

115TH CONGRESS
2D SESSION

S. 3790

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 SENATE OF THE UNITED STATES

DECEMBER 19, 2018

Mr. WHITEHOUSE (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 2018”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

17 (3) Doping fraud conspiracies which affect the
18 results of Major International Sport Competitions
19 also harm the sponsors of those competitions by de-
20 basing the legitimacy of the product which they have
21 paid to sponsor.

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

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

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

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

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

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

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

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

19 (12) USADA was recognized by Congress,
20 under the United States Anti-Doping Agency Reau-
21 thorization Act (Public Law 113–280; 128 Stat.
22 3020), as the independent anti-doping organization
23 for the amateur athletic competitions recognized by
24 the United States Olympic Committee. Both

1 USADA and the United States Olympic Committee
2 are Signatories to the World Anti-Doping Code.

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

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

16 (15) Existing criminal statutes, such as con-
17 spiracy to commit wire fraud and conspiracy to com-
18 mit mail fraud, have been important tools used by
19 United States law enforcement agencies to fight cor-
20 ruption in connection with some Major International
21 Sport Competitions. However, in other international
22 sporting events, the facts of a doping fraud con-
23 spiracy may not support the use of existing laws. As
24 is evident from the recent exposure of the doping
25 fraud conspiracy in Russia involving the Sochi Olym-

1 pic Games and other Major International Sport
2 Competitions before and after such Olympic Games,
3 whistleblowers, including Dr. Grigory Rodchenkov
4 and Yuliya and Vitaliy Stepanov, can play a critical
5 role in exposing doping fraud conspiracies and other
6 fraudulent acts in international sport.

7 (16) These whistleblowers, including Dr.
8 Grigory Rodchenkov and Yuliya and Vitaliy
9 Stepanov, often expose major international doping
10 fraud conspiracies at considerable personal risk. By
11 criminalizing these conspiracies, such whistleblowers
12 will be included under existing witness and inform-
13 ant protection laws.

14 **SEC. 3. DEFINITIONS.**

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

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

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

24 (4) CONVENTION.—The term “Convention”
25 means the United Nations Educational, Scientific,

1 and Cultural Organization International Convention
2 Against Doping in Sport done at Paris October 19,
3 2005, and ratified by the United States in 2008.

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

7 (A) a competition in which—

8 (i) 1 or more United States athletes
9 and 3 or more athletes from other coun-
10 tries participate; and

11 (ii)(I) the competition organizer or
12 sanctioning body receives sponsorship or
13 other financial support from an organiza-
14 tion doing business in the United States;
15 or

16 (II) the competition organizer or sanc-
17 tioning body receives compensation for the
18 right to broadcast the competition in the
19 United States; and

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

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

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

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

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

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

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

19 **SEC. 4. MAJOR INTERNATIONAL DOPING FRAUD CONSPIR-**
20 **ACIES.**

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

1 ence by use of a prohibited substance or prohibited method
2 any major international sports competition.

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

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

8 (a) IN GENERAL.—

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

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

17 (b) LIMITATION ON PROSECUTION.—

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

23 (2) TOLLING.—Upon application in the United
24 States, filed before a return of an indictment, indi-
25 cating that evidence of an offense under this chapter

1 is in a foreign country, the district court before
2 which a grand jury is impaneled to investigate the
3 offense shall suspend the running of this statute of
4 limitation for the offense if the court finds by a pre-
5 ponderance of the evidence that an official request
6 has been made for such evidence and that it reason-
7 ably appears, or reasonably cleared at the time the
8 request was made, that such evidence is, or was, in
9 such foreign country.

10 **SEC. 6. RESTITUTION.**

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

13 (1) in paragraph (1)(A)—

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

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

18 “(iii) an offense described in section 4
19 of the Rodchenkov Anti-Doping Act of
20 2018;” and

21 (2) in paragraph (3), in the matter preceding
22 clause (i), by inserting “or (iii)” after “paragraph
23 (1)(A)(ii)”.

1 **SEC. 7. COORDINATION AND SHARING OF INFORMATION**
2 **WITH USADA.**

3 Except as otherwise prohibited by law, in furtherance
4 of the obligation of the United States under Article 7 of
5 the Convention, the Department of Justice, the Depart-
6 ment of Homeland Security, and the Food and Drug Ad-
7 ministration shall coordinate with USADA with regard to
8 any investigation related to a potential violation of section
9 4 of this Act or anti-doping rules adopted by USADA pur-
10 suant to the Code, to include sharing with USADA all in-
11 formation in the possession of the Department of Justice,
12 the Department of Homeland Security, or the Food and
13 Drug Administration which may be relevant to any such
14 potential violation.

○