

Congressman Andy Barr (KY-06)

Testimony on H.R. 2651 the Horseracing Integrity Act of 2017

**House Energy and Commerce Subcommittee on Digital Commerce and Consumer
Protection**

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Thank you Chairman Latta and Ranking Member Schakowsky for holding this hearing on my bill, H.R. 2651, the Horse Racing Integrity Act, which would create a private, independent horseracing anti-doping authority with responsibility for developing and administering a nation-wide anti-doping program for horseracing.

When I was elected to Congress, I dedicated my services to promoting the growth and development of Kentucky's signature industries, and nothing is more synonymous with the Commonwealth than thoroughbred breeding and horseracing. My district – the 6th district of Kentucky—in particular holds the title, Horse Capital of the World. Now, eleven of the thirteen Triple Crown Winners were foaled in the 6th District, including the most recent champion, Justify. Lexington is surrounded by more than 400 beautiful horse farms. And Keenland hosts many notable races including the Toyota Bluegrass Stakes and in 2015 the Breeder's Cup.

However, this industry, is not only prominent in my district but, horseracing is truly a national sport. Therefore, advocating for this industry requires more than celebrating a proud heritage. According to the most recent Economic Impact Study produced by the American Horse Council, the horse industry directly contributes over \$50 billion to the GDP and creates over 988,394 jobs nationally. However, when taking into consideration the indirect impacts, these numbers grow significantly. So, with the privilege of representing the Horse Capital of the World comes the responsibility of fighting for its future.

That is why I, with my colleague and Co- chair of the Congressional Horse Caucus, Rep. Paul Tonko, introduced the Horse Racing Integrity Act to enact reforms that would ensure the industry continues to grow and prosper.

Currently regulated by 38 separate jurisdictions, our signature racing industry labors under a patchwork of conflicting and inconsistent, state-based rules governing prohibited substances, lab accreditation, testing, and penalties for violations. This lack of uniformity has impeded interstate commerce, compromised the international competitiveness of the industry, and undermined public confidence in the integrity of the sport.

This legislation would remedy these problems by authorizing the creation of a non-governmental anti-doping authority, The Horseracing Anti-doping and Medication Control Authority Act (HADA), governed by representatives of all major constituencies of the industry and responsible for implementing a national, uniform medication program for the entire horseracing industry. These reforms would eliminate the perception of unfair competition and enhance the reputation of U.S. racing on both national and international levels.

Today, you will hear from critics of this legislation on the panels to follow. They will say that this legislation will create a new duplicative regulatory bureaucracy at the federal level that will emulate what states are already doing. They will say it increases regulation. They will say it bans Lasix, a diuretic that is currently legal to administer on race day in the U.S. They will say they have concerns with the ability of the United States Anti- Doping Agency (USADA) to regulate this program.

The industry has made notable strides in recent years to adopt uniform standards. The work of the Racing Medication and Testing Consortium and the NTRA's Safety and Integrity Alliance has been positive and should be commended, but the fact remains that to date, 11 of the 38 racing jurisdictions with laws permitting pari-mutuel horse racing have adopted all four elements of the National Uniform Medication Program (NUMP), the remaining state racing jurisdictions operate under rules only applicable

to that state and have great variances. Of the leading racing states like New York, California, Florida, or Kentucky, none have fully implemented NUMP.

I am a conservative who believes in federalism and states' rights, but I also understand that *Article I, Section 8 of the U.S. Constitution* conferred to Congress the power to regulate interstate commerce precisely for the purpose of eliminating these kinds of impediments to interstate exchange. I'm also a realist who recognizes that all of racing's challenges are not solely attributable to the perceptions of doping or cheating. But I also recognize the importance of international competitiveness and the long-term success of this industry in the U.S.

A national uniform medication program is not about creating more bureaucracy or regulation. This legislation actually reduces regulations because it replaces 38 different state by state conflicting regulatory regimes with a single national, uniform set of standards.

To address concerns with the dispersion of specific drugs, H.R. 2651 does not ban the administering of Lasix, rather it prohibits trainers from administering these drugs on race day. This would bring U.S. regulation in line with other horseracing counterparts in places like Europe, Dubai, and Hong Kong ultimately making it more competitive on the international level.

Finally, the USADA's involvement through the HADA would bring the sport independence, expertise, and credibility. The HADA will be made up of USADA and industry representatives to set uniform standards and regulations, that benefit from the experience and enforcement of officials and individuals currently tasked with addressing the challenges presented in horseracing today. USADA would be tasked with providing expertise on the process of creating and implementing successful, independent, and uniform state-of-the-art anti-doping program that the industry has demonstrated it cannot do on its own.

H.R. 2651 would address many of the issues confronting the horseracing industry and increase the popularity, public confidence, and international competitiveness of the sport. In the wake of Justify's

historic Triple Crown win, it is important that we use this momentum to continue to fight for the future of this special industry.