

WASHINGTON -- [Roger Goodell](#) , the commissioner of the [N.F.L.](#) , took the unusual step Tuesday of asking Congress to change federal labor laws to prevent states from interfering with the league's efforts to enforce its banned substances policy.

Goodell's appeal was prompted by a federal court decision in September that has prevented the N.F.L. from suspending two [Minnesota Vikings](#) players for taking a diuretic, called StarCaps, that contained a substance banned by the league. The court ruled that the N.F.L.'s policy was superseded by Minnesota state labor law protecting workers.

The league is appealing the decision, but the two Vikings have been allowed to play. The N.F.L. has allowed some [New Orleans Saints](#) players to play even though they were suspended for taking the same banned substance.

But the decision in Minnesota -- and the possibility that other athletes will seek relief under state statutes -- has raised questions about the ability of the N.F.L. and other professional sports leagues to enforce their antidoping policies. That prompted Representative [Henry A. Waxman](#) , the chairman of the Energy and Commerce Committee, to hold hearings Tuesday titled "The N.F.L. StarCaps Case: Are Sports' Anti-Doping Programs at a Legal Crossroads?"

Goodell told the House Subcommittee on Commerce, Trade and Consumer Protection, "While we are reluctant to seek action from Congress, we believe that this presents a rare case in which narrow and tailored federal legislative action is warranted to confirm the primacy of federal labor law and respect agreements on this important subject."

But members of the subcommittee were reluctant to grant Goodell's request. The N.F.L. is appealing the judgment in Minnesota and could also ask the Minnesota Legislature to revise its

statutes to exempt professional athletes and performance-enhancing drugs.

The league and the players union could also come to an agreement.

Representative Bobby L. Rush, Democrat of Illinois and the chairman of the subcommittee, said Congress was reluctant to resolve this issue through legislative action.

"You don't want to have 435 members of Congress writing a law" to fix this problem because "you never know what happens when you open this Pandora's box," Rush said, hinting that any legal changes would come with strings attached.

Representative Lee Terry, Republican of Nebraska and a member of the subcommittee, was more direct, saying, "We will be much harsher on cleaning up the sport than the directors" of the leagues.

Congress has chastised the N.F.L. and other sports leagues for not doing enough to enforce their drug policies, and it recently criticized the N.F.L. for the way it has dealt with players who have sustained concussions.

The N.F.L. Players Association is opposed to any Congressional action. DeMaurice Smith, the executive director of the association, told the subcommittee that he supported the players' legal action only after he learned that league officials did not tell the players that the diuretic they took contained a banned substance.

The league has criticized the union for backing the players in court. Under questioning from lawmakers Tuesday, Goodell and Smith traded barbs several times in their responses. Several subcommittee members also challenged Smith on the same point.

The N.F.L.'s appeal of the decision by a three-judge panel from the United States Court of Appeals for the Eighth Circuit, in Minneapolis, will not be heard until March.

One of the questions the appeal will probably try to answer is whether state laws designed to penalize workers for taking drugs like marijuana or cocaine are applicable to athletes taking diuretics and other supplements.

Major League Baseball and other professional sports leagues, as well as the [United States Anti-Doping Agency](#), have stood behind the N.F.L.'s request that Congress amend federal labor laws to prevent challenges in state courts.

Rob Manfred, M.L.B.'s executive vice president for labor relations, told the subcommittee that his league and the baseball players union probably did not "have the legal power to waive in advance state law claims of individual union members."

As a result, Manfred said, "a narrowly drafted statute could solve the problem faced by professional sports while avoiding undue interference with the prerogatives of the states."

But Gabriel Feldman, the director of the Tulane Sports Law Program, warned that Congress should get involved only after the league and the union had exhausted all other measures. That included appeals in court, asking the Minnesota Legislature to create an exemption in its workplace rules to exempt professional athletes, and reaching an agreement with the union.

"We have a long way to go before Congress should be concerned about this problem," he said.



