

EXHIBIT 31

S. HRG. 106-1074

**EFFECTS OF PERFORMANCE ENHANCING DRUGS
ON THE HEALTH OF ATHLETES AND ATHLETIC
COMPETITION**

HEARING
BEFORE THE
**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**
UNITED STATES SENATE
ONE HUNDRED SIXTH CONGRESS
FIRST SESSION

OCTOBER 20, 1999

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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**EFFECTS OF PERFORMANCE ENHANCING
DRUGS ON THE HEALTH OF ATHLETES AND
ATHLETIC COMPETITION**

WEDNESDAY, OCTOBER 20, 1999

**U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
*Washington, DC.***

The committee met, pursuant to notice, at 9:40 a.m., in room SD-106, Dirksen Senate Office Building, Hon. John McCain, chairman of the committee, presiding.

Staff members assigned to this hearing: Robert Taylor, Republican counsel; and Moses Boyd, Democratic counsel.

**OPENING STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA**

The CHAIRMAN. The committee meets today to consider an important matter. We will begin this hearing.

Earlier this year, this Committee conducted a hearing into the bribery and corruption scandal resulting from the Salt Lake City's bid to host the 2002 Winter Olympics. Similar revelations have since emerged regarding the Atlanta bid efforts.

There was, and is, a sense of urgency about these scandals that seem to surpass what we might normally expect from such events. The reason for this extraordinary concern, I believe, is that the corruption scandal threatens something more basic. It threatens the integrity of the Olympic games.

Olympic competition has always been a great leveler, where agendas are left behind in the common pursuit of excellence. However, this ideal is now threatened by something far more destructive than bureaucratic corruption.

The explosion in the use of performance enhancing drugs threatens to debase the integrity of Olympic competition itself. Recent years have seen an ever-accelerating rate of drug use among athletes.

Revelations about the use of performance enhancing drugs have served to both expose the complexity of the challenge of detection and enforcement of drug policies, and the gross shortcomings of the existing United States Olympic Committee and the International Olympic Committee efforts to address the challenge.

What I wish to underscore by this hearing is that there are no simple solutions to this challenge. As our nation has seen in its failed war on drugs, success in curbing drug use of any kind is illu-

sive. However, a consensus on the necessary elements of an approach to curbing the use of performance enhancing drugs exists.

The first step is the establishment of an independent or external agency to perform year-round, out-of-competition testing for banned substances. The governing board of this agency must include significant athlete representation and must have complete control over the administration, analysis, and reporting of drug tests.

Testing must be universal in that all athletes wishing to compete in the Olympic games should be required to submit to the testing regime established by this independent agency. Significant investment should be made in the research and development of advanced technologies and strategies for the detection and verification of the use of banned substances.

Finally, a comprehensive and sustained anti-drug and sports ethics education program should be developed and implemented.

In an effort to achieve these final two objectives, I and others will soon introduce legislation providing for grants to United States universities to conduct research and development programs designed to develop new technologies and strategies for the detecting and verification of drug use among athletes.

This legislation will also include grants to universities for the development and implementation of athlete drug education and ethics programs for university and elite athletes.

Olympic competition has always served as a beacon of hope in an often divided world. Our United States Olympians serve as role models of excellence. However, as will be pointed out here today, performance enhancing drug use among young people is now on par with statistics on the use of other illegal drugs.

We all have a vested interest in reversing this scourge. To fail to act decisively would result in the demise not only of a transcendent athletic event, but of an event that, through pure competition, elevates a set of ideals centered upon discipline, perseverance, excellence, and individual human achievement that are so critical in a world increasingly void of such things.

I want to point out that one of the reasons why we are having this hearing is because a group of Olympic athletes came to my office to see me, and they expressed their deep and profound concern about this problem and this challenge. And that is the major motivating factor for this hearing to be held today.

I appreciate present Olympians and past Olympians who remain committed to making sure that we address this issue from a standpoint that will ensure that the finest athletes can obtain their level of excellence without having any outside substance or any other influence that would in any way demean the credentials that being a true Olympian provides them with.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Earlier this year, this Committee conducted a hearing into the bribery and corruption scandal resulting from Salt Lake City's bid to host the 2002 Winter Olympics. Similar revelations have since emerged regarding the Atlanta bid efforts. There was, and is, a sense of urgency about these scandals that seems to surpass what we might normally expect from such events. The reason for this extraordinary concern, I believe, is that the corruption scandal threatens something more basic: It threatens the integrity of the Olympic games.

The Olympics are one of the most significant recurring global events. The Olympics represent a coalescing moment when we set aside our competing economic and nationalistic agendas celebrate the pursuit of simple, graceful human excellence. The triumphs that we have witnessed together through the Olympic games are a common experience. The glory of athletic achievement in one moment both elevates us above those things which divide us, and reduces us to the simple human dignity that is the essence of who we are and what we hold in common. The historic achievements of Jesse Owens both symbolized athletic excellence and spoke eloquently of freedom and equality in the face of a dictator. The grace and elegance of eastern European gymnasts during the 70's and 80's became a silent, yet deafening expression of individualism in the cold world of communist oppression. The stunning victories of today's athletes like Picabo Street define the rugged individualism and freedom that is sweeping the world.

Olympic competition has always been a great leveler, where agendas are left behind in the common pursuit of excellence. However, this ideal is now threatened by something far more destructive than bureaucratic corruption. The explosion in the use of performance enhancing drugs threatens to debase the integrity of Olympic competition itself. Recent years have seen an ever-accelerating rate of drug use among athletes. Revelations about the use of performance enhancing drugs have served to both expose the complexity of the challenge of detection and enforcement of drug policies, and the gross shortcomings of the existing United States Olympic Committee and the International Olympic Committee efforts to address the challenge.

What I wish to underscore by this hearing is that there are no simple solutions to this challenge. As our nation has seen in its failed war on drugs, success in curbing drug use of any kind is illusive. However, a consensus on the necessary elements of an approach to curbing the use of performance enhancing drugs exists.

The first step is the establishment of an independent or external agency to perform year-round, out of competition testing for banned substances. The governing board of this agency must include significant athlete representation and must have complete control over the administration, analysis, and reporting of drug tests. Testing must be universal in that all athletes wishing to compete in the Olympic games should be required to submit to the testing regime established by this independent agency. Significant investment should be made in the research and development of advanced technologies and strategies for the detection and verification of the use of banned substances. Finally, a comprehensive and sustained anti-drug and sports ethics education program should be developed and implemented.

In an effort to achieve these final two objectives, I will soon introduce legislation providing for grants to United States universities to conduct research and development programs designed to develop new technologies and strategies for the detection and verification of drug use among athletes. This legislation will also include grants to universities for the development and implementation of athlete drug education and ethics programs for university and elite athletes.

Olympic competition has always served as a beacon of hope in an often divided world. Our United States Olympians serve as role models of excellence. However, as will be pointed out here today, performance enhancing drug use among young people is now on par with statistics on use of other illegal drugs. We all have a vested interest in reversing this scourge. To fail to act decisively would result in the demise not only of a transcendent athletic event, but of an event that, through pure competition elevates a set of ideals centered upon discipline, perseverance, excellence, and individual human achievement that are so critical in a world increasingly void of such things.

The CHAIRMAN. Senator Wyden.

**STATEMENT OF HON. RON WYDEN,
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Chairman, I want to commend you for holding this hearing and particularly for following through. It would have been very easy after the first hearing to just drop this whole matter and just let it slide. I commend you for your leadership.

What we learned at our first hearing, Mr. Chairman, and for all those who are following this, is that the International Olympic Committee is not exactly tripping over itself to initiate the needed

reforms. Time and time again, the International Committee has talked about initiating changes in this area. It is fair to say that their approach has been all windup and no pitch.

Each time we have seen a scandal on the doping area, the International Olympic Committee has announced and then failed to actually follow through on concrete plans to curb doping. They have talked, yet again, about initiating changes for the 2000 games, but my sense is that nobody should stay up waiting to see these reforms actually put in place.

The real tragedy, it seems to me, is that it would not take a dramatic set of new steps to make a real difference in curbing performance enhancing drugs. For example, seven countries have already joined together in an international anti-doping arrangement.

This independent and respected group could be expanded, but my understanding is that the International Olympic Committee has not even consulted this group about a new kind of approach, a truly independent approach of this nature.

The International Olympic Committee appears far more interested in spending \$150 million to polish up its international image than to try and clean up the tarnished medals that it is awarding.

The reason it is so important that we go forward with this effort, Mr. Chairman, is that we are seeing a public health crisis with respect to these drugs in American youths. It seems that now the same number of kids using some kind of steroid, is the number that are using cocaine.

We know that these kinds of drugs can cause high blood pressure, heart disease, liver damage, cancer, strokes, and blood clots, and to see so many youngsters get caught up in this spiral of dangerous drugs is truly alarming. So I am very pleased that you are following up on this effort, Mr. Chairman.

As you know, Senator Stevens, the Chairman of the Appropriations Committee, has had a long-standing interest in this matter as well. I have talked with him, as well as you. I am very pleased that you are going to be introducing that legislation. I look forward to being one of your cosponsors in this effort and working with you as we have on so many issues of a bipartisan basis.

The CHAIRMAN. Thank you, Senator Wyden.

[The prepared statement of Senator Cleland follows:]

PREPARED STATEMENT OF HON. MAX CLELAND, U.S. SENATOR FROM GEORGIA

Thank you Mr. Chairman for convening this hearing. It is obvious that the increasing use of performance enhancing drugs is having a negative effect on international athletic competition, on the health of the athletes involved and, finally, on the children that aspire to be just like the champions they see on TV.

I would also like to thank General McCaffrey for coming before this Committee to discuss the problems of drug use and doping in sports. No one person has worked harder than General McCaffrey to stop the spread of illegal drug use in this country. I am especially pleased to be a part of his efforts to raise the awareness of youngsters about the dangers of drugs and to encourage parents to play a more active role in helping their children stay drug-free. I have long been a proponent of full funding for the National Youth Anti-Drug Media Campaign, sponsored by his office. What was started as a pilot program in 1997 has expanded into a national media project that reaches as many as 9000 of our young people, four to seven times a week. I suspect this campaign has had an influence in producing the good news reported in the latest National Household Survey on Drug Abuse: this past year saw a 13% drop in overall drug use by our nation's youth!

While this represents substantial progress in getting out the message on the dangers of drug abuse, I am concerned that these efforts will be nullified if our children see professional athletes—who should be role models for America's kids—utilizing performance-enhancing drugs. I have noted that overall drug use among our youth is down, yet statistics show that the use of performance-enhancing drugs among America's children is on the rise. This issue is not new to us, but it is one which we have been slow to address. The use of performance-enhancing drugs by athletes has existed—it seems—as long as the Olympic Games themselves. And now, we are hearing calls from our athletes to put an end to this ancient cycle of corruption. I believe it is high time that we heed this call.

In 1996, my home state hosted the world during the Centennial Olympic Games. Historically these Games have provided a peaceful venue for athletic competition and have resulted in the triumph of hundreds of American athletes. Today, as we address the charges about the illegal use of drugs and steroids, we should remember the spirit behind the Olympic athlete's oath: "In the name of all the competitors I promise that we shall take part in these Olympic Games, respecting and abiding by the rules which govern them, in the spirit of sportsmanship, for the glory of sport and the honor of our teams." Mr. Chairman, I am aware that one of the reasons for discontinuing the ancient Games in Greece was drug use. It is imperative that we not allow history to repeat itself on our watch.

Thank you, Mr. Chairman. I look forward to hearing from our witnesses today.

The CHAIRMAN. We are now honored with the presence of Senator Ben Nighthorse Campbell, a former Olympic competitor himself, and a long time supporter of the Olympics.

I thank you, Senator Campbell, for being here.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,
U.S. SENATOR FROM COLORADO**

Senator CAMPBELL. Thank you, Mr. Chairman. I apologize for being a little late. My schedule said that you were supposed to start after the vote at 10. I guess the vote was moved and I did not hear that. I apologize for being late.

I do thank you for the opportunity to address the Committee and make a few comments. As you know, I have a particular interest in this matter. You mentioned I was a member of the U.S. Olympic team, and I am very proud of that.

In fact, some years ago, then Senator Bill Bradley and Congressman Tom McMillan and I started a U.S. Congressional Olympic caucus which was basically designed to get the message to our colleagues here in the House and the Senate both about what the Olympic movement is about in the United States; and also to try to have young Olympic athletes visit the Hill, to meet their Congressman, and meet their Senators on a first-hand basis.

But, like most Olympic athletes who have had the opportunity to represent the United States in a very, very glorious and wonderful experience, I am deeply disturbed about this relatively new problem of performance enhancing agents, commonly called doping or drugs.

I cannot remember it being that big of a problem years ago when I was competing or when I was coaching for almost 10 years after I retired in 1964 from competition. But there were some things being done.

I think it is important, as I have mentioned to you before, Mr. Chairman, to remember that the United States Olympic Committee and the International Olympic Committee are two different bodies. Now they are affiliated, but the IOC does not take its orders from the United States Olympic Committee.

Even in those years ago, there were certainly rumors of enhancing performance. One of the most common in those days was called blood doping, which was a method of super charging your body by taking blood out beforehand and then putting more blood back into your system—your own blood, by the way —back into your system just before a competition.

Thereby, enabling the blood stream to carry more oxygen than hemoglobin, and you would literally have much more stamina and endurance, particularly for distance events and cycling, things of that nature. There were rumors of that being done. Certainly, early on, we had heard of the use of steroids, too. But I did not know of it as being wide spread.

It may be much more widely spread now since it seems to be on the media quite a bit more. But it probably is growing. But I would like to repeat, the United States Olympic Committee, as near as I can tell, and having their headquarters in my State of Colorado and paying pretty regular visitor to the Olympic Committee, and knowing the President, Mr. Bill Hybl very well, and many of the members of the Olympic Committee, too, I know that the U.S. Olympic Committee takes very seriously the question of doping and considers that problem a fundamental matter of cheating, as they always have.

I want to commend them for the positive steps they have taken to detect and prevent serious problems of doping in the future. I understand that it is the intent of the USOC to take immediate action in order to detect and prevent doping as soon as the upcoming 2000 Olympics in Australia. That quick and decisive action is attributable to the USOC and the entire Olympic movement.

As a former Olympian, I certainly applaud that aggressive stance. The current rules, in fact, of the USOC are so strict that even things such as antihistamines that are taken for the common cold, or caffeine from too many cups of coffee in a day, or some of the very common over-the-counter asthma medicines, even some of those things can show up in a drug test that the USOC does for athletes. So, it is very, very strict.

I think it is important that Olympic competitors, in fact, not just for America, but for all countries, serve as the role models for today's youths. We certainly need them and we cannot afford to send the message that it is acceptable for any athlete from Little League to Olympian to rely on performance enhancing drugs in order to play a better game.

I prefer to think we ought to do it the old-fashioned way, through hard work, through perseverance, through practice, through confidence, through good coaching, and perhaps improved diets and things of that nature.

But we know that we cannot make a rule to make all other countries abide by it. Even in the years I competed, some of the stories that we were hearing about then, some of the Soviet Olympic Committee or team members, were on many performance enhancing drugs.

We do not condone that, and I am sure that there is every effort being made to try to make sure that the IOC makes tighter and tighter rules for their athletes.

But I would just like to say, I have been very happy working with the U.S. Olympic Committee in this endeavor. I have no doubt that this program will make great strides in the elimination of doping in future Olympic sports.

I just wanted to commend you on doing this hearing. I also will note with interest that General McCaffrey has had an ongoing interest in this, too.

As the Chairman of the Treasury Subcommittee which oversees the budget for the drug Czar as you know, Mr. Chairman, I have worked very closely with the General, and am absolutely confident that his input can be of great use to our international movement for making sure that drug enhancing agents are not used for our athletes.

Thank you for giving me the time, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Campbell.

We are at an unfortunate point where there is a vote on and I think the best thing to do, Senator Wyden, is just to go and vote and come back. Obviously, Senator Campbell, you are welcome to join us here.

Senator CAMPBELL. Thank you, Mr. Chairman. I have to Chair a hearing myself so I will not stay.

The CHAIRMAN. OK.

Mr. McCaffrey, I want to extend an apology to you and the other witnesses. It will take us approximately five to 7 minutes to get over and back. I am a little quicker than Senator Wyden is, so I will probably be back before him. So, we will take a brief break here.

[Recess.]

The CHAIRMAN. General, we will start back again.

The hearing will come back to order and I note the presence of Senator Stevens who was literally the father of all legislative efforts concerning United States involvement in the Olympics.

Senator Stevens, do you have any opening comments before General McCaffrey makes his statement?

**STATEMENT OF HON. TED STEVENS,
U.S. SENATOR FROM ALASKA**

Senator STEVENS. Yes, very briefly. I commend you for holding these hearings.

It is just about 20 months ago that Don D. Broda and I went to Lausanne to talk to Mr. Samaranch about the issue of doping. I think the IOC and the U.S. Olympic Committee had been working very hard on the issue.

I am anxious to hear the testimony of the witnesses, and I do think it is a subject that we have got to work on to ensure that there is a program that is effective and fair to the athletes at all levels.

Thank you very much.

The CHAIRMAN. Thank you, Senator Stevens.

General McCaffrey, welcome.

**STATEMENT OF GENERAL BARRY R. MCCAFFREY, DIRECTOR,
OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE
OFFICE OF THE PRESIDENT**

General MCCAFFREY. Mr. Chairman, thanks very much for the chance to testify in front of your Committee. I want to thank you, Senator Hollings, and Senator Stevens, in particular, for your leadership on this issue over the years and for crafting the Amateur Sports Act which essentially is our fundamental document in how we approach this in the government.

Now let me also recognize several people in the room that have been either called by you to testify or who helped craft our own thinking on this issue. The Drug Enforcement Administration Acting Administrator, Donnie Marshall is present, Secretary Shalala's team is present, Christine Quinn and Tom Vischi, and from the State Department, Donna Gialotti is present, all have been very much involved in this project from the beginning.

We have also worked very closely in forming our own ideas with Bill Hybl, at the U.S. Olympic Committee, and also Dick Schultz and Dr. Barron Pittenger. Bill will, of course, testify later, and we look forward to continuing our partnership with him.

Possibly, most importantly, I have sought out the advice and counsel of some of our athletes, the people who have helped shape the sport, who stand as symbols to all of us on what we are trying to achieve.

Frank Shorter, I know, will testify in front of this Committee. He joined my delegation to Lausanne, Switzerland, in January, 1999 to talk to the issue. He will join me in Australia in November, 1999 at the 26 Nations Summit, to address the problems of doping in Olympic sports. We appreciate his counsel.

Carl Lewis is not here, the fastest man on earth, but he has been very much involved with us.

I very much appreciate Nancy Hogshead being here, a spectacular, nationally known athlete. She and Donna de Varona, who I have taken to calling the First Lady of American sports, have been instrumental in our own thinking. Donna will come with me to Australia as part of our official delegation.

Finally, Edwin Moses has been a prime architect of our own thinking on the National Drug Control Strategy as it relates to sports.

Dr. Gary Wadler and Professor Doriane Coleman have both been essential to the drug strategy that I will release today.

I would like to point out Mr. Scott Serota is here, representing Blue Cross/Blue Shield. They have recently formed the Healthy Competition Foundation which we expect will assist in one of the greatest shortcomings we have which is the lack of adequate scientific research on this issue.

Finally, Mr. Chairman, let me point out someone who I will use as a prop, Joy Avedesian, one of our own ONDCP interns. She is a UC Irvine student here for a semester with us. She is a Big West scholar athlete, played on a championship team and is also a youth soccer coach.

At the end of the day, she and her efforts are really what we are talking about as well as the 100 athletes on the face of the earth

who may be capable of winning an Olympic gold medal in a given sport.

Mr. Chairman, there are two documents I would like to offer for your consideration. First is our written testimony. We put—

The CHAIRMAN. Without objection, your statement will be made part of the record, General.

General McCaffrey. We have done a lot of work on that. It has been cleared by our inter agency process and we have shared our thinking with our own stakeholders.

Secondly, today I am announcing that we are putting into public play, the U.S. and International efforts to combat drug use and doping in sport, for our own ONDCP attempt to carve out some concept to organize our thinking in the coming years. I offer that for your consideration.

It is a work in progress. We do not have a fixed idea. I will, as I will explain, go to Europe in October and try to solicit the thinking of our European partners, and then I will go to Australia in November and talk to more than 26 nations.

Here is the problem. The problem is a wide-spread belief in international competition, as well as national competition, which has now spread down to little league baseball and high school swimming, that if you want to compete and win, chemical engineering of human performance is part of the game.

That is what we are concerned about, not just tarnishing the beauty of the Olympic movement, not just artificially generating standards that can never be achieved through sheer talent, dedication, and good coaching, but instead, we are worried about the snap shots—we only have one good study on it.

We have a 1995 CDC study that notes that we now have a situation where steroid use among young girls ages 9 through 13 in America is greater than young boys. It has hit 3 percent of that age group population.

We have wide-spread use of doping agents throughout the United States among young adolescents. We are talking about 550,000 kids used steroids in 1995, and the number is undoubtedly greater now.

We are talking about a situation where you can get on the Internet, order these drugs with the participation, perhaps, of your team doctor or team coach. They can come to you through international mail, and you can be involved in destructive chemical engineering of your own body.

Here are two snap shots that I just put on the table and I will be willing to address them in greater detail.

Joy, next chart.

[Chart.]

General McCaffrey. We do have a strategy, and we have outlined our thinking. I very much appreciate the participation in developing ideas, not only of my Cabinet colleagues, but also Thurgood Marshall and Mickey Ibarra in the White House. I asked Mickey to come along with me to Australia, and again, be part of our official delegation.

But here is a broad overview. Here is what we are trying to do. Certainly one essential piece of it is that Congress gave me more than a half billion dollars last year for the National Institute of

Drug Abuse. In the last 4 years, we have increased our funding by 36 percent on basic research, on drug abuse, and its implications. We fund more than 85 percent of the global research on this issue.

We are willing to bring this research capability to bear and support not only the U.S. Olympic Committee and try to address our own national problems, but also in support of the international movement. I have made that offer in Lausanne, an initial offer of \$1 million.

We have the Center of Alcohol and Substance Abuse studies at Columbia University. Dr. Herb Kleber, and his colleagues, are going to carry out our initial research efforts.

We also clearly have to have some notion of: How do we sort out the government's role and the oversight of both amateur sports anti-doping programs and our relationship with the international community? What roles should we take?

I very much look forward to hearing the ideas of Congress in the coming year on what you think we ought to focus on. The other thing we have done is we have gone out and told not only the USOC, Bill Hybl, but also Mitt Romney, at the Salt Lake Olympic Committee to consider us servants of ensuring that the United States runs the most drug-free Olympic climate possible when we host the games.

We are going to try to stand behind our leadership efforts. We are very impressed by both those men and what they are trying to achieve.

Finally, it seems to me that a lot of the discussion has been focused around testing. That is essential, but there is a larger issue at stake which is, "How do we talk to and have a dialog among American athletes and international athletes," where we capture the thinking that you will hear from the testimony of Nancy Hogshhead and others, which suggests that athletes themselves want a level playing field. They do not wish to compete in an unfair environment.

One of the most articulate spokespersons that I have dealt with, courtesy of Bill Hybl out at the Olympic village, was a weight lifter, Wes Barnett, who said, "Look, I have been doing this 16 years, drug-free, and I never get above a bronze medal because I am competing against people who are artificially generating a capability that the human body cannot achieve otherwise." We have got to do something to support athlete's efforts.

Next chart.

[Chart.]

General McCaffrey. There should be an international component to this. Now, Mr. Chairman, on this chart, we have outlined five principles that we put on the table.

There is not a U.S. demand for an independent doping agency where we outline our views on how it should be structured, the rules it should engage, where it should be located. I think we ought to join a consensus on this.

I would also suggest that those five principles that were widely accepted among our international partners in Lausanne, in which I still think held great credibility throughout the Olympic movement, are what we think are important.

We do want to see an independent drug testing agency not only in the international sports movement, but here in the United States. We do want year round vulnerability to testing.

In the modern era that Senator Campbell talked to, you cannot simply test for steroids with the gold, silver, and bronze medal winners. You are only going to catch the stupid cheaters if you do that.

So we need year round vulnerability because the point of the matter is not to catch cheaters; it is to guarantee the competitors a level playing field. We clearly want no statute of limitations.

We want to say that if we uncover Stasi East German secret police records years later and find out that 10,000 East German girls had been fundamentally damaged by steroid abuse and that many of their records are tarnished, we want no statute of limitations on that. That should run out toward the future. That really gets to the fourth point.

Right now, research is inadequate to identify EPO, GHP, the whole range of artificial testosterone and other drugs that are coming on-line. We ought to freeze samples. We ought to say that down the line, if you are uncovered as having cheated, you will be stripped of your honors.

Then finally, as I mentioned before, we need better research. We have to go after a problem that is not rocket science. There is no way that we cannot address this problem, if we get organized, if we capitalize on the ongoing research that the Brits have on-line, and others.

Now, if I may, let me hold up two documents and talk to them for a second. There has been—and I really will respond to your questions in detail on what our problems are.

These are two documents out of the International Olympic Committee. One is draft five, 9 September 1999, World Anti-Doping Document. It is a marked-up copy. We have not gotten this officially. I do not believe any national government has.

There are bodies that relate to international organizations that have copies of this. The EU Sports Minister has a body which gave her a copy, but we have not been formally notified of this.

The second document out of the IOC, in August 1999, done in Lausanne, the Olympic Anti-Doping Code, the Medical Code. These two documents are unacceptable in responding to those five principles.

You have to read all four corners of the documents, but these are not independent agencies to begin with. Indeed, the Olympic Anti-Doping Code talks to the notion that this independent agency only recommends actions to the IOC.

Secondly, we find that if you strip out all the cover clauses, at the end of the day, a plenary body need only meet once a year. An executive committee will do the work of the body. That executive committee—you know, I have probably been 15 years working with international agencies, I have never seen anything like it.

This does not have the standard protections of transparency, of publication of records, of accountability, of conflict of interest clauses. They are not there and that executive committee, for the first year or so, will set up an agency and have it underway without it being responsive to the needs of the international community. I think it needs further discussion.

It is also, probably, in the wrong place. It is co-located with the IOC. But, again, I do not think the U.S. has a fixed opinion on what the outcome should be, but we would hope that all of us, acting on behalf of athletes, will address those five principles.

The second document is from the U.S. Olympic Committee. It is pretty good work. Again, I do not think it is at the end of its developmental cycle, but the U.S. Olympic Committee has gone for the notion of drug testing externalization. So we have the beginnings of an attempt to form a separate body that has power, not just to form policy or recommendations, but to make decisions, to adjudicate questions, to provide sanctions, to do research, et cetera.

I think this probably needs more work, but I have to tell you, they are moving in the right direction. Hopefully, this document will be found compelling not just by the USOC bodies, by our NGBs, but also by the NCAA and possibly down the line by professional sports. It will say that this looks like a good way to get out of the dilemma we are in. So I have to commend them for where they have gone.

Next.

[Chart.]

General McCaffrey. Here is the road ahead, and the end of the trail is problematic. We are grateful for this hearing and for the work of the Congress in identifying the problems of not only doping in sport, but other issues of reform of the IOC.

We intend to take our strategy and in cooperation—this will be an open books process. We are going to make it transparent and involve all of our stakeholders. We will form a task force. We will try and form some more concrete thinking on it.

For example, the USOC Independent Drug Testing Agency, at some point, needs quasi-governmental authority, that Congress needs to define for us. It needs to be an instrumentality of the United States. It needs to be able to join the IADA, which is only open to government bodies.

At the same time, we have to be very respectful of the notion of amateur sports and the independence of amateur sports from Federal intervention. We will form that task force in the coming weeks. We will have a national stakeholders meeting.

Our whole idea is to try to begin implementation of new thinking before the Sydney Summer Olympic games and full implementation before we get to Salt Lake City.

Well, that is about it. That is where we are. Again, Mr. Chairman, I thank you for the chance to come over here and lay some of these concepts in front of you, and we look forward to working with your Committee members in the coming months.

[The prepared statement of General McCaffrey follows:]

PREPARED STATEMENT OF GENERAL BARRY R. McCAFFREY, DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT

Mr. Chairman, Senator Hollings, thank you for the opportunity to testify before you today on combating drug use in sport. We thank this Committee and its members for your long-term commitment to athletics here in the United States and internationally. In particular, thank you Mr. Chairman and Senator Stevens for your individual leadership within the U.S. Olympic movement and your support of our nation's athletes. Senator Stevens, the Amateur Sports Act, which you played the lead

role in creating, has helped the United States and the U.S. Olympic Committee (USOC) develop one of the most outstanding Olympic programs in the world.

INTRODUCTION

Throughout American history athletics have played a significant role in our national culture and identity. Before this nation was born, Native Americans played lacrosse. When World War II struck, Franklin Roosevelt wrote to the first commissioner of baseball asking him not to cancel the season—the President believed the American people needed something to lift their spirits in those dark days, and asked only that the games be extended into the night so the day shift could also turn out. One of the greatest defeats ever handed Hitler and the Nazis was dealt by Jessie Owens. Athletes, like tennis' Althea Gibson, basketball's Wilt Chamberlin and baseball's Jackie Robinson, were among the first to tear down the racial barriers that had so long divided our nation. The USA Hockey "miracle on ice" lifted the Cold War spirits of this country and presaged the end of an era on the ice and off. The recent Women's World Cup soccer tournament struck a blow for "girl power" across this nation and the world.

Sports occupy a special place in the hearts of the American people. On home game weekends, the most heavily populated "city" in Nebraska is Cornhusker Stadium. My alma mater, West Point, defines a successful year largely by how we fared against the other service academies—with all due respect to the Chairman who may have a similar, but "opposing" view on this issue.

Our youth look up to athletes as heroes. Great performances on the fields of play are a source of inspiration. As Americans, we gain from our athletes a common, national pride.

Sadly, drug use in sports now puts all of this at risk. Doping and drug use in sport are so pervasive that they jeopardize the ethics and integrity of athletic competitions—the intangibles that give greater meaning to a game than just "putting points on the board." Most importantly, this drug use puts the lives and health of our athletes at real risk. There is no victory worth the suffering these substances can bring. This threat is no longer confined to a mere handful of Olympic athletes. Today, drug use in sport can be found in the local high school football locker room and on the neighborhood soccer field. Children—some as young as twelve years old—are turning to drugs to gain an upper hand in contests where only a gold-painted plastic trophy is at stake.

Our current efforts—governmental and nongovernmental, national and international—have been inadequate to address this threat. If we fail to act now—the damage to the Olympic movement, the beauty and glory of sport, and the futures of our nation's children and athletes will be serious and lasting.

Today, the Office of National Drug Control Policy is releasing a national strategy to help address the threat of drug use and doping in sport (the Strategy is described further in section III of this testimony). This Strategy builds upon a series of important successes. ONDCP pushed the International Olympic Committee (IOC) to make marijuana a banned substance after an athlete who tested positive for marijuana was awarded the Olympic gold and hoisted up on the medal platform as a hero to all the world's youth. The IOC responded and marijuana is now prohibited. We also worked closely with the National Basketball Association and the NBA players union to close the loophole in the league contract that allowed marijuana use. Last year, we ran the first ever National Coachathon Against Drugs. Major League Soccer ran a clinic at their championship game. Professional coaches, Major League Baseball and National Football League stars, college coaches and others turned out across the nation to help keep our youth drug free. The NFL Vikings' Dennis Green, who served as an honorary chair, and the Patriots' Pete Carroll were particularly generous with their time. These efforts will move into a more coordinated and comprehensive phase with this new Strategy.

Before turning to the substance of this hearing, it is appropriate to recognize the many people and organizations represented here in this room today who helped us develop this Strategy. Allow me to begin with the athletes—they are the heart and soul of this effort.

Frank Shorter won the Olympic gold medal in the marathon at the 1972 games—he took Silver in 1976 finishing behind a competitor that the evidence suggests was doping. Mr. Shorter's determination to fight doping, however, comes primarily from being a father—he doesn't want to see his son faced with the decision to either use drugs or stand no chance of victory. Mr. Shorter has been an important advisor to ONDCP in our anti-doping efforts. He joined me as part of the U.S. delegation to the World Conference on Doping in Lausanne, Switzerland in February 1999. Mr.

Shorter will also serve as a member of our delegation for the 1999 Australian led Summit of Governments to Combat Drug Use in Sport in November of this year. No one knows the uphill struggle that an athlete faces when competing against a competitor who is cheating through chemical engineering better than Carl Lewis. In 1998, the two fastest men on earth faced off at the Seoul Olympics in the men's 100-meter race—Carl Lewis and Ben Johnson. Mr. Johnson crossed the finish line first, but his victory was ill gotten and illusory. Mr. Johnson's drug test revealed that he was using steroids. Mr. Johnson was stripped of his medal and his honor. History—and the record books—show Mr. Lewis as the real champion. Competing cleanly he captured a total of nine gold medals, including tying Jessie Owens' record of four gold in a single games. Mr. Lewis has long been an advocate of ending drug use and doping in sport. Recently, Mr. Lewis saw press accounts of ONDCP's efforts to combat drug use. He immediately called ONDCP and pledged his support. We are grateful that he took the initiative to reach out to us and we have benefited greatly from his support.

Two other athletes who are not here today also deserve special mention. Mr. Edwin Moses is one of the finest athletes ever to grace the world stage. From 1977 to 1987, he won an incredible 107 consecutive 400-meter hurdle races, including the 1984 Olympics—a feat that may never be truly equaled. In addition to being a champion athlete, Mr. Moses deserves a gold medal for civic leadership. Mr. Moses has also served as the head of the USOC's anti-doping committee—a challenge he accepted in an effort to reform the system. In our opinion, he has been one of the world's most outspoken leaders working for the creation of a level drug-free playing field for sport. He is one of the few individuals who has the perspective of both an elite athlete and an anti-doping administrator. Over the last few months, Mr. Moses support and insights have been an important contribution to ONDCP's efforts. It is indeed an honor to work with a sportsman and statesman of his caliber. Mr. Moses will also serve as part of our delegation for the 1999 Australian led Summit of Governments to Combat Drug Use in Sport.

Ms. Donna de Varona, who helped Senator Stevens in developing the Amateur Sports Act has also been a tremendous asset to us. In addition to being a gold medal swimmer, Ms. de Varona is an award winning sports broadcaster. She helped bring the unbelievably successful Women's World Cup to the United States. She is a real champion of "girl power" in sports. And, she has been a leader in the movement against drug use in sport. In short, we have taken to calling her "the First Lady of American sports." In keeping with her tradition of public service, she has been a great help to us.

In addition to the support of the athletes we have also worked closely with the USOC. Americans take great pride in our Olympic teams and the accomplishments of the largely volunteer USOC. Under the leadership of Mr. Bill Hybl, Mr. Dick Schultz and Mr. Baaron Pittenger, the USOC is committed to ending the threat of drug use in sport. ONDCP has been impressed by the USOC's willingness to move forward and address this threat in a considered manner—as opposed to the reaction of others who have sought to adopt public relations not public policy solutions. We look forward to working with the USOC and other stakeholders as we move ahead. In developing our strategy we have reached out to the experts in the relevant fields. Allow me to recognize the contributions of two such individuals who are here today as witnesses: Dr. Gary Wadler and Professor Doriane Coleman. Dr. Wadler is one of the world's preeminent sports medicine doctors. His medical advice has been vital to us in developing our strategy. We are delighted that he has been a source of advice. Professor Doriane Coleman's work on the legal issues associated with drug use and doping in sport is similarly groundbreaking. In addition, she has defended the rights of athletes in doping cases. She brings an important, practitioner's voice to the table. We thank both of these individuals for their hard work.

The Olympic sponsors are another voice that must be heard if we are to make progress in bringing an end to drug use in sport. Recently, I stood with Mr. Scott Serota and the leadership of Blue Cross/Blue Shield as they launched the Healthy Competition Foundation. This new not-for-profit, public interest foundation is dedicated to educating children and athletes about the dangers of drug use. The Foundation is also charged with working to encourage the IOC to implement real reforms to help end drug use in sport. As both an Olympic sponsor and health care company, Blue Cross/Blue Shield's involvement sends an important message to all those involved that the time has come for a change. ONDCP congratulates the "Blues" for their leadership and we look forward to working with the Healthy Competition Foundation.

As you can tell from this introduction, for over a year now, ONDCP has been hard at work listening to America's athletes, doctors, sports leaders and other stakeholders. Through these efforts it has become abundantly clear that the use of drugs

in sports has become an international crisis of both public health and public confidence. Section I of this testimony will set out our conclusions about the threat of drug use and doping in sport. Section II of this testimony outlines the need for a new approach. Section III briefly lays out the highlights of the national Strategy that has been developed by a federal inter-agency working group in close consultation with various stakeholders. A copy of this strategy is provided as appendix A to this testimony and is incorporated by reference. This section highlights our efforts at the international level, which we believe are now entering a critical phase. This Committee is about to hear from a representative of the IOC about their efforts on the international level. This section should be of particular interest.

I. THE THREAT OF DRUG USE IN SPORTS

From the "Miracle on Ice" to Dan Jansen's gold medal win dedicated to the memory of his sister, sports inspire us all to try harder and be better. As parents—and as a nation—we rely upon athletics to help us nurture healthy, strong children and to inculcate important values. For example, according to the Department of Health and Human Services, a child who plays sports is 49 percent less likely to get involved with drugs than a peer who does not play sports.¹

However, these positive aspects of sport are now at risk to drug use and doping. Drug use and doping in sport has reached a level where athletes increasingly believe that they cannot compete honestly and win—chemical engineering is now perceived as a *sine qua non* to success.

Drug use deprives honest athletes of a lifetime of hard work and dedication. Shirley Babashoff won six silver medals behind East German swimmers. When she raised questions about doping by the East German medal winners, the press unfairly denigrated this superb athlete of such enormous integrity. Subsequently, newly opened *Stasi* files made public through a series of lawsuits show that the former East German sports machine doped thousands upon thousands of athletes, many of whom were unwitting children—including Ms. Babashoff's competitors. To date nothing has been done to redress this extreme injustice.

Every great victory is questioned. Track legend Edwin Moses and wrestling hero Bruce Baumgartner—both of whom compete cleanly and are leaders in fighting drug use—have spoken out about the anguish and loss of dignity they feel when total strangers approach them and ask if their honest victories were the product of doping. Even the 1999 Tour de France victory of Lance Armstrong, who came back from cancer, has been doubted. At base, doping has become so widespread that the many athletes who compete and win based solely on talent and determination are still viewed with skepticism.

America's youth are at risk. The threat of doping affects not just a few elite athletes, but millions of American children at all levels who dream of Olympic gold and other sport victories—from little league baseball to youth soccer to high school swimming. This threat occurs not just at the world class level, but in our own neighborhoods and schools.

- In 1998, a survey of Massachusetts youth reported in the well-respected journal *Pediatrics* found that 3 percent of girls ages 9 to 13 have used steroids.² Use among boys was found to be just under 3 percent. This is the first time that the use of steroids among girls was found to surpass use among boys. For both boys and girls, these levels are on par with use of other drugs of abuse. For example, the 1997 National Household Survey found that lifetime cocaine use by children ages 12-17 was 3 percent.
- The Healthy Competition Foundation's 1999 survey found that 1-in-4 young people personally know someone using performance enhancing substances. Knowledge grows substantially with age—9 percent of 12 year olds personally know someone doping, compared with 32 percent of those ages 15-16 and 48 percent of those ages 17 and older.³

¹See HHS, *Adolescent Time, Risky Behavior, and Outcomes: An Analysis of National Data* (September 1995); see also NFHS, *The Case for High School Activities* (undated) (available at www.nfhs.org) (discussing Hardiness Center study finding that roughly 92 percent of participants in high school sports were non-drug users, received above average grades and had better chances of attending and succeeding in college); T. Collingwood, et al., *Physical Fitness Effects on Substance Abuse Risk Factors and Use Patterns*, 21 J. Drug Education 73-84 (1991); E. Shields, *Sociodemographic Analysis of Drug-Use Among Adolescent Athletes: Observations—Perceptions of Athletic Directors-Coaches*, 30 *Adolescence* 839-861 (1995).

²See A.D. Faigenbaum, et al., *Anabolic Steroid Use by Male and Female Middle Students*, *Pediatrics*, May 1998 (this survey was conducted in public middle schools in Massachusetts).

³*Id.*

- The majority of young people report that steroids are easily available through their friends and their coaches.⁴

The threat of drug use in sports is growing. Our National Drug Control Strategy is producing real progress in reducing overall youth drug use. According to the 1998 National Household Survey, overall youth (age 12 to 17) drug use is down 13 percent from the previous year. Among this critical age group cocaine use is down 20 percent and inhalant use is down 45 percent over the same period. However, in sharp contrast, research indicates that today's highly competitive athletic world is causing youth performance enhancing drug use to grow significantly.

- According to the Monitoring the Future survey, the rate of steroid use among twelfth grade girls jumped 100 percent from 1991 to 1996. During this same period, steroid use among 10th grade females jumped 83 percent, and 75 percent among 8th grade females.

- Makers of Androstenedione (Andro) self-report that Andro sales are up roughly five-fold since last year.⁵ (Andro, currently classed as a food supplement, is believed by many to improve performance. The DEA is engaged in a scientific process to determine if Andro actually produces muscle growth—and, in turn, whether it should be classed as a steroid).

Drug use in sports is now widely perceived as a public health crisis. The performance enhancing drugs now being used by increasingly younger and younger children put lives and health in real jeopardy. The American people recognize these risks and want them ended.

According to a 1999 survey by the Healthy Competition Foundation, 75 percent of American adults see drug use and doping in sport as a public health problem.⁶

- This survey also found that 83 percent of American teens and pre-teens and 86 percent of adults disapprove of current drug use and doping in sport.⁷

Performance enhancing drugs put the health and safety of those who use these substances at serious risk. These risks are particularly high for young people; the use of exogenous hormones during a child's development can seriously impair and/or alter the normal cycle of development. No victory is worth the damage these substances do to human health.

- The risks of steroid use include: elevated cholesterol levels; increased risks of heart disease; serious liver damage (e.g., blood filled cysts and tumors); androgenizing of females (the irreversible development of male secondary sex characteristics by girls, including clitoral hypertrophy, breast atrophy and amenorrhea); behavioral changes, particularly heightened aggressiveness; and, feminization of males (including shrinking of the testes, low sperm counts, the development of high-pitched voice and breast development).⁸ Adolescents are also at risk of permanently stunting their growth.

⁴See SM. Tanner, et al., *Anabolic Steroid Use by Adolescents: Prevalence, Motives, and Knowledge of Risks*, 5 Clin. J. Sports Med. 108-115(1995). Fifty-five percent of young people report that steroids are easily attainable. *Id.* Friends and coaches were the two most often reported sources for these drugs. *Id.*

⁵See Steve Wilstein, *Baseball Unlikely to Rule on Andro*, Associated Press, Feb. 27, 1999 (citing tenfold increase). The industry's own study noted a three-fold increase between the time of the McGwire revelation (August 1998) and December 1998 alone. See Steve Wilstein, *McGuire Powers Andro Sales to 100,000 users, Doctors Fear Hazards*, Associated Press, Dec. 8, 1998.

⁶Blue Cross/Blue Shield, Healthy Competition Foundation. Summary of Findings From National Surveys on Performance Enhancing Drugs, August 1999.

⁷*Id.*

⁸See, e.g. Werner Franke, Brigitte Berendonk, *A Secret Governmental Program of Hormonal Doping and Androgenization of Athletics: The German Democratic Republic* (unpublished manuscript) (documenting health impacts on GDR athletes who used performance enhancing drugs); A.B. Middleman, et al., *Anabolic Steroid Use and Associated Health Risks*, 21 Sports Med. 251-255 (April 1996); SM. Tanner, et al., *Anabolic Steroid Use by Adolescents: Prevalence, Motives, and Knowledge of Risks*, 5 Clin. J. Sports Med. 108-115 (1995); MA. Nelson, *Androgenic-Anabolic Steroid Use in Adolescents*, 3 J. Pediatric Health Care 175-180 (Jul-Aug 1989); C.E. Yesalis, et al., *Anabolic Steroid Use Among Adolescents: A Study of Indications of Psychological Dependence*, in C.E. Yesalis, ed., *Anabolic Steroids in Sport and Exercise* 215-229 (1993); C.E. Yesalis, et al., *Anabolic-Androgenic Steroid Use in the United States*, 270 JAMA 1217-1221 (1993); M. Johnson, et al., *Steroid Use in Adolescent Males*, 83 Pediatrics 921-924 (1989); K.E. Friedl, *Effects of Anabolic Steroids on Physical Health*, in C.E. Yesalis, ed., *Anabolic Steroids in Sport and Exercise* 109-150 (1993); R.H. Durant, et al., *Use of Multiple Drugs Among Adolescents Who Use Anabolic Steroids*, 328 N. Eng. J. Med. 922-926 (1993).

The adverse health impacts of performance enhancing drugs on athletes as documented in the German criminal doping trials have been devastating.⁹ The files of the *Stasi* (the German secret police who ran East Germany's national doping program) clearly reflect these health horror stories in frightening detail.¹⁰ *Stasi*-documented health problems include: Androgen-induced amenorrhea, severe ovarian cysts, advanced liver damage, and fetal malformation among pregnant women.¹¹

In the worst cases these drugs can even be deadly. The drug erythropoietin (EPO) is widely thought to have contributed to the deaths of 18 Dutch and Belgian cyclists and 12 Scandinavian orienteers in the late 1980s and early 1990s.¹² Documented incidences of deaths related to the use of performance enhancing drugs go back more than a century.¹³

Trafficking in performance enhancing substances is a large and growing criminal industry.

- In the last year, the Drug Enforcement Administration has carried out a number of steroid investigations. In Dallas, authorities broke up a ring that smuggled steroids from Mexico for distribution to local gyms and high schools. In Pittsburgh, DEA agents worked with Thai counterparts to identify an international steroid ring that illicitly sold steroids over the Internet. In New York, the DEA arrested 15 members of a Russian organized crime group that reportedly smuggled more than two tons of anabolic steroids into the United States. The DEA is also conducting ongoing investigations of the importation of products labeled as androstenedione that actually contain steroids.
- According to the DEA, these and other investigations indicate that the international sale of steroids is becoming increasingly sophisticated and entrenched in criminal networks.

II. THE NEED FOR A NEW ANTI-DOPING APPROACH

Current anti-doping systems fail to provide athletes with the assurance that a level playing field exists for those who do not want to cheat. Moreover, many athletes believe that the existing systems are public relations tools, not effective counter-drug programs. Many athletes believe that these systems are run in such a way as to catch unknown athletes—but not stars or potential medalists.

Irregularities abound. The athletes, in general, completely lack confidence in the ability of the international community to prevent, detect and punish drug use in sport. Moreover, the persistent pattern of irregularities in international competition raises serious doubts about the existing commitment of the IOC and the international community to protect the interests of the vast majority of honest athletes, the virtues of sport, and the health and safety of the competitors.

At both the Atlanta and Los Angeles games the IOC Medical Commission failed to act on a series of positive drug test results among medal winners for banned substances. During the Atlanta Games only two positive samples were announced.¹⁴ However, in an interview with the *London Sunday Times*, an internationally recognized expert who helped with the testing in Atlanta stated that

⁹ See Richard Panek, *Tarnished Gold*, *Women's Sports and Fitness*, May 1, 1999, 124. "Rica Reinisch, winner of three golds in 1980, blamed her ovarian cysts on hormones she'd taken... Shot-putter Heidi Krieger, the 1986 European champion, contended that her unwitting ingestion of male hormones had led to facial hair, an Adam's apple and her eventual decision to undergo a sex change."

¹⁰ Werner Franke, Brigitte Berendonk, *A Secret Governmental Program of Hormonal Doping and Androgenization of Athletics: The German Democratic Republic*, 43 *Clinical Chem.* 1262-1279 (1997).

¹¹ *Id.*

¹² See Sean Fine, *et al. Canadian Cyclist Watches Dream Die*, *The Globe and Mail*, Nov. 7, 1998; Dr. Gary Wadler, *Drug Abuse Update*, *The Medical Clinics of North America*, 439-455 (1994).

¹³ See G. Wadler and B. Hanline, Introduction, in *Drugs and the Athlete*, 1-17 (1989). In 1886, an English cyclist died from an overdose of the stimulant trimethyl. See Gary Wadler, *Doping in Sport: From Strychnine to Genetic Enhancement, It's a Moving Target*, presentation before the Duke Conference on Doping, May 7, 1999. In 1904, marathoner Thomas Hicks became the first death in the modern Olympics from the stimulant strychnine. *Id.* In 1960, Danish cyclist Knud Jensen died during the Rome Olympics from amphetamines. In 1967, English cyclist Tom Simpson died during the Tour de France. The autopsy revealed high levels of amphetamines. See E.M. Swift, *Drug Pedaling*, *Sports Illustrated*, June 5, 1999, at 65. Among the most egregious drug use practices reported by Mr. Voet, is the use of the so-called "Belgian cocktail"—a mix of amphetamines, cocaine, caffeine and heroin.

¹⁴ See John Hoberman, *SmithKline Beecham and the Atlanta Olympic Games* (unpublished paper on file at ONDCP).

"There were several other steroid positives from around the end of the Games which we [the lab] reported."¹⁶ Lab officials subsequently reported that in each of these instances the samples were passed along to Prince de Merode, the Director of the IOC anti-doping program.¹⁶ Prince de Merode has publicly stated that he discarded the samples for unstated "technical difficulties."¹⁷ Neither the lab reports, nor the names of the athletes in question, nor the purported technical difficulties have ever been disclosed.

Structural flaws undermine existing anti-doping approaches.

- These problems exist not just at the world level, but here domestically. U.S. laws provide inadequate regulation over a range of performance enhancing drugs. Domestic sports, particularly professional sports, do not ban a number of substances that are banned in international competition. These conflicting regimes confuse athletes and the public and cause international concerns about U.S.-based anti-doping programs.
- Existing federal standards also require improvement. For example, a 1995 DOJ/DEA conference determined that "current provisions of the Federal Sentencing Guidelines establish grossly inadequate sentencing standards for steroid traffickers."¹⁸
- The current USOC drug testing program has been able to achieve less than a 75 percent success rate in testing athletes out-of-competition -- roughly one-quarter of the time; athletes who are selected for out-of-competition tests are not tested for logistical reasons (e.g., the athletes could not be found).¹⁹ Yet, effective no-notice, out-of-competition testing is critical to any successful anti-doping regime.
- Moreover, the potential conflicts of interest that are inherent in our existing self-regulating approach have fueled international skepticism about the commitment of the United States to drug-free competition.

The essence of athletic competition is at risk. Recent drug scandals are without question eroding the ethical foundation of sport and are compromising the public's support for sport. A 1999 survey by the Healthy Competition Foundation found that 71 percent of the American people are less likely to watch the Olympics if they know athletes are using drugs. There is a growing perception that these games are becoming yet another fraud on the public.

III. BUILDING A BETTER APPROACH—HIGHLIGHTS OF THE NATIONAL ANTI-DOPING STRATEGY

A. Development of the Strategy

It is clear to the Office of National Drug Control Policy that a new approach is required. With the health and safety of countless young people at stake and with the fate of one of the world's greatest tributes to the dignity of mankind in the balance, the Federal government has an obligation to play a role in creating such a solution. In the eloquent words of Edwin Moses:

The problem of drug use by elite athletes must continue to be addressed on the Federal level by General McCaffrey and others who are responsible for children and the public welfare The United States is unique among Western democracies in not having a ministry of sport, because Americans generally believe that less government is good and that private organizations and the market can be trusted to do work that affects the public trust. Whatever the merits of this perspective in other contexts, the traditional deference to the private organizations that govern sport is not warranted in the case of doping Notwithstanding the efforts of some well-intentioned individuals, the sports governing bodies in this country and internationally have shown time and time again that they are not structurally equipped for this work, nor are they sufficiently accountable to the larger interests of society that are affected by doping.²⁰

¹⁶ *Id.*; Steven Downes, *Revealed: Four More Olympic Drug Users*, Sunday Times (London), Nov. 19, 1996.

¹⁶ See *Das Erbe von Atlanta: Vier vertuschte Dopingfalle*, *Sueddeutsche Zeitung*, Nov. 19, 1996; Hoberman *supra* n. 25.

¹⁷ See *supra* n. 16.

¹⁸ See U.S. Department of Justice, Drug Enforcement Administration, *Conference on the Impact of National Steroid Control Legislation in the United States*, June 1995.

¹⁹ John Powers, *Supplement User Striking Out*, *Boston Globe*, Sept. 6, 1998.

²⁰ See Edwin Moses, *McCaffrey Must Not Step at Andro*, *New York Times*, May 23, 1999, 13:

Since the infamous Nagano snowboarding incident described above, the Office of National Drug Control Policy has been examining the issue of drug use in sport. The result of these efforts is the Strategy we are releasing today.

This Strategy has been developed in close consultation with America's athletes—the hard work and sound advice of people like Frank Shorter, Edwin Moses, Donna de Varona, Wes Barnett and others have been critical to this effort. These world class athletes have taken time out of their otherwise busy lives simply because they care—they care about the dignity and beauty of athletics, but mostly they care about the futures of the young people who wish to follow in their footsteps. Protecting all our athletes—the elite, the up and coming and the hopefuls—is the central purpose behind this initiative.

In developing our international strategies we have relied heavily upon the advice of the distinguished Dr. Henry Kissinger. It has been a privilege to work with a person of his intellect and stature. Allow me to personally thank him not only for his outstanding contributions to this effort, but also for the selfless efforts he has made with respect to overall reform of the IOC. While the reform of the IOC remains a difficult challenge, we have great confidence in the ability of Dr. Kissinger and other public servants of international reputation to succeed.

In addition, we have relied upon experts from the fields of medicine, scientific research and law. In particular, allow me to recognize the tremendous support we have received from doctors and scientists. Dr. Gary Wadler, one of the world's pre-eminent sports medicine physicians and a recipient of the IOC's President's Prize, has provided us with the benefits of his years of experience. We look forward to his testimony today. Our efforts have also been aided by the outstanding counsel of doctors Don Catlin and Larry Bowers, who run the two IOC accredited U.S. drug testing laboratories. Through their assistance, we have ensured that our work is grounded in sound science. These doctors, along with ONDCP's own nationally recognized Deputy Director Dr. Don Vereen, have all helped us understand the importance of cutting edge research to this effort.

In addition to relying on leading scientists, we have also worked closely with experts from the legal field who have defended, prosecuted and adjudicated doping cases. At the outset of this testimony ONDCP recognized the contributions of Professor Coleman, who you will hear from later. Let me also thank Mr. Richard Young for his invaluable assistance. Mr. Young serves on the International Court of Arbitration for Sport, he is a legal advisor to the USOC and serves as counsel for USA Swimming. He has been generous with his time and knowledge.

We would be remiss to not flag the particularly important contributions that the USOC and the Salt Lake Organizing Committee have made to this effort. Throughout the development of this Strategy the USOC has worked closely with the ONDCP team to help us understand the challenges they face and to help us better understand the role the federal government can play in supporting their efforts. We are proud to have the leadership and support of President Hybl, Executive Director Schultz, Anti-Doping Committee Chair Baaron Pittenger and the rest of the USOC anti-doping program. Their support for this Strategy clearly underscores the organization's commitment to developing a drug-free playing field for sport domestically and at the international level.

Similarly, ONDCP would like to call the Committee's attention to the tremendous leadership and commitment of Mr. Mitt Romney and the Salt Lake Organizing Committee. Throughout my career in public service I have had the privilege of working with many outstanding public servants. Mr. Romney is among the finest. His outstanding Salt Lake Olympic team has worked with us to ensure that this Strategy addresses the important responsibility we shoulder as a host nation—when the athletes of the world come to the 2000 games we owe them a level drug-free playing field. We have complete confidence that the Salt Lake games will set the standard for the winter Olympics.

ONDCP would also like to recognize the important contributions that our "Federal team" has made to this Strategy. Secretary Donna Shalala, one of our nation's biggest sports fans -- and a superb amateur athlete herself—has been a valued partner in this effort. We also look forward to working with NIDA's brilliant Dr. Alan Leshner, SAMHSA's distinguished Dr. Nelba Chavez and the rest of the Department of Health and Human Services. Additionally, Drug Enforcement Acting Administrator Donnie Marshall and the rest of the DEA have been key players in building this Strategy. Our efforts here build on years of DEA work with the sports community. On the international front, the expertise and support of the Department of State, in particular Undersecretary Tom Pickering and international athletics liaison Donna Giglotti, have helped shape our approach.

In particular, ONDCP wishes to thank Mickey Ibarra and Thurgood Marshall, Jr., the White House Salt Lake Olympic Games Task Force co-vice chairs. They have

been incredibly supportive and have worked closely with us to develop what we feel is a highly effective Strategy to address this problem. We are grateful for their support and good counsel. Mr. Ibarra will be an important member of our U.S. delegation to the Australia Summit. His presence on this delegation underscores the highly coordinated nature of our Strategy.

While the focus of this Strategy is on federal efforts, as you can see from this lineup the Strategy is far more than a "federal strategy." It is based on the views of our nation's athletes, coaches and sports leaders. It is built upon the expertise of leading scientists, doctors, jurists and other experts. It is comprehensive in scope, reaching from the research lab to the local playground to the Olympic medal stand.

B. Key Components of the National Strategy—Recommendations for Building a New Approach

The Strategy begins from the understanding that the United States government has a responsibility to undertake efforts at the national, binational and international levels to strengthen anti-doping regimes. The goals of these initiatives are to protect the health and safety of athletes and young people and to safeguard the legitimacy of sports competition. The Strategy also recognizes that to be effective these substantive initiatives should be augmented by efforts to inform the American public and the international community about the risks of drug use in sport—as well as the nature of our actions and goals.

Our Strategy provides a comprehensive set of national efforts to address this threat. We encourage you to review it in its entirety and welcome your views and leadership as we move forward. To assist you in this review, this section highlights key elements of the Strategy

National Efforts

Among the key initiatives at the national level are:

- **Developing options for targeted governmental oversight of U.S. amateur sports anti-doping programs.** An effective domestic anti-drug use program for sports may likely call for an oversight and reporting mechanism requiring Federal review and certification of amateur athletic anti-doping programs.
- **Working with the USOC and other stakeholders to facilitate the development of an externalized and fully independent domestic anti-doping mechanism or body (including research, testing, and adjudication).** The development of an effective, transparent, accountable and independent U.S. agency is critical to the success of U.S. anti-doping efforts. Over the past year, the USOC has made significant strides toward building a more effective, transparent, independent and externalized anti-doping program. This effort is an important contribution to this Strategy.

In order to be effective, such an agency must be fully independent and must have certain governmental or quasi-governmental powers. (For example, the USOC has long sought membership in the International Anti-Doping Arrangement (IADA). However, it has been precluded from membership because the IADA is a treaty among governments and the USOC is not a governmental body.) With the powers of governmental status, however, must come the responsibilities of public service—most notably the duties of transparency and accountability to the American taxpayer. Further, an independent anti-doping agency would benefit substantially—both at home and abroad—from the added credibility offered by governmental oversight. Limited, but effective, oversight, accountability and transparency would allow the United States to dispel the perceived conflicts of interests and the "fox guarding the hens" reputation that unfortunately now plagues the program.

It is important to underscore that the purpose here is not to build a new government bureaucracy. Rather, the goal is to provide a level drug-free playing field for all of America's athletes, and to ensure that the institutions that police this field are effective, accountable and transparent. We look forward to working closely with the Congress and this Committee as we move forward in developing these institutions and relationships.

- **Improving Federal Support for U.S. Anti-Doping Programs.** From increasing drug prevention efforts to strengthening law enforcement operations to break up illegal smuggling networks, the Federal government should play a more active role in combating drug use in sport. The Strategy lays out a series of efforts that would support anti-drug and anti-doping efforts in the United States. The interagency task force will be evaluating ways to accomplish this goal.