

Calendar No. 594

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 116-301

UNITED STATES ANTI-DOPING AGENCY
REAUTHORIZATION ACT OF 2020

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3248



NOVEMBER 17, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3248]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3248) to reauthorize the United States Anti-Doping Agency, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of this bill is to reauthorize the United States Anti-Doping Agency (USADA) from fiscal year 2021 through fiscal year 2029. This bill would authorize additional funds to USADA, promote interagency cooperation, and extend USADA's mission to include the promotion of positive values in youth sport. Reauthorization would help ensure USADA has the tools and resources necessary to promote clean sport, at all ages and skill levels, through detecting and deterring the use of dangerous, banned performance-enhancing substances among athletes.

BACKGROUND AND NEEDS

The U.S. Olympic and Paralympic Committee (USOPC) established USADA in 2000¹ at the recommendation of a USOPC task force. The task force recommended the creation of an independent

¹U.S. Anti-Doping Agency, "Independence & History," Mar. 27, 2020 (<https://www.usada.org/independence-history/>) (accessed Aug. 21, 2020).

body to bring credibility to the anti-doping fight in the U.S. Olympic sports movement.² Upon USADA's formation, it was governed by a Board of Directors, which consisted of nine members.³ Of those members, five came from outside the Olympic community and four were elected by the USOPC, the Athlete Advisory Council, and the National Governing Body Council.⁴ Today, USADA's board consists of 10 independent individuals who are reported to have no conflicts of interest with respect to USADA's mission and share the principles of the organization.⁵

As the official anti-doping organization for all Olympic, Paralympic, Pan American and Parapan American sport events in the United States, USADA is also charged with managing a comprehensive national anti-doping program for all USOPC-recognized sport national governing bodies, their athletes, and events.⁶ USADA's anti-doping program includes in-competition and out-of-competition testing, managing the results of drug testing, providing drug reference resources, and athlete education.⁷ Additionally, USADA contributes a portion of its budget to scientific research and education, as well as outreach initiatives focused on doping awareness and prevention.⁸ In 2018, USADA completed 6,607 drug tests and issued 36 sanctions.⁹

Congress first funded—but did not authorize—USADA as the country's official anti-doping agency in 2002.¹⁰ While USADA has received government funding since its inception, it was first formally authorized in 2006 as part of the Office of National Drug Control Policy Reauthorization Act in the final weeks of the 109th Congress.¹¹ USADA was last reauthorized by Congress in 2014.

SUMMARY OF PROVISIONS

S. 3248 reauthorizes USADA from fiscal years 2021 through 2029. Additionally, this bill would extend USADA's authority to include the promotion of positive values in youth sport to help instill in young athletes the values of integrity, respect, teamwork, courage, and responsibility. S. 3248 also requires U.S. government officials, including the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs to provide USADA with any relevant information relating to the prevention of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods.

LEGISLATIVE HISTORY

S. 3248, the United States Anti-Doping Agency Reauthorization Act of 2020, was introduced on February 3, 2020, by Senator Moran (for himself and Senator Blumenthal) and was referred to the Committee on Commerce, Science, and Transportation of the

²Id.

³Id.

⁴Id.

⁵Id.

⁶U.S. Anti-Doping Agency, "About USADA: The Gold Standard in Anti-Doping" (<https://www.usada.org/about/>) (accessed Aug. 21, 2020).

⁷Id.

⁸Id.

⁹U.S. Anti-Doping Agency, *U.S. Anti-Doping Agency, 2018 Annual Report*, 2019 (<https://www.usada.org/wp-content/uploads/2018-annual-report-a.pdf>) (accessed Aug. 21, 2020).

¹⁰Public Law 107-67, section 644.

¹¹S. Rep. 113-281, at 2 (2014).

Senate. On March 11, 2020, the Committee met in open Executive Session and, by voice vote, ordered the bill reported favorably with amendments.

H.R. 5373, a companion bill to S. 3248, was introduced on December 9, 2019, by Representative Thompson [D-CA-5] (for himself and Representatives Johnson [R-OH-6] and DeGette [D-CO-1]) and was referred to Committee on Energy and Commerce in the House of Representatives.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 3248, United States Anti-Doping Agency Reauthorization Act of 2020			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 11, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	83	175
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold

S. 3248 would authorize the appropriation of \$175 million over the 2021–2029 period for the United States Anti-Doping Agency (USADA) to prevent the use of performance-enhancing drugs in Olympic sports. The bill also would require the Departments of Justice, Homeland Security, and Food and Drug Administration to coordinate with USADA on efforts to prevent the use of performance-enhancing drugs. Finally, the bill would require USADA to report on options to test horses for performance-enhancing drugs in the United States.

Assuming the appropriation of the authorized amounts, CBO estimates that implementing S. 3248 would cost \$83 million over the 2021–2025 period and \$175 million over the 2021–2030 period. For fiscal year 2020, USADA received an appropriation of \$10 million.

S. 3248 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on the USADA. The bill would require USADA to distribute educational materials to promote the positive values of youth sports and to report to the Congress on its capacity to implement an anti-doping and medication control program for horses. CBO estimates the cost of the mandate would not exceed the private-sector threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation).

S. 3248 would not impose intergovernmental mandates as defined in UMRA.

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 3248

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020– 2025	2020– 2030
Authorization	0	16	16	17	18	19	20	22	25	24	0	85	175
Estimated Outlays	0	14	16	17	18	18	20	22	25	24	1	83	175

Components may not sum to totals because of rounding.

On September 28, 2020, CBO transmitted a cost estimate for H.R. 5373, the United States Anti-Doping Agency Reauthorization Act, as ordered reported by the House Committee on Energy and Commerce on September 9, 2020. The two pieces of legislation are similar; the differences in CBO's estimates reflect differences in the specified authorizations in the two bills.

The CBO staff contact for this estimate is Matthew Pickford (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 3248 would reauthorize USADA from fiscal years 2021 through 2029. Although the bill requires certain government officials to share information with USADA pertaining to the prevention of the use of performance-enhancing drugs in sport, the bill would not authorize any new regulations and would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

S. 3248 would not have an adverse economic impact on the Nation. It is expected that USADA's continued efforts to ensure clean and competitive sport would benefit the economic activities associated with competitions.

PRIVACY

S. 3248 would not have any adverse impact on the personal privacy of individuals.

PAPERWORK

S. 3248 would not increase paperwork requirements for private individuals or businesses. The legislation may require reports or documentation by certain government officials to share information with USADA related to the prevention of the use of performance-enhancing drugs.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “United States Anti-Doping Agency Reauthorization Act of 2020”.

Section 2. Findings.

This section recognizes USADA as the anti-doping organization of the United States and its efforts to advance clean sport. This section finds that participation in youth sports has the potential to equip young athletes with important skills and values necessary for success in life. Additionally, this section finds that by extending USADA’s authority to include the promotion of the positive value of youth sport, Congress sends a strong signal that the goals of youth sport should include instilling in young athletes the values of integrity, respect, teamwork, courage, and responsibility. This section also recognizes the importance of increasing funding to USADA to fulfill its mission.

Section 3. Promotion of youth sports.

This section would amend the Office of National Drug Control Policy Reauthorization of 2006 to extend USADA’s authority to include the promotion of positive youth sport experiences. The amended language would direct USADA to use a portion of its funding for the TrueSport Program to promote a positive youth sport experience by providing educational materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.

Section 4. Authorization of appropriations.

This section would amend section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 by authorizing funds to be appropriated to USADA from fiscal years 2021 through 2029. The following amounts would be authorized for each of those fiscal years:

- fiscal year 2021, \$15,500,000;
- fiscal year 2022, \$16,200,000;
- fiscal year 2023, \$16,900,000;
- fiscal year 2024, \$17,700,000;
- fiscal year 2025, \$18,500,000;
- fiscal year 2026, \$19,800,000;
- fiscal year 2027, \$22,100,000;
- fiscal year 2028, \$24,900,000; and
- fiscal year 2029, \$23,700,000.

Section 5. Information sharing.

This section would require the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs to provide to USADA any relevant information relating to the preven-

tion of the use of performance-enhancing drugs or the prohibition of performance-enhancing methods, except as otherwise prohibited by law or in cases in which the integrity of a criminal investigation would be affected.

Section 6. Report on capacity to implement equine anti-doping and medication control program.

This section would require USADA to submit to Congress a report not later than 180 days after the date of enactment of the bill that assesses the capacity of USADA to implement an equine anti-doping and medication control program. This section would require that the report include recommendations for best practices, resources, and any other considerations for the successful implementation of such a program and recommendations developed in consultation with the National Veterinary Services Laboratories with respect to appropriate technical standards for such a program.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

**OFFICE OF NATIONAL DRUG CONTROL
POLICY REAUTHORIZATION ACT OF
2006**

* * * * *

TITLE VII—ANTI-DOPING AGENCY

* * * * *

[21 U.S.C. 2001(b)]

SEC. 701. DESIGNATION OF UNITED STATES ANTI-DOPING AGENCY.

(a) * * *

(b) **IN GENERAL.**—The United States Anti-Doping Agency shall—

(1) * * *

(2) * * *

(3) * * *

(4) serve as the United States representative responsible for coordination with other anti-doping organizations coordinating amateur athletic competitions recognized by the United States Olympic Committee to ensure the integrity of athletic competition, the health of the athletes, and the prevention of use by United States amateur athletes of performance-enhancing drugs or prohibited performance-enhancing methods adopted by the Agency[.]; and

(5) *promote a positive youth sport experience by providing educational materials on sportsmanship, character building, and healthy performance for the athletes, parents, and coaches who participate in youth sports.*

SEC. 702. * * *

[21 U.S.C. 2003]

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Anti-Doping Agency—

- 【(1) for fiscal year 2014, \$11,300,000;
- 【(2) for fiscal year 2015, \$11,700,000;
- 【(3) for fiscal year 2016, \$12,300,000;
- 【(4) for fiscal year 2017, \$12,900,000;
- 【(5) for fiscal year 2018, \$13,500,000;
- 【(6) for fiscal year 2019, \$14,100,000; and
- 【(7) for fiscal year 2020, \$14,800,000.】
- (1) for fiscal year 2021, \$15,500,000;*
- (2) for fiscal year 2022, \$16,200,000;*
- (3) for fiscal year 2023, \$16,900,000;*
- (4) for fiscal year 2024, \$17,700,000;*
- (5) for fiscal year 2025, \$18,500,000;*
- (6) for fiscal year 2026, \$19,800,000;*
- (7) for fiscal year 2027, \$22,100,000;*
- (8) for fiscal year 2028, \$24,900,000; and*
- (9) for fiscal year 2029, \$23,700,000.*

* * * * *