

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-281 }

UNITED STATES ANTI-DOPING AGENCY
REAUTHORIZATION ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2338



DECEMBER 1, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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UNITED STATES ANTI-DOPING AGENCY REAUTHORIZATION ACT

DECEMBER 1, 2014.—Ordered to be printed

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

R E P O R T

[To accompany S. 2338]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2338) to reauthorize the United States Anti-Doping Agency, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 2338, the United States Anti-Doping Agency Reauthorization Act, is to reauthorize the United States Anti-Doping Agency (USADA) through fiscal year (FY) 2020.

BACKGROUND AND NEEDS

The U.S. Olympic Committee (USOC) established USADA in 2000, after a USOC task force recommended the creation of an independent body to better fight doping in U.S. Olympic sports, which encompasses nearly 50 national sports organizations. (In contrast, most professional sports leagues in the United States establish their own anti-doping policies in consultation with their players associations.) In addition to testing and educating U.S. Olympic, Paralympic, and Pan American athletes as outlined by international anti-doping policy, USADA has the authority to adjudicate appeals and conduct research in support of anti-doping efforts. Congress first funded – but never authorized – USADA as the country’s “official anti-doping agency for Olympic, Pan Amer-

ican, and Paralympic sport” in a 2002 appropriations bill.¹ In 2012, USADA performed 8,490 doping control tests and issued 36 sanctions.² USADA receives one-third of its funding from the USOC.

Most notably, Lance Armstrong’s January 2013 admission that he had used performance-enhancing drugs came on the heels of USADA’s investigation, which found that the seven-time Tour de France winner and his cycling teammates had used performance-enhancing drugs. Travis Tygart – the CEO of USADA who led the effort against Armstrong – became well-known in the public and was featured on 60 Minutes. USADA banned Armstrong from competitive cycling for life and disqualified all of his results back to 1998.³

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. The provision on USADA’s reauthorization was based on S. 529 – the original Senate bill to formally authorize USADA – which was referred to and reported favorably by the Committee on Commerce, Science, and Transportation. The sponsors of the original legislation were Senators Grassley, Biden, McCain, and Stevens.

USADA has requested small increases in its authorization levels through FY 2020. The agency’s previous authorization levels were:

- FY 2007: \$9.7 million.
- FY 2008: \$10.3 million.
- FY 2009: \$10.6 million.
- FY 2010: \$11.0 million.
- FY 2011: \$11.5 million.

SUMMARY OF PROVISIONS

S. 2338 would reauthorize USADA through FY 2020. USADA’s last authorization in 2006 expired at the end of FY 2011. In addition, the bill would make technical updates to USADA’s authority by striking the current statute’s language on gene-doping and replacing it with general authority to enforce against prohibited performance-enhancing methods.

LEGISLATIVE HISTORY

Chairman Rockefeller and Senator Thune introduced S. 2338 on May 14, 2014. Senator Blunt of the Committee is a cosponsor.

On September 17, 2014, in an open Executive Session, the Committee considered the bill and reported S. 2338 favorably by voice vote.

¹ P.L. 107–67, Section 644.

² U.S. Anti-Doping Agency, 2012 *Annual Report* (2013) (online at www.usada.org/wp-content/uploads/2012_annual_report.pdf).

³ U.S. Anti-Doping Agency, *Lance Armstrong Receives Lifetime Ban and Disqualification of Competitive Results for Doping Violations Stemming from His Involvement in the United States Postal Service Pro-Cycling Team Doping Conspiracy* (Aug. 24, 2012) (online at www.usada.org/lance-armstrong-receives-lifetime-ban-and-disqualification-of-competitive-results-for-doping-violations-stemming-from-his-involvement-in-the-united-states-postal-service-pro-cycling-team-doping-conspi/).

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. 2338—United States Anti-Doping Agency Reauthorization Act

Summary: S. 2338 would authorize appropriations of \$91 million over the 2014–2020 period for the United States Anti-Doping Agency (USADA) to prevent the use of performance-enhancing drugs in Olympic sports. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2338 would cost \$65 million over the 2015–2019 period and \$14 million in 2020. (There would be no effect in 2014 since the fiscal year is over.) Enacting the bill would not affect direct spending or revenues.

S. 2338 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that S. 2338 will be enacted early in fiscal year 2015 and that the authorized amounts would be provided as specified in the legislation. The estimated budgetary effects of S. 2338 are shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015-2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	12	12	13	14	14	65
Estimated Outlays	12	12	13	14	14	65

Basis of estimate: For fiscal year 2014, USADA received an appropriation of \$9 million. Estimated outlays are based on historical spending patterns for the agency.

Intergovernmental and private-sector impact: S. 2338 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Matthew Pickford; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private-sector: Mann Burnett.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

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

The legislation would apply to U.S. Olympic, Paralympic, and Pan American athletes across nearly 50 national sports organiza-

tions that are already under the USOC's and, thus, USADA's jurisdiction.

ECONOMIC IMPACT

This legislation is not expected to have an adverse economic impact on the Nation.

PRIVACY

S. 2338 would not have a negative impact on the personal privacy of individuals.

PAPERWORK

S. 2338 would not require additional reporting requirements.

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 title the bill as the "United States Anti-Doping Agency Reauthorization Act."

Section 2. Prohibit performance-enhancing methods.

This section would update USADA's authority by striking outdated language on "performance-enhancing genetic modifications accomplished through gene-doping" and replacing it with a more general authority to enforce against "prohibited performance-enhancing methods."

Section 3. Authorization of appropriations.

This section would authorize appropriations for USADA for FY 2014 through FY 2020:

- FY 2014: \$11.3 million.
- FY 2015: \$11.7 million.
- FY 2016: \$12.3 million.
- FY 2017: \$12.9 million.
- FY 2018: \$13.5 million.
- FY 2019: \$14.1 million.
- FY 2020: \$14.8 million.

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

[21 U.S.C. 2001 et seq.]

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

[21 U.S.C. 2001]

(a) **DEFINITIONS.**—In this title:

(1) **UNITED STATES OLYMPIC COMMITTEE.**—The term “United States Olympic Committee” means the organization established by the “Ted Stevens Olympic and Amateur Sports Act” (36 U.S.C. 220501 et seq.).

(2) **AMATEUR ATHLETIC COMPETITION.**—The term “amateur athletic competition” means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete (36 U.S.C. 220501(b)(2)).

(3) **AMATEUR ATHLETE.**—The term “amateur athlete” means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes (36 U.S.C. 22501(b)(1)).

[(4) **GENE DOPING.**—The term “gene doping” means the non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance.]

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

(1) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic Committee *and be recognized worldwide as the independent national anti-doping organization for the United States*;

(2) ensure that athletes participating in amateur athletic activities recognized by the United States Olympic Committee are prevented from using performance-enhancing drugs[, or performance-enhancing genetic modifications accomplished through gene-doping] *or prohibited performance-enhancing methods adopted by the Agency*;

(3) implement anti-doping education, research, testing, and adjudication programs to prevent United States Amateur Athletes participating in any activity recognized by the United States Olympic Committee from using performance-enhancing drugs[, or performance-enhancing genetic modifications accomplished through gene-doping] *or prohibited performance-enhancing methods adopted by the Agency*;

(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 of performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping by United States amateur athletes; and], *and the prevention of use by United States amateur athletes of performance-enhancing drugs or prohibited performance-enhancing methods adopted by the Agency.*

[(5) permanently include “gene doping” among any list of prohibited substances adopted by the Agency.]

[SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

[21 U.S.C. 2003]

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

[(1) for fiscal year 2007, \$9,700,000;

[(2) for fiscal year 2008, \$10,300,000;

[(3) for fiscal year 2009, \$10,600,000;

[(4) for fiscal year 2010, \$11,000,000; and

[(5) for fiscal year 2011, \$11,500,000.]]

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.