal liability of an HPA violation and the associated criminal or civil liability.

CONCLUSION:

As we have noted throughout this statement, the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry’s economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid.

The North Carolina Walking Horse Association is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has, as noted, a 96% to 99% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

Our industry is not perfect and more work remains. We can say, however, that we have made, and will continue to make, great strides in eliminating the small minority of bad actors in our sport. No other component of the equine industry can say that. The Tennessee Walking Horse industry did not have hundreds of its horses die last year as a result of performing or training to perform or have, for the period of 2009-2011, 3,000 horses die as the New York Times reported.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization's statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this Statement and The North Carolina Walking Horse Association appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and inflammatory language, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a common-sense and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



Statement of the Performance Show Horse Association
House Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce
May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The Performance Show Horse Association (PSHA) appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

Our Association represents trainers, owners, breeders, and other long-time participants in the walking horse industry. Our goals are to work within the industry and with the industry's regulators and with the Congress to bring common-sense and realistic reforms that will protect the horse and save the industry through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

THE PAST ACT IS NO SOLUTION

The PAST Act is legislation with the supposed purpose of eliminating "soring" and protecting horses. It attempts to do this by simply eliminating the equipment that is used by the Tennessee Walking Horse. This legislative elimination of equipment is important because many other breeds of show horses utilize pads and similar equipment to the Tennessee Walking Horse. The PAST Act will require significant new rulemaking from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), the entity Congress has authorized to enforce the Horse Protection Act, and as APHIS has emphasized in a proposed rulemaking action in 2016 that "(t)he Horse Protection Act applies to ALL breeds of horses...." Will the elimination of equipment associated with soring, according to HSUS, be applied to all breeds in the PAST Act or just the Tennessee Walking Horse?

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection of walking horses. APHIS also attends various shows and often conducts their own inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. Every Tennessee Walking Horse is inspected before its performance and, quite often, right after a performance. And even though the inspection

methodology currently employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is 100% subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a “solution” in search of a problem.

NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

One of the changes called for in the proposed HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that “there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse...” (AAEP/AVMA joint statement June 14, 2012).

Proponents of this bill also claim the weighted shoes used by 85% of the Tennessee Walking horses currently competing are used to “hide” abuse. They claim such soring techniques are “regularly used” and have been “documented”. However, the USDA has never found nor prosecuted any offender of such abuse. The HIOs have been the only entities to identify any alleged abuse of this manner and those parties were removed from competition.

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and even have a world championship division for horses 15 years of age and older. Tennessee Walking Horses regularly compete longer in their careers than most other show breeds.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review. Most importantly, these compliance rates are by and large a result of SUBJECTIVE testing methods, subject to human bias and mistakes, rather than science-based OBJECTIVE testing.

These compliance reports are direct and irrefutable counters to the claims and misrepresentations of the PAST Act supporters. At the same time, we and other leaders within the Tennessee Walking Horse industry believe this extremely high compliance rate can be even better through the industry’s continued request for APHIS to utilize objective inspections and the requirement of which is contained in our legislation. This same conclusion was reached by the National Academies of Sciences (NAS) in their independent review of the inspection process which found a need for better and more objective methods to be utilized. The PAST Act ignores all of the finding of the NAS study that was jointly funded by USDA and the Tennessee Walking Horse industry.

THE CURRENT SUBJECTIVE INSPECTION PROCESS:

As noted, the current inspection process utilized by APHIS and its inspectors is an overwhelmingly subjective process. It allows for bias and other variables that creates unacceptable inconsistencies in what is or is not a violation of the Horse Protection Act requirements. To emphasize this subjectivity, please find attached to this Statement a letter from attorneys representing the National Celebration to the United States Department of Agriculture's Office of General Counsel. During the 2016 National Celebration horse show, APHIS inspectors disagreed with themselves almost 23% of the time on whether a horse was "sore" and over 50% of the time, these inspectors disagreed with each other on the reason. No other industry that is regulated could accept this type of subjectivity or level of inconsistency and that documented inconsistency is the reason our industry has asked APHIS repeatedly to utilize objective science-based inspection protocols and why our alternative legislation to the PAST Act requires a 100% objective inspection process.

CLAIMS REGARDING "FOREIGN SUBSTANCE" TESTING:

Another claim made by our industry's opponents is that in one instance of testing, 52 out of 52 horses tested positive for the presence of foreign substances and, therefore, must be sore. For example, in the 2021 show season, the Tennessee Walking Horse Trainers Association partnered with APHIS to conduct swabbing inspections in order to check for masking agents and other foreign substances. These swabs were then sent to a USDA laboratory for analysis. Over 1,200 horses were swabbed through this program and only 14 horses were identified as "not in compliance". That means that over 98% of the horses inspected using this completely objective inspection method were in compliance with the requirements of the Horse Protection Act.

The statements, therefore, by the Humane Society of the United States and their supporters that "all horses are sore", that "rampant soring continues" and that there is "massive abuse" are, quite simply, factually incorrect, and not backed up by any fact whatsoever. When an organization is pushing an agenda, the truth is not a concern. For any individual or group to attempt to use these findings as support for their claims that these horses are sore and/or that the shoes and actions devices should be removed is absurd.

ADDITIONAL EXPENSE TO FEDERAL GOVERNMENT OF PROPOSED LEGISLATION:

The Legislative History and records regarding creation of the Horse Protection Act and the amendments in 1976 indicate the clear intent of the legislation was to provide for industry self-regulation that was overseen by and partnered with the Department of Agriculture and APHIS. In fact, the amendments passed in 1976 were a response to the Department's failure to adequately inspect and Congress's recognition of the need to create industry inspection methodology through the creation of the Horse Industry Organizations. The PAST Act guts the very foundations of the Horse Protection Act because it eliminates the self-regulatory mechanics of the bill and turns over to the Department all control, oversight, authority and actions and it creates additional regulatory needs and burdens by ensuring that all breeds of horses will come under the requirements of the Horse Protection Act and these amendments from 1976.

First and foremost, the elimination of the HIOs will require ALL tickets or notices of non-compliance written at shows to be adjudicated by the Department as, currently, the HIOs handle that process for most of the written tickets. Any ticket written for scar rule, foreign substance detection, soring, etc., must be dealt with by Government staff, attorneys, and support personnel as we certainly would not question the PAST Act's supporters of their belief in the sanctity of due process of law. These violations, therefore, must be provided that process.

Secondly, the legislation, if enacted, would require additional funding since the entire inspection resources of the HIOs will be eliminated and replaced with Government-selected inspectors. The Government, therefore, will have to recruit, manage, and schedule for participating shows that remain, along with the other performance equine shows that will be subject to APHIS inspections.

All expenses associated with DQP training are currently paid for by the HIOs. This includes requirements for an all-day training session EACH year for EVERY inspector, additional sessions for those inspectors who could not attend the initial session, a recurrent session of at least 4 hours EACH year for EACH inspector. It also includes a continuation of the Department's regulatory requirement of APHIS oversight, monitoring, and appraisal of the performance of new inspectors, the apprenticeship requirement of all new inspectors for 2 shows and, as the legislation provides a preference for veterinarians, have a ready schedule of extra inspectors due to professional requirements that conflict with show requirements.

Additionally, regulations require a significant amount of reporting for each show, proper training and actions associated with their enforcement responsibilities and proper consideration and actions related to the provision of due process of law for those charged or ticketed with violating the Horse Protection Act. And since these new inspectors are federal government employees or subcontractors the security currently required by APHIS will need to be extended to every inspector at every show – not an insignificant cost. All of this while considering that most of the shows occur on the weekends when most busy professionals want and need personal time with their families. ***The cost of all these items will be the responsibility of the United States government.***

The USDA itself has recognized the significant costs associated with the undertakings proposed by this legislation. During the rulemaking process of adopting the Regulations implementing the industry self-regulation HIO program, the USDA stated the following:

“[comments] suggested that the DQP program should be operated by the Department and the applicants should be trained and licensed directly by the Department. **The Department has neither the personnel nor the funds to carry out such an extensive undertaking and feels that the DQP program should remain in the realm of industry self-regulation.**”

44 Fed. Reg. 1158, 1160 (emphasis added).

- Additionally, as part of the 2011 rulemaking regarding the adoption of mandatory minimum penalties, the USDA stated the following:

“The Act provides us with the authority to pursue civil and criminal penalties against persons who violate the Act. However, **such proceedings may be time-consuming and expensive, and our resources for prosecuting such cases are limited.**”

76 Fed. Reg. 30864, 30865 (May 27, 2011) (emphasis added).

The Office of the Inspector General's Audit Report of September 2010 also found the following regarding expenses of HPA enforcement:

- Page 113: "Given its limited resources – which APHIS regards as inadequate to send its own veterinarians to the approximately 500 horse shows that are held each year – the agency implemented the program by collaborating with horse industry organizations sponsoring the shows."
- Page 126: "According to the Horse Protection Act, APHIS employees have the authority to inspect horses and initiate civil proceedings against individuals who are suspected of having abused their horses. Because **these proceedings can be long, expensive, and have unpredictable results, APHIS has structured its enforcement process so that horse industry organizations and DQPs are the primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act.**" (Emphasis added).

With the Horse Protection Act amendments passed in 1976, Congress recognized that the Department of Agriculture could not manage and did not have the capabilities to inspect all the walking horse shows. Congress, therefore, set up the DQP Program. This legislation eliminates that program, establishes a government-selected and managed program, and proposes to pass the inspection costs on to the show manager. If a show manager, however, chooses NOT to utilize this government inspector, he or she assumes the risk and personal liability of an HPA violation and the associated criminal or civil liability.

CONCLUSION:

As we have noted throughout this statement, the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry's economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition and confirmed in the recent NAS study, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid.

PSHA is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has, as noted, a 96% to 99% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating

the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization's statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this Statement and PSHA appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and inflammatory language, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a common-sense and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



Statement from the Tennessee Walking Horse Breeders' & Exhibitors' Association
Regarding H.R. 5441 (the PAST Act)
House Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce

May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The Tennessee Walking Horse Breeders' & Exhibitors' Association appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

Founded in 1935, the Tennessee Walking Horse Breeders' & Exhibitors' Association (TWHBEA) is the oldest breed association dedicated to the Tennessee Walking Horse – the official horse of the State of Tennessee. TWHBEA maintains the official breed registry and records the pedigrees of more than 600,000 Tennessee Walking Horses around the globe. We have some 6,000 members worldwide and strive continuously to promote the diverse qualities and uses of our smooth-riding breed, as well as to help assure the general welfare of all Tennessee Walking Horses. Headquartered in Lewisburg, Tennessee, TWHBEA is governed by a 58-member International Board of Directors.

Our goals are to work within the industry and with its regulators, as well as with Congress, to bring common sense and realistic reforms that will protect our horses, breeders, owners and exhibitors. The past decade has brought us closer than ever to achieving 100% compliance with the Horse Protection Act. In 2021 only 1% of horses had any type of violation and within that, only .56% were for sensitivity or "soring." It is our position that this industry must comply with all current laws and regulations and the practice of "soring," however minuscule, must be eliminated from our sport. This goal can be accomplished through objective, science-based regulations enforced by knowledgeable professionals. Our horses and members deserve nothing less. Furthermore, it's imperative that any regulations are capable of being carried out extensively at a variety of venues without being cost prohibitive or placing unnecessary burden on competitions or exhibitors. These objectives can be accomplished, and our industry saved through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

There are potential FAR-REACHING implications of this legislation.

While the breed's foundation is in the rolling hills of Tennessee, the modern-day Tennessee Walking Horse has universal appeal, as demonstrated by registered ownership that spans all 50 US states and 29 foreign countries. We have enjoyed phenomenal growth over the past three decades and, at this time, over one-third of the horses registered in our 87-year history are still active. Today, there are 246,276 Tennessee Walking Horses being enjoyed as trusted trail companions, sought-after stallions and broodmares, spoiled family pets, dependable ranch horses and exhilarating show horses. Primarily located in the United States, there are currently some 34,000 show horses supporting a circuit of approximately 300 shows across the country. The backbone of our show circuit continues to be middle class Americans who show their horses in small communities, often at competitions hosted by local civic

groups as a source of fundraising for various philanthropic initiatives. These breeders, trail riders, owners, exhibitors and show organizers amount to a \$3.2 billion industry that's responsible for approximately 20,000 jobs.

The PAST Act is NOT THE SOLUTION.

The PAST Act is legislation with the supposed purpose of eliminating "soring" and protecting horses. It attempts to do this by simply eliminating the equipment that is used by the Tennessee Walking Horse. This legislative elimination of equipment is important because many other breeds of show horses utilize pads and similar equipment to the Tennessee Walking Horse. The PAST Act will require significant new rulemaking from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), the entity Congress has authorized to enforce the Horse Protection Act, and as APHIS has emphasized in a proposed rulemaking action in 2016 that "(t)he Horse Protection Act applies to ALL breeds of horses...." Will the proposed elimination of equipment be applied to all breeds in the Horse Protection Act or just the Tennessee Walking Horse?

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection of walking horses. APHIS also attends various shows and often conducts their own inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. Every Tennessee Walking Horse is inspected before its performance and, quite often, right after a performance. And even though the inspection methodology currently employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is 100% subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a "solution" in search of a problem.

There is NO FACTUAL SUPPORT for eliminating weighted shoes and action devices.

One of the changes called for in the proposed HSUS bill is the elimination of all "weighted" shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the industry show horses is the allegation that "all horses are sore." This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that "rampant soring continues", and there is "massive abuse" in the industry, which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that "there is little scientific evidence to indicate that the use of action devices below a certain weight are detrimental to the health and welfare of the horse..." (AAEP/AVMA joint statement June 14, 2012). Major university veterinary colleges have also done scientific studies that prove action devices are not detrimental to horses.

Proponents of this bill also claim the weighted shoes used by 85% of the Tennessee Walking horses currently competing are used to "hide" abuse. They claim such soring techniques are "regularly used" and have been "documented". However, the USDA has never found nor prosecuted any offender of such abuse. The HIOs have been the only entities to identify any alleged abuse of this manner and those parties were removed from competition.

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and even have a world championship division for horses 15 years of age and older. Tennessee Walking Horses regularly compete longer in their careers than most other show breeds.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review. Most importantly, these compliance rates are by and large a result of SUBJECTIVE testing methods, subject to human bias and mistakes, rather than science-based OBJECTIVE testing.

These compliance reports are direct and irrefutable counters to the claims and misrepresentations of the PAST Act supporters. At the same time, we and other leaders within the Tennessee Walking Horse industry believe this extremely high compliance rate can be even better through the industry's continued request for APHIS to utilize objective inspections and the requirement of which is contained in our legislation. This same conclusion was reached by the National Academies of Sciences (NAS) in their independent review of the inspection process which found a need for better and more objective methods to be utilized. The PAST Act ignores all of the findings of the NAS study that was jointly funded by the USDA and the Tennessee Walking Horse industry.

The current inspection process is proven to be TOO SUBJECTIVE.

As noted, the current inspection process utilized by APHIS and its inspectors is an overwhelmingly subjective process. It allows for bias and other variables that creates unacceptable inconsistencies in what is or is not a violation of the Horse Protection Act requirements. To emphasize this subjectivity, please find attached to this Statement a letter from attorneys representing the National Celebration to the United States Department of Agriculture's Office of General Counsel. During the 2016 National Celebration horse show, APHIS inspectors disagreed with themselves almost 23% of the time on whether a horse was "sore" and over 50% of the time, these inspectors disagreed with each other on the reason. No other industry that is regulated could accept this type of subjectivity or level of inconsistency and that documented inconsistency is the reason our industry has asked APHIS repeatedly to utilize objective science-based inspection protocols and why our alternative legislation to the PAST Act requires a 100% objective inspection process.

The Federal Government will incur CONSIDERABLE ADDITIONAL EXPENSE with the proposed legislation.

The Legislative History and records regarding creation of the Horse Protection Act and the amendments in 1976 indicate the clear intent of the legislation was to provide for industry self-regulation that was overseen by and partnered with the Department of Agriculture and APHIS. In fact, the amendments passed in 1976 were a response to the Department's failure to adequately inspect and Congress's recognition of the need to create industry inspection methodology through the creation of the Horse Industry Organizations. The PAST Act guts the very foundations of the Horse Protection Act because it eliminates the self-regulatory mechanics of the bill and turns over to the Department all control, oversight, authority and actions and it creates additional regulatory needs and burdens by ensuring that all breeds of horses will come under the requirements of the Horse Protection Act and these amendments from 1976.

First and foremost, the elimination of the HIOs will require ALL tickets or notices of non-compliance written at shows to be adjudicated by the Department as, currently, the HIOs handle that process for most of the written tickets. Any ticket written for scar rule, foreign substance detection, soring, etc., must be dealt with by Government staff, attorneys, and support personnel as we certainly would not question the PAST Act's supporters of their belief in the sanctity of due process of law. These violations, therefore, must be provided that process.

Secondly, the legislation, if enacted, would require additional funding since the entire inspection resources of the HIOs will be eliminated and replaced with Government-selected inspectors. The

Government, therefore, will have to recruit, manage, and schedule for participating shows that remain, along with the other performance equine shows that will be subject to APHIS inspections.

All expenses associated with DQP training are currently paid for by the HIOs. This includes requirements for an all-day training session EACH year for EVERY inspector, additional sessions for those inspectors who could not attend the initial session, a recurrent session of at least 4 hours EACH year for EACH inspector. It also includes a continuation of the Department's regulatory requirement of APHIS oversight, monitoring, and appraisal of the performance of new inspectors, the apprenticeship requirement of all new inspectors for 2 shows and, as the legislation provides a preference for veterinarians, have a ready schedule of extra inspectors due to professional requirements that conflict with show requirements.

Additionally, regulations require a significant amount of reporting for each show, proper training and actions associated with their enforcement responsibilities and proper consideration and actions related to the provision of due process of law for those charged or ticketed with violating the Horse Protection Act. And since these new inspectors are federal government employees or subcontractors the security currently required by APHIS will need to be extended to every inspector at every show – not an insignificant cost. All of this while considering that most of the shows occur on the weekends when most busy professionals want and need personal time with their families. ***The cost of all these items will be the responsibility of the United States government.***

The USDA itself has recognized the significant costs associated with the undertakings proposed by this legislation. During the rulemaking process of adopting the Regulations implementing the industry self-regulation HIO program, the USDA stated the following:

“[comments] suggested that the DQP program should be operated by the Department and the applicants should be trained and licensed directly by the Department. **The Department has neither the personnel nor the funds to carry out such an extensive undertaking and feels that the DQP program should remain in the realm of industry self-regulation.**”

44 Fed. Reg. 1158, 1160 (emphasis added).

- Additionally, as part of the 2011 rulemaking regarding the adoption of mandatory minimum penalties, the USDA stated the following:

“The Act provides us with the authority to pursue civil and criminal penalties against persons who violate the Act. However, **such proceedings may be time-consuming and expensive, and our resources for prosecuting such cases are limited.**”

76 Fed. Reg. 30864, 30865 (May 27, 2011) (emphasis added).

The Office of the Inspector General's Audit Report of September 2010 also found the following regarding expenses of HPA enforcement:

- Page 113: “Given its limited resources – which APHIS regards as inadequate to send its own veterinarians to the approximately 500 horse shows that are held each year – the agency implemented the program by collaborating with horse industry organizations sponsoring the shows.”

- Page 126: "According to the Horse Protection Act, APHIS employees have the authority to inspect horses and initiate civil proceedings against individuals who are suspected of having abused their horses. Because **these proceedings can be long, expensive, and have unpredictable results, APHIS has structured its enforcement process so that horse industry organizations and DQPs are the primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act.**" (Emphasis added).

With the Horse Protection Act amendments passed in 1976, Congress recognized that the Department of Agriculture could not manage and did not have the capabilities to inspect all the walking horse shows. Congress, therefore, set up the DQP Program. This legislation eliminates that program, establishes a government-selected and managed program, and proposes to pass the inspection costs on to the show manager. If a show manager, however, chooses NOT to utilize this government inspector, he or she assumes the risk and personal liability of an HPA violation and the associated criminal or civil liability.

CONCLUSION:

As we have noted throughout this statement, the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse show industry and 85% of the industry's economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition and confirmed in the recent NAS study, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid.

TWHBEA is committed to the total compliance of all exhibitors to the Horse Protection Act. With the industry having, demonstrably, a 96% to 99% compliance rate, the number of violations among our culture of compliance is already minute. The continued diminishing of that minority must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, showing these magnificent animals in a competitive, but safe, manner.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization's statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions to achieve total compliance for the show horse.

Thank you for your time and attention to this Statement and TWHBEA appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent's continued uses of misinformation and inflammatory language, you will understand and appreciate the progress we have made. We recognize that more remains to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a

common-sense and realistic approach that can facilitate the achievement of our industry's goals of protecting our horses and saving our industry.



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Statement of the Walking Horse Trainers Association, Inc
House Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce
May 26, 2022

Chairperson Schakowsky, Ranking Member Bilirakis and Members of the Subcommittee:

The Walking Horse Trainers Association appreciates the opportunity to provide a statement regarding the Subcommittee's Legislative Hearing regarding H.R. 5441 (the PAST Act) and the negative impacts this legislation would have on the Tennessee Walking Horse industry and the communities and families that work in and depend on this industry.

The Walking Horse Trainers Association, Inc (WHTA) was established in 1968. The purpose of forming this non-profit association was to promote and develop activities on behalf of and in the interest of the protection of the members of their Association. As time has evolved, the purpose and mission has expanded to include support of many community projects as well as the health and welfare of its greatest asset...the beautiful Tennessee Walking Horse. The headquarters for WHTA is located in the heart of the Walking Horse Capital here in Shelbyville.

The Framework of the Walking Horse Trainers Association is built on showing compliant horses. For the past 2 years, WHTA has worked with the USDA and the HIO's to create and develop a swabbing program. The statistics from this 2-year joint program of USDA and HIO's has proven the claims by HSUS and proponents of the Past Act are unequivocally false.

The WHTA began with approximately 200 members in their general membership and future growth has seen the membership be over 1000. Currently, the active license membership totals 289 representing 24 different states. This Association concentrates on the positive aspects of the walking horse industry and offers its support to many worthwhile projects. The Annual National Walking Horse Trainers Show is the greatest funding asset to WHTA. In addition, this show is heralded as the second largest Tennessee Walking Horse Show in the nation and is the first MAJOR show of the season. This event has made contributions to many different charities as well as created avenues of support such as:

- A. NAHRA: This handicapped riding association benefited from a monetary contribution from WHTA to continue their great deed. In addition, we provided a lending hand to the Great Strides Therapeutic Riding Center in Shelbyville.
- B. Feed the Children: In some small way, WHTA was beneficial in aiding the malnourished children in the United States through proceeds from some shows going to this great organization.
- C. Bedford Co. Healthy Children Programs.
- D. 4-H Projects of Bedford County
- E. Donations to the Bedford County Pediatric Wing.
- F. Bedford Co. "Stuff the Bus" participation with helping with school supplies for our children.
- G. Helped build an animal shelter at Bedford County Animal Control.
- H. Hauled horses to Bedford County Schools and explained proper care and training techniques to students in the community.

- I. Scholarship Fund: WHTA has proudly given over \$50,000 in scholarship funding to high school graduates.
- J. Youth Council: In 1995, WHTA established the Youth Council. Their goal was to teach responsibility to our younger generation and get them involved in the “art of volunteerism”. This has proven to be a very worthwhile endeavor.
- K. Recently, the WHTA presented an \$8,000 donation to the Family Community Development Center in Shelbyville that serves 19 counties in Tennessee.

The WHTA goals are to work within the industry and with the industry’s regulators and with the Congress to bring common-sense and realistic reforms that will protect the horse and save the industry through legislation that Congressman Scott Desjarlais has introduced in the House, H.R. 6341, and that Sen. Bill Hagerty has introduced in the Senate, S. 4005.

THE PAST ACT IS NO SOLUTION

The PAST Act is legislation with the supposed purpose of eliminating “soring” and protecting horses. It attempts to do this by simply eliminating the equipment that is used by the Tennessee Walking Horse. This legislative elimination of equipment is important because many other breeds of show horses utilize pads and similar equipment to the Tennessee Walking Horse. The PAST Act will require significant new rulemaking from the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS), the entity Congress has authorized to enforce the Horse Protection Act, and as APHIS has emphasized in a proposed rulemaking action in 2016 that “(t)he Horse Protection Act applies to ALL breeds of horses....” Will the elimination of equipment associated with soring, according to HSUS, be applied to all breeds in the PAST Act or just the Tennessee Walking Horse?

The PAST Act also eliminates the Designated Qualified Persons (DQPs) that are utilized by the Horse Industry Organizations that Congress established to assist the industry and shows across the country with inspection of walking horses. APHIS also attends various shows and often conducts their own inspections and this DQP inspection process, along with the APHIS inspectors, makes the Tennessee Walking Horse the most inspected horse in the world. Every Tennessee Walking Horse is inspected before its performance and, quite often, right after a performance. And even though the inspection methodology currently employed by APHIS and, by extension the DQPs since the DQPs are trained by APHIS, is 100% subjective, the industry, over the past three (3) years has maintained between a 96% and 99% compliance rate with the Horse Protection Act requirements. That compliance rate alone calls into question the HSUS push for the PAST Act as it would appear to be a “solution” in search of a problem.

NO FACTUAL SUPPORT FOR ELIMINATION OF WEIGHTED SHOES AND ACTION DEVICES:

One of the changes called for in the proposed HSUS bill is the elimination of all “weighted” shoes for Tennessee Walking Horses. It is indisputable that this provision alone would eliminate approximately 85% of the show and performance horses. The stated reason for eliminating 85% of the industry show horses is the allegations that “all horses are sore.” This incorrect statement is continually reinforced by using undocumented and inaccurate inflammatory language that “rampant soring continues”, and there is “massive abuse” in the industry which our compliance rates with the Horse Protection Act absolutely contradict. The organizations representing both general veterinarians and equine veterinarians have stated publicly that “there is little scientific evidence to indicate that the use of action devices below a

certain weight are detrimental to the health and welfare of the horse..." (AAEP/AVMA joint statement June 14, 2012).

Proponents of this bill also claim the weighted shoes used by 85% of the Tennessee Walking horses currently competing are used to "hide" abuse. They claim such soring techniques are "regularly used" and have been "documented". However, the USDA has never found nor prosecuted any offender of such abuse. The HIOs have been the only entities to identify any alleged abuse of this manner and those parties were removed from competition.

In fact, professional equine veterinarians that regularly treat Tennessee Walking Horses credit the use of pads with the decrease in laminitis issues found in competition Tennessee Walking Horses as compared to other competitive breeds. Also, Tennessee Walking Horses regularly compete into mid-teen ages and even have a world championship division for horses 15 years of age and older. Tennessee Walking Horses regularly compete longer in their careers than most other show breeds.

Further proof of the PAST Act being unnecessary is the documented compliance reports of both the DQP inspections and the APHIS inspections. For the years 2019-2021, these two organizations charged with the inspection of the Tennessee Walking Horse reported a compliance rate with the requirements of the Horse Protection Act at between 96% and 99% and the reports are attached to this statement for your review. Most importantly, these compliance rates are by and large a result of SUBJECTIVE testing methods, subject to human bias and mistakes, rather than science-based OBJECTIVE testing.

These compliance reports are direct and irrefutable counters to the claims and misrepresentations of the PAST Act supporters. At the same time, we and other leaders within the Tennessee Walking Horse industry believe this extremely high compliance rate can be even better through the industry's continued request for APHIS to utilize objective inspections and the requirement of which is contained in our legislation. This same conclusion was reached by the National Academies of Sciences (NAS) in their independent review of the inspection process which found a need for better and more objective methods to be utilized. The PAST Act ignores all of the finding of the NAS study that was jointly funded by USDA and the Tennessee Walking Horse industry.

THE CURRENT SUBJECTIVE INSPECTION PROCESS:

As noted, the current inspection process utilized by APHIS and its inspectors is an overwhelmingly subjective process. It allows for bias and other variables that creates unacceptable inconsistencies in what is or is not a violation of the Horse Protection Act requirements. To emphasize this subjectivity, please find attached to this Statement a letter from attorneys representing the National Celebration to the United States Department of Agriculture's Office of General Counsel. During the 2016 National Celebration horse show, APHIS inspectors disagreed with themselves almost 23% of the time on whether a horse was "sore" and over 50% of the time, these inspectors disagreed with each other on the reason. No other industry that is regulated could accept this type of subjectivity or level of inconsistency and that documented inconsistency is the reason our industry has asked APHIS repeatedly to utilize objective science-based inspection protocols and why our alternative legislation to the PAST Act requires a 100% objective inspection process.

CLAIMS REGARDING "FOREIGN SUBSTANCE" TESTING:

Another claim made by our industry's opponents is that Tennessee Walking horses must be "sore" due to the presence of "foreign substances". That is simply incorrect. In 2021, SHOW HIO randomly swabbed 1122 individual horses for prohibited substances, both left and right front limb. That 2244 individual swabs were taken. Of those 2244 swabs, 21 swabs or 14 horses were reported to have masking agents such as lidocaine or benzocaine. Eleven (11) trainers were suspended for these masking agents. One trainer was suspended for 3 months as he was trainer of record for 4 of these horses.

The statements, therefore, by the Humane Society of the United States and their supporters that "all horses are sore", that "rampant soring continues" and that there is "massive abuse" are, quite simply, factually incorrect, and not backed up by any fact whatsoever. When an organization is pushing an agenda, the truth is not a concern. For any individual or group to attempt to use these findings as support for their claims that these horses are sore and/or that the shoes and actions devices should be removed is absurd.

ADDITIONAL EXPENSE TO FEDERAL GOVERNMENT OF PROPOSED LEGISLATION:

The Legislative History and records regarding creation of the Horse Protection Act and the amendments in 1976 indicate the clear intent of the legislation was to provide for industry self-regulation that was overseen by and partnered with the Department of Agriculture and APHIS. In fact, the amendments passed in 1976 were a response to the Department's failure to adequately inspect and Congress's recognition of the need to create industry inspection methodology through the creation of the Horse Industry Organizations. The PAST Act guts the very foundations of the Horse Protection Act because it eliminates the self-regulatory mechanics of the bill and turns over to the Department all control, oversight, authority and actions and it creates additional regulatory needs and burdens by ensuring that all breeds of horses will come under the requirements of the Horse Protection Act and these amendments from 1976.

First and foremost, the elimination of the HIOs will require ALL tickets or notices of non-compliance written at shows to be adjudicated by the Department as, currently, the HIOs handle that process for most of the written tickets. Any ticket written for scar rule, foreign substance detection, soring, etc., must be dealt with by Government staff, attorneys, and support personnel as we certainly would not question the PAST Act's supporters of their belief in the sanctity of due process of law. These violations, therefore, must be provided that process.

Secondly, the legislation, if enacted, would require additional funding since the entire inspection resources of the HIOs will be eliminated and replaced with Government-selected inspectors. The Government, therefore, will have to recruit, manage, and schedule for participating shows that remain, along with the other performance equine shows that will be subject to APHIS inspections.

All expenses associated with DQP training are currently paid for by the HIOs. This includes requirements for an all-day training session EACH year for EVERY inspector, additional sessions for those inspectors who could not attend the initial session, a recurrent session of at least 4 hours EACH year for EACH inspector. It also includes a continuation of the Department's regulatory requirement of APHIS oversight, monitoring, and appraisal of the performance of new inspectors, the apprenticeship requirement of all new inspectors for 2 shows and, as the legislation provides a preference for

veterinarians, have a ready schedule of extra inspectors due to professional requirements that conflict with show requirements.

Additionally, regulations require a significant amount of reporting for each show, proper training and actions associated with their enforcement responsibilities and proper consideration and actions related to the provision of due process of law for those charged or ticketed with violating the Horse Protection Act. And since these new inspectors are federal government employees or subcontractors the security currently required by APHIS will need to be extended to every inspector at every show – not an insignificant cost. All of this while considering that most of the shows occur on the weekends when most busy professionals want and need personal time with their families. ***The cost of all these items will be the responsibility of the United States government.***

The USDA itself has recognized the significant costs associated with the undertakings proposed by this legislation. During the rulemaking process of adopting the Regulations implementing the industry self-regulation HIO program, the USDA stated the following:

“[comments] suggested that the DQP program should be operated by the Department and the applicants should be trained and licensed directly by the Department. **The Department has neither the personnel nor the funds to carry out such an extensive undertaking and feels that the DQP program should remain in the realm of industry self-regulation.**”

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unpredictable results, APHIS has structured its enforcement process so that horse industry organizations and DQPs are the primary parties responsible for issuing immediate penalties to individuals for violating the Horse Protection Act.” (Emphasis added).

With the Horse Protection Act amendments passed in 1976, Congress recognized that the Department of Agriculture could not manage and did not have the capabilities to inspect all the walking horse shows. Congress, therefore, set up the DQP Program. This legislation eliminates that program, establishes a government-selected and managed program, and proposes to pass the inspection costs on to the show manager. If a show manager, however, chooses NOT to utilize this government inspector, he or she assumes the risk and personal liability of an HPA violation and the associated criminal or civil liability.

CONCLUSION:

As we have noted throughout this statement, the PAST Act would eliminate approximately 85% of the current Tennessee Walking Horse industry and 85% of the industry’s economic value to the communities and families that make up this industry. It is also important to note that the PAST Act, if enacted, would **result in the unconstitutional taking of over \$1.3 billion in property without just compensation through the elimination of the value of these performance horses.** It would result in a negative economic impact of over \$3.2 billion and the loss of thousands of jobs in each of the affected areas.

It would have a significant cost to the Government through the new requirements and tasks that would have to be assumed by the Department of Agriculture. It violates the intent and spirit of the original Horse Protection Act. It seeks to prohibit weighted shoes and action devices that have been found to have no harmful effect under current regulation. It continues an inspection process that is, by definition and confirmed in the recent NAS study, unworkable as it utilizes subjective testing and foreign substance policies that are not realistic, defined or scientifically valid.

PSHA is committed to the elimination of the small minority of people who sore horses for competitive advantage. As the industry has, as noted, a 96% to 99% compliance rate, that number is a small minority. But this elimination must occur in a common-sense, realistic manner that recognizes the original intent of the Horse Protection Act by maintaining the HIO system, requiring shows to be a part of that system, by instituting scientifically valid testing protocols and inspection methods, by eliminating the conflicts of interest and, in so doing, show these magnificent animals in a competitive, but safe, manner.

This legislation, if enacted, will destroy the proud and historic Tennessee Walking Horse industry and this Subcommittee, after consideration of our organization’s statement and the testimony and statements of others, will agree with that result and realize the PAST Act is an unacceptable option. We do, however, remain committed to work with Congress, the Department of Agriculture and APHIS and other reasonable people on realistic common-sense reforms and revisions that eliminates the sore horse, not the show horse.

Thank you for your time and attention to this Statement and PSHA appreciates your consideration of this material. We hope that after the consideration of these facts and supporting material, rather than our opponent’s continued uses of misinformation and inflammatory language, you will understand and appreciate the progress we have made. But we know more needs to be done and we would encourage the Subcommittee to consider the solutions outlined in H.R. 6341, which represent a common-sense

and realistic approach that can make our industry achieve our goal of protecting our horses and saving our industry.



Congressman Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

May 26, 2022

Congresswoman Cathy McMorris Rodgers
Ranking Member
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, D.C. 20515

Re: Support for the SAFE Act (H.R. 3355) and the PAST Act (H.R. 5441)

Dear Chairman Pallone and Ranking Member McMorris Rodgers:

On behalf of the American Wild Horse Campaign (AWHC), we are writing to express support for the Save America's Forgotten Equines (SAFE) Act, H.R. 3355, and the Prevent All Soring Tactics (PAST) Act, H.R. 5441. AWHC is the nation's largest organization for the protection of wild horses and burros and is dedicated to preserving American wild horses and burros in viable, free-roaming herds for generations to come. AWHC also advocates for the protection of all equines from cruelty.

Public opinion stands firmly against the slaughter of American horses. Yet, tens of thousands of horses, donkeys, and burros are sent across the border each year to be slaughtered for human consumption. Slaughter is nothing but cruelty and suffering for the equines that fall victim to this industry, from the long grueling transport without food or water, to the slaughter process itself where these frightened, skittish animals can suffer multiple blows to be rendered unconscious. It's a horrific end and a deep betrayal to these animals that have served us throughout history and stand as a symbol of freedom and our country's history.

Even wild horses and burros fall victim to slaughter, and this has been exacerbated by the Bureau of Land Management's Adoption Incentive Program that was created in 2019 as a way of moving wild horses and burros out of holding facilities to create additional space for the thousands that are being removed from the range. The hallmark of this program is a \$1,000 cash incentive payment given to private individuals to adopt an unhandled, untrained wild horse or

burro. An investigation launched by the American Wild Horse Campaign (AWHC), and confirmed by the *New York Times*, shows that the AIP is routinely being abused by adopters: after receiving title to their animals, many adopters are pocketing the cash incentives and promptly sending their wild horses and burros to livestock auctions (i.e., kill pens), placing hundreds in direct threat of slaughter in contravention of legislative prohibitions on BLM sending wild horses and burros to slaughter.

In the past 15 months alone, AWHC has observed hundreds of BLM-branded wild horses and burros in kill pens and auctions—nearly half have been identified as horses and burros adopted via the agency’s Adoption Incentive Program, with hundreds more still waiting confirmation pending receipt of additional FOIA records. The number of wild horses and burros that we’ve identified in kill pens represents the tip of the iceberg, as it only includes information from kill pens that advertise horses or burros. Many directly ship animals across the border to slaughter without advertising them, and with its current resources and staff, AWHC has been limited to tracking auctions that advertise on social media or post-auction footage on YouTube; however, there are numerous auctions across the country that are live auctions and have no social media or YouTube presence.

Additionally, the PAST Act is needed to put an end to soring, a cruel practice used to intentionally inflict severe pain to a horse’s legs to force the horse to display an exaggerated high-stepping gait. Tennessee Walking Horse, Racking Horse, and Spotted Saddle Horse breeds are most often subjected to this torture—just to win a ribbon at a horse show competition. While the Horse Protection Act of 1970 intended to end soring, the industry is self-policed, there are inadequate penalties to deter soring, and current law does not ban the devices used alongside soring (such as chains, weighted shoes, and pads). The PAST Act is needed to fill these gaps to better protect horses from abuse.

It is far due time to pass the SAFE Act and PAST Act to protect our nation’s equines from unnecessary cruelty. We thank you for holding a hearing and ask that you swiftly pass both bills.

Sincerely,

A handwritten signature in black ink that reads "Holly Gann Bice". The signature is written in a cursive, flowing style.

Holly Gann Bice
Director of Government Relations
American Wild Horse Campaign

**Statement of
Congressman Steve Cohen
Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce
Legislative Hearing to Protect Consumers and Strengthen the Economy
5/26/2022**

I want to thank Chairwoman Schakowsky and Ranking Member Bilirakis for holding this legislative hearing today and providing the opportunity to examine a slew of legislation that would protect American consumers and strengthen our economy. I am especially appreciative of the inclusion of my bill, H.R. 5441, the Prevent All Soring Tactics (PAST) Act, which I introduced with the esteemed Chairwoman, as well as with Representatives Brian Fitzpatrick and Vern Buchanan.

The PAST Act would protect Tennessee Walking Horses and related breeds from soring, which is the intentional infliction of pain on horses' feet and legs 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."

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. In 2017, the USDA Office of Animal and Plant Health Inspection Service (APHIS) moved to finalize a rule to strengthen the agency's Horse Protection Act regulations by incorporating some of the major tenets of the PAST Act. However, the rule was not implemented.

The PAST Act would codify these regulatory changes into law and strengthen penalties. Specifically, it would eliminate self-policing by requiring the U.S. Department of Agriculture (USDA) to assign a licensed inspector if the show's management indicates intent to hire one with preference given to licensed or accredited veterinarians. It would also prohibit the use of action devices such as chains that rub up and down an already-sore leg and pads that conceal sharp or hard objects on the limbs of specific horse breeds that have a history of being the primary victims of soring. Additionally, it would increase consequences on individuals caught soring a horse, including by raising the penalty from a misdemeanor to a felony, subject to up to three years' incarceration, and increasing fines from \$3,000 to \$5,000. It would also permanently disqualify three-time violators from participating in horse shows, exhibitions, sales or auctions.

The PAST Act currently has 256 bipartisan cosponsors including 208 Democrats and 48 Republicans, and its Senate companion, S. 2295, which was introduced by Senators Mike Crapo and Mark Warner, has 52 bipartisan cosponsors with 46 Democrats, four Republicans and two Independents. In 2019, a bipartisan majority of the House of Representatives passed the PAST Act by a vote of 333-96 to end this cruel practice. Unfortunately, the full Senate did not vote on this legislation, though the identical bill was approved by the Senate Commerce Committee back in 2014.

The plague of soring has been a shameful stain on the Tennessee Walking Horse industry for more than six decades, and it is long past time to eradicate this indefensible practice. The natural

gait of the Tennessee Walking Horse is a wonder to behold and has long been revered by horse lovers. The practice of soring, burning, cutting and lacerating these beautiful creatures just to exaggerate their gait and win horse shows is beyond reprehensible. There is no ribbon, no prize nor championship worth the price of one's humanity.

Throughout my legislative career, both as a state Senator and as a Member of Congress, I have worked to raise awareness of and combat horse soring and have been part of the leadership team for the PAST Act since the measure was first introduced in 2013. I greatly appreciate the Consumer Protection and Commerce Subcommittee's consideration of my bill and look forward to its hopeful passage by the full Energy and Commerce Committee in the near future.

**Timothy Reiniger,
L.L.C.**

40 Belfield Drive
Cape Elizabeth, Maine
04107

Timothy S. Reiniger, Esq.
Direct Dial: (804) 997-9213
E-Mail: tim@reinigerllc.com

May 26, 2022

Hon. Janice D. Schakowsky, Chair
House Committee on Energy & Commerce
Subcommittee on Consumer Protection & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Hon. Gus M. Bilirakis
House Committee on Energy & Commerce
Subcommittee on Consumer Protection & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

RE: Legislative Hearing - H.R. 3962 (SECURE Act) - Recommendations

Dear Chair Schakowsky and Ranking Member Bilirakis,

Thank you for the opportunity to provide commentary and recommendations relating to the Securing and Enabling Commerce Using Remote and Electronic Notarization Act ("SECURE Act" also being considered as H.R. 3962). I have the honor of having been a drafter of Virginia's first-in-the-nation online notary law (2011) and serving as American Bar Association Advisor (appointed by the ABA's Science and Technology Section) to the Uniform Law Commission's Revised Uniform Law on Notarial Acts. In addition, I have served as a Vice-Chair of the Section's Information Security Committee.

The Section members have identified unintended consumer protection and state law pre-emption concerns to bring to the Subcommittee's attention along with proposed improvements. It is my privilege to bring these comments and recommendations for your consideration. Please note that the amendments have not been reviewed or approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the position of the Association.

I. Observations

When first introduced in the last Congress, the SECURE Act was intended to facilitate efforts to authorize online and electronic notarizations throughout the entire United States. However, now all but 9 states and Washington, D.C. have enacted online notarization laws and nearly every state has enacted specific electronic notarization laws.

In its current form, the SECURE Act will pre-empt notarial laws in 43 states. An unintended result of this will be diminished consumer fraud protections that are provided by the current state secure e-notarization laws. Specifically, the technology neutrality provision in the "exception to pre-emption" in Section 9 will override or pre-empt existing state requirements (whether in

Page 2

statute or regulations) that require notaries to use specific secure technologies and technical performance criteria, typically in the form of a digital certificates (X.509 standard) or Public Key Technology, needed to assure notary attribution as well as document integrity. As a result, the SECURE Act's technology neutrality requirement will serve to mandate lower security standards for notaries public.

A second unintended result of pre-empting current state electronic and online notarization laws will be to render the notarizations defective or void. Trustees in bankruptcy look to allege defective notarization as a basis for defeating mortgage security interests. To the extent electronically notarized records are involved, the state law pre-emptions resulting from the SECURE Act will provide a new basis for alleging defective notarization and undermine mortgage security interests in 36 states.

II. Proposed Amendments

Four amendments are proposed (see attached markup) that address two chief concerns: 1) too low a "floor" for security and fraud prevention in Section 3 (electronic notarization) that is inconsistent with current state-based secure electronic notarization laws and 2) pre-emption of current state laws and regulations that provide technology-specific requirements and performance criteria for electronic and/or remote electronic notarization.

Amendment 1 (SEC. 2)

In Section 2 (Definitions) a new term is needed – "Security Procedure" – with definition language taken verbatim from the Uniform Electronic Transactions Act (UETA)(1999), Section 2(14). For twenty years, the UETA (Section 11), along with the Federal ESIGN law (Section 101(g)), have authorized electronic notarization throughout the United States. The UETA has been enacted in 49 states and DC. The exception is New York, which has now authorized electronic notarization in the form of secure electronic signatures with a separate law.

The "Security Procedure" in the context of electronic signatures and electronic records addresses two essential consumer protection and evidentiary reliability aspects: 1) attribution of an electronic signature as the act of a particular identified person and 2) content integrity of the electronic record, otherwise referred to as "tamper-evidence." Attribution of an electronic signature as the actual act of a notary public (or any signer) is an essential forgery/fraud prevention measure. As a result, a majority of states have used UETA as authorization to specify that electronic notarization must be performed in the manner of a security procedure.

Amendment 2 (SEC. 3(b)(1))

In Section 3(b)(1) (Electronic Notarization Authorization), the requirement that the notary's electronic signature be attributed as the notary's act needs to be expressly added to raise the level of consumer protection to reflect the UETA and prevent impersonation of the notary. For consistency with UETA, reference should be made expressly to the "Security Procedure" concept. The current draft of the SECURE Act references only the tamper-evidence aspect of the security procedure and, therefore, sets too low a "floor" for consumer protection by omitting the notary attribution aspect.

Since 1999, one of the clear standards that has arisen in the field of electronic notarization is that an electronic notarial act must qualify as a "security procedure" with the important capabilities of establishing who signed and notarized an electronic record and rendering a

Page 3

notarized electronic record as tamper-evident. Currently, 36 states, either by statute or administrative rules, have established security procedure requirements for notary attribution. Typically, this is in the form of technology specific solutions such as digital certificates or technology-specific security performance criteria that only can be met currently by use of digital certificates.

The Electronic and Online Notarization Standards of the National Association of Secretaries of State incorporate the attribution requirement:

"The notary public's electronic signature is deemed to be reliable if the following requirements are met: a) it is unique to the notary public, b) it is capable of independent verification, c) it is retained under the notary public's sole control, and d) it is attached to or logically associated with the electronic document in a tamper-evident manner. Evidence of tampering pursuant to this standard may be used to determine whether the notarial act is valid or invalid."

According to a leading member of the ABA SciTech Section, George L. Paul - "Concerning electronically notarized documents, an international and national e-document authenticity standard has emerged that reflects the evidentiary need for electronic documents to have the capability of authenticity testing. This standard requires that any relying party be able to verify the origin and integrity of the notarized electronic document. Establishing the authenticity of a notarized document thus requires the capability, in perpetuity, of independently authenticating the notary, and verifying whether the content of the electronic document is complete and unaltered." (George L. Paul et al., FOUNDATIONS OF DIGITAL EVIDENCE, p. 212 (ABA, 2008).)

Finally, consistent with the Federal Rules of Evidence (Rule 902(1)) and the rules of evidence in nearly every state, a reference to the notary public's "seal of office" needs to be included as a minimum criterion in performing electronic notarizations.

Amendment 3 (SEC. 9(a))

In Section 9 (Exception to Pre-emption), an amendment is needed to omit express reference to technology and technical specification neutrality in order to prevent unintended pre-emption of the 36 state laws that have technology specific requirements for the performance of an electronic notarization as a security procedure. Left intact, the SECURE Act's technology neutrality provision, combined with the minimal security requirement of tamper-evidence, would pre-empt the state laws and regulations that address notary identity attribution and, thus, have the effect of removing an essential consumer protection. With this amendment, the notary forgery prevention "ceiling" would be raised beyond the mere requirement of tamper-evidence.

Also subject to pre-emption for violation of technology neutrality will be the states that have specified certain technologies and performance criteria for verifying or authenticating the identity of signers. Such specific technologies include biometrics, knowledge-based assessment tests, and Federal NIST 800-63 standards for authentication assurance. Fifteen states give express authorization for notaries public to rely upon biometrics.

For several reasons, an amendment is also needed to remove express reference to RULONA as the only model electronic notarization law. First, electronic notarization has already been authorized by UETA for twenty years, including the security procedure provision that many states have applied in the notary context. RULONA is designed and intended as a supplement to the UETA. For this reason, RULONA does not contain a security procedure provision for attribution because it would be duplicative of UETA. By analogy, the Uniform Real Property Electronic Recording Act supplements the underlying authorization for official electronic

Page 4

recording set forth in UETA. Second, RULONA (2021) contains a remote ink-signed notarization authorization that has not gained wide acceptance (aside from temporary state COVID-19 emergency orders) and, in fact, raises serious security concerns because of diminished controls around the paper documents as compared to the remote and electronic notarization processes. Third, RULONA, although highly regarded, is not the only model law for electronic and remote notarization. In fact, the Model Electronic Notarization Act (2017), has influenced the MBA/ALTA Model RON Law and electronic notarization enactments in Arizona, Delaware, Florida, Illinois, Indiana, Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

Amendment 4 (SEC. 8(a))

Finally, because state electronic and online notarization laws will be immediately subject to pre-emption by the SECURE Act, it would be advisable to add express reference to Section 9 in the "Validity Not Affected" clause (Section 8(A)) or, alternatively, an entire Savings Clause for those notarizations that will continue to be performed until such time as the affected state laws are formally amended.

III. Conclusion

Thank you for your consideration of this commentary on the SECURE Act. The Section would be pleased to work with the Subcommittee staff to develop appropriate amendments intended to avoid the state law pre-emption and consumer protection problems. Should you have any questions or would like to discuss these issues further, please do not hesitate to contact me.

Very truly yours,



Timothy S. Reiniger

1. Arizona Humane Society (AZ-08)
2. New Beginnings West Paso Fino Horse Rescue (AZ-08)
3. Saffyre Sanctuary, Inc. (CA-29)
4. Beauty's Haven Farm (FL-02)
5. Horses Without Humans (FL-02)
6. Casey's Healing Hooves (FL-12)
7. Inspire Equine Therapy Center (FL-12)
8. Bright Angel Ranch (FL-12)
9. Little Bear Stables (MA-03)
10. Peter Radue, DVM, Damascus Equine Associates (MD)
11. Safe Haven Equine Warriors (MD)
12. This Old Horse (MN-02)
13. Amy Polkes, DVM, Equine Internal Medicine and Diagnostic Services (MD, CO, CT, NY, VA)
14. Jessica Springsteen, Olympic Equestrian (NJ-06)
15. Monmouth SPCA (NJ-06)
16. Wyandot County Equine Rescue (OH-05)
17. Hosanna Horse Haven (OH-05)



1521 W. DOBBINS ROAD
PHOENIX, AZ 85041
AZHUMANE.ORG

February 7, 2022

The Honorable Debbie Lesko
1214 Longworth House Office Building
Washington, DC 20515

Dear Representative Lesko,

As your constituent and President of the Arizona Humane Society, a nonprofit organization devoted to saving the most vulnerable animals, I am writing to urge you to support the Save America's Forgotten Equines (SAFE) Act, H.R. 3355, an important bill which would end horse slaughter in the United States and ban the export of horses for slaughter abroad, and which has been referred to the House Energy and Commerce Committee.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans that have the willingness and resources to adopt these animals if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

We at the Arizona Humane Society wholeheartedly support the SAFE Act, which is currently cosponsored by nearly one-half of your House colleagues. We know that equine owners are afraid to rehome their animals for fear that they may end up in a slaughterhouse. Passage of the SAFE Act would close the horses-to-slaughter pipeline for good and provide peace of mind to the equine community.

Please help protect American horses by supporting the advancement of the SAFE Act out of committee and by voting yes when it reaches a vote.

Thank you very much for your consideration of this urgent matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven R. Hansen". The signature is stylized with loops and a long horizontal stroke at the end.

Steven R. Hansen, DVM
President & CEO





May 23, 2022

Dear Chairwoman Schakowsky, Representative Lesko, and Members of the Subcommittee on Consumer Protection and Commerce,

As the Founder and President of New Beginnings West Paso Fino Horse Rescue and Sanctuary as well as Director to New Beginnings Paso Fino Horse Rescue. I am writing to implore you to cosponsor the Save America's Forgotten Equine Act (SAFE) Act (H.R. 3355). This vital legislation would ban the exportation of American horses for slaughter, and permanently ban horse slaughter plants on U.S. soil. Currently, tens of thousands of American horses are sent across our borders for slaughter each year. We are one of many horse rescue organizations compelled to use our valuable and limited resources rescuing horses from the cruel and exploitive slaughter pipeline.

New Beginnings is a non-profit organization that serves Arizona, Nevada, and beyond to provide shelter and rehabilitation to abused, neglected, unwanted, and "at risk" horses, with the emphasis towards the Paso Fino Breed, in an attempt to make a difference in their lives, one donation at a time. Here at New Beginnings we know we cannot save ALL the horses of the world, or even save all the Paso Finos of the world. But what we CAN do, with the help of our many, many volunteers, is to make a difference in the lives of those few horses fortunate enough to make it to our ranch here in Pahrump, Nevada and Surprise, Arizona, thus avoiding the destiny of being abandoned to die, starved, or sold to slaughter out of country.

There are homes for the mostly healthy and young horses going to slaughter. The approximately 23,000 American horses exported for slaughter in 2021 could have easily been absorbed into good homes had slaughter been halted. Research published in 2017 found that there are 2.3 million adults with the desire and the resources to adopt a horse immediately. It is clear that there are ample homes for every horse sent to slaughter this year –and for the next 30 years – if they are given the chance to find them. The resources that we use to save these horses from slaughter could be better spent on rehabilitation and equine therapy; please help us eliminate the possibility of their slaughter.

Please reflect the wishes of equine rescues across the country and move the SAFE Act, H.R. 3355 forward in Congress. Thank you.

Sincerely,

Glenn Davis
President for New Beginnings West, Director for New Beginnings
Surprise, Arizona



Saffyre Sanctuary, Inc.

*P.O. Box 921708
Oylmar, California 91392-1708
(818) 842-4368*

*Email: esta@saffyresanctuary.org
Web Site: www.saffyresanctuary.org
Federal Tax ID #27-0333811*

February 22, 2022

The Honorable Tony Cárdenas
2438 Rayburn House Office Building
Washington, DC 20515

Dear Representative Cárdenas,

As your constituent and President of Saffyre Sanctuary, a nonprofit organization dedicated to the rescue and rehabilitation of abandoned, abused, and neglected horses, I am writing to thank you for cosponsoring the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. The bill has been referred to the House Energy and Commerce Committee, on which you serve, and it is our organization's hope to see this bill advance out of committee.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans with the willingness and resources to adopt these animals, if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

This issue is of special importance here in California, home to over 500,000 horses, the second highest number of any state. Californians have already spoken on this issue with Proposition 6, which banned the slaughter of horses for human consumption in the state in 1998. Yet we know that many equine owners are still afraid to rehome their animals for fear that they may end up in a slaughterhouse. Passage of the SAFE Act would close the horses-to-slaughter pipeline for good and provide peace of mind to the equine community.

Please help protect America's horses by urging your fellow Energy and Commerce Committee members, and specifically Chairman Pallone, to advance this bill out of committee.

Thank you very much for your consideration of this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esta G. Bernstein'. The signature is fluid and cursive, with a large, stylized 'E' and 'B'.

Esta G. Bernstein
Founder, President & CEO
Saffyre Sanctuary, Inc.

Beauty's Haven Farm and Equine Rescue, Inc.

A 501(c)(3) Non-Profit Organization

bhfer.org

Where Life Begins, Again!

The Honorable Neal Dunn
316 Cannon House Office Building
Washington, DC 20515

February 8th, 2022

Dear Representative Dunn,

As your constituent and President of Beauty's Haven Farm & Equine Rescue, a nonprofit organization whose mission is to rescue, rehabilitate, and rehome equines in need, I am writing to urge you to cosponsor the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. The bill has been referred to the House Energy and Commerce Committee, on which you serve, and needs your immediate action.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans that have the willingness and resources to adopt these animals, if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

This issue is of special importance here in Florida, home to over 300,000 horses, the third most of any state. We know that equine owners are afraid to rehome their animals for fear that they could end up in a slaughterhouse. Passage of the SAFE Act would close the horses-to-slaughter pipeline for good and provide peace of mind to the equine community.

Please help protect America's horses by cosponsoring the SAFE Act and urging your fellow Energy and Commerce Committee members to support the advancement of the bill out of committee.

Thank you very much for your consideration of this urgent matter.

Sincerely,



Theresa Batchelor
President
Beauty's Haven Farm & Equine Rescue, Inc.
PO Box 53
Morrison, FL 32668



The Honorable Neal Dunn
Tallahassee Office
300 South Adams Street
Tallahassee, FL 32301

January 4, 2022

Dear Representative Neal Dunn,

On behalf of Horses Without Humans, I am writing today to ask you to protect America's precious and beautiful horses by cosponsoring H.B 3355, The Save America's Forgotten Equines (SAFE) Act. This bill is vital for protecting our horses from being shipped abroad to endure cruel and inhumane slaughter practices.

H.R. 3355 currently has 209 cosponsors in the U.S. House of Representatives and a recent poll shows 83% of Americans oppose horse slaughter. These numbers reflect the growing bipartisan consensus that horse slaughter is a nightmarish industry – unlike cattle and pigs, horses are ill-suited for modern slaughter practices because of their unique biology and the slaughter process can have especially gruesome outcomes for equines.

The last two states to harbor horse slaughter facilities, Texas and Illinois, have passed laws which explicitly ban the horse slaughter industry in recognition of the detrimental economic and moral impacts on the surrounding community. What is more, the American horses which are sold and shipped abroad for slaughter are seriously unsafe to consume. Their entire lives, these horses are treated with drugs which the Food and Drug Administration has not approved for the treatment of animals intended for human consumption. By failing to act, Congress will allow bad actors in foreign states to continue selling horsemeat packed with unsafe substances.

At Horses Without Humans we support our Florida District 2 community by providing the compassion and time it takes to rehabilitate equines in transition as well as professional assessment, medical care, companionship, and professional training with some of the most successful trainers in the equine industry. Equine owners, equestrians, and the entire equine industry faces a huge threat as long as the horse slaughter pipeline is active because every horse is just one bad sale away from slaughter. Not only does slaughter provide a huge threat to our successful Florida equine industry, but it threatens the welfare of horse rescue organizations. It is common practice for kill buyers to frequent regular horse auctions and actively outbid responsible horse owners and rescue groups – forcing them to overspend their limited financial resources in bidding wars. Kill buyers often focus their bids on horses that a rescue group is trying save, thereby depleting that rescue's resources and reducing competition for the other horses at the auction. Rescuers should not have to compete against a for-profit industry, and public policy should promote, not hinder, equine rescue. Instead of spending



extensive resources on intercepting horses bound for slaughter, horse rescues should be able to use their precious funding for training, rehoming, and safety net programs.

We also know that there are homes for the mostly healthy and young horses going to slaughter. The approximately 35,000 American horses exported for slaughter in 2020 could have easily been absorbed into good homes had slaughter been halted. Research published in 2017 found that there are 2.3 million adults with the desire and the resources to adopt a horse immediately. It is clear that there are ample homes for every horse sent to slaughter this year – and for the next 30 years – if they are given the chance to find them.

Representative Dunn, you have to opportunity to ensure that American horses are safe from slaughter. Please cosponsor the SAFE Act, H.R. 3355 and show the American people that Congress is willing to do what it takes to protect these magnificent animals.

Sincerely,

Yvonne Barteau
Founder, Horses Without Humans and Head Trainer at KYB Dressage
Bell, FL
(847) 809-4093



Casey's Healing Hooves

13116 Oakwood Dr. Hudson, Florida 34669
Ph. (727) 645-2819
www.caseyshealinghooves.com

May 24, 2022

Dear Chair Schakowsky, Ranking Member Bilirakis, and Members of the Subcommittee on Consumer Protection and Commerce,

As the Founder and CEO of Casey's Healing Hooves in Hudson, FL, an equine-assisted therapy organization focused on enhancing the quality of life of individuals with disabilities by providing them with free or low-cost therapeutic Equine Therapy, I am writing to urge you to support the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. This vital legislation would permanently ban horse slaughter in the U.S. and save the thousands of horses sent for slaughter abroad. I ask that you work with your colleagues to advance the SAFE Act out of the Energy and Commerce Committee.

Casey's Healing Hooves was founded to encourage and nurture psychological and physical well-being through the relationship and love of horses. Our organization provides support for children, veterans, and individuals with disabilities by encouraging a therapeutic relationship between people and horses, which offers the opportunity to explore abilities rather than disabilities. Equine therapy can help humans through a myriad of challenges, even helping children with autism learn how to form bonds and become comfortable with social interactions. Our facility is funded primarily by wonderful support in our community, as so many of us recognize the incredible benefits of equine therapy. By making a difference in the lives of the horses being sent to slaughter, we could make a difference in the lives of countless people who would benefit from their companionship and support.

The horses typically sent to slaughter are often healthy, young horses with the same capacity for creating lifelong bonds and healing those lucky enough to experience their beauty. Organizations like mine, and over 2.3 million Americans have the willingness and resources to adopt these animals. Still, every year tens of thousands of American horses are shipped to Mexico and Canada, where they are slaughtered for their meat. It's a devastating and cruel practice that is completely unnecessary when homes exist for these horses.

Horses are beautiful, loving, and inspiring animals. They are so ingrained in American history and culture, that their very image represents the freedom we all treasure. We have a duty to repay them for the love, companionship and healing they have given us, but protecting them from the cruel horse slaughter pipeline. Please protect America's horses and urge your colleagues to advance the SAFE Act.

Thank you very much for your attention to this urgent matter.

Sincerely,

Paul Casey
Casey's Healing Hooves, Founder and CEO



May 24, 2022

Dear Chair Schakowsky, Ranking Member Bilirakis, and Members of the Subcommittee on Consumer Protection and Commerce,

As the Founder and Executive Director of Inspire Equine Assisted Center in Clearwater, FL, an equine-assisted therapy organization dedicated to partnering humans and horses in a healing environment, I am writing to urge you to support the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. This bill would ban horse slaughter in the U.S. for human consumption and end the export of American horses for slaughter abroad. Please work with your colleagues to advance the SAFE Act out of the subcommittee and next the Energy and Commerce Committee.

At Inspire Equine Assisted Center, we prioritize the welfare of the humans and horses in our community through partnering humans and horses in a healing environment. Through our programs, we support children, veterans, and other individuals in conquering their physical, developmental, and emotional challenges in order to achieve their full potential. The equines at Inspire Equine Assisted Center have led many individuals toward a brighter future with their emotional, mental, and social intelligence and we know that many of the horses going to slaughter could go on to be healing teachers too.

The horses going to slaughter are most often healthy and young with bright futures ahead yet every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans that have the willingness and resources to adopt these animals, if only they were given the chance.

Horses hold a unique place in American history and culture. They have served us as companions and as working therapists, and recreational partners for centuries, and they symbolize our greatest national ideal: freedom. We have an ethical duty to protect them from cruelty. Please help protect America's horses by urging your colleagues to advance the SAFE Act.

Thank you very much for your consideration of this urgent matter.

Sincerely,

Melissa Yarbrough

Melissa Yarbrough
 Inspire Equine Assisted Center, Founder and Executive Director
 1743 Doncaster Road Clearwater, FL 33764
<http://www.inspireequinetherapyprogram.org>
 727 348 7104

Bright Angel Ranch



February 14, 2022

The Honorable Gus Bilirakis
2354 Rayburn House Office Building
Washington, DC 20515

Dear Representative Bilirakis,

As your constituent and sole proprietor of Bright Angel Ranch, a specialized equine facility providing a safe haven for retired and recovering horses, I am writing to urge you to cosponsor the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. This important bill will protect America's horses from being shipped abroad and becoming victims of the gruesome slaughter industry.

Every year, tens of thousands of American horses are shipped to foreign slaughterhouses, facing extreme cruelty at every step of the journey. Unlike livestock such as cattle and swine, horses' biology makes them unsuited to stunning, making their slaughter inherently inhumane. Furthermore, horses endure additional suffering during the transport process; 2021 research published in Meat Science found that 79% of slaughtered horses had excessive bruising from transport related injury. It's no wonder that 83% of American voters oppose this cruel industry.

Here in Florida, a state that is home to over 300,000 horses, the danger posed by the horse slaughter industry looms ominously over our equine community. We at Bright Angel Ranch know that many horse owners are afraid to rehome their animals for fear that they could end up in a slaughterhouse. The SAFE Act would not only protect America's horses from cruelty, but it would also bring peace of mind to those of us who love and care for horses.

Representative Bilirakis, you have the opportunity as a member of the House Energy and Commerce Committee to help protect America's horses by cosponsoring the SAFE Act and urging your fellow committee members to move this bill forward. I hope you will show your constituents that Congress is willing to step up for these magnificent animals.

Thank you very much for your consideration of this urgent matter.

Sincerely,



Jeffrie van Loveren
Sole Proprietor
Bright Angel Ranch, LLC

16653 BELLAMY BROTHERS BOULEVARD
DADE CITY, FLORIDA 33523
INFO@BRIGHTANGELFARMS.COM
(813) 351-0925



May 24, 2022

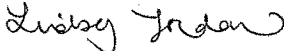
Dear Chairwoman Schakowsky, Representative Trahan, and Members of the Subcommittee on Consumer Protection and Commerce,

On behalf of Little Bear Stables, a registered 501(c)3 Non-Profit organization in Lancaster, MA, dedicated to rescuing abused and unwanted equines, I ask you to please support and advance the SAFE Act, H.R. 3355. This legislation will protect our country's horses by permanently ending their slaughter at home and by prohibiting their exportation to Canada and Mexico for slaughter. Though this practice is currently silenced in the United States due to appropriations language prohibiting federal funds from being spent on slaughter plant inspections, we know this industry presents a real threat to society and the well-being of our equines. Until a permanent ban is in place, every horse is at risk of being slaughtered.

Little Bear Stables focuses on the rescue and rehabilitation of unwanted horses and other equines who would otherwise be sent to slaughter. Most of the horses going to slaughter are healthy animals that could continue to lead valuable, happy lives if given the chance. Opportunities for horses in need are everywhere: Recreational and competitive riding, law enforcement equestrian units, physical and emotional therapy programs, and of course, companion animals.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans that have the willingness and resources to adopt these animals. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

Please stand with your constituents by supporting the SAFE Act today. Moving this bill forward would signal to your colleagues and constituents that you take the welfare of our nation's equines seriously. Thank you so much.

Sincerely, 

Lindsay Jordan, Founder and Director
 Little Bear Stables, Inc.
 LittleBearStables@gmail.com
 (508) 505-7827



May 23, 2022

Dear Chairwoman Schakowsky, Ranking Member Bilirakis, and Members of the Committee:

As an equine practitioner, I am writing today to ask you to protect America's horses by passing H.R. 3355 and S.2732., the Save America's Forgotten Equines (SAFE) Act. This bill is vital for protecting our horses from being shipped abroad to endure cruel and inhumane slaughter practices.

I have been an equine veterinarian for forty-one years and a horse owner for more than fifty years. I am confident that horse slaughter is a nightmarish industry – unlike cattle and pigs, horses are ill-suited for modern slaughter practices because of their unique biology and the slaughter process can have especially gruesome outcomes for equines. I would never consider sending one of my own horses for slaughter. Horses have a natural flight response and are extremely stressed by confinement and shipping. Additionally, horses' normal escape efforts make humane killing harder to achieve in a factory situation. Slaughter is not humane euthanasia and cannot be tolerated.

What is more, the American horses which are sold and shipped abroad for slaughter are seriously unsafe to consume. Their entire lives, these horses are treated with drugs that the Food and Drug Administration has not approved for the treatment of animals intended for human consumption. By failing to act, Congress will allow bad actors in foreign states to continue selling horsemeat packed with unsafe substances.

Last year according to USDA equine export to slaughter was down to less than 24,000 horses. With the numbers being this low, we have the rescues, resources and education to absorb these horses. The argument that slaughter is a necessary means of population control can no longer be viable. And if rescues weren't spending funding at auctions and kill pens, we could help so many more through intake and community assistance.

Members of the Subcommittee on Health, you have the opportunity to ensure that American horses are never again shipped abroad to face the horrific fate of slaughter. Please be the voice of equine veterinarians and pass the SAFE Act, H.R. 3355 and S.2732. It is time to show the American people that Congress is willing to do what it takes to protect these magnificent animals.

Sincerely,

Peter Radue, DVM
Damascus Equine Associates
Mt. Airy, MD



Equine Warriors

2565 Indian Hill Drive,
Sykesville MD. 21784
Telephone: 410-718-1806
Email: tina@safhavenequinewarriors.org
Website: www.safhavenequinewarriors.org

Dear Committee Members and Guests,

I am one of thousands of equine rescuers who work feverishly 24/7-365 to outrun an antiquated industry of horror that the government has allowed to continue despite public outrage.

The export of American horses to slaughter for the purpose of human consumption has created an outdated industry of deceit, financial reward for irresponsible behavior and barbaric cruelty on the backs of an animal we hold in great esteem in this country.

Export for slaughter was once seen by some as a necessary evil for population control. In 2012 166,572 horses were exported to slaughter from the U.S. The message was clear to the equine welfare industry that we, not the government had to solve the problem.

We have! In 2021 that number decreased to under 24,000 horses according to the USDA and currently is on track in 2022, just a decade later to be well under 20,000! That's a 70% decline in 10 years!

Today there are over 500 501(c)3 equine rescues along with hundreds of farm sanctuaries and privately funded horses rescues. We have the means to absorb the meager number of horses still being exported for slaughter. The horse industry contributes well over \$50 BILLION dollars directly to the economy and employs over 988,000 people resulting in \$38 billion in direct wages, salaries and benefits, according to The American Horse Council. We want it to be known that even 1 horse slipping through the cracks is not acceptable!

The decrease in equine slaughter in recent years as the horse industry itself has grown, can be attributed not only to more rescues, but to more education available, along with more resources for horses owners in need, from euthanasia assistance to low cost castration. More groups dedicated solely to safely networking horses in need of rehoming such as "The Maryland Equine Transition Service" are being created every day. Horse breeding is at an all time low as breeders take a more sensible, responsible approach to breed quality rather than quantity. The horse industry has taken the problem of the unwanted horse seriously.

But we need your help to get to the finish line.

One of the biggest financial road blocks for the equine rescue community is the "Slaughterhouse Pipeline" kill buyers (Meat Men) who have contracts with foreign processing plants to deliver a predetermined number of horses on a schedule. They will stop at nothing to fill the contracts. Kill buyers are running up prices at auctions intentionally causing rescues to exhaust donor funding simply to get us out of the way. It's important to note that the average slaughter bound horse is not old, crippled, skinny or useless by any means. The average horse entering the slaughter pipeline is 4-14 yrs old, of good weight and most often previously had some training making them highly desired and adoptable! They are not unwanted! The simple fact that rescues and private buyers are bidding against kill buyers proves this.



Safe Haven Equine Warriors is a 501(c)(3) nonprofit organization. EIN #82-2005684





Equine Warriors

2565 Indian Hill Drive,
Sykesville MD 21784
Telephone: 410-718-1806
Email: tina@safehavenequinewarriors.org
Website: www.safehavenequinewarriors.org

The side business in the kill buyer industry is the scam dealer. These people work with the killbuyers, advertising horses as "Shipping in x number of days (usually 5-7) " if not purchased online, sight unseen," as is." While these horses await a buyer in the kill pens, there is no care given, extremely overcrowded conditions, insufficient food, and no medical care. This is where the majority of horses get injured or infected with everything from parasites, skin diseases, rotting hooves to deadly highly contagious viruses that run rampant in auction houses. Scam dealers and kill buyers drag many of these horses from auction to auction along their route to the border always looking to trade up for meatier horses that will bring better prices at the processing plants. Well meaning people see these poor horses online and whip out the credit cards. The thinner and sicker they can make the horse, the more money they reap preying on the hearts of the public. While it is a "buyer beware" world, this creates tremendous competition for rescues to recruit adopters. Often people looking for horses will think of rescue horses as safe for the moment, while these online purposely pitiful horses have an expiration date. They pay large ransom prices to get these horses out of the disease ridden cesspools! It's criminal!

The 3 main roadblocks for the horse industry CAUSED by the export of American horses to slaughter are:

1. Financial impact- Rescues spend far too much public funding and precious time outbidding kill buyers to save horses. This money would be better spend helping more horses get in good homes, assisting horses owners in need as well as developing more programs for the public, animal control and law enforcement to utilize. Private buyers offering good homes are run up as well for the sack of kill buyers filling contracts with processing plants. The scam dealer business has caused great competition for rescues as people try desperately to "save" a horse that could have gone to a rescue or family before it got in such poor condition. Without equine slaughter in our way the rescue community could do so much more!
2. Creates deception- Horses suffer in silence because people who actually need to surrender or rehome horses they can no longer care for are so reluctant to sell, give away, or reach out. They fear their beloved pet will end up in the slaughterhouse pipeline. It's a well known fact that kill buyers have "Trolls" who are always looking for free or cheap horses to fill the contracts. They will lie and promise good homes only to directly ship that horse to slaughter for a handsome profit.
3. Morally WRONG- It's a well know fact that 83% of Americans are appalled at the idea of horses being sent to slaughter. This country was founded on the back of a horse. Most everything in modern society can be traced back to the labor of the horse! In addition, the government is KNOWINGLY allowing tainted meat to enter the world food chain! What does that say about us? Where's the America who lead the world in what is right? Have we sold out?

I'm a rescuer. I run a 501G3 horse rescue in Maryland. I stand on the auction floor and outbid kill buyers with funding from a community who believes horse slaughter is wrong. We restore the health and trust in horses and then adopt them to good families, riding schools and therapeutic programs where they are useful, precious gifts that give a lifetime of joy to their people.



Safe Haven Equine Warriors is a 501(c)(3) nonprofit organization. EIN #82-2005684





2565 Indian Hill Drive,
 Sykesville MD. 21784
 Telephone: 410-718-1806
 Email: tina@safchavenequinewarriors.org
 Website: www.safchavenequinewarriors.org

Sometimes, I stroke a horses head while a veterinarian administers a lethal dose of drugs, telling him he is loved and apologizing that he suffered so much, so needlessly and was so traumatized before we found him. In my arms, he takes his last breath, sparing him the the brutal trip to a slaughter house. This is my job. I'm asking you today to help me and the thousands just like me change the narrative. PLEASE, finally ban the export of American horses for slaughter and human consumption. PLEASE help us get H.R.3355/S.2732 passed NOW. Be assured, we will not stop until you do. We've done what you have asked, and we urge you to help us be the safety net for all American horses by getting the slaughterhouse pipeline shut down once and for all.

Thank you for your immediate action on this urgent matter.

Best Regards,

Tina Snyder

Founder/ Executive Director

Safe Haven Equine Warriors

A 501c3 Horse Rescue



Safe Haven Equine Warriors is a 501(c)(3) nonprofit organization. EIN #82-2005684





May 24, 2022

Dear Chair Schakowsky, Representative Craig, and Members of the Subcommittee on Consumer Protection and Commerce,

I am writing to ask you to support and advance H.R. 3355, the SAFE Act. This Old Horse is a 501(c)(3) nonprofit and by all measures rank among the top equine welfare organizations in the country. We are accredited by the Global Federation of Animal Sanctuaries (GFAS), accredited by the Thoroughbred Aftercare Alliance (TAA), and by the Standardbred Transition Alliance (STA), the last two based on our work with diverting Minnesota's off-track racehorses from the slaughter pipeline.

We have achieved multiple national awards, have been selected as an ASPCA/ The Right Horse Adoption Partner, have achieved Equus Foundation's Guardian status and we are the lead agency for the Minnesota Horse Welfare Coalition. We are the first and only equine welfare organization in the country to have been named a Purina Feeds Brand Ambassador—an honor usually reserved for world famous horses and riders.

We offer help to horses and horse owners in hardship circumstances who must voluntarily surrender their horses to safe harbor. We work with Minnesota humane agents throughout the State to assist in involuntary seizures of horses who have been severely abused or neglected.

We manage 12 farms in the greater metropolitan area with a daily average census of 240 horses in our care and have more than 85 foster hosts in our network who each take in one or two horses in need.

Our horses are giving back to the community through our equine assisted activities for children's literacy, first responders, veterans, and therapeutic programs for individuals with various disabilities.

We have welcomed more than 3,000 volunteers since our inception in 2012 and have put Minnesota on the map with our work to support equines in need.

In the meantime, the SAFE Act is an essential tool to help us protect and support the welfare and well-being of horses in Minnesota and throughout the Country. Horses cannot protect themselves and it is our privilege to work on their behalf. Please join us by cosponsoring this bill



and to urge this Subcommittee and the whole Energy & Commerce Committee to move the bill forward for a vote.

This is important.

Opponents of the SAFE Act argue that shipping horses to slaughter for meat production is analogous to other livestock species that are bred for meat production and is a safe and humane option to dealing with unwanted horses. However, there is no reliably humane way to euthanize horses without sedating them-and it is the sedation that taints the meat, not the anti-inflammatories. Therefore, horses sent to slaughter are not sedated, and thus their instinctive panic and distress make a captive bolt death designed for cattle unreliable and, in most cases, far from instant or humane for horses.

Our equine welfare industry does have the capacity to address the perceived 'problem' of unwanted horses. We address this issue every single day. We are good at it. Successful. Slaughtering our companion animals is not the answer. We can do better.

If you would like more information, please contact me. Thank you.

Sincerely,

Nancy Turner, President
This Old Horse, Inc.
nturner@thisoldhorse.org
612 839 9868



May 23, 2022

To the members of the committee

This letter is in support of H.R. 3355/S. 2732 safe act that would prohibit the transporting, receiving, possessing, purchasing, selling or donation by a person of an equine for the purpose of slaughter for human consumption.

I am an Equine Internal Medicine Specialist that has dedicated my career to the health and welfare of horses. I work on all disciplines of horses from elite show horses to those that have been rescued by one of the many Equine Rescue Organizations I work with. The value of my patients is not defined by monetary value.

The timing of this bill is interesting. The Kentucky Derby was run May 7th of this year with 16 million viewers followed by the Preakness this past Saturday right in our own backyard (also with millions of viewers). These horses are providing an entertainment industry, but no one considers what happens to them after the race. These very same horses that you may have watched run in the Kentucky Derby or Preakness could end up on a truck to another country for slaughter for human consumption. They are not exempt from this practice and sadly many racehorses do meet this fate.

I took at veterinary oath upon graduation from veterinary school

“Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering, the conservation of animal resources, the promotion of public health, and the advancement of medical knowledge.

I will practice my profession conscientiously, with dignity, and in keeping with the principles of veterinary medical ethics.”

It is for this reason that I am supporting the H.R. 3355/S. 2732 safe act to prevent needless suffering of horses through the egregious practice of horse slaughter for human consumption. My clients that are trying to rescue unwanted horses are consistently “outbid” by slaughter buyers trying to reach a quota. These are horses that could have the chance for adoption and placement. Equine Rescue Organizations have limited resources and when they are forced to extend their resources due to the inflated prices from the slaughterhouse buyers, they are unable to rescue more horses in need.

Horses are often sent to auction because their owners don't have the ability or resources to care for them any longer. Some people are so terrified the horse will end up being sold for slaughter that they try to care for the horses past their ability leading to neglect and suffering. If there was a safe avenue for re-homing horses in a humane manner, there would be a significant reduction in this prolonged suffering for fear of the horse ending up in the wrong hands.

The actual act of equine slaughter is so horrible it is difficult to comprehend. It most certainly does not meet any standard of animal welfare and we should not be contributing to this animal abuse by allowing these horses to be brought to a cruel and terrifying end of their life.

I donate my professional medical services and time to these rescue organizations to uphold my obligation as an Equine Veterinarian. If you help to protect these horses with passage of this bill, then you are doing your part to uphold your obligation to the humane treatment of animals in our country.

Sincerely

Amy Polkes DVM DACVIM
Equine Internal Medicine and Diagnostic Services

The Honorable Frank Pallone, Chair
Energy & Commerce Committee
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

May 24, 2022

Dear Chairman Pallone:

As a proud New Jerseyan, a professional equestrian, a dedicated horse owner, and an ASPCA Equine Welfare Ambassador, I write to express my full support for the Save America's Forgotten Equines (SAFE) Act (H.R. 3355) which would end the slaughter of our nation's beloved equines for human consumption. I respectfully urge that you cosponsor this critical piece of animal protection legislation and advance it through the Energy & Commerce Committee immediately.

In 2012, I actively supported the successful campaign to ban horse slaughter in New Jersey. However, as important as that step was, until a federal ban is in place, every American horse remains just one bad sale away from the horrors of the killing floor.

Congress must end horse slaughter once and for all. Now.

I have seen horrifying video footage and photos taken at USDA-regulated horse slaughter plants. No reasonable person could see those images and continue to claim that horse slaughter is humane. Commercial slaughter is not about providing a kind, painless death – it is not a form of humane euthanasia. The slaughter process for equines is the antithesis of the dignified, humane release that these noble animals, who have given us so much, deserve when their quality of life is no longer viable. Top equine professionals, leaders in the horse racing industry, compassionate veterinarians and 83% of Americans know the difference and they support the SAFE Act.

Options for at-risk horses are plentiful, ranging from companion to competitor, from law enforcement to equine therapy. Research published in 2017 revealed over 2.3 million American adults have the willingness and resources available to adopt an equine.

Chairman Pallone, I greatly appreciate your support for this bill in previous Congresses, and I urge you to honor the wishes of the over 80 percent of Americans who strongly oppose horse slaughter for human consumption by advancing it out of Committee. Your leadership on the SAFE Act will help ensure that the thousands of horses caught in the slaughter pipeline every year will instead get a second chance. You and your colleagues hold the power – please use it to save our horses.

Thank you.

Sincerely,





NOT-FOR-PROFIT
ORGANIZATION
Founded in 1945

240 Wall Street
Eatontown, NJ 07724

732.542.0040
Fax 732.542.4552

MonmouthCountySPCA.org

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The Honorable Frank Pallone
2107 Rayburn House Office Building
Washington, DC 20515

February 3, 2022

Dear Representative Pallone,

As your constituent and Executive Director of the Monmouth County Society for the Prevention of Cruelty to Animals (MCSPCA), a nonprofit organization whose mission is to protect, care, and advocate for all animals, I am writing to urge your action on the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. You have cosponsored the SAFE Act in the past; now, as Chairman of the Energy and Commerce Committee, we hope you will use your authority to advance the SAFE Act out of committee and on to a floor vote.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans that have the willingness and resources to adopt these animals, if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

We at the MCSPCA wholeheartedly support the SAFE Act, which would ban horse slaughter in the U.S. for human consumption and end the export of American horses for slaughter abroad. A ban on horse slaughter has also been supported by The Jockey Club, Breeder's Cup, National Thoroughbred Racing Association, New York Racing Association, the National Black Farmers Association, animal welfare groups including the ASPCA, Humane Society of the U.S., Humane Society Legislative Fund, Animal Welfare Institute, and Return to Freedom Wild Horse Conservation, and other equine adoption professionals like the Homes for Horses Coalition which represents 500 nonprofits across the country.

Please help protect America's horses by leading the advancement of the SAFE Act out of committee and on to the House floor, where you and your colleagues can vote to end horse slaughter, once and for all.

Thank you very much for your consideration of this urgent matter.

Sincerely,

Ross Licitra
Executive Director
Monmouth County SPCA

Monmouth County SPCA

@mcspca

@themcspca

9640 County Highway 330
Upper Sandusky, OH 43351
419-294-4477



February 7, 2022

The Honorable Bob Latta
2467 Rayburn House Office Building
Washington, DC 20515

Dear Representative Latta,

As your constituent and President of the Wyandot County Equine Rescue, a nonprofit organization dedicated to preventing equine suffering through rescue and rehabilitation, I am writing to urge you to cosponsor the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. The bill has been referred to the House Energy and Commerce Committee, on which you serve, and needs your immediate action.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans with the willingness and resources to adopt these animals, if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

Ohio is a top-ten state in terms of horse ownership, with over 300,000 horses estimated to live in the state. Many of the horses we receive are brought to us specifically because we offer a guarantee they will never end up at auction or slaughter. Many equine owners are afraid to rehome their animals for fear that they could end up in a slaughterhouse. That is why we wholeheartedly support the SAFE Act, which would ban horse slaughter in the U.S. for human consumption and end the export of American horses for slaughter abroad.

Horses hold a unique place in American history and culture. They have served us as companions and as working and recreational partners for centuries, and they symbolize our greatest national ideal: freedom. We have an ethical duty to protect them from cruelty.

Please help protect America's horses by cosponsoring the SAFE Act and urging your fellow Energy and Commerce Committee members to support the advancement of the bill out of committee.

Thank you very much for your consideration of this urgent matter.

Sincerely,

David A. Balz
Director
Wyandot County Equine Rescue
9640 County Highway 330
Upper Sandusky, OH 43351

Hosanna Horse Haven
Equine Rescue and Sanctuary

The Honorable Bob Latta
2467 Rayburn House Office Building
Washington, DC 20515

January 19, 2022

Dear Representative Latta,

As your constituent and Director of Hosanna Horse Haven, a nonprofit organization whose mission is to save equines from neglect and abuse and to provide them with loving homes for life, I am writing to urge you to cosponsor the Save America's Forgotten Equines (SAFE) Act, H.R. 3355. The bill has been referred to the House Energy and Commerce Committee, on which you serve, and needs your immediate action.

Every year, tens of thousands of American horses are shipped abroad to foreign abattoirs, facing extreme cruelty at every step of the journey. Not only is the transport and slaughter of these beloved animals inhumane, but it is also wholly unnecessary. Research published in 2017 revealed that there are over 2.3 million Americans with the willingness and resources to adopt these animals, if only they were given the chance. Additionally, a 2021 poll found that 83% of American voters oppose this cruel industry.

Ohio is a top-ten state in terms of horse ownership, with over 300,000 horses estimated to live in the state. We at Hosanna Horse Haven know that many Ohio equine owners are afraid to rehome their animals through auction for fear that they could end up in a slaughterhouse. That is why we wholeheartedly support the SAFE Act, which would ban horse slaughter in the U.S. for human consumption and end the export of American horses for slaughter abroad.

Horses hold a unique place in American history and culture. They have served us as companions and as working and recreational partners for centuries, and they symbolize our greatest national ideal: freedom. We have an ethical duty to protect them from cruelty.

Please help protect America's horses by cosponsoring the SAFE Act and urging your fellow Energy and Commerce Committee members to support the advancement of the bill out of committee.

Thank you very much for your consideration of this urgent matter.

Sincerely,

Lisa Allomong
Director/Founder
Hosanna Horse Haven, INC
hosannahorsehaven@gmail.com
cell-419-551-3405

Ms. Kaitlin Kraska
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Attachment—Additional Questions for the Record

**Subcommittee on Consumer Protection and Commerce
Hearing on
“Legislative Hearing to Protect Consumers and Strengthen the Economy”
May 26, 2022**

Ms. Katlin Kraska, Director of Federal Legislation, Government Relations, American Society for
the Prevention of Cruelty to Animals

The Honorable Gus Bilirakis (R-FL)

1. According to the U.S. Trotting Association, a not-for-profit association of Standardbred owners, breeders, drivers, trainers, and officials, a secondary illicit economy has surfaced in the last few years where “kill buyers” legally purchase retired horses and contact their previous owners to say they must either pay to buy the horse back or it will be transported to Canada or Mexico for slaughter. This illicit ransom economy is not only wrong and provides kill buyers with more revenue to continue the practice, but it is also bad for the horse racing industry.
 - a. Would the SAFE Act help solve the problem that I just described?

RESPONSE:

Yes, the SAFE Act would prevent this nefarious scenario from happening and a variety of other predatory behavior towards horse owners and breeders. The legal loophole that allows American horses to be exported abroad for slaughter has spawned an underground practice that has proliferated in the internet age known as “kill pen bailouts,” where kill buyers and kill pens post a horse online promising their sale to slaughter unless the public pays their ransom and bails them out. Those that sell horses to slaughter have discovered the lengths that the public is willing to go to protect horses from this fate. Sometimes, the horse is truly rescued. Sometimes, the horse is sent to slaughter regardless. Sometimes, the horse is reposted on another website and the deceitful bail out scheme occurs again. Kill pen bailouts have proven to be a lucrative deception for kill buyers who prey on the public’s aversion to such extreme cruelty, fetching thousands of dollars over meat prices, distorting the market and defrauding well-intentioned members of the equine

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community in the process. The reason to ransom disappears as soon as the slaughter loophole is closed.

At two Equine Transition Centers in North Texas and Oklahoma, the ASPCA has helped more than 400 horses find new homes or receive safety net services. Of the owners that have brought their horses to these facilities, nearly 75 percent tell us they held on to their horses longer than anticipated, which was not a healthy situation for horses or their owners, despite the fact those horses might languish in their owners' care, because of a fear their horse will end up at auction in the slaughter pipeline - or fall victim to one of these slaughter bailout schemes. Horse slaughter is causing massive welfare risks to horses in the U.S., and passing the SAFE Act is the only way to ensure that organizations like ours can truly help them. SAFE would remove the existing ability of the bailout operators to dupe the public and to buy additional horses with the income they gain through these schemes while paving the way for rescue and rehoming groups to put more of their resources into more efficiently helping horses transition into new homes.