

Senator Whitehouse's Statement for the Record
Helsinki Commission Hearing
"The First Clean Olympics?"
July 26, 2021

Thank you to Chairman Cardin and Co-Chairman Cohen for holding today's hearing on my Rodchenkov Anti-Doping Act. This new law can renew America's international anti-corruption leadership by holding Russia and other kleptocrats to account for their cheating. But to do that, the Department of Justice and FBI must enforce the law to its fullest. If our enforcement fails, I fear that at the upcoming Olympics and future games we will see more systematic, state-sponsored doping.

Indeed, despite their massive doping schemes over the years, Russia will compete in Tokyo and Putin will expect to win. Having faced no serious consequences, we must imagine Russia will again try to dope. We should draw on our history of fighting corruption and lead the way in rooting out cheating in international sport.

Our leadership is well established. In 1977, Congress passed the Foreign Corrupt Practices Act (FCPA), forever changing the way corporations behave abroad. Until that law passed, many rule-of-law countries tolerated, or even perpetuated, corporations engaging in bribery and other corrupt practices abroad. For example, corporations in Germany could write off bribes from their taxes until the '90s. But with passage of the FCPA, Congress applied our rule-of-law values to international transactions and enabled the U.S. to make good on its commitment never to export corruption. This anti-corruption law led U.S. friends and allies to join the OECD Anti-Bribery Convention, which called for passing and enforcing effective anti-bribery laws. The U.S. had set an important baseline for corporate behavior around the globe, and our friends followed.

One organization, however, lies beyond the reach of our international anti-corruption regime: the International Olympic Committee (IOC). If the IOC does something wrong, it answers to no one. IOC members hold outsized influence over the Court of Arbitration for Sport, where disputes against the Committee are litigated; and it holds sway at the international doping watchdog, World Anti-Doping Agency (WADA), where a full half of the top decision-making body are IOC members. As the *New York Times* opined recently, the International Olympic Committee is "a transnational corporation, in essence, with a twist": it is "self-governing, self-regulating, and autonomous." It is the system that Putin and fellow kleptocrats would design themselves to ensure it could be exploited.

But we have the power to change this, starting with our leverage over international anti-doping authorities. Congress recently granted ONDCP the power to withhold U.S. funding from WADA pending reform. We must continue to wield this power strategically until WADA implements meaningful reforms.

Even that won't be enough. We must couple our leverage with aggressive enforcement of the Rodchenkov Act against corrupt officials at WADA and the IOC, kleptocrats like the Russians,

and all manner of corrupt coaches, administrators, and doctors. Our new law would have worked against some of the most egregious rule-breakers of recent years: like Tamas Ajan, the notorious former head of the International Weightlifting Federation, who engaged in doping fraud and all manner of corruption; and Anders Besseberg, former head of the International Biathlon Union, who took bribes to cover up Russian doping.

To clean up international sport, the Justice Department and FBI should remember our legacy of anti-corruption leadership, and spare no effort in enforcement. The FCPA cleaned up corporate bribery across a much larger market that involved some of the most powerful companies in the world. The signal that law sent was unequivocal and effective; the Rodchenkov Act can do the same. All corrupt officials should know that if your money touches the U.S. economy, we will indict you, we will arrest you, and we will try you. And you will probably end up in a U.S. prison.

We can clean up international sport. We have the tools. We need to exercise those tools, strategically and doggedly.

I thank the Chairman and Co-Chairman for holding this important hearing. I understand the FBI will also be providing a statement for the record and I look forward to reviewing that. We now have a whole-of-government approach against corruption in sport. Let us not squander this opportunity to purge corruption and kleptocracy from sport and make a truly democratic international sport framework with real independence, justice for clean athletes, and the rule of law.