THE CLEAN SPORTS ACT OF 2005

Chairman Tom Davis and Ranking Member Henry Waxman are today introducing "The Clean Sports Act of 2005" with companion legislation in the Senate to be introduced by Senator John McCain. The Davis-Waxman legislation would amend the Office of National Drug Control Policy Act with the following key provisions:

Strict, Uniform Performance-Enhancing Drug Standards for Professional Sports. The legislation requires that Major League Baseball, the National Football League, the National Basketball Association, and the National Hockey League adopt standards that are consistent with, and at least as stringent as, the Olympic standard established by the U.S. Anti-Doping Agency.

Minimum Testing Requirements. At a minimum, each league must adopt the list of prohibited performance-enhancing drugs included in the Olympic Anti-Doping Code. This list includes steroids, amphetamines and other illegal stimulants, illegal hormones, and "illegal methods," such as blood or gene doping. At minimum, each league must test each player, on an unannounced basis at least three times during the regular season and at least twice during the off-season. The testing policies and procedures must be independently administered.

Penalties for Players. Each professional league must adopt the same stringent penalties for positive tests as the Olympic standard: a two-year ban for the first violation, and a lifetime ban for the second.

Fairness to Players. The legislation guarantees that players who test positive receive their due process rights, including the right to notice, a fair, timely, and expedited hearing, the right to be represented by counsel, and the right to appeal. The legislation also allows penalties to be reduced for a positive test if the athlete establishes that he did not know or suspect, and could not reasonably have known or suspected, that he had used the prohibited substance.

Role of the ONDCP Director. The ONDCP Director is given the authority to require that additional professional sports leagues, or NCAA Division I and II sports, meet the same stringent standards as MLB, the NFL, the NBA, and the NHL. The Director may also modify the standards for individual leagues for exceptional circumstances, provided that these modifications do not reduce the effectiveness of the standards.

Commission on High School and College Athletics and GAO Report. The legislation establishes a Commission to report on the use of performance-enhancing drugs in high school and college athletics, and to provide recommendations for reducing their use. The legislation also requires GAO to conduct a study on the use of performance-enhancing substances by college athletes and examine existing prohibited substance policies and testing procedures.