

# The Rodchenkov Act

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# 1. Background

- 4 December 2020 the RADA («Rodchenkov Anti-Doping Act») was signed into law by the US President
- The Act is named after Gregory Rodchehnikov, the former head of the Russian national anti-doping laboratory, who helped expose Russia's state-sponsored doping scheme
- The Bill is a reaction to the Russian doping scandal, but is directed to prosecute – in principle – any organisers of doping schemes

## 2. Key provisions

### SEC. 2. DEFINITIONS.

(2) ATHLETE.—The term “athlete” has the meaning given the term in Article 2 of the Convention.

“Athlete” means ... any person who participates in sport at the international or national level ... and any additional person who participates in a sport or event at a lower level accepted by States Parties. ...

### SEC. 2. DEFINITIONS.

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

### SEC. 3. MAJOR INTERNATIONAL DOPING FRAUD CONSPIRACIES.

(a) IN GENERAL.—It shall be unlawful for any person, other than an athlete, to knowingly carry into effect, attempt to carry into effect, or conspire with any other person to carry into effect a scheme in commerce to influence by use of a prohibited substance or prohibited method any major international sports competition.

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

### SEC. 2. DEFINITIONS.

(9) SCHEME IN COMMERCE.—The term “scheme in commerce” means any scheme effectuated in whole or in part through the use in interstate or foreign commerce of any facility for transportation or communication.

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(5) MAJOR INTERNATIONAL SPORT COMPETITION.—The term “Major International Sport Competition”—

(A) means a competition—

(i) in which one or more United States athletes and three or more athletes from other countries participate;

(ii) that is governed by the anti-doping rules and principles of the Code; and

(iii) in which—

(I) the competition organizer or sanctioning body receives sponsorship or other financial support from an organization doing business in the United States; or

(II) the competition organizer or sanctioning body receives compensation for the right to broadcast the competition in the United States; and

## 2. Key provisions

### SEC. 4. CRIMINAL PENALTIES AND STATUTE OF LIMITATIONS.

(a) IN GENERAL.—

(1) CRIMINAL PENALTY.—Whoever violates section 3 shall be sentenced to a term of imprisonment for not more than 10 years, fined \$250,000 if the person is an individual or \$1,000,000 if the defendant is other than an individual, or both.

(2) FORFEITURE.—Any property real or personal, tangible or intangible, may be seized and criminally forfeited to the United States if that property—

### SEC. 3. MAJOR INTERNATIONAL DOPING FRAUD CONSPIRACIES.

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

### SEC. 5. RESTITUTION.

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

(1) in paragraph (1)(A)—

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

(B) by inserting after clause (ii) the following:

“(iii) an offense described in section 3 of the Rodchenkov Anti-Doping Act of 2019;” and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or (iii)” after “paragraph (1)(A)(ii)”.

# 3. Case study (Ms Valieva)

"As more facts are developed, I think the Rodchenkov Act potentially could come into play," said Tygart.

"If there's a doctor, or a coach, or state officials, sport official, who conspired to dope her [Valieva], then [the Rodchenkov Act] fits like a glove, because it is an international major competition, as defined by the Rodchenkov Act, which includes U.S. money, companies broadcasting, or sponsoring, the WADA (World Anti-Doping Agency) code applies, there's more than three foreign athletes, and there's more than one US athlete competing," he added.





# 4. Analysis (WADA's role as regulator, investigator, coordinator)



Thank you for your attention