

Suspend the Rules and Pass the Bill, H.R. 835, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

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

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

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

16 (4) CONVENTION.—The term “Convention”
17 means the United Nations Educational, Scientific,
18 and Cultural Organization International Convention
19 Against Doping in Sport done at Paris October 19,
20 2005, and ratified by the United States in 2008.

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

24 (A) means a competition—

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

4 (ii) that is governed by the anti-
5 doping rules and principles of the Code;
6 and

7 (iii) in which—

8 (I) the competition organizer or
9 sanctioning body receives sponsorship
10 or other financial support from an or-
11 ganization doing business in the
12 United States; or

13 (II) the competition organizer or
14 sanctioning body receives compensa-
15 tion for the right to broadcast the
16 competition in the United States; and

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

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

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

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

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

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

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

16 **SEC. 3. MAJOR INTERNATIONAL DOPING FRAUD CONSPIR-**
17 **ACIES.**

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

1 (b) EXTRATERRITORIAL JURISDICTION.—There is
2 extraterritorial Federal jurisdiction over an offense under
3 this section.

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

6 (a) IN GENERAL.—

7 (1) CRIMINAL PENALTY.—Whoever violates sec-
8 tion 3 shall be sentenced to a term of imprisonment
9 for not more than 10 years, fined \$250,000 if the
10 person is an individual or \$1,000,000 if the defend-
11 ant is other than an individual, or both.

12 (2) FORFEITURE.—Any property real or per-
13 sonal, tangible or intangible, may be seized and
14 criminally forfeited to the United States if that
15 property—

16 (A) is used or intended to be used, in any
17 manner, to commit or facilitate a violation of
18 section 3; or

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

22 (b) LIMITATION ON PROSECUTION.—

23 (1) IN GENERAL.—No person shall be pros-
24 ecuted, tried, or punished for violation of section 3
25 unless the indictment is returned or the information

1 is filed within 10 years after the date on which the
2 offense was completed.

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

15 **SEC. 5. RESTITUTION.**

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

18 (1) in paragraph (1)(A)—

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

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

23 “(iii) an offense described in section 3
24 of the Rodchenkov Anti-Doping Act of
25 2019;” and

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

4 **SEC. 6. COORDINATION AND SHARING OF INFORMATION**
5 **WITH USADA.**

6 Except as otherwise prohibited by law and except in
7 cases in which the integrity of a criminal investigation
8 would be affected, in furtherance of the obligation of the
9 United States under Article 7 of the Convention, the De-
10 partment of Justice, the Department of Homeland Secu-
11 rity, and the Food and Drug Administration shall coordi-
12 nate with USADA with regard to any investigation related
13 to a potential violation of section 3 of this Act, to include
14 sharing with USADA all information in the possession of
15 the Department of Justice, the Department of Homeland
16 Security, or the Food and Drug Administration which may
17 be relevant to any such potential violation.