

**REPORT TO
CONGRESS ON THE
STATUS OF THE
IMPLEMENTATION OF
WADA GOVERNANCE
REFORMS**

JULY 2023

**THE WHITE HOUSE
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY**





Report to Congress on the Status of the Implementation of World Anti-Doping Agency Governance Reforms

Office of National Drug Control Policy

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I. INTRODUCTION

Since last year's Report to Congress, the United States through the Office of National Drug Control Policy (ONDCP) has played an active leadership role in global anti-doping affairs. While the broader sports community prepares for the 2024 Paris Olympics, updating its capacity in terms of anti-doping detection and investigation, and grappling still with the ramifications of Russia's 2014 Sochi Olympics state-sponsored doping conspiracy, the United States has increased its ability to push forward important reforms through:

- Being elected for the first time ever as the President of the American Council on Sports (CADE), the key hemispheric wide multilateral sports institution;
- Returning to the World Anti-Doping Agency (WADA) Executive Committee as one of only five governmental members of this influential governing board;
- Closely monitoring the implementation of WADA's internal reforms, and actively using formal and informal opportunities to push forward progress;
- Participating actively in the governments-only OneVoice forum, to help ensure strong and unified positions by public authorities prior to all WADA meetings;
- Promoting effective implementation of the International Convention against Doping in Sport (through UNESCO – the United Nations Educational, Scientific, and Cultural Organization that oversees treaty implementation);
- Forging a close, near-daily working relationship with the Canadian government on sports and anti-doping, as well as with key regional leaders, including in Europe, Asia, Australia, and Africa. and,
- Developing new insight on how to work effectively with the International Olympic Committee through regular candid exchanges.

In addition to our work directly with and for CADE, ONDCP, as a part of the WADA Executive Committee, continues to closely monitor WADA's work. The organization has been moving forward on multiple fronts to formally implement the series of internal reforms approved in 2021 and 2022. This report will provide brief updates on the status of WADA's implementation of reforms. ONDCP is cautiously encouraged by the progress, but believes continued close scrutiny of how the new or reformed WADA components take on the many important and



challenging tasks before them is needed. The threat environment with regard to doping in sports remains quite serious, both with regard to state sponsored doping schemes and smaller scale efforts to violate the principles of clean sport.

The first section of the report will focus on the new role the United States has taken up at CADE, and the subsequent sections will review the status of key WADA reforms, followed by a brief conclusion.

II. THE AMERICAN SPORTS COUNCIL AND THE UNITED STATES

In April of 2023, the United States was unanimously elected President of CADE. This is the first time the United States, or any North American country, has served as President of the organization. With the Presidency, ONDCP has resumed its service on WADA’s Executive Committee for the first time since 2015. The term of office as CADE President is two years, with the possibility of re-election to a second two-year term in April of 2025. The decision to run and win the CADE Presidency was not made lightly by ONDCP, recognizing the increased commitment of time and resources it involves. Nonetheless, ONDCP believes it was the right decision for the United States, providing an opportunity for global leadership on critical sports issues, including but not limited to, anti-doping.

While the CADE Presidency—hopefully for four years—does not permanently resolve the issue of the United States’ role within WADA’s leadership boards, for now it is a major step forward in ONDCP’s ability to contribute to WADA’s important work. ONDCP intends to make the most of this opportunity. The reality is that to permanently retain a WADA Board seat, CADE members will have to vote the United States into that role. The best path towards permanently resolving this issue is to make sure ONDCP does an excellent job as the leader of CADE.

CADE as an organization has many talented members and a skillful executive secretary who has been working as a volunteer. The organization is still in the process of establishing a legally-sound financial structure, and has sought voluntary funding from Members in the anticipation of the development of an annual budget for the organization. CADE would benefit from modest investments in its permanent staffing and the development of a modern website and core communications systems (in both Spanish and English) to enable better information sharing among its over 40 members throughout the hemisphere. The United States will work to advance these reasonable and relatively low-cost objectives during its Presidency of the organization.

As President of CADE, the United States looks forward to hosting the 2024 CADE General Assembly in Washington, D.C. in April 2024. Funding to support this event were included in ONDCP’s FY 2024 budget request, and ONDCP urges Congress to support this request. This is the first time the United States will host the annual CADE General Assembly meeting. The event is an opportunity to showcase the importance of clean sport throughout the Americas and the upcoming major sporting events which will take place in the United States over the next five years, including the 2026 FIFA Men’s World Cup tournament (co-hosted with Canada and Mexico) and the 2028 Los Angeles Summer Olympic Games.



III. OVERVIEW OF WADA REFORMS

1. The Independent Ethics Board

The United States is encouraged by WADA's establishment of a highly qualified Independent Ethics Board, which includes the former ONDCP Acting Director, Regina LaBelle, an attorney, as one of its nine members. The Board has moved forward promptly to stand up its operations after its membership was approved at the May 2022 WADA Foundation Board, meeting five times as of June 2023. All meetings were held virtually, except for one in-person meeting in Lausanne, Switzerland.

Board Meetings held since May 2022 have focused on two priorities:

- The recruitment and appointment in early 2023 of Guatier Aubert, a Swiss attorney, as the first Ethics Officer, whose main task is to analyze and receive all complaints, denunciations, allegations, or suspicions of breaches of the Code of Ethics, or its implementing provisions referred to them.
- The internal and external set up of the Ethics Board, including the establishment of a dedicated website and a reporting platform, development of an education plan, and a global review of the Code of Ethics. Three subcommittees were established within the Ethics Board to conduct technical and operational work in smaller settings:
 1. Communications & Education; 2. Stakeholder Relations; and, 3. Legal / Interpretation of the Code of Ethics.

With a talented board, qualified ethics officer, and basic administrative functions established, the new ethics system is set to receive and respond to complaints and concerns. ONDCP is hopeful that this new system will bring greater transparency to all ethics matters related to WADA and its work.

2. The Athlete Council

The United States, our domestic partners, public authorities, and athlete-run organizations have long sought more direct and serious athlete engagement in WADA governance. The reorganization of the longstanding Athlete Committee into a larger Athlete Council, as agreed to through the reforms negotiated between governments and the sports movement, has the potential to make major substantive progress in this area. The new WADA Athlete Council has been expanded from 12 members on the former Athlete Committee to 20 members,¹ which will hopefully better serve to represent the diverse athlete community throughout the world. As referenced in last year's report, a rather complex selection and election process was drawn from three groups.

- Group 1: Five athletes appointed by the International Olympic Committee's (IOC's) and International Paralympic Committee's (IPC's) Athlete Commissions;
- Group 2: Eight athletes elected by the Athlete Commissions of International Federations (IFs); and

¹ The full list of athletes selected and elected can be found on WADA's website: <https://www.wada-ama.org/en/athletes-support-personnel/athlete-engagement/athlete-council>.



- Group 3: Seven other athletes, selected by an appointment panel to fill skills and geographic representation gaps.

The United States was very pleased that American Clare Egan was elected to serve on the new Athlete Council. Ms. Egan is a two-time United States Olympian in the sport of biathlon. Ryan Pini, a swimmer from Papua New Guinea, was elected President of the Athlete Council. As the group's President, he will represent athletes on the Executive Committee as an independent member (meaning not affiliated either with the IOC or any government); he attended the Executive Committee meeting in Montreal, Canada in May 2023. The Athlete Council—not governments, the IOC, or WADA—will now be in charge of appointing athlete representatives to other WADA bodies. As referenced below, two members of Athlete Council will also serve on WADA's Foundation Board.

The group is still in its early stages, and has many challenges ahead in ensuring athletes worldwide are engaged on significant doping related matters. ONDCP will continue to keep Congress informed as more information becomes available about the work of the Athlete Council.

3. The Expanded Executive Committee and Foundation Board

Another independent member, per the recommendation of the United States and other governments, has been added to WADA's Executive Committee. Public authorities and the sports movement, per the agreed upon process, jointly nominated two candidates for the position. The WADA Nominations Committee reviewed the candidates and recommended Venetia Bennett of Australia, whose selection was approved by the Foundation Board on April 13, 2023. Ms. Bennett, an attorney experienced in representing athletes in doping cases, also attended the Montreal Executive Committee and engaged in detailed discussions with ONDCP representatives. She also serves as a Member of Australia's National Sports Tribunal, and is a Past-President of the Australian and New Zealand Sports Law Association.

With the addition of the new membership, the Executive Committee consists of the following 16 members:

- Five representatives from Public Authorities (one from each WADA region);
- Five representatives from the Sports Movement;
- Four independent members (Ms. Bennett, Gabriella Battaini-Dragoni, Dr. Patricia Sanganis, and the Chair of the Athlete' Council Mr. Pini); and
- The President and Vice President of WADA (Witold Banka and Yang Yang).

ONDCP is encouraged by the addition of two more independent members, and believes that this will make it more difficult for any one group to dominate WADA decision making. As WADA moves forward with subsequent Executive Committee meetings, ONDCP will monitor if these changes represent an improvement in the operations of WADA's governance.

4. The New National Anti-Doping Organization (NADO) Expert Advisory Group

The United States, along with other governments, believes that it is important for WADA governing bodies to include fairer representation of key stakeholders. This includes National Anti-Doping Organizations (NADOs), many of which (such as the United States Anti-Doping Agency (USADA)) have developed the highest degree of technical knowledge of anti-doping



testing and related matters. The WADA Governance Working Group that managed the internal reform process recommended, and the WADA Foundation Board approved, the conversion of the NADO Expert Advisory Group (EAG) into an elected group.

The new organization consists of two NADO Members per WADA region, totaling ten members. The elected Expert Advisory Group met in Lausanne in person to hold their election for the two group members to serve as chair and vice chair, as well as to serve on the Foundation Board. The two individuals are:

- Kum-pyoung Kim (Korea, Asia): NADO EAG Chair and Foundation Board Member; and
- Michael Cepic (Austria, Europe): NADO EAG Vice Chair and Foundation Board Member.

Russia's NADO, RUSADA (as discussed below), has not been reinstated by WADA. If and when RUSADA overcomes its continuing noncompliance, the NADO EAG will have an important role in helping to monitor RUSADA's performance. As this new group takes up its duties, ONDCP will continue to consult with USADA and other contacts in the global NADO community in order to stay on top of and support its work.

5. Managing the Challenge Posed by State Sponsored Doping

The Russian state sponsored government doping scheme, which triggered overdue reforms at WADA, has been a matter of significant focus by WADA and its stakeholders. WADA continues to review, per the Court of Arbitration for Sport (CAS) decision, RUSADA's effort to be recertified as Russia's national anti-doping organization in good standing. WADA is constrained by the conditions laid down by CAS which outlines specific steps necessary for RUSADA's recertification. If and when RUSADA is reinstated, it will be subject to continued close scrutiny.

WADA also continues to review the cases against individual Russian athletes, based on urine test samples that were retrieved by WADA's office of Intelligence and Investigations from the Laboratory Information Management System (LIMS) of Moscow's anti-doping lab. As of May 2023, a total of 203 Russian athletes have been sanctioned by 17 Anti-Doping Organizations, with an additional 73 cases charged (but yet to be sanctioned), and another 182 that are still being investigated. Despite the hope that cases that go back to the 2014 Winter Olympics in Sochi would have already been investigated, WADA focused initially on those athletes still competing, and has limited staff resources to investigate each of these individual cases.

At the most recent Executive Committee meeting in Montreal, ONDCP Director Dr. Rahul Gupta made the following points on behalf of the five government members of the Executive Committee related to Russia:

- WADA must continue to push for full compliance of court-imposed conditions before RUSADA is officially reinstated;
- The importance of establishing an independent pre-Olympics anti-doping Task Force to focus on the best intelligence-led, risk-based testing approach available—to ensure all individual Russian athletes allowed to compete receive robust testing for at least the six months prior to the event; and



- In the context of the Valieva Russian skater case, Team USA and other countries' Olympic teams are still awaiting final results due to the appeals of RUSADA's decision on Valieva's anti-doping rule violation. When final results are announced, the United States believes that a meaningful medal ceremony should take place after consultation with the affected athletes.

IV. CONCLUSION

ONDCP is pleased by the increased visibility on WADA's implementation of reform available to the United States from its position on the WADA Executive Committee over at least the next two years (four years if re-elected). The United States' participation in its first Executive Committee meeting in eight years has given ONDCP a better perspective on the progress achieved and the challenges that remain. ONDCP will continue to inform Congress of the ongoing efforts to promote clean sport at the Olympics and at other elite global sporting events. Creating a level playing field in global sports competitions is critical to American athletes, and other dedicated athletes from around the world. United States leadership is vital to this important endeavor.

