

TESTIMONY OF G. WILLIAM HUNTER  
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MAY 18, 2005

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON COMMERCE, TRADE AND CONSUMER PROTECTION

ON  
H.R. 1862, THE DRUG FREE SPORTS ACT OF 2005

Mr. Chairman and Members of the Subcommittee:

My name is G. William Hunter and I am the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining. I appear today in response to the May 12, 2005 invitation of Chairman Stearns to testify.

I appreciate the Subcommittee'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, H.R. 1862, introduced by several members of this Subcommittee. I would like to begin by clearly stating the position of the NBPA. As a former state prosecutor and United States Attorney, I have participated in the prosecution of numerous drug cases and have a keen understanding of and insight into drug use and abuse. While we strongly believe 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 1999 Collective Bargaining Agreement between the NBPA and NBA we introduced in our Anti-Drug Program a steroid testing protocol that provides for random testing of all incoming players four (4) times during their rookie seasons and tests veteran players once during the training camp period. 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.

Additionally, all players are subject to reasonable cause testing. If either the NBA or the NBPA has information that gives it reasonable cause to believe that a player is using, in possession of, or distributing steroids, then they may present such information to an Independent Expert, who is empowered to immediately decide whether reasonable cause exists to test the player. If reasonable cause is found, the player is subject to being tested up to four (4) times during a six week period following the order to test. 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 will ban a substance that is either declared illegal by the Federal Government or found to be harmful to players and improperly performance enhancing. Under our Anti-Drug Program at least seventeen (17) substances have been added to the list of prohibited substances since 1999.

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 for those who are caught using steroids and other performance enhancing drugs. A first time offender is automatically suspended for five (5) games and is required to enter an education, treatment and counseling program established by the Program's Medical Director. For a second offense the player is suspended for ten (10) games and required to reenter the education, treatment and counseling program. For a third offense, the player is suspended for twenty five (25) games (nearly a third of the 82 game NBA season) and is again required to enter the education, treatment and counseling program. Further, any player who fails to comply with the treatment program, as prescribed by the Medical Director, by engaging in behavior that demonstrates either a mindful disregard of his treatment

responsibilities or by testing positive for steroids, suffers additional penalties, up to and including an indefinite suspension.

Another key component of our Anti-Drug Policy is our emphasis 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.

With the additional scrutiny that the use of steroids and other performance enhancing drugs has received in society, and particularly in professional sports, such as baseball, football and track and field, since our ground breaking agreement was reached in 1999, there has been discussion that our agreement requires modification. While I am reluctant to discuss the specifics of these discussions in great detail due to the sensitive, evolving, and complicated nature of collective bargaining negotiations, I represent to you that I have had numerous discussions with Commissioner Stern and the NBA about making significant changes in our next CBA to deal with the growing societal problem of the use of steroids and other performance enhancing drugs. We want to send 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 performance enhancing drugs in our sport. To that end, we have indicated a willingness to significantly increase both the frequency of testing that our players undergo, and increase the penalties imposed upon the violators.

We continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that the changes that are currently under consideration will address in a meaningful way the concerns of the Subcommittee, as embodied in the pending legislation, H.R. 1862. 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 Subcommittees' 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 Subcommittee for the opportunity to appear before you today.