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Subcommittee on Health

Testimony of Travis T. Tygart

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Chair Eshoo, Ranking Member Burgess, members of the Subcommittee, 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 you for inviting me to appear before you today to discuss the USADA Reauthorization Act (H.R. 5373) and our important mission in serving U.S. athletes and clean sport. I look forward to continuing to work with you all in the coming months, especially as the sports world reopens and we all begin again preparing for the 2020 Olympic and Paralympic Games in Tokyo having been postponed now to July 2021.

It is an honor and an enormous privilege for me to be here representing clean athletes -- our North Star.

Additionally, I am here on behalf of our small but dedicated staff and the USADA independent Board, currently five members out of ten of which are Olympic-level athletes including our Chair, 3-time Olympian Philip Dunn, and our Chair Emeritus, Olympic legend Edwin Moses.

It is also an honor for USADA, a 501(c)(3), not-for-profit organization, incorporated in Colorado, to be a part of such an important discussion. We greatly appreciate the ongoing support of Congress and the President’s Office of National Drug Control Policy (“ONDCP”) in our efforts to protect the health, safety and rights of clean athletes to a fair and level playing field.

USADA is charged with implementing a robust, fair anti-doping program which includes in and out-of-competition testing, results management, and athlete education for all U.S. Olympic, Paralympic and Pan American athletes. Importantly, USADA also contributes to the advancement of clean sport throughout all of sport at every level through the scientific research and education & outreach initiatives focused on ethics, values, healthy, and nutritious and safe competition.

Chair Eshoo and Members of the Subcommittee, we cannot perform this critical mission without your support. As many of you know, we opened our doors in late 2000 thanks largely

to the bipartisan efforts of Congress in recognizing the need for and acting together on that need, to create an independent anti-doping system in the United States. As some of you may recall, throughout the 1990s, many here in the U.S., and around the world, viewed the U.S. and our athletes as dirty and only winning on the world stage because they were doping. This view was largely held due to the weak anti-doping policy and broken anti-doping structure in the U.S. During this time, there was no independent anti-doping effort and the Olympic sports movement, whose job it is to promote sport, was also handling the anti-doping program - it was the epitome of the fox guarding the henhouse.

This was bad for athletes and this was bad for sport.

As a result, in the late 1990s Congress, together with the United States Olympic and Paralympic Committee (“USOPC”), took action and put a stake in the ground to establish, through a public-private partnership, an independent organization to implement and enforce a fair and robust national anti-doping program. This bipartisan effort sparked the courage of the entire U.S. Olympic and Paralympic movement to agree to give up control to an independent organization.

Today, as we will discuss, this was a landmark decision that changed the game for U.S. athletes for the good and has given them hope, and the belief, to know that they can now win clean. Further, while somewhat skeptical at the time, the USOPC and over 45 National Sport Federations are thrilled to be out of the anti-doping business and to have USADA handling these complex but essential matters so that they can focus on their job of developing athletes and growing and promoting their sports.

Thanks to these historic actions and the good work of the USADA Board since that time, and many committed people at USADA and many supporters outside of USADA, the U.S. is now respected for its work and viewed by many around the world as the gold standard (along with some other countries). And, most importantly, the independent model ensures that we are never complacent and we always strive, just like our athletes, to be the best we can be, to not just say we ‘drug test’ for sport brand purposes like some, but to ensure clean athletes can

actually win. We have given athletes at every level the firm belief that cheating never pays and that winning the right way is the only way.

Who could have imagined back in the dark days of the 1990s, a world where our nation's best athletes would volunteer for *more* drug testing? That is right, many of the top U.S. Olympic and Paralympic medal hopefuls including gold-medal winning swimmers, Katie Ledecky and Ryan Murphy; gold-medal winning track and field athletes, Alyson Felix, Christian Taylor and Emma Coburn; Olympic-medal hopeful, track and field athlete, Noah Lyles; and, gold-medal winning, Paralympian, Deeja Young (just to name a few), volunteered for a cutting-edge virtual testing program during the covid-19 shutdown. Imagine this, these stars took on more testing to show the world that they are clean and that we all can trust them to be the role models and true heroes that they are.

There is no better statement to the effectiveness of the independent model and the implementation of this model over the past twenty years and the trust our athletes now have in the U.S. system to protect their right to fairness and an equal opportunity to achieve their dreams in sport.

While no country is immune from the scourge of doping, and we must sustain the effort to maintain the hope, our U.S. athletes embrace the program because they know it works and they believe that the inconvenience of drug testing is way less bothersome than dedicating your life to represent this great country and getting beat, cheated out of your sacrifice, by a doper. Their commitment to winning the right way is a direct result of Congress's action creating and funding USADA as an independent organization and allowing best practices to be implemented.

This effort and landscape shift has not happened overnight but through a determined effort to embrace clean athletes, earn their trust and demonstrate to them that USADA is independent and that all athletes, coaches, doctors are subject to the same rules regardless of stature and that we compassionately enforce the rules to ensure fairness without fear or favor. This is the cornerstone of our independence.

Chair Eshoo and Members of the Subcommittee, this independence, the life blood of any successful anti-doping program, is possible only through the government support USADA receives each year. Before we opened our doors in 2000, it was decided that government funding should be used along with private funding to help ensure our independence. We received federal funding in the fall of 2000 (and every year since), and then became recognized as our country's "official anti-doping agency for Olympic, Pan American, and Paralympic sport" in 2001. USADA was first formally authorized by this Committee and Congress in 2006 and reauthorized in 2014. Our current authorization expires at the end of fiscal year 2020.

Our congressional funding is through ONDCP and is combined with our private funding from the USOPC and other sources. Over the past decade, we been funded by Congress between \$8.75M and \$10M — we were awarded \$10M this year for FY2020.

Since we opened our doors in October 2000, we have educated tens of thousands of athletes, coaches, parents and medical professionals on the reasons that playing fair is the only way and how to successfully compete clean. Our True Sport Partner program has reached over 13.8M since 2017 when it was first started. In 2019 alone, our Drug Reference Resources service, which answers questions on permitted medications, received 254,421 searches from our U.S. stakeholders and in collaboration with our global partners, this service received 1,903,371 total searches across the world. Our education budget is 21% of our overall Olympic and Paralympic program.

We have conducted over approximately 175,000 drug tests since 2000. These tests are the backbone of the program as testing, while cumbersome and sometimes inconvenient, provides the deterrent needed to support clean athletes. Our testing budget which covers both event testing and out-of-competition testing, which is the most effective type of testing and approximately 70% of all of our testing, is approximately 42% of our funding. In 2019, we completed a total of 7,300 blood and urine tests on our U.S. Olympic and Paralympic athletes. For our out-of-competition testing efforts, we have an 88% first-time success rate when executing no-advance notice testing, which is remarkable. This is possible since our athletes

have engaged with the process and made it easy for us to locate them for testing despite the obvious inconvenience of this testing. In 2019 alone, our athletes provided 154,926 location updates on where they would be located for this out-of-competition testing.

Of course, as you can see from our Annual Independent Audit that we send to Congress, we are efficient and good stewards of the funding. We are lean and mean and for just a small amount of government funding, we have changed the game for the good. Comparatively, the U.S. government funding is less than other countries which are funding their national anti-doping organizations at a higher level on an athlete per capita basis. As one example, the UK government funded its national anti-doping agency in 2020 at approximately \$11M and there are far fewer elite Olympic and Paralympic athletes in the UK than here.

An essential component of any effective anti-doping program is the ability to demonstrate to the athlete, coach and sport community that you can be trusted and relied on to do the job in fairly enforcing the rules even when not easy or popular to do so. In 2019, we received 533 tips to our Play Clean whistleblower line. Our results management teams process this information and follow up appropriately on the information received. We had 49 sanctions announced in 2019. Importantly, following our efforts in the U.S. Postal Services case, when we were sued by Lance Armstrong, a federal court determined the USADA process provides due process for an athlete or coach accused of an anti-doping rule violation. This landmark case very well will be the lasting legal legacy — that U.S. Olympic and Paralympic athletes are afforded due process. Our results management budget is 16% of our overall funding.

The final component of the USADA program is our scientific and research efforts. We know the testing is only as good as its value as a deterrent or to detect as the ability of the laboratory to accurately and robustly analyze for the prohibited substances and methods being used to cheat by athletes. Shortly after our founding, we convened an international group of scientists and knowledgeable sport leaders at our First Annual Scientific and Research Symposium. We asked the question at that time — "what drugs are athletes currently using to gain a performance advantage?" And, "are there reliable laboratory test for those drugs?" The answer was saddening. There were many known drugs that we identified including

erythropoietin (“EPO”), designer steroids and human growth hormone (“HGH”) that were being abused and for which there was no reliable detection method. (This might have been the first time in the U.S. sports movement anyone had ever cared to ask, a direct result of the independent model).

Not only did we ask but we also acted. In conjunction, with others around the world, we invested in the advancement of scientific research to now have reliable laboratory methods to detect (and thus, deter) EPO, HGH, and designer steroids use. In addition to asking the same question and finding ways to solve this problem by continuing to have our annual symposium - this year’s will be our 19th and first ever virtual one - we also went out and joined forces and raised significant additional funding with Major League Baseball (“MLB”), the National Football League (“NFL”) and the USOPC to found a not-for-profit scientific research entity that has become a world leader and largest funder of scientific research in anti-doping in the world. Our science and research budget is 15% of our overall spending.

USADA’s reauthorization, Chair Eshoo and Members of the Subcommittee, takes on even more importance since the Summer Olympic and Paralympic Games are coming to the United States to Los Angeles, California in 2028. By passing this reauthorization, we can make it clear that the rules matter and that clean sport matters. This will go a long way in ensuring that the LA 2028 Olympic and Paralympic Games are a celebration for clean sport and winning with integrity, not the corrupt Games of the Sochi Winter Olympics or the other recently held and, unfortunately, tainted Games. Committing now allows us the lead time and ability to build the foundation to ensure as best as we can, if we are involved, that it will be the cleanest Games ever.

In addition to our authorization being the backbone of our ability to successfully run our domestic program, it also provides the foundation for our influence in the global community by being officially designated as the independent national anti-doping organization in the U.S. This recognition gives us the standing to advocate for clean sport and to attempt to ensure our athletes rights are also protected at the highest levels when they compete abroad. This standing has allowed us to work collaboratively alongside other democratic countries who also firmly

support clean sport like England, Canada, Norway, Australia, New Zealand, Germany, Sweden, Finland, France, and Japan (just to name a few).

Just as Congress and the USOPC did here in the late 1990s, we have also advocated for a clear separation between those who promote sport and those who police it as a model elsewhere. To do so otherwise, we believe, is to have the fox guarding 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.

As you all are aware, with the Russian state-sponsored doping system that has been front-page headlines for years and again confirmed by the International Weightlifting Federation corruption scandal that was exposed just last month, the threat of doping is a global problem and there are some who will go to great lengths to abuse athletes by doping them for their own selfish or national agendas and attempt to get away with it all the while promoting clean sport and even sitting in governance roles at the World Anti-Doping Agency (“WADA”).

I can promise that while the burden is enormous and the responsibility is great, this independent model established by Congress is a light to many others around the world that competing clean is the ONLY WAY and that there exists independent organizations that will take a stand even when tough to do so - even when a global icon or high profile sport sponsor is involved - to ensure that the injustice, the inequality of doping does not win the day.

In fact, the two Russian whistleblowers, Yulia and Vitaly Stephanov, saw this example and were inspired by it. They saw firsthand the efforts of the U.S. and others to truly root out cheating and dangerous doping fraud. Vitaly’s email to USADA sent on his departure from the corrupt Russian Anti-Doping Agency (“RUSADA”) in March 2011 stating that he wished “RUSADA was as committed to doping fighting and open as USADA” as confirmed by him a belief that the U.S. and others were actually doing it right and an important signal from our great country that fairness, the rule of law and healthy sport does matter.

The independent model works and has become a beacon to others around the world and as a result, USADA is humbled to be in the unique position to demonstrate leadership within the global community and to also fight for fairness for our athletes on the international playing field as well.

Unfortunately, the World Anti-Doping Agency is not independent. The International Olympic Committee pays half its budget and gets half of the seats on its governing bodies. It is “pay to play” for sport. Governments of the world, including the U.S., pay the other half of WADA’s budget. Since about five years ago, the U.S. has effectively been blocked out of being on the most powerful governing board at WADA, its Executive Committee. This move effectively blocking the U.S. from the Executive Committee happened at the same time as the Executive Committee took more power to make key decisions for the global anti-doping system such as compliance decisions.

The good news is that WADA’s conflicted governance model could be easily solved by removing sport leaders from the WADA leadership and implementing a proper conflict-of-interest policy prohibiting governing members from simultaneously holding a governing role within a sports organization under WADA’s jurisdiction. This must happen for WADA to truly be effective.

Just last month, at the request of Congressional Appropriators, ONDCP sent a report to Congress detailing WADA’s structural problems, including its lack of transparency and independence, and failure to provide fair athlete and U.S. representation. Coupled with no formal oversight, these factors have handcuffed and blindfolded WADA in the fight against doping. WADA’s primary area of responsibility is making sure the highest anti-doping standards are being employed uniformly around the world. However, WADA’s governance structure and lack of independence from sport undermines it from effectively attaining this objective.

We applaud ONDCP for its work on this issue, and hopefully you all have seen that several leading athlete organizations, including the USOPC Athlete Advisory Council, The Athletic Association, AthletesCAN (Canada), German athletes and Global Athlete have come

out in strong support of these principles as well.

Chair Eshoo, Ranking Member Burgess, Members of the Subcommittee, we thank you and all of your colleagues for your support. And while we at USADA heed the advice of legendary basketball coach, Dean Smith, when he said, “you should not be proud to do the right thing, you should just do it,” Congress should be proud (or at least very satisfied) in doing the right thing almost twenty years ago to collaborate with sport and establish an independent anti-doping organization.

Importantly, as you know, this is not just about elite Olympic and Paralympic athletes--- this is about every kid on a playground who has an athletic dream and asks, “what do I have to do to make my dreams come true?” And the truth is, if we don’t continue with the independent model here in the U.S. and globally, we will likely find ourselves in a worse place than back in the 1990s where athletes had no hope, and we will be staring another state-supported doping system in the face like that of Russian’s -- one that has abused its athletes and robbed another generation of clean athletes in the process.

We can do the right thing for all the right reasons again by passing H.R.5373.