

Annual Report Legislative Action Campaign



LETTER FROM NTRA

Dear Supporters,

We are pleased to share with you the 2011 NTRA Legislative Action Campaign Annual Report that summarizes the work of the NTRA's federal lobbying and government relations team during the year. It also explains the programs by which this effort is funded and recognizes the industry organizations that partner with the NTRA to make this possible.

Features of the 2011 NTRA Legislative Action Campaign annual report include:

- An update on key legislation for the industry, complete with bill numbers, sponsoring legislators and bill referral details
- A list of 2011 Legislative Action Campaign contributors
- A feature on the NTRA Advantage membership benefits program
- A summary of the 2012 small business investment incentives

We offer our sincerest thanks to all individuals and industry organizations who participated in the Legislative Action Campaign in 2011. It is our pleasure to advocate for the horse racing industry in Washington, D.C. and we look forward to serving in this capacity again in 2012.

With Appreciation,

Bacigalupo

Joe Bacigalupo Director of Membership Development

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NTRA MISSION STATEMENT

To improve the popularity of Thoroughbred horse racing and to improve economic conditions in the industry for NTRA stakeholders.

2011 LEGISLATIVE SUMMARY

The first session of the 112th Congress was marked by comparatively little legislative progress and historically low approval ratings for both the president and federal lawmakers. Leading the list of reasons for this dissatisfaction was the handling of the national debt crisis, an issue that dominated the schedules of Congressmen. A bi-partisan "super committee" was formed to forge a deficit reduction deal but was unsuccessful. The end result was unpopular forced spending cuts.

A number of factors led to stalemates on Capitol Hill. At the top of the list was the inability of lawmakers to compromise, given their vast political and philosophical differences. And, with the 2012 presidential election closing in, Congressional Republicans were focused on their party's plan to defeat President Obama by limiting his legislative successes.

Despite the overall sluggish federal legislative progress in 2011, the NTRA's government relations team remained dedicated to several issues that impact the horse racing industry. The expansion of online gambling was one such area. Three different bills were introduced in 2011 to create a federal structure to tax and regulate online gambling and the NTRA was active in the development of each. We must continue this effort if horse racing is to achieve certain benefits and secure protections when online gambling likely spreads from state to state.

For the third consecutive Congress, the NTRA addressed the unfair federal tax treatment of horseplayers. The NTRA worked to secure language that would eliminate the automatic federal withholding on pari-mutuel winnings of \$5,000 or more at odds of at least 300-1 and double IRS reporting requirements for pari-mutuel winnings from \$600 to \$1,200. These changes are important if horse racing hopes to retain customers and compete with other forms of gambling, whose players are more equitably taxed.

Read the summary below for more information on the key issues facing the horse racing industry.

As the lead lobbying association for Thoroughbred racing, NTRA focuses its on legislation having direct and material effect on its members and their business activities as they relate to horse racing, breeding and pari-mutuel wagering. With the American Horse Council, the NTRA also supports Congressional education programs on issues such as agricultural matters and immigration, which affect the horse industry as a whole:

INTERNET GAMBLING

Internet Gambling Regulation, Consumer Protection, and Enforcement Act (H.R. 1174)

- Introduced by: Rep. John Campbell (R-CA)
- Legislative action(s): Creates an Internet Gambling Licensing Program and grants the Secretary of the Treasury regulatory and enforcement jurisdiction.
- Bill referral(s): House Judiciary Committee and its Subcommittee on Crime, Terrorism, and Homeland Security; House Financial Services and its Subcommittee on Financial Institutions and Consumer Credit; and House Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing and Trade.
- Key issue(s): The bill permits states and Indian tribal authorities to opt out of Internet gambling activities within their respective jurisdictions. Licensees are prohibited from engaging in the operation of an Internet gambling facility that knowingly accepts bets or wagers initiated by persons who reside in any opt-out state or the tribal lands of any opt-out Indian tribe. The bill also prohibits sports betting on the Internet, except pari-mutuel racing, and the use of credit cards for Internet gambling. The bill is similar to legislation previously introduced in the last Congress by Rep. Barney Frank (D-MA).

Internet Gambling Regulation and Tax Enforcement Act of 2011 (H.R. 2230)

- •Introduced by: Rep. Jim McDermott (D-WA)
- Legislative action(s): Amends the Internal Revenue Code to: (1) impose a tax on each Internet gambling licensee equal to 2% of all funds deposited by Internet gambling customers of such licensee for placing a bet or wager and an additional 50% tax on unauthorized bets or wagers; (2) require such licensees to keep daily records of gambling deposits and file informational returns identifying themselves and the individuals placing bets or wagers with them; (3) require licensees to pay state and Indian tribal governments an amount equal to the monthly pro rata state and Indian tribal government online gambling tax; (4) require withholding of tax on net Internet gambling winnings and on the gross amount of winnings of nonresident aliens; and (5) extend the

excise tax on wagers to include wagers placed within the United States or any commonwealth, territory, or possession by a U.S. citizen or resident.

- Bill referrals: House Committee on Ways and Means and House Committee on Education and the Workforce.
- Key issue(s): The tax structure would capture only revenues generated by future entrants to the online gambling market. The market for online pari-mutuel wagering would be exempt. Rep. McDermott previously introduced a similar bill in tandem with legislation introduced in the prior Congress by Rep. Barney Frank.

Internet Gambling Probibition, Poker Consumer Protection, and Strengthening UIGEA Act of 2011 (H.R. 2366)

- Introduced by: Rep. Joe Barton (R-TX)
- Legislative action(s): Establishes the Office of Internet Poker Oversight in the Department of Commerce.
- Bill referral(s): House Judiciary Committee and its Subcommittee on Crime, Terrorism, and Homeland Security; House Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade; and the House Financial Services Committee and its Subcommittee on Financial Institutions and Consumer Credit.
- Key issue(s): The bill prohibits licensees, except as specified, from: (1) accepting bets or wagers on sporting events and games other than Internet poker, and (2) using credit cards for Internet gambling, except for activities conducted under the IHA. The bill also contains enabling language for horse racing interests to enter the online poker market and protects IHA-sanctioned activities from general prohibitions against online wagering.

Wire Clarification Act of 2011 (H.R. 2702)

- Introduced by: Rep. Chris Gibson (R-NY)
- Legislative action: NTRA secured introduction of legislation that amends the federal criminal code to provide that criminal penalties under such code and other provisions of federal law for transmitting bets and wages on sporting events or contests shall not apply to any bet or wager that is permissible under the Interstate Horseracing Act of 1978.
- Bill referral(s): House Judiciary Committee and its Subcommittee on Crime, Terrorism, and Homeland Security.
- Key issue(s): As discussed above, provisions in the Wire Act, a criminal statute, conflict with provisions in the Interstate Horseracing Act (IHA), a civil statute passed in 1978 and amended in 2000 to allow for interstate and Internet wagering on parimutuel horse racing. H.R. 2702 clarifies the ascendancy of the IHA in matters pertaining to pari-mutuel wagering on horse racing.

ANIMAL WELFARE

American Horse Slaughter Prevention Act (H.R. 2966/S. 1176)

- Introduced by: Rep. Dan Burton (R-IN) and Senator Mary Landrieu (D-LA).
- Legislative action: Amends the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption.
- Bill referral(s): House Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade; House Agriculture Committee and its Subcommittee on Livestock, Dairy, and Poultry; Senate Committee on Commerce, Science, and Transportation.
- Key issue(s): Passage of an appropriations bill late in 2011 re-instituted funding for government meat inspectors to operate at horse slaughter plants located in the U.S. Without inspectors, the U.S. had a de facto ban on horse slaughter and animals were shipped to Canada or Mexico. Horse slaughter facilities may now reopen in the United States, reigniting efforts to secure an outright ban on horse slaughter.

Interstate Horseracing Improvement Act of 2011 (H.R.1733/S. 886)

- Introduced by: Rep. Ed Whitfield (R-KY) and Senator Tom Udall (D-NM).
- Legislative action(s): The bill amends the IHA to prohibit: (1) entering a horse in a race that is subject to an interstate off-track wager if the person knows the horse is under the influence of a performance-enhancing drug; or (2) knowingly providing a horse with such a drug if the horse, while under the influence of such drug, will participate in a race that is subject to an interstate off-track wager. The bill further prohibits a host racing association from conducting a race that is the subject of an interstate off-track wager unless it has in place a policy that: (1) bans providing a performance-enhancing drug to a horse that will participate in such race while under the influence of the drug, (2) bans the racing of a horse that is under the influence, and (3) requires that an accredited third party conformity assessment body test the first-place horse and one additional randomly selected horse for any such drug and report any test results demonstrating that a horse may have participated while under the influence to the Federal Trade Commission and any host racing commission that entered into an agreement to enforce this Act's provisions. Penalties include a "three-strikes-and-you're-out" provision as well as a right of private civil action.
- Bill referrals(s) House Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade; Senate Committee on Commerce, Science, and Transportation.
- Key issue(s): In addition to prohibiting illegal drugs, the bill would prohibit all legal, therapeutic medications administered by a licensed veterinarian. Within the horse racing industry, opinion is divided on the use of therapeutic medications, particularly Salix, a veterinarian-administered, legally prescribed medication that is used to treat exercise-induced pulmonary hemorrhage. This industry division has led to mixed views on the bill and little progress on it in Washington.

Horse Transportation Safety Act (S. 1281)

- Introduced by: Senator Mark Kirk (R-IL).
- Legislative action(s): The bill would prohibit the interstate transport of horses in a double-deck motorized vehicle. While the use of double-deck trailers has been outlawed for slaughter-bound horses, it is still legal for transporting other horses.
- Bill referral(s): Senate Committee on Commerce, Science, and Transportation.
- Key issue(s): The American Veterinary Medical Association has determined that double deck trailers pose a significantly greater safety hazard for horses in transport. AVMA, NTRA, American Association of Equine Practitioners and numerous horse industry groups support this legislation.

IMMIGRATION

Consolidated Appropriations Act 2012 (H.R. 2055)

- Legislative action: In late December, President Obama signed into law an appropriations bill that de-funded implementation of the Department of Labor's H-2B wage rule through the end of the Congressional fiscal year, September 30, 2012.
- Key issue(s): New guidelines for determining wage levels for H-2B workers would have taken effect in the last quarter of 2011. Industry surveys indicated wages would increase up to 100% under the new standards. H-2B employers representing a range of industries sought both legal and legislative means to halt implementation of the H-2B wage hike. The appropriations bill proved the most facile method but the long-term issue of wage determinations remains unresolved.

NTRA GOVERNMENT RELATIONS AND LOBBYING

Government Relations

The NTRA's federal legislative strategy in Washington, D.C. is a two-pronged approach, consisting of government relations work and federal lobbying. These complementary tools give us the best opportunity for legislative success.

Our government relations effort originates in the NTRA's Lexington, KY office where the team identifies issues important to horse racing and breeding; develops strategies to address these issues; builds relationships with members of Congress; educates lawmakers and industry members about horse racing's federal legislative agenda; raises funds to support the effort; and communicates NTRA's legislative successes to the industry.

The government relations team works closely with the Alpine Group, NTRA's lobbying arm on Capitol Hill. Their guidance and expertise helps move the NTRA's legislative agenda through Congressional processes, including meetings with Congressional staffers and members of Congress, bill drafting, committee mark-ups, hearings and votes. Both groups also participate in political fundraisers on behalf of Horse PAC, the political action committee of the NTRA. In 2011, NTRA Horse PAC was the leading gaming PAC, besting second-placed Harrah's Entertainment.

Another component of the NTRA's government relations effort is the NTRA's Safety and Integrity Alliance. Formed in 2008, the Alliance is a standing organization whose purpose is to establish national uniform standards and practices in the areas of safety and integrity in horse racing and secure their implementation. Although our legislative work is restricted to the federal level, the Alliance gives the NTRA exposure at the state level through its accreditation system and a Code of Standards enforced with state regulations. Alliance certification standards cover six broad areas: injury reporting and prevention; safety equipment and a safer racing environment; medication and testing; health and safety of jockeys; aftercare of equine athletes; and wagering security.

For more information on the NTRA's work to protect the interests of its members and the industry at both the state and federal level, visit www.SupportHorseRacing.org.

Lobbying

The horse racing industry is multi-dimensional – not only is it part of a \$39 billion agri-business that touches every state, but it also supports a pari-mutuel gambling business that generates \$10 billion in annual betting. When compared to other industries, horse racing is complex and faces unique challenges.

This is why the NTRA has dedicated significant resources to protect and promote horse racing in Washington, D.C. for more than a decade. Starting with a 2000 amendment to the Interstate Horseracing Act (IHA) that paved the way for online betting on parimutuel horse racing, the NTRA has had a presence on Capitol Hill. The association has remained there to protect horse racing's interests in this growing, dynamic and controversial market and to advocate for the industry in other matters. With companies from all over the world showing strong interest to enter the online gambling market, NTRA must be steadfast in Washington, D.C. and stay involved with all related discussions.

| YEAR | ALL INDUSTRIES | GAMBLING INDUSTRY |
|------|----------------|-------------------|
| 2000 | \$1.56 billion | \$15.53 million |
| 2005 | \$2.42 billion | \$26.95 million |
| 2011 | \$3.30 billion | \$33.67 million |

The chart below demonstrates the growth in the amount invested in federal lobbying:

These numbers show the magnitude of federal lobbying in the United States. For its part, the NTRA spent less than one tenth of the amount spent by just one casino operator – Caesars. Our highly tactical approach allows us to be effective with substantially less resources than other groups.

Other longstanding issues for which the NTRA has lobbied are various tax matters for horseplayers in the United States, including withholding levels, IRS reporting requirements and clarification of tax code language as it relates to certain gambling winnings. We continue to pursue changes to these real impediments for horseplayers.

NTRA ADVANTAGE

NTRA Advantage is a for-profit subsidiary of the NTRA that facilitates sales of products and services from leading suppliers to more than one million affiliated members of the NTRA. Major affiliate members include the American Quarter Horse Association and the United States Equestrian Federation. Advantage suppliers include John Deere, Sherwin-Williams, OfficeMax, UPS and Double R Manufacturing. Since 2002, NTRA Advantage has saved industry members \$95+ million. Purchases by NTRA members through the Advantage program average \$45 million annually.

Visit www.NTRAadvantage.com or call toll free 1-866-678-4289 for up to date partner information, including special pricing.



2011 LAC CONTRIBUTORS

Aberdeen Partnership Accent Temporaries Ackerley Bros. Farm Al Adams John H. Adger Melvin Adkins Aintree Partnership Airdrie Stud Alan Booge Racing Alastar Thoroughbred Co. Randy Alderson All the Above Racing Jeff Alston Alta Mira Don Ameche Mary Jo Amlie Jeffrey S. Amling Sally J. Andersen John P. Anderson Mark Anderson Denny Andrews Applestone Farm Douglas Arnold Jack G. Arnold Joy Arriaga Larry D. Ashlock Ashview Farm Audley Farm Dominick Aurecchio **Bob** Austin Aynsford Holdings B. A. Mann, Inc. Thomas W. Bachman Backyard Race Horse Dr. Greg & DeAnn Baer Victor Bahna Candie A. Baker Stephen Baker John Ballis Steve Ballou **Bantry Farms** Rozamund Barclay Bar-None Thoroughbreds Tom Baxter Beth Bayer **Bear Stables** Todd Beattie Beau Lane Bloodstock Richard Tod Beckett Al & Joyce Bell Belvedere Farm Bender & Bender Benz Lake Farm **Besilu Stables** Best a Luck Farm

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NTRA LEGISLATIVE ACTION CAMPAIGN PRIMER

What is the Legislative Action Campaign (LAC)?

LAC empowers individual and corporate members of the NTRA to support federal lobbying and government relations programs to benefit the racing and breeding industries.

How is LAC funded?

LAC raises funds through three programs: the ¼% Check-off, The Foal Fund and Horseplayers' Coalition membership. For the former, buyers and sellers may support LAC by pledging ¼ of one percent on the price of their horses sold at Keeneland, Fasig-Tipton, Ocala Breeders' Sales Company, Barretts, Breeders' Sales Company of Louisiana and Washington Thoroughbred Breeders and Owners Assocation sales. Every \$1,000 in a horse's sale price equates to \$2.50 to LAC. Individuals who choose not to participate in auction sales may pledge contributions through The Foal Fund. Others may support LAC by joining the Horseplayers' Coalition, whose objective is to seek legislative and regulatory solutions to tax and business issues that impact pari-mutuel racetracks and their customers.

Ноw до I participate?

Sellers, consignors and designated agents may "pre-commit" their pledge on sales entry forms for the ¼% Check-off. Sellers who miss the deadline for pre-commitments can pledge until the close of the sale billing. Buyers may include their contribution when submitting payment or by responding to an NTRA invoice. Owners and breeders may contribute through The Foal Fund online or by regular mail. Horseplayers and other individuals may become members of the Horseplayers' Coalition when joining the *Daily Racing Form*/NTRA National Handicapping Championship (NHC) Tour or by visiting www.HorseplayersCoalition.com.

How can Federal lobbying help make our industry more competitive?

By securing tax legislation that benefits industry stakeholder groups such as horse owners, breeders, racetracks, advance deposit wagering service providers and horseplayers and by addressing select issues that directly impact the economics of racing, such as Internet wagering, immigration and matters that affect farmers, ranchers and other agricultural producers.

How does the NTRA lobby on Capitol Hill?

NTRA fields a government relations team based in Lexington, KY and retains the Washington, D.C-based Alpine Group to lobby on federal issues specific to pari-mutuel horse racing and breeding. NTRA coordinates with the American Horse Council on legislative advocacy for issues that impact all equine breeds and disciplines.



NTRA LEGISLATIVE ACTION CAMPAIGN (LAC) NTRA POLITICAL ACTION COMMITTEE (PAC)

LAC vs. PAC – What's the Difference?

| | LAC | PAC |
|------------------------------|---|---|
| Common Names: | "¼ Percent program," "The Foal Fund," or "Horseplayers' Coalition" | "Horse PAC" or "NTRA PAC" |
| Contribution Uses: | Contributions to LAC are used to support federal lobbying and government relations to benefit the racing and breeding industries. | Contributions are not co-mingled with NTRA corporate funds and may only be used to support political candidates and parties at the federal level. |
| Contribution Limits: | There is no limit on the amount that can be contributed. Individuals and corporate entities like partnerships and farms can participate. | \$5,000 per individual, per year. Spouses of individual members may also contribute \$5,000 each. Contributions from corporations are not accepted. |
| Payment Methods: | Thoroughbred buyers and sellers contribute ¼ of one percent of the price of a horse sold at public auction to the NTRA's Legislative Action Campaign (LAC). Owners/breeders and others who do not participate in auction sales may contribute through The Foal Fund. Horseplayers' Coalition members contribute \$25 when joining. | Personal check or credit card (VISA, Discover, MasterCard or American Express), payable to Horse PAC and addressed to: Peggy Hendershot Horse PAC 2525 Harrodsburg Road, Suite 400 Lexington, KY 40504 |
| Deductibility: | May be tax deductible as an ordinary business expense. | Not tax deductible. |
| Added benefits: | LAC supporters are automatically eligible to receive preferred pricing on products and services from companies like John Deere, Sherwin- Williams, OfficeMax and UPS through NTRA Advantage. Visit www.NTRAadvantage.com or call toll free (866) 678-4289 for more information. | Horse PAC supporters are automatically eligible to receive preferred pricing on products and services from companies like John Deere, Sherwin-Williams, OfficeMax and UPS through NTRA Advantage. Visit www.NTRAadvantage.com or call toll free (866) 678-4289 for more information. |
| Membership: | Participants in the LAC automatically become NTRA members and may be PAC-eligible (see column to the right). | Contributors must be NTRA members. |
| Citizenship Requirements: | Open to U.S. citizens and foreign nationals. | Contributors must be U.S. citizens or permanent resident aliens. |
| NTRA Contact: | Joe Bacigalupo (859) 422-2677 joeb@ntra.com | Peggy Hendershot (859) 621-6929 <u>phendershot@ntra.com</u> |

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INDUSTRY ORGANIZATION THANK YOU

The NTRA extends its sincere appreciation to the following industry leaders for their generous support of the NTRA's Legislative Action Campaign.





www.barretts.com





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UPDATED INVESTMENT INCENTIVES FOR 2012

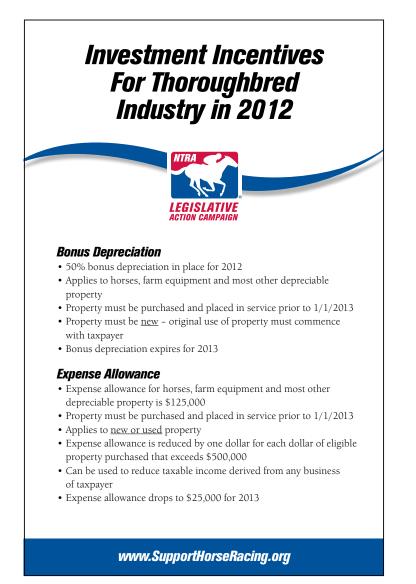
Overall, the 2011 Thoroughbred sales results were positive. After several years of declines and uncertainty, bloodstock markets showed signs of recovery and stabilization. This turnaround may have been attributed in part to two major investment incentives – 100% bonus depreciation and a \$500,000 expense allowance.

Each of those incentives returns for 2012, but at changed levels. Their presence continues to provide an opportunity for those businesses looking to invest.

Bonus depreciation is set at 50% this year. This incentive allows taxpayers to write off up to half of the cost of new qualified depreciable property, if it is purchased and placed in service before 1/1/2013. Property is considered to be new if its original use commences with the taxpayer. Examples of eligible property may include yearlings and new farm equipment. Broodmares and used tractors are not qualified property because each was previously used. There are no dollar or quantity limits on qualified investments to which the taxpayer must adhere.

The expense allowance is \$125,000 for 2012. This incentive permits taxpayers to write off up to that amount of new or used property, if it is purchased and placed in service prior to 1/1/2013. Broodmares and racehorses are examples of used property that may be eligible. New property would be the same as defined above. Unlike with bonus depreciation, there is an investment limit with the expense allowance – for every dollar invested over \$500,000, the expense allowance is reduced by one dollar.

Bonus depreciation and the expense allowance may be used together. Please consult your tax advisor for information on how you may benefit from these incentives and visit www.SupportHorseRacing.org for additional resources.





FOR MORE INFORMATION CONTACT: Joe Bacigalupo Director of Membership Development 859-422-2677 www.SupportHorseRacing.org