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INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT

JUNE 27, 2008.—Ordered to be printed

Mr. BIDEN, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Doc. 110–14; EC 6772]

The Committee on Foreign Relations, to which was referred the International Convention Against Doping in Sport, adopted on October 19, 2005 (the "Convention") (Treaty Doc. 110–14; EC 6772), having considered the same, reports favorably thereon with one understanding, one declaration, and one condition as indicated in the resolution of advice and consent, and recommends that the Senate give its advice and consent to ratification thereof, as set forth in this report and the accompanying resolution of advice and consent.

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I. PURPOSE

The purpose of the Convention, as provided for in Article 1, is to "promote the prevention of and the fight against doping in sport, with a view to its elimination." The Convention seeks to achieve this purpose by enhancing international cooperation in the fight against doping in sport and by building on the international community's efforts to develop common standards for equitable doping control and enforcement. The Convention will help to protect the

integrity and spirit of sport by supporting efforts to ensure a fair and doping-free environment for athletes.

II. BACKGROUND

In 1998, a number of prohibited medical substances were found by police in a raid during the Tour de France. The scandal led to a major reappraisal of the role of public authorities in the prevention of doping in sport and highlighted the need for international cooperation on this issue. In February 1999, the International Olympic Committee convened a World Conference on Doping in Sport, which was attended by both sports federations and governments, to determine what might be done to address the problem through international cooperation. The result was the establishment of an independent organization known as the World Anti-Doping Agency (WADA) in November 1999.[1] The United States played a leading role in the establishment of WADA, which is headquartered in Montreal, and has long been one of its strongest supporters.[2]

WADA is a unique hybrid organization that is governed and funded equally by both the Olympic Movement and governments. From the beginning, the United States has served as a governmental representative on the WADA Foundation Board. Pursuant to an Executive Order, the Director of the Office of National Drug Control Policy (ONDCP) serves as the representative of the United States on the board.[3] The organization's basic purpose is to promote harmonized, coordinated, and effective anti-doping programs at the international and national level with regard to the detection, deterrence, and prevention of doping in international sport.

One of WADA's most significant achievements has been the development of a uniform set of anti-doping rules in the World Anti-Doping Code, which was adopted by the WADA Foundation Board in March 2003. The Code provides the framework for harmonized anti-doping policies, rules, and regulations for sports federations and governments. The Code works in conjunction with four "International Standards" aimed at harmonizing the practice of national anti-doping organizations in several key areas: Standards for testing, standards for accredited laboratories that conduct testing on doping-control samples, a list of prohibited substances and methods, and a list of therapeutic use exemptions. The harmonization of standards in these areas is intended to address the problems that previously arose from uneven and uncoordinated anti-doping efforts around the world.

National anti-doping organizations and sports federations are expected to be the main implementers of doping controls that are consistent with the Code, including the testing and sanctioning of athletes that commit anti-doping rule violations. In the United States, the United States Anti-Doping Agency (USADA), headquartered in

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[1] The Lausanne Declaration on Doping in Sport was adopted by the World Conference on Doping in Sport on February 4, 1999. The Declaration states that "[a]n independent International Anti-Doping Agency shall be established so as to be fully operational [by] 2000. This institution will have as its mandate, notably, to coordinate the various programmes necessary to realize the objectives that shall be defined jointly by all the parties concerned."

[2] WADA's total budget in 2008 was approximately $25 million. The United States contribution in 2008 was $1.7 million.

[3] The Director of ONDCP is authorized to serve as the U.S. representative on the WADA board pursuant to Executive Order 13165 (2000).

Colorado Springs, is the national anti-doping agency. USADA is an independent anti-doping agency for Olympic-related sport in the United States and was originally created as the result of recommendations made by the United States Olympic Committee's Select Task Force on Externalization to uphold the Olympic ideal of fair play, and to represent the interests of Olympic Games, Pan American Games, and Paralympic athletes. USADA works closely with WADA to implement the Code effectively with respect to athletes in the U.S. Olympic Movement.

WADA's role is to monitor anti-doping activities worldwide to ensure implementation of and compliance with the Code in cooperation with national anti-doping organizations, such as USADA. For example, WADA receives a certificate of analysis every time a WADA-accredited laboratory analyzes a doping-control sample collected from an athlete that shows the presence of a prohibited substance or method. As a result, WADA is able to follow up with the relevant national anti-doping organization to ensure that it is following the established rules and procedures set forth in the Code.

In March 2003, 51 nations, including the United States, signed the Copenhagen Declaration on Anti-Doping in Sport. The Declaration, among other things, endorsed the Code and supported the negotiation of a Convention on Doping in Sport. This was the beginning of the process that led to the Convention, which was negotiated under the auspices of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) with significant United States Government involvement and support. The Convention builds on the international community's efforts to develop a common approach and standards for equitable doping control and enforcement by providing a common instrument that countries can join to demonstrate their commitment to the Code as the basis for national anti-doping control and policy. The Convention goes beyond the Code and would harmonize and coordinate the activities of governments in a variety of areas that are essential to combating doping in sport, such as scientific and medical research, prevention and education, and doping-control rules regarding specific doping substances and methods. To date, 85 countries have ratified the Convention, including Australia, Canada, China, and almost every country in Europe.

The Convention is not structured to secure changes to national law or regulation, but rather to secure commitments by States Parties to promote international collaboration, research, and education, and to support the principles of the Code and WADA's role in implementing the Code. What follows is a discussion of several key provisions of the Convention.

III. Summary of Convention

A. Major Provisions

A detailed article-by-article analysis of the Convention may be found in the Letter of Submittal from the Secretary of State to the President, which is reprinted in full in Treaty Document 110–14. A summary of key provisions is set forth below.

Commitment to the World Anti-Doping Code and to the World Anti-Doping Agency

The Convention obligates States Parties to "adopt appropriate measures" that are "consistent with the principles of the Code" and "foster international cooperation between States Parties and leading organizations in the fight against doping in sport, in particular with [WADA]." *See* Article 3. In addition, the Convention provides that States Parties "commit themselves to the principles of the Code" as the basis for measures undertaken to implement the Convention. *See* Articles 4 and 5.

The Convention also reaffirms WADA's role in implementing the Code and further provides WADA with an important role in the context of the Convention. For example, Article 14 states that "States Parties undertake to support the important mission of the World Anti-Doping Agency in the international fight against doping"; Article 16 provides for international cooperation with WADA in doping control efforts; Article 29 provides that WADA "shall be invited as an advisory organization to the Conference of the Parties" of the Convention; and Article 32(2) provides that at the request of the parties, "the Director-General of UNESCO shall use to the fullest extent possible the services of the World Anti-Doping Agency. . . ."

Although it is somewhat unusual for a nongovernmental organization to have a formal role in assisting in the implementation of a treaty, it is not without precedent. For example, the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, to which the United States is a party, similarly provides a role for nongovernmental organizations in the implementation of the treaty. Moreover, in this particular circumstance, using WADA appears to be a cost-effective and efficient option. In response to the committee's questions, the Office of National Drug Control Policy explained that "given WADA's technical expertise and the unique nature of doping, it would be advantageous to utilize the existing resources available from WADA" rather than provide "additional funding to UNESCO . . . to hire additional staff and develop the capacity and expertise to provide anti-doping services." Furthermore, in accordance with Article 32(2), WADA's role is defined by the Conference of Parties. If States Parties have any concerns regarding WADA's assistance, they have the option to substantially limit or terminate WADA's role in implementing the Convention.

Flexibility in Implementation

A number of countries in Europe, such as France and Italy, address doping in sport through direct government regulation, which in some cases means legislation that requires compliance by the sports federations or individual athletes with anti-doping rules in those countries. In the United States, and in other countries such as Canada, Australia, and Japan, doping in sport is approached from a different perspective: instead of directly regulating anti-doping in sports, the sports federations are provided with incentives to self-regulate. The Convention recognizes these different approaches in Article 5, which states that the measures used to implement the Convention "may include legislation, regulation, policies or administrative practices."

Prohibited Substances and Methods

Article 8 supports Anti-Doping efforts by requiring states to take certain measures to restrict the availability of "Prohibited Substances and Methods" in order to restrict their use in sports by athletes unless the use is based on a "Therapeutic Use Exemption." The "Prohibited Substances and Methods" and the "Therapeutic Use Exemptions" that are referred to in this Article are listed in the two Annexes to the Convention and originate from the Code. The administration notes in its submittal letter that this Article can be implemented by the United States without changing existing U.S. law or policy.[4] The Prohibited Substances and Methods are mainly controlled substances whose production, movement, importation, distribution, and sale are controlled by the Controlled Substances Act.[5] A number of the noncontrolled substances on the Prohibited List are subject to provisions of the Food, Drug, and Cosmetic Act[6] that restrict their use to legitimate medical activities and prohibits trafficking of such substances. In addition, U.S. states have parallel laws that address the trafficking, possession, and use of many of the substances on the Prohibited List. Finally, an increasing number of U.S. states have implemented student drug testing programs and education initiatives to prevent the use of doping substances on the Prohibited List.

Athlete Support Personnel

Article 9 requires States Parties to take measures, or to encourage sports organizations and anti-doping organizations to take anti-doping measures, aimed at athlete support personnel. Athlete support personnel are defined in Article 2 to be a "coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition." The United States satisfies this requirement through its support of USADA, which has policies and testing protocols that are consistent with the Code and which provide for specific sanctions and penalties for athlete support personnel if and when they violate the Code.

Nutritional Supplements

Article 10 requires States Parties to encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including by providing information regarding their analytic composition. The administration notes in its submittal letter that this Article can be implemented by the United States without changing existing U.S. law or policy.[7] The Dietary Supplement Health Education Act of 1994[8] requires that dietary supplement manufacturers ensure that a dietary supplement is safe before it is marketed, and that its product label information is truthful and not misleading. The law sets forth post-marketing requirements that include monitoring safety, such as adverse event reporting. In June 2007, the Food and Drug Administration established regulations

[4] *See* Treaty Doc. 110–14 at X.
[5] 21 U.S.C. § 801 *et seq.*
[6] 21 U.S.C. § 301 *et seq.*
[7] *See* Treaty Doc. 110–14 at XI.
[8] Pub. L. 103–417.

requiring good manufacturing practices for dietary supplements that are designed to ensure that such supplements are produced in a quality manner, do not contain contaminants or impurities, and are accurately labeled.

Facilitating Doping Controls for Sports Competitions

Article 12 obligates States Parties to facilitate the anti-doping-control activities of sports organizations and anti-doping organizations, such as the testing of athletes with no-advance notice by duly authorized doping-control teams and access to accredited doping laboratories for the purpose of doping-control analysis. The United States would meet these obligations through its support of cooperation among anti-doping organizations, such as the Association of National Anti-Doping Organizations and WADA's Central American Regional Anti-Doping Organization, and the United States' support of USADA, which works to facilitate the doping-control activities contemplated in this Article.

International Cooperation

Article 16 obligates States Parties to take certain steps to facilitate international cooperation in anti-doping testing and control. Parties are only obligated to take steps under this Article to the extent that such steps are "appropriate and in accordance with domestic law and procedures." No changes in existing U.S. law or policy would be necessary to meet the obligations that would arise under this Article. The United States currently facilitates such international cooperation through its support of the activities of USADA, which actively engages in anti-doping testing cooperation with appropriate anti-doping organizations in other countries that are compliant with the Code.

Education and Training

Article 19 of the Convention obligates States Parties, within their means, to support, devise, or implement education and training programs on anti-doping. The United States currently funds a number of programs that would satisfy this requirement. For example, the United States supports two school-based steroid education programs: the ATLAS (Adolescents Training and Learning to Avoid Nutrition Alternatives) program and the ATHENA (Athletes Targeting Healthy Exercise and Nutrition Alternatives) program. In addition, the United States supports anti-doping education through its support of USADA, which traditionally directs more than ten percent of its annual budget toward education programs targeting schoolchildren, emerging elite athletes, coaches, and parents. The United States also provides federal grant funds to operate student drug testing programs and education initiatives, such as activities undertaken by the Department of Education's Office of Safe and Drug-Free Schools.

Voluntary Fund

Article 17 establishes a Voluntary Fund, which can be used to assist States Parties with the implementation of their obligations under the Convention and for the functioning costs of the Convention, which includes the operational costs of the Secretariat. *See* Articles 18 and 32.

Research

Many of the substances and methods used in doping can have a damaging impact on the health of athletes. As the executive branch explained in response to the committee's questions, "[t]he dangers of anabolic steroids for nonmedical use, for example, are becoming increasingly well known. As science evolves and athletes turn to substances such as human growth hormone and gene doping, the health consequences are not only potentially grave, but often not fully known." In order to understand the health risks involved and in order to be aware of the next generation of doping substances and methods, it is crucial that scientific research in this field be encouraged, conducted and shared.

Articles 24–27 focus on research that is relevant to the fight against doping in sport. Article 24 requires States Parties "within their means" to encourage and promote anti-doping research in cooperation with sports and other relevant organizations on (a) prevention, detection methods, behavioral and social aspects, and the health consequences of doping; (b) ways and means of devising scientifically based physiological and psychological training programs; and (c) the use of emerging substances and methods arising from scientific developments. Article 25 requires, among other things, that States Parties ensure that such research complies with internationally recognized ethical practices and is undertaken with adequate precautions to prevent the results of the research from being used for doping purposes. Article 26 requires States Parties to share, where appropriate and subject to national and international law, the results of their research with other Parties and with WADA. Article 27 requires States Parties to encourage members of the scientific and medical communities to carry out sport science research in accordance with the principles of the Code and to encourage sports organizations and athlete support personnel within their jurisdiction to implement such research.

The United States currently supports and promotes research on anti-doping consistent with the requirements laid out in these articles. For example, the United States already funds significant research related to anti-doping both directly and through USADA. The United States also supports anti-doping research activities through the National Institute on Drug Abuse (NIDA), which is one of the National Institutes of Health (NIH), and the Drug Enforcement Administration. The United States has also, through the Office of National Drug Control Policy, promoted the sharing of research results by coordinating research collaboration between WADA's Science and Research Development and officials from NIH, NIDA, and the Food and Drug Administration. Finally, the United States encourages and directly supports sports science research by organizations such as the American College of Sports Medicine, the American Medical Association, and other medical and public health groups.

Monitoring

The monitoring mechanism for this Convention is minimal: States Parties are obligated to report to the Conference of Parties every two years on the measures taken by them to implement the Convention. The Conference of the Parties can expand the monitoring mechanism, but the Convention provides that "[a]ny moni-

toring mechanism or measure that goes beyond [the biennial report] shall be funded through the Voluntary Fund. . . .” As a result, it is unlikely that the monitoring mechanism will be expanded substantially beyond the reporting requirement described above.

B. ANNEXES AND APPENDICES

The Convention consists of its main text, two annexes (The Prohibited List International Standards and the Therapeutic Use Exemptions), and three appendices (the World Anti-Doping Code, the International Standards for Laboratories, and International Standards for Testing).

The two Annexes, the Prohibited List International Standards and the Therapeutic Use Exemptions, are technical documents that are an integral part of the Convention. There are two possible procedures through which the Annexes can be amended. States Parties may propose amendments through the standard amendment procedure set forth in Article 33 or WADA can, under certain circumstances, propose amendments to the Annexes through a fast-track amendment procedure as set forth in Article 34.

Fast-Track Procedure for Amending Annexes

In accordance with Article 34, if WADA modifies its own Prohibited List or the Standards for Granting Therapeutic Use Exemptions, it may inform the Director-General of UNESCO of the changes adopted by WADA and the Director-General would then circulate to States Parties the changes as proposed amendments to the relevant Annexes to the Convention. States Parties have 45 days within which to object to the adoption of such an amendment. Unless two-thirds of the States Parties express their objection, the proposed amendment that was circulated by the Director-General, will be deemed adopted or “approved” by the Conference of Parties and the States Parties will be so notified by the Director-General. States Parties then have another 45 days to opt out of the amendment, by notifying the Director-General that they don’t accept the particular amendment. The amendment will enter into force at the end of the second 45-day period for every State Party that has not opted out. Although States Parties have only 90 days to decide whether to accept an amendment to the annexes under this procedure, the United States (along with other States that are members of WADA) will have significantly more notice of potential amendments to the annexes before they are formally proposed as amendments in accordance with Article 34.

The executive branch has explained to the committee that the process utilized by WADA when amending the Prohibited List or the Standards for Granting Therapeutic Use Exemptions is a lengthy one in which the United States plays an active role. In response to questions from the Committee, the U.S. Representative on the WADA Foundation Board described the process as follows:

> The Prohibited List is reviewed and updated annually by WADA through a year-long consultative process involving stakeholder feedback and input from groups of international scientific and anti-doping experts. A Prohibited List Working Group is specifically tasked with recommending changes to WADA’s Executive Committee and facilitating stakeholder input. A representative from the United States chairs the seven-member committee. In addition, a second member of the group is from the U.S. Food and Drug

Administration. The United States has one of 5 government votes on the Executive Committee to approve any changes to the List.

The International Standards for Granting Therapeutics (ISTUE) is [structured] to ensure that the process of granting Therapeutic Use Exemptions (a process to allow athletes to take medicines on WADA's Prohibited List to treat an athlete's illness or medical condition) is harmonized across sports and countries. The ISTUE came into force in January 2004. Concurrent to the revision of the Code, WADA launched a process in 2006 for updating the ISTUE to build upon the experience gained by WADA and its stakeholders and to improve the protocols and processes.

The [last] review process for updating the ISTUE involved three formal rounds of consultation. Based on stakeholder feedback and consultations with the legal and scientific committees, a draft was circulated in 2007. After a period of public comment and a series of meetings a second draft was released. Subsequently, WADA's Executive Committee unanimously voted to approve the revised ISTUE at its May 2008 meeting. The United States, as a member of the Executive Committee, voted to approve the ISTUE. Comments from USADA regarding the technical revisions were accepted by WADA and incorporated into the revised ISTUE.

Since the Convention entered into force on February 1, 2007, Annex I has been amended. Most recently, on January 1, 2008, a new Annex I entered into force, which was transmitted to the Senate through an Executive Communication (EC 6772) and is to be considered in place of the now outdated Annex I included in Treaty Document 110–14. *See* Annex I of this Report. Annex II has not yet been amended; however, it is expected that the recently adopted revision by WADA of its International Standards for Granting Therapeutic Use Exemptions discussed above, will be accepted by States Parties and ultimately enter into force as a revised Annex II to the Convention on January 1, 2009.

Appendices

The Appendices are not an integral part of the Convention, but because of the unique relationship that this Convention has with the Code and the two standards that are included in the Appendices, it was deemed important to include them for informational purposes. By including the Code in the Appendix, it provides the context for, and clarifies the meaning of, provisions such as Article 4, which commit States Parties to the "principles of the Code" as the basis for measures undertaken to implement the Convention. Moreover, the Code can be changed by WADA, without the consent of the States Parties, and thus by defining the Code in Article 2 for purposes of the Convention as the Code that was adopted on March 5, 2003, it is clear that any subsequent changes to the Code by WADA have no affect on States Parties' rights or obligations under the Convention.

C. SCOPE

The scope of the Convention's application is effectively established through two key definitions of terms used throughout the Convention: the definition of "athlete" and the definition of "sports organization." Both terms are defined in Article 2 and are, according to the chapeau of Article 2, "to be understood within the context of the World Anti-Doping Code."

Athletes

Article 2(4) contains two definitions of "athlete." The first is for doping-control purposes and states as follows: "Athlete means . . .

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 United States, USADA is the national anti-doping organization and thus, the term "athlete" for purposes of doping control in the United States means any athlete who is determined by USADA to be subject to or to have accepted the World Anti-Doping Code. This definition would not, for example, generally include athletes participating in U.S. professional leagues, unless the athlete in question has accepted the Code.

The second, broader definition of athlete contained in Article 2(4) of the Convention is for purposes of education and training programs and includes "any person who participates in sport under the authority of a sports organization." According to the Office of National Drug Control Policy, this second definition of athlete can include athletes of all ages and was drafted with the intent of "educat[ing] a larger number of participants [in sports] on the dangers of doping before they . . . reach the point where they may be competing nationally or internationally."

Sports Organizations

The term "Sports Organization" is defined in Article 2(20) as "any organization that serves as the ruling body for an event for one or several sports." An organization is a ruling body for an event if so determined by the relevant national Olympic Committee or the International Olympic Committee for each sport on the national and international level, respectively. The Committee has been assured by the Executive that this understanding is universally recognized and accepted by States and the international sport community. Moreover, Sports Organizations referred to in the Convention are ones that have accepted the Code. A Sports Organization indicates its acceptance of the Code through a formal written procedure to WADA and every sports organization that has done so, is listed on WADA's Web site at www.wada-ama.org.

D. RELATIONSHIP TO OTHER INTERNATIONAL INSTRUMENTS

Article 6 of the Convention clarifies the relationship between this Convention and other international instruments to which States might be a party. The first sentence of Article 6 is akin to a savings clause and provides that "[t]his 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." As a result, States Parties to this Convention that are also a party to, for example, the Council of Europe's Anti-Doping Convention, may apply the earlier concluded Council of Europe Convention as amongst themselves, even if doing so would be a violation of this Convention. The second sentence of Article 6, however, limits the effect of the first sentence, by providing that States Parties can apply another instrument amongst themselves only insofar as doing so does not affect the enjoyment by third parties of their rights or the performance of their obligations under this Convention. Thus, as explained to the Committee by the Executive Branch, "Article 6 would permit States that are a party to both this Convention and the Council of Europe's Anti-

Doping Convention to apply the Council of Europe's Convention among themselves, but only insofar as that application does not affect the other States Parties' enjoyment of their rights and obligations under the UNESCO Convention."

IV. Entry Into Force

In accordance with Article 38, the Convention will enter into force for the United States on the first day of the month following the expiration of one month after the date on which the United States deposits its instrument of ratification with the Director-General of UNESCO.

V. Implementing Legislation

As noted in the Letter of Submittal from the Secretary of State to the President, which is reprinted in full in Treaty Document 110–14, U.S. ratification of the Convention would not require any changes to U.S. law, because the Convention's provisions are consistent with current U.S. law and practice, including the Controlled Substances Act, the Dietary Health Education Act of 1994, and the Federal Food, Drug, and Cosmetic Act. As a result, no additional implementing legislation will be necessary, should the United States become a party to the Convention.

VI. Committee Action

The committee held a public hearing on the Convention on May 22, 2008. Testimony was received by Mr. Scott M. Burns, Deputy Director of the Office of National Drug Control Policy; Ms. Joan Donoghue, Principal Deputy Legal Adviser at the Department of State; Mr. Jair K. Lynch, former U.S. Olympic athlete and Board Member on the U.S. Olympic Committee; and Mr. Travis Tygart, Executive Director of the U.S. Anti-Doping Agency. *See* Annex II of this Report.

On June 24, 2008, the committee considered the Convention, and ordered it favorably reported by voice vote, with a quorum present and without objection.

VII. Committee Recommendation and Comments

The Committee on Foreign Relations views the purpose of the Convention as crucial in protecting the integrity and spirit of sport by supporting efforts to ensure a fair and doping-free environment for athletes. U.S. ratification is also important for a practical reason: The International Olympic Committee has stated that it will only award the Olympic Games to countries that are party to the Convention. The city of Chicago is among the finalists to host the 2016 Summer Olympics, but it would likely not be awarded the Games if the Convention is not ratified by the United States. Accordingly, the Committee urges the Senate to act promptly to give advice and consent to ratification of the Convention, as set forth in this report and the accompanying resolution of advice and consent. The committee has taken note, however, of certain issues raised by the Convention, which are addressed below.

A. TACIT AMENDMENT PROCEDURE

As discussed previously, Article 34 of the Convention provides a fast-track procedure by which the Annexes to the Convention can be amended and, unless two-thirds of the States Parties to the Convention express their objection to a particular amendment proposed pursuant to this procedure, that amendment will enter into force for a State Party even absent its explicit consent if that State Party has not notified the Director-General that it does not accept the amendment at issue.

The committee recognizes that such a tacit amendment procedure for the Annexes is sensible given that it is reserved for amendments that have already been subject to the modification process in place at WADA, even prior to their arrival as formal proposals to amend the Annexes to the Convention. Moreover, the committee recognizes that this fast-track amendment procedure makes it possible for the Convention to evolve in step with scientific developments that have occurred and are being implemented by WADA through the Code. Thus, in the committee's view, an amendment to the Annexes done in accordance with Article 34 does not require the advice and consent of the Senate. Nevertheless, the committee has included a condition in the resolution of advice and consent to ratification, which requires the Secretary of State to transmit to this committee, and to the Committee on the Judiciary, the text of an amendment to either Annex done in accordance with Article 34 no later than 60 days after its entry into force. An amendment done in accordance with Article 33 would, of course, require the advice and consent of the Senate.

B. RESOLUTION

The committee has included in the resolution of advice and consent an understanding, a declaration, and a condition.

Understanding

The proposed understanding makes clear that although the Convention obligates States Parties to support WADA's mission and the principal of equal funding for WADA as between the Olympic Movement and governments, the Convention does not commit the United States to make a financial contribution to WADA.

Declaration

The proposed declaration clarifies that the United States definition of "athlete" for purposes of doping control in the Convention, is any athlete determined by USADA to be subject to or to have accepted the Code. This declaration is consistent with the chapeau of Article 2, which states that every definition is "to be understood within the context of the World Anti-Doping Code" and will be included in the U.S. instrument of ratification in order to alert other States Parties to the definition used by the United States.

Condition

As noted in relation to the tacit amendment procedure in Article 34, the Committee has included a reporting requirement regarding amendments to the Annexes of the Convention that are concluded through the Article 34 procedure.

VIII. Text of Resolution of Advice and Consent to Ratification

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO AN UNDERSTANDING, A DECLARATION, AND A CONDITION

The Senate advises and consents to the ratification of the International Convention Against Doping in Sport (the "Convention"), adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14; EC 6772), subject to the understanding of section 2, the declaration of section 3, and the condition of section 4.

SECTION. 2. UNDERSTANDING

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

> 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.

SECTION. 3. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

> 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.

SECTION. 4. CONDITION

The advice and consent of the Senate under section 1 is subject to the following condition:

> Not later than 60 days after an amendment to either of the Annexes that was concluded in accordance with the specific amendment procedure in Article 34 enters into force for the United States, the Secretary of State shall transmit the text of the amended Annex to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

IX. Annex I.—2008 Prohibited List and Annex I to the Convention (EC 6772)

ANNEX I

THE WORLD ANTI-DOPING CODE

THE 2008 PROHIBITED LIST

INTERNATIONAL STANDARD

This List shall come into effect on 1 January 2008

THE 2008 PROHIBITED LIST

WORLD ANTI-DOPING CODE

Valid 1 January 2008

The use of any drug should be limited to medically justified indications

SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES (IN- AND OUT-OF-COMPETITION)

PROHIBITED SUBSTANCES

S1. ANABOLIC AGENTS

Anabolic agents are prohibited.

S1.1 Anabolic Androgenic Steroids (AAS)

(a) Exogenous* AAS, including:

1-androstendiol (5α-androst-1-ene-3β,17β-diol); **1-androstendione** (5α-androst-1-ene-3,17-dione); **bolandiol** (19-norandrostenediol); **bolasterone; boldenone; boldione** (androsta-1,4-diene-3,17-dione); **calusterone; clostebol; danazol** (17α-ethynyl-17β-hydroxyandrost-4-eno[2,3-d]isoxazole); **dehydrochlormethyltestosterone** (4-chloro-17β-hydroxy-17α-methylandrosta-1,4-dien-3-one); **desoxymethyltestosterone** (17α-methyl-5α-androst-2-en-17β-ol); **drostanolone; ethylestrenol** (19-nor-17α-pregn-4-en-17-ol); **fluoxymesterone; formebolone; furazabol** (17β-hydroxy-17α-methyl-5α-androstano[2,3-c]-furazan); **gestrinone; 4-hydroxytestosterone** (4,17β-dihydroxyandrost-4-en-3-one); **mestanolone; mesterolone; metenolone; methandienone** (17β-hydroxy-17α-methylandrosta-1,4-dien-3-one); **methandriol; methasterone** (2α, 17α-dimethyl-5α-androstane-3-one-17β-ol); **methyldienolone** (17β-hydroxy-17α-methylestra-4,9-dien-3-one); **methyl-1-testosterone**(17β-hydroxy-17α-methyl-5α-androst-1-en-3-one); **methylnortestosterone** (17β-hydroxy-17α-methylestr-4-en-3-one); **methyltrienolone** (17β-hydroxy-17α-methylestra-4,9,11-trien-3-one); **methyltestosterone; mibolerone; nandrolone; 19-norandrostenedione** (estr-4-ene-3,17-dione); **norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanozol** ([3,2-c]pyrazole-5α-etioallocholane-17β-tetrahydropyranol); **quinbolone; stanozolol; stenbolone; 1-testosterone** (17β-hydroxy-5α-androst-1-en-3-one); **tetrahydrogestrinone** (18a-homo-pregna-4,9,11-trien-17β-ol-3-one); **trenbolone** and other substances with a similar chemical structure or similar biological effect(s).

(b) Endogenous** AAS:

Androstenediol (androst-5-ene-3β,17β-diol); **androstenedione** (androst-4-ene-3,17-dione); **dihydrotestosterone** (17β-hydroxy-5α-androstan-3-one); **prasterone** (dehydroepiandrosterone, DHEA); **testosterone**

and the following metabolites and isomers:

5α-androstane-3α,17α-diol; 5α-androstane-3α,17β-diol; 5α-androstane-3β,17α-diol; 5α-androstane-3β,17β-diol; androst-4-ene-3α,17α-diol; androst-4-ene-3α,17β-diol; androst-4-ene-3β,17α-diol; androst-5-ene-3α,17α-diol; androst-5-ene-3α,17β-diol; androst-5-ene-3β,17α-diol; 4-androstenediol (androst-4-ene-3β,17β-diol); **5-androstenedione** (androst-5-ene-3,17-dione); **epi-dihydrotestosterone; 3α-hydroxy-5α-androstan-17-one; 3β-hydroxy-5α-androstan-17-one; 19-norandrosterone; 19-noretiocholanolone**.

Where an anabolic androgenic steroid is capable of being produced endogenously, a *Sample* will be deemed to contain such *Prohibited Substance* and an *Adverse Analytical Finding* will be reported where the concentration of such *Prohibited Substance* or its metabolites or markers and/or any other relevant ratio(s) in the *Athlete*'s *Sample* so deviates from the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production. A *Sample* shall not be deemed to contain a *Prohibited Substance* in any such case where an *Athlete* proves that the concentration of the *Prohibited Substance* or its metabolites or markers and/or the relevant ratio(s) in the *Athlete*'s *Sample* is attributable to a physiological or pathological condition.

In all cases, and at any concentration, the *Athlete*'s *Sample* will be deemed to contain a *Prohibited Substance* and the laboratory will report an *Adverse Analytical Finding* if, based on any reliable analytical method (e.g. IRMS), the laboratory can show that the *Prohibited Substance* is of exogenous origin. In such case, no further investigation is necessary.

When a value does not so deviate from the range of values normally found in humans and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, but if there are indications, such as a comparison to endogenous reference steroid profiles, of a possible *Use* of a *Prohibited Substance,* or when a laboratory has reported a T/E ratio greater than four (4) to one (1) and any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation shall be conducted by the relevant *Anti-Doping Organization* by reviewing the results of any previous test(s) or by conducting subsequent test(s).

When such further investigation is required the result shall be reported by the laboratory as atypical and not as adverse. If a laboratory reports, using an additional reliable analytical method (e.g. IRMS), that the *Prohibited Substance* is of exogenous origin, no further investigation is necessary and the *Sample* will be deemed to contain such *Prohibited Substance*.

When an additional reliable analytical method (e.g. IRMS) has not been applied, and the minimum of three previous test results are not available, a longitudinal profile of the *Athlete* shall be established by performing three no advance notice tests in a period of three months by the relevant *Anti-Doping Organization*. The result that triggered this longitudinal study shall be reported as atypical. If the longitudinal profile of the *Athlete* established by the subsequent tests is not physiologically normal, the result shall then be reported as an *Adverse Analytical Finding*.

In extremely rare individual cases, boldenone of endogenous origin can be consistently found at very low nanograms per milliliter (ng/mL) levels in urine. When such a very low concentration of boldenone is reported by a laboratory and the application of any reliable analytical method (e.g. IRMS) has not determined the exogenous origin of the substance, further investigation may be conducted by subsequent tests.

For 19-norandrosterone, an *Adverse Analytical Finding* reported by a laboratory is considered to be scientific and valid proof of exogenous origin of the *Prohibited Substance*. In such case, no further investigation is necessary.

Should an *Athlete* fail to cooperate in the investigations, the *Athlete*'s *Sample* shall be deemed to contain a *Prohibited Substance*.

S1.2. Other Anabolic Agents, including but not limited to:

Clenbuterol, selective androgen receptor modulators (SARMs), tibolone, zeranol, zilpaterol.

For purposes of this section:

* *"exogenous" refers to a substance which is not ordinarily capable of being produced by the body naturally.*

** *"endogenous" refers to a substance which is capable of being produced by the body naturally.*

S2. HORMONES AND RELATED SUBSTANCES

The following substances and their releasing factors, are prohibited:

1. **Erythropoietin (EPO);**
2. **Growth Hormone (hGH), Insulin-like Growth Factors** (e.g. **IGF-1), Mechano Growth Factors (MGFs);**
3. **Gonadotrophins (e.g. LH, hCG),** prohibited in males only;
4. **Insulins;**
5. **Corticotrophins**

and other substances with similar chemical structure or similar biological effect(s).

Unless the *Athlete* can demonstrate that the concentration was due to a physiological or pathological condition, a *Sample* will be deemed to contain a *Prohibited Substance* (as listed above) where the concentration of the *Prohibited Substance* or its metabolites and/or relevant ratios or markers in the *Athlete*'s *Sample* so exceeds the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production.

If a laboratory reports, using a reliable analytical method, that the *Prohibited Substance* is of exogenous origin, the *Sample* will be deemed to contain a *Prohibited Substance* and shall be reported as an *Adverse Analytical Finding*.

S3. BETA-2 AGONISTS

All beta-2 agonists including their D- and L-isomers are prohibited.

As an exception, formoterol, salbutamol, salmeterol and terbutaline when administered by inhalation, require an abbreviated Therapeutic Use Exemption.

Despite the granting of any form of Therapeutic Use Exemption, a concentration of salbutamol (free plus glucuronide) greater than 1000 ng/mL will be considered an *Adverse Analytical Finding* unless the *Athlete* proves that the abnormal result was the consequence of the therapeutic use of inhaled salbutamol.

S4. HORMONE ANTAGONISTS AND MODULATORS

The following classes are prohibited:

1. **Aromatase inhibitors** including, but not limited to: **anastrozole, letrozole, aminoglutethimide, exemestane, formestane, testolactone.**
2. **Selective estrogen receptor modulators (SERMs)** including, but not limited to: **raloxifene, tamoxifen, toremifene.**
3. **Other anti-estrogenic substances** including, but not limited to: **clomiphene, cyclofenil, fulvestrant.**
4. **Agents modifying myostatin function(s)** including but not limited to: **myostatin inhibitors.**

S5. DIURETICS AND OTHER MASKING AGENTS

Masking agents are prohibited. They include:

Diuretics*, **epitestosterone, probenecid, alpha-reductase inhibitors** (e.g. **finasteride, dutasteride), plasma expanders** (e.g. **albumin, dextran, hydroxyethyl starch)** and other substances with similar biological effect(s).

Diuretics include:

Acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, etacrynic acid, furosemide, indapamide, metolazone, spironolactone, thiazides (e.g. **bendroflumethiazide, chlorothiazide, hydrochlorothiazide), triamterene**, and other substances with a similar chemical structure or similar biological effect(s) (except for drosperinone, which is not prohibited).

* A Therapeutic Use Exemption is not valid if an *Athlete*'s urine contains a diuretic in association with threshold or sub-threshold levels of a *Prohibited Substance*(s).

PROHIBITED METHODS

M1. ENHANCEMENT OF OXYGEN TRANSFER

The following are prohibited:

1. Blood doping, including the use of autologous, homologous or heterologous blood or red blood cell products of any origin;
2. Artificially enhancing the uptake, transport or delivery of oxygen, including but not limited to perfluorochemicals, efaproxiral (RSR13) and modified haemoglobin products (e.g. haemoglobin-based blood substitutes, microencapsulated haemoglobin products).

M2. CHEMICAL AND PHYSICAL MANIPULATION

1. *Tampering,* or attempting to tamper, in order to alter the integrity and validity of *Samples* collected during *Doping Controls* is prohibited. These include but are not limited to catheterisation, urine substitution and/or alteration.
2. Intravenous infusion is prohibited. In an acute medical situation where this method is deemed necessary, a retroactive Therapeutic Use Exemption will be required.

M3. GENE DOPING

The non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance, is prohibited.

SUBSTANCES AND METHODS PROHIBITED IN-COMPETITION

In addition to the categories S1 to S5 and M1 to M3 defined above, the following categories are prohibited in competition:

PROHIBITED SUBSTANCES

S6. STIMULANTS

All stimulants (including both their (D- & L-) optical isomers where relevant) are prohibited, except imidazole derivatives for topical use and those stimulants included in the 2008 Monitoring Program.*

Stimulants include:

Adrafinil, adrenaline**, **amfepramone, amiphenazole, amphetamine, amphetaminil, benzphetamine, benzylpiperazine, bromantan, cathine*****, **clobenzorex, cocaine, cropropamide, crotetamide, cyclazodone, dimethylamphetamine, ephedrine******, **etamivan, etilamphetamine, etilefrine, famprofazone, fenbutrazate, fencamfamin, fencamine, fenetylline, fenfluramine, fenproporex, furfenorex, heptaminol, isometheptene, levmethamfetamine, meclofenoxate, mefenorex, mephentermine, mesocarb, methamphetamine (D-), methylenedioxyamphetamine, methylenedioxymethamphetamine, p-methylamphetamine, methylephedrine******, **methylphenidate, modafinil, nikethamide, norfenefrine, norfenfluramine, octopamine, ortetamine, oxilofrine, parahydroxyamphetamine, pemoline, pentetrazol, phendimetrazine, phenmetrazine, phenpromethamine, phentermine, 4-phenylpiracetam (carphedon), prolintane, propylhexedrine, selegiline, sibutramine, strychnine, tuaminoheptane** and other substances with a similar chemical structure or similar biological effect(s).

* The following substances included in the 2008 Monitoring Program (bupropion, caffeine, phenylephrine, phenylpropanolamine, pipradol, pseudoephedrine, synephrine) are not considered as *Prohibited Substances*

** **Adrenaline** associated with local anaesthetic agents or by local administration (e.g. nasal, ophthalmologic) is not prohibited.

*** **Cathine** is prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

**** Each of **ephedrine** and **methylephedrine** is prohibited when its concentration in urine is greater than 10 micrograms per milliliter.

A stimulant not expressly mentioned as an example under this section should be considered as a Specified Substance only if the *Athlete* can establish that the substance is particularly susceptible to unintentional anti-doping rule violations because of its general availability in medicinal products or is less likely to be successfully abused as a doping agent.

S7. NARCOTICS

The following narcotics are prohibited:

Buprenorphine, dextromoramide, diamorphine (heroin), fentanyl and its derivatives, hydromorphone, methadone, morphine, oxycodone, oxymorphone, pentazocine, pethidine.

S8. CANNABINOIDS

Cannabinoids (e.g. hashish, marijuana) are prohibited.

S9. GLUCOCORTICOSTEROIDS

All glucocorticosteroids are prohibited when administered orally, rectally, intravenously or intramuscularly. Their use requires a Therapeutic Use Exemption approval.

Other routes of administration (intraarticular /periarticular/ peritendinous/ epidural/ intradermal injections and inhalation) require an Abbreviated Therapeutic Use Exemption except as noted below.

Topical preparations when used for dermatological (including iontophoresis/phonophoresis), auricular, nasal, ophthalmic, buccal, gingival and perianal disorders are not prohibited and do not require any form of Therapeutic Use Exemption.

SUBSTANCES PROHIBITED IN PARTICULAR SPORTS

P1. ALCOHOL

Alcohol (ethanol) is prohibited *In-Competition* only, in the following sports. Detection will be conducted by analysis of breath and/or blood. The doping violation threshold (haematological values) for each Federation is reported in parenthesis.

- Aeronautic (FAI) (0.20 g/L)
- Archery (FITA, IPC) (0.10 g/L)
- Automobile (FIA) (0.10 g/L)
- Boules (IPC bowls) (0.10 g/L)
- Karate (WKF) (0.10 g/L)
- Modern Pentathlon for disciplines involving shooting (UIPM) (0.10 g/L)
- Motorcycling (FIM) (0.10 g/L)
- Powerboating (UIM) (0.30 g/L)

P2. BETA-BLOCKERS

Unless otherwise specified, beta-blockers are prohibited *In-Competition* only, in the following sports.

- Aeronautic (FAI)
- Archery (FITA, IPC) (also prohibited *Out-of-Competition*)
- Automobile (FIA)
- Billiards (WCBS)
- Bobsleigh (FIBT)
- Boules (CMSB, IPC bowls)
- Bridge (FMB)
- Curling (WCF)
- Gymnastics (FIG)
- Motorcycling (FIM)
- Modern Pentathlon (UIPM) for disciplines involving shooting
- Nine-pin bowling (FIQ)
- Powerboating (UIM)
- Sailing (ISAF) for match race helms only
- Shooting (ISSF, IPC) (also prohibited *Out-of-Competition*)
- Skiing/Snowboarding (FIS) in ski jumping, freestyle aerials/halfpipe and snowboard halfpipe/big air
- Wrestling (FILA)

Beta-blockers include, but are not limited to, the following:

Acebutolol, alprenolol, atenolol, betaxolol, bisoprolol, bunolol, carteolol, carvedilol, celiprolol, esmolol, labetalol, levobunolol, metipranolol, metoprolol, nadolol, oxprenolol, pindolol, propranolol, sotalol, timolol.

SPECIFIED SUBSTANCES*

"Specified Substances"* are listed below:

- All inhaled Beta-2 Agonists, except salbutamol (free plus glucuronide) greater than 1000 ng/mL and clenbuterol (listed under S1.2: Other Anabolic Agents);
- Alpha-reductase inhibitors, probenecid;
- Cathine, cropropamide, crotetamide, ephedrine, etamivan, famprofazone, heptaminol, isometheptene, levmethamfetamine, meclofenoxate, p-methylamphetamine, methylephedrine, nikethamide, norfenefrine, octopamine, ortetamine, oxilofrine, phenpromethamine, propylhexedrine, selegiline, sibutramine, tuaminoheptane, and any other stimulant not expressly listed under section S6 for which the Athlete establishes that it fulfils the conditions described in section S6;
- Cannabinoids;
- All Glucocorticosteroids;
- Alcohol;
- All Beta-blockers.

* *"The Prohibited List may identify specified substances which are particularly susceptible to unintentional anti-doping rule violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents."* A doping violation involving such substances may result in a reduced sanction provided that the *"...Athlete can establish that the use of such a specified substance was not intended to enhance sport performance..."*

X. ANNEX II.—TRANSCRIPT OF MAY 22, 2008 HEARING

INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT (TREATY DOC. 110–14)

THURSDAY, MAY 22, 2008

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:22 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden and Lugar.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. The committee will come to order. Let me begin by welcoming our witnesses. Today the committee examines whether the United States should join the International Convention Against Doping in Sport. Throughout history, as our witnesses clearly know, athletes have always tried to improve their competitive advantage in their performance on the playing field, and there's always been a history of some use of improper substances to be able to do that.

In the 20th century, governments even got into the act, such as when East Germany tried to build an Olympic powerhouse by the use of doping. As many as 2,000 former East German athletes are now suffering, we are told, from significant health problems associated with steroid use, including heart disease and other diseases.

Today we continue to struggle with the problem of doping in sports. American athletes in both Olympic and professional sports, as well as college and high school at all levels, are not immune from the temptation to abuse steroids and other substances and the pressure, particularly at the very highest level, to be able to maintain your slot on the team and your job has increased exponentially when you look across the locker room and see somebody who has put on 20 extra pounds of muscle over the summer and you say: Well, wait a minute; it's my job or he or she gets the job.

It's a giant problem. Profound medical advances have resulted in the development of a wide variety of drugs, some of which can be abused, that artificially advance muscle growth and rejuvenation on a level previously unimagined. A quick review of the World Anti-Doping Agency's list of prohibited substances indicates the

breadth of performance-enhancing drugs: hormones, steroids, oxygen enhancements, beta blockers, even gene doping.

While many of these drugs can be used for legitimate purposes, they can also be abused by athletes seeking to achieve a competitive advantage. I just call it flat cheating. It's a simple, basic proposition: It's cheating. For the last two decades, the United States and the world community have responded to these developments with an increasing commitment to curb doping in sport. Along with others, with many others, I've been closely involved in this effort. In 1990, I was the author, as chairman of the Judiciary Committee, of the first Anabolic Steroid Control Act, which added anabolic steroids to Schedule 3 of the Controlled Substances Act, and began to list a host of substances falling within that definition.

In 2004 I updated the law—I proposed legislation to update the law—and added THG as well as Andro and other chemical cousins to the list of anabolic steroids. The reason for these changes was simple. These substances not only pose great health risks, but they threaten the fundamental integrity of sport and send the wrong message to a kid that cheating—cheating to get ahead—is acceptable, no matter what the cost, as long as the ends had great promise.

So I've worked hard, along with Senator Lugar and many others in the Senate, to ban these substances, educate our youth and professional athletes, and reduce this wrongful behavior in American sport.

In the late 1990s, the international community came together and established the World Anti-Doping Agency to promote and coordinate the fight against doping in international sports competition. The United States at that time played a leading role in the establishment of the Agency and has long been one of its strongest supporters. One of the Agency's most significant achievements was the development of a uniform set of antidoping rules in what is known as the World Anti-Doping Code.

The International Convention Against Doping in Sport, which commits parties to the principles of the Code and reaffirms the World Anti-Doping Agency's role in implementing the Code, is the next logical step in promoting harmonized, coordinated, and effective antidoping programs in international sport competition. On the eve of the Beijing Olympics, it's timely for the Senate to consider this issue of doping in sports.

When I was leaving I told my wife that I was doing—we were having this hearing, and she said: You know, you do that in Judiciary; why are you doing this in the Foreign Relations Committee? How is that? Because most people would wonder why we, in the Foreign Relations Committee, are dealing with this. But the fact of the matter is that we're expediting the convention here for a very practical reason. The International Olympic Committee has made clear that nations seeking to host Olympic games must be parties to this convention and we are not. The city of Chicago is bidding to host the 2016 Summer Olympics. So we are acting promptly on this convention, just a few months after it was submitted to the Senate, at the request of our colleagues not only from the administration, but from Illinois and the mayor of the city of Chicago, Mayor Daley, and the Olympic Committee.

We have two panels today. By the way, I might add, I have an ulterior motive for wanting to bring this—give this issue as much attention as we can. I believe that we should have the same code for all sports in America. It should be as tough as the Olympic standards, and it is not, whether it's professional sports or amateur sports. I think it should be a national standard as well.

I've been a broken record on that. That's not why we're here, but I want full disclosure. I'm going to do all I can in my capacity in that other committee to try to get us to the point where this becomes the national standard as well as our standard when we compete in international competition.

We have two very distinguished panels today. First we're going to hear from the Honorable Scott M. Burns and Ms. Joan Donoghue. Mr. Burns has served as Deputy Director of the Office of National Drug Control Policy since December 2007 and is doing a good job, I might add, in my view. He has also worked extensively for the World Anti-Doping Agency, including as U.S. representative to the Agency in 2003 and as the regional representative for the Americas on the Agency's Executive Committee.

Ms. Donoghue is the Principal Deputy Legal Adviser to the Department of State. She previously served as the Deputy General Counsel for the Department of the Treasury.

On the second panel we'll have Mr. Lynch and Mr. Tygart. Am I pronouncing "Tygart" correctly?

Mr. TYGART. Yes, sir.

The CHAIRMAN. If not, you can call me "Bidden."

Mr. Lynch is a board member of the United States Olympic Committee and a two-time United States Olympic gymnast, and he has won the silver medal on the parallel bars, which I still cannot fathom anyone being able to do. I thought myself an athlete in high school and college, but I don't know how—you have to explain to me a little bit about how the hell you ever got into that, because it looks to me to be absolutely beyond physical—anyway, Mr. Lynch won a silver medal for the parallel bars in the Summer Olympics held in Atlanta in 1996.

Mr. Tygart is the chief executive officer of the United States Anti-Doping Agency and has been with the Agency since 2002 and served as the director of legal affairs before becoming the counsel general in 2004.

Before we move to our witnesses, I yield to Chairman Lugar.

STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Well, thank you very much, Mr. Chairman. Really, emboldened by your mention of Mayor Daley and Chicago, I would just mention that I'm celebrating with Mayor Ballard of Indianapolis the award of the Superbowl to Indianapolis in 2012, and your thought that this ought to cover all sports is one that I cherish likewise.

I appreciated particularly your leadership as chairman of the Judiciary Committee, because the legislation and the hearings you had really were significant. But there is a good reason for our having this hearing here today, because of the action that you and the committee are trying to expedite.

Therefore, I join you in welcoming our witnesses to this hearing on the International Convention Against Doping in Sport. The convention was negotiated with significant United States participation and thus far 85 nations have ratified it. The Foreign Relations Committee has been called on to evaluate this treaty and the impact of United States ratification on international and American antidoping efforts.

The United States is passionate about athletics at every level, from the most elite professionals to our sons and daughters playing on school teams. We're hopeful that athletic competition is fair and, even more importantly, safe. Performance-enhancing drugs undercut fair competition and introduce a destructive element into endeavors that should be promoting good health and physical fitness. Athletes who use steroids or other drugs are placing their own health at serious risk and setting a damaging example for the millions of younger athletes who look up to them.

For many young people participation in sports is a fundamental element of personal expression, social status, and self-worth. In some cases sports are a pathway to college, another means of personal advancement. In this context, the temptation of drugs that offer the prospect of improved performance can be very powerful, particularly when the safety and efficacy of that temptation seems to be validated by elite athletes.

The Office of National Drug Control Policy found in 2006 that 1.6 percent—1.6 percent of eighth grade students, and 2.7 percent of 12th grade students reported using steroids at least once.

The convention before us is not a panacea for that problem. Rather, it seeks to improve international coordination in preventing and responding to doping in sports generally. It requires commitments by parties to collaborate on research, education, and rules related to antidoping efforts.

The executive branch has determined that U.S. laws and practice are already consistent with the convention. Thus, no further implementing legislation would be necessary for the United States to become a party.

I look forward to this opportunity to study the convention in greater depth today, to hear the testimony of our witnesses about why it is needed and how it might be beneficial to United States interests.

I thank you again for calling this hearing in such a timely way.

The CHAIRMAN. Thank you very much.

Mr. Burns, the floor is yours.

STATEMENT OF HON. SCOTT M. BURNS, DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC

Mr. BURNS. Chairman Biden, Ranking Member Lugar, it's my pleasure to appear before you this morning, before the Senate Committee on Foreign Relations, and testify in strong support of the International Convention Against Doping in Sport. As you know, the convention was transmitted by the President on February 6 of this year and advances the interests of the United States in the fight against drug use and doping in sport.

The convention develops a common approach and harmonizes, as you have outlined, standard for equitable antidoping measures in international competition. The convention is not structured to change national law or regulation, but will continue commitments by parties to promote international collaboration on antidoping research, education, and drug testing protocols.

I join the President in urging timely ratification of the instrument. Doping poses significant risks to the health and well-being of athletes, as you well know, Mr. Chairman, as evidenced by your leadership on the steroid issue for many, many yours. The use of performance-enhancing drugs undermines the ideal of sport and devalues and debases the rewards of competition. The health and ethical consequences of doping particularly impact young people, who often emulate the behaviors of elite athletes.

Governments from around the globe and the international Olympic movement recognize the importance of the international cooperation needed, as you have pointed out, by creating the World Anti-Doping Agency, or WADA, in 1999. It is the international independent organization designed to promote, coordinate, and monitor the fight against doping in sport in all of its forms. The agency is composed and funded equally by the Olympic movement and the governments of the world.

The United States was a driving force in the inception of development of WADA and has increasingly played, I believe, a leadership role in the agency's governance. The most important achievement of WADA has been the drafting, acceptance, and implementation of a consistent set of antidoping rules for Olympic sport organization and international competitions, the World Anti-Doping Code.

Prior to the creation of the code, there was myriad inconsistent, and at times contradictory, doping rules across nations and across sport. The code's development was the result of an unprecedented collaboration between governments and the Olympic movement and culminated when the document entered into force on January 1, 2004. To date more than 570 sport organizations have become signatories and adopted the code.

Governments, including the United States, however, possess no legal ability to become signatories to a nongovernmental private legal instrument such as the code. Therefore, and consistent with the ideals upon which WADA was established, governments agreed to include a provision in the code whereby their antidoping commitment would be demonstrated by the signing of a nonbinding political declaration, to be followed by the development of an international convention. Thus the reason for us being here.

Ratification of the convention, Mr. Chairman, as you've stated, is a priority. While the convention does not alter the manner in which sports operate and are regulated in the United States, ratification does send a clear message domestically and abroad about our commitment to eliminate doping in sport. The instrument was drafted with the clear recognition and included specific language to ensure that regulation of sport remains within the purview of national law and national policy. The convention respects and retains the various ways in which nations regulate sport.

No provision in the convention requires any change to existing United States law, regulation, or policy. Moreover, no imple-

menting legislation would be required and upon ratification of the convention the United States would be compliant as a party.

Ratification of the convention will not impact the manner in which the United States professional sports are regulated. Consistent with its purpose, the definitions contained in the convention create obligations solely with respect to those individuals and entities engaged in internationally regulated competition.

Ratification of the convention will not impact existing antidoping policies in the United States. The United States Anti-Doping Agency, or USADA, will remain the independent nongovernmental organization responsible for administering the antidoping program for Olympic and Pan American sport in the United States. Ratifying the convention will not change the relationship between the United States Government and USADA.

As you have pointed out, in addition to this policy rationale, practical reasons exist to support the convention. The International Olympic Committee has mandated that in order to host the Olympic Games a nation must have ratified the UNESCO Anti-Doping Convention. As you are aware, the city of Chicago is one of the seven cities to have submitted an official bid to host the 2016 Summer Olympics. Each of the other bidding nations has already ratified the convention and ratification of the convention is a critical step toward bringing the Olympic Games back to the United States.

Mr. Chairman, it's been an honor to have represented the United States Government on WADA's governing executive committee and foundation board since 2004. I'm pleased to report that the efforts of the United States have resulted in a dramatic and positive change in international perception of our commitment to combatting drugs in sport. Congress deserves a significant amount of credit for its leadership, commitment, and vision. Congress has been invaluable as a partner in raising the awareness of this public health issue, providing the resources to the Office of National Drug Control Policy and the United States Anti-Doping Agency to pursue the issue vigorously and amending the Controlled Substances Act to ensure that the law evolves with science and technology.

The efforts to combat doping in the United States truly have been a team effort. While much progress has been made, additional actions are necessary. The next step in our shared fight to protect the public health and integrity of sport is the ratification of the Convention Against Doping in Sport. Becoming a party to this instrument is in our national interest. It will further demonstrate our commitment to working in the international arena to reduce the incidence of drug use in sport.

I strongly urge the committee to give prompt and favorable consideration to the convention, and I thank you.

[The prepared statement of Mr. Burns follows:]

PREPARED STATEMENT OF HON. SCOTT M. BURNS, DEPUTY DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC

I. INTRODUCTION

Chairman Biden, Ranking Member Lugar, members of the committee, it is my pleasure to appear this morning before the Senate Committee on Foreign Relations and testify in strong support of the International Convention Against Doping in

Sport (Treaty Doc. 110–4). The Convention transmitted by President Bush to the Senate on February 6, 2008, advances the interests of the United States in the fight against drug use and doping in sport. The Convention develops a common approach and harmonizes standards for equitable antidoping controls in international competition. The Convention is not structured to change national law or regulation, but will continue commitments by parties to promote international collaboration on antidoping research, education, and drug testing protocols. On behalf of John Walters, Director, National Drug Control Policy, I join the President in urging the timely ratification of this instrument.

II. DISCUSSION

a. Doping in Sport

Doping is the use of a substance or method that artificially enhances athletic performance. Doping often poses a significant risk to the health and well-being of athletes. The use of performance enhancing drugs undermines the ideals of sport and devalues and debases the rewards of competition. The health and ethical consequences of doping particularly impact young people who often emulate the behaviors of elite athletes. As a result, the President highlighted the importance athletics play in our society and the pernicious nature of doping in his 2004 State of the Union Address. He observed that doping is dangerous and sends the wrong message to children that performance is more important than character.

Neither the United States, nor any other single nation, can adequately confront and tackle the multifaceted challenges posed by doping alone. Sport continues to grow increasingly international in nature. Athletes and coaches compete and train internationally and are impacted by global trends. Recent high-profile steroid trafficking prosecutions in the United States confirm that the trafficking of performance-enhancing drugs is international in scope as well. The source of the steroids and the drug trafficking organizations involved in these prosecutions demonstrates the international nature of this problem. As a result, the 2008 National Drug Control Strategy identified international cooperation and partnership as a core element of the United States efforts in combating doping in sport.

b. The creation of an International Body to Combat Doping

Governments from around the globe and the International Olympic Movement recognized the importance of international cooperation by creating the World Anti-Doping Agency (WADA) in 1999. WADA is the international, independent organization created to promote, coordinate, and monitor the fight against doping in sport in all its forms. The agency is composed and funded equally by the Olympic Movement and governments of the world. Its key activities include scientific research, education, out-of-competition drug testing, and development of antidoping capacities.

The United States was a driving force in the conception and development of WADA. Per Executive Orders 13165 (August 9, 2000) and 13286 (February 28, 2003), the Office of National Drug Control Policy (ONDCP) serves as the United States representative to WADA. The United States has increasingly played a leadership role in the agency's governance. The United States has served as one of 18 nations on the agency's governing Foundation Board since WADA's inception. In 2004, the United States was elected to serve as one of five nations worldwide on WADA's executive committee. Moreover, a number of United States officials serve on various expert committees and technical working groups.

c. The World Anti-Doping Code

The immediate challenge WADA faced following its creation was the myriad inconsistent and contradictory doping rules across nations and sport. Indeed, prior to 2000, antidoping rules and regulations, to the extent they even existed, commonly varied or contradicted each other. Often these rules were inconsistently applied and enforced. Thus, depending on the sport or nationality of an athlete, the antidoping framework varied.

The most important achievement of WADA has been the drafting, acceptance, and implementation of a consistent set of antidoping rules—the World Anti-Doping Code (Code). The Code is the core document that provides the basis for harmonized antidoping rules and regulations within Olympic sport organizations and among governments. The Code also addresses the problems that previously arose from the disjointed and uncoordinated efforts in areas such as testing, adjudications, sanctions, antidoping prevention and education.

The Code's development was the result of an unprecedented collaboration between governments and the Olympic Movement. The drafting and consultations lasted nearly 2 years. In fact, the United States and more than 80 governments actively

participated in the World Conference on Doping in Copenhagen, Denmark in 2003 during which the Code was approved. The process culminated when the document entered into force on January 1, 2004.

To date, more than 570 sport organizations have become signatories and adopted the Code. All the sport entities in the United States Olympic Movement, including United States Olympic Committee (USOC) and the United States Anti-Doping Agency (USADA), have signed the Code. Governments, including the United States, however, possess no legal ability to become signatories to a nongovernmental, private legal instrument such as the Code.

Therefore, consistent with the ideals upon which WADA was established, governments agreed to include a provision in the Code whereby their commitment to the Code would be demonstrated by the signing of a nonbinding political declaration. Thereafter, governments would pursue the development of an international anti-doping convention to be implemented as appropriate to the constitutional and regulatory contexts of each government. The purpose of the Convention was to enable governments to align their domestic legislation and policies, to the extent possible, with the Code in order to harmonize sport rules and public law in the fight against doping in sport.

Remarkably, 192 nations have signed the political statement (the so-called "Copenhagen Declaration on Anti-Doping in Sport") expressing support for the principles contained in the Code. Governments subsequently concluded that the United Nations Education, Scientific, and Cultural Organization (UNESCO)—the U.N. agency with technical competence and responsibility in the areas of social and human science in addition to physical education and sport—was the most appropriate international organization to host such a convention. In January 2004, drafting of the international convention under the auspices of UNESCO was commenced.

d. The Drafting and Development of the International Convention

The United States Government played an active leadership role throughout the development of the Convention. The drafting process afforded the United States with an extremely fair opportunity to shape the contents and format of the instrument. Our government was represented by senior officials from the Department of State and ONDCP at each of the drafting sessions and intergovernmental meetings. In addition, the United States was selected to serve on UNESCO's expert drafting group and chaired UNESCO's International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport during which senior governmental officials from nearly 100 nations discussed the guiding principles of the Convention.

During the drafting process, the State Department and ONDCP regularly conferred with senior officials from a wide range of Federal agencies with technical experience on issues contained in the Convention, such as the Departments of Justice, Education, and Health and Human Services. ONDCP was also in close contact with USADA and the USOC regarding the Convention's development. Moreover, in April 2004, a consultation letter, along with a copy of the draft Convention, was sent by ONDCP to nearly 100 potentially impacted nonfederal stakeholders. Not a single objection to a substantive provision of the Convention was received. The United States was pleased to support the Convention's unanimous adoption by the UNESCO General Assembly in October 2005.

Consistent with UNESCO protocol, 30 countries were required to ratify the document prior to it entering into legal force. The requisite number was reached in February 2007. At present, 83 nations have become parties to the Convention.

Ratification of the Convention remains an administration priority. As highlighted in the 2008 National Drug Control Strategy, while the Convention does not alter the manner in which sports operate and are regulated in the United States, ratification sends a clear message domestically and abroad about our commitment to eliminate doping in sport. To that end, we vigorously pursued the Department of State-led process to widely circulate the Convention for analysis on the document's potential impact, any changes in law or policy that may be required by ratification, as well as any unintended consequences that may result following ratification by the United States.

The vetting process was complete in January 2008, at which time Secretary of State Rice forwarded the Convention to the President. On February 6, 2008, the President transmitted the Convention to the Senate for its advice and consent to ratification. That same day, the White House issued a public statement noting the administration's ongoing commitment to fighting the use of steroids and other performance-enhancing drugs in sport and urging speedy ratification of the Convention.

While I would be pleased to discuss any particular provision of the Convention in greater detail, I would like to highlight a number of its most fundamental concepts.

e. Noteworthy Aspects of the Convention

i. No change to U.S. law, regulation, or policy required

The purpose of the Convention was to harmonize the international antidoping framework in order to promote public health and protect the integrity of sport. The instrument was drafted with a clear recognition, and included specific language, to ensure that regulation of sport remains within the purview of national law and policy. The Convention is careful to place obligations on particular governments only "where appropriate" in order to respect and retain the various ways in which nations regulate sport. The Convention's goal is to secure international commitments and collaboration on antidoping subjects such as drug-related research, education, and testing. The Code is included as an appendix to the Convention for information purposes, but does not create any binding legal obligations on governments.

No provisions in the Convention require any change to existing United States law, regulation, or policy. Moreover, no implementing legislation would be required. Upon ratification of the Convention, the United States would be compliant with our obligations as a party.

The Convention provides for minimum standards in order for nations to combat drug use in sport. While the Convention will not require changes in the United States, many other nations with less advanced and sophisticated antidoping regimes will be required to enact and amend laws and regulations to become compliant with the Convention. An important result of the Convention, therefore, will be a global framework that provides more equitable treatment of U.S. athletes competing internationally. United States athletes will compete on a more level playing field as athletes from around the world become subject to more consistent and stringent doping rules.

ii. Professional sport leagues not within the Convention's scope

Ratification of the Convention will not impact the manner in which U.S. professional sports are regulated or athletes participating in professional leagues are tested or sanctioned. Consistent with its purpose, the definitions contained in the Convention create obligations solely with respect to those individuals and entities engaged in internationally regulated competition. We intend to apply the Convention accordingly.

By its explicit terms, the Convention defines which "athletes" fall under the instrument's jurisdiction. For the purposes of doping control, "athlete" is defined as a person who participates in sport at the international or national level as defined by the relevant national antidoping organization. Therefore, only athletes under USADA's testing program would be impacted by the Convention's doping control provisions. USADA has no authority to include athletes competing in non-Olympic professional sports without the consent and authorization of the professional player.

Further, the Convention only governs the antidoping frameworks of "sport organizations" which are specifically defined as the "ruling body" for a particular event or sport. According to that term of art, leagues such as the National Football League, National Basketball League, National Hockey League and Major League Baseball would not be within the Convention's scope. This limitation was intentionally included in the Convention.

iii. No change in the relationship between the Government and USADA or USOC

Ratification of the Convention will not impact existing antidoping policies in the United States. At present, pursuant to 21 U.S.C. 2001, USADA is the independent, nongovernmental organization responsible for administering the antidoping program for Olympic and Pan American sport in the United States. USADA is a signatory to the Code and fully compliant with its provisions. Ratifying this Convention will not change the relationship between the United States Government and USADA.

To the contrary, the Convention explicitly allows governments to utilize the efforts of antidoping organization (such as USADA) or other sports authorities and organizations (such as the USOC) to meet any obligations under the Convention. This will avoid any duplication of effort by the Government and private stakeholders. In fact, the Convention will likely have the positive impact of serving to further synergize and coordinate the drug prevention, education, and antidoping research efforts.

iv. Financing and compliance monitoring mechanisms

Two administrative aspects of the Convention are worthy of note. First, the Convention does not impose any new financial obligations on the United States. Any costs incurred by UNESCO in the administration of the Convention will be derived from that organization's existing operational budget. Further, we do not anticipate any additional costs to the United States Government as a result of ratification.

Second, compliance by parties to the Convention is monitored via a self-reporting mechanism. Nations provide a report to the Convention's Conference of Parties every 2 years. The United States has already concluded that we are in compliance with all obligations in the Convention. In any event, the Convention does not set forth any formal action or sanctions that may be taken by UNESCO or the Convention's Conference of Parties as a result of the compliance reports.

v. Practical considerations favoring ratification

In addition to the aforementioned policy rationale, practical reasons exist to support the Convention. Pursuant to the terms of the Code, only representatives from sport organizations that are Code compliant and from national governments that have ratified the Convention by 2009 may continue to serve in WADA leadership positions. Consequently, failure to ratify the Convention jeopardizes our leadership standing internationally.

The United States currently serves on WADA's governing executive committee and foundation board. By virtue of these posts, the United States has been at the forefront in shaping global antidoping policy and ensuring that our national interests are represented by this international agency. We have achieved a number of results that have positively impacted our efforts to reduce drug use in sport and ensure that our athletes compete on a level playing field in international competitions.

For example, we have fought vigorously to ensure global balance exists in WADA's governance. We were pleased that the Honorable John Fahey of Australia was elected the new President of WADA beginning in January 2008. Mr. Fahey, the former Australian Finance Minister, has consistently and publicly recognized that the contributions the United States Government and our nongovernmental stakeholders have made in the global fight against doping. Mr. Fahey brings a sound understanding and appreciation of the manner in which sport is regulated in our country.

In addition, our leadership positions have enabled us to successfully resist calls from some entities to weaken international drug control efforts by removing controlled illicit substances such as marijuana and MDMA from WADA's list of prohibited substances. Finally, the United States, consistent with the direction received from the appropriations committees, has also worked tirelessly to ensure that WADA utilized its funds in a prudent manner and increases to its operating budget are minimal.

In addition, the International Olympic Committee (IOC) has mandated that in order to host the Olympic Games, a nation must have ratified the UNESCO Anti-Doping Convention and the country's National Olympic Committee and national anti-doping organization must be Code compliant. As you are aware, the city of Chicago is one of seven cities to have submitted an official bid to the IOC to host the 2016 Summer Olympics. Each of the other bidding nations (Azerbaijan, Brazil, Czech Republic, Japan, Qatar, and Spain) has already ratified the Convention. As President Bush stated in January 2008 during his visit with the Chicago 2016 Bid Committee and USOC leaders, the country strongly supports Chicago's bid to bring the Olympic Games to the United States. Ratification of the Convention will be a positive step toward achieving that goal.

III. CONCLUSION

Mr. Chairman, it has been an honor to have represented the United State Government on the WADA executive committee and foundation board since 2004. I am pleased to report that the efforts of our Government have resulted in a dramatic and positive change in international perception of our commitment to combating drugs in sport. Previously, some in the international community were skeptical of the intensity of our resolve to confront this issue. In recent years, however, we have gained the respect of governments worldwide and the International Olympic Movement based on an unwavering commitment to address doping in sport.

Our government has assumed an unprecedented leadership role in WADA and in the international community. The President has highlighted the dangers of doping on several high profile occasions. USADA, with the enthusiastic support and partnership of the USOC, has developed into one of the world's most respected national antidoping doping agencies. Federal law enforcement agencies have successfully con-

ducted criminal investigations into the illegal trafficking of steroids and other performance enhancing controlled substances. Operation Gear Grinder, Raw Deal, and BALCO are now part of the U.S. vernacular and symbolize our collective determination to combat steroid abuse and protect young people from the deleterious effects of these drugs.

Congress also deserves a significant amount of credit for its leadership, commitment, and vision. Congress has been an invaluable partner in raising the awareness of this public health issue, providing the resources to ONDCP and USADA to pursue the issue vigorously, and amending the Controlled Substance Act to ensure the law evolves with science and technology.

The efforts to combat doping in the United States truly have been a team effort. While much progress has been made, additional actions are necessary. The next step in our shared fight to protect the public health and integrity of sport is the ratification of the Convention Against Doping in Sport. Becoming a party to this instrument is in the U.S. national interest. It will further demonstrate our commitment to working in the international arena to reduce the incidence of drug use in sport. It will also enable the United States to continue to play a defining role within WADA and permit Chicago and the USOC the ability pursue its outstanding bid to bring the Summer Olympics back to our Nation for the first time since Atlanta hosted the Games in 1996.

I urge the committee to take favorable action with respect to the Convention as soon as practical. ONDCP greatly appreciates the committee's interest in this topic. I would be pleased to answer any questions you may have.

The CHAIRMAN. Thank you very much.

Ms. Donoghue.

STATEMENT OF JOAN DONOGHUE, PRINCIPAL DEPUTY LEGAL ADVISER, DEPARTMENT OF STATE, WASHINGTON, DC

Ms. DONOGHUE. Thank you, Mr. Chairman. Deputy Director Burns has given you a good summary of the reasons for the widespread support for this convention in the United States. I won't repeat those, but on behalf of the State Department and as the mother of a high school athlete and someone with family ties to Chicago, I am pleased to join with Mr. Burns in encouraging the Senate's prompt provision of advice and consent to ratification of this convention, and we thank you for expediting your consideration of the convention.

I'll just briefly touch on a couple of legal and institutional dimensions of the convention that raise issues that I know have been of interest to the committee in its consideration of treaties over the years.

First, as Mr. Burns indicated, this convention is entirely consistent with U.S. laws and regulations and, as you indicated, Senator Lugar, it doesn't require any new legislation, and it specifically recognizes our federalism concerns, and addresses those appropriately. Also and unusually, it expressly recognizes that the parties may implement their responsibilities under the convention through nongovernmental entities. That's the way we do it now, that's the way we want to continue doing it, and the convention won't require us to change that, which is important.

Next, the convention maintains the present structure and the administration of the World Anti-Doping Association. It doesn't interfere with that in any way. It ensures that WADA will maintain its ability to equitably address and oversee international antidoping issues. UNESCO will not have a role in WADA's structure or functions and the convention will not change the relationship between WADA and the individual national antidoping agencies.

Finally, funding: The convention places no additional funding requirements on the United States. It doesn't change WADA's budgetary processes and there will be no need for additional appropriations as a consequence of ratification. Similarly, the ratification will not result in any mandatory increase in UNESCO's funding. Any required UNESCO resources will come out of a voluntary fund.

As a result of these considerations and those you heard about from Mr. Burns, ratification will demonstrate the continuing partnership between the executive branch and the Congress in the fight against drug use in international sport, and therefore the State Department and the administration strongly support the timely ratification of the convention.

Thank you.

[The prepared statement of Ms. Donoghue follows:]

PREPARED STATEMENT OF HON. JOAN DONOGHUE, PRINCIPAL DEPUTY LEGAL ADVISER, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

INTRODUCTION

Mr. Chairman and members of the committee, thank you for the opportunity to appear along with my colleague from the White House Office of National Drug Control Policy to testify in support of the International Convention against Doping in Sport. The Department of State and the administration strongly support the Senate's prompt provision of advice and consent to ratification of this Convention.

As a tool in protecting the integrity of international sport, this Convention will advance international cooperation on doping-control efforts and will foster a fair and doping-free environment for athletes. The United States has been an active participant in and supporter of the development of this Convention from its inception.

BACKGROUND

This Convention builds on the longstanding efforts of the international community to jointly develop an equitable approach to antidoping control and enforcement measures in international competition. These efforts resulted in the creation of the World Anti-Doping Agency ("WADA") in 1999, and, with the strong support of the United States, WADA's development of the World Anti-Doping Code in 2003.

The Anti-Doping Code was adopted by WADA's Foundation Board, and accepted worldwide, at the World Conference on Doping in Sport, held in Copenhagen in March 2003. The United States played an active role in the conference with the goal of further supporting WADA and international sport by encouraging parties to adopt and implement the Code's provisions within their own governments.

At the conclusion of the conference, the participating governments adopted the Copenhagen Declaration, a political document whereby the participants demonstrate their commitment to WADA and the implementation of the Code in their countries. The Copenhagen Declaration further solidified the commitment of all participants to develop an international Convention that would legally obligate its parties to implement the Code and to support the efforts of WADA internationally.

The United States was one of over 80 countries to sign the Copenhagen Declaration at the World Conference; and as of December 2007, the Declaration has been signed by 192 governments. After signing the Copenhagen Declaration, the United States and other governments decided to utilize the forum and resources of the United Nations Educational, Scientific, and Cultural Organization ("UNESCO") to begin negotiating the proposed Anti-Doping Convention.

IMPORTANT FACTORS

This Convention represents the successful outcome of the United States intensive participation in both the development of the Convention and in the world antidoping community generally. The final text of this Convention accomplishes every negotiating goal that the United States hoped to achieve, and it avoids the possible pitfalls that the U.S. negotiators had identified. Additionally, by embodying U.S. undertakings in an advice and consent treaty, ratification of this Convention will demonstrate broad-based support by both the legislative and executive branches of the

Federal Government for the national and international application of the principles of the World Anti-Doping Code.

In supporting the World Anti-Doping Code, the Convention obligates each party to adopt appropriate measures at the national and international levels to implement the principles embodied in the code. Some of the United States primary objectives in participating in the negotiation of this Convention, beyond the substantive goal of promoting the purpose and principles of the World Anti-Doping Code, included:

(1) Ensuring that the Convention did not alter the existing substance or structure of sport or antidoping laws in the United States, especially in light of any federalism implications of national antidoping regulation;

(2) Maintaining the status of the World Anti-Doping Agency (WADA) as an independent and free-standing entity with primary responsibility to oversee and monitor international antidoping issues; and

(3) Ensuring that there was no expansion of funding requirements for the United States as a direct result of this Convention.

The negotiations met all of these objectives.

The Convention is entirely consistent with U.S. antidoping laws and regulations. The Convention is not structured to secure changes to national law or regulation, but rather to secure commitments by parties to promote international collaboration, research, education, and their own national efforts and awareness of antidoping-control efforts. In other words, no new legislation will be required to implement this Convention. Importantly, Article 35 of the Convention specifically recognizes federalism limitations within certain parties' national legal structures, and allows those parties, such as the United States, to address implementation of the Convention in a manner consistent with those concerns.

The Convention also maintains the present structure and administration of WADA. There was some concern at the negotiations that the Convention would enable UNESCO or other outside influences to have a role in WADA's funding and decisionmaking processes. However, the final text ensures that WADA maintains its present ability to equitably address and oversee international antidoping issues. UNESCO will have no role or oversight capacity in WADA's structure or functions. The Convention also does not change the relationship between WADA and individual national antidoping agencies.

Finally, the Convention places no additional funding requirements on the United States. The WADA budgetary process will remain the same for all participating governments. There will be no need for additional appropriations for our participation in WADA as a result of ratification of this Convention. Similarly, U.S. ratification of the Convention will not result in any mandatory increase in UNESCO's funding. Any required UNESCO resources will come out of a voluntary fund.

In sum, the United States achieved all of its objectives in the final text of the Anti-Doping Convention. The Convention provides strong, worldwide support for the antidoping code and for a fair and drug-free environment for athletes.

The Convention was adopted by UNESCO on October 19, 2005, and it entered into force on February 1, 2007. As of May 2008, 85 countries have ratified, accepted, approved, or acceded to the Convention.

Ratification by the United States of the Anti-Doping Convention will affirm the United States longstanding dedication to the development of international antidoping controls and its commitment to apply and facilitate the application of these controls both internationally and within the United States. Timely ratification will also ensure that the United States will continue to remain eligible to host important upcoming international competitions.

Accordingly, Mr. Chairman, the State Department and the administration strongly support early ratification of this treaty. The Department of State urges that the committee give prompt and favorable consideration to this Convention.

Senator LUGAR [presiding]. Thank you. Thank you very much, both of you, for your testimony.

Let me just begin the questioning by asking, what is the role that the World Anti-Doping Agency has in implementing this convention? What kind of responsibilities do they have?

Mr. BURNS. The World Anti-Doping Agency, Senator Lugar, is the vehicle that brings together all of the parties.

Senator LUGAR. This is 85 parties that have ratified, plus others, like ourselves, that are about to do that?

Mr. BURNS. Yes.

Senator LUGAR. Do they have regular meetings, or can you describe the mechanism of how all this works?

Mr. BURNS. Certainly. There is a foundation board, where—it's broken up into five regions of the world, and we are the North, South, Central, and Caribbean region. I'm privileged to represent 42 nations from that region on the executive committee, and there are five government people on the executive committee, and then there are five people from the International Olympic Committee on the executive committee. So everything is 50–50.

Below that is a foundation board, kind of like, I would suppose, the House of Representatives, with about 32 members, representing again equally government and sport. The WADA's sole goal is to bring together some 182 nations together to oversee doping in sport.

Senator LUGAR. What level of confidence—you've been serving, as you pointed out, in this group. What level of confidence do we have as to how well other nations are administering the general doctrine? In other words, as our athletes approach the Olympics and the general public watches, do we have confidence that country X is adopting the same standards, the same degree of rigor, that we have in mind?

Mr. BURNS. I think that's one of the reasons it's so important that we adopt this convention and tell the world that we're on board. Frankly——

Senator LUGAR. They're asking that of us currently.

Mr. BURNS. They're currently asking that of us. One of the benefits to us is that it requires those countries that do not have the rigorous standards that we have. I would tell you that USADA, the United States Anti-Doping Agency, is the gold standard. We are, and have become, the best in the world, not only from a testing standpoint, but from coordinating with law enforcement in the United States and worldwide to catch cheaters.

Senator LUGAR. So already we've begun to establish a very sound record in this respect, even prior to this convention being adopted. But nevertheless, this is—the timeliness of this obviously is prior to the Olympic competition, to be on record having at least the United States as a member of this.

Mr. BURNS. That's absolutely correct, and we want to make a statement to the world that we don't condone cheating, that we are serious about this, and through USADA and also through the White House Office of National Drug Control Policy, in coordination with the State Department, who have been a great partner, that word has gone out, Senator.

Senator LUGAR. This is speculative, but what do you anticipate will be the impact of this action on professional sports in the United States? Congress has been involved recently about baseball, for example. The question arises in other situations. Granted, that is not a part of the Olympic movement, but it is a part of our own ethos, I would gather a reason why you have served and why our governmental officials feel this is important.

Can you describe speculatively what impact this may have on sports in general, including professional sports in our country?

Mr. BURNS. As you know, we are unique. When I meet with sports ministers from around the world, I tell them that I am not

a sports minister. I act in that capacity because our government doesn't oversee sport. They have Cabinet-level people that show up at these meetings and speak for and represent the government.

I can tell you, however, that with FIFA, world soccer, having recently signed onto the code, it sent a loud message to every corner of the globe with respect to how serious they were about coming into compliance and not tolerating doping in sports. I believe that the professional leagues are listening. I believe that they understand that you and Senator Biden have been vocal and passionate about this issue, and I can't help but think that this will help.

Senator LUGAR. I thank you very much.

I yield to the chairman.

The CHAIRMAN [presiding]. Thank you very much.

Let me begin with you, Mr. Burns. I have several questions and I may, with your permission, submit to each of you a few in writing.

Mr. BURNS. Certainly.

The CHAIRMAN. The convention has an Article 19 and it requires State Parties to, "support, devise, or implement education and training," on antidoping for athletes. How is the United States going to meet that requirement, that obligation? Will our efforts be expanded if the United States becomes a party to this convention?

In other words, talk about the mechanics of how this works. So you sign onto the convention, it requires the United States then to support, devise, and implement education and training. Is it going to be limited to those who are on the Olympic team or is there training—is this an obligation to have a broader program to get to athletes who are aspirants, Olympic aspirants? What does it mean?

Mr. BURNS. I would tell you, my interpretation of that, frankly, is a message to other countries around the world that do absolutely no education and no training of athletes. The United States is not only in full compliance, but we are leaders in the world. USADA pays for and implements a broad education program, not only with Olympic athletes, but with young people.

You were present and spoke with the Atlas and Athena Program. I remember you were highlighted by Sports Illustrated and others. I was privileged to be there with you. That is something that is highlighted and supportive of what we do.

Frankly, all of the training and the testing and the education programs that Congress funds also meets the requirement.

The CHAIRMAN. So there's not likely to be any—there's no additional obligation that would be thrust on us that we're not already doing? I wouldn't mind additional, but we're in compliance now, even before ratifying the convention, correct? Is that what you're saying?

Mr. BURNS. Yes.

The CHAIRMAN. The second question is, I'd like you to talk about—help me understand the decisionmaking process at the World Anti-Doping Agency, and describe for me the extent to which the United States has control over decisions to amend the World Anti-Doping Code? What role will we play in that? So as we move down the road, there are a lot of synthetic substances. How do we play in that game?

Mr. BURNS. We're at the table. There are five regions of the world represented by one person on the executive committee. The United States, and I'm privileged to hold that position, represents one of the five regions of the world, 42 countries. That executive committee has partners, five people from the IOC, and the decisions that are made by WADA come from that board and from recommendations by the foundation board, which represents a lot more countries.

The code provides, Senator—and people in this room were adamant and vocal about that in the drafting process, and I will tell you we were there at every meeting, whether it was in Greece or it was in Paris or Copenhagen. Wherever they met, the United States was there—there early and there loud—to provide for a safety valve, which is what you spoke about, similar to——

The CHAIRMAN. The second question I should know the answer to: Right now the United States has a seat at the table representing 42 nations in the region. Is that a permanent seat or does that get voted by the 42 nations in the region?

Mr. BURNS. Have to have the support of the 42 countries. People run for that position and if you have their trust and confidence you're selected.

The CHAIRMAN. Thank you.

Ms. Donoghue, I have a lot of questions for you, but I'll just limit it to one, or several parts of one question. Under the convention the World Anti-Doping Agency has obviously a leading role, and the countries that join the convention commit to the principles of the World Anti-Doping Code. This is a little unusual. We have a treaty that gives a significant role to a nongovernmental organization, which writes the code and which proposes amendments and annexes to the treaty, including the prohibited list of substances.

Is there any reason—because I'm sure some will raise this—is there any reason we should be concerned about this structure and in having such an authority vested in a nongovernmental agency or a nongovernment organization, I should say? Could you speak to that from a legal perspective?

Ms. DONOGHUE. Yes, Mr. Chairman. It's a very interesting question and it's one that we have looked at within the Office of the Legal Adviser. What makes the convention unusual is the fact that it specifies that the parties can implement it through these nongovernmental organizations. Normally, a convention in the technical area is implemented through legislation, regulations, etc. Here, however, we have a situation where we are doing what we're doing now with a little bit of government help, but largely through nongovernment bodies, and we want to continue to do that in the future.

As a technical legal matter, this works because the amendments to the annex, for example, which would be changes to "The Prohibited List" as referenced in the WADA code, are amendments that as a technical treaty matter the United States can opt out of. If we don't want to be bound with respect to a substance that's added in the future, we don't need to be as a legal matter.

But at the same time, as we've heard, in many respects the action in this area is really not in the governmental bodies, but rather domestically and internationally on the nongovernmental

side, and we'll be able to continue to exercise our influence there, while at the same time preserving our legal flexibility on the more technical legal convention side.

The CHAIRMAN. Can you think of any other treaty where we have done something like this? Is there any analogous treaty? "Like this" meaning a nongovernmental organization that can write the regs, in effect, propose legislative implementation language.

Ms. DONOGHUE. There are a variety of ways in technical areas in which scientific and other experts interact formally with the parties. For example, with respect to the Antarctic treaty there's the Scientific Committee for Antarctic Research, which is very actively engaged in shaping the activities of that body because scientific research is so important there.

The RAMSAR convention on wetlands specifically refers to the role for the International Union on the Conservation of Nature, an NGO based in Switzerland. Its role is specified there.

So there are examples that are similar to this, and again the amendment process does still preserve the role for governments to opt out.

The CHAIRMAN. I don't think we're going to need much help on this in the Senate, but it may be that we come back to you to expand on those examples for us so we have them available to our colleagues who may raise a legal issue relating to the nature of the treaty and the nongovernmental organization.

Ms. DONOGHUE. And we'll be happy to help in any way we can. Thank you.

The CHAIRMAN. Well, I don't have any further questions. Do you, Senator?

Senator LUGAR. Mr. Chairman, just on that point while it's in front of us. Isn't one of the purposes of having the nongovernmental organization involved as really an audit on the government in some cases? Without getting into any accusations, sometimes governments, states, promote certain aspects of their national sovereignty or however they look at it. So apparently what you have devised, or those who are involved, is a situation in which there is somebody outside the government that could blow the whistle on people who become very excited in a nationalistic way and are prepared really to take steps, even at the expense of their athletes' health, so that they win.

That would be the case, is it not, in the United States? Not that our Government is going to propose that people start using steroids in order to bulk up for the Olympics. But even if they were to think of such a thing, this is an outside group of people interested in health, integrity, and so forth who blow the whistle. And that's one reason why it's important to have this thing outside of government perhaps.

Is that too much of an extrapolation of your own views?

Mr. BURNS. I think you've summarized it very well, Senator. That's not only the intent, but I can tell you that in the 4 years that I've been there that's how it works.

Senator LUGAR. Thank you.

The CHAIRMAN. Thank you, Senator.

We thank the panel and we appreciate your hard work. With a little bit of luck, we'll be able to move this. Thank you.

Our next panel, Mr. Lynch and Mr. Tygart, please come forward. Gentlemen, welcome. We truly appreciate your taking the time and having the concern to be here. Mr. Lynch, I invite you to make an opening statement.

STATEMENT OF JAIR K. LYNCH, BOARD MEMBER, U.S. OLYMPIC COMMITTEE, AND FORMER OLYMPIC MEDALIST, WASHINGTON, DC

Mr. LYNCH. Good morning, Mr. Chairman and members of the committee. Thank you for the opportunity to appear today before this committee. My name is Jair Lynch and I'm a member of the United States Olympic Committee's Board of Directors. I'm also a two-time Olympian and have won a silver medal in gymnastics in 1996 in the Olympic Games in Atlanta. As such, I bring to this hearing a dual perspective, that of an Olympic policymaker as well as that of an athlete who has the tremendous honor of representing our country in the Olympic Games.

I also bring to this hearing a profound appreciation for the privilege and responsibility of being associated with the Olympic movement. The Olympic Games are more than just a quadrennial gathering of athletes. The Olympic Games are the very manifestation of a movement that is rooted in the values of fair play, fundamental ethical principles, and the educational value of good example.

By adhering to these values, the Olympic movement serves as an inspiration to millions throughout the world, particularly youth, who are influenced by the accomplishments of the athletes and by the manner in which their accomplishments are achieved.

In Olympic competition it is not just the winning of the competition that is important. The manner in which the medal is won is equally important. Quite simply, the world expects a victory in the Olympic Games to be entirely the result of an individual's natural effort, rather than through manipulation or violation of the rules, whether they are rules of play or rules prohibiting performance enhancement through the use of illegal or banned substances or methods.

I'm here this morning to speak briefly about the International Convention Against Doping in Sport, the expeditious ratification of which is important for a number of reasons. Among them is that such action will signal to the world the U.S. Government's continuing commitment to leadership and support in addressing the issue of doping in international sport.

In addition, having governments affirmatively support the principles underlying the World Anti-Doping Code demonstrates the international cooperation necessary to make greater progress in the fight against doping in international sport. International cooperation is something that the USOC recognizes and embraces through many of its activities. as sport can serve as an ideal vehicle to enhance international diplomacy.

When the United States decides to enter into an international treaty, concern is often raised that the United States will have to submit to international rules or obligations that are inconsistent with our own practices and values. That is not the case in this situation.

Nearly a decade ago, the USOC created the United States Anti-Doping Agency, USADA, an independent antidoping testing and adjudication entity that helps protect the health and well-being of athletes and the integrity of sport by administering one of the most rigorous testing programs in the world. The success of an externalized antidoping program and the progress made by USADA over the years has been significant. USADA has been recognized by the World Anti-Doping Agency as a leader in the fight against doping in international sport.

One of the main reasons for the success of our antidoping program is the close partnership that was developed and the USOC, U.S. Congress, and the Office of National Drug Control Policy, and the full cooperation every step of the way. This relationship stands as a positive example of how the public and private sectors can and should work together in combatting a problem of national, indeed international, significance.

With the opening of the 2008 Olympic Games fast approaching, Senate confirmation of this convention will represent an affirmation of the progress that is being made by USADA and the commitment the USOC and our Nation's Government has made to uphold the values of clean competition.

Another important reason for the expeditious ratification of this convention has to do with the ability for cities from our Nation to host future Olympic and Paralympic Games. The IOC has mandated that in order to host the Olympic Games a nation must have ratified, accepted, and approved or acceded to the International Convention Against Doping in Sport. Specifically and more immediate is our Nation's bid from the city of Chicago to host the 2016 games. In addition to Chicago, there are six international cities vying for this honor. Each of the nations of each of these cities have already ratified and accepted the convention.

Chicago has put forth what the USOC believes is a very strong bid to host the 2016 games. But without congressional ratification of the convention, the IOC will not accept a bid from the United States. Needless to say, prompt action enhances the prospects of America's bid.

On behalf of the USOC and America's Olympic and Paralympic athletes who will be participating in the 2008 games this summer, I thank you for your attention and consideration to this important convention. I respectfully ask that you take whatever steps are necessary to ensure the convention is ratified at the earliest possible date. In doing so, you will be confirming our country's commitment to clean and drug-free competition and you will be protecting Chicago's bid for the privilege of hosting the 2016 Olympic and Paralympic Games.

Thank you.

[The prepared statement of Mr. Lynch follows:]

PREPARED STATEMENT OF JAIR LYNCH, BOARD MEMBER, U.S. OLYMPIC COMMITTEE, FORMER OLYMPIC MEDALIST, WASHINGTON, DC

Good morning, Mr. Chairman and members of the Senate Foreign Relations Committee. Thank you for the opportunity to appear today before this committee.

My name is Jair Lynch and I am a member of the United States Olympic Committee's Board of Directors. I am also a two-time Olympian, having won a silver medal in gymnastics at the 1996 Olympic Games in Atlanta. As such, I bring to this

hearing a dual perspective: That of an Olympic policymaker as well as that of an athlete who had the tremendous honor of representing our country in the Olympic Games. I also bring to this hearing a profound appreciation for the privilege and responsibility of being associated with the Olympic Movement.

The Olympic Games are more than just a quadrennial gathering of elite athletes. The Olympic Games are the very manifestation of a movement that is rooted in the values of fair play, fundamental ethical principles, and the educational value of good example. By adhering to these values, the Olympic Movement serves as an inspiration to millions throughout the world, particularly youth, who are influenced both by the accomplishments of the athletes, and by the manner in which their accomplishments are achieved. In Olympic competition, it is not just winning the competition that is important; the manner in which the medal is won is equally important.

Quite simply, the world expects a victory in the Olympic Games to be entirely the result of an individual's natural effort rather than through manipulation or violation of the rules, whether they are rules of play or rules prohibiting performance enhancement through the use of illegal or banned substances or methods.

I am here this morning to speak briefly about the International Convention Against Doping in Sport, the expeditious ratification of which is important for a number of reasons. Among them is that such action will signal to the world the U.S. Government's continuing commitment, leadership, and support in addressing the issue of doping in international sport. In addition, having governments affirmatively support the principles underlying the World Anti-Doping Code demonstrates the international cooperation necessary to make greater progress in the fight against doping in international sport. International cooperation is something that the USOC recognizes and embraces through many of its activities—as sport can serve as an ideal vehicle to enhance international diplomacy.

When the United States decides to enter into an international treaty, concern is often raised that the United States will have to submit to international rules or obligations that are inconsistent with our own practices or values. That is not the case in this situation. Nearly a decade ago, the USOC created the United States Anti-Doping Agency ("USADA"), an independent antidoping testing and adjudication entity that helps protect the health and well-being of athletes and the integrity of sport by administering one of the most rigorous testing programs in the world. The success of an externalized antidoping program and the progress made by USADA over the years has been significant, and USADA has been recognized by the World Anti-Doping Agency as a leader in the fight against doping in international sport. One of the main reasons for the success of our antidoping program is the close partnership that was developed between the USOC, the U.S. Congress, and the Office of National Drug Control Policy, and their full cooperation every step of the way. This relationship stands as a positive example of how the public and private sectors can and should work together in combating a problem of national, indeed, international significance.

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Specifically and more immediate is our Nation's bid from the city of Chicago to host the 2016 Olympic and Paralympic Games. In addition to Chicago, there are six international cities vying for the honor of hosting the 2016 Olympic and Paralympic Games which are: Baku (Azerbaijan), Doha (Qatar), Madrid (Spain), Prague (Czech Republic), Rio de Janeiro (Brazil) and Tokyo (Japan). Each of the nations for each of these cities have already ratified, accepted, or acceded the Convention.

Chicago has put forth what the USOC believes is a very strong bid to host the 2016 Olympic and Paralympic Games. But without congressional ratification of the Convention, the IOC will not accept a bid from the United States. Needless to say, prompt action enhances the prospects of America's bid.

On behalf of the United States Olympic Committee and America's Olympic and Paralympic athletes who will be participating in the 2008 Games this summer, I thank you for your attention and consideration of this important Convention. I respectfully ask that you take whatever steps are necessary to ensure this Convention is ratified at the earliest possible date. In so doing you will be confirming our coun-

try's commitment to clean and drug-free competition, and you will be protecting Chicago's bid for the privilege of hosting the 2016 Olympic and Paralympic Games.

The CHAIRMAN. Thank you very much.

Mr. Tygart.

STATEMENT OF TRAVIS TYGART, CHIEF EXECUTIVE OFFICER, U.S. ANTI-DOPING AGENCY, COLORADO SPRINGS, CO

Mr. TYGART. Thank you. Mr. Chairman, members of the committee, good morning. My name is Travis Tygart and I'm the CEO of the United States Anti-Doping Agency. I want to thank this committee for its interest in clean sport and for the opportunity to appear before you today to discuss the U.N. Scientific and Cultural Organization's International Convention Against Doping in Sport, or the convention.

In its purest form, as we know, sport builds character and promotes the virtues of selfless teamwork, honest dedication, and commitment to a greater cause. The use of performance-enhancing drugs eats away at these important attributes and compromises everything valuable about sport.

USADA's interest in this discussion is driven by a motive to not only protect the rights of today's Olympic athletes to play drug-free, but, just as important, to protect America's next generation of athletes. Doping is an ethical and a public health problem that reaches right to the core of our collective values and our future. Put simply, doping is dangerous cheating that can only be truly eradicated through the collective efforts of both government and sport organizations.

Accordingly, we welcome and appreciate the committee's leadership on this topic and strongly support the convention and its passage. With the commencement of the 2008 Olympic Games in Beijing, China, only a few months away, quick action will further demonstrate the United States Government's commitment to a strong antidoping policy in this area.

Governments of the world play a critical role alongside and in cooperation with sports organizations to ensure a level playing field for all athletes. The U.S. Congress along with the Office of National Drug Control Policy, other Federal agencies, deserve a significant amount of credit and praise for being at the forefront of the antidoping efforts since the late 1990s. There are many important instances of the U.S. Government's support for antidoping efforts and the following highlight a few of those.

In 1998 the Senate Commerce Committee spearheaded the antidoping movement in Congress by holding hearings questioning the prevalence of anabolic steroid use and their precursors in Olympic sport. In February 1999, as you've heard already this morning, the United States participated in the first World Conference on Doping in Sport. The U.S. has continued to play a leadership role in the formation of the World Anti-Doping Agency and, most importantly, with formulating and passing its uniform global code that applies to all athletes in the Olympic movement.

In 2000, the United States Anti-Doping Agency was formed to remove the conflict of interest that was faced by the international governing bodies within the United States. Congress determined and recognized USADA as the independent national antidoping

agency for Olympic, Paralympic, and Pan American sports. The creation of USADA, frankly, triggered a radical transformation in the world's perception of the United States effort in the antidoping arena. Because of this, the U.S. is now viewed as the world leader in Olympic antidoping policy.

With the leadership of Senator Biden, Senator McCain, and Senator Stevens, Congress again demonstrated its commitment in this area by passing the 2004 Anabolic Steroid Control Act that amended the Controlled Substances Act to place certain prohibited substances, like tetrahydrogestrinone, norbolethone, and androstenedione, on the Schedule III along with penalties appropriate for use of those drugs.

In May 2004 the Senate exhibited one of its strongest acts of support for clean sport when by unanimous consent the Senate agreed to provide to USADA approximately 9,300 pages of documentary evidence seized by U.S. law enforcement at the BALCO raid and provided it to USADA in order to aid our investigation of the BALCO doping conspiracy. Our investigation resulted in the uncovering of one of the most sophisticated international performance-enhancing drug conspiracies and to date has led to the successful discipline of 16 people, including Marion Jones and Tim Montgomery, for cheating their sport through doping. Today all of the U.S. efforts in BALCO are viewed by the world as a model for success in best antidoping operation.

The U.S. has made great strides in the arena of Olympic competition. Our athletic successes have been reinforced by our success in leading the world in doping intolerance. Congress deserves its recognition as an integral piece of this puzzle. However, we cannot let complacency dull the sharp edges of the doping problem. If the convention is not ratified, it is plausible that the U.S. may look as though it no longer takes the antidoping issue seriously. In order for the U.S. to maintain its reputation as a world leader, it must also ratify the convention. This treaty in our opinion does not place a burden on the Nation that does not already exist. It simply solidifies the principle, still followed by millions of our kids on playgrounds around the country, that cheaters never win.

The convention encourages the implementation of the basic elements of the most effective antidoping programs. The tenets of an effective program have been in place in the U.S. Olympic movement since late 2000 when USADA took over and is now codified in the WADA code and in the USADA Protocol for Olympic Movement Testing. Interestingly, you saw them well vetted in the Mitchell report that recently came out.

In addition to true independence and transparency, these elements include:

Effective out of season and out of competition, no advanced notice testing;

A full list of prohibited substances and methods that would capture new designer drugs such as THG as they become available;

Implementation of best legal and scientific policies and practices as they evolve;

Investments into education to truly change the hearts and minds of would-be cheaters and to teach the lessons of life that we all can learn from ethical competition;

Investments into scientific research for the detection of new doping substances and techniques for the pursuit of scientific excellence into antidoping;

And most importantly, partnerships with government, particularly law enforcement, to ensure that, in addition to holding athletes accountable, those who illegally manufacture, traffic, and distribute these dangerous drugs and who are typically outside of sports jurisdiction are also held accountable for their illegal behavior.

It is the success of this very cooperation, seen here in the U.S. through the BALCO investigation and others like it such as Gear Grinder and Operation Raw Deal, that has demonstrated to the world the importance of sport and government partnership in fighting doping.

The U.S. Olympic movement is fortunate to have a strong group of athletes who recognize the importance of this issue and are looking for ways to become even more involved. Our Olympic athletes support our efforts, including passage of this convention, because they want us to protect their right to compete clean and they want American sports fans to be able to once again believe in our Olympic heroes. Ultimately this is a fight for the soul of sport and this fight most directly impacts our clean athletes.

I want to thank this committee for its time and its interest in this important ethical and public health issue and for inviting me to share USADA's experiences and perspectives. We strongly support your passage of the international convention and remain willing to assist you in any way possible in moving forward.

Thank you.

[The prepared statement of Mr. Tygart follows:]

PREPARED STATEMENT OF TRAVIS T. TYGART, CHIEF EXECUTIVE OFFICER, UNITED STATES ANTI-DOPING AGENCY, COLORADO SPRINGS, CO

Mr. Chairman, members of the committee, good morning. My name is Travis Tygart and I am the 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 the United Nations Education, Scientific and Cultural Organization International Convention Against Doping in Sport (Convention).

In its purest form, sport builds character and promotes the virtues of selfless teamwork, honest dedication and commitment to a greater cause. The use of performance enhancing drugs eats away at these important attributes and compromises everything valuable about sport. USADA's interest in this discussion is driven by a motive to not only protect the rights of today's Olympic athletes to play drug free but just as important to protect America's next generation of athletes. Doping is an ethical and public health problem that reaches right to the core of our collective values and our future.

Put simply, doping is dangerous cheating that can only be truly eradicated through the collective efforts of both government and sport organizations.

Accordingly, we welcome and appreciate this committee's leadership on this topic and strongly support the Convention. USADA strongly urges the committee to vote this treaty out as expeditiously as possible. With the commencement of the 2008 Olympic Games in Beijing, China, only a few months away, quick action will further demonstrate the U.S. Government's commitment to a strong antidoping policy.

Governments of the world play a critical role alongside and in cooperation with sport organizations to ensure a level playing field for all athletes. This treaty will help ensure cooperation among nations, and help ensure that international sporting events are played without the use of performance enhancing drugs.

The U.S Congress along with the Office of National Drug Control Policy and other Federal agencies deserve a significant amount of credit for being at the forefront of the antidoping efforts since the late 1990s. There are many important instances of

the U.S. Government's support for antidoping efforts and the following highlight a few of them.

- In 1998 the Senate Commerce Committee spearheaded the antidoping movement in Congress by holding hearings questioning the prevalence of anabolic steroids and their precursors in Olympic sport. The hearing concluded that the National Governing Bodies of Olympic sport, such as USA Track and Field and USA Weighlifting, had the impossible task of both promoting their sport and policing their sport.
- In February 1999 the United States participated in the first World Conference on Doping in Sport. The United States played a leadership role in the formation of the World Anti-Doping Agency, a world-level antidoping organization tasked with promoting and coordinating a uniform global approach to fighting doping in sport. As a member of WADA's executive committee, the United States continues to have a strong influence in WADA's governance and policy-setting including the WADA Code, the uniform set of antidoping rules that has applied to the global Olympic sports movement since August 2004.
- In October 2000, the United States Anti-Doping Agency was formed to remove the conflict of interest that was faced by the NGBs within the United States. Congress determined and recognized USADA as the independent, national antidoping agency for Olympic, Paralympic, and Pan American sport in the United States. The creation of USADA triggered a radical transformation in the world's perception of antidoping efforts by the United States. USADA subjects our athletes to the most rigorous antidoping programs in the world. Because of this, the United States is now viewed as the world leader in Olympic antidoping, drawing other national antidoping agencies—such as Russia and Australia—to the United States in order to learn from our policies and programs.
- In 2003, with the leadership of Senator Biden, Senator McCain, and Senator Stevens, Congress again demonstrated its commitment in this arena by passing the 2004 Anabolic Steroid Control Act that amended the Controlled Substances Act to schedule many pro hormones and other dangerous steroids such as androstenedione, norbolethone and THG as Schedule III drugs.
- In May 2004 the Senate exhibited one of its strongest acts of support for clean sport when, by unanimous consent, it agreed to provide approximately 9,300 pages of documentary evidence seized at BALCO by U.S. law enforcement to USADA in order to aid in its investigation of the BALCO doping conspiracy. This investigation resulted in the uncovering of one of the most sophisticated international performance enhancing drug conspiracies and to date has led to the successful discipline of 16 people including Marion Jones and Tim Montgomery for cheating their sport through doping. Today, all of the U.S.'s efforts in BALCO are viewed by the world as the model for success in best antidoping operation.

The United States has made great strides in the arena of Olympic competition. Our athletic successes have been reinforced by our success in leading the world in doping intolerance. Congress deserves its recognition as an integral piece of this puzzle. However, we cannot now let complacency dull the sharp edges of the doping problem. If the Convention is not ratified it is plausible that the United States may look as though it no longer takes the antidoping issue seriously. In order for the United States to maintain its reputation as a world leader, it must also ratify the Convention. This treaty does not place a burden on the nation that does not already exist; it simply solidifies the principle still followed by millions of kids on today's playgrounds that winners never cheat and cheaters never win.

The Convention encourages the implementation of the basic elements of the most effective antidoping programs. The tenets of an effective program have been in place in the U.S. Olympic movement since late 2000 and are now codified into the WADA Code and the USADA Protocol for Olympic Movement Testing. In addition to true independence and transparency, these elements include:

- Effective out of season and out of competition, no advanced notice testing;
- A full list of prohibited substances and methods that would capture new, designer drugs such as THG as they are developed;
- Implementation of the best legal and scientific policies and practices as they evolve which must include adequate sanctions and due process protections for those accused of doping violations;
- Investments into education to truly change the hearts and minds of would-be cheaters and to teach the lessons of life that can be learned only from ethical competition;

- Investments into scientific research for the detection of new doping substances and techniques and for the pursuit of scientific excellence into antidoping;
- And most importantly, partnerships with law enforcement to ensure that in addition to holding athletes accountable, those who illegally manufacture, traffic, and distribute these dangerous drugs and who are typically outside of sports jurisdiction are also held accountable for their illegal behavior. It is the success of this very cooperation seen here in the United States through the BALCO investigation and others like it such as Gear Grinder and Operation Raw Deal that has demonstrated to the world the importance of sport and government partnership in fighting doping.

The U.S. Olympic movement is fortunate to have a strong group of athletes who recognize the importance of this issue and are looking for ways to become even more involved. Our Olympic athletes support all of our efforts including passage of the Convention because they want us to protect their right to compete clean and they want American sports fans to be able to once again believe in their Olympic heroes. Ultimately, this is a fight for the soul of sport and this fight most directly impacts the clean athletes.

I would like to thank this committee for its time and its interest in this important ethical and public health issue and for inviting me to share USADA's experience and perspectives. We strongly support your passage of the International Convention Against Doping in Sport and remain willing to assist you in this effort in any manner possible.

The CHAIRMAN. Thank you. Let me begin by thanking you both for being here and for the work you've done.

I will say in advance—I've discussed this with the chairman—I'm going to have to go to the Judiciary Committee. I have a child pornography piece of legislation that we're about to vote on in a few minutes. So after I finish my questioning, I apologize, my leaving is not out of a lack of interest. And I thank the chairman for staying.

I have a question for you, Mr. Lynch. Way back in the 1990s when I started this thing about dealing with steroids, quite frankly, it was because I was angry. I was angry—and I am nothing like a world class athlete, but as an athlete who tried to compete in high school and college—I was angry that in the sports that I was playing—baseball and football—that someone like me would be put at a disadvantage by someone who maybe had no more talent than I had, but was literally able to in a matter of months add on 20 pounds of muscle. I particularly thought about it in terms of playing football. I was 6–1, 155 pounds, and they'd lie on the program because they'd weigh me with my uniform on, literally, and say I was 175.

But it used to be thought, back 100 years ago when I was playing, that raw talent was enough—it used to be it's not the size of the dog, it's the fight, it's the amount of the fight in the dog, et cetera, and all those expressions from my generation. And it just really frustrated me to see all of a sudden—imagining lining up on the flank, looking at a linebacker that was 240 pounds, knowing that probably 35 of those pounds were because he was—it wasn't illegal then—was using steroids. So it was prompted just from almost gut reaction, just anger.

I'd like you to talk with me for just a second about when you were competing, whether or not you, or friends of yours, would literally look at a competitor and wonder, in order for me to make this team—I'm not asking for any names or anything, and I'm just talking about international competitions. When I spoke to some professional ball players, baseball players, off the record, a couple pointed out that their ticket out of poverty and out of particularly,

the Dominican Republic, very poor Latin American countries, was baseball, that was their ticket; and that when they were picked in a farm club they'd look around and say: Wait a minute; if I don't want to do this, but if I don't do what these other guys are doing—I go home. My ticket is gone.

So the pressure—I'd like you to talk to me about the pressure, if it is, the pressure that exists on the part of someone who wants to stay clean, does not want to pollute his or her body, wants to stay clean, but looks at it and says: Wait a minute; this simply isn't fair. If I don't engage in enhancements, I'm going to lose my job, I'm not going to make the team.

Can you talk to me about that? Is that a conscious thing that athletes talk about? And I'm not suggesting those who raise that question then go ahead and dope. I don't mean that. I mean, talk to us about the pressures so average people understand what goes on when you're at the level of world competition like you were and did so well?

Mr. LYNCH. Thank you for the opportunity to express my opinion of the values that were placed upon me, not only by my parents, but by this country and by the USOC when I was growing up. That was about clean sport, that was about integrity and hard work. I felt that if I stayed close to those values the temptations of rapid ascension through the sport through illegal means, circumventing what hard work teaches you, circumventing what trial and error and perseverance teaches you, really is moving away from your value structure.

I was never willing to move away from our value structure. I was never willing to move away from those ideals that we embody in the Olympic movement. Once I was able to do that, I was able to put to bed any desire to step out, to move faster, to circumvent the process. I used my talent, I used my hard work, I used my perseverance, and if that took me to the top then I was very satisfied. If that didn't take me to the top——

The CHAIRMAN. What about people who have the talent and work hard and say, you know, but, two people of equal talent, equal dedication to hard work, equal dedication to trial and error, the one using the performance drug is going to beat the one not using the performance drug, assuming they both have equal talent.

So what I'm trying to get at is, were there days in international competitions when you looked across at someone else who was putting the chalk on their hands there, you look and say, geez, that guy, that ain't real? How am I going to—this is more colloquial, I apologize, than anything else. But I'm just curious about the attitudes of competitors at your level because, although we have been leading the world since the late 1990s and I would argue before that, we know the history of how prevalent. I gave the East German example, which wasn't the only example.

Our athletes must have sat there and said: Wait a minute; this game's rigged; the only way I can win is to get engaged. That's what I'm trying to get at. And I don't doubt for a minute what you said, that you had this value set, you stuck to the value set, and you were rewarded for having stuck to the value set. But I just wondered what is the kind of discussion among your colleagues that you'd have in the locker room. Or maybe you never looked at

anybody and said, hey, I think they're using enhancement drugs; I've never competed with anybody I thought was using enhancement drugs.

Mr. LYNCH. I think you described a fire, a fire in your belly, and by all means I had that fire in the belly, not only about competing but about what I saw with things that could be questionable. The difference was that that fire in the belly always got me back to working harder and not to be obsessed about the code and what people were taking. I left that to the leaders inside the U.S. Olympic Committee, and that's one of the reasons I've now come back to work on the U.S. Olympic Committee, to be able to take that off the shoulders of the current athletes, so they can keep their fire focused on the sport and the work that they're doing, while we take the responsibility of making sure that we can put a clean team on the field.

The CHAIRMAN. Well, I'm glad you're doing that.

Mr. Tygart, thank you for your work, for real. You've made a great contribution. I'd like you to—I'm just going to ask you one question. You talked about HGH. You mentioned it, the human growth hormone, which is increasingly, there are reports, being used by athletes, not necessarily by Olympic athletes, by athletes, to gain competitive advantage, in part because it's more difficult to test for and to, in turn, detect than more traditional steroids.

Could you describe briefly the current availability of commercial testing capabilities for HGH and how it's being tested for the Olympic, and whether you think regular testing for HGH would reduce the use in professional sports here in the United States?

Mr. TYGART. Yes, sir, and thank you for that question. The HGH test is a blood-based test and it is available and it has been used. It was used in the 2004 Athens games, used in the 2006 Torino games. All expectations are that it will be used in the 2008 Beijing games.

It is not yet available worldwide, because there is a kit that goes along with that test in order for the laboratory once the blood is received to run that test. It's an immunoassay kit. And those kits unfortunately had delayed production and there was a limited supply of those kits that were originally made used at the games.

Our expectation is those kits will be available in the coming weeks. Our lab at Salt Lake just went through its training and it's got preparations to have the test in place as soon as those kits are available and our hope, as I said, is to have that test available prior to sending our team off to the Olympic Games. And then once it's there and the test is validated within the lab, it'll be used throughout our efforts and then will be available to other entities, whether it's a professional sports league here in the U.S. or others around the world, to utilize that test.

The CHAIRMAN. Well, that would be good. The reason I ask the question is I've done a lot of work in DNA testing relating to violence against women and these. We now provide to most police departments through Federal subsidies these kits for police officers at the scene of an alleged rape to be able to gather information and that allows for testing. But we have well over 80,000 of them sitting on a shelf somewhere because we don't have a sufficient number of laboratories.

Now, the technology is not quite what you need for HGH, although it is complicated. So what we've been trying to push is the accreditation of, and the establishment of, additional laboratories for forensic purposes in this case.

So you're confident—or are you confident that here in the United States there's enough ability for the kits to be available, as you indicated, but that the reading of the results from the kit that is used to employ the test, that there is sufficient confidence there's enough of them and that it's reliable?

Mr. TYGART. I am, once it's in the lab and validated. And then, your second point, the capacity of the lab will not be a problem, given the nature of the test.

As an aside, a strategy for deterring and ultimately detecting HGH, one element of it is the testing aspect.

The CHAIRMAN. Right.

Mr. TYGART. There's other elements to it, such as a nonanalytical positive, where you can bring discipline against an athlete. We've disciplined athletes for HGH use. It hasn't been through a test result, but it's been through other evidence that indicates clearly their use and possession of human growth hormone. So you have to approach it from a broader perspective than just the narrow testing.

The CHAIRMAN. Again I apologize for going over, Mr. Chairman.

The reason I raise that as well, as I told you, an ulterior motive I have in addition to the necessity and the efficacy and the ethical requirement to us to sign onto this convention, is I hope it sets the tone, as George Mitchell did in his report, that this becomes the gold standard. As you well know, it's highly unlikely in professional sports that those objective but subjective tests of whether human growth hormone is being used would be ever agreed to by the athletes, the unions, or the owners of these teams. So I think we're going to end up with HGH needing, "the blood test," because you have more latitude under your regulations that we've signed onto to discipline Olympic athletes, unless I'm misunderstanding.

Mr. TYGART. No; I think you're absolutely right, with one exception, in that 12 months before the Olympic Games all of the professional athletes in, let's say NBA for example, do fall under our jurisdiction. And we've heard no complaints about any of the strict standards that they are held to 12 months before those games.

The CHAIRMAN. Well, that's good stuff. That's good stuff. I want more professional athletes. I used to be opposed to professional athletes competing in the Olympics, to reveal my total bias and prejudice, but I've changed my mind if it puts them into the testing regime.

At any rate, I thank you both. I thank all the witnesses, and I particularly thank you, Senator Lugar, for allowing me to head off. I just got a note, my amendment is up in the other committee.

Thank you, gentlemen. We'll move as rapidly as we can.

Senator LUGAR. I wish you the best of luck in Judiciary.

The CHAIRMAN. Thank you.

Senator LUGAR [presiding]. And that you do as well as here.

Let me continue the questioning by asking you, Mr. Tygart, how many countries have independent antidoping entities? Is this com-

mon practice in the other countries we've been discussing today or are there major exceptions to that rule?

Mr. TYGART. There are certainly exceptions, but U.K., for example, Australia, Canada. The trend, as the world now knows and again reflected in Senator Mitchell's report, is that true independence is the most successful and effective way to handle this problem of doping in sport. Really, that was the model under which WADA took over, as an independent agency outside of the International Olympic Committee, to fully separate the obligations of sport to both promote and police itself, because it's awfully difficult to do both. When you have a direct financial interest in the performance of athletes' performances, it becomes very difficult in certain situations when you're also asked to police and potentially bring discipline against those players that directly impact your bottom line.

Senator LUGAR. Has there been publication of a list or lists of those countries that have independent antidoping agencies?

Mr. TYGART. We can provide that for you.

Senator LUGAR. As opposed to those who do not.

Mr. TYGART. Yes. We'll do some research and can provide that for you, Senator.

Senator LUGAR. That would be helpful for our record.

Mr. TYGART. We will do that.

[The written information supplied by Mr. Tygart follows:]

Below is a recent list from the World Anti-Doping Agency of all the National Anti-Doping Organizations that have signed the WADA Code. I understand this is a list of those entities independent from sport that handle antidoping matters in that country. These may or may not be government entities and/or receive government funding.

Albania (ALB)—Ministry of Tourism, Culture, Youth and Sports of Albania
Algeria (ALG)—Algeria Anti-Doping Agency
Argentina (ARG)—Comisión Nacional Antidoping
Australia (AUS)—Australian Sports Anti-Doping Authority
Austria (AUT)—Austrian Anti-Doping Committee
Bahamas (BAH)—Bahamas National Anti-Doping Committee
Bahrain (BRN)—General Organization for Youth and Sports
Barbados (BAR)—National Anti-Doping Commission
Bermuda (BER)—Bermuda Council for Drug-Free Sport
Brazil (BRA)—Brazilian Agency for Doping Control—Brazilian Olympic Committee
Bulgaria (BUL)—National Anti-Doping Commission
Cameroon (CMR)—Organisation for the Fight Against Doping in Sports
Canada (CAN)—Canadian Centre for Ethics in Sport
Chile (CHI)—Comisión Nacional de Control de Dopaje
China (CHN)—Chinese Olympic Committee Anti-Doping Commission
Chinese Taipei (TPE)—Anti-Doping Commission of NOC
Colombia (COL)—COLDEPORTES
Congo-Brazzaville (CGO)—National Anti-Doping Committee
Congo, Dem. Republic of (COD)—Comité national antidopage congolais
Cook Islands (COK)—Medical and Anti-Doping Committee
Comoros (COM)—National Anti-Doping Organization
Costa Rica (CRC)—Instituto Costarricense del Deporte y la Recreación
Croatia (CRO)—Croatian Anti-Doping Agency
Cyprus (CYP)—Cyprus National Anti Doping Committee
Czech Republic (CZE)—Anti-Doping Committee
Denmark (DEN)—Anti-Doping Denmark
Ecuador (ECU)—Comisión Nacional de Control Antidopaje del Ecuador (CONCADE)
El Salvador (ESA)—Instituto Nacional de los Deportes
Estonia (EST)—Estonian Anti-Doping Agency
Fiji (FIJ)—Fiji Sports Drug Agency
Finland (FIN)—Finnish Antidoping Agency
France (FRA)—French Anti-Doping Agency (AFLD)

Georgia (GEO)—Georgian National Anti-Doping Agency
Germany (GER)—National Anti-Doping Agency
Great Britain (GBR)—UK Sport
Greece (GRE)—Hellenic National Council for Combating Doping
Guatemala (GUA)—Agencia Nacional Antidopaje de Guatemala
Guinea (GUI)—National Committee for the Fight Against Doping
Hungary (HUN)—Hungarian Antidoping Coordination Body
Iceland (ISL)—National Olympic and Sports Association
India (IND)—National Anti Doping Agency, India
Indonesia (INA)—Indonesian Antidoping Agency
Iran (IRI)—Iran Anti-Doping Agency
Ireland (IRL)—Irish Sports Council
Israel (ISR)—Anti Doping Committee Israel NOC
Italy (ITA)—Comitato Olimpico Nazionale Italiano (CONI)
Ivory Coast (CIV)—Comité National Lutte Antidopage
Jamaica (JAM)—Jamaica Anti-Doping Commission (JADCO)
Japan (JPN)—Japan Anti-Doping Agency
Jordan (JOR)—Jordan Anti-Doping Organization
Kenya (KEN)—Kenya Anti-Doping Agency
Korea (KOR)—Korea Anti-Doping Agency
Latvia (LAT)—Ministry of Health, Republic of Latvia
Lithuania (LTU)—Anti-Doping Agency of Lithuania
Luxembourg (LUX)—National Anti-Doping Agency
Macedonia (MKD)—National Anti-Doping Commission—Macedonia
Malaysia (MAS)—Anti-Doping Agency of Malaysia (ADAMAS)
Mali (MLI)—National Anti-Doping Commission
Mauritius (MRI)—Ministry of Youth & Sports Anti-Doping Unit
Mexico (MEX)—Comité nacional antidopaje de México
Monaco (MON)—Anti-Doping Committee
Mongolia (MGL)—Mongolian National Anti-Doping Organization
Netherlands (NED)—Anti-Doping Authority of the Netherlands
New Zealand (NZL)—Drug Free Sport New Zealand
Nicaragua (NCA)—Instituto Nicaragüense de Deportes (I.N.D.)
Nigeria (NGR)—Anti-Doping Unit, Federal Ministry of Sports and Social Development
Norway (NOR)—Anti-Doping Norway
Pakistan (PAK)—Anti-Doping Organization of Pakistan (ADOP)
Panama (PAN)—Instituto Panameño de Deportes
Papua New Guinea (PNG)—Papua New Guinea Sports Anti-Doping Organization
Peru (PER)—Comisión Nacional Antidopaje del Peru
Philippines (PHI)—Philippine Sports Commission
Poland (POL)—Polish Commission Against Doping in Sport
Portugal (POR)—National Anti-Doping Council
Puerto Rico (PUR)—Puerto Rico Anti-Doping Commission
Qatar (QAT)—Qatar National Anti-Doping Commission
Romania (ROM)—National Anti-Doping Agency of Romania
Russia (RUS)—National Anti-Doping Organization "RUSADA"
Samoa (SAM)—Samoa Antidoping Agency
San Marino (SMR)—San Marino Anti-Doping Committee
Senegal (SEN)—National Anti-Doping Commission
Serbia (SRB)—Antidoping Agency of Serbia (ADAS)
Seychelles (SEY)—Seychelles Anti-Doping Commission
Singapore (SIN)—Singapore National Olympic Anti-Doping in Sports Commission
Slovakia (SVK)—Slovakian Anti-Doping Committee
Slovenia (SLO)—National Antidoping Commission
South Africa (RSA)—South African Inst. for Drug-Free Sport
Spain (ESP)—Spanish National Anti-Doping Commission
Sri Lanka (SRI)—NADO Sri Lanka
Sudan (SUD)—Sudanese Anti-Doping Agency
Sweden (SWE)—Swedish Sports Confederation
Switzerland (SUI)—Swiss Olympic Committee
Tunisia (TUN)—Anti-Doping Organization of Tunisia
Turkey (TUR)—Turkish Doping Control Center
Ukraine (UKR)—National Anti-Doping Organization of Ukraine
Uganda (UGA)—Uganda National Anti-Doping Organization
United Arab Emirates (UAE)—UAE Anti-Doping Committee
United States of America (USA)—US Anti-Doping Agency
Uruguay (URU)—Dirección Nacional de Deporte—Ministerio de Turísmo y Deporte

Venezuela (VEN)—Comisión antidopaje de la República Bolivariana de Venezuela

Senator LUGAR. What, Mr. Tygart, is the process for drug testing at the Olympic Games, or maybe I should expand the question on the basis of what you have mentioned, that the NBA basketball athletes would come under the regime the year before the Olympic? So describe what is the testing regime or procedure for Olympic athletes?

Mr. TYGART. Well, we've got several initiatives leading into the Beijing Olympic Games that you might find of interest. One is what we call our 120-day testing program, where all athletes who will be representing the United States in the Olympic Games will be tested and have declared negative tests, so if there's any positives they will be resolved.

Senator LUGAR. Across all sports?

Mr. TYGART. All sports——

Senator LUGAR. Professional, amateur, whoever?

Mr. TYGART. Anyone who will represent the U.S. in the Olympic Games.

Second, the 12-month rule I mentioned. All athletes who are candidates for the Olympic team, including professional sports, NBA players going into the Summer Games, but similarly the NHL players going into the Winter Games, are encompassed and fall under our jurisdiction. That means they're providing us their whereabouts for no advance notice, out of competition testing, out of season testing, things that they're not normally used to under their own regimes.

Senator LUGAR. Does a person declare himself or herself candidates some 12 months out? In other words, this is sort of an interesting concept because the actual representatives of our country are determined in various trials or tests for track and field or for swimming or what have you at various stages. So for instance, people who are interested in running the 400-meter dash, 12 months out, do they declare this so that they come under your jurisdiction?

Mr. TYGART. They do. There's a good faith effort. I mean, my 6-year-old wouldn't be named as a potential Olympic candidate. So there is a good faith effort to name only those that most likely are going to be successful when those trials come up. But the goal is to have all of those athletes in the pool. And we've had situations where a true dark horse comes out of nowhere and ends up being on the team, but they have been subject to that 120-day testing policy that I've mentioned.

Senator LUGAR. Finally, the chairman asked about the human growth hormone, HGH, situation. Philosophically or medically, is there a case to be made as to why human growth hormone might be helpful to a human being, let's say outside the realm of athletics, although today we are concentrating in athletics because of the competitive elements, the integrity of the sport? I'm not that familiar with human growth hormone and its effects or what the medical findings are. But is this prescribed on occasion by physicians to patients for purposes of their own longevity or vitality?

Mr. TYGART. There is. Human growth hormone is a prescription drug. It falls under the Food, Drug, Cosmetics Act. There's really three—unlike other drugs, there is no ability to use it, as I understand it, off-label, but there are three primary areas where it can

be prescribed. One is for short stature disease, so dwarfism essentially. Another is wasting disease, which can be caused by HIV and AIDS. Another is suppression of human growth hormone.

Importantly, there's no off-label use for it and whether that occurs in the future is just something that will have to be studied. But those are the three areas where it can be legitimately prescribed for those diagnosed diseases.

Senator LUGAR. So the dilemma for not only the Olympic athletes, but then the growing discussion among all professional athletes, is one in which I gather we would say in common sense the three conditions you have suggested are not a part of professional athletics or Olympic athletics and therefore the human growth hormone would not only be inappropriate, but we might even move to say illegal.

Can you sort of describe this process as it's evolving legally in our country?

Mr. TYGART. I think that's absolutely right. Importantly, we do have a process by which athletes who have a legitimate medical problem can get permission through an independent review process to use a legitimate medication. We obviously want our athletes to be able to do that. But I absolutely agree with you that it is illegal.

Senator LUGAR. That would be a transparent process, through this request by the athlete?

Mr. TYGART. Absolutely.

Senator LUGAR. Let me just follow along, Mr. Lynch, Senator Biden's questioning, because from your experience as an athlete and now one working continuously with athletes in your capacity with the Olympic Committee, what is the challenge that the antidoping commission or anyone else faces with athletes? Senator Biden has indicated obviously somebody might want to grow stronger, heavier, so forth. But is this a more subtle and complex process?

In other words, if you were working, as both of you are, to eradicate doping, how do you progress on this, given your knowledge of the psychology of athletes at the very highest level and the sorts of pressures, temptations, motivations that they may face?

Mr. LYNCH. Well, as Travis indicated, the approach is broad. The approach is broad. The approach begins with layering, with education.

Senator LUGAR. What do you mean by that? What do you mean by "education"?

Mr. LYNCH. Well, Travis can get into the specific educational policies that are in USADA's court. But as a benchmark, there is always an explanation of the Olympic process in terms of the responsibilities of the athletes as not only competitors during the competition, but also as role models for the country. And that layers in the sense of responsibility for the athlete to recognize that they not only should be very proud to represent our country, but they have a strong responsibility to do so in a clean fashion.

Senator LUGAR. Can you describe any further the education process?

Mr. TYGART. Yes; we can. We see it as really twofold. One, we're going to do our best to change the hearts and minds of the elite-level athletes who are competing and representing this country in

international competition; and it's giving them more tools. If we tell them not to use steroids to get bigger, we have to give them the practical tools as to how to get bigger and better and more competitive, that's fair under the rules and that all competitors are allowed.

Senator LUGAR. You have to give alternatives.

Mr. TYGART. That's right, to give alternatives, and certainly testimonials, to try to change the hearts and minds, because at the end of the day our experience has been, whether it's Marion Jones or Kelly White, they just don't feel good about their cheating. And this still is a value issue, that if we can tap into that core of the ethos and the moral reasoning we feel like we can change those hearts and minds to cause cheaters not to want to cheat any more.

Second, we have to approach it from a community level, because we all acknowledge our youth of today are our Olympians of tomorrow and we have to give them the same message of making good ethical decisions, healthy lifestyle, and staying away from these dangerous drugs.

Senator LUGAR. Well, we thank you both for coming, and likewise our previous panel of witnesses. I think we have established a good committee record in preparation for our full committee consideration of this. I know the chairman's intent is to move promptly and this is the reason he called the hearing today and has asked you to come to it, and we appreciate your being with us.

Having given this appreciation to you, I will adjourn the hearing and look forward to the Olympics.

Mr. TYGART. Thank you.

Senator LUGAR. Thank you very much.

[Whereupon, at 10:33 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF PRINCIPAL DEPUTY LEGAL ADVISER JOAN DONOGHUE TO QUESTIONS SUBMITTED BY SENATOR JOSEPH BIDEN

Question. Article 6 of the Convention clarifies the relationship between the Convention and other international instruments. Can you confirm that the second sentence of this article limits the impact of the first sentence? In other words, if there were a conflict as between this Convention and the Council of Europe's Anti-Doping Convention, is it correct to assume that article 6 would permit States that are party to both instruments to apply the Council of Europe's Anti-Doping Convention among themselves, but only insofar as doing so does not affect the enjoyment by third parties (that are not parties to the Council of Europe's Anti-Doping Convention) of their rights or the performance of their obligations under the UNESCO Convention?

Answer. Yes. Article 6 would permit States that are party to both this Convention and the Council of Europe's Anti-Doping Convention to apply the Council of Europe's Convention among themselves, but only insofar as that application does not affect the other States Parties' enjoyment of their rights and obligations under the UNESCO Convention. The United States is a party to several agreements with similar provisions. For example, Article 44(1) of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and highly Migratory Fish Stocks (S. Treaty Doc. 104–24); Article 39 of the 2000 Convention Concerning Migratory Fish Stock in the Pacific Ocean (S. Treaty Doc. 109–1); and Article 39(2) of the Convention on Cybercrime (S. Treaty Doc. 108–11).

Question. Article 14 of the Convention states that parties "undertake to support the important mission of the World Anti-Doping Agency . . ." Article 15 states that 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." Does the Department view either of these articles as committing the United States to make a financial contribution to WADA?

Answer. No. The Convention does not commit the United States to make a financial contribution to WADA. The Convention was drafted in part to solidify governmental support for WADA. It recognizes the existing financial structure and important mission of WADA. However, nothing in the Convention legally obligates the United States to provide funding or other resources to WADA.

Question. Article 17(3) states that "[c]ontributions to the Voluntary Fund [established in the Convention] 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." To what commitment is this provision referring?

Answer. The commitment to which article 17(3) is referring is the political commitment of the States Parties as embodied in the Copenhagen Declaration, adopted by the World Conference on Doping in Sport in 2003. In that Declaration, the participants reaffirmed their commitment to continue funding and supporting WADA. Part three of the Declaration [1] specifically provides for a 50-percent split of WADA's funding between the governments and the World Olympic Movement. Through this political document, the participants endorsed a particular approach to the funding for WADA. Article 17(3) of the Convention confirms that any additional resources the States Parties voluntarily contribute under the Convention would in no way off set their portion of funding for WADA.

Question. Article 32(2) of the Convention states that 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 . . ." This is a bit unusual. Do you have any examples of other treaties to which the United States is a party, in which it is explicitly stated that a nongovernmental organization can, or should, be employed in implementing the treaty?

Answer. Yes. Article 14(2) of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (T.I.A.S. 8226), to which the United States is a party, uses very similar language to Article 32(2) of the Anti-Doping Convention. Article 14(2) of the 1972 Convention provides: "The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions." This article relies on several nongovernmental bodies to assist the Secretariat in preparing for meetings and in implementing decisions "to the fullest extent possible."

There are other treaties that operate with support from nongovernmental bodies or scientific and technical organizations. As mentioned at the hearing and as further discussed in the answer to the sixth Question for the Record, both the 1959 Antarctic Treaty and the 1971 Convention on Wetlands of International Importance, es-

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[1] *See* part 3 of the Copenhagen Declaration, at http://www.wada-ama.org/en/dynamic.ch2?page Category.id=272:

Each Participant:

3.1. Recognises the role of, and supports, WADA;
3.2. Subject to modification through appropriate intergovernmental cooperation, declares its intention to continue the practices public authorities have followed in the governance and financing of WADA and, within this framework:
  3.2.1. Supports the following allocation of public authority delegates to the WADA Foundation Board according to Olympic regions:
    4 representatives from the Americas;
    3 representatives from Africa;
    5 representatives from Europe;
    4 representatives from Asia;
    2 representatives from Oceania.
  3.2.2. Supports the co-funding of WADA by public authorities and the Olympic movement as follows:
    3.2.2.1. Public authorities contribute collectively 50 percent of the approved WADA annual core budget;
    3.2.2.2. Public authority payments to WADA according to Olympic regions: Africa: 0.50 percent; Americas: 29 percent; Asia: 20.46 percent; Europe: 47.5 percent; Oceania: 2.54 percent

pecially as Waterfowl Habitat, provide good examples of the importance of such expert bodies in treaty regimes.

Question. Since the Convention was adopted in 2005, there have been changes made to the World Anti-Doping Code.

- a. Given the unique relationship this Convention has with WADA and the Code, do changes made to the Code by WADA affect States Parties rights or obligations under the Convention?
- b. Have any of the current States Parties proposed amending Appendix 1 of the Convention to reflect the changes made to the Code by WADA?
- c. Is it the intent of the United States to propose amending Appendix I of the Convention to reflect the changes that have been made to the Code? Please explain your answer.

Answer. The Convention does have a unique relationship with the Code in several respects. Most notably, while the Convention was negotiated in large part to support the principles and spirit of the Code, the Code itself is not an integral part of the Convention. There is no specific provision for amending the appendices to the Convention, including the Code, as these are included for informational purposes only.

In answer to your specific questions:

a. The Convention does not make the Code legally enforceable against the States Parties to the Convention. Accordingly, changes made to the Code by WADA do not affect States Parties' rights or obligations under the Convention.

b. None of the current States Parties have proposed amending Appendix 1 to the Convention. The most recent changes made by WADA will not come into force until 2009, but even when that event occurs, there will be no change with respect to the rights and obligations of the States Parties under the Convention.

c. It is not the intent of the United States to propose any amendments to the appendices. As explained, the Code is not an integral part of the Convention; rather it is included as an appendix for informational purposes only. The Convention supports the principles and spirit of the Code, but any changes or amendments to the Code itself will not change the States Parties' rights or obligations under the Convention. Accordingly, even if WADA amends the Code further, there is no need for the United States to propose an amendment to Appendix 1. The objectives and purposes of the Convention remain unchanged and will still be accomplished even if the version of the Code in Appendix 1 is not the most up-to-date version.

Question. In your testimony, you mentioned two examples of treaties in which scientific and other experts interact formally with the States Parties and the intergovernmental bodies established in those treaties. Can you expand on those two examples or others, if you think they are more relevant?

Answer. In my testimony, I mentioned the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, done at Ramsar, Iran, February 2, 1971 ("Ramsar Convention"). TIAS 11084. I also mentioned the 1959 Antarctic Treaty. TIAS 4780. These two treaties utilize the resources and expertise of nongovernmental scientific bodies as important participants in the treaty implementation regime.

Specifically, Article 8 of the Ramsar Convention provides that the International Union for Conservation and Natural Resources shall be responsible for, among other things, maintaining a list of internationally important wetlands and convening and organizing Conferences under the Treaty. Both of these tasks are of great significance to the Treaty's implementation. Article 8 of that Convention states:

> 1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.
>
> 2. The continuing bureau duties shall be, inter alia:
>
> a. to assist in the convening and organizing of Conferences specified in Article 6;
>
> b. to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
>
> c. to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
>
> d. to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

e. to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

The Parties to the Antarctic Treaty and its 1991 Environmental Protocol (S. Treaty Doc. 102–22) also actively engage with scientific bodies in the implementation of those instruments. The Scientific Committee on Antarctic Research (SCAR), a subentity of the International Council for Science (ICSU), is an observer at Antarctic Treaty and Environmental Protocol meetings and provides independent scientific advice as requested in a variety of fields, particularly on environmental and conservation matters. SCAR is able to play an active and crucial role in the scientific collaboration between government and private organizations to implement the Antarctic Treaty.

In addition, Annex V, Articles 5 and 6, to the Environmental Protocol specifically grants SCAR a formal role in the designation and review of specially protected and managed areas. The Protocol also specifically grants SCAR observer status.

RESPONSES OF DEPUTY DIRECTOR SCOTT M. BURNS TO QUESTIONS SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question. Do you believe that there should be one national antidoping standard for all professional sports? Will this Convention contribute to the establishment of a uniform standard for professional sports despite the fact that the doping-control provisions do not apply to professional sports in the United States? If so, how?

Answer. The antidoping policies of the professional sport leagues in the United States are not regulated by the Federal Government. As private sector enterprises, the leagues are responsible for establishing policies to combat and deter drug use among players. Consequently, the Convention does not apply to professional sport leagues in the United States.

Nevertheless, the administration has clearly stated that drug use among professional athletes in the United States is a serious issue and the leagues have an obligation, particularly to young people, to make efforts to curb drug use in sport. Further, the administration has consistently indicated that the World Anti-Doping Code and the principles articulated in the Convention represent the "gold standard" in combating drug use in sport. The professional leagues are encouraged to adopt the balanced principles set forth in the Code and Convention.

As an increasing number of sport organizations and governments around the world agree to harmonize antidoping standards, the professional leagues in the United States may be inclined to adopt the standard that is currently accepted by nearly 600 sport organizations worldwide, including all the Olympic and Pan American Sports in the United States. Hence, we believe the Convention does contribute to establishing uniform standards for professional sports.

Questions. Article 2(4) of the Convention defines Athlete for education and training programs to be "any person who participates in sport under the authority of a sports organization." The term "Sports Organization" is then defined in Article 2(20) as "any organization that serves as the ruling body for an event for one or several sports."

a. Can you explain what this means? Please explain how one evaluates whether an organization is a ruling body or not.

Answer. The national Olympic Committee (e.g., United States Olympic Committee) or International Olympic Committee determines what entity is the ruling organization for each sport on the national and international level, respectively.

b. Do other countries share this understanding of what a "ruling body" is?

Answer. Yes, this is a universally recognized and accepted decision in the international sport community.

c. Could this definition include, for example, high school athletes?

Answer. Yes.

d. Is it correct that this definition of athlete (i.e., for education and training programs) is intended to be broader than the definition of athlete that also appears in Article 2(4), which is for the purposes of doping control? If so, explain which athletes are covered in the broader definition of athlete (i.e., for education and training programs), which are not covered in the definition of athlete for purposes of doping control.

Answer. Yes. The definitions were drafted so that a larger pool of participants receives antidoping education and training. This approach will help educate a larger number of participants on the dangers of doping before they potentially reach the point where they may be competing nationally or internationally.

In the United States, for example, the Government is not responsible for drug testing athletes or providing antidoping training. Consistent with Article 7 of the Convention, we intend to utilize the efforts of a nongovernmental agency, the United States Anti-Doping Agency (USADA), to meet such obligations. Under USADA protocols, only athletes that are likely to compete at the national or international level of competition are placed in a USADA registered testing pool and subject to drug testing. However, the scope of athletes that receive antidoping education is far broader and includes participants who compete in sport events or programs sponsored by a sport authority. Thus, for example, amateur athletes competing in USA Wrestling-sponsored tournaments may receive antidoping education. However, unless the athletes have been identified as national or international-level competitors, they would not be subject to USADA's doping controls.

Question. Appendix I of the World Anti-Doping Code defines a variety of terms including "Athlete." In relevant part this definition states that "for purposes of antidoping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete. How does a sports organization formally accept the Code?

Answer. A sports organization commits in writing to the World Anti-Doping Agency that it has accepted the Code and agrees to implement the applicable provisions of the Code in its policies, statutes, rules, and regulations. A copy of a draft "acceptance" form is attached hereto.

Question. Is there a list of sports organizations that have accepted the Code? If so, who manages this list and is this list readily available?

Answer. Yes, the list is managed by WADA and available on the agency's Web site: www.wada-ama.org. A copy of the list of the nearly 600 organizations that have accepted the Code to date is attached.

Question. When the term "sports organization" is used in the Convention, is it understood that the term is only referring to sports organizations that have accepted the Code?

Answer. Yes.

Question. Article 3 of the Convention obligates States Parties to "adopt appropriate measures" that are "consistent with the principles of the Code." Article 16 provides that parties "undertake to support the important mission of the World Anti-Doping Agency." Yet, there are critics of WADA and the Code, who argue that the Code imposes excessively stringent punishments, including potentially career-ending suspensions that offer little distinction between intentional doping and the detection of trace levels of prohibited substances originating from the consumption of contaminated or mislabelled nutritional supplements.[1] What is your response to these criticisms?

Answer. The United States Government, as well as the United States Olympic Movement, played a significant role in drafting the first version of the Code which came into force on January 1, 2004, and the second version which was adopted in November 2007 and will come into force on January 1, 2009. We believe that the Code is tough on drug cheats, but equally importantly, the Code's principles are fair. Some stakeholders argue that the Code's sanctions and the measures required of signatories are too weak and do not go far enough to deter and combat doping in sport. Still others maintain that the Code is too harsh and is excessively stringent. We believe that the Code strikes a careful and appropriate balance. Further, ONDCP has served in leadership roles in WADA since the agency was created and has closely observed the manner in which the Code has been applied. We do not share these criticisms regarding the excessive nature of punishments being dispensed as a result of the Code.

It is also important to note that the revised version of the Code that the WADA Foundation Board unanimously adopted in November 2007 at the Third International Conference on Doping in Sport includes a greater flexibility as it relates to sanctions. This added flexibility is designed to further promote fairness. For ex-

[1] See, e.g., Michael A. Hiltzik, "Athletes' Unbeatable Foe," Los Angeles Times, December 10, 2006, available at http://www.latimes.com/news/nationworld/nation/la-sp-doping10dec10.0.2627563.full.story?coll-la-home-headlines.

ample, cases involving aggravated circumstances (large doping scheme, multiple prohibited substances, athlete engaged in obstructive conduct) are now subject to enhanced sanctions. Lessened sanctions are now possible where an athlete can establish that the substance involved was not intended to enhance performance. Furthermore, the revised Code states that the "Prohibited List" may identify specified substances which are particularly susceptible to unintentional antidoping violations because of their general availability in medicinal and other products or which are less likely to be successfully used as doping agents. Where an athlete establishes that use of such a specified substance was not intended to enhance sport performance, a doping violation may result in a reduced sanction (at a minimum a warning and reprimand and no period of ineligibility, and at a maximum a 1-year ban). The United States Government supports this increased flexibility.

Question. Given WADA's role in implementing the Convention it is important that WADA be seen as sufficiently independent and transparent in its decisionmaking. Is it your view that there is sufficient independence and transparency in WADA's decisionmaking?

Answer. Yes. The decisionmaking process at WADA is balanced, deliberative, and transparent. The United States believes that it has been fairly included in the decisionmaking process and fully expects that independence and transparency will only increase during the 6-year term of recently elected WADA President John Fahey, of Australia.

Question. What was the U.S. contribution to WADA for calendar years 2005, 2006, and 2007? What is the U.S. contribution to WADA for calendar year 2008? Do you expect a significant increase in the U.S. assessed contribution to WADA in future years, because of the entry into force of the Convention?

Answer. The United States Government has made the following contributions to WADA: CY 2005—$1,450,179; CY 2006—$1,620,821; CY 2007—$1,669,446; CY 2008—$1,700,000.

The WADA budget process is separate from the UNESCO budgetary process. WADA's annual budget is approved by the agency's Executive Committee and Foundation Board. The Convention entered into force in 2007. Since that time, the WADA budget has not significantly increased. We do not expect significant increases in the future. Much of WADA's role involving the Convention is ongoing and already funded within WADA's budget. The United States would use its leadership positions on the Finance Committee, Executive Committee, and Foundation Board to resist and oppose any unnecessary and reckless budget increases.

Questions. Article 34 of the Convention sets forth a fast-track amendment procedure for the two annexes to the Convention—Annex I is the Prohibited List and Annex II is the Standards for Granting Therapeutic Use Exemptions. The World Anti-Doping Agency (WADA) also has a "Prohibited List" and a list of "Standards for Granting Therapeutic Use Exemptions." Paragraph 1 of Article 34 states that if WADA modifies either of these lists for its purposes, it may inform the Director General of UNESCO, who in turn will propose to the States Parties amendments to the annexes of the Convention that reflect the modifications made by WADA. A State Party then has 90 days within which to inform the Director General that it does not accept an amendment or it will enter into force for that State Party, if the amendment has not been obiected to by two-thirds of the States Parties.

a. Please explain in detail the process by which the lists maintained by WADA are modified. In your explanation, be sure to include how long this process generally takes and to what extent the United States participates in the process.

Answer. The International Standards are aimed at bringing harmonization among antidoping organizations responsible for specific technical and operational parts of antidoping programs.

The Prohibited List is reviewed and updated annually by WADA through a year-long consultative process involving stakeholder feedback and input from groups of international scientific and antidoping experts. A Prohibited List Working Group is specifically tasked with recommending changes to WADA's Executive Committee and facilitating stakeholder input. A representative from the United States chairs the seven-member committee. In addition, a second member of the group is from the U.S. Food and Drug Administration. The United States has one of five government votes on the Executive Committee to approve any changes to the List.

The International Standards for Granting Therapeutic Exemptions (ISTUE) is to ensure that the process of granting Therapeutic Use Exemptions (a process

to alloy athletes to take medicines on WADA's Prohibited List to treat an athlete's illnesses or medical condition) is harmonized across sports and countries. The ISTUE came into force in January 2004. Concurrent to the revision of the Code, WADA launched a process in 2006 for updating the ISTUE to build upon the experience gained by WADA and its stakeholders and to improve the protocols and processes.

The review process for updating the ISTUE involved three formal rounds of consultation. Based on stakeholder feedback and consultations with the legal and scientific committees, a draft was circulated in 2007. After a period of public comment and a series of meetings a second draft was released. Subsequently, WADA's Executive Committee unanimously voted to approve the revised ISTUE at its May 2008 meeting. The United States, as a member of the Executive Committee, voted to approve the ISTUE. Comments from USADA regarding the technical revisions were accepted by WADA and incorporated into the revised ISTUE.

The revised standard will come into force on January 1, 2009. WADA has no plans to revise the ISTUE in the next several years.

b. Given the short time period for rejecting proposed amenndments to the annexes that have been proposed pursuant to the procedure in Article 34, what is the process that the U.S. Government intends to follow in responding to such proposed amendments?

Answer. The U.S. Government believes 45 days will be sufficient to coordinate with relevant Federal agencies and assess amendments to the annexes. Nevertheless, given the U.S. Government's active participation in WADA, we will receive notice of any potential amendment many months in advance of when the 45-day clock will begin to toll. Given the number and diversity of WADA's stakeholders, WADA procedures provide several months of consultations prior to any proposal and enactment of any amendments to the documents contained in the annex.

c. Have the lists maintained by WADA been modified since the Convention was initially adopted in 2005?

Answer. The Prohibited List is updated annually. The World Anti-Doping Code, International Standards for Laboratories, and the International Standards for Testing have not been modified since coming into force on January 1, 2004. Each of these documents was updated during a year-long process in 2007 and revised versions will take effect on January 1, 2009. No plans exist to modify these standards in the next several years.

d. Have the two annexes to the Convention been amended since the Convention entered into force?

Answer. The International Standards for Therapeutic Exemptions has not been modified since coming into force on January 1, 2004. A revised ISTUE will come into force on January 1, 2009. As previously described, the Prohibited List is updated annually.

e. If the annexes to the Convention have been amended:

i. How many times have the annexes been amended?

Answer. The International Standards for Therapeutic Exemptions has not been modified since coming into force on January 1, 2004. A revised ISTUE will come into force on January 1, 2009. As previously described, the Prohibited List is updated annually.

ii. Were the amendments done in accordance with Article 34?

Answer. Yes.

iii. Are the two annexes that were transmitted to the Senate the current version of the annexes in force for States Parties to the Convention?

Answer. The version of the International Standards for Therapeutic Exemptions provided to the Senate is currently in force for States Parties.

The version of the Prohibited List provided to the Senate was the version in force for States Parties at the time it was transmitted. Subsequently, a 2008 version came into force on January 1, 2008. The current version of the list is attached hereto. [*See* Annex I of the Report.]

Question. Article 32(2) of the Convention states that 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. . . ." It is not common for

a nongovernmental organization to play such a crucial role in implementing a treaty. Please explain why this arrangement is advantageous.

Answer. Governments, including the United States, pressed for the creation of a world antidoping organization because they believed that the best opportunity to combat drug use in sport involved governments and the sport movement combining their expertise and resources and working collaboratively and cooperatively. Governments and the Olympic Movement govern and fund WADA on an equal basis. The current WADA President is a government representative, and all working committees are comprised of 50 percent membership from the governments.

Governments, in drafting the Convention, believed that given WADA's technical expertise and the unique nature of doping, it would he advantageous to utilize the existing resources available from WADA. Governments believed that utilizing WADA was more effective and efficient than providing additional funding to UNESCO for that agency to hire additional staff and develop the capacity and expertise to provide antidoping services. It is important to note that the nature and scope of WADA's involvement is at the request of the Conference of Parties to the Convention. WADA has no independent authority relating to the Convention.

Question. As medical advances have been made and more performance-enhancing substances have emerged, how have the potential health risks associated with doping in sport changed, if at all?

Answer. Many doping substances have pernicious health effects on athletes. The dangers of anabolic steroids for nonmedical use, for example, are becoming increasingly well known. As science evolves and athletes turn to substances such as human growth hormone and gene doping, the health consequences are not only potentially grave, but often not fully known.

As a result, Articles 24, 25, and 26 of the Convention address antidoping research. In order to learn about the potential health risks, innovative research is essential. The Convention calls upon Parties to share research results among governments, where appropriate.

The United States fully supports vigorous research activities as part of a balanced antidoping program. Government funds to support WADA and USADA are directed to support research activities of both those organizations. In addition, the National Institute on Drug Abuse also expends significant resources on research involving doping substances.

ATTACHMENT A

ACCEPTANCE OF THE WORLD ANTI-DOPING CODE

The undersigned organization accepts the World Anti-Doping code approved by the World Anti-Doping Agency Foundation Board on 5 March 2003 as the basis for the fight against doping in sport and agrees to implement the applicable provisions of the Code in its policies, statutes, rules and regulations.

_____

Organization

_____

Authorized Representative's Name

_____

Authorized Signature Date

ATTACHMENT B

Code Acceptance

The following sports organizations have accepted the Code:

Olympic Movement

INTERNATIONAL FEDERATIONS:

ASOIF MEMBERS (28/28)
Archery (FITA) - International Archery Federation
Athletics (IAAF) – Int'l Association of Athletics Federations
Badminton (IBF) - International Badminton Federation
Baseball (IBAF) - International Baseball Federation
Basketball (FIBA) - International Basketball Federation
Boxing (AIBA) - International Boxing Association
Canoe (ICF) - International Canoe Federation
Cycling (UCI) - International Cycling Union
Equestrian (FEI) - International Equestrian Federation
Fencing (FIE) - International Fencing Federation
Football (FIFA) - International Football Federation
Gymnastics (FIG) - International Gymnastics Federation
Handball (IHF) - International Handball Federation
Hockey (FIH) - International Hockey Federation
Judo (IJF) - International Judo Federation
Modern Pentathlon (UIPM) - Union internationale de pentathlon moderne
Rowing (FISA) – Int'l Federation of Rowing Associations
Sailing (ISAF) - International Sailing Federation
Shooting (ISSF) - International Shooting Sport Federation
Softball (ISF) - International Softball Federation
Swimming (FINA) - International Swimming Federation
Table Tennis (ITTF) - International Table Tennis Federation
Taekwondo (WTF) - World Taekwondo Federation
Tennis (ITF) - International Tennis Federation
Triathlon (ITU) - International Triathlon Union
Volleyball (FIVB) - International Volleyball Federation
Weightlifting (IWF) - International Weightlifting Federation
Wrestling (FILA) - International Federation of Associated Wrestling Styles

AIOWF MEMBERS (7/7)
Biathlon (IBU) - International Biathlon Union
Bobsleigh and Tobogganing (FIBT) - International Bobsleigh and Tobogganing Federation
Curling (WCF) - World Curling Federation
Ice Hockey (IIHF) - International Ice Hockey Federation
Luge (FIL) - International Luge Federation
Skating (ISU) - International Skating Union
Ski (FIS) - International Ski Federation

IOC RECOGNISED IFs (31/31)
Air Sports (FAI) - World Air Sports Federation
Bandy (FIB) - Federation of International Bandy
Billiards Sports (WCBS) - World Confederation of Billiards
Boules (CMSB) – Conféd. mondiale des sports de boules
Bowling (FIQ) - Fédération internationale des quilleurs
Bridge (WBF) - World Bridge Federation
Chess (FIDE) - International Chess Federation
Cricket (ICC) - International Cricket Council
Dance Sport (IDSF) - International Dance Sport Federation
Golf (IGF) - International Golf Federation
Karate (WKF) - World Karate Federation
Korfball (IKF) - International Korfball Federation
Life Saving (ILS) - International Life Saving Federation
Motorcycling (FIM) - International Motorcycling Federation
Mountaineering and Climbing (UIAA) - International Mountaineering and Climbing Federation
Netball (IFNA) - International Netball Federation
Orienteering (IOF) - International Orienteering Federation

Pelota (FIPV) - Fédération internationale de pelote basque
Polo (FIP) - Federation of International Polo
Powerboating (UIM) - Union internationale motonautique
Racquetball (IRF) - International Racquetball Federation
Roller Sports (FIRS) - International Roller Sports Federation
Rugby (IRB) - International Rugby Board
Sport Climbing (IFSC) - Int'l Federation of Sport Climbing
Squash (WSF) - World Squash Federation
Sumo (IFS) - International Sumo Federation
Surfing (ISA) - International Surfing Association
Tug of War (TWIF) - Tug of War International Federation
Underwater Activities (CMAS) - Confédération mondiale des activités subaquatiques
Water Ski (IWSF) - International Water Ski Federation
Wushu (IWUF) - International Wushu Federation

INTERNATIONAL ORGANIZATIONS
Members of the IPC (5)
IBSA - International Blind Sports Federation
CP-ISRA - CP International Sports & Recreation Association
ISOD - International Sports Organization for the Disabled
INAS-FID – International Sports Federation for Persons with Intellectual Disabilities
IWAS – Int'l Wheelchair & Amputee Sports Federation

INTERNATIONAL ORGANIZATIONS
Not affiliated to the IPC (1)
ICSD - International Committee of Sports for the Deaf

MULTI-SPORT EVENTS (6)
CGF - Commonwealth Games Federation
CIJM - International Committee for the Mediterranean Games
IMGA - International Masters Games Association
IOC - International Olympic Committee
IPC - International Paralympic Committee
IWGA - International World Games Association

MULTI-SPORT ORGANIZATIONS (3)
CISM - International Military Sports Council
FISU - International Student Sports Federation
ISF – International School Sport Federation

NOC ASSOCIATIONS (1)
OCA - Olympic Council of Asia

NATIONAL OLYMPIC COMMITTEES (205/205) *
Afghanistan (AFG) - National Olympic Committee
Albania (ALB)- National Olympic Committee
Algeria (ALG) - National Olympic Committee
American Samoa (ASA) - National Olympic Committee
Andorra (AND) - National Olympic Committee
Angola (ANG) - National Olympic Committee
Antigua and Barbuda (ANT) - National Olympic Committee
Argentina (ARG) - Comisión Nacional Antidoping
Armenia (ARM) - National Olympic Committee
Aruba (ARU) - National Olympic Committee
Australia (AUS) - Australian Olympic Committee
Austria (AUT) - Austrian Olympic Committee
Azerbaijan (AZE) - National Olympic Committee
Bahamas (BAH) - National Olympic Committee
Bahrain (BRN) - National Olympic Committee
Bangladesh (BAN) - National Olympic Committee
Barbados (BAR) - Barbados Olympic Association Inc.
Belarus (BLR) - National Olympic Committee
Belgium (BEL) - Belgian Olympic and Interfederal Committee
Belize (BIZ) - National Olympic Committee
Benin (BEN) - National Olympic Committee
Bermuda (BER) - Bermuda Olympic Association
Bhutan (BHU) - National Olympic Committee

Bolivia (BOL) - National Olympic Committee
Bosnia & Herzegovina (BIH) - National Olympic Committee
Botswana (BOT) - National Olympic Committee
Brazil (BRA) - National Olympic Committee
British Virgin Islands (IVB) - National Olympic Committee
Brunei (BRU) - National Olympic Committee
Bulgaria (BUL) - National Olympic Committee
Burkina Faso (BUR) - National Olympic Committee
Burundi (BDI) - National Olympic Committee
Cambodia (CAM) - National Olympic Committee
Cameroon (CMR) - National Olympic Committee
Canada (CAN) - Canadian Olympic Committee
Cape Verde (CPV) - Nat'l Olympic Committee
Cayman Islands (CAY) - National Olympic Committee
Central Africa (CAF) - National Olympic Committee
Chad (CHA) - National Olympic Committee
Chile (CHI) - National Olympic Committee
China, People's Republic (CHN) - Nat'l Olympic Committee
Chinese Taipei (TPE) - Chinese Taipei Olympic Committee
Colombia (COL) - National Olympic Committee
Comoros (COM) - National Olympic Committee
Congo (CGO) - National Olympic and Sports Committee
Congo, Democratic Rep. (COD) - Nat'l Olympic Committee
Cook Islands (COK) - National Olympic Committee
Costa Rica (CRC) - Olympic Committee
Croatia (CRO) - National Olympic Committee
Cuba (CUB) - Cuban Olympic Committee
Cyprus (CYP) - National Olympic Committee
Czech Republic (CZE) - Czech Olympic Committee
Denmark (DEN) - NOC and Sports Confederation Denmark
Djibouti (DJI) - National Olympic Committee
Dominica (DMA) - National Olympic Committee
Dominican Republic (DOM) - National Olympic Committee
Ecuador (ECU) - National Olympic Committee
Egypt (EGY) - National Olympic Committee
El Salvador (ESA) - National Olympic Committee
Equatorial Guinea (GEQ) - National Olympic Committee
Eritrea (ERI) - National Olympic Committee
Estonia (EST) - Estonian Olympic Committee
Ethiopia (ETH) - National Olympic Committee
Fiji (FIJ) - National Olympic Committee
Finland (FIN) - Finnish Olympic Committee
France (FRA) - National Olympic Committee
Gabon (GAB) - National Olympic Committee
Gambia (GAM) - National Olympic Committee
Georgia (GEO) - Georgian Olympic Committee
Germany (GER) - National Olympic Committee
Ghana (GHA) - National Olympic Committee
Great Britain (GBR) - British Olympic Association
Greece (GRE) - Hellenic Olympic Committee
Grenada (GRN) - National Olympic Committee
Guam (GUM) - National Olympic Committee
Guatemala (GUA) - National Olympic Committee
Guinea (GUI) - National Olympic Committee
Guinea Bissau (GBS) - National Olympic Committee
Guyana (GUY) - National Olympic Committee
Haiti (HAI) - National Olympic Committee
Honduras (HON) - National Olympic Committee
Hong Kong (HKG) - National Olympic Committee
Hungary (HUN)- National Olympic Committee
Iceland (ISL) - National Olympic and Sports Association
India (IND) - National Olympic Committee
Indonesia (INA) - National Olympic Committee
Iran (IRI) - National Olympic Committee
Iraq (IRQ) - National Olympic Committee
Ireland (IRL) - National Olympic Committee
Israel (ISR) - Olympic Committee I
Italy (ITA) - Italian Olympic Committee
Ivory Coast (CIV) - National Olympic Committee
Jamaica (JAM)- Jamaica Olympic Association

Japan (JPN) - Japanese Olympic Committee
Jordan (JOR) - National Olympic Committee
Kazakhstan (KAZ) - National Olympic Committee
Kenya (KEN) - National Olympic Committee
Kiribati (KIR) - National Olympic Committee
Korea (KOR) - National Olympic Committee
Democratic Rep. of Korea (PRK) – Nat'l Olympic Committee
Kuwait (KUW) - National Olympic Committee
Kyrgyzstan (KGZ) - National Olympic Committee
Lao, People's Democratic Rep. (LAO) – Nat'l Olympic Committee
Latvia (LAT) - National Olympic Committee
Lebanon (LIB) - National Olympic Committee
Lesotho (LES) - National Olympic Committee
Liberia (LBR) - National Olympic Committee
Libya (LBA) - Libyan Olympic Committee
Liechtenstein (LIE) - National Olympic Committee
Lithuania (LTU) - National Olympic Committee
Luxembourg (LUX) - National Olympic Committee
Macedonia (MKD) - National Olympic Committee of Macedonia
Madagascar (MAD) - National Olympic Committee
Malawi (MAW) - National Olympic Committee
Malaysia (MAS) - National Olympic Committee
Maldives (MDV) - National Olympic Committee
Mali (MLI) - National Olympic Committee
Malta (MLT) - National Olympic Committee
Marshall Islands (MHL) - National Olympic Committee
Mauritania (MTN) - National Olympic Committee
Mauritius (MRI) - National Olympic Committee
Mexico (MEX) - National Olympic Committee
Micronesia (FSM) - Federated States of Micronesia NOC
Moldova (MDA) - National Olympic Committee
Monaco (MON) – National Olympic Committee
Mongolia (MGL)- National Olympic Committee
Montenegro (MNE) – Montenegrin Olympic Committee
Morocco (MAR) - National Olympic Committee
Mozambique (MOZ) - National Olympic Committee
Myanmar (MYA) - National Olympic Committee
Namibia (NAM) - National Olympic Committee
Nauru (NRU) - National Olympic Committee
Nepal (NEP) - National Olympic Committee
Netherlands (NED) - Netherlands Olympic Committee and Sports Confederations
Netherlands Antilles (AHO) - National Olympic Committee
New Zealand (NZL) - New Zealand Olympic Committee
Nicaragua (NCA) - National Olympic Committee
Niger (NIG) - National Olympic Committee
Nigeria (NGR) - National Olympic Committee
Norway (NOR) - Norwegian Olympic Committee and Confederation of Sports
Oman (OMA) - National Olympic Committee
Pakistan (PAK) - Pakistan Olympic Association
Palau (PLW) - National Olympic Committee
Palestine (PLE) - National Olympic Committee
Panama (PAN) - National Olympic Committee
Papua New Guinea (PNG) - National Olympic Committee
Paraguay (PAR) - National Olympic Committee
Peru (PER) - National Olympic Committee
Philippines (PHI) - National Olympic Committee
Poland (POL) - National Olympic Committee
Portugal (POR) - National Olympic Committee
Puerto Rico (PUR) - National Olympic Committee
Qatar (QAT) - National Olympic Committee
Romania (ROM) - National Olympic Committee
Russia (RUS) - National Olympic Committee
Rwanda (RWA) - National Olympic Committee
Saint Kitts & Nevis (SKN) - National Olympic Committee
Saint Lucia (LCA) - National Olympic Committee
Saint Vincent and the Grenadines (VIN) - National Olympic Committee
Samoa (SAM) - National Olympic Committee
San Marino (SMR) - National Olympic Committee
Sao Tome and Principe (STP) - National Olympic Committee
Saudi Arabia (KSA) - National Olympic Committee

Senegal (SEN) - National Olympic Committee
Serbia (SRB) - Olympic Committee of Serbia
Seychelles (SEY) - National Olympic Committee
Sierra Leone (SLE) - National Olympic Committee
Singapore (SIN) - Singapore National Olympic Council
Slovakia (SVK) - Slovak Olympic Committee
Slovenia (SLO) - National Olympic Committee
Solomon Islands (SOL) - National Olympic Committee
Somalia (SOM) - National Olympic Committee
South Africa (RSA) - National Olympic Committee
Spain (ESP) - National Olympic Committee
Sri Lanka (SRI) - National Olympic Committee
Sudan (SUD) - Sudan Olympic Committee
Suriname (SUR) - National Olympic Committee
Swaziland (SWZ) - National Olympic Committee
Sweden (SWE) - Swedish Olympic Committee
Switzerland (SUI) - Swiss Olympic Committee
Syria (SYR) - National Olympic Committee
Tadjikistan (TJK) - National Olympic Committee
Tanzania (TAN) - National Olympic Committee
Thailand (THA) - National Olympic Committee
Timor-Leste (TLS) - National Olympic Committee
Togo (TOG) - National Olympic Committee
Tonga (TGA) - National Olympic Committee
Trinidad and Tobago (TRI) - National Olympic Committee
Tunisia (TUN) - National Olympic Committee
Turkey (TUR) - National Olympic Committee
Turkmenistan (TKM) - National Olympic Committee
Tuvalu (TUV) - Tuvalu Association of Sports and National Olympic Committee
Uganda (UGA) - National Olympic Committee
Ukraine (UKR) - National Olympic Committee
United Arab Emirates (UAE) - National Olympic Committee
United States of America (USA) – US Olympic Committee
Uruguay (URU) - National Olympic Committee
Uzbekistan (UZB) - National Olympic Committee
Vanuatu (VAN) - National Olympic Committee
Venezuela (VEN) - National Olympic Committee
Vietnam (VIE) - National Olympic Committee
Virgin Islands (ISV) - National Olympic Committee
Yemen (YEM) - National Olympic Committee
Zambia (ZAM) - National Olympic Committee
Zimbabwe (ZIM) - National Olympic Committee of Zimbabwe
** Monitored by IOC, ANOC and WADA*

OTHER ORGANIZATIONS (2)
ARISF - Association of International Recognized Federations
IOA - International Olympic Academy

Government-funded Organizations

NATIONAL ANTI-DOPING ORGANIZATIONS (99)
Albania (ALB) – Ministry of Tourism, Culture, Youth and Sports of Albania
Algeria (ALG) – Algeria Anti-Doping Agency
Argentina (ARG) – Comisión Nacional Antidoping
Australia (AUS) - Australian Sports Anti-Doping Authority
Austria (AUT) - Austrian Anti-Doping Committee
Bahamas (BAH) – Bahamas National Anti-Doping Committee
Bahrain (BRN) – General Organization for Youth and Sports
Barbados (BAR) - National Anti-Doping Commission
Bermuda (BER) - Bermuda Council for Drug-Free Sport
Brazil (BRA) - Brazilian Agency for Doping Control – Brazilian Olympic Committee
Bulgaria (BUL) – National Anti-Doping Commission
Cameroon (CMR) – Organisation for the Fight Against Doping in Sports
Canada (CAN) - Canadian Centre for Ethics in Sport
Chile (CHI) – Comisión Nacional de Control de Dopaje
China (CHN) - Chinese Olympic Committee Anti-Doping Commission
Chinese Taipei (TPE) - Anti-Doping Commission of NOC
Colombia (COL) – COLDEPORTES

Congo-Brazzaville (CGO) - National Anti-Doping Committee
Congo, Dem. Republic of (COD) - Comité national antidopage congolais
Cook Islands (COK) - Medical and Anti-Doping Committee
Comoros (COM) - National Anti-Doping Organization
Costa Rica (CRC) - Instituto Costarricense del Deporte y la Recreación
Croatia (CRO) - Croatian Anti-Doping Agency
Cyprus (CYP) - Cyprus National Anti Doping Committee
Czech Republic (CZE) - Anti-Doping Committee
Denmark (DEN) - Anti-Doping Denmark
Ecuador (ECU) - Comisión Nacional de Control Antidopaje del Ecuador (CONCADE)
El Salvador (ESA) - Instituto Nacional de los Deportes
Estonia (EST) - Estonian Anti-Doping Agency
Fiji (FIJ) - Fiji Sports Drug Agency
Finland (FIN) - Finnish Antidoping Agency
France (FRA) - French Anti-Doping Agency (AFLD)
Georgia (GEO) - Georgian National Anti-Doping Agency
Germany (GER) - National Anti-Doping Agency
Great Britain (GBR) - UK Sport
Greece (GRE) - Hellenic Nat'l Council for Combating Doping
Guinea (GUI) - Nat'l Committee for the Fight Against Doping
Hungary (HUN) - Hungarian Antidoping Coordination Body
Iceland (ISL) - National Olympic and Sports Association
India (IND) - National Anti Doping Agency, India
Indonesia (INA) - Indonesian Antidoping Agency
Iran (IRI) - Iran Anti-Doping Agency
Ireland (IRL) - Irish Sports Council
Israel (ISR) - Anti Doping Committee Israel NOC
Italy (ITA) - Comitato Olimpico Nazionale Italiano (CONI)
Ivory Coast (CIV) - Comité National Lutte Antidopage
Jamaica (JAM) - Jamaica Anti-Doping Commission (JADCO)
Japan (JPN) - Japan Anti-Doping Agency
Jordan (JOR) - Jordan Anti-Doping Organization
Kenya (KEN) - Kenya Anti-Doping Agency
Korea (KOR) - Korea Anti-Doping Agency
Latvia (LAT) - Ministry of Health, Republic of Latvia
Lithuania (LTU) - Anti-Doping Agency of Lithuania
Luxembourg (LUX) - National Anti-Doping Agency
Macedonia (MKD) - National Anti-Doping Commission - Macedonia
Malaysia (MAS) - Anti-Doping Agency of Malaysia (ADAMAS)
Mali (MLI) - National Anti-Doping Commission
Mauritius (MRI) - Ministry of Youth & Sports Anti-Doping Unit
Mexico (MEX) - Comité nacional antidopaje de México
Monaco (MON) - Anti-Doping Committee
Mongolia (MGL)- Mongolian National Anti Doping Organization
Netherlands (NED) - Anti-Doping Authority of the Netherlands
New Zealand (NZL) - Drug Free Sport New Zealand
Nicaragua (NCA) - Instituto Nicaragüense de Deportes (I.N.D.)
Nigeria (NGR) - Anti-Doping Unit, Federal Ministry of Sports and Social Development
Norway (NOR) - Anti-Doping Norway
Pakistan (PAK) - Anti-Doping Organization of Pakistan (ADOP)
Panama (PAN) - Instituto Panameño de Deportes
Papua New Guinea (PNG) - Papua New Guinea Sports Anti-Doping Organization
Peru (PER) - Comisión Nacional Antidopaje del Peru
Philippines (PHI) - Philippine Sports Commission
Poland (POL) - Polish Commission Against Doping in Sport
Portugal (POR) - National Anti-Doping Council
Puerto Rico (PUR) - Puerto Rico Anti-Doping Commission
Qatar (QAT) - Qatar National Anti-Doping Commission
Romania (ROM) - National Anti-Doping Agency of Romania
Russia (RUS) - National Anti-Doping Organization "RUSADA"
Samoa (SAM) - Samoa Antidoping Agency
San Marino (SMR) - San Marino Anti-Doping Committee
Senegal (SEN) - National Anti-Doping Commission
Serbia (SRB) - Antidoping Agency of Serbia (ADAS)
Seychelles (SEY) - Seychelles Anti Doping Commission
Singapore (SIN) - Singapore National Olympic Anti-Doping in Sports Commission
Slovakia (SVK) - Slovakian Anti-Doping Committee
Slovenia (SLO) - National Antidoping Commission
South Africa (RSA) - South African Inst. for Drug-Free Sport
Spain (ESP) - Spanish National Anti-Doping Commission

Sri Lanka (SRI) – NADO Sri Lanka
Sudan (SUD) - Sudanese Anti-Doping Agency
Sweden (SWE) - Swedish Sports Confederation
Switzerland (SUI) - Swiss Olympic Committee
Tunisia (TUN) - Anti-Doping Organization of Tunisia
Turkey (TUR) - Turkish Doping Control Center
Ukraine (UKR) – National Anti-Doping Organization of Ukraine
Uganda (UGA) – Uganda National Anti-Doping Organization
United Arab Emirates (UAE) – UAE Anti-Doping Committee
United States of America (USA) - US Anti-Doping Agency
Uruguay (URU) – Dirección Nacional de Deporte – Ministerio de Turismo y Deporte
Venezuela (VEN) - Comisión antidopaje de la República Bolivariana de Venezuela

Outside the Olympic Movement

In accordance with Articles 20.1, 20.2, 20.3, 20.4, 20.5 and 20.6 of the World Anti-Doping Code, the following organizations identified by "I" have accepted the Code and have implemented the applicable provisions of the Code in their policies, statutes, rules and regulations.

Organizations identified by "P" (pending) have accepted the Code and are in the process of drafting anti-doping rules. Their status is pending final review of their rules by WADA, implementation of their rules, and payment of fees as per a recent decision by the WADA Executive Committee.

To cope with the demand from organizations outside the scope of the Code, WADA would need to engage external experts to assist in the administration of the review of rules and monitoring of Code compliance. In this regard, the following cost recovery fees would need to be charged to those organizations outside the scope of the Code:

- Code acceptance: US $0
- Review of Anti-Doping Rules: US $5,000 (one time fee)
- Compliance Monitoring: US $2,000 (per year fee)

If implementation is not confirmed within the 6-month period following the reception of Code Acceptance, we will find it necessary to remove the name of the organization from the list of signatories.

INTERNATIONAL SPORTS FEDERATIONS for Athletes with a Disability (6) *
Basketball (DIBF) – Deaf Int'l Basketball Fed.
Sailing (IFDS) – Int'l Foundation for Disabled Sailing
Volleyball (WOVD) – World Org. Volleyball for the Disabled
Wheelchair Curling (WCF) – World Curling Federation
Wheelchair Basketball (IWBF) – Int'l Wheelchair Basketball Federation
Wheelchair Tennis (ITF) – Int'l Tennis Fed.
**Monitored by the IPC*

SPORTS FOR WHICH IPC IS INTERNATIONAL FEDERATION (13) *
Alpine Skiing
Archery
Athletics
Bowls
Cycling
Equestrian
Ice Sledge Hockey
Nordic Skiing
Powerlifting
Shooting
Swimming
Table Tennis
Wheelchair Dance Sport
**Monitored by the IPC unless under the governance of the OM or IOC-recognized international federation*

NATIONAL PARALYMPIC COMMITTEES (161/162) *
Afghanistan (AFG) - Afghanistan Paralympic Committee
Albania (ALB) - Albanian National Paralympic Committee
Algeria (ALG) - Algerian Sports Federation for Disabled

Andorra (AND) - Fed. Andorrana d´Esports per Minusvalids
Angola (ANG) - Comité Paralímpico Angolano
Argentina (ARG) - Comité Paralímpico Argentino
Armenia (ARM) - Armenian National Paralympic Committee
Australia (AUS) - Australian Paralympic Committee
Austria (AUT) - Austrian Paralympic Committee
Azerbaijan (AZE) - National Paralympic Committee
Bahamas (BAH) - Association for the Physically Disabled
Bahrain (BRN) - Bahrain Disabled Sports Federation
Bangladesh (BAN) - National Games for Disabled Association
Barbados (BAR) - Paralympic Association of Barbados
Belarus (BLR) - Paralympic Committee of the Rep. of Belarus
Belgium (BEL) - Belgian Paralympic Committee
Benin (BEN) - Fed. Handisport du Benin-Comité National Paralympique
Bermuda (BER) - Bermuda Paralympic Association
Bosnia and Herzegovina (BIH) - Paralympic Committee
Botswana (BOT) - Paralympic Association of Botswana
Brazil (BRA) - Brazilian Paralympic Committee
Bulgaria (BUL) - Bulgarian Paralympic Association
Burkina Faso (BUR) - National Paralympic Committee
Burundi (BUR) - Féd. Sportive des Handicapés du Burundi
Cambodia (CAM) - National Paralympic Committee
Cameroon (CMR) - Cameroonian Paralympic Committee
Canada (CAN) - Canadian Paralympic Committee
Cape Verde (CPV) - Comité Caboverdeano Desp. Para Deficientes
Central Africa (CAF) - Fédération Centrafricaine Handisports
Chile (CHI) - Federación Paralímpica de Chile
China, People's Republic (CHN) - China Sports Association for Disabled Persons
Chinese Taipei (TPE) - Chinese Taipei Paralympic Committee
Colombia (COL) - Comité Paralímpico Colombiano
Congo (CGO) - Fédération Congolaise des Sports des personnes handicapées
Costa Rica (CRC) - Comité Paralímpico de Costa Rica
Croatia (CRO) - Croatian Sports Federation for the Disabled
Cuba (CUB) - Fed. Cubana de Deportes y Recreación para Discapacitados
Cyprus (CYP) - Cyprus National Paralympic Committee
Czech Republic (CZE) - Czech Paralympic Committee
Denmark (DEN) - Dansk Handicap Idraets-Forbund
Dominican Republic (DOM) - Organ. Dominicana de Ciegos
Ecuador (ECU) - Federédis Mitad del Mundo
Egypt (EGY) - Egyptian Paralympic Committee
El Salvador (ESA) - Asadesir Deporte Sobre Silla de Ruedas
Estonia (EST) - Estonian Paralympic Committee
Ethiopia (ETH) - Ethiopian Paralympic Committee
Faroe Islands (FRO) - Itrottasamband Fyri Brekad
Fiji (FIJ) - Fiji Sports Association for the Disabled
Finland (FIN) - Finnish Paralympic Committee
France (FRA) - Fédération Française Handisport
Gabon (GAB) - Féd. Gabonaise Omnisports pour Personnes Handicapées
Gambia (GAM) - Gambia Ass. of the Physically Disabled
Georgia (GEO) - Georgian Paralympic Committee
Germany (GER) - National Paralympic Committee
Ghana (GHA) - National Paralympic Committee
Great Britain (GBR) - British Paralympic Association
Greece (GRE) - Hellenic Paralympic Committee
Guatemala (GUA) - Comité Paralímpico Guatemalteco
Guinea (GUI) - Guinea Sports Federation for Disabled
Guinea-Bissau (GBS) - Féd. des Sports des Handicapés
Haiti (HAI) - Féd. Haïtienne des Associations & Institutions des Personnes Handicappées
Honduras (HON) - Comité Paralímpico Honduras
Hong Kong (HKG) - Hong Kong Paralympic Committee
Hungary (HUN) - Hungarian Paralympic Committee
Iceland (ISL) - Icelandic Sports Association for the Disabled
India (IND) - Paralympic Committee of India
Indonesia (INA) - Indonesian Body for the Promotion of Sports for the Disabled
Iran (IRI) - Islamic Rep. of Iran Nat'l Paralympic Committee
Iraq (IRQ) - Iraqi National Paralympic Committee
Ireland (IRL) - Paralympic Council of Ireland
Israel (ISR) - Israel Sports Association for the Disabled
Italy (ITA) - Italian Paralympic Committee
Ivory Coast (CIV) - Fédération Handisport Côte d´Ivoire

Thailand (THA) - Paralympic Committee
Timor Leste (TLS) - Comité Paralimpico Nacional
Togo (TOG) - Fédération Togolaise de Sports pour Personnes Handicapées
Tonga (TGA) - Tonga National Paralympic Committee
Tunisia (TUN) - Fédération Sports pour Handicapés
Turkey (TUR) - National Paralympic Committee
Turkmenistan (TKM) - National Paralympic Committee
Uganda (UGA) - Uganda National Paralympic Committee
Ukraine (UKR) - Ukrainian Nat. Com. of Sport for Disabled
United Arab Emirates (UAE) - U.A.E. Disabled Sports Fed.
United States of America (USA) - U.S. Paralympics - United States Olympic Committee
Uruguay (URU) - Uruguayan Paralympic Committee
Uzbekistan (UZB) - Invalid Sport Association
Vanuatu (VAN) - VandiSports
Venezuela (VEN) - Fed. Venezolano de Deportes sobre Silla de Ruedas
Vietnam (VIE) - The Vietnam Sports Assoc. for the Disabled
Zambia (ZAM) - National Paralympic Committee
Zimbabwe (ZIM) - Zimbabwe Paralympic Committee
**Monitored by the IPC*

COMMONWEALTH GAMES ASSOCIATIONS (19/71) *
(53 NOCs act as CGAs)
Anguilla – Anguilla Commonwealth Games Association
Australia - Australian Commonwealth Games Association
Canada – Commonwealth Games Canada
England – Commonwealth Games Council for England
Falkland Islands – Falkland Islands CGA
Gibraltar – CGA of Gibraltar
Guernsey - Guernsey CGA
Isle of Man – Isle of Man CGA
Jersey – Commonwealth Games Association of Jersey
Montserrat – Montserrat Amateur Athletic Assoc. & CGA
Niue Island - Niue Island Sports & CGA
Norfolk Island – Norfolk Island CGA
Northern Ireland – Northern Ireland CG Council
Scotland - Commonwealth Games Council for Scotland
South Africa - South African Commonwealth Games Ass.
St. Helena - National Amateur Sports Ass. of St. Helena
Turks & Caicos – Turks & Caicos Islands CGA
Tuvalu - Tuvalu Amateur Sports & CGA
Wales - Commonwealth Games Council for Wales
**Monitored by the CGF*

NON IOC RECOGNISED GAISF MEMBERS (20/24)
Aikido (IAF) - International Aikido Federation
Angling (CIPS) - International Angling Confederation
American Football (IFAF) – Int'l Fed. of American Football
BodyBuilders (IFBB) - Int'l Fed. of BodyBuilders
Casting (ICSF) - International Casting Federation
Cricket (ICC) – International Cricket Council
Darts (WDF) – World Darts Federation
Dragon Boat (IDBF) – International Dragon Boat Federation
Draughts (FMJD) World Draughts Federation
Fistball (IFA) - International Fistball Association
Floorball (IFF) - International Floorball Federation
Flying Disc (WFDF) – World Flying Disc Federation
Ju-Jitsu (JJIF) - Ju-Jitsu International Federation
Kendo (FIK) – International Kendo Federation
Kickboxing (WAKO) – World Assoc. of Kickboxing Organ.
Minigolf (WMF) - World Minigolfsport Federation
Muaythai (IFMA) – International Federation Muaythai Amateur
Powerlifting (IPF) - Int'l Powerlifting Federation
Sambo (FIAS) – Federation International Amateur Sambo
Sepaktakraw (ISTAF) – Int'l Sepaktakraw Federation
Sleddog (IFSS) Int'l Federation of Sleddog Sports
Sport Climbing (IFSC) – Int'l Federation of Sport Climbing

OTHER ORGANIZATIONS (5)

Federation International Amateur "Unifight" (FIAU)
Fédération Internationale de Savate (FIS)
International Table Soccer Federation (ITSF)
Islamic Solidarity Sports Federation, The (ISSSF)
WTA Tour (P)