

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

July 12, 2016

Mr. Thomas Bach  
President  
International Olympic Committee  
Route de Vidy 9  
1007 Lausanne, Switzerland

Dear Mr. Bach:

We are writing today to express our strong interest in supporting efforts to ensure that international sport is clean for athletes of all nations. The Committee on Energy and Commerce, whose jurisdiction includes domestic and international sports, has had a serious and continuing interest in matters related to the administration of international sport. There have been a number of important developments in anti-doping over the past several months that indicate that while your organization and its partners in the Olympic Movement will undoubtedly face continuing challenges, there are now crucial and timely opportunities – in the days leading up to the Rio 2016 Olympic Games – to advance doping-free competition. We urge you to make the most of these opportunities while they are still at hand.

As you know, 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 research, educate, and enforce standards on anti-doping in Olympic sport.<sup>2</sup> WADA developed the World Anti-Doping Code – the international agreement that standardizes anti-doping policies, rules, and regulations among authorities around the world.<sup>3</sup> Under the Code, IOC, as a stakeholder organization, has jurisdiction to impose consequences on those who WADA finds to be non-compliant.

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<sup>1</sup> See Lausanne Declaration at

<http://library.la84.org/OlympicInformationCenter/OlympicReview/1999/OREXXVI25/OREXXVI25g.pdf>

<sup>2</sup> See World Anti-Doping Agency Mission Statement at <https://www.wada-ama.org/en/who-we-are>

<sup>3</sup> See World Anti-Doping Code at <https://www.wada-ama.org/en/what-we-do/the-code>

Since its creation, WADA has implemented and overseen many positive steps in the fight against doping in international sport. For example, the Athletes Biological Passport (ABP) 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>4</sup> The development of the Anti-Doping Administration and Management System (ADAMS) to keep stakeholders apprised of athlete whereabouts, test planning and results management, and therapeutic use exemptions<sup>5</sup> represents a commitment by WADA to "lead an organized, worldwide movement for doping-free sport."<sup>6</sup> Upon assuming his role as Director General of WADA on July 1, 2016, Olivier Niggli highlighted his worthwhile aims of "bolstering our investigative work" and "implementing a new whistleblower program by the next Foundation Board meeting in November."<sup>7</sup>

The Committee applauds a number of efforts by both IOC and WADA to eradicate doping in sport. For example, the Five-Point Plan resulting from the June 21, 2016, Olympic summit, in addressing the need "to make the entire anti-doping system independent from sports organizations" and calling on WADA to convene an "Extraordinary World Conference on Doping" in 2017<sup>8</sup> underscores IOC's recognition that conflicts of interest can have serious ramifications for policing sport and eradicating doping. IOC is uniquely positioned, possessing the international authority needed to take concrete action to decisively address these conflicts.

Further, the Committee supports the work of the WADA-appointed Independent Commission,<sup>9</sup> led by Richard Pound, and the commencing of an investigation by Richard McLaren into doping allegations involving the 2014 Sochi Olympic Games. These efforts appear to signal the beginning of a serious commitment to ensure clean sport and allay some of the concerns expressed by this Committee as well as others.<sup>10</sup> As IOC continues to examine the recommendations of the Pound investigation and may soon have additional findings from the McLaren inquiry, we look forward to understanding how this information will be used to further eradicate doping in sport.

In spite of these important strides, major challenges remain. For example, notwithstanding assurances by IOC and WADA that both are committed to eradicating doping in sport, concerns have been raised that neither body is functionally organized to achieve that goal. Experts point out that conflicts of interest stemming from the composition of their senior

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<sup>4</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." Published in Daily Mail (September 24, 2015) at <http://www.dailymail.co.uk/sport/football/article-3247573/Athlete-Biological-Passport-key-questions-surrounding-UEFA-s-new-blood-testing-process.html>

<sup>5</sup> See WADA Website, ADAMS, at <https://www.wada-ama.org/en/adams>

<sup>6</sup> See WADA Mission Statement at <https://www.wada-ama.org/en>

<sup>7</sup> See "Olivier Niggli Begins New Role as WADA Director General." (July 1, 2016) at <https://www.wada-ama.org/en/media/news/2016-07/olivier-niggli-begins-new-role-as-wada-director-general>

<sup>8</sup> See Declaration of the Olympic Summit. Published as a press release (June 21, 2016) at <https://www.olympic.org/news/declaration-of-the-olympic-summit>

<sup>9</sup> Richard Pound. "Independent Commission." (November 9, 2015) at [https://wada-main-prod.s3.amazonaws.com/resources/files/wada\\_independent\\_commission\\_report\\_1\\_en.pdf](https://wada-main-prod.s3.amazonaws.com/resources/files/wada_independent_commission_report_1_en.pdf)

<sup>10</sup> Associated Press. "Richard McLaren to oversee investigation into doping at Sochi." Published in ESPN (May 20, 2016) at [http://espn.go.com/olympics/story/\\_/id/15616874/wada-appoints-richard-mclaren-oversee-sochi-doping-investigation](http://espn.go.com/olympics/story/_/id/15616874/wada-appoints-richard-mclaren-oversee-sochi-doping-investigation)

leadership currently exist at both IOC and WADA. Such conflicts can have both real and perceived effects on rigorous investigations and enforcement of anti-doping measures. For example, several anti-doping experts have publicly stated that WADA lacks sufficient independence.<sup>11</sup> Press reports and whistleblowers suggest this lack of independence has led to “foot-dragging” in response to long running allegations of state-sponsored doping.<sup>12</sup> It is also worth noting that in recent times we have seen ever more sophisticated doping schemes, including harder-to-detect drug combinations and drug distribution networks.<sup>13</sup>

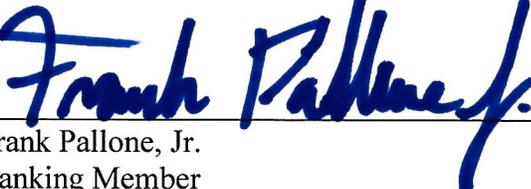
If these and other concerns are not effectively addressed, both WADA’s purpose and the confidence placed in it by clean athletes and their supporters around the world could be seriously undermined. Athletes worldwide, including those that will participate in the upcoming Rio Olympic Games, must have confidence that their sports are completely free of doping and that all governing bodies in international sport are doing everything possible to ensure that result. To ensure the integrity of the Olympic Games, we need assurances from sports’ international governing bodies in the form of decisive actions, not just words. The failure to do so is simply irresponsible and we will not remain silent. We look forward to working closely with IOC, WADA, and others towards this end.

Sincerely,



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Fred Upton  
Chairman



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Frank Pallone, Jr.  
Ranking Member



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Tim Murphy  
Chairman  
Subcommittee on Oversight and  
Investigations



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Diana DeGette  
Ranking Member  
Subcommittee on Oversight and  
Investigations

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<sup>11</sup> Will Hobson. “WADA heard of Russian doping in 2010, didn’t investigate until media reports.” Published in The Washington Post (June 2, 2016) at [https://www.washingtonpost.com/sports/olympics/wada-heard-of-russian-doping-in-2010-didnt-investigate-until-media-reports/2016/06/02/9ec77acc-28e7-11e6-b989-4e5479715b54\\_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-b989-4e5479715b54_story.html)

<sup>12</sup> Rebecca Ruiz, Juliet Macur, and Ian Austen. “Even with Confession of Cheating World’s Doping Watchdog Did Nothing.” Published in The New York Times (June 15, 2016) at [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>13</sup> Rebecca Ruiz and Michael Schwartz. “Russian Insider Says State-Run Doping Fueled Olympic Gold.” Published in The New York Times (May 12, 2016) at <http://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html>