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VIA ELECTRONIC MAIL

August 24, 2012

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Dear Ms. Rossi and Mr. Sieveking:

This letter is to inform you that pursuant to the applicable rules the United States Anti-Doping Agency ("USADA") has imposed a lifetime period of ineligibility and disqualification of his competitive results beginning on August 1, 1998, against Lance Armstrong for his individual anti-doping rule violations committed in connection with the United States Postal Service Cycling Team Doping Conspiracy. Herein is set forth a brief background regarding this matter and the sanctions imposed against Mr. Armstrong.

USADA's full reasoned decision explaining the action taken by USADA will be forthcoming under separate cover and will at that time be provided to the persons described in Article 13.2.3 of the Code.

Among other things, Mr. Armstrong was charged with using the prohibited drugs erythropoietin (EPO) and testosterone during the period from August 1, 1998 through 2005 and with using the prohibited method of blood transfusions during the period from 2000 through 2005. USADA further notified Mr. Armstrong that had he contested USADA's charges USADA anticipated relying on evidence demonstrating Armstrong's use of blood manipulation through the use of EPO and/or blood transfusions in 2009. EPO and testosterone were prohibited substances and blood transfusions were a prohibited method during the relevant time frame under the rules of the USOC, USA Cycling, USADA and the UCI.

United States Anti-Doping Agency

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The use of prohibited substances such as EPO and testosterone and prohibited methods such as blood transfusions have at all relevant times been prohibited by the USOC National Anti-Doping Policies (“USOC NADP”),¹ the USA Cycling rules regarding Medical Control, the USADA Protocol for Olympic and Paralympic Movement Testing (the “USADA Protocol”),² the Union Cycliste International Anti-Doping Rules (the “UCI ADR”), and since 2003, the World Anti-Doping Code (the “Code”).

Mr. Armstrong was also charged by USADA with distributing EPO and testosterone to other riders during the period from August 1, 1998 through 2005 and these actions violated the prohibitions on administration and trafficking under the rules of the USOC, USA Cycling, USADA and the UCI.

The complete list of anti-doping rule violations for which Mr. Armstrong is being sanctioned includes:

- (1) **Use and/or attempted use** of prohibited substances and/or methods including EPO, blood transfusions, testosterone, corticosteroids and/or masking agents.³
- (2) **Possession** of prohibited substances and/or methods including EPO, blood transfusions and related equipment (such as needles, blood bags, storage containers and other transfusion equipment and blood parameters measuring devices), testosterone, corticosteroids and/or masking agents.⁴

¹ Previously referred to as the “USOC National Anti-Doping Program.”

² Prior to 2004 UCI’s substantive rules relating to anti-doping rule violations and sanctions were incorporated into the USADA Protocol. In 2004 the substantive rules in the World Anti-Doping Code relating to violations and sanctions were incorporated into the USADA Protocol and the USOC National Anti-Doping Policies.

³ USADA charged Mr. Armstrong with violations of the following specific rules applicable to the **use** or **attempted use** of prohibited substances and/or methods: USA Cycling Rules (Medical Control) (1997 – 2012); USOC NADP (1997 – 2012); USADA Protocol (2000 – 2012) (Prior to 2004 UCI’s substantive rules relating to anti-doping rule violations and sanctions were incorporated into the USADA Protocol. In 2004 the substantive rules in the World Anti-Doping Code relating to violations and sanctions were incorporated into the USADA Protocol and the USOC National Anti-Doping Policies.); UCI ADR 2, 52 (1997-2000); UCI ADR 4, 6, 7, 8, 130, 131, 133 (2001-2004); UCI ADR 15.2 (2005-2008); UCI ADR 21.1 and 21.2 (2009-present); and Code Articles 2.1 and 2.2 (2003-present).

⁴ USADA charged Mr. Armstrong with violations of the following specific rules applicable to the **possession** of prohibited substances and/or methods: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 52, 54, 93 (1997-2000); UCI ADR 130, 131, 135 (2001-2004); UCI ADR 15.6 (2005-2008); UCI ADR 21.6 (2009-present); and Code Article 2.6 (2003-present). Prior to 2004 UCI’s substantive rules relating to violations and sanctions were incorporated into the USADA



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- (3) **Trafficking** of EPO, testosterone, and/or corticosteroids.⁵
- (4) **Administration** and/or **attempted administration** to others of EPO, testosterone, and/or cortisone.⁶
- (5) **Assisting, encouraging, aiding, abetting, covering up** and **other complicity** involving one or more anti-doping rule violations and/or attempted anti-doping rule violations.⁷
- (6) **Aggravating circumstances** (including multiple rule violations and participated in a sophisticated scheme and conspiracy to dope, encourage and assist others to dope and cover up rule violations) justifying a period of ineligibility greater than the standard sanction.⁸

Protocol. In 2004 the substantive rules in the Code relating to violations and sanctions were incorporated into the USADA Protocol and the USOC National Anti-Doping Policies.

⁵ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **trafficking** and **attempted trafficking**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 3, 135, 136 (2001-04); UCI ADR 15.7 (2005-2008); UCI ADR 21.7 (2009-present); and Code Article 2.7 (2003-present).

⁶ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **administration** and/or **attempted administration**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 1, 2, 54, 93 (1997-2000); UCI ADR 3, 133 (2001-2004); UCI ADR 15.8 (2005-2008); UCI ADR 21.8 (2009-present); and Code Article 2.8 (2003-present).

⁷ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **assisting, encouraging, aiding, abetting, covering up** and **other complicity** involving one or more anti-doping rule violations and/or attempted anti-doping rule violations including: each of the above listed provisions and USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 1, 2, 54, 93 (1997-2000); UCI ADR 3, 131, 133 (2001-2004); UCI ADR 15.8 (2005-2008); UCI ADR 21.8 (2009-present); Code Article 2.8 (2003-present).

⁸ USADA charged Mr. Armstrong with violations of the following specific rules applicable to **aggravating circumstances**: USOC NADP (and incorporated provisions of Code); USADA Protocol (incorporated provisions of Code or UCI ADR); UCI ADR 130 (4 years to life for intentional doping) (2001-2004); UCI ADR 305 (2009-present) and Code Article 10.6 (2009-present).



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Mr. Armstrong was notified of the anti-doping rule violations with which he was charged via letters on June 12, 2012, and June 28, 2012 (copies of which the UCI and WADA have previously received and which are incorporated herein by reference as if fully set forth). Mr. Armstrong was notified via the letter on June 28, 2012, that he must request an arbitration hearing pursuant to the USADA Protocol by July 9, 2012, in order to avoid the imposition of a sanction.

Thereafter, Mr. Armstrong requested and was granted a five (5) day extension of time in which to request an arbitration hearing. However, on July 9, 2012, Mr. Armstrong filed a lawsuit in U.S. federal court in Austin, Texas, challenging whether he was subject to USADA's jurisdiction and whether an available means of challenging USADA's charges and proposed sanction was arbitration under the USADA Protocol (the "Lawsuit"). In the Lawsuit Mr. Armstrong took the position that he had not received due process, would not receive due process in any proceeding under the USADA Protocol and was not bound to arbitrate his dispute with USADA.

In the Lawsuit Armstrong complained "of the following alleged procedural deficiencies: (1) he was not provided an adequate charging document; (2) he has no guarantee of a hearing by the appellate arbitral panel; (3) he has no right to cross-examine or confront witnesses against him; (4) he has no right to an impartial arbitration panel; (5) he has no right to disclosure of exculpatory evidence; (6) he has no right to disclosure of cooperation agreements or inducements provided by USADA; (7) he has no right to obtain investigative witness statements; (8) he has no right to obtain full disclosure of laboratory analyses or an impartial assessment of their accuracy; and (9) he has no right to judicial review of the arbitrators' decision by a United States court."⁹

On Monday, August 20, 2012, the federal court dismissed the Lawsuit ruling that each of the foregoing "due process challenges . . . are without merit."¹⁰ The federal court determined that USADA has a "strong interest in fulfilling its mandate to root out doping in Olympic sports—an interest which is shared by other athletes, and the international sports community as a whole"¹¹ and "the USADA arbitration rules, which largely follow those of the American Arbitration Association ("AAA") are sufficiently robust to satisfy the requirements of due process."¹²

With respect to Mr. Armstrong's contention that he was not bound by the USADA Protocol to arbitrate his dispute over USADA's doping charges, the court also disagreed, finding that, "[t]he record shows Armstrong has agreed to arbitrate some doping matters with USADA, and that the USADA Protocol requires challenges to the existence, scope, or validity of the agreement to be made in the course of arbitration."¹³ As a consequence, the federal court dismissed the Lawsuit in its entirety, finding that Mr. Armstrong's claims could be addressed in arbitration under the USADA Protocol.

⁹ *Armstrong v. Tygart*, ___ F.Supp.2d ___ (W.D. Tex. August 20, 2012) (Case No. 1:12-cv-00606-SS; Document No. 56) (Slip Opinion at p. 11).

¹⁰ *Id.* Slip Op. at 12.

¹¹ *Id.* Slip Op. at 14.

¹² *Id.* Slip Op. at 18.

¹³ *Id.* Slip Op. at 27.



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During the course of the Lawsuit Mr. Armstrong and USADA agreed to extend the time in which Mr. Armstrong could challenge USADA's charges and proposed sanction to include Thursday, August 23, 2012. After the federal court dismissed the Lawsuit Mr. Armstrong was again advised of the August 23, 2012, deadline to choose arbitration if he contested USADA's charges and proposed sanction.

Mr. Armstrong, however, did not elect arbitration to challenge USADA's charge that the anti-doping violations of which he was accused had occurred and USADA's proposed sanctions and Mr. Armstrong did not request additional time beyond the August 23, 2012, deadline. Therefore, pursuant to section 11(e) of the USADA Protocol and consistent with Article 8.3 of the Code Mr. Armstrong has waived his right to a hearing; the anti-doping rule violations with which he has been charged are established, and USADA's proposed sanctions of lifetime ineligibility and the disqualification of all competitive results achieved on or after August 1, 1998, are hereby imposed.

An additional note on the disqualification of Mr. Armstrong's competitive results since August 1, 1998, is in order. Mr. Armstrong was notified through USADA's notice and charging letters on June 12 and June 28, 2012, that pursuant to established legal precedent which provides that the statute of limitations can be waived through perjury or other fraudulent concealment¹⁴ USADA was seeking disqualification of his competitive results extending outside the eight (8) year limitation period in the Code and back to August 1, 1998, due to Mr. Armstrong's false statements, fraudulent concealment and other wrongful conduct. Notice was very clearly provided to Mr. Armstrong that if he did not contest USADA's proposed sanction his competitive results dating to August 1, 1998, would be disqualified. In fact, USADA's decision to seek disqualification of Mr. Armstrong's competitive results back to August 1, 1998, was one ground asserted by Mr. Armstrong in the Lawsuit in support of his contention that the court should not require him to arbitrate his dispute with USADA. This ground like every other claim raised by Mr. Armstrong in the Lawsuit was rejected by the court. Because Mr. Armstrong failed to contest USADA's charges and proposed sanction which included disqualification of results back to August 1, 1998, all competitive results obtained by Mr. Armstrong from August 1, 1998, are disqualified with all resulting consequences including the forfeiture of all medals, points and prizes.

Pursuant to section 11(e) of the USADA Protocol, Mr. Armstrong's "sanction shall not be reopened or be subject to appeal unless the [Mr. Armstrong] can demonstrate by a preponderance of the

¹⁴ See, e.g., *USADA v. Hellebuyck*, (reliance on statute of limitations barred due to perjury, results disqualified back to 2001) (available at <http://www.usada.org/uploads/hellebuyckaaaruling.pdf>); *Comitato Olimpico Nazionale Italiano (CONI)*, CAS 2005/C/841, ¶ 78 (questions regarding "interruption, suspension, expiry or extension" of the statute of limitations are to be decided through application "of the principles of private law of the country where the interested sports authority is domiciled" and holding that in a case involving an Italian anti-doping organization considerations regarding application of the statute of limitations should be made by applying Italian legal principles).



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evidence in a subsequent appeal to the Court of Arbitration for Sport (“CAS”) that he . . . did not receive either actual or constructive notice of the opportunity to contest the sanction.”

As required in every case under the USADA Protocol, the doping violation and the resulting sanction has been publicly announced. A copy of the press release is enclosed.

USADA requests that the UCI, USA Cycling, World Triathlon Corporation and USA Triathlon enforce Mr. Armstrong’s sanction and provide notice of this sanction and disqualification of Mr. Armstrong’s results to the organizers of the events in which Mr. Armstrong competed as reflected in the records of those organizations.

If you have any questions about this matter please do not hesitate to contact me.

Kind regards,

William Bock, III
General Counsel

WB/ljm

Enclosure

cc: Mr. Timothy Herman, Legal Counsel to Mr. Armstrong
David Howman, Director General, World Anti-Doping Agency
Olivier Niggli, Legal Counsel, World Anti-Doping Agency
Pat McQuaid, President, Union Cycliste Internationale
Andrew Messick, Chief Executive Officer, World Triathlon Corporation
Kate Mittelstadt, Director of Anti-Doping, World Triathlon Corporation
Scott Blackmun, Chief Executive Officer, United States Olympic Committee
Rana Dershowitz, General Counsel, United States Olympic Committee
John Ruger, Athlete Ombudsman, United States Olympic Committee
Steve Johnson, President, USA Cycling
Sean Petty, Chief Operating Officer, USA Cycling
Robert Urbach, Chief Executive Officer, USA Triathlon



NEWS RELEASE

LANCE ARMSTRONG RECEIVES LIFETIME BAN AND DISQUALIFICATION OF COMPETITIVE RESULTS FOR DOPING VIOLATIONS STEMMING FROM HIS INVOLVEMENT IN THE UNITED STATES POSTAL SERVICE PRO-CYCLING TEAM DOPING CONSPIRACY

Colorado Springs, Colo. (August 24, 2012) – USADA announced today that Lance Armstrong has chosen not to move forward with the independent arbitration process and as a result has received a lifetime period of ineligibility and disqualification of all competitive results from August 1, 1998 through the present, as the result of his anti-doping rule violations stemming from his involvement in the United States Postal Service (USPS) Cycling Team Doping Conspiracy (USPS Conspiracy).

Following the dismissal of Mr. Armstrong's lawsuit on Monday, August 20, 2012, by the federal court in Austin, Texas, Mr. Armstrong had until midnight on Thursday, August 23, to contest the evidence against him in a full evidentiary hearing with neutral arbitrators as provided by U.S. law. However, when given the opportunity to challenge the evidence against him, and with full knowledge of the consequences, Mr. Armstrong chose not to contest the fact that he engaged in doping violations from at least August 1, 1998 and participated in a conspiracy to cover up his actions. As a result of Mr. Armstrong's decision, USADA is required under the applicable rules, including the World Anti-Doping Code under which he is accountable, to disqualify his competitive results and suspend him from all future competition.

"Nobody wins when an athlete decides to cheat with dangerous performance enhancing drugs, but clean athletes at every level expect those of us here on their behalf, to pursue the truth to ensure the win-at-all-cost culture does not permanently overtake fair, honest competition" said USADA CEO, Travis T. Tygart. "Any time we have overwhelming proof of doping, our mandate is to initiate the case through the process and see it to conclusion as was done in this case."

As is every athlete's right, if Mr. Armstrong would have contested the USADA charges, all of the evidence would have been presented in an open legal proceeding for him to challenge. He chose not to do this knowing these sanctions would immediately be put into place.

The evidence against Lance Armstrong arose from disclosures made to USADA by more than a dozen witnesses who agreed to testify and provide evidence about their first-hand experience and/or knowledge of the doping activity of those involved in the USPS Conspiracy as well as analytical data. As part of the investigation Mr. Armstrong was invited to meet with USADA and be truthful about his time on the USPS team but he refused.

On June 12, 2012, USADA issued a notice letter informing Mr. Armstrong and five other individuals, including the USPS team director, team trainer and three team doctors, of USADA's intent to open proceedings against them. On June 28, 2012, following a review process set forth in the applicable rules, USADA notified Mr. Armstrong and the other five individuals that the independent review panel's finding confirmed sufficient and in fact overwhelming evidence, and that USADA was charging them with rule violations.

Numerous witnesses provided evidence to USADA based on personal knowledge acquired, either through direct observation of doping activity by Armstrong, or through Armstrong's admissions of doping to them that Armstrong used EPO, blood transfusions, testosterone and cortisone during the period from before 1998 through 2005, and that he had previously used EPO, testosterone and hGH through 1996. Witnesses also provided evidence that Lance Armstrong gave to them, encouraged them to use and administered doping products or methods, including EPO, blood transfusions, testosterone and cortisone during the period from 1999 through 2005. Additionally, scientific data showed Mr. Armstrong's use of blood manipulation including EPO or blood transfusions during Mr. Armstrong's comeback to cycling in the 2009 Tour de France.

The anti-doping rule violations for which Mr. Armstrong is being sanctioned are:

- (1) Use and/or attempted use of prohibited substances and/or methods including EPO, blood transfusions, testosterone, corticosteroids and masking agents.
- (2) Possession of prohibited substances and/or methods including EPO, blood transfusions and related equipment (such as needles, blood bags, storage containers and other transfusion equipment and blood parameters measuring devices), testosterone, corticosteroids and masking agents.
- (3) Trafficking of EPO, testosterone, and corticosteroids.
- (4) Administration and/or attempted administration to others of EPO, testosterone, and cortisone.
- (5) Assisting, encouraging, aiding, abetting, covering up and other complicity involving one or more anti-doping rule violations and/or attempted anti-doping rule violations.

These activities are defined as anti-doping rule violations under the USADA Protocol for Olympic and Paralympic Movement Testing, the United States Olympic Committee National Anti-Doping Policies, USA Cycling rules and the International Cycling Union (UCI) Anti-Doping Rules (UCI ADR), all of which have adopted the World Anti-Doping Code (Code) and the World Anti-Doping Agency (WADA) Prohibited List.

In accordance with the Code, aggravating circumstances including involvement in multiple anti-doping rule violations and participation in a sophisticated doping scheme and conspiracy as well as trafficking, administration and/or attempted administration of a prohibited substance or method, justify a period of ineligibility greater than the standard sanction. Accordingly, Mr. Armstrong has received a lifetime period of ineligibility for his numerous anti-doping rule violations, including his involvement in trafficking and administering doping products to others. A lifetime period of ineligibility as described in the Code prevents Mr. Armstrong from participating in any activity or competition organized by any signatory to the Code or any member of any signatory.

In addition to the lifetime ban, Mr. Armstrong will be disqualified from any and all competitive results obtained on and subsequent to August 1, 1998, including forfeiture of any medals, titles, winnings, finishes, points and prizes.

As noted above, Mr. Armstrong challenged the arbitration process in federal court. In response, the court found that "the USADA arbitration rules, which largely follow those of the American Arbitration Association (AAA) are sufficiently robust to satisfy the requirements of due process." USADA's rules provide that where an athlete or other person is sanctioned because they fail to contest USADA's charges in arbitration, the sanction shall not be reopened or subject to appeal unless the athlete or other person can demonstrate that he did not receive actual or constructive notice of the opportunity to contest the sanction. Because Mr. Armstrong could have had a hearing before neutral arbitrators to contest USADA's evidence and sanction and he voluntarily chose not to do so, USADA's sanction is final.

In an effort to aid athletes, as well as all support team members such as parents and coaches, in understanding the rules applicable to them, USADA provides comprehensive instruction on its website on the testing process and prohibited substances, how to obtain permission to use a necessary medication, and the risks and dangers of taking supplements as well as performance-enhancing and recreational drugs. In addition, the agency manages a drug reference hotline, Drug Reference Online (www.GlobalDRO.com), conducts educational sessions with National Governing Bodies and their athletes, and proactively distributes a multitude of educational materials, such as the Prohibited List, easy-reference wallet cards, periodic newsletters, and protocol and policy reference documentation.

USADA is responsible for the testing and results management process for athletes in the U.S. Olympic and Paralympic Movement, and is equally dedicated to preserving the integrity of sport through research initiatives and educational programs.

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