

115TH CONGRESS
2D SESSION

H. R. 6067

To establish criminal penalties and civil remedies for doping fraud violations at major international competitions.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2018

Ms. JACKSON LEE (for herself, Mr. BURGESS, and Ms. MOORE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish criminal penalties and civil remedies for doping fraud violations at major international competitions.

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 “Rodchenkov Anti-
5 Doping Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The use of illegal performance-enhancing
9 drugs (“doping fraud”) in major international sport-
10 ing competitions damages the integrity of sports,

1 and often begets other illegal activity, including brib-
2 ery and money laundering.

3 (2) Doping fraud in major international com-
4 petitions cheats clean athletes, including clean
5 United States athletes, and sponsoring corporations,
6 including United States corporations, which often
7 have anti-doping provisions in their sponsorship con-
8 tracts.

9 (3) The United States is the single largest sov-
10 ereign contributor to the World Anti-Doping Agency
11 (“WADA”), and thus doping fraud in major inter-
12 national competitions also effectively defrauds the
13 United States.

14 (4) Every major international sporting organi-
15 zation has condemned doping fraud, as has inter-
16 national law enforcement agencies such as Interpol,
17 WADA, and the United Nations. Moreover, a num-
18 ber of nations, including Germany, Austria, Bel-
19 gium, Denmark, France, Italy, Sweden, Switzerland,
20 and Spain, have embraced criminal sanctions for
21 doping fraud violations. Thus, action by the United
22 States to enhance the international community’s
23 fight to protect clean athletes is fully consistent with
24 international law.

1 (5) State-sponsored-doping systems have been
2 revealed, including in Russia by Dr. Grigory
3 Rodchenkov, and international federations and
4 WADA lack the tools to effectively deter such sys-
5 tems, which severely magnify the harms to clean
6 athletes, including United States athletes, and spon-
7 soring corporations, including United States cor-
8 porations.

9 (6) Individuals who act as whistleblowers, in-
10 cluding Dr. Grigory Rodchenkov, and make disclo-
11 sures about doping fraud described above, serve the
12 public interest by assisting in the elimination of
13 fraud, unveiling of bribery and money laundering,
14 and other corrupt practices and should not suffer
15 adverse consequences or retaliation.

16 (7) Protecting whistleblowers who disclose con-
17 duct which falls within the purview of this Act is a
18 major step toward fair sport.

19 (8) Criminal proscriptions are necessary to
20 deter doping fraud, even when such conduct occurs
21 outside United States territory at major inter-
22 national competitions, as such conduct has and is in-
23 tended to have substantial effect on the United
24 States, United States citizens, and United States
25 sponsoring corporations.

1 (9) Athletes who were victimized by doping
2 fraud and whistleblowers have heretofore enjoyed
3 few remedies against doped athletes, including when
4 doping fraud was the cause for them not winning
5 medals or placing at the top of various competitions,
6 or depriving them of prize monies and financial
7 awards for medals or top placement, such that the
8 creation of a private right of action is wholly appro-
9 priate.

10 (10) Given that the science of doping detection
11 is constantly improving—such that newly devised
12 technologies have established new detection methods
13 even for past acts of doping fraud—an elongated
14 statute of limitations is appropriate.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **DOPING FRAUD.**—The term “doping fraud”
18 means use of any performance-enhancing drug to
19 gain an unfair competitive advantage in sports,
20 thereby defrauding athletes who are not using per-
21 formance-enhancing drugs.

22 (2) **PERFORMANCE-ENHANCING DRUG.**—The
23 term “performance-enhancing drug” means any sub-
24 stance—including anabolic agents, peptides, hor-
25 mones, growth factors, mimetics, Beta-2 agonists,

1 and hormone and metabolic modulators, to be speci-
2 fied by the Secretary of Health and Human Services
3 on the basis of scientific and international sports
4 standards.

5 (3) MAJOR INTERNATIONAL COMPETITION.—
6 The term “major international competition” means
7 any professional or amateur sporting competition,
8 including competitions that are comprised of a series
9 of bilateral games, in which—

10 (A) either—

11 (i) four or more United States ath-
12 letes are contestants; or

13 (ii) two or more United States cor-
14 porations act as corporate sponsors; and

15 (B) athletes representing at least three
16 countries other than the United States are con-
17 testants.

18 **SEC. 4. PROHIBITED ACTS.**

19 (a) PARTICIPATION IN DOPING FRAUD.—It shall be
20 unlawful for any person to knowingly and intentionally
21 conduct, manage, supervise, direct, abet, or participate in
22 doping fraud at or in preparation for any major inter-
23 national competition.

24 (b) ADMINISTRATION OF PERFORMANCE-ENHANCING
25 DRUGS.—It shall be unlawful for any person to knowingly

1 and intentionally administer, to him or herself, or to any
2 other individual, any performance-enhancing drug at or in
3 preparation for any major international competition.

4 (c) PERFORMANCE-ENHANCING DRUGS GEN-
5 ERALLY.—It shall be unlawful for any person to knowingly
6 and intentionally manufacture, distribute, dispense, or
7 possess any performance-enhancing drug with the intent
8 to commit or attempt to commit doping fraud at or in
9 preparation for any major international competition.

10 (d) RETALIATION.—It shall be unlawful for any per-
11 son to knowingly and intentionally retaliate by taking ad-
12 verse action against an individual because such individual
13 has disclosed evidence of doping fraud, whether such dis-
14 closures were made to an official governmental or anti-
15 doping authority or to the public in general through the
16 media.

17 (e) CONSPIRACY.—It shall be unlawful for any person
18 to conspire to violate any of the provisions of subsections
19 (a), (b), or (c) of this section.

20 (f) JURISDICTION.—Prohibited acts are within the
21 jurisdiction of the United States if—

22 (1) the offense is committed in whole or in part
23 in the United States; or

24 (2) the offense is committed outside the United
25 States, and—

1 (A) the offense is committed in relation to
2 a major international competition; or

3 (B) the offense occurs in or affects the
4 interstate or foreign commerce of the United
5 States.

6 **SEC. 5. CRIMINAL PENALTIES.**

7 (a) IN GENERAL.—Whoever violates any provision of
8 section 4 shall be sentenced to a term of imprisonment
9 for not more than five years and, if the person is an indi-
10 vidual, fined \$100,000, or \$250,000 if the defendant is
11 other than an individual.

12 (b) CONSPIRACY.—Whoever, as part of a group of
13 five or more persons, violates section 4 shall be sentenced
14 to a term of imprisonment for not more than ten years
15 and, if the person is an individual, fined \$250,000, or
16 \$1,000,000 if the defendant is other than an individual.

17 (c) SEIZURE AND FORFEITURE.—Any property, real
18 or personal, used in violation of the provisions of section
19 4 may be seized and forfeited to the United States.

20 **SEC. 6. CIVIL REMEDIES.**

21 (a) IN GENERAL.—Any person injured in his voca-
22 tion, business, or property by reason of a violation of sec-
23 tion 4 may sue therefor in any appropriate United States
24 district court. If such person is a prevailing party, he or

1 she may recover the cost of the suit, including reasonable
2 attorneys' fees.

3 (b) RETALIATION.—Any person who has experienced
4 retaliation because of such person's disclosure of doping
5 fraud in any major international competition may sue the
6 retaliating party or parties therefor in any appropriate
7 United States district court. If such person is a prevailing
8 party, he or she may recover the cost of the suit, including
9 reasonable attorneys' fees.

10 (c) CONTESTANTS.—Any contestant in a major inter-
11 national competition who was deprived of a financial
12 award or placement in the top three finishers in any major
13 international competition by reason of a violation of sec-
14 tion 4 has a private right of action hereunder, and may
15 sue therefor, in any appropriate United States district
16 court and, if he or she prevails, shall recover threefold the
17 damages sustained, together with the cost of the suit, in-
18 cluding reasonable attorneys' fees.

19 (d) RETROACTIVITY.—The provisions of subsections
20 (a) through (c) shall apply retroactively.

21 (e) FINAL JUDGMENT.—A final judgment or decree
22 rendered in favor of the United States in any criminal pro-
23 ceeding brought by the United States under this Chapter
24 shall estop the defendant from denying the essential alle-

1 gations of the criminal offense in any subsequent civil pro-
2 ceeding brought by under this section.

3 (f) REGULATIONS.—Within 120 days of the effective
4 date of this Act, the Attorney General of the United States
5 shall promulgate regulations proscribing a means by which
6 the Department of Justice will assist private litigants
7 hereunder to obtain foreign evidence in compliance with
8 the Convention on the Taking of Evidence Abroad in Civil
9 or Commercial Matters, opened for signature Mar. 18,
10 1970, 23 U.S.T. 2555, T.I.A.S. No. 7444, 847 U.N.T.S.
11 241.

12 **SEC. 7. STATUTE OF LIMITATIONS.**

13 (a) CRIMINAL PENALTIES.—No person shall be pros-
14 ecuted, tried, or punished for a violation of section 4 un-
15 less the indictment is returned or the information is filed
16 within 7 years after the offense was completed.

17 (b) CIVIL ACTIONS.—No civil suit may be brought
18 under section 6 unless brought within 10 years after the
19 offense was completed.

20 (c) TOLLING.—Upon application of the United
21 States, filed before return of an indictment, indicating
22 that evidence of an offense under section 4 is in a foreign
23 country, the district court before which a grand jury is
24 impaneled to investigate the offense shall suspend the run-
25 ning of the statute of limitations for the offense if the

1 court finds by a preponderance of the evidence that an
2 official request has been made for such evidence and that
3 it reasonably appears, or reasonably appeared at the time
4 the request was made, that such evidence is, or was, in
5 such foreign country.

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