

	NEWS FROM		
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FOR IMMEDIATE RELEASE

November 3, 2009

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Statement by the Honorable Bobby L. Rush, Chairman

Energy and Commerce Committee Subcommittee on
Commerce, Trade, and Consumer Protection

Hearing: NFL StarCaps Case: Are Sports Anti-Doping Programs at a Legal Crossroads?

November 3, 2009

WASHINGTON — “Good morning. Our major reason for being here today is the StarCaps case, which is now before the 8th Circuit Court of Appeals and Minnesota State District Court.

“Sports industry analysts and legal experts everywhere are of the mind that *Williams v. NFL*, could have a major effect on how future collective bargaining negotiations in professional sports are waged and concluded.

“We are not here to debate the particular merits of the Williams case or to judge which parties were at fault. We are also not here to second guess the choice-of-law rulings made by the three-judge panel from the 8th Circuit Court of Appeals, or to predict how the case will unfold as an employment complaint under state drug and alcohol testing workplace laws.

“Instead, what we should be here to do is to listen closely to our panels of expert witnesses. Two of our witnesses are key protagonists in the *Williams v. NFL* disagreement. We should also hone in on what they don’t say and what we could say to encourage these parties to work out their differences. It is in all of our best interests for these parties to reach an agreement on this enormously important matter. We are very fortunate to have access to Commissioner Goodell and Mr. Smith, and to hear the testimony and answers of all our distinguished witnesses.

“For me, it would be useful to better understand why agreement over a disciplinary matter between the NFL and Kevin and Pat Williams could not be reached.

– more –

“What obstacles blocked the road to agreement? I hope that we will also spend some time thinking about whether collective bargaining has become too scarred, as a consequence of this case. Will CBA negotiations still be the preferred avenue for hammering out League-Union agreements on disciplining players?”

“We, as Members of Congress and as parents, are especially concerned about the short- and long-term serious health and safety hazards that illegal performance enhancers may have on our youth, in general, and student athletes in particular.

“Notwithstanding high profile steroids cases and scandals, a good number of young athletes still find it hard to resist performance enhancers that guarantee superior, ‘on-the-field’ performance resulting in ‘off-the-field’ fame and riches.

“The implementation of strong, anti-doping policies is what Congress has been angling to secure with the professional sports industry over the past five years. I hope today’s hearing will help us to help you achieve what I believe is a non-negotiable outcome for Members of this body.

“I look forward to hearing from all of the witnesses.

“With that, I yield back the balance of my time.”

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