

112TH CONGRESS
2D SESSION

H. R. 6546

To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to increase congressional oversight of the United States Anti-Doping Agency.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Office of National Drug Control Policy Reauthorization Act of 2006 to increase congressional oversight of the United States Anti-Doping Agency.

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 “Athlete Due Process
5 Protection Act of 2012”.

1 **SEC. 2. CONGRESSIONAL REVIEW AND OVERSIGHT OF THE**
2 **UNITED STATES ANTI-DOPING AGENCY.**

3 (a) PROVISION OF ALLEGATIONS TO ATHLETES.—
4 Section 701(b) of such Act (21 U.S.C. 2001(b)) is amend-
5 ed—

6 (1) in paragraph (4), by striking “and” at the
7 end;

8 (2) in paragraph (5), by striking the period and
9 inserting “; and”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(6) provide a document to each athlete that it
13 investigates that includes the specific doping allega-
14 tions against such athlete.”.

15 (b) EXPANSION OF REPORTING TO CONGRESS.—Sec-
16 tion 702 of such Act (21 U.S.C. 2002) is amended—

17 (1) in subsection (b), by inserting “, including
18 the information under subsection (c)” before the pe-
19 riod; and

20 (2) by adding at the end the following new sub-
21 sections:

22 “(c) ADDITIONAL ANNUAL REPORT CONTENTS.—
23 Beginning with the report that the United States Anti-
24 Doping Agency submits to Congress under subsection (b)
25 in fiscal year 2014 and annually thereafter, such report
26 shall include the following for the previous calendar year:

1 “(1) Information on each athlete that the
2 United States Anti-Doping Agency investigated, in-
3 cluding—

4 “(A) the status of each athlete as an ama-
5 teur athlete;

6 “(B) the nationality of each athlete; and

7 “(C) a copy of the document provided to
8 each athlete under section 701(b)(6), provided
9 in a manner that does not identify any indi-
10 vidual athlete.

11 “(2) The location of each investigation and ad-
12 judication that the Agency conducted, including in-
13 vestigations and adjudications outside of the United
14 States.

15 “(3) Any investigations or adjudications con-
16 ducted by the Agency that another United States or
17 foreign agency or organization concurrently inves-
18 tigated or adjudicated.

19 “(4) The cost of each investigation and adju-
20 dication that the United States Anti-Doping Agency
21 conducted, including all internal and external legal
22 fees associated with each such investigation and ad-
23 judication.

24 “(d) REPORT ON NEW RULES.—

1 “(1) IN GENERAL.—Beginning on the date that
2 is 90 days after the date of the enactment of the
3 Athlete Due Process Protection Act of 2012, before
4 a new or revised procedural or evidentiary rule that
5 relates to the investigation or adjudication process of
6 the United States Anti-Doping Agency can take ef-
7 fect, the United States Anti-Doping Agency shall
8 submit to the Committees on the Judiciary of the
9 House of Representatives and the Senate a report
10 containing—

11 “(A) a copy of the rule;

12 “(B) a concise general statement relating
13 to the rule; and

14 “(C) a list of any other related actions that
15 the United States Anti-Doping Agency plans to
16 take to implement the rule.

17 “(2) EFFECTIVE DATE OF RULES.—A rule re-
18 lating to a report submitted under paragraph (1)
19 shall take effect on the date that is 180 days after
20 the United States Anti-Doping Agency submits a re-
21 port under paragraph (1) if Congress has not voted
22 to override implementation of the rule.”.

23 (c) DUE PROCESS PROTECTIONS FOR ATHLETES.—
24 Such Act is amended—

1 (1) by redesignating section 703 as section 704;

2 and

3 (2) by inserting the following new section:

4 **“SEC. 703. DUE PROCESS PROTECTIONS FOR ATHLETES.**

5 “No athlete who participates in an event sponsored
6 or licensed by a National Governing Body, or otherwise
7 subject to the jurisdiction of the United States Anti-
8 Doping Agency, the World Anti-Doping Agency, or the
9 International Association of Athletics Federation, may be
10 fined, suspended, expelled, or otherwise penalized unless
11 such athlete has been—

12 “(1) served with written specific charges pro-
13 viding dates and times of alleged conduct in quest;

14 “(2) given a reasonable time to prepare such
15 athlete’s defense; and

16 “(3) afforded a full and fair hearing.”.

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