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The Horse Protection Act (HPA; 15 U.S.C. §§1821-1831, P.L. 91-540, as amended) was enacted in 1970 to prohibit the exhibition, sale, auction, or transportation of horses that are *sore*. The statute defines a sore horse as one subjected to specified substances, devices, injuries, or practices that cause, or can reasonably be expected to cause, physical pain or distress, inflammation, or lameness when the horse is walking, trotting, or otherwise moving. Soring has been used primarily in the training of certain Tennessee Walking Horses and racking horses to produce an exaggerated high-stepping gait known as the “big lick.”

Congress amended the HPA in 1976 (P.L. 94-360) to expand federal enforcement authority, establish civil penalties and disqualification provisions, and authorize horse show and exhibition management to appoint qualified inspectors meeting U.S. Department of Agriculture (USDA)-established standards. This framework led to an inspection system relying on industry-associated Designated Qualified Persons (DQPs), while retaining federal oversight and enforcement authority for USDA.

USDA’s Animal and Plant Health Inspection Service (APHIS) reported higher HPA noncompliance rates in inspections conducted by APHIS personnel than in inspections conducted solely by DQPs during FY2017-FY2022, particularly among performance horses. USDA cited these differences, together with concerns regarding inspector independence and enforcement consistency, in adopting regulations intended to replace DQPs with APHIS-authorized Horse Protection Inspectors (HPIs).

In May 2024, USDA issued the first comprehensive revision of the HPA regulations since 1976. The final rule sought to replace DQPs with HPIs, revise inspection procedures, prohibit certain equipment and substances associated with soring, replace the existing “scar rule” with a new Dermatologic Conditions Indicative of Soring (DCIS) provision, and modify administrative review procedures. Litigation changed the status of the 2024 final rule. In January 2025, the U.S. District Court for the Northern District of Texas vacated provisions concerning certain categorical prohibitions on pads, action devices, and substances; the DCIS provision; and pre- and post-deprivation review procedures. The court upheld USDA’s authority to replace the DQP system with APHIS-authorized HPIs. USDA subsequently postponed implementation of the non-vacated provisions until December 31, 2026.

For the 2026 show season, APHIS has stated that the regulations in effect before the 2024 final rule generally remain applicable. APHIS will not enforce the scar rule or the “no show back” policy during the 2026 season and has stated that it will not refer horses to DQPs or notify event management, on the basis of APHIS determinations, that horses are sore or otherwise noncompliant until APHIS updates its inspection process to provide horse custodians an opportunity to appeal APHIS inspection findings. These limitations concern APHIS’s communication of inspection findings for purposes of event-level action and do not affect its separate federal authority to investigate alleged violations and pursue federal administrative or criminal enforcement.

As currently scheduled, beginning December 31, 2026, routine inspections may be conducted by APHIS Veterinary Medical Officers (VMOs) or APHIS-authorized HPIs. HPIs would be third-party inspectors rather than federal employees and would be screened, trained, and authorized by APHIS and appointed and paid by event management. APHIS has paused HPI training while it reevaluates the training curriculum. The transition may raise questions about the availability and geographic distribution of HPIs when DQPs cease to be authorized. Congress may continue oversight of USDA implementation of the HPA or consider legislative options concerning federal inspection and enforcement authority, penalties, prohibited practices, inspection funding, inspector qualifications and conflicts of interest, reporting and transparency, or horse transportation and other welfare issues. Such actions could affect enforcement consistency, USDA administrative responsibilities, compliance costs, federal oversight, and the role of third-party inspectors.

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## Introduction

In 1970, Congress enacted the Horse Protection Act (HPA; 15 U.S.C. §§1821–1831; P.L. 91-540, as amended)<sup>1</sup> in response to concerns about *soring*, which involves certain training and competition practices employing pain-based techniques, particularly applied to certain gaited horse breeds, that cause horses to exhibit artificial, high-stepping movements. The HPA prohibits the exhibition, sale, auction, or transportation of horses that are *sore*, generally referring to horses that have experienced “the intentional infliction of pain” to exaggerate their gait.<sup>2</sup>

The law authorizes the U.S. Department of Agriculture (USDA), through its Animal and Plant Health Inspection Service (APHIS), to enforce these prohibitions through federal inspections, investigations, administrative enforcement actions, civil penalties, federal disqualification orders, and referral of knowing violations for criminal prosecution.

Congress amended the HPA in 1976 through the Horse Protection Act Amendments of 1976 (P.L. 94-360), which expanded USDA enforcement authority, increased penalties for HPA violations, clarified statutory definitions, and established a framework under which horse show and exhibition management could appoint qualified inspectors meeting USDA-established standards.<sup>3</sup> Under this framework, event management could reduce its potential liability by appointing USDA-approved inspectors to identify and disqualify sore horses.<sup>4</sup> This provision contributed to the development of an inspection system relying primarily on industry-associated inspectors, known as Designated Qualified Persons (DQPs),<sup>5</sup> while retaining APHIS’s federal oversight authority.

In 2024, USDA issued the first comprehensive revision of the HPA regulations since 1976.<sup>6</sup> The final rule sought to strengthen federal oversight by replacing the existing DQP inspection system with federally trained and overseen Horse Protection Inspectors (HPIs), prohibiting certain action devices and stacked shoes associated with soring, replacing the existing “scar rule” with a new Dermatologic Conditions Indicative of Soring (DCIS) provision, and revising administrative review procedures.

On January 31, 2025, the U.S. District Court for the Northern District of Texas granted summary judgment in part to the plaintiffs and in part to USDA.<sup>7</sup> The court held that USDA exceeded its statutory authority by imposing categorical prohibitions on certain pads, action devices, and

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<sup>1</sup> U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), “Horse Protection Amendments,” 89 *Federal Register* 39194, May 8, 2024.

<sup>2</sup> See Animal Welfare Institute, “Soring,” <https://awionline.org/programs/equines/soring/>.

<sup>3</sup> Penalty amounts have since been adjusted administratively pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (also known as the Bipartisan Budget Act of 2015; P.L. 114-74).

<sup>4</sup> *Event management* refers to “any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager” (see 9 C.F.R. §11.1).

<sup>5</sup> Under the current regulations, Designated Qualified Persons (DQPs) are third-party inspectors who meet regulatory requirements and are licensed through Horse Industry Organizations (HIOs) certified by USDA. HIOs are organized groups involved in promoting horses through activities such as showing, exhibiting, selling, auctioning, or registering horses. Under the current regulatory framework, HIOs maintain certified DQP programs through which DQPs are licensed.

<sup>6</sup> USDA, APHIS, “Horse Protection Amendments,” 91 *Federal Register* 3633, January 28, 2026. The final rule was effective February 1, 2025 (later delayed), see <https://www.federalregister.gov/documents/2026/01/28/2026-01648/horse-protection-amendments-further-postponement-of-regulations>.

<sup>7</sup> *Tenn. Walking Horse Nat’l Celebration Ass’n v. U.S. Dep’t of Agric.*, No. 2:24-cv-00143, doc. 57 (N.D. Tex. January 31, 2025).

substances. The court also held that the DCIS provision, which established criteria for identifying dermatologic conditions as evidence of soring, and the rule's pre- and post-deprivation review procedures did not provide adequate due process. The court vacated those provisions. The court upheld USDA's authority to replace the DQP system with APHIS-authorized HPIs.<sup>8</sup> Beginning on December 31, 2026, the revised regulations are scheduled to permit inspections by APHIS Veterinary Medical Officers (VMOs) and APHIS-authorized HPIs.<sup>9</sup> For the 2026 show season, APHIS has stated that the current regulations are to remain in effect, subject to exceptions associated with ongoing litigation, and that it will not enforce the scar rule or the "no show back" policy.<sup>10</sup>

APHIS has stated that other requirements, including equipment standards, prohibited substance restrictions, and requirements concerning soreness, remain applicable.<sup>11</sup> In July 2026, APHIS announced expanded blood and pastern-swab testing at HPA-covered events to assess the prevalence of substances that may mask soreness or affect horses' pain responses.<sup>12</sup> The current framework involves two related but distinct types of action: event-level actions concerning a horse's participation in a particular event and federal enforcement actions against persons or entities for alleged violations of the HPA. At HPA-covered events,<sup>13</sup> DQPs conduct most routine inspections, and event management may prohibit or disqualify a horse from participating on the basis of an inspection finding. This event-level action applies to the horse's participation in the event and is not a federal enforcement action or federal disqualification. Separately, APHIS may investigate alleged HPA violations and pursue federal administrative enforcement against responsible persons or entities, including civil penalties and federal disqualification, or refer knowing violations for potential criminal prosecution.<sup>14</sup>

## Background and Definitions

Horses subjected to soring—the deliberate use of pain-based techniques to exaggerate a horse's gait—alter their movement to avoid pain, often producing a high-stepping movement known as the "big lick" (see **Figure 1**). The practice was prohibited in 1970 under the HPA.<sup>15</sup> Although prohibited, soring continues to be detected in some horse exhibitions, shows, sales, and auctions.

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<sup>8</sup> Letter from Bernadette Juarez, deputy administrator, Animal Care, APHIS, to Management of Horse Shows, Exhibitions, Sales, and Auctions (Management) et al., July 1, 2026, <https://www.aphis.usda.gov/sites/default/files/aw-open-letter-to-industry.pdf> (hereinafter Letter from Juarez to Management, July 1, 2026).

<sup>9</sup> USDA, APHIS, "USDA Postpones Implementation of Horse Protection Amendments," January 28, 2026, <https://www.aphis.usda.gov/news/program-update/usda-postpones-implementation-horse-protection-amendments>.

<sup>10</sup> The "scar rule" (9 C.F.R. §11.3) concerns physical findings on a horse's pasterns, including certain bilateral granulomas, evidence of inflammation, and other evidence of abuse indicative of soring; the "no show back" policy concerns whether management may permit a horse that has been prohibited or disqualified from participation in one class to be presented for inspection and, if found compliant, participate in another class at the same event. APHIS has stated that it will not enforce this policy during the 2026 show season.

<sup>11</sup> USDA, APHIS, "USDA Postpones Implementation of Horse Protection Amendments."

<sup>12</sup> Letter from Juarez to Management, July 1, 2026.

<sup>13</sup> For purposes of this report, "HPA-covered events" refers to horse shows, exhibitions, sales, and auctions subject to the Horse Protection Act (HPA). The HPA prohibits the exhibition, sale, auction, or transportation of sore horses and authorizes USDA to regulate and inspect such activities. See 15 U.S.C. §§1823-1824.

<sup>14</sup> 15 U.S.C. §§1823, 1825-1826; 9 C.F.R. §§11.7, 11.15; USDA, APHIS, "Horse Protection Act," accessed August 2026; and USDA, APHIS, "Horse Protection Act Enforcement," accessed August 2026.

<sup>15</sup> National Academies of Sciences, Engineering, and Medicine (NASEM), *A Review of Methods for Detecting Soreness in Horses* (The National Academies Press, 2021), p. ix, <https://www.nationalacademies.org/read/25949>.

Soring is commonly associated with certain gaited breeds, including Tennessee Walking Horses, racking horses,<sup>16</sup> Spotted Saddle Horses, Rocky Mountain Horses, and Missouri Fox Trotters.<sup>17</sup> Enforcement efforts have historically focused on Tennessee Walking Horses and closely related breeds, as they account for the majority of reported HPA violations,<sup>18</sup> although HPA does not limit its prohibition on soring to particular breeds. Instead, the statute applies to horses that meet the statutory definition of “sore” and are involved in the activities covered by the act. The concentration of enforcement activity among particular breeds reflects the historical prevalence of soring concerns in certain gaited horse competitions rather than a statutory limitation to those breeds. The number, geographic distribution, and seasonal concentration of HPA-covered events affect USDA inspection activities and enforcement responsibilities.<sup>19</sup>

**Figure 1. High-Stepping Horse Movement (“Big Lick”)**



**Source:** U.S. Department of Agriculture, National Agricultural Library, “Horse Protection Act,” <https://www.nal.usda.gov/animal-health-and-welfare/horse-protection-act>.

**Note:** The image shows a Tennessee Walking Horse performing the “big lick” gait, a high-stepping movement sometimes seen in competition events.

## Definition of Soring

Section 2(3) of the HPA (15 U.S.C. §1821(3)) defines a “sore” horse as one subjected to specified practices that cause, or “can reasonably be expected to” cause, physical pain or distress when the horse is moving. USDA regulations implementing the statute, including 9 C.F.R. §11.1, further identify practices that may constitute soring, including the application of “irritating or blistering

<sup>16</sup> The racking horse is a breed derived from the Tennessee Walking Horse. It has a smooth, natural gait known as the “rack,” a four-beat gait with one foot striking the ground at a time.

<sup>17</sup> According to APHIS records, noncompliance with the HPA’s soring prohibition is rare in breeds other than the Tennessee Walking Horse and racking horse. APHIS nonetheless conducts occasional inspections and investigates other breed activity and keeps records of any such noncompliance.

<sup>18</sup> For example, see Joanne Meszoly, “EQUUS Special Report: Why Soring Persists,” *EQUUS*, November 3, 2020, [https://equusmagazine.com/horse-world/soring\\_030706-8192](https://equusmagazine.com/horse-world/soring_030706-8192).

<sup>19</sup> The HPA (15 U.S.C. §§1821-1831; P.L. 91-540, as amended) covers primarily Tennessee Walking Horses, racking horses, and Spotted Saddle Horses, and federal inspections focus on events where these horses are shown, sold, or auctioned. One of the largest HPA-covered events, the Tennessee Walking Horse National Celebration, draws more than 2,000 horses annually during its multiday competition. For more information, see <https://twhnc.com/>. Beyond this event, several regional and local walking-horse competitions occur each year. For example, the Walking Horse Owners Association has affiliated nearly 279 shows with over 63,400 entries over a 5-year period. For more information, see <https://walkinghorseowners.wildapricot.org/About-WHOA>.

agent[s],” burns, cuts, injections, foreign objects placed beneath the hoof or shoe, and other practices intended to induce pain or discomfort.<sup>20</sup> The statutory and regulatory framework distinguishes prohibited soring practices from legitimate veterinary treatment. For example, therapeutic treatment performed by or under the supervision of a licensed veterinarian is addressed separately under the HPA and implementing regulations.

## Common Soring Methods

Soring techniques generally fall into two categories: chemical and mechanical.<sup>21</sup> Chemical soring involves applying caustic or irritating substances—such as mustard oil, croton oil, or kerosene—to a horse’s lower legs. The affected area may then be wrapped in plastic or bandages to increase the intensity or duration of exposure.

### Horse Equipment and USDA Reporting Terminology<sup>22</sup>

- **Action devices.** Chains, rollers, or similar devices placed around the horse’s lower leg that move during the horse’s locomotion.
- **Performance packages or pads.** Multiple layers of pads placed between the hoof and shoe to alter hoof angle and increase hoof height.
- **Stacked shoes.** Horseshoes used with multiple pads or other materials to increase hoof height.
- **Metal hoof bands.** Metal bands used to secure certain performance packages.
- **Flat-shod horses.** Horses shown without performance packages and generally wearing conventional, relatively low-profile horseshoes.
- **Performance horses.** For purposes of the U.S. Department of Agriculture’s (USDA’s) reported inspection data, the term refers to horses shown in performance classes using performance packages and associated equipment designed to accentuate the horse’s gait. USDA’s reporting categories distinguish performance horses from flat-shod horses.

Mechanical soring involves practices intended to create pain through physical means, such as excessively trimming the hoof to expose sensitive tissue, inserting foreign objects beneath the shoe, or using improperly weighted or angled shoes. Historically, some trainers have combined stacked shoes or performance packages with action devices, such as lightweight chains, that strike already sensitive areas during movement. The HPA prohibits certain soring practices, but it does not prohibit every form of specialized shoeing or equipment used in gaited horse competitions. Current regulations contain specific restrictions concerning equipment, weights, pads, action devices, substances, and other practices. The 2024 final rule would have imposed additional categorical prohibitions on certain pads, action devices, and substances; the district court vacated those provisions on the grounds that USDA had exceeded its statutory authority.

## The Scar Rule

In addition to inspections designed to identify evidence of recent soring, USDA regulations include a “scar rule” that permits inspectors to identify horses exhibiting characteristic scar tissue or other chronic dermatologic changes associated with repeated soring on the pasterns (lower limbs). Unlike examinations intended to detect pain responses during inspection, the scar rule

<sup>20</sup> See 9 C.F.R. §11.3.

<sup>21</sup> NASEM, “A Review of Methods for Detecting Soreness in Horses.”

<sup>22</sup> The terms in the text box are used in USDA regulations, *Federal Register* documents, USDA reporting, or descriptions of HPA-covered events. Unless otherwise noted, these terms are descriptive rather than statutory definitions.



focuses on physical evidence of previous soring. The scar rule has long been a subject of debate. Supporters contend that it helps deter repeat violations by preventing horses with evidence of chronic soring from competing.<sup>23</sup> Critics contend that the scar rule lacks scientific basis and that scar tissue may remain after soring has ceased and may not necessarily indicate current violations.<sup>24</sup>

**Figure 2. Horse in Violation of the Scar Rule**



**Source:** Photo courtesy of the Humane Society of the United States (now Humane World for Animals), in National Academies of Sciences, Engineering, and Medicine, *A Review of Methods for Detecting Soreness in Horses* (The National Academies Press, 2021), fig. 4-9, <https://doi.org/10.17226/25949>.

**Notes:** The image shows the pastern of a horse exhibiting chronic dermatologic changes consistent with repeated soring. Visible findings include thickened skin (lichenification), hair loss (alopecia), and pronounced skin folds that remain elevated when pressure is applied. These physical characteristics have been considered in USDA scar-rule inspections.

## Prohibited Practices Under the HPA

The HPA and its implementing regulations prohibit practices that cause, or can reasonably be expected to cause, a horse to be sore and establish specific requirements concerning equipment, substances, horse identification, and certain workouts and performances involving two-year-old Tennessee Walking Horses and racking horses.<sup>25</sup> During the 2026 show season, APHIS has stated that it will not enforce the scar rule or the “no show back” policy because of ongoing litigation, but the current regulations are to remain in effect.<sup>26</sup> Selected current regulatory prohibitions and requirements include the following:

<sup>23</sup> Kitty Block and Sara Amundson, “We’re suing the USDA for failing to protect horses from soring,” *Humane World Blog*, Humane World for Animals, April 23, 2026, <https://www.humaneworld.org/en/blog/suing-usda-protect-horses-from-soring>.

<sup>24</sup> The Walking Horse Report, “Tennessee Walking Horse Industry Files Federal Lawsuit Challenging USDA Disqualification Rules,” July 1, 2025, <https://www.walkinghorsereport.com/news/Tennessee-Walking-Horse-Industry-Files-Federal-Lawsuit-Challenging-USDA-Disqualification-Rules>.

<sup>25</sup> As listed in 9 C.F.R. §11.2-11.3.

<sup>26</sup> The 2024 final rule would have imposed broader prohibitions on certain action devices, pads, and substances. Those provisions were vacated by the federal district court. Accordingly, the legality of these devices and substances during the 2026 show season is governed by the pre-2024 regulatory framework, subject to the court’s decision and APHIS’s current enforcement guidance.



- prohibitions on chains, rollers, collars, boots, pads, or other devices in ways prohibited by 9 C.F.R. §11.2 or that cause, “or can reasonably be expected to cause,” a horse to be sore;
- prohibitions on specified action devices that exceed applicable weight limits or have prohibited characteristics;
- prohibitions on excessive toe extensions, inappropriate pads, hollow or weighted shoes, metal hoof bands, or other equipment in violation of applicable regulatory requirements;
- prohibitions on specified substances under applicable regulatory restrictions;<sup>27</sup>
- limitations on workouts or performances of two-year-old Tennessee Walking Horses and racking horses that exceed permitted continuous-work limits or the number of permitted work periods or fail to provide required rest periods;<sup>28</sup> and
- requirements concerning horse identification during inspections.<sup>29</sup>

## Statutory Authorities and Enforcement

Section 4(c) of the HPA (15 U.S.C. §1823(c)) authorizes, but does not require, horse show or exhibition management to appoint qualified inspectors who meet USDA-established standards. When management appoints a qualified inspector, management’s liability is potentially limited. If management appoints a qualified inspector, management’s liability generally attaches if it allows a horse to participate after being informed that the horse is sore. If management does not appoint a qualified inspector, management may be liable for allowing a sore horse to participate regardless of whether management knew the horse was sore. The text box, below, summarizes the primary categories of inspectors authorized under the HPA and their roles under current regulations and the 2024 final rule. This statutory framework relies on an inspection system that uses industry-appointed DQPs while preserving APHIS’s separate federal oversight and enforcement authority. APHIS may independently investigate alleged violations and pursue federal administrative enforcement against responsible persons or entities.<sup>30</sup>

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<sup>27</sup> In July 2026, APHIS announced that it would expand prohibited substance testing and surveillance during the 2026 show season. USDA inspectors are to collect standardized swabs from both front pasterns, and veterinary personnel provided through a USDA contract with the U.S. Equestrian Federation are to collect blood samples from randomly selected horses and horses identified as concerning by USDA staff or DQPs. An independent laboratory is to analyze the samples for substances identified on USDA target lists. APHIS stated that the initiative is intended to assess the prevalence and types of substances present at HPA-covered events and that it will publish aggregate findings without collecting individually identifiable information about horses or associated individuals. For more information, see Letter from Juarez to Management, July 1, 2026.

<sup>28</sup> The racking horse is a breed derived from the Tennessee Walking Horse. It has a smooth, natural gait known as the “rack,” a four-beat gait with one foot striking the ground at a time.

<sup>29</sup> For the entire list of prohibitions, see 9 C.F.R. §11.2.

<sup>30</sup> APHIS’s temporary limitation on referring horses to DQPs or notifying event management on the basis of APHIS inspection findings does not suspend APHIS’s separate federal enforcement authority. APHIS continues to investigate alleged HPA violations and pursue federal administrative enforcement actions, including civil penalties and federal disqualification orders.

### Types of HPA Inspectors

- **APHIS Veterinary Medical Officers (VMOs).** VMOs are federal inspectors who are authorized to conduct independent inspections, oversight inspections, investigations, and follow-up enforcement. APHIS retains federal inspection and enforcement authority under both the current framework and the revised framework scheduled to take effect on December 31, 2026.
- **Designated Qualified Persons (DQPs).** Under the current regulations, DQPs are third-party inspectors who meet regulatory requirements and are licensed through Horse Industry Organizations (HIOs) certified by the U.S. Department of Agriculture (USDA). Event management can appoint DQPs to inspect horses at HPA-covered events. DQPs remain available for routine inspections through December 30, 2026.
- **Horse Protection Inspectors (HPIs).** The 2024 final rule establishes HPIs as third-party inspectors screened, trained, and authorized by APHIS to replace DQPs. HPIs are not USDA employees and would be appointed and paid by event management. Beginning December 31, 2026, event management may appoint an APHIS-authorized HPI, request an APHIS VMO, or elect not to use either. An event that does not use an HPI or APHIS representative remains subject to the HPA's liability provisions if a horse is subsequently found to have been shown, exhibited, sold, or auctioned while sore. HPI authorization and training requirements under Section 11.19 became effective on June 7, 2024, but APHIS has postponed implementation of the HPI inspection framework until December 31, 2026, and has paused HPI training while it reevaluates the training curriculum.

APHIS has stated that it will not refer horses to DQPs or notify event management, on the basis of an APHIS determination, that a horse is sore or otherwise noncompliant until APHIS updates its inspection process to provide an opportunity for the custodian to appeal the finding.

DQPs and event management may continue to identify and disqualify horses under applicable requirements.

## Inspection Framework

The current HPA regulatory framework relies on a combination of industry-appointed inspectors and federal oversight. Through December 30, 2026, event management may appoint DQPs to conduct routine inspections, and DQPs may identify horses that are sore or otherwise noncompliant with HPA requirements. Event management may then prohibit or disqualify a horse from participating in the covered event. This event-level action applies to the horse's participation in that event and is distinct from federal HPA enforcement against a person or entity. APHIS VMOs may conduct independent federal inspections and oversight inspections and may investigate alleged violations. APHIS may initiate federal administrative proceedings against responsible persons or entities, which may result in civil penalties or federal disqualification, and may refer knowing violations to the Department of Justice for potential criminal prosecution.<sup>31</sup>

Beginning on December 31, 2026, DQPs will no longer be authorized to conduct routine HPA inspections, and event management may appoint an APHIS-authorized HPI or request an APHIS VMO to conduct inspections. APHIS has paused HPI training while it reevaluates the training curriculum. APHIS has not publicly reported the number of HPI applicants, candidates who have completed training, or HPIs authorized to conduct inspections. The availability and geographic distribution of authorized HPIs therefore may affect inspection capacity beginning in 2027. Congress may consider how APHIS plans to maintain inspection coverage during the transition, including the availability of APHIS VMOs when an HPI is unavailable.

<sup>31</sup> USDA, APHIS, "Horse Protection; Licensing of Designated Qualified Persons and Other Amendments," 81 *Federal Register* 49112, July 26, 2016, <https://www.federalregister.gov/documents/2016/07/26/2016-17648/horse-protection-licensing-of-designated-qualified-persons-and-other-amendments>.

USDA has reported higher HPA noncompliance rates in APHIS inspections than in DQP-only inspections during FY2017-FY2022 (**Table 1**).<sup>32</sup> For example, in FY2021, APHIS identified noncompliance among approximately 40% of performance horses in its inspected sample, compared with approximately 1.9% of performance horses inspected only by DQPs.<sup>33</sup> “Performance horses” in these data are horses participating in performance classes involving performance packages, while “flat-shod horses” participate without such performance packages. USDA’s categories therefore distinguish different types of horses and equipment rather than different statutory definitions of soring.<sup>34</sup>

**Table 1. USDA-Reported Horse Protection Act (HPA) Inspection and Testing Data, FY2017-FY2022**

| Reporting Category        | DQP-Only Inspections NC <sup>a</sup> | DQPs with APHIS Present NC | APHIS Inspections NC | Prohibited Substance Testing   |
|---------------------------|--------------------------------------|----------------------------|----------------------|--------------------------------|
| <b>Performance Horses</b> | 1.5%-4.3% NC                         | 4.0%-10.0%                 | 9.3%-39.7%           | 55-144 positives in most years |
| <b>Flat-Shod Horses</b>   | 0.03%-0.1%                           | 0.2%-0.7%                  | 0.6%-5.4%            | 1-28 positives in most years   |

**Source:** Data compiled by CRS from U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), “Horse Protection Act; Licensing of Designated Qualified Persons and Horse Protection Inspectors,” 88 *Federal Register* 56924, August 22, 2023, tables 1-3, <https://www.federalregister.gov/documents/2023/08/21/2023-17814/horse-protection>.

**Notes:** Data include USDA-reported noncompliance rates from APHIS and Designated Qualified Person inspections and prohibited substance testing results at HPA-covered events during FY2017-FY2022. “Performance horses” and “flat-shod horses” are USDA reporting categories reflecting different types of equipment and performance classes.

a. NC stands for “noncompliance.”

Between 2017 and 2022, APHIS inspectors identified higher noncompliance rates among performance horses than DQPs working independently, and DQPs reported higher noncompliance rates when APHIS personnel were present than when they were absent. Laboratory testing also identified prohibited substances, particularly among performance horses, during this period. USDA has cited these differences as evidence that the DQP system did not provide sufficiently consistent enforcement. USDA used these findings to support its recommendation to replace DQPs with federally trained, APHIS-authorized HPIs.<sup>35</sup>

The post-2024 framework illustrates the distinction between event-level and federal enforcement. If an inspector identifies a horse as sore or otherwise noncompliant, event management may prohibit or disqualify the horse from participating in the event. This event-level action does not constitute a federal USDA enforcement action.<sup>36</sup> Separately, APHIS may initiate administrative

<sup>32</sup> According to APHIS, the data should be interpreted cautiously because APHIS and DQP inspections did not necessarily use equivalent sampling methods. USDA also noted that APHIS inspectors inspected a subset of horses at events and that some horses were selected on the basis of indications that warranted inspection.

<sup>33</sup> USDA, APHIS, “Horse Protection,” 88 *Federal Register* 56924, August 21, 2023, <https://www.federalregister.gov/documents/2023/08/21/2023-17814/horse-protection>.

<sup>34</sup> USDA, APHIS, “Horse Protection,” 88 *Federal Register* 56924.

<sup>35</sup> USDA, APHIS, “Horse Protection,” 88 *Federal Register* 56924.

<sup>36</sup> According to 15 U.S.C. §1824(5), “The following conduct is prohibited ... (5) The failure by the management of any (continued...)”

proceedings against persons or entities alleged to have violated the HPA. Such proceedings may result in civil penalties and federal disqualification orders that may prohibit an individual from participating in HPA-covered horse shows, exhibitions, sales, or auctions. APHIS may also refer knowing violations to the Department of Justice for criminal prosecution. Federal administrative enforcement therefore operates separately from event-level horse disqualifications, even when both arise from the same underlying conduct.<sup>37</sup>

Federal administrative enforcement may result in civil penalties and federal disqualification. USDA's current inflation-adjusted HPA civil penalty is up to around \$7,000 per violation,<sup>38</sup> and the penalty for failure to obey an HPA disqualification order is up to around \$14,000 per violation.<sup>39</sup> APHIS maintains publicly available federal HPA enforcement records, including a federal disqualification and civil penalty list and records of administrative complaints, official warnings, settlement agreements, and decisions and orders. These federal enforcement records are distinguishable from event-level disqualifications reported by horse show management.<sup>40</sup>

As of August 2026,<sup>41</sup> the enforcement database contained 73 HPA enforcement actions dating to late 2019.<sup>42</sup> APHIS has stated that it enforces the HPA under the current regulatory framework while maintaining federal oversight of DQPs and Horse Industry Organizations (HIOs)<sup>43</sup> and pursuing separate administrative enforcement actions against alleged violators.<sup>44</sup>

According to APHIS, in FY2026, it attended 49 HPA-covered events, DQPs have inspected 25,567 horses, and event management has disqualified 359 horses at the event level for HPA noncompliance.<sup>45</sup>

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horse show or horse exhibition, which has appointed and retained a person in accordance with section 1823(c) of this title, to disqualify from being shown or exhibited any horse (A) which is sore, and (B) after having been notified by such person or the Secretary that the horse is sore or after otherwise having knowledge that the horse is sore."

<sup>37</sup> For example, APHIS issued a federal HPA consent decision and order in January 2026 that imposed a civil penalty and federal disqualification. See <https://direct.aphis.usda.gov/sites/default/files/jdunn.pdf>.

<sup>38</sup> 7 C.F.R. §3.91.

<sup>39</sup> Section 6(b) of the HPA (15 U.S.C. §1825(b)) authorizes a civil penalty of not more than \$2,000 for each violation of the act's prohibitions. The civil penalty has been adjusted for inflation under USDA regulations and is currently \$7,183 for violations occurring after May 29, 2025 (7 C.F.R. §3.91(b)(2)(viii)). In addition to a civil penalty, the Secretary may disqualify a person from showing or exhibiting any horse or from judging or managing a horse show, exhibition, sale, or auction for not less than one year for a first violation and not less than five years for a subsequent violation (15 U.S.C. §1825(c)). Knowingly violating a federal disqualification order is subject to a separate civil penalty, currently adjusted to a maximum of \$14,037 per violation (7 C.F.R. §3.91(b)(2)(ix)). Knowing violations of the HPA may also be referred to the Department of Justice for criminal prosecution. The statutory criminal penalties are a fine of up to \$3,000 and imprisonment for up to one year for a first violation and a fine of up to \$5,000 and imprisonment for up to two years for a subsequent violation (15 U.S.C. §1825(a)).

<sup>40</sup> For the latest disqualification, see USDA, APHIS, "USDA Horse Protection Act Disqualification and Civil Penalty List (as of May 1, 2026)," <https://www.aphis.usda.gov/sites/default/files/hpa-disqualification-civil-penalty-list.pdf>.

<sup>41</sup> As of August 2026, CRS identified 73 records in APHIS's publicly available HPA enforcement data dating to late 2019.

<sup>42</sup> USDA, APHIS, "Animal Welfare and Horse Protection Actions," updated August 25, 2026, <https://www.aphis.usda.gov/animal-care/awa-services/animal-welfare-horse-protection-actions?page=1>.

<sup>43</sup> Under the current regulations, DQPs are third-party inspectors who meet regulatory requirements and are licensed through HIOs certified by USDA. HIOs are organized groups involved in promoting horses through activities such as showing, exhibiting, selling, auctioning, or registering horses. Under the current regulatory framework, HIOs maintain certified DQP programs through which DQPs are licensed. Event management can appoint DQPs to inspect horses at HPA-covered events. DQPs remain available for routine inspections through December 30, 2026.

<sup>44</sup> USDA, APHIS, "APHIS Shares Update on 2026 Horse Show Season," <https://www.aphis.usda.gov/news/program-update/aphis-shares-update-2026-horse-show-season>.

<sup>45</sup> CRS communication with APHIS on July 31, 2026.

Federal oversight during the 2026 show season also includes expanded diagnostic testing. In July 2026, APHIS announced that it would collect pastern swabs and blood samples at HPA-covered events to identify substances that may be associated with soring or may alter a horse's pain response. APHIS contracts with the U.S. Equestrian Federation (USEF) to provide veterinary personnel for blood collection, and USDA inspectors collect pastern swabs. Samples are analyzed by an independent laboratory, and APHIS stated that aggregate findings will be made available publicly.<sup>46</sup>

## Litigation and Legal Status of the 2024 Updated Regulations

Litigation challenging USDA's 2024 final rule has affected the timing and scope of the revised regulatory framework. In July 2024, plaintiffs, including the Tennessee Walking Horse National Celebration Association and two horse show owners, filed suit in the U.S. District Court for the Northern District of Texas.<sup>47</sup> The plaintiffs argued that portions of the rule exceeded USDA's statutory authority under the HPA, violated the Due Process Clause, and imposed undue economic burdens on the regulated industry.

On January 31, 2025, the district court granted summary judgment in part to the plaintiffs and in part to USDA. The court held that USDA exceeded its statutory authority by imposing categorical prohibitions on certain pads, action devices, and substances. The court also held that the DCIS provision and the rule's pre- and post-deprivation review procedures did not provide adequate due process. The court vacated those provisions. The court upheld USDA's authority to replace the DQP system with APHIS-authorized HPIs.

Following the litigation, USDA postponed implementation of the non-vacated provisions of the 2024 final rule until December 31, 2026. APHIS has stated that the current regulations remain in effect for the 2026 show season, subject to the litigation-related exceptions described elsewhere in this report. The resulting regulatory framework combines provisions that predate the 2024 rule with portions of the 2024 rule that remain valid, but their implementation has been postponed.<sup>48</sup>

**Table 2** summarizes the principal regulatory changes included in the 2024 final rule and indicates which provisions were vacated by the court and which remain delayed pending USDA implementation.

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<sup>46</sup> Letter from Juarez to Management, July 1, 2026.

<sup>47</sup> *Tenn. Walking Horse Nat'l Celebration Ass'n v. U.S. Dep't of Agric.*, No. 2:24-cv-00143, doc. 57 (N.D. Tex. Jan. 31, 2025). In addition, agriculture departments from 13 states sent letters to USDA urging the agency to withdraw the rule entirely. For more information, see Letter from Texas Commissioner of Agriculture Sid Miller et al. to Donald J. Trump Presidential Landing Team, USDA, January 21, 2025, [https://www.walkinghorsereport.com/user\\_files\\_1/News/Jan21Letter.pdf](https://www.walkinghorsereport.com/user_files_1/News/Jan21Letter.pdf); and Letter from Louisiana Commissioner of Agriculture & Forestry Mike Strain, DVM, and Tennessee Commissioner of Agriculture Charlie Hatcher, DVM, to Donald J. Trump Presidential Landing Team, USDA, January 23, 2025, [https://www.walkinghorsereport.com/user\\_files\\_1/News/Jan23Letter.pdf](https://www.walkinghorsereport.com/user_files_1/News/Jan23Letter.pdf).

<sup>48</sup> USDA, APHIS, "Horse Protection Amendments; Further Postponement of Regulations," 91 *Federal Register* 3633, January 28, 2026, <https://www.federalregister.gov/documents/2026/01/28/2026-01648/horse-protection-amendments-further-postponement-of-regulations>.

**Table 2. Post-Litigation Regulatory Changes to the Horse Protection Act**

| Regulatory Provision                                       | 2024 Final Rule                                                                                                    | Court's Decision           | Status (2026)                                                                                                                                                                                                          |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Certain pads and action devices</b>                     | Prohibited certain pads and action devices                                                                         | Vacated                    | Pre-2024 regulatory framework applies during 2026 show season.                                                                                                                                                         |
| <b>Certain substances</b>                                  | Prohibited substances and lubricants applied to horses' limbs                                                      | Vacated                    | Pre-2024 regulatory framework applies during 2026 show season.                                                                                                                                                         |
| <b>Dermatologic Conditions Indicative of Soring (DCIS)</b> | Replaced scar rule with DCIS provision                                                                             | Vacated                    | Existing scar rule remains in regulations, but APHIS has stated it will not enforce it during 2026.                                                                                                                    |
| <b>Administrative review of inspection decisions</b>       | Established revised pre- and post-deprivation review procedures                                                    | Vacated                    | Existing framework applies, subject to APHIS's 2026 inspection-process changes.                                                                                                                                        |
| <b>DQP replacement</b>                                     | Replaced DQPs with APHIS-authorized HPIs                                                                           | Upheld but delayed by USDA | Implementation postponed until December 31, 2026.                                                                                                                                                                      |
| <b>HPI training and authorization</b>                      | Authorized APHIS to screen, train, and authorize HPIs                                                              | Upheld but delayed by USDA | HPI authorization and training requirements (§11.19) became effective June 7, 2024; HPI training is currently paused.                                                                                                  |
| <b>No-show-back policy</b>                                 | Required management to prevent a horse disqualified for noncompliance from being presented again at the same event | Not separately vacated     | APHIS has suspended enforcement during 2026 in connection with ongoing litigation. Not enforced during 2026 show season, but management may allow a horse to be presented again if it is subsequently found compliant. |

**Source:** CRS analysis of U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), "Horse Protection Amendments," 89 *Federal Register* 39194, May 8, 2024; Tenn. Walking Horse Nat'l Celebration Ass'n v. U.S. Dep't of Agric., No. 2:24-cv-00143, doc. 57 (N.D. Tex. January 31, 2025); and USDA, APHIS, "Horse Protection Amendments; Further Postponement of Regulations," 91 *Federal Register* 3633, January 28, 2026.

**Notes:** The table summarizes the principal challenged provisions and related implementation changes. APHIS has postponed implementation of the non-vacated provisions until December 31, 2026. For the 2026 show season, APHIS has stated that it will not enforce the "scar rule" or the "no show back" policy because of ongoing litigation.



## Congressional Considerations

Congressional oversight,<sup>49</sup> USDA Office of Inspector General (OIG) audits,<sup>50</sup> litigation, and public comments during USDA rulemakings have identified several recurring policy issues related to implementation of the HPA. These include the structure of the inspection system, inspector independence, enforcement consistency, federal inspection capacity, funding, transparency of enforcement outcomes, and the scope of USDA's statutory authority.

During the 2026 show season, DQPs conduct most routine inspections at HPA-covered events, event management may prohibit or disqualify horses from participating in those events, and APHIS retains federal oversight and administrative enforcement authority. Beginning on December 31, 2026, the division of responsibilities is to change, as DQPs and HIOs will no longer have regulatory roles under the revised framework, event management may appoint an APHIS-authorized HPI or request an APHIS VMO to conduct inspections, and APHIS will retain federal oversight and enforcement authority. HPIs will be third-party inspectors rather than federal employees and will be appointed and paid by event management, although they will be screened, trained, authorized, and overseen by APHIS. Congress may consider whether this revised allocation of responsibilities provides sufficient federal visibility into event-level violations. Congress could examine how APHIS will oversee a system in which third-party HPIs are selected and paid by event management but are trained and authorized by APHIS and whether the system provides sufficient inspection capacity across the number and geographic distribution of HPA-covered events. Congress could also consider whether reporting requirements allow it to assess how often event-level findings lead to federal investigations or enforcement actions.

The HPA authorizes USDA to enforce the statute but generally affords the agency discretion regarding the scope and frequency of inspections and other enforcement activities, subject to available appropriations. Stakeholders have expressed a range of views regarding the appropriate balance between federal oversight and industry participation. Animal welfare organizations and some veterinary experts have argued that statutory limitations constrain USDA's ability to deter soring consistently across events and regions,<sup>51</sup> while some industry participants have questioned whether additional federal requirements would appropriately balance enforcement objectives with regulatory burden.<sup>52</sup>

Congress has considered additional legislation to modify the HPA. In the 119<sup>th</sup> Congress, the Prevent All Soring Tactics Act (H.R. 1684) and the Protecting Horses from Soring Act (H.R. 1675) propose to prohibit action devices and stacked shoes, increase civil and criminal penalties, and modify enforcement authorities. In the 118<sup>th</sup> Congress, the Protecting Horses from Soring Act of 2023 (H.R. 2648) proposed to eliminate industry self-regulation, expand inspection

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<sup>49</sup> House Committee on Oversight and Government Reform, "Comer Presses USDA for Answers on Arbitrary Enforcement of Horse Protection Act, Seeks Transcribed Interview with Key Official," October 8, 2024, <https://oversight.house.gov/release/comer-presses-usda-for-answers-on-arbitrary-enforcement-of-horse-protection-act-seeks-transcribed-interview-with-key-official/>.

<sup>50</sup> USDA, Office of Inspector General (OIG), *Animal and Plant Health Inspection Service's Horse Protection Act Inspection and Disqualification Processes at Horse Show Event*, Inspection Report 33801-0001-22, June 2025, [https://www.oversight.gov/sites/default/files/documents/reports/2025-06/33801-0001-22\\_FR\\_redacted\\_public.pdf](https://www.oversight.gov/sites/default/files/documents/reports/2025-06/33801-0001-22_FR_redacted_public.pdf).

<sup>51</sup> For comment posted on Regulations.gov by APHIS on May 21, 2025, on USDA's proposed Horse Protection Amendments from Humane World for Animals; Humane Veterinary Medical Alliance; and Humane World Action Fund, see <https://www.regulations.gov/comment/APHIS-2022-0004-14893>.

<sup>52</sup> For comment posted on Regulations.gov by APHIS on May 20, 2025, from American Association of Equine Practitioners, see <https://www.regulations.gov/comment/APHIS-2022-0004-14747>; and for comment posted on Regulations.gov by APHIS on May 21, 2025, from Tennessee Walking Horse National Celebration Association et al., see <https://www.regulations.gov/comment/APHIS-2022-0004-14877>.

procedures, and enhance APHIS enforcement authority. Related legislation in the 118<sup>th</sup> Congress, such as the Horse Transportation Safety Act of 2023 (H.R. 4241), proposed to prohibit the commercial transportation of horses in double-deck trailers.

Congress could choose to take no legislative action and allow USDA to continue implementing the HPA under existing statutory and regulatory authorities. Alternatively, Congress could consider amending the HPA, such as to

- clarify federal inspection and enforcement authorities;
- modify civil or criminal penalties for HPA violations;
- codify prohibitions on specific devices or practices associated with soring;
- establish additional reporting requirements;
- provide appropriations to support expanded federal inspection capacity;
- establish requirements concerning inspector qualifications or conflicts of interest;
- address transportation of horses, including transportation of horses to and from HPA-covered events; or
- expand federal authority to address conduct associated with soring outside covered events or other horse-welfare concerns.

## **Inspection Framework and Federal Oversight**

Congress may consider whether the statutory framework governing HPA inspections continues to provide an appropriate allocation of responsibility among event management, third-party inspectors, and USDA. Section 4(c) of the HPA (15 U.S.C. §1823(c)) authorizes horse show and exhibition management to appoint qualified inspectors meeting USDA-established standards and provides management with certain liability protections when it does so (see “Statutory Authorities and Enforcement” for more on the current inspection framework).

USDA and other reviewers of the HPA enforcement program have identified questions concerning inspector independence, consistency of inspection results, federal oversight, and the resources available for APHIS inspections. USDA has cited differences between APHIS and DQP inspection results as one basis for replacing the DQP system with HPis. The January 2025 district court decision upheld USDA’s authority to make that change, although implementation has been postponed until December 31, 2026.<sup>53</sup>

Congress could consider clarifying the respective responsibilities of event management, third-party inspectors, and APHIS; establishing additional qualifications or conflict-of-interest requirements for inspectors; specifying circumstances under which APHIS must conduct or oversee inspections; or establishing reporting requirements concerning event-level inspection findings and subsequent federal enforcement. Potential advantages of such changes could include greater clarity regarding federal and private responsibilities, more consistent inspection practices, additional safeguards against conflicts of interest, and improved congressional visibility into HPA enforcement. Potential disadvantages could include increased federal administrative and staffing requirements, higher costs for APHIS or event management, reduced flexibility to allocate inspection resources according to risk and available personnel, and additional regulatory requirements for inspectors and event managers. Some changes could also require amendments to the HPA or further rulemaking and could alter the balance Congress established in 1976 between

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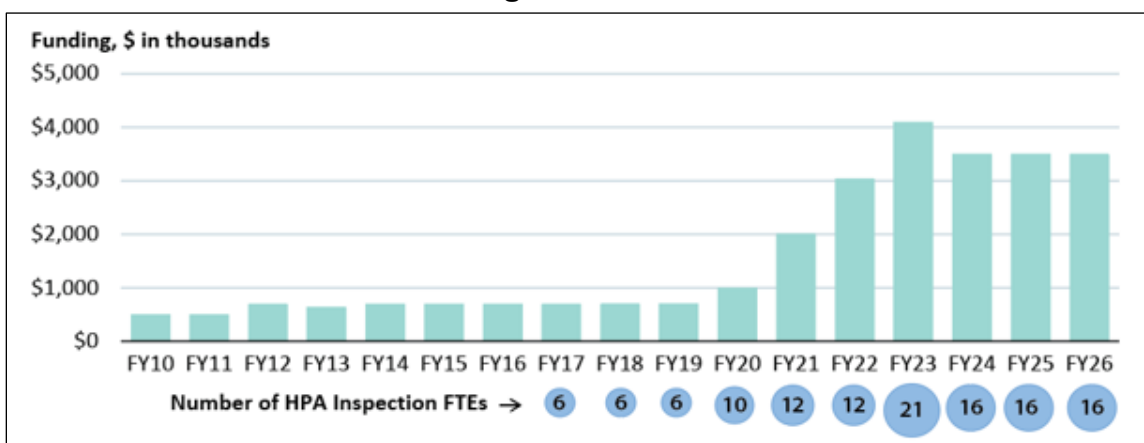
<sup>53</sup> Tenn. Walking Horse Nat’l Celebration Ass’n v. U.S. Dep’t of Agric., No. 2:24-cv-00143, doc. 57 (N.D. Tex. Jan. 31, 2025).

federal oversight and industry participation. Congress and USDA previously addressed some of these issues through legislation, regulation, oversight, and administrative changes. The 2024 final rule, for example, sought to replace DQPs with APHIS-authorized HPis and establish additional screening, training, and conflict-of-interest requirements for inspectors. The January 2025 district court decision upheld USDA's authority to replace DQPs with HPis, although implementation of the non-vacated provisions has been postponed until December 31, 2026. Thus, potential congressional action would occur against a background of recent regulatory and judicial changes rather than in the absence of prior federal action.

## Appropriations for HPA Enforcement

APHIS administers the federal HPA enforcement program using annual discretionary appropriations that support federal oversight inspections, investigations, laboratory testing, travel, inspector training and oversight, and administrative enforcement activities. As shown in **Figure 3**, appropriations for HPA enforcement remained below \$1 million annually from FY2010 through FY2019 before increasing to approximately \$4 million in FY2023 and stabilizing at approximately \$3.5 million annually from FY2024 through FY2026. Over the same period, reported APHIS HPA enforcement staffing increased from approximately 6 full-time equivalent (FTE) employees in FY2017 to approximately 21 FTEs in FY2023 before declining to approximately 16 FTEs in FY2024.

**Figure 3. Funding for HPA Enforcement, FY2010-FY2026, and HPA Enforcement Staffing, FY2017-FY2026**



**Source:** Figure created by CRS using Animal and Plant Health Inspection Service budget documents and various appropriations acts and committee reports.

Inspection capacity depends on staffing levels, the geographic distribution and seasonality of HPA-covered events, the mix of veterinary and non-veterinary personnel, training requirements, and the extent to which APHIS relies on third-party inspectors. Under the revised framework scheduled to take effect on December 31, 2026, event managers may appoint APHIS-authorized HPis or request an APHIS VMO. HPis would be third-party inspectors who are not federal employees. This model would expand APHIS's role in training, authorizing, and overseeing inspectors without necessarily converting all inspection personnel into federal employees.

Inspection capacity under the revised framework may depend in part on the availability and geographic distribution of APHIS-authorized HPis. APHIS has not publicly reported the number of HPI applicants or authorized HPis, and its HPI training program is currently paused while the agency reevaluates the training curriculum. Because DQPs will no longer be authorized to

conduct inspections after December 30, 2026, Congress may consider whether APHIS has sufficient personnel and resources to provide inspection coverage during the transition. The number and location of authorized HPis, the number of HPA-covered events requiring inspection, the availability of APHIS VMOs to provide coverage when an HPI is unavailable, and the timing of HPI training and authorization could affect inspection capacity beginning in 2027.

Congress may consider whether current funding levels are sufficient to sustain the federal role contemplated under the revised inspection framework or whether alternative workforce approaches could expand inspection coverage. Considerations may include the geographic distribution of covered events, seasonality, training and retraining requirements, the number of HPI applicants and authorized inspectors, and the extent of federal oversight expected under the revised framework.<sup>54</sup>

Congress may increase appropriations to support additional VMOs and associated training and oversight. Alternatively, Congress could maintain current funding while relying on APHIS-authorized third-party HPis for routine inspections, with VMOs providing supervisory, investigative, and enforcement support. Congress could also consider authorizing user fees or event-based inspection fees to offset some federal inspection costs. On the one hand, a fee-based approach could reduce reliance on appropriated funds; on the other hand, it could increase costs for horse show management and participants and raise questions regarding fee structure, administration, and equitable treatment of events. Different workforce models could affect inspection coverage, personnel costs, training requirements, veterinary involvement, and the division of responsibilities between USDA and event management.

Earlier oversight reports identified funding as a recurring constraint on federal inspection capacity. A 2010 USDA OIG audit found that HPA appropriations had remained near \$500,000 annually for many years and concluded that APHIS lacked sufficient resources to oversee all HPA-covered events adequately.<sup>55</sup> Since then, appropriations have increased; however, workforce capacity, training, and implementation remain relevant considerations as USDA prepares for the revised inspection framework.

## Transparency and Oversight

Congress may consider whether current reporting is sufficient or whether additional reporting requirements would improve oversight of HPA enforcement. APHIS maintains several publicly available sources of HPA information, including annual event activity reports, a federal disqualification list, and records of official warnings, administrative complaints, settlement agreements, and decisions and orders.<sup>56</sup> These resources provide information concerning different aspects of HPA implementation but are not presented as a single dataset linking event-level inspection findings and horse disqualifications with subsequent federal investigations, administrative enforcement actions, penalties, or federal disqualification orders. For example, APHIS reports the number of events it attends, the number of horses inspected by DQPs, and

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<sup>54</sup> For example, APHIS has stated that ongoing litigation, retraining requirements, and a limited number of trained Horse Protection Inspectors complicate implementation of the revised inspection framework and that absent additional trained inspectors, covered events may lack qualified third-party inspectors to assist show management in meeting HPA obligations. For more information, see USDA, APHIS, “Horse Protection Amendments; Further Postponement of Regulations,” 91 *Federal Register* 3633.

<sup>55</sup> USDA OIG, *Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program*.

<sup>56</sup> For example, USDA, APHIS, “FY25 Activity Report,” September 23, 2025, <https://www.aphis.usda.gov/sites/default/files/fy25-event-activity-report.pdf>.

event-level disqualifications by event management. Separately, APHIS maintains records of federal administrative enforcement actions and federal disqualification orders.<sup>57</sup> The different sources provide information about inspection and enforcement activity but do not trace an individual event-level finding through a subsequent federal enforcement action.<sup>58</sup> Congress could consider requiring APHIS to report on these activities in a more integrated format. Such reporting could include

- the number and type of HPA-covered events;
- the number of inspections conducted by DQPs, HPIs, and APHIS personnel;
- the number and type of noncompliance identified;
- the number of horses prohibited or disqualified by event management;
- the number of federal investigations initiated;
- the number of federal administrative complaints filed;
- penalties assessed;
- federal disqualification orders issued; or
- the disposition of federal enforcement actions.

Congress could consider whether APHIS should report the results of its expanded prohibited substance testing, including information such as the number of horses sampled, the types of samples collected, the substances detected, and the number of samples associated with performance and with flat-shod horses, while maintaining appropriate protections for individually identifiable information. Congress could also consider whether to require APHIS to report on the implementation of recommendations contained in USDA OIG audits, including recommendations concerning inspector conflicts of interest and procedures for resolving inspection disputes. More comprehensive reporting could facilitate congressional oversight of enforcement consistency and provide information about the relationship between event-level inspection findings and federal enforcement outcomes. This level of reporting may also require more time and resources from APHIS personnel and regulated entities. A key consideration is the benefit arising from more information reporting against the costs in generating and conveying the information.

## **Horse Transportation and Other Welfare Issues**

The HPA also prohibits the transportation of sore horses to or from covered shows, exhibitions, sales, and auctions. The statute therefore addresses transportation in connection with sorning but does not establish a comprehensive federal regime governing the transportation conditions of horses.<sup>59</sup> For example, the so-called “28-hour law” (49 U.S.C. §80502),<sup>60</sup> establishes requirements concerning the length of time certain animals may be transported without being unloaded for rest, food, and water.<sup>61</sup> Congress could consider whether additional horse-specific transportation requirements are warranted, such as requirements concerning trailer configurations,

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<sup>57</sup> USDA, APHIS, “USDA Horse Protection Act Disqualification and Civil Penalty List (as of May 1, 2026).”

<sup>58</sup> For example, USDA, APHIS, “FY25 Activity Report.”

<sup>59</sup> For example, American Horse Council, “AHC submits formal request to USDA on Horse Protection Act regulations,” March 4, 2025, <https://horsecouncil.org/project/ahc-submits-formal-request-to-usda-on-horse-protection-act-regulations/>.

<sup>60</sup> See 9 C.F.R. Part 89.

<sup>61</sup> Recent congressional proposals have focused primarily on transportation safety and sorning-related practices rather than broader working-horse issues such as carriage horse regulation, which has generally been addressed at the state and local levels.

driver qualifications, travel conditions, or maximum transport durations. Congress could consider whether the scope of the HPA should be expanded to address conduct occurring outside covered events. The current statute focuses on specified activities involving the exhibition, sale, auction, and transportation of sore horses. Practices associated with soring may occur during training or preparation before an event, which may raise questions about whether existing federal authorities provide sufficient means to address conduct occurring outside the immediate context of an HPA-covered event. More broadly, Congress could consider whether to establish additional statutory prohibitions concerning practices associated with soring or other horse-welfare concerns. Such changes could modulate USDA's regulatory responsibilities and federal inspection requirements and affect the relationships between federal enforcement, state law, private industry standards, and horse owners and trainers.

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