

109TH CONGRESS
1ST SESSION

S. 1974

To provide States with the resources needed to rid our schools of performance-enhancing drug use.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2005

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide States with the resources needed to rid our schools of performance-enhancing drug use.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Free Varsity
5 Sports Act of 2005”.

6 **SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORM-**
7 **ANCE-ENHANCING DRUGS.**

8 (a) PURPOSE.—The purpose of this section is to sup-
9 plement the other student drug-testing programs assisted
10 by the Office of Safe and Drug-Free Schools of the De-

1 partment of Education by establishing, through the Office,
2 a grant program that will allow State educational agencies
3 to test secondary school students for performance-enhanc-
4 ing drug use.

5 (b) PROGRAM AUTHORIZED.—The Secretary of Edu-
6 cation, acting through the Assistant Deputy Secretary of
7 the Office of Safe and Drug-Free Schools, shall award,
8 on a competitive basis, grants to State educational agen-
9 cies to enable the State educational agencies to develop
10 and carry out statewide pilot programs that test secondary
11 school students for performance-enhancing drug use.

12 (c) APPLICATION.—A State educational agency that
13 desires to receive a grant under this section shall submit
14 an application to the Secretary of Education at such time,
15 in such manner, and containing such information as the
16 Secretary may require.

17 (d) PRIORITY.—In awarding grants under this sec-
18 tion, the Secretary of Education shall give priority to
19 State educational agencies that incorporate community or-
20 ganizations in carrying out the recovery, counseling, and
21 treatment programs described in subsection (e)(1)(B).

22 (e) USE OF FUNDS.—

23 (1) DRUG-TESTING PROGRAM FOR PERFORM-
24 ANCE-ENHANCING DRUGS.—A State educational
25 agency that receives a grant under this section shall

1 use not more than 90 percent of the grant funds to
2 carry out the following:

3 (A) Implement a drug-testing program for
4 performance-enhancing drugs that is limited to
5 testing secondary school students who meet 1
6 or more of the following criteria:

7 (i) The student participates in the
8 school's athletic program.

9 (ii) The student is engaged in a com-
10 petitive, extracurricular, school-sponsored
11 activity.

12 (iii) The student and the student's
13 parent or guardian provides written con-
14 sent for the student to participate in a vol-
15 untary random drug-testing program for
16 performance-enhancing drugs.

17 (B) Provide recovery, counseling, and
18 treatment programs for secondary school stu-
19 dents tested in the program who test positive
20 for performance-enhancing drugs.

21 (2) PREVENTION.—A State educational agency
22 that receives a grant under this section shall use not
23 less than 10 percent of the grant funds to establish
24 statewide policies that discourage the use of per-

1 performance-enhancing drugs, through educational or
2 other related means.

3 (f) REPORT.—For each year of the grant period, a
4 State educational agency that receives a grant under this
5 section shall prepare and submit an annual report to the
6 Assistant Deputy Secretary of the Office of Safe and
7 Drug-Free Schools on the impact of the pilot program,
8 which report shall include—

9 (1) the number and percentage of students who
10 test positive for performance-enhancing drugs;

11 (2) the cost of the pilot program; and

12 (3) a description of any barriers to the pilot
13 program, as well as aspects of the pilot program
14 that were successful.

15 (g) DEFINITIONS.—In this section, the terms “State
16 educational agency” and “secondary school” have the
17 meanings given the terms in section 9101 of the Elemen-
18 tary and Secondary Education Act of 1965 (20 U.S.C.
19 7801).

20 (h) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section \$20,000,000
23 for fiscal year 2006.

24 (2) SEPARATION OF FUNDS.—The Secretary of
25 Education shall keep any funds authorized for this

1 section under paragraph (1) separate from any
2 funds available to the Secretary for other student
3 drug-testing programs.

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