

Union Calendar No. 200

116TH CONGRESS
1ST SESSION

H. R. 835

[Report No. 116–251, Part I]

To impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2019

Ms. JACKSON LEE (for herself, Mr. BURGESS, Mr. COHEN, Mr. HUDSON, Ms. DEGETTE, Mr. KING of New York, Mr. HASTINGS, Mr. LONG, Mr. JOHNSON of Georgia, Mr. SMITH of New Jersey, Ms. MOORE, Mr. RUSH, and Mr. TONKO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 22, 2019

Additional sponsors: Ms. CLARKE of New York, Ms. FUDGE, Ms. LEE of California, Ms. JOHNSON of Texas, Mr. BISHOP of Georgia, Mrs. WATSON COLEMAN, Mr. DANNY K. DAVIS of Illinois, Mr. RICHMOND, Mr. CLYBURN, Mr. VEASEY, Ms. BASS, Mr. FITZPATRICK, Mr. JORDAN, Mr. THOMPSON of Mississippi, Mr. ROUDA, and Mrs. MCBATH

OCTOBER 22, 2019

Reported from the Committee on the Judiciary with amendments

[Omit the part struck through and insert the part printed in *italic*]

OCTOBER 22, 2019

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rodchenkov Anti-
5 Doping Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Doping fraud conspiracies which affect the
9 results of Major International Sport Competitions
10 harm the clean athletes, including the United States
11 athletes, who participate in those competitions by
12 denying them their due recognition and economic re-
13 wards.

14 (2) Doping fraud conspiracies which affect the
15 results of Major International Sport Competitions
16 also harm the sponsors of clean athletes, including
17 United States sponsors, whose sponsored athletes
18 participate in these competitions by denying the
19 sponsors the recognition they would have received
20 had their sponsored athletes not been cheated out of
21 their rightful placement by doped competitors.

22 (3) Doping fraud conspiracies which affect the
23 results of Major International Sport Competitions
24 also harm the sponsors of those competitions by de-

1 basing the legitimacy of the product which they have
2 paid to sponsor.

3 (4) Doping fraud conspiracies which affect the
4 results of Major International Sport Competitions
5 also harm the media companies which broadcast
6 those competitions by debasing the legitimacy of the
7 product which they have paid to broadcast.

8 (5) Doping fraud conspiracies which affect the
9 results of Major International Sport Competitions
10 also harm the general public who pay to watch these
11 competitions in the expectation that they will be fair
12 competitions competed on a level playing field.

13 (6) Doping fraud conspiracies which affect the
14 results of Major International Sport Competitions
15 also hurt the sport organizations whose athletes par-
16 ticipate in those competitions because their sup-
17 porters assume that the competitions in which the
18 athletes participate are fair competitions which em-
19 body the fundamental social values of sport and not
20 sham exhibitions rigged in favor of cheaters who
21 dope.

22 (7) Doping fraud conspiracies in Major Inter-
23 national Sporting Competitions undermine the integ-
24 rity and value of not only those events but all orga-

1 nized sport around the world, including the United
2 States.

3 (8) The economic impact of sport in the United
4 States economy exceeds over \$500,000,000,000
5 yearly. Doping fraud conspiracies in Major Inter-
6 national Sport Competitions seriously threaten the
7 value of that sector of the United States economy.

8 (9) Doping fraud conspiracies often beget other
9 illegal activity, including bribery and money laun-
10 dering.

11 (10) The World Anti-Doping Code, which first
12 went into effect in 2003, has been an effective tool
13 in the fight against international doping by signifi-
14 cantly harmonizing the anti-doping rules of sport
15 and the national laws of those countries which ad-
16 dress sport doping through legislation.

17 (11) On August 25, 2003, the United States
18 ratified the Convention. As a party to the Conven-
19 tion, the United States has agreed to “adopt appro-
20 priate measures at the national and international
21 levels which are consistent with the Code . . . In
22 abiding by the obligations contained in this Conven-
23 tion, each State Party undertakes to adopt appro-
24 priate measures. Such measures may include legisla-
25 tion, regulation, policies or administrative practices.”

1 (12) USADA was recognized by Congress,
2 under the United States Anti-Doping Agency Reau-
3 thorization Act (Public Law 113–280; 128 Stat.
4 3020), as the independent anti-doping organization
5 for the amateur athletic competitions recognized by
6 the United States Olympic Committee. Both
7 USADA and the United States Olympic Committee
8 are Signatories to the World Anti-Doping Code.

9 (13) The mission of USADA is to preserve the
10 integrity of competition, inspire true sport, and pro-
11 tect the rights of athletes.

12 (14) As a party to the Convention, the United
13 States has also agreed to “insure the application of
14 the present Convention, notably through domestic
15 coordination. To meet their obligations under [the]
16 Convention, States Parties may rely on Anti-Doping
17 Organizations as well as sports authorities and orga-
18 nizations.” Because USADA does not have search
19 and seizure or subpoena powers, this cooperation by
20 Federal agencies is very important to USADA in
21 carrying out its mission.

22 (15) Existing criminal statutes, such as con-
23 spiracy to commit wire fraud and conspiracy to com-
24 mit mail fraud, have been important tools used by
25 United States law enforcement agencies to fight cor-

1 ruption in connection with some Major International
2 Sport Competitions. However, in other international
3 sporting events, the facts of a doping fraud con-
4 spiracy may not support the use of existing laws. As
5 is evident from the recent exposure of the doping
6 fraud conspiracy in Russia involving the Sochi Olym-
7 pie Games and other Major International Sport
8 Competitions before and after such Olympic Games,
9 whistleblowers, including Dr. Grigory Rodchenkov
10 and Yuliya and Vitaliy Stepanov, can play a critical
11 role in exposing doping fraud conspiracies and other
12 fraudulent acts in international sport.

13 (16) These whistleblowers, including Dr.
14 Grigory Rodchenkov and Yuliya and Vitaliy
15 Stepanov, often expose major international doping
16 fraud conspiracies at considerable personal risk. By
17 criminalizing these conspiracies, such whistleblowers
18 will be included under existing witness and inform-
19 ant protection laws.

20 **SEC. 3. DEFINITIONS.**

21 (1) ANTI-DOPING ORGANIZATION.—The term
22 “anti-doping organization” has the meaning given
23 the term in Article 2 of the Convention.

1 (2) ATHLETE.—The term “athlete” has the
2 meaning given the term in Article 2 of the Conven-
3 tion.

4 (3) CODE.—The term “Code” means the World
5 Anti-Doping Code most recently adopted by WADA
6 on March 5, 2003.

7 (4) CONVENTION.—The term “Convention”
8 means the United Nations Educational, Scientific,
9 and Cultural Organization International Convention
10 Against Doping in Sport done at Paris October 19,
11 2005, and ratified by the United States in 2008.

12 ~~(5) MAJOR INTERNATIONAL SPORT COMPETI-~~
13 ~~TION.—The term “Major International Sport Com-~~
14 ~~petition” means—~~

15 ~~(A) a competition in which—~~

16 ~~(i) 1 or more United States athletes~~
17 ~~and 3 or more athletes from other coun-~~
18 ~~tries participate; and~~

19 ~~(ii)(I) the competition organizer or~~
20 ~~sanctioning body receives sponsorship or~~
21 ~~other financial support from an organiza-~~
22 ~~tion doing business in the United States;~~
23 ~~or~~

24 ~~(II) the competition organizer or sanc-~~
25 ~~tioning body receives compensation for the~~

1 right to broadcast the competition in the
2 United States; and

3 (5) MAJOR INTERNATIONAL SPORT COMPETI-
4 TION.—The term “Major International Sport Com-
5 petition”—

6 (A) means a competition—

7 (i) in which 1 or more United States
8 athletes and 3 or more athletes from other
9 countries participate;

10 (ii) that is governed by the anti-doping
11 rules and principles of the Code; and

12 (iii) in which—

13 (I) the competition organizer or
14 sanctioning body receives sponsorship
15 or other financial support from an or-
16 ganization doing business in the
17 United States; or

18 (II) the competition organizer or
19 sanctioning body receives compensation
20 for the right to broadcast the competi-
21 tion in the United States; and

22 (B) includes a competition that is a single
23 event or a competition that consists of a series
24 of events held at different times which, when

1 combined, qualify an athlete or team for an
2 award or other recognition.

3 (6) PERSON.—The term “person” means any
4 individual, partnership, corporation, association, or
5 other entity.

6 (7) PROHIBITED METHOD.—The term “prohib-
7 ited method” has the meaning given the term in Ar-
8 ticle 2 of the Convention.

9 (8) PROHIBITED SUBSTANCE.—The term “pro-
10 hibited substance” has the meaning given the term
11 in Article 2 of the Convention.

12 (9) SCHEME IN COMMERCE.—The term
13 “scheme in commerce” means any scheme effec-
14 tuated in whole or in part through the use in inter-
15 state or foreign commerce of any facility for trans-
16 portation or communication.

17 (10) USADA.—The term “USADA” means the
18 United States Anti-Doping Agency.

19 (11) WADA.—The term “WADA” means the
20 World Anti-Doping Agency.

21 **SEC. 4. MAJOR INTERNATIONAL DOPING FRAUD CONSPIR-**
22 **ACIES.**

23 (a) IN GENERAL.—It shall be unlawful for any per-
24 son, other than an athlete, to knowingly carry into effect,
25 attempt to carry into effect, or conspire with any other

1 person to carry into effect a scheme in commerce to influ-
 2 ence by use of a prohibited substance or prohibited method
 3 any major international sports competition.

4 (b) EXTRATERRITORIAL JURISDICTION.—There is
 5 extraterritorial Federal jurisdiction over an offense under
 6 this section.

7 **SEC. 5. CRIMINAL PENALTIES AND STATUTE OF LIMITA-**
 8 **TIONS.**

9 (a) IN GENERAL.—

10 (1) CRIMINAL PENALTY.—Whoever violates sec-
 11 tion 4 shall be sentenced to a term of imprisonment
 12 for not more than 10 years, fined \$250,000 if the
 13 person is an individual or \$1,000,000 if the defend-
 14 ant is other than an individual, or both.

15 ~~(2) FORFEITURE.—Any property real or per-~~
 16 ~~sonal used in violation of section 4 may be seized~~
 17 ~~and forfeited to the United States.~~

18 (2) *FORFEITURE.—Any property real or per-*
 19 *sonal, tangible or intangible, may be seized and*
 20 *criminally forfeited to the United States if that prop-*
 21 *erty—*

22 *(A) is used or intended to be used, in any*
 23 *manner, to commit or facilitate a violation of*
 24 *section 4; or*

1 *(B) constitutes or is traceable to the pro-*
2 *ceeds taken, obtained, or retained in connection*
3 *with or as a result of a violation of section 4.*

4 (b) LIMITATION ON PROSECUTION.—

5 (1) IN GENERAL.—No person shall be pros-
6 ecuted, tried, or punished for violation of section 4
7 unless the indictment is returned or the information
8 is filed within 10 years after the date on which the
9 offense was completed.

10 (2) TOLLING.—Upon application in the United
11 States, filed before a return of an indictment, indi-
12 cating that evidence of an offense under this chapter
13 is in a foreign country, the district court before
14 which a grand jury is impaneled to investigate the
15 offense shall suspend the running of this statute of
16 limitation for the offense if the court finds by a pre-
17 ponderance of the evidence that an official request
18 has been made for such evidence and that it reason-
19 ably appears, or reasonably ~~cleared~~ *appeared* at the
20 time the request was made, that such evidence is, or
21 was, in such foreign country.

22 **SEC. 6. RESTITUTION.**

23 Section 3663A of title 18, United States Code, is
24 amended in subsection (c)—

25 (1) in paragraph (1)(A)—

1 (A) by redesignating clauses (iii) and (iv)
 2 as clauses (iv) and (v), respectively; and

3 (B) by inserting after clause (ii) the fol-
 4 lowing:

5 “(iii) an offense described in section 4
 6 of the Rodchenkov Anti-Doping Act of
 7 2019;” and

8 (2) in paragraph (3), in the matter preceding
 9 clause (i), by inserting “or (iii)” after “paragraph
 10 (1)(A)(ii)”.

11 **SEC. 7. COORDINATION AND SHARING OF INFORMATION**
 12 **WITH USADA.**

13 Except as otherwise prohibited by law *and except in*
 14 *cases in which the integrity of a criminal investigation*
 15 *would be affected*, in furtherance of the obligation of the
 16 United States under Article 7 of the Convention, the De-
 17 partment of Justice, the Department of Homeland Secu-
 18 rity, and the Food and Drug Administration shall coordi-
 19 nate with USADA with regard to any investigation related
 20 to a potential violation of section 4 of this Act ~~or anti-~~
 21 ~~doping rules adopted by USADA pursuant to the Code,~~
 22 to include sharing with USADA all information in the pos-
 23 session of the Department of Justice, the Department of
 24 Homeland Security, or the Food and Drug Administration
 25 which may be relevant to any such potential violation.

Union Calendar No. 200

116TH CONGRESS
1ST Session

H. R. 835

[Report No. 116-251, Part I]

A BILL

To impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes.

OCTOBER 22, 2019

Reported from the Committee on the Judiciary with amendments

OCTOBER 22, 2019

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed