

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

June 21, 2018

To: Subcommittee on Digital Commerce and Consumer Protection Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Legislative Hearing on H.R. 2651, the Horseracing Integrity Act of 2017”

On **Friday, June 22, 2018, at 9:00 a.m. in room 2123 of the Rayburn House Office Building**, the Subcommittee on Digital Commerce and Consumer Protection will hold a legislative hearing titled “Legislative Hearing on H.R. 2651, the Horseracing Integrity Act of 2017.”

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

On May 25, 2017, Reps. Barr (R-KY) and Tonko (D-NY) introduced H.R. 2651, building on an earlier Barr-Tonko bill, H.R. 3084, the Thoroughbred Horseracing Integrity Act of 2015. H.R. 2651 broadens the definitions of “covered horse” and “covered horserace.” It also assigns oversight authority to the Federal Trade Commission (FTC). In addition, H.R. 2651 incorporates a key concept—a race-day drug ban—from an earlier bill, H.R. 2641, introduced in the 114th Congress by former Rep. Pitts (R-PA) and co-sponsored by Reps. Schakowsky (D-IL) and Eshoo (D-CA).

In summary, H.R. 2651:

- Establishes the independent Horseracing Anti-Doping and Medication Control Authority (HADA), comprising representatives from the U.S. Anti-Doping Agency (USADA) and industry, to develop and administer an anti-doping and medication control program. The program must include a list of prohibited and permitted substances and methods, programs for testing (both in-competition and out of competition), investigations of anti-doping rule violations, and laboratory accreditation;
- Grants FTC oversight authority over HADA. FTC's oversight responsibilities include: administering the notice and comment period for HADA's proposed rules and sanctions, granting final approval to such proposed rules and sanctions, and adjudicating any appeals;
- Broadly covers: (1) any Thoroughbred, Quarter, or Standardbred Horse; (2) trainers, owners, veterinarians, and others engaged in the care, training, or racing of such horses; and (3) any horserace that has a substantial relation to interstate commerce, including any horserace that is the subject of interstate off-track wagers; and
- Specifically mandates that HADA's anti-doping program prohibit the administration of any prohibited or otherwise permitted substance within 24 hours of its next racing start (race-day drug ban). While H.R. 2651 does not explicitly ban furosemide, this drug presumably would fall within the scope of the race-day drug ban as either a "prohibited substance" or an "otherwise permitted substance."

III. WITNESSES

Panel One

Congressman Andy Barr (R-KY)

Congressman Paul Tonko (D-NY)

Panel Two

Edward J. Martin

President

Association of Racing Commissioners International, Inc.

Alan Foreman

Chairman and Chief Executive Officer

Thoroughbred Horsemen's Association

Eric Hamelback

Chief Executive Officer

National Horsemen's Benevolent and Protective Association

Stuart Janney III

Chairman

The Jockey Club

Kitty Block

Acting Chief Executive Officer

The Humane Society of the United States

Craig Fravel

President and Chief Executive Officer

Breeders' Cup Ltd.