

Congress of the United States

Washington, DC 20515

May 1, 2025

The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Rollins:

Last Congress, the Committee on Oversight and Government Reform launched an investigation into the U.S. Department of Agriculture's (USDA) enforcement of the Horse Protection Act (HPA)¹ and its promulgation of a final rule titled *Horse Protection Amendments*.² The majority of the final rule's provisions were set to take effect on February 1, 2025, mere days after President Trump's inauguration. The Committee initiated this oversight due to concerns about USDA's compliance with the HPA and inconsistent and potentially retaliatory enforcement actions at Tennessee Walking Horse shows. Thankfully, due to your leadership under the Trump Administration, the enforcement of this rule was delayed until February 1, 2026.³ During this pause for reconsideration, I urge USDA to use all available tools to take necessary steps to ultimately abolish the rule and restore a commonsense approach to enforcing the HPA. Respectfully, I request this letter be included in the public record for the comment period on the proposed rule *Amendments to the Horse Protection Regulations* (Docket No. APHIS-2022-0004), which is open until May 20, 2025.⁴

Through its investigation, the Committee found that USDA's Animal and Plant Health Inspection Service (APHIS) delayed and failed to provide clear guidance regarding the new rule changes. Even more alarming, the investigation found that APHIS tried to enforce this rule in practice almost a year before its effective date. In documents USDA provided to the Committee, the Assistant Director of APHIS's Animal Care division with responsibility over USDA's inspection program, sent an e-mail on March 15, 2024, to Horse Industry Organizations and other stakeholders changing scar-rule enforcement.⁵ This e-mail was sent just two hours prior to a competition, without warning or prior notification of forthcoming guidance, creating unproductive and unnecessary disruption that forced dozens of horses to be disqualified from

¹ See Letter from Chairman James Comer, H. Comm. on Oversight & Accountability to Sec'y Thomas Vilsack (Aug. 9, 2024).

² 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>.

³ News Release, U.S. Dep't of Ag., APHIS Further Postpones Effective Date for Horse Protection Act Final Rule, available at <https://www.aphis.usda.gov/news/program-update/aphis-further-postpones-effective-date-horse-protection-act-final-rule>

⁴ *Id.*

⁵ Letter from Thomas Vilsack, Sec'y, U.S. Dep't of Agriculture to James Comer, Chairman, H. Comm. on Oversight & Accountability, *at enclosure* (Sept. 12, 2024).

competition. This rulemaking by e-mail caused confusion among stakeholders and created uncertainty for participants who were reasonably operating under previous guidance.

The Committee discovered significant concerns regarding the enforcement process, particularly regarding inspectors' behavior and decision-making, and a lack of sufficient transparency and accountability. The new rule changes present significant concerns regarding arbitrary enforcement and the absence of a clear, fair appeal process for disqualified parties. Under the new rule, inspections rely heavily on subjective assessments, including pain response evaluations through palpation, which can lead to inconsistent and biased results. This subjectivity creates a high risk of false positives, as even legitimate training techniques or minor, unrelated physical conditions could be misinterpreted as violations. Compounding this issue is the lack of a robust, transparent appeal mechanism for exhibitors to challenge inspection findings. Without a formalized and impartial process to review or contest decisions, horse owners and trainers are left vulnerable to reputational damage and penalties based on potentially flawed judgements, undermining both fairness and trust in the enforcement framework. This regulatory overreach ignores due process protections and arbitrarily threatens the viability of the horse industry.

Further, the new HPA rules concentrate inspection authority in the hands of USDA Veterinary Medical Officers (VMOs) and Horse Protection Inspectors (HPIs), raising concerns about potential conflicts of interest in a system that simultaneously lacks transparency regarding how these new positions will be funded. Unlike the previous system, which relied on Designated Qualified Persons (DQPs) funded by industry organizations, the USDA's increased reliance on government-appointed inspectors introduces financial and ethical questions. It remains unclear where the funding for these new positions will come from and whether it will be sufficient to sustain consistent enforcement. Additionally, while in the previous system knowledgeable DQPs were selected from within the industry and held accountable by industry organizations, VMOs and HPIs are government-appointed officials whose impartiality may be questioned due to their regulatory mandate to find violations. Amid new and highly subjective enforcement standards, these officials may feel pressured to report findings of abuse even in situations where it is ambiguous or does not exist. Without adequate oversight of inspectors, there is also a risk that personal biases or external pressures could influence inspection outcomes.

The Committee's findings underscore the need for USDA to take immediate steps toward abolition of the new *Horse Protection Amendments* rule. The rule's allowance for arbitrary enforcement, lack of a clear appeal process, potential conflicts of interest among inspectors, and absence of transparent funding mechanisms threaten the integrity of horse industry regulation enforcement and erode public trust. Enforcement actions already taken prior to the rule's effective date demonstrate a troubling disregard for procedural fairness and stakeholder engagement. This rule, promulgated by the Biden Administration, represents yet another regulatory overreach that undermines due process protections for Americans.

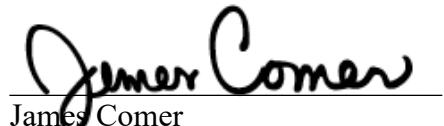
I applaud the delayed enforcement of this rule but would like to encourage USDA to abolish the rule altogether, such as through an immediate direct- or interim-final rulemaking. A fair, transparent, and accountable system is essential to protecting horse industry participants, and this rule fails to meet those essential standards. The Committee stands ready to work

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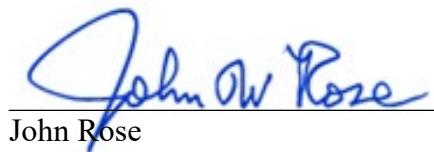
alongside the Trump Administration and USDA on needed reforms and I respectfully request this letter be included in the public record for the comment period on the proposed rule, *Amendments to the Horse Protection Regulations (Docket No. APHIS-2022-0004)*, which is open until May 20, 2025.⁶ Should you have any questions regarding the Committee's work on this matter, please contact the Committee office at (202) 225-5074.

The Committee on Oversight and Government Reform 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 for your attention to this important request.

Sincerely,



James Comer
Chairman
Committee on Oversight and Government Reform



John Rose
Member of Congress

cc: The Honorable Gerald Connolly, Ranking Member
Committee on Oversight and Government Reform

⁶ *Supra* n.3.