

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 30, 2007

The Honorable George J. Mitchell
DLA Piper
1251 Avenue of the Americas
New York, NY 10020

Dear Senator Mitchell:

According to news reports, in your capacity as leader of an investigation since March 2006 on behalf of the Major League Baseball Commission into the alleged use of performance-enhancing substances by Major League baseball players, you recently warned the owners of Major League Baseball that, if they did not cooperate with your ongoing investigation, the likelihood of Federal Government involvement would “significantly increase.” Furthermore, you apparently specified that Congress may once again intervene and further investigate the matter.

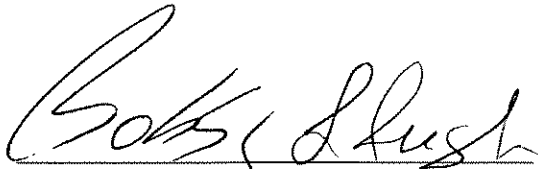
As the new Chairman and Ranking Member of the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce, we want to echo these sentiments and inform you that we are monitoring your investigation closely. The Subcommittee has jurisdiction over sports-related matters, and we intend to exercise this jurisdiction to the fullest extent. While in previous Congresses other Committees may have played a role with high profile hearings on the prevalence of steroids in baseball, it is the Committee on Energy and Commerce that has the actual legislative and oversight authority to address (and remedy) potential problems riddling both professional and amateur sports. This is especially true with regard to steroids in sports, given the Committee’s concomitant jurisdiction over public health issues.

Two years ago, the Committee on Energy and Commerce reported H.R. 3084, the Drug Free Sports Act, but Congress took no further action in light of positive developments within Major League Baseball and other professional sports leagues to crack down on the use of performance enhancing drugs. Hopefully, similar legislative initiatives will remain unnecessary in the 110th Congress.

As such, we appreciate your warning to team owners and concur with your recommendation for better cooperation with your independent investigation. We sincerely hope that all relevant parties will work constructively to facilitate the completion of your investigation and your ongoing efforts to clean up the sport. We are nonetheless prepared to exercise our prerogatives as the bipartisan leadership of the Subcommittee with primary jurisdiction over professional sports, and, if necessary, to intervene with appropriate measures.


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Should you wish to discuss this matter further, please do not hesitate to contact us. Thank you for your continued efforts on this important issue facing not only baseball, but also all sports at every level.



Bobby L. Rush
Chairman
Subcommittee on Commerce, Trade,
and Consumer Protection

Sincerely,



Cliff Stearns
Ranking Member
Subcommittee on Commerce, Trade,
and Consumer Protection

cc: Allan H. (Bud) Selig, Commissioner
Major League Baseball

Donald M. Fehr, Executive Director
Major League Baseball Players Association