

Calendar No. 509

116TH CONGRESS
2D SESSION**H. R. 835****[Report No. 116–247]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AUGUST 6, 2020

Reported by Mr. WICKER, without amendment

AN ACT

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”.

1 **SEC. 2. DEFINITIONS.**

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

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

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

11 (4) CONVENTION.—The term “Convention”
12 means the United Nations Educational, Scientific,
13 and Cultural Organization International Convention
14 Against Doping in Sport done at Paris October 19,
15 2005, and ratified by the United States in 2008.

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

19 (A) means a competition—

20 (i) in which one or more United
21 States athletes and three or more athletes
22 from other countries participate;

23 (ii) that is governed by the anti-
24 doping rules and principles of the Code;
25 and

26 (iii) in which—

1 (I) the competition organizer or
2 sanctioning body receives sponsorship
3 or other financial support from an or-
4 ganization doing business in the
5 United States; or

6 (II) the competition organizer or
7 sanctioning body receives compensa-
8 tion for the right to broadcast the
9 competition in the United States; and

10 (B) includes a competition that is a single
11 event or a competition that consists of a series
12 of events held at different times which, when
13 combined, qualify an athlete or team for an
14 award or other recognition.

15 (6) PERSON.—The term “person” means any
16 individual, partnership, corporation, association, or
17 other entity.

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

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

24 (9) SCHEME IN COMMERCE.—The term
25 “scheme in commerce” means any scheme effec-

1 tuated in whole or in part through the use in inter-
2 state or foreign commerce of any facility for trans-
3 portation or communication.

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

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

8 **SEC. 3. MAJOR INTERNATIONAL DOPING FRAUD CONSPIR-**
9 **ACIES.**

10 (a) IN GENERAL.—It shall be unlawful for any per-
11 son, other than an athlete, to knowingly carry into effect,
12 attempt to carry into effect, or conspire with any other
13 person to carry into effect a scheme in commerce to influ-
14 ence by use of a prohibited substance or prohibited method
15 any major international sports competition.

16 (b) EXTRATERRITORIAL JURISDICTION.—There is
17 extraterritorial Federal jurisdiction over an offense under
18 this section.

19 **SEC. 4. CRIMINAL PENALTIES AND STATUTE OF LIMITA-**
20 **TIONS.**

21 (a) IN GENERAL.—

22 (1) CRIMINAL PENALTY.—Whoever violates sec-
23 tion 3 shall be sentenced to a term of imprisonment
24 for not more than 10 years, fined \$250,000 if the

1 person is an individual or \$1,000,000 if the defend-
2 ant is other than an individual, or both.

3 (2) FORFEITURE.—Any property real or per-
4 sonal, tangible or intangible, may be seized and
5 criminally forfeited to the United States if that
6 property—

7 (A) is used or intended to be used, in any
8 manner, to commit or facilitate a violation of
9 section 3; or

10 (B) constitutes or is traceable to the pro-
11 ceeds taken, obtained, or retained in connection
12 with or as a result of a violation of section 3.

13 (b) LIMITATION ON PROSECUTION.—

14 (1) IN GENERAL.—No person shall be pros-
15 ecuted, tried, or punished for violation of section 3
16 unless the indictment is returned or the information
17 is filed within 10 years after the date on which the
18 offense was completed.

19 (2) TOLLING.—Upon application in the United
20 States, filed before a return of an indictment, indi-
21 cating that evidence of an offense under this chapter
22 is in a foreign country, the district court before
23 which a grand jury is impaneled to investigate the
24 offense shall suspend the running of this statute of
25 limitation for the offense if the court finds by a pre-

1 ponderance of the evidence that an official request
2 has been made for such evidence and that it reason-
3 ably appears, or reasonably appeared at the time the
4 request was made, that such evidence is, or was, in
5 such foreign country.

6 **SEC. 5. RESTITUTION.**

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

9 (1) in paragraph (1)(A)—

10 (A) by redesignating clauses (iii) and (iv)
11 as clauses (iv) and (v), respectively; and

12 (B) by inserting after clause (ii) the fol-
13 lowing:

14 “(iii) an offense described in section 3
15 of the Rodchenkov Anti-Doping Act of
16 2019;” and

17 (2) in paragraph (3), in the matter preceding
18 subparagraph (A), by inserting “or (iii)” after
19 “paragraph (1)(A)(ii)”.

20 **SEC. 6. COORDINATION AND SHARING OF INFORMATION**
21 **WITH USADA.**

22 Except as otherwise prohibited by law and except in
23 cases in which the integrity of a criminal investigation
24 would be affected, in furtherance of the obligation of the
25 United States under Article 7 of the Convention, the De-

1 partment of Justice, the Department of Homeland Secu-
2 rity, and the Food and Drug Administration shall coordi-
3 nate with USADA with regard to any investigation related
4 to a potential violation of section 3 of this Act, to include
5 sharing with USADA all information in the possession of
6 the Department of Justice, the Department of Homeland
7 Security, or the Food and Drug Administration which may
8 be relevant to any such potential violation.

9 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, and the amend-
11 ments made by this Act, for the purpose of complying with
12 the Statutory Pay-As-You-Go Act of 2010, shall be deter-
13 mined by reference to the latest statement titled “Budg-
14 etary Effects of PAYGO Legislation” for this Act, sub-
15 mitted for printing in the Congressional Record by the
16 Chairman of the House Budget Committee, provided that
17 such statement has been submitted prior to the vote on
18 passage.

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