

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

August 9, 2024

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

Dear Secretary Vilsack:

The Committee on Oversight and Accountability is conducting oversight of the U.S. Department of Agriculture's (USDA) enforcement of the Horse Protection Act (HPA) and its promulgation of a final rule titled *Horse Protection Amendments* (final rule or rule) which will update USDA's standards regarding the HPA, and for which the majority of its provisions take effect February 1, 2025.¹ The Committee has concerns regarding USDA's compliance with the HPA in light of recent actions at Tennessee Walking Horse shows. We write to request documents and communications to better understand how USDA has enforced the HPA and how it intends to enforce the HPA after the effective dates of the final rule.

The Committee recognizes the importance of eliminating cruelties such as "soring"² and penalizing bad actors for inflicting harm on horses for competitive advantage, and the horse industry must be a critical partner in this endeavor. Bad faith and arbitrary enforcement are antithetical to that goal. It is therefore critical that USDA afford horse trainers and the industry due process, act within the statutory authority of the HPA, and not retaliate against horse owners and trainers who comment on or protest haphazard and arbitrary enforcement which greatly impacts their profession and livelihoods.

However, according to information received by the Committee, USDA officials have in fact arbitrarily changed commonly accepted practices through e-mail updates mere hours before a competition, haphazardly disqualified horses based on inconsistent inspection methodology, and refused to engage with industry stakeholders in a context where there is no appeals process

¹ 15 U.S.C. § 1821 *et seq.*; *Horse Protection Amendments*, Docket No. APHIS-2022-0004 (May 8, 2024) (codified at 9 C.F.R. pt 11), *available at* <https://www.regulations.gov/document/APHIS-2022-0004-8793>.

² "Soring can be accomplished through the use of certain substances, devices, and/or practices that when applied to a horse's limb can cause physical pain, distress, inflammation, or lameness when walking, trotting, or otherwise moving." Dep't of Agriculture, Animal and Plant Health Inspection Service, *Horse Protection Act* (Last Modified: July 18, 2024), *available at* <https://www.aphis.usda.gov/hpa>.

for USDA-disqualified horses. The Committee has also received allegations that USDA disqualified horses for a competition without basis and as retribution for a lawsuit filed against USDA by impacted stakeholders in the horse show industry.³

Specifically, the Committee has received allegations that the Assistant Director of USDA's Animal and Plant Health Inspection Service (APHIS), sent an e-mail to horse show representatives on new competition inspection requirements two hours prior to a competition without warning or prior notification of forthcoming guidance. This occurred even though the show had already been underway for two days. This action adversely impacted the planning of show organizers and the preparations of horse owners and trainers, as we understand these changes resulted in the disqualification of horses who would have otherwise been eligible to compete.

The timing of this action is suspect. On March 11, 2024, just days prior to that show, horse trainers filed a lawsuit against the USDA and APHIS asserting "USDA has been unlawfully disqualifying horses and violating trainers' and owners' due process rights by failing to provide any mechanism to review disqualification decisions,"⁴ among other allegations critical of USDA's stewardship of the HPA. USDA's delegation of authority to APHIS to administer pre-and post-show horse inspections appears to have been used as retribution against horse owners' and trainers' efforts to exercise their legal rights and harmed their ability to earn a living, as "[w]here a horse that a trainer brings to a show is disqualified before competition, the trainer loses the potential to earn any prize money."⁵

To assist the Committee's oversight of this important matter, please provide the following documents and communications, covering the time period January 20, 2021 to the present unless otherwise indicated, no later than August 23, 2024:

1. A list, including the venue name, location, and date, of all horse shows APHIS officials or inspectors acting within APHIS authority have attended for the purpose of examining or inspecting horses for competition under the HPA;
2. All documents and communications between APHIS employees or contractors, especially any Veterinary Medical Officer or Designated Qualified Person examining or inspecting horses, and horse owners, trainers, and/or horse show industry representatives;

³ See Complaint, *Wright, et al. v. Vilsack, et al.*, Case No. 2:24-cv-02156 (W.D. Tenn. filed Mar. 11, 2024).

⁴ The Walking Horse Report, *Lawsuit filed challenging enforcement of Horse Protection Act* (Mar. 11, 2024), available at <https://www.walkinghorserreport.com/news/lawsuit-filed-challenging-enforcement-of-horse-protection-act>.

⁵ Complaint, *Wright, et al. v. Vilsack, et al.*, Case No. 2:24-cv-02156, at 8 (W.D. Tenn. filed Mar. 11, 2024).

Secretary Vilsack

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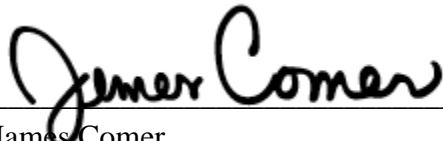
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3. All documents and communications between the Assistant Director of APHIS and horse owners, trainers, and/or horse show industry representatives;
4. All documents and communications between USDA employees and APHIS employees or contractors referring or relating to HPA enforcement; and
5. All documents and communications between USDA employees and APHIS employees or contractors, from March 1, 2024 to the present, referring to or relating to *Wright, et al. v. Vilsack, et al.*

To arrange for delivery of responsive documents and communications, or to ask any follow-up or related questions, please contact Committee on Oversight and Accountability Majority staff at (202) 225-5074. Attached are instructions for producing the requested documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style and is positioned above a horizontal line.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability