

United States Senate

WASHINGTON, DC 20510

May 22, 2024

VIA ELECTRONIC TRANSMISSION

President Witold Bańka
World Anti-Doping Agency
Montreal, Canada

Dear President Bańka:

We write to express our concerns regarding the World Anti-Doping Agency (WADA)'s failure to enforce international anti-doping standards. The recent reporting from the *New York Times* detailing the positive doping test results of numerous Chinese swimmers in 2021 and the subsequent lack of investigation or levying of sanctions from WADA raises concerns among athletes and the international Olympic community about the potential degradation of integrity in Olympic and Paralympic sports. While the recent appointment of a special prosecutor to investigate these claims is a step in the right direction, that appointment is not enough—real accountability from an independent auditor is imperative.

The *New York Times* revealed that twenty-three top Chinese swimmers tested positive for trimetazidine (TMZ)—a powerful performance-enhancing drug—just months before the Tokyo Olympics in 2021. The excuse from the People's Republic of China (PRC) was that the swimmers had ingested the banned substance unknowingly. Despite these questionable findings, the swimmers were allowed to compete in the Tokyo Olympics after PRC officials unilaterally cleared them of doping and WADA chose not to investigate the matter further. Nearly half of these Chinese swimmers went on to win medals at the Olympics, including three golds. American athletes—including Katie Ledecky, the winningest female swimmer in world history—were cheated out of the coveted gold medal as a result.¹

According to international anti-doping rules, WADA could have appealed the Chinese Anti-Doping Agency (CHINADA)'s decision, investigated the source of the positive tests, and temporarily suspended the accused swimmers. Instead, WADA chose to take CHINADA at its word. Neutral anti-doping leaders from across the world have called WADA's decision into question and we believe it must be revisited.

It is not just this one incident that causes concern for many athletes, anti-doping agencies, and fans across the world, but it is the fact that WADA has long shown questionable ethical behavior. For over a decade, WADA has taken commercial sponsorships from organizations with questionable ties. For example, WADA has a sponsorship deal with Chinese company ANTA Sports, which

¹ Michael Schmidt & Tariq Panja, *Top Chinese Swimmers Tested Positive for Banned Drug, Then Won Olympic Gold*, N.Y. TIMES (April 21, 2024), <https://www.nytimes.com/2024/04/20/world/asia/chinese-swimmers-doping-olympics.html>.

also sponsors the PRC’s national swimming team implicated in this scandal.² This partnership amounts to WADA selling access to the regulators of the preeminent international anti-doping agency, gives the impression of impropriety and a conflict of interest, and raises questions about WADA’s relationship with other state sponsors of doping.

The global anti-doping system—a bedrock of the international sports community—is built upon trust and accountability. When WADA loses the international community’s trust, it can no longer effectively do its job. With that in mind, we urge you to fully cooperate and provide transparent findings to the public following the independent investigation launched into the case. In that spirit, we also ask that you respond to the following questions by June 5, 2024:

INTERNATIONAL ANTI-DOPING RULES

1. In CHINADA’s “investigation” into the doping scandal, the agency did not find doping violations (even though it is a fact that the swimmers tested positive for TMZ), did not disqualify results, and did not publish the violations. Under the World Anti-Doping Code, an agency must find violations even in cases of no fault, disqualify results from players who have tested positive for illegal performance enhancers, and publish the violations.³ Given that CHINADA followed none of these mandatory protocols, why did WADA not appeal their decision to ensure harmonized enforcement of the rules?
 - a. Who made the decision not to appeal?
 - b. If WADA’s President and Secretary General did not make the decision, were they aware of the decision?
2. You could have appealed the lack of a mandatory provisional suspension.⁴ Why did you choose not to do so?
 - a. Who made the decision not to appeal?
 - b. If WADA’s President and Secretary General did not make the decision, were they aware of the decision?
3. In 2022, WADA investigated and enforced mandatory provisions of the WADA Code for Russian skater Kamila Valieva. Why did WADA decline to similarly investigate and enforce the WADA Code for the twenty-three Chinese swimmers who tested positive in 2020?
4. Did the 2022 Beijing Winter Olympics, or the proximity of the Tokyo Olympics, play a role in the decision to decline to follow your own rules with respect to the positive tests from 23 Chinese swimmers?
5. Please provide the guidelines WADA uses to determine when and whether to investigate and when and whether to follow mandatory provisions of the WADA Code.

² Eddie Pells, *Chinese Generosity in Lead-Up to Cleared Doping Tests Reflects its Growing Influence on WADA*, AP NEWS (April 22, 2024), <https://apnews.com/article/olympics-china-doping>.

³ World Anti-Doping Agency, WADA Code Article 10.1 (2021).


⁴ World Anti-Doping Agency, WADA Code Article 13.2 (2021).


CORPORATE SPONSORSHIPS


1. How many corporate sponsors does WADA have?
2. How much money did WADA collect from corporate sponsors in 2020, 2021, 2022, and 2023?
 - a. Please provide details of the nation of origin for each corporate sponsor.
 - b. Please describe whether each corporate sponsor of WADA also sponsors its nation's Olympic Committee or any of its sport's governing bodies.
3. In your view, does accepting sponsorship from countries that you regulate create a conflict of interest or the appearance of impropriety?

We look forward to your prompt response.

Sincerely,


Marsha Blackburn
United States Senator


John Hickenlooper
United States Senator


Richard Blumenthal
United States Senator