

Calendar No. 527

**106th Congress }
2d Session }**

SENATE

**{ REPORT
{ 106-278**

AMATEUR SPORTS INTEGRITY ACT

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 2340



MAY 3, 2000.—Ordered to be printed

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WASHINGTON : 2000

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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AMATEUR SPORTS INTEGRITY ACT

MAY 3, 2000.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 2340]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2340) “A Bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes”, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of the bill is twofold: First, the legislation would establish a grant program, administered by the National Institute of Standards and Technology, to support research and training in methods of detecting the use of performance-enhancing substances by athletes. The bill further provides that such a program would include an education and intervention component aimed at informing amateur athletes of the risks and harm of using such substances.

Second, S. 2340 establishes a ban on gambling on Olympic, college, and high school athletic events, or gambling on any competition in which a college, or high school athlete is competing. This ban is a response to the specific recommendation of the National Gambling Impact Study Commission (NGISC), and closes a loophole in the Professional and Amateur Sports Act (PASPA).

BACKGROUND AND NEEDS

The role that Olympic and amateur sports play in America far exceeds the obvious nature of competition. At the high school and college level, organized sports, both male and female, serve as laboratories where student athletes strive for excellence by applying the highest ideals of the American character: team work, self-sacrifice, perseverance individual courage and excellence. The Olympic games are the transcendent athletic competition. For a few weeks, every two years, the world comes together to cheer for a competition that holds forth, not who we are, but who we want to be. Tragically, recent years have seen the Olympic and amateur athletic movement threatened by the compounded scourge of an explosion in gambling and the use of performance enhancing drugs. This scourge threatens to undermine the fundamental integrity of Olympic and amateur sports competition. The Amateur Sports Integrity Act addresses critical elements necessary to preserve the honesty and integrity of amateur sports competition, and to preserve the virtue and health of its most precious commodity, the young men and women who strive for excellence through athletic competition.

The Amateur Sports Integrity Act holds forth two fundamental tenets: The integrity of amateur athletic competition must not be corrupted through the use of performance-enhancing drugs, and that our young men and women participating in amateur athletic competition should not be reduced to a point spread and a spectacle for wagering, placing our student-athletes at the mercy of bettors and bookies.

The NGISC was established in 1996 by Public Law 104–169. The NGISC was charged with conducting a comprehensive legal and factual study of the social and economic impacts of gambling on (1) Federal, State, local, and native American tribal governments and (2) communities and social institutions including individuals, families, and businesses, which compose them. The NGISC was a non-partisan commission, with members appointed by both the majority and minority in Congress, and by the President.

In its final report, the NGISC cited the testimony of Nancy Price to the Commission. “State sanctioned sports betting conveys the message that sports are more about money than personal achievement and sportsmanship. In these days of scandal and disillusionment, it is important that youngsters receive this message . . . sports betting threatens the integrity of and public confidence in professional and amateur team sports, converting sports from wholesome athletic entertainment into a vehicle for gambling . . . sports gambling raises people’s suspicions about point-shaving and game-fixing . . . All of this puts undue pressure on players, coaches, and officials.”¹

Under the Wire Act of 1961 (18 U.S.C. 1084) gambling businesses are prohibited from using wire communications to transmit bets, wagers, or information that assists in the placing of bets or wagers either through a means of interstate, or foreign commerce. This statute makes specific reference to the placing of bets or wagers on sporting events or contests. Though the Wire Act prohibits

¹Submitted testimony of Nancy Price to the NGISC in Las Vegas, Nevada, November 10, 1998, National Gambling Impact Study Commission—Final Report, pages 3–9.

interstate sports gambling, it left unaddressed the question of state-sanctioned sports gambling.

On October 28, 1992, President Bush signed into law PASPA. PASPA prohibits the expansion of state-sanctioned, authorized, or licensed gambling on sports. PASPA grandfathered sports gambling in four states—Nevada, Oregon, Montana, and Delaware.

Under PASPA, each of these states may legalize gambling on college sports, although only Nevada has done so. Oregon runs a state lottery game based on games played in the National Football League. Delaware and Montana offer no form of legalized sports gambling. Currently 142 legal sports books operate in Nevada. “Bettors wagered \$2.3 billion in Nevada’s licensed sports books in fiscal 1998, according to Russell Guindon, senior research analyst for the board.”²

Aside from the contradictory message that legalized gambling on college sports sends to our nation’s youth, the Vegas college gambling operations fuel a much larger, and nationwide illegal betting business. The NGISC stated in its Final Report “[L]egal sports wagering, especially the publication in the media of Las Vegas and offshore-generated point spreads, fuels a much larger amount of illegal wagering.”³

Though betting on college sports is illegal in all states but Nevada, and sports betting in general is illegal in 48 states, the Vegas sports line can be found in newspapers, on the radio, television, and the Internet nationwide. The point-spreads are generated for no other reason than to facilitate betting on college sports. The result is a substantial problem with illegal sports betting that places our nation’s college athletes at the mercy of bookies and bettors.

Betting on college campuses is widespread. According to Cedric Dempsey, Executive Director of the NCAA, “[T]here is evidence more money is spent on gambling on campuses than on alcohol Every campus has student bookies. We’re also seeing an increase in the involvement of organized crime in sports wagering.”⁴ Such illegal campus betting, fueled by the Vegas line, is not limited to dormitory gambling by students, but extends to student athletes as well. A University of Michigan study found that more than 45 percent of male collegiate football and basketball athletes admit to betting on sporting events. More than 5 percent of male student athletes provided inside information for gambling purposes, bet on a game in which they participated, or accepted money for performing poorly in a game.⁵ A just-released report entitled “NCAA Division I Officials: Gambling with the Integrity of College Sports?” documents that 40 percent of Division I sports officials bet on sports, and that fourteen of the respondents in the study indicated “they were aware of other officials who did not call games fairly because of gambling reasons.”⁶

²“Ban on College Sports Betting Could Cost State Books Millions,” Las Vegas Review-Journal, May 18, 1999.

³National Gambling Impact Study Commission, *Supra* note 1, 3–9.

⁴“NCAA Says Lady Vols Not Safe from Gamblers,” Knoxville News-Sentinel, August 6, 1998, C1.

⁵“The Extent and Nature of Gambling Among College Student Athletes,” Michael E. Cross and Ann G. Vollano, University of Michigan Athletic Department, 1999.

⁶“NCAA Division I Officials: Gambling with the Integrity of Sports?” Ann G. Vollano and Derrick L. Gragg, The University of Michigan Department of Athletics, 2000.

The Vegas sports gambling industry asserts that their betting business, by virtue of being limited to Nevada and heavily regulated, poses no threat to college sports nationwide. In fact, the opposite is true. Anyone can be a bookie. The challenge is in promoting the idea of betting and in getting a reliable sports line out. The Nevada college betting industry does both for illegal betting operations nationwide.

In addition, some of the most high profile point shaving scandals have been facilitated by the Vegas betting industry. Both the Arizona State and Northwestern University scandals involved heavy betting among participants in Nevada sports books. In the Northwestern case, the Nevada sports book activity went completely undetected.

In a February 1, 2000 press conference, Kevin Pendergast, the young man who orchestrated the Northwestern University gambling scandal discussed the critical role of the Las Vegas sports books in his scheme "My local bookie could not have covered a \$20,000 bet on a game that was fixed, and conscience would not let me cheat someone I know." Steve DuCharme, of the Nevada State Gaming Control Board, estimates that millions of dollars of illegal money is laundered through Nevada sports books.⁷

The Vegas sports betting industry argues that it plays a vital role in exposing point-shaving schemes, and therefore prevents, rather than contributes to illegal gambling and point-shaving activities. First, this is a cart before the pony argument. The Vegas point-spread, in fact, facilitates illegal betting. It is a fact that illegal betting occurs. Point-shaving schemes result from illegal betting. Although the Nevada betting industry has, on a few occasions and very much after the fact, exposed such point-shaving schemes, it ignores the practical reality of the role that legal sports betting in Nevada plays as a catalyst in the entire illegal betting cycle. As coach Jim Calhoun stated in testimony before the Committee "[T]o me personally, and I know to many other coaches . . . the publishing of point spreads and the legalized gambling on college games in Nevada protects and legitimizes illegal activity."

Ironically, the most powerful argument for banning gambling on college sports comes from Nevada itself. Though one can go to a Nevada sports book and place a bet on a college team from California to Maine, one cannot place a bet on a Nevada college team, or on a competition involving a Nevada college team. Due to concern about the potential for corruption, placing a wager on Nevada teams is illegal in Vegas. The rationale for such a contradictory policy is rooted in the argument that geographic proximity makes these games vulnerable to corruption, a team playing outside Nevada is less vulnerable to the machinations of bookies and bettors than one playing inside the state. This argument fails to reflect the practical reality of today's society.

Finally, the American Gaming Association, and others who support continuing the practice of betting on Olympic, college, and high school athletes argue that the NGISC set forth that gambling activities should be regulated by the states. They point to seemingly contradictory statements contained in the recommendations

⁷ Sports Business Journal, February 1-7, 1999, p. 33.

section of the Commission's Final Report. Recommendation 3-1 states "[T]he Commission recommends to state governments and the federal government that states are best equipped to regulate gambling within their own borders." Recommendation 3-7 states "[T]he Commission recommends that betting on collegiate and amateur athletic events that is currently legal be banned altogether."⁸

Opponents of S. 2340 have misconstrued these statements so as to conclude that the Commission recommended vesting authority with the states to ban betting on college and high school children. The more reasoned interpretation of the Commission's final report is quite the opposite. While the Commission has recognized traditional authority of the states, the Federal government, through PASPA, maintains jurisdiction over sports wagering. "Throughout the Report, the Commission did not attempt to dispute or change any of the existing jurisdictional arrangements between the Federal, State and tribal governments. The intent of the Commission's recommendation was to close the loophole in the 1992 Act, a recommendation requiring Federal action."⁹

The Amateur Sports Integrity Act is supported by a broad array of athletic organizations, pro-family groups, consumer groups, and universities. While this bill may not end all gambling on college sports, it will send the message that betting on college sports by college students is illegal and has significant social costs. A ban will help reduce or eliminate published point spreads on college games in newspapers, which feed illegal betting activity. Most important, by a ban on college sports gambling will end a practice that has cost college athletes as items to be bet upon, exposing them to unwarranted pressure, bribery, and corruption.

Collegiate athletic competition is supposed to represent the principles of pure competition and excellence. Collegiate competition serves as a laboratory classroom where young student athletes struggle to apply the highest ideals of the American character: courage in the face of adversity, discipline, teamwork, and self-sacrifice. These ideals and lessons are of particular importance in today's society. These ideals should not be reduced to a spectacle for wagering.

The use of performance enhancing drugs likewise threatens the fundamental integrity of athletic competition. Recent years have seen an escalation, both in the use and the sophistication of techniques for the use of such substances. On October 20, 1999, the Commerce Committee held a Full Committee hearing on the topic of performance enhancing drug use in athletic competition. The use of banned substances poses both a threat to the integrity of competition, and a very real public health concern. Dr. Jerry Wadler testified that "[D]oping is a matter of ethics, which affects not only Olympic athletes but also youth, high school, college and profes-

⁸National Gambling Impact Study Commission, Final Report—Report Recommendations, June 18, 1999.

⁹Kay James, Chairman—National Gambling Impact Study Commission, March 29, 2000 letter to Chairman McCain responding to request for clarification of NGISC recommendations.

sional athletes. The fact is, doping threatens to undermine the ethical and physical well being of children.”¹⁰

The Committee heard testimony regarding the need for independent testing agencies at both the IOC and USOC levels. Both organizations have now established testing agencies. Further, the Committee heard testimony regarding the need for increased funding for research designed to foster new strategies and technologies to detect and verify the use of banned substances. General McCaffrey stated that “[R]ight now, research is inadequate to identify EPO, hGH, the whole range of artificial testosterone and other drugs that are coming on-line.”¹¹ Though recent years have seen a dramatic escalation in the variety and difficulty of detection of banned substances, little has been done to foster research into their detection. Dr. Wadler stated that “[N]ew drugs create new demands. For example, the use of endogenous substances” that is, substances that occur naturally in our bodies, such as testosterone, human growth hormone (hGH) and erythropoietin (EPO) “creates the need for a higher ground of independent, peer-reviewed science coupled with credible year round out-of-competition, random and unannounced testing.”¹²

The Committee is particularly disturbed by the growth in the use of performance enhancing drugs by adolescents, and the ease of access to such drugs through the Internet. As General Barry McCaffrey stated during testimony before the Committee “[W]e have widespread use of doping agents throughout the United States among young adolescents. We are talking 550,000[sic] kids used steroids in 1995, and the number is undoubtedly greater now. We are talking about a situation where you can get on the Internet, order these drugs with the participation, perhaps, of your team doctor or team coach. They can come to your home through international mail, and you can be involved in destructive chemical engineering of your own body.”¹³

The Amateur Sports Protection Act establishes a grant program, administered by the National Institute of Standards and Technology, to support research and training in methods of detecting the use of performance-enhancing substances by athletes. S. 2340 further provides that such a program would include an educational component aimed at informing amateur athletes of the risks and harm of using such substances. By targeting resources at both research and development and education, the Act begins the process of reversing the trend of drug use in sports, and aims to restore the integrity of athletic competition. In the words of Nancy Hogshead, U.S. Olympic medalist in swimming “[D]oping is a scourge

¹⁰Testimony of Dr. Jerry Wadler, 10/20/99 Senate Committee on Commerce, Science and Transportation hearing on the Effect of Performance Enhancing Drugs on the Health of Athletes and Athletic Competition.

¹¹Testimony of General Barry McCaffrey, Director—White House Office of National Drug Control Policy, 10/20/99 Senate Committee on Commerce, Science and Transportation hearing on the Effect of Performance Enhancing Drugs on the Health of Athletes and Athletic Competition.

¹²Testimony of Dr. Jerry Wadler, 10/20/99 Senate Committee on Commerce, Science and Transportation hearing on the Effect of Performance Enhancing Drugs on the Health of Athletes and Athletic Competition.

¹³Testimony of General Barry McCaffrey, Director—White House Office of National Drug Control Policy, 10/20/99 Senate Committee on Commerce, Science and Transportation hearing on the Effect of Performance Enhancing Drugs on the Health of Athletes and Athletic Competition.

that afflicts all athletes, those who are clean and those who are not, those who are on the podium and those who dream of greatness on the fields and arenas around the world. It ruins the lives, reputations and health of thousands of athletes world wide, and it erodes the public trust in the Olympic movement.”¹⁴

LEGISLATIVE HISTORY

On April 13, 2000, the Committee met in open executive session to consider S. 2340. By voice vote, the Committee adopted technical amendments offered by Senator McCain and considered amendments offered by Senator Stevens, Breaux, and Bryan.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 2000.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2340, the Amateur Sports Integrity Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Hadley.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2340—Amateur Sports Integrity Act

Summary: S. 2340 would authorize the National Institute of Standards and Technology (NIST) to make grants for research on performance-enhancing substances and methods for detecting their use by athletes. The bill also would authorize NIST to make grants to fund prevention and intervention programs related to the use of performance-enhancing substances by high school or college athletes. S. 2340 would prohibit government entities from sponsoring or authorizing gambling schemes based on amateur games or performances by high school, college, or Olympic athletes. Finally, the bill would require the Attorney General and the Secretary of Education to review the policies, procedures, and practices of colleges concerning illegal gambling and athletic contests.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2340 would cost \$25 million over the

¹⁴Testimony of Nancy Hogshead, 10/20/99 Senate Committee on Commerce, Science and Transportation hearing on the Effect of Performance Enhancing Drugs on the Health of Athletes and Athletic Competition.

2001–2005 period: The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2340 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would prohibit any governmental entity or the private-sector from operating or authorizing any wagering on amateur sports and also would require colleges to compile and report gambling information and policies in a specified manner. CBO estimates that the costs associated with complying with the mandates would not exceed the thresholds established by UMRA (\$55 million for intergovernmental mandates and \$109 million for private-sector mandates in 2000, adjusted annually for inflation). The bill also would establish grant programs that could benefit public and private educational institutions.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2340 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	7	7	7	7	7
Estimated Outlays	1	4	6	7	7

Basis of estimate: S. 2340 would authorize \$7 million a year over the 2001–2005 period for NIST to make grants to research the use of performance enhancing drugs, and to discourage drug abuse. For the purposes of this estimate, CBO assumes that all authorized amounts will be appropriated near the beginning of each fiscal year and that outlays will follow the historical spending patterns of other NIST's grant programs.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments and the private sector: S. 2340 contains intergovernmental and private-sector mandates as defined by UMRA. CBO estimates that complying with these mandates would not exceed the threshold established in UMRA (\$55 million for intergovernmental mandates and \$109 million for private-sector mandates in 2000, adjusted annually for inflation). CBO estimates that the prohibition on wagering on amateur sports would reduce revenues in the state of Nevada by approximately \$2 million a year. Based on information from the Nevada Gaming Control Board, CBO estimates that the private sector would lose about \$40 million annually because of this prohibition. In addition, CBO estimates that the requirement that colleges report certain gambling information and policies would increase costs to public and private colleges and universities. The amount of any increase is uncertain, but expected to be small because the colleges are already required to compile similar information on crime and policies on substance use.

S. 2340 could also benefit public and private educational institutions to the extent that they qualify for grants that would be established by the bill. The bill would authorize \$4 million annually for fiscal years 2001 through 2005 for drug research and detection

grants and \$3 million annually for fiscal years 2001 through 2005 for intervention and prevention grants.

Estimate prepared by: Federal costs: Mark Hadley. Impact on State, local, and tribal governments: Shelly Finlayson. Impact on the private sector: Jean Wooster.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because S. 2340 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number of types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

NUMBER OF PERSONS COVERED AND ECONOMIC IMPACT

Currently, wagering on college sports is legal in only the State of Nevada. Sports gambling in Nevada generated approximately \$2.3 billion in 1999 for legal sports books, and college sports betting comprised 33% of this total. Casinos retained \$99 million. Though this number seems high, betting on college sports represents a relatively small segment of the \$10.1 billion in total casino revenues for the same year. (The amount bet on college sports is only three-tenths of 1 percent of the overall casino take.)

PRIVACY AND PAPERWORK

This legislation will not have any adverse impact on the personal privacy of individuals and will not require additional paperwork.

SECTION-BY-SECTION ANALYSIS

TITLE I—PERFORMANCE ENHANCING DRUGS

Section 101. Short title

This section provides that this title may be cited as the “Athletic Performance-Enhancing Drugs Research and Detection Act.”

Sec. 102. Research and detention program established

(a) Requires the Director of NIST to establish a program to support research into the use of performance-enhancing drugs and methods of detecting their use.

(b) Describes the type of research to be funded by the grant. The subsection requires the Director to consider funding research into substances banned by the International Olympic Committee, the United States Olympic Committee, the National Collegiate Association, the National Football League, the National Basketball Association, and Major League Baseball. Specific substances to be studied should include naturally-occurring steroids, testosterone, human growth hormone and erythropoietin. The grants should also

fund research on different population groups to ensure the tests are applicable to men, women, and differing ethnic groups. The subsection also prohibits use of the grants for research into drugs of abuse, such as cocaine or marijuana.

(c) Establishes procedures for the award of grants. The subsection requires the Director to establish appropriate scientific peer review procedures for evaluating grant applications and results of research funded. The Director is also required to establish minimum criteria for the award of grants. Applicants must demonstrate a record of publication and research in the area of athletic drug testing; provide a plan detailing the direct transfer of the research to lab applications; and certify that it is a not for profit research program.

(d) Authorizes \$4 million per year for fiscal years 2001, 2002, 2003, 2004, and 2005 to carry out the purposes of this section.

Sec. 103. Prevention and intervention programs

(a) Requires the Director of NIST to establish a grant program to fund educational substance abuse prevention and intervention programs related to the use of performance enhancing drugs. The subsection also requires the Director to establish minimum criteria for grant applicants.

(b) Requires a minimum grant award of no less than \$300 thousand dollars per recipient.

(c) Authorizes \$3 million per year for fiscal years 2001, 2002, 2003, 2004, and 2005 to carry out the purposes of this section.

TITLE II—GAMBLING

Sec. 201. Prohibition on gambling on competitive games involving high school and college athletes and the olympics

Amends the Ted Stevens Olympic and Amateur Sports Act to create a new subchapter III, section 220541 of title 36, United States Code.

The new section does the following:

- (1) It makes it unlawful for any governmental entity to sponsor, operate, advertise, promote, license, or authorize, or any person, including an amateur sports organization or a corporate sponsor of an organization to sponsor, operate, advertise, or promote a lottery, contest, sweepstake, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described under the Act, including a sweepstakes or contest that includes prizes related directly or indirectly to such a covered game or performance.

(2) It defines covered games and performances as any Summer or Winter Olympic competition, any high school or college athletic competition, or any athletic competition where one or more high school or college athletes compete.

(3) It makes clear that the prohibition established under this Act applies notwithstanding any other provision of law.

(4) It provides for civil action to enjoin activities prohibited under the Act. The civil action may be brought in the appropriate federal district court by the United States Attorney General, a local education agency, college, or sports organization whose competitive game is alleged to be the basis of the violation.

(5) It defines the following terms used in the section:

- “High school” as having the same meaning as “secondary school” in section 14101 of the Elementary and Secondary Education Act of 1965 (U.S.C. 8801) or (ESEA).
- “College” as having the same meaning as institution of higher education in the ESEA.
- “Local education agency” as having the same meaning as that term in the ESEA.

(6) It requires colleges and universities to include as part of the reporting requirements under section 1092(f) of title 20, United States Code, information on illegal gambling activity, including gambling over the Internet, a statement of the college or university’s policy regarding under-age and other illegal gambling activity in the form and manner required for statements of policy on alcoholic beverages and illegal drugs required under the same section of title 20. This policy statement should include a description of any gambling abuse education programs available to students and employees of the institution. Further, the Act provides that the Attorney General of the United States, in consultation with the Secretary of Education, shall periodically review the policies, procedures, and practices of colleges and universities concerning campus crimes and security related directly or indirectly to illegal gambling, and the integrity of athletic contests in which students of that college participate.

ROLLCALL VOTES IN COMMITTEE

In accordance with paragraph 7(c) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following description of the record votes during its consideration of S. 2340:

Senator Bryan offered an amendment to preserve the grandfather provision for college sports wagering in the Professional and Amateur Sports Protection Act. By rollcall vote of 2 yeas and 16 nays as follows, the amendment was defeated:

YEAS—2	NAYS—16
Mr. Breaux	Mr. Stevens
Mr. Bryan	Mr. Burns
	Mr. Gorton
	Mr. Lott ¹
	Mrs. Hutchison
	Mr. Ashcroft ¹
	Mr. Frist
	Mr. Brownback
	Mr. Hollings
	Mr. Inouye
	Mr. Rockefeller
	Mr. Kerry
	Mr. Dorgan
	Mr. Wyden
	Mr. Cleland
	Mr. McCain

¹ By proxy.

Senator Bryan offered an amendment to establish a national minimum gambling age. By rollcall vote of 5 yeas and 13 nays as follows, the amendment was defeated:

YEAS—5	NAYS—13
Mr. Brownback	Mr. Stevens
Mr. Inouye	Mr. Burns
Mr. Rockefeller	Mr. Gorton
Mr. Breaux	Mrs. Hutchison
Mr. Bryan	Mr. Lott
	Ms. Snowe
	Mr. Frist
	Mr. Hollings
	Mr. Kerry
	Mr. Dorgan
	Mr. Wyden
	Mr. Cleland ¹
	Mr. McCain

¹ By proxy.

Senator Bryan offered 2 amendments, en bloc, to require amateur sports organizations to establish a dedicated funding source for gambling abuse programs and to require colleges to implement programs to reduce illegal gambling by students and employees. By rollcall vote of 5 yeas and 14 nays as follows, the amendments were defeated:

YEAS—5	NAYS—14
Mr. Lott	Mr. Stevens ¹
Mr. Inouye	Mr. Burns
Mr. Rockefeller	Mr. Gorton
Mr. Kerry	Mrs. Hutchison
Mr. Bryan	Ms. Snowe
	Mr. Ashcroft ¹
	Mr. Frist
	Mr. Brownback
	Mr. Hollings
	Mr. Breaux
	Mr. Dorgan
	Mr. Wyden ¹
	Mr. Cleland ¹
	Mr. McCain

¹ By proxy.

Senator Bryan offered an amendment to require colleges to report information and develop enforcement policies on illegal gambling. By rollcall vote of 16 yeas and 3 nays as follows, the amendment was adopted:

YEAS—17	NAYS—2
Mr. Stevens ¹	Mr. Hollings
Mr. Burns	Mr. Wyden ¹
Mr. Gorton	
Mr. Lott	
Mrs. Hutchison	
Ms. Snowe	
Mr. Ashcroft ¹	
Mr. Frist	
Mr. Brownback	
Mr. Inouye	
Mr. Rockefeller	
Mr. Kerry	
Mr. Breaux	
Mr. Bryan	
Mr. Dorgan	
Mr. Cleland ¹	
Mr. McCain	

¹ By proxy.

Senator Bryan offered an amendment to require colleges to establish zero tolerance policies for illegal gambling by student athletes. By rollcall vote of 3 yeas and 15 nays as follows, the amendment was defeated:

YEAS—3	NAYS—15
Mr. Rockefeller	Mr. Stevens ¹
Mr. Bryan	Mr. Burns
Mr. Dorgan	Mr. Gorton
	Mr. Lott
	Mrs. Hutchison
	Mr. Ashcroft ¹
	Mr. Frist
	Mr. Brownback
	Mr. Hollings
	Mr. Inouye
	Mr. Kerry
	Mr. Breaux
	Mr. Wyden ¹
	Mr. Cleland ¹
	Mr. McCain

¹ By proxy.

Senator Bryan offered an amendment to require colleges to condition the receipt of Federal funds on the requirement that colleges spend advertising revenues related to the sale of alcoholic beverages on gambling, drug, and alcohol abuse prevention. By rollcall vote of 2 yeas and 17 nays as follows, the amendment was defeated:

YEAS—2	NAYS—17
Mr. Rockefeller	Mr. Stevens ¹
Mr. Bryan	Mr. Burns
	Mr. Gorton
	Mr. Lott
	Mrs. Hutchison
	Ms. Snowe
	Mr. Ashcroft ¹
	Mr. Frist
	Mr. Brownback
	Mr. Hollings
	Mr. Inouye
	Mr. Kerry
	Mr. Breaux
	Mr. Dorgan
	Mr. Wyden
	Mr. Cleland ¹
	Mr. McCain

¹ By proxy.

MINORITY VIEWS OF SENATOR BRYAN

There is universal agreement that illegal wagering on college sports, particularly such wagering by underage college students, including student-athletes, is a serious national problem. The National Collegiate Athletic Association (NCAA) testified before this Committee, as they did before the National Gambling Impact Study Commission (NGISC), that there are illegal student bookies on virtually every college campus in the country, including some individuals with links to organized crime. The matter is so serious that some students have actually been threatened with bodily harm to collect gambling debts owed to illegal student bookies.

The NCAA has known at least since the three-part investigative series published by Sports Illustrated in 1995 that the illegal gambling problem on America's college campuses was widespread and growing. A recent University of Michigan survey found that nearly half of all male student-athletes nationwide (45 percent) gambled illegally on college and professional sports. A nationwide survey of NCAA Division I male basketball and football student-athletes conducted for the NCAA by a University of Cincinnati research team found that over one-fourth gambled on college sports. Sadly, a small number in each survey gambled on games in which they played.

Beyond the broader issue of the extent to which student-athletes, and students generally, gamble on sports illegally, there are the troubling cases of improper influence being exerted on student-athletes by those who seek financial gain from placing sports wagers on "fixed" games. This reprehensible conduct has reared its ugly head on occasion since at least the 1940s, particularly in the context of college basketball.

While the NCAA's recent rhetoric leaves the impression that such "point-shaving" or "fixing" of games is rampant, we can be thankful that the record belies the rhetoric. The two recent scandals of this type (those at Northwestern University and Arizona State University) took place over five years ago in the mid-1990s. The integrity of virtually all those who compete in college athletics is verified by the fact that there were a handful of such scandals in the 1990s out of the thousands of games played. While not a single sports bribery scandal should be tolerated, we need to know why they occur and by what means. The record is clear for those student-athletes who have violated the trust of their teammates and schools by engaging in illegal sports wagering. As a result of their illegal wagering, they put themselves in debt to the point where they committed heinous acts of betrayal to pay off those debts to illegal bookies.

If merely passing laws prohibiting unregulated sports gambling were enough to stop it, the practice would not be so widespread today. Sports gambling has been illegal for decades in almost every

state, and Congress acted in 1992 to prevent states from adding sports-based games to their state lotteries. The same statute, the Professional and Amateur Sports Protection Act, also prohibits persons from engaging in sports-based wagering schemes, contests, and sweepstakes.

Similarly, wagering on sports of any kind, college or professional, is already a violation of NCAA bylaw 10.3. A review of the NCAA's publicly available computer database of rules infractions cases indicates that, as of 1998 (the last year for which cases are posted), enforcement of bylaw 10.3 is infrequent and spotty at best. The database reveals that the NCAA brought only 23 enforcement actions against student-athletes from 1996 to 1998, even though the University of Michigan and University of Cincinnati studies indicate that thousands of violations occurred. In some of the 23 cases, the violations centered on such routine practices as students wagering jerseys with each other. In the face of organized student book-making operations with links to organized crime handling large sums of cash wagers, such an enforcement "strategy" is at best misplaced.

Against this backdrop of a serious national problem with illegal sports gambling, this legislation takes the very peculiar approach of targeting the only place in America where sports wagering is legal, regulated, policed, taxed, and confined to adults over age 21—the State of Nevada. Furthermore, the facts are that legal wagering in Nevada amounts to only about one percent of all sports gambling nationwide, 99 percent of which is already illegal. The central question then, which supporters of the bill fail to answer adequately, is how does preventing adult tourists and conventioners from placing sports wagers in Nevada affect what happens on and off college campuses in the other 49 states. Each of the attempted answers to this central question is completely unconvincing.

First, we were told that eliminating the small amount of legal sports wagering in Nevada will cause newspapers not to publish betting lines or point spreads. The NCAA has threatened for years to deny NCAA-sponsored tournament press credentials to newspapers that publish betting lines, but they have never done so. These hollow threats are further evidence of the futility of this exercise. Furthermore, neither this Committee nor the NGISC took testimony from newspapers to determine if in fact they would cease publishing betting lines if sports gambling were made illegal in Nevada. Similarly, no testimony was taken to determine whether illegal sports wagering would be reduced even if newspapers ceased publishing this information. It is not too much to ask that such due diligence be conducted before a legal industry and its employees are legislated out of existence.

Secondly, we have been told that this legislation, while admittedly no panacea, will "send a message" to students and others that sports gambling is illegal. Again, there is a complete absence of any empirical evidence or fact-based testimony that America's college students, or adults for that matter, will heed such a so-called "message." By this logic, we should reinstate Prohibition on serving alcohol to adults over the age of 21 to "send a message" to minors about drinking and to reduce binge drinking by underage students

on college campuses. The absurdity of such an approach is self-evident, and it applies with equal force to this legislation.

The real message that this legislation will send is that shirking responsibility and pointing fingers at others is the appropriate manner in which to handle a serious national problem. Everyone should agree that a problem so pervasive on college campuses should be addressed comprehensively and with a serious commitment from the NCAA and its member institutions, including federal requirements enshrined in appropriate legislation. While we heard considerable rhetoric at our hearing concerning what the NCAA intends to do about illegal gambling on college campuses, there was very little testimony concerning what concrete steps the NCAA has taken to date. For example, the chairman of the NCAA's executive committee testified that during the ten years he has served as president of his university, he could not recall a single case of a student being expelled or otherwise disciplined for illegal gambling, even though he acknowledged there are illegal student bookies on his campus.

The Committee was repeatedly told by the sponsors of this legislation that the NCAA has plans to step up its anti-gambling initiatives. The facts belie the accuracy of those assurances. For example, the NCAA's total operating revenue for 1998-99 was \$283 million. Within the overall budget, there was a line item for "sports agents and gambling" that equaled \$64,000. Similarly, the line item for 1999-2000 is \$139,000 out of revenue of \$303 million. Only three of nearly 300 NCAA employees are assigned to gambling issues, and those persons have other responsibilities in addition to illegal sports gambling. "The NCAA's own presentations to the NGISC and in other venues indicate that there are many other important steps that should be taken, beyond what this legislation would do, to address the problem of illegal gambling on college campuses. The NCAA and its members have failed to follow through on the very steps they recommended to the commission just one year ago. For example, much was made at our hearing about the NCAA's use of a new public service announcement (PSA) during the telecast of the men's basketball tournament. There was little evidence that this PSA was shown either frequently or during times of maximum audience exposure. Furthermore, there is no indication that the NCAA followed the recommendation of the NGISC that specific PSA commitments be written into the NCAA's television contracts. A \$6 billion, 11-year deal for the television rights to the men's "March Madness" basketball tournament was signed by the NCAA with CBS Sports after the NGISC made this recommendation in its Final Report.

There is a serious need for a combination of enforcement, education, and counseling initiatives to address illegal gambling by high school and college students. Unfortunately, the Committee took no testimony from those individuals on campus, in our states, and at the federal level who are charged with enforcing the laws that already make this activity illegal. Similarly, we heard very little from professionals whose job it is to educate students about the dangers of gambling abuse and to counsel those who suffer from such problems.

Finally, while this bill directly impacts Nevada, we should be alarmed by the precedent that would be established if this bill becomes law. For over two hundred years the federal government has deferred to the States to determine the scope and type of gaming that should be permitted within their borders. The Professional and Amateur Sports Protection Act preempted that authority as it relates to sports wagering, but only prospectively. If Congress sees fit to overturn Nevada's sports wagering statutes that have been on the books for decades, it sets a dangerous precedent that should be cause for concern for the other 47 states with some form of legal gaming operations.

RICHARD H. BRYAN.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT

[36 UNITED STATES CODE 220501 ET SEQ.]

SUBCHAPTER III—MISCELLANEOUS

§220541. *Unlawful sports gambling: Olympics; high school and college athletes*

(a) *PROHIBITION.—It shall be unlawful for—*

(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

(2) a person, including an amateur sports organization (as defined in section 3701 of title 28), or a corporate sponsor of such an organization, to sponsor, operate, advertise, or promote, a lottery, contest, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described in subsection (b), including a sweepstakes or contest that includes prizes related directly or indirectly to such a covered game or performance.

(b) COVERED GAMES AND PERFORMANCES.—A competitive game or performance described in this subsection is the following:

(1) One or more competitive games at the Summer or Winter Olympics.

(2) One or more competitive games in which high school or college athletes participate.

(3) One or more performances of high school or college athletes in a competitive game.

(c) APPLICABILITY.—The prohibition in subsection (a) applies to activity described in that subsection without regard to whether the activity would otherwise be permitted under subsection (a) or (b) of 3704 of title 28. The prohibition in subsection (a) does not apply to an activity otherwise described in that subsection if all of the amounts paid by the participants, as an entry fee or otherwise are—

(1) paid out to winning participants; or

(2) contributed to a charitable organization.

(d) INJUNCTIONS.—A civil action to enjoin a violation of subsection (a) may be commenced in an appropriate district court of the United States by the Attorney General of the United States, a local educational agency, college, or sports organization, including an amateur sports organization or the corporation, whose competitive game is alleged to be the basis of such violation.

(e) *DEFINITIONS.—In this section:*

(1) *HIGH SCHOOL.—The term “high school” has the meaning given the term ‘secondary school’ in section 14101 of the Elementary and Secondary Education Act of 1965 (U.S.C. 8801).*

(2) *COLLEGE.—The term “college” has the meaning given the term “institution of higher education” in section 101 of the Higher Education Act of 1965 (20 U.S.C. 8801).*

(3) *LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).*

(f) *GAMBLING ENFORCEMENT INFORMATION AND POLICIES.—*

(1) *REPORTING REQUIRED.—Each college shall include statistics and other information on illegal gambling, including gambling over the Internet, in addition to the other criminal offenses on which the college is required to report under section 1092(f) of title 20, in the form and manner prescribed by that section.*

(2) *STATEMENT OF POLICY.—Each college shall include a statement of policy regarding under-age and other illegal gambling activity in the form and manner required for statements of policy on alcoholic beverages and illegal drugs under section 1092(f) of title 20, including a description of any gambling abuse education programs available to students and employees of that college.*

(3) *ATTORNEY GENERAL REVIEW REQUIRED.—Notwithstanding paragraph (2) of section 1092(f) of title 20, the Attorney General shall, in consultation with the Secretary of Education, periodically review the policies, procedures, and practices of colleges concerning campus crimes and security related, directly or indirectly, to—*

(A) illegal gambling; and

(B) the integrity of athletic contests in which students of that college participate.