

# WAYS TO IMPROVE AND STRENGTHEN THE INTERNATIONAL ANTI-DOPING SYSTEM

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## HEARING BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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## **WAYS TO IMPROVE AND STRENGTHEN THE INTERNATIONAL ANTI-DOPING SYSTEM**

**TUESDAY, FEBRUARY 28, 2017**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:16 a.m., in room 2123, Rayburn House Office Building, Hon. Tim Murphy (chairman of the subcommittee) presiding.

Members present: Representatives Murphy, Griffith, Burgess, Brooks, Collins, Walberg, Walters, Costello, Carter, Walden (ex officio), DeGette, Schakowsky, Castor, Tonko, Clarke, Ruiz, Peters, and Pallone (ex officio).

Staff present: Jennifer Barblan, Chief Counsel, Oversight and Investigations; Ray Baum, Staff Director; Mike Bloomquist, Deputy Staff Director; Elena Brennan, Legislative Clerk, Oversight and Investigations; Karen Christian, General Counsel; Jordan Davis, Director of Policy and External Affairs; Paige Decker, Executive Assistant and Committee Clerk; Blair Ellis, Press Secretary/Digital Coordinator; Adam Fromm, Director of Outreach and Coalitions; Brittany Havens, Professional Staff Member, Oversight and Investigations; Zach Hunter, Communications Director; Alex Miller, Video Production Aide and Press Assistant; John Ohly, Professional Staff Member, Oversight and Investigations; Dan Schneider, Press Secretary; Jennifer Sherman, Press Secretary; Hamlin Wade, Special Advisor for External Affairs; Luke Wallwork, Staff Assistant; Jeff Carroll, Minority Staff Director; Waverly Gordon, Minority Counsel, Health; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Christopher Knauer, Minority Oversight Staff Director; Una Lee, Minority Chief Oversight Counsel; Miles Lichtman, Minority Staff Assistant; Dan Miller, Minority Staff Assistant; Jon Monger, Minority Counsel; Dino Papanastasiou, Minority GAO Detailee; Tim Robinson, Minority Chief Counsel; Matt Schumacher, Minority Press Assistant; Andrew Souvall, Minority Director of Communications, Member Services, and Outreach; and C.J. Young, Minority Press Secretary.

**OPENING STATEMENT OF HON. TIM MURPHY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA**

Mr. MURPHY. Good morning and welcome to this hearing of the Oversight and Investigations Subcommittee on “Ways to Improve and Strengthen the International Anti-Doping System.”

The subcommittee convenes to examine the current state of this system, the challenges it faces and areas for reform.

On the heels of the Summer Games in Rio and less than a year away from the Winter Games in Pyeongchang, there is no better time to evaluate progress made thus far in reforming the international anti-doping system. How fitting that we are holding this hearing on February the 28th, as we have the greatest Olympic athlete of all time, who has won 28 medals, before us today. And I wasn’t referring to you, Mr. Griffith, I was referring to Michael Phelps.

Every 2 years, nations are filled with excitement and pride as they cheer on their athletes of the Summer and Winter Games. It has been a longstanding tradition that should not be tarnished by those that choose to cheat. Ultimately, I hope that this hearing helps to highlight ways in which we can strengthen clean competition and restore public confidence in international sports.

Within the anti-doping community there are concerns regarding organizational structure and how the current system creates an environment where individuals are both policing and promoting sport. Conflicts of interest stemming from the composition of the World Anti-Doping Agency’s, or WADA, senior leadership currently exists as anti-doping decision makers often simultaneously hold a policy-making position within a sports organization. Such conflicts can have both real and perceived effects on the rigorous investigations of possible violations as well as the enforcement of anti-doping measures.

Several anti-doping experts have publicly stated that WADA lacks sufficient independence from sports itself. Recent proposals have suggested removing sports organizations from governance structures to improve independence and operations. Today we want to evaluate those concerns and discuss the proposed reforms. Further, there needs to be an established decision making process and body when it comes to investigations and sanctions.

As we saw leading up to the Summer Games in Rio, the buck was passed multiple times between the International Olympic Committee, the national anti-doping organizations, and international sports federations as to who was in charge of making the decisions and whether or not athletes would be able to participate in the Summer Games.

Sanctions and bans on athletes, coaches, NADOs, and anti-doping laboratories vary from short term to lifetime, but there does not appear to be a clear set of guidelines to aid the appropriate organization in setting and imposing consistent penalties. We need to ensure that the system is fair, and that the punishment is appropriate, particularly when the athlete knowingly cheated. The general public depends on the governing bodies of international sports to ensure that cheating does not become the accepted norm, and this is a particularly important message for our youth.

Additionally, recent events highlight the need to examine potential improvements with respect to utilizing athletes as partners in the anti-doping effort as well as whistleblower protections. There will always be athletes and institutions that dope in an attempt to gain an unfair competitive advantage.

Athletes and whistleblowers are oftentimes the first to see the problems at the ground level and are critical to anti-doping organizations' ability to identify and investigate violations. Therefore, it bears questioning whether the current system does enough to encourage, embrace, and protect those fighting for clean sport.

While many summits, conferences, and meetings have occurred since the Rio Games, challenges remain and progress towards meaningful reform remains unclear. This hearing provides an opportunity to learn from past mistakes and examine opportunities to move forward in a way that will improve the international anti-doping system so that it is effective, fair, and nimble for the sake of athletes, clean sport, and integrity of the international competition, including the Olympic Games.

Finally, some may ask why Congress is doing a hearing on sports rules and is it because it is a matter of the multibillion-dollar sports economy? Maybe. In part it may be that. But for the most part, I believe that it is very important that we send the right message to the youth and future athletes of the world that cheating is not acceptable on any level, whether it is in our economy, it is in trade, or it is in sports.

We welcome our all-star panel of witnesses today. Your appearance before this subcommittee is vital for us to have an honest discussion with key decision makers. We are also excited to have Mr. Phelps and Mr. Nelson with us today to share the athletes' perspective. These gentlemen have competed at the highest level and have invaluable insights into the problems and challenges that face the current system as well as a unique perspective on improvements that can be made.

I would like to thank our witnesses for appearing today and look forward to an informative discussion.

[The statement of Mr. Murphy follows:]

#### PREPARED STATEMENT OF HON. TIM MURPHY

The subcommittee convenes this hearing today to examine the current state of the international anti-doping system, the challenges it faces, and areas for reform. On the heels of the Summer Games in Rio, and less than a year away from the Winter Games in PyeongChang, there is no better time to evaluate progress made thus far in reforming the international anti-doping system. How fitting that we are holding this hearing on February 28, as we have the greatest Olympic athlete of all time, who has won 28 medals, before us today.

Every 2 years, nations are filled with excitement and pride as they cheer on their athletes at the Summer and Winter Games. It has been a long-standing tradition that should not be tarnished by those that choose to cheat. Ultimately, I hope that this hearing helps to highlight ways in which we can strengthen clean competition and restore public confidence in international sports.

Within the anti-doping community, there are concerns regarding organizational structure and how the current system creates an environment where individuals are both policing and promoting sport. Conflicts of interest stemming from the composition of the World Anti-Doping Agency's (WADA) senior leadership currently exist, as anti-doping decision makers often simultaneously hold a policymaking position within a sports organization. Such conflicts can have both real and perceived effects

on the rigorous investigations of possible violations as well as the enforcement of anti-doping measures.

Several anti-doping experts have publicly stated that WADA lacks sufficient independence from sports itself. Recent proposals have suggested removing sports organizations from governance structures to improve independence and operations. Today, we want to evaluate these concerns and discuss the proposed reforms.

Further, there needs to be an established decision-making process and body when it comes to investigations and sanctions. As we saw leading up to the Summer Games in Rio, the buck was passed multiple times between the International Olympic Committee (IOC), the National Anti-Doping Organizations (NADO), and International Sports Federations (IF), as to who was in charge of making the decision as to whether or not athletes would be allowed to participate in the Summer Games.

Sanctions and bans on athletes, coaches, NADOs, and anti-doping laboratories vary from short-term to lifetime, but there does not appear to be a clear set of guidelines to aid the appropriate organization in setting and imposing consistent penalties. We need to ensure that the system is fair and that the punishment is appropriate, particularly when the athlete knowingly cheated. The general public depends on the governing bodies of international sports to ensure that cheating does not become the accepted norm—this is a particularly important message for our youth.

Additionally, recent events highlight the need to examine potential improvements with respect to utilizing athletes as partners in the anti-doping effort as well as whistleblower protections. There will always be athletes or institutions that dope in an attempt to gain a competitive advantage. Athletes and whistleblowers are often times the first to see the problems at the ground level and are critical to anti-doping organizations' ability to identify and investigate violations. Therefore, it bears questioning whether the current system does enough to encourage, embrace, and protect those fighting for clean sport.

While many summits, conferences, and meetings have occurred since the Rio Games, challenges, including but not limited to the ones I previously mentioned, remain and progress towards meaningful reform remains unclear. This hearing provides an opportunity to learn from past mistakes and examine opportunities to move forward in a way that will improve the international anti-doping system so that it is effective, fair, and nimble for the sake of athletes, clean sport, and the integrity of the international competition, including the Olympic Games.

We welcome our all-star panel of witnesses today. Your appearance before the subcommittee is vital for us to have an honest discussion with key decision makers. We are also excited to have Mr. Phelps and Mr. Nelson with us today to share the athlete's perspective. These gentlemen have competed at the highest level and have invaluable insight into the problems and challenges that face the current system as well as a unique perspective on improvements that can be made. I would like to thank our witnesses for appearing today, and look forward to an informative discussion.

Mr. MURPHY. With that, I now yield 5 minutes to Ms. DeGette of Colorado.

**OPENING STATEMENT OF HON. DIANA DEGETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Ms. DEGETTE. Thank you very much, Mr. Chairman. Another doping scandal has now shaken the sporting world. This time it involves a wide-ranging Russian scheme to circumvent doping controls relied on by the global sports community to ensure clean sport. After unfortunate delays in investigating serious claims made by courageous whistleblowers, the World Anti-Doping Agency, or WADA, eventually launched investigations into allegations that Russia was systematically involved in doping.

In July and December of last year, Professor Richard McLaren, the person commissioned by WADA as the independent expert tasked with looking into these allegations, released his findings. What WADA's independent investigations reported was a systematic effort by Russia to help its athletes both dope and circumvent doping controls.



The doping was widespread according to WADA's report, implicating the London Olympic Games, the Sochi Olympic Games, the IAAF World Championships, and many other international events. Frankly, we will probably never know the full extent of the cheating and who benefited. As many as 1,000 Russian athletes across at least 30 sports might have benefited from this effort according to WADA's investigation.

WADA's inquiry also found that the very agencies created to police sport from doping, including the Russian National Anti-Doping Agency, were itself helping to cheat. Even Russia's Federal Security Service, or FSB, played a role. Russia's behavior raises troubling questions about how the global sports community should sanction doping violators and whether they are actually committed to that fact. For example, because WADA's investigative findings were made weeks before the start of Rio Games, confusion surfaced about whether Russia should collectively be banned from Rio. WADA recommended to the IOC that it prohibit the entire Russian delegation from participating.

But rather than implement that recommendation, the IOC punted that decision to the international sports federations who were not all equipped to take on that sudden task. In the end, what ensued was a muddled process some viewed as sending a very, very weak message to the cheaters. Even today, I am frankly not sure whose job it was to hold Russia accountable for the events conveyed in WADA's investigation.

Just last month, for example, several national anti-doping organizations met in Dublin and petitioned that Russia be banned from hosting existing and future international sporting events until the country comes back into compliance with WADA's recommendations. But what, if anything, will happen to those recommendations? I understand that the IOC has created two commissions to explore the findings of WADA's independent investigation.

While I support due process when it comes to athletes possibly implicated in the investigations, I believe there is enough evidence reported in WADA's investigations to warrant a strong message from the IOC: If you cheat, you do not play. Of course, WADA's findings also raised concerns about WADA itself. How did this cheating scheme persist for so long undetected, for example? Is WADA organized to catch cheating going forward? Does it have sufficient resources to police sport and prevent such a conspiracy from happening again?

Following the Russian revelations, a number of national anti-doping organizations met in Copenhagen late last year and put forth some recommendations that could enhance WADA's ability to keep sports clean. These recommendations include addressing certain conflicts of interest within WADA and clarifying the Agency's authority to investigate doping and sanction violators. It is unclear what has happened to these recommendations, but I do believe that they may be a possible blueprint and route moving forward.

I also believe we have to examine whether WADA has the resources to do the job. As I said before, WADA's entire budget is a mere \$30 million and the U.S., which is the largest contributor, provides a mere \$2 million. The McLaren investigation alone will cost \$2 million, so clearly we need investigation into this.

I want to welcome our witnesses, in particular our two athletes who are here, Mr. Nelson and Mr. Phelps. I think your perspective will really help us. I also think we should thank WADA itself, including Richard Pound and Richard McLaren for their work, and I especially want to commend Mr. Tygart and USADA for the tireless work in this investigation. It is an unfortunate set of events that has forced us into this room today, but ultimately I think this panel, this Congress, and the international sports community need to realize when dealing with Russia and its approach to ensuring clean international competitions the honor system is simply not going to be enough. And I yield back.

Mr. MURPHY. The gentlelady yields back. I now recognize the chairman of the full committee, Mr. Greg Walden of Oregon, for 5 minutes.

**OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. Thank you, Mr. Chairman, and I want to welcome all of our witnesses and our Olympians. Thank you for being here to help us better understand what is going on in this situation.

For centuries, athletes, cultures, nations have been brought together by the spirit of competition. From the slopes of Olympus to the stands of Autzen Stadium, home of the Oregon Ducks, people from all walks of life have gathered to pursue and celebrate athletic achievement. We relish with anticipation the possibility of witnessing the impossible. We celebrate the thrill of victory and agonize in defeat.

Whether through your own pursuits or those of others, I suspect everyone in this room knows the emotion, collective experience, and beauty of sport. Nothing embodies the spirit and potential of sport more than the Olympic Games. It is the hallmark of international competition, uniting people from around the world regardless of social, political, or religious differences in celebration of our greatest athletes. It evokes national pride to the highest degree. It evokes a noble vision of sport rooted in participation over individual achievement.

There is a lot of truth to that message, but we also cannot be blind to reality. Athletes and nations compete to win. They do not invest countless hours training to lose. They sacrifice for success and their victories are rewarded. This is why for centuries athletes have sought performance-enhancing substances to gain an advantage on the competition. In fact, Greek Olympians and Roman gladiators used herbs and wine and other products to get an edge on their opponents.

In the early 1900s, mixtures of heroin, cocaine, and other substances became prevalent among athletes. Over time, especially following the introduction of anti-doping testing at the Olympics in the 1970s, the drugs have become more sophisticated and the cheaters more creative. Despite improvements in global anti-doping efforts at the turn of the century with the establishment of the World Anti-Doping Agency, WADA, the fight for clean sport remains an uphill battle. The temptation to cheat will always be present to those looking for a shortcut.

Recent events, however, revealed a far more startling and a difficult challenge. Thanks to the courage and tenacity of whistleblowers, of journalists, and others, we were exposed to a level of deception and cheating that felt more like a movie script than reality of international sport. It was not a case of individual athletes looking for an edge, this was a tale of nation-state-sponsored doping.

Hundreds of athletes, knowingly or unknowingly, became part of a widespread campaign to enhance performance, alter test results, and evade detection by international anti-doping authorities. Despite these shocking allegations later bolstered by a series of independent commissions and reports, the response from the respective governing bodies of international sport has become a hodge-podge of indecisive and inconsistent actions.

So what went wrong? It is one thing for an individual to beat the system, but how could such a massive program go undetected for so long and what has the response been? It has been a quagmire. Clearly, these events point to larger challenges in international anti-doping efforts. That is why we are here today, to learn from the past in pursuit of a better future for clean sport.

There will always be those who seek to gain an advantage—the personal financial motivations are undeniable, the opportunities afforded by scientific innovation too tempting. The challenge is daunting and may never be totally solved, but that is not an excuse for inaction. We can and must do better, even if that requires some difficult and frankly some uncomfortable reforms. Success in sport is not achieved sitting on the sideline waiting for others to act. It requires leadership, teamwork, and most of all it requires dedication as our athletes have clearly shown.

The millions of clean athletes around the world who push the limits of physical and mental exhaustion, who sacrifice so much, don't they deserve a similar commitment from those responsible for protecting the integrity of their sport? I believe they do. That is why we are here today, to hear from all of you.

Thank you. And Mr. Chairman, I yield back the balance of my time.

[The statement of Mr. Walden follows:]

#### PREPARED STATEMENT OF HON. GREG WALDEN

For centuries, athletes, cultures, and nations have been brought together by the spirit of competition. From the slopes of Olympus to the stands of Autzen Stadium—home of the Oregon Ducks—people from all walks of life have gathered to pursue and celebrate athletic achievement. We relish the anticipation, the possibility of witnessing the impossible. We celebrate the thrill of victory and agonize in defeat. Whether through your own pursuits or those of others, I suspect everyone in this room knows the emotion, collective experience, and beauty of sport.

Nothing embodies the spirit and potential of sport more than the Olympic Games. It is the hallmark of international competition, uniting people from around the world—regardless of social, political or religious differences—in celebration of our greatest athletes. It envelops national pride to the highest degree. It evokes a noble vision of sport rooted in participation over individual achievement.

There is a lot of truth to that message but we also cannot be blind to reality. Athletes and nations compete to win. They do not invest countless hours training to lose. They sacrifice for success and their victories are rewarded.

This is why, for centuries, athletes have sought performance enhancing substances - to gain an advantage on the competition. Greek Olympians and Roman Gladiators used herbs, wine, and other products to get an edge on their opponents.

In the early 1900s, mixtures of heroin, cocaine and other substances became prevalent among athletes. Over time, especially following the introduction of anti-doping testing at the Olympics in the 1970s, the drugs have become more sophisticated and the cheaters more creative. Despite improvements in global anti-doping efforts at the turn of the century with the establishment of the World Anti-Doping Agency (WADA), the fight for clean sport remains an uphill battle. The temptation to cheat will always be present to those looking for a short-cut.

Recent events, however, revealed a far more startling and difficult challenge. Thanks to the courage and tenacity of whistleblowers, journalists, and others, we were exposed to a level of deception and cheating that felt more like a movie script than the reality of international sport. It was not a case of individual athletes looking for an edge. This was a tale of nation-state-sponsored doping. Hundreds of athletes—knowingly or unknowingly—became part of a widespread campaign to enhance performance, alter test results, and evade detection by international antidoping authorities.

Despite these shocking allegations—later bolstered by a series of independent commissions and reports—the response from the respective governing bodies of international sport has become a hodge-podge of indecisive and inconsistent actions.

So what went wrong? It is one thing for an individual to beat the system but how could such a massive program go undetected for so long? And what has the response been such a quagmire? Clearly, these events point to larger challenges in international anti-doping efforts.

That is why we are here today—to learn from the past in pursuit of a better future for clean sport. There will always be those who seek to gain an advantage—the personal and financial motivations are undeniable and the opportunities afforded by scientific innovation too tempting. The challenge is daunting and may never be totally solved. But that is not an excuse for inaction. We can and must do better, even if that requires some difficult and uncomfortable reforms.

Success in sport is not achieved sitting on the sideline, waiting for others to act. It requires leadership, teamwork and most of all dedication. The millions of clean athletes around the world, those who push the limits of physical and mental exhaustion, who sacrifice so much, deserve a similar commitment from those responsible for protecting the integrity of their sport.

Mr. MURPHY. The gentleman yields back. I now recognize the ranking member of the full committee, Frank Pallone of New Jersey, for 5 minutes.

**OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PALLONE. Thank you, Mr. Chairman. I want to begin by thanking our witnesses today for their ongoing commitment to the integrity of competitive sports, and I especially want to thank our Olympic athletes who have faced circumstances outside of their control when it comes to doping within their individual sport. And I would like to single out Travis Tygart and the United States Anti-Doping Agency who have aggressively fought for those athletes demanding drug-free competition.

In July of last year, several of us on the committee sent a letter to the president of the International Olympic Committee expressing our strong interest in supporting efforts to ensure the integrity of sports. When we wrote that letter, the World Anti-Doping Agency, or WADA, had begun releasing initial findings from its independent investigation into whether Russia had engaged in institutionalized doping.

WADA's investigation read like a Cold War novel. Tainted urine samples had secretly passed through a wall and were swapped for clean samples. Agencies responsible for policing sport had actually helped athletes dope. Even the Russian Federal Security Service,

or FSB, had played a role in this conspiracy according to WADA's investigation.

Upon the release of those findings, WADA recommended to the International Olympic Committee that it ban Russia and Russian athletes from participation in the 2016 Rio Games. However, the IOC delegated that decision to the international sports federations, organizations that may or may not have had the independence and resources to undertake such a task, and some critics believe the IOC's lack of decisiveness affected the role and perceived authority of anti-doping agencies.

So even today it remains unclear that what sanctions the IOC and other sports related organizations can or will take in response to WADA's independent investigation. Collectively, these organizations must take decisive action. They must send an unambiguous message that they will punish doping and that cheaters will no longer be rewarded for creating an unfair advantage over clean athletes.

I think we are at a crossroads now, Mr. Chairman, at how best to prevent and police doping in sport. WADA's independent investigation raises serious concerns about the agencies responsible for policing doping, including their ability to sanction athletes, institutions, and even countries that conspire to violate the world anti-doping code.

Despite these challenges, there are some hopeful signs of reforming the anti-doping regulatory system. In particular, I am encouraged by the recommendation made by a group of national anti-doping agencies, or NADOs, that will strengthen WADA's role as a global regulator in the doping fight. The group wants to ensure that WADA has the authority to investigate suspected doping violations. They also want to provide WADA additional resources so it can develop better anti-doping monitoring systems.

The group of agencies also recommended removing conflicts of interest in WADA's governing structure and developing a program to protect whistleblowers who may wish to bring doping violations forward. And we all care about the international sport community, but the integrity of the international community will continue to be questioned until an effective anti-doping system is in place.

So again I want to thank our witnesses for attending this hearing so we can identify what actions are needed moving forward to build a better anti-doping system, finding the underlying cause of what happened, and then making real changes to our anti-doping institutions based on those findings is something we must do for the athletes and the integrity of international sport.

I thank you, Mr. Chairman, and yield back the balance of my time.

[The statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

Mr. Chairman, I want to begin by thanking our witnesses today for their ongoing commitment to the integrity of competitive sports. I especially want to thank our Olympic athletes, who have faced circumstances outside of their control when it comes to doping within their individual sport. I would like to single out Travis Tygart and the United States Anti-Doping Agency who has aggressively fought for those athletes demanding drug-free competition.

In July of last year, several of us on the committee sent a letter to the President of the International Olympic Committee expressing our strong interest in supporting efforts to ensure the integrity of sport. When we wrote that letter, the World Anti-doping Agency (WADA) had begun releasing initial findings from its independent investigation into whether Russia had engaged in institutionalized doping.

WADA's investigation read like a cold war novel. Tainted urine samples had secretly passed through a wall and were swapped for clean samples. Agencies responsible for policing sport had actually helped athletes dope. Even the Russian Federal Security Service, or FSB, had played a role in this conspiracy according to WADA's investigation.

Upon the release of those findings, WADA recommended to the International Olympic Committee (IOC) that it ban Russia and Russian athletes from participation in the 2016 Rio Games.

However, the IOC delegated that decision to the international sports federations, organizations that may or may not have had the independence and resources to undertake such a task. Some critics believed the IOC's lack of decisiveness affected the role and perceived authority of anti-doping agencies.

Even today, it remains unclear what sanctions the IOC and other sports-related organizations can or will take in response to WADA's independent investigation. Collectively, these organizations must take decisive action. They must send an unambiguous message that they will punish doping and that cheaters will no longer be rewarded for creating an unfair advantage over clean athletes.

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Despite these challenges, there are some hopeful signs of reforming the anti-doping regulatory system. In particular, I am encouraged by the recommendations made by a group of National Anti-Doping Agencies (NADOs) that could strengthen WADA's role as a global regulator in the doping fight. The group wants to ensure that WADA has the authority to investigate suspected doping violations. They also want to provide WADA additional resources so it can develop better anti-doping monitoring systems. The group of agencies also recommended removing conflicts of interest in WADA's governance structure and developing a program to protect whistleblowers who may wish to bring doping violations forward.

We all care about the international sport community, but the integrity of the international community will continue to be questioned until an effective anti-doping system is in place.

I want to thank our witnesses here today for attending this hearing so that we can identify what actions are needed moving forward to build a better anti-doping system. Finding the underlying cause of what happened and then making real changes to our anti-doping institutions based on those findings is something we must do for the athletes and the integrity of international sport.

Thank you, and I yield back.

Mr. MURPHY. The gentleman yields back. I ask unanimous consent that the Members' written opening statements be introduced into the record, and without objection, the dockets will be entered into the record.

I would now like to introduce our all-star panel of witnesses for today's hearing. First, we welcome Mr. Adam Nelson, American shot putter and Olympic gold medalist. Three-time Olympian and six-time world championship team member, Mr. Nelson is currently the president of the Track and Field Athletes Association.

As many of us know, Mr. Nelson was never properly awarded his medal for his Olympic achievements. I would like to take a moment right now to congratulate Mr. Nelson on his Olympic gold medal and commend him for pursuing his achievements in the spirit of clean and fair sport. It is a shame it had to happen at a food court at an airport.

[Applause.]

Mr. MURPHY. Next, we are honored to have with us today Mr. Michael Phelps. Mr. Phelps is the most decorated Olympian of all

time, winning a total of 28 medals including 23 gold medals over the course of five Olympic games. Both during and after his Olympic career, Mr. Phelps has been a strong and outspoken advocate for clean sport.

Next, we want to welcome Mr. Travis Tygart who serves as the chief executive officer for the United States Anti-Doping Agency. With 15 years of experience working at USADA in various leadership roles, Mr. Tygart works closely with the USADA board of directors to carry out the organization's mission of preserving the integrity of competition, inspiring true sport, and protecting the rights of U.S. athletes.

Now we also welcome Rob Koehler, Deputy Director General of the World Anti-Doping Agency. Mr. Koehler comes to us with almost two decades of experience working in the anti-doping field at WADA and the Canadian Center for Ethics in Sports. In his role as Deputy Director General at WADA, Mr. Koehler is responsible for the oversight of all U.S. national anti-doping organizations as well as global anti-doping education initiatives.

And lastly, we welcome Dr. Richard Budgett, medical and scientific director for the International Olympic Committee. In this capacity, Dr. Budgett is responsible for ensuring that the organizing committees of each edition of the Olympic Games delivers excellent medical and doping control services, working closely with the World Anti-Doping Agency.

So thank you to all our witnesses for being here today and partaking in what we are hoping will be a very informative and insightful discussion on this important international issue.

You are all aware that this committee is holding an investigative hearing and when doing so has had the practice of taking testimony under oath. Do any of you object to giving testimony under oath? Seeing no objections, the Chair then advises you that under the rules of the House and rules of the committee you are entitled to be advised by counsel. Do any of you desire to be advised by counsel during your testimony today? And seeing none, in that case will you all please rise, raise your right hand, and I will swear you in.

[Witnesses sworn.]

Mr. MURPHY. Thank you. All our witnesses have answered in the affirmative and so you are now under oath and subject to the penalties set forth in Title 18 Section 1001 of the United States Code. I call upon you each to give a 5-minute statement. This timer is not like in the games, Mr. Nelson, so nothing bad is going to happen if it turns red on you, but we ask you to do 5 minutes only.

Mr. Nelson.

**STATEMENTS OF ADAM NELSON, AMERICAN SHOT PUTTER AND OLYMPIC GOLD MEDALIST; MICHAEL PHELPS, AMERICAN SWIMMER AND OLYMPIC GOLD MEDALIST; TRAVIS T. TYGART, CHIEF EXECUTIVE OFFICER, UNITED STATES ANTI-DOPING AGENCY; ROB KOEHLER, DEPUTY DIRECTOR GENERAL, WORLD ANTI-DOPING AGENCY; AND RICHARD BUDGETT, M.D., MEDICAL AND SCIENTIFIC DIRECTOR, INTERNATIONAL OLYMPIC COMMITTEE**

**STATEMENT OF ADAM NELSON**

Mr. NELSON. Good morning and thank you, Mr. Chairman and the members of this committee, for hosting this event and hopefully supporting clean sport. As a 9-year-old, I remember watching athletes like Mary Lou Retton and Edwin Moses represent the United States of America in the 1984 Olympic Games. Their performances inspired a generation of childhood dreamers like me, at least for a moment, to imagine what it would be like to compete at the greatest stage in the world culminating in an unforgettable medal ceremony accompanied by my flag and my national anthem.

Twelve years later, I competed in my first Olympic trials as a shotputter, finishing last in an effort that fueled the dream for 4 more years. "Four more years" has been a mantra for most of my adult life. The 2004 Olympic shotput competition was contested in the ancient Olympic Stadium in Olympia, Greece. More than 20,000 spectators visited the competition venue for the first time in nearly 3,000 years. For 58 of 60 throws, I led that competition. On the 59th throw, the athlete from the Ukraine tied my best mark. As the leader going into the final rounds, I had the privilege to take the last and final throw of the competition.

As a child, my imagination could have never dreamed of a moment quite like this, but these are the moments that make the Olympics great and I can remember everything about that moment. I remember the faces in the crowd, I remember the heat, the sun baking my skin, and I remember the mixture of cheers and boos for one American athlete as he was competing for the gold medal. These are the moments that change the trajectory of your life and make the struggle worthwhile.

When I stepped into the ring for the last and final throw of the competition, the world went quiet. I felt the coolness of the shotput touch my neck, and then I felt a surge of adrenalin and watched as the shotput sailed farther and farther than any other throw of the day. I raised my hands and sure of victory, realizing that I had just won the Olympic gold medal, only to look left and see the red flag raised, indicating that I'd fouled. Then I saw as another athlete started his victory lap and listened as they played another national anthem and raised another flag, celebrating him and in his honor.

For 8 years I lived with that result. Eight years later, I received a phone call from a reporter informing me that five athletes had tested positive in a retroactive drug testing from samples from 2004. The last 8 years of my life had apparently been based on a falsehood. A month later, the same reporter called me to inform me that the IOC was meeting that day to discuss whether or not to vacate his position or reallocate those medals.



While on that call, the news hit the wires and the reporter informed me that I was now the Olympic gold medalist. A year later, I picked up my medal in the food court at the Atlanta airport. It came with a side of fries and a free toy, don't worry about it. Look, it was an afterthought assigned to a USOC official who could swing through Atlanta on his way home 9 years after the moment had passed.

The color and timing of a medal matter, folks. Silver does not hold the same value, and gold loses its shine over time. There's no small bit of irony in me winning a medal in this fashion. As an athlete, I rejected the notion that you needed drugs to compete. I was vocal in my opinions about clean sport and often criticized by competitors or peers for my position. I was often told not to comment on the current state of anti-doping or doping in sport at major events for fear that it would be a distraction.

See, doping in sports is seen by some as a distraction for the athletes and an obstacle for the business of sport. It's a stain on an otherwise beautiful set of ideals that we know as the spirit of Olympism. As a result, we have a system that's interested in seeing progress but not truly committed to achieving the outcome.

My story illustrates only part of the damage caused by doping in sport, but I'm not here to invoke sympathy. Sympathy is a thought, an emotion devoid of action. I'm here today to ask you all to give meaning to my medal, this medal right here. I'm here today to ask for action on behalf of millions of dreamers like me who believe in fair play and aspire for gold medals to be won and celebrated in the moment after a clean and fair competition.

Since 2012, I've become a student of international sports organizations. I've advocated for clean sports, I've spoken with athletes from around the world about this subject. I've heard their voices, the voices of the clean athletes. They ask for more, but those voices continue to fall on deaf ears, so they resort to social media. They wag fingers and they create a petition that has already garnered almost 500 athlete signatures in support of structural reform.

Athletes want action, not words. Structural reform is only part of the solution. You cannot change a culture strictly by changing policy. You have to engage the athletes. So I ask as an athlete, an Olympic gold medalist, and as someone personally and financially impacted by doping in sport that you consider clean athletes as a shared owner in this all-important fight. We will stand with you as a partner if you empower us to do so. The time and the moment is now. Thank you very much for your time.

[Applause.]

[The prepared statement of Mr. Nelson follows:]

### My Olympic Moment

As a 9-year-old I remember watching athletes like Mary Lou Retton and Edwin Moses represent the United States of America in the 1984 Olympic Games. Their performances inspired a generation of childhood dreamers like me – at least for a moment – to imagine what it would feel like to compete for your country at the largest sporting event in the world, culminating in an unforgettable medal ceremony accompanied by my flag and my national anthem. Twelve years later I competed at my first Olympic Trials as a shot putter finishing last in an effort that fueled the dream for four more years. Four more years has been my mantra for my adult life.

The 2004 Olympic Shot Put competition was contested in the ancient Olympic Stadium in Olympia, Greece. More than 20,000 fans traveled to see the first competition in this venue in nearly 3,000 years. For 58 of 60 throws in the competition I was leading. On the 59<sup>th</sup> throw the athlete from the Ukraine tied my best mark. As the leader going into the final rounds, I had the privilege to take the final throw – the 60<sup>th</sup> throw of the competition. As a child my imagination could have never dreamed of a moment like this one. These are the moments that make the Olympics great.

I can remember everything about that moment: the faces in the crowd, the heat, the dust, the sun baking my skin, the mixture of cheers and boos for an American athlete. These are the moments that change the trajectory of your life. *This was my moment* that I'd earned through engaging in this life that Olympic athletes know as the struggle. This was my moment that I'd prepared for every day for the past seven years. As the shot put touched my neck, the world went quiet until it exploded back to life as the shot put left my hand sailing farther than any other throw of the day. I raised my hands in victory, only to see the red flag raised indicating that I'd fouled. Then, I watched another athlete take his victory lap, listened as they played another national anthem and raised another flag in his honor. For eight years I lived with that result.

Shortly before the 2012 Olympic Games I received a phone call from a reporter. She told me that the athlete that had been awarded the gold in 2004 had tested positive in a retroactive drug testing of samples from the 2004 Athens Olympic Games. A month later she called to inform me that the IOC was meeting to discuss whether or not to vacate his position or reallocate the medals. During that call, the news hit the wire. She told me I was the Olympic Gold Medalist.

Pierre de Coubertin stressed the importance of the journey over the outcome, because he knew that in any competition there would only be one winner - but every athlete would experience personal victories along the way. The spirit of Olympism is about committing to a process of self-improvement and living life to the fullest regardless of the outcomes as there are no guarantees. But I earned a medal in a competition that continued long after my last throw. I did not learn of the true outcome until a reporter informed me of it and a year later I picked up my medal at the food court in the Atlanta Airport. I can joke about it now. But the childhood dreams of a 9-year old winning an Olympic Gold on behalf of his country never

included a side of fries and a free toy. Though maybe the 9-year old would have appreciated those too.

My story illustrates only part of the damage caused by doping in sport. But I'm not here today to invoke sympathy. Sympathy is a thought, an emotion devoid of action. I'm here today to ask you all to give meaning to my medal. I'm here today to ask for action on behalf of the millions of dreamers like me, who believe in fair play and aspire for their gold medals to be won and celebrated in the moment after a clean and fair competition.

Since 2012 I've become a student of international sports organizations. I've studied the WADA code and read the McLaren Reports as well as the Copenhagen Reform Proposal. In discussions with athletes from the US, Germany, Japan, UK, Australia, New Zealand and other countries over the past five years, I've heard the voices of the clean athletes ask for more, but those voices continue to fall on deaf ears. So they resort to social media; they wag fingers; and they create a petition that has garnered more than 500 athlete signatures in support of the Copenhagen Reforms since January of this year.

Adopting the Copenhagen reforms would go a long way towards building a system that rebuilds the trust of athletes, but it's only part of the solution. You cannot change a culture from the top down only. You have to engage the athletes. I ask as an athlete, an Olympic Gold Medalist, and as someone personally and financially impacted by doping in sport that you consider clean athletes as a shared owner in this all important fight. We will stand with you as a partner if you empower us to do so. The time, the moment is now. Thank you.

# # #

Anti-doping Associations (ADAs) operate opposite of our United States law enforcement. Every athlete is guilty until proven innocent and cleared by a drug test. Yet, the testing is far from perfect as the science of detection still lags far behind the science of cheating. In recognition of this, the ADAs have increased the statute of limitations on retroactive drug-testing from eight years to ten years. But this doesn't change the math on cheating, it only allows the ADAs a window to allow their researchers time to close the gap on the cheaters OR hopefully allow for someone involved in the cheating to step forward.

Changing the math requires a different approach as it requires aligning the culture of sport with the policies and standards we wish to support. This starts at the top. The IOC needs to fully fund WADA. WADA needs to hold every country to the same standard to which they hold the athlete. Failure to comply at the national federation or Olympic committee level should be treated with a similar set of sanctions as those for non-compliant athletes. And finally, we have to align the compensation structure of all parties to support the objectives of clean sport.

Mr. MURPHY. Thank you.

Mr. Phelps, you are recognized for 5 minutes.

#### STATEMENT OF MICHAEL PHELPS

Mr. PHELPS. Mr. Chairman, members of the committee, good morning. My name is Michael Phelps. I'm a retired professional swimmer and an Olympian. I want to thank the committee for the opportunity to appear here before you today. It's a privilege to be here to share my thoughts and perspective on the issue of clean sport, which is important to so many athletes and to sport in general.

I competed internationally for over 15 years and had the tremendous honor to represent the United States in five Olympic Games and six world championships. Without question, many of my proudest moments have been representing my country in international competition. There's no greater feeling than standing on top of the podium watching the Stars and Stripes rise as the national anthem plays.

The Rio Olympics were special for me because it gave me the opportunity to end my career on my terms and to do it with my wife Nicole and son Boomer watching. Rio was also unique because of increased doping concerns. I watched how this affected my teammates and fellow competitors. We all felt frustration. Looking back over my career and knowing how difficult it is to get to the highest levels of sport, I can't help but wonder how the next generation of athletes will be able to do it if this uncertainty continues.

As a child I found school difficult. I had ADHD, which probably contributed to my restlessness. I'll never forget being told by one of my teachers that I'd never amount to anything. It was swimming that enabled me to see past those challenges and not be defined by them. My mom put my sisters and me in the pool so we'd be water safe. At first, like many children, I was afraid to put my head under the water, but by overcoming that fear I got my first taste of self-confidence.

As it turned out, I was pretty good in the water and I quickly realized the harder I worked the quicker I improved. I found a focus and a purpose I had never felt before. I would set goals for myself and work like crazy until I accomplished them. Dreams would just pop into my head whenever I got into the pool. I dreamed about becoming a gold medalist, a world record holder. I wanted to be the best. I talked with my coach so we could come up with a plan, not just for what I was doing in the pool but also how I could better myself away from the pool.

I made my mind to do everything I could to make my dream a reality. In school I had friends but I wasn't that social. I focused on swimming. At times I was made fun of for what I was doing because it was different. I was in love with challenging myself to become the best athlete that I could be. I felt that every single day was an opportunity for me to do something special when I went to the pool. I always felt that the kids who worked the hardest got the best results, that's why I pushed myself as hard as I could.

Over a 5-year period I trained every single day without a day off. I figured by training on holidays I'd be able to get that extra edge. As my hard work and sacrifice began to pay off, my confidence

grew and I began to feel that if I could dream something and gave everything I had that anything was possible. The strength of that belief drove me to set goals that others might have thought were unrealistic.

That's one amazing thing about competitive sport, it demands that you believe in yourself. This isn't always easy. There were so many times I could have quit and walked away. Sticking with it required me to dig deep, especially knowing that after all the work and sacrifice success might be determined by just a hundredth of a second. In those critical moments that you really test your commitment and that can ultimately define your career, you need to believe that if you push on you'll get the opportunity to measure yourself, your preparation, your desire, your talent against others who have prepared themselves in the same exact way.

Throughout my career I've thought that some athletes were cheating and in some cases those suspicions were confirmed. Given all the testing I and so many others have been through, I have a hard time understanding this. In addition to the tests in the competitions, I had to notify USADA as to where I was every day so they would be able to conduct random tests outside of competition.

This whole process takes a toll, but it's absolutely worth it to keep the sport clean and fair. I can't describe how frustrating it is to see other athletes break through performance barriers in unrealistic time frames knowing what I had to do to go through that. I watched how this affected my teammates as well.

Even the suspicion of doping is disillusioning for clean athletes. To believe in yourself through sport you need to be able to believe in the system that safeguards clean sport and fair play. All athletes must be held to the same standards, which need to be implemented and enforced with consistency and independence.

For years now I've worked closely with kids. Most of these kids aren't swimmers but they're eager to sit down and talk with me and they're always full of questions. It's when I talk about being a kid like them and how this all started with a dream you see their eyes lighten up. We talk about how I did it and I tell them that they can do it too. To look into a child's eyes and tell them if they dare to dream and do the work they can succeed, the power to believe in yourself and inspire others through sport depends upon fair play.

Now that I'm retired I'm frequently asked if I think anybody will ever win more medals than me in my lifetime. My answer to that question is I hope so. I'd like to think there's some little boy or girl out there now with an even bigger dream and even stronger drive to work harder than I ever did to do something that's never been done before. But for that to happen, he or she must believe they will get a fair opportunity to compete.

If we allow our confidence in fair play to erode, we will undermine the power of sport and the goals and dreams of future generations. The time to act is now. We must do what is necessary to ensure the system is fair and reliable so we all can believe in it.

Thank you, Mr. Chairman and members of the committee.

[Applause.]

[The prepared statement of Mr. Phelps follows:]

**February 28, 2017 House Hearing**

**Conducted by the House Energy and Commerce Subcommittee on Oversight  
and Investigations**

**Testimony of Michael Phelps**

**Retired Swimmer and Olympian**

Mr. Chairman, members of the Committee, good morning. My name is Michael Phelps. I am a retired professional swimmer and an Olympian. I want to thank the Committee for the opportunity to appear before you today. It is a privilege to be here to share my thoughts and perspective on the issue of clean sport, which is so important to all athletes, and to sport in general.

I competed internationally for over 15 years and had the tremendous honor to represent the United States in five Olympic Games and six World Championships. Without question, many of the proudest moments of my life have been representing my country in international competition. There is no greater feeling than standing up on the podium and watching the Stars and Stripes rise as our national anthem plays.

The Rio Olympics were special for me because it gave me the opportunity to end my career on my terms, and to do it with my wife Nicole and son Boomer watching. Rio was also unique because of increased doping concerns. In the year leading up to the Games, there was uncertainty and suspicion; I, along with a number of other athletes, signed a petition requesting that all athletes be tested in the months prior to the Games. Unfortunately, the uncertainty remained, even through the Games, and I watched how this affected my teammates and fellow competitors. We all felt the frustration, which undermines so much of the belief and confidence we work so hard to build up to prepare for the Olympics. Looking back over my career, and knowing how difficult it is to get to the highest levels of the sport, and to try to stay there, I can't help but wonder how the current and next generation of younger athletes of today will be able to do it, if this uncertainty persists.

As a child, I found school difficult. I had ADHD, which probably contributed to my restlessness. I'll never forget being told by one of my teachers that I'd never amount to anything. It was swimming that enabled me to see past those challenges, and not be defined by them. My mom put my sisters and me in the pool so we'd be water safe. At first, like many children, I was afraid to put my head under the water, but by overcoming that fear I got my first taste of self-confidence. As it turned out, I was pretty good in the water, and I quickly realized that the harder I worked, the quicker I improved. I found a focus and purpose I had never felt before. I would set goals for myself, and work like crazy until I accomplished them. Dreams would just pop into my head whenever I got into the water. I'd dream about becoming a gold medalist, a world record holder. I wanted to be the best. I talked with my coach so we could come up with a plan, not just for what I could do in the pool, but also what I could do away from the pool to make myself better. I made up my mind to do everything I could to make my dream a reality.

In school, I had friends, but I wasn't all that social. I was focused on swimming. At times, I was made fun of for what I was doing, because it was

“different,” but I was in love with challenging myself to be the best athlete I could be. I felt that every single day was an opportunity for me to do something special when I went to the pool or to workout. I always felt it was the kids who worked harder that got the best results, so I pushed myself in every way I could.

Over a 5-year period, I trained every single day without a day off. My competitors were also training hard, but I figured some of them might not train on holidays, so I'd get an edge if I did. I made sure I was sleeping and eating right, and getting the rest I needed between workouts. As my hard work and sacrifice began to pay off, my confidence grew and I began to feel that if I could dream it, and gave everything I had, anything was possible. The strength of that belief drove me to set goals that others might have thought unrealistic.

That's one of the amazing things about competitive sport: it demands that you believe in yourself. This isn't always easy. There were so many times I could have quit and walked away. Sticking with it required me to dig deep, especially knowing that even after all the work and sacrifice, success may be determined by just a hundredth of a second. In those critical moments that really test your commitment, and that can ultimately define your career, you need to believe that if you push on, you'll get the opportunity to measure yourself (your preparation, your desire, your talent) against others who have had to prepare themselves in the same way.

Throughout my career, I have suspected that some athletes were cheating, and in some cases those suspicions were confirmed. Given all the testing I, and so many others, have been through I have a hard time understanding this. In addition to all the tests during competitions, I had to notify USADA as to where I would be every day, so they would be able to conduct random tests outside of competition. This whole process takes a toll, but it's absolutely worth it to keep sport clean and fair. I can't adequately describe how frustrating it is to see another athlete break through performance barriers in unrealistic timeframes, knowing what I had to go through to do it. I watched how this affected my teammates too. Even the suspicion of doping is disillusioning for clean athletes. To believe in yourself through sport, you need to be able to believe in the system that safeguards clean sport and fair play. All athletes must be held to the same standards, which need to be implemented and enforced with consistency and independence.

For years now, I have worked closely with kids. I've regularly visited Boys & Girls Clubs all over the U.S., often just to sit down and speak with the kids. After the Beijing Games, I launched my Foundation, which provides water safety and learn-to-swim programming in the clubs. Most of these kids aren't swimmers, but they're eager to sit down and talk with me, and they're full of questions. It's when I talk about being a kid like them, and how it all started with a dream, that I see their eyes light up. We talk about how I did it, and I tell them they can do it too. To look into a child's eyes and tell them that if they dare to dream, and do the work, they can



succeed, requires conviction that can't be faked. The power to believe in yourself and inspire others through sport depends upon fair play.

Now that I'm retired, I'm frequently asked if I think anyone will win more medals than me in my lifetime. My answer to that question is I hope so. I'd like to think that there's some boy or girl somewhere now, with an even bigger dream, and even stronger drive to work even harder than I did to do something that's never been done before. But for that to happen, he must believe he or she will get a fair opportunity to compete. If we allow our confidence in fair play to erode, we will undermine the power of sport, and the goals and dreams of future generations. The time to act is now. We must do what is necessary to ensure the system is fair and reliable, so we can all believe in it.

Mr. MURPHY. We rarely have applause after testimony, so I thank both of you.

Mr. Tygart, you are recognized for 5 minutes.

**STATEMENT OF TRAVIS T. TYGART**

Mr. TYGART. Thank you, Mr. Chairman, Ranking Member, and other members of the committee. I'm Travis Tygart from the U.S. Anti-Doping Agency, and really appreciate the invitation to be here today to discuss this very important topic.

We find ourselves at a critical juncture for the soul of sport. Fairness and integrity in athletic competition, two principles at the very heart of why we play sports, hang in the balance. You just heard powerful testimony from Adam Nelson and Michael Phelps on why this matters. We view clean athletes and their powerful stories as our guiding light, our North Star. Their stories give us hope, they provide us the fuel to continue to advocate for their right to clean and fair competition.

In order to do this today I think we must understand how and why the system is under threat. There's no timelier example than the uncovering of Russia's widespread state-supported doping system. Over a thousand Russian athletes from over 30 sports have been implicated in this drug program that was proven to have been orchestrated by Russian officials. At least two Olympic Games were corrupted, and at the Rio Games this past August scores of Russian athletes competed despite not being subject to credible anti-doping programs.

When the moment came, despite mountains of evidence and vocal opposition from anti-doping leaders and clean athletes from around the world, the IOC chose to welcome the Russian Olympic Committee to Rio and did not enforce any meaningful sanctions against the Russian Olympic Committee. The IOC missed or ignored a defining moment to confront in the clearest way possible this win-at-all-costs culture of doping in global sport. It was a chance to draw an unambiguous line in the sand to stand up for clean athletes of the world.

Despite this, however, two silver linings have emerged. The first, more than ever before, as you've heard today, athletes are mobilizing, voicing their opinions, and fighting more than ever before for a level playing field. And second, we all have a once-in-a-lifetime opportunity to disrupt entrenched positions for the good of sport to make sure that the kind of state-supported doping is never allowed to rear its ugly head again.

To get there, the road to reform starts and ends with independence. We have long advocated in front of this Congress for a clear separation between those who promote sport and those who police sport, because to do so otherwise is to have the fox guarding the henhouse. You cannot both promote and police your own sport.

We, along with 22 other national anti-doping agencies that were referenced earlier from around the world, support a strong and independent WADA. But we also agree that WADA needs reform to become a truly independent global regulator, not merely the sport service organization that many hope it remains. The good news, Mr. Chairman, is that WADA's conflicted governance model could be easily solved by removing sport leaders from the WADA

board. Let's take the blindfolds off, let's take the handcuffs off and let WADA do the job that clean athletes deserve.

I read the testimony of both Richard and Rob prior to coming today, and let me just preface this by saying that we know both of them well and have great respect on a personal level for their efforts to fight within the system for change. But, unfortunately, today they are simply to some extent just carrying out the instructions from their sport bosses who aren't here, unfortunately. But in regard to their positions, we agree with much of it.

In fact, that's why national anti-doping agencies, including us here in the U.S., have implemented many of the same strategies years ago, but unfortunately, their submissions are silent on the crux of the real reform solution, which is to remove the fox from guarding the henhouse. In our world we hear that term a lot, fox in the henhouse. You'll see quite clearly that while the IOC and WADA may be advocating to deputize the fox, to educate the fox, and even equip the fox with the appropriate resources to do the job, it's still the fox. There is still a conflict of interest, and clean athletes around the world are still being let down by sports control of these critical anti-doping functions.

What's also so frustrating for us, and you've heard our athletes' frustration in the athletes that we serve, is that the solutions are relatively easy but the determination to implement them is lacking, yet we remain optimistic. National anti-doping agencies from around the world as it's been cited today have come together and put forth the Copenhagen reform declaration that number one, remove sports' control of anti-doping; number two, strengthen WADA through improved independence and increased investment; number three, increase and make clear WADA's ability to investigate, monitor compliance, and impose sanctions; number four, provide meaningful athletes who have been robbed the recognition they deserve.

If we were involved with Adam's situation, not a chance that medal gets handed to him in a food court. But sport, it's an obstacle. They don't want to care about it. Let it be done right and let's have swift reallocation of any medals that have been stolen. Five, increased support for whistleblowers around the world.

Mr. Chairman, and those of you on the committee who value this clean sport, this is our moment. Importantly, this is not just about elite Olympic athletes, but about every child on a playground who has a dream and asks themselves what does it take to have this dream come true. The truth is, if we don't push, if we don't win, we will likely find ourselves right back in this same situation years from now, staring at another state-supported doping system in the face that has abused its own athletes, that has robbed other athletes from around the world, and we'll all be wondering why we didn't do more.

Thank you, Mr. Chairman, Ranking Member, and members of the committee.

[The prepared statement Mr. Tygart follows:]

**February 28, 2017 House Hearing**

**Conducted by the House Energy and Commerce Subcommittee on Oversight and  
Investigations**

**Testimony of Travis T. Tygart**

**Chief Executive Officer**

**United States Anti-Doping Agency**

Mr. Chairman, members of the Committee, good morning. My name is Travis T. Tygart, and I am the Chief Executive Officer (CEO) of the United States Anti-Doping Agency (USADA). I want to thank this Committee for its interest in clean sport and for the opportunity to appear before you today to discuss how we can better protect the rights of athletes and the integrity of competition.

It is an honor for me to be here representing the USADA Board, our small but talented professional staff, and clean athletes from across the United States for whom we advocate every day. It is also an honor for USADA, a 501(c)(3), not-for-profit, incorporated in Colorado, to be a part of such an important discussion. We also greatly appreciate the ongoing support of Congress and the President's Office of National Drug Control Policy in our efforts to protect the health, safety and rights of clean athletes and the integrity of competition.

We have arrived at a critical juncture for the soul of sport – a moment of truth, if you will. And today, I want to speak to the Committee about not only the significant and urgent threats facing clean athletes and fair play, but also about the very feasible solutions to these problems.

First, the challenges: The truth is, fairness and integrity in athletic competition — two principles at the very heart of why we play sports — hang in the balance. They are under attack. And, if we don't act soon to enact reforms necessary to protect the rights of clean athletes and to preserve a level playing field – both here in the United States and around the world – we will be committing an unacceptable injustice to today's athletes, fans, broadcasters and sponsors who believe in, and invest in, fair and clean competition; and equally intolerable, we risk shattering the dreams of tens of millions of young people from around the world.

You will hear from Adam Nelson, the American shot putter who, nine years after the 2004 Summer Olympics, was awarded a gold medal after the athlete originally declared the gold medalist tested positive for doping. You will hear Adam's sad and tragic "podium" story —how he received his delayed gold medal in an airport food court. And, you will also hear from Michael Phelps, the most decorated Olympian in history, who despite his unprecedented success

still questions whether – on the international stage – he ever truly competed on a level playing field.

As an independent anti-doping organization, we view these athletes — and their powerful stories — as our guiding light, our North Star. Their stories give us hope, they remind us of our purpose, and they provide us the fuel to continue to fight for their right to clean and fair competition.

But, we need to ask ourselves something. And we need to be honest. How many more Adam Nelsons? How many more podium moments stolen? How many more medals will be handed over in a food court — nearly a decade after a competition — before we finally understand the importance of enforcing clean sport and fair competition? Adam Nelson ... Michael Phelps ... and millions of other clean athletes from around the world who can't be here today ... they are why this matters.

Now, in order to effectively protect the integrity of competition, we must first understand how and why the system is under threat. And there is no more topical example than the recent discovery of Russia's widespread, state-supported doping system. The astounding lengths to which Russia's doping system went to deceive the world, anti-doping officials and other athletes, was in many ways, a nightmare realized.

By now you've probably read and heard the facts: Shadow laboratories, tampering by Russian intelligence officers, samples swapped and passed through a hole in a wall under the cover of darkness, male DNA in female samples, and emails to and from the Russian Ministry of Sport determining which doped athletes the system would protect, and which ones it would sacrifice.

As I speak to you today, over 1,000 Russian athletes have been implicated in this doping program proven to have been orchestrated and supported by officials within the state-and-sport-run-system. The scandal spread across more than 30 sports, lasting from at least 2011 to 2015. The evidence clearly shows at least, two Olympics Games were corrupted, failing to fully deliver on

their promise, and at the Rio Olympic Games this past summer, scores of athletes competed despite not having been subject to credible anti-doping programs.

Consider this: Of the 82 medals Team Russia took home from London 2012, at least 15 of those medal winners were later found to have used prohibited performance-enhancing drugs. How many clean athletes were robbed? How many podium moments stolen? How many dreams shattered?

At the end of the day, despite mountains of evidence and vocal opposition from anti-doping groups — ourselves included — the IOC chose not stand up for clean athletes and against institutionalized doping. Instead, the IOC welcomed the Russian Olympic Committee to the Rio Games and punted the question of the eligibility of Russian athletes to international sport federations who — with few exceptions — had neither the time nor expertise to deal effectively with the fallout from this sporting fraud. This decision received sharp criticism by athletes, the public, the media and was described as “creating massive confusion amongst international federations”.

On behalf of those we serve along with anti-doping leaders from around the world, we have been consistent and firm, the IOC missed — or ignored — a defining moment to confront, in the clearest way possible, the win-at-all-costs culture of doping in global sport. It was an opportunity to draw an unambiguous line in the sand; a chance to stand up for clean athletes -- a chance to show clean athletes they cared, to send a message, loud and clear, that this type of criminal behavior will not be tolerated in Olympic sport. Yet, when the decisive moment arrived, when the lights were shining brightest, the IOC failed to lead.

Certainly, history will not judge that decision kindly.

However, out of the Russian doping scandal, two silver linings have emerged. The first: More than ever before athletes are mobilizing, voicing their opinions and fighting for a level playing field. And second: We have a once in a lifetime opportunity to break through entrenched positions for the good of clean athletes and the future of sport. We have the chance to implement

the reforms necessary to make sure the kind of state-supported doping we saw in Russia – and East Germany before it – is never again allowed to abuse athletes by forcing them to endanger their health and safety to use dangerous drugs for a sport and government system’s bad purpose.

To get there... the road to reform starts with independence. I’ve had the privilege to speak to Congress before about the “matrix of effectiveness” for anti-doping programs, about the elements of an effective anti-doping program – one aimed not just to say there is “drug testing” for sport brand value purposes but to actually win the battle for clean athletes. In the U.S. and in many countries around the globe, these key elements such as, ensuring year-round, no-notice, out-of-competition testing for both blood and urine and conducting robust intelligence gathering and investigations, have been implemented and proved successful.

Yet, the problems which currently plague the global anti-doping system are even more basic. The most vital principle of an effective anti-doping system is that it must be free from the influence of sport governing bodies. It must be independent.

Since our founding in 2000, we at USADA have advocated for a clear separation between those who promote sport and those who police it. To do so otherwise, we believe, is to encourage the fox to guard the henhouse. No matter how well intended it might begin, it simply does not work. The conflict of interest is too great and clean athletes will always lose out.

This matter of independence is without question the most important issue facing global anti-doping efforts today. In fact, it’s likely the entire Russian state-supported doping scandal would have been exposed much sooner by the many good men and women staffed at the global oversight body for anti-doping in sport — the World Anti-Doping Agency (WADA) — had its governance not been hamstrung by its own lack of true independence.

Clean athletes need and we, along with, 22 other National Anti-Doping Agencies (NADOs) from around the world including those from England, Japan, France, Norway, Ireland, Germany, Canada, Singapore, support a strong and independent WADA. But, we all also agree we need WADA reformed from the current status quo to become a truly independent, global regulator, not



merely the sport service organization many in international sport hope it remains.

As it stands, half of WADA's 38-member Foundation Board and its 12-person Executive Committee is selected by the Olympic sports movement. These sport members are not mere figureheads but are lifetime sport executives with strong incentive to influence WADA decisions to advance their own sport interests. One IOC leader who simultaneously sat on WADA's Board for years until this year, expressed his position on clean sport to *The New York Times* in November 2016 by stating, "*We need to stop pretending sport is clean. It's a noble principle but in practice? Its entertainment. Its drama.*" While surprisingly open and candid, not exactly the type of independent leadership clean athletes can or should depend on to protect their rights.

WADA's current President is also an IOC member and served as an IOC Executive Board member through the Rio Olympic Games. The lack of a clear conflict of interest policy or term limits perpetuates the ability of sport interested decisions to take precedence over the right decisions for clean athletes. Additionally, the IOC is by far the single largest funder of WADA providing WADA \$14.8M in 2017. And, while this number is paltry compared to the IOC's annual revenue according to its 2015 Annual Report of \$1.5 Billion or compared to its \$3.9 Billion total assets including a \$1.4 Billion fund balance, it is significantly larger than the next single WADA contributor, the U.S. government which contributes \$2.1M in 2017.

Unfortunately, WADA's governance structure, lacking any meaningful conflict of interest policy to separate sport interests from WADA governance, combined with this funding disparity has repeatedly undermined confidence in WADA, as when it dragged its feet in the early phases of its investigatory efforts into Russia.

We know now that WADA and the IOC had compelling evidence, from whistleblowers, about systematic Russian cheating for several years prior to the 2014 Sochi Winter Olympic Games. Yet, action to protect clean athletes only happened after the whistleblowers – frustrated, they said, by inaction – took their story to the media. Even then, however, it took persistent lobbying by clean sport advocates including some within WADA's own internal staff to finally convince its leaders to open up the initial Russian investigation which began in January 2015.

The initial Independent Commission Report released in November of 2015, prompted calls for WADA leaders to expand its investigations outside of just Track and Field from athletes from around the world including WADA Athletes Committee Chair, Beckie Scott, which was undoubtedly the right thing to do but WADA President resisted expanding the investigation. Months later, again in response to media investigations by both 60-Minutes and the New York Times, WADA leadership finally embraced these calls to conduct the comprehensive investigation that had long been demanded. Only after a growing chorus of clean athletes, whistleblowers, journalists and independent anti-doping experts came together to demand a truly independent investigation did WADA finally do the right thing and appoint the esteemed sport judge, Professor Richard McLaren to lead an expanded investigation.

By all accounts and as evidenced in his exhaustive report, Professor McLaren did an outstanding job, and his investigation showed beyond a reasonable doubt, what many already knew to be true: that the Russian state-and-sport-run doping system had corrupted international competition on a massive scale for years, including at least two Olympic Games, leaving countless stolen dreams and broken promises to athletes, fans, and sponsors in its wake.

Ultimately, on the heels of the McLaren investigation, WADA acted in the best interests of athletes and recommended to the IOC that the Russian delegation be banned from the summer Olympic Games in Rio de Janeiro. However, the IOC rejected WADA's response to Russian doping. As a result, hundreds of Russian athletes competed in Rio who had not been adequately tested under a reliable anti-doping program.

The good news is that WADA's conflicted governance model could be easily solved by removing sport leaders from the WADA governance and implementing a proper conflict-of-interest policy which prohibits governing members from simultaneously holding a governing role within a sports organization under WADA's jurisdiction.

The fix for the IOC – which has experienced significant backlash from clean athletes in the wake of its inaction – is just as simple. In fact, we've said publicly on numerous occasions that if the IOC really wanted to put clean athletes and fair play first, they could. We believe that. They

could do it today.

If the IOC made the decision to remove itself and other sports organizations from critical anti-doping functions and to properly finance efforts to keep performance-enhancing drugs out of sport – the anti-doping landscape would be exponentially stronger, more fair and clean athletes would trust the global system – and be much better protected. Sport involvement in these critical anti-doping functions is a glaring conflict of interest, and we know from experience that it's too much to expect any organization to effectively promote and police itself.

That's what is so frustrating for us at USADA and for the athletes we serve. The solutions are relatively easy, but the will to implement what should be uncontroversial solutions has been absent from those claiming to have zero tolerance for doping in sport.

With a truly independent WADA and an IOC which did not fear relinquishing the power to police sport and supported those who dare to stand up for clean sport – the future could be bright. As I have said, the solutions are relatively simple. But if we continue down the road we are on... if we do nothing or take only cosmetic steps and merely wait for the headlines to pass... or worse yet if we react to criticism by seeking to retaliate against those who are advocating reform... we risk inflicting irreparable damage to all the good things for clean athletes gained by WADA and NADOs over the past decade and completely lose the confidence of clean athletes and thus, the future viability and promise of sport.

Over the past few months, National Anti-Doping Organizations from around the world, with the support of athletes, coaches, National Federations and others have put forth a series of specific proposals designed to reform and strengthen the global anti-doping model.

The path forward is outlined in what has been called the "Copenhagen Reform Declaration." The reforms are simple:

- Remove the fundamental conflict of interest that exists when anti-doping decisions are controlled by sport organizations.
- Strengthen WADA through improved independence, transparency, and increased

investment.

- Increase and make clear WADA's ability to investigate, monitor compliance and impose sanctions, so that countries and organizations which engage in state-supported doping are held accountable.
- Provide the opportunity for athletes who have been robbed by doping to have significant and meaningful recognition and celebration, including the swift reallocation of any medals.
- Increase support and protection for whistleblowers around the world.

In support of these reforms, athletes from the United States have embraced these proposals. But make no mistake, it's not just athletes in the United States that are growing more vocal on these issues. Athletes around the world have taken up this cause.

Mr. Chairman, members of the Committee, for those of us who value the rights of clean athletes and the preservation of a fair, safe and healthy playing field – this is our moment. The solutions are here – right in front of us. The governance issues which continue to cast a shadow over the Olympic flame could be resolved today. As a global community that deeply cares about athletes' rights and health, we must merely find the resolve and the courage, and sport must be selfless. Sport must put clean athletes first and relinquish its desire to control anti-doping.

The personal well-being of the next generation of clean athletes hangs in the balance. This is not just about elite Olympic athletes -- this is about every kid on a playground who has an Olympic dream and asks "what do I have to do to make my dreams come true?" And the truth is, if we don't push, if we don't win, we will likely find ourselves back in this same position, years from now, staring another state-supported doping system in the face – one that has abused its athletes, and robbed another generation of clean athletes in the process.

And, we will all be wondering why we didn't do more when we had the chance.

Mr. MURPHY. Thank you, Mr. Tygart.  
Mr. Koehler, you are recognized for 5 minutes.

**STATEMENT OF ROB KOEHLER**

Mr. KOEHLER. Thank you, Mr. Chairman, members of the committee. My name is Rob Koehler, Deputy Director of the World Anti-Doping Agency. First of all, thank you for inviting me to testify today about anti-doping issues in sport, an issue that I and my organization are passionate about.

The World Anti-Doping Agency was established in 1999 to promote, coordinate, and monitor the fight against doping in sport. WADA is an independent agency responsible for the development and implementation of the World Anti-Doping Code. The Code harmonizes anti-doping policies in all sports in all countries. WADA both oversees and works with cooperation and a network of stakeholders in governments and in sports movements. Each has its own specific roles and responsibility.

WADA is funded by the sports movement and the governments of the world. We heard today that the United States is the largest national contributor to WADA who funds WADA on an annual basis at \$2.15 million of our \$27.5 million annual budget. WADA has come a long way in 18 years on very modest resources. The World Anti-Doping Code is in its third iteration. The Code has introduced consistencies to the anti-doping rules and processes where previously there was disparity. One should not look past the importance of consistent rules and procedures, as without them anti-doping efforts are merely unstructured aspirations.

WADA has also introduced a U.N. treaty called the UNESCO International Convention Against Doping in Sport. This treaty was ratified in record time by 183 states of 195. Relationships are also crucial to run effectively as a small organization. For example, we've established lasting relationships with INTERPOL, with the world's custom organizations, and our relationships with the pharmaceutical companies such as Pfizer, Roche, GlaxoSmithKline are also very helpful in terms of our research initiatives.

While WADA has come a long way in its inception, the past 2 years have placed the Agency in uncharted waters, the Agency and the broader anti-doping community. The widespread anti-doping, or doping conspiracy in Russia as described in the Pound Report and subsequent McLaren Report, both funded and sponsored by WADA, forced a global period of reflection on how better to fight doping in sport. WADA has listened to a series of proposals made by its stakeholders in the wake of the Russian doping conspiracy.

WADA's board as you know is comprised of representatives from the sport movement and from governments. Our board in its November meeting took action on a set of recommendations that we believe will both enhance WADA's role and capacity to help foster clean sport and to help protect the rights of clean athletes worldwide. We're moving forward in three main priorities.

One, we recognize the need to enhance WADA's investigations and intelligence gathering capacity. This work has already begun with the arrival of our new chief investigative officer whose team will and is entirely independent from WADA's management. Second, WADA's new whistleblower policy—we've named it Speak

Up—has been approved and will be launched in the coming days. As the last couple of years have shown, informants and whistleblowers are invaluable to the fight against doping in sport.

Third, and perhaps the most important, is WADA's new compliance monitoring which will be the most thorough review of our stakeholders' anti-doping programs that has ever taken place in the anti-doping movement. It will raise the standards of the entire clean sport community. We recognize, however, that this compliance monitoring program will only be effective if supported by meaningful, predictable, and proportionate sanctions for those organizations that subvert anti-doping rules.

Our Foundation Board endorsed principled, new graded sanction framework moving forward to ensure that people are made accountable for making mistakes. WADA is focused on these three priorities. We are all conscious that these new strategic undertakings will require a significant level of funding if we are to realize our mission to protect the clean athlete. We will present to our board a clean slate draft of our 2018 budget to reflect this new level of work. Simply put, to increase our capacity in the broader anti-doping community we'll need additional funding from both sport and government to be more successful.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Koehler follows:]



**Written Testimony of Mr. Rob Koehler, Deputy Director General of the World Anti-Doping Agency (WADA), delivered before the United States Congress on Tuesday 28 February 2017**

The World Anti-Doping Agency (WADA) was established in 1999 to promote, coordinate, and monitor at the international level the fight against doping in sport. WADA is an international, independent agency that is responsible for the development and implementation of the World Anti-Doping Code (Code), the document that harmonizes anti-doping policies in all sports in all countries. WADA oversees and works in cooperation with a network of stakeholders in government and in the sports movement, each of which has its own specific set of roles and responsibilities. Our key activities include scientific research, education, development of anti-doping capacities, monitoring of the Code, and, more recently, investigations. WADA is composed and funded equally by the sports movement and the governments of the world, and it is worth noting that the United States is the largest contributor to WADA of any country worldwide, and in 2016 contributed USD \$2.15m of WADA's total USD \$27.5m annual budget. WADA has indeed enjoyed a constructive and supportive relationship with the United States government since the Agency's inception.

WADA has come a long way in 18 years and on modest means. Amongst our successes, we can count: the introduction of three iterations of the World Anti-Doping Code, which has introduced consistency to anti-doping rules and processes, where previously there was disparity; the introduction and ratification in record time of an international UN treaty called 'The UNESCO International Convention against Doping in Sport' (this has now been ratified by 183 of 195 states worldwide); the establishment of lasting relationships with the likes of INTERPOL and the World Customs Organization in the law enforcement industry, and with pharmaceutical giants, Pfizer, Roche and GlaxoSmithKline; and, as is well known by now, the initiation of groundbreaking, independent investigations that uncovered institutionalized doping in Russia which have transformed today's sporting landscape.

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As is evident, WADA has come a long way in its relatively short 18-year history. It is the past two years, however, that have placed the Agency – and the broader anti-doping movement – in uncharted waters. In light of, initially, the findings of the Pound Report 9 (into widespread doping in Russian athletics), and then subsequently, the findings of the McLaren Report Part I (into the institutionalized doping conspiracy and manipulation of the doping control process in Russia), the anti-doping community was faced with



an unprecedented situation, and subsequently entered a period of reflection to ensure that the collective effort to fight doping would be strengthened, and to ensure that WADA, as the international leader of the clean sport movement, would be fit to face the challenges of the future.

WADA listened to a series of proposals made by its stakeholders in the second half of 2016, and then in Glasgow, Scotland on 20 November, during WADA's Foundation Board meeting, the Board – which is comprised of the sport movement and government – reached a consensus on a number of recommendations that would strengthen and empower WADA to enhance its leadership role, and help protect the rights of clean athletes worldwide. At the heart of this new way forward were three main priorities:

1. First, the need to enhance WADA's investigations and intelligence-gathering capability. This work has already begun, with the arrival of a new Chief Investigative Officer, Gunter Younger who had 30 years' experience in law enforcement with Europol and Interpol, before serving on the Pound Commission. Mr. Younger's department – which runs entirely independently of WADA Management – has plans to grow from two to six people, and when at full strength, will help the Agency make significant headway in detecting and deterring doping. The investigative work commissioned by the Agency over the past two years has proven how effective investigative work can be to the protection of clean sport.
2. Second, WADA's new Whistleblower Program ('Speak Up!') has been approved and will launch in the coming days. As the last couple of years have shown, informants and whistleblowers are invaluable to anti-doping, and so WADA deemed it important to formalize their role (in the anti-doping process) through the introduction of a Program and supporting Policy. We recognize that speaking up against doping is a courageous and bold act, and so by introducing the Program, we hope to encourage informants and whistleblowers to come forward with information regarding doping. The Whistleblower Program will be underpinned with the necessary legal framework to guarantee whistleblowers' confidentiality and safety, and will demonstrate how highly we value their information and intelligence. And whilst WADA does not possess the legal powers [of a law enforcement agency] to compel individuals to speak about doping practices, we have struck important partnerships with the likes of Interpol and the World Customs Organization so that we can share significant information on doping practices, and so that those organizations can use their legal powers as it relates to criminal practices. Furthermore, using the same network, we can ensure that before the name of a whistleblower is





revealed (at his or her demand), the relevant law enforcement agency is aware and ready to ensure protection if necessary.

3. Third, and perhaps most important, is WADA's ISO-certified World Anti-Doping Code Compliance Monitoring Program, which will be the most thorough review of our stakeholders' anti-doping programs that has ever taken place. It will raise the standards of the entire clean sport community, and in turn, reinforce athlete and public confidence into the standards of anti-doping work. As part of this program, we have issued a Code Compliance Questionnaire to all our Signatories that will help us better evaluate the current state of their anti-doping programs, and we have also launched a rigorous Audit Program into at least 10 National Anti-Doping Organizations or International Sport Federations in 2017. This Audit Program will be conducted by trained individuals from WADA and external experts in anti-doping.

We recognize that this new Compliance Monitoring Program will only be effective if supported by meaningful, predictable and proportionate sanctions for those organizations that subvert anti-doping rules. And that is why our Foundation Board endorsed in principle a new Graded Sanctioning Framework that would clearly, consistently and predictably set out the consequences for non-compliance by one of WADA's signatories; and, as a result, would deter organizations from becoming non-compliant. Once it would enter into force, the system would be a game-changer for the clean sport movement. Crucially, this new system has the backing of the clean athlete community worldwide.

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WADA is resolutely focussed on these three priorities, amongst its numerous other activities, however we are also conscious that these new strategic undertakings will require a significant new level of funding if we are to realize our mission to protect the clean athlete. That is why the Agency, along with its Finance Committee, is in the process of developing a 'clean slate' draft 2018 budget to reflect this new level of work. This budget will be presented at WADA's next Foundation Board meeting in Montreal just a couple of months from now, and will be a very interesting indication of the financial resources required for WADA to continue to expand its role.

Twelve months ago, we spoke of being at a 'crossroads' in the fight against doping, but today I can stand before you and clearly state that the anti-doping movement has chosen its path, and is well underway on the journey of building on its accomplishments, with a strengthened, empowered and independent WADA at the helm.



Thank you.

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Mr. MURPHY. Thank you, Mr. Koehler.  
Dr. Budgett, you are recognized for 5 minutes.

**STATEMENT OF RICHARD BUDGETT**

Dr. BUDGETT. Thank you, Mr. Chairman, and thank you, members of the subcommittee. My name is Richard Budgett. I'm the medical and scientific director of the IOC, and I'm very pleased to have the opportunity to present to you on behalf of the IOC on strengthening the international anti-doping system. Clearly, the cooperation between sport and government is extremely important. The protection of clean athletes has been an absolute priority for the IOC.

Primarily, we are responsible for anti-doping at the Games, but our responsibility is broader than that across the whole Olympic family. And perhaps the most important thing the IOC ever did in the field of anti-doping was to found WADA in 1999. For the first 2 years it was totally funded by the IOC, and then as you've heard it became a partnership 50/50 between government and sport.

And now the IOC fund WADA to the tune of 14 million a year, and of course the sporting community as a whole spends hundreds of millions of dollars a year on anti-doping. Now more recently with Agenda 2020, the importance of protecting the clean athlete was really put central within the IOC's strategy and since then there have been two Olympic Summits which have called for an increase in independence, increased harmonization, and increased transparency.

Now my own personal and professional commitment to this really began in 1984 when as a rowing athlete I won an Olympic gold medal in Los Angeles. Since then I've been a sport medicine doctor and looked after Olympic athletes all around the world for more than 25 years. And that's given me a passionate commitment that we have to do everything we possibly can to ensure that Olympic athletes like the two fantastic Olympic athletes we have with us today can be as sure as possible that they are competing on a level playing field.

Now in 2012 I became chief medical officer for the London Olympics, and then since 2012 I've been the IOC medical and scientific director responsible for the prevention of injuries and illness in athletes, for education research, and of course for anti-doping which of course is a threat to health.

As we've heard, there's a small silver lining in the recent scandals, which is this acceptance amongst the anti-doping community that we have to strengthen the world anti-doping system. And I really appreciate you calling this hearing and giving the platform for us to make changes and for the support of WADA from the U.S. For the IOC's part, we strongly support the regulatory role of WADA, standards, compliance as you've heard, and assessment of anti-doping organizations. But this will only succeed if it's seen as fair. So there must be respect for individual justice and we mustn't sanction or punish athletes for the failure of others.

As part of governance, the IOC have called for leaders of WADA to be independent, so we're in agreement on that—independent from sport and government—and we've called for further independence through the whole system, separating legislation from policing

and from sanctioning so you don't have the same body setting the rules, enforcing the rules, and actually determining the punishment.

In order to avoid conflict of interest or any perception of conflict of interest, the IOC have called for anti-doping testing to be independent all around the world. And as a result, the independent testing authority could do everything from the testing and analysis through to the storing of samples for up to 10 years and the reanalysis through to the prosecution of cases in the same way as the IOC did in Rio, where it made that independent from the IOC through a CAS arbitration panel. This way, with an independent testing authority, athletes can be confident that their peers throughout the world are also being tested to a similar standard.

As regards to the McLaren Report, this was a shocking institutional conspiracy. The IOC have taken it extremely seriously. As you've heard, there were two commissions, an inquiry commission under Samuel Schmid, past President of Switzerland, looking at the whole, and a disciplinary commission under Denis Oswald looking at individual cases. As Professor McLaren has acknowledged, there are challenges there because the evidence he gathered is not designed to be used to prosecute individual cases.

But we're working hard with further forensic analysis, further reanalysis, and gathering of evidence so these cases can be pursued with the cooperation of WADA, of the independent person and his team, and also the international federations. These commissions are ongoing and should finish in time for the Pyongchang Games. They must finish by then.

Ultimately, the goal of the IOC is the protection of the clean athlete, and we are fully determined to work with all those involved in this fight as WADA, the international federations, the athletes and their entourage, and with governments. So thank you for this opportunity to address you, and I'm ready to answer any questions. Thank you.

[The prepared statement of Dr. Budgett follows:]

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**Testimony of Dr Richard Budgett**  
**Medical and Scientific Director**  
**International Olympic Committee**  
**Before the**  
**Subcommittee on Oversight and Investigations of the**  
**Committee on Energy and Commerce**  
**Hearing on**  
**“Ways to Improve and Strengthen the International Anti-Doping System”**  
**28 February 2017**

Good morning, Mr. Chairman, and Members of the Subcommittee. I appreciate this opportunity to speak with you, on behalf of the International Olympic Committee (IOC), about the ways to improve and strengthen the international anti-doping system. Thank you for convening this hearing and for your interest in this important topic. The IOC has long recognised that cooperation between sport organisations and government authorities is essential for success in protecting clean athletes.

The protection of clean athletes is an absolute priority for the International Olympic Committee, and the IOC has been at the forefront of this effort for more than 50 years. Protecting the integrity of sport against those who seek unfair advantage requires constant vigilance and proactive improvements in methods of education, prevention and detection. The IOC's direct responsibility for anti-doping measures is limited to the Olympic and Youth Olympic Games, but our commitment to protecting clean athletes is much broader.

This is why the IOC founded, in 1999, the World Anti-Doping Agency (WADA) and financed it for the first two years. Since 2001, the IOC has provided half of WADA's budget with the other coming from governments. In 2016, the IOC contributed more than USD 14 million to WADA. In addition to this direct support to WADA from the IOC, the worldwide sporting movement invests an estimated USD 300 million a year on anti-doping activity.

For all these reasons, the IOC, more than any other stakeholder, has a deep and abiding interest in having a well-functioning WADA.

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The IOC strongly reaffirmed its commitment to protecting clean athletes in 2014 with the adoption of Olympic Agenda 2020, which also established a 20 million dollar "Protection of Clean Athletes" fund and extended the period for post-Games re-analysis to 10 years. Since then, the IOC has convened two Olympic Summits with stakeholders from throughout the world of sport to promote greater independence, harmonisation and transparency within the world-wide fight against doping in sport.

My own commitment to this issue is both personal and professional.

As a former athlete and Olympic Champion in Rowing in 1984, I have very strong feelings about attempts to undermine fair competition. As a Doctor in Sport and Exercise Medicine, I have had an opportunity to do something about it. I have devoted a large part of my career to the fight against doping in sport. Athletes like the two great Olympians with us today, should be confident that they can compete on a level playing field.

In my capacity as the IOC's Medical and Scientific Director, I am responsible for ensuring the health and safety of athletes at all editions of the Olympic and Youth Olympic Games. I also oversee all of the IOC's medical and scientific programs, including injury and illness prevention, education, research and the promotion of the health legacy from the Games.

Before joining the IOC in October 2012, I was the Chief Medical Officer and oversaw Doping Control and Medical Services at the Olympic Games in London. I have also served as team doctor for British Olympic Teams. I have been a member of the World-Anti-Doping-Agency's Prohibit List Expert Group, which identifies substances that should be prohibited in sport, since 2005, and have served on several national and international substance review panels. My publications related to Olympic sport include works focused on anti-doping issues.

From my perspective, doping is not just a threat to the integrity of sport; it is a threat to the health and safety of the athletes that I have an obligation to protect. Clean sport promotes health. Doping can destroy it.

The recent scandals around doping and sports manipulation have confirmed the need to strengthen the world-wide anti-doping system. In order to do so, it is necessary that WADA be confirmed as the regulatory body, setting the standards for compliance, and carrying out the assessment of all anti-doping organisations. The IOC strongly supports WADA in the lead to fight doping in sport and to protect clean athletes. The current review of the world anti-doping system must result in a stronger and more efficient WADA, with more authority over Anti-Doping Organisations (ADOs). It is crucial that WADA can ensure that NADOs, all around

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the world, are carrying out more testing on visiting athletes. In addition, sports organisations at all levels — including the professional leagues in the United States — should be signatories of the World Anti-Doping Code and commit to be Code Compliant.

Compliance monitoring, conducted by WADA, is also an important process which needs to be enhanced to ensure the protection of clean athletes. The IOC supports WADA's initiative to strengthen its compliance programme, including for sports organisations.

A compliance programme can only be effective if it is viewed as fair to all parties. Individual justice must be respected and guaranteed with a compliance framework designed to ensure that sanctions target only those responsible for non-compliance. In accordance with the principles of individual justice, clean athletes should not be sanctioned or punished for the failures of others.

Further in the interest of the athletes and for a greater independence of the anti-doping system, the IOC has offered a number of proposals to strengthen WADA's governance, including stricter guidelines on conflict of interest, and a clear separation between WADA's legislative, policing and sanctioning roles. The same organisation should not be empowered to make the rules, enforce the rules and determine the punishment for violating the rules.

The IOC has also proposed eliminating the current system of rotating appointments for WADA's senior leadership and has suggested that WADA's future leaders should be independent, without ties to sports organisations or governments. Fundamental fairness requires that the decision on the level and type of sanctions be independent and separated from the investigation "policing" role carried out by WADA.

To avoid even the appearance of a conflict of interest, the IOC has proposed, with the support of the 5<sup>th</sup> Olympic Summit, that anti-doping testing be independent from sports organisations and national interests. The Olympic Summit also called for the establishment, coordinated by WADA, of an Independent Testing Authority (ITA). The ITA will ensure equal treatment for all athletes around the world by establishing a harmonised standard for anti-doping testing. ITA will also provide a full doping control service that includes:

- Organising in and out of competition anti-doping controls using NADOs and private sample collection agencies; all analysis are exclusively conducted in WADA accredited/approved laboratories;

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- Establishing test distribution plans as well as the selection and number of athletes in the RTP;
- Collecting whereabouts and dealing with filing failures and missed tests;
- Managing the Athlete Biological Passport programme;
- Conducting the Results Management of cases;
- Prosecuting cases before an independent first instance body;
- Managing Therapeutic Use Exemptions;
- Collecting intelligence and conducting investigations in close partnership with actors in the field (WADA, NADOs and others);
- Managing storage of samples and analytical raw-data;
- Managing reanalysis;
- Setting-up a network of DCOs able to test worldwide in addition to using current providers.

WADA has responded to this call by establishing a Steering Group, with representatives from the Olympic Movement and public authorities, to recommend the best way to establish the ITA, and this ahead of the Olympic Winter Games PyeongChang 2018 in February. The IOC is convinced that the ITA is a great opportunity towards ensuring the protection of clean athletes and that its success will come through a strong cooperation between WADA, the sports organisations and the governments.

During the Olympic Games Rio 2016, the IOC went even further by separating its sanctioning powers. An Ad-Hoc chamber of the Court of Arbitration for Sport (CAS) was given sanctioning authority, with no change in the right of appeal to the CAS appeal chamber. By the Olympic Winter Games PyeongChang 2018, the IOC will also establish an independent investigation procedure and has proposed that sports organisations adopt similar measures.

With regards to the findings of the Independent Person Report, also referred to as the McLaren Report and mandated by WADA, on doping and manipulation in Russia, the IOC has established two Commissions, an Inquiry Commission and a Disciplinary Commission, to follow up on the allegations raised in the report.



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These two Commissions started their work last year, even before the publication of the full and final report by Professor Richard McLaren in December.

- The Inquiry Commission, chaired by the former President of Switzerland, Samuel Schmid, is addressing systemic issues. It is looking into evidence of an "institutional conspiracy across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as RUSADA, CSP and the Moscow Laboratory along with the FSB", in particular with regard to the Olympic Winter Games Sochi 2014.
- The Disciplinary Commission, chaired by IOC Member Denis Oswald, is addressing issues at the individual level. It is looking into evidence of doping and manipulation of samples involving the Russian athletes who participated in the Olympic Winter Games Sochi 2014. In the context of this Disciplinary Commission, all the samples of all Russian athletes who participated in Sochi are being re-analysed. The re-analysis will be to establish whether there was doping or whether the samples themselves were manipulated.

The work of the two Commissions is ongoing and they continue to closely cooperate with Professor McLaren, WADA and the International Federations. Gathering reliable evidence has been a significant challenge, as some IFs have already experienced; some IFs have had to lift provisional suspensions or postpone disciplinary procedures due to a lack of consistent evidence.

In closing, let me reiterate that the IOC's ultimate goal is the protection of clean athletes and that we are fully determined to cooperate with all the actors engaged in the fight against doping in sport, this not only includes WADA, the International Federations and the athletes, with their entourage, but also the Governments.

Thank you for the opportunity to appear here this morning, and I look forward to your questions.

To further detail the above testimony, please find enclosed:

- 4<sup>th</sup> Olympic Summit Declaration :

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[https://stillmed.olympic.org/Documents/Conferences\\_Forums\\_and\\_Events/2015-Olympic-Summit/2015\\_10-17\\_Communique\\_Olympic\\_Summit-English.pdf](https://stillmed.olympic.org/Documents/Conferences_Forums_and_Events/2015-Olympic-Summit/2015_10-17_Communique_Olympic_Summit-English.pdf)

- 5<sup>th</sup> Olympic Summit Declaration :

<https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/2016/10/2016-10-08-Declaration-Olympic-Summit.pdf>

- IOC Press release, dated 9 December 2016, on the Final Independent Person Report:

<https://www.olympic.org/news/statement-of-the-ioc-regarding-the-independent-person-report>

Mr. MURPHY. Thank you to all of our witnesses today. I will recognize myself for 5 minute of questions.

So recently, nearly two dozen national anti-doping agencies have voiced support for a number of reforms they believe are necessary to strengthen international anti-doping oversight and enforcement. Central to these reforms is the removal of sports organizations from the governance of anti-doping organizations including WADA. This would eliminate what many view as a glaring conflict of interest, in Mr. Tygart's words, the fox guarding the henhouse.

So Mr. Koehler, based on your experience at WADA, would the removal of sports organizations from your governance structure improve your independence and operations?

Mr. KOEHLER. Thank you, Mr. Chair. I think the first thing I want to draw back is we hear the word, WADA is broken, WADA needs to be fixed. And we're here today for the simple reason that WADA did a lot to expose doping in Russia and it brought to the forefront the major issues.

Mr. MURPHY. Right, but would removal of sports organizations from your governance structure improve your independence and operations? Would it improve it?

Mr. KOEHLER. I'm not sure if it will improve it. I think there's a process going on right now where we're doing a complete governance review on how we can strengthen the organization and we are open to any suggestions on the way forward.

Mr. MURPHY. Well, Dr. Budgett, do you and the IOC support this type of reform?

Dr. BUDGETT. Yes, we do support this reform and we—

Mr. MURPHY. Are you taking steps to invoke this change?

Dr. BUDGETT. Yes. So and in fact WADA, to be honest, have taken steps to invoke that change with this governance review which has independent experts as well as representatives from sport and from government to look at the total governance of WADA, and particularly the executive board should be independent of both sport and government.

Mr. MURPHY. Mr. Tygart, do you have anything to add to those comments?

Mr. TYGART. I would just say if in fact that's now the position that's wonderful. We'll see if it happens. We've had 2-plus years for that move to be made and athletes are still waiting for some change and that sport today, frankly, could remove themselves from the governance of WADA, but we haven't seen it. We've heard discussion of separation of powers and we certainly agree with that basic principle.

And you can have sport involved in the legislative branch, but when it comes time to the most important functions to protecting clean athletes is to have an executive function that is free of the fox attempting to guard itself and not conflicted by that. And we've yet to have a definitive statement or position by the IOC to remove themselves from that.

Mr. MURPHY. Thank you.

Mr. TYGART. So if that's the position, we fully agree and we're thrilled.

Mr. MURPHY. Thank you.

Mr. TYGART. If that's now the position.

Mr. MURPHY. Mr. Phelps, in your testimony you write that—it is an important quote—“To believe in yourself through sport, you need to be able to believe in the system that safeguards clean sport and fair play. All athletes must be held to the same standards, which need to be implemented and enforced with consistency and independence.”

So given these recent events, what effect does a doping scheme of this magnitude have upon you as an athlete?

Mr. PHELPS. I mean, one of the kind of craziest things and biggest things that comes to my mind when I think of international sports is—and I’ve said this to Travis—I don’t believe that I’ve stood up at an international competition and the rest of the field has been clean. I don’t believe that. I don’t think I’ve ever felt that.

And I know that when I do stand up in the U.S., I know we’re all clean because we’re going through the same thing. We’re going through the whereabouts, we’re going through the out of competition tests, we’re doing all of that stuff. So I think for me in terms of internationally, I think there has to be something done, and like I said it has to be done now.

Mr. MURPHY. And Mr. Nelson, how about you? And what effect does this have on our youth, especially those that also have dreams about being the best and competing on Olympic level?

Mr. NELSON. This notion of trust is really important. As athletes we trust that these organizations that are looking out for our best interests, our competitive interests, our integrity, are doing their jobs to the best of their abilities and being open and honest and transparent with how things are going.

Last year, or 2015, I think there was a major violation in that trust and things that we used to as athletes maybe not pay as close attention to or say someone else is looking after it. Now I think we see a change in the culture of athletes that says they’re not doing their job appropriately yet, we have to do it for them. And I think that that’s a big shift in the culture of athletics going on right now.

Mr. MURPHY. Thank you. I am just going to recognize Ms. DeGette now for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Chairman. Mr. Tygart, I found your written and also your oral testimony to be refreshingly honest, and I want to talk about a few of the findings that you made. You referred in your written testimony to the Russian cheating scheme as shockingly pervasive and noted that it, quote, spread across more than 30 sports from at least 2011 to 2015; is that correct?

Mr. TYGART. Yes, ma’am.

Ms. DEGETTE. And you also said, quote, Russia’s methods of cheating went from abhorrent to something out of a spy novel. Samples passed through walls, government intelligence officers, male DNA in female samples, and emails to the Russian Ministry of Sport looking for guidance on which doped athletes to protect and which to satisfy; is that correct?

Mr. TYGART. Yes, ma’am.

Ms. DEGETTE. Now also in your testimony you describe this as a, quote, nightmare realized, and you point out that whistleblowers and journalists played a major role in unearthing this scheme. Now Mr. Tygart, some of these whistleblowers feared for their own safety; is that correct?

Mr. TYGART. Yes.

Ms. DEGETTE. In fact some of those folks are still in hiding in the United States; is that right?

Mr. TYGART. That's right.

Ms. DEGETTE. Also WADA's independent investigation determined that the Russian Security Service, also known as the FSB, took part in this cheating scheme; is that correct?

Mr. TYGART. That's right.

Ms. DEGETTE. Now WADA's independent investigation found that over 1,000 Russian athletes might have benefited from the Russian doping scheme; is that correct?

Mr. TYGART. Yes, it is.

Ms. DEGETTE. And you also said in your testimony that, quote, despite mountains of evidence, the IOC chose not to stand up for clean athletes and against institutionalized doping. You said that the IOC's decision not to ban Russia was, quote, defining moment and, quote, the IOC failed to lead. Finally, you said, history will not judge the IOC's decision kindly. Is that an accurate—

Mr. TYGART. It is.

Ms. DEGETTE. So I want to ask you, Mr. Tygart, what should the IOC and the anti-doping community be doing now to address the findings of WADA's independent investigation?

Mr. TYGART. I think outside of the reform proposals that we've put forward, which we think are critically important and the 22-plus NADOs from around the world have agreed, you have to, the silver bullet if there is one to curing this is removing the fox from guarding the henhouse.

Now while it wasn't in the IOC's prepared remarks that were submitted yesterday, I think I heard that that is something they're prepared to do, remove sport leaders from the WADA governance board, and if that's the case that goes a long way in solving the concerns. They also have to finish the investigation and ensure that the individual cases are followed up on and any athletes from around the world that were robbed get their rightful place on the podium and are given a meaningful celebration.

Ms. DEGETTE. And just to ask, are you familiar with this letter that the Director General of the IOC sent on February 23rd, 2017?

Mr. TYGART. I am.

Ms. DEGETTE. And in that letter he says, "The Schmid Commission, which has to address the substantial allegations about the potential systematic manipulation of the anti-doping samples, is also continuing its work." And then it says they are talking about a, quote, state-sponsored system, whilst in the final full report in December they talked about an "institutional conspiracy." And they said now they are going to have to, quote, consider what this change means and what individuals, organizations, or government authorities may have been involved. Do you have any idea what they are talking about there?

Mr. TYGART. I'm not exactly sure.

Ms. DEGETTE. Because this is what I am concerned about. You know, this committee, we did an investigation many years ago around the Salt Lake City Olympics, and this is the same kind of gobbledygook we got from the IOC then. They have these unending investigations. They are looking at angels dancing on the head of

a pin. I don't even know what they are talking about, but you are saying you don't, either.

Mr. TYGART. I'm not sure.

Ms. DEGETTE. OK. I want to ask you, Mr. Phelps, and you, Mr. Nelson, just briefly, what structural changes need to be made to the global anti-doping system to prevent this kind of activity from happening again?

Mr. PHELPS. For me, I can say from spending and working a lot of time with USADA, look at the independence that they have. I think that's something that's so powerful, that us as American athletes know that we're doing the right thing and they're doing the right thing as well. So I mean, I think if you could change something like that I think it would be great.

Ms. DEGETTE. Mr. Nelson.

Mr. NELSON. I think the first change has to be holding all the different stakeholders in this mess to the same level of accountability that they hold the athletes to. If you strictly enforce the rules for compliance at a national level or a federation level, you'll see people hop in line very quickly, because they will lose the opportunity to compete and their athletes will lose the opportunity to compete.

The second thing is also transparency in reporting. As an athlete, I've always struggled to figure out how well this group is doing because the information's not necessarily readily available. Now there's been some steps I think in the last few years to help with that, but the number of adverse findings given the number of samples that are actually collected each year suggest that either the problem is not as pervasive as they think or that the testing isn't quite there yet.

Ms. DEGETTE. Thank you very much.

Mr. Chairman, I would ask unanimous consent to put this February 23rd letter from the IOC into the record.

Mr. MURPHY. Thank you. Without objection, that will happen.

[The information appears at the conclusion of the hearing.]

Mr. MURPHY. I now recognize Mr. Walden for 5 minutes.

Mr. WALDEN. Thank you very much, Mr. Chairman. Again thanks to all of our witnesses, your testimony has been most helpful in our work. And I want to just ask our Olympians again to make this clear, you don't think you have ever competed in a clean Olympics; is that right?

Mr. PHELPS. Internationally, whether it's world championships or the Olympic Games, I don't feel that. No.

Mr. WALDEN. Mr. Nelson?

Mr. NELSON. No.

Mr. WALDEN. OK. Now Dr. Budgett, I have a question for you. I just want to clarify to make sure we all heard this the same way that your organization now would support removing sport leaders from the WADA board; is that true?

Dr. BUDGETT. That's absolutely correct, obviously within a structure of governance that will be developed through this governance working part that the WADA have put together. It should happen within the year.

Mr. WALDEN. Within the year, OK, so I want to go back. Here is why I think a lot of us are concerned. There are whistleblowers

as far back as 2010 who probably risked more than just their ability to compete to come forward and share with the organization what was going on. And it strikes me that it wasn't until there were investigative press reports that anything happened. And so the question is do you have a process that we can trust that whistleblowers who take great risk could trust to come forward and actually have some action taken on what they share? Because clearly people are at great risk when they come forward and they are not going to do it if they think they are just going to get blown off. And so I mean, you have got to convince us that something is going to really change here.

Dr. BUDGETT. Yes. I mean that is why WADA is in place, so I would refer that question to my colleague on my right. But just to reiterate that the IOC is in the process of removing the fox from the henhouse, and I think it's a good analogy. So we are actually in the process, we're relinquishing all control over anti-doping.

Mr. WALDEN. Right.

Dr. BUDGETT. And I'm going to pass it to this independent testing authority.

Mr. WALDEN. Because, you know, I have a degree in journalism. I was in the radio business—sources matter. Sources matter, it is how organizations and the press can do their job effectively, but if they are ignored they go away and we lose out.

Mr. Koehler, whistle—

Mr. KOEHLER. I fully agree—sorry.

Mr. WALDEN. Go ahead.

Mr. KOEHLER. Thank you. It is so important to protect the whistleblowers, and I think it's the right time to recognize two very brave whistleblowers, the Stepanovas, who came forward in early 2010. Yes, we didn't have the power to investigate it, but what I can tell you during that time is that when the Stepanovas came forward our ultimate goal was to protect their safety. We had information from them that came from the IAAF about corruption, from Russia about corruption. We didn't know who to hand it to, so we were in a difficult position and we had no power to investigate. There's no question when the Stepanovas came forward.

Mr. WALDEN. So who had the power to investigate?

Mr. KOEHLER. Nobody except the national federations, so the Government or the International Athletics Federation, and it wasn't until 2015 that the Code changed and gave us that power to investigate.

Mr. WALDEN. What a broken system. What a broken system up to that point. I mean how else can you look at this? Now you have got these new reports. You have the—thank God for the investigative journalists that blew the doors open on this. So now you have got the reports, now you are going to give us confidence that you are going to reorganize this operation and get to the point where we don't have conflicts of interest and where our athletes, especially U.S. athletes that play by the rules, can compete against other athletes that play by the rules, right?

Mr. KOEHLER. I can tell you that, categorically, that any whistleblower that comes forward to this day as of 2015, that our number-one priority is to protect them, to protect their rights. Even when

we didn't have the investigative power we took it upon ourselves to protect the Stepanovas to make sure they were safe.

Mr. WALDEN. So are you aware of any whistleblowers who have come forth recently and made additional allegations?

Mr. KOEHLER. We are, yes.

Mr. WALDEN. And are those allegations being investigated in any manner, or do you still lack that authority?

Mr. KOEHLER. Absolutely, all are being investigated.

Mr. WALDEN. So what happens, I mean once you complete your investigation? Who rules, walk me through that part.

Mr. KOEHLER. Any time there's a whistleblower that comes forward our investigative team which again is going to be six people, not nearly enough for a global organization.

Mr. WALDEN. Right.

Mr. KOEHLER. They have an independent role to bring forward and to research and investigate anti-doping rule violations. Should they have evidence, then they will bring it forward to the WADA management and to the WADA committees and to the WADA Foundation Board to report and determine what sanctions should be required.

Mr. WALDEN. Mr. Tygart is shaking his head.

Mr. TYGART. I'm sorry.

Mr. WALDEN. Go ahead.

Mr. TYGART. I just think there's a really important point here and it's what I said in my oral testimony about deputizing the fox. If the WADA Foundation Board that is making determinations and overseeing investigations or testing, and Dr. Budgett talked about removing sport from the WADA Governance Board and not just from a testing organization, that is a critical point because if you continue to have sport overseeing investigations, determining compliance, acting as a global regulator of itself, it's no different than the current status quo which is the fox guarding the henhouse.

And so we have to, it would be great to have a definitive conclusion if the IOC's position today is at the WADA governance level, the global regulator, they are going to remove themselves from that board which they could do today. It doesn't take another Summit to do that. They could do it today.

Mr. WALDEN. All right, my time is expired. Thank you, Mr. Chairman. Thank you to our witnesses.

Mr. MURPHY. I now recognize Mr. Pallone for 5 minutes.

Mr. PALLONE. Thank you, Mr. Chairman. I want to discuss the role of the athletes in addressing the challenges we face with doping. And Mr. Tygart, in an article you wrote called *The Athletes Voice: A Force For Change* you say, and I quote, At the end of the day, it's the athletes, not the suits, who billions of people around the world tune in to watch. It's the athletes who leave us holding our breath. Without them, there is no sport. And without them, there is no true and lasting change, unquote.

So you say in your testimony that now more than ever athletes are mobilizing and voicing their opinions. My question is what role should athletes play in terms of policing their own sports specifically and the anti-doping structure more broadly?

Mr. TYGART. Well, it starts with the athletes. I mean they own the culture of sport and it's wonderful. It's sad it took this scandal



to mobilize them in the way that it has, but it's wonderful that they're now mobilizing and realizing how important this right is to them. But they also have to have confidence in the system, should have a clear voice in the system, but just like the sports organizations they can't play a role as active athletes in testing themselves. That would be like the fox guarding the henhouse.

There has to be an independent organization that does it on behalf of those athletes, but them protecting that field that they exist in is absolutely critical. And we won't ultimately be successful without their buy-in to the program, faith and trust in the system, and willingness to do everything possible to win, but do it by playing by the rules.

Mr. PALLONE. Thanks. I am going to ask Mr. Phelps the same question. What is the role that athletes should be playing in terms of ensuring their sports are free from doping?

Mr. PHELPS. For me, as an athlete I have always made sure that I take care of myself and prepare myself the best way possible. That's what I've always done. I've never voiced opinions. I've always kept in, I've stayed in my lane, so to say, all the time. Because it's, you know, for me it takes away what I'm doing. You know, it takes away what I'm trying to accomplish, and I think that's just one thing for me that I never did. I never voiced opinions, really, before this year.

And, you know, obviously, as an athlete who's been around for a couple of Olympics and seen a lot of things happen, it gets frustrating. And we want to be, you know, for me I would like to stand up on the block in an international competition and know that the other seven competitors that I'm racing against prepared just like I did. They went through the exact same hard work that I did. They dedicated themselves to doing what nobody has done before, or, you know, to accomplishing their goal. And that would be a dream for me, and I hope to be able to see that one day.

Mr. PALLONE. Well, thanks.

Mr. Nelson, should athletes be more vocal going forward and demand reform so that we can better ensure the systems in place will guarantee clean play?

Mr. NELSON. Yes, I believe they should be more vocal. But more than just using their words, I think they need to be integrated into the solution, as well. Right now, the way athletes' voices are integrated into the solution of Olympic sports is through the internal athletes' advisory committees. Those committees very rarely have the power to influence, to do anything other than influence policy with people coming to them by asking questions. It's a reactive force, not a proactive force.

With this particular issue, considering that it invades on so many athletes, it invades on the privacy of so many athletes, it's a huge burden that these athletes bear, we accept this burden with open arms but we have no input into it. So if you really are about building trust for the athletes and changing the culture, you have to find a way to insert their voice into the leadership and the actual structure of the solution.

Mr. PALLONE. Well, thanks. I am just going to go back to Mr. Tygart for one more question. Given the findings of WADA's independent investigation regarding widespread cheating, it was my

understanding that the athletes were prepared to boycott the international bobsled and skeleton championship that were set to take place in Sochi this month. In your testimony you state that athletes around the world have taken up this cause.

So my question is, What can you tell us about the potential athlete boycott of that event? Are we going to see more instances of that, where athletes put their feet down and, you know, participate in boycotts?

Mr. TYGART. I hope not. And I say that because I know—and I've talked to athletes about that very issue and talked with many of those bobsled athletes about it—that's an untenable position to put an athlete, that your sports organization is not going to enforce the decision it made to bar events from Russia, you're concerned about your own sample security in the testing regime to go to Russia, or you decide to boycott. That's not fair to those athletes, and we should not put athletes in those positions to even have to make that decision.

And we don't have to, because sport and the anti-doping system can determine to enforce the decisions that have been made, not have events in Russia until they clean up their act, become WADA Code-compliant, and then you alleviate that concern from athletes' minds. But I don't for a second hope that any athletes have to boycott. That said, they're frustrated, and I think that's a very good example, when they're willing to even consider that option, that they're frustrated and they want change and they want change now.

Mr. PALLONE. Thank you. Well, thank you. I am out of time. Thank you, Mr. Chairman.

Mr. MURPHY. Thank you. I will recognize the vice chairman of the subcommittee, Mr. Griffith of Virginia, for 5 minutes.

Mr. GRIFFITH. Thank you very much, Mr. Chairman, and thank all of you all for being here. I know that the folks assembled here today are the good guys. We are just trying to figure out how we get it where it is right. So with that being said, I think I am hearing some meeting of the minds going on. So Dr. Budgett, am I hearing you say that the IOC is prepared to not only relinquish the Governance Board or the direct contact with the Governance Board, but also investigations in testing, or have I gone a bridge too far?

Dr. BUDGETT. You're actually correct about the investigation testing and that is something the IOC have called for since the Olympic Summit and it's very important. We certainly want to do it for sport and I think actually there's a conflict of interest with government as well, because actually that's what was happening in Russia. So we need to look across the whole of anti-doping. And when it comes to the governance of WADA, I think that has to go through due process.

And so I don't know exactly what structure will come out, what representation there will be from sport, whether it will be a minority representation so there's some link, but that is for the people in charge of governance to sort out. But certainly on the actual testing and the whole structure around that, that will be completely independent.

Mr. GRIFFITH. And then the Governance Board is in question, but you anticipate some reforms before the end of this year?

Dr. BUDGETT. I certainly hope so. The first meeting's in a week or so.

Mr. GRIFFITH. All right, I appreciate that. Let me ask you this question as long as I have got you, and it may be what Mr. Koehler touched on earlier. Mr. Nelson showed us his medal earlier and, you know, that was really a special moment, but a food court in Atlanta is not appropriate. I would just say as somebody who tries to problem solve, and I know a lot of us up here do that. Even when we have disagreements we try to problem solve.

Why not weave in any medals that are given late, because somebody cheated, at the opening ceremonies of the next Olympics for that particular sport? It seems to me that would make Mr. Nelson's experience much more special. I wasn't going to ask you if you thought that was good, but do you think that sounds like a better way than getting it with a Happy Meal?

Mr. NELSON. It was a really cool toy.

[Laughter.]

Mr. NELSON. Yes, I think that's a big step forward and would certainly recognize the issue and not sort of try to sweep it under the rug, which I think is important as well.

Mr. GRIFFITH. Yes. Mr. Phelps, I think the entire American swimming team brought this up maybe accidentally, but with Lilly King and others talking about this openly at the Olympics last summer it became an issue that most Americans are now aware of and probably millions more around the world. I appreciate you all doing that and appreciate you being here today and taking out your time to join us. Is there anything that you want to touch on that you haven't had an opportunity to speak on thus far?

Mr. PHELPS. I mean, not today. I mean, I will say I agree with what you're saying about going to the next Olympics. You know, for me, as I said in my testimony, there's nothing better than watching your flag rise, listening to the national anthem. You know, for me that's one of the greatest things that I will miss the most. And to be able to represent your country and have that moment, that special moment, I feel he deserves that.

Mr. GRIFFITH. And I completely agree. I will take you back in time a little bit. How long did it take you when you started complaining about the long swimming suits before the IOC changed those? Because we have been working on drugs for 30, 40 years, didn't it only take swimming, the swimming suits got changed in a couple years?

Mr. PHELPS. It wasn't long.

Mr. GRIFFITH. Yes.

Mr. PHELPS. I know, I think the larger suits probably came out in '07-ish, and by world championships of '09 that was the last chance that anyone had the opportunity to swim in them. And like I said then, that took away from the actual sport. That wasn't the sport, it was swimming manufacturers trying to come up with a suit that they think is the fastest, and some of them were different than others.

And you can go into a lot of technical parts there but—and quickly we got that removed, so hopefully we can get this resolved, as well.

Mr. GRIFFITH. Yes, and I hope so too.

Mr. Tygart, I know you have indicated some frustration, but what you are hearing today does that give you some hope that we are in fact on the right path to getting this situation—look, there is always going to be cheaters, but getting it to a point where we are actually governing?

Mr. TYGART. Our position along with 22 other national anti-doping organizations around the world is crystal clear that we have to remove the fox from the governance. So if WADA's governing board still determines the consequence, for example, of an investigation and still determines what testing plans are acceptable, still is responsible ultimately for determining who is in compliance with the rules, who is not, that's no different than what we currently have.

And so we're not in agreement with that and we'll continue to push because we recognize the solution is to remove the fox from guarding the henhouse because you can't effectively promote and police. And athletes can't believe in a system when sport still determines what's in its best interest and controls the material aspects of anti-doping.

Mr. GRIFFITH. And just quickly going back to Mr. Nelson's situation, don't you think we can do this a little faster than 8 years in finding out who the cheaters are?

Mr. TYGART. We should prevent them from coming to begin with. And in Rio there were 1,913 athletes—1,913 athletes out of the 11,000 athletes in Rio—from 10 high-risk sports that had no tests of record prior to the Rio Games. Ten high-risk sports, how unacceptable is that? That's what happens when sport—and it's the IOC's responsibility for the Games—that's what happens when sport attempts to protect it and police itself. And the announcement following that report was that the integrity of the Games was upheld. I'm not sure it was, but at the end of the day we need to stop that from happening, to ensure that we prevent dopers from going to the Games to begin with.

Mr. GRIFFITH. And my time is up, so I yield back.

Mr. MURPHY. Mr. Phelps, were you going to—

Mr. PHELPS. Travis, what did we say the number was for six months leading into the Games that I was tested, was it a baker's dozen?

Mr. TYGART. It was a baker's dozen.

Mr. PHELPS. It was a baker's dozen. So you're saying there were over 1,900 athletes in the top 10 sports that weren't tested?

Mr. MURPHY. And you were tested a dozen times.

Mr. PHELPS. Thirteen, yes.

Mr. MURPHY. Baker's dozen. Thank you.

Ms. Schakowsky, you are recognized for 5 minutes.

Ms. SCHAKOWSKY. Thank you. I really want to thank the witnesses and actually the athletes. I find it so shocking that you both said that in the Olympic Games and in international competitions you can't feel confident, that you don't feel confident that someone hasn't been doped.

And so I am hopeful that in this very bipartisan hearing today that we are having that we are going to be able to contribute to alleviating that lack of confidence so that when the kids that you work with now have their dreams that they can believe. And I want to thank you too, Mr. Tygart, and hopefully all of you for restoring that confidence to Americans.

I did want to requote. Congresswoman DeGette quoted you, Mr. Tygart, saying that despite mountains of evidence and vocal opposition from anti-doping groups, the IOC chose not to stand up for clean athletes and against institutionalized doping. And that you pointed out that the IOC, quote, punted, unquote, the decision to the international sports federations, and they missed an opportunity to stand for clean athletes and send a clear message.

So how should the IOC at the time have held Russia accountable for its deception as described in WADA's independent investigation?

Mr. TYGART. And thank you for the question. And we were very clear along with 13 other national anti-doping organizations, literally from around the world, who sent a letter to the IOC after the McLaren Report and it exposed Russia, institutionalized doping was established, and said listen, you can't reward the Olympic committee whose responsibility it is as a member of the IOC who was complicit in it, according to some of the evidence, as well as has responsibility in their own country to ensure nothing like that ever happens. This is the antithesis of the Olympic movement and the values, so don't allow them to come.

They've done it in other circumstances, not on doping but Apartheid, for example, wouldn't let the South African NOC come because of actions by the state and things that were going on, so they have the power to do it. They chose not to do it. Our recommendation was don't let the Russian Olympic Committee there, but have a uniform and consistent application by individual athletes who might not have been part of the system, if there are any, and who weren't tainted by that system. But don't just hand it off to 38 different sport federations who don't have the time, the money, the resources, the expertise and days before Rio—it's a mess.

Ms. SCHAKOWSKY. So do you believe that Russia has been sufficiently held accountable for this corruption?

Mr. TYGART. We don't.

Ms. SCHAKOWSKY. I understand that the IOC has formed these two committees to look further into the evidence presented in WADA's independent investigation. Do you have confidence in those two committees?

Mr. TYGART. Again without beating my drum too much, it's the fox guarding the henhouse. You have a sport-run investigation who's going to make determinations at this point in the ball game, and you can't have trust in the outcomes of those investigations unfortunately because the perception is what we all know that you can't both promote and police your sport particularly on the heels of allowing the athletes to go and the Russia Olympic Committee to go.

So there is a sort of self-fulfilling prophecy, right, that you don't want to be successful in those cases to justify your decision to let them in to begin with. And I'm not saying they're going to do that.

I'm just saying that's the perception that is out there that we hear from athletes all the time who are concerned about that.

Ms. SCHAKOWSKY. Based on what you heard today at this hearing and if those promises are implemented would you then have confidence?

Mr. TYGART. Still the governance piece is still troubling and will not allow it, the full independence free from that promoting and policing aspect that it needs to regain the confidence in the way that it could. And that model has worked in other parts of the country, and there's no good reason not to other than to control the outcomes. Why wouldn't you let go of the governance if you know athletes will have more confidence in it, national anti-doping agencies will have more confidence in it? The only reason is so you can continue to control it. There's no other good reason.

Ms. SCHAKOWSKY. And all the fans and all the people who are inspired by it would have more confidence. Let me just ask you finally, how did the Russian situation go undetected for so long? What failed?

Mr. TYGART. And I disagree with Mr. Koehler on WADA's ability to investigate going back to 2010. Many of us believe they have the power to do it. But what's unquestioned, and I don't think he would disagree with, is that they did have the clear powers to hold organizations compliant. And this issue of countries and sports, whether they were compliant with the rules or not frequently came to their board, and it was determined they weren't going to make decisions on compliance.

And that is the fox saying we're not going to hold ourselves accountable because of the bad PR that would result if we said these organizations aren't accountable. So we have to remove that fox to ensure the authority they have clearly now to investigate we think they had in the past, and what they had in the past and clearly have today to do compliance is actually done in a way that's free of the sport influence and for the good of clean athletes and for no other reason.

Mr. MURPHY. Thank you.

Ms. SCHAKOWSKY. Thank you. I yield back.

Mr. MURPHY. Thank you. I recognize Mrs. Brooks of Indiana for 5 minutes.

Mrs. BROOKS. Thank you, Mr. Chairman, and thank you all so very much for being here and sharing with us, educating us all on the challenges that you face.

Mr. Tygart, besides removing the fox, the sports organizations from the governance of anti-doping organizations, what are some of the other reforms that you believe are necessary that have been advocated by other NADOs to enhance WADA's authorities and to enhance maybe even their resources to investigate?

Mr. TYGART. I think it's improved independence and transparency, board limits, clear process for how board members are appointed and voted and of course increased investment. We think they have and have had the authority to investigate, but if there's any question about that and their position is different on it make that absolutely clear. Actually do the job of monitoring compliance and have a clear plan for how you're going to do that.

Mrs. BROOKS. And do you believe then that based on those types of reforms it could actually address an issue as large as nation-state-sponsored doping?

Mr. TYGART. I do. I think you can have—it all came back to whistleblowers. The media put it out there. If we had the same will and determination free of any conflict not to do the right thing, it's not holding governments accountable. What it's doing is investigating sport and holding sport accountable. And the IOC through its Olympic charter then can hold national Olympic committees accountable and that easily can be done, I think, if the process is determined to make sure clean athletes around the world happen and that these types of institutional doping situations don't ever happen again.

Mrs. BROOKS. Mr. Koehler, can you please, if you would please respond to what Mr. Tygart's suggestions are, particularly with respect to WADA's view of its authority to hold nation-states responsible, and have you ever done so?

Mr. KOEHLER. Well, I'd first like to clarify that it's fact that prior to 2015 WADA did not have the powers to investigate and that didn't come into force until the World Anti-Doping Code was established with the revision. We are——

Mrs. BROOKS. Just out of curiosity, you have been in existence though since 1999?

Mr. KOEHLER. That's correct.

Mrs. BROOKS. And so how and why is it that you did not get investigative authority until 2015?

Mr. KOEHLER. The first Code came into force in 2003 and there's been three iterations since. The Code is not WADA's code. The Code has been developed by stakeholder consultation and everybody feeds into it. It was an evolving system. And to be honest, the reason the investigation came in was we saw the power of the whistleblowers coming forward and they needed an independent body to investigate.

Mrs. BROOKS. So when WADA was created in 1999—forgive me, I don't know all the history—it was never intended to be an investigative authority when it has to do with the anti-doping?

Mr. KOEHLER. That's correct.

Mrs. BROOKS. And so it wasn't until then '03 all the different codes come to be, but then so what is it besides educating and besides testing, what is it that you would attribute as WADA's successes, what is it you have done if you weren't able to investigate until 2015?

Mr. KOEHLER. There's been evolution in the anti-doping system. We've done a lot in fact. The first thing we did was harmonize anti-doping rules. Prior to the Code, an athlete in Russia and an athlete in the United States could potentially have different sanctions, so one could have 2 years and one could have 4 years. And different sports had different sanctions, so we harmonized that process.

Mrs. BROOKS. Excuse me, but how do you then have 1,900 athletes out of 11,000 not being subject to doping testing at all?

Mr. KOEHLER. I fully agree with Mr. Tygart's comment. This should not happen, this cannot happen, and there needs to be a further investment in anti-doping to ensure it doesn't happen. One thing I raised earlier was we are now moving into a system of non-

compliance and compliance review. In the past it hasn't been as rigorous as it should have been. Now there's a call by athletes, by the anti-doping community, to go in and audit, to go in and make people accountable, and if they are not doing it we have appointed an independent compliance review committee to make a call on countries, on sports that are deemed not doing the work to make them compliant. It's time to change and those countries that are not doing the amount of testing they need to be made accountable.

Mrs. BROOKS. And would it be your request that maybe six investigators to investigate the world of athletes might not be sufficient, and what percentage of your budget is allocated towards investigations?

Mr. KOEHLER. It's an understatement. Six is definitely not enough, but we're working on it a very minimal budget. As was mentioned for the two reports, the independent reports that we've covered, we spent over \$2 1A½ million just on two reports. So out of a \$27.5 million budget we simply do not have enough to continue to really react to the needs of the athletes.

Mrs. BROOKS. But maybe the budget should be reallocated to increase the amount of funds on investigations relative to your other duties. With that I yield back.

Mr. MURPHY. I recognize Ms. Castor for 5 minutes.

Ms. CASTOR. Thank you, Mr. Chairman. Thank you to the witnesses for being here. International sports' anti-doping enforcement is flawed and it is clear that the tools to enforce sanctions on athletes and countries who cheat have to be strengthened. Look no further than July 2016, the World Anti-Doping Agency executive committee recommended to the IOC that it ban Russian athletes from the 2016 Games, and despite that recommendation the IOC decided to allow Russian athletes to participate in the Rio Games.

If the Russian Sports Federation carried out an analysis on their own and looked at the individuals' anti-doping records then they could, Russia could approve them to participate. But then at the end of the year there were press reports. The Acting Director General of Russia's national anti-doping agency said no, actually what has been going on in Russia for a long time is an institutional conspiracy, years' worth of cheating schemes, while emphasizing that the Government's top officials were not involved.

But the New York Times reported a lab director tampered with urine samples at the Olympics and provided cocktails of performance-enhancing drugs, corrupting some of the world's most prestigious competitions. Members of the Federal Security Services, a successor to the Russian KGB, broke into sample bottles holding urine, and a deputy sports minister, for years, ordered coverups of top athletes' use of banned substances. Now I want everyone to know the Russians have kind of disputed this in the following weeks.

But Mr. Phelps, Mr. Nelson, how frustrating is it for athletes? What did you all, what is the feeling like for, as you go into these competitions can you screen all of this out when you are going in to compete and you know that other countries are sanctioning this type of cheating?

Mr. PHELPS. For me, I think, you know, as I said earlier, for me having the chance to represent my country was a tremendous



honor. And you can't do anything about, you know, I can't really go at that point and do anything about any other athletes. The only person I can take care of is myself. So at that point it's, you know, we try to stick together as a team and we know that we're going to get up on the block and fight as hard as we can.

Ms. CASTOR. And meanwhile, what kind of testing are you going through and American athletes?

Mr. PHELPS. I can tell you with some of the things that I've gone through with filling out paperwork of my whereabouts of every single day of where I am so USADA can do out-of-comp tests. I mean I've done it for 16 years. I've filled out these forms quarterly, right, quarterly. I mean there's stacks of paper, and now it's online.

Ms. CASTOR. What kind of physical tests?

Mr. PHELPS. Blood tests, urine tests, whenever, I mean it's all the time. I mean it was monthly, multiple times a month for me and especially when I'm in the U.S. And I mean even when I'm overseas. I mean if you go Olympic Games where, I mean, I guess the last four I was tested almost every day. So are there people going through the same things that I'm going through?

Ms. CASTOR. Apparently not.

Mr. PHELPS. I hope so.

Ms. CASTOR. Well, apparently not. There are 1,900 athletes who competed in the Rio Games that were never tested at all.

So Mr. Tygart, you have heard Mr. Budgett say that some changes are in process to actually take IOC influence out of the enforcement side of anti-doping. What does that mean, really? Get specific. What has to happen in process to take the fox out of the henhouse at this point over the coming months?

Mr. TYGART. We'll see how it gets fleshed out. It's good that we're finally seeing it on Friday and in the testimony at that level of detail.

Ms. CASTOR. Is this is the governance structure of the IOC itself or in the—

Mr. TYGART. I think the model is just what we know as the principle of separation of powers. You've got a legislative body that makes the rules, and athletes, even active athletes, should play a huge part in that. Sport, governments should do that. NADOs should do that. That legislative body ought to establish the law and then it should come time to, and totally independent, free of sport influence, to have an executive branch that then enforces the law. And then of course we have to have a judicial branch.

And the executive branch should have no sport member on it and no active athlete because they would be subject to the laws that they're supposed to be enforcing. And it should make the determination of who's compliant, investigate, ensure that testing at national levels by us here at USADA is done in the same fashion in the same level of integrity and in compliance with the same rules. We will volunteer to be the first one audited under that new compliance program as long as everyone else is also being audited and held accountable under that new program.

Ms. CASTOR. Well, thank you for having the intestinal fortitude to stand up for our athletes and clean competition around the world. I yield back my time.

Mr. MURPHY. Thank you. I now recognize Mr. Collins of New York for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. I want to thank all the witnesses and especially Mr. Nelson and Mr. Phelps. Just curious, Mr. Nelson, did the fourth place winner in the shot put, was he awarded then the bronze medal? As somebody who didn't even have a medal, did he get one?

Mr. NELSON. Yes, he was.

Mr. COLLINS. Well, that is good to hear. I hope it—was it too in a food court in Atlanta, or was he even American?

Mr. NELSON. He was an American, but I don't know where the medal was actually given to him.

Mr. COLLINS. OK. I am still trying to get my head around what you went through. I mean at least you were on a platform getting the silver medal, but we all do tend to focus on the winner of the gold medal, the winner of the Super Bowl and so forth, just amazing.

So, you know, it is a great hearing. So I am kind of curious, Dr. Budgett, as we look at the IOC and I have at least read where you are looking at an independent testing agency. Overall, you know, I am assuming then that would mean the U.S., the U.K., Japan, Canada, some nations that I think, and I will ask the athletes, are actually doing the job, would they then be replaced with this independent testing?

Dr. BUDGETT. Yes. I think I'd like to say that obviously at the Olympic Games there's more testing than at any other event in the world. But we all recognize that far more important than that is the testing that goes on in the lead-up to the Games and we've heard how that's not adequate everywhere. That's a function of both NADOs like USADA and the international federations. So we're working very hard with WADA and a group of NADOs including USADA to actually put in place a program of testing leading up to the next Games that will be comprehensive, targeted, intelligent, all the things we talk about now. So that's one aspect.

The other aspect is to say as we've talked about is the independent testing authority which would certainly do all the testing that sport's currently doing, and ultimately we have to talk to our NADO colleagues, could do the testing for the national anti-doping organizations because they have an equal conflict of interest when it comes to national interest.

Mr. COLLINS. Yes, I am just concerned on the budgetary piece, you know, it would appear there are nations the U.S., U.K., Japan, and Canada that I would ask maybe Mr. Phelps, are actually doing the job. Would you think that those five national testing agencies are serious?

Mr. PHELPS. I don't know specifics of what country is following the same exact method as we are here in the U.S., and I know Travis could answer that a lot better. But, you know, I do believe there are countries out there that are going through the same process that we are. And, you know, for me, we all should be fair and we all should play on the same field.

And for me as a father now, like I said in my presentation, you know, I don't know what I, or how I would even talk to my son about doping in sports. Like I would hope to never have that con-

versation and I hope we can get it clear and cleaned up by then. You know, for me going through everything I've done and, you know, that's probably a question that I could get asked from him and I don't know how I would answer it.

Mr. COLLINS. Well, it is the win at any cost and certainly we are seeing, you know, the health, what is happening to the health of athletes who did cheat, you know, and even in football, while it wasn't cheating, the concussions and what that leads to later in life.

So Mr. Koehler, on WADA do you have concerns about the national anti-doping in certain countries, again like the U.S., Canada?

Mr. KOEHLER. I wouldn't say we have concerns with the U.S. and Canada, but we do have concerns. And I wanted to step back if you allow me, Mr. Collins. We can have all the governance review in the world, which we welcome and we want. I have been in this business for 20 years and it's time for change. It's time to put investment into this business. If I look globally, amount of money being put into national anti-dope organizations, simply insufficient, and there's the crux of the issue that more investment needs to be put. This is to protect sport, to protect clean athletes. It is so important, and we need to start putting that investment in and not just saying it but doing it, and until that happens, we'll never see change.

Mr. COLLINS. So on the sanctions piece, let me ask the athletes. You know, right now we are talking about somebody is caught cheating and they are given a 2-year suspension or a 4-year suspension. Do you think that is adequate, or should we be as draconian as a lifetime ban, one-and-done? It would just show that, you know, trying to skirt the rules, one-and-done. What do you think?

Mr. NELSON. That's a very good question, sir. To answer it I think that you have to have some ability for the athletes to protect their own rights in the process as well. And so if you're going to increase the level of the penalties associated with it, you have to increase the investment and their ability to protect themselves as well. A lot of athletes, we're the lowest common denominator in this whole big pyramid, right, but we're also trusted to make the most critical part of the decision making process. We're also the least informed and often the least prepared to make it.

So I'm OK with increasing the penalties and doing something like a one-and-done provided there's a provision for some—there is a gray area here, unfortunately. Emergency therapeutic use exemption forms, medical conditions, sometimes require certain actions. But I'm OK with a one-and-done. I'm OK with financial penalties associated with it. This is a business. We treat it a little bit differently because it's Olympic sports, but at the end of the day it is a business, so you can hold them to the same standard that you might hold people in other traditional businesses.

Mr. COLLINS. I appreciate that. I know my time is expired and I yield back. Thank you very much, all of you, for your testimony.

Mr. MURPHY. Thank you. I now recognize Mr. Tonko of New York for 5 minutes.

Mr. TONKO. Thank you, Mr. Chair, and welcome to our panelists. And before I begin I would like to offer my welcome to Travis Tygart, as we have done a lot of work together in addressing the

issue of doping, in this case in the sport of horse racing. This is a critically important issue for both the health of the equine athlete and the integrity of the sport, which contributes approximately \$4 billion to the New York State economy each year and supports some 380,000 domestic jobs nationwide.

If this committee is truly interested in supporting anti-doping efforts across the board, I would encourage us to schedule a hearing on doping in horse racing and the legislation I have introduced with my colleague, Representative Andy Barr, which would restore integrity back to the sport of kings. So back to this particular focus.

Today we have heard about investigations that revealed Russia's efforts to manipulate drug-doping controls. The former chief investigator for WADA, Jack Robertson, who was a former special agent for our United States Drug Enforcement Agency, helped investigate some of the allegations involving Russian doping. On August 4th of 2016, Pro Publica ran a story quoting Mr. Robertson about his time at WADA. In the piece, Mr. Robertson implied that the Agency lacked adequate resources to investigate doping allegations and he said, and I quote, this cannot be Jack versus Russia. I need manpower. When money became available, WADA beefed up every department, but never investigations. I was working 11 hours a day, sometimes 18 hours.

So Mr. Tygart, you are a seasoned investigator. Does WADA have what it needs to investigate doping allegations when they arise, particularly when they involve complex cases such as Russia and allegations of state-sponsored or state-supported doping?

Mr. TYGART. Clearly, resources is a question. I think the resources there in the budget could be better utilized to ensure investigations are done in the manner that they ought to, to get to the bottom of them and then hold those entities or organizations that cheat accountable under the rules.

Mr. TONKO. And I am informed that WADA operates on a roughly \$30 million budget, half of which is from the Olympic movement and half of which is from nations and states. So Mr. Tygart, again based on your expertise, is a \$30 million budget enough to police the world anti-doping Code and should the U.S. be contributing more?

Mr. TYGART. You know, I don't know the answer. Clearly, there's enough money in sport, at least. You saw in my testimony the funds the IOC has: a \$1.4 billion fund, total assets of \$3.9 billion 2015. The money's there, I think, whether it's sport, whether it's government. The question is, is protecting the integrity of the property that we put out to the marketplace important enough to spend more than, you know, one or two percent on? And I think absolutely it is, and we ought to ensure that WADA has those resources to do the job that they need to do however it ultimately is supported, whether directly through sport or additional funds from government.

Mr. TONKO. Thank you. And Mr. Koehler, do you believe you have enough money to do your job?

Mr. KOEHLER. No, I don't. And to give an exact figure today, I would be remiss to do that. What I can say is that in my opening remarks that we are developing a clean-slate budget based on the new reforms, based on the new capacities that we have to identify

where and how much funding is needed. I will, however, say that we talk about WADA increased funding, but I think more importantly, or equally as important, is the injection of funds into the national anti-doping organizations. The national anti-doping organizations are the ones in the field day to day carrying out the business. And if they're not equipped to protect the clean athletes, then we're so far behind we'll never win this game.

Mr. TONKO. Thank you. And according to news reports, the International Olympic Committee has a \$1.4 billion fund, so out of a \$1.4 billion fund the IOC currently provides WADA about \$15 million a year. Mr. Phelps, given the extensive evidence we have heard today detailing state-sponsored doping control and manipulation, should the IOC provide more resources to WADA?

Mr. PHELPS. I mean, in my opinion, I think this is something that needs to be handled today and I think we need to find whatever way to take care of this issue we need to figure out and if that's more money, it's more money. You know, I mean, I think for me growing up in sports, I always looked at the greats and how they did it and that was my dream to be one of the best.

And, you know, it is through hard work and dedication and it's sad to see that there are other athletes that choose to take different routes to get there. And they not only will sometimes test positive once, but multiple times, and they're still allowed to compete at an international level. And I don't think that's fair to the other athletes who are going in, then going to the grind every single day to try to make sure we accomplish our goals and dreams that we have.

Mr. TONKO. Thank you. And Mr. Chair, I see my time is over. I yield back.

Mr. MURPHY. I now recognize Mr. Costello of Pennsylvania for 5 minutes.

Mr. COSTELLO. Thank you, Mr. Chairman.

Dr. Budgett, I understand the IOC established a commission to reanalyze all samples of Russian athletes from the 2014 Winter Olympics. Can you explain what testing is being conducted on these samples and does it include testing on both A and B samples?

Dr. BUDGETT. Yes. The reanalysis program has been a huge success if you want to look at it that way. And as you know, before Rio we had over 100 adverse analytical findings from London and Beijing. As regards to the samples from Sochi, all the samples from the Russian athletes have been reanalyzed and the results of those are in case management at the moment. Also—and that was the A sample being reanalyzed.

Also, all the samples are in the process of being forensically examined to look for evidence of manipulation. Some of that was done by McLaren. This is being done on a much more comprehensive and recordable way that can be used to bring an anti-doping rule violation to those individual athletes.

Mr. COSTELLO. And you may have answered that within this answer, but if you didn't, does the testing include a forensic analysis of the sample bottles to identify any scratches or marks that suggest they may have been tampered with?

Dr. BUDGETT. Exactly. That's one of the, and to document that very exactly so that it can be used in a case.

Mr. COSTELLO. Question for all panelists, thank you for your time. I particularly want to thank the athletes for your testimony. I think that it is a great way to raise awareness about the need for even more integrity in the testing process, and certainly you are both American heroes and we recognize you as such and I think it is very worthy that you both took the time to prepare and be here today.

Having said that I will ask you both first, but then I would like to open it up to all panelists, what would you deem to be appropriate progress 1 year from now or 2 years from now, you pick a time in the future, toward achieving a more independent and honest system?

Mr. Nelson and Mr. Phelps and then whomever else would like to answer.

Mr. NELSON. I think the first thing that has to happen is to hold all the stakeholders to the same level of accountability that you hold the athletes to. If we can accomplish that I think that will go a long way towards cleaning up sport. The second thing is I think you actually really do need to find a way to change the culture that allows this. We've talked about the differences between this area of the world and some other areas of the world. I still know for a fact that there are certain areas of the world where doping is just part of the culture.

So you have to find out, there has to be some education and re-education of the key players in those areas. So to me, if I could see those two changes, education and then the structural reforms that would implement the compliance, that would be a huge change.

Mr. PHELPS. I agree completely with everything he said. And for me it's kind of hard to, I think that we were talking earlier, somebody said it was 20 years to get to this point. It took us this long to get here, who knows how long it's going to take us to get forward. That's what's frustrating to me, you know, as an athlete who's spent over 20 years in the pool. This is something that needs to happen now and I'm glad people are actually starting to take us seriously and take this in a serious matter, because it is crushing sports for our youth and for everybody else around the world. So I mean, can you put a time limit on a year, can you put a time frame on a year? I don't know. It's hard hearing what I'm hearing and trying to put a time frame on it, I just have no clue.

Mr. TYGART. I would say—and thank you for your question—it doesn't take a year. These allegations first came out in December of 2014. We've had well over 2 years to deal with them. Today is the day. What could happen today is, WADA governance structure could happen. Remove sport from the executive functions because you can't promote and police. The IOC could take 500 million of its \$1.4 billion fund, set it in a blind trust to fund WADA in its efforts moving forward. That could be done today.

Mr. COSTELLO. Well, and if I could just add, I think all three of those answers are spot on both in terms of exposing the frustration that athletes feel as well as what can technically be done to show a measurable impact.

The final point that I just want to say is I do find it to be extremely important to note how a system that lacks the integrity, or a system that can be improved but yet has not yet been im-

proved, what that does in terms of disillusionment to our athletes and what decisions athletes may be confronted with when they realize the reality of this situation. And certainly as an American we want to make sure that we are encouraging those in youth sports to conduct themselves in an ethical way and also to make sure that they aren't doing anything to their body that could cause them long-term health impacts. And to not have a system that reinforces that should be a cause for concern for every parent and every coach and every athletic trainer, and I don't think that we want to put our children in that sort of position or that conundrum. So I will thank you all for your time. I yield back.

Mr. MURPHY. Thank you. Now Ms. Clarke is recognized for 5 minutes.

Ms. CLARKE. Thank you, Mr. Chairman, and I thank our panelists, in particular Mr. Nelson and Mr. Phelps, for putting a face to the athletic advocacy and demonstrating the courage to call out the unethical, disgraceful conduct of those who permit doping to continue to plague and to cheat the integrity of our international competitions. I truly appreciate, we truly appreciate your testimony here today.

Mr. Chairman, the scope and scale of the allegations of doping against Russia presented in WADA's independent investigations are extremely troubling, and I would like to understand what sanctions Russia will face as a result of the findings. Subsequent to the release of Mr. McLaren's investigation in July of last year, WADA's executive committee recommended to the IOC that it decline entry for Rio 2016 of all athletes submitted by the Russian Olympic Committee and the Russia Paralympic Committee.

Mr. Koehler, why did WADA recommend to the IOC that it decline all Russian entries for these two events?

Mr. KOEHLER. I can't speak on behalf of our executive committee, however I can tell you that they reviewed the McLaren Report and deemed it appropriate to make those recommendations based on a call for the clean athletes.

Ms. CLARKE. Mr. Tygart, as you know the IOC did not order a collective ban of the Russian team, instead it deferred to the international sports federations to determine which athletes should or should not compete. In your piece, *The Athletes Voice: A Force for Change*, you stated, quote, at the Summer Games in Rio in 2016, scores of athletes competed despite not having been subject to credible anti-doping programs, end quote.

You also pointed out in your testimony that the sports federations with few exceptions had neither the time nor expertise to deal effectively with the fallout from WADA's independent investigation. Mr. Tygart, can you elaborate on why moving this decision to the international sports federations may not have resulted in the credible deliberative process where only clean athletes were allowed to compete?

Mr. TYGART. I'm not sure why it was done. The justification for not banning and following WADA's recommendation, the Russian Olympic Committee, was some justification on collective justice versus individual responsibility which really makes no sense, I don't think, when if that's your reasoning to then hand the decision

on individual justice to 38 different sports organizations, that's not going to result in a consistent application in individual cases.

So I think the justification that's been given doesn't hold up once it's scrutinized, and I think it ultimately resulted in shaking the system like it's never been shaken before. If the IOC would have done what the International Paralympic Committee did and what the IAAF, the international track and field did, to ban those athletes and the Russian federations from their games, we're not here today, quite frankly.

Ms. CLARKE. So my final question is for Dr. Budgett, but Mr. Koehler and Mr. Tygart please feel free to answer as well if either of you can speak to this. Dr. Budgett, can you describe for us any jurisdictional overlap at the IOC whether direct or indirect between those tasked with imposing sanctions for doping charges and those with a vote in determining future Olympic host cities?

Dr. BUDGETT. I'm not sure I completely understand your question.

Ms. CLARKE. OK, let me repeat it again. Can you describe for us any jurisdictional overlap at the IOC whether direct or indirect between those tasked with imposing sanctions for doping charges and those with a vote in determining future Olympic host cities?

Dr. BUDGETT. Yes, thank you. I think that's beyond my jurisdiction to answer. But to say at Rio as I mentioned, the jurisdiction over the sanctions was handed over to the Court of Arbitration of Sport so it was not within the IOC. And so the IOC have started the process of this independent testing authority by handing over the actual sanctioning process to an independent body and so it should be independent from any other function.

Ms. CLARKE. Mr. Tygart, do you have a sense of whether there are personnel in common in both entities?

Mr. TYGART. Absolutely there is. In fact, WADA recommended to ban the Russians. There were members of that executive decision that also sit on the IOC that when the decision came to the IOC voted opposite of how they voted on the WADA decision. They wear two hats. They made two different outcomes on the determination. And then yes, it's the IOC that ultimately votes for who is awarded the Olympic Games.

Mr. MURPHY. I now recognize Mr. Carter of Georgia for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman.

Ms. CLARKE. I yield back, Mr. Chairman.

Mr. CARTER. Thank you, Mr. Chairman, and thank all of you for being here. It is commendable that you would take time out to be with us. And I especially want to thank you, Mr. Nelson. I am a fellow Georgian, so welcome. We are glad to have you here. What the people here don't recognize or don't realize I don't think is that we have got some really nice food courts in Georgia, but certainly not nice enough to warrant you being awarded a medal on that food court and I am very sorry that you had to receive it that way.

Did I understand? I was reading and researching a little bit that you first heard about this through a reporter?

Mr. NELSON. Yes, sir. I had no official contact from the IOC or any other movement within the Olympic movement.

Mr. CARTER. Dr. Budgett, I mean—



Dr. BUDGETT. What I can say is that the process is an awful lot better now and there's been some fantastic medal ceremonies for athletes who have been re-awarded medals as a result of reanalysis.

Mr. CARTER. OK, and I am glad to hear that. But what about notifying them? Do you notify them before you notify the press?

Dr. BUDGETT. The notification should come through the National Olympic Committee.

Mr. CARTER. OK, before the press is notified you would have notified the individual?

Dr. BUDGETT. Of course.

Mr. CARTER. OK, thank you. I am glad we got that straight, Mr. Nelson. Mr. Nelson, you impress me and I have read your resume. I mean you are kind of the traditional Olympian. You just worked jobs and trained and just like I think most Olympians have, so I feel like I can relate to you. I will be quite honest with you and full disclosure here, I wanted to be an Olympian too. I did. And I will say more about that in just a minute, but unfortunately I ended up being not only short but slow, but nevertheless I had those same dreams.

But my question is this. You seem to be as I said the traditional Olympian, the drug testing that you had to go through I am sure it was quite laborious and that it really impacted your personal life a lot.

Mr. NELSON. I think Michael has probably had more tests than I've experienced in my lifetime, but I can tell you they show up at the most inopportune moments without apologies. Over time you build relationships with your collection officers and it's important because they learn a lot about you in the process. But yes, it's extraordinarily invasive, absolutely.

Mr. CARTER. Mr. Phelps, do you want to share some stories with us on that as well?

Mr. PHELPS. I mean, I'll agree it's the wildest times. I mean for me I would have, you know, training trips to Colorado Springs to train at altitude and I would have a morning off, but I would be woken up at 6:05 by the drug testers and I wouldn't be able to go back to sleep. So it's like, you know, those are the things that we're doing as athletes to make sure the sport's clean and I wish I could say that about everybody else.

Mr. CARTER. Can you elaborate on that a little bit? I am sure you have interacted with your competitors and your international competitors. What kind of experiences have they had? Do they have similar experiences or—

Mr. PHELPS. They don't bring it up. They don't talk about it.

Mr. CARTER. They don't talk about it.

Mr. PHELPS. No.

Mr. CARTER. But I suspect they aren't being woken up at, at least some of them maybe. I would like to think that some are.

Mr. PHELPS. Right. I mean you'd like to think that there's a number of the top ten, whatever it might be, top 20, top hundred in the world might be. I think, what is it, the IT, the International Testing Pool has a number of athletes who are usually under the same standards that, that we're all held under the same standards. And I mean for me it would be, I mean, I literally have to fill out

every single day exactly where I am at that time. And if I leave, I mean now it's easy enough to where I can just get on the phone or get on the app and say my whereabouts are changing, this is where I'm going. You have to say what plane you're on, what hotel you're staying in, what your room is under, everything yada yada yada. So that's what we've gone through, I've gone through for 15, 16 years.

Mr. CARTER. Right. You want to see time fly, you ought to get up here and wait for 5 minutes, and it flies. But nevertheless, Mr. Koehler, you mentioned something about working with the pharmaceutical manufacturers and being notified when, and working with them to figure out what drugs it is that you should be looking for. Can you just elaborate on that very quickly?

Mr. KOEHLER. Very quickly, we have an arrangement with them, an agreement in a memorandum of understanding where they'll share information on preclinical trial substances so we can find a way to detect methods of when athletes or should they be taking them.

Mr. CARTER. Great. I am encouraged to hear that. I am a pharmacist by profession so that is important to me. I have just got a couple more seconds and I want to say this, and I am not trying to be dramatic here, but I think it is important. Obviously you have two world class athletes here who we are very proud of and are doing more than just competing. They are here testifying about a problem and trying to fix it, and thank you for doing that. This is important that it is fair to them, being world class athletes, but it is important to a lot of kids around the world. It was important to me.

There was a time when the three of us were the same. We were all in the backyard. We were dreaming. I was standing on that cinder block and I was looking down at Michael Phelps and I was looking down at Adam Nelson and I was the Olympic champion. And we owe it to those kids, we owe it to those dreamers to make sure it is fair, to make sure they have the opportunity to compete. Thank you both. Thank you all for being here.

Mr. MURPHY. Thank you. I now recognize Dr. Ruiz for 5 minutes.

Mr. RUIZ. Thank you, Mr. Chairman. Thank you to all the panelists. The testimony that I have heard today is disturbing on a number of levels. I am outraged that Russian officials cheated, broken the rules, attacked the integrity of the Olympics to influence the outcome of the Olympics for their benefits. Kind of sounds familiar, doesn't it?

Russia's widespread doping endangered the health of their own athletes. Not only did they put their own athletes at risk, but they also cheated the millions of athletes across the globe that work hard and play clean. It also violates the trust between nations who put their faith in a system and work toward the same goal, which is an even playing field for all athletes. We must have the proper checks and balances in place to ensure that no one athlete or one country cheats to have an unfair advantage.

I am a physician. Dr. Budgett, we know that doping is the use of hormones, whether natural hormones or synthetic or blood transfusions, in order to increase the capacity to carry oxygen, meaning increasing the red blood cells which could cause an in-

crease in viscosity, high risk for strokes, pulmonary emboli, and other serious, life-threatening health problems, and we are seeing this in the emergency departments with young athletes.

What are the symptoms that you can tell a parent or a coach, somebody out there in the community to watch for in case a youth is using these type of performance-enhancing drugs?

Dr. BUDGETT. Thank you. As I said in my statement this is a health attack on athletes and so often they are the victims. And it often goes from supplements then through, and there's a widespread abuse of supplements in sport, and then on through the use of prohibitive substances.

Mr. RUIZ. So what are the signs and symptoms for parents and coaches to look out for?

Dr. BUDGETT. Well, there can be also the side effects particularly from anabolic steroids of masculinization in females is the most obvious sign, but also severe acne. And then those hidden signs that you wouldn't see, cardiac, liver disease, and other things like that.

Mr. RUIZ. Thank you. Since I am halfway through my time I am going to direct my questions to our Nation's heroes, Mr. Nelson and Mr. Phelps. You are a recent father, Boomer. I am a recent father, twin daughters Sky and Sage. You know, I just can't wait until they identify what their dreams are. And I know that there are a lot of kids out there who look up to you, who in my district who want to accomplish greatness, their greatness.

What do you tell them when they are pressured to use drugs that will enhance their performance, Mr. Phelps? Look at them now and speak to them on camera.

Mr. PHELPS. My biggest thing is my whole journey started with a dream. That was it. And as I said earlier, my coach and I decided that we were going to come up with a plan and we were going to train on holidays. We were going to train every day of the year. You know, we were never going to take a day off for an extended period of time and get those 52 extra days for Sundays, for example, because nobody trained on Sunday. We'd get those 52 extra days than anybody else would, so we'd have that one step ahead of everybody. And I think that's like, you know, if you want to be great you have to do things that other people aren't willing to do.

And for me, yes, it wasn't always fun getting up at 7 o'clock on a Sunday and going to swim, but you know what, I wanted to accomplish my goal bad enough that nothing's going to stand in my way. And I think that, you know, like I said in the end, like I hope somebody breaks my record. I hope I have the chance to see that because it shows you that kids are truly, they're going to attack their dreams and their goals and they're going to go through hard times of course, we all do. But they're not going to give up.

And that was something that I did in my career, I never, ever, ever gave up no matter how hard it got, and it got pretty hard at times. It got challenging for me. And for me, I would just love to see that in kids and the future of sport to be able to have that power that you can get from your mind and not being afraid to dream.

Mr. RUIZ. Thank you. Mr. Nelson, what would you tell the kids that are being pressured or are flirting with the idea of use doping to enhance their performance?

Mr. NELSON. Well, the first thing I would say to the parents is that it's OK to have this conversation. My dad sat down with me when I was 16 years old because I was a big guy and I was already lifting weights at the time, and he said, quite honestly he said, "I'm going to disown you if you ever do this." That was enough for me. We had a conversation about it. So set their expectations early.

The second piece is to talk about what the spirit of an Olympian really is. So we focus on the medals, but the medals are a reward for the work to get there. Most of what happens as an Olympic athlete happens when nobody else is watching. You have to have a gold medal process, and those processes must be based on principles. That's up to the parents. That's up to the people to decide what those principles are. If you allow for this to come into your life at any level, you're promoting this particular issue in a negative light. So that's what I would say.

Mr. RUIZ. Thank you. Thank you very much.

Mr. MURPHY. Thank you. I now recognize Mr. Walberg of Michigan for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman, and thanks to the panel for being here. I appreciate this discussion.

Mr. Koehler, how does WADA evaluate the role of other individuals in the anti-doping violations, for example, a coach, when it is found out that an athlete has tested positive and then ultimately find out it was a coach that encouraged him or her to dope, what happens? What is the punishment for the coach?

Mr. KOEHLER. That's the responsibility of the national anti-doping organizations and the international federations. But when an athlete does test positive and is sanctioned, there is a requirement for the national anti-doping organizations, the international sport federations to look at and investigate the entourage and to see if there was an influence. Is it being done comprehensively now? I don't believe so. Should it be done more? Absolutely.

Mr. WALBERG. So if we find out there was really no punishment following up this, we know then the coaches have the potential of going on and training other athletes the same way. I mean are we doing something to get at that?

Mr. KOEHLER. If a coach is found to be complicit in assisting an athlete they will be sanctioned, but there has to be the mechanisms to explore that.

Mr. WALBERG. Mr. Tygart, do you want to respond?

Mr. TYGART. I would just say it's critically important to break down the systems in place that as we heard earlier abuse their own athletes like in Russia. And let's be clear, those athletes had no, they had very little choice, if any choice, but to participate in this sport system and state system to dope, that's abuse of those Russian athlete, and we ought to do everything possible to stop the abuse by systems of individual athletes. And it's exactly why we were so frustrated that the IOC refused to take any meaningful sanctions against the system that abused their own athletes in this process.

Mr. WALBERG. And that is where it has to stand from the world community to do that and ultimately sanctions have to be sure and complete or otherwise, Mr. Budgett, there will be more and more people like me that refuse to watch the figure skating going on,

just sensing something is wrong there. But I wish you well on that Mr. Nelson and Mr. Phelps.

And Mr. Phelps, Go Blue. Got to get that in. I was a wrestler in high school and college and I don't think doping would have changed my outcomes in any way, shape or form from my opponent or myself. But I never, I never will forget watching Dan Gable who was a contemporary of mine. I never wrestled him and there were many reasons why I never did. But at the NCAA finals watching him, 1970–71, against the guy he had defeated before from Washington and coming to the last seconds of the final period and Gable lost by one point as the result of a reversal.

And knowing that Dan Gable had never lost high school or college ever, and this was the first loss in his career, and spent the next time before the Olympics beating his body into submission and he won a gold in the Olympics, and that is the sport. That is the thrill you were talking about that only most of us will ever experience by watching it, someone else do it. And Mr. Nelson, you have given me hope that that final second reversal that I had against Chicago Vocational, maybe I will get that point and win it.

But let me ask the two of you, in your opinion what motivates athletes to use performance-enhancing drugs beyond just to win? What motivates them?

Mr. PHELPS. I don't know. I mean, that's the only thing I can say. I mean, as somebody who has competed clean for over 20 years, I have no clue why somebody would do that.

Mr. WALBERG. Mr. Nelson.

Mr. NELSON. So I'm a little older, so I can remember having conversations with some of the older athletes back in the '90s. And one of the things that was very common then at that time, and I can remember having a conversation with one specific athlete, he said you can't throw 20 meters clean. They had a prejudgment on what they could do by themselves. They never gave themselves enough time to develop the skill sets necessary to do that. My response to them was, no, you can't throw 20 meters clean.

Mr. WALBERG. But you could.

Mr. NELSON. What's that?

Mr. WALBERG. But you could.

Mr. NELSON. I believed so, and I did.

Mr. WALBERG. Yes.

Mr. NELSON. Not at the time, but I believed I could. So to answer the question specifically, I think it's a combination of insecurity and at some level the culture that they surround themselves in that says this is the answer, this is the way forward.

Mr. WALBERG. So until we find the answer to that question and able to deal with the athletes to a conclusion, we have to have sanctioning bodies that are resolute in doing whatever it takes to go above that evil nature as it were and make it fair for guys who will not do that at any cost. Thank you for being part of this panel. I yield back.

Mr. MURPHY. I thank the gentleman. I now recognize Ms. DeGette for a wrap-up, 30 seconds if you could.

Ms. DEGETTE. Thank you very much, Mr. Chairman. I just want to again thank everybody for coming today and illuminating this.

I was really encouraged both Mr. Koehler and Dr. Budgett to hear you say that your organizations are interested in making change.

Mr. Tygart, I think your direct testimony has been very helpful. I was on this subcommittee in 2003 when we did the investigations on Salt Lake and the bid rigging, and we had the same kind of a situation where the IOC, you know, the intentions were good but they just weren't getting there. And I think because of illumination that we had and another hearing that it kind of nudged people around. I agree with you, Mr. Tygart. You know, we have been investigating this for a long time. We can figure out what we need to do about the rules and the funding and we can do it soon.

So the chairman and I were just talking, I am hoping we will have another hearing soon, and I am hoping that the various organizations will come to that hearing and tell us the changes they are going to make. Thank you, Mr. Chairman.

Mr. MURPHY. I thank the gentlelady. You know, as I listen to everything you say I am thinking of where my office is in Mount Lebanon, Pennsylvania, three gold medalists from there. A guy named Kurt Angle, he used to run up the hill with other students on his back, or Suzie McConnell, a basketball player, or this new swimmer, Leah Smith, outstanding people.

And it is amazing to think with all the other things going on that people like that can still shine and get their gold medal and not have to get it in a food court. And Mr. Nelson, I hope you get "The Star-Spangled Banner" played for you sometime with that.

We have heard a lot of commitments to reform the system today, but particularly, Mr. Koehler and Dr. Budgett, will you commit to this committee to keep us informed of your progress on these reforms and to reappear before the committee once these reforms are completed?

Mr. KOEHLER. On behalf of the World Anti-Doping Agency, we would be pleased to keep this committee up to date on the reforms and the actions that are moving forward. Yes.

Mr. MURPHY. Thank you. Dr. Budgett.

Dr. BUDGETT. I can echo that.

Mr. MURPHY. Thank you. Mr. Tygart submitted additional documents to support his testimony, so I ask unanimous consent to enter those documents into the hearing record, and, without objection, we will do that.

[The information appears at the conclusion of the hearing.]<sup>1</sup>

Mr. MURPHY. Finally, in conclusion, I want to thank all the witnesses and Members that participated in today's hearing. I remind Members they have 10 business days to submit questions for the record. I ask that the witnesses all agree to respond promptly to the questions. With that, again thank you for attending this hearing, and we are adjourned.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

<sup>1</sup>The Report of the World Anti-Doping Agency, "Report of the Independent Observers: Games of the XXXI Olympiad, Rio de Janeiro 2016," has been retained in committee files and also is available at <http://docs.house.gov/meetings/IF/IF02/20170228/105613/HHRG-115-IF02-20170228-SD017.pdf>.



U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY AND COMMERCE

February 24, 2017

TO: Members, Subcommittee on Oversight and Investigations

FROM: Committee Majority Staff

RE: Hearing entitled "Ways to Improve and Strengthen the International Anti-Doping System."

The Subcommittee on Oversight and Investigations will hold a hearing on Tuesday, February 28, 2017, at 10:15 a.m. in 2123 Rayburn House Office Building, entitled "Ways to Improve and Strengthen the International Anti-Doping System." This hearing aims to evaluate progress made thus far in reforming the global anti-doping system following the Rio Games and recent revelations of government-facilitated doping. The purpose of this hearing is to support efforts to strengthen clean competition and restore public confidence in international sports.

**I. WITNESSES**

- Richard Budgett, M.D., Medical and Scientific Director, International Olympic Committee;
- Rob Koehler, Deputy Director General, World Anti-Doping Agency;
- Travis Tygart, Chief Executive Officer, U.S. Anti-Doping Agency;
- Adam Nelson, American Shot Putter and Olympic Gold Medalist; and
- Michael Phelps, American Swimmer and Olympic Gold Medalist.

**II. BACKGROUND**

**a. The Olympic Movement and the World Anti-Doping Agency**

The World Conference on Doping held in Lausanne, Switzerland in 1999,<sup>1</sup> under the leadership of the Olympic Movement, including the International Olympic Committee (IOC), established the World Anti-Doping Agency (WADA) as an independent international agency to

<sup>1</sup> OLYMPIC INFORMATION CENTER: LAUSANNE DECLARATION 17-18 (1999), <http://library.ia84.org/OlympicInformationCenter/OlympicReview/1999/OREXXVI25/OREXXVI25g.pdf>.

Majority Memorandum for February 28, 2017, Subcommittee on Oversight and Investigations  
Hearing  
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research, educate, and enforce standards on anti-doping in Olympic sport.<sup>2</sup> WADA developed the World Anti-Doping Code (the Code)—the international agreement that standardizes anti-doping policies, rules, and regulations among authorities around the world.<sup>3</sup> Under the Code, the IOC, as a stakeholder organization, has jurisdiction to impose consequences on those whom WADA finds to be non-compliant.

WADA's mission is to "lead a collaborative worldwide movement for doping-free sport."<sup>4</sup> Since its creation, WADA has implemented and overseen many positive developments in the fight against doping in international sport. The Agency, which consists of equal representatives from the Olympic Movement and public authorities, pursues scientific research, education, development of anti-doping capacities, athlete outreach, cooperation with law enforcement, and monitoring of the Code. The Athletes Biological Passport program, designed to detect variation in biomarkers in athletes' blood associated with the use of banned substances, has been widely endorsed by anti-doping experts as an effective tool to reduce cheating in sport.<sup>5</sup> The Anti-Doping Administration and Management System keeps stakeholders apprised of athlete whereabouts, test planning and results management, and therapeutic use exemptions.<sup>6</sup>

Funded equally by the sport movement and governments of the world, in 2016, WADA's total budget was nearly \$30 million. After the IOC, the U.S. is the next largest contributor to WADA's budget at roughly \$2 million per year.<sup>7</sup> The U.S. supports anti-doping activities, including WADA's budget, through use of funds from the Office of National Drug Control Policy (ONDCP).<sup>8</sup> These funds were first authorized under title VII of the Office of National Drug Control Policy Reauthorization Act of 2006.<sup>9</sup>

#### **b. The Role of the U.S. Anti-Doping Agency**

National anti-doping organizations (NADO) are responsible for testing national athletes and athletes from other countries competing within that nation's borders, adjudicating anti-doping violations, and providing education on anti-doping issues.<sup>10</sup> The U.S. Anti-Doping

<sup>2</sup> *World Anti-Doping Agency Mission Statement*, <https://www.wada-ama.org/en/who-we-are> (last visited Feb. 23, 2017).

<sup>3</sup> *World Anti-Doping Agency Code*, <https://www.wada-ama.org/en/what-we-do/the-code> (last visited Feb. 23, 2017).

<sup>4</sup> *Mission Statement* supra note 2.

<sup>5</sup> Nick Harris, *Athlete Biological Passport: The key questions surrounding UEFA's new blood-testing process brought in to stamp out performance-enhancing drugs in football*, DAILY MAIL (Sept. 24, 2015), <http://www.dailymail.co.uk/sport/football/article-3247573/Athlete-Biological-Passport-key-questions-surrounding-UEFA-s-new-blood-testing-process.html>.

<sup>6</sup> *World Anti-Doping Agency ADAMS*, <https://www.wada-ama.org/en/adams> (last visited Feb. 23, 2017).

<sup>7</sup> WORLD ANTI-DOPING AGENCY, CONTRIBUTIONS TO WADA'S BUDGET 2016 (JAN. 11, 2017), [https://www.wada-ama.org/sites/default/files/resources/files/wada\\_contributions\\_2016\\_update\\_en.pdf](https://www.wada-ama.org/sites/default/files/resources/files/wada_contributions_2016_update_en.pdf).

<sup>8</sup> EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, FY 2016 BUDGET AND PERFORMANCE SUMMARY, COMPANION TO THE NATIONAL DRUG CONTROL STRATEGY, 11, 231 (Nov. 2015), [https://obamawhitehouse.archives.gov/sites/default/files/ondcp/policy-and-research/fy\\_2016\\_budget\\_summary.pdf](https://obamawhitehouse.archives.gov/sites/default/files/ondcp/policy-and-research/fy_2016_budget_summary.pdf).

<sup>9</sup> See 21 U.S.C. §2001 et seq for authorizing language for the U.S. Anti-Doping Agency, and (P.L. 109-469), <https://www.gpo.gov/fdsys/pkg/PLAW-109publ469/pdf/PLAW-109publ469.pdf>.

<sup>10</sup> *World Anti-Doping Agency. National Anti-Doping Organizations*, <https://www.wada-ama.org/en/national-anti-doping-organizations-nado> (last visited Feb. 23, 2017)



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Agency (USADA) is the NADO in the U.S. for Olympic, Paralympic, Pan American, and Parapan American sport. USADA's mission is to preserve the integrity of competition, inspire true sport, and protect the rights of U.S. athletes. The organization is responsible for managing the anti-doping program, results management processes, drug reference resources, and athlete education for all United States Olympic Committee (USOC) recognized sport national governing bodies, their athletes, and events in a manner that is consistent with WADA's Code. Additionally, USADA helps to advance clean sport through scientific research and education and outreach initiatives that are focused on awareness and prevention.<sup>11</sup>

### c. Challenges Facing the Current Anti-Doping System

WADA's sweeping mission is not without its challenges. Experts point out that conflicts of interest stemming from the composition of WADA's senior leadership currently exist, as anti-doping decision makers often simultaneously hold a policy-making position within a sports organization. Such conflicts can have both real and perceived effects on the rigorous investigations of possible violations as well as the enforcement of anti-doping measures. Several anti-doping experts have publicly stated that WADA lacks sufficient independence.<sup>12</sup> In the summer of 2016, press reports and whistleblowers regularly suggested that this lack of independence had led to "foot-dragging" in response to long running allegations of state-sponsored doping.<sup>13</sup>

Actions taken by WADA to investigate recent claims of a state-sponsored doping scheme have prompted questions over the inherent conflicts of interest between those who police sport and those who promote sport.<sup>14</sup> Indeed, recent events have raised the intensity and public profile of the debate over WADA's effectiveness. In light of the allegations, the Institute of National Anti-Doping Organizations (iNADO) called for further action to protect clean sport, noting that "iNADO recognises that WADA's role as an international regulator is seriously compromised if those who govern sport (such as International Federations (IFs) and the IOC) do not appropriately act on clear cases of non-compliance."<sup>15</sup> Similarly, Travis Tygart, CEO of the U.S. Anti-Doping Association (USADA), has called into question WADA's ability "to do its job."<sup>16</sup>

Central to any discussion of WADA's value as an international regulatory body is its ability to investigate, and where necessary hold accountable, individual NADOs for world anti-doping code non-compliance. In a 2014 documentary, the Russian Anti-Doping Agency

<sup>11</sup> U.S. Anti-Doping Agency, *About*, [www.usada.org/about/](http://www.usada.org/about/) (last visited Feb. 23, 2017).

<sup>12</sup> Will Hobson, *WADA heard of Russian doping in 2010, didn't investigate until media reports*, WASH. POST (Jun. 2, 2016), [https://www.washingtonpost.com/sports/olympics/wada-heard-of-russian-doping-in-2010-didnt-investigate-until-media-reports/2016/06/02/9ec77acc-28e7-11e6-b989-4c5479715b54\\_story.html](https://www.washingtonpost.com/sports/olympics/wada-heard-of-russian-doping-in-2010-didnt-investigate-until-media-reports/2016/06/02/9ec77acc-28e7-11e6-b989-4c5479715b54_story.html).

<sup>13</sup> Rebecca Ruiz, Juliet Macur, and Ian Austen, *Even with Confession of Cheating World's Doping Watchdog Did Nothing*, N.Y. TIMES (June 15, 2016), [http://www.nytimes.com/2016/06/16/sports/olympics/world-anti-doping-agency-russia-cheating.html?\\_r=0](http://www.nytimes.com/2016/06/16/sports/olympics/world-anti-doping-agency-russia-cheating.html?_r=0)

<sup>14</sup> Hobson, *supra* note 12.

<sup>15</sup> Press Release, Institute of National Anti-Doping Organisations, iNADO Calls for Further Action to Protect Clean Sport (May 19, 2016), <http://www.inado.org/about/press-releases.html>.

<sup>16</sup> Travis T. Tygart, *Come Clean, Russia, or No Rio*, N.Y. TIMES, May 25, 2016, <https://www.nytimes.com/2016/05/25/opinion/come-clean-russia-or-no-rio.html>.

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(RUSADA) was alleged to be colluding with coaches and athletes to cover-up positive tests for the use of performance-enhancing drugs.<sup>17</sup> In response to mounting evidence and media scrutiny, WADA, which initially held that it lacked the institutional authority to investigate, commissioned an independent report led by former WADA president Richard Pound.<sup>18</sup> The Independent Commission report, published on November 9, 2015, corroborated claims of state-sponsored doping as well as a deep-rooted culture of cheating.<sup>19</sup>

#### **d. Leading up to Rio: A System Under Severe Strain**

In May 2016, the American newsmagazine *60 Minutes*<sup>20</sup> and then *The New York Times*<sup>21</sup> published reports detailing Russian state-facilitated doping schemes during the Sochi 2014 Winter Olympic Games. The primary source of these allegations was the former Director of the Moscow and Sochi doping control laboratories, who ran the testing for thousands of Russian and international Olympians. On May 19, 2016, WADA announced that Richard McLaren would conduct an investigation into those allegations.<sup>22</sup>

An Olympic summit held on June 21, 2016, produced a Five-Point Plan addressing the need “to make the entire anti-doping system independent from sports organizations” and called on WADA to convene an “Extraordinary World Conference on Doping” in 2017.<sup>23</sup> Similarly, on assuming the role of Director General of WADA on July 1, 2016, at the very height of the public controversy over how to respond to revelations shattering public confidence in the world anti-doping system, Olivier Niggli highlighted his aims of “bolstering our investigative work” and “implementing a new whistleblower program by the next Foundation Board meeting in November.”<sup>24</sup>

On July 12, 2016, the Committee sent the President of the IOC, Thomas Bach, a letter expressing strong bipartisan interest in a renewed commitment to clean sport by the Olympic Movement in light of recent and ongoing investigations, including state-sponsored doping.<sup>25</sup> On

<sup>17</sup> See 4-part installment of ARD/German TV documentaries. The first is, *The Secrets of Doping: How Russia Makes its Winners*, (2014). <https://www.youtube.com/watch?v=iu9B-ty9JCY>.

<sup>18</sup> WORLD ANTI-DOPING AGENCY, THE INDEPENDENT COMMISSION REPORT #1, FINAL REPORT (NOV. 9, 2015), [https://www.wada-ama.org/sites/default/files/resources/files/wada\\_independent\\_commission\\_report\\_1\\_en.pdf](https://www.wada-ama.org/sites/default/files/resources/files/wada_independent_commission_report_1_en.pdf).

<sup>19</sup> *Id.*

<sup>20</sup> *Russian Doping at Sochi Winter Olympics Exposed* (60 Minutes broadcast May 8, 2016), <http://www.cbsnews.com/news/60-minutes-russian-doping-at-sochi-winter-olympics-exposed/>.

<sup>21</sup> Rebecca R. Ruiz and Michael Schwartz, *Russian Insider Says State-Run Doping Fueled Olympic Gold*, N.Y. TIMES (May 12, 2016), [https://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html?\\_r=0](https://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html?_r=0).

<sup>22</sup> Press Release, World Anti-Doping Agency, WADA Names Richard McLaren to Sochi Investigation Team (May 19, 2016), <https://www.wada-ama.org/en/media/news/2016-05/wada-names-richard-mclaren-to-sochi-investigation-team>.

<sup>23</sup> Press Release, Olympic Movement, Declaration of the Olympic Summit (Jun. 21, 2016), <https://www.olympic.org/news/declaration-of-the-olympic-summit>.

<sup>24</sup> Press Release, World Anti-Doping Agency, Olivier Niggli Begins New Role as WADA Director General (Jul. 1, 2016), <https://www.wada-ama.org/en/media/news/2016-07/olivier-niggli-begins-new-role-as-wada-director-general>.

<sup>25</sup> Letter from H. Comm. on Energy & Commerce, to Thomas Bach, President, Int'l Olympic Comm. (July 12, 2016).

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July 16, 2016, Part 1 of the McLaren Report was released.<sup>26</sup> Most notably, the McLaren Report found that “The [Russian] Ministry of Sport directed, controlled and oversaw the manipulation of athlete’s analytical results or sample swapping” with the active participation of Russian security services and both the Moscow and Sochi Laboratories.<sup>27</sup>

Later that same day, WADA publicized the recommendations of its Executive Committee based on the McLaren Report, which included the following: (1) The IOC should consider declining entry to Rio 2016 for all athletes submitted by the Russian Olympic Committee (ROC); (2) Russian government officials should be denied access to international competitions, including Rio 2016; and (3) the Russian National Anti-Doping Agency should be considered non-compliant under the World Anti-Doping Code.<sup>28</sup>

On July 19, 2016, IOC President Bach stated, “[t]he findings of the report show a shocking and unprecedented attack on the integrity of sports and on the Olympic Games. Therefore, the IOC will not hesitate to take the toughest sanctions available against any individual or organisation implicated.”<sup>29</sup> The IOC’s Executive Board announced that it would begin exploring legal options balancing the applicability of a collective ban of all Russian athletes from the Olympic Games 2016 against the right to individual justice.<sup>30</sup> The IOC also provided for “the eligibility of each Russian athlete...to be decided by his or her International Federation (IF) based on an individual analysis of his or her international anti-doping record.”<sup>31</sup>

On July 24, 2016, the IOC Executive Board released its decision concerning the participation of Russian athletes in the Rio Games.<sup>32</sup> The IOC opted to delegate its authority on the matter to the 28 IFs to determine individually the eligibility of Russian athletes if they were able to provide evidence, a record of non-doping, and “rebut the applicability of collective responsibility in his or her individual case.”<sup>33</sup> The IOC determined that an arbitrator of the Court of Arbitration for Sport (CAS) would rule on each and every athlete ban.<sup>34</sup> Several days later, IOC announced that a panel consisting of three Executive Board Members would confirm or

<sup>26</sup> RICHARD H. MCLAREN, THE INDEPENDENT PERSON REPORT (JUL. 16, 2016), [https://www.wada-ama.org/sites/default/files/resources/files/20160718\\_ip\\_report\\_newfinal.pdf](https://www.wada-ama.org/sites/default/files/resources/files/20160718_ip_report_newfinal.pdf).

<sup>27</sup> *Id.*

<sup>28</sup> Press Release, World Anti-Doping Agency, WADA Statement: Independent Investigation confirms Russian State manipulation of the doping control process (Jul. 18, 2016), <https://www.wada-ama.org/en/media/news/2016-07/wada-statement-independent-investigation-confirms-russian-state-manipulation-of>.

<sup>29</sup> Press Release, Int’l Olympic Comm., Statement of the Int’l Olympic Comm. on WADA Report (Jul. 18, 2016), <https://www.olympic.org/news/statement-of-the-international-olympic-committee-on-wada-report>.

<sup>30</sup> Press Release, Int’l Olympic Comm., Statement of the Executive Board of the Int’l Olympic Comm. on the WADA Independent Person Report (Jul. 19, 2016), <https://www.olympic.org/news/statement-of-the-executive-board-of-the-international-olympic-committee-on-the-wada-independent-person-report>.

<sup>31</sup> *Id.*

<sup>32</sup> Press Release, Int’l Olympic Comm., Decision of the IOC Executive Board Concerning the Participation of Russian Athletes in the Olympic Games Rio 2016 (Jul. 24, 2016), <https://www.olympic.org/news/decision-of-the-ioc-executive-board-concerning-the-participation-of-russian-athletes-in-the-olympic-games-rio-2016>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

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overturn each decision.<sup>35</sup> By the start of the Rio Games on August 5, 2016, 271 of the 389 athletes put forward by the ROC were cleared to participate.<sup>36</sup>

On August 2, 2016, the IOC responded to the Committee's letter, in writing, stressing that while it is only one component of the Olympic Movement—with WADA serving as the "independent leader in the fight against doping"—the IOC was proud of its record supporting clean sport.<sup>37</sup> The IOC discussed its decision on Russian participation at Rio and listed the steps it had taken to combat doping since the Olympic Summit in June. While thanking the Committee for its support of IOC's efforts to protect clean athletes, the IOC noted that the 2017 "Extraordinary World Conference on Doping" will be "an ideal venue to discuss how financing for WADA's important anti-doping activities and initiatives can be enhanced."

#### e. Events Following Rio

The Rio Games began on August 5, 2016 and ended on August 21, 2016. Nine days later, on August 30, 2016, the leaders of 17 NADOs, who had come together for a special summit in Copenhagen, Denmark, released a series of reform proposals to strengthen global anti-doping efforts.<sup>38</sup> These included a bid to remove the conflict of interest present where anti-doping decisions are controlled by sports organizations, a bolstering of WADA's capacity to investigate and impose sanctions for World Anti-Doping Code non-compliance, and a commitment to protect whistleblowers from retaliation.<sup>39</sup>

On September 21, 2016, WADA's executive committee, reflecting an eight-point consensus reached during its recently held multi-stakeholder think tanks, affirmed its support for a reinforced and independent WADA.<sup>40</sup> An IOC summit held October 8, 2016, proposed changes to anti-doping protocols that would separate WADA's role as regulator from overseeing testing in international sports and empower CAS initially to handle all doping sanctions matters.<sup>41</sup> On October 26, 2016, NADO leaders at a summit in Bonn, Germany renewed their calls, from August, for immediate change in the anti-doping system in order to restore the confidence of clean athletes.<sup>42</sup>

<sup>35</sup> *Rio 2016: IOC panel to decide fate of Russian athletes*, CNN, Jul. 31, 2016, <http://edition.cnn.com/2016/07/31/sport/olympics-three-person-ioc-board-decision-russia-rio-2016/>.

<sup>36</sup> Foghan Macguire and Steve Almasy, *271 Russian athletes cleared for Rio Games*, Aug. 5, 2016, <http://edition.cnn.com/2016/08/04/sport/russia-ioc-bach-olympics-rio-2016/>.

<sup>37</sup> Response on file with the Committee.

<sup>38</sup> SPECIAL NADO SUMMIT REFORM PROPOSALS (AUG. 30, 2016), [http://www.usada.org/wp-content/uploads/Special\\_NADO\\_Summit\\_Reform\\_Proposals.pdf](http://www.usada.org/wp-content/uploads/Special_NADO_Summit_Reform_Proposals.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> Press Release, World Anti-Doping Agency, WADA Holds First in Series of Multi-Stakeholder Think Tanks (Sept. 20, 2016), <https://www.wada-ama.org/en/media/news/2016-09/wada-holds-first-in-series-of-multi-stakeholder-think-tanks>.

<sup>41</sup> INT'L OLYMPIC COMM., DECLARATION OF THE 5<sup>TH</sup> OLYMPIC SUMMIT (OCT. 8, 2016), <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/2016/10/2016-10-08-Declaration-Olympic-Summit.pdf>.

<sup>42</sup> Press Release, USADA, Renewed Call for Urgent Anti-Doping Reforms (Oct. 26, 2016), <http://www.usada.org/renewed-calls-urgent-anti-doping-reforms/>.

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On November 20, 2016, the WADA Foundation Board, composed equally of the Olympic movement and governments of the world, met to develop a roadmap for reforming the world anti-doping system, to include a graded sanctioning framework for non-compliance and a formalized process for protecting whistleblowers.<sup>43</sup>

On December 8, 2016, Thomas Bach, President of the IOC, led Executive Board meetings focused on the success of the Summer Games in Rio, cleaning up the Olympic Games, and upcoming challenges.<sup>44</sup> While Bach was quoted saying that the retesting program designed with WADA, the NADOs, and the IFs had proven to be successful, preventing 41 athletes from participating in Rio, he indicated that other results may continue to come and the program may need to be analyzed further.

On December 9, 2016, Part 2 of Richard McLaren's report was released by WADA.<sup>45</sup> Part 2 of the report further supported the findings in Part 1, and detailed "the institutional conspiracy [that] existed across summer and winter sports athletes" as well as how the "systematic and centralised cover up and manipulation of the doping control process evolved and was refined over the course of its use. . . ."<sup>46</sup> The report concluded that up to one thousand Russian athletes benefited from the state-sponsored doping scheme. The findings of the McLaren reports raise concerns about whether the current anti-doping system is structured and equipped to adequately address systemic, especially nation-state driven, doping violations.

#### **f. Remaining Challenges**

While many summits, conferences, and meetings have occurred since the Rio Games, challenges remain and progress towards meaningful reform remains unclear. The current system is rife with conflicts of interest where officials are wearing too many different hats and are in a position where they both have to promote and police sport. This inhibits their ability to make independent decisions and makes it challenging to conduct thorough and fair investigations.

Another area for reform includes clearly delegating who makes the decision to both investigate and sanction in the event of a suspected anti-doping code or rules violation. As witnessed prior to the Rio Games, despite evidence that athletes were doping, organizations wavered and were unsure of their authority to make decisions and sanction athletes. Ultimately, the decision was passed down to the 28 IFs, but then the question remains whether the IFs are equipped to evaluate and make individual determinations for all of the athletes within their sport – particularly when the decision timeframe is short. In the case of Rio, this resulted in inconsistent decisions by the IFs. For example, some IFs, such as International Association of

<sup>43</sup> Press Release, World Anti-Doping Agency, Foundation Board Press Release: Foundation Board Equips Agency to be Fit for the Future (Nov. 20, 2016), <https://www.wada-ama.org/en/media/news/2016-11/foundation-board-press-release-foundation-board-equips-agency-to-be-fit-for-the>.

<sup>44</sup> Press Release, Olympic Movement, IOC President Looks Back at 2016 and Sets Tone for Promising 2017 (Dec. 8, 2016), <https://www.olympic.org/news/ioc-executive-board-meeting-comes-to-a-close>.

<sup>45</sup> RICHARD H. MCLAREN, O.C., THE INDEPENDENT PERSON 2<sup>ND</sup> REPORT (DEC. 9, 2016), [https://www.wada-ama.org/sites/default/files/resources/files/mclaren\\_report\\_part\\_ii\\_2.pdf](https://www.wada-ama.org/sites/default/files/resources/files/mclaren_report_part_ii_2.pdf).

<sup>46</sup> *Id.*

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Athletics Federations – the governing body for track and field, banned all Russian athletes.<sup>47</sup> Other federations, however, made decisions for individual athletes. This variation reflects different perspectives on the issue of “collective” versus “individual” responsibility, and raises questions about the adequacy of the current system to issue consistent and fair punishment for violations, especially in response to a systemic doping program.

Further, recent events highlight the need to examine potential improvements with respect to whistleblower protections. There will always be athletes or institutions that attempt to gain a competitive advantage. Whistleblowers—whether they are athletes, coaches, or people within the NADOs—are critical to anti-doping organizations’ ability to identify and investigate violations. Therefore, it bares questioning whether the current system does enough to encourage, embrace, and protect honest whistleblowers.

This hearing provides an opportunity to learn from the past and examine opportunities to reform the system to make it fair, nimble, and effective for the sake of athletes, clean sport, and the integrity of the International competition, including the Olympic Games.

### III. ISSUES

The following issues will be examined at the hearing:

- The current state of the anti-doping system;
- The challenges currently facing the anti-doping system;
- How to better facilitate efforts to guarantee clean competition and restore public confidence in international sports;

### IV. STAFF CONTACTS

If you have any questions regarding the hearing, please contact Brittany Havens or John Ohly at (202) 225-2927.

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<sup>47</sup> Rebecca Ruiz, *Sports Court Upholds Ban on Russian Track and Field Athletes*, N. Y. TIMES (Jul. 21, 2016), [https://www.nytimes.com/2016/07/22/sports/olympics/russia-olympics-ban-doping-track-and-field.html?\\_r=0](https://www.nytimes.com/2016/07/22/sports/olympics/russia-olympics-ban-doping-track-and-field.html?_r=0).



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Lausanne, 23 February 2017

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By e-mail only

Dear All,

The IOC and the Olympic Movement have recently taken a number of actions and initiatives to protect the clean athletes and contribute to the reform of the anti-doping system. Given the sometimes confusing public discussion, I would like to provide you with an update of the current situation.

Firstly, firm actions are being taken with regard to the findings of the McLaren Report on doping and manipulation in Russia, which have caused damage to the credibility and integrity of sport. In this respect, the IOC established two Commissions in July 2016: one under the chairmanship of IOC Member Denis Oswald; and another under the chairmanship of the former President of the Swiss Confederation, Samuel Schmid. These two Commissions started work last year, even before the publication of the full and final report by Professor Richard McLaren in December last year.

The Oswald Commission is examining the evidence against individual Russian athletes and their entourage who may have committed an Anti-Doping Rule Violation (ADRV) at the Olympic Winter Games Sochi 2014. In a preventive perspective the IOC has already initiated disciplinary procedures against 28 Russian Olympic athletes. All the other athletes mentioned in the McLaren Report who did not take part in the Olympic Winter Games are of course under the exclusive authority of the International Federations. The IOC greatly appreciates the work of the IFs with regard to these cases, for which we have neither the information nor any kind of authority to prosecute.

The work of the Oswald Commission and of the IFs is not easy because as the McLaren Report clearly states: "The IP is not a Results Management Authority under the World Anti-

Doping Code (WADC 2015 version). The mandate of the IP did not involve any authority to bring Anti-Doping Rule Violation ("ADRV") cases against individual athletes."

It is now the more comprehensive task of the Oswald Commission to establish all appropriate evidence. Therefore, the Commission must go beyond the mandate of Professor McLaren. The Commission will:

- consider the samples of ALL Russian participants at the Olympic Winter Games Sochi 2014;
- re-analyse all samples for adverse findings. The IOC has already initiated the forensic analysis of the samples of 28 Russian athletes who competed in Sochi in 2014 and where the McLaren Report indicated there was evidence of manipulation;
- investigate all Russian samples from the 2008, 2010 and 2012 Olympic Games. The re-analysis programme of stored samples has so far resulted in sanctions against 18 Russian athletes from Beijing 2008 and 20 from London 2012. In many cases, medals were withdrawn.

The Schmid Commission, which has to address the substantial allegations about the potential systematic manipulation of the anti-doping samples, is also continuing its work. The complexity of the Schmid Commission's work is considerable since for instance, in his first interim report, Professor McLaren describes a "state sponsored system" whilst in the final full report in December he described an "institutional conspiracy."

- The Commission will now have to consider what this change means and which individuals, organisations or government authorities may have been involved.
- The Commission has already met several times and will offer hearings to all those involved in due course.

The two Commissions will continue to closely cooperate with Professor McLaren, the World Anti-Doping Agency (WADA) and the International Federations. The establishment of acceptable evidence is a significant challenge, as some IFs have already experienced; where in some cases they have had to lift provisional suspensions or were not able – at least at this stage – to begin disciplinary procedures due to a lack of consistent evidence.

In this context, WADA has written to all the Olympic Winter IFs in order to "inform [them] of some of the discrepancies or issues that have been identified since the publication of the Report." (WADA letter, 19 January 2017).

At the recent meeting (21 February) held by WADA in Lausanne to "provide assistance to IFs regarding how to analyse and interpret the evidence", it was admitted by WADA that in many cases the evidence provided may not be sufficient to bring successful cases. IFs were told by WADA to make direct contact with the IP team to try to obtain further information. WADA also explained that the translations used by the IP team were not adequate and was obtaining official translations of some of the texts.

For all these reasons, this process will clearly take some time, but I can assure you that we are still determined to conclude these cases as swiftly as possible. We want to protect the clean athletes and ensure a level playing field. It is already evident from the appeals filed against some International Federations provisional suspension decisions that the IOC decision will have to stand up to a strong legal challenge.



In the meantime, the IOC is encouraging WADA and Russia to re-establish state-of-the-art anti-doping institutions in Russia. We have asked that, in the period leading up to the Olympic Winter Games PyeongChang 2018, every eligible Russian athlete undergo anti-doping tests with higher benchmarks than for athletes from other countries. The IOC is also working with WADA to ensure that pre-Games testing on all athletes is done efficiently with the relevant intelligence through the WADA pre-Games "task force" funded by the IOC.

The IOC is also pursuing the reform of the WADA system, as supported by the IOC Session, the IOC Executive Board and the Olympic Summit.

We are driving forward to establish an independent testing authority – independent from sports organisations and from national interests. The importance of this body being independent from national interests is demonstrated by recent decisions by national anti-doping organisations concerning athletes of the same nation. This is another reason why sanctioning should be delegated to the CAS as the IOC successfully did at the Olympic Games Rio 2016.

The IOC is also participating in WADA's good governance working group. Here the IOC has made proposals for more accountability, transparency and diversity. Our representatives will be guided by the proposals adopted by the IOC Executive Board and the Olympic Summit.

We will continue to keep you informed, and I would like to thank you for your continued support. As always, I look forward to our next meeting. Until then, I remain,

Yours sincerely,



Christophe De Kepper  
Director General

**NADO Summit**  
**Copenhagen, Denmark (30 August 2016)**

We, a dedicated group of National Anti-Doping Organisations from around the world, recognise that we are at a crossroads in the fight for clean sport. With the best interests of clean athletes at heart, we have come together to propose reforms that we believe will better protect them, restore confidence in the integrity of international sport which has been deeply damaged and ensure that the disturbing events of recent years are not repeated. Therefore, at this time we recommend and propose the following:

1. The World Anti-Doping Agency (WADA) has been responsible for significant advancement in the fight for clean sport since 1999. We support the authority and autonomy of WADA and reject any efforts to weaken its mandate, autonomy or operations. We fully endorse a strong WADA that adheres to the principles of independence, separation of powers, and best governance practices, including:
  - a. Improved monitoring systems for World Anti-Doping Code ("Code") and UNESCO International Convention Against Doping in Sport compliance in order to permit the earlier identification of failing anti-doping systems;
  - b. The Code should be amended to clarify and broaden the range of violations and the consequences of Code non-compliance such as systematic subversion of anti-doping systems (such as recently occurred with Russia), including adoption of clear sanctions with strong deterrent effect;
  - c. WADA must have authority and capacity to investigate and to impose proportional sanctions and consequences for all instances of Code non-compliance;
  - d. Mentoring of developing and/or non-compliant NADOs must be emphasized to raise the quality and ensure the integrity of national level anti-doping efforts around the world; A mechanism should be established that allows the possibility of anti-doping organisations maintaining operations while serving consequences for less severe non-compliance;
  - e. Adoption and implementation of best governance practices, e.g., independence, transparency (including mechanisms for oversight), term limits, global inclusivity, audit committee, etc.; and
  - f. Independence in governance and operational decisions and activities as described in proposed reform number 2 below.
2. The anti-doping system should be independent of sports organizations. The current Code principle that NADOs must be independent in their operational decisions and activities (Art. 20.5.1) should apply equally to WADA, Major Event Organisations (including the IOC as the

term Major Event Organisation is used herein) and IFs. We recommend that the Code definition of "Anti-Doping Organization" and the inclusion of IFs, the IOC and Major Event Organizations therein be reviewed and modified. We further recommend that:

- a. Officers, directors, employees and all decision-makers of anti-doping organisations should not simultaneously hold a board or officer position or other policy-making position in any IF or major event organization.
  - b. The chief executive and any board of directors of anti-doping organisations should be selected independently and transparently consistent with 2(a) above.
3. The continuing involvement of IFs, Major Event Organisations and other sport organisations in anti-doping rules formation and evaluation, education, deterrence programs, intelligence sharing, and working with anti-doping organisations, remains critical to the fight against doping in sport and every step should be taken to increase this involvement.
  4. Anti-doping efforts are fundamental to ensure the integrity of competition and the value of sport. The IOC has called for the anti-doping system to be independent from sports organisations. It is therefore understood that the IOC and IFs need to continue significant independent funding and should make the funding available initially at no lower than the level of the present investment in the fight against doping.
  5. In addition to the current commitment of financial support from governments, the funding to anti-doping from current and new sources that benefit from clean sport should be increased, including increased financial commitments to WADA and other anti-doping organisations.
  6. A program for the encouragement, management and protection of whistleblowers ought to be given the highest priority by WADA.

In recognition of the important international events that have recently transpired, we further recommend:

1. Support for, and completion of, the independent investigation of state-sponsored doping in Russia by the Independent Person, Richard McLaren, including:
  - a. adequate sanctions for rule violations and all instances of Code non-compliance;
  - b. meaningful recognition and compensation for those who have been harmed by doping violations committed by others; and
  - c. continuation of oversight by international experts at the Russian Anti-Doping Agency and the Russian drug testing laboratory to guarantee their reform and the

reliability of future anti-doping programs for the wellbeing of Russian athletes and the clean athletes of the world.

2. Meaningful recognition and compensation for their courageous contributions should be extended to Yuliya and Vitaly Stepanov and other whistleblowers relied upon in the investigation of the Independent Person and preceding WADA Independent Commission investigations, without whom the state-supported system of doping would likely never have been exposed. All relevant organisations should do everything in their power to protect and ensure safety, security, and a sustainable future for Yuliya and Vitaly and the other whistleblowers. We ask the IOC and Russia to publicly commit to do everything in their power to recognise the significant contributions to clean sport made by Yuliya and Vitaly and the other whistleblowers and to also assist in guaranteeing the safety, security, wellbeing and a sustainable future for Yuliya and Vitaly and the other whistleblowers.

**National Anti-Doping Organizations Supporting the Copenhagen  
Declaration of August 30, 2016**

Australia	Netherlands
Austria	New Zealand
Belgium (Flanders)	Poland
Canada	Slovenia
Croatia	Spain
Denmark	South Africa
Estonia	Sweden
Finland	Switzerland
France	Ukraine
Germany	United States
Ireland	Institute of National Anti-
Japan	Doping Organizations



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**Via Electronic Mail**

December 8, 2014

Sir Craig Reddie, President  
David Howman, Director General  
World Anti-Doping Agency (WADA)  
Stock Exchange Tower  
800 Place Victoria  
Suite 1700  
Montreal Quebec H4Z 1B7  
Canada

Re: Need for WADA Investigation of Allegations of Systematic Doping in Russia

Dear Sir Craig and Mr. Howman:

Recent days have brought multiple news reports alleging systematic doping in Russia involving participation and complicity by a broad range of Russian Olympic sports, the Russian national anti-doping agency (RUSADA) and the World Anti-Doping Agency (WADA) accredited Moscow laboratory.

These news reports cite as evidence undercover tape recordings with Russian athletes and coaches, financial records pertaining to the alleged payment of bribes, emails and confessions by a number of insiders including athletes, coaches and a former employee of RUSADA. Already, since the publication of these news reports USADA has been approached by a credible sports official who claims to have additional first hand evidence of systematic blood doping by Russian athletes.

On the whole, the claims that have been made are that organized, systematic doping in Russia covers many, if not all, Olympic sports. The sports of athletics (track and field), biathlon, cycling, nordic skiing, swimming and weightlifting have all been specifically identified. Individuals implicated include high ranking sports officials, such as a Vice President of the International Association of Athletics Federations (IAAF), Russian Olympic team coaches and the Director of the Moscow anti-doping laboratory.

If true, the allegations of organized and systematic doping of Russian athletes go far beyond any known doping scheme in the past 30 years and present a challenge to clean sport that overshadows any other faced by WADA in its 15 years of existence. By positing the potential that doping has been pursued on such a massive and systematic scale involving complicity by



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such a range of sports and anti-doping officials, the allegations strike at the heart of the current efficacy and continuing legitimacy of the global anti-doping system.

The alarm and concern raised by clean athletes and other stakeholders in the Olympic movement has been swift, as well as loud and clear. There can be no doubt that these apparent revelations present a watershed moment for anti-doping and the integrity of sport. The circumstances require dynamic and decisive action by WADA to lead a thorough, searching and independent investigation. Anything less than a full, complete and successful investigation by WADA of the claims regarding an organized Russian doping operation would constitute an abdication of WADA's responsibilities and its role as the leader of the global anti-doping movement.

There can be no reasonable position that in the face of such extensive, shocking and apparently well evidenced claims that WADA can legitimately do anything less than organize an independent, full-scale investigation of the claims. The fact that the claims transcend any single sport means that reliance on the IAAF or any other sports organization to investigate is insufficient. Moreover, for WADA to sit on the sidelines in the face of such allegations flies in the face of WADA's mandate from sport, governments and clean athletes and the role for which it was created.

In the past WADA has not shrunk from its responsibility to lead the fight against doping in sport. For instance, WADA's support of USADA's cycling investigation was pivotal in many respects, and WADA has played an invaluable role in bringing public pressure to bear on professional sports leagues to improve their anti-doping programs. These are just to name a few of WADA's many prior courageous stances.

Yet, in the few brief days since these allegations were reported there seem to be indications that WADA has in this particular case deviated from its traditional leadership role. Moreover, on the whole, in our opinion, WADA's initial statements in response to the allegations of Russian doping have been disappointing and unfortunately equivocal and insufficient.

We were initially encouraged by David's statement to German television in response to the allegations of an organized Russian doping program that WADA must be "fearless in approaching [these] issues and make sure those who are suffering from fear are protected." This statement appeared to us to reflect WADA's willingness to assume a leadership role in protecting witnesses and investigating their claims.

However, David's comments were thereafter followed by a statement on the WADA website which seemed to signal a retreat from this initial statement and indicate an unwillingness to become immediately engaged in investigation of the claims. The official WADA statement reads, in part, that "WADA has in fact already received some information and evidence of the



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type exposed in the documentary. All of that information has been passed to the appropriate independent body within the international federation, the IAAF. We will await the outcome of that independent body's deliberations."

We have also read that Sir Craig was cited by the Associated Press as saying that WADA is unable to take action even against Russia's anti-doping laboratory or anti-doping agency. The AP article states, in part:

Reedie, who is also an IOC vice president, said WADA was not in a position to take action against Russia's anti-doping lab or anti-doping agency.

"We don't have these powers," he said. "The next part of the process is in the hands of the IAAF ethics commission. That's where we are at the moment."

With all due respect, having worked with WADA on many prior investigations, we do not believe WADA lacks the power to conduct an investigation, protect witnesses or take steps to investigate whether WADA accredited laboratories or national anti-doping agencies have become corrupted or otherwise failed to fulfill their responsibilities under the World Anti-Doping Code and WADA International Standards. Moreover, if there was ever any doubt as to whether sport, governments, and clean athletes wanted WADA to undertake an investigative role regarding such allegations of corruption, any such doubts must have been erased by the amendments to the Code adopted in South Africa last year which provide in Article 10.7.10, that WADA is directed "to initiate its own investigations of anti-doping rule violations and other activities that may facilitate doping."

Sport must have an independent body which will investigate and get to the bottom of claims of widespread, systematic doping such as have been alleged in this case. There can be no question that WADA was in part created and empowered in order to undertake the very sort of investigation that is needed into the circumstances of alleged organized Russian doping. Indeed, WADA is the only body with such a global mandate. Therefore, clean athletes and all who care about clean sport are looking to WADA to investigate the claims of pervasive doping that have been made.

As to the contention that the IAAF investigation should be permitted to proceed before WADA acts, this position fails to address the claims of doping in a variety of sports in addition to athletics as well as the contention that the Moscow laboratory and RUSADA, entities as to which WADA has Code-based responsibility for oversight and review, are allegedly complicit in the doping scheme. Furthermore, the allegations that have been made include the claim that an IAAF Vice-President has been complicit in the cover-up of tests and that IAAF anti-doping controls may have been compromised. In such circumstances, WADA should not defer investigative responsibility to the IAAF.





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In light of the foregoing, we write to ask that on behalf of all stakeholders WADA immediately initiate an independent, detailed and thorough investigation into claims of organized Russian doping. Such investigation should start with review of all evidence upon which the public reports of doping have been based and include a systematic and searching effort to determine whether the claims are supported by additional evidence. Ultimately, WADA should assess whether any individuals have cases to answer for anti-doping rule violations and report whether any institutions have failed to fulfill their responsibilities under the Code and International Standards.

We are writing first to both of you as the appropriate officers within WADA to assess and respond to this request and wish to give you a sufficient period of time in which to do so. We recognize the possibility of being misquoted and that notwithstanding your statements cited above, that you may, in fact, intend that WADA conduct an investigation along the lines we have suggested. Therefore, we are presenting our concerns to you first before presenting them to the WADA Executive Committee or Foundation Board.

We seek your clarification at the earliest practicable time as to whether WADA intends to conduct an investigation such as we have described. If WADA does not intend to initiate such an investigation then, for the reasons set forth in this letter, we would likely request further consideration of this matter by the WADA Executive Committee and/or by the WADA Foundation Board.

We look forward to hearing from you in response to this inquiry.

Sincerely,

A large black rectangular redaction box covering the names and titles of the signatories.

Travis T. Tygart  
USADA CEO

Dr. Edwin Moses  
USADA Chairman of the Board



The preceding letter has been signed by the following USA Swimming National Team athletes;

Cammile Adams  
Nathan Adrian  
Michael Chadwick  
Tyler Clary  
Kevin Cordes  
Conor Dwyer  
Missy Franklin  
Matt Grevers  
Jessica Hardy  
Chase Kalisz  
Caitlin Leverenz  
Ryan Lochte  
Simone Manuel  
Katie Meili  
Cody Miller  
Lea Neal  
David Nolan  
Michael Phelps  
Allison Schmitt  
Josh Schneider  
Tom Shields  
Austin Surhoff  
Kelsi Worrell

2/24/2017

Letter from Beckie Scott, Chair of WADA's Athlete Committee, to Sir Craig Reedie, WADA President | World Anti-Doping Agency



March 11, 2016

<http://www.addthis.com/bookmark.php?v=300&pubid=ra-532af65b05d02789>

## Letter from Beckie Scott, Chair of WADA's Athlete Committee, to Sir Craig Reedie, WADA President

Dear President, dear Sir Craig:

The WADA Athletes' Committee met today in Canmore, Alberta. The most important discussion item for us, as the voice and representatives of clean athletes world-wide, was the request we put forth in November to the WADA Foundation Board: a request to extend the mandate of the Independent Commission. We are of the firm opinion that there needs to be further investigation into other sports in Russia, and other countries identified in the report.

Since November, we have received many calls and requests from athletes and athlete committees, from many sports, across many nations, for the same. Today we considered those, and have again reviewed the detailed content of the report issued in November, during an in-camera session.

Many comments and statements within the report indicate that other sports and countries are implicated, and as such, require further investigation.

Our view as a committee is that the response to date - to such an evidence-based, incriminating report - has been unsatisfactory, and we wish to express our strong position, once again, in renewing our call for WADA to extend the mandate of the Independent Commission to sports in Russia other than athletics, as well as other countries named in the report.

WADA states clearly that it supports clean athletes and at the moment, clean athletes are disappointed with the lack of action that has been taken.

The principles of fair sport are very close to our hearts. We believe that extending the mandate will be a sign of our commitment to clean sport, and a sign that the voice of the clean athlete is being heard.

In addition, we as a committee wish to publicly announce our strong support and gratitude to the whistleblowers, Vitaly and Yuliya. They have made a courageous contribution to the anti-doping movement and to clean athletes in particular. Their bravery and risk-taking has brought about personal changes to their way of life which are substantial. We recognize them for their contribution, and we trust that the world of sport will likewise support and appreciate them.

Yours sincerely,

January 25, 2016,

Dear IOC President Thomas Bach,

Dear WADA President Sir Craig Reedie,

We write you in response to the two-part report from the WADA independent commission led by Dick Pound investigating systemic doping violations in Russian Athletics.

While we applaud the provisional suspension of the Russian Athletics Federation, we feel strongly that more should be done to ensure a fair field of play for athletes in all sports, not just those who compete in Track and Field.

According to the report, while the WADA independent commission "expresses no concluded opinion as to other sports in Russia, there is no reason to believe that Athletics is the only sport in Russia to have been affected by the identified systemic failures."

The IOC and WADA should prioritize the rights of clean athletes everywhere by holding all athletes to the same high standard. In addition to requiring RUSADA to perform in accordance with the WADA code moving forward, a full investigation should be carried out into the failed testing of Russian athletes from ALL sports. And it is not just athletes who should be investigated and punished, but those who helped the athletes to cheat: whether it was coaches, RUSADA personnel, and yes, even politicians.

Perhaps at least some other International Federations will follow the IAAF's lead and suspend the Russian governing bodies in their sports. But Federations acting on their own will only accomplish so much. WADA and the IOC need to show strong leadership of the Olympic Movement by ensuring that all Russian Federations are thoroughly investigated. WADA's IC has a body of knowledge and contacts with whistleblowers that far exceeds what any IF knows about the misdeeds of RUSADA, the Moscow laboratory, and corrupt officials who work with athletes across all Russian sports. With evidence of state supported doping across the whole of sport in Russia, with a corrupt and ineffective NADA testing system, and with athletes and insiders coming forward at great personal risk, now is exactly the time to investigate thoroughly. The clean sport movement is at a crossroads. The athletes of the world are watching and waiting.

We ask the IOC and WADA to continue and increase your efforts to protect clean sport in all countries.

Sincerely,

Sarah Konrad, Chair, USOC Athletes' Advisory Council, on behalf of the full USOC AAC\*

\*Ratified on January 23, 2016, by the members of the USOC Athletes' Advisory Council representing athletes from 47 National Governing Bodies and 10 Paralympic sports

Cc: IOC Athletes' Commission Chair Claudia Bokel  
IOC Athletes' Commission Member Angela Ruggiero  
WADA Athlete Committee Chair Beckie Scott

# MailOnline

## Russia could be let off the hook BEFORE end of investigation by British drug-buster and WADA president Sir Craig Reedie

- **WADA president Sir Craig Reedie has ‘no intention’ of taking any action against Russia and assured them they won't be singled out**
- **Britain’s most senior international sports politician doesn't want to disrupt his friendship with Russian sports minister Vitaly Mutko**
- **Senior Russian insiders say they ‘take comfort’ from approach by WADA**
- **Sir Craig insists he needs to tread a diplomatic line in his WADA role**
- **Russia is central to ongoing controversy in athletics and could see more dopers punished over the next few days**
- **World Anti-Doping Agency is widely perceived as ultimate ‘policeman’ of world sport against doping**

By [Nick Harris for The Mail on Sunday](#)

Published: 17:35 EDT, 15 August 2015 | Updated: 17:47 EDT, 15 August 2015

Fears that the British head of the World Anti-Doping Agency (WADA) may be taking a soft approach to Russian drugs cheats have grown with the revelation he has assured them they won't be singled out for a clampdown.

Russia has more dopers serving bans than any other country. But The Mail on Sunday can exclusively reveal that Sir Craig Reedie, WADA president and arguably Britain's most senior international sports politician, has told Russian sports minister Vitaly Mutko there is 'no intention' WADA will take any action against Russia to disrupt the pair's friendship. Senior Russian insiders say they 'take comfort' from this approach by WADA, although it may raise concerns such messages from WADA are inappropriate.

Sir Craig insists he needs to tread a diplomatic line in his WADA role, which he has held since January 2014. Last week he re-iterated he was against banning any nation from competing, no matter how prolific their doping patterns. He said such bans would be ‘blunt-edged’ and ‘damage the innocent.’



**Russia could be let off the hook by World Anti-Doping Agency (WADA) president Sir Craig Reedie**

But Russia is central to the ongoing controversy in athletics with a raft of historic Russian dopers expected to be retrospectively punished over the next few days.

Their athletics set-up remains under active investigation by an independent commission headed by former WADA president Dick Pound over allegations of more recent systematic doping and cover-ups.

These were aired in December by German TV station ARD, which built on a major investigation published on the same subject by The Mail on Sunday in 2013 on the eve of the world athletics championships in Moscow.

WADA is widely perceived as the ultimate ‘policeman’ of world sport against doping, and as neutral and detached. Yet sources say Reedie sent a message to Mutko in late

April via a senior Russian anti-doping official to suggest that ARD's December programme was of historic not current relevance.

This might be interpreted in some quarters as WADA pre-judging Pound's findings, and there are some in Russia who believe this. Pound told The Mail on Sunday that his commission 'has decided that it should not issue interim statements prior to issuing its report, in order not to interfere with the ongoing investigation.'

It is understood Sir Craig also described ARD's programme to the Russians as simply 'adverse publicity' that has not damaged Russia's relationship with WADA.



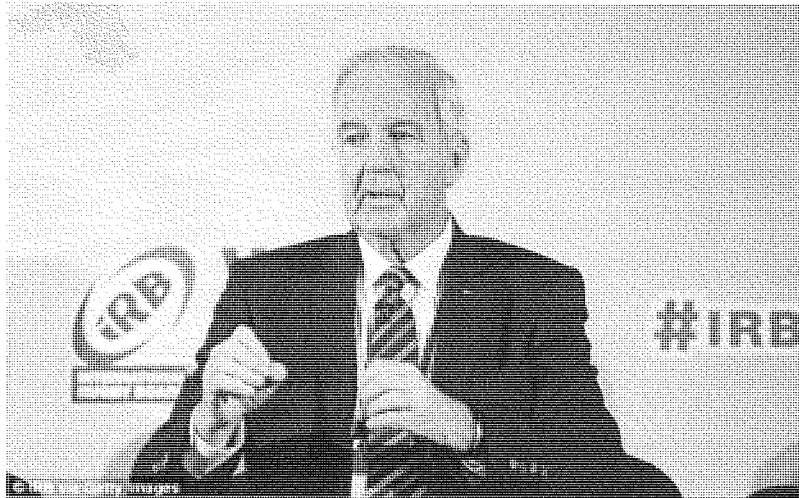
**Britain's most senior international sports politician doesn't want to disrupt his friendship with Vitaly Mutko**

Sir Craig also asked an intermediary, in writing, to tell Mutko he valued their friendship, and 'there is no intention in WADA to do anything to affect that'.

Sir Craig declined to address specific claims made by MoS sources but said: 'We at WADA have a normal institutional relationship with The Russian Ministry of Sport, as is the case with all signatories to the World Anti-Doping Code.'



‘WADA informed the Russian Ministry of Sport of the Independent Commission after it was formed in December 2014. The Commission is entirely independent and is conducting its investigation without any interference of the WADA management including myself.

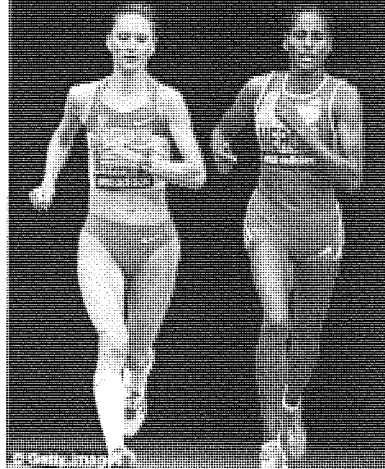


**WADA president has ‘no intention’ of taking action because of his relationship with the Russian sports minister**

‘The last occasion on which I saw Minister Mutko was at a colleague’s birthday celebration in Moscow in February. At that meeting, I encouraged the Minister to cooperate fully with the Commission, and stated that the Commission may wish to communicate with him as part of its ongoing investigation.

‘After that meeting, Minister Mutko further expressed some concerns that there might be a political agenda directed against Russia. I reassured him that this was not the case and that the purpose of the commission was to objectively examine any evidence which will allow the Commission to take a view on the allegations raised by the television programs.

‘I regard it as only right and proper that WADA maintains regular diplomatic relations and an open dialogue with all members of its Foundation Board. This is important in order to continue in our efforts to protect the rights of the clean athlete at a global level.’



**Russian Liliya Shobukhova was stripped of her three Chicago marathon titles and 2010 London win (left)**

Read more: <http://www.dailymail.co.uk/sport/othersports/article-3199484/Russia-let-hook-end-investigation-British-drug-buster-WADA-president-Sir-Craig-Reedie.html#ixzz4eX68pK2B>  
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# MailOnline

## WADA president Sir Craig Reedie's 'comfort' email to Russia's most senior drug-buster reveals toothless clampdown on doping

- WADA president Sir Craig Reedie has 'no intention' of taking any action against Russia and assured them they won't be singled out
- Sir Craig sent an email on April 30 to Natalya Zhelanova, appointed personally by Mutko earlier this year to handle Russia's doping issues.
- Britain's most senior international sports politician doesn't want to disrupt his friendship with Russian sports minister Vitaly Mutko
- Senior Russian insiders say they 'take comfort' from approach by WADA

By [Nick Harris for The Mail on Sunday](#)

Published: 04:38 EDT, 23 August 2015 | Updated: 06:49 EDT, 23 August 2015

Details of a 'reassuring' email sent by the British head of the World Anti-Doping Agency (WADA) to Russia's most senior anti-doping official highlight why some senior figures in Russian sport feel 'comfort' that WADA is not intent on a particular clampdown on Russian doping.

As the Mail on Sunday revealed last week, Sir Craig Reedie, the president of WADA, sent a message to Russia's sports minister Vitaly Mutko to say WADA had no intention of doing anything to disrupt the men's friendship.

The message was sent in April against a backdrop of an ongoing Independent Commission (IC) investigation into allegations by German TV station ARD into systematic doping in Russia. The IC was established by WADA and is headed by highly respected former WADA president Dick Pound.



**Russia could be let off the hook by World Anti-Doping Agency (WADA) president Sir Craig Reedie**

As the world athletics championships got underway in Beijing on Saturday, Russia's status as the world's major 'rogue' nations in doping terms endures. Russia has more currently banned athletes than any country, with further cases pending.

The Mail on Sunday can reveal Sir Craig sent an email on April 30 to Natalya Zhelanova, appointed personally by Mutko earlier this year to handle Russia's doping issues.

'I wish to make it clear to you and to the Minister that there is no action being taken by WADA that is critical of the efforts which I know have been made, and are being made, to improve anti-doping efforts in Russia,' Reedie wrote.

After admitting in the email he was 'not involved in the daily work' of Pound's commission, Sir Craig none the less offered his opinion to Zhelanova, from his official WADA email account: 'It is my view that the content of the [ARD] television programmes was based on a period of time that pre-dates the changes in legislation and the investment in [Russian anti-doping] that have been made.'

Sources in Russia say Sir Craig's approach provided 'comfort' that the ARD allegations were 'old news' - whether it was Sir Craig's intention to convey that message or not.

Sir Craig has told the MoS: 'The Commission is entirely independent of WADA and its management, including myself. Any views offered would have no influence, nor would interfere in any way whatsoever, with the work of the Independent Commission.'



**Britain's most senior international sports politician doesn't want to disrupt his friendship with Vitaly Mutko**

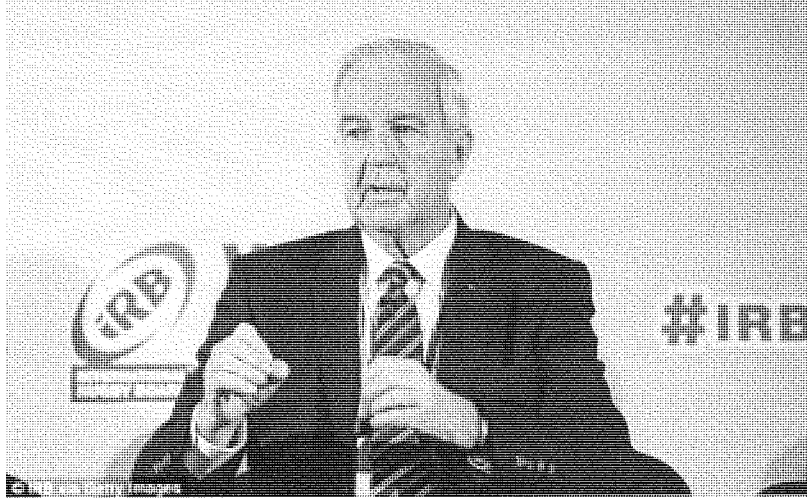


**Controversy continues to reign over alleged use of banned performance-enhancing techniques at Daegu 2011**

His email to Zhelanova was, sources say, just one of several messages sent via different email addresses and / or messaging devices. Asked to confirm this, WADA said: 'WADA maintains diplomatic relations and dialogue with all countries and sports on an ongoing basis and through a number of different means of communication.'

In his email on April 30, Sir Craig wrote: 'On a personal level I value the relationship I have with Minister Mutko and I shall be grateful if you will inform him that there is no intention in WADA to do anything to affect that relationship.'

The MoS asked Ms Zhelanova to confirm what assurances Russia had received from Sir Craig. Two separate assistants replied to say Ms Zhelanova was away on holiday but would respond on her return.



**WADA president has ‘no intention’ of taking action because of his relationship with the Russian sports minister**

Earlier this month Sir Craig told the BBC that he did not support bans from sport for nations guilty of persistent doping. Following the MoS report last week about Russia taking ‘comfort’ from Sir Craig’s stance, CNN reported that WADA would ‘consider banning countries for doping’ and carried an interview where Sir Craig was quoted saying: ‘The fact that this is being discussed as a potential sanction is not entirely unhelpful ... It’s a very, very serious sanction because it tends to be a pretty blunt instrument. Maybe that’s required. I’m not sure.’

The MoS asked WADA to clarify Sir Craig’s stance and WADA replied they had ‘no jurisdiction over potential “Nation Bans”.’

WADA added: ‘Regarding the WADA President’s comments in the recent CNN interview, these were taken out of context. This was an hour-long interview edited down to 2.5 minutes.’

Read more: <http://www.dailymail.co.uk/sport/article-3207651/WADA-president-Sir-Craig-Reedie-s-comfort-mail-Russia-s-senior-drug-buster-reveals-toothless-clampdown-doping.html#ixzz4eXA7xt1u>

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The Guardian logo, featuring the word "the" in a smaller, lowercase font and "guardian" in a larger, bold, lowercase font, both in a serif typeface.

## Russian doping scandal: 'When it mattered most, the IOC failed to lead'

Thirteen national anti-doping groups tell the Guardian how in 'its response to the Russian doping problem, the IOC failed to protect the rights of clean athletes'

Russian doping scandal: what we know so far

### National Anti-Doping Organisations

Sunday 31 July 2016 10.30 EDT

**E**xposure of the Russian doping scandal presented the International Olympic Committee with a defining moment in the fight for integrity in international sport. Unfortunately, when it mattered most, the IOC failed to lead.

We represent 13 national anti-doping agencies (Nados). Every day, it is our job to inform and educate, investigate, and drug test elite athletes in our respective countries as part of a coordinated global effort to ensure a level competitive playing field for aspiring Olympic and Paralympic athletes.

ADVERTISING

Earlier this month, two days after the findings on Russian doping were issued by independent investigator Richard McLaren, we wrote IOC president Thomas Bach with a simple and effective three-step plan for the IOC to protect the integrity of the Rio Olympic Games.



We asked the IOC to: (1) Suspend and exclude the Russian Olympic Committee from Rio; (2) As a consequence of that suspension, provisionally deny entry to all Russian athletes nominated by the ROC to participate in Rio; and (3) Mandate the existing joint World Anti-Doping Agency-IOC pre-Games testing taskforce to apply a uniform set of criteria to determine whether individual Russian athletes should be permitted to participate in the Rio Olympic Games under a neutral flag.

These simple steps are fully consistent with Wada's recommendations that followed the McLaren Report and could have been easily implemented by the IOC. It is noteworthy that the International Paralympic Committee has chosen to follow Wada's recommendation and has begun suspension proceedings to exclude the Russian Paralympic delegation from Rio.

Through its response to the Russian doping problem, which has been percolating for some time, the IOC failed to protect the rights of clean athletes. In so doing, the IOC departed from the tough stance on doping it has previously endorsed, including its prior commitment to "zero tolerance" for doping and to apply the "toughest sanctions available" for what the IOC described as an "unprecedented level of criminality."

Instead, the IOC issued a confusing patchwork of conflicting and insufficient instructions to international sport federations (IFs). The IOC's hasty and ill-considered directives are legally infirm and have already resulted in an uneven and incomplete response from IFs. By leaving to IFs the responsibility to exclude individual Russian athletes, the IOC ignored that most IFs do not have a ready legal framework for making these decisions.

In contrast, had the IOC used its authority under Article 59 of the Olympic Charter to suspend the ROC, a fairer and more transparent outcome would have resulted. The IOC could have handled the question of Russian athlete participation with a uniform set of guidelines that would have provided the advantages of clarity, consistency and transparency, while avoiding the legal quagmire into which the IOC has cast the 28 International Federations.

By throwing eligibility decisions to IFs without clear guidance and without requiring a minimum level of evidence to demonstrate that Russian athletes have been subject to an adequate advance testing programme, the IOC has violated the athletes' fundamental rights to participate in Games that meet the stringent requirements of the World Anti-Doping Code. The IOC's plan affords no guarantee that Russian athletes competing in Rio will have been sufficiently and regularly drug tested under a code-compliant testing programme. Because the benefits of doping can persist for months and even years after banned substances are no longer detectable, there can be no confidence that recent testing will prevent Russian athletes from reaping the ill-gotten rewards of a state-sponsored doping programme. Yet, the IOC's approach allows Russian athletes to compete based on no consistent standard - while some may have a clean recent test, others may come with no screening at all.

Finally, the IOC took another damaging step inexplicably excluding whistleblower Yuliya Stepanova from participation in the Rio Games. Inconsistent with legal precedent, this shortsighted decision to exclude Ms Stepanova will deter future whistleblowers and significantly undermine the global anti-doping movement.

Through its mishandling of this issue, the IOC has departed from the foundational principles of the World Anti-Doping Code to which the governments of the world and all stakeholders in the Olympic Movement have committed. The IOC rebuffed the recommendations offered by Wada,

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Russian doping scandal: 'When it mattered most, the IOC failed to lead' | Sport | The Guardian

and each of the 13 Nados signing the letter, and failed to exercise their authority to implement the three-step plan we offered to protect the rights of clean athletes competing in Rio.

The IOC has demonstrated through these actions that, as an organisation made up of national and international sport leaders, it lacks the independence required to keep commercial and political interests from influencing the tough decisions necessary to protect clean sport. A radical change is needed to ensure that such a failure never occurs again.

*The Op-ed has been written and endorsed by the heads of 13 National Anti-Doping Organisations around the world: Austria, Canada, Denmark, Finland, Germany, Japan, Netherlands, New Zealand, Norway, Poland, Sweden, Switzerland, US*

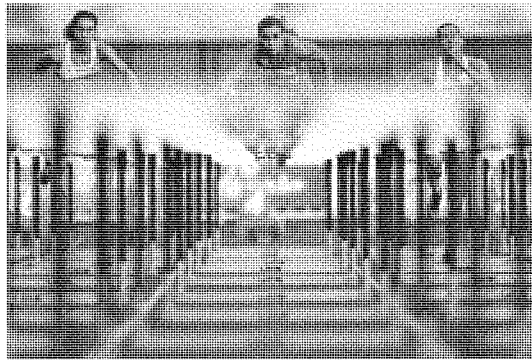


**Chasing an Edge**  
Investigating the Use of Drugs in Track and Field

## On Eve of Olympics, Top Investigator Details Secret Efforts to Undermine Russian Doping Probe

In an exclusive interview, the former chief investigator of the World Anti-Doping Agency said his efforts to investigate state-sponsored doping in Russia were repeatedly thwarted by WADA's own president.

by David Epstein  
ProPublica, Aug. 4, 2016, 7 a.m.



*Athletes compete in the women's 100m hurdles final at a track and field event in Russia in July. Russia's athletics federation held the event for the athletes who have been banned from the Rio Olympics following evidence of state-sponsored doping. (Kirill Kudryavtsev/AFP/Getty Images)*

*This story was co-published with the BBC.*

In a blistering public critique on the eve of the Olympics, the former chief investigator for the World Anti-Doping Agency claims his efforts to investigate Russian doping were repeatedly delayed by WADA's president, who preferred to privately settle matters with Russian officials.

Jack Robertson, who left the agency in January, said he was forced to leak information to the media in order to pressure WADA president Sir Craig Reedie to act and, even then, he says, the agency sat on credible allegations that suggested Russian doping extended far beyond track and field.

Ultimately, Robertson says, the investigation delays have allowed the president of the International Olympic Committee — who has reportedly been supported by Vladimir Putin — to claim that the committee didn't have enough time to determine whether it should ban all Russian teams. The result is that Russia may still have one of the largest delegations in Rio.

In a wide-ranging Q&A, Robertson, speaking publicly at length for the first time, reserved his harshest criticisms for Reedie, a former elite badminton player and chair of the British Olympic Committee. Reedie also holds the potentially conflicting role of vice

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president of the IOC. (WADA gets a large chunk of its funding from the IOC.) The revelations of systemic Russian doping are an enormous embarrassment for the IOC, as well as a diplomatic problem, since the IOC president and Putin are, according to The Guardian, "the unlikely Olympic power couple."

The unprecedented Olympic ban of Russia's track and field team and the allegations that doping extends throughout Russian sport have dominated the news, but Robertson reveals the deep divisions within the agencies charged with protecting clean sport. As the man who led WADA's investigation of state-sponsored doping, he offers a unique perspective on the unfolding story and describes WADA and the IOC as repeatedly bowing to political concerns and paralyzed by a reluctance to take on a powerful nation.

Some of Robertson's assertions are directly contradicted in a statement released by WADA Monday, following ProPublica's request for response.

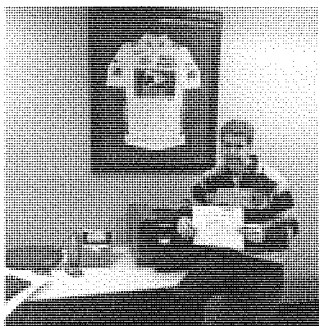
The decision to speak out is a particularly tough one for Robertson. From 1991 to 2011, Robertson was a Drug Enforcement Administration agent, primarily running investigations into Mexican drug cartels. In the last few years of his DEA career, he led the agency's three largest steroid operations: TKO, Gear Grinder, and Raw Deal. Retired agents once voted him "agent of the year," out of 5,000, and when he left the DEA he became WADA's first chief investigator. There, he helped USADA expose Lance Armstrong's doping. One of Armstrong's yellow jerseys adorned his office wall at WADA. Armstrong (without realizing exactly who it was for) had signed it: "Jack, Catch me if you can. Best wishes."

Even as he investigated Russian doping, Robertson battled the lingering effects of throat cancer. His voice is badly damaged, and he has difficulty speaking for long conversations. The abridged conversation below extended for hours, and over two days.

"The action the IOC took has forever set a bar for how the most outrageous doping and cover up and corruption possible will be treated in the future," Robertson told me. "Those involved in running sport are former athletes, so somehow I figured that they would have honor and integrity. But the people in charge are basically raping their sports and the system for self-interest. Sport is seriously broken."

### IOC Votes Against Blanket Ban

*Instead of issuing a blanket ban, the IOC is allowing the international federations for each sport, from gymnastics to rowing, to decide whether Russian competitors will be allowed. So far, more than 250 Russian athletes have been cleared to compete in Rio. The IOC and WADA president Reedie have said that there will be many clean Russian athletes in Rio. Robertson calls that "a farce," and says that WADA intentionally sat on evidence of Russian doping.*



Jack Robertson holds a sign verifying his identity before a chat on Reddit, with the Armstrong jersey in the background. (Courtesy of Jack Robertson)



Craig Reedie at a press briefing during the 129th International Olympic Committee session in Rio on Aug. 2. (Fabrice Coffron/AFP/Getty Images)

**Q: With Russian track and field out, do you think many of the other Russian athletes are clean?**

A: For Craig Reedie to say he assumes that a large percentage of Russian athletes who will be in Rio are clean, he's talking out of his rear end. The whole ruse of "clean Russian athletes" is a farce. The investigation showed that to be on the national team, at least for athletics (*Ed note: outside of the U.S., track and field is called athletics*), you were required to dope. They actually preferred clean athletes who had never doped before, so they knew once they took this raw talent and put them on a doping regimen they would go from great to superhuman. We didn't investigate all sports, but the evidence we had is that this was the typical method for all Russian sports.

**Q: Obviously, you and Sir Craig Reedie came away with very different perspectives. How involved was he with the details of the investigation?**

A: I led this investigation, and at no time did Craig Reedie talk to me about this investigation. Ever. Never. Not even to get briefed on it. It is insane. It's the most important investigation in WADA's history, in Olympic history. Even after the first independent commission press conference, when [the chair of WADA's Athletes' Committee] asked him to investigate all sports, he didn't contact me for additional information or evidence.

*(Ed. note: WADA responded: "Given that the Commission, which was led by Dick Pound, was independent, it is only right that Jack didn't discuss the investigation with the WADA President.")*

**Q: What if someone argued, well, the IOC did refer it to the individual sport federations, so the federations could each bar Russia individually?**

A: The IOC knows there's simply not enough time for the federations to make a determination. But also, it's not their job. This was not the IOC's buck to pass. This involved government, the Ministry of Sport, the FSB [Russian state security], the lab, RUSADA [the Russian Anti-Doping Agency], coaches, athletes, heads of national federations, and to actually get the evidence to prove that ... when I started, I didn't think there was any chance whatsoever we'd come to prove these things, but by the grace of God everything fell into place. And then it was put in the hands of people with self-interest, who are compromised. The anti-doping code is now just suggestions to follow or not.

**Q: What do you think of the IOC's stance that athletes who were outside of Russia are good to go?**

A: [IOC President Thomas] Bach's contention is that if an athlete was outside of Russia, then they're clean because they were being tested. No, no, no, no. They would commonly go to remote training camps outside of Russia, like Lance Armstrong. And they falsified entries in the online reporting system about where they would be. So they're in a remote area, lying about where they are, taking substances that don't stay in their system long, and, worst case, even if someone is trying to test them and they miss it, it would have had to happen three times [within 12 months to be sanctioned].

**Q: They could beat most tests anyway, right?**

A: Russia had figured out how to beat doping tests, but they hadn't figured how to beat the biological passport. [A system that can detect doping through multiple tests over time, without detecting the actual drug.] That became clear when we heard recorded conversations of the heads of the All-Russia Athletics Federation. They were saying they hadn't figured out the passport yet. But they figured out other ways to beat it, using the Moscow anti-doping laboratory, but also the Russian Anti-Doping Agency. RUSADA would literally schedule the times to test athletes around their doping cycles. The athletes and coaches would call RUSADA to schedule a time, like setting up a dentist appointment.

**Q: So once you had recorded conversations, were there some admissions?**

A: I myself interviewed Russian athletes, as did other investigators, who we had on recordings [taken by whistleblower and fellow athlete Yulia Stepanova] admitting and talking about the fact that they doped, what they used and when, all the details. And they still denied. Why would you expect them to tell the truth? Armstrong never did. Marion Jones never did.

**Q: But I don't recall Armstrong or Jones being recorded. Did these athletes know they'd been recorded?**

A: Oh I was reading them the transcripts of what they said, and they didn't deny those were their voices ... just, "Nope, didn't dope."

**Q: Does that tell you anything in particular, other than that athletes don't like to confess?**

A: It's just further evidence that it was state-organized doping, because the athletes were rehearsed to say the same nothing. The FSB [Russian state security] was involved, and that wasn't really much of a secret, and that would be intimidating for any athlete to come forward ... But there are also a lot of rewards, and if they talk, they lose that. Yulia was on salary as a police officer even though she was never a police officer, but once she talked, they took that away from her.

**Q: I know that Yulia, actually, didn't even know how to inject the testosterone she was given correctly, and was doing it under her skin instead of into her muscle. It seems like, while the operation was organized, some of the athletes were not very doping savvy.**

A: Athletes were doping sometimes without any knowledge really of what they were even taking. They knew they were doping, but about the actual substances, they didn't know. Some of their coaches were better than others, but the coaches weren't doctors, and the doctors had no regard for how it was affecting athletes. Their job was to put out people who win medals. Athlete health wasn't a low priority, it was a no priority.

**WADA Waits to Investigate**

*The IOC's decision to allow Russia entry to the Olympics came very late in the runup to Rio, in part because the final independent investigation report — the McLaren report —*

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was made public only on July 18. The McLaren report confirmed allegations made in the media by Grigory Rodchenkov, the former head of Russia's anti-doping laboratory, that the Russian government was involved in manipulating athlete samples. Robertson says WADA leaders knew of the allegations much earlier, and that his requests for the necessary investigative resources were denied until the allegations hit the press. (WADA issued a press release on Monday disputing Robertson's characterization that it sat on allegations.)

**Q: Bach, in deciding not to ban Russia, said that the ruling was about "doing justice to clean athletes all over the world." In order to do that, he said, each athlete would have to be evaluated individually. The IOC didn't have time for that, and with just days to the Olympics, passed it to the individual sport federations which also don't have time. How did it come down to the wire like this?**

A: WADA handed the IOC that excuse by sitting on the allegations for close to a year. We knew since last August and WADA waited until May to name an independent commission to investigate all Russian sport and the lab. In November, after the first investigation press conference, [Olympic cross-country ski champion and chair of the WADA Athletes' Committee] Beckie Scott demanded that WADA investigate other sports, not just athletics. Reedie said he'd take it under advisement, and he blew her off. WADA waited until the 11th hour, only once it was exposed to the public by 60 Minutes and the New York Times, and so the IOC could say there wasn't enough time.

*(Ed. note: Beckie Scott confirmed Robertson's account of her actions to ProPublica, and said it was clear after the first investigation press conference that the scope of doping "went well beyond" track and field.)*

**Q: I asked WADA to respond to your statement that it had waited. Reedie replied in an email: "It was only when CBS 60 Minutes and the New York Times, on 8 and 12 May 2016 respectively, published the allegations from the former director of the Moscow and Sochi laboratories, Dr. Grigory Rodchenkov, that WADA had concrete evidence suggesting Russian state involvement that could be investigated by initiating the McLaren Investigation, which we did immediately." Seems reasonable.**

A: How investigations work is that you receive allegations and then you investigate and search for evidence. You don't wait for evidence to magically show up on its own, or in the media. But the truth of the matter is, we did have evidence, because Rodchenkov confessed to sample switching in the Moscow laboratory to cover-up positive tests of their athletes, to the WADA science director. He promptly made that known to me, and I had him put these admissions into a written statement, for the purpose of the first independent commission. So the independent commission was aware of this during the course of the investigation.

*(Ed. note: Commission chair Richard W. Pound said that "the commission did not uncover concrete evidence to the effect that the Russian state was manipulating the doping control process.")*

**Q: Can you elaborate on that, when you say WADA was "sitting" on the allegations? You were the investigator, so who are you referring to?**

A: Craig Reedie, he had to be literally pressured into every investigation. Even the first one, he was reluctant despite the allegations, then the [German broadcaster] ARD documentary forced him into it. And then Reedie sent a message to the Russian ministry basically apologizing that they were being picked on. He sent an email to the Russian sports minister saying WADA had no intention of harming their friendship. And then later he wrote a note to Sergey Bubka [a gold medalist who competed for the Soviet Union and Ukraine and is now vice president of IAAF, which governs track and field] to warn him about another doping documentary coming out, and it said, "Hope no more

damage will be done." To me, these showed his mindset, more committed to preserving his friends' reputations than discovering the truth.

**Q: Did you try internally to get the initial investigation moving before it hit the media?**

A: I had been looking at this for three years, and had gone to WADA leadership a number of times and said, 'This cannot just be Jack versus Russia. I need manpower.' With DEA, I had subpoena power behind me, at WADA I couldn't compel people to talk. But they always had excuses, 'Oh we're getting 0% increase in our budget right now so we don't have the money.' And then when money did become available WADA beefed up every other department, but never investigations. I was working 11 hours day, sometimes 18 hours. Once it was exposed in the media, then I got some manpower to do the investigation.

**Q: You also said that there's something you want to say about why the investigations were independent commissions, chaired by someone from outside WADA. What do you want to add to that?**

A: Nobody knows this, why an independent commission was created when WADA could've done the investigation in house. And I led the investigation anyway, so why even have an independent commission? I was told by [former WADA director general] David Howman there was a concern Craig Reddie would somehow jeopardize the investigation. Maybe there are other reasons, but that's what I was told. We basically could not trust him not to expose our investigation to Russia.

### Leaking to the Media

*Robertson says that WADA president Reddie hoped that stories in the media would blow over. In 2014, Robertson asked one of his superiors for permission to share information with German investigative reporter Hajo Seppelt in the hope that the resulting story would pressure WADA into an official investigation. When it appeared that might not work, Robertson was encouraged to share information with the U.S. Anti-Doping Agency about Reddie's resistance to starting an investigation.*

**Q: So you're saying you wouldn't have gone to the media if there was another way. Was that above board?**

A: I got David Howman's permission, but I did downplay it. I said, 'Hajo has shown a remarkable ability to work in Russia, I need his help to advance the investigation.' In my mind, I knew it would take him to a story so sensational WADA would have no choice but to commit the resources. I provided Hajo with additional information, and he provided me with credible information. He helped make my case stronger, I helped make his documentary stronger.

**Q: So when the ARD documentary came out, that's when it kicked into high gear?**

A: Oh, no. After the documentary, I expected Craig Reddie to be furious about what was revealed. What I was told was that he wanted to avoid an investigation and try to resolve this quietly with the Russians to save them further embarrassment. Reddie wanted to monitor media traffic to see if Hajo's allegations were gaining momentum or dying down, so maybe we wouldn't have to investigate. And David Howman became concerned that there wouldn't be an investigation at all, and suggested I discreetly provide information directly to Travis Tygart about what was going on, so that he could take steps to influence Craig Reddie into doing the right thing. I talked to Travis and asked him to write a letter, and to persuade other key people within the anti-doping community to send letters.

*(Ed. note: After the documentary came out, Tygart wrote WADA a letter that read: "For WADA to sit on the sidelines in the face of such allegations flies in the face of WADA's mandate from sport, governments and clean athletes." ProPublica corroborated*



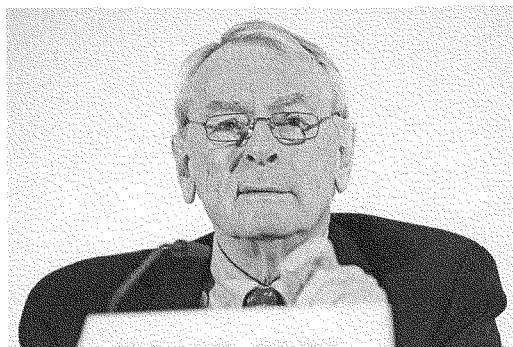
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*Robertson's account with other sources. In response to Robertson, WADA said that it always monitors media reaction, and that it launched a \$1.4 million investigation within seven business days of the documentary.)*

### Stunned That Russia is Given an Out

*In November 2015, findings of systematic doping in Russian track and field were presented by investigation chair Pound at a press conference. Robertson, who led the investigative effort, blasts Pound, who he sees as having offered Russia an out.*



*IOC member and independent commission chair Dick Pound announces investigation results at a press conference in Germany in January. (Lukas Barth/AFP/Getty Images)*

**Q: When the investigation findings were first revealed, I think it showed a more elaborate scheme than we were all expecting. Did it seem to you then that this would play out differently than it did?**

A: We busted our asses and were able to give Dick Pound the evidence to show there was state-sponsored doping. There was real excitement for us before the press conference in Europe, because the evidence was about to be revealed. So at the press conference, he's saying the right things, that it's a doping culture, and then he says he believes Russia needs to take the necessary steps to be compliant so they can be in Rio. I was watching on a screen in a WADA conference room in Montreal with my co-workers, and that took me by surprise, and I later learned it took another commission member by surprise. We had no idea Dick was going to basically offer them a chance to not face punishment. So we're allowing them to avoid consequences of the biggest doping scandal in WADA history? When I heard him say that, my jaw hit the table. I felt sick to my stomach. I got up and walked out. I felt we had let the whistleblowers and clean athletes down, so I felt ashamed.

*(Ed. note: Reached in Rio, Pound, who is now a member of the IOC representing Canada, told ProPublica that the decision to give Russian track and field a shot at being in Rio stemmed from a meeting with Russian sports minister Vitaly Mutko. Pound said that Mutko rolled his eyes, but agreed to make any needed changes. Pound said that he hoped Russia would be incentivized to clean up its operation as quickly as possible.)*

### Punishing the Whistleblower

*When the IOC chose to allow Russia into the Olympics, it added a caveat: no Russian athlete who has previously served a doping ban can compete. That decision appears to*

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*directly contradict a previous ruling by the Court of Arbitration for Sport. Two people familiar with the decision-making process told ProPublica that they believe the decision was crafted in order to let Russia compete while keeping out Russian whistleblower Yulia Stepanova, who previously served a two-year ban for a biological passport positive.*



*Yulia Stepanova, here at European Championships in June, became the primary whistleblower about doping in track and field in Russia. (Michael Kooren/Reuters)*

**Q: Another aspect of this that was sometimes overshadowed has to do with the whistleblowers. WADA code has been revised specifically to encourage whistleblowers, and WADA has said it's disappointed that IOC decided not to allow Yulia to compete. What do you think?**

A: WADA only came out in support of the whistleblowers because of [prominent Irish journalist] David Walsh's article ["Husband and wife who brought down Russia."] based on his interview with Yulia and Vitaly. That's how it works, it has to be in the media. In December, before that article, I went to [WADA director general Olivier] Niggli, and said that Craig Reedie is getting beaten up by the press, and he could help his image if he comes out and supports Yulia competing as a neutral athlete under the Olympic banner. Niggli said I needed to come back to reality, that's not going to happen. And then David Walsh criticized WADA for not better supporting them, and it was only then that WADA decided to come out and claim we'd been supporting them all along. That was a bunch of crap.

*(Ed. note: In response, WADA disputed Robertson's claim, and said that Reedie wrote to the head of the IAAF, which governs track and field, in support of Stepanova in January 2016, before Walsh's article. However, the article Robertson is referring to (above) came out in November 2015. Walsh wrote another article, "How WADA betrayed the whistleblowers it relied on," in June of this year.)*

**Q: I've talked to people both at IOC and WADA, and a number have felt that this decision was made specifically to keep Yulia out. No matter what the impetus for the decision, what if some athletes say, well, great, she shouldn't be in Rio even though she exposed this and served her full ban?**

A: The IOC questioned her motives for speaking out. David, for all of my career I ran informants and whistleblowers, and every time I had to determine what their motivation was for cooperating. Some for revenge, some for money, some for lighter punishments, some to atone for sins. In my 30-plus years in investigations, I have never ever met two

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people that had more pure motives than Yulia and Vitaly. Yulia was not even seeking a reduction of her sentence. She was entitled to that, but she took the full ban, and never once requested from me that it should be lessened. They had to leave everything, not just careers but their home, to hide in the U.S. Their sole motive is to allow future Russian athletes be able to compete without doping if they don't want to. In Russia, they've been labeled 'traitors.' The one thing she ever asked for in return was to be able to compete as a clean athlete in the Olympics. If she said nothing, she'd have a home and a salary and be in Rio right now.

### A New Low for Sport

*In addition to background of the investigations, Robertson wanted to discuss why he takes the recent chain of events so personally, and why, to him, it represents a nadir for international sports.*

**Q: So are you arguing that we should just disband the IOC and WADA?**

A: The world needs WADA and IOC and IAAF, but we need people to run them who value integrity. That's all. The people I worked with at WADA were absolutely amazing, the best in the field. But it's my feeling they've been betrayed by their leadership. You know, I lost much of my voice to throat cancer, so I know a thing or two about cancer. And this is like cancer, if you don't get all of it, it can come back worse. We've seen it in FIFA, you have to take out the boss, but you have to take out their henchmen too, those who would follow them for their own careers. Everyone who supported them in their decisions has to go.

**Q: Why are you speaking out now, since we talked before and you wanted to handle things internally, and as long as I've known you ... I mean, early on when we first met I was frustrated because you wouldn't tell me anything!**

A: Before now I've avoided the spotlight, as you know. I don't want people to believe I'm looking for my 15 minutes of fame. And the leaders failed me, but I've experienced that before in law enforcement. But more importantly they failed clean athletes and our own whistleblowers. Change has to happen, and even as damaged as my voice is, it needs to be heard.

**Q: When WADA abruptly said you retired earlier this year, I was caught by surprise. I thought right away it must have something to do with the throat cancer.**

A: I did not retire.

**Q: WADA said you retired.**

A: Right. Let me just say something, I won't go into details about my dismissal; I think it was unfair, but what I'm saying here has nothing to do with that. But let me say: I did not retire.

**Q: You didn't tell me this, but, you know, I learned from other people that doctors were telling you shouldn't travel to Russia because you weren't healthy enough.**

A: Oh, yeah, I violated what the doctors were telling me. If I had to do it again, I would still do it. The whistleblowers trusted me, and I felt responsible to them and to clean athletes. How could I not feel that way? I made sacrifices, but they had to leave their home. Not just their home, their country, and go into hiding. They left everything. And, in the end, WADA did fail them.

### The Russian Reception, and Two Strange Deaths

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*People in Russia, from Putin down to the Russian public, have been defiant over the investigation reports, suggesting they're false and politically motivated. The Moscow Times recently reported that only 14 percent of Russian citizens believe Russian athletes were doping in Sochi. Putin called the ban on Russian track and field athletes politically motivated "open discrimination."*

**Q: I was actually in Russia recently for something unrelated to this, and much of the sentiment is that this is the U.S. or other countries trying to undermine Russian sport. How would you respond to that?**

A: The Russian government says that politics drove all this. I am the one that led this investigation, and I can say that through the investigation there were absolutely no politics. The one time I saw politics was when Craig Reedie tried to intervene by writing emails to the Russian ministry to console them. But there were no politics in the investigation. I ran the investigation. I am the one person who can make that statement.

**Q: So, is that just the official response or do you think that's how the average sports enthusiast in Russia is reacting to their track team being barred?**

A: Through the investigation, I developed an appreciation and respect for the Russian people, and the city of Moscow, even though I knew that the people I was talking to, heads of the Moscow lab and RUSADA, were lying to me. And they knew I knew that. But I still considered them nice people. They had no alternative but to be part of a system. It wasn't only their jobs in jeopardy, but their safety and security. I have no proof at all, but coming from DEA, I don't believe in coincidences, that the two former heads of RUSADA both die within about 10 days of one another. I met one of them, and the man was able to handle stress, and was very fit, and then died of a heart attack. It's just very suspect.

*(Ed note: That man, Nikita Kamaev, died in February at age 52. The Russian sports minister called the death "very unexpected. The man seemed healthy, and everything was fine." A RUSADA press release said, "Presumably, the cause of death was a massive heart attack." About two weeks earlier, the RUSADA founding chairman, Vyacheslav Sinev, died. RUSADA confirmed his death, but did not give a cause.)*

#### **Solidarity for the Whistleblowers**

*Robertson is particularly angry, he says, that WADA and the IOC have not done enough to support the whistleblowers.*

**Q: I didn't realize quite how strong your feelings were about the whistleblowers having been let down, both because they made a huge sacrifice and ultimately Russia was not banned and Yulia was not allowed into the Olympics. Steve Magness, who as you know spoke out publicly to the BBC's Mark Daly and I last year about allegations of medical misconduct in track, recently wrote an essay titled "No one really wants a whistleblower." So, what now for whistleblowers in sports?**

A: This is my opinion, and it may sound silly: I think there should be a sign of solidarity from clean athletes for the sacrifice of Vitaly and Yulia. Like in the Hunger Games movie, with the salute that's a sign of solidarity. Not on the podium, and not against any country, but just for clean athletes ... Vitaly and Yulia had to flee their home, and Yulia served her full ban, and now the IOC has repaid her by banning her. And then the IOC tried to buy her off by giving her an IOC guest pass to be their guest in Rio with travel and accommodations paid for. That's nothing more than a bribe, but she would not be bought off, so they declined that. What does this say for future whistleblowers?

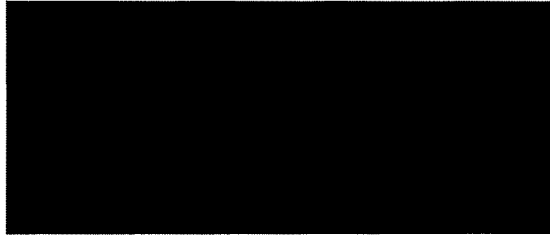
**Q: So where do we go from here?**

A: We can't just keep going from scandal to scandal. And if this scandal isn't enough to bring about change, then nothing ever will be.

2/23/2017

On Eve of Olympics, Top Investigator Details Secret Efforts to Undermine Russian Doping Probe - ProPublica

**Correction, Aug. 4, 2016:** This story was corrected to reflect that Sergey Bubka competed for the Soviet Union and Ukraine, not Russia.





## Athletics

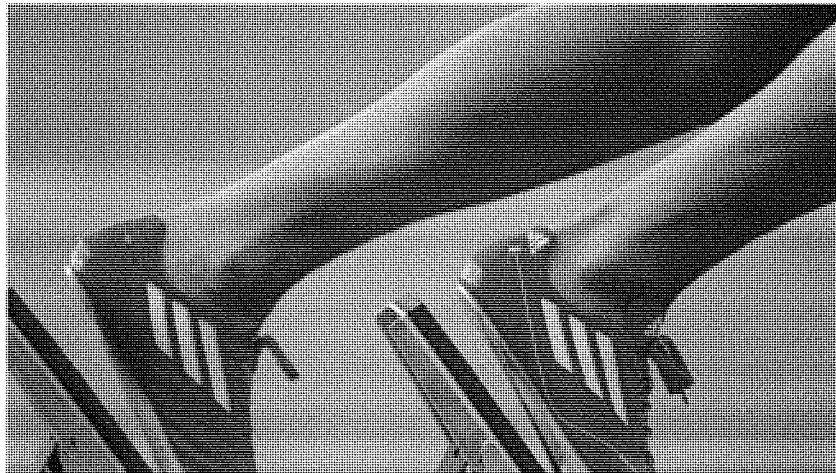
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# UKAD to control Russia tests

By PA Sport

Last Updated: 10/02/16 4:11pm



Russian athletes are to be tested by UK Anti-Doping Agency

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2/25/2017

UK Anti-Doping Agency takes charge of Russian testing programme | Athletics News | Sky Sports

**UK Anti-Doping has signed a deal to deliver a testing programme in Russia, the World Anti-Doping Agency has announced.**

WADA said UK Anti-Doping will take control in the country so long as the Russian Anti-Doping Agency remains non-compliant with the WADA code.

RUSADA was declared non-compliant in November following allegations it was involved in a cover-up of positive tests concerning Russian athletes.

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Shortly afterwards, WADA held meetings with both UKAD and RUSADA in Moscow with a view to the UK agency implementing a programme during the period.



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2/25/2017

UK Anti-Doping Agency takes charge of Russian testing programme | Athletics News | Sky Sports

In a statement, WADA said: "UKAD will initiate a test distribution plan to ensure that the necessary testing takes place during RUSADA's period of non-compliance.

"UKAD will ensure that targeted and intelligence-led testing is carried out on Russian athletes, and is responsible for continued coordination with the appropriate sport federations during this period.

"Results management of all cases will be managed by a designated independent body, with full oversight by WADA."

Russia was banned indefinitely from all international athletics competition in November following widespread violations of the WADA code.

The ban remains in place as Russia battles to convince athletics authorities it has sufficiently changed its practices in order that it can compete at this summer's Rio Olympics.

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<http://www.skysports.com/more-sports/athletics/news/29172/10162366/uk-anti-doping-agency-takes-charge-of-russian-testing-programme>

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**LEGAL INSTRUMENTS**

**International Convention against Doping in Sport 2005**

Paris, 19 October 2005

Depository - Entry into force - Authoritative texts - Registration at the UN - States Parties - Declarations and Reservations - Territorial Application - Monitoring

UNESDOC - (PDF) English - French - Spanish - Russian - Chinese - Arabic

The General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as "UNESCO", meeting in Paris, from 3 to 21 October 2005, at its 33rd session,

*Considering* that the aim of UNESCO is to contribute to peace and security by promoting collaboration among nations through education, science and culture,

*Referring* to existing international instruments relating to human rights,

*Aware* of resolution 58/5 adopted by the General Assembly of the United Nations on 3 November 2003, concerning sport as a means to promote education, health, development and peace, notably its paragraph 7,

*Conscious* that sport should play an important role in the protection of health, in moral, cultural and physical education and in promoting international understanding and peace,

*Noting* the need to encourage and coordinate international cooperation towards the elimination of doping in sport,

*Concerned* by the use of doping by athletes in sport and the consequences thereof for their health, the principle of fair play, the elimination of cheating and the future of sport,

*Mindful* that doping puts at risk the ethical principles and educational values embodied in the International Charter of Physical Education and Sport of UNESCO and in the Olympic Charter,

*Recalling* that the Anti-Doping Convention and its Additional Protocol adopted within the framework of the Council of Europe are the public international law tools which are at the origin of national anti-doping policies and of intergovernmental cooperation,

*Recalling* the recommendations on doping adopted by the second, third and fourth International Conferences of Ministers and Senior Officials Responsible for Physical Education and Sport organized by UNESCO at Moscow (1988), Punta del Este (1999) and Athens (2004) and 32 C/Resolution 9 adopted by the General Conference of UNESCO at its 32nd session (2003),

*Bearing in mind* the World Anti-Doping Code adopted by the World Anti-Doping Agency at the World Conference on Doping in Sport, Copenhagen, 5 March 2003, and the Copenhagen Declaration on Anti-Doping in Sport,

*Mindful* also of the influence that elite athletes have on youth,

*Aware* of the ongoing need to conduct and promote research with the objectives of improving detection of doping and better understanding of the factors affecting use in order for prevention strategies to be most effective,

*Aware* also of the importance of ongoing education of athletes, athlete support personnel and the community at large in preventing doping,

*Mindful* of the need to build the capacity of States Parties to implement anti-doping programmes,

*Aware* that public authorities and the organizations responsible for sport have complementary responsibilities to prevent and combat doping in sport, notably to ensure the proper conduct, on the basis of the principle of fair play, of sports events and to protect the health of those that take part in them,

*Recognizing* that these authorities and organizations must work together for these purposes, ensuring the highest degree of independence and transparency at all

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- Website of Social and Human Sciences Sector

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1/12

appropriate levels,

*Determined* to take further and stronger cooperative action aimed at the elimination of doping in sport,

*Recognizing* that the elimination of doping in sport is dependent in part upon progressive harmonization of anti-doping standards and practices in sport and cooperation at the national and global levels,

Adopts this Convention on this nineteenth day of October 2005.

#### **I. Scope**

##### **Article 1 – Purpose of the Convention**

The purpose of this Convention, within the framework of the strategy and programme of activities of UNESCO in the area of physical education and sport, is to promote the prevention of and the fight against doping in sport, with a view to its elimination.

##### **Article 2 – Definitions**

These definitions are to be understood within the context of the World Anti-Doping Code. However, in case of conflict the provisions of the Convention will prevail.

For the purposes of this Convention:

1. "Accredited doping control laboratories" means laboratories accredited by the World Anti Doping Agency.
2. "Anti-doping organization" means an entity that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other major event organizations that conduct testing at their events, the World Anti-Doping Agency, international federations and national anti-doping organizations.
3. "Anti-doping rule violation" in sport means one or more of the following:
  - (a) the presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;
  - (b) use or attempted use of a prohibited substance or a prohibited method;
  - (c) refusing, or failing without compelling justification, to submit to sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;
  - (d) violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;
  - (e) tampering, or attempting to tamper, with any part of doping control;
  - (f) possession of prohibited substances or methods;
  - (g) trafficking in any prohibited substance or prohibited method;
  - (h) administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation.
4. "Athlete" means, for the purposes of doping control, any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties. For the purposes of education and training programmes, "athlete" means any person who participates in sport under the authority of a sports organization.
5. "Athlete support personnel" means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.
6. "Code" means the World Anti-Doping Code adopted by the World Anti-Doping Agency on 5 March 2003 at Copenhagen which is attached as Appendix 1 to this Convention.
7. "Competition" means a single race, match, game or singular athletic contest.
8. "Doping control" means the process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.
9. "Doping in sport" means the occurrence of an anti-doping rule violation.
10. "Duly authorized doping control teams" means doping control teams operating

## International Convention against Doping in Sport

under the authority of international or national anti-doping organizations.

11. "In-competition" testing means, for purposes of differentiating between in-competition and out-of-competition testing, unless provided otherwise in the rules of an international federation or other relevant anti-doping organization, a test where an athlete is selected for testing in connection with a specific competition.
12. "International Standard for Laboratories" means the standard which is attached as Appendix 2 to this Convention.
13. "International Standard for Testing" means the standard which is attached as Appendix 3 to this Convention.
14. "No advance notice" means a doping control which takes place with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision.
15. "Olympic Movement" means all those who agree to be guided by the Olympic Charter and who recognize the authority of the International Olympic Committee, namely the international federations of sports on the programme of the Olympic Games, the National Olympic Committees, the Organizing Committees of the Olympic Games, athletes, judges and referees, associations and clubs, as well as all the organizations and institutions recognized by the International Olympic Committee.
16. "Out-of-competition" doping control means any doping control which is not conducted in competition.
17. "Prohibited List" means the list which appears in Annex I to this Convention identifying the prohibited substances and prohibited methods.
18. "Prohibited method" means any method so described on the Prohibited List, which appears in Annex I to this Convention.
19. "Prohibited substance" means any substance so described on the Prohibited List, which appears in Annex I to this Convention.
20. "Sports organization" means any organization that serves as the ruling body for an event for one or several sports.
21. "Standards for Granting Therapeutic Use Exemptions" means those standards that appear in Annex II to this Convention.
22. "Testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory.
23. "Therapeutic use exemption" means an exemption granted in accordance with Standards for Granting Therapeutic Use Exemptions.
24. "Use" means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method.
25. "World Anti-Doping Agency" (WADA) means the foundation so named established under Swiss law on 10 November 1999.

**Article 3 – Means to achieve the purpose of the Convention**

In order to achieve the purpose of the Convention, States Parties undertake to:

- (a) adopt appropriate measures at the national and international levels which are consistent with the principles of the Code;
- (b) encourage all forms of international cooperation aimed at protecting athletes and ethics in sport and at sharing the results of research;
- (c) foster international cooperation between States Parties and leading organizations in the fight against doping in sport, in particular with the World Anti-Doping Agency.

**Article 4 – Relationship of the Convention to the Code**

1. In order to coordinate the implementation, at the national and international levels, of the fight against doping in sport, States Parties commit themselves to the principles of the Code as the basis for the measures provided for in Article 5 of this Convention. Nothing in this Convention prevents States Parties from adopting additional measures complementary to the Code.
2. The Code and the most current version of Appendices 2 and 3 are reproduced for information purposes and are not an integral part of this Convention. The Appendices as such do not create any binding obligations under international law for States Parties.
3. The Annexes are an integral part of this Convention.

**Article 5 – Measures to achieve the objectives of the Convention**

In abiding by the obligations contained in this Convention, each State Party undertakes to adopt appropriate measures. Such measures may include

legislation, regulation, policies or administrative practices.

**Article 6 – Relationship to other international instruments**

This Convention shall not alter the rights and obligations of States Parties which arise from other agreements previously concluded and consistent with the object and purpose of this Convention. This does not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

**II. Anti-doping activities at the national level**

**Article 7 – Domestic coordination**

States Parties shall ensure the application of the present Convention, notably through domestic coordination. To meet their obligations under this Convention, States Parties may rely on anti-doping organizations as well as sports authorities and organizations.

**Article 8 – Restricting the availability and use in sport of prohibited substances and methods**

1. States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to restrict their use in sport by athletes, unless the use is based upon a therapeutic use exemption. These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

2. States Parties shall adopt, or encourage, where appropriate, the relevant entities within their jurisdictions to adopt measures to prevent and to restrict the use and possession of prohibited substances and methods by athletes in sport, unless the use is based upon a therapeutic use exemption.

3. No measures taken pursuant to this Convention will impede the availability for legitimate purposes of substances and methods otherwise prohibited or controlled in sport.

**Article 9 – Measures against athlete support personnel**

States Parties shall themselves take measures or encourage sports organizations and anti-doping organizations to adopt measures, including sanctions or penalties, aimed at athlete support personnel who commit an anti-doping rule violation or other offence connected with doping in sport.

**Article 10 – Nutritional supplements**

States Parties, where appropriate, shall encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding their analytic composition and quality assurance.

**Article 11 – Financial measures**

States Parties shall, where appropriate:

(a) provide funding within their respective budgets to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls either by direct subsidies or grants, or by recognizing the costs of such controls when determining the overall subsidies or grants to be awarded to those organizations;

(b) take steps to withhold sport-related financial support to individual athletes or athlete support personnel who have been suspended following an anti-doping rule violation, during the period of their suspension;

(c) withhold some or all financial or other sport-related support from any sports organization or anti-doping organization not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code.

**Article 12 – Measures to facilitate doping control**

States Parties shall, where appropriate:

(a) encourage and facilitate the implementation by sports organizations and anti-doping organizations within their jurisdiction of doping controls in a manner consistent with the Code, including no-advance notice, out-of-competition and in-competition testing;

(b) encourage and facilitate the negotiation by sports organizations and anti-doping organizations of agreements permitting their members to be tested by duly authorized doping control teams from other countries;

(c) undertake to assist the sports organizations and anti-doping organizations within their jurisdiction in gaining access to an accredited doping control laboratory for the purposes of doping control analysis.

**III. International cooperation**

**Article 13 – Cooperation between anti-doping organizations and sports**

**organizations**

States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction and those within the jurisdiction of other States Parties in order to achieve, at the international level, the purpose of this Convention.

**Article 14 – Supporting the mission of the World Anti-Doping Agency**

States Parties undertake to support the important mission of the World Anti-Doping Agency in the international fight against doping.

**Article 15 – Equal funding of the World Anti-Doping Agency**

States Parties support the principle of equal funding of the World Anti-Doping Agency's approved annual core budget by public authorities and the Olympic Movement.

**Article 16 – International cooperation in doping control**

Recognizing that the fight against doping in sport can only be effective when athletes can be tested with no advance notice and samples can be transported in a timely manner to laboratories for analysis, States Parties shall, where appropriate and in accordance with domestic law and procedures:

- (a) facilitate the task of the World Anti-Doping Agency and anti-doping organizations operating in compliance with the Code, subject to relevant host countries' regulations, of conducting in- or out-of-competition doping controls on their athletes, whether on their territory or elsewhere;
- (b) facilitate the timely movement of duly authorized doping control teams across borders when conducting doping control activities;
- (c) cooperate to expedite the timely shipping or carrying across borders of samples in such a way as to maintain their security and integrity;
- (d) assist in the international coordination of doping controls by various anti-doping organizations, and cooperate to this end with the World Anti-Doping Agency;
- (e) promote cooperation between doping control laboratories within their jurisdiction and those within the jurisdiction of other States Parties. In particular, States Parties with accredited doping control laboratories should encourage laboratories within their jurisdiction to assist other States Parties in enabling them to acquire the experience, skills and techniques necessary to establish their own laboratories should they wish to do so;
- (f) encourage and support reciprocal testing arrangements between designated anti-doping organizations, in conformity with the Code;
- (g) mutually recognize the doping control procedures and test results management, including the sport sanctions thereof, of any anti-doping organization that are consistent with the Code.

**Article 17 – Voluntary Fund**

1. A "Fund for the Elimination of Doping in Sport", hereinafter referred to as "the Voluntary Fund", is hereby established. The Voluntary Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO. All contributions by States Parties and other actors shall be voluntary.

2. The resources of the Voluntary Fund shall consist of:

- (a) contributions made by States Parties;
- (b) contributions, gifts or bequests which may be made by:
  - (i) other States;
  - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
  - (iii) public or private bodies or individuals;
- (c) any interest due on the resources of the Voluntary Fund;
- (d) funds raised through collections, and receipts from events organized for the benefit of the Voluntary Fund;
- (e) any other resources authorized by the Voluntary Fund's regulations, to be drawn up by the Conference of Parties.

3. Contributions into the Voluntary Fund by States Parties shall not be considered to be a replacement for States Parties' commitment to pay their share of the World Anti-Doping Agency's annual budget.

**Article 18 – Use and governance of the Voluntary Fund**

## International Convention against Doping in Sport

Resources in the Voluntary Fund shall be allocated by the Conference of Parties for the financing of activities approved by it, notably to assist States Parties in developing and implementing anti-doping programmes, in accordance with the provisions of this Convention, taking into consideration the goals of the World Anti-Doping Agency, and may serve to cover functioning costs of this Convention. No political, economic or other conditions may be attached to contributions made to the Voluntary Fund.

**IV. Education and training****Article 19 – General education and training principles**

1. States Parties shall undertake, within their means, to support, devise or implement education and training programmes on anti-doping. For the sporting community in general, these programmes should aim to provide updated and accurate information on:

- (a) the harm of doping to the ethical values of sport;
- (b) the health consequences of doping.

2. For athletes and athlete support personnel, in particular in their initial training, education and training programmes should, in addition to the above, aim to provide updated and accurate information on:

- (a) doping control procedures;
- (b) athletes' rights and responsibilities in regard to anti-doping, including information about the Code and the anti-doping policies of the relevant sports and anti-doping organizations. Such information shall include the consequences of committing an anti-doping rule violation;
- (c) the list of prohibited substances and methods and therapeutic use exemptions;
- (d) nutritional supplements.

**Article 20 – Professional codes of conduct**

States Parties shall encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

**Article 21 – Involvement of athletes and athlete support personnel**

States Parties shall promote and, within their means, support active participation by athletes and athlete support personnel in all facets of the anti-doping work of sports and other relevant organizations and encourage sports organizations within their jurisdiction to do likewise.

**Article 22 – Sports organizations and ongoing education and training on anti-doping**

States Parties shall encourage sports organizations and anti-doping organizations to implement ongoing education and training programmes for all athletes and athlete support personnel on the subjects identified in Article 19.

**Article 23 – Cooperation in education and training**

States Parties shall cooperate mutually and with the relevant organizations to share, where appropriate, information, expertise and experience on effective anti-doping programmes.

**V. Research****Article 24 – Promotion of research in anti-doping**

States Parties undertake, within their means, to encourage and promote anti-doping research in cooperation with sports and other relevant organizations on:

- (a) prevention, detection methods, behavioural and social aspects, and the health consequences of doping;
- (b) ways and means of devising scientifically-based physiological and psychological training programmes respectful of the integrity of the person;
- (c) the use of all emerging substances and methods resulting from scientific developments.

**Article 25 – Nature of anti-doping research**

When promoting anti-doping research, as set out in Article 24, States Parties shall ensure that such research will:

- (a) comply with internationally recognized ethical practices;
- (b) avoid the administration to athletes of prohibited substances and methods;
- (c) be undertaken only with adequate precautions in place to prevent the results

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International Convention against Doping in Sport  
of anti-doping research being misused and applied for doping.

**Article 26 – Sharing the results of anti-doping research**

Subject to compliance with applicable national and international law, States Parties shall, where appropriate, share the results of available anti-doping research with other States Parties and the World Anti-Doping Agency.

**Article 27 – Sport science research**

States Parties shall encourage:

- (a) members of the scientific and medical communities to carry out sport science research in accordance with the principles of the Code;
- (b) sports organizations and athlete support personnel within their jurisdiction to implement sport science research that is consistent with the principles of the Code.

**VI. Monitoring of the Convention**

**Article 28 – Conference of Parties**

1. A Conference of Parties is hereby established. The Conference of Parties shall be the sovereign body of this Convention.
2. The Conference of Parties shall meet in ordinary session in principle every two years. It may meet in extraordinary session if it so decides or at the request of at least one third of the States Parties.
3. Each State Party shall have one vote at the Conference of Parties.
4. The Conference of Parties shall adopt its own Rules of Procedure.

**Article 29 – Advisory organization and observers to the Conference of Parties**

The World Anti-Doping Agency shall be invited as an advisory organization to the Conference of Parties. The International Olympic Committee, the International Paralympic Committee, the Council of Europe and the Intergovernmental Committee for Physical Education and Sport (CIGEPS) shall be invited as observers. The Conference of Parties may decide to invite other relevant organizations as observers.

**Article 30 – Functions of the Conference of Parties**

1. Besides those set forth in other provisions of this Convention, the functions of the Conference of Parties shall be to:
  - (a) promote the purpose of this Convention;
  - (b) discuss the relationship with the World Anti-Doping Agency and study the mechanisms of funding of the Agency's annual core budget. States non-Parties may be invited to the discussion;
  - (c) adopt a plan for the use of the resources of the Voluntary Fund, in accordance with Article 18;
  - (d) examine the reports submitted by States Parties in accordance with Article 31;
  - (e) examine, on an ongoing basis, the monitoring of compliance with this Convention in response to the development of anti-doping systems, in accordance with Article 31. Any monitoring mechanism or measure that goes beyond Article 31 shall be funded through the Voluntary Fund established under Article 17;
  - (f) examine draft amendments to this Convention for adoption;
  - (g) examine for approval, in accordance with Article 34 of the Convention, modifications to the Prohibited List and to the Standards for Granting Therapeutic Use Exemptions adopted by the World Anti-Doping Agency;
  - (h) define and implement cooperation between States Parties and the World Anti-Doping Agency within the framework of this Convention;
  - (i) request a report from the World Anti-Doping Agency on the implementation of the Code to each of its sessions for examination.
2. The Conference of Parties, in fulfilling its functions, may cooperate with other intergovernmental bodies.

**Article 31 – National reports to the Conference of Parties**

States Parties shall forward every two years to the Conference of Parties through the Secretariat, in one of the official languages of UNESCO, all relevant information concerning measures taken by them for the purpose of complying with the provisions of this Convention.

**Article 32 – Secretariat of the Conference of Parties**

1. The secretariat of the Conference of Parties shall be provided by the Director-General of UNESCO.
2. At the request of the Conference of Parties, the Director-General of UNESCO shall use to the fullest extent possible the services of the World Anti-Doping Agency on terms agreed upon by the Conference of Parties.
3. Functioning costs related to the Convention will be funded from the regular budget of UNESCO within existing resources at an appropriate level, the Voluntary Fund established under Article 17 or an appropriate combination thereof as determined every two years. The financing for the secretariat from the regular budget shall be done on a strictly minimal basis, it being understood that voluntary funding should also be provided to support the Convention.
4. The secretariat shall prepare the documentation of the Conference of Parties, as well as the draft agenda of its meetings, and shall ensure the implementation of its decisions.

#### Article 33 – Amendments

1. Each State Party may, by written communication addressed to the Director-General of UNESCO, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, at least one half of the States Parties give their consent, the Director-General shall present such proposals to the following session of the Conference of Parties.
2. Amendments shall be adopted by the Conference of Parties with a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to States Parties.
4. With respect to the States Parties that have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.
5. A State that becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:
  - (a) a Party to this Convention as so amended;
  - (b) a Party to the unamended Convention in relation to any State Party not bound by the amendments.

#### Article 34 – Specific amendment procedure for the Annexes to the Convention

1. If the World Anti-Doping Agency modifies the Prohibited List or the Standards for Granting Therapeutic Use Exemptions, it may, by written communication addressed to the Director-General of UNESCO, inform her/him of those changes. The Director-General shall notify such changes as proposed amendments to the relevant Annexes to this Convention to all States Parties expeditiously. Amendments to the Annexes shall be approved by the Conference of Parties either at one of its sessions or through a written consultation.
2. States Parties have 45 days from the Director-General's notification within which to express their objection to the proposed amendment either in writing, in case of written consultation, to the Director-General or at a session of the Conference of Parties. Unless two thirds of the States Parties express their objection, the proposed amendment shall be deemed to be approved by the Conference of Parties.
3. Amendments approved by the Conference of Parties shall be notified to States Parties by the Director-General. They shall enter into force 45 days after that notification, except for any State Party that has previously notified the Director-General that it does not accept these amendments.
4. A State Party having notified the Director-General that it does not accept an amendment approved according to the preceding paragraphs remains bound by the Annexes as not amended.

#### VII. Final clauses

##### Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties that have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;



(b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, counties, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

**Article 36 – Ratification, acceptance, approval or accession**

This Convention shall be subject to ratification, acceptance, approval or accession by Members States of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

**Article 37 – Entry into force**

1. This Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. For any State that subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of its instrument of ratification, acceptance, approval or accession.

**Article 38 – Territorial extension of the Convention**

1. Any State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible and to which this Convention shall apply.

2. Any State Party may, at any later date, by a declaration addressed to UNESCO, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to UNESCO. Such withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of receipt of such a notification by the depositary.

**Article 39 – Denunciation**

Any State Party may denounce this Convention. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. The denunciation shall take effect on the first day of the month following the expiration of a period of six months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the State Party concerned until the date on which the withdrawal takes effect.

**Article 40 – Depositary**

The Director-General of UNESCO shall be the Depositary of this Convention and amendments thereto. As the Depositary, the Director-General of UNESCO shall inform the States Parties to this Convention, as well as the other States Members of the Organization of:

- (a) the deposit of any instrument of ratification, acceptance, approval or accession;
- (b) the date of entry into force of this Convention in accordance with Article 37;
- (c) any report prepared in pursuance of the provisions of Article 31;
- (d) any amendment to the Convention or to the Annexes adopted in accordance with Articles 33 and 34 and the date on which the amendment comes into force;
- (e) any declaration or notification made under the provisions of Article 38;
- (f) any notification made under the provisions of Article 39 and the date on which the denunciation takes effect;
- (g) any other act, notification or communication relating to this Convention.

**Article 41 – Registration**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

**Article 42 – Authoritative texts**

1. This Convention, including its Annexes, has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

2. The Appendices to this Convention are provided in Arabic, Chinese, English,

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## International Convention against Doping in Sport

French, Russian and Spanish.

**Article 43 – Reservations**

No reservations that are incompatible with the object and purpose of the present Convention shall be permitted.

Annex I – The Prohibited List – International Standard

Annex II – Standards for Granting Therapeutic Use Exemptions

Appendix 1 – World Anti-Doping Code

Appendix 2 – International Standard for Laboratories

Appendix 3 – International Standard for Testing

**Depositary :**

UNESCO

**Entry into force :**

1 February 2007, according to its Article 37.

**Authoritative texts :**

Arabic, English, Chinese, French, Spanish and Russian

**Registration at the UN :**

On 6 March 2007 under certificate n°55048 dated of 15 March 2007

**States Parties**

List in alphabetical order

List in chronological order

**Declarations and Reservations :**Argentina

The instrument of ratification contained the following declaration:

*"The Argentine Republic rejects the claim to extend to the Falkland Islands the application of the International Convention against Doping in Sport, adopted in Paris on 19 October 2005 by the General Conference of UNESCO, notified to the Director-General of UNESCO by the United Kingdom of Great Britain and Northern Ireland on 25 April 2006, and reaffirms its rights of sovereignty over the Falkland Islands, South Georgia and South Sandwich Islands, which form an integral part of its national territory and, being illegally occupied by the United Kingdom of Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries, which has been recognized by several international organizations.*

*In this regard, the General Assembly of the United Nations adopted resolutions 2085 (XX), 3160 (XXVIII), 31/49, 37/9, 38/32, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognized the existence of a dispute over sovereignty in relation to the question of the Falkland Islands and urged the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding a peaceful and lasting solution to the sovereignty dispute as soon as possible. For its part, the Special Committee on Decolonisation of the United Nations has repeatedly made similar appeals, most recently in the resolution adopted on 15 June 2006. Similarly, the General Assembly of the Organization of American States adopted a new resolution on the subject on 6 June 2006."* [original: Spanish]

Denmark

The instrument of ratification contained the following declaration:

*"Unless so decided at a later date the Convention shall not apply to the Faroe Islands and Greenland."* [Original: French]

New Zealand

The instrument of acceptance contained the following declaration:

*"AND DECLARES that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this acceptance shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate*

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## International Convention against Doping in Sport

consultation with that territory;" [Original: English]

United States of America

The instrument of ratification contained the following declarations :

"The Senate of the United States of America by its resolution of July 21, 2008, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention subject to the following understanding: It is the understanding of the United States of America that nothing in this Convention obligates the United States to provide funding to the World Anti-Doping Agency.

The Senate's advice and consent is subject to the following declaration: Pursuant to Article 2 (4), which defines "Athlete" for purposes of doping control as "any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties", the United States of America declares that "Athlete" for purposes of doping control means any athlete determined by the U.S. Anti-Doping Agency to be subject to or to have accepted the World Anti-Doping Code." [Original: English]

**Objections to the amendments to the annexes of the Convention:****Annex I – 2016 -**Czech Republic

27 October 2015 :

"The Government of the Czech Republic expresses its objection to the proposed amendments to Annex I to the Convention, as modified by the World Anti-Doping Agency (WADA), due to its internal procedures that cannot be finalized before the envisaged entry into force of these amendments on January 1, 2016."

17 December 2015 :

"The Czech Republic welcomes and takes into account the amendments to Annex I to the Convention as approved by the Conference of Parties on October 29 - 30, 2015.

Unfortunately, the amendments to Annex I to the Convention, cannot be accepted by the Czech Republic before the envisaged entry into force of these amendments on January 1, 2016, due to its internal constitutional procedures. The Permanent Delegation of the Czech Republic to UNESCO has the honour to convey, in the same time, that the same objection of internal legal procedures expressed in its note No. 1847/2015 of October 27, 2015, was communicated to the Director-General of UNESCO by mistake untimely, i. e., before the circulation of the Director-General's note No. DG/3/15/9472 dated of November 17, 2015. »

**Annex II – 2016 -**Czech Republic

29 February 2016 :

"The Czech Republic welcomes and takes into account the amendments to Annex II to the Convention as approved by the Conference of Parties. Unfortunately, the amendments to Annex II to the Convention cannot be accepted by the Czech Republic before the envisaged entry into force of these amendments on 14 March, 2016, due to its internal constitutional time-consuming procedures. »

**Annex I – 2017 -**Czech Republic

29 December 2016 :

"The Czech Republic welcomes and takes into account the amendments to Annex I to the Convention for the year 2017 as accepted through a written consultation. Unfortunately, the amendments to Annex I to the Convention cannot be accepted by the Czech Republic before envisaged entry into force of these amendments, due to its internal constitutional time-consuming procedures."

**Territorial Application :**

<u>Notification by</u>	<u>Date of receipt of notification</u>	<u>Extension to</u>
United Kingdom of Great Britain and Northern Ireland	25 April 2006	Bailiwick of Jersey, Guernsey and Alderney, Isle of Man, Bermuda, Cayman Islands and Falkland Islands
-	31 May 2012	British Virgin Islands
China	9 October 2006	Hong Kong Special Administrative Region and Macao Special

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## International Convention against Doping in Sport

		Administrative Region Aruba
Netherlands	11 July 2008	
Netherlands	12 May 2009	↔ Netherlands Antilles
Netherlands	11 May 2011	In accordance with the terms of the notification of 8 October 2010, hereinafter the status report of the international agreements that apply to Curaçao, Sint Maarten and/or the Caribbean part of the Netherlands as a result of the modification of the internal constitutional relations within the Kingdom of the Netherlands : The Netherlands (European part) - application : yes ; entry into force : 1 February 2007 / Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) - application : yes ; entry into force : 10 October 2010 (succession) / Aruba - application : yes ; entry into force : 1 September 2008 / Curaçao - application : yes ; entry into force : 10 October 2010 (succession) / Sint Maarten - application : yes ; entry into force : 10 October 2010 (succession)

**Monitoring :**

## Conference of Parties (Rules of Procedure)

- 5th session (Paris, 29-30 October 2015)
    - Resolutions
    - Documents
  - 4th session (Paris, 19-20 September 2013)
    - Resolutions
    - Documents
  - 3rd session (Paris, 14-15 November 2011)
    - Resolutions
    - Documents
  - 2nd session (Paris, 26-28 octobre 2009)
    - Resolutions
    - Documents
  - 1st session (Paris, 5-7 February 2007)
    - Final Report
    - Documents
- Manual of the Fund for the Elimination of Doping in Sport



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**IOC Annual Report 2015**  
Credibility, Sustainability and Youth



## 4. Financial Statements

### Financial Highlights of the 2013-2016 Olympiad

The IOC is a non-profit association committed to leading the Olympic Movement and contributing to building a better world through sport. Its operations are based on four-year periods called Olympiads, during which both a Winter and a Summer Olympic Games are held. The Olympiad currently under review covers the period from 2013-2016.



## Financial Highlights of the 2013-2016 Olympiad (continued)

**To ensure the credibility of the Olympic Movement, its values and its mission, the IOC must set an example for others to follow by demonstrating good governance in all of its practices. This includes increasing the transparency of its operations, which was one of the recommendations outlined in Olympic Agenda 2020.**

Although the IOC is under no obligation to apply International Financial Reporting Standards (IFRS), it strongly believes that to do so will help it achieve more transparency, comparability and higher quality in its financial statements.

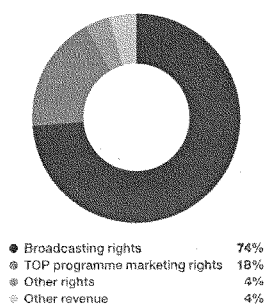
The IOC's strong financial foundation is driven by its partnerships with sponsors and broadcasters, which provide sustainable revenue streams to ensure the independent financial stability of the Olympic Movement. The continued growth of these partnerships supports the IOC's work towards promoting the worldwide development of sport, supporting the staging of the Olympic Games and assisting in the global promotion of the Olympic Movement.

### IOC Sources of Revenue

The IOC, and the organisations within the Olympic Movement, are entirely privately funded.

The IOC generates revenue through several programmes, including the sale of broadcasting rights, the worldwide TOP sponsorship programme and the IOC official supplier and licensing programme.

### IOC revenue 2013-2016 (% forecast)



The IOC's forecast 2013-2016 total revenue of USD 5.6 billion has increased by 8.2% compared to the 2009-2012 revenue. The main drivers of the increase are television broadcasting rights and the TOP programme marketing rights.

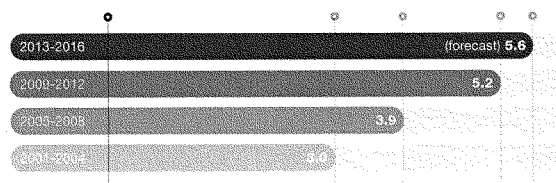
Olympic broadcasting revenue forecast for 2013-2016 has increased by 7.1% to USD 4.1 billion compared to the 2009-2012 Olympiad. In 2015, the IOC signed sponsorship and TV contracts worth more than USD 4 billion. By committing themselves, in one case through 2032, all of these partners demonstrated huge confidence in the future of the Olympic Movement and in Olympic Agenda 2020.

Furthermore, in a sign of the continuing appeal of the Olympic Games and the Olympic values, partnership agreements for the eighth edition of the TOP programme (TOP VIII), covering the 2013-2016 Olympiad, have increased to over USD 1 billion, which represents a 7.6% growth compared to the previous TOP programme (TOP VII).

The figures in the financial statements and tables have been rounded; totals may therefore deviate from the sum of the individual items. The figures 0 and 0.0 are rounded values representing less than half of the unit used, yet more than zero (rounded zero). A dash (-) in place of a number stands for zero (absolute zero).



**IOC total revenue in USD billion**

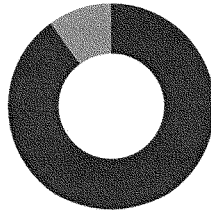


**IOC Revenue Distribution**

In order to support the staging of the Olympic Games, promote the worldwide development of sport and the Olympic Movement, the IOC distributes 90% of its revenue of an Olympiad to organisations throughout the Olympic Movement. This is the equivalent of USD 3.25 million a day, every day of the year.

The IOC retains 10% of Olympic revenue for IOC activities to develop sport and operational costs of governing the Olympic Movement.

**IOC revenue distribution (%)**



- Distribution, Olympic Games, Promotion of Olympic Movement **90%**
- ⊖ IOC activities to develop sport and operations of the IOC **10%**

Distributable revenue includes cash and value-in-kind revenue from broadcasting rights, TOP programme rights and ticket royalty income. Revenue distributed to OCOGs and the United States Olympic Committee (USOC) and Olympic Games-related expenditure are deducted from the revenue to calculate the equal shares attributable to the International Federations, Olympic Solidarity, National Olympic Committees and the IOC.

## Financial Highlights of the 2013-2016 Olympiad (continued)

**Distributable revenue of the IOC is allocated through direct IOC contributions towards different organisations within the Olympic Movement, as well as various IOC activities, projects and programmes aimed at supporting the staging of the Games and promoting the worldwide development of sport and the Olympic Movement. Among others, this includes distribution to the following recipients:**

### The Olympic Games and the Organising Committees for the Olympic Games (OCOGs)

The IOC contribution supports the staging of the Summer and Winter editions of the Games. This includes direct contributions to the OCOGs (through the share of the television broadcasting rights and TOP rights), considerable costs that previously had been borne by the OCOG, such as the host broadcasting operation, and various forms of Games support to the OCOG, including through its "Transfer of Knowledge" programmes. The OCOGs also raise additional revenue through domestic commercial activities facilitated by the authorised use of the Olympic marks together with the OCOGs symbols.

#### IOC Contribution to Support the Games (USD million)

Olympic Summer Games	
2004 Athens	965
2008 Beijing	1,250
2012 London	1,374
Olympic Winter Games	
2002 Salt Lake	552
2006 Turin	561
2010 Vancouver	775
2014 Sochi	833

Source: IOC's audited financial statements

### Olympic Solidarity / National Olympic Committees (OS/NOCs)

The IOC distributes revenue to each of the 206 NOCs throughout the world to train and develop their Olympic hopefuls, athletes and teams. The IOC also contributes revenue to Olympic Solidarity, an autonomous commission that distributes revenue to NOCs. The 2014 Sochi revenue distribution to Olympic Solidarity and NOCs was more than double compared to 2002 Salt Lake City.

#### Gross Revenue to NOCs (USD million)

Olympic Summer Games	
2004 Athens	234
2008 Beijing	301
2012 London	520
Olympic Winter Games	
2002 Salt Lake	87
2006 Turin	136
2010 Vancouver	215
2014 Sochi	199

Source: IOC's audited financial statements

### International Federations (IFs)

The IOC provides revenue to the IFs. These funds, which are used to support the development of sport worldwide, are distributed after the completion of the Games in which the federation is active. The 2014 Sochi revenue distribution to International Federations was more than double compared to 2002 Salt Lake City.

#### Gross Revenue to IFs (USD million)

##### Olympic Summer Games

2004 Athens	257
2008 Beijing	297
2012 London	520

##### Olympic Winter Games

2002 Salt Lake	92
2006 Turin	128
2010 Vancouver	209
2014 Sochi	199

Source: IOC's audited financial statements

### Recognised Organisations and Federations

The IOC contributes Olympic revenue to recognised international organisations, including the World Anti-Doping Agency, the Court of Arbitration for Sport, the International Olympic Academy and the International Paralympic Committee. The IOC also supports the International Paralympic Committee by enabling the Paralympic Games athletes to compete in the same city as the Olympic Games, benefit from the same Organising Committee, use the same sports venues and facilities, and enjoy the same conditions for official travel and accommodation as Olympic athletes.

#### Funds Earmarked (USD million)

##### Olympic Summer Games

2004 Athens	57
2008 Beijing	69
2012 London	81

##### Olympic Winter Games

2002 Salt Lake	28
2006 Turin	33
2010 Vancouver	39
2014 Sochi	40

Source: IOC's audited financial statements

### The Youth Olympic Games and the Youth Olympic Games Organising Committees (YOGOCs)

The IOC contribution supports the staging of the Youth Olympic Games (YOG). Celebrated for the first time in Singapore in 2010, the YOG launched a new Olympic tradition that engages young people through sport, education and cultural programmes.

#### IOC Contribution to Support the YOGs (USD million)

##### Summer YOG

2010 Singapore	40
2014 Nanjing	50

##### Winter YOG

2012 Innsbruck	20
----------------	----

Source: IOC's audited financial statements

### The Olympic Foundation

The IOC founded the Olympic Foundation in December 1992 with the objective of covering IOC operations over an Olympiad in the event that an edition of the Games is cancelled. After 23 years, the fund stands at USD 874 million. The IOC Executive Board determines the level of funding for the Olympic Foundation.

## Financial Highlights of 2015

**The financial statements of the IOC are prepared according to International Financial Reporting Standards (IFRS), even though the IOC is not legally required to do so.**

Consistent with recommendation 29 of Agenda 2020 – to increase transparency – the IOC 2015 Financial Statements have been enhanced in line with IFRS best practices, ensuring fairer and more meaningful presentation. This increases and supports the IOC's efforts to achieve greater transparency.

### Overview

From a financial point of view, 2015 is on track to achieve the overall objective of 90% distribution of the 2013-2016 Olympiad to support the development of sport worldwide. The IOC's financial performance remains strong, showing both a healthy growth in revenue and the distribution of this revenue.

The year under review, 2015, is the third year of the 2013-2016 Olympiad. It is a non-Games year in which IOC television broadcasting rights, Games costs and distribution are deferred. Therefore, only non-Games related revenue and expenditures are presented in the 2015 statement of activities.

Along with the preparation of the Olympic Games and the development of sport, the IOC continues its commitment to lead and support the Olympic Movement, including through the implementation of Olympic Agenda 2020 across all IOC activity streams.

Financial highlights of 2015 include the following:

- The IOC's sound financial position is demonstrated by:
  - IOC fund balance stands at USD 1.4 billion, covering 57% of the total liabilities, providing financial stability.
  - IOC current assets stand at USD 2.4 billion, which covers 95% of the total liabilities.
  - Total IOC assets increased by 22% compared to the previous year to reach USD 3.9 billion, due to future Olympic Games-related advances and income that is received during 2015.
- The IOC continues to support the Olympic Movement with a total of USD 292 million distributed for sport, the Olympic Games and the promotion of the Olympic Movement from its fund in 2015.
- TOP programme marketing rights stand at USD 143 million in 2015.
- The IOC's other rights and revenues of 2015 stand at USD 14 million and are comprised of revenue from suppliers, rights of use of Olympic Sequences, and the Olympic Museum operational revenues, among others.

**Statement of Financial Position**

Total IOC assets increased by 22% in 2015 compared to the previous year due to future Olympic Games-related advances and income received during the year. These Olympic Games-related advances and income are accumulated during non-Games years and will be released to the statement of financial activities during the relevant Games year.

IOC current assets stand at USD 2.4 billion, covering 95% of the total liabilities, which is proof of the IOC's sound financial position. Cash and financial assets represent 66% of the IOC's total assets.

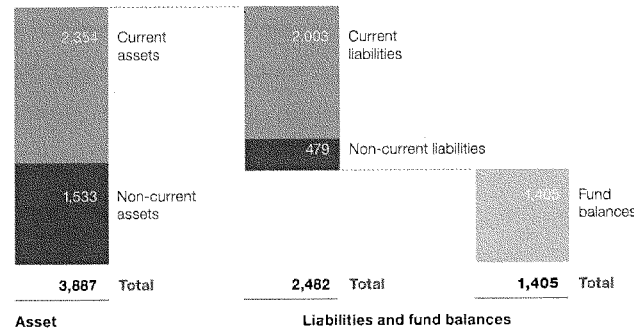
The liabilities side of the statement of financial position fluctuates following the four-year cycle with one Olympic Summer Games and one Olympic Winter Games two years apart. Olympic Games advances and income related to the Summer Olympic Games Rio 2016 and the Youth Olympic Games Lillehammer 2016 inflate the current liabilities in 2015, whereas they were considered as non-current liabilities in 2014.

The IOC fund balance stands at USD 1.4 billion, which represents 36% of the total financial position. Of the fund balances, 79% are undesignated to cover the expenditures and contributions planned during a non-Games year, as well as the Olympic Foundation. The IOC designated

fund, at almost 21% of total fund balances, is designated for the financing of the annual programmes of Olympic Solidarity in order to secure financial assistance to the NOCs.

The IOC designates certain derivatives as hedges of foreign exchange risks exposure, as the IOC deals with different foreign currencies in its operations. IOC revenue, IOC contributions and its operating expenditures are denominated in various currencies including USD, CHF, EUR, GBP, AUD, CAD and JPY. Amount of related FX gains and losses are accumulated in fund balances and will be reclassified to the statement of activities when the related hedged transactions occur in the future.

**IOC combined statements of financial position at December 31, 2015**  
in USD million



Source: IOC audited financial statements

## Financial Highlights of 2015 (continued)

### Statement of Activities

For the 2013-2016 Olympiad, the IOC is on track to realise a USD 5.6 billion total revenue target, which would allow it to achieve the overall objective of 90% distribution to support the development of sport worldwide.

The IOC recognises an excess of expenditure of USD 326 million in 2015 due to the accounting treatment during a non-Games year, whereby IOC Olympic Games-related revenue (such as TV broadcasting revenue and OCOG marketing programmes), Games distribution and expenditures are deferred in the statements of financial position until the related Games year.

The IOC continues to support the Olympic Movement with a total of USD 292 million distributed for sport, the Olympic Games and the promotion of the Olympic Movement. Within this, USD 102 million is distributed through

the Olympic Solidarity programmes, USD 122 million is distributed through the TOP programme, USD 15 million is distributed through various IOC grants, contributions and special projects, and USD 53 million benefited the promotion of the Olympic Movement.

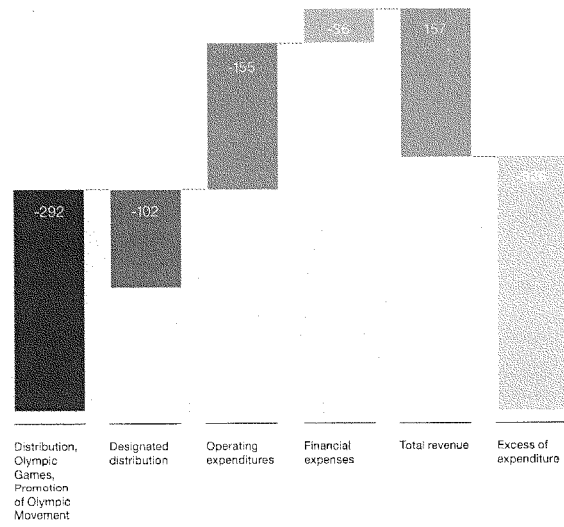
The financial statement line item 'Promotion of the Olympic Movement' has been added in order to achieve meaningful and fairer presentation of the financial statements, consistent with recommendation 29 of Olympic Agenda 2020 – to Increase Transparency. This encompasses the engagement of the IOC towards its mission to promote Olympism throughout the world as executed by the Olympic Foundation for Culture and Heritage (USD 42 million) as well as the Olympic Channel (USD 11 million), which commenced in April 2015.

A part of the IOC total revenue is used to cover IOC operating expenses of USD 155 million. This includes the

salaries, social charges and operating costs of the IOC administration in order to be able to deliver its role in ensuring the regular celebration of the Olympic Games and putting athletes at the heart of the Olympic Movement, as well as leading the Olympic Movement.

The IOC realised USD 157 million of revenue in 2015. The revenue from the TOP programme marketing rights in 2015 stands at USD 143 million and represents the TOP revenue instalments that become due during the year. The IOC's other rights and revenue of 2015 stand at USD 14 million and are comprised of revenue from suppliers, rights of use of Olympic Sequences, and the Olympic Museum operational revenue, among others.

**IOC combined statements of activities for the year ended December 31, 2015** in USD million



Source: IOC audited financial statements

## Combined Financial Statements 2015

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## Report of the Auditors

### Report of the statutory auditor on the combined financial statements

As statutory auditor, we have audited the accompanying combined financial statements of the International Olympic Committee, which comprise the statement of financial position, statement of activities, statement of comprehensive income, statement of cash flow, statement of changes in fund balances and notes (pages 138 to 180), for the year ended 31 December 2015.

#### Executive Board's responsibility

The Executive Board is responsible for the preparation and fair presentation of the combined financial statements in accordance with the International Financial Reporting Standards (IFRS), the requirements of Swiss law and the Olympic Charter. This responsibility includes designing, implementing and maintaining an internal control system relevant to the preparation and fair presentation of combined financial statements that are free from material misstatement, whether due to fraud or error. The Executive Board is further responsible for selecting and applying appropriate accounting policies and making accounting estimates that are reasonable in the circumstances.

#### Auditor's responsibility

Our responsibility is to express an opinion on these combined financial statements based on our audit. We conducted our audit in accordance with Swiss law and Swiss Auditing Standards as well as the International Standards on Auditing. Those standards require that we plan

and perform the audit to obtain reasonable assurance whether the combined financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the combined financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the combined financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers the internal control system relevant to the entity's preparation and fair presentation of the combined financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control system. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made, as well as evaluating the overall presentation of the combined financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion, the combined financial statements for the year ended 31 December 2015 give a true and fair view of the financial position, the results of operations and the cash flows in accordance with the International

Financial Reporting Standards (IFRS) and comply with Swiss law and the Olympic Charter.

#### Report on other legal requirements

We confirm that we meet the legal requirements on licensing according to the Auditor Oversight Act (AOA) and independence (article 69b paragraph 3 CC in connection with article 728 CO) and that there are no circumstances incompatible with our independence.

In accordance with article 69b paragraph 3 CC in connection with article 728a paragraph 1 Item 3 CO and Swiss Auditing Standard 890, we confirm that an internal control system exists which has been designed for the preparation of combined financial statements according to the instructions of the Executive Board.

We recommend that the combined financial statements submitted to you be approved.

#### PricewaterhouseCoopers SA



**Michael Foley**  
Audit expert  
Auditor in charge



**Pierre-Alain Dévaud**  
Audit expert

Lausanne, 2 June 2016

## Combined Statement of Financial Position

as at 31 December (in thousands of US dollars)

	Notes	2015	2014
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	4	417 632	261 205
Financial assets at fair value through profit or loss	5	954 858	1 073 686
Receivables and other current assets	7	632 813	95 033
Olympic Games-related deferred expenditure	11	148 817	–
		<u>2 354 120</u>	<u>1 429 924</u>
<b>Non-current assets</b>			
Financial assets	5	1 205 665	1 418 757
Investments in associates	6	11 104	11 415
Tangible fixed assets	8	209 358	194 500
Intangible fixed assets	9	47 737	48 413
Olympic Games-related deferred expenditure	11	59 470	82 209
		<u>1 533 334</u>	<u>1 755 294</u>
<b>Total assets</b>		<b><u>3 887 454</u></b>	<b><u>3 185 218</u></b>
<b>LIABILITIES AND FUND BALANCES</b>			
<b>Current liabilities</b>			
Accounts payable and accrued expenses	10	133 697	232 861
Olympic Games-related advances	11	1 698 148	–
Deferred income	11	133 327	–
Earmarked funds	12	38 046	49 743
		<u>2 003 418</u>	<u>282 604</u>
<b>Non-current liabilities</b>			
Olympic Games-related advances	11	413 244	1 064 123
Deferred income	11	32 127	34 866
Earmarked funds	12	–	23 228
Net pension plan obligation	13	33 482	20 390
Other non-current liabilities		61	149
		<u>478 914</u>	<u>1 142 756</u>
<b>Fund balances</b>			
Undesignated		1 110 605	1 346 474
Designated		292 753	399 323
Cumulative translation adjustment		29 494	29 081
Cash flow hedges		(27 730)	(15 020)
		<u>1 405 122</u>	<u>1 759 858</u>
<b>Total liabilities and fund balances</b>		<b><u>3 887 454</u></b>	<b><u>3 185 218</u></b>

The notes on pages 143 to 190 are an integral part of the financial statements.

## Combined Statement of Activities

for the years ended 31 December (in thousands of US dollars)

	Notes	Undesignated	2015 Designated (note 2K)	Total	2014 Total
<b>REVENUE</b>					
Television broadcasting rights	14	–	–	–	1 292 560
TOP programme marketing rights		143 015	–	143 015	309 009
Other rights	15	5 628	–	5 628	123 154
Other revenue	16	8 106	–	8 106	103 046
		156 749	–	156 749	1 827 769
<b>EXPENDITURE</b>					
<b>Olympic Games-related expenditure, contributions and special projects</b>					
Olympic Games-related expenditure	17	–	–	–	(325 718)
Youth Olympic Games-related expenditure	18	–	–	–	(49 603)
Grants and contributions		(6 877)	–	(6 877)	(7 117)
Funds earmarked for allocation	12	–	–	–	(40 000)
Olympic Solidarity programme	19	–	(101 670)	(101 670)	(96 330)
Special projects		(8 423)	–	(8 423)	(11 655)
		(15 300)	(101 670)	(116 970)	(530 423)
<b>Distribution of revenue to OCOG, NOC, USOC and IF</b>					
Revenue distribution	20	–	–	–	(698 304)
TOP programme marketing	20	(121 544)	–	(121 544)	(283 762)
		(121 544)	–	(121 544)	(982 066)
Promotion of the Olympic Movement	22	(53 019)	–	(53 019)	(46 330)
Operating expenditures	21	(149 911)	(4 900)	(154 811)	(140 747)
<b>Excess of (expenditure)/revenue before financial income</b>		(183 025)	(106 570)	(289 595)	128 203
Financial expenses, net	23	(36 573)	–	(36 573)	(61 006)
Share of profit/(loss) of associates	6	394	–	394	(180)
<b>Excess of (expenditure)/revenue</b>		(219 204)	(106 570)	(325 774)	67 017

The notes on pages 143 to 180 are an integral part of the financial statements.

## Combined Statement of Comprehensive Income

for the years ended 31 December (in thousands of US dollars)

	2015	2014
<b>Excess of (expenditure)/revenue</b>	(325 774)	67 017
<b>Other comprehensive income:</b>		
<b>Items that will not be reclassified to the statement of activities</b>		
Remeasurements of defined benefit obligations	(16 665)	(25 728)
<b>Items that may be subsequently reclassified to the statement of activities</b>		
Cash flow hedge	(12 710)	(15 020)
Translation adjustment	413	(12 201)
<b>Other comprehensive income for the year</b>	(28 962)	(52 949)
<b>Total comprehensive income for the year</b>	(354 736)	14 068

The notes on pages 143 to 180 are an integral part of the financial statements.

## Combined Statement of Cash Flows

for the years ended 31 December (in thousands of US dollars)

	2015	2014
<b>Operating activities</b>		
Excess of revenue (expenditure)	(325 774)	67 017
Adjustments for:		
Excess of television broadcasting rights revenue over distribution	–	(594 256)
Allocation to earmarked funds	–	40 000
Recognition of Olympic Games-related deferred income and expenditure, net	–	18 637
Financial expense, net	33 107	57 979
Depreciation and amortisation	32 298	34 147
Share of profit/(loss) of associates	(394)	180
Foreign exchange differences	6 898	(25 700)
	(253 865)	(401 996)
Changes in:		
Olympic Games-related deferred income and expenditure, net	4 512	(30 432)
Receivables and other current assets	(10 436)	150 605
Accounts payable and accrued expenses	(72 080)	(11 025)
	(78 004)	109 148
TV rights receipts and allocations		
Receipt of Olympic Games-related advances	1 124 993	980 967
Disbursement of Olympic Games-related advances	(77 724)	(349 422)
Increase in COCOG receivable	(247 344)	(236 273)
Use of earmarked funds	(34 925)	(32 542)
(Increase)/decrease in television broadcasting rights receivable	(531 876)	331 332
	233 124	693 762
Interest received	34 674	49 056
Interest paid	(4)	(1)
	34 670	49 055
Net cash generated by/(used in) operating activities	(64 075)	449 969
<b>Investing activities</b>		
Purchases of fixed assets	(47 508)	(48 176)
Purchase of financial assets at fair value through profit or loss	(620 240)	(1 414 146)
Proceeds from sales of financial assets at fair value through profit or loss	886 107	699 618
Dividends from associates	262	–
Proceeds from sale of associate	369	–
Net cash generated by/(used in) investing activities	219 010	(762 704)
<b>Increase/(decrease) in cash and cash equivalents</b>	<b>154 935</b>	<b>(312 735)</b>
<b>Movement in cash and cash equivalents</b>		
At start of year	261 205	574 305
Increase/(decrease)	154 935	(312 735)
Effects of exchange rate changes	1 492	(365)
At end of year	417 632	261 205

The notes on pages 143 to 180 are an integral part of the financial statements.

## Combined Statement of Changes in Fund Balances

for the years ended 31 December (in thousands of US dollars)

	Undesignated funds	Designated funds	Cumulative translation adjustments	Cash flow hedges	Total
<b>Balance at 1 January 2014</b>	1 358 027	346 481	41 262	–	1 745 790
Excess of revenue/(expenditure) recognised in statement of activities	14 175	52 842	–	–	67 017
Other comprehensive income/(loss) for the year	(25 728)	–	(12 201)	(15 020)	(52 949)
Total comprehensive income/(loss) for the year					14 068
<b>Balance at 31 December 2014</b>	1 346 474	399 323	29 081	(15 020)	1 759 858
Excess of revenue/(expenditure) recognised in statement of activities	(219 204)	(106 570)	–	–	(325 774)
Other comprehensive income/(loss) for the year	(16 665)	–	413	(12 710)	(28 962)
Total comprehensive income/(loss) for the year					(354 736)
<b>Balance at 31 December 2015</b>	1 110 605	292 753	29 494	(27 730)	1 405 122

The notes on pages 143 to 180 are an integral part of the financial statements.

# Notes to the Combined Financial Statements

## 1. Activity

The International Olympic Committee (IOC), domiciled in Lausanne, Switzerland, is an international non-governmental not-for-profit organisation in the form of an association with the status of a legal person. The mission of the IOC is to lead the Olympic Movement in accordance with the Olympic Charter. The Olympic Movement encompasses organisations, athletes and other persons who agree to be guided by the Olympic Charter, including, in addition to the IOC, the International Sports Federations (IFs), the National Olympic Committees (NOCs) including the United States of America Olympic Committee (USOC) and the Organising Committees for the Olympic Games (OCOGs).

The IOC's revenue are largely generated from royalties on licensing television broadcasting rights for Olympic Games, as well as revenue from the commercial exploitation of the Olympic symbol and Olympic emblems.

In addition to the activities of the IOC, these combined financial statements include the activities of the following organisations and programmes:

- The Olympic Foundation for Culture and Heritage (OM), a foundation governed by the provisions of the Swiss Civil Code. It has been entrusted by the IOC with the task of depicting the history and development of the Olympic Movement and to associate the movement with art and culture for specialists and the public at large worldwide.
- The Olympic Foundation (OF), a foundation governed by the provisions of the Swiss Civil Code. It has been entrusted by the IOC to give support to the activities of the Olympic Movement notably in the areas of culture, education and sports.
- Olympic Solidarity (OS), a programme developed jointly by the IOC and the National Olympic Committees (NOCs). Its purpose is to assist the officially recognised NOCs, especially those most in need, to fulfil their mission and in making known the ideals of the Olympic Movement.
- IOC Television and Marketing Services SA (IOCTMS), a company fully owned by the OF which manages the IOC's worldwide sponsorship programme, all its other marketing activities and activities related to broadcasting rights and new media.

- The Olympic Partner (TOP) Programme, the IOC's worldwide sponsorship programme which is managed by IOCTMS.
- Olympic Broadcasting Services SA (OBS SA), a company fully owned by the OF that supplies all services relating to the establishment and management of the Host Broadcasting function of the Olympic Games.
- Olympic Broadcasting Services SL (OBS SL), a company that provides services to OBS SA, fully owned subsidiary of OBS SA.
- Olympic Channel Services SA (OCS SA), a company fully owned by the OF which provides any types of services in relation to audio-visual programmes relating to the Olympic Movement and to sports and to ensure the distribution of such programmes through all available media including through digital and linear broadcasting.
- Olympic Channel Services Spain SL (OCS SL), a company that provides services to OCS SA, fully owned subsidiary of OCS SA.

The activities of the OM, the OF, OS, IOCTMS, TOP, OBS SA, OBS SL, OCS SA and OCS SL have been combined with those of the IOC (together, the IOC or the Group) on the basis of the fact that the latter has a 100% shareholding or control of the Boards of each organisation and programme.

## 2. Summary of significant accounting policies

### a) Basis of preparation

The combined financial statements are prepared in accordance with and comply with International Financial Reporting Standards (IFRS). The significant accounting policies are described below and have been consistently applied to the years presented, unless otherwise stated. The financial statements are prepared under the historical cost convention except for financial assets at fair value through profit or loss and derivative financial instruments which are shown at fair value. Transactions and balances among the combined organisations and programmes have been eliminated.

The preparation of financial statements in conformity with IFRS requires the use of accounting estimates and also requires the exercise of judgment in the application of the accounting policies. In particular, significant assumptions are used in the calculation of the defined benefit obligations (note 13).

These combined financial statements have been approved by the Executive Board of the IOC on 2 June 2016.

The amounts shown in these combined financial statements are presented in US dollars, in view of the international nature of the IOC's operations and due to the majority of its revenue being earned in that currency.

The television broadcasting revenues are received in USD, EUR, JPY, GBP, CAD and AUD. The related distributions are paid in USD and EUR.

### Change in presentation

In order to give a more meaningful and fairer presentation of the Group's engagement in the Olympic Movement promotion, the Group reviewed the presentation of its Operating expenses within the combined statement of activities. As a result of this review, the Culture and Heritage expenses, amounting to USD 41.873 million (2014: USD 46.330 million) are now presented as part of the Promotion of the Olympic Movement (note 22) as opposed to their previous classification within Operating expenditures. Prior year presentation has been restated accordingly.

In order to give a more meaningful and fairer presentation of the Group's financial instruments, the restricted financial assets have been reclassified in the financial assets at fair value through profit and loss (USD 1,509 million in 2015 and USD 1,020 million in 2014) and in the TV broadcasting rights receivables (USD 575 million in 2015 and USD 43 million in 2014). Prior year presentation of these amounts has been changed to conform to the revised presentation.

In order to give a more meaningful and fairer presentation of the Group's fixed assets, intangible assets have been presented separately from the tangible assets. Prior year presentation has been restated accordingly.

Certain comparative statement of financial position figures have been reclassified to conform to the current year's presentation.

### Amendments to published standards coming into effect in 2015

The following new standards, amendments or interpretations becoming effective for the annual period beginning on or after 1 January 2015 have been applied for the first time. The list is not exhaustive but only discloses the changes relevant to the IOC's combined financial statements.

The nature and the effect of these changes are disclosed below. Although these new standards and amendments applied for the first time in 2015, they did not have a material impact on the annual combined financial statements.

#### Amendments to IAS 19 Defined Benefit Plans: Employee Contributions

IAS 19 requires an entity to consider contributions from employees or third parties when accounting for defined benefit plans. Where the contributions are linked to service, they should be attributed to periods of service as a negative benefit. These amendments clarify that, if the amount of the contributions is independent of the number of years of service, an entity is permitted to recognise such contributions as a reduction in the service cost in the period in which the service is rendered, instead of allocating the contributions to the periods of service. This amendment is effective for annual periods beginning on or after 1 July 2014. This amendment is not relevant, since employee contributions were already recognised as a reduction in the service cost in the period in which the service is rendered.





### IOC reanalysis programme

#### Beijing 2008 and London 2012

The protection of clean athletes and the fight against doping are top priorities for the International Olympic Committee (IOC), as outlined in Olympic Agenda 2020, the IOC's strategic roadmap for the future of the Olympic Movement. To provide a level playing field for all clean athletes at the Olympic Games Rio 2016, the IOC put special measures in place, including targeted pre-tests and the reanalysis of stored samples from the Olympic Games Beijing 2008 and London 2012, following an intelligence-gathering process that started in August 2015 – in consultation with WADA and International Federations (IFs).

Forty-one athletes eligible for Rio were suspended as a result.

The additional analyses on samples collected during the Olympic Games Beijing 2008 and London 2012 were performed with improved analytical methods, in order to possibly detect prohibited substances that could not be identified by the analysis performed at the time of these editions of the Olympic Games.

For reference, some reanalysis of the stored samples of Beijing 2008 and London 2012 was already conducted in 2009 and 2015 respectively, leading to the sanctioning of six athletes. The programme for Beijing samples has concluded due to the statute of limitations.

**The total number of confirmed Adverse Analytical Findings (AAFs) by reanalysis in 2016 was reported as 98 in July and there have been 3 further AAFs since then, bringing the total for 2016 to 101.** Samples from London have been reanalysed to assist the McLaren report, and there are likely to be more confirmed AAFs in the coming weeks and months as the reanalysis programme continues in consultation with WADA and the IFs.

Details of cases can be given only once each case has been concluded and the athletes in question have been notified of an Anti-Doping Rule Violation (ADRV).

The reallocation of medals is not automatic and is decided by the IOC on a case-by-case basis. If the IOC decides to reallocate the medals, such reallocation takes place only after all remedies of sanctioned athletes/teams have been exhausted (e.g. when all procedures are closed). In such case, the IOC will follow up with the relevant National Olympic Committee, which then notifies the relevant athlete(s) to whom the medals have been reallocated.



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**Key figures:**

**Beijing 2008:**

- Number of tests carried out during the Games (27 July-24 August 2008) 4,800
- Number of samples selected for reanalysis (process over as samples stored for 8 years): 1,053
- Number of sanctions issued as of December 2016: 54

**London 2012:**

- Number of tests carried out during the Games (16 July-12 August) : 5,000
- Number of samples selected for reanalysis (ongoing process / samples stored for 8 years): 492
- Number of sanctions issued as of December 2016: 34

The reanalysis included samples from athletes from 89 NOCs and from 16 sports.

**Background information:**

- The amount of stored urine is limited, so it is not desirable to reanalyse before new tests are developed unless the intelligence for a particular new test in a particular group of athletes means that is worthwhile. This is the case for a number of London samples thanks to the new test for steroids (long-term metabolites).
- New tests for substances other than anabolic steroids may be developed in the next three years – perhaps for Erythropoiesis-Stimulating Agents (ESAs), like EPO, blood transfusions and small peptides (e.g. growth hormone), so unless there is a good reason we want to keep samples until nearer to the eight-year mark.
- For obvious reasons, the exact test distribution plan (TDP) is not divulged as that is useful intelligence for cheaters – the more unpredictable testing is, the more effective the deterrence.



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**Beijing 2008: by country**

Country	Number of athletes per delegation	Number of AAFs 2009	Number of AAFs 2016
Armenia	25		2
Azerbaijan	44		4
Bahrain	13	1	
Belarus	175		7
Croatia	98	1	
Cuba	157		2
Spain	284		1
Germany	421	1	
Greece	151	1	1
Italy	334	1	
Kazakhstan	130		7
Moldova	29		1
Qatar	20		1
Russia	454		16
Turkey	67		2
Ukraine	241		4
Uzbekistan	56		1
<b>Total</b>		<b>5</b>	<b>49</b>
			<b>54</b>

**London 2012: by country**

Country	Number of athletes per delegation	Number of AAFs 2015	Number of AAFs 2016
Armenia	24		1
Azerbaijan	52		1
Belarus	161		7
Georgia	34		1
Kazakhstan	115		5
Moldova	20		2
Russia	430		11
Ukraine	230	1	5
<b>Total</b>		<b>1</b>	<b>33</b>
			<b>34</b>



#### Beijing 2008 and London 2012: by sport

Sport	Beijing 2008	London 2012	Total
Athletics	25	12	37
Cycling	2	1	3
Swimming		1	1
Weightlifting	22	19	41
Wrestling	5	1	6
<b>Total</b>	<b>54</b>	<b>34</b>	<b>88</b>

#### List of sanctioned athletes to date (8 December 2016):

**Beijing 2008:** 54 (5 in 2009 + 49 in 2016):

- Vanja PERISIC (CRO, athletics)  
Source: [IOC News 18.11.2009](#)
- Athanasia TSOUMELEKA (GRE, athletics)  
Source: [IOC News 18.11.2009](#)
- Stefan SCHUMACHER (GER, cycling)  
Source: [IOC News 18.11.2009](#)
- Davide REBELLIN (ITA, cycling, SILVER)  
Source: [IOC News 18.11.2009](#)
- Rashid RAMZI (BRN, athletics, GOLD)  
Source: [IOC News 18.11.2009](#)
- Sibel ÖZKAN (TUR, weightlifting, SILVER)  
Source: [IOC News 22.07.2016](#)
- Nurcan TAYLAN (TUR, weightlifting)  
Source: [IOC News 09.08.2016](#)
- Hripsime KHURSHUDYAN (ARM, weightlifting)  
Source: [IOC News 09.08.2016](#)
- Yulia CHERMOSHANSKAYA (RUS, athletics)  
Source: [IOC News 16.08.2016](#)
- Anastasia KAPACHINSKAYA (RUS, athletics, SILVER)  
Source: [IOC News 19.08.2016](#)
- Alexander POGORELOV (RUS, athletics)  
Source: [IOC News 19.08.2016](#)
- Ivan YUSHKOV (RUS, athletics)  
Source: [IOC News 19.08.2016](#)
- Alexandru DUDOGLO (MDA, weightlifting)  
Source: [IOC News 31.08.2016](#)
- Nadezda EVSTYUKHINA (RUS, weightlifting, BRONZE)  
Source: [IOC News 31.08.2016](#)
- Tatyana FIROVA (RUS, athletics, SILVER)  
Source: [IOC News 31.08.2016](#)



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- Tigran MARTIROSYAN (ARM, weightlifting, BRONZE)  
Source: [IOC News 31.08.2016](#)
- Marina SHAINOVA (RUS, weightlifting, SILVER)  
Source: [IOC News 31.08.2016](#)
- Intigam ZAIROV (AZE, weightlifting)  
Source: [IOC News 31.08.2016](#)
- Yarelis BARRIOS (CUB, athletics, SILVER)  
Source: [IOC News 01.09.2016](#)
- Samuel Adelebari FRANCIS (QAT, athletics)  
Source: [IOC News 01.09.2016](#)
- Maria ABAKUMOVA (RUS, athletics, SILVER)  
Source: [IOC News 13.09.2016](#)
- Inga ABITOVA (RUS, athletics)  
Source: [IOC News 13.09.2016](#)
- Denis ALEXEEV (RUS, athletics)  
Source: [IOC News 13.09.2016](#)
- Anna CHICHEROVA (RUS, athletics, BRONZE)  
Source: [IOC News 06.10.2016](#)
- Sardar HASANOV (AZE, weightlifting)  
Source: [IOC News 26.10.2016](#)
- Wilfredo MARTINEZ (CUB, athletics)  
Source: [IOC News 26.10.2016](#)
- Josephine Nnkiruka ONYIA (ESP, athletics)  
Source: [IOC News 26.10.2016](#)
- Soslan TIGIEV (UZB, wrestling, SILVER)  
Source: [IOC News 26.10.2016](#)
- Ekaterina VOLKOVA (RUS, athletics, BRONZE)  
Source: [IOC News 26.10.2016](#)
- Olha KOROBKA (UKR, weightlifting, SILVER)  
Source: [IOC News 26.10.2016](#)
- Nastassia NOVIKAVA (BLR, weightlifting, BRONZE)  
Source: [IOC News 26.10.2016](#)
- Andrei RYBAKOU (BLR, weightlifting, SILVER)  
Source: [IOC News 26.10.2016](#)
- Taimuraz TIGIYEV (KAZ, wrestling, SILVER)  
Source: [IOC News 26.10.2016](#)
- Khadzhimurat AKKAEV (RUS, weightlifting, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Khasan BAROEV (RUS, wrestling, SILVER)  
Source: [IOC News 17.11.2016](#)
- Natalya DAVYDOVA (UKR, weightlifting, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Chrysopigi DEVETZI (GRE, athletics, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Mariya GRABOVETSKAYA (KAZ, weightlifting, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Iryna KULESHA (BLR, weightlifting)  
Source: [IOC News 17.11.2016](#)



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- Dmitry LAPIKOV (RUS, weightlifting, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Asset MAMBETOV (KAZ, wrestling, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Maya MANEZA (KAZ, weightlifting)  
Source: [IOC News 17.11.2016](#)
- Irina NEKRASSOVA (KAZ, weightlifting, SILVER)  
Source: [IOC News 17.11.2016](#)
- Vita PALAMAR (UKR, athletics)  
Source: [IOC News 17.11.2016](#)
- Nizami PASHAYEV (AZE, weightlifting)  
Source: [IOC News 17.11.2016](#)
- Vitaliy RAHIMOV (AZE, wrestling, SILVER)  
Source: [IOC News 17.11.2016](#)
- Vladimir SEDOV (KAZ, weightlifting)  
Source: [IOC News 17.11.2016](#)
- Elena SLESARENKO (RUS, athletics)  
Source: [IOC News 17.11.2016](#)
- Denys YURCHENKO (UKR, athletics, BRONZE)  
Source: [IOC News 17.11.2016](#)
- Ilya ILIN (KAZ, weightlifting, GOLD)  
Source: [IOC News 25.11.2016](#)
- Pavel LYZHYN (BLR, athletics)  
Source: [IOC News 25.11.2016](#)
- Aksana MIANKOVA (BLR, athletics, GOLD)  
Source: [IOC News 25.11.2016](#)
- Natallia MIKHNEVICH (BLR, athletics, SILVER)  
Source: [IOC News 25.11.2016](#)
- Sviatlana USOVICH (BLR, athletics)  
Source: [IOC News 25.11.2016](#)

**Re-tests London 2012:** 34 (1 in 2015 + 33 in 2016)

- Olga BERESNYEVA (UKR, swimming)  
Source: [IOC News 12.06.2015](#)
- Yulia KALINA (UKR, weightlifting, BRONZE)  
Source: [IOC News 13.07.2016](#)
- Pavel KRYVITSKI (BLR, athletics)  
Source: [IOC News 09.08.2016](#)
- Oleksandr PYATNYTSYA (UKR, athletics, SILVER)  
Source: [IOC News 09.08.2016](#)
- Evgeniia KOLODKO (RUS, athletics, SILVER)  
Source: [IOC News 20.08.2016](#)
- Ekaterina GNIDENKO (RUS, cycling)  
Source: [IOC News 13.09.2016](#)



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- Tatyana LYSENKO (RUS, athletics, GOLD)  
Source: [IOC News 11.10.2016](#)
- Apti AUKHADOV (RUS, weightlifting)  
Source: [IOC News 18.10.2016](#)
- Maksym MAZURYK (UKR, athletics)  
Source: [IOC News 18.10.2016](#)
- Zulfya CHINSHANLO (KAZ, weightlifting, GOLD)  
Source: [IOC News 27.10.2016](#)
- Kirill Ikonnikov (RUS, athletics)  
Source: [IOC News 27.10.2016](#)
- Maiya Maneza (KAZ, weightlifting, GOLD)  
Source: [IOC News 27.10.2016](#)
- Svetlana Podobedova (KAZ, weightlifting, GOLD)  
Source: [IOC News 27.10.2016](#)
- Dzina Sazanavets (BLR, weightlifting)  
Source: [IOC News 27.10.2016](#)
- Marina Shkermankova (BLR, weightlifting, BRONZE)  
Source: [IOC News 27.10.2016](#)
- Dmitry Starodubtsev (RUS, athletics)  
Source: [IOC News 27.10.2016](#)
- Yauheni Zharnasek (BLR, weightlifting)  
Source: [IOC News 27.10.2016](#)
- Besik KUDUKHOV (RUS, wrestling, SILVER – Deceased person proceedings filled)  
Source: [IOC News 27.10.2016](#)
- Andrey DEMANOV (RUS, weightlifting)  
Source: [IOC News 21.11.2016](#)
- Oleksandr DRYGOL (UKR, athletics)  
Source: [IOC News 21.11.2016](#)
- Cristina IOVU (MDA, weightlifting, BRONZE)  
Source: [IOC News 21.11.2016](#)
- Alexandr IVANOV (RUS, weightlifting, SILVER)  
Source: [IOC News 21.11.2016](#)
- Hripsime KHURSHUDYAN (ARM, weightlifting, BRONZE)  
Source: [IOC News 21.11.2016](#)
- Iryna KULESHA (BLR, weightlifting, BRONZE)  
Source: [IOC News 21.11.2016](#)
- Rauli TSIREKIDZE (GEO, weightlifting)  
Source: [IOC News 21.11.2016](#)
- Margaryta TVERDOKHLIB (UKR, athletics)  
Source: [IOC News 21.11.2016](#)
- Almas UTESHOV (KAZ, weightlifting)  
Source: [IOC News 21.11.2016](#)
- Nataliya ZABOLOTNAYA (RUS, weightlifting, SILVER)  
Source: [IOC News 21.11.2016](#)
- Yuliya Zaripova (RUS, athletics, GOLD)  
Source: [IOC News 21.11.2016](#)
- Anatoli CIRICU (MDA, weightlifting, BRONZE)  
Source: [IOC News 21.11.2016](#)



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- Ilya ILIN (KAZ, weightlifting, GOLD)  
Source: [IOC News 25.11.2016](#)
- Aksana MIANKOVA (BLR, athletics)  
Source: [IOC News 25.11.2016](#)
- Boyanka KOSTOVA (AZE, weightlifting)  
Source: [IOC News 25.11.2016](#)
- Nastassia MIRONCHYK-IVANOVA (BLR, athletics)  
Source: [IOC News 25.11.2016](#)



February 8, 2017



**CONTRIBUTIONS TO WADA'S BUDGET 2017**

	2017	
	Amounts invoiced USD	Amounts received USD
Olympic Movement Contribution	14,862,420	4,465,160
Public Authorities Contribution	14,862,420	1,553,269
<b>Total</b>	<b>29,724,841</b>	<b>6,018,429</b>
<i>Montreal International.....</i>		
	<i>29,724,841</i>	<i>6,018,429</i>

	<i>Amounts invoiced</i>	<i>Amounts received</i>
<b>AFRICA</b>	<b>74,312</b>	<b>17,958</b>
Algeria.....	3,664	
Angola.....	1,613	
Benin.....	505	
Botswana.....	505	
Burkina Faso.....	505	19
Burundi.....	505	
Cameroon.....	1,613	1,536
Cape Verde.....	505	
Central African Rep.....	505	
Chad.....	505	
Comoros.....	505	
Congo.....	505	
Dem. Rep. of the Congo.....	3,239	
Djibouti.....	505	
Egypt.....	3,664	3,664
Equatorial Guinea.....	505	505
Eritrea.....	505	
Ethiopia.....	3,239	3,085
Gabon.....	505	
Gambia.....	505	
Ghana.....	3,239	
Guinea.....	505	
Guinea-Bissau.....	505	
Ivory Coast.....	1,613	
Kenya.....	3,239	3,239
Lesotho.....	505	
Liberia.....	505	

CONTRIBUTIONS TO WADA'S BUDGET 2017

	2017	
	Amounts invoiced	Amounts received
	USD	USD
Libya.....	3,664	
Madagascar.....	1,613	
Malawi.....	505	505
Mali.....	505	
Mauritania.....	505	
Mauritius.....	505	505
Morocco.....	3,664	3,287
Mozambique.....	1,613	
Namibia.....	1,613	
Niger.....	505	
Nigeria.....	3,664	
Rwanda.....	505	
Sao Tome & Principe.....	505	
Senegal.....	1,613	
Seychelles.....	505	
Sierra Leone.....	505	
Somalia.....	505	
South Africa.....	3,664	
Sudan.....	3,239	
Swaziland.....	505	
Tanzania.....	3,239	
Togo.....	505	
Tunisia.....	1,613	
Uganda.....	1,613	
Zambia.....	1,613	1,613
Zimbabwe.....	1,613	
<b>AMERICAS</b>	<b>4,310,102</b>	<b>59,748</b>
Canada.....	1,077,525	
USA.....	2,155,051	
Antigua and Barbuda.....	3,448	
Argentina.....	127,062	6,849
Aruba.....	3,448	100
Bahamas.....	3,448	3,448
Barbados.....	3,448	
Belize.....	3,448	
Bermuda.....	3,448	3,448
Bolivia.....	3,448	
Brazil.....	314,681	
British Virgin Islands.....	3,448	
Cayman Islands.....	3,448	
Chile.....	42,455	42,455
Colombia.....	33,188	
Costa Rica.....	7,413	
Cuba.....	30,300	
Dominica.....	3,448	
Dominican Republic.....	8,146	

CONTRIBUTIONS TO WADA'S BUDGET 2017

	2017	
	Amounts invoiced USD	Amounts received USD
Ecuador.....	8,189	
El Salvador.....	4,138	
Grenada.....	3,448	
Guatemala.....	7,413	
Guyana.....	3,448	
Haiti.....	3,448	
Honduras.....	3,448	
Jamaica.....	4,870	
Mexico.....	322,094	
Netherlands Antilles.....	3,448	
Nicaragua.....	3,448	3,448
Panama.....	6,465	
Paraguay.....	4,914	
Peru.....	21,895	
Puerto Rico.....	3,448	
Saint Kitts and Nevis.....	3,448	
Saint Lucia.....	3,448	
St. Vincent & the Grenadines.....	3,448	
Suriname.....	3,448	
Trinidad & Tobago.....	6,034	
Uruguay.....	7,155	
Venezuela.....	81,504	
Virgin Islands.....	3,448	
<b>ASIA</b>	<b>3,040,851</b>	<b>225,641</b>
Afghanistan.....	5,000	
Bahrain.....	57,205	
Bangladesh.....	5,000	
Bhutan.....	5,000	5,000
Brunei Darussalam.....	55,606	
Cambodia.....	5,000	
China.....	318,443	
DPR Korea.....	6,621	
India.....	123,923	123,923
Indonesia.....	13,867	
Iran.....	31,544	
Iraq.....	11,754	
Japan.....	1,502,800	
Jordan.....	11,754	11,754
Kazakhstan.....	44,947	
Kuwait.....	110,712	
Kyrgyzstan.....	6,621	
Lao PDR.....	5,000	
Lebanon.....	19,415	
Malaysia.....	31,224	
Maldives.....	12,356	
Mongolia.....	13,638	

CONTRIBUTIONS TO WADA'S BUDGET 2017

	2017	
	Amounts invoiced USD	Amounts received USD
Myanmar.....	5,000	
Nepal.....	5,000	
Oman.....	35,432	
Pakistan.....	21,029	
Palestine.....	6,621	6,621
Philippines.....	11,555	
Qatar.....	78,328	78,328
Republic of Korea.....	152,461	
Saudi Arabia.....	48,713	
Singapore.....	104,627	
Sri Lanka.....	6,621	
Syria.....	7,957	
Tajikistan.....	6,621	
Thailand.....	40,558	
Timor-Leste.....	5,000	
Turkmenistan.....	6,621	
United Arab Emirates.....	75,017	15
Uzbekistan.....	11,883	
Vietnam.....	9,377	
Yemen.....	5,000	
<b>EUROPE</b>	<b>7,059,650</b>	<b>830,033</b>
Albania.....	8,472	
Andorra.....	4,857	
Armenia.....	8,472	
Austria.....	122,852	
Azerbaijan.....	32,418	
Belarus.....	31,811	
Belgium.....	151,217	1,270
<i>Belgium - Brussels</i> .....	<i>7,497</i>	
<i>Belgium - French Community</i> .....	<i>56,980</i>	
<i>Belgium - Flemish Community</i> .....	<i>85,470</i>	
<i>Belgium - German Community</i> .....	<i>1,270</i>	<i>1,270</i>
Bosnia and Herzegovina.....	10,095	
Bulgaria.....	24,433	
Croatia.....	21,108	
Cyprus.....	8,472	
Czech Republic.....	68,690	68,690
Denmark.....	95,750	95,750
Estonia.....	8,472	8,472
Finland.....	76,936	
France.....	815,630	
Georgia.....	10,229	
Germany.....	815,630	
Greece.....	79,513	
Hungary.....	48,556	48,556
Iceland.....	8,472	8,472

CONTRIBUTIONS TO WADA'S BUDGET 2017

	2017	
	Amounts invoiced	Amounts received
	USD	USD
Ireland.....	67,568	67,568
Italy.....	815,630	
Latvia.....	10,837	
Liechtenstein.....	7,935	7,915
Lithuania.....	16,272	16,272
Luxembourg.....	16,618	16,602
Macedonia.....	8,472	
Malta.....	8,472	
Moldova (Republic of).....	8,472	
Monaco.....	8,472	
Montenegro (Republic of).....	8,472	
Netherlands.....	243,967	243,947
Norway.....	141,186	141,186
Poland.....	191,260	
Portugal.....	73,752	52,242
Romania.....	78,602	
Russian Federation.....	815,630	
San Marino.....	2,654	
Serbia (Republic of).....	21,355	21,355
Slovakia.....	32,940	31,736
Slovenia.....	15,482	
Spain.....	423,162	
Sweden.....	160,939	
Switzerland.....	189,043	
Turkey.....	318,065	
Ukraine.....	106,678	
United Kingdom.....	815,630	
<b>Israel.....</b>	<b>75,185</b>	
<b>OCEANIA</b>	<b>377,505</b>	<b>377,506</b>
Australia.....	324,655	324,655
New Zealand.....	52,851	52,851
<b>Donations</b>		<b>42,383</b>
Other Grants - Australia (Oceania Rado).....		42,383



## FOUNDATION BOARD

The 38-member Foundation Board is WADA's supreme decision-making body. It is composed equally of representatives from the Olympic Movement and governments.



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## Conflict of Interest Policy

No USADA officer, director, employee (other than a Doping Control Officer), or any immediate family member of an officer, director, or employee of USADA shall:

- a. Be an employee of an NGB, the USOC, or other Sports Organization for which USADA conducts doping controls;
- b. Have a business or commercial relationship with an NGB, the USOC, or other Sports Organization for which USADA conducts doping controls;
- c. Serve in any governance or policy making capacity, paid or unpaid, for an NGB, the USOC, or other Sports Organization for which USADA conducts doping controls;
- d. Be an active athlete or coach of an active athlete participating at the elite level of competition in an organization for which USADA conducts doping controls;
- e. Fail to abide by the USADA gift policy as described below.

No USADA officer, director, employee (other than a Doping Control Officer), shall accept gifts, cash, travel, hotel accommodations, entertainment, or favors from the USOC, an NGB, or any other USOC-member organization, or other Sports Organization for which USADA conducts doping controls, or any athlete subject to testing by USADA.

No Doping Control Officer or any immediate family member of a Doping Control Officer shall:

- a. Be an employee of the USOC or other Sports Organization for which USADA conducts doping controls or an NGB in a sport in which he or she performs doping controls;
- b. Have a business or commercial relationship with the USOC, other Sports Organization for which USADA conducts doping controls, or an NGB in a sport for which he or she performs testing services on behalf of USADA;
- c. Serve in any capacity, paid or unpaid, for the USOC, other Sports Organization for which USADA conducts doping controls, or an NGB in a sport for which he or she performs testing services on behalf of USADA;
- d. Be an active athlete or coach of an active athlete participating at the elite level of competition in a sport in which he or she conducts doping controls;
- e. Fail to abide by the USADA gift policy as described below.

A Doping Control Officer may accept gifts or souvenirs in his or her capacity as an agent of USADA, provided that no gift or souvenir shall have a fair market value greater than \$25.00, and provided that no more than a total of \$100.00 (based on a fair market value) in gifts or souvenirs is received from any one person or organization in any calendar year. In no event, however, may any such gift or souvenir influence, or appear to influence, the Doping Control Officer in the discharge of his or her official duties. A Doping Control Officer shall not otherwise accept cash, travel, hotel accommodations, entertainment or favors from the USOC, or any other Sports Organization for which USADA conducts doping controls, any NGB or other USOC-member organization in a sport in which he or she conducts doping controls for USADA.

An immediate family member under this subsection is defined as any parent, sibling, child, spouse, or domestic partner of the officer, director, employee, or Doping Control Officer. A written conflict of interest policy cannot address every potential situation that could raise a conflict of interest or create an appearance of impropriety. Accordingly, all USADA officers, directors and employees have a duty to raise any situation involving a potential conflict of interest or appearance of impropriety with their supervisor as soon as they become aware of the situation. Directors shall raise potential conflict or appearance concerns with the Audit and Ethics Committee.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

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**THE STRAITS TIMES**


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## Olympics: Tokyo pledges 'model' drug-free Games



This handout picture taken on June 26, 2013 shows (left to right) President of Japan Anti-Doping Agency (JADA) Hidenori Suzuki, President of Federation of Pharmaceutical Manufacture's Association (PFMA) Haruo Naito and Director of World Anti-Doping Agency (WADA) Asia/Oceania regional office Kazuhiro Hayashi posing for a group photo after they signed documents of a joint declaration on cooperation in the promotion of anti-doping activity and development of integrity of sport in Tokyo. Tokyo is promising a model Olympic Games with the world's strictest anti-doping rules if it wins the right to host the 2020 edition. -- FILE PHOTO: AFP

© PUBLISHED JUL 11, 2013, 10:09 AM SGT

FUKUO TOKYO (AFP) - Tokyo is promising a model Olympic Games with the world's strictest anti-doping rules if it wins the right to host the 2020 edition.

Exact testing in top-notch laboratories combined with strong social disapproval of chemical enhancements give Japan a leading edge in the race to stamp out doping in sport, advocates say.

"Japan is a world leader in anti-doping, and we are proud to have one of the world's highest standards of medical care," said Mr Masato Mizuno, vice president of the Japanese Olympic Committee.

"Japan will continue to be in the forefront of anti-doping activities going forward, and in 2020 we look forward to offering a model of clean sport as a legacy of excellence throughout the world."

Japan's record with doping is admirable, say sport insiders.

"It is true that Japan is one of the strongest countries" as far as drug testing is concerned, Canadian Dick Pound, an International Olympic Committee member who was the first president of the World Anti-Doping Agency (Wada), told AFP in Lausanne.

"The country that does have a few problems is Spain," he said, but added it would not be the decisive factor in the final decision on awarding the competition.

<http://www.straitstimes.com/sport/olympics-tokyo-pledges-model-drug-free-games>

1/2

2/25/2017

Olympics: Tokyo pledges 'model' drug-free Games, Sport News &amp; Top Stories - The Straits Times

The IOC meets in Buenos Aires in September to decide which of the three shortlisted cities - Tokyo, Istanbul and Madrid - will play host to thousand of athletes for the 2020 summer Games.

Tokyo has received widespread praise for a bid that promises a highly compact and environmentally friendly games in a city with an already well-developed infrastructure.

Growing public support for the project is also helping, making Tokyo the bookies' favourite.

It is seen as ready to trounce Madrid, where the expense of hosting one of the biggest sporting jamborees on the planet is worrying citizens already groaning under the weight of austerity measures.

Commentators say Istanbul had been doing well, pushing its status as a bridge between Europe and Asia, but recent disturbances in which riot police fired teargas against demonstrators will have given some IOC members pause for thought.

Wada figures show that more than 100 athletes were caught for doping violations in the run-up to and during last year's London Olympics. Tokyo will be looking to better that.

The IOC brings with it a formidable anti-doping apparatus, which its medical director, Mr Richard Budgett, said would be augmented by a national system.

He said the aim of holding a doping-free Olympics was a noble one.

"It is a fantastic inspiration," he said.

"Using the Games to inspire anyone to increase their deterrence, increase their intelligence on the way their testing" is done will really help.

"I think Japan with their strong history of antidoping, with their very active large laboratory, will be a great place to do that," he added.

According to the Japan Anti-Doping Agency (Jada), only 40 cases of doped athletes have been discovered in Japan since 2007. The US Anti-Doping Agency website, meanwhile, shows there were 37 doping violations in the US in 2012 alone.

"We can't say that any country is absolutely doping free, but we obviously do know that some have more risk of having doping because of their historical culture of athletes and coaches who were doping than in other countries," said Mr Budgett.

"And the statistics show that there is a very low incidence of doping in Japan. I suspect that is related to the social structure and the character of Japanese sport," he said.

Ms Atsuko Okamoto, a researcher at Waseda University in Tokyo, agrees.

"Athletes here convey a positive image with values such as health, effort, sportsmanship, which elevates them to the level of heroes for many people," she said.

"On the other hand, drugs are associated with evil and things that do harm."

In society at large, penalties for drug possession are stiff, and can include jail for even the possession of small amounts of marijuana.

"It is impossible to know for sure that any country, any sport, is doping free because the athletes are not tested all the time," said Budgett.

But an avowal to make the Games as free from drugs as possible, he says, is a great ambition.

"We can use the Games to improve the level of antidoping in any host country and that... is (a) fantastic legacy."

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

March 29, 2017

Mr. Travis Tygart  
Chief Executive Officer  
U.S. Anti-Doping Agency  
5555 Tech Center Drive  
Suite 200  
Colorado Springs, CO 80919

Dear Mr. Tygart:


Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, February 28, 2017, to testify at the hearing entitled "Ways to Improve and Strengthen the International Anti-Doping System."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, April 12, 2017. Your responses should be mailed to Elena Brennan, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Elena.Brennan@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

**Attachment-Additional Questions for the Record**

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The Honorable Tim Murphy

- 1. On March 1, the day after the Subcommittee’s hearing, Vladimir Putin pledged to establish an “independent” system in Russia to tackle doping. This system will transfer its anti-doping program from the nation’s sports ministry to an independent organization. Does USADA believe this will address the problems that occurred in Sochi and London?**

Unfortunately, for many including Russia, the term “independence” is being used as a political talking point rather than a genuine call to action. Those who truly value clean sport know that Russia is still a long way away from implementing the types of reforms necessary to remove the fox from the henhouse, achieve real independence and prevent this type of corruption from ever occurring again. We need action, not words. With that said, if Russia can finally commit to removing both sport and government influence over its anti-doping system, that’s something we would of course be supportive of.

- a. If not, what steps does USADA believe need to be taken to further improve the system?**

The first step to solving a problem is admitting you have one. Yet here we are, a year-and-a-half removed from the first McLaren report and Russia – in the face of irrefutable facts – still won’t admit to having operated a state-supported doping system. It’s ridiculous.

Secondly, we should understand that while enacting the proper reforms, including regaining code compliance and removing both sport and government influence is a step in the right direction, ultimately it is about developing a culture within the system that truly values clean competition – and that’s something that will take time. Unfortunately, if you analyze their recent rhetoric, hires within the anti-doping system, the lack of ongoing testing, and unwillingness to show even the slightest degree of contrition, it’s clear they’re still a long, long way off.

- 2. With the 2018 Winter Olympics in PyeongChang less than a year away, Is USADA confident the systemic weaknesses identified before and after the Rio games will be addressed in advance of the games?**

In February, you heard the most accomplished Olympian in the history of the Games, Michael Phelps, tell you that he doesn’t believe he’s ever competed on a truly level playing field during international competition – including the Olympic Games. Why is



that? It's because Michael, like many of us who value clean and fair competition, know that the IOC cannot be trusted to both promote and police itself. If you need proof, look no further than the Independent Observer report from the Rio Games:

- 4,125 athletes out of 11,470 in the athlete's village had no testing in the year prior to Rio
- Of those, 1,913 were athletes competing in ten of the high-risk sports

Considering both the anti-doping program in Rio, as well as the IOC's reticence to remove themselves from critical anti-doping functions, the simple answer to your question is no, as of right now, we do not have confidence that the systemic weaknesses identified before and after the Rio games will be adequately addressed in advance of PyeongChang. But with that said, we would certainly hope that it is – clean athletes deserve it.

And, we do believe it could be . . . if the IOC is willing to strengthen WADA and remove itself from critical anti-doping functions. The answers are relatively easy, yet finding sport leaders with the fortitude to implement them has proven much more difficult.

- a. **In addition, does USADA have confidence that all athletes implicated in the Russian doping scheme will be adequately tested leading up to and during competition?**

No. Regarding Russian athletes, we've always said there needs to be an independent panel of experts that can assess each athlete on an individual basis using uniform criteria to determine whether they should be eligible to compete. It's an unfortunate situation, but given the established evidence on the corrupt Russian system, they simply cannot be trusted to assess themselves.

- b. **What additional changes do you believe are necessary to ensure public confidence that the next Olympics will be a clean and fair competition?**

The first step is removing the fox from the henhouse, and that can be easily done by implementing the Copenhagen Reform Proposals that have been established and endorsed by both National Anti-Doping Organizations and clean athletes from around the world. Once we remove the fundamental conflict of interest that exists when sport is asked to both promote and police, we can then focus on strengthening WADA through improved independence, transparency and increased investment, as well as further establishing WADA's ability to investigate, monitor compliance and impose sanctions. At the end of the day, we need to make sure all athletes from around the world are held to the same, high standard.

3. **Recently, an International Olympic Committee (IOC) Athlete's Commission member described the current lack of sanctioning criteria for sporting organizations that fall foul of**

**anti-doping rules “completely ridiculous.” Does USADA agree with this characterization? Please explain.**

Absolutely. Athletes cannot be the only ones who are held accountable for their decisions to dope. Organizations should be held responsible for any anti-doping rules violation or systematic doping they are involved in. That’s why we believe that WADA – the global regulator – must have the power to suspend International Federations, National Olympic Committees, and National Anti-Doping Organizations when necessary for intentional violations of the WADA Code and of course with the right of appeal to an independent judiciary body.

**4. The IOC has suggested the establishment of an independent testing authority, separate from national interests. What is USADA’s opinion on the proposal?**

When the IOC uses the phrase ‘national interest’ it is really a convenient excuse to justify its terrible decision not to sanction proven Russian state doping. Further, it is offensive and inaccurate for the IOC to paint all nations with the corrupt Russian paintbrush. It is not the U.S.’s (or many other countries participating in the Olympics) ‘national interest’ to abuse our athletes with drugs, intentionally send cheating athletes to the Olympic Games and to knowingly rob other countries and athletes in violation of the established rules, an international treaty and the Olympic Charter.

In fact, our ‘national interest’ is the opposite – it is to protect public health and to protect the rule of law and clean athlete’s right to compete and win honestly.

The details and decision-making surrounding the creation of any new testing bureaucracies should be left to WADA, as the global regulator for anti-doping, not the IOC.

This is also a perfect example of the type of IOC double speak that far too often confounds our efforts at real change. While simultaneously professing a commitment to “independence,” the IOC is attempting to drive how the new system will be constructed. This again is emblematic of the IOC’s reluctance to relinquish control of international anti-doping efforts.

Further, it is our belief that true reform in global anti-doping efforts does not require the implementation of a new massive, top-down global testing bureaucracy that consolidates control without appropriate checks and balances, but rather a basic adherence to the fundamental principles of “independence” as outlined in the Copenhagen Declaration. While there is huge value in empowering WADA to be a strong global regulator that can oversee NADOs, hold them accountable, and ensure that athletes who come from countries without the will or ability to implement effective national anti-doping organizations are still being held to a high standard, creating a

large-scale bureaucracy that values minimum testing criteria over a localized, intelligence-based testing model would be a significant step backwards for clean sport.

To discuss and reach a better understanding of these points with the IOC, NADO leaders have for many months been seeking a meeting with IOC President Thomas Bach. So far, those efforts have been unsuccessful.

**a. Do NADOs provide a valuable resource in the global fight against doping? If so, how?**

Simply put, the most significant victories for clean athletes and advances in anti-doping over the past decade and a half have come from NADOs, whether it be in spearheading research for the detection of new performance enhancing drugs, collaborating globally in testing task forces, making sure that athletes in their own countries feel confident in their ability to compete clean and win, speaking up when sport organizations are not acting in clean athletes' best interests, or coming together in order to better the global system through reform efforts, NADOs are a critical resource for global anti-doping efforts.

Yet, despite these efforts and for no good reason, the IOC is currently looking to strip jurisdiction from NADOs in favor of a large-scale bureaucracy, in no small part due to the outspoken criticisms from many NADO leaders following the IOC's mishandling of the Russian doping crisis. A very telling position.

**b. Based on your experience, what more can be done to ensure the national anti-doping organizations remain independent and do not place national interests above their mission?**

The easiest way to accomplish this is to ensure that NADOs are adhering to an independent governance structure where neither sport or government has any role policy making. Once this is achieved, the focus then shifts to improving and strengthening WADA, who when made truly independent, can then act as an effective global regulator, holding NADOs and all other relevant stakeholders accountable and to ensure no interest – a national one or any other – gets in the way of the rules being fairly and uniformly enforced for the good of clean athletes.

**c. Based on USADA's experience, would a centralized testing authority be financially and logistically feasible and/or practical? Please elaborate on any specific challenges or benefits to this model.**

It's not practical, or logistically feasible to scrap the good parts of the current system in order to spend millions of additional dollars on an entirely new body that is still inherently conflicted. Instead, the more logical, efficient, and cost-effective approach is to enact the Copenhagen Reform Proposals to ensure sound governance, and then

invest in current independent anti-doping structures that have proven effective and fill the gaps by WADA becoming a truly independent global regulator not just an IOC puppet.

The creation of a global testing agency would be a step backwards for clean sport. As mentioned above, while there is huge value in empowering WADA to be a strong global regulator that can oversee NADOs and others, hold them accountable, and ensure that all athletes are being held to a high standard; creating a large-scale bureaucracy that values minimum testing criteria over a localized, intelligence-based testing model, would be a significant blow to the hopes of clean athletes.

**5. The IOC recently suggested that CAS should be responsible for sanctioning athletes. What is USADA's reaction to and position regarding this proposal?**

This appears to be more IOC doublespeak. The IOC has cited "separation of powers" as the rationale behind removing all sanctioning power from anti-doping organizations and handing it to the Court of Arbitration for Sport (CAS) -- whose current President just so happens to be an IOC Vice President.

So, let's be very clear, this is not a "separation of power" as much as it is a clear and unambiguous consolidation of power by the IOC.

Lastly, CAS has never been a sanctioning body. It is an adjudicative body, meaning that it only resolves cases through arbitration hearings or mediations -- which will now be required in every case. The costs of these proceedings would be exorbitant, and entirely unnecessary, as 99 percent of cases are currently being resolved without a hearing. Having CAS be the sanctioning body would also compromise the due process rights that U.S. athletes are currently afforded. Additionally, there is no need for this power grab as WADA currently has the power to appeal any national level case to CAS and thus, ensure fair, thorough, harmonized sanctioning.

**a. If CAS is responsible for issuing sanctions, how would an athlete appeal a sanction?**

Presumably there would either be no appeal or an appeal to CAS, but it is a good question and one that we're asking as well. Any attempts to meet with IOC President, Thomas Bach, to clarify their positions on this, and other topics, have been unsuccessful.

**6. In your oral testimony, you stated "We find ourselves at a critical juncture for the soul of sport." Please elaborate on that statement, particularly the "critical juncture" component, and explain why need for reform is so timely.**

We said following the IOC's decision to allow the Russian sports system to go unpunished that "the Olympic flame burns less bright today." It was true then, and it's

true now. There has never been a greater attack on the spirit of Olympism. Yet from those ashes emerges a silver lining: We have now a once-in-a-lifetime opportunity to reform the global anti-doping system in a way that prevents future generations of athletes from having their moment stolen from them.

But with the Winter Games in PyeongChang rapidly approaching, our window is fading fast, and the reform efforts are moving too slow. We must act now, otherwise we do a terrible disservice to not only the Olympic Games, but more importantly, the athletes – and future generations of athletes – who dedicate their lives to competing in them.

The IOC's game seems to be to delay – let the crisis subside and make a few tweaks to the system ultimately giving the IOC more control. This will be a huge loss for clean sport and the rights of athletes.

**7. During the hearing, Dr. Budgett testified that the IOC has already taken steps to invoke change with a governance structure review. This review, which includes independent experts as well as representatives from sport and government, is tasked with examining the total of the World Anti-Doping Agency (WADA), including whether the executive board should be independent of sport and government.**

**Your reaction to this statement seemed hopeful, yet pessimistic given your comment that “we’ve had 2-plus years for that move to be made and athletes are still waiting for some change...” Since the hearing, have you seen any progress with regard to changing the governance structure at WADA? Do you believe that the IOC review will ultimately effectuate change in the governance structure of WADA? Please explain.**

We do not as the IOC could act today (as it could have every day since this scandal first broke in 2014) to remove itself from WADA's governance and while in the press it claims to want sport removed all it has done is attempt to gain more, not less, control of critical anti-doping functions. And, in fact, the likelihood of real reform is waning. The window of opportunity for real reform is rapidly closing. The IOC delay game so far has worked to a large extent. This is why Congress' and other governments' attention and focus on these issues is needed now more than ever before.

While the IOC pays lip service to “independence” at the hearing in February, just weeks later they published a “12 Point Declaration” of its Executive Board outlining their vision for global anti-doping reform. It's not a vision centered on independence, but rather a vision where the IOC continues to influence critical anti-doping functions, consolidates testing and sanctioning powers and suppresses its most vocal critics.

As we've said before, finding the answers to the global doping crisis is not difficult, but finding sport leaders who are willing to implement them is.

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
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March 29, 2017

Mr. Rob Koehler  
Deputy Director General  
World Anti-Doping Agency  
C/o Lance Bultena  
Columbia Square  
555 13th Street, N.W.  
Washington, DC 20004

Dear Mr. Koehler:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, February 28, 2017, to testify at the hearing entitled "Ways to Improve and Strengthen the International Anti-Doping System."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, April 12, 2017. Your responses should be mailed to Elena Brennan, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Elena.Brennan@mail.house.gov](mailto:Elena.Brennan@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment



**CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON ENERGY AND COMMERCE: SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**WADA RESPONSES TO SUBCOMMITTEES' LETTER OF 29 MARCH 2017**

**Responses to The Honorable Tim Murphy**

1. **On March 1, the day after the Subcommittee's hearing, Vladimir Putin pledged to establish an "independent" system in Russia to tackle doping. This system will transfer its anti-doping program from the nation's sports ministry to an independent organization. What role will the World Anti-Doping Agency (WADA) have in overseeing this transition?**
  - a. **Does WADA believe that this will adequately address the problems that occurred at Sochi and London?**

WADA has established an ISO-accredited compliance review system. The Russian Anti-Doping Organization (RUSADA), like all anti-doping organizations (ADOs), falls under the scrutiny of this compliance system. The system includes a review by an independent committee, the Compliance Review Committee (CRC); which in turn, makes recommendations to WADA's Foundation Board as it relates to declaring an ADO non-compliant or re-instating an ADO that was previously declared non-compliant.

This means that Russia's reform will undergo a careful review by the CRC; which, in total independence, will provide recommendations to the WADA Foundation Board. WADA management is currently working with RUSADA to assist them in rebuilding a transparent and credible organization. To this end:

- Two independent experts have already been posted in Russia for a year; and, are working every day in the RUSADA office to assist them in this process.
- The CRC has made it a provision of compliance that RUSADA put in place an independent Supervisory Board.
- Russia has also transferred funding of RUSADA from the Ministry of Sport to the Finance Ministry.
- The CRC will scrutinize the operations of the Supervisory Board; and, as indicated above, provide recommendations to the WADA Foundation Board.

The structure we are expecting from RUSADA is similar to that found in many countries where National Anti-Doping Organizations (NADOs) are funded mainly by governments. RUSADA needs to operate independently from undue influence. This structure is intended to provide for adequate safeguards within the Russian anti-doping system, just as it does in other countries.

Having said this, going forward, the Russian system will continue to be scrutinized by the WADA compliance system for a number of years; until, the Agency is satisfied that



efficient and transparent procedures have been put in place and that they are being carried out in line with expectations.

- a. WADA does believe that the above-noted approach adequately addresses the problems that occurred at Sochi and London.

**2. With the 2018 Winter Olympics in PyeongChang less than a year away, what is WADA doing to ensure that the systemic weaknesses identified before and after the Rio games are addressed in advance?**

- a. **In addition, what is WADA doing to ensure that all of the athletes implicated in the Russian doping scheme are adequately tested leading up to and during competition?**

As was the case for Rio, WADA is not responsible for the organization of the 2018 PyeongChang Winter Olympic Games; nor, is it responsible for the testing that will take place during the event. Testing at Olympic Games is the responsibility of the IOC.

As indicated in Response 1 above, we are working with Russia to re-establish a credible anti-doping system. In the meantime, testing in Russia is being conducted by the United Kingdom Anti-Doping organization (UKAD). It is UKAD that decides which athletes are to be tested; and, that manages therapeutic use exemptions in Russia. UKAD is working hand in hand with WADA to ensure that an appropriate number of tests take place in Russia.

Furthermore, all samples are being analyzed outside of Russia given that they no longer have a WADA-accredited laboratory.

- a. A taskforce comprised of WADA, the International Olympic Committee (IOC), and a number of NADOs have been invited to ensure that an adequate worldwide testing program is carried out, as it relates to all countries and sports, in the lead up to the PyeongChang Games. This will include recommending target testing, which will be required for certain athletes participating in the Games.

**3. It is no secret that some have criticized the pace of WADA's investigation into allegations of widespread doping by Russian athletes. For example, according to reports, WADA began receiving information from whistleblowers as early as 2010 but did not launch an independent investigation until after the release of a documentary in 2014. Further, after the conclusion of that investigation - which suggested a potentially larger issue across multiple sports - it took months and two prominent media stories before WADA commissioned a broader independent investigation. Can you please explain the timing of these decisions?**

- a. **Did WADA need the public pressure to pursue these investigations? If so, why? If not, then why did it take so long to begin the investigations?**
- b. **Did the involvement of the International Olympic Committee (IOC) in WADA's governing structure influence the timing of these investigations?**





- i. If so, please explain how this impeded your work
- ii. If not, why did it take so long to initiate these investigations?

For the record, WADA strongly disagrees with the allegations that it could have begun its investigation earlier and that it could have acted on evidence as early as 2010. This viewpoint, which has been taken in particular in the U.S. by the United States Anti-Doping Agency (USADA) is, in WADA's view, entirely misleading and does not reflect the reality, and the facts, of how events unfolded.

In 2010, WADA was approached by the Russian Whistleblower, Vitaly Stepanov, who started a dialogue with WADA; principally, via Jack Robertson, who is a former U.S. DEA agent and was WADA's Chief Investigator at the time. Mr. Stepanov explained the situation concerning his wife, Yuliya Stepanov; specifically, that she was subject to an institutionalized doping regime in Russia. At the time, Vitaly told us that he had yet to tell his wife that he was talking to WADA; and that, he had no concrete evidence whatsoever to support his statements, that they were his words and his words alone.

This dialogue continued until 2013, which is when Yuliya Stepanov got caught for doping and was suspended in Russia. Ms. Stepanov getting caught was a game changer for the relationship with the Stepanovs. It was then that Yuliya and Vitaly, together, decided to collaborate with WADA by gathering evidence that could lead to a meaningful investigation with meaningful outcomes.

It is important to note that, under the 2009 World Anti-Doping Code (Code), which was in force until the end of 2014, WADA's role and authority as it relates to investigations was stipulated under provision 20.7.8 of the Code, as follows:

*"To conduct anti-doping controls as authorized by other anti-doping organizations and to cooperate with relevant national and international organizations and agencies including but not limited to, facilitating inquiries and investigations."*

To be clear, WADA's role and authority under the 2009 Code was clearly defined as a facilitator, to pass on information to relevant organizations and to facilitate the conduct of investigations. At the time, not only was the information from Vitaly Stepanov insufficient to take definitive action; the Code also required WADA to pass the information on to RUSADA and/or the International Athletics Federation (IAAF). As you can appreciate, because the Stepanovs' information included allegations of doping cover-ups against RUSADA and the IAAF, this would have been a disaster.

It was only effective 1 January 2015, when the 2015 Code came into force, that WADA's role and authority vis-à-vis investigations increased as indicated under provision 20.7.10 that empowered WADA to:



"Initiate its own investigations of anti-doping rule violations and other activities that may facilitate doping."

In January 2015, a few days after the new Code came into force, WADA established the first independent Pound Commission which, in December 2015, confirmed allegations of widespread doping in Russian Athletics.

It is WADA's view that the Agency did all it could under the Code rules applicable at the time. It is also our view that, if we had exposed the initial, weak, information that had been provided by Vitaly Stepanov, between 2010 and 2013, it would have been dismissed as being the words of one individual (Vitaly Stepanov) against the strong denial of Russia. We are convinced that we would not have had anywhere near the success that we ultimately had; in fact, we believe that the international community wouldn't even be talking about doping in Russia today.

Following the release of the first Pound Commission Report in November 2015, WADA was called upon to conduct further investigations into other sports in Russia and other countries. WADA's response was that, 'as a matter of course, we ensure that all information/intelligence that we uncover, and/or is received from whistleblowers, is properly assessed by our Intelligence and Investigations Team; and that, when believed to be credible, we would not hesitate to launch the appropriate form of investigation.'

This is exactly what we did as it relates to the independent McLaren Investigation. As soon as Dr. Rodchenkov's information was made available to WADA, via the New York Times in May 2016, the Agency initiated the investigation. It should be noted that Dr. Rodchenkov was heard three times by the Pound Commission in 2015; and, was never forthcoming with the information that he later revealed to the New York Times.

Therefore, to summarise, WADA's position following the Pound Commission was that further evidence was needed before the Agency could possibly embark on a new investigation, knowing that the Agency had no legal means to obtain further cooperation from anyone; particularly, in Russia. This was also the publicly expressed view of Richard Pound following publication of his Report. This view was also shared by professional investigators who did not see how an organization like WADA, without any law enforcement powers, could meaningfully launch an investigation in Russia without receiving further collaboration by whistleblowers. The fact is that Dr. Rodchenkov opted not to talk to WADA until May 2016, which is after he spoke to the New York Times. It is difficult for WADA to understand how, with these facts, the Agency can be accused of taking too much time to act.

WADA therefore does not agree that it was public pressure that prompted the Pound and McLaren investigations, but rather the:

- New powers of investigation that came about via the 2015 Code;
- Provision of further evidence by Dr. Rodchenkov in 2016; and
- Letters from National Anti-Doping Organizations and other WADA partners, requesting an investigation. We welcomed these letters and as the responsible global regulatory body, took their requests seriously as we always do.



The conspiracy theory that has been propagated by some to the effect that this investigation would have been impeded by some force within our governance structure is simply unfounded.

The timing of the Pound Commission and the McLaren Investigation has been fully explained above. The Pound Commission was initiated as soon as it was possible under the Code and made relevant by the information/evidence available. Both investigations were conducted in total independence and the Reports were made public as soon as they were completed. We don't know what else could have been done/be done to prove the independence with which WADA acted in both cases.

**4. You stated in your testimony that it was not until 2015 - when the World Anti-Doping Code ("the code") was revised - that WADA officially obtained investigative powers. Though WADA did not have the power to launch formal investigations, at the time of the Russian doping scandal, did WADA have the power to hold NADO's and other organizations compliant to the code?**

**a. If so, why didn't WADA make compliance decisions in regards to doping violations leading up to the 2016 Rio Games?**

WADA did take a number of decisions in relation to non-compliance prior to the 2016 Rio Games. In particular, RUSADA was declared non-compliant in November 2015 by WADA prior to the Games (that declaration of non-compliance is still in effect) and the laboratory in Moscow had its WADA accreditation revoked in April 2016 (that accreditation is still revoked today).

**b. Why were these decisions passed on to the International Federations, instead of going through WADA or the NADOs?**

Under the Code, WADA has limited jurisdiction regarding the consequences of non-compliance. In November 2015, WADA publicly declared RUSADA non-compliant. In April 2016, WADA revoked accreditation of the Moscow Laboratory. WADA also removed the Russian Sports Minister from the Agency's Foundation Board and recommended that action be taken by other organizations as a result of the situation.

It is not WADA that passed the decision on to the International Federations as to whether or not Russian Athletes should be eligible to compete at the Rio Games. WADA asked the International Olympic Committee (IOC) and the International Paralympic Committee (IPC) to consider, under their respective Charters, to decline entries, for Rio 2016, of all athletes submitted by the Russian Olympic Committee (ROC) and the Russian Paralympic Committee.

The IOC decided to pass the decision on to the International Federations; while, the IPC decided to heed WADA's recommendation. The Agency was not involved in the respective decisions of the IOC and the IPC.



**5. I understand that WADA established a panel to examine potential reforms to global antidoping efforts.**

Further to stakeholder consultation with NADOs, the IOC, Athletes, Governments and others, WADA established, and communicated at the November 2016 Foundation Board meeting, a road map aimed at strengthening WADA and the anti-doping system. As part of this road map, a number of Working Groups have been formed. The WADA Governance Working Group is likely the working group that is the most relevant to this question.

**a. What is the current status of this review?**

The Governance Working Group is comprised of representatives from Sport and Government; as well as Athletes and NADOs. It is chaired by an independent judge from Burkina Faso and is assisted by two experts -- one with a background in governance, Akaash Maharaj; and, the other with a sports background, Huw Roberts. The Committee met for the first time in Lausanne on 11 March and had fruitful discussions. An interim report will be provided to the WADA Foundation Board in May 2017; and, further meetings of this Group are anticipated going forward.

**b. Are there specific options under consideration?**

The discussions include WADA governance reform; and general principles of good governance that need to apply to all ADOs, including International Federations and National Anti-Doping Organizations. Many options are on the table, including, in particular, the composition of WADA's Foundation Board, the relationship between the Foundation Board and the WADA Executive Committee, the selection of the WADA President and Vice-President, the selection of the WADA Working Committees, the involvement of athletes, etc.

There are many questions that require thorough review and guidance from experts in order to develop the optimal solution. This is the focus of this Working Group going forward.

**c. What is the process for evaluating or acting upon the recommendations of this review?**

Once the Working Group has made definite recommendations, it is likely that some of the recommendations will be implemented through a change of WADA's Statutes; while others, might make their way into the Code so that they not only apply to WADA, but all other ADOs as well.

**d. During the hearing, you indicated that WADA plans to finalize these reforms within a year. Can you provide a more specific timeframe as to when these reforms will be finalized?**

We are unable to estimate how much time this work will take. Changes to the WADA Statutes can be done relatively quickly by a decision of the WADA Foundation Board. Changing the Code however requires significantly more time as thorough stakeholder



consultation is required. Timing for Code changes is particularly difficult to predict as some of the stakeholders are sovereign nation-states.

**6. The IOC has suggested the establishment of an independent testing authority, separate from national interests. What is WADA's opinion on this proposal?**

Establishment of an independent testing authority (ITA), as proposed by the IOC, is currently being studied by another Working Group that was assembled by WADA. The Agency does not have an opinion per se on this proposal. Rather, we are waiting for the recommendations of our Working Group regarding how such an entity could be established and the implications it would have for the global anti-doping system.

What is clear to us is that, whilst an ITA may address issues for some stakeholders, the reform being called for goes well beyond simply creating another body. In particular, stakeholders are calling for good governance that applies to all organizations and that a robust compliance program is enforced by WADA.

**a. As the organization responsible for ensuring the independence, integrity, and compliance with the Code for national anti-doping organizations, does WADA have concerns about the independence or integrity of national anti-doping organizations, including established and tested organizations such as those in the United States, United Kingdom, Japan, Canada, and elsewhere?**

All organizations must be looked at as part of WADA's compliance monitoring program; which includes review of established NADOs such as those in the United States, the United Kingdom, Japan, Canada and elsewhere. No country is immune from conflicts of interest. How these conflicts of interest are addressed and what safeguards are in place is what WADA will look at as part of its compliance monitoring program. Having said this, as mentioned above, what is key to the work going forward is that principles of good governance be embedded within the Code so that all organizations are accountable for ensuring that those principles are enforced.

**b. Do these organizations provide a valuable resource in the global fight against doping?**

NADOs are a key resource in the global fight against doping. Having established and performing NADOs around the world is the only way to raise the level of anti-doping worldwide. WADA must rely heavily on its NADO partners to ensure that robust anti-doping programs are established at the national level, including on international level athletes falling within a NADO's jurisdiction.

**c. Based on WADA's experience to date, would a centralized testing authority be financially and logistically feasible and/or practical? Please elaborate on any specific challenges or benefits to this model.**

As indicated above, the ITA is an IOC proposal; accordingly, they are best suited to address its feasibility and cost.



- 7. The IOC recently suggested that the Court of Arbitration in Sport (CAS) should be responsible for sanctioning athletes. What is WADA's reaction to and position regarding this proposal?**

This question refers to an IOC proposal to have CAS acting as a first-instance entity for disciplinary cases from International Federations. Please note that, while WADA has a right of appeal, it does not intervene in first-instance cases. It will therefore be a matter for International Federations to discuss with the IOC as to whether or not they agree to have all cases heard by CAS at first instance; and, what the impact would be in terms of timing and cost. WADA will maintain its right of appeal on such decisions.

- 8. In your testimony, you stated that WADA now has a system in place to hold countries and sports organizations compliant to the code. Specifically, you testified, "Now there's a call by athletes, by the anti-doping community, to go in and audit, to go in and make people accountable, and if they are not doing it we have appointed an independent compliance review committee to make a call on countries, on sports that are deemed not doing the work to make them compliant."**

- a. Is this independent compliance review committee a part of WADA?**

- i. If not, why isn't WADA conducting compliance review itself?**

As indicated above, WADA has started an ISO-accredited compliance program, which includes auditing ADOs to ensure, not only that Code rules are in place but, that good practice of the rules is being followed. The CRC was established as part of this ISO-accredited process and is an advisory body to WADA's Executive Committee and Foundation Board.

WADA is conducting compliance work itself, which includes a review of rules; organization of audits with the assistance of external experts; and, requesting corrective actions from ADOs. We are optimistic that, through this process, most of the non-compliance issues can be resolved through dialogue between ADOs and WADA.

The CRC's role is to deal with problematic cases when WADA management is confronted with issues that need to be escalated to the CRC either because they are not resolved in time or because wrongdoings have been identified. In such situations, it was felt that having a recommendation from an independent body to the WADA Executive Committee and Foundation Board would ensure that an independent expert and non-biased view would be provided to the Foundation Board; and, would add weight to the recommendation being put forward. This system has been in place for over a year; and, thus far, each CRC recommendation has been accepted by the Board.

- b. Are there any WADA representatives or employees on this committee?**

- i. If yes, who? What are their roles on WADA and on the compliance review committee?**



There is no WADA staff member serving on the CRC. For reasons of efficacy, the CRC receives support from WADA staff; such as, provision of pertinent information in order to feed their evaluation and recommendations. The current composition of the Committee is as follows:

- Mr. Jonathan Taylor, Chair
- Mr. Henry Gourdjji, Vice Chair
- Mr. Tom Dielen
- Ms. Barbara Leishman
- Ms. Beckie Scott
- Ms. Bente Skovgaard Kristensen

The CRC is supported by our compliance team; including: WADA's Chief Operating Officer, Frédéric Donzé and WADA's Compliance Manager, Emiliano Simonelli. Depending on the specific issues at stake, other WADA staff members may be involved in providing information to the CRC.

**9. You testified that WADA is about to launch a new whistleblower program called 'Speak Up' in the coming days. Please elaborate on the specifics of this program and the reforms it includes.**

- a. Will there be any policies included that will mandate that WADA document and consider the information brought forward by whistleblowers? If so, please describe these policies.**

The WADA Speak Up! program was launched in March 2017 and is available to athletes, athlete support personnel and anyone around the world who would choose to report doping misconduct. Speak Up! is administered by the Agency's independent Intelligence and Investigations Department and guarantees confidentiality to all Informants and Whistleblowers using the system.

The status of Informant or Whistleblower triggers different rights and responsibilities. Any person reporting misconduct to WADA will be considered an Informant. The Informant may decide not to pursue further cooperation with WADA once they have provided the information. However, an informant can become a Whistleblower if they wish to further cooperate with WADA. In this case, an agreement is signed between WADA and the Informant outlining each party's rights and obligations. There is no obligation for the Informant to become a Whistleblower. However, this status offers additional rights to the person willing to cooperate further with WADA's Intelligence and Investigations Department. The Whistleblower must maintain strict confidentiality at all times during the investigation. Therefore, if the Whistleblower goes public, the agreement is terminated and the Whistleblower cannot benefit from any protection or financial assistance from WADA.

Speak Up! also comprises a secure IT platform. Of note, the identity of Whistleblowers will never be recorded on the platform itself so that, even in the worst-case scenario of a hacking incident, Whistleblower identities cannot be exposed.



Of course, all information provided through Speak Up! will trigger action from our Intelligence and Investigations Department. This Department acts in total independence from WADA management, prioritizing and taking action based on information provided by informants and whistleblowers.

It should also be noted that an Intelligence and Investigations Policy will be proposed to the WADA Foundation Board in May 2017 to ensure that WADA's Intelligence and Investigations Department can act in total independence from WADA management; whilst, ensuring that it is regularly audited by outside experts to ensure that the Department doesn't operate in a vacuum.

- 10. According to information available on WADA's website, the principle of WADA's strict liability is applied in situations where urine or blood samples collected from an athlete have produced adverse analytical results. Further, it means that each athlete is strictly liable for the substances found in his or her bodily specimen, and that an anti-doping rule violation occurs whenever a prohibited substance (or its metabolites or markers) is found in bodily specimen, whether or not the athlete intentionally or unintentionally used a prohibited substance or was negligent or otherwise at fault. Is there any flexibility to take into consideration the circumstances or intention of the athlete when it comes to strict liability?**

- a. If so, please give examples of circumstances that would allow for flexibility and how that would be handled.**

Article 10 of the Code outlines how the strict liability principle applies in conjunction with a lot of other provisions when it comes to sanctioning athletes.

The strict liability principle is only restricted to the fact that when a substance is found in a bodily specimen of an athlete, it is the athlete who has the burden of explaining how the substance entered his/her body. It is not the ADO's responsibility; which, as you can imagine, would be impossible in most cases.

This is where the principle of strict liability stops. Each athlete then has the possibility to clear the circumstances of the case by showing that it was either by no fault or no significant fault; or, that it is as a result of a contaminated product, and so on.

All this is articulated in the Code; and, allows flexibility and, depending on the kind of substances, between a reprimand and a four-year suspension. To receive a four-year sanction, depending on the kind of substance, it is either the athlete or the ADO that has the burden of proving the intentional nature of the infraction.

- b. How is the strict liability principle put into practice?**

- i. Who is responsible for enforcing it?**





There is plenty of case law in relation to how this principle of strict liability has been enforced. WADA reviews every decision taken around the world and, exercises its right of appeal if it feels that the principles of the Code have not been appropriately applied.

- 11. The fundamental principle of the Athlete Biological Passport (ABP) is to monitor selected biological variables over time that indirectly reveal the effects of doping rather than attempting to detect the doping substance or method itself. There are concerns that bad actors are always trying to stay one step ahead of the testing and technology. Does the athlete biological passport alleviate some of those concerns? Why or why not?**

The Athlete Biological Passport (ABP) is, and will be going forward, a very powerful tool in the fight against doping. The ABP allows for detection of the effects of doping rather than of a substance itself.

It does indeed reduce the risk of new substances being used that are not yet detectable. It should be noted that this gap has been reduced as a result of WADA having established agreements with several pharmaceutical companies and the industry on the whole. Essentially, companies inform WADA during compound development if there is potential for future abuse in sport with new molecules being provided to WADA-accredited laboratories for testing before being put on the market. In turn, the Agency commits to inform them should it uncover evidence of black market supply involving their compounds. This partnership acknowledges that the impacts of doping extend well beyond elite athletes to include society on the whole.

**a. Is the Biological Passport widely utilized?**

With the ABP, one must understand the distinction between the 'Blood Passport' (which is commonly referred to as 'the ABP'), which looks at parameters found in blood from the 'Steroid Passport', which looks at steroid markers found in urine. The Blood Passport is mainly used in sports that are most at risk for using substances to enhance the transfer of oxygen in blood. The Blood Passport is used by almost all International Federations around the world; and, to a lesser degree NADOs.

The Steroid Passport derives from regular urine analyses; and therefore, de-facto every athlete should have a Steroid Passport (albeit not always activated).

At the moment having a 'Blood Passport' is not mandatory; however, it is certainly something that WADA is considering going forward. Logically however, a mandatory requirement should only be applied to sports where there is an identified risk. In other words, it is not likely logical to require a Blood Passport for a sport such as archery.

**b. How accurate is the Biological Passport?**

The ABP (Blood Passport) has proven to be very robust and there is a lot of case law that supports Passport findings. The Passport can be used, not only for



sanctioning athletes but, even when the evidence might not yet be at a level that would allow for a case to be prosecuted. It can be used to ensure that testing programs are more targeted and applied immediately when the risk is identified. The Passport requires a combination of statistical indications and profile review by independent experts before an adverse Passport finding can be rendered. The independent review by experts is a key requirement of the Passport in order to avoid any bias that could result from application of a statistical model without such review.

GREG WALDEN, OREGON  
CHAIRMAN

FRANK FALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

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March 29, 2017

Dr. Richard Budgett  
Medical and Scientific Director  
International Olympic Committee  
C/o Ron Hutcheson  
Hill+Knowlton Strategies  
607 14th Street, N.W.  
Suite 300  
Washington, DC 20005

Dear Dr. Budgett:

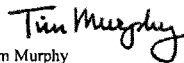
Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, February 28, 2017, to testify at the hearing entitled "Ways to Improve and Strengthen the International Anti-Doping System."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, April 12, 2017. Your responses should be mailed to Elena Brennan, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Elena.Brennan@mail.house.gov](mailto:Elena.Brennan@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment



INTERNATIONAL  
OLYMPIC  
COMMITTEE  
Medical and Scientific Department

Honourable Tim Murphy  
Chairman  
Subcommittee on Oversight and  
Investigations

Ref. No. 2017/RBU/cfr  
By mail and e-mail

*Sent to :*  
Elena Brennan, Legislative Clerk,  
Committee on Energy and Commerce,  
2125 Rayburn House Office Building,  
Washington, DC 20515  
[Elena.Brennan@mail.house.gov](mailto:Elena.Brennan@mail.house.gov)

Lausanne, 13<sup>th</sup> April 2017

**Additional questions related to the hearing “Ways to Improve and Strengthen the International Anti-Doping System”**

Dear Honourable Tim Murphy,

Thank you for your letter dated March 29, 2017. You will find below the replies to your additional questions for the Record.

**1. Does the International Olympic Committee (IOC) have sole jurisdiction of the drug testing samples that are collected at the Olympic Games?**

**a. Do any other groups or individuals have access to those samples both re-testing and/or decision making? If so, what groups or individuals can access the samples?**

1. The IOC has sole jurisdiction at the Games.

a. Under the World Anti-Doping Code, WADA has access to all samples collected by any code signatory. No other groups or individuals have access to the samples for re-testing or decision making.

**2. It is my understanding that the IOC is retesting samples dating back to 2006 and has the results of those retests for the past three to four years. Is this accurate?**

**a. If so, have you released, or do you intend to release, these results?**

2. The IOC has stored samples from Olympic Games since 2004 so they can be retested if later information raises suspicions or if testing technology improves. The process of reanalysis is completed for 2004, 2006 and 2008, and ongoing for 2010, 2012, 2014 and 2016.

a. ADRVs are always publicly announced.

**3. The IOC issued blanket bans in prior situations where a National Olympic Committee failed to adhere to the values, ethics and Charter of the Olympic Movement — even when the violations did not implicate athlete conduct or were far beyond the control of individual athletes. For example, in 2012, the IOC suspended the India Olympic Association for holding elections that violated the Olympic Charter. Why was a blanket ban appropriate in this and similar circumstances, regardless of the impact of individual athletes?**

**a. Was the conduct identified in the two World Anti-Doping Agency (WADA) Commission reports in advance of the Rio Olympics consistent with the Olympic Charter?**

**b. What about the conduct identified by the WADA Commission reports is different from prior cases where the IOC issued a blanket ban?**

3. The NOC of Russia was not implicated in the two reports so there were no grounds for sanctions at the NOC level.

a. As the IOC's official statement said at the time of the second report's release, the conduct described in the reports is "a fundamental attack on the integrity of the Olympic Games and on sport in general." It is absolutely inconsistent with the Olympic Charter. That is why the IOC established two commissions to determine appropriate sanctions and measures.

b. As noted above, the reports did not implicate the Russian Olympic Committee.

**4. The IOC recently suggested that the Court of Arbitration in Sport (CAS) should be responsible for sanctioning athletes. Why does the IOC believe CAS is the appropriate entity for issuing sanctions?**

**a. If the CAS is responsible (Or sanctions, who would be responsible for adjudicating appeals of those sanctions?)**

4. Following the principal of separation of powers, legislative, policing and sanctioning roles should not all fall under the responsibility of one organisation. The involvement of CAS ensures that sanctions are determined by an independent body, with no possibility of a conflict of interest.

a. An ad-hoc body of CAS is responsible for determining sanctions. Any appeal would go to a completely separate CAS appeal chamber.

**5. Why did the IOC find it necessary, and what was the reasoning behind, creating two separate commissions — Oswald and Schmid — after the McLaren report was released?**

**a. Please describe the scope the objectives of these respective commissions.**

**b. How does the IOC intend to use the results of these commissions?**

**c. What is the current status and timing of these commissions?**

5. The IOC Disciplinary Commissions are addressing two different aspects of the reports. One is focusing on individual actions, the other is looking into evidence of systemic corruption.

a. The IOC's announcement establishing the commissions defined their scope as follows:

- An Inquiry Commission, chaired by the former President of Switzerland, Samuel Schmid, is addressing the "institutional conspiracy across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport

and its infrastructure, such as RUSADA, CSP and the Moscow Laboratory along with the FSB," in particular with regard to the Olympic Winter Games Sochi 2014.

- A Disciplinary Commission, chaired by IOC Member Denis Oswald, is addressing the question of doping and manipulation of samples concerning the Russian athletes who participated in the Olympic Winter Games Sochi 2014. In the context of this Disciplinary Commission, all the samples of all Russian athletes who participated in Sochi will be re-analysed. The re-analysis will be to establish whether there was doping or whether the samples themselves were manipulated.

b. The commissions will report to the IOC Executive Board, which will determine what sanctions should be applied. For more information, please see the recommendations of the 5<sup>th</sup> Olympic summit, which are attached.

c. The work of both commissions is ongoing. They are expected to complete their work in time for the IOC Executive Board to determine any sanctions before the Olympic Winter Games PyeongChang 2018 in February.

**6. Recently, an IOC Athlete's Commission member described the current lack of sanctioning criteria for sporting organizations who fall foul of anti-doping rules "completely ridiculous." What is the IOC's position on the current sanctioning criteria?**

**a. Does it need to be improved? If so, how?**

6. The IOC agrees that the sanctioning framework can be improved and welcomes the ongoing review by WADA.

a. As mentioned above and to avoid any conflict of interest, the IOC favours a clear separation between the legislative, policing role, which is clearly that of WADA, and the sanctioning authority which should be delegated to CAS. We also believe that anti-doping testing should be independent from sport organisations or national interests.

**7. It has been reported that some athletes who have been found to have doped and won an Olympic medal are refusing to return their medals. Does the IOC plan to collect medals from athletes subsequently found to have doped in Olympic events? If so, please describe this process.**

**a. Does the IOC plan to reallocate these medals to the appropriate athletes?**

7. The IOC relies on National Olympic Committees to collect the medal of any disqualified athlete.

a. The IOC believes it is extremely important that deserving athletes receive the medals and the recognition they deserve. In keeping with the guidance provided by Olympic Agenda 2020, the IOC has taken action to more-formally recognise Olympians who receive their medals belatedly.

**8. During the hearing you testified that the IOC has already taken steps to invoke change with a governance structure review. This review, which includes independent experts as well as representatives from sport and government, is tasked with examining the total of WADA, including whether the executive board should be independent of both sport and government. Please provide an update to the Committee regarding the status of this review.**

**a. Do you believe that this review will ultimately effectuate change in the governance structure of WADA? Please explain.**

8. The IOC, through the 5th Olympic Summit Declaration and the IOC Executive Board's 12 points Declaration, made clear recommendations to strengthen the worldwide anti-doping system as well as WADA and its Governance. To respond to the call of the IOC and other Stakeholders, WADA has set-up a working group on Governance Matters to review its Governance. The IOC and the Olympic Movement were invited to actively take part in this working group and appointed not only experts in the field of sports and anti-doping to sit on the working group, but also in the field of governance and legal services.

The working group had its first meeting on 11 March and is expected to meet again before the Summer. The IOC is still waiting for WADA to confirm the date of this second meeting. Recommendations by the working group for future structure and improvement of WADA's Governance should be made to the WADA Foundation Board in September 2017.

a. The recommendations will depend on the consensus of the independent experts and stakeholders who make up the group. It is agreed by all stakeholders that the governance structure of WADA needs to be improved, and we are confident it will be.

Yours sincerely,

Dr Richard Budgett  
IOC Medical and Scientific Director

