

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 16, 2025

Mr. Howard Lutnick  
Ms. Linda McMahon  
Co-Chairs, Trump-Vance Transition  
Mar-a-Lago Club  
1100 South Ocean Boulevard  
Palm Beach, FL 33480

Dear Mr. Lutnick and Ms. McMahon:

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)<sup>1</sup> and its promulgation of a final rule titled *Horse Protection Amendments*.<sup>2</sup> The majority of the final rule's provisions will 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. The Committee looks forward to new leadership at USDA and urges the incoming Trump Administration to use all available tools to delay enforcement of this rule, rescind any prior guidance issued under the Biden Administration, and take any necessary steps to ultimately abolish the rule and restore a commonsense approach to enforcing the HPA.

Through this 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 these rules almost a year before their effective date. In documents USDA provided to the Committee, Dr. Aaron Rhyner, 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 changing scar rule enforcement.<sup>3</sup> This e-mail was sent two hours prior to a competition, without warning or prior notification of forthcoming guidance, forcing dozens of horses to be disqualified from competition. This rulemaking by e-mail caused confusion among stakeholders

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

<sup>2</sup> 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>.

<sup>3</sup> 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).

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 disrupts due process protections and arbitrarily threatens the viability of the horse industry.

Further, the new HPA rules not only 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 even in their absence and subjective enforcement standards. Without adequate oversight of inspectors, there is a risk that personal biases or external pressures could influence inspection outcomes.

The Committee urgently calls for the incoming Trump Administration to take immediate steps upon assuming office toward abolition of the new Horse Protection Amendments rule, which is set to take effect on February 1, 2025. This leaves the new Administration little time to otherwise address the Biden Administration rule's serious flaws. The rule's arbitrary enforcement, lack of a clear appeal process, potential conflicts of interest among inspectors, and the 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. The Committee believes this rule represents yet another regulatory overreach that undermines due process protections for Americans.

Mr. Lutnick and Ms. McMahon

January 16, 2025

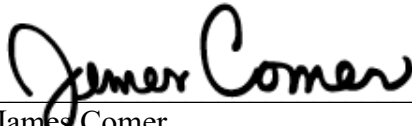
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With the rule's enforcement looming, we urge the Trump administration to act swiftly, delaying enforcement, rescinding any prior guidance from the Biden Administration, and taking steps to abolish the new rule altogether, such as through an immediate 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 and Committee staff stand ready to work alongside the incoming Trump Administration and new leadership at USDA to make agriculture great again. Should you have any questions regarding the Committee's work in this matter, please contact the Committee office at (202) 225-5074.

The Committee on Oversight and Government Reform is the principal oversight committee in 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,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer

Chairman

Committee on Oversight and Government Reform

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