

Statement of Allan H. Selig, Commissioner of Baseball, before the Committee on Energy and Commerce, United States House of Representatives

May 18, 2005

Good morning. As you know, I have the distinct privilege of serving as the Ninth Commissioner of Baseball. The first and most important point that I would like to make this morning is that the eradication of performance enhancing substances from all of professional Baseball is my top priority. Moreover, I can assure you that this is a priority that is shared by the owners of all 30 Major League Clubs. In fact, just last week at a Major League meeting in New York, all 30 owners endorsed a resolution supporting my on-going efforts to rid our game of steroids and other performance enhancing substances.

In previous hearings before various Committees in the House of Representatives and in the Senate, I have detailed the efforts undertaken by Major League Baseball, dating to the late 1990's, to deal with the issue of performance enhancing substances. In the minor leagues, where we are free to act unilaterally, I promulgated an industry-wide policy in 2001 and have since amended that policy on a number of occasions to make it stronger and more effective. At the Major League level, the process is more complicated because drug testing is a mandatory subject of collective bargaining. Notwithstanding this fact, we have worked with the Major League Baseball Players Association ("MLBPA") to strengthen the Major League policy each of the past three seasons.

At this point, however, the history of our efforts is not the most important topic. While we have made important strides in dealing with the issue of performance enhancing substances, it is clear to me that our fans and their elected representatives here in Congress expect more to restore their faith in the integrity of our rules and the performance of our players. As a result, today I will focus on our next steps in the continuing battle to eliminate the use of performance enhancing substances from Major League Baseball.

First, I have decided that the Major League Baseball's Minor League Drug Policy will be amended effective for the 2006 season. Most important, the penalties under the policy will be significantly increased. First time offenders will be suspended for fifty games. Second time offenders will be suspended for one hundred games. And, third time offenders will be permanently banned from the game. I firmly believe that this "three strikes and you're out" approach will create a level of deterrence sufficient to convince our players not to risk their health through the use of steroids and other drugs. In addition, amphetamines, which have been banned as "drugs of abuse" in the minor league program for a number of years, will now be classified as performance enhancing substances under this program. The change in the classification of amphetamines means that amphetamine users will be immediately suspended for a first-time positive test rather than receiving treatment and counseling. While amphetamines are not the same as steroids and their use can raise difficult questions, particularly in the area of addiction, these substances do have performance enhancing characteristics. Because of

this fact, those who use amphetamines should be disciplined for any positive test.

As I am sure you are aware, I have had conversations with Donald Fehr of the MLBPA about the issue of performance enhancing substances in recent weeks. In a recent letter from me to Mr. Fehr, I shared with Mr. Fehr my view that the issue of performance enhancing substances has raised questions about the integrity of our great game.

In the letter, I suggested a number of changes to the Major League Drug Policy including the following:

1. Discipline. As in the minor leagues, the Major League Drug Policy should follow the "three strikes and you're out" approach. First-time offenders should be suspended fifty games. Second-time offenders should be suspended for one hundred games. Third-time offenders should be banned from the game for life.

2. Amphetamines. Amphetamines should be banned under our program in the same manner as other performance enhancing substances.

3. Frequency of Testing. In order to restore the public confidence in our game, the frequency of testing in the Major League program should be increased.

4. Independence of Administration. Major League Baseball and the MLBPA should agree on a single, independent administrator who should be responsible for all aspects of the program from the scheduling of tests, to the collection of urine, through the analyzation of tests results. Only at the point of discipline should officials from Major League Baseball and the MLBPA become involved in the process.

Finally, I told Mr. Fehr that I considered it imperative that we act quickly to make these changes to restore the faith of our fans in the integrity of our players' performance on the field and to refocus attention on that performance and away from the halls of Congress and the testing labs.

I am certain that our players want performance enhancing substances out of the game and many have so stated publicly. Perhaps Tino Martinez of the New York Yankees said it best: "Whatever they want to do to get this out of the fans' heads and clean up this game, I'm all for it."

The use of performance enhancing substances calls into question not only the integrity of the Commissioner's Office, the Players Association and the Clubs, but also the integrity of each and every player. Such substances create an uneven playing field to the advantage of those who elect to cheat. The use of such substances also raises important health concerns. Over the past three years, the players and their bargaining representative have been responsive to our desire to implement stronger polices in this area. Mr. Fehr has indicated a willingness to discuss the issues raised in my letter and I am hopeful that the MLBPA will once again prove willing to address the concerns that have been articulated by Congress and our fans. From our perspective, and I suspect from the perspective of many in Congress, the ability of Baseball to police itself is preferable to legislation. If we cannot do it, and I hope we can, I understand why legislation would be considered by Congress.

As important as it is for Major League Baseball to address the issue of performance

enhancing substances to restore the integrity of the game, it is equally important for us to send a message to young people in America that the use of performance enhancing substances is wrong and dangerous. In an effort to fulfill our obligations in this area, Major League Baseball has entered into an innovative arrangement with the Partnership for a Drug-Free America. Over the past eighteen months, we have worked with the Partnership to develop comprehensive attitudinal and usage data on performance enhancing substances. Based on this research, the Partnership is in the process of developing a campaign directed at young people and young athletes that will involve advertising on television, in print and on radio, as well as educational materials. We are focused on developing the right message and finding the right messengers. In this regard, we are considering the direct involvement of high school coaches in our educational efforts. Most important, our commitment to this effort will be on-going in the sense that the Partnership will be doing research on the effectiveness of the program so it can be refined in response to new developments.

I am also pleased to inform you that we have been in detailed discussions with the Taylor Hooten Foundation about an on-going relationship with Major League Baseball. I believe that the Foundation is doing great work on this issue of steroid awareness and hope that our support will help the Foundation continue to fulfill its mission.

As I hope the foregoing makes clear, Major League Baseball has demonstrated and continues to demonstrate a willingness to deal with the issue of performance enhancing substances without the need for federal legislation. At the same time, however, I would not resist federal legislation if Congress continues to believe that a uniform standard for all sports is necessary. I made this commitment in my testimony before the House Committee on Government Reform on March 17, 2005 and I reiterate that commitment today. I would like to stress, however, that I believe that there are important differences among the various professional sports and between professional sports and the Olympics that may make private regulation more effective and appropriate.

If federal legislation is the path that Congress chooses to follow, the Drug Free Sports Act that has been introduced by Congressmen Stearns is conceptually in accord with my views on the topic of performance enhancing substances. In order to have an effective program, there must be a comprehensive list of banned substances, fair, independent and accurate tests must be administered regularly to the athletes, and serious discipline must be imposed on those who test positive.

To conclude, I want to reiterate that my top priority is to eradicate the use of performance enhancing substances in Professional Baseball. In pursuit of that goal, I will continue to pursue a more aggressive, collectively bargained policy with the MLBPA. At the same time, I will continue to be a supporter of an appropriately tailored, uniform federal standard. I hope that we will have the opportunity to work with Congress in developing that standard.