

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

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

March 29, 2017

Mr. Rob Koehler
Deputy Director General
World Anti-Doping Agency
C/o Lance Bultena
Columbia Square
555 13th Street, N.W.
Washington, DC 20004

Dear Mr. Koehler:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, February 28, 2017, to testify at the hearing entitled "Ways to Improve and Strengthen the International Anti-Doping System."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, April 12, 2017. Your responses should be mailed to Elena Brennan, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Elena.Brennan@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

Attachment—Additional Questions for the Record

The Honorable Tim Murphy

1. On March 1, the day after the Subcommittee's hearing, Vladimir Putin pledged to establish an "independent" system in Russia to tackle doping. This system will transfer its anti-doping program from the nation's sports ministry to an independent organization. What role will the World Anti-Doping Agency (WADA) have in overseeing this transition?
 - a. Does WADA believe that this will adequately address the problems that occurred at Sochi and London?
2. With the 2018 Winter Olympics in PyeongChang less than a year away, what is WADA doing to ensure that the systemic weaknesses identified before and after the Rio games are addressed in advance?
 - a. In addition, what is WADA doing to ensure that all of the athletes implicated in the Russian doping scheme are adequately tested leading up to and during competition?
3. It is no secret that some have criticized the pace of WADA's investigation into allegations of widespread doping by Russian athletes. For example, according to reports, WADA began receiving information from whistleblowers as early as 2010 but did not launch an independent investigation until after the release of a documentary in 2014. Further, after the conclusion of that investigation – which suggested a potentially larger issue across multiple sports – it took months and two prominent media stories before WADA commissioned a broader independent investigation. Can you please explain the timing of these decisions?
 - a. Did WADA need the public pressure to pursue these investigations? If so, why? If not, then why did it take so long to begin the investigations?
 - b. Did the involvement of the International Olympic Committee (IOC) in WADA's governing structure influence the timing of these investigations?
 - i. If so, please explain how this impeded your work
 - ii. If not, why did it take so long to initiate these investigations?
4. You stated in your testimony that it was not until 2015 – when the World Anti-Doping Code ("the code") was revised – that WADA officially obtained investigative powers. Though WADA did not have the power to launch formal investigations, at the time of the

Russian doping scandal, did WADA have the power to hold NADO's and other organizations compliant to the code?

- a. If so, why didn't WADA make compliance decisions in regards to doping violations leading up to the 2016 Rio Games?
 - b. Why were these decisions passed on to the International Federations, instead of going through WADA or the NADOs?
5. I understand that WADA established a panel to examine potential reforms to global anti-doping efforts.
- a. What is the current status of this review?
 - b. Are there specific options under consideration?
 - c. What is the process for evaluating or acting upon the recommendations of this review?
 - d. During the hearing, you indicated that WADA plans to finalize these reforms within a year. Can you provide a more specific timeframe as to when these reforms will be finalized?
6. The IOC has suggested the establishment of an independent testing authority, separate from national interests. What is WADA's opinion on this proposal?
- a. As the organization responsible for ensuring the independence, integrity, and compliance with the Code for national anti-doping organizations, does WADA have concerns about the independence or integrity of national anti-doping organizations, including established and tested organizations such as those in the United States, United Kingdom, Japan, Canada, and elsewhere?
 - b. Do these organizations provide a valuable resource in the global fight against doping?
 - c. Based on WADA's experience to date, would a centralized testing authority be financially and logistically feasible and/or practical? Please elaborate on any specific challenges or benefits to this model.
7. The IOC recently suggested that the Court of Arbitration in Sport (CAS) should be responsible for sanctioning athletes. What is WADA's reaction to and position regarding this proposal?

8. In your testimony, you stated that WADA now has a system in place to hold countries and sports organizations compliant to the code. Specifically, you testified, "Now there's a call by athletes, by the anti-doping community, to go in and audit, to go in and make people accountable, and if they are not doing it we have appointed an independent compliance review committee to make a call on countries, on sports that are deemed not doing the work to make them compliant."
 - a. Is this independent compliance review committee a part of WADA?
 - i. If not, why isn't WADA conducting compliance review itself?
 - b. Are there any WADA representatives or employees on this committee?
 - i. If yes, who? What are their roles on WADA and on the compliance review committee?
9. You testified that WADA is about to launch a new whistleblower program called 'Speak Up' in the coming days. Please elaborate on the specifics of this program and the reforms it includes.
 - a. Will there be any policies included that will mandate that WADA document and consider the information brought forward by whistleblowers? If so, please describe these policies.
10. According to information available on WADA's website, the principle of WADA's strict liability is applied in situations where urine or blood samples collected from an athlete have produced adverse analytical results. Further, it means that each athlete is strictly liable for the substances found in his or her bodily specimen, and that an anti-doping rule violation occurs whenever a prohibited substance (or its metabolites or markers) is found in bodily specimen, whether or not the athlete intentionally or unintentionally used a prohibited substance or was negligent or otherwise at fault. Is there any flexibility to take into consideration the circumstances or intention of the athlete when it comes to strict liability?
 - a. If so, please give examples of circumstances that would allow for flexibility and how that would be handled.
 - b. How is the strict liability principle put into practice?
 - i. Who is responsible for enforcing it?

11. The fundamental principle of the Athlete Biological Passport (ABP) is to monitor selected biological variables over time that indirectly reveal the effects of doping rather than attempting to detect the doping substance or method itself. There are concerns that bad actors are always trying to stay one step ahead of the testing and technology. Does the athlete biological passport alleviate some of those concerns? Why or why not?
- a. Is the Biological Passport widely utilized?
 - b. How accurate is the Biological Passport?