

NCAA GOVERNMENT RELATIONS REPORT
(December 2005)

1. Overview.

The United States Congress and the White House were confronted with several major issues during 2005, which made for a very busy year in Washington, D.C. Debate regarding the ongoing war in Iraq continued to fill the halls of Congress during the first session of the 109th Congress. Congress also addressed the many problems created by the natural catastrophes that affected much of the Gulf Coast region. The departure of two Justices from the Supreme Court brought the consideration and nomination of candidates to fill those vacancies to the forefront of Congress' agenda. The Senate confirmed Chief Justice John Roberts on September 29, 2005, and confirmation hearings for Judge Samuel Alito are scheduled to begin on January 9, 2006. In addition to addressing these pressing matters, several significant pieces of legislation were passed and signed into law, including: the Bankruptcy Abuse Prevention and Consumer Protection Act, the Central American Free Trade Agreement, and the Energy Policy Act of 2005.

During this session, Congressional committees spent considerable time discussing the problems presented by performance enhancing drug use by professional and amateur athletes. Several hearings were held to probe into this matter, resulting in the introduction of multiple bills that would establish minimum testing requirements and penalties for professional sports leagues.

In the states, Gubernatorial elections were held in Virginia and New Jersey. Democrat Senator Jon Corzine won the New Jersey election while Democrat Lt. Governor Tim Kaine was declared the winner in Virginia. A number of hotly contested Gubernatorial and Congressional elections are expected in 2006.

2. Federal Legislative Activities.

a. Performance Enhancing Substances – Proposed Legislation.

Over the course of the first session of the 109th Congress, the House Government Reform Committee, House Energy and Commerce Committee, and the Senate Commerce, Science and Transportation Committee each held hearings to discuss the problem of performance enhancing substance use in sports and its impact on the youth in this country. These hearings garnered significant media attention and helped spur the introduction of nine bills that would provide stringent testing policies and procedures for professional sports leagues.

In November 2005, Major League Baseball and its players' union proposed substantial changes to its drug testing program. Although this agreement has slowed the movement of legislation in Congress, it is unclear whether Congress plans to

revisit the steroid issue in light of the drug testing programs of the other professional leagues and amateur programs.

Listed below are brief descriptions of the nine bills introduced this session:

- (1) H.R. 1862, The Drug Free Sports Act. H.R. 1862 was introduced by Representative Cliff Stearns (R-FL) on April 26, 2005. This bill directs the Secretary of Commerce to issue rules requiring professional sports leagues to adopt and enforce uniform performance enhancing drug testing policies, procedures and penalties. The bill also requires that a study be conducted to examine the need for such policies within amateur athletic organizations. H.R. 1862 was passed by the House Energy and Commerce subcommittee on Commerce, Trade and Consumer Protection on May 25, 2005.
- (2) H.R. 3084, The Drug Free Sports Act (Amended). H.R. 3084 was introduced by Representative Cliff Stearns (R-FL) on June 28, 2005. This amended version of the Drug Free Sports Act increased the timing and frequency of random testing required under the legislation and altered the penalties section. The bill was introduced after further consultation with the professional leagues and their respective players' unions. H.R. 3084 was passed by the House Energy and Commerce Committee on July 28, 2005.
- (3) H.R. 2565, The Clean Sports Act of 2005. H.R. 2565 was introduced by Representative Tom Davis (R-VA) on May 24, 2005. Under the Act, the National Football League (NFL), the National Basketball Association (NBA), Major League Baseball (MLB) and the National Hockey League (NHL) would be required to follow a strict, uniform testing program for prohibited performance-enhancing drugs by following a model similar to that used by the Olympics. The Act would provide the Office of National Drug Control Policy (ONDCP) Director the authority to extend the requirements set out in the bill to other professional leagues and NCAA Division I and Division II sports. Also, a commission on high school and collegiate athletics would be created to examine steroid use by amateur athletes and recommend measures to reduce its use. H.R. 2565 was approved by the House Government Reform Committee on May 26, 2005. This legislation has subsequently been incorporated into H.R. 2829, a broader bill addressing drug control policy.
- (4) H.R. 2829, Office of National Drug Control Policy Reauthorization Act of 2005. On June 16, 2005, the Government Reform Committee incorporated H.R. 2565 into H.R. 2829, which would reauthorize the Office of National Drug Control Policy Act. This amended measure was approved by the Government Reform Committee on June 16, 2005.