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116TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
116–548

UNITED STATES ANTI-DOPING AGENCY REAUTHORIZATION ACT OF 2019

SEPTEMBER 29, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 5373]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 5373) to reauthorize the United States Anti-Doping Agency, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Anti-Doping Agency Reauthorization Act of 2020".

SEC. 2. PROMOTION OF YOUTH SPORTS.

Section 701(b) of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2001(b)) is amended—

(1) in paragraph (4), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(5) promote a positive youth sport experience by using a portion of its funding to provide educational materials on sportsmanship, character building, and healthy performance for athletes, parents, and coaches participating in youth sports.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 703 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 2003) is amended to read as follows:

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

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

"(1) for fiscal year 2021, $15,500,000;
"(2) for fiscal year 2022, $16,200,000;
"(3) for fiscal year 2023, $16,900,000;
"(4) for fiscal year 2024, $17,700,000;
"(5) for fiscal year 2025, $18,500,000;
"(6) for fiscal year 2026, $21,900,000;
"(7) for fiscal year 2027, $22,800,000;
"(8) for fiscal year 2028, $24,900,000; and
"(9) for fiscal year 2029, $23,700,000.".

SEC. 4. COORDINATION AND SHARING OF INFORMATION WITH USADA.

(a) INFORMATION SHARING.—Except as otherwise prohibited by law and except in cases in which the integrity of a criminal investigation would be affected, in furtherance of the obligation of the United States under Article 7 of the Convention, the Attorney General, the Secretary of Homeland Security, and the Commissioner of Food and Drugs shall coordinate with the United States Anti-Doping Agency with regard to any effort to prevent the use of performance-enhancing drugs or prohibit performance-enhancing methods by sharing with the United States Anti-Doping Agency all information which may be relevant to preventing the use of such performance-enhancing drugs or prohibiting such performance-enhancing methods.

(b) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport done at Paris October 19, 2005, and ratified by the United States in 2008.

I. PURPOSE AND SUMMARY

H.R. 5373, the "United States Anti-Doping Agency Reauthorization Act of 2020", was introduced by Representatives Mike Thompson (D–CA), Bill Johnson (R–OH), and Diana DeGette (D–CO) on December 9, 2019. This legislation reauthorizes the U.S. Anti-Doping Agency (USADA), the entity charged with administering anti-doping programs for certain sports in the United States. In anticipation of hosting the 2028 Olympics in Los Angeles, this bill steadily increases the authorization past the Olympic year through fiscal year (FY) 2029. The bill would direct USADA to promote positive youth sports experiences by using a portion of its funding to provide educational materials on sportsmanship, character building, and healthy performance for those participating in youth sports. It would also direct the Department of Justice, the Department of Homeland Security, and the Food and Drug Administration to coordinate with USADA on efforts to prevent the use of performance-enhancing drugs or prohibit performance-enhancing methods by sharing all information in their possession that may be relevant to preventing the use of such drugs or prohibiting such methods.

II. Background and Need for the Legislation

USADA is the national anti-doping organization in the United States for Olympic, Paralympic, Pan American, and Parapan American sports.[1] USADA was established as an independent body in 2000 and given authority by Congress to manage a comprehensive anti-doping program.[2] The agency's programming includes in-competition and out-of-competition testing, results management processes, drug reference resources, and athlete education for all United States Olympic and Paralympic Committee recognized sport national governing bodies, their athletes, and events.[3] Since 2000, USADA has conducted approximately 175,000 drug tests on athletes.[4] Four time Olympian Lowell Baily emphasized the importance of antidoping policies, saying, "if you take away the fairness and it becomes a rigged game, you lose the integrity of the sport . . . you lost the trust of the fans, and in the end, everyone loses, including athletes who cheated."[5]

Through the agency's TrueSport program, USADA works to educate young athletes and promote positive youth sport experiences.[6] Dr. Deborah Gilboa, an expert in the TrueSport program, said the program, "[enables] generations of young athletes to grow their resilience and life skills by learning to use every experience—including stress and failure—as a path to success."[7] Another expert, Dr. Kevin Chapman, said, "[a]s a former collegiate athlete and psychologist who works with athletes, teaching families the importance of regulating strong emotions and how to compete with integrity is paramount."[8] He also said USADA's TrueSport program is "helping young athletes navigate the psychosocial challenges that come with competition."[9] According to USADA, the TrueSport Partner program has reached more than 13 million individuals since its inception in 2017.[10] The organization also engages with other national anti-doping organizations globally to advocate for integrity in sport on behalf of clean athletes. USADA's authorization expires at the end of FY 2020.

H.R. 5373 would extend USADA's authorization to continue this work and would direct the agency to promote positive youth sports experiences through educational materials for athletes, parents, and coaches on sportsmanship, character building, and healthy performance. The bill would also enable USADA to work with other partner agencies in the United States to prevent the use of performance-enhancing drugs or prohibit performance-enhancing methods.

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[1] U.S. Anti-Doping Agency, About USADA (www.usada.org/about/) (accessed September 16, 2020).
[2] 21 U.S.C. 2001.
[3] *Id.*
[4] House Committee on Energy and Commerce, Testimony of Travis T. Tygart, Chief Executive Officers, United States Anti-Doping Agency. (July 29, 2020).
[5] United States Anti-Doping Agency, *Choose USADA: Why Clean Sport Matters* (www.usada.org/choose-usada/choose-usada-why-clean-sport-matters/) (accessed September 16, 2020).
[6] U.S. Anti-Doping Agency, TrueSport (www.usada.org/choose-usada/choose-usadatruesport) (accessed September 16, 2020).
[7] U.S. Anti-Doping Agency, *TrueSport Launches Expert Program to Enrich Research-Based Youth Sport* Initiative (http://truesport.org/truesport-launches-expert-program-to-enrich-research-based-youth-sport-initiative/) (accessed September 16, 2020).
[8] *Id.*
[9] *Id.*
[10] *See* note 3.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 5373 and four other pieces of legislation:

The Subcommittee on Health held a legislative hearing on July 29, 2020, entitled, "Improving Access to Care: Legislation to Reauthorize Key Public Health Programst," to consider H.R. 5373, the "United States Anti-Doping Agency Reauthorization Act of 2020". The Subcommittee received testimony from the following witnesses:

- Robert Boyd, M.C.R.P., M.Div., President, School-Based Health Alliance;
- Linda Goler Blount, M.P.H., President and CEO, Black Women's Health Imperative;
- Nancy Goodman, M.P.P., J.D., Founder and Executive Director, Kids v. Cancer;
- Aaron Seth Kesselheim, M.D., J.D., M.P.H., Professor of Medicine, Harvard Medical School;
- Brian Lindberg, Chief Legal Officer and General Counsel, National Bone Marrow Donor Program; and
- Travis T. Tygart, Chief Executive Officer, U.S. Anti-Doping Agency

IV. COMMITTEE CONSIDERATION

Representatives Thompson (D–CA), Johnson (R–OH), and DeGette (D–CO) introduced H.R. 5373, the "United States Anti-Doping Agency Reauthorization Act of 2020", on December 9, 2019, and the bill was referred to the Committee on Energy and Commerce. H.R. 5373 was then referred to the Subcommittee on Health on December 10, 2019. A legislative hearing was held on the bill on July 29, 2020.

On September 9, 2020, H.R. 5373 was discharged from further consideration by the Subcommittee on Health as it was called up for markup by the full Committee on Energy and Commerce. The full Committee met in virtual open markup session on September 9, 2020, pursuant to notice, to consider H.R. 5373. During consideration of the bill, an amendment in the nature of a substitute offered by Ms. DeGette of Colorado was agreed to by a voice vote. At the conclusion of markup of the bill, Mr. Pallone, Chairman of the committee, moved that H.R. 5373 be ordered reported favorably to the House, amended. The Pallone motion on final passage was agreed to by the Committee by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 5373, including the motion for final passage of the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight find-

ings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. New Budget Authority, Entitlement Authority, and Tax Expenditures

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. Federal Mandates Statement

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. Statement of General Performance Goals and Objectives

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reauthorize the United States Anti-Doping Agency through FY2029 and for other purposes.

X. Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 5373 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. Committee Cost Estimate

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 5373 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. Advisory Committee Statement

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. Section-by-Section Analysis of the Legislation

Section 1. Short title

Section 1 designates that the short title may be cited as the "United States Anti-Doping Agency Reauthorization Act of 2020".

Sec. 2. Promotion of youth sports

Section 2 amends the Office of National Drug Control Policy Reauthorization Act of 2006 to direct USADA to promote a positive youth sport experience by using a portion of its funding to provide educational materials on sportsmanship, character building, and healthy performance for athletes, parents, and coaches.

Sec. 3. Authorization of Appropriations

Section 3 amends the Office of National Drug Control Policy Reauthorization Act of 2006 to provide for an increase in the authorization of appropriations for USADA beginning at $15,500,000 in FY 2021 and ending in FY 2029 with an authorization level of $23,700,000. The authorization peaks in FY 2028 at $24,900,000 to account for the Olympics in Los Angeles.

Sec. 4. Coordination and sharing of information with USADA

To satisfy an obligation under the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport, subsection (a) of section 4 directs the Attorney General, Secretary of Homeland Security, and the Commissioner of Food and Drugs to coordinate and share information with USADA regarding efforts to prevent the use of performance-enhancing drugs or prohibit performance-enhancing methods, except in cases otherwise prohibited by law or a criminal investigation.

Subsection (b) of section 4 defines the "Convention" as the United Nations Educational, Scientific, and Cultural Organization International Convention Against Doping in Sport ratified by the United States in 2008.

XVI. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 matter is printed in italics, and existing law in which no change is proposed is shown in roman):

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

* * * * * * *

TITLE VII—ANTI-DOPING AGENCY

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

(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)).

(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 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 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 by United States amateur athletes of performance-enhancing drugs or prohibited performance-enhancing methods adopted by the Agency[.]*; and*

(5) promote a positive youth sport experience by using a portion of its funding to provide educational materials on sportsmanship, character building, and healthy performance for athletes, parents, and coaches participating in youth sports.

* * * * * * *

[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) or fiscal year 2020, $14,800,000.]

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

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

(1) for fiscal year 2021, $15,500,000;
(2) for fiscal year 2022, $16,200,000;
(3) for fiscal year 2023, $16,900,000;
(4) for fiscal year 2024, $17,700,000;
(5) for fiscal year 2025, $18,500,000;
(6) for fiscal year 2026, $21,900,000;
(7) for fiscal year 2027, $22,800,000;
(8) for fiscal year 2028, $24,900,000; and
(9) for fiscal year 2029, $23,700,000.

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