

# LEGISLATIVE ACTION CAMPAIGN NEWS



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Winter 2008

**Dear NTRA Member:**

In just over a month, Congress and President-elect Barack Obama will be faced with the task of serving - and saving - a nation in the midst of one of its worst financial crises. Saddled with a faltering economy, Congress and the new President must somehow address longstanding issues such as healthcare reform, energy concerns, immigration and war.

As a microcosm of the U.S. economy, the Thoroughbred racing and breeding industry has experienced its share of trying times. Pari-mutuel handle was down 9.7 percent in November alone, and 6.17 percent through the first 11 months of 2008. The breeding sector also witnessed a severe downturn in gross receipts from major horse sales during the last half of the year as an already struggling economy worsened.

Signs of encouragement for the industry lie with current and proposed changes in tax law. On January 1, 2009, an accelerated depreciation schedule for young racehorses becomes effective - the fruit of five years of lobbying by NTRA on Capitol Hill.

The NTRA will continue its focus on tax issues in the next Congress. A top priority will be to advance the "Pari-Mutuel Conformity and Equality Act", introduced in the last Congress by Rep. Charles Boustany, Jr. (R-LA). NTRA also will renew efforts to reduce the capital gains holding period for racehorses from 24 to 12 months, similar to other investments.

Further, the Association announced the NTRA Safety and Integrity Alliance in October, whose purpose is to implement safety standards to safeguard horse racing's human and equine athletes. The Alliance will pursue a phased approach to implementation that may satisfy concerns raised in Congressional hearings held earlier this year.

This issue of the Legislative Action Campaign News e-newsletter includes an election wrap-up, a comprehensive legislative update, more information on the NTRA Safety and Integrity Alliance, a feature on Rep. Boustany, list of 2008 NTRA Legislative Action Campaign (LAC) contributors and more.

We thank those of you who have continued to support LAC through our funding mechanisms: the ¼% Sales Check-off; the Foal Check-off; and Horseplayers' Coalition membership. We appreciate your dedication to the industry. At the same time, we ask others to please consider contributing in 2009. Visit [www.SupportHorseRacing.org](http://www.SupportHorseRacing.org) or contact me at [joeb@NTRA.com](mailto:joeb@NTRA.com) to learn more.

Feel free to forward this e-newsletter to others who may be interested in legislative matters that affect the Thoroughbred industry. If you are reading on-line, we ask you to please send a note to the NTRA's Barbara Fossum at [bfossum@NTRA.com](mailto:bfossum@NTRA.com), and we will add your information to our distribution list for our legislative updates and next e-newsletter.

Sincerely,



Joe Bacigalupo

Director of Membership Development

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# NEWS FROM CAPITOL HILL

## *The Results Are In - What's Next?*

Election Day has come and gone and the voters have spoken. But what did they say and what does that mean for the new administration's agenda and a new Congress? And what does it mean for the NTRA's legislative agenda in Washington?

Clearly, November 4 was a boon for the Democratic Party while the GOP erosion that began with elections in 2006 continued. President-elect Barack Obama (D) won 365 Electoral College votes, an increase of 113 over what John Kerry won in the 2004 Presidential election. Both houses of Congress now will be controlled by Democrats as well: in the Senate, Democrats will hold at least 58 seats (including the race in Alaska which was recently called); in the House, they will have at least 256 seats (including CA-04 and OH-15).

At the conclusion of Election Day, several Congressional races were unresolved. Below is an update on those races:

### *U.S. Senate*

Alaska - Mark Begich (D-AK) def. incumbent Ted Stevens (R-AK)

Georgia - Incumbent Saxby Chambliss (R-GA) def. James Martin (D) in December 2 runoff

Minnesota - Incumbent Norm Coleman (R-MN) vs. Al Franken (D) - recount under way

### *House of Representatives*

California District 04 GOP open seat - Tom McClintock (R) def. Charles Brown (D)

Louisiana District 04 GOP open seat - John Fleming (R) def. Paul Carmouche (D)

Ohio District 15 GOP open seat - Mary Kilroy (D) def. Steve Stivers (R)

The Obama campaign's primary message in the campaign was "change." With Congressional popularity ratings less than 20 percent for several years and with three out of four voters expressing dissatisfaction with the current Administration, this mantra was neither surprising nor new; however, it was, as the election results illustrate, effective.

Now that the new Congress has been elected and the Obama administration is gearing up into full transition mode, how will change be effected in the legislative and policy arena?

First, there are numerous large issues which the newcomers will have to tackle. First and foremost is the faltering economy and recently enacted bailout legislation. This will occupy the new Congress and Administration more than any other issue for several months. Issue one will likely be a new economic stimulus program aimed at aiding domestic automakers, extending unemployment insurance, more money for job creation, including public works and transportation and infrastructure projects, etc.

Another issue that will probably garner attention in early 2009 is healthcare reform. While the new administration would probably be wise to not bite off more than it can chew (as the Clinton administration did in its first two years), the Obama team clearly believes it has a mandate on several healthcare subsets and legislation will undoubtedly be considered early. Energy was also a popular issue during the campaign as gas prices spiked and energy costs soared. While those prices have decreased, increasing renewable fuels and a possible return to a windfall profits tax will likely garner attention, as will domestic offshore drilling.

Organized labor also will move to have its agenda considered quickly, from raising the minimum wage (supported by Obama during the campaign) to card check, a new unionizing system vehemently opposed by business. Finally, regulatory oversight legislation, especially of the financial markets, will likely be coupled with oversight and management of the bailout legislation as many want to re-regulate Wall Street, hedge funds and other money markets.

The initial reaction is that an Obama administration will take the country sharply left. The thinking by many Washington insiders suggests otherwise. While Democratic gains were significant and the GOP's popularity has declined in recent years, there are many signals that Team Obama wants to govern from the center (or maybe a little left of center) to avoid the mistakes that were made in the first two years of the Clinton administration. Many still remember that after those two years, the GOP took over the House in stunning fashion. In fact, the inside view in D.C. is that the retention of Rep. Rahm Emanuel (D-IL) as White House Chief of Staff was not to do battle with the GOP in pressing the White House agenda, but with Congressional liberals—especially the House leadership—and to try to keep them in line with a more moderate agenda. Only time will tell how the Obama Administration will operate and whether it will be effective or a one-term presidency.

While most of the attention is naturally on these big ticket agenda items, we can make some observations about the NTRA agenda.

# NEWS FROM CAPITOL HILL

## **Internet Gaming**

With the recent release of the final regulations to accompany the Unlawful Internet Gambling Enforcement Act (UIGEA) by the Department of Treasury and the Federal Reserve, the issue of Internet gaming is again in the spotlight. The original legislation passed by the Congress in 2006 was largely crafted by and pushed by conservative Republicans. In the last year, it has come under increasing attack by Democrats in Congress as unworkable or even unnecessary. Those attacks have only increased with the regulatory process and will multiply with a larger Democratic majority in Congress. Further, legislation to legalize, regulate and tax Internet gaming as a whole - with no exclusions or limits, similar to the British system - has slowly been gaining some popularity amongst Democrats in the House. That could potentially accelerate, especially as Democrats look for new revenue sources to pay for programs they want to expand or create. Internet gaming could provide some \$40 billion in new revenue, a large amount of money when few new revenue sources exist outside of increasing taxes.

## **Tax Policy**

Taxes were, as with any campaign, a large issue this year. Everything from increasing or decreasing taxes (depending on income levels), corporate taxes, rollbacks of existing tax breaks to even wholesale reform of the tax code have been suggested and debated. With the fragile economic landscape, we do not expect large tax legislation on the immediate horizon. We do expect, however, that tax policy will prove either inescapable or irresistible at some point in the next year or two and legislation will move forward. Our two largest tax issues are passage of our Pari-mutuel Conformity and Equity Act to eliminate withholding at the track on winnings over \$5,000, and a change in the capital gains holding period for horses from two years to one.

## **Immigration**

We expect that immigration reform will again be considered by Congress and will include efforts to balance border security and enforcement against the issue of legalization. The Obama-Biden "Blueprint for Change" broadly addresses the issue by calling for a removal of incentives for illegal immigration and improvements to streamline the immigration system. The blueprint indicates that as President, Obama will bring this issue up in the first year of his administration. While President-elect Obama has stated that he favors comprehensive immigration reform and does not put specific focus on H-1B visas, he has stated that he would support a temporary increase in H-1Bs as a "stopgap" until

(Continued on page 11)

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## FEATURED LEGISLATOR



**Member:** U.S. Rep. Charles Boustany, Jr. (R-LA)

**District:** Louisiana's 7th, which is home to Delta Downs Racetrack, Casino & Hotel and Evangeline Downs Racetrack & Casino

**Experience:** Congressman Boustany was first elected in 2004 and won re-election in November (with nearly 62% of the vote) to his third consecutive term as a member of the U.S. House of Representatives

**Member of:** House Committees on Agriculture, Education & Labor and Transportation & Infrastructure

**Impact on horse racing industry:** With two Thoroughbred racetracks that also offer casino-style gaming in his district, Congressman Boustany is well-versed on the inequities horseplayers face as related to withholding tax on their winnings. In July, he introduced in the House the "Pari-Mutuel Conformity and Equality Act of 2008" (H.R. 6631), which would eliminate the automatic 25 percent federal withholding on pari-mutuel winnings of \$5,000 or more. There is no similar requirement for customers playing poker, keno, slot machines or casino-style table games like blackjack, craps, etc.

We urge you to contact Congressman Boustany in support of this bill by visiting our Legislative Action Center at [www.SupportHorseRacing.org](http://www.SupportHorseRacing.org).

**Contact YOUR Legislator:** Identify your elected officials and write them by visiting [www.SupportHorseRacing.org](http://www.SupportHorseRacing.org). Click the Legislative Action Center box, enter your zip code and access the names of your federal and state elected officials. From this page you also will be able to send correspondence directly to them.



# THANK YOU TO ALL CONTRIBUTORS WHO STEPPED UP.

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## **Immigration** (continued from page 3)

comprehensive reform can be enacted. H-1B is used largely by employers seeking highly educated and technically skilled workers (e.g., software companies, medical industries, etc.) and it remains unclear whether initial reforms will extend to H-2B visa workers, who are used by employers in the racing industry, fishing, landscaping, etc.

## **Unwanted Horses**

The most recent bill to address the transportation and selling of horses for human consumption passed out of the Judiciary Committee, where the bill originated under the sponsorship of committee chairman John Conyers (D-MI). The bill received a referral to the Agriculture Committee at the request of Rep. Bob Goodlatte (R-VA). No further action was taken on the bill as Congress was besieged by matters relating to the financial crisis. We expect this bill will be re-introduced in the 111th Congress. Its narrow scope appears to be designed to aid the bill's progress out of committee.

It is also possible that a previous slaughter bill, H.R. 503, introduced by Rep. Ed Whitfield (R-KY), could see renewed life next year. This bill was referred to the House Energy and Commerce Committee, but it was opposed by the then-Chairman of the Committee Rep. John Dingell (D-MI). Rep. Henry Waxman (D-CA), whose district includes Beverly Hills and Hollywood, CA, recently unseated Rep. Dingell as Chairman of the Committee. Given Rep. Waxman's voting record, slaughter legislation like H.R. 503 could face an easier path. Irrespective of the Congressional forum, it seems certain that slaughter legislation will return for consideration next year.

## **Industry Reform Legislation**

Congress held hearings in June 2008 to discuss the racing industry's safety and medication practices as they relate to racehorses. Rep. Ed Whitfield (R-KY) and Rep. Jan Schakowsky (D-IL), along with Rep. Cliff Stearns (D-FL) were the industry's chief critics among the panel of representatives on the Energy & Commerce Committee Subcommittee on Commerce, Trade and Consumer Protection.

Rep. Whitfield has consistently indicated that he will introduce legislation to reform our industry; however, the NTRA's Safety and Integrity Alliance may address most if not all of the issues Rep. Whitfield has focused on. The Alliance's purpose is to identify, implement and certify a proscribed set of safety reforms in key areas, including drug testing and equine retirement, among others. Former Wisconsin Governor Tommy Thompson, the former head of the Department of Health and Human Services, will be working with the Alliance on the certification process. He, along with NTRA management and staff, will provide regular updates to Congress on the Alliance's activities and the scope and success of its certification program.

\*Contributions through December 8, 2008

# SAVE THE DATE-SAVE THE DATE-SAVE THE DATE

## APRIL 6

**What:** NTRA Tax Forum (full day of instruction/discussion with equine tax experts)

**Where:** Lexington, KY (location TBD)

**Contact:** Joe Bacigalupo at joeb@NTRA.com or 859-422-2677

## OCTOBER 5

**What:** NTRA Charities Golf Classic

**Where:** Valhalla Golf Course - Louisville, KY

**Contact:** Barbara Fossum at bfossum@NTRA.com or 859-422-2616

## JOIN THE HORSEPLAYERS' COALITION TODAY!



It's time Capitol Hill hears from horse racing's customers. Join the Horseplayers' Coalition today to help improve the economics of pari-mutuel wagering for horseplayers, distribution outlets, racetracks and horsemen. This is your chance to have a unified voice in Washington, D.C.

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*The Horseplayers' Coalition ... putting horseplayers on the Hill!*



## CALENDAR



### Upcoming Auction Sales\*

#### JANUARY

6-7 - OBS Winter Mixed

12-17 - Keeneland Horses of All Ages

26 - Barretts Winter Mixed Sale

#### FEBRUARY

8-9 - Fasig-Tipton Kentucky Winter Mixed

16 - Darley OBS Championship Stakes

17 - OBS Selected Sale of Two-Year-Olds in Training

#### MARCH

3 - Florida Selected Two-Year-Olds in Training @ Calder Race Course

10 - Barretts Selected Two-Year-Olds in Training Sale

16 - Adena Springs Sale of Two-Year-Olds in Training (Florida)

17-18 - OBS Selected Sale of Two-Year-Olds in Training

31 - Texas Two-Year-Olds in Training @ Lone Star Park

#### APRIL

20-23 - OBS Spring Sale of Two-Year-Olds in Training

\*Dates subject to change

### U.S. Congressional Schedule

#### JANUARY

6 - Start of 111th United States Congress

8 - Electoral ballot count

19 - Martin Luther King, Jr. Holiday

20 - Presidential inauguration

January 20 - February 13 - In session (4 weeks)

#### FEBRUARY

16 - 20 - President's Day recess

February 23 - April 3 - In session (6 weeks)

#### APRIL

6 - 17 - Easter Recess

(Passover - April 8-9 - begins sundown April 8)

April 20 - May 22 - In session (5 weeks)



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