



(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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:

1 (1) The use of illegal Performance-Enhancing
2 Drugs (“doping fraud”) in Major International
3 sporting Competitions damages the integrity of
4 sports, and often begets other illegal activity, includ-
5 ing bribery and money laundering.

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

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

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

1 fight to protect clean athletes is fully consistent with
2 international law.

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

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

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

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

1 States, United States citizens, and United States
2 sponsoring corporations.

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

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

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

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

24 (2) PERFORMANCE-ENHANCING DRUG.—The
25 term “performance-enhancing drug” means any sub-

1 stance—including anabolic agents, peptides, hor-
2 mones, growth factors, mimetics, Beta-2 agonists,
3 and hormone and metabolic modulators, to be speci-
4 fied by the Secretary of Health and Human Services
5 on the basis of scientific and international sports
6 standards.

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

12 (A) either—

13 (i) four or more United States ath-
14 letes are contestants; or

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

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

20 **SEC. 4. PROHIBITED ACTS.**

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

1 (b) ADMINISTRATION OF PERFORMANCE-ENHANCING
2 DRUGS.—It shall be unlawful for any person to knowingly
3 and intentionally administer, to him or herself, or to any
4 other individual, any performance-enhancing drug at or in
5 preparation for any major international competition.

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

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

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

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

24 (1) the offense is committed in whole or in part
25 in the United States; or

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

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

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

8 **SEC. 5. CRIMINAL PENALTIES.**

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

14 (b) CONSPIRACY.—Whoever, as part of a group of
15 five or more persons, violates section 4 shall be sentenced
16 to a term of imprisonment for not more than ten years
17 and, if the person is an individual, fined \$250,000, or
18 \$1,000,000 if the defendant is other than an individual.

19 (c) SEIZURE AND FORFEITURE.—Any property, real
20 or personal, used in violation of the provisions of section
21 4 may be seized and forfeited to the United States.

22 **SEC. 6. CIVIL REMEDIES.**

23 (a) IN GENERAL.—Any person injured in his voca-
24 tion, business, or property by reason of a violation of sec-
25 tion 4 may sue therefor in any appropriate United States

1 district court. If such person is a prevailing party, he or
2 she may recover the cost of the suit, including reasonable
3 attorneys' fees.

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

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

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

22 (e) FINAL JUDGMENT.—A final judgment or decree
23 rendered in favor of the United States in any criminal pro-
24 ceeding brought by the United States under this Chapter
25 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.