

February 27, 2008 House Hearing

**Conducted by the House Energy and Commerce Subcommittee on Commerce, Trade and
Consumer Protection**

Testimony of Travis T. Tygart

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Mr. Chairman, members of the committee, good morning. My name is Travis Tygart and I am the CEO of the United States Anti-Doping Agency (USADA). I want to thank this committee for its long-standing interest in clean sport and for the opportunity to appear before you today to discuss this important ethical and health issue.

As a father of 3 young children all ages 6 years and under, I hope that one day they will all learn the valuable lessons of life only obtained by participating in sports played with integrity, honor and without prohibited drugs. In its purest form sport builds character and promotes the virtues of selfless teamwork, dedication and commitment to a greater cause. True sport is built on the idea of honesty and respect.

It is these core principles of sport that bring our communities together to cheer athletes and empower athletes to pursue their dreams and to inspire others through the accomplishment of those dreams. Doping eats away at these important attributes and compromises everything valuable about sport.

Accordingly, we welcome and appreciate this Committee's focus on the harms that are caused by performance enhancing drugs in sport. USADA has been recognized by Congress as the independent, national anti-doping agency for Olympic and Paralympic sport in the United States. Our sole mission is to protect and preserve the health of athletes, the integrity of competition, and the well-being of sport through the elimination of doping. Stated another way, every day that the independent USADA Board of Directors and employees of USADA go to work we are focused only on the very issue that we are all here to discuss.

We are all gathered here today, in part, because the recently released Mitchell Report confirmed what has been suspected for many years - that some in Major League Baseball have succumbed to doping. Specifically, Senator Mitchell found that "[f]or more than a decade there has been widespread illegal use of anabolic steroids and other performance enhancing substances by players in Major League Baseball, in violation of federal law and baseball policy."

While the recent struggles of professional baseball may be the current impetus behind this hearing, the issues involved extend well beyond any one professional sport. The issue of drugs in sport strikes at the very heart of the question of what role sport will play in America's

future. USADA's interest in this discussion is driven by a motive to not only protect the rights of today's Olympic athletes to play drug free but just as important to protect America's next generation of athletes. The doping crisis described in the report by Senator Mitchell is not just a public image problem for a group of owners or certain professional athletes. Illicit steroid use is illegal and an ethical and public health problem that reaches right to the core of our collective values and our future, because it adversely affects today's high school, junior high school and even grade school athletes.

America's future Olympic Gold Medalists in Track and Field, Swimming, Bobsledding, Basketball and every other Olympic sport, are out there right now learning from the example set by today's Olympic athletes and professional athletes. The question is, what lessons are they learning? Are they learning that athletic success justifies whatever means are required to achieve it? Is the lesson that cheating to win is okay as long as it sells tickets and raises profits?

USADA's mission is to make sure that in the context of Olympic sport, today's Olympians are allowed to compete clean and those who decide to cheat are caught and punished. In that way, tomorrow's Olympians will know that there are no shortcuts to true achievement on the playing field.

USADA's perspective on the current anti-doping climate comes from living the history of the fight against doping that has occurred within the international Olympic movement over the past ten years. That history is important because the questions faced and the answers offered by the Mitchell Report echo a similar process undertaken by the International Olympic Committee and the United States Olympic Committee (USOC) in the late 1990's.

In the 1990's, the world did not view the United States as being committed to preventing doping among its Olympic athletes. The system of self-regulation by the various sports led to perceptions of conflict of interest and allegations of attempts to cover up doping behavior among United States' athletes. The USOC formed a task force to investigate and consider the best approach to fighting doping in the Olympic movement. That task force faced many of the same questions confronted by Senator Mitchell in his analysis and, not surprisingly, the

recommendations of Senator Mitchell are very similar to the recommendations of the USOC task force.

The key finding of the USOC's task force was that fight against doping in Olympic sport needed to be led by a truly independent and transparent entity. Accordingly, USADA was formed in 2000. The creation of USADA triggered a radical transformation in the world's perception of anti-doping efforts in the United States Olympic Movement. We are now viewed as a world leader in Olympic anti-doping and it is universally acknowledged that our athletes are subject to one of the world's most rigorous anti-doping programs in the world. Moreover, USADA's willingness to pursue investigations of athletes and coaches and hold them accountable for cheating based on evidence other than a positive test has reinforced the world's view of our commitment to clean sport. For these reasons, other national anti-doping agencies, such as the Russian agency, travel to the United States to meet with USADA and learn from our practices and programs.

Significantly, this dramatic shift to independent administration of anti-doping efforts was also accomplished on a world level when the International Olympic Committee after reviewing the issues also externalized its anti-doping efforts to the independent entity, the World Anti-Doping Agency. Other nations have followed the paradigm shift and it is now universally accepted that true independence is the hallmark of an effective anti-doping program.

It was an extremely courageous decision for the USOC and the 45 or so national governing bodies to fully externalize their efforts to USADA, but they took the stand because it was clear that the sports themselves could not simultaneously promote and police their sports. And, since they all desired an effective program, there were no reasons not to externalize their anti-doping efforts. Similarly, in recommending a path forward for Major League Baseball, Senator Mitchell concluded that independence was a threshold component of a state-of-the-art anti-doping program that "should be administered by a truly independent authority that holds exclusive authority over its structure and administration."

It is important that "independence" not be dismissed as simply window dressing designed to remove perceived conflicts. Instead, USADA's experience has established that true

independence is a functional and fundamental requirement of an effective anti-doping program. In fact, true independence is the single most important element of the USADA model because it provides us with complete authority over all areas of the entire anti-doping program. Simply put, USADA's mission is to protect clean sport and preserve the rights of athletes to compete clean. In accomplishing that mission, USADA does not have a conflicting duty to also protect the image of the sport it serves or of commercial factors such as obligations to sponsors, owners or other investors. This true independence frees USADA to take the steps necessary to accomplish its mission without worrying about the possible negative impact on the financial interests or the image of the sport.

Ultimately, by keeping a steadfast focus on the sole goal of clean sport, USADA has improved the image of Olympic sport, but that victory has necessarily come at the price of exposing the dark side of sport along the way. When the path to redemption requires that individuals once thought to be heroes must be exposed as frauds, it takes a strong resolve to walk that path. Unfortunately, experience establishes that where that resolve may be impacted by a duty to protect the image of the sport or its profits then the mission will be easily compromised. This point is made resoundingly clear in the Mitchell Report.

The history of anti-doping efforts in the Olympic movement and the experience of other sports, establish that partial independence is not an effective model for fighting doping in sport. The fight against doping in sport cannot be a part-time job and true progress will not be achieved through anything less than the full commitment and dedication of a team of experts.

In addition to true independence and transparency, the matrix of effectiveness agreed to by the experts and also detailed in the Mitchell Report by which all anti-doping policies can be evaluated must include:

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

A full list of prohibited substances and methods that would capture new, designer drugs as they are developed;

Implementation of best legal and scientific policies and practices as they evolve which must include adequate sanctions and due process protections for those accused of doping violations;

Significant investments into education to truly change the hearts and minds of would be cheaters and to teach the lessons of life that can be learned only from ethical competition;

Significant investments into scientific research for the detection of new doping substances and techniques and for the pursuit of scientific excellence into anti-doping;

Partnerships with government particularly law enforcement to ensure that in addition to holding athletes accountable, those who illegally manufacturer, traffic and distribute these dangerous drugs and who are typically outside of sports jurisdiction are also held accountable for their illegal behavior. It is the success of this very cooperation seen through the BALCO investigation and others like it such as, Operation Raw Deal, which has directly led us all here today.

Ultimately, this fight for the soul of sport, most directly impacts the clean athletes. The U.S. Olympic movement is fortunate to have a strong group of athletes who recognize the importance of this issue and are looking for ways to become even more involved. Our Olympic athletes support USADA's efforts because they trust us to evenly apply the rules to all athletes including high profile, high dollar superstars; they want us to protect their right to compete clean and they want American sports fans to be able to once again believe in their Olympic heroes. Our clean Olympic athletes also are desperate to distinguish themselves from dirty athletes as well as those athletes who play in professional sports because too frequently the international sports world views our Olympic athletes through the lens of the professional leagues and their anti-doping policies.

Our duty to these clean athletes and our mission require us to advocate for the most effective anti-doping policies at all levels of sport even when that means offering candid assessments of the programs of other sports entities. While no anti-doping program is perfect

until the matrix of effectiveness discussed above is fully realized by all elite level sports organizations their programs will not be as effective as they should be. In the Olympic movement, we did this on our own and without federal government scrutiny or legislation. And, while the professional leagues anti-doping policies have significantly improved over the past several years, they still fail to fully implement all the basic elements of the most effective programs. USADA supports efforts to encourage anti-doping programs implemented at the elite level of all sport.

Additionally, there is more that we strongly believe the federal government can do to assist the goal of protecting athletes and the integrity of sport at all levels. First, in 2004 Congress passed the Anabolic Steroid Control Act that in addition to scheduling many of the steroid precursors and designer steroids on the Controlled Substances Act at Section 4 also authorized \$15 million annually for school based education efforts. Regrettably, this program has never been funded. Appropriating funds for an in-school program would provide a broad based educational foundation to our children of the importance of healthy living, ethical decision making and the dangers of using dangerous performance enhancing drugs.

Second, there is currently legislation before the House and Senate, HR 4911 and S. 877, that would add Human Growth Hormone (HGH) to the Controlled Substance Act. Passage of this bill would quickly strengthen the law enforcement efforts to enforce the illegal distribution and use of HGH. Third, there is additional legislation, S. 980, the Online Pharmacy Consumer Protection Act, that would prohibit an online pharmacy from selling a controlled substance over the Internet without a valid prescription. Passage of this bill would further enhance the control of these dangerous drugs and make it more difficult for these drugs to end up in the hands of our children via the internet. Fourth, while scientific research efforts must be fully supported by sport and we are pleased that Major League Baseball and the National Football League have agreed to partner with the USOC and USADA to fund research into this area through the Partnership for Clean Competition, the federal government can assist this effort by appropriating additional funding to further this anti-doping research.

I would like to thank this Committee for its time and its interest in this important ethical and public health issue and for inviting me to share USADA's experience and perspectives. We look forward in assisting you as needed as you move forward.