

**(D) Limitation**

A State racing commission that does not elect to remit fees pursuant to paragraph (2) or that withdraws its election under such paragraph shall not impose or collect from any person a fee or tax relating to anti-doping and medication control or racetrack safety matters for covered horseraces.

**(4) Fees and fines**

Fees and fines imposed by the Authority shall be allocated toward funding of the Authority and its activities.

**(5) Rule of construction**

Nothing in this chapter shall be construed to require—

- (A) the appropriation of any amount to the Authority; or
- (B) the Federal Government to guarantee the debts of the Authority.

**(g) Quorum**

For all items where Board approval is required, the Authority shall have present a majority of independent members.

(Pub. L. 116-260, div. FF, title XII, §1203, Dec. 27, 2020, 134 Stat. 3253.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in subsec. (f)(5), was in the original “this Act” and was translated as reading “this title”, meaning title XII of div. FF of Pub. L. 116-260, to reflect the probable intent of Congress.

**§ 3053. Federal Trade Commission oversight****(a) In general**

The Authority shall submit to the Commission, in accordance with such rules as the Commission may prescribe under section 553 of title 5, any proposed rule, or proposed modification to a rule, of the Authority relating to—

- (1) the bylaws of the Authority;
- (2) a list of permitted and prohibited medications, substances, and methods, including allowable limits of permitted medications, substances, and methods;
- (3) laboratory standards for accreditation and protocols;
- (4) standards for racing surface quality maintenance;
- (5) racetrack safety standards and protocols;
- (6) a program for injury and fatality data analysis;
- (7) a program of research and education on safety, performance, and anti-doping and medication control;
- (8) a description of safety, performance, and anti-doping and medication control rule violations applicable to covered horses and covered persons;
- (9) a schedule of civil sanctions for violations;
- (10) a process or procedures for disciplinary hearings; and
- (11) a formula or methodology for determining assessments described in section 3052(f) of this title.

**(b) Publication and comment****(1) In general**

The Commission shall—

(A) publish in the Federal Register each proposed rule or modification submitted under subsection (a); and

(B) provide an opportunity for public comment.

**(2) Approval required**

A proposed rule, or a proposed modification to a rule, of the Authority shall not take effect unless the proposed rule or modification has been approved by the Commission.

**(c) Decision on proposed rule or modification to a rule****(1) In general**

Not later than 60 days after the date on which a proposed rule or modification is published in the Federal Register, the Commission shall approve or disapprove the proposed rule or modification.

**(2) Conditions**

The Commission shall approve a proposed rule or modification if the Commission finds that the proposed rule or modification is consistent with—

- (A) this chapter; and
- (B) applicable rules approved by the Commission.

**(3) Revision of proposed rule or modification****(A) In general**

In the case of disapproval of a proposed rule or modification under this subsection, not later than 30 days after the issuance of the disapproval, the Commission shall make recommendations to the Authority to modify the proposed rule or modification.

**(B) Resubmission**

The Authority may resubmit for approval by the Commission a proposed rule or modification that incorporates the modifications recommended under subparagraph (A).

**(d) Proposed standards and procedures****(1) In general**

The Authority shall submit to the Commission any proposed rule, standard, or procedure developed by the Authority to carry out the horseracing anti-doping and medication control program or the racetrack safety program.

**(2) Notice and comment**

The Commission shall publish in the Federal Register any such proposed rule, standard, or procedure and provide an opportunity for public comment.

**(e) Amendment by Commission of rules of authority**

The Commission, by rule in accordance with section 553 of title 5, may abrogate, add to, and modify the rules of the Authority promulgated in accordance with this chapter as the Commission finds necessary or appropriate to ensure the fair administration of the Authority, to conform the rules of the Authority to requirements of this chapter and applicable rules approved by the Commission, or otherwise in furtherance of the purposes of this chapter.

(Pub. L. 116-260, div. FF, title XII, §1204, Dec. 27, 2020, 134 Stat. 3257; Pub. L. 117-328, div. O, title VII, § 701, Dec. 29, 2022, 136 Stat. 5231.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in subsecs. (c)(2)(A) and (e), was in the original “this Act” and was translated as reading “this title”, meaning title XII of div. FF of Pub. L. 116-260, to reflect the probable intent of Congress.

**AMENDMENTS**

2022—Subsec. (e). Pub. L. 117-328 amended subsec. (e) generally. Prior to amendment, text read as follows: “The Commission may adopt an interim final rule, to take effect immediately, under conditions specified in section 553(b)(B) of title 5, if the Commission finds that such a rule is necessary to protect—

“(1) the health and safety of covered horses; or

“(2) the integrity of covered horseraces and wagering on those horseraces.”

**§ 3054. Jurisdiction of the Commission and the Horseracing Integrity and Safety Authority**

**(a) In general**

Beginning on the program effective date, the Commission, the Authority, and the anti-doping and medication control enforcement agency, each within the scope of their powers and responsibilities under this chapter, as limited by subsection (j),<sup>1</sup> shall—

(1) implement and enforce the horseracing anti-doping and medication control program and the racetrack safety program;

(2) exercise independent and exclusive national authority over—

(A) the safety, welfare, and integrity of covered horses, covered persons, and covered horseraces; and

(B) all horseracing safety, performance, and anti-doping and medication control matters for covered horses, covered persons, and covered horseraces; and

(3) have safety, performance, and anti-doping and medication control authority over covered persons similar to such authority of the State racing commissions before the program effective date.

**(b) Preemption**

The rules of the Authority promulgated in accordance with this chapter shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under this chapter, as limited by subsection (j).<sup>1</sup> Nothing contained in this chapter shall be construed to limit the authority of the Commission under any other provision of law.

**(c) Duties****(1) In general**

The Authority—

(A) shall develop uniform procedures and rules authorizing—

(i) access to offices, racetrack facilities, other places of business, books, records, and personal property of covered persons that are used in the care, treatment, training, and racing of covered horses;

(ii) issuance and enforcement of subpoenas and subpoenas duces tecum; and

(iii) other investigatory powers of the nature and scope exercised by State racing

commissions before the program effective date; and

(B) with respect to an unfair or deceptive act or practice described in section 3059 of this title, may recommend that the Commission commence an enforcement action.

**(2) Approval of Commission**

The procedures and rules developed under paragraph (1)(A) shall be subject to approval by the Commission in accordance with section 3053 of this title.

**(d) Registration of covered persons with Authority****(1) In general**

As a condition of participating in covered races and in the care, ownership, treatment, and training of covered horses, a covered person shall register with the Authority in accordance with rules promulgated by the Authority and approved by the Commission in accordance with section 3053 of this title.

**(2) Agreement with respect to Authority rules, standards, and procedures**

Registration under this subsection shall include an agreement by the covered person to be subject to and comply with the rules, standards, and procedures developed and approved under subsection (c).

**(3) Cooperation**

A covered person registered under this subsection shall, at all times—

(A) cooperate with the Commission, the Authority, the anti-doping and medication control enforcement agency, and any respective designee, during any civil investigation; and

(B) respond truthfully and completely to the best of the knowledge of the covered person if questioned by the Commission, the Authority, the anti-doping and medication control enforcement agency, or any respective designee.

**(4) Failure to comply**

Any failure of a covered person to comply with this subsection shall be a violation of section 3057(a)(2)(G) of this title.

**(e) Enforcement of programs****(1) Anti-doping and medication control enforcement agency****(A) Agreement with USADA**

The Authority shall seek to enter into an agreement with the United States Anti-Doping Agency under which the Agency acts as the anti-doping and medication control enforcement agency under this chapter for services consistent with the horseracing anti-doping and medication control program.

**(B) Agreement with other entity**

If the Authority and the United States Anti-Doping Agency are unable to enter into the agreement described in subparagraph (A), the Authority shall enter into an agreement with an entity that is nationally recognized as being a medication regulation

<sup>1</sup> So in original. Probably should be “subsection (k)”.