

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR
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June 21, 2024

Mr. Witold Bańka
President
World Anti-Doping Agency
800 rue du Square-Victoria, Suite 1700
Montréal, QC H4Z 1B7
Canada

Dear Mr. Bańka:

We write regarding concerning reports that the World Anti-Doping Agency (WADA) permitted Chinese swimmers who tested positive for performance enhancing drugs to compete at the Tokyo Summer Olympic Games in 2021. As we look to the Paris Summer 2024 Olympic Games, it is imperative that we ensure an even playing field for Team USA and all Olympic athletes.

Established in 1999 “as an international independent agency to lead a collaborative worldwide movement for doping-free sport,” one of the WADA’s core activities is to monitor and enforce compliance with the World Anti-Doping Code.^[1] Over 190 countries support that mission—the United States, for example, gave WADA \$3.7 million in taxpayer funding in Fiscal Year 2024^[2] and the White House has requested that Congress appropriate \$3.84 million for WADA in Fiscal Year 2025.^[3] As the Chair and Ranking Member of the U.S. Senate Committee on Commerce, Science, and Transportation, we seek information regarding WADA’s decision to permit Chinese swimmers who tested positive for performance enhancing drugs to compete at the Tokyo Summer Olympic Games in 2021 and assurance that it will not do so with the upcoming Paris Summer Olympic and Paralympic Games.

Recent reports revealed that WADA declined to exercise its authority to block doping Chinese athletes from competing in Tokyo in 2021. In January of that year, the Chinese Anti-Doping Agency (CHINADA) performed drug tests on competitors at a national swim meet, 23 of whom

^[1] *Who We Are*, WADA, <https://www.wada-ama.org/en/who-we-are>; *What We Do*, WADA, <https://www.wada-ama.org/en/what-we-do>.

^[2] *Contributions to WADA’s Budget 2023*, WADA (Apr. 9, 2024), https://www.wada-ama.org/sites/default/files/2024-04/wada_contributions_2023_update_en.pdf; Further Consolidated Appropriations Act, 2024, PL 118-47, 118th Cong. Div. B, Title II, Federal Drug Control Programs (2024).

^[3] EXEC. OFF. OF THE PRESIDENT, CONGRESSIONAL BUDGET SUBMISSION FY 2025, <https://www.whitehouse.gov/wp-content/uploads/2024/03/FY-2025-Executive-Office-of-the-President-Congressional-Budget-Submission.pdf>.

tested positive for the performance enhancing drug, Trimetazidine.^[4] Three months later, CHINADA reported the positive tests to WADA.^[5] WADA, however, did not open an investigation until June 21—six days after CHINADA issued its determination that the swimmers had not violated anti-doping rules because they were “inadvertently . . . exposed to the substance through food/environment contamination as a result of [Trimetazidine] detected in the [hotel] kitchen (including spice containers [and] the extraction fan above the hob and the drains).”^[6] CHINADA did not address how Trimetazidine—a manufactured pharmaceutical drug that can increase stamina and endurance—popped up in the spice jars of a commercial kitchen.^[7]

Less than a month after opening an investigation into the Chinese swimmers, WADA claimed to have “no basis under the World Anti-Doping Code to challenge CHINADA’s findings of environmental/food contamination.”^[8] As a result, several of the Chinese swimmers who tested positive for Trimetazidine not only competed in the 2021 Olympics, but also won medals, including three gold medals.^[9] WADA’s decision to accept CHINADA’s findings stands in stark contrast to its decision to challenge an initial exoneration by the Russian Anti-Doping Agency of a figure skater who tested positive for Trimetazidine because of “food/environmental contamination” less than six months later.^[10] The Russian figure skater was ultimately disqualified from the 2022 Olympic Winter Games and sanctioned with a four-year period of ineligibility.^[11] Meanwhile, many of the same Chinese swimmers who tested positive for Trimetazidine before the 2021 games are expected to compete in Paris this summer.^[12]

Athletes are rightly concerned about fair competition at the upcoming Olympic and Paralympic Games. It is imperative that WADA do everything in its power to ensure fair competition. The Standing Rules of the Senate provide the Committee on Commerce, Science, and Transportation the authority and duty to “review and study, on a continuing basis” both sports and matters

^[4] *Contamination Case of Swimmers from China: Fact Sheet/Frequently Asked Questions*, WADA (Apr. 29, 2024) [*Fact Sheet*], www.wada-ama.org/sites/default/files/2024-04/2024-04_fact_sheet_faq_chinese_swimming.pdf; Samuel Joseph, *Trimetazidine: What Is The Competition-Banned Drug That Russian Figure Skater Kamila Valieva Tested Positive For?*, CNN (Jan. 30, 2024), <https://www.cnn.com/2024/01/30/sport/trimetazidine-what-is-the-competition-banned-drug-that-russian-figure-skater-kamila-valieva-tested-positive-for/index.html>; Notably, this was not the first time some of those swimmers tested positive for performance enhancing drugs: the *New York Times* recently revealed that three had tested positive for the banned steroid, clenbuterol, in 2016 and 2017. See Michael S. Schmidt & Tariq Panja, *Doping Regulator Knew of Previous Positive Tests by Chinese Swimmers*, N.Y. Times (Jun. 14, 2024), <https://www.nytimes.com/2024/06/14/world/asia/china-swimming-doping.html>.

^[5] *Fact Sheet*, *supra* note 4.

^[6] *Id.*

^[7] Michael S. Schmidt & Tariq Panja, *Top Chinese Swimmers Tested Positive for Banned Drug, Then Won Olympic Gold*, N.Y. TIMES (Apr. 20, 2024), <https://www.nytimes.com/2024/04/20/world/asia/chinese-swimmers-doping-olympics.html>.

^[8] *Fact Sheet*, *supra* note 4.

^[9] Schmidt & Panja, *supra* note 7.

^[10] *Court of Arbitration for Sport Hands Kamila Valieva Four-Year Suspension for Anti-Doping Rule Violation*, OLYMPICS (Jan. 30, 2024), <https://olympics.com/en/news/court-arbitration-sport-kamila-valieva-four-year-suspension-anti-doping-rule-violation>.

^[11] *Id.*

^[12] Schmidt & Panja, *supra* note 7.

relating to agencies under the committee's jurisdiction, including sports agencies such as the U.S. Anti-Doping Agency.^[13] So that the Committee may better understand WADA's review and dismissal of the 2021 Chinese swimming athlete doping cases and how it will ensure fairness in the upcoming Olympic and Paralympic Games, we request that you provide the following documents and written responses to the following questions no later than July 5, 2024.

1. All documents WADA received from CHINADA referring or relating to the 23 Chinese swimmers, including the full case file WADA requested from CHINADA on June 21, 2021.
2. The complete case file concerning the 23 Chinese swimmers WADA sent to external counsel during the 21-day appeal deadline.
3. "All available scientific evidence and intelligence, which was gathered, assessed, and tested by experts in the pharmacology of TMZ; and, by anti-doping experts" that WADA reviewed in determining whether it had a basis to challenge CHINADA's findings.^[14]
4. The terms of reference WADA provided to the special prosecutor, Eric Cottier.
5. Meeting minutes from all WADA executive committee meetings from 2019 through present.
6. What measures will WADA take in the months leading up to the Summer 2024 Paris Olympic Games to ensure fair competition?
7. How will WADA ensure transparency and coordination between individual countries' Anti-Doping Agencies leading up to the 2024 Paris Summer Olympic Games?

Please contact [REDACTED] on Ranking Member Cruz's Committee staff at [REDACTED] and [REDACTED] on Chair Cantwell's Committee staff at [REDACTED] if you have any questions regarding this request. Thank you for your attention to this matter.



Maria Cantwell
Chair

Sincerely,



Ted Cruz
Ranking Member

^[13] S. Rules XXV(1)(f); XXVI(8)(a)(2).