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WAYS TO IMPROVE AND STRENGTHEN THE

INTERNATIONAL ANTI-DOPING SYSTEM

TUESDAY, FEBRUARY 28, 2017

House of Representatives,

Subcommittee on Oversight and Investigations,

Committee on Energy and Commerce

Washington, D.C.

The subcommittee met, pursuant to call, at 10:15 a.m., in Room 2123 Rayburn House Office Building, Hon. Tim Murphy [chairman of the subcommittee] presiding.

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

Staff present: Jennifer Barblan, Counsel, Oversight and

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

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

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

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

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

Within the anti-doping community there are concerns regarding organizational structure and how the current system

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

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

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

Sanctions and bans on athletes, coaches, NADOs, and

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

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

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

While many summits, conferences, and meetings have occurred since the Rio Games, challenges remain and progress towards meaningful reform remains unclear. This hearing provides an

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opportunity to learn from past mistakes and examine opportunities to move forward in a way that will improve the international anti-doping system so that it is effective, fair, and nimble for the sake of athletes, clean sport, and integrity of the international competition using the Olympic Games.

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

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

I would like to thank our witnesses for appearing today and look forward to an informative discussion. With that I now yield 5 minutes to Ms. DeGette of Colorado.

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[The statement of Mr. Murphy follows:]

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

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

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

WADA's inquiry also found that the very agencies created to police sport from doping, including the Russian National



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

But rather than implement that recommendation, the IOC punted that decision to the international sports federations who were not all equipped to take on that sudden task. In the end, what ensued was a muddled process some viewed as sending a very, very weak message to the cheaters. Even today, I am frankly not sure whose job it was to hold Russia accountable for the events conveyed in WADA's investigation. Just last month, for example, several national anti-doping organizations met in Dublin and petitioned that Russia be banned from posting existing and future international sporting events until the country comes back into compliance with WADA's recommendations. But what, if anything, will happen to those recommendations? I understand that the IOC has created two commissions to explore the findings of WADA's independent investigation.

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While I support due process when it comes to athletes possibly implicated in the investigations, I believe there is enough evidence reported in WADA's investigations to warrant a strong message from the IOC: If you cheat you do not play. Of course, WADA's findings also raised concerns about WADA itself. How did this cheating scheme persist for so long undetected, for example? Is WADA organized to catch cheating going forward? Does it have sufficient resources to police sport and prevent such a conspiracy from happening again? Following the Russian revelations, a number of national anti-doping organizations met in Copenhagen late last year and put forth some recommendations that could enhance WADA's ability to keep sports clean. These recommendations include addressing certain conflicts of interest within WADA and clarifying the Agency's authority to investigate doping and sanction violators. It is unclear what has happened to these recommendations, but I do believe that they may be a possible blueprint and route moving forward.

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

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

[The statement of Ms. DeGette follows:]

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

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

For centuries, athletes, cultures, nations have been brought together by the spirit of competition. From the slopes of Olympus to the stands of Autzen Stadium, home of the Oregon Ducks, people from all walks of life have gathered to pursue and celebrate athletic achievement. We relish with anticipation the possibility of witnessing the impossible. We celebrate the thrill of victory and agonize in defeat. Whether through your own pursuits or those of others, I suspect everyone in this room knows the emotion, collective experience, and beauty of sport. Nothing embodies the spirit and potential of sport more than the Olympic Games. It is the hallmark of international competition uniting people from around the world regardless of social, political, or religious differences in celebration of our greatest athletes. It envelopes national pride to the highest degree. It invokes a noble vision of sport rooted in participation over individual achievement.

There is a lot of truth to that message, but we also cannot

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be blind to reality. Athletes and nations compete to win. They do not invest countless hours training to lose. They sacrifice for success and their victories are rewarded. This is why for centuries athletes have sought performance-enhancing substances to gain an advantage on the competition. In fact, Greek Olympians and Roman gladiators used herbs and wine and other products to get an edge on their opponents. In the early 1900s, mixtures of heroin, cocaine, and other substances became prevalent among athletes. Over time, especially following the introduction of anti-doping testing at the Olympics in the 1970s, the drugs have become more sophisticated and the cheaters more creative. Despite improvements in global anti-doping efforts at the turn of the century with the establishment of the World Anti-Doping Agency, WADA, the fight for clean sport remains an uphill battle. The temptation to cheat will always be present to those looking for a shortcut.

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

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

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

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

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our athletes have clearly shown.

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

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

[The statement of The Chairman follows:]

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

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

In July of last year, several of us on the committee sent a letter to the president of the International Olympic Committee expressing our strong interest in supporting efforts to ensure the integrity of sports. When we wrote that letter, the World Anti-Doping Agency, or WADA, had begun releasing initial findings from its independent investigation into whether Russia had engaged in institutionalized doping. WADA's investigation read like a Cold War novel. Tainted urine samples had secretly passed through a wall and were swapped for clean samples. Agencies responsible for policing sport had actually helped athletes dope. Even the Russian Federal Security Service, or FSB, had played a role in this conspiracy according to WADA's



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investigation.

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

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

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

Despite these challenges, there are some hopeful signs of

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

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

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

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

[The statement of Mr. Pallone follows:]

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

[The information follows:]

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

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

[Applause.]

Mr. Murphy. Next, we are honored to have with us today Mr. Michael Phelps. Mr. Phelps is the most decorated Olympian of all time, winning a total of 28 medals including 23 gold medals over the course of five Olympic games. Both during and after his Olympic career, Mr. Phelps has been a strong and outspoken advocate for clean sport.

Next, we want to welcome Mr. Travis Tygart who serves as the chief executive officer for the United States Anti-Doping Agency. With 15 years of experience working at USADA in various leadership roles, Mr. Tygart works closely with the USADA board of directors

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to carry out the organization's mission of preserving the integrity of competition, inspiring true sport and protecting the rights of U.S. athletes.

Now we also welcome Rob Koehler, deputy director general of the World Anti-Doping Agency. Mr. Koehler comes to us with almost 2 decades of experience working in the anti-doping field at WADA and the Canadian Center for Ethics in Sports. In his role as deputy director general at WADA, Mr. Koehler is responsible for the oversight of all U.S. national anti-doping organizations as well as global anti-doping education initiatives.

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

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

You are all aware that this committee is holding an investigative hearing and when doing so has had the practice of taking testimony under oath. Do any of you object to giving testimony under oath? Seeing no objections, the chair then

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advises you that under the rules of the House and rules of the committee you are entitled to be advised by counsel. Do any of you desire to be advised by counsel during your testimony today? And seeing none, in that case will you all please rise, raise your right hand, and I will swear you in.

[Witnesses sworn.]

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

Mr. Nelson.

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

STATEMENT OF ADAM NELSON

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

12 years later I competed in my first Olympic trials as a shotputter finishing last in an effort that fueled the dream for 4 more years. 4 more years has been a mantra for most of my adult life. The 2004 Olympic shotput competition was contested in the ancient Olympic Stadium in Olympia, Greece. More than 20,000 spectators visited the competition venue for the first time in



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nearly 3,000 years. For 58 of 60 throws I led that competition. On the 59th throw the athlete from the Ukraine tied my best mark. As the leader going into the final rounds, I had the privilege to take the last and final throw of the competition.

As a child my imagination could have never dreamed of a moment quite like this, but these are the moments that make the Olympics great and I can remember everything about that moment. I remember the faces in the crowd, I remember the heat, the sun baking my skin, and I remember the mixture of cheers and boos for one American athlete as he was competing for the gold medal. These are the moments that change the trajectory of your life and make the struggle worthwhile. When I stepped into the ring for the last and final throw of the competition the world went quiet. I felt the coolness of the shotput touch my neck and then I felt a surge of adrenalin and watched as the shotput sailed farther and farther than any other throw of the day. I raised my hands and sure of victory realizing that I had just won the Olympic gold medal only to look left and see the red flag raised indicating that I'd fouled. Then I saw as another athlete started his victory lap and listened as they played another national anthem and raised another flag, celebrating him and in his honor.

For 8 years I lived with that result. 8 years later I received a phone call from a reporter informing me that five

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

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

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

See, doping in sports is seen by some as a distraction for the athletes and an obstacle for the business of sport. It's a stain on an otherwise beautiful set of ideals that we know as the

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spirit of Olympism. As a result, we have a system that's interested in seeing progress but not truly committed to achieving the outcome.

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

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

Athletes want action not words. Structural reform is only part of the solution. You cannot change a culture strictly by changing policy. You have to engage the athletes. So I ask as an athlete, an Olympic gold medalist, and as someone personally and financially impacted by doping in sport that you consider

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clean athletes as a shared owner in this all important fight. We will stand with you as a partner if you empower us to do so. The time and the moment is now. Thank you very much for your time.

[The prepared statement of Adam Nelson follows:]

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[Applause.]

Mr. Murphy. Thank you.

Mr. Phelps, you are recognized for 5 minutes.

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STATEMENT OF MICHAEL PHELPS

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

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

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

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the next generation of athletes will be able to do it if this uncertainty continues.

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

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

I made my mind to do everything I could to make my dream a reality. In school I had friends but I wasn't that social. I focused on swimming. At times I was made fun of for what I was doing because it was different. I was in love with challenging

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myself to become the best athlete that I could be. I felt that every single day was an opportunity for me to do something special when I went to the pool. I always felt that the kids who worked the hardest got the best results, that's why I pushed myself as hard as I could.

Over a 5-year period I trained every single day without a day off. I figured by training on holidays I'd be able to get that extra edge. As my hard work and sacrifice began to pay off, my confidence grew and I began to feel that if I could dream something and gave everything I had that anything was possible. The strength of that belief drove me to set goals that others might have thought were unrealistic. That's one amazing thing about competitive sport, it demands that you believe in yourself. This isn't always easy. There were so many times I could have quit and walked away. Sticking with it required me to dig deep, especially knowing that after all the work and sacrifice success might be determined by just a hundredth of a second. In those critical moments that you really test your commitment and that can ultimately define your career, you need to believe that if you push on you'll get the opportunity to measure yourself, your preparation, your desire, your talent against others who have prepared themselves in the same exact way. Throughout my career I've thought that some athletes were cheating and in some



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

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

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

For years now I've worked closely with kids. Most of these kids aren't swimmers but they're eager to sit down and talk with me and they're always full of questions. It's when I talk about being a kid like them and how this all started with a dream you see their eyes lighten up. We talk about how I did it and I tell them that they can do it too. To look into a child's eyes and

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tell them if they dare to dream and do the work they can succeed, the power to believe in yourself and inspire others through sport depends upon fair play.

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

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

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

[The prepared statement of Michael Phelps follows:]

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[Applause.]

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

Mr. Tygart, you are recognized for 5 minutes.

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STATEMENT OF TRAVIS T. TYGART

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

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

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

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When the moment came, despite mountains of evidence and vocal opposition from anti-doping leaders and clean athletes from around the world, the IOC chose to welcome the Russian Olympic Committee to Rio and did not enforce any meaningful sanctions against the Russian Olympic Committee. The IOC missed or ignored a defining moment to confront in the clearest way possible this win-at-all-costs culture of doping in global sport. It was a chance to draw an unambiguous line in the sand to stand up for clean athletes of the world. Despite this, however, two silver linings have emerged. The first, more than ever before, as you've heard today, athletes are mobilizing, voicing their opinions, and fighting more than ever before for a level playing field. And second, we all have a once-in-a-lifetime opportunity to disrupt entrenched positions for the good of sport to make sure that the kind of state-supported doping is never allowed to rear its ugly head again.

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

We, along with 22 other national anti-doping agencies that

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was referenced earlier from around the world, support a strong and independent WADA. But we also agree that WADA needs reform to become a truly independent global regulator, not merely the sport service organization that many hope it remains. The good news, Mr. Chairman, is that WADA's conflicted governance model could be easily solved by removing sport leaders from the WADA board. Let's take the blindfolds off, let's take the handcuffs off and let WADA do the job that clean athletes deserve.

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

In fact, that's why national anti-doping agencies, including us here in the U.S., have implemented many of the same strategies years ago, but unfortunately, their submissions are silent on the crux of the real reform solution which is to remove the fox from guarding the henhouse. In our world we hear that term a lot, fox in the henhouse. You'll see quite clearly that while the IOC and WADA may be advocating to deputize the fox, to educate the fox,

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and even equip the fox with the appropriate resources to do the job, it's still the fox. There is still a conflict of interest, and clean athletes around the world are still being let down by sports control of these critical anti-doping functions.

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

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

Mr. Chairman, and those of you on the committee who value

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

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

[The prepared statement Travis T. Tygart follows:]

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Mr. Murphy. Thank you, Mr. Tygart.

Mr. Koehler, you are recognized for 5 minutes.

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STATEMENT OF ROB KOEHLER

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

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

WADA is funded by the sports movement and the governments of the world. We heard today that the United States is the largest national contributor to WADA who funds WADA on an annual basis at \$2.15 million of our \$27.5 million annual budget. WADA has come a long way in 18 years on very modest resources. The World Anti-Doping Code is in its third iteration. The Code has introduced consistencies to the anti-doping rules and processes where previously there was disparity. One should not look past

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the importance of consistent rules and procedures, as without them anti-doping efforts are merely unstructured aspirations.

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

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

WADA's board as you know is comprised of representatives from the sport movement and from governments. Our board in its November meeting took action on a set of recommendations that we

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believe will both enhance WADA's role and capacity to help foster clean sport and to help protect the rights of clean athletes worldwide. We're moving forward in three main priorities.

One, we recognize the need to enhance WADA's investigations and intelligence gathering capacity. This work has already begun with the arrival of our new chief investigative officer whose team will and is entirely independent from WADA's management. Second, WADA's new whistleblower policy -- we've named it Speak Up -- has been approved and will be launched in the coming days. As the last couple of years have shown, informants and whistleblowers are invaluable to the fight against doping in sport.

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

Our Foundation Board endorsed principled, new graded sanction framework moving forward to ensure that people are made accountable for making mistakes. WADA is focused on these three priorities. We are all conscious that these new strategic

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undertakings will require a significant level of funding if we are to realize our mission to protect the clean athlete. We will present to our board a clean slate draft of our 2018 budget to reflect this new level of work. Simply put, to increase our capacity in the broader anti-doping community we'll need additional funding from both sport and government to be more successful.

Thank you, Mr. Chairman.

[The prepared statement of Rob Koehler follows:]

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Mr. Murphy. Thank you, Mr. Koehler.

Dr. Budgett, you are recognized for 5 minutes.

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STATEMENT OF RICHARD BUDGETT

Dr. Budgett. Thank you, Mr. Chairman, and thank you, members of the subcommittee. My name is Richard Budgett. I'm the medical and scientific director of the IOC, and I'm very pleased to have the opportunity to present to you on behalf of the IOC on strengthening the international anti-doping system. Clearly, the cooperation between sport and government is extremely important. The protection of clean athletes has been an absolute priority for the IOC. Primarily, we are responsible for anti-doping at the Games, but our responsibility is broader than that across the whole Olympic family. And perhaps the most important thing the IOC ever did in the field of anti-doping was to found WADA in 1999. For the first 2 years it was totally funded by the IOC, and then as you've heard it became a partnership 50/50 between government and sport.

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

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transparency.

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

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

As we've heard, there's a small silver lining in the recent scandals which is this acceptance amongst the anti-doping community that we have to strengthen the world anti-doping system. And I really appreciate you calling this hearing and giving the platform for us to make changes and for the support of WADA from the U.S. For the IOC's part, we strongly support the regulatory role of WADA, standards, compliance as you've heard, assessment of anti-doping organizations, but this will only succeed if it's



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seen as fair. So there must be respect for individual justice and we mustn't sanction or punish athletes for the failure of others.

As part of governance, the IOC have called for leaders of WADA to be independent, so we're in agreement on that -- independent from sport and government -- and we've called for further independence through the whole system, separating legislation from policing and from sanctioning so you don't have the same body setting the rules, enforcing the rules, and actually determining the punishment.

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

As regards to the McLaren Report, this was a shocking institutional conspiracy. The IOC have taken it extremely

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seriously. As you've heard there were two commissions, an inquiry commission under Samuel Schmid past President of Switzerland looking at the whole, and a disciplinary commission under Denis Oswald looking at individual cases. As Professor McLaren has acknowledged, there are challenges there because the evidence he gathered is not designed to be used to prosecute individual cases.

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

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

[The prepared statement of Richard Budgett follows:]

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

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

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

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

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

Mr. Koehler. I'm not sure if it will improve it. I think there's a process going on right now where we're doing a complete

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governance review on how we can strengthen the organization and we are open to any suggestions on the way forward.

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

Dr. Budgett. Yes, we do support this reform and we --

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

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

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

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

And you can have sport involved in the legislative branch, but when it comes time to the most important functions to

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protecting clean athletes is to have an executive function that is free of the fox attempting to guard itself and not conflicted by that. And we've yet to have a definitive statement or position by the IOC to remove themselves from that.

Mr. Murphy. Thank you.

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

Mr. Murphy. Thank you.

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

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

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

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

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

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

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

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

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

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

Mr. Tygart. Yes, ma'am.

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

Mr. Tygart. Yes, ma'am.

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

Mr. Tygart. Yes.

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

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Mr. Tygart. That's right.

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

Mr. Tygart. That's right.

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

Mr. Tygart. Yes, it is.

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

Mr. Tygart. It is.

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

Mr. Tygart. I think outside of the reform proposals that we've put forward, which we think are critically important and the 22-plus NADOs from around the world have agreed, you have to,



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

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

Mr. Tygart. I am.

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

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they are talking about there?

Mr. Tygart. I'm not exactly sure.

Ms. DeGette. Because this is what I am concerned about. You know, this committee, we did an investigation many years ago around the Salt Lake City Olympics and this is the same kind of gobbledygook we got from the IOC then. They have these unending investigations. They are looking at angels dancing on the head of a pin. I don't even know what they are talking about, but you are saying you don't either.

Mr. Tygart. I'm not sure.

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

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

Ms. DeGette. Mr. Nelson.

Mr. Nelson. I think the first change has to be holding all the different stakeholders in this mess to the same level of

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accountability that they hold the athletes to. If you strictly enforce the rules for compliance at a national level or a federation level, you'll see people hop in line very quickly because they will lose the opportunity to compete and their athletes will lose the opportunity to compete.

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

Ms. DeGette. Thank you very much.

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

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

[The information follows:]

\*\*\*\*\*COMMITTEE INSERT 11\*\*\*\*\*

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

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

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

The Chairman. Mr. Nelson?

Mr. Nelson. No.

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

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

The Chairman. Within the year, okay, so I want to go back. Here is why I think a lot of us are concerned. There are whistleblowers as far back as 2010 who probably risked more than just their ability to compete to come forward and share with the organization what was going on. And it strikes me that it wasn't

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until there were investigative press reports that anything happened. And so the question is do you have a process that we can trust that whistleblowers who take great risk could trust to come forward and actually have some action taken on what they share? Because clearly people are at great risk when they come forward and they are not going to do it if they think they are just going to get blown off. And so I mean, you have got to convince us that something is going to really change here.

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

The Chairman. Right.

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

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

Mr. Koehler, whistle --

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Mr. Koehler. I fully agree -- sorry.

The Chairman. Go ahead.

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

The Chairman. So who had the power to investigate?

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

The Chairman. What a broken system. What a broken system up to that point. I mean how else can you look at this? Now you have got these new reports. You have the -- thank God for the investigative journalists that blew the doors open on this. So now you have got the reports, now you are going to give us

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confidence that you are going to reorganize this operation and get to the point where we don't have conflicts of interest and where our athletes, especially U.S. athletes that play by the rules, can compete against other athletes that play by the rules, right?

Mr. Koehler. I can tell you that categorically that any whistleblower that comes forward to this day as of 2015 that our number one priority is to protect them, to protect their rights. Even when we didn't have the investigative power we took it upon ourselves to protect the Stepanovas to make sure they were safe.

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

Mr. Koehler. We are, yes.

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

Mr. Koehler. Absolutely, all are being investigated.

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

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

The Chairman. Right.

Mr. Koehler. They have an independent role to bring forward

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

The Chairman. Mr. Tygart is shaking his head.

Mr. Tygart. I'm sorry.

The Chairman. Go ahead.

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

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



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

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

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

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

Mr. Tygart. Well, it starts with the athletes. I mean they own the culture of sport and it's wonderful. It's sad it took this scandal to mobilize them in the way that it has, but it's wonderful that they're now mobilizing and realizing how important this right is to them. But they also have to have confidence in the system, should have a clear voice in the system, but just like the sports organizations they can't play a role as active athletes in testing themselves. That would be like the fox guarding the

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henhouse.

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

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

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

And, you know, obviously as an athlete who's been around for a couple of Olympics and seen a lot of things happen, it gets frustrating. And we want to be, you know, for me I would like to stand up on the block in an international competition and know that the other seven competitors that I'm racing against prepared

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just like I did. They went through the exact same hard work that I did. They dedicated themselves to doing what nobody has done before, or, you know, to accomplishing their goal. And that would be a dream for me, and I hope to be able to see that 1 day.

Mr. Pallone. Well, thanks.

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

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

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

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Mr. Pallone. Well, thanks. I am just going to go back to Mr. Tygart for one more question. Given the findings of WADA's independent investigation regarding widespread cheating, it was my understanding that the athletes were prepared to boycott the international bobsled and skeleton championship that were set to take place in Sochi this month. In your testimony you state that athletes around the world have taken up this cause.

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

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

And we don't have to, because sport and the anti-doping system can determine to enforce the decisions that have been made, not have events in Russia until they clean up their act, become

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WADA Code compliant, and then you alleviate that concern from athletes' minds. But I don't for a second hope that any athletes have to boycott. That said, they're frustrated, and I think that's a very good example when they're willing to even consider that option that they're frustrated and they want change and they want change now.

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

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

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

Dr. Budgett. You're actually correct about the investigation testing and that is something the IOC have called for since the Olympic Summit and it's very important. We certainly want to do it for sport and I think actually there's

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a conflict of interest with government as well, because actually that's what was happening in Russia. So we need to look across the whole of anti-doping. And when it comes to the governance of WADA, I think that has to go through due process.

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

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

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

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

Why not weave in any medals that are given late, because

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

Mr. Nelson. It was a really cool toy.

[Laughter.]

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

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

Mr. Phelps. I mean, not today. I mean, I will say I agree with what you're saying about going to the next Olympics. You know, for me, as I said in my testimony, there's nothing better than watching your flag rise, listening to the national anthem. You know, for me that's one of the greatest things that I will

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miss the most. And to be able to represent your country and have that moment, that special moment, I feel he deserves that.

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

Mr. Phelps. It wasn't long.

Mr. Griffith. Yes.

Mr. Phelps. I know, I think the larger suits probably came out in '07-ish, and by world championships of '09 that was the last chance that anyone had the opportunity to swim in them. And like I said then, that took away from the actual sport. That wasn't the sport, it was swimming manufacturers trying to come up with a suit that they think is the fastest and some of them were different than others. And you can go into a lot of technical parts there but, and quickly we got that removed, so hopefully we can get this resolved as well.

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

Mr. Tygart, I know you have indicated some frustration, but what you are hearing today does that give you some hope that we are in fact on the right path to getting this situation -- look,



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there is always going to be cheaters, but getting it to a point where we are actually governing?

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

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

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

Mr. Tygart. We should prevent them from coming to begin with. And in Rio there was 1,913 athletes, 1,913 athletes out of the 11,000 athletes in Rio, from 10 high risk sports that had no tests of record prior to the Rio Games. Ten high risk sports,

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how unacceptable is that? That's what happens when sport, and it's the IOC's responsibility for the Games, that's what happens when sport attempts to protect it and police itself. And the announcements following that report was that the integrity of the Games was upheld. I'm not sure it was, but at the end of the day we need to stop that from happening to ensure that we prevent dopers from going to the Games to begin with.

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

Mr. Murphy. Mr. Phelps, were you going to --

Mr. Phelps. Travis, what did we say the number was for 6 months leading into the Games that I was tested, was it a baker's dozen?

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

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

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

Mr. Phelps. Thirteen, yeah.

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

Ms. Schakowsky, you are recognized for 5 minutes.

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

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confident that someone hasn't been doped.

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

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

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

Mr. Tygart. And thank you for the question. And we were very clear along with 13 other national anti-doping organizations, literally from around the world, who sent a letter to the IOC after the McLaren Report and it exposed Russia, institutionalized doping was established, and said listen, you

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can't reward the Olympic committee whose responsibility it is as a member of the IOC who was complicit in it, according to some of the evidence, as well as has responsibility in their own country to ensure nothing like that ever happens. This is the antithesis of the Olympic movement and the values, so don't allow them to come. They've done it in other circumstances, not on doping but Apartheid, for example, wouldn't let the South African NOC come because of actions by the state and things that were going on, so they have the power to do it. They chose not to do it. Our recommendation was don't let the Russian Olympic Committee there, but have a uniform and consistent application by individual athletes who might not have been part of the system, if there are any, and who weren't tainted by that system. But don't just hand it off to 38 different sport federations who don't have the time, the money, the resources, the expertise and days before Rio -- it's a mess.

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

Mr. Tygart. We don't.

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

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Mr. Tygart. Again without beating my drum too much, it's the fox guarding the henhouse. You have a sport-run investigation who's going to make determinations at this point in the ball game, and you can't have trust in the outcomes of those investigations unfortunately because the perception is what we all know that you can't both promote and police your sport particularly on the heels of allowing the athletes to go and the Russia Olympic Committee to go. So there is a sort of self-fulfilling prophecy, right, that you don't want to be successful in those cases to justify your decision to let them in to begin with. And I'm not saying they're going to do that. I'm just saying that's the perception that is out there that we hear from athletes all the time who are concerned about that.

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

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

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it, national anti-doping agencies will have more confidence into it? The only reason is so you can continue to control it. There's no other good reason.

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

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

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

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Mr. Murphy. Thank you.

Ms. Schakowsky. Thank you. I yield back.

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

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

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

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

Mrs. Brooks. And do you believe then that based on those types of reforms it could actually address an issue as large as

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nation state-sponsored doping?

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

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

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

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

Mr. Koehler. That's correct.

Mrs. Brooks. And so how and why is it that you did not get



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investigative authority until 2015?

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

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

Mr. Koehler. That's correct.

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

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

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harmonized that process.

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

Mr. Koehler. I fully agree with Mr. Tygart's comment. This should not happen, this cannot happen, and there needs to be a further investment in anti-doping to ensure it doesn't happen. One thing I raised earlier was we are now moving into a system of noncompliance and compliance review. In the past it hasn't been as rigorous as it should have been. Now there's a call by athletes, by the anti-doping community, to go in and audit, to go in and make people accountable, and if they are not doing it we have appointed an independent compliance review committee to make a call on countries, on sports that are deemed not doing the work to make them compliant. It's time to change and those countries that are not doing the amount of testing they need to be made accountable.

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

Mr. Koehler. It's an understatement. Six is definitely not enough, but we're working on it a very minimal budget. As was mentioned for the two reports, the independent reports that

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we've covered, we spent over \$2-1/2 million just on two reports. So out of a \$27.5 million budget we simply do not have enough to continue to really react to the needs of the athletes.

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

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

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

If the Russian Sports Federation carried out an analysis on their own and looked at the individuals' anti-doping records then they could, Russia could approve them to participate. But then at the end of the year there were press reports. The acting director general of Russia's national anti-doping agency said no, actually what has been going on in Russia for a long time is an institutional conspiracy, years' worth of cheating schemes, while

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emphasizing that the government's top officials were not involved.

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

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

Mr. Phelps. For me, I think, you know, as I said earlier, for me having the chance to represent my country was a tremendous honor. And you can't do anything about, you know, I can't really go at that point and do anything about any other athletes. The only person I can take care of is myself. So at that point it's, you know, we try to stick together as a team and we know that we're going to get up on the block and fight as hard as we can.

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

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

Ms. Castor. What kind of physical tests?

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

Ms. Castor. Apparently not.

Mr. Phelps. I hope so.

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

So Mr. Tygart, you have heard Mr. Budgett say that some changes are in process to actually take IOC influence out of the enforcement side of anti-doping. What does that mean, really?

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Get specific. What has to happen in process to take the fox out of the henhouse at this point over the coming months?

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

Ms. Castor. Is this is the governance structure of the IOC itself or in the --

Mr. Tygart. I think the model is just what we know as the principle of separation of powers. You've got a legislative body that makes the rules, and athletes, even active athletes, should play a huge part in that. Sport, governments should do that. NADOs should do that. That legislative body ought to establish the law and then it should come time to, and totally independent, free of sport influence, to have an executive branch that then enforces the law. And then of course we have to have a judicial branch. And the executive branch should have no sport member on it and no active athlete because they would be subject to the laws that they're supposed to be enforcing. And it should make the determination of who's compliant, investigate, ensure that testing at national levels by us here at USADA is done in the same fashion in the same level of integrity and in compliance with the same rules. We will volunteer to be the first one audited under that new compliance program as long as everyone else is also being

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audited and held accountable under that new program.

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

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

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

Mr. Nelson. Yes, he was.

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

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

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

So, you know, it is a great hearing. So I am kind of curious, Dr. Budgett, as we look at the IOC and I have at least read where

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you are looking at an independent testing agency. Overall, you know, I am assuming then that would mean the U.S., the U.K., Japan, Canada, some nations that I think, and I will ask the athletes, are actually doing the job, would they then be replaced with this independent testing?

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

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

Mr. Collins. Yes, I am just concerned on the budgetary



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

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

And for me as a father now, like I said in my presentation, you know, I don't know what I, or how I would even talk to my son about doping in sports. Like I would hope to never have that conversation and I hope we can get it clear and cleaned up by then. You know, for me going through everything I've done and, you know, that's probably a question that I could get asked from him and I don't know how I would answer it.

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

So Mr. Koehler, on WADA do you have concerns about the

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national anti-doping in certain countries, again like the U.S., Canada?

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

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

Mr. Nelson. That's a very good question, sir. To answer it I think that you have to have some ability for the athletes

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to protect their own rights in the process as well. And so if you're going to increase the level of the penalties associated with it, you have to increase the investment and their ability to protect themselves as well. A lot of athletes, we're the lowest common denominator in this whole big pyramid, right, but we're also trusted to make the most critical part of the decision making process. We're also the least informed and often the least prepared to make it.

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

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

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

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Mr. Tonko. Thank you, Mr. Chair, and welcome to our panelists. And before I begin I would like to offer my welcome to Travis Tygart, as we have done a lot of work together in addressing the issue of doping in this case in the sport of horse racing. This is a critically important issue for both the health of the equine athlete and the integrity of the sport which contributes approximately \$4 billion to the New York State economy each year and supports some 380,000 domestic jobs nationwide.

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

Today we have heard about investigations that revealed Russia's efforts to manipulate drug doping controls. The former chief investigator for WADA, Jack Robertson, who was a former special agent for our United States Drug Enforcement Agency, helped investigate some of the allegations involving Russian doping. On August 4th of 2016, Pro Publica ran a story quoting Mr. Robertson about his time at WADA. In the piece, Mr. Robertson implied that the Agency lacked adequate resources to investigate doping allegations and he said, and I quote, this cannot be Jack

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versus Russia. I need manpower. When money to become available WADA beefed up every department, but never investigations. I was working 11 hours a day, sometimes 18 hours.

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

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

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

Mr. Tygart. You know, I don't know the question. Clearly there's enough money in sport at least. You saw my testimony the funds the IOC has, a \$1.4 billion fund, total assets of \$3.9 billion 2015. The money's there, I think, whether it's sport, whether it's government. The question is, is protecting the

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integrity of the property that we put out to the marketplace important enough to spend more than, you know, one or two percent on? And I think absolutely it is and we ought to ensure that WADA has those resources to do the job that they need to do however it ultimately is supported, whether directly through sport or additional funds from government.

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

Mr. Koehler. No, I don't. And to give an exact figure today I would be remiss to do that. What I can say is that in my opening remarks that we are developing a clean-slate budget based on the new reforms, based on the new capacities that we have to identify where and how much funding is needed. I will however say that we talk about WADA increase funding, but I think more importantly or equally as important is the injection of funds into the national anti-doping organizations. The national anti-doping organizations are the ones in the field day to day carrying out the business. And if they're not equipped to do and protect the clean athletes then we're so far behind we'll never win this game.

Mr. Tonko. Thank you. And according to news reports, the International Olympic Committee has a \$1.4 billion fund, so out of a \$1.4 billion fund the IOC currently provides WADA about \$15 million a year. Mr. Phelps, given the extensive evidence we have

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heard today detailing state-sponsored doping control and manipulation, should the IOC provide more resources to WADA?

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

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

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

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

Mr. Costello. Thank you, Mr. Chairman.

Dr. Budgett, I understand the IOC established a commission to reanalyze all samples of Russian athletes from the 2014 Winter

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Olympics. Can you explain what testing is being conducted on these samples and does it include testing on both A and B samples?

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

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

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

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

Mr. Costello. Question for all panelists, thank you for your time. I particularly want to thank the athletes for your testimony. I think that it is a great way to raise awareness about



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the need for even more integrity in the testing process, and certainly you are both American heroes and we recognize you as such and I think it is very worthy that you both took the time to prepare and be here today.

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

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

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

So you have to find out, there has to be some education and reeducation of the key players in those areas. So to me, if I could see those two changes, education and then the structural

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reforms that would implement the compliance, that would be a huge change.

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

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

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today.

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

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

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

Ms. Clarke. Thank you, Mr. Chairman, and I thank our panelists, in particular Mr. Nelson and Mr. Phelps, for putting

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a face to the athletic advocacy and demonstrating the courage to call out the unethical, disgraceful conduct of those who permit doping to continue to plague and to cheat the integrity of our international competitions. I truly appreciate, we truly appreciate your testimony here today. Mr. Chairman, the scope and scale of the allegations of doping against Russia presented in WADA's independent investigations are extremely troubling, and I would like to understand what sanctions Russia will face as a result of the findings. Subsequent to the release of Mr. McLaren's investigation in July of last year, WADA's executive committee recommended to the IOC that it decline entry for Rio 2016 of all athletes submitted by the Russian Olympic Committee and the Russia Paralympic Committee.

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

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

Ms. Clarke. Mr. Tygart, as you know the IOC did not order a collective ban of the Russian team, instead it deferred to the international sports federations to determine which athletes should or should not compete. In your piece, The Athletes Voice:

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A Force for Change, you stated, quote, at the Summer Games in Rio in 2016, scores of athletes competed despite not having been subject to credible anti-doping programs, end quote.

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

Mr. Tygart. I'm not sure why it was done. The justification for not banning and following WADA's recommendation, the Russian Olympic Committee, was some justification on collective justice versus individual responsibility which really makes no sense, I don't think, when if that's your reasoning to then hand the decision on individual justice to 38 different sports organizations that's not going to result in a consistent application in individual cases.

So I think the justification that's been given doesn't hold up once it's scrutinized, and I think it ultimately resulted in shaking the system like it's never been shaken before. If the IOC would have done what the International Paralympic Committee did and what the IAAF, the international track and field did to

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ban those athletes and the Russian federations from their games, we're not here today quite frankly.

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

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

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

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

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

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

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

Mr. Carter. Thank you, Mr. Chairman.

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

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

Did I understand? I was reading and researching a little

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bit that you first heard about this through a reporter?

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

Mr. Carter. Dr. Budgett, I mean --

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

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

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

Mr. Carter. Okay, before the press is notified you would have notified the individual?

Dr. Budgett. Of course.

Mr. Carter. Okay, thank you. I am glad we got that straight, Mr. Nelson. Mr. Nelson, you impress me and I have read your resume. I mean you are kind of the traditional Olympian. You just worked jobs and trained and just like I think most Olympians have, so I feel like I can relate to you. I will be quite honest with you and full disclosure here, I wanted to be an Olympian too. I did. And I will say more about that in just



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a minute, but unfortunately I ended up being not only short but slow, but nevertheless I had those same dreams.

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

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

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

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

Mr. Carter. Can you elaborate on that a little bit? I am sure you have interacted with your competitors and your

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international competitors. What kind of experiences have they had? Do they have similar experiences or --

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

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

Mr. Phelps. No.

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

Mr. Phelps. Right. I mean you'd like to think that there's a number of the top ten, whatever it might be, top 20, top hundred in the world might be. I think, what is it, the IT, the International Testing Pool has a number of athletes who are usually under the same standards that, that we're all held under the same standards. And I mean for me it would be, I mean, I literally have to fill out every single day exactly where I am at that time. And if I leave, I mean now it's easy enough to where I can just get on the phone or get on the app and say my whereabouts are changing, this is where I'm going. You have to say what plane you're on, what hotel you're staying in, what your room is under, everything yada yada yada. So that's what we've gone through, I've gone through for 15, 16 years.

Mr. Carter. Right. You want to see time fly, you ought to get up here and wait for 5 minutes and it flies. But nevertheless,

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Mr. Koehler, you mentioned something about working with the pharmaceutical manufacturers and being notified when, and working with them to figure out what drugs it is that you should be looking for. Can you just elaborate on that very quickly?

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

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

There was a time when the three of us were the same. We were all in the backyard. We were dreaming. I was standing on that cinder block and I was looking down at Michael Phelps and I was looking down at Adam Nelson and I was the Olympic champion. And

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we owe it to those kids, we owe it to those dreamers to make sure it is fair, to make sure they have the opportunity to compete. Thank you both. Thank you all for being here.

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

Mr. Ruiz. Thank you, Mr. Chairman. Thank you to all the panelists. The testimony that I have heard today is disturbing on a number of levels. I am outraged that Russian officials cheated, broken the rules, attacked the integrity of the Olympics to influence the outcome of the Olympics for their benefits. Kind of sounds familiar, doesn't it? Russia's widespread doping endangered the health of their own athletes. Not only did they put their own athletes at risk, but they also cheated the millions of athletes across the globe that work hard and play clean. It also violates the trust between nations who put their faith in a system and work toward the same goal which is an even playing field for all athletes. We must have the proper checks and balances in place to ensure that no one athlete or one country cheats to have an unfair advantage.

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

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

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

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

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

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

Mr. Ruiz. Thank you. Since I am halfway through my time I am going to direct my questions to our nation's heroes, Mr. Nelson and Mr. Phelps. You are a recent father, Boomer. I am a recent father, twin daughters Sky and Sage. You know, I just

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can't wait until they identify what their dreams are. And I know that there are a lot of kids out there who look up to you, who in my district who want to accomplish greatness, their greatness.

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

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

And for me, yeah, it wasn't always fun getting up at 7 o'clock on a Sunday and going to swim, but you know what, I wanted to accomplish my goal bad enough that nothing's going to stand in my way. And I think that, you know, like I said in the end, like I hope somebody breaks my record. I hope I have the chance to see that because it shows you that kids are truly, they're going

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to attack their dreams and their goals and they're going to go through hard times of course, we all do. But they're not going to give up.

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

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

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

The second piece is to talk about what the spirit of an Olympian really is. So we focus on the medals, but the medals are a reward for the work to get there. Most of what happens as an Olympic athlete happens when nobody else is watching. You have

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to have a gold medal process and those processes must be based on principles. That's up to the parents. That's up to the people to decide what those principles are. If you allow for this to come into your life at any level you're promoting this particular issue in a negative light. So that's what I would say.

Mr. Ruiz. Thank you. Thank you very much.

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

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

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

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



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

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

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

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

Mr. Walberg. And that is where it has to stand from the world community to do that and ultimately sanctions have to be sure and complete or otherwise, Mr. Budgett, there will be more and more people like me that refuse to watch the figure skating going on, just sensing something is wrong there. But I wish you well on

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that Mr. Nelson and Mr. Phelps.

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

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

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

Mr. Phelps. I don't know. I mean that's the only thing I

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can say. I mean as somebody who has competed clean for over 20 years I have no clue why somebody would do that.

Mr. Walberg. Mr. Nelson.

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

Mr. Walberg. But you could.

Mr. Nelson. What's that?

Mr. Walberg. But you could.

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

Mr. Walberg. Yes.

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

Mr. Walberg. So until we find the answer to that question and able to deal with the athletes to a conclusion, we have to

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have sanctioning bodies that are resolute in doing whatever it takes to go above that evil nature as it were and make it fair for guys who will not do that at any cost. Thank you for being part of this panel. I yield back.

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

Ms. DeGette. Thank you very much, Mr. Chairman. I just want to again thank everybody for coming today and illuminating this. I was really encouraged both Mr. Koehler and Dr. Budgett to hear you say that your organizations are interested in making change.

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

So the chairman and I were just talking, I am hoping we will have another hearing soon, and I am hoping that the various

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organizations will come to that hearing and tell us the changes they are going to make. Thank you, Mr. Chairman.

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

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

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

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

Mr. Murphy. Thank you. Dr. Budgett.

Dr. Budgett. I can echo that.

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

[The information follows:]

\*\*\*\*\*COMMITTEE INSERT 12\*\*\*\*\*

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

[Whereupon, at 12:36 p.m., the subcommittee was adjourned.]