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H.R. 2651, THE HORSERACING INTEGRITY ACT OF 2017

FRIDAY, JUNE 22, 2018

House of Representatives,

Subcommittee on Digital Commerce and Consumer Protection,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 9:02 a.m., in Room 2123, Rayburn House Office Building, Hon. Robert Latta [chairman of the subcommittee] presiding.

Present: Representatives Latta, Kinzinger, Burgess, Lance, Guthrie, Bilirakis, Bucshon, Mullin, Walters, Costello, Duncan, Walden (ex officio), Schakowsky, Cardenas, Welch, Kennedy, Green, and Pallone (ex officio).

Staff Present: Mike Bloomquist, Staff Director; Karen Christian, General Counsel; Melissa Froelich, Chief Counsel, Digital Commerce and Consumer Protection; Ali Fulling, Legislative Clerk, Oversight and Investigations/Digital Commerce and Consumer Protection; Elena Hernandez, Press Secretary; Paul Jackson, Professional Staff Member,

Digital Commerce and Consumer Protection; Bijan Koohmaraie, Counsel, Digital Commerce and Consumer Protection; Greg Zerzan, Counsel, Digital Commerce and Consumer Protection; Michelle Ash, Minority Chief Counsel, Digital Commerce and Consumer Protection; Lisa Goldman, Minority Counsel; Caroline Paris-Behr, Minority Policy Analyst; and Carolyn Hann, Minority FTC Detailee.

Mr. Latta. Well, good morning. I would like to call the Subcommittee on Digital Commerce and Consumer Protection to order this morning. I welcome you all here this morning.

And, at this time, the chair is going to recognize the gentleman from Oregon, the chairman of the full committee, for 5 minutes.

Mr. Walden. Thank you, Mr. Chairman.

I want to welcome our witnesses on this panel. And I will just stipulate at the beginning, I have to go manage the floor debate on H.R. 6, our big wrap-up bill on opioids. So my apologies at the head end, but that starts now as well.

So I will keep my remarks fairly short. I will dispense with the discussion about the great thundering herds of Mustangs across the high desert of eastern Oregon. My district is enormous, and horses and horseracing and rodeo and ranching are all part of it.

But we really appreciate all of you being here today as we have this legislative hearing on H.R. 2651, the Horseracing Integrity Act of 2017.

From the American West, the Kentucky Blue Grass, the renowned tracks in New York, and beyond, horses hold a very, very special place in our hearts and our history. Still today across the country, and especially in my district, horses are part of the fabric, they are part of our culture, they are part of our economy.

My district is home to the world-famous Pendleton Round-Up, one of the great rodeos of the West, and local races at places like Prineville and Frenchglen and everywhere else. As you all know and appreciate, horseracing in particular has a storied history in this country and remains an important economic driver.

Our discussion of Mr. Barr and Mr. Tonko's bill is also very timely. Earlier this month, the world witnessed history as Justify became the 13th horse to complete the Triple Crown.

Today, we will hear from you, the experts, about the horseracing industry, how it is currently regulated, and what can be done to protect these wonderful, wonderful animals. We want to know your thoughts on the legislation at hand -- we know you have different thoughts on it, depending upon your position on this issue -- its impact on the industry, and how best to promote the vitality and integrity of this celebrated sport.

You all have insights that will help inform us as to how we can address some of the concerns that currently exist in the industry. So I thank you all for being here today for this important, important discussion, and I am looking forward to your perspectives on this bill and this sport.

And, with that, Mr. Chairman, I yield back the balance of my time, and, as we like to say in eastern Oregon, "Let 'er buck."

[The prepared statement of Mr. Walden follows:]

***** COMMITTEE INSERT *****

Mr. Latta. Okay. The gentleman yields back. Thank you very much.

And, at this time, because they are delayed right now, the ranking member of the subcommittee and the ranking member of the full committee haven't arrived, we will informally pass on their opening statements, but I will go right into my opening statement at this time.

Again, I want to thank you all very much for appearing today before us to discuss Representative Barr's and Representative Tonko's legislation, H.R. 2651, the Horseracing Integrity Act of 2017.

This legislation will establish an independent, nonprofit authority, the Horseracing Anti-Doping and Medication Control Authority. This authority would be tasked with developing and administering an anti-doping and medication control program for horseraces and affiliated persons.

The bill also aims to ban the use of medication 24 hours before a race, which advocates and opponents tell the committee would result in a ban on the use of LASIX, a widely used medication that is administered 4 hours prior to post time to treat exercise-induced pulmonary hemorrhaging.

Horseracing has a long and distinguished history in the United States. Just a couple weeks ago, on June 9, millions of Americans watched as Justify, a Thoroughbred racehorse jockeyed by 52-year-old veteran Mike Smith, became the 13th winner of the Triple Crown. This was a historic accomplishment celebrated across the globe.

It is also notable that horseracing is an international sport. Although the races of the Triple Crown are the world's most prestigious, other annual events in the United Kingdom, France, Australia, the United Arab Emirates, and around the globe demonstrate the worldwide appeal of this ancient sport.

Here in the United States, at least 32 States have horseracing tracks, stretching

from California to Maine, including my home State of Ohio. These tracks provides the base of an industry that has a far-reaching and significant impact on the U.S. economy.

Last year, approximately 51,000 horses competed in about 41,000 races, competing for a total purse of more than \$1 billion. According to a recent study, the equine industry generates more than \$120 billion in total economic impact and provides a total employment impact of almost 1.8 million jobs. In my home State of Ohio, horseracing generates \$715 million in annual revenue and supports more than 16,000 jobs.

Horseracing is an important part of the American fabric, both as a sport and as a source of entertainment. Ensuring the integrity of the sport is important to owners, competitors, and fans alike. I look forward to hearing the views of our witnesses today on this legislation.

And, with that, I will yield back the balance of my time. And, at this time, I will recognize the gentleman from California for a 5-minute opening statement.

[The prepared statement of Mr. Latta follows:]

***** COMMITTEE INSERT *****

Mr. Cardenas. Thank you very much, Chairman Latta, for having this hearing. And I would like to thank my colleagues for introducing this legislation.

Good morning, everybody. I am glad to cosponsor this bipartisan legislation, and I applaud Representatives Barr and Tonko for its introduction. As a longtime advocate of ensuring welfare protections for animals, I am glad that we are having a hearing on the implications of drug use in the horseracing industry.

While it is true that most States currently have regulations on drug use in horseracing, there is very little uniformity. This legislation is important because it would establish an independent authority to oversee the industry, which would include members of the United States Anti-Doping Agency, USADA, an organization that has been very effective at overseeing drug use in other sports.

The main purpose of the regulatory authority is to implement a uniform anti-doping program and to create a national standard that ensures all States are following the same rules.

Like humans, overmedication of horses can be extremely dangerous. According to data released by the American Jockey Club, about 493 Thoroughbred horses died in 2017. While there may be several reasons for these equine deaths, it is hard to point to other factors when over 90 percent of Thoroughbreds in the United States receive some form of race-day medication.

It is critical that we have an organization to provide oversight to this industry. We need to make sure that there is fairness in horseracing, but the main focus should always be on the welfare of the horses and the safety of the jockeys.

I look forward to hearing from our colleagues, who are about to ensure that safety in this sport that many of us have enjoyed is now in a better place.

I yield back.

[The prepared statement of Mr. Cardenas follows:]

***** COMMITTEE INSERT *****

Mr. Latta. Well, thank you very much.

The gentleman yields back the balance of his time.

And, at this time, as I mentioned, we will informally pass on the ranking member's statement. When he gets here, he can give his statement, but that will conclude the opening statements from our members.

The chair reminds members that, pursuant to committee rules, all members' opening statements will be made part of the record.

At this time, I ask unanimous consent that Energy and Commerce members not on the Subcommittee on Digital Commerce and Consumer Protection be permitted to participate in today's hearing.

Without objection, so ordered.

And, pursuant to House rules, members that are not on the committee are able to attend the meeting but will not be able to ask questions.

At this time, we want to thank our witnesses for being with us today. Greatly appreciate you coming before the subcommittee to testify.

Our first panel will be recognized for opening statements, and then, without recessing, we will seat our second panel of witnesses, who will be recognized for their opening statements. And then members will have an opportunity to ask questions.

Our first panel of witnesses are the original cosponsors of H.R. 2651, Representative Andy Barr from the great State of Kentucky and Representative Paul Tonko from the great State of New York.

I thank you both for being here.

And, Mr. Barr, you are recognized for 5 minutes for your opening statement.

Thank you.

STATEMENTS OF THE HON. ANDY BARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY; THE HON. PAUL TONKO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

STATEMENT OF THE HON. ANDY BARR

Mr. Barr. Thank you, Chairman Latta. Thank you to Chairman Walden, as well, and to Mr. Cardenas and the ranking member for holding this hearing on our legislation, H.R. 2651, the Horseracing Integrity Act.

When I was first elected to Congress, I dedicated my service to promoting the signature industries of Kentucky, and nothing is more synonymous with our commonwealth than Thoroughbred breeding and horseracing.

My district, in particular, holds the title "Horse Capital of the World." Now, 11 of the 13 Triple Crown winners were foaled in the Sixth District, including the most recent champion, Justify. Lexington, Kentucky is surrounded by more than 400 world-class horse farms, including Ashford Stud, the home of the last Triple Crown winner, American Pharoah. And Keeneland racecourse hosts many notable races, including the Toyota Blue Grass Stakes and the 2015 Breeders' Cup.

However, this sport is not only prominent in our district, but horseracing is truly a national sport. Therefore, advocating for this industry requires more than just celebrating a proud heritage. With the privilege of representing the Horse Capital of the World comes the responsibility of fighting for its future. And, as the chairman pointed out, this is not just a sport; this is an industry with enormous economic benefit and enormous impact in terms of job creation.

That is why I, with my fellow co-chair of the Congressional Horse Caucus,

Representative Paul Tonko, introduced the Horseracing 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 our sport.

H.R. 2651 would remedy these problems by authorizing the creation of a nongovernmental anti-doping authority, the Horseracing Anti-Doping and Medication Control Authority, governed by representatives of all major constituencies of the industry and responsible for implementing a national, uniform medication program for the horseracing industry.

Today, you will hear from many supporters of this bill, and you will hear from critics of this legislation on the panels to follow.

The critics will say that this legislation will create a new duplicative regulatory bureaucracy at the Federal level and will duplicate what States are already doing. They will say it increases regulation. They will say it bans LASIX, which is currently legal to administer on race day in the United States. And they will say they have concerns with the ability of the United States Anti-Doping Agency to regulate this program.

It is true that 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 & Integrity Alliance has been positive and should be commended.

But, to date, only 11 of the 38 racing jurisdictions with laws permitting parimutuel horseracing have adopted all 4 elements of the National Uniform Medication Program.

The remaining State racing jurisdictions operate under only rules 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.

As a conservative who believes in federalism and States' rights, I also understand that the Constitution gives Congress the power to regulate interstate commerce precisely for the purpose of eliminating these kinds of impediments to interstate exchange.

A national, uniform medication program is not about creating more bureaucracy or more regulation. In fact, this legislation reduces regulations by replacing 38 State-by-State 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 administration of LASIX for truly therapeutic purposes. Rather, it prohibits trainers from administering these drugs on race day. So it preserves out-of-competition therapeutic administration.

This would bring U.S. regulation in line with other horseracing counterparts in places like Europe, Dubai, and Hong Kong, ultimately eliminating the perception of unfair competition and enhancing the reputation of U.S. racing on an international level, which is important for the international sales and exports of our breeding stock as well.

Finally, USADA's involvement through the HADA would bring the sport independence, expertise, and credibility. The HADA will be made up of USADA and industry officials, thus benefiting from the experience of officials and individuals tasked with addressing the challenges presented in horseracing today.

And H.R. 2651 would address many of the issues confronting the industry, increase the popularity and public confidence and international competitiveness of the sport.

In the wake of Justify's historic Triple Crown, it is important we use this

momentum to continue to fight for the future of this special industry.

And I yield back.

[The prepared statement of Mr. Barr follows:]

***** INSERT 1-1 *****

Mr. Latta. Thank you very much.

The gentleman from Kentucky yields back, and the chair now recognizes the gentleman from New York for 5 minutes.

STATEMENT OF THE HON. PAUL TONKO

Mr. Tonko. Thank you, Chair.

And I do want to offer my thanks here publicly to Chairman Walden and Ranking Member Pallone for the opportunity for the hearing. And, likewise, thank you, Chair Latta and Ranking Member Schakowsky and Ranking Member Cardenas, today for the opportunity to testify before you 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 am 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, 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 some \$5.3 billion 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 track 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 our Nation, and the sport of the horseracing can continue to grow in our hearts.

However, we have all 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 and certainly puts other athletes, like our jockeys, at risk.

Now, my colleague Andy Barr indicated some of the statistics on those voluntary medication efforts, so I won't repeat them. But if horseracing is to thrive as an industry and once again capture the public's imagination, we must and we can do better.

On this point, the public strongly agrees. More than 90 percent of the public and 90 percent of horse players 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, the jockeys, and the trainers who compete, as well as the fans who wager on the races.

While the voluntary approach is well-meaning, the lack of effective followthrough

has negatively impacted the perception of fair competition across the sport and has done little to build confidence in the minds of our sports fans and our sports critics, many of whom are concerned about drug use and testing.

By creating a strong, transparent, and independent -- let me repeat that -- 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 is why I have 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 rulemaking, testing, and enforcement oversight regarding drugs and medication.

This new organization would be chaired by representatives at the independent United States Anti-Doping Agency, or USADA, a nonprofit, nongovernmental institution. The board of the new organization would also include voices representing a spectrum of perspectives within the horseracing industry, including our owners, our breeders, our horsemen, our racetracks, and certainly our 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 horseracing 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 is why we were able to gain support from a diverse range of organizations, including animal welfare groups like the Human 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 our 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.

With that, Mr. Chair, I yield back the balance of my time.

[The prepared statement of Mr. Tonko follows:]

***** INSERT 1-2 *****

Mr. Latta. Thank you very much.

The gentleman yields back.

And I want to thank you both for your testimony before us today.

And that will conclude our first panel of witnesses, and we will move on now to our second panel.

So thank you very much, gentlemen, for your testimony.

Mr. Tonko. Thank you.

[Pause.]

Mr. Latta. Well, thank you very much for appearing before the subcommittee.

And as I mentioned a little bit earlier, we informally passed on the gentlelady from Illinois' opening statement, so at this time she is recognized for 5 minutes.

Ms. Schakowsky. Thank you. I thank the chairman for that courtesy and the indulgence of the panel.

And thank you all for being here.

The Horseracing Integrity Act introduced by Representatives Barr and Tonko is a critical piece of legislation. It is past time that we address the glaring issues within the horse industry.

This is very personal for me. As a former owner of a horse, named B.J. Sullivan, I know how important these majestic animals are. I have fond memories of tending to and riding horses with my grandfather as a young girl.

I have also been a longtime supporter of animal welfare protections. You should just know, of all the issues that are going on, animal rights of some sort, always in the top five of the communications that I get from my constituents, which I find really interesting, ranging from pollinators to dogs and cats and all other kinds of endangered species.

I am happy that Representative Barr and Tonko have introduced this updated

legislation, and I am proud to be a cosponsor. I was the lead cosponsor of similar legislation in 2013 with Representative Pitts that addressed some of the same concerns with doping and horseracing. The new Barr-Tonko bill incorporates many of those things.

Specifically, the legislation was expanded to include Standardbred and Quarter Horses. All racehorses should be afforded the same protection under this legislation.

Most notably, it places a ban on race-day medication, which I feel is the most important change to the legislation. Drugs such as LASIX are often misused in order to increase a horse's performance during the race. Proponents of using LASIX will claim that it is similar to giving a horse a vaccination and is used to prevent bleeding.

However, the reality is that the drug is masking an underlying health issue with the horse as well as the possible presence of illegal substances.

The use of these drugs jeopardizes the long-term health and safety of the horse. More than 90 percent of the horses in the United States compete on LASIX. In most international racing, the drug is banned on race day. The United States should learn from those other countries. We are literally running horses into the ground.

Recent data by the American Jockey Club found that 493 Thoroughbred horses died in 2017. If human athletes were dying at this rate while racing, it would be clear that there was a problem that needed to be fixed. These glaring numbers harm the integrity of the industry.

Horses in these sports deserve real protections. For too long, we have allowed the industry to self-regulate without any real progress in ensuring protection and stopping the bad actors. The Horseracing Integrity Act would address many of these issues plaguing the industry. It would allow an independent regulatory body to oversee the industry, create a national standard that ensures States are following the same rules,

and implement a uniform anti-doping program that prohibits race-day drugs.

The future of horseracing depends on this universal regulatory body. We must ensure that we are protecting horses and stopping the bad actors who are endangering the lives of these horses, jockeys, and the fate of the industry itself that so many people love. If we have banned doping in other sports, why not ban it in the horseracing industry?

I look forward to hearing the testimony on how we can continue to protect equines and the integrity of the horseracing industry.

And I yield back. Thank you.

[The prepared statement of Ms. Schakowsky follows:]

***** COMMITTEE INSERT *****

Mr. Latta. Thank you.

The gentlelady yields back the balance of her time.

And, again, I want to thank our witnesses for coming before us today to testify.

Our second panel of witnesses will be able to present with a 5-minute opening statement followed by a round of questions from our members.

Our second witness panel for today's hearing will include Mr. Alan Foreman, the chairman and CEO of the Thoroughbred Horsemen's Association, Inc.; Mr. Stuart S. Janney, chairman of The Jockey Club; Mr. Eric Hamelback, the CEO of the National Horsemen's Benevolent and Protective Association; Ms. Kitty Block, acting president and CEO of the Humane Society of the United States; Mr. Ed Martin, the president of the Association of Racing Commissioners International; and Mr. Craig Fravel, the CEO of the Breeders' Cup.

Again, we want to thank you all for being here today.

And, Mr. Foreman, you are recognized for 5 minutes for your opening statement.

Thank you very much.

STATEMENTS OF ALAN M. FOREMAN, CHAIRMAN AND CEO, THOROUGHBRED HORSEMEN'S ASSOCIATION, INC.; STUART S. JANNEY III, CHAIRMAN, THE JOCKEY CLUB; ERIC HAMELBACK, CEO, NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION; KITTY BLOCK, ACTING PRESIDENT AND CEO, HUMANE SOCIETY OF THE UNITED STATES; ED MARTIN, PRESIDENT, ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL; AND CRAIG FRAVEL, CEO, THE BREEDERS' CUP

STATEMENT OF ALAN M. FOREMAN

Mr. Foreman. Thank you, Chairman Latta, Ranking Member Schakowsky. Good morning, members of the subcommittee.

I am proud and honored to be invited to participate this morning to defend the honor and integrity of the racing industry and to oppose what is tantamount to a Federal takeover of a State-sanctioned, State-regulated industry where no basis to do so exists.

H.R. 2651 is not in the best interests of the racing industry and is an ill-conceived effort by certain special interests to impose their minority and special-interest views on the regulation of our industry. We have deep reservations about the provisions contained in this legislation because of its potential adverse impact on the health, welfare, and safety of our horses and the economics of the industry.

Although the proponents would have you believe that this bill is a simple effort at uniformity that enjoys broad-based industry support, nothing could be further from the truth. While certainly this legislation has been divisive, there is broad-based consensus, a remarkably broad consensus, comprising more than 55 industry organizations and stakeholder groups, covering all 3 racing breeds, the regulators, and the veterinary community, and that consensus is united in its opposition to H.R. 2651.

H.R. 2651 purports to create a system for the uniform regulation and use of medication in the racing industry, but such a uniform system already exists, and it works well. Performance-enhancing drugs are not allowed in a horse on race day in horseracing, unlike in human professional and amateur sports competitions. There is total uniformity on this issue in every racing jurisdiction. And racing has uniform rules, policies, guidelines, and laboratory testing in all racing States that are superior to any sport or business in the world. And our system is totally transparent.

We strongly support the existing mechanism by which medication policies are formulated. These scientifically based policies form the basis of the regulatory scheme currently in place, made after thoughtful deliberation and dialogue that includes input from an important array of organizations, including, most importantly, the Racing Medication and Testing Consortium, which serves as the industry's scientific and policy arm.

As a demonstration of the ongoing efforts to improve our current system, the racing industry is currently in the process of adopting major changes nationally in five areas identified as in need of improvement, including enhanced out-of-competition testing.

H.R. 2651 seeks to replace our current State regulatory system with a new Federal bureaucracy on top of a State system that has existed for over a century, with governance stripped from the States and given to a private group of handpicked, uninformed, and unqualified individuals who know little to nothing about the racing industry or the health and welfare of the horse, including USADA, which does not now nor has it ever had any involvement in the equine sport.

It contains an unfunded mandate that gives unfettered taxing authority to this private, federally appointed group without any accountability to the States with the taxes

to pay for their bureaucracy that will be ultimately assessed to horse owners. It will deprive horsemen of their current due-process protections under State law and throw them into the Federal judicial system.

We believe that H.R. 2651, like its predecessor version that the Congressional Research Service previously deemed most likely as being unconstitutional, is unconstitutional for the same reasons and, more particularly, in light of the Supreme Court's recent decision in *Murphy v. NCAA*. I can assure you that H.R. 2651, if passed, will be challenged in court by States objecting to a Federal takeover of their State-sanctioned and State-regulated industries, and our industry will be consumed in costly and protracted litigation that can only harm its economic well-being.

So the question, therefore, that has to be asked is: What is the crisis? What is the overriding Federal interest that requires the Federal Government to cast aside the States in a sweeping takeover of a State-sanctioned, State-regulated industry that does its jobs well? The answer is: There is none, because H.R. 2651 is not really about uniformity.

Couched as an attempt at nationwide uniformity on the issue and regulation of medication in racing, which the industry already does quite well, this bill is actually nothing more than a smokescreen for the proponents' true purpose, which they have unsuccessfully been trying to accomplish for the past 5 years: the elimination from racing of a safe, prophylactic, effective, necessary medication known as LASIX given on race day.

H.R. 2651 enables an end-run around a 30-year industry scientifically based welfare policy that has been universally adopted by State regulators. To eliminate this medication would cause great economic consequences throughout every level of this industry and cause the greatest equine welfare crisis we have ever known. This is not

hyperbole; this is fact.

Finally, our mandate which drives everything we do in this industry is to protect the health and welfare of the horse, the integrity of our sport, the fairness of competition, and the best interest of the betting public. I can assure this committee that there is not a day in this industry when we are not laser-focused on these core principles. H.R. 2651 does not meet these standards.

Thank you.

[The prepared statement of Mr. Foreman follows:]

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Mr. Latta. Thank you very much for your testimony.

Mr. Janney, you are recognized for 5 minutes.

STATEMENT OF STUART S. JANNEY III

Mr. Janney. Good morning, Mr. Chairman, Congresswoman Schakowsky, and distinguished members of the committee. Thank you for the opportunity to speak at today's hearing on the Horseracing Integrity Act of 2017.

This issue is extremely important to the Thoroughbred industry and especially to The Jockey Club, which has been advocating for medication reform in our sport for decades. The Jockey Club is the breed registry for the Thoroughbreds in the United States and Canada. As the chairman of The Jockey Club, I would like to explain why this legislation is so important to us.

If we reflect on racing's history, we understand that until the 1960s racing was local. I grew up in Maryland, and my parents were very successful in Maryland racing. On rare occasions, they ventured to New York with a good horse, but, essentially, they raced only in Maryland. Who bet on their horses? People in Maryland who went to the Maryland tracks. Thus, it made sense that their racing activities were regulated by the State of Maryland. And, by and large, it worked.

Then, two things happened. First, people learned how well horses travel. They can step off a van in the morning, run well in the afternoon, and then travel home that night without a problem. Second, interstate simulcasting was introduced. In 1978, Congress passed the Interstate Horseracing Act, which enabled simulcasting and wagering across State lines.

However, the State regulatory structure never changed. I want you to realize

that our Triple Crown races are conducted under different sets of rules -- what drugs can be administered, withdrawal times for those drugs, penalties, and security protocols. They are all different. Over the last couple of weeks alone, I have run horses in New York, New Jersey, Maryland, and Kentucky. In total, I need licenses in nine States, every one with a different set of rules.

These are the facts of Thoroughbred racing today. Our sport is international. Our horses are sold to buyers around the world. Our stallions shuttle among continents, and bets cross State and national borders. And that is the fastest growing segment of our wagering.

We are entering an age of sports betting when racing will hopefully share betting platforms with many other sports, none of which play by different rules on a State-by-State basis.

Opponents of this bill will tell you instances of cheating are remote, drug positives declining, the States are well on their way to uniformity, that the rules we have are fine, that their horses need race-day medication even though the rest of the world prohibits it, that out-of-competition testing isn't necessary.

Well, let me tell you about Murray Rojas, a trainer in Pennsylvania who is charged with wire fraud, conspiracy, and misbranding of prescription drugs. A fellow trainer testified that private veterinarians told horsemen which drugs were being tested for at the State's lab. Horsemen, of course, requested race-day treatments accordingly to avoid getting caught, based on that knowledge. That was bad, but the performance of the racing commission was worse. They did nothing, and the FBI had to get involved.

It is naive to suggest that these problems are not occurring in other States. Travis Tygart, CEO of the United States Anti-Doping Agency, will tell you that the most important part of USADA's system is out-of-competition testing. When you don't know

when you are going to be tested, when you know your samples will be tested by an accredited lab and held for years, when you know you will be penalized, then you have a real deterrent against cheating.

I am sure many of you wonder why any industry would ask Congress to engage in an area that has been the domain of State regulators. Well, despite decades of trying to achieve uniformity by self-regulation, we have failed. Also, Congress and this committee in particular helped save our industry by passing the aforementioned Interstate Horseracing Act, and we hope you can do so again.

We strongly believe that our sport needs an independent organization to apply uniform rules, stringent out-of-competition testing, tough penalties, and effective enforcement procedures. These measures will ensure clean competition and improve safety for horses and humans alike. This is consistent with The Jockey Club's core belief that horses should compete only when they are free from the influence of medication.

We very much look forward to working with you.

Thank you.

[The prepared statement of Mr. Janney follows:]

***** INSERT 1-4 *****

Mr. Latta. The subcommittee thanks you for your testimony this morning.

And, Mr. Hamelback, you are recognized for 5 minutes. Thank you.

STATEMENT OF ERIC HAMELBACK

Mr. Hamelback. Thank you, Mr. Chairman, Ranking Member Schakowsky, and distinguished members. I appreciate the opportunity to testify before you today.

My name, again, is Eric Hamelback. I am the CEO for the National Horsemen's Benevolent and Protective Association, located in Lexington, Kentucky. We are the largest organization representing close to 30,000 owners and trainers of Thoroughbred racehorses in the U.S. and Canada.

I have been involved with horses my entire professional life. Before assuming my current position, I did everything from mucking stalls to managing one of the largest breeding operations in the world -- a true horseman.

I wish to state emphatically that the National HBPA and the vast majority of Thoroughbred organizations and two other organizations representing racing breeds, the U.S. Trotting Association and the American Quarter Horse Association, are all on the record in firmly opposing the enactment of H.R. 2651.

The HBPA believes that owners and trainers who cheat by administering drugs with no legitimate therapeutic use in racehorses should be severely penalized. Doping is illegal, and it is immoral.

Data maintained by the State racing authorities compiled by the Association of Racing Commissioners International shows conclusively that doping of racehorses in the U.S. is rare. In fact, the horseracing industry spends millions of dollars on comprehensive testing each year.

In 2017, there were over 354,000 biological samples taken by regulators in the U.S. Only 169 of those tests were positive for drugs that had no business being in the horse. So, to put it plainly, 99.9 percent of all tests were negative of any doping substance. That is a record that should be the envy of every sport that tests for illegal drugs.

Another stat worth noting is that the States representing 95 percent of the dollars wagered in the U.S. are under the same controlled therapeutic medication list, and 100 percent are under the uniform prohibiting -- prohibiting performance-enhancing medications.

The HBPA, along with the American Association of Equine Practitioners and the North American Association of Racetrack Veterinarians, draw a very clear distinction between doping and lawful therapeutic medications, such as furosemide, commonly called LASIX.

LASIX is effective in preventing and mitigating bleeding in the lungs, a condition that we call exercise-induced pulmonary hemorrhaging. It is transparent to the public, and it has been safely used for over 40 years. The HBPA supports the use of LASIX and other therapeutic medications for the health and welfare of our horses.

The American Veterinary Medical Association, representing more than 91,000 veterinarians who have no vested interest in horseracing, support the AAEP's policy, which clearly states the use of LASIX on race day is the most efficacious way to control EIPH. These veterinary experts should not be ignored.

And yet a minority of voices has called for the ban of LASIX on race day. Those who do so equate usage of LASIX to doping. That is false. The scientific, clinical evidence establishes the facts about LASIX, which include: Nearly all racehorses bleed to some varying degree, and they have a grade of EIPH. LASIX does not prevent

post-race detection in other drugs. That is a myth. LASIX is not performance-enhancing. It does not make a horse run faster than its God-given ability to do so. And, finally, LASIX is a choice. You have the choice, as an owner or trainer, to use it.

Some proclaim that the rest of the world does not use LASIX and neither should we. Well, that is misleading at best. LASIX is widely used in training in other countries. From a horse and welfare standpoint, that makes no sense to me. Rather, it should be used on race day, when the stress of competitive racing heightens and the risk of harm caused by the internal bleeding increases.

So, in summary, there is no need for the Federal Government to reinvent the wheel by establishing a new regulatory structure where the State structure is already working well. And a new Federal structure would likely take years to gain the necessary knowledge and would cost millions of dollars. H.R. 2651 is not needed. The job we are doing is being done very well.

Thank you, Chairman. And I appreciate the opportunity to be here, and I am happy to answer any questions as a horseman.

[The prepared statement of Mr. Hamelback follows:]

***** INSERT 1-5 *****

Mr. Latta. Thank you very much for your testimony.

And, Ms. Block, you are recognized for 5 minutes.

STATEMENT OF KITTY BLOCK

Ms. Block. Thank you. On behalf of the Humane Society of the United States and its affiliate, the Humane Society Legislative Fund, I appreciate this opportunity to testify in support of H.R. 2651.

Thank you, Chairman Bob Latta and Ranking Member Jan Schakowsky, for holding this hearing and to Representatives Andy Barr and Paul Tonko for introducing this important legislation.

First, I want to make clear our position on horseracing and our interest in this legislation. We are not opposing horseracing. Our interest is improving the welfare and treatment of all animals, including racehorses.

In 2016, we formed a National Horse Racing Advisory Council. Our goal was to facilitate the exchange of information between people who have spent a lifetime in this industry and those of us who care about equine welfare. This impressive council includes industry experts from The Jockey Club, racehorse breeders, former State racing commission officials, and two hall-of-fame jockeys and is chaired by the former owner of Pimlico.

We believe that everyone who makes a living from this industry has an obligation to protect and enhance the welfare of horses, who are at the heart and soul of this business.

Throughout history, horses have played a key role in the development of our society. They are majestic creatures who have served us in so many ways, from plowing

our fields to fighting in our wars. And, today, we partner with these equine athletes in numerous competitions, races, and recreational riding. Horses have often served as a symbol of the American spirit. We have a duty to care for them humanely and to not put them in harm's way and to provide a safe and comfortable life for them once their racing career has ended.

It is a glaring oversight, therefore, that there is no national regulatory body for horseracing. And this creates a disparity of racing regulations and uneven enforcement in the U.S. I also serve as the Humane Society International president, which is the HSUS's global arm, so I am keenly aware that the U.S. is lagging behind other nations with racehorses traditions. In particular, we have offices in the U.K. and Australia, where the horseracing industry is successful without the use of race-day medications.

The ethical issues in horseracing are closely related to concerns raised about doping in a variety of Olympic competitions and professional sports. These industries all have policies against certain types of drug use, and high-profile incidents have left the public concerned about the extent of the problem in these sports.

The racing industry continues to lag behind because too many stakeholders want to maintain the status quo. And the use of illegal substances is not the only problem. Legal therapeutic drugs are also problematic, as they can allow a horse to push through pain, intensifying injury, which can lead to breakdowns, career-ending injuries, and death for both horse and jockey.

This industry has had decades to clean up its act, but it has been unable to do so. This is neither an impulsive government intervention nor an unnecessary one. It comes after the death of thousands of horses, declining fan interest, and a general crisis of confidence in the sport. It is a national industry, and it demands consistent standards rather than the current patchwork of State racing regulations.

Additionally, as this subcommittee knows well, Congress has for the past decade wrestled with the problem of healthy American horses being funneled into the slaughter pipeline, including horses coming from the racetrack. Racehorses with drug-related injuries are often sent to slaughter once the horses are no longer able to run.

Horses can live well into their 20s and 30s, and their racing careers generally span only the first 5 years of life. Horses who are healthy when they retire from racing are in a far better position to transition to second careers and less likely to be sold to killer buyers. If you agree with the 80 percent of Americans who oppose the slaughter of horses for human consumption, this bill will reduce the number of broken-down racehorses killed for their meat.

As an animal protection organization, we have seen repeatedly that any industry taking shortcuts on animal welfare will see a loss of public support. Undeniably, for a variety of reasons, the horseracing industry is in decline. It is critical that this industry strive to meet the highest standards of animal care. We shouldn't put horses' lives at risk, as there is an alternate path.

Thank you.

[The prepared statement of Ms. Block follows:]

***** INSERT 1-6 *****

Mr. Latta. Thank you very much for your testimony.

And, Mr. Martin, you are recognized for 5 minutes. If you would turn the mike on and pull that mike right up there. Thank you.

STATEMENT OF ED MARTIN

Mr. Martin. Thank you very much, Mr. Chairman. I very much appreciate the opportunity to be here.

And I was instructed firmly by the chairman of the Ohio State Racing Commission to stand up for the Standardbreds in Ohio that race in your State as well as all the horses who race in everybody else's States.

I am here to explain what is done to police the sport of horseracing by the States, put it in perspective with other sports, address misconceptions some people have, and identify where we believe the real need is to protect the welfare of the horse.

There have been a lot of things said so far, and I would urge -- I can't squeeze them all into 5 minutes, but I have a rather lengthy written testimony that addresses almost everything that has already been said.

The ARCI sets standards for Thoroughbred, Standardbred, and Quarter Horse racing. We represent the State regulators in the U.S., the Federal and provincial regulators in Canada, as well as the national regulator in several other jurisdictions. Our model rules and drug classification systems are respected worldwide, and some jurisdictions have adopted portions of the model rules by reference.

First, let me say that the State racing regulators are totally uniform in prohibiting the presence of performance-enhancing drugs in a horse when it races.

Secondly, there is total uniformity in the adoption of a 30-year equine welfare

policy to permit a voluntary race-day equine welfare treatment known as LASIX.

Third, with the exception of two States, the drug testing labs are internationally accredited. There is also total uniformity in the use of progressive penalties and substantial uniformity in adoption of testing thresholds for 30 appropriate medications deemed normal and appropriate for equine care.

State racing commissions do more testing in racing than any other professional sport. Last year, 354,000-plus biological samples were sent to the labs. By comparison, all of the World Anti-Doping Agency labs tested 300,000 samples and the U.S. Anti-Doping Agency tested 13,000 samples.

And to compare the programs, you have look at the results. The clear rate in U.S. racing commission testing, USADA testing, and WADA testing is comparable. When you look at the substances being detected by the WADA labs, which are readily available on the internet, you will see that they are not catching anything that the State racing commissions don't catch or have the ability to catch.

Does that mean we don't have a challenge? No. We do have a challenge. We have the same challenge that every other sport has: use of substances that are undetectable or unknown. But based upon the numbers, which are factual and maybe inconvenient for those advocating this bill, horseracing does as good a job or as bad a job as the Olympics or any other sport.

It is a little-known fact that the standards in horseracing are stricter than they are under the World Anti-Doping Agency because we do not permit athletes to obtain permission to use performance-enhancing drugs in competition, as is allowed under the therapeutic-use exemption provisions of the WADA code.

According to the 2016 USADA annual report online, they approve about 81 percent of their use exemption requests. And athletes are given permission to use

hormones, stimulants, narcotics, cannabinoids, and a host of other drugs that we would never, ever, ever allow to be in a horse when it races. Now, consider that there is going to be an expansion of sports betting. There are things allowed in human sport that we don't allow in horseracing.

The anti-doping and medication policies we have are developed by considerable input from a network of anti-doping experts as well as the veterinary community. We are opposed to this bill because it is a radical and unnecessary federalization of a State responsibility that is exercised effectively.

I would like to conclude by saying this. In most States, the regulatory jurisdiction over the horse does not reach young horses intended to become racehorses. As the bones of these young horses mature, the stage is set for their racing career. But there are drugs being used on these horses that the FDA has warned veterinarians about their safety, yet they are being used and used widely. Our concern is that their use may adversely affect bone development in ways that can contribute to stress fractures, which we already know are linked to catastrophic breakdown.

This is the unregulated aspect of the sport, and we believe it needs to be addressed if we are serious about protecting our horses. This is controversial because it starts a discussion on regulating a part of the industry that currently has no regulatory oversight.

We ask that this subcommittee clearly put an end to the debate on H.R. 2651. Only then can the industry, its regulators, interested public organizations, and interested lawmakers get on the same page on how to address ways to protect our horses. There are things the Federal Government can do to help; this proposal is not one of them.

[The prepared statement of Mr. Martin follows:]

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Mr. Latta. I thank the gentleman for your testimony.

And, at this time, Mr. Favel, you are recognized for 5 minutes for your statement.

Thank you.

STATEMENT OF CRAIG FRAVEL

Mr. Favel. Mr. Chairman, Ranking Member Schakowsky, and members of the committee, it is a great privilege to have the opportunity to address you today and to advocate for the passage of the Horseracing Integrity Act of 2017.

My name is Craig Favel, and I am the president and chief executive officer of Breeders' Cup Limited. Our mission at Breeders' Cup is to promote the racing and sale of Thoroughbred horses through the conduct of the Breeders' Cup world championships -- in my view, the preeminent international championships in all of Thoroughbred racing.

I wish to begin my comments by emphasizing that I am not here to tear down this great sport. You will hear from others that we have made great strides in medication reform and enforcement over the last 10 years, and I do not debate that.

My comments today, however, are about the problems we still face with the day-to-day conduct of racing and the confidence of the wagering and nonwagering public in our product and about conducting the sport under common rules administered consistently and fairly for all.

When racing was reintroduced in the 1930s and 1940s, it was a highly local sport, governed by State regulatory authorities in those States that chose to permit parimutuel wagering. There was no wagering across State lines, at least not legally. And, for the most part, horses stayed put in the regions or States they called home, with some

shipment to winter tracks in Florida or California or even to Bowie, near here, in my home State of Maryland. While horses did travel to participate in the Triple Crown races, for the most part it was a local game understandably played under local rules.

Today, by contrast, wagering is primarily a simulcasting effort. And since the mid-1990s, an increasing share of our handle is placed online through authorized and highly regulated advance-deposit wagering companies. It is now commonplace for horses to ship from State to State, from California to New York and vice versa, or from overseas. This week, for example, there are U.S.-based horses running at the Royal Ascot meeting on the grounds of Windsor Castle, as guests of Her Majesty, Queen Elizabeth II. And last year at the Breeders' Cup in Del Mar, California, there were 38 international runners from Ireland, the U.K., France, and South America.

It is a modern sport now that is global in scope and that faces the challenges associated with all sports, whether human or equine. The challenges are modern, particularly in the world of medication, both legal and illegal. Again, there has been progress, but, for the most part, we remain a locally governed sport with different regulatory and enforcement capabilities in each State.

Yet we all need to be aware of the potential abuse of designer drugs, synthetic steroids, and similar agents and the possibilities ahead for manipulation of the equine genome to create or alter physical traits of our competitors.

These modern challenges require concentrated, efficient, and sophisticated national programs for investigating regulatory matters, researching threats, testing, and prosecution. An international sport deserves the most advanced form of regulatory mechanism, not one based on 38 different State agencies with varying levels of funding, expertise, and experience.

As I have said many times, if we were starting from scratch, knowing what we

know now, would we have created a national organization such as the one contemplated by the Horseracing Integrity Act, or would we have 38 different rulemaking and enforcement bodies? I think it is obvious that we would choose the former and not the latter.

The current process for national rulemaking remains unusually cumbersome. Let me give one example. And while it made sound like I am picking on my friends in California, I don't mean to single them out.

California is one of the most capably regulated States. Yet, when it came time to adopt the third-party LASIX administration leg of the RCI/RMTC National Uniform Medication Program, the regulation took almost 4 years to adopt. Unfortunately, the Breeders' Cup had to adopt house rules to effectuate this important reform when running in California.

From start to finish, the time a model rule is adopted, the implementation process across 38 States can take years. That is not to say that rulemaking should be fast-tracked all the time, nor should it be arbitrary. It should, however, allow for quicker implementation across State lines, as contemplated by the Horseracing Integrity Act.

Before I became a racing executive, I spent the first part of my career as a securities lawyer, beginning my practice here in Washington, D.C. Having practiced law in that arena, I am a big believer in the power of consumer confidence in a product, and the fact that the Securities and Exchange Commission has primary regulatory authority over the securities industry engenders consumer confidence in financial reporting, fair trading, and efficient markets. While there of course have been failings, on the whole, the public has confidence in the markets.

And I believe a commonsense approach to regulation in our Thoroughbred business will enhance consumer confidence and bring about extraordinary gains

economically as we present our great sport in the best light possible -- the sort of light that deserves to be shone on such a great game.

Mark Twain just once said that it is a difference of opinion that makes horseracing. It is my sincere hope that the differences of opinion we argue about in the future are about who has the best horse, not about how our sport is regulated and conducted.

Thank you.

[The statement of Mr. Fravel follows:]

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Mr. Latta. And thank you very much for your testimony today.

And that will conclude our testimony from our witnesses, and we will now move on to our questions and answers from our members to our witnesses.

And, at this time, I am going to begin with recognizing the gentleman from Illinois, the vice chair of the subcommittee, for 5 minutes of opening questions.

Mr. Kinzinger. I thank the chairman, and I thank you all for being here. And the sponsors of this legislation, thank you for your hard work and interest.

It has actually been pretty interesting; there has been a lot of input on this issue since this hearing was announced, and we appreciate that. These are very important things that we are dealing with here, and I look forward to continuing to wrestle with these issues.

Mr. Janney, some breeders use osteoporosis medication on young horses to increase bone density in those with signs of bone disease. And reports indicate that some breeders use them without good cause and in very young horses, sometimes to improve the horse's x-ray images and other test results to make the horse more marketable to buyers.

So my question is: Are racehorses regulated and monitored from birth or only once they enter racing? And, further, if they are only regulated during racing, doesn't that mean that the breeders are actually the ones being allowed to operate without an outside authority ensuring the safety of the horses?

Mr. Janney. I think that there is certainly an element of truth to what you are saying. I believe the answer would be that the real regulation of horses comes when they make their first appearance at the racetrack.

And you do have a lot of sales that require horses to present themselves in the very best way that the buyers may like or to work a certain distance of ground at a later

date so that they are attractive to buyers. And I think that is an area that does need to be looked at. Mr. Martin has said that is important; I think it is important too. We need a level playing field.

I don't think horses should be asked to do at a young age what they may not be capable of doing. The fact of the matter is, when a horse works fast as a juvenile, it attracts buyers. And so there is this push to get a horse to work very fast at a time in their lives when it may not be appropriate. So I have no problem with addressing that issue.

Mr. Kinzinger. Thank you.

Ms. Block, my understanding is that racehorses experience exercise-induced pulmonary hemorrhaging, which, in layman's terms, mean horses can bleed from their noses into their lungs during a race. To mitigate the severity of the bleeding, LASIX is administered to horses 4 hours before the race.

I have heard from veterinarian groups that staunchly believe LASIX is necessary and its use is in the best interest of racehorses, especially for their health and welfare. So I have two questions for you on this point.

First, does scientific research support the use of LASIX to protect racehorses from EIPH? And please provide a "yes" or "no" on that.

Ms. Block. I am not a veterinarian, so I would defer to my colleagues on that first point. But, please, your second point?

Mr. Kinzinger. Understanding that the Humane Society's mission is to advocate for laws and to protect animals, how can you support a bill that bans LASIX on race day, a medication we just agreed protects horses -- or, from what I have heard, agreed protects horses -- when the American Association of Equine Practitioners, the North American Association of Racetrack Veterinarians, and the American Veterinary Medical Association

all oppose the bill before us?

Ms. Block. Thank you.

First of all, we have the Humane Society Veterinary Medical Association, and we have close to 10,000 members who support this bill and recognize the problems with race-day medications in this industry. And so we absolutely feel that this is important, this legislation is key. It goes well beyond LASIX. It addresses a whole host of issues and problems.

And as for on race day, a horse out there, before the race starts, as people are assembling, with a needle to the horse's neck is probably not the best thing everyone wants to see. It is not a perception that should be projected. And these horses should be able to run clean and safe, as many human athletes do in many sports.

Mr. Kinzinger. I appreciate that. And I think, yeah, nobody wants to see that, but if it is a medication that protects horses, then I think in some cases optics maybe should, you know, take a second place to actually the protection of the horses.

Mr. Foreman, the horseracing industry is a State-regulated, State-sanctioned industry. And I am a big proponent of States' rights, but I also know there can be a need for Federal uniformity at times.

My understanding is that your organization has collaborated with others to promote the adoption of national uniform medication programs to provide uniformity based on four pillars.

How long have you been trying to get this program adopted? And where are you finding resistance, and why?

RPTR ZAMORA

EDTR ZAMORA

[10:07 a.m.]

Mr. Foreman. Thank you, Congressman. The National Uniform Medication Program, and I think the title probably is being used against the industry by those who seem to think that we don't have uniformity, is the product of many hours and years of work by the industry to determine from our existing rule book and our existing rules what can we do better to improve the regulation of the sport and the safety and welfare of the horse.

And there were initially four areas that were identified. One was that there is even a misunderstanding, I think, probably among the committee as to what substances are administered to a horse. Horses are treated on a daily basis with therapeutic medications in their best interest for injury or illness.

There are substances that don't belong in a horse on a race day under any circumstances, and the public doesn't understand the difference between the two, and that is something that the industry has wrestled with. For example --

Mr. Kinzinger. I hate to do this. I am going to have to -- just because we are going over in time and we have a lot of questions. That was my fault for only asking with 20 seconds left.

Mr. Foreman. My fault for talking too long.

Mr. Kinzinger. No, that is okay.

Mr. Foreman. But there are four areas: controlled therapeutic medication, third-party administration of LASIX to get the vets out of the stalls on race day, a multiple-medication violation penalty system on top of the existing very well done disciplinary system, and the accreditation of our laboratories.

The program started in the Mid-Atlantic, which is the largest concentration of racing in the United States, on January 1, 2014. And I have included maps and information in our packet that 97 percent of racing jurisdictions have adopted the controlled therapeutic medication list. Ninety-six percent of our laboratories are accredited. There is only one lab right now that is not accredited.

Mr. Kinzinger. Sir, I am sorry, I am going to have to reclaim my time on that. I am sure somebody else may have questions on it.

Mr. Latta. And as always, we will make sure that questions that are asked by the committee will be submitted to the witnesses and will have the normal 10 days to submit and respond to them.

Mr. Kinzinger. Thank you. And I will just ask unanimous consent, I have three things I want to enter into the record and also two letters from my constituents on both expressing opposition to this legislation.

Mr. Latta. Without objection, so ordered.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Kinzinger. Thank you. I yield back.

Mr. Latta. At this time, the chair will recognize the gentleman from New York for 5 minutes.

Mr. Tonko. Thank you, Mr. Chairman. Thank you for the ability to jump ahead in the process here because of the conflicts we have. I, again, thank you and the ranking member for the hearing.

Let me cite Chris McCarron, our wonderful jockey in the audience, and it is good to have you here today. Thank you for what you brought to the arena, your talent, your ability, your passion for the sport. Thank you for expressing your concerns about this issue and being supportive of a concept that can bring great strength to the industry, seated next to Terry Finley, who was so active with my home State's horsemen's association. Great to have everyone here.

Mr. Fravel, in your testimony, you make it clear that horseracing is not only an interstate sport but an international one. More than 50 percent of horses cross State lanes to race, and 90 percent of the handle comes from interstate betting.

With that in mind, can you explain why it would benefit the sport if a horse running in Texas ran under the same rules as a horse running in, for example, New York?

Mr. Fravel. Well, I think if one of our challenges is making sure that consuming public understands our sports better, it is important that we have one set of rules. I mean, baseball teams, other than the designated hitter rule, don't play under different rules when they travel from one league to another, one city to another. And, you know, we have had that problem in racing for many, many years. And, you know, in the old days, it was fine. Horses stayed where they were. The public wagered on site. But now, we travel around the world, and we need a modern system to enforce our regulations and to create them.

Mr. Tonko. Thank you.

And, Mr. Janney, can you describe where the United States stands in terms of medication rules in comparison with the rest of the world? In what ways does this divergence impact the domestic industry?

Mr. Janney. Well, we have talked a lot about NUMP, and it really has, I think, five elements, and I think Mr. Foreman would agree with that, because the last one is out-of-competition testing. So there is some agreement among the States as to which substances are on the list, though not as complete as has been suggested.

With third-party LASIX, we are getting there slowly. There are places that don't adhere to that rule. With penalties, we are getting there to some extent, not as fast as any of us would like and maybe not in my lifetime.

Labs are interesting, because if you don't have good labs, you don't really have anything. I am a board member of the New York Racing Association. We operate Saratoga, Belmont, and Aqueduct. Currently, we have requested of the Governor of New York for money in the State budget, which I believe he is going to do, for a new lab in New York, which will be up to international standards. And that is the most important thing I will say, is the lab in New York is in no way up to international standards.

The positives called in New York are one of the lowest in the country. Does that mean that people in New York are more law-abiding? I don't know. But it is alarmingly lower than any other State, particularly for a major racing State. So the request is in. There will be study money, I think, for a new lab in New York.

And the CEO of New York Racing has spent a great deal of time going around to Hong Kong, to the French lab, to others, to the Olympic labs that USADA uses, because there isn't anything in this country that meets that standard, the most important of which is double-blind testing.

Mr. Tonko. Mr. Janney, in your opinion, does the Horseracing Integrity Act add an additional layer of bureaucracy or does it coordinate States into a single rule book with penalties?

Mr. Janney. Well, everybody here has said we need to have uniformity. Well, this is the quickest way. This will get there, again, in my lifetime. The compact won't. The compact was discussed 10 or 15 years ago. One State said yes -- that was Kentucky -- and nobody else.

You have on the record, on your record, the Stronach organization that is racing in Florida, California, and Maryland, saying they want the horseracing act. You have the New York Authority saying we want the horseracing act. So my view on a compact and other ways, whether it is NUMP, is that it is more designed to waste time. We are not going to get where we need to be, and this act does that, and that is why I am so in favor of it.

Mr. Tonko. Thank you.

Mr. Fravel, there have been concerns expressed about the intent of Horseracing Integrity Act to replace State racing commissions. What do you envision the relationship between the State racing commissions and the new anti-doping agency as being?

Mr. Fravel. The Act, as currently drafted, allows the new horseracing entity to delegate authority to States that as long as they are meeting certain standards and quality assurance. So I think that the possibility is that these two things will exist greatly in cooperation with one another, not replace, but simply streamline and make much more efficient the rulemaking and enforcement process, which is something that we all tend to agree on. So I am not sure I understand the vehemence with which some people oppose this if we all are trying to achieve the same thing.

Mr. Tonko. Thank you very much.

And, Mr. Chair, I yield back.

Mr. Latta. Thank you very much. The gentleman yields back the balance of his time.

And at this time, the chair will recognize the gentlelady from California for 5 minutes.

Mrs. Walters. Thank you. Thank you, Mr. Chairman.

Mr. Foreman, in your testimony, you state that H.R. 2651 is not the best interest of the racing industry. Why do you believe that to be the case?

Mr. Foreman. I believe it is the case because the existing framework with which we work under works well. We are all operating under one rule book throughout the country. Our industry is regulated by State regulators. The regulation of our sport is very similar.

There is, in my view, no reason to superimpose on what is a system that is working very well, a group of people who know nothing about the business. I don't think it is realistic that the industry is going to roll over and allow others who are outside the industry to essentially make the rules for them.

There is -- in the proposal in the legislation actually is doing what we are doing now. It is just who is going to be in charge and who is going to make those decisions, and I believe that that is why States have legalized racing. And no different than any other -- the lotteries, regulated by the States; sports gaming will be regulated by the States; casino gaming regulated by the States. Gambling is not for the Federal Government. Horseracing is not for the Federal Government.

If I could just make one correction to a statement that was made about our laboratory system, because I think it is important. Our labs are all internationally

accredited, except for one. To say that a laboratory in New York does not meet international standards is incorrect. They all must meet accreditation under ISO 17025.

What we have done in the industry have created a code that is stricter than the WADA code, and we require our laboratories to meet that standard, in addition to international standards. And no other laboratories in the world are required to meet our standards. We are better than the other laboratories. The laboratory in New York is accredited both to international standards and to the -- what we call the RMTC Code of Standards.

Mrs. Walters. Thank you.

Mr. Fravel, is LASIX used at the Breeders' Cup?

Mr. Fravel. We tried to eliminate the use of LASIX for the Breeders' Cup championships, and because of the provisions of the Interstate Horseracing Act we were prevented from doing so. We would certainly prefer to run our races under international rules that ban the use of LASIX. And I think if you were watching your television on NBC this week, you would see thousands of horses running at the Royal Ascot meeting -- or hundreds of horses at the Royal Ascot meeting without LASIX under no duress whatsoever.

Mrs. Walters. In your capacity as the CEO of the Breeders' Cup, have you ever proposed a ban on LASIX?

Mr. Fravel. Yes. We tried to implement that, and we did have 2-year-olds racing without LASIX in 1 year, but we were forced to back away from that.

Mrs. Walters. So how was that received by the industry?

Mr. Fravel. Many of our members were quite concerned that we were not able to enforce our rules and many members of the training committee were happy that we were not able to enforce those rules.

Mrs. Walters. Thank you.

And, Mr. Hamelback, I have several questions for you on the use of LASIX. Is the use of LASIX currently mandated?

Mr. Hamelback. I apologize. The use of LASIX is not mandated for any athlete.

Mrs. Walters. Is the use of LASIX uniform at races, meaning are all horses that race administered the medication? Are all horses that race administered the medication?

Mr. Hamelback. I believe the answer is all horses are not administered LASIX. If it is administered LASIX, it is publicly posted into the program and -- but if a choice of an owner and their professional with the veterinary acknowledgment does not choose to utilize LASIX on their horse, they do not do so.

Mrs. Walters. Okay. How is the veterinarian involved in the process?

Mr. Hamelback. In my opinion, the decision to place your horse on the LASIX list, as we would call it, in order to make the decision to utilize that therapeutic medication, it is a joint decision made by the owner, the veterinarian, and ultimately the trainer, or some may say the coach. What would happen and should happen, it should be directed under the veterinary care, making sure that the health and welfare of the individual is most taken care of.

Mrs. Walters. Okay. So if every horse is being administered LASIX, does any horse gain a competitive advantage?

Mr. Hamelback. Not in my opinion. Again, it is very well said that LASIX can help in EIPH systems. So by that, if it prevents EIPH from occurring, then most certainly it is going to allow the horse to perform at its natural talent. If bleeding does occur beneath the alveoli of the lungs, then, yes, that would inhibit. So in my opinion, it would inhibit the horse from actually gaining his advantage of just natural talent.

Mrs. Walters. Okay. Thank you. I am out of time. Thank you.

Mr. Latta. Thank you very much. The gentlelady's time has expired.

The chair now recognizes the gentlelady from Illinois, the ranking member of the subcommittee, for 5 minutes.

Ms. Schakowsky. Thank you, Mr. Chairman.

Mr. Janney, do you believe that we would see fewer catastrophic injuries, horse deaths, injuries to jockeys, if we banned the administration of drugs during the 24-hour period before race day?

Mr. Janney. Well, I think it would improve the situation. Our industry has a very difficult perception problem, particularly with LASIX. Now, LASIX, in my view, probably doesn't prevent people from figuring out if there are other drugs that shouldn't be there. So that is not the issue. The issue is sticking a needle in a horse's neck 4 hours before the race. They lose plus -- more than 20 pounds in a sport which basically says weight is important.

Chris McCarron rode at -- what did you ride at? Probably 112, 113 pounds and with weights. It was very -- you know, it was a very slight tolerance. So the horse loses weight.

The other thing is, and it is -- is we have a terrible problem with, if you look at any betting show, and if I -- I don't run horses on LASIX if they are 2-year-olds. I do when they become 3 because I feel like I have to compete. I would prefer not to.

But I will guarantee you that when one of my horses steps on the track, that whoever is doing the analysis for the betting public will say, you ought to bet on the Janney horse because that horse is getting LASIX for the first time.

And I will follow that up by saying, the Pegasus Cup last year, Frank Stronach, who doesn't believe in LASIX, that was a \$15 million race. Bob Baffert had a horse in there

called West Coast that was our champion 3-year-old last year. He was going to Dubai after that and run without LASIX. But he was offered a 5-pound weight allowance, so in other words, he would carry 5 pounds less if he didn't administer LASIX before the Pegasus. And Bob Baffert chose to administer LASIX. So I think at least Bob Baffert is saying it is a performance-enhancing drug. So that would be my answer.

Ms. Schakowsky. Okay. Ms. Block, I understand that most racing countries, as you have mentioned -- I didn't know that The Humane Society actually did exist in the U.K. and Australia -- but also Japan banned certain drugs on race day, but the United States permits the use of race-day drugs.

So what effect does that have on the health of horses that race in the United States compared to their counterparts that race in other countries where race-day drugs are banned?

Ms. Block. Thank you. Yes, Humane Society International, which is the global affiliate of HSUS, we are actually in 14 countries and work in -- incorporate in 14 countries and work in about 20 others. So the health of these animals in these other countries where there are racing traditions, they are doing just fine. There is not any indication that they are ailing or suffering because they are not using race-day medications. And so it is a standard by which we think that the U.S. should also be able to meet.

And as it has been mentioned, these horses do travel internationally. When they are over there in the other countries, they are racing just fine. So in an effort to bring the U.S. up to this global standard, I think it is necessary to pass this legislation.

Ms. Schakowsky. Thank you.

Mr. -- is it Fravel or Fravel? I am sorry.

Mr. Fravel. My wife likes Fravel because she thinks it sounds more sophisticated, but my dad used Fravel, so --

Ms. Schakowsky. Okay. -- Fravel and Mr. Janney, most countries with longstanding horse traditions ban LASIX on race day. Actually, Mr. Janney, I think I heard from you on LASIX on race day.

So let me ask you, for your wife, Mr. Fravel, what do they use instead of LASIX to treat or prevent bleeding?

Mr. Fravel. Well, most international jurisdictions do not permit any supplemental treatment for EIPH. For example, Hong Kong, probably the most successful racing in the world, the highest handle anywhere in the world, has the most rigid and well-regulated medication protocols in the world. And horses there, they manage to fill races with a population of 1,250 horses.

So I think the concern that the sky will fall if we prohibited the use of LASIX is unfounded. It happens everywhere in the world on a daily basis and the horses get around just fine, if not even better than they do here.

Ms. Schakowsky. And I also appreciate your adding that it certainly hasn't hurt the industry either, all those that are involved.

Mr. Fravel. Again, probably the two most successful -- three most successful racing jurisdictions in the world -- Australia, Japan, Hong Kong -- all run under regimes that do not permit any administration of race-day medication, including LASIX.

Ms. Schakowsky. Thank you. I yield back.

Mr. Latta. Thank you. The gentlelady yields back.

The chair now recognizes the gentleman from New Jersey for 5 minutes.

Mr. Lance. Thank you, Mr. Chairman.

And, Mr. Janney, from your testimony, I believe that you would like to see uniformity in the medication standards that are given to racehorses. Perhaps shouldn't Congress rely on the States to adopt the model rules that have already been developed?

Mr. Janney. I am not a young man. I know I look that way, but I am 69 years old, and it is my --

Mr. Lance. You do indeed look young.

Mr. Janney. -- it is my considered opinion that I would never be around to see that day. It will not happen. And I wish it -- I have worked a long -- I have worked for the last 20 years being in rooms with other people to try to figure all this out. And the status quo for a lot of people is exactly what they want. And what I am here to do is try to provide the things that are going to be necessary for this industry so that my children can enjoy it.

Now, just before I close, I think Mr. Foreman got it backwards on the labs. He said that all but one lab is IFHA accredited. That is not right. There is only one lab in the United States that is, so it is the exact reverse of what he said, and that is -- and that is the lab at Davis in California.

Mr. Lance. I will get to you, Mr. Foreman.

How many States have adopted the model rules so far, sir?

Mr. Janney. Nobody has adopted all of the rules. The rules are five and -- they are five elements to NUMP. When I was in school, I didn't get a lot of credit for just answering one question. So what you heard this morning is that people have somewhat agreed on what the list should include of prohibited substances. But then it falls off very rapidly, and it particularly falls off without a competition testing, which Mr. Foreman has identified as one of the most important elements. And I can assure you that Lance Armstrong never failed a post-race test or a pre-race test. He only failed out-of-competition testing when people understood what he was taking.

And so in California, 2 days ago -- or yesterday, I think, the proposal that was ratified by the Association of Racing Commissioners, which is the foundation of NUMP,

their rule on out-of-competition testing came before the California Horse Racing Board. It did not do well. Their equine medical director, Rick Arthur, said a number of things. I will quote some of them and --

Mr. Lance. Thank you, Mr. Janney. I do think it is -- in fairness, we ought to have Mr. Foreman be able to respond.

Mr. Foreman. Thank you, Congressman. What -- we have heard something today that we -- actually is somewhat new to us, and that is IFHA laboratory accreditation. That is something that the international labs have been working to accomplish for some time because we have been so successful in this country with the creation of our RMTC code of standards.

There are no international code of standards, and the international laboratories have been trying to organize a program very similar to what we do in the United States. So I stand by my statement that all but one of our laboratories is accredited to ISO 17025, which is the international laboratory standard.

With respect to what is referred to as the NUMP program that no one has adopted, this program started in the Mid-Atlantic. The Mid-Atlantic is the largest concentration of racing on a daily basis in the United States. New Jersey is a participant.

Mr. Lance. Indeed, yes.

Mr. Foreman. This program started in the Mid-Atlantic. All of the States in the Mid-Atlantic have adopted all five prongs of the Uniform Medication Program and they are in effect. And the program is now sweeping through the country, and you can see from our maps how it is being adopted throughout the --

Mr. Lance. Thank you.

Mr. Martin, you wish to comment, I believe?

Mr. Martin. Thank you, Congressman. You know, we hear a lot about

uniformity. You know, a lot has been said about a patchwork of 38 different States, each with their own rule book. Well, each State does have its own rule book, but those rule books are substantially similar and they are based upon the model rules. The State of New Jersey, the New Jersey Racing Commission, with regards to medication policy, has adopted the model rules by reference.

The constituencies that are most concerned about any minor inconsistencies from State to State are the horsemen, and the horsemen are universally opposed to a radical restructuring of the current system.

If the Congress is interested in having one set of standards, perhaps the easiest thing to do -- and I can't speak for everybody else at this table -- would be to adopt the ARCI model rules by reference, because it has been years and years and years of well thought-out research and interaction between our veterinary community that has gone into the creation of those rules.

Mr. Lance. Thank you. My time has expired.

Thank you, Mr. Chairman.

Mr. Latta. Thank you very much. The gentleman's time has expired.

The chair now recognizes the gentleman from California for 5 minutes.

Mr. Cardenas. Thank you very much. Thank you very much, Chairman Latta, for having this hearing, and also Ranking Member Schakowsky.

Ms. Block, do you have -- what kind of understanding do you have about what LASIX does to a horse's lungs? Is there any relevance or connection between LASIX and the lungs of a horse?

Ms. Block. I do have some basic understanding, but as I said, I am not well versed in this area, so I would defer to my colleague on this.

Mr. Cardenas. Anybody want to state for the record what the connection is

between a horse's lungs and the use of LASIX?

Yes, Mr. Janney.

Mr. Janney. There is certainly a percentage of horses that do bleed to the extent that it harms their performance.

Mr. Cardenas. Excuse me. Thank you for pointing that out. Bleed to the extent that it harms their performance.

Mr. Janney. Yeah. There are small capillaries in their lungs, and as the air rushes in and out, there may be some degree of bleeding.

Mr. Cardenas. Okay.

Mr. Janney. We never knew about that until the flexible stethoscope was invented.

Mr. Cardenas. So we know now?

Mr. Janney. We do know now.

Mr. Cardenas. Now, when a horse is administered LASIX, is it 1 percent chance that their lungs are going to bleed at least to a small degree? A 2 percent, a 10 percent, a 90 percent chance? What are the chances that bleeding of the lungs will occur when a horse has been administered LASIX? And understand, I am talking about a horse that is going to be running, not a horse that is sitting in the stall.

Mr. Janney. There are plenty of horses that are administered LASIX and they do bleed. The question is whether they bleed to the extent that it inhibits their performance. There is a scale of one to five, and I think the thought is that if a horse bleeds on a one or two scale, it probably doesn't make too much difference.

Mr. Cardenas. Thank you.

Mr. Chairman, are there any veterinarians on the panel?

Nobody on the panel is a veterinarian? That is unfortunate, because I think we

missed an opportunity. We are talking about a drug. We are talking about horses. We are talking -- for example, if a jockey is practicing or is going on the track on race day, and that jockey doesn't feel good, that jockey can say, hey, I don't feel good, and maybe they can get things in order by the time the race happens or during practice or get that person some help to make sure they are okay.

But the horses, their only way of communicating that their lungs are bleeding is, it appears to me, when you see the blood coming out of their nose when you are in real practice of LASIX administered to horses.

Have any horses donated their lungs to science?

Mr. Hamelback. May I address --

Mr. Cardenas. The reason why I ask that question is because I used to love to play football when I was a kid just way too much with or without a helmet. And look what happened to me: I am a Member of Congress. What does it take to run for office in this country these days? I would venture to say I was affected to a certain degree, but then I have the ability to make choices. I have the ability to raise my hand and say, hey, I need help or something is wrong or what have you.

And one of the things that concerns me about LASIX and horses is, I can understand that maybe 10 years ago, 20 years ago, 50 years ago, 100 years ago when people were racing horses and then all of a sudden sometime during that timeframe LASIX got involved, and people said, hey, this is something that helps or this is something that is good or this is something that maybe we should be using. But now, we have entire countries who are saying, you know what, LASIX, no, not a good idea. Now that we have science, not a good idea.

And what I would venture to believe that on balance -- unfortunately on this panel we don't have one -- is that on balance, veterinarians who deal with horses, veterinarians

who have actually dealt with animals, horses that have been administered LASIX or they have had to come out and go look at them or what have you and then render their opinion about the health and safety of that horse, I would venture to believe that, on balance, those veterinarians are probably shaking their head going, you know what, human beings, LASIX with horses, stop it.

And the reason why I am -- I have joined this bill is because, unlike football players, horses, their voice is up to us human beings as to whether or not we are going to listen, we are going to learn, and we are just going to do the right thing. And LASIX is something that I think that us as intelligent human beings know today that LASIX is something that is probably not good for the horses.

You know, with that, I am out of time, Mr. Chairman. I yield the balance of my time. Thank you.

Mr. Latta. Thank you. The gentleman's time has expired.

And the chair now recognizes the gentleman from Florida for 5 minutes.

Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it. Thanks for holding this hearing as well.

My first question is for Mr. Hamelback. My understanding is that LASIX is administered 4 hours before the race, is that correct, and why? Can you please explain why LASIX is administered on race day as opposed to the prior day?

Mr. Hamelback. Yes, that is correct, Congressman, that the optimum time stated through research to be most efficacious for treating EIPH or preventing EIPH is between 3 to 4 hours. That is also the timeframe that studies done at the University of Kentucky Gluck Center prove that there is no further dilution within the blood; therefore, the masking that many people talk about is irrelevant because it is not proved to be so if it is administered at that timeframe.

Mr. Bilirakis. Okay. Let me ask another question, and I will probably get different answers and maybe you answer this question. So whoever wants to answer this, please.

If -- will a better be more inclined to bet on a horse -- because I have been away from it for a long time -- if that better knows that this horse is given LASIX? And, you know, I need to know that. But also -- well, anyway, can you answer that question? What is your opinion?

Mr. Hamelback. I would like to address just one thing going forward.

Mr. Bilirakis. Yeah, please.

Mr. Hamelback. I want to make sure that, for the record, the veterinary groups, unfortunately they were not selected here, they have publicly opposed this bill. So I would like to make sure that that is on record because we weren't allowed to address that.

If a wagering individual is aware, which, again, LASIX is transparent, it is publicly put into the program --

Mr. Bilirakis. Yeah. In Florida, I know that that is the case. So the wager would know.

Mr. Hamelback. Correct.

Mr. Bilirakis. And it is also announced, I think, in the public address system as well --

Mr. Hamelback. Depending on if there is a correction.

Mr. Bilirakis. -- the horse is on LASIX. Yeah.

Mr. Martin. Congressman, the people who -- LASIX use is almost ubiquitous. And I say to people, if every horse in that race is running on LASIX, could you tell me which one has the advantage, and they can't.

Mr. Bilirakis. Yeah. They can't tell you.

What is the alternative? Mr. Foreman, prior to the use of LASIX, how were horses treated to address exercise-induced pulmonary hemorrhaging?

Mr. Foreman. Well, there were a number of therapies and a number of concoctions that were being used prior to the legalization of LASIX, and that is one of the reasons why the industry welcomed the advent of a new medication that was safe and effective and leveled the playing field.

But the single biggest concern about eliminating LASIX and what is done internationally as well as in this country, if LASIX is not permitted, you withdraw water from the horse for at least 24 hours prior to competition, and you withdraw food. That is how it is done. Don't think for a second that horses don't bleed in Europe. They may not be able to use LASIX on race day, but the most effective therapy for a horse that bleeds is to withdraw water 24 hours prior to competition.

Now is that humane? Is that in the best interest of the horse? Would you rather see horses who are raced dehydrated because they are less likely to bleed and see other concoctions? They used to use adjunct bleeder medications that we have banned, carbazochrome, Kentucky Red, other concoctions that they would give to a horse that anecdotally horsemen believed would affect whether or not the horse bleeds or not.

But to think that we would go back to a situation where we were the Wild West before LASIX was permitted and that we were allowed to starve or to withdraw water from our horses or to do other things, to me is irresponsible. And we would be shirking our responsibilities to our primary responsibility, and that is the health and welfare of the horse, if we were to withdraw a horse that the veterinary community has now elevated to a disease, the EIPH factor. We have a safe, effective medication that does not affect the performance of the horse. Why would you deprive a horse of that?

Mr. Bilirakis. Anyone else want to comment? I mean, that is the bottom line. We care about the horse, the health and welfare of the horse.

Mr. Janney. Well, I would like to, if I could. We have heard a lot about the veterinary community, and that is -- they are in a very difficult position. If you or I go to see our doctor and he looks at us and says, well, after 45 minutes, more exercise, less eating. And we leave. We expect to get a bill.

That is not the way it works at the racetrack. If a vet comes into my stable, and my trainer says, go look at the horse down in stall one. He is a little sore. Go look at the one down on three. I think there is a problem with an ankle, whatever. He doesn't get paid unless he prescribes something, some medication.

I have never paid a bill for a consultation. And so you are really conflicted because as a veterinarian, as a racetrack vet, you are not going to feed your family giving consultations. And the Thoroughbred Safety Committee, and Chris McCarron is on that committee, recommended 2 or 3 years ago, one of our principle recommendations was go to a system like a human doctor where somebody gets paid to analyze and maybe not prescribe.

LASIX is a very lucrative business. The vets basically are selling the compounds that they are putting into a horse. If your horse may have an ulcer problem and you are getting GastroGard for it, the vet has bought the GastroGard. He resells it. And that is just a fact of life at the racetrack, and it is not the way we ought to do business.

Mr. Bilirakis. All right. Thank you.

Mr. Latta. I'm sorry. The gentleman's time has expired.

Mr. Hamelback. Sir, I have worked for veterinarians for much of my professional career, and I find it offensive that Mr. Janney addressed the veterinarians in that way.

Mr. Latta. The chair at this time recognizes the gentleman from Texas for

5 minutes of questions.

Mr. Green. Thank you, Mr. Chairman. And I thank our witnesses for being here today.

Ms. Block, do you know how the death rates for horses in the U.S. compare with death rates in other countries?

Ms. Block. I am sorry. Could you repeat that? Could you repeat that question?

Mr. Green. The death rates for horses in the United States as compared to other countries.

Ms. Block. I don't have the statistics on that, and I can certainly compile that for you and present it later.

Mr. Green. Okay. If you could, get it back to us.

For the panel, all the panel, are horses in the United States more prone to bleeding during races than racehorses in other countries? And if so, why would you believe that? Why would that be happening?

Mr. Hamelback. Sir, there was a study done in 2009 in South Africa. Over 167 horses were tested and scoped. Over 80 percent of those bled to some degree, so that is why we believe it is necessary.

Mr. Janney. I will maybe add a little bit to that. A lot of the other countries have different training centers. We tend to house our horses at the racetrack. They tend to be in more urban environments. Air quality may not be as good. We have a definite predisposition for speed in a race, and it just -- those kinds of elements do affect what is going on, and it probably makes our bleeding a bigger problem than it might be in other jurisdictions.

But the fact of the matter is, even having said that, it is really 10 percent of the

population that we are talking about. Ninety percent of the horses don't need LASIX, but they get it anyway, and then they get a bottle of electrolytes after they race to try and rehydrate them. So it is a problem.

Mr. Green. Mr. Martin, is pulmonary bleeding painful for the horses? Although none of us are horses, I guess we don't know.

Mr. Martin. I didn't know I looked like a horse, Congressman.

I can't answer that question. The only thing I can say is what has been alluded to, is the American College of Veterinary Internal Medicine has elevated its assessment of the degree of seriousness of EIPH.

We reopened this issue in 2011 because it has always been a controversial issue within the racing industry. We brought in experts, veterinary experts, research experts, and we concluded that there was no science that would necessitate taking away this medication that is given either for reason or prophylactically to protect the health of the horse when it races.

Mr. Green. Mr. Fravel, you said in your testimony that the Breeders' Cup conducts out-of-competition testing on approximately 85 percent of all starters in the Breeders' Cup and put prospective starters under 24-hour surveillance 72 hours prior to the start time. Are such stringent measures common or is the Breeders' Cup more unique in this respect?

Mr. Fravel. I would say, other than Hong Kong and Japan, that the regimen that we have established for the Breeders' Cup is the most strict in the world, certainly the most strict in the United States.

As I said in my written testimony, the processes that are implemented on large event days, like the Triple Crown races, the Breeders' Cup, I think security testing, out-of-competition testing, is all very advanced. It is the day-to-day racing where I think

the public lacks the confidence that those same kind of safeguards are in place, and the same level of expertise in the testing and enforcement is missing.

Mr. Green. Mr. Janney, opponents of the bill have shared concerns about -- some about the USADA's lack of expertise in veterinary science for horses specifically. Do you see that as being an obstacle to implementing H.R. 2651?

Mr. Janney. I don't. We share -- we humans share 98-plus percent of our DNA with horses. And most of the drugs that are coming into the horse industry that could be described as performance enhancing are coming from human medicine. There is really not a huge amount of research in new drugs that are in the equine field. It is really all coming from the human side.

And they -- USADA has a huge amount of expertise in figuring all that out, and it has to be very intelligence-based testing. You have got to know what you are looking for, because if the molecule has changed in any way, you are not going to find it. So really, I think they are the best people to go forward with this.

We are in a new world. I would love it to be a different world where people didn't take an edge, but they are taking an edge now in a way that is far more effective than it used to be. And that is our problem. And we have to work very closely with the other sports to figure out what is happening.

It used to be we only had to worry about what was going on in the harness industry and whether it was migrating over into the Thoroughbreds. That isn't the case anymore. It could be a Russian, you know, athlete that is taking something and it works pretty well in a horse too.

Mr. Green. Thank you, Mr. Chairman.

I didn't think Russians would be in horse races.

Mr. Latta. Thank you very much. The gentleman's time has expired.

And just to let the committee know that we might have votes as early as 11:15, so I would like to make sure that all members keep their questions at 5 minutes so we can get the questions in prior to votes.

So at this time, the gentleman from West Virginia is recognized for 5 minutes.

Mr. McKinley. Thank you, Mr. Chairman.

I come from northern West Virginia in Wheeling, and I grew up around Wheeling Downs, Big Bill Lias, and this issue is certainly something that we would have heard about back then about the doping of horses and all the problems we had back then. But in that area -- now, Wheeling Downs then switched over to Greyhound racing, but we still have the meadows and Mountaineer Park. So it is something very much a horse industry, is very important to me and how we have done that growing up around it.

So I have got to say that in the few years, 8 years I have been here, when people come before the panel, there is sometimes a little bit of confusion of whether or not they are with us or against us on this -- on any particular bill, but not on this one.

You two, Hamelback and Martin, I don't know if you didn't get the memo. Your passion came out pretty strongly about where you stand on this, so I am fascinated with that, but I want to hear the counter to it as we debate this.

So, Mr. Fravel, tell me where they are wrong. We heard the testimony. Where are they wrong?

Mr. Fravel. Well, the gist of a lot of this testimony is, things are going fine, we are doing well, don't mess with us, that we don't need a national program, we can do it all ourselves.

I will give you -- Mr. Janney mentioned yesterday an example, and I mentioned it in my testimony in California. One of the four components of the National Uniform Medication Program was third-party LASIX administration. It took 4 years to get that

done in California.

A year-and-a-half ago, we all met in Arizona, and we adopted, as part of the RMTC and RCI, the out-of-competition testing rules. Yesterday, after 18 months of deliberation in California, that was referred back to committee because the rule was -- claimed to be unclear or failed to meet the Administrative Procedures Act.

If we came up -- you know, I am concerned with this conversation focusing so much on LASIX. If we came up with a new medication tomorrow that could be administered 24 hours out and prevented EIPH, it would take 4 years under the current system to get that implemented nationally because there would be so much arguing over its effectiveness and research and everything else. The current system takes too long. It takes forever.

Mr. McKinley. Let me go to Mr. Hamelback, if we could. You have been hearing the testimony now on the other side of the issue. Where are they wrong, so that you could refute or bolster your case? What should I be listening to?

Because the concern I have a little bit is the fact that internationally they can use LASIX up until the day of the race and they can't on the day of the race. So I am -- I need to be educated a little bit more about that position and also -- in debating what -- you are hearing their testimony. Where are they wrong?

Mr. Hamelback. First off, as the son of a Marine and United States American, I am not sure that I really worry about what they do internationally. What we do in the United States is the number one industry in the world, period.

I think the burden of proof comes to them. They need to tell us why this is necessary, because statistically it is not. Plain and simple. There is no proof of what we are doing currently needs further oversight.

Do we need more time and money to be spent on researching, as Mr. Janney said,

designer drugs? Absolutely. Do I need to continue to hear LASIX equated as a drug? I do not. LASIX is a therapeutic medication, no different than Advil. I take LASIX every day for high blood pressure. It is safe. It is effective for a problem that was elevated to a disease. And I need to make sure, as the only one that raised horses up here, it is the health and welfare of the horse that we take care of first.

So, yes, I would say that my members would be the first to stand and say if there was a medication proven that would be as effective or preventing EIPH and you could administer it 36 hours out, that is what is best for the horse, that is what our mission statement says, that is what we are going to do.

Mr. McKinley. Thank you. And I yield back my time.

Mr. Latta. Thank you. The gentleman yields back.

The chair now recognizes the gentleman from Indiana for 5 minutes.

Mr. Bucshon. Thank you, Mr. Chairman. Fascinating subject, passionate on both sides.

I was a doctor before I was in Congress, so I am not a veterinarian, but I was a people doctor. And so I am fascinated with how this is focused on LASIX. I mean, as a heart surgeon, I gave people LASIX all the time.

And so when you get down to the facts, here is what we need to know, I think, when you want to determine whether a medication is effective or not. First of all, what is the incidence of the disease you are trying to treat; whether or not the medication you are using -- you are giving treats it; in what percentage of patients it is effective to treat the problem that you are proposing you are treating. And you also want to make sure that the -- there is clinical significance in the problem that you are treating.

And I am not convinced of any of those things as it relates to LASIX in horseracing, other than the fact that horses lose a bunch of weight, which gives an -- a racing

advantage, clearly.

So I guess I would ask -- start with Mr. Fravel here. I mean, what is the information that says, number one, the instance of this problem is significant enough? You said, Mr. Janney, 90 percent of horses, no problems. So you are down to 10 percent, roughly. What is the incidence of the disease? Is the medication being used to treat the -- that disease? What is the effectiveness of it? And is there a clinical significance in treating the disease enough to actually treat it?

Mr. Fravel. Let me try to give you my laymen's understanding of those questions. One, all horses bleed to some degree under intense levels of exercise. That was only discovered, as Mr. Janney said, with the introduction of the flexible endoscope.

Mr. Bucshon. Can I interrupt you then on that? That is a good point, because that means that, was there overt clinical evidence of bleeding prior to looking down into the airway and say, hey, there is a little bit of blood there?

Mr. Fravel. There was only the incidence of epistaxis from the nose. And I think the incidence of that in Hong Kong, for example, is about 4 percent --

Mr. Bucshon. Okay. So very, very low incidence of actual clinical evidence.

Mr. Fravel. So there have been studies that were mentioned in South Africa that do indicate that LASIX does have a positive impact on horses that do bleed. So it might reduce a four to a three or a two to a one.

The other answer to some of those questions, physiologically we don't know the impact on individual horses. People say, well, it is not performing enhancing. My wife, when she has one glass of wine, is a lot different than I am when I have one glass of wine. So we don't know, actually, in individual equines how that medication affects their individual performance. Their trainers may have a better idea than I would or the wagering public would, but we don't know the answer to that.

The final part of that question is I believe there has been some research that indicates that although there is some pathological change in the lungs as a result of bleeding over time, we don't have any indication that that has reduced the life expectancy of horses, their useful life as a racehorse, nor is there any clinical indication that there is a disease that follows that pathology. So --

Mr. Bucshon. Mr. Janney, do you want -- and then I will have one of the other people that doesn't -- that opposes the bill give their comments.

Quickly, do you have anything to add?

Mr. Janney. Well, I think that one of the things that you have to worry about is the perception on the industry and being out of step with the rest of the world. I disagree a bit with my colleague over here on the left. We sell our horses in international markets. There is a reason that Keeneland has written a letter supporting this bill. I think that reason is that every other national association talks about why U.S. horses are inferior. Whether that is true or not, I am not saying.

The second thing is that Mr. Gagliano, who is president of The Jockey Club, is always going to international forums. And at those forums, always the other international bodies say why should we accredit your races in the United States when you run on race-day medications?

Mr. Bucshon. I am going to interrupt you there because I have only got a few seconds left. Thank you.

Anyone else?

Mr. Martin, quickly. Do you have any comments?

Mr. Martin. I think the history of LASIX is well known. I think the research that has been done subsequent to the 30 years when it was first put in place probably makes the case more to permit it. As far as international, in North America, we have -- you

know, Canada allows LASIX. There is a ton of Standardbred horses that cross the border and race --

Mr. Bucshon. I am going to interrupt you there because the chairman wants me to stay on time, and thank you all for your comments.

I yield back.

Mr. Latta. Well, thank you very much. The gentleman yields back.

The chair now recognizes the gentleman from Oklahoma for 5 minutes.

Mr. Mullin. Thank you, Mr. Chairman. Thank you for our panel for being here. Thank you, Andy, for leading on this.

Mr. Foreman, are States' racing commissions equipped to properly regulate the horseracing industry?

Mr. Foreman. They have done it for over a century and they are doing it now, so the answer is yes.

Mr. Mullin. Would you consider horseracing, though, out of State? Would you consider it more of a national sport than just a State sport at this point?

Mr. Foreman. Our sport is national to the extent that we are permitted to simulcast our races throughout the country and that we have betters who are betting on races.

Mr. Mullin. Do the horses travel -- I am asking this because I know the answer to this. Do the horses travel across State lines?

Mr. Foreman. Particularly in the Mid-Atlantic, which is the largest concentration in the United States, they are crossing State lines every day.

Mr. Mullin. So commerce would be traveling across State lines at that point, right?

Mr. Foreman. Yes.

Mr. Mullin. Okay. And I think that is kind of what we are -- of course, we are talking a lot about LASIX here. I get that. But the fact is, is that Congress does have a role for the commerce side of it, that is why we are Energy and Commerce, when it crosses State lines, even when it comes to sports.

We have -- I do not like regulations at all. I mean, I think we are equipped to regulate ourselves, so everybody needs to understand that. But Congress does have a role when it starts crossing States' lines. That is a role that we have to regulate.

And so when we are starting to talk about the bill and starting -- talking about moving forward, it is not about the industry. The industry can oversee itself. Those that are participating can oversee it. So we have got 32 different jurisdictions that are working to try to uniform the standards right now inside the horseracing, I get all that. But what role does Congress have to play?

In this particular role, when we start talking about the horseracing industry, not track to track, does Congress have a role to play in this or not?

Mr. Janney. Very quick answer. If you all hadn't passed the Interstate Horse Racing Act, we wouldn't be here. I wouldn't be in the business, and there really wouldn't be an industry.

Mr. Mullin. Mr. Hamelback?

Mr. Hamelback. Does Congress play a role in NASCAR? They travel from State to State and compete in different --

Mr. Mullin. We do some. We also do in NCA sports, and we do in the NFL. We do in major league baseball, in the NBA. Not in the UFC, but we will with MMA.

Mr. Hamelback. But ultimately, each commission of the 34 pari-mutuel governed jurisdictions, which Oklahoma, obviously you have Will Rogers Downs, Thoroughbred Racing Association of Oklahoma.

Mr. Mullin. The Oklahoma horseracing industry is not for this, and I understand it. I am not for overregulating. I am just asking the question, does Congress have a role to play in it or not?

Mr. Hamelback. I do not think so. Each State is 100 percent uniform that has racing.

Mr. Mullin. But the horses travel outside the State if it is --

Mr. Hamelback. You have to abide by the rules that are in that State.

Mr. Mullin. And the horses travel from track to track, and the owners travel from track to track, right?

Mr. Hamelback. Right.

Mr. Mullin. Yes. My first cousin, who is a very good friend of mine, very close, we traveled all over the place, rodeoing together, because my background is rodeoing. I think Quarter Horses are better than Thoroughbreds, but -- that is my jab there, guys, so go with me. Make light of the situation.

But he shoes horses all over the place. He travels from track to track, which makes the industry not just regulated or not just overseen by just one State. I don't like it any more than anybody else. I don't want to overregulate the industry. The industry is successful and it is working. I get that. But Congress does have a role to play here.

As much as I don't like it, that is the end of -- I mean, really, that is the end or the beginning of our conversation. When it crosses a State line, that is where our role plays. That is why we have interstate commerce and intrastate commerce. That is why there are two different things.

Yes, sir.

Mr. Janney. The difference between NASCAR and us is we are betting. Now, sports betting is coming.

Mr. Mullin. I am sure there is no betting on NASCAR.

Mr. Janney. Well, sports betting is coming, and you will have, as a committee, I am sure, a very interesting question as to what you want to do. But the fact of the matter is, the reason we are all here is the Interstate Simulcasting Act, and people in California are betting on New York races and vice versa. And that is really the important element.

Mr. Mullin. Mr. Foreman, go ahead.

Mr. Foreman. Congressman, interestingly, the Interstate Horse Racing Act does not regulate simulcasting. Simulcasting is regulated by the States.

Mr. Mullin. I agree with that.

Mr. Foreman. All that the Interstate Horse Racing Act does is prevent simulcasting to States that have not legalized gambling, and lets the industry regulate but permits it in States that allow it.

Mr. Mullin. Right. I feel we are a long ways from getting this fixed, but this is a conversation that needs to be had. And I appreciate Congressman Barr for bringing this up because, as we do need to look forward, we do need to understand what role we have or haven't to play in this.

Mr. Chairman, I yield back.

Mr. Latta. The gentleman's time has expired.

The chair now recognizes the gentleman from Pennsylvania for 5 minutes.

Mr. Costello. Thank you.

Mr. Hamelback, in your testimony, you state that the U.S. Anti-Doping Agency lacks equine knowledge. How do you think that will affect or impede their ability to be effective?

Mr. Hamelback. Certainly, we feel like it is well known and publicized that the

United States Anti-Doping Agency has experience in human testing professional human sports. It is our belief that while they do have that expertise in humans, crossing over to the equine world is not only different, it is logistically different. Nothing in this piece of legislation actually puts them doing anything different than we already have in place now.

Mr. Costello. Share briefly the logistical differences.

Mr. Hamelback. Beg your pardon?

Mr. Costello. Share briefly the logistical differences that you are referencing.

Mr. Hamelback. Well, for one, I would say the quantity number of tests. And one thing that we have continued to not be exposed to is the economic impact that this is going to have on our industry. To me, I see that as a very logistically difficult hurdle to get over. At this point, nothing has been done as far as an economic study to show us what this is going to cost with a new, some could say two new regulatory bureaucratic layers added onto us already.

Mr. Costello. Thank you.

Mr. Fravel, I invite you to respond to anything that might have been said, as well as explain to the committee more about the potential abuse of designer drugs in horseracing.

RPTR KERR

EDTR HOFSTAD

[11:06 a.m.]

Mr. Fravel. Is that question for me?

Mr. Costello. Yes, sir.

Mr. Fravel. Well, you know, I think all of us read in popular publications how designer drugs are introduced on a daily basis. And, you know, the term "designer drugs" is probably overstated. There is constant research in human medicine directed at developing new medications. And, somehow or another, those things find their way into horseracing or athletics or areas they weren't intended at all.

So, you know, the concern here is that we don't have a concerted national effort to identify threats as they occur, whether those be genomic alterations or designer drugs or other kinds of practices that none of us are aware of. It is hard for those of us who are honest, honestly, to come up with devious things that other people come up with, but we need to find a national organization to identify those threats and deal with them.

Mr. Costello. Thank you.

Mr. Foreman. Congressman, if I could just respond to your question about USADA?

Mr. Costello. Yes, and then I have a followup.

Mr. Foreman. USADA does not regulate the performance horse industry that participates in the Olympics in this country. They may do to the human athletes, but they do not do the equine competitions. That is regulated by the United States Equestrian Federation, which has its own governing body, its own regulations, and its own laboratory.

So, clearly, USADA is not capable and qualified, or they would be doing the work

of the Olympic Committee and the performance horse industry in this country.

Mr. Costello. Thank you.

You indicated there is also total uniformity as it relates to banning performance-enhancing drugs in horseracing. If that is the case, why do proponents of this bill still wish to see it enacted?

Mr. Foreman. Well, as I have said in my testimony, I don't think it is about uniformity. I think it is about LASIX, and I think it is about getting the regulation of the sport into the hands of those who are not the State regulators who are permitting the practice right now. And I think that is fundamentally what is going on here, and I think you can hear it in the debate.

The industry is focused on performance-enhancing drugs. The industry is focused on every aspect of medication and drug testing. The industry created a consortium back in 2004 that would be the scientific arm of the industry, because that is what those who are proponents wanted -- an independent scientific arm to advise the industry on medication matters.

And that is an organization that has done very well. It is one we rely on. And they are the scientific body of the industry that makes the recommendations to us. And, quite frankly, when it comes to the work we are doing with designer drugs or other new drugs that are entering the marketplace and into racing, we do that research and we do that work through the RMTC.

Mr. Costello. Thank you.

Any quick followup from anyone on those points?

Go ahead, Mr. Martin.

Mr. Martin. You know, the issue of designer drugs has come up, and the lack of some kind of organization. You are sitting next to one, and the RMTC is another one,

and the Association of Racing Chemists is a third. And when we get information about the use of a particular substance, it goes into that network in various ways.

And I know the New York lab has come under some criticism here, but I used to be the racing and wagering executive director in New York. And the first time I met Dr. Maylin, that is when I started to appreciate -- he would spend all his free time on the internet, cruising the blogs of other sports to see what they were using and then trying to develop ways to detect that.

And that has not changed in all of those years. As a matter of fact, it was the New York lab that recently discovered the use of a designer drug that nobody else had the ability to test for, and then that was circulated out through the network of labs.

We may not be real good at tooting our own horn, but there is a system in place. It may not be perfect, but there is a system in place. And we work every day to strengthen it and try to make it better.

Mr. Costello. Thank you. I encourage you to supplement your testimony with any additional written response.

I yield back the balance of my time.

Mr. Latta. Thank you.

The gentleman's time has expired.

And the chair recognizes himself at this time.

Mr. Foreman, are there any concerns with having the Federal Trade Commission oversee this type of a program? I am not aware of a similar program overseen by the agency, and I would appreciate your thoughts on that.

Mr. Foreman. I am not aware of any other program similar either, particularly in our industry.

I think it is interesting that the involvement of the Federal Trade Commission,

obviously, invokes consumer protection. And I envision -- and I said it in my statement, and I wasn't engaging in a hyperbole -- that if there is a move to eliminate LASIX in this country, in racing in the United States, it is going to force owners out of the business. It is going to force at horse sales that go on in many States throughout the country, auctions and sales, a disclaimer that is going to have to be put on horses that are sold that they are potential bleeders, that they may suffer this incidence of EIPH, that they will not be able to treat that horse for racing, and that horse may not be able to race.

Now, can you envision buying an automobile or a product where you are told at the time of sale that this product may have a problem, it is likely to have a problem, you are not going to be able to fix it in a way that you can use it? Are you going to buy that product? And that is why you don't see the breeders organizations throughout the country supporting this bill. Because they know what is going to happen; it is going to chill sales.

You have owners who have horses that bleed. If you take this medication away from them, they will leave the business. Where are those horses going to go? Thousands -- this is not Europe. You know, we have thousands of races in this country. We have 32 States conducting racing on a daily or a seasonal basis. We have tens of thousands of people employed in this business, and it is labor-intensive. You take these animals off the racetrack; where are they going to go? And that is the welfare crisis that I am talking about.

And I am sure many of you have heard from constituents who are in this industry and what effect that simple -- what you think is a simple change will have on the economics of the horseracing industry.

Mr. Latta. Thank you.

In the balance of my time, Mr. Janney, in your testimony, you mentioned the use

of a number of drugs in reference to milkshaking. Would you explain what this is and what you have seen with respect to cheaters using this type of method?

Mr. Janney. Well, milkshaking has probably had its heyday, but, basically, what it was doing was loading up with bicarbonate, which had an effect on slowing the deterioration of strength in the muscles because it slowed down the oxygen leaving the muscles. I am not a scientist, but that is basically what was going on, and horses were being loaded up with bicarbonate.

After quite a long time, the industry addressed it. They did address it on a State-by-State basis. It did take, as I say, a very long time, but, fundamentally, we are able to look at levels of oxygen in the blood and come to some determination.

Having lived through it in New York, where I was on the New York racing board, I can tell you that the limit was set so high that it still allowed a fair amount of milkshaking to go on. The numbers were such that you could go over that but you could also milkshake and stay under that limit. And that is kind of where we are today.

But there is no question that milkshaking can be effective and that horses end up with more stamina, you know, to complete the race.

Mr. Latta. Thank you.

I am going to yield the balance of my time. And I see that we have no other members wishing to ask questions. But, first of all, I want to thank our panel for being with us today. It has been a very informational and informative meeting today.

But before we conclude, I would like to ask for the following documents to be submitted for the record by unanimous consent, and we have quite a number:

A letter from the American Quarter Horse Association; a letter from American Racing and Entertainment; a letter from Chris McCarron; a letter from the Equine Health and Welfare Alliance; a packet of documents from Alan Foreman; testimony from William

Lear of The Jockey Club; a letter from the Stronach Group; a letter from the Ohio State Racing Commission; a letter from Barbara Banke of Stonestreet; testimony from Matt Luliano of The Jockey Club; documents and a letter from Dr. Thomas Tobin; testimony from William Thomas of Keeneland Association; a letter from the New Racing Association; a letter from the U.S. Trotting Association; a letter from West Point Thoroughbreds; a letter from the Kentucky Thoroughbred Association; a letter from the North American Association of Racetrack Veterinarians; a letter from the Thoroughbred Owners and Breeders Association; a letter from Shawn Smeallie of the Coalition for Horse Racing Integrity; a collection of documents from the Humane Society of the United States; and a letter and roster from the Water, Hay, Oats Alliance.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Latta. And, with that, I again want to thank our witnesses for testifying today. And as I mentioned a little earlier, if there are additional questions that would be submitted the record by our members, that we would have about a 10-day period for you all to answer those letters.

So, again, I appreciate you all for being here today and for your testimony.

And, at this time, the subcommittee will stand adjourned.

[Whereupon, at 11:16 a.m., the subcommittee was adjourned.]