

**Testimony of Representative Paul D. Tonko
Before the House Energy and Commerce Subcommittee on Digital Commerce and
Consumer Protection
“H.R. 2651, the Horseracing Integrity Act of 2017”**

June 22, 2018

Thank you Chairman Latta and Ranking Member Schakowsky for the opportunity to testify before you today on the importance of promoting uniformity and integrity in the horseracing industry.

You might think a New York Democrat and a Kentucky Republican can't agree on much, but we have developed a strong working relationship on this issue because we both love the sport of horseracing and want to see it thrive.

I'm pleased that we are holding this hearing today to learn about what we can do to improve this “Sport of Kings” and ensure the sport continues to thrive well into the future.

We have a distinguished panel of witnesses from across the spectrum to share their thoughts with us on this important issue, and I look forward to hearing from them.

As home to the nation's oldest track, the Saratoga Race Course in my home area has been long steeped in the storied tradition of horseracing, dating back to 1863. The equine industry is an important economic driver for the state of New York, with an estimated economic impact of over \$5.3 billion dollars annually.

In 2015, I had the chance to see in person the sport at its very best when I bore witness to the historic run by American Pharoah at the Belmont to capture the Triple Crown. When we place a majestic equine athlete like American Pharoah or our newest Triple Crown champion, Justify, front and center, this endeavor can capture truly the imagination of the nation and the sport of horseracing can thrive.

However, we've all also seen the devastating results that can occur when these equine athletes are pushed beyond their limits, often aided by medications that can mask underlying health issues. This dangerous ‘race at all costs’ mentality denigrates the sport and should be unacceptable to anyone in the horseracing community.

This same story has played out countless times across the country because the current voluntary national uniform medication reforms have been implemented unevenly – leaving patchwork systems in place that have created a wide disparity in the effectiveness of medication testing and enforcement. This piecemeal voluntary approach is not only detrimental to the health of our beloved horses, it denigrates the perception of the sport.

If horse racing is to thrive as an industry and once again capture the public's imagination, we must do better. On this point, the public strongly agrees. More than 90 percent of the public and

90 percent of horseplayers want to see stronger action on uniform medication reform. In a sport built on the integrity of competition, nothing is more important than a level playing field for the horses, jockeys and trainers who compete, as well as the fans who wager on the races.

While the voluntary approach is well meaning, the lack of effective follow-through has negatively impacted the perception of fair competition across the sport, and has done little to build confidence in the minds of our sport's fans and critics, many of whom are concerned about drug use and testing.

By creating a strong, transparent, and independent anti-doping authority, we can guarantee fair play, improve the health of our horses, and bring new energy and spectators to this majestic sport. That's why I joined with my friend Representative Barr in introducing the Horseracing Integrity Act.

The legislation we have introduced would create a national, independent Horseracing Anti-Doping Authority responsible for rule-making, testing and enforcement oversight regarding drugs and medication.

This new organization would be chaired by representatives at the independent U.S. Anti-Doping Agency (USADA), a non-profit, non-governmental institution. The board of the new organization would also include voices representing a spectrum of perspectives within the horseracing industry, including owners, breeders, horsemen, racetracks, and veterinarians.

The new organization would be responsible for determining permitted and prohibited substances, a schedule of sanctions for violations, testing procedures, standards, protocols, laboratory accreditation procedures and due process procedures for violations.

Many have questioned why horse racing should be partnering with USADA – an organization with no history in the sport. While the physiological makeup of horses and humans are different, the need and method for effective testing protocols, uniform standards and penalties, as well as proper lab accreditation, is the same. This is where USADA's real strength as an organization lies.

The Horseracing Anti-Doping Authority approach would implement horseracing industry best-practices for uniform testing, uniform penalties, well-designed out-of-competition testing, and fully accredited labs to deter cheaters and appropriately penalize violators.

One of the major strengths of this legislation is that from the outset we engaged a broad coalition of stakeholders, both inside and outside the industry interested in medication reform. That's why we were able to gain support from a diverse range of organizations, including animal welfare groups like the Humane Society of the United States, horse groups like the Jockey Club, the Breeders Cup, the New York Racing Association, and the grassroots Water Hay Oats Alliance in addition to some of the largest track owners in the country.

Since the legislation was introduced, we have broadened this coalition even further, and look to work with any stakeholder interested in uniformity and clean sporting. Again, I look forward to

hearing from our diverse panel today about what they are seeing on the ground, and how best we can move forward together to strengthen this sport of kings.

I yield back the balance of my time.