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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R.

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

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

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 the Office of National Drug Control Pol-
5 icy Reauthorization Act of 2006 (21 U.S.C. 2001(b)) is
6 amended—

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

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

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

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

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

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

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

23 “(c) ADDITIONAL ANNUAL REPORT CONTENTS.—
24 Beginning with the report that the United States Anti-
25 Doping Agency submits to Congress under subsection (b)

1 in fiscal year 2014 and annually thereafter, such report
2 shall include the following for the previous calendar year:

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

6 “(A) the status of each athlete as an ama-
7 teur athlete;

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

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

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

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

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

1 “(d) REPORT ON NEW RULES.—

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

12 “(A) a copy of the rule;

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

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

18 “(2) EFFECTIVE DATE OF RULES.—A rule re-
19 lating to a report submitted under paragraph (1)
20 shall take effect on the date that is 180 days after
21 the United States Anti-Doping Agency submits a re-
22 port under paragraph (1).”.

23 (e) 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 after section 702 the following

4 new section:

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

6 “The United States Anti-Doping Agency may not
7 pursue sanctions against any athlete for doping unless
8 such athlete has been—

9 “(1) served with written specific charges pro-
10 viding dates and times of alleged conduct in ques-
11 tion;

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

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

15 (d) TABLE OF CONTENTS.—The table of contents of
16 such Act is amended—

17 (1) by redesignating the item relating to section
18 703 as section 704; and

19 (2) by inserting after the item relating to sec-
20 tion 702 the following:

“Sec. 703. Due process protections for athletes.”.