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Statement of
Rep. Henry A. Waxman, Ranking Minority Member
Committee on Government Reform
Hearing on
“Steroid Use in Sports Part III: Examining the National Basketball Association’s
Steroid Testing Program

May 19, 2005

This is now our third hearing on the performance-enhancing drug policies of major league sports. With each sport, we found a different set of issues.

Today, we turn to basketball.

In preparation for this hearing, we had an opportunity to review the NBA drug policy. And with all due respect, the NBA policy on steroids and other performance-enhancing drugs is simply inadequate. Indeed, of the professional sports policies this Committee has reviewed, the NBA policy appears to be the weakest.

Under the NBA policy, NBA players face no random testing at all once they complete their rookie year. They are only tested once each year, during their one-month training camp.

The policy also fails to cover a vast number of drugs. There are literally dozens of steroids and stimulants that are outlawed in Olympic competition that are still legal for use in the NBA. The policy fails to cover performance enhancers such as human growth hormone or EPO. And it fails to cover designer steroids.

And the NBA penalties are not strong enough to provide a significant deterrent. Penalties call for only a five-game suspension for a first violation, and only ten games for a second violation. Even for a fourth or fifth violation, players are only subject to a twenty-five game violation.

These penalties stand in stark contrast to the NBA penalties for street drugs, which call for a two-year ban for a first offense for a veteran player. Since use of steroids is both illegal and cheating, this disparity in penalties makes little sense.

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It's pretty easy to look at the NBA policy and determine how weak it is. But we also have to ask, what is the impact of this weakness? Are NBA players using steroids and other performance-enhancing drugs?

There are two answers here. The first is based on perception, and the answer is no. The second is based on reality, and the answer is we really don't know for sure.

The NBA's remarkably weak steroids program makes it impossible to know whether there is a problem. We do know that only a handful of players tested positive for steroids in the last five years. But we also know loopholes undermine the effectiveness of the league's steroids program. One NBA trainer has told us that "basketball is not immune" to the problem of performance enhancing drugs. Another former NBA trainer told us that because of the lack of testing, "even if we did have a problem, it would be hard to pick up."

Many NBA insiders — players, trainers, even the Commissioner, Mr. Stern — have indicated that the NBA has few problems with steroids because they just don't apply to the skill set needed to play basketball. They say that basketball is about quickness and touch and stamina, not about brute strength. And they assume that steroids and other performance-enhancers don't provide any advantage to basketball players.

This may be true. But the New York Times yesterday reported on a surprising finding from Major League Baseball's steroid testing program. For years, experts said that only the game's sluggers would use steroids, not pitchers: that pitching was about "proper mechanics and natural ability," and that bulking up on steroids would hurt pitchers. It turns out that this assumption was wrong. So far, almost half of the players caught in the Major League Baseball testing have been pitchers. And now experts are acknowledging that there are uses of steroids they hadn't thought of: that steroids help pitchers throw the ball faster; that they speed recovery times between outings and help pitchers maintain strength throughout the season; and even that steroids help players gain a mental edge.

The baseball results tell us that we need to guard against relying on assumptions. We won't really know what's going on in the NBA until the league implements an effective steroids testing policy.

I know that the league and the union are entering negotiations for a new collective bargaining agreement. Mr. Stern, the league commissioner, has shared his proposals for the new policy with the Committee. And Mr. Hunter, the head of the players' union, has indicated some support for a tougher policy. These proposals are not perfect — I am particularly concerned that punishments will still be weak — but they will be a significant improvement over the current policy.

In the meantime, Congress stands ready to act. I will soon join Chairman Davis in introducing bipartisan legislation that would ensure that all major professional sports have strong performance-enhancing drug policies that are consistent with the Olympic standard. The bill would require leagues to test for a broad range of performance enhancing drugs; it would have true random testing; and it would have tough penalties — two years for a first offense, and a lifetime ban for a second — that would make athletes think twice before resorting to cheating.

Ultimately, I believe that this is the direction we must take if we want to set an example for young athletes and rid professional sports of performance-enhancing drugs.