Testimony of Noah Hoffman
U.S. Helsinki Commission
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Introduction

Chairman Cardin, Co-Chairman Cohen, Members of the Commission, my name is Noah Hoffman, and it is my pleasure to appear before you today to discuss "The First Clean Olympics? Rodchenkov Act Enforcement at Tokyo 2021." I competed in the two most recent Winter Olympic Games as a member of Team USA, and I felt the effects of doping fraud firsthand. I have been a vocal advocate for both the Rodchenkov Anti-Doping Act and for meaningful change to the global anti-doping system. I am a member of the athlete advocacy group Global Athlete, and I have worked as an ambassador for the U.S. Anti-Doping Agency (USADA), educating athletes about their rights and responsibilities under The World Anti-Doping Code. The views that I express here today are my own. This is my first-time presenting testimony in Congress.

It is an honor to appear before this Commission to testify about the costs of doping fraud and the need for strong enforcement of the Rodchenkov Anti-Doping Act. My sport, cross-country skiing, has suffered the consequences of numerous doping conspiracies, and Russia's cheating at Sochi 2014 had a large impact on my events. Since my retirement from skiing in March of 2018, I have actively worked to strengthen the global anti-doping system, including advocating for the passage of the Rodchenkov Anti-Doping Act and working with other athletes to show their support for the Rodchenkov Act. I have also advocated for accountability and athlete-centered change at the International Olympic Committee (IOC), the Court of Arbitration for Sport (CAS), and the World Anti-Doping Agency (WADA).

The Rodchenkov Anti-Doping Act did not come a moment too soon for athletes. Today I will share with you two stories about how I was personally affected by doping fraud; I will discuss my experience at Sochi 2014; I will share my view about the global anti-doping system and why Rodchenkov Act enforcement is so important; finally, I will ask athletes to share information to expose doping fraud, and I will ask Congress to do everything in its power to reform the World Anti-Doping Agency.

The Costs of Doping Fraud

Costing a World Cup Stage Victory

One of the best races of my career came at the 2014 Tour de Ski, a multistage event featuring seven races in nine days across three countries. The first four stages of the Tour featured two short distance events and two sprints. These events did not suit my strengths, and by the time stage five came along, I was several minutes behind the leader in the overall standings.

Stage five was a 35-kilometer point-to-point pursuit event up and over a pass from Cortina, Italy to Toblach, Italy. Because it was a long race with lots of uphill, it suited my strengths perfectly. I was far behind in the tour standings which meant that I started far behind the leader. Therefore, I had lots of athletes ahead of me to catch, so I went after them.

For me, it was the type of day that I spent my entire career up to that point searching for, and I spent the rest of my career trying to replicate. I felt so good that I could not make myself feel any pain. I couldn't understand why the athletes that I was passing were not staying with me because it felt so easy for me. For the first 17 kilometers of the race, which were all uphill, I skied mostly alone, passing my competitors like they were standing still. With about one kilometer to go to the top of the pass, I saw up ahead of me a huge group of skiers – maybe 20 athletes or more – skiing together in a pack. I knew that

I needed to catch them before the top. If I didn't, I would lose all of the time that I had gained on the uphill by not having a draft for the 17 kilometer downhill to come. I put in a huge effort and was sucked into the group's draft just as they crested the hill. The pack contained some of the best skiers in the world, and we cruised down towards Toblach, swapping leads all the way to the end.

When I crossed the finish line, I knew it was the best race of my life. I couldn't imagine how I, or anyone, could go any faster. I was certain that I'd had the fastest time of the day – that I had just earned my second World Cup Stage win, another victory for Team USA. However, I was wrong. After my cool down and shower, I was in the team van on the way to the next venue when I got the results. I placed second for the day, nearly a minute slower than Austrian skier Johannes Dürr. While all of my teammates congratulated me on a great result, I was devastated. I couldn't understand how Dürr had skied so much faster than me. I had felt invincible going up the climb and had had the perfect ride going down the other side. Dürr had skied almost entirely alone; he had not had athletes lined up in front of him on the uphill nor a draft for the downhill. How did he go so fast?

A month and a half later, I was sitting with Dürr having breakfast at the dining hall in the Sochi Olympic Village. We were chatting about our homes and his newborn son. After breakfast, I headed out for my training session. When I got back to my room, I opened my phone and saw a headline that made my heart stop. It read, "Austria's Johannes Dürr suspended after positive EPO test."[1] I was shocked. Not only was he one of my fiercest competitors but he was also one of my best friends on the World Cup circuit.

Dürr soon admitted to having taken the performance enhancing substance EPO all season. His results were nullified, and I was retroactively awarded the fastest time of Stage 5 of the Tour de Ski. Having the fastest time of a stage of the Tour de Ski is a big deal for the United States; only one other American man has ever done so. But I didn't feel any joy. Instead, I felt sadness that I had been deceived. Cheated. It was too late for me to get the media coverage from my victory that could have resulted in additional sponsors and more opportunities for me going forward.

Costing a Spot on the U.S. Ski Team's A-Team

I felt the cost of doping fraud another way during the 2013-2014 season. At the end of the racing season, I was ranked 31st on the World Ranking List. Being top-30 on the list automatically qualifies athletes for the U.S. Ski Team's A-Team. Because I was outside of the top 30, I was named to the B-Team instead. The A-Team is fully funded by the U.S. Ski Team. B-Team athletes must pay for their own room, board, and travel expenses for training camps and races. This results in about $25,000 of funding that I missed out on by being on the B-Team.

Ahead of me on the World Ranking List that determined U.S. Ski Team eligibility were six Russian athletes, three of whom were later provisionally suspended for being a part of Russia's state-sponsored doping scheme during the 2013-14 season.[2] The revelations about Russian doping came too late for me to receive the funding and benefits that come with a spot on the U.S. Ski Team's A-Team. Despite being

[1] Associated Press. "Sochi 2014: Austria's Johannes Duerr suspended after positive EPO test". The Guardian, 23 February 2014. https://www.theguardian.com/sport/2014/feb/23/sochi-2014-johannes-duerr-epo-test-olympics
[2] Andrew, Ben. "Six Russian XC Skiers and Two Biathletes Provisionally Suspended due to McLaren Report UPDATED". SkiTrax, 23 December 2016. http://skitrax.com/alexander-legkov-headlines-6-russian-xc-skiers-and-2-biathletes-provisionally-suspended/

the top-ranked American distance skier for several years, I never earned a spot on the A-Team, never had the privilege of representing the United States on the most elite team in our country. I was kept out of the top-30 – off the team – by athletes who were doping. Consequently, I had to spend time fundraising to cover my expenses and had to pass on certain opportunities to improve as an athlete because I did not have access to the additional $25,000 in funding.

Sochi 2014

At the Sochi 2014 Winter Olympics, my first time representing the United States of America on sport's biggest stage, I competed in four events including the 50-kilometer (31-mile) Freestyle Mass Start race. This race is one of the marquis events of the Winter Games. It happens on the day of the Closing Ceremony, and the medals are awarded at the Closing Ceremony in front of tens of thousands of people and dignitaries from all over the world. It was also the Olympic race that best suited my strengths and was the most important race of my career to date. I was coming off of two world cup stage victories earlier in the race season, and I viewed myself (optimistically) as an outside medal hopeful. The race course in Sochi was similar to the trails that I grew up on in Colorado, and the high altitude, cold snow, and big hills played to my strengths. The race plan that my coaches and I formulated was for me to stay in the top 5 positions for most of the race because we expected the big hills to break up the lead pack.

I executed this plan to a T; I was at the front of the pack for most of the race. On some of the big hills the lead pack stretched out, but the conditions were fast and the draft on the downhills brought the group back together over and over again. The pack did not split up as my coaches and I anticipated. With only two kilometers left in the race there were still 26 skiers in contention for medals. I knew that I was in trouble. I had used a lot of energy to stay near the front of the pack, and I didn't have much to give up the final hill. I hoped that my competitors were as tired as me. What I didn't know was that some of the skiers in that pack had more than just their training and race tactics to rely on. I watched as three Russian athletes accelerated away from the group up the final hill. They were on their way to sweep the podium. Watching them accelerate after nearly two hours of racing was both discouraging and perplexing. It had been one of the best races of my career. I had executed my plan perfectly (even if the plan was flawed), and I had felt great for most of the race. I couldn't imagine ever being good enough to match the final acceleration of those Russian athletes. My dreams of winning an Olympic medal for Team USA felt unattainable.

It wasn't until a year and a half later, when Dr. Grigory Rodchenkov's revelations about Russian doping in Sochi came to light, that I understood why the Russians had so much left to give up the final hill. I never had a chance in that race. How could I when they weren't playing by the rules? It wouldn't have helped if I'd trained more. I wouldn't have helped if I'd had a better race plan. It wouldn't have helped if I'd had more experience. There was no way that I was going to win that race while my competitors were using performance enhancing substances.

My experience in Sochi made me question why I bothered trying to be the best in the world. Why dedicate my entire life to cross-country skiing when I had no chance of achieving my goals? Why push myself through five hour training sessions and grueling interval sets when other athletes are gaining an advantage by taking performance enhancing substances? Those questions plagued me for the rest of my career.

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When I think back on the Sochi Olympics now, I remember the four urine samples that were collected from me for anti-doping. I imagine one of my samples sitting next to a sample from a Russian athlete. The Russian's sample is plucked from the lineup and passed through a mouse hole, only to be dumped down the drain and replaced with clean urine. The vision makes me sick.

The International Anti-Doping System

In my advocacy work since retiring from skiing in 2018, I have learned about power dynamics in international sport governance, particularly around the World Anti-Doping Agency. I have learned that the sport movement in general and the International Olympic Committee in particular, is closely tied to WADA. The lack of independence leaves me with little faith that WADA is making decisions in the best of interest of clean athletes.

Like many of my teammates and competitors, I was disgusted by WADA's decision to impose only an administrative band on Russia for the manipulation of the LIMS data set. I was in disbelief when the Court of Arbitration for Sport further watered down the already weak WADA sanction.

I had a front row seat to Russia's administrative ban at the 2018 Winter Olympics in PyeongChang. At those Olympics, Russian athletes competed under a neutral flag, but the "sanction" that was imposed on them seemed meaningless to me. Russian athletes with Russian support staff were still lined up next to me on the start line and they still won medals and celebrated their victories, despite their team having perpetrated the biggest doping fraud in sports history at the previous Olympics. I did not believe that the Russian athletes competing at PyeongChang were clean because they hadn't faced any real consequences for being dirty at the previous Olympics. Why would the team change their ways when they had essentially gotten away with rigging the system?

I did not fault my Russian competitors. I don't believe that they had a choice about whether or not to dope. Instead, I fault the administrators, scientists, doctors, coaches, and politicians who facilitate and demand institutional doping. I also fault the International Olympic Committee and the closely connected WADA for failing to impose any real consequences on Russia and for prioritizing short term power and money over clean sport and the longevity of the Olympic movement. By failing to exclude the Russian team entirely from the Olympic Games, international sport administrators sent a message to clean athletes like me that we don't matter and that large scale manipulation of sport is permissible.

I would call institutional doping cheating—and it is—but cheating is what happens in a board game or on a math test. Institutional doping is fraud. It is the theft of millions of dollars and the manipulation of a global institution in the interest of power and greed.

Global regulators hand out harsh punishments to individual athletes, and improvements in testing capability have resulted in more athletes testing positive for prohibited substances than ever before. However, individual testing does not catch institutional doping. There is a clear double standard. Individual athletes take the fall while institutions have free reign to bypass the rules.

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Rodchenkov Anti-Doping Act

In light of the failure of the global anti-doping system, the Rodchenkov Anti-Doping Act was passed at the right time. Because doping has been institutionalized by some of the strongest nation-states in the world, the power of the U.S. Government and federal law enforcement is clearly necessary in the fight for clean sport. Sport is a geopolitical tool, and this law provides new avenues for the U.S. Government to uphold a rules-based order and to counter corruption.

Athletes need the enforcement of the Rodchenkov Act to be a top priority of law enforcement. Many athletes, like myself, are disillusioned with the global anti-doping system. Strong action from the US government will give athletes hope that the facilitators of institutional doping will be held accountable for their actions.

The Tokyo Olympics offers the opportunity for the US government to show that they are serious about clean sport. This means federal law enforcement must prioritize investigating and pursuing violators of the Rodchenkov Act in Tokyo and beyond. If another institutional doping scheme goes unpunished, I fear that international sport will never recover.

The Rodchenkov Anti-Doping Act is not only about policing fraud but also about standing up for the rule of law and the democratic values of equal opportunity and fair play. This is about fighting for the Olympic ideals that we believe in.

Both the Russian doping scandal exposed by Dr. Gregory Rodchenkov and the doping scandal at the 2019 Nordic World Ski Championships demonstrate that institutional doping is unlikely to be unearthed by anti-doping authorities. Instead, institutional doping is likely to come to light through whistleblowing, intelligence gathering, and investigations. To unearth the next institutional doping scandal, athletes are counting on federal law enforcement to gather intelligence and do thorough investigations. The whistleblowing is up to the athletes. I believe that with the protections afforded to whistleblowers in the Rodchenkov Anti-Doping Act, athletes will stand up to blow the whistle on doping fraud.

Whistleblowing

The most important thing that I can do with the platform that this Commission has given me today is to ask my fellow athletes to speak up when they have knowledge of doping fraud. Athletes can share information through channels that have existed for a long time – whistleblower lines at the U.S. Anti-Doping Agency, other national anti-doping agencies, and the World Anti-Doping Agency. However, now that the Rodchenkov Anti-Doping Act has become law, athletes can also share information with U.S. Federal Law Enforcement. An athlete anywhere in the world can walk into a US Consulate or Embassy, speak to law enforcement, and share any information they have about doping fraud. When these athletes share information, they are eligible for whistleblower protection from the U.S. Government. Athletes must take advantage of this opportunity. We, as athletes, cannot hope to have a level playing field if we do not speak up.

I want to stress to athletes that the Rodchenkov Anti-Doping Act criminalizes institutionalized doping inside the U.S. just as much as it does outside of the U.S. American athletes can report doping fraud that

occurs on their own teams just as they can report knowledge of doping fraud internationally. The Rodchenkov Anti-Doping Act does not treat American perpetrators of institutional doping any differently than it treats international perpetrators of doping fraud.

Whistleblower protections are a critical part of the new legislation, and I believe that the security and protection that the law affords those who share information will encourage more athletes to stand up for clean sport.

Conclusion

The passage of the Rodchenkov Anti-Doping Act has given athletes renewed hope for clean sport and a level playing field. For that hope to be well founded, it is essential that the Rodchenkov Act is strongly enforced and that those who facilitate doping fraud are held liable.

Additionally, the passage of the Rodchenkov Act is just one of the many needed changes to the global anti-doping system. I ask Congress and the members of this Commission to do everything in your power to reform the World Anti-Doping Agency. I ask you to support the ONDCP and others who are working towards a new structure for the international doping regulator. I urge you to push for a WADA that is fully independent of those whom the agency is tasked to regulate and that has the power to impose meaningful consequences on both the athletes and institutions that undermine the rules and corrupt sport.

Thank you not only for this opportunity to testify before the Commission today, but also for your efforts to fight doping fraud in sport. I have no doubt that the Rodchenkov Anti-Doping Act will give the next generation of American athletes a more level playing field on which to chase their dreams.

I look forward to answering any questions you might have.