

[STAFF WORKING DRAFT]

APRIL 6, 2004

108TH CONGRESS
2D SESSION

S. RES.

Expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them.

IN THE SENATE OF THE UNITED STATES

APRIL —, 2004

Mr. McCAIN submitted the following resolution; which was

RESOLUTION

Expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them.

Whereas, the sport of baseball is widely considered America's pastime and an institution inextricably interwoven into the fabric of our culture;

Whereas, anabolic steroids are substances that are chemically and pharmacologically related to testosterone and promote muscle growth;

Whereas, anabolic steroids are Schedule III controlled substances under the Controlled Substances Act (21 U.S.C. 801 et seq.);

Whereas, certain products are sold legally in the United States that promote muscle growth in a manner similar to anabolic steroids;

Whereas, medical experts warn that the health consequences associated with the human use of anabolic steroids or other similar performance-enhancing substances can be dire;

Whereas, medical experts warn that anabolic steroids and other similar performance-enhancing substances can have particularly serious adverse health effects on children and teenagers;

Whereas, these adverse health effects include stunted growth, scarring acne, hair loss, dramatic mood swings, hormonal imbalances, liver and kidney damage, a higher risk of heart disease and stroke later in life, as well as an increased propensity to demonstrate aggressive behavior, commit suicide, and commit crimes;

Whereas, the dangerous and anti-competitive effects of anabolic steroids when used by Major League Baseball players were acknowledged but not adequately addressed by the 30 Major League Baseball clubs

and the Major League Baseball Players Association in their September 30, 2002, Collective Bargaining Agreement;

Whereas, the September 2002 Collective Bargaining Agreement does not allow for the imposition of a suspension or fine for a first-time violation of the League steroids policy;

Whereas, the September 2002 Collective Bargaining Agreement does not allow Major League Baseball players to be subjected to more than one unannounced drug test per season;

Whereas, the September 2002 Collective Bargaining Agreement does not prohibit the use of certain performance-enhancing substances that, although legal, promote muscle growth and pose a serious health risk to users;

Whereas, notwithstanding the 2002 Collective Bargaining Agreement, the prevalence of the use by Major League Baseball players of anabolic steroids and other performance-enhancing substances that promote muscle growth and pose a serious health risk, at the very least, appears to be significant; and

Whereas, the use of anabolic steroids and other performance-enhancing substances that promote muscle growth and pose a serious health risk to children and teenagers continues to rise: Now, therefore, be it

1 *Resolved by the Senate That—*

- 2 (1) the use of performance-enhancing sub-
3 stances such as anabolic steroids poses a health risk,
4 especially to children and teenagers;

1 (2) the use of athletic performance-enhancing
2 substances such as anabolic steroids to gain a com-
3 petitive advantage is tantamount to cheating;

4 (3) there is sufficient evidence that children and
5 teenagers tend to emulate professional athletes;

6 (4) the effectiveness of the 2002 Collective Bar-
7 gaining Agreement to deter Major League Baseball
8 players from using performance-enhancing sub-
9 stances such as anabolic steroids has been called
10 into question;

11 (5) Major League Baseball and its players
12 should exercise their collective bargaining authority
13 to negotiate and adopt a more stringent drug-testing
14 policy that is sufficient to effectively deter Major
15 League Baseball players from using anabolic
16 steroids or other similar performance-enhancing sub-
17 stances to gain a competitive advantage; and

18 (6) taking such a step would help—

19 (A) to preserve the integrity of the game
20 of professional baseball;

21 (B) to protect the health of Major League
22 Baseball players; and

23 (C) to discourage the use of performance-
24 enhancing substances such as anabolic steroids

1 by children and teenagers who seek to emulate
2 professional athletes.

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