H. R. 835

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

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,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Doping fraud conspiracies which affect the results of Major International Sport Competitions harm the clean athletes, including the United States athletes, who participate in those competitions by denying them their due recognition and economic rewards.

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

(3) Doping fraud conspiracies which affect the results of Major International Sport Competitions also harm the sponsors of those competitions by debasing the legitimacy of the product which they have paid to sponsor.

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

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

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

(7) Doping fraud conspiracies in Major Inter-
national Sporting Competitions undermine the integ-
rity and value of not only those events but all orga-
nized sport around the world, including the United
States.

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

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

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

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

(12) USADA was recognized by Congress,
under the United States Anti-Doping Agency Reau-
thorization Act (Public Law 113–280; 128 Stat.
3020), as the independent anti-doping organization
for the amateur athletic competitions recognized by

(13) The mission of USADA is to preserve the integrity of competition, inspire true sport, and protect the rights of athletes.

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

(15) Existing criminal statutes, such as conspiracy to commit wire fraud and conspiracy to commit mail fraud, have been important tools used by United States law enforcement agencies to fight corruption in connection with some Major International Sport Competitions. However, in other international sporting events, the facts of a doping fraud conspiracy may not support the use of existing laws. As is evident from the recent exposure of the doping
fraud conspiracy in Russia involving the Sochi Olympic Games and other Major International Sport Competitions before and after such Olympic Games, whistleblowers, including Dr. Grigory Rodchenkov and Yuliya and Vitaliy Stepanov, can play a critical role in exposing doping fraud conspiracies and other fraudulent acts in international sport.

(16) These whistleblowers, including Dr. Grigory Rodchenkov and Yuliya and Vitaliy Stepanov, often expose major international doping fraud conspiracies at considerable personal risk. By criminalizing these conspiracies, such whistleblowers will be included under existing witness and informant protection laws.

SEC. 3. DEFINITIONS.

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

(2) ATHLETE.—The term “athlete” has the meaning given the term in Article 2 of the Convention.


(5) MAJOR INTERNATIONAL SPORT COMPETITION.—The term “Major International Sport Competition” means—

(A) a competition in which—

(i) 1 or more United States athletes and 3 or more athletes from other countries participate; and

(ii)(I) the competition organizer or sanctioning body receives sponsorship or other financial support from an organization doing business in the United States; or

(II) the competition organizer or sanctioning body receives compensation for the right to broadcast the competition in the United States; and

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

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

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

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

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

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

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

SEC. 4. MAJOR INTERNATIONAL DOPING FRAUD CONSPIR-
ACIES.

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

(b) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

**Sec. 5. Criminal Penalties and Statute of Limitations.**

(a) In General.—

(1) Criminal Penalty.—Whoever violates section 4 shall be sentenced to a term of imprisonment for not more than 10 years, fined $250,000 if the person is an individual or $1,000,000 if the defendant is other than an individual, or both.

(2) Forfeiture.—Any property real or personal used in violation of section 4 may be seized and forfeited to the United States.

(b) Limitation on Prosecution.—

(1) In General.—No person shall be prosecuted, tried, or punished for violation of section 4 unless the indictment is returned or the information is filed within 10 years after the date on which the offense was completed.

(2) Tolling.—Upon application in the United States, filed before a return of an indictment, indi-
cating that evidence of an offense under this chapter
is in a foreign country, the district court before
which a grand jury is impaneled to investigate the
offense shall suspend the running of this statute of
limitation for the offense if the court finds by a pre-
ponderance of the evidence that an official request
has been made for such evidence and that it reason-
able appears, or reasonably cleared at the time the
request was made, that such evidence is, or was, in
such foreign country.

SEC. 6. RESTITUTION.

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

(1) in paragraph (1)(A)—

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

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

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

and

(2) in paragraph (3), in the matter preceding
clause (i), by inserting “or (iii)” after “paragraph
(1)(A)(ii)”.
SEC. 7. COORDINATION AND SHARING OF INFORMATION WITH USADA.

Except as otherwise prohibited by law, in furtherance of the obligation of the United States under Article 7 of the Convention, the Department of Justice, the Department of Homeland Security, and the Food and Drug Administration shall coordinate with USADA with regard to any investigation related to a potential violation of section 4 of this Act or anti-doping rules adopted by USADA pursuant to the Code, to include sharing with USADA all information in the possession of the Department of Justice, the Department of Homeland Security, or the Food and Drug Administration which may be relevant to any such potential violation.