

U.S. Legislators Seek to Criminalize Drug Use in International Events

The New York Times. (June 13, 2018) Reading Level (Lexile): 1580.

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Full Text:

United States lawmakers took a step on Tuesday toward criminalizing doping in international sports, introducing a bill in the House that would attach prison time to the use, manufacturing or distribution of performance-enhancing drugs in global competitions.

The legislation, inspired by the Russian doping scandal, would echo the Foreign Corrupt Practices Act, which makes it illegal to bribe foreign officials to gain a business advantage. The statute would be the first of its kind with global reach, empowering American prosecutors to act on doping violations abroad, and to file fraud charges of a different variety than those the Justice Department brought against top international soccer officials in 2015.

Although American leagues like Major League Baseball would not be affected by the legislation, which would apply only to competitions among countries, it could apply to a league's athletes when they participate in global events like the Ryder Cup, the Davis Cup or the World Baseball Classic.

The law would establish America's jurisdiction over international sports events, even those outside of the United States, if they include at least three other nations, with at least four American athletes participating or two American companies acting as sponsors. It would also enhance the ability of cheated athletes and corporate sponsors to seek damages, expanding the window of time during which civil lawsuits could be filed.

To justify the United States' broader jurisdiction over global competitions, the House bill invokes the United States' contribution to the World Anti-Doping Agency, the global regulator of drugs in sports. At \$2.3 million, the United States' annual contribution is the single largest of any nation. "Doping fraud in major international competitions also effectively defrauds the United States," the bill states.

The lawmakers behind the bill were instrumental in the creation of the 2012 Magnitsky Act, which gave the government the right to freeze financial assets and impose visa restrictions on Russian nationals accused of serious human rights violations and corruption. On Tuesday, the lawmakers framed their interest in sports fraud around international relations and broader networks of crime that can accompany cheating.

"Doping fraud is a crime in which big money, state assets and transnational criminals gain advantage and honest athletes and companies are defrauded," said Sheila Jackson Lee, Democrat of Texas, who introduced the legislation on Tuesday. "This practice, some of it state-sanctioned, has the ability to undermine international relations, and is often connected to more nefarious actions by state actors."

Along with Ms. Jackson Lee, the bill was sponsored by two other congressional representatives, Michael C. Burgess, Republican of Texas, and Gwen Moore, Democrat of Wisconsin.

It was put forward just as Russia prepares to host soccer's World Cup, which starts Thursday. That sporting event will be the nation's biggest since the 2014 Sochi Olympics, where one of the most elaborate doping ploys in history took place.

The bill, the Rodchenkov Anti-Doping Act, takes its name from Dr. Grigory Rodchenkov, the chemist who ran Russia's antidoping laboratory for 10 years before he spoke out about the state-sponsored cheating he had helped carry out -- most notoriously in Sochi. At those Games, Dr. Rodchenkov said, he concealed widespread drug use among Russia's top Olympians by tampering with more than 100 urine samples with the help of Russia's Federal Security Service.

Investigations commissioned by international sports regulators confirmed his account and concluded that Russia had cheated across competitions and years, tainting the performance of more than 1,000 athletes. In early 2017, American intelligence officials concluded that Russia's meddling in the 2016 American election had been, in part, a form of retribution for the Olympic doping scandal, whose disclosures Russian officials blamed on the United States.

Nations including Germany, France, Italy, Kenya and Spain have established criminal penalties for sports doping perpetrated within their borders. Russia, too, passed a law in 2017 that made it a crime to assist or coerce doping, though no known charges have been brought under that law to date.

Under the proposed American law, criminal penalties for offenders would include a prison term of up to five years as well as fines that could stretch to \$250,000 for individuals and \$1 million for organizations.

"We could have real change if people think they could actually go to jail for this," said Jim Walden, a lawyer for Dr. Rodchenkov, who met with the lawmakers as they considered the issue in recent months. "I think it will have a meaningful impact on coaches and athletes if they realize they might not be able to travel outside of their country for fear of being arrested."

The legislation also authorizes civil actions for doping fraud, giving athletes who may have been cheated in competitions -- as well as corporations acting as sponsors -- the right to sue in federal court to recover damages from people who may have defrauded competitions.

Ms. Jackson Lee cited the American runner Alysia Montano, who placed fifth in the 800 meters at the 2012 Summer Olympics. Two Russian women who placed first and third in that race were later disqualified for doping, elevating Ms. Montano years later. "She had rightfully finished third, which would have earned her a bronze medal," Ms. Jackson Lee said, noting the financial benefits and sponsorships Ms. Montano could have captured.

The bill would establish a window of seven years for criminal actions and 10 years for civil lawsuits. It also seeks to protect whistle-blowers from retaliation, making it illegal to take "adverse action" against a person because he or she has disclosed information about doping fraud.

Dr. Rodchenkov, who has lived in the United States since fall 2015, has been criminally charged in Russia after he publicly deconstructed the cheating he said he carried out on orders from a state minister.

"While he was complicit in Russia's past bad acts, Dr. Rodchenkov regrets his past role in Russia's state-run doping program and seeks to atone for it by aiding the effort to clean up international sports and to curb the corruption rampant in Russia," Ms. Jackson Lee said, calling Tuesday's bill "an important step to stemming the tide of Russian corruption in sport and restoring confidence in international competition."

CAPTION(S):

PHOTO: A new House bill is named after Grigory Rodchenkov, the Russian chemist who disclosed the biggest doping scandal in global sports. (PHOTOGRAPH BY EMILY BERL FOR THE NEW YORK TIMES)

Source Citation (MLA 8th Edition)

Ruiz, Rebecca R. "U.S. Legislators Seek to Criminalize Drug Use in International Events." *New York Times*, 13 June 2018, p. B12(L). *Student Resources In Context*, http://link.galegroup.com/apps/doc/A542366352/SUIC?u=mtlib_2_1035&sid=SUIC&xid=a3957e9b. Accessed 23 Oct. 2018.

Gale Document Number: GALE|A542366352