

TESTIMONY OF ANTONIO DAVIS  
NBA PLAYER AND PRESIDENT OF THE  
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SEPTEMBER 28, 2005

BEFORE THE UNITED STATES SENATE  
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

ON  
S. 1114, the CLEAN SPORTS ACT AND S. 1334, the PROFESSIONAL SPORTS  
INTEGRITY AND ACCOUNTABILITY ACT

Mr. Chairman and Members of the Committee:

My name is Antonio Davis and I am the starting power forward for the Chicago Bulls as well as the President of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining. I appear today in response to the invitation of Chairman Stevens to testify.

As a professional athlete for over 15 years, I am appreciative of the Committee's interest in and concern about the use of steroids by professional athletes and others, particularly young adults and children, as evidenced by the legislation, S. 1114 and S. 1334, introduced by several members of this Committee.

I would like to begin by clearly stating the position of the NBPA. While we are confident in our belief that the use of steroids and other performance enhancing drugs are virtually non-existent in the NBA, we are committed to ensuring that the use of such drugs does not ever become an issue of concern.

To that end, in the recently concluded negotiations for the current Collective Bargaining Agreement between the NBPA and NBA we greatly strengthened the testing protocol for steroids, masking agents and performance enhancing drugs that was established in the 1999 Agreement. Our new Agreement signed two months ago today provides for random testing for all players of up to four (4) times during the NBA season, which covers the period from the start of training camp in October through the NBA Finals in late June. This new testing protocol is a significant change from the prior policy, which provided for random testing of all incoming players four (4) times during their rookie season and testing of veteran players once during the training camp period.

Additionally, all players remain subject to reasonable cause testing at any time. If an independent expert finds reasonable cause to believe that a player is using steroids the player may be tested up to four (4) times during the following six week period. The testing during this period may be administered at any time, without any prior notice to the player.

It is vitally important in the efforts to control the usage of steroids and other performance enhancing drugs that the list of banned substances for which players are tested remains current. Accordingly, in our Program that list is updated regularly by our Prohibited Substances Committee, comprised of three independent drug testing experts and a representative from both the NBPA and NBA. The Committee may be convened at any time to ban a substance that is either declared illegal by the Federal Government or is or reasonably likely to be physically harmful to players and is or is reasonably likely to

be improperly performance enhancing. I believe you will find our list of prohibited substances to be extremely comprehensive.

While our Anti-Drug Program has always had a strong emphasis on education and treatment rather than punishment, with a standard of progressive discipline for violators, the Anti-Drug Program does provide for substantial penalties, which have been significantly increased under our new agreement, for those who are caught using steroids and other performance enhancing drugs. A first time offender is automatically suspended for ten (10) games and is required to enter an education, treatment and counseling program established by the Program's Medical Director. For a second violation the player is suspended for twenty-five (25) games and required to re-enter the education, treatment and counseling program. For a third violation, the player is suspended for one (1) year from the date of the offense and is again required to enter the education, treatment and counseling program. If there is a fourth violation, the player is immediately dismissed and disqualified from the NBA. Also, any player who is disciplined for conduct involving steroids, performance enhancing drugs or masking agents, will have his identity, the particular drug used, and the penalty publicly disclosed.

In addition to severe penalties and increased frequency of testing, our Anti-Drug Policy is focused on education, treatment and counseling. During each season, every NBA player is required to attend and participate in a meeting where the dangers of steroid and performance enhancing drug use are discussed by drug counselors. Also, all rookie players are required to attend a week long Rookie Transition Program, before the

start of their first NBA season, during which numerous topics are addressed in detail, including the dangers of using steroids and performance enhancing drugs. Finally, the program's Medical Director supervises a national network of medical professionals, located in every NBA city, available to provide counseling and treatment to players.

Since testing for steroids and other performance enhancing drugs was instituted in 1999 there have been approximately 4200 tests conducted, with only 23 initial laboratory positive tests (less than one (1) percent). Of the 23 tests that were initially laboratory positives, only 3 satisfied the additional steps that are required for a sample to be confirmed as positive under our Anti-Drug Program, either because the player was terminated from employment prior to confirmation of his test result or because the Medical Director found a reasonable medical explanation for the test result. The three (3) players who had confirmed positive tests were immediately suspended.

Recognizing the increased scrutiny that steroid and other performance enhancing drug use has received in society, and particularly in professional sports, since our ground breaking agreement was reached in 1999, we have implemented significant and wholesale modifications in our new Anti-Drug Program to deal with the growing societal problem of the use of steroids and other performance enhancing drugs. We wanted to, and feel that we have, sent a strong and unequivocal message to society in general and our young fans in particular that we do not condone, support or accept the use of steroids and performance enhancing drugs in our sport. Our willingness to significantly increase

the frequency of testing that our players undergo, and increase the penalties imposed upon violators evidences the utmost concern that we have for this societal problem.

We continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that the changes made address in a meaningful way the concerns of the Committee, as embodied in the pending legislation, S. 1114 and S. 1334. Congress has long given deference to parties operating under collective bargaining agreements to develop their own solutions to problems, properly recognizing that the parties bound by a collective bargaining agreement have a longstanding relationship with unique problems and problem solving methods that are often difficult to comprehend by those outside the relationship. While we fully believe in and support the Committees' and Congress' goal of eliminating the use of steroids and performance enhancing drugs in sports, we believe this goal is best accomplished by the leagues and players working together to accomplish this universal objective. We think that the players, supported by the leagues, are best able to demonstrate to everyone, especially our young fans, that the only way to become a professional athlete is by cultivating and nurturing their talent, determination, and desire, and by working harder than everyone else.

I want to thank the Committee for the opportunity to appear before you today.