

Calendar No. 503

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 116-245

EMPOWERING OLYMPIC AND AMATEUR
ATHLETES ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2330



JULY 29, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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EMPOWERING OLYMPIC AND AMATEUR ATHLETES ACT OF 2019

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2330]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2330) to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

S. 2330 would amend the Ted Stevens Olympic and Amateur Sports Act to provide for increased congressional oversight of the United States Olympic and Paralympic Committee's (USOPC) board of directors. The bill would also expand the USOPC's statutory purpose to conduct more effective oversight of national governing bodies (NGBs) to ensure a safe environment in sport for amateur athletes that is free from abuse. In addition, the bill would increase athlete representation on governing boards, committees, and panels within NGBs and the USOPC, require third-party independent audits of the USOPC's finances, and increase the resources for the U.S. Center for SafeSport (SafeSport) to more effectively protect athletes from abuse.

BACKGROUND AND NEEDS

The issue of sexual abuse within the United States Olympic movement has generated considerable national interest in recent years following a series of reports of abuse from high-profile athletes.¹ In particular, reports of sexual abuse in the sport of gymnastics, which led to criminal proceedings against former USA Gymnastics (USAG) national team doctor and convicted child molester Larry Nassar, revealed systemic and cultural failures within the Olympic movement to protect young athletes and to report allegations of abuse to the proper authorities.²

Nassar began working as an athletic trainer for USAG in 1986.³ He became the chief medical coordinator for USAG in 1996 after completing medical school at Michigan State University (MSU), where he became a part of the university's faculty in 1997.⁴ A year after Nassar's resignation from USAG in 2015, the Indianapolis Star ran a story chronicling abuse allegations against Nassar and USAG's failure to forward those allegations to law enforcement authorities.⁵ Following this report, dozens of girls and women formally filed allegations of sexual abuse against Nassar.⁶

To date, at least 125 women have filed criminal complaints with the police, and more than 300 people—including victims, spouses, and parents—have filed civil lawsuits against Nassar for sexual abuse.⁷ Some of Nassar's victims maintain that coaches and administrators, including former U.S. Olympic Committee CEO Scott Blackmun, were aware of the complaints against him, but never took action.⁸ Although Nassar initially denied the allegations of abuse, he ultimately pled guilty in an Ingham County, Indiana State court to seven counts of criminal sexual assault⁹ and was sentenced to 40 to 175 years in prison.¹⁰ Later, he was also convicted of three counts of sexual assault in an Eaton County, Indiana State court and sentenced to 40 to 125 years in prison for those counts.¹¹ Nassar is currently serving a 60-year Federal prison sentence for three separate child pornography convictions.¹²

The Nassar sexual abuse scandal also implicated MSU for wrongdoing. MSU employed Nassar as a university physician, but officially terminated him in September 2016 following media reports

¹Jen Kirby, "The Sex Abuse Scandal Surrounding USA Gymnastics Team Doctor Larry Nassar, Explained," *Vox*, May 16, 2018 (<https://www.vox.com/identities/2018/1/19/16897722/sexual-abuse-usa-gymnastics-larry-nassar-explained>) (accessed Jun. 30, 2020).

²*Id.*

³*Id.*

⁴*Id.*

⁵*Id.* See also Tim Evans, Mark Alesia, and Marisa Kwiatkowski, "Former USA Gymnastics Doctor Accused of Abuse," *The Indianapolis Star*, Sep. 12, 2016 (<https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>) (accessed Jun. 30, 2020).

⁶*Id.*

⁷*Id.*

⁸*Id.*

⁹*Id.*

¹⁰Scott Cacciola and Victor Mather, "Larry Nassar Sentencing: 'I Just Signed Your Death Warrant,'" *The New York Times*, Jan. 24, 2018 (<https://www.nytimes.com/2018/01/24/sports/larry-nassar-sentencing.html>) (accessed Jun. 30, 2020).

¹¹Megan Banta, "Survivor: Larry Nassar 'Still Does Not Care About the Effect He Has on His Victims,'" *Lansing State Journal*, Jan. 24, 2020 (<https://www.lansingstatejournal.com/story/news/local/2020/01/24/larry-nassar-rosemarie-aquilina-sexual-abuse-sentence-appeal/1501111001/>) (accessed Jul. 15, 2020).

¹²*Id.*

of accusations of sexual abuse against him.¹³ The media reports alleged that 14 MSU representatives had been told about sexual misconduct by Nassar, beginning as early as 1997, but failed to act on the information.¹⁴ On May 16, 2018, MSU announced an agreement to pay \$500 million to Nassar’s victims.¹⁵ The announcement stated that MSU would pay \$425 million to the 332 girls and women who had come forward to date and that it would set aside \$75 million for future claims.¹⁶

In response to Nassar’s conviction and sexual abuse allegations within the Olympic movement, the USOPC initiated a series of actions to enhance athlete safety. The organization started with a change in leadership. In February 2018, the USOPC announced the resignation of Scott Blackmun as CEO and the installation of Susanne Lyons as Acting CEO of the organization.¹⁷ The USOPC also announced additional reforms and new initiatives designed to more effectively protect athletes from abuse, including: (1) a new advisory group to improve USOPC safeguards; (2) a review of the USOPC and NGBs’ governance structure; and (3) doubling USOPC’s funding of SafeSport—an organization established by Congress in 2017 to address the problem of child abuse in sport.¹⁸ In addition to these reforms, a special committee of the USOPC board of directors hired a large law firm, Ropes and Gray, to conduct an independent investigation to determine when individuals affiliated with USAG and the USOPC first became aware of any evidence of Nassar’s abuse of athletes; what the evidence was; and what those individuals did with it.¹⁹ Ropes and Gray released a final report 10 months later, finding that numerous adults, including executives, ignored credible reports of Nassar’s abuse. The report also concluded there were numerous systemic features embedded in elite women’s gymnastics that rendered athletes particularly vulnerable to child sexual abuse, among other things.²⁰

On July 12, 2018, the USOPC announced Sarah Hirschland would serve as the organization’s permanent CEO.²¹ Hirschland took over for Lyons on August 20, 2018 and within 11 days, called

¹³Tim Evans, Mark Alesia, and Marisa Kwiatkowski, “Former USA Gymnastics Doctor Accused of Abuse,” *The Indianapolis Star*, Sep. 12, 2016 (<https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>) (accessed Jun. 30, 2020).

¹⁴Kim Kozlowski, “What MSU Knew: 14 Were Warned of Nassar Abuse,” *The Detroit News*, Jan. 8, 2018 (<https://www.detroitnews.com/story/tech/2018/01/18/msu-president-told-nassar-complaint-2014/1042071001>) (accessed Jun. 30, 2020).

¹⁵Michigan State University, “Larry Nassar Survivors and Michigan State University Announce They Have Successfully Resolved Existing Litigation and Agreed in Principle To a \$500 Million Global Settlement,” May 16, 2018 (https://msutoday.msu.edu/news/2018/larry-nassar-survivors-and-michigan-state-university-announce-they-have-successfully-resolved-e/?utm_campaign=media&utm_medium=email) (accessed Jun. 30, 2020).

¹⁶*Id.*

¹⁷U.S. Olympic Committee, “U.S. Olympic Committee Announces Significant Changes to Further Protect Athletes,” Feb. 28, 2018 (<https://www.teamusa.org/News/2018/February/28/US-Olympic-Committee-Announces-Significant-Changes-To-Further-Protect-Athletes>) (accessed Jun. 30, 2020).

¹⁸*Id.*

¹⁹U.S. Olympic Committee, “U.S. Olympic Committee Responds to Independent Investigation Report,” Team USA, Dec. 10, 2018 (<https://www.teamusa.org/News/2018/December/10/US-Olympic-Committee-Responds-To-Independent-Investigation-Report>) (accessed Jun. 30, 2020).

²⁰Joan McPhee and James P. Dowden, Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar’s Abuse of Athletes, Ropes and Gray, Dec. 10, 2018 (<https://www.nassarinvestigation.com/en>) (accessed Jun. 30, 2020).

²¹U.S. Olympic Committee, “U.S. Olympic Committee Names Sarah Hirschland Chief Executive Officer,” Team USA, Jul. 12, 2018 (<https://www.teamusa.org/Media/News/USOC/071218-USOC-names-Sarah-Hirschland-chief-executive-officer>) (accessed Jun. 30, 2020).

for a change in leadership at USAG.²² In consequence, days later, then-USAG President, Kerry Perry, resigned.²³

On March 1, 2018, leaders of the USOPC Athletes' Advisory Council proposed additional reforms largely designed to transfer more power to athletes with respect to USOPC governance. This included revisiting the Ted Stevens Act²⁴ to expand the role of the Athlete Ombudsman, restructure the USOPC board of directors, and create a new Board of Visitors.²⁵

However, while the USOPC implemented reforms to its governance structure and took steps to strengthen athlete protections, USAG faced additional challenges. On May 18, 2018, USAG announced the termination of Women's Program Director Rhonda Faehn, who was the subject of allegations that she was the first USAG official to be made aware of sexual abuse allegations against Nassar.²⁶ Specifically, Olympic gold medalist Aly Raisman alleged that she and others reported concerns about Nassar to Faehn in 2015, but that Faehn was slow to act on this information.²⁷

In November 2018, the USOPC moved to decertify USAG and strip its power as an NGB for failing to adequately protect gymnasts from abuse.²⁸ By decertifying USAG, the USOPC would take control of the organization on the grounds that it had proven incapable of running itself properly. However, the USOPC put the decertification process on hold after USAG filed for Chapter 11 bankruptcy in December 2018.²⁹

In January 2020, USAG filed a plan with the U.S. Bankruptcy Court for the Southern District of Indiana to emerge from bankruptcy.³⁰ This plan included a proposed \$217 million in settlement funds for victims of Nassar.³¹ Survivors of the abuse were given until May 8, 2020, to approve or reject the settlement.³²

²²Christine Brennan, "USOC Chief Says It's Time to Consider USA Gymnastics CEO Change as Controversy Continues," *USA Today*, Aug. 31, 2018 (<https://www.usatoday.com/story/sports/olympics/2018/08/31/usoc-leader-sarah-hirshland-calls-ouster-usa-gymnastics-ceo-kerry-perry/1164309002/>) (accessed Jun. 30, 2020).

²³Juliet Macur and Ken Belson, "Kerry Perry, U.S.A. Gymnastics Chief is Forced Out," *The New York Times*, Sep. 4, 2018 (<https://www.nytimes.com/2018/09/04/sports/usa-gymnastics-kerry-perry.html>) (accessed Jun. 30, 2020).

²⁴Ted Stevens Olympic and Amateur Sports Act; 36 U.S.C. 220501 et seq. (2016).

²⁵Memorandum from the U.S. Olympic Committee, Athlete's Advisory Council Leadership, Mar. 1, 2018 (on file with committee staff).

²⁶USA Gymnastics, "Statement on Behalf of Kerry Perry Regarding Rhonda Faehn," May 18, 2018 (<https://usagym.org/pages/post.html?PostID=21973&prog=h>) (accessed Jun. 30, 2020); see also Rob Goldberg, "Michigan Fires Gymnastics Coach Rhonda Faehn Amid Connection to Larry Nassar" *Bleacher Report*, Jan. 13, 2019 (<https://bleacherreport.com/articles/2815542-michigan-fires-gymnastics-coach-rhonda-faehn-amid-connection-to-larry-nassar>) (accessed Jun. 30, 2020).

²⁷Tim Evans and Marisa Kwiatkowski, "USA Gymnastics Parts Ways With Key Official Who Knew About Nassar Abuse," *The Indianapolis Star*, May 18, 2018 (<https://www.indystar.com/story/news/2018/05/18/usa-gymnastics-official-first-told-nassar-abuse-asked-resign/622417002/>) (accessed Jun. 30, 2020).

²⁸Juliet Macur, "Olympic Committee Moves to Revoke U.S.A. Gymnastics' Governing Rights," *The New York Times*, Nov. 5, 2018 (<https://www.nytimes.com/2018/11/05/sports/usa-gymnastics-usoc.html>) (accessed Jun. 30, 2020); see also U.S. Olympic Committee, "USOC Statement Regarding Action to Revoke USA Gymnastics' Recognition as Member National Governing Body," Nov. 5, 2018 (<https://www.teamusa.org/News/2018/November/05/USOC-Statement-Revokes-USA-Gymnastics-Recognition-As-Member-National-Governing-Body>) (accessed Jun. 30, 2020).

²⁹Nancy Armour, "USA Gymnastics Making Progress on Reform, But Status Remains Uncertain With Tokyo Looming," *USA Today*, Oct. 14, 2019 (<https://www.usatoday.com/story/sports/2019/10/14/usa-gymnastics-progress-hurdles-remain/3969312002/>) (accessed Jun. 30, 2020).

³⁰ESPN, "USA Gymnastics' Proposal to Sexual Assault Survivors Ranges from \$83K to \$1.25M," Feb. 22, 2020 (https://www.espn.com/olympics/story/_/id/28757570/usa-gymnastics-proposal-sexual-assault-survivors-ranges-83k-125m) (accessed Jun. 30, 2020).

³¹Id.

³²Id.

Allegations of sexual abuse in the Olympic movement extend beyond the Nassar scandal. For example, in February 2017, reports detailed serious allegations of sexual abuse within the sport of taekwondo, which resulted in the criminal conviction of a USA Taekwondo coach.³³ Additional misconduct has reportedly occurred under other sports' NGBs,³⁴ including speed skating, swimming, and cycling.³⁵

In the midst of the Nassar scandal and other revelations of sexual abuse within the Olympic movement, Congress passed legislation to strengthen athlete protections. On February 14, 2018, President Trump signed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act into law.³⁶ That legislation, sponsored by Senators Feinstein and Thune, and co-sponsored by 29 Senators, was amended on the floor to include Senate Commerce Committee-passed legislation authorizing SafeSport to investigate and enforce against abuse in amateur sports and to clarify the USOPC's role in protecting athletes, including NGB oversight in this regard. (SafeSport was initially launched in March 2017 as a 501(c)(3) corporation tasked with investigating abuse allegations raised within all 48 NGBs.)

This law requires adults to report suspected abuse of amateur athletes to local law enforcement, and imposes penalties for a failure to do so. It also bolsters the civil remedy provisions of the Child Abuse Victims' Rights Act of 1986³⁷ to allow minor victims to sue their perpetrators. In addition, the law requires SafeSport to develop training, oversight practices, policies, and procedures for NGBs and Paralympic sports organizations (PSOs) to prevent abuse of amateur athletes. These policies and procedures include: (1) mandatory reporting by adult members to SafeSport and law enforcement; (2) a mechanism to allow a complainant to easily report an incident of child abuse to appropriate authorities; (3) reasonable procedures to limit one-on-one interactions between minors and adults without being in an observable and interruptible distance from another adult; (4) procedures to prohibit retaliatory action by NGBs or PSOs against any individual who reports abuse;

³³ Will Hobson and Steven Rich, "An Athlete Accused Her Coach of Sex Abuse, Olympic Officials Stayed on the Sideline," *The Washington Post*, Feb. 14, 2017 (https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd_story.html) (accessed Jun. 30, 2020).

³⁴ NGBs are responsible for administering each sport at the national level and for athlete development in preparing for competition.

³⁵ Alleging sexual abuse within USA Gymnastics, see Will Hobson and Steven Rich, "USA Gymnastics Says It Alerted FBI to Doctor Accused of Sex Abuse in 2015," *The Washington Post*, Feb. 17, 2017 (https://www.washingtonpost.com/sports/2017/02/16/a03f968c-f489-11e6-a9b0-ecce7ce475fc_story.html) (accessed Jun. 30, 2020); alleging failure to report sexual abuse within USA Gymnastics, see Marisa Kwiatkowski, et al., "A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases," *The Indianapolis Star*, Aug. 4, 2016 (<https://www.indystar.com/story/news/investigations/2016/08/04/usa-gymnastics-sex-abuse-protected-coaches/85829732/>) (accessed Jun. 30, 2020); reporting claims of physical and emotional abuse in U.S. Speedskating and stating that "[s]exual abuse allegations have rocked swimming and other sports," see Kelly Whiteside, "USOC Group Looks at Enforcement in Misconduct Cases," *USA Today*, Jul. 29, 2013 (<https://www.usatoday.com/story/sports/olympics/2013/07/29/usoc-safe-sport-enforcement-group/2598191/>) (accessed Jun. 30, 2020); and alleging sexual abuse within USA Cycling, see Caitlin Giddings, "USA Cycling Opens Investigation Into Missy Erickson's Allegations of Sexual Abuse," *Bicycling.com*, Feb. 17, 2017 (<https://www.bicycling.com/racing/a20024129/usa-cycling-opens-investigation-into-missy-ericksons-allegations-of-sexual-abuse/>) (accessed Jun. 30, 2020).

³⁶ Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act; Pub. L. 115-126 (2018) (codified as amended in scattered sections of 18 U.S.C. and 36 U.S.C.).

³⁷ Child Abuse Victims' Rights Act of 1986, Pub. L. 99-500; 100 Stat. 1783 (codified at 18 U.S.C. 2251).

(5) oversight procedures, including regular and random audits, to make sure policies and procedures are followed correctly; and (6) the ability to share information about suspected child abuse confidentially with NGBs, PSOs, and other organizations, such as local gyms.

The law ensures that all policies applicable to NGBs also apply to organizations sanctioned by NGBs or the USOPC to host international athletic competitions. The law also requires that all amateur sports organizations, regardless of whether they are recognized as an NGB, must do the following:

- Comply with mandatory reporting laws;
- Establish reasonable procedures to limit one-on-one interactions between adults and minors;
- Offer and provide consistent training regarding child abuse prevention and reporting of child abuse, including reporting by complainants to appropriate authorities; and
- Prohibit retaliation against those who report child abuse, including sexual abuse, to law enforcement.

SUMMARY OF PROVISIONS

S. 2330, as amended, would do the following:

- Impose greater legal liability on both the USOPC and NGBs for misconduct, including sexual abuse by coaches and employees;
- Establish expedited legislative mechanisms by which Congress may dissolve the USOPC's board of directors and decertify NGBs;
- Increase athlete representation on the USOPC board and athlete participation in the governance structures of NGBs;
- Require the USOPC to conduct greater oversight over NGBs;
- Require the USOPC to establish clear procedures and reporting requirements to protect athletes from abuse;
- Strengthen the Office of the Ombudsman's authority and independence to aid abused athletes;
- Increase funding for SafeSport.
- Create a Commission on the State of U.S. Olympics and Paralympics that must conduct a study on matters related to the Olympic movement; and
- Require the U.S. Center for SafeSport to publish and maintain a public website that contains a comprehensive list of individuals barred from the USOPC or NGBs.

LEGISLATIVE HISTORY

S. 2330, the Empowering Olympic and Amateur Athletes Act of 2019, was introduced on July 30, 2019, by Senator Moran (for himself and Senator Blumenthal) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Ernst, Shaheen, Cortez Masto, Capito, Harris, Kennedy, McSally, Sinema, Collins, Rosen, Murkowski, Gardner, Peters, and Warren are additional cosponsors. On November 13, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2330 reported favorably with an amendment (in the nature of a substitute).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2330, Empowering Olympic and Amateur Athletes Act of 2019			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on November 13, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold

Estimated federal cost: S. 2330 would amend federal law governing the United States Olympic and Paralympic Committee (USOPC). CBO estimates that implementing S. 2330 would have no effect on federal spending.

Mandates: S. 2330 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on USOPC, the National Governing Bodies of sport (NGBs), and the U.S. Center for SafeSport. CBO estimates that the cost to comply with those mandates would not exceed the threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation).

The bill would require USOPC, the NGBs, and the Center for SafeSport to develop and adopt policies that would require mandatory reporting of abuse, limit assistance to employees accused of misconduct, prohibit payment of bonuses to employees under ethics review, and prohibit retaliation against employees or affiliates who make protected disclosures of abuse or harassment.

The bill also would:

- Increase the representation of current and former athletes on USOPC's Board of Directors and committees and on NGBs' boards;
- Require USOPC to provide \$20 million annually to the Center for SafeSport in place of a smaller amount that USOPC currently voluntarily provides to the center;
- Require USOPC survey athletes annually;
- Expand the duties of the USOPC ombudsman;
- Require the Center for SafeSport to establish an office of compliance to ensure that NGBs follow the policies regarding mandatory reporting of abuse; and
- Require USOPC to conduct a more thorough process to certify NGBs, with an emphasis on policies to protect athletes, re-

port abuse, and increase athlete representation on governing boards.

The bill also would grant the Congress the authority to dissolve the USOPC Board of Directors or to terminate the recognition of an NGB via a joint resolution. Either action, if taken by the Congress, would impose a mandate on the affected entity. For USOPC, that action would impose administrative costs to replace its leadership. For an NGB, the effect would be broader. Under current law, a recognized NGB represents the United States in its appropriate international sports federation, coordinates amateur athletic activity, selects competitors for international competitions, and conducts athletic competitions, including national championships. The loss of recognition would deprive an existing NGB of those functions. However, those mandates and associated costs would be attributed to the joint resolution that requires those actions.

Based on the generally administrative nature of the duties imposed by the bill and the actions already taken by the mandated entities to meet some of the bill's requirements, CBO estimates that the cost of the mandates would probably total tens of millions of dollars annually.

S. 2330 would not impose intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 2330 would amend the statutory purposes of the USOPC to exercise effective oversight of NGBs with respect to the establishment of a safe environment in sport that is free from abuse—including emotional, physical, and sexual abuse—of any amateur athlete. The bill would increase congressional oversight and statutory obligations on entities already subject to the Ted Stevens Olympic and Amateur Sports Act, and, therefore, the number of persons covered should be consistent with current levels.

ECONOMIC IMPACT

S. 2330 would not have an adverse economic impact on the Nation. Preventing abuse will create an environment where amateur athletes can achieve greater heights of performance, to the benefit of the economic activity that is generated by athletic competitions.

PRIVACY

S. 2330 would not have any adverse impact on the personal privacy of individuals. Instead, it would increase privacy and confidentiality protections for athletes, and other persons reporting allegations of abuse.

PAPERWORK

S. 2330 would not increase paperwork requirements for private individuals or businesses. S. 2330 would direct the USOPC to submit annual reports to Congress regarding lawsuits and grievances filed against the organization among other information.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the bill may be cited as the “Empowering Olympic and Amateur Athletes Act of 2019”.

Section 2. Findings

This section would list the summarized findings of Congress resulting from its investigations into abuse allegations within the Olympic movement. This would include a finding by Congress that the courageous voice of survivors is a call to action to end emotional, physical, and sexual abuse in the Olympic and Paralympic movement; that former national team doctor for USAG, Larry Nassar, sexually abused over 300 athletes for over 2 decades because of ineffective oversight by USAG and USOPC; that the Nassar case is only one example of sexual abuse in amateur sports; that survivors of abuse in the Olympic and Paralympic movement deserve justice and redress for the wrongs they have suffered; that, after a comprehensive congressional investigation, USOPC and USAG fundamentally failed to uphold their statutory duties to protect athletes from abuse; that USAG and USOPC knowingly concealed abuse by Nassar, leading to the abuse of dozens of additional amateur athletes; and that ending abuse in the Olympic and Paralympic movement requires enhanced oversight to ensure athletes are protected.

Section 3. United States Olympic and Paralympic Committee

This section would amend chapter 2205 of title 36, United States Code, in relevant sections to update the organization’s name from “United States Olympic Committee” to “United States Olympic and Paralympic Committee.”

Section 4. Congressional oversight of United States Olympic and Paralympic Committee and national governing bodies

This section would establish a process by which, via joint resolution, Congress could either dissolve the board of the USOPC or terminate recognition of an NGB. This process would include provisions establishing expedited consideration for such joint resolutions in both the House and the Senate. This section would provide that amendments to such resolutions would not be in order in either the House or the Senate.

Section 5. Modifications to United States Olympic and Paralympic Committee

This section would amend the purposes of the USOPC to include the exercise of effective oversight of NGBs with respect to the establishment of a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete. This section would also bolster the representation of amateur athletes on the USOPC board of directors by requiring that one-third of the members of the board be composed of, and elected by, amateur athletes, and that the chair of the Athletes' Advisory Council be given voting power on the board of directors and in the committees and entities of the organization.

This section would establish that the USOPC owes to amateur athletes a duty of care to ensure NGBs and PSOs comply with required oversight practices; to immediately report to law enforcement any allegation of child abuse of minor amateur athletes; to ensure NGBs and PSOs have policies and procedures in place for such reporting; and to ensure NGBs and PSOs enforce temporary measures and sanctions issued by SafeSport. This section would also direct the USOPC to develop policies prohibiting employees, contractors, or agents of the corporation from assisting a member or former member from obtaining a new job if the individual knows such member or former member engaged in sexual misconduct involving a minor in violation of the law.

This section would provide more detailed hiring, termination, and vacancy procedures with respect to the USOPC Office of the Ombudsman. This section would establish that the duties of the Ombudsman include providing independent advice to parties reporting misconduct regarding the role, responsibility, and authority of SafeSport, the relative merits of engaging legal counsel, and the factual allegations that may support the ability of SafeSport to pursue a claim of abuse. This section would also direct the Ombudsman to maintain the confidentiality of information submitted in any matter involving the exercise of those duties. This section would prohibit USOPC employees or members with authority from retaliating against those who disclose information to the Ombudsman.

This section would require the USOPC to provide a detailed public report on its operations annually, rather than every 4 years, and to undergo an annual independent audit. This section would also set limitations on certain bonus and severance pay, and establish an annual anonymous survey of amateur athletes to determine their satisfaction with the USOPC and the NGBs.

Section 6. Modifications to national governing bodies

This section would amend the eligibility requirements with respect to NGB governing boards to bolster the presence of amateur athletes. This section would also direct NGBs to develop policies prohibiting employees, contractors, or agents of the organization from assisting a member or former member from obtaining a new job if the individual knows such member or former member engaged in sexual misconduct involving a minor in violation of the law. This section would establish that the duties of NGBs include the promotion of a safe environment in sports that is free from abuse of any amateur athlete, and to promote such an environment

by using information related to measures or sanctions imposed by SafeSport, to immediately report to law enforcement abuse of a minor amateur athlete, and to put in place procedures to support such reporting.

Section 7. Modifications to United States Center for SafeSport

This section would direct SafeSport to publish and maintain a publicly available website containing a comprehensive list of individuals who are barred from the USOPC or an NGB. This section would also direct SafeSport to develop training manuals for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, as well as mentally disabled individuals, and to update such materials not less frequently than every 3 years. This section would also put in place measures to avoid conflicts of interest, and prohibit interference in SafeSport investigations by the USOPC or an NGB.

This section would require the USOPC to make an annual payment to SafeSport of \$20 million to cover its operating costs. Such payment may include contributions from NGBs. This section would also establish requirements for SafeSport employees to report allegations of child abuse to law enforcement. This section would create additional reporting requirements for SafeSport regarding its annual strategic plan and finances. This section would also prohibit SafeSport from retaliating against any protected individual for any protected disclosure, and establish remedies for violations. Finally, this section would empower the Government Accountability Office (GAO) to audit SafeSport, require an annual financial audit of SafeSport by an independent auditor, and require the submission of an annual report to Congress.

Section 8. Exemption from automatic stay in bankruptcy cases

This section would establish that any action by an amateur sports organization to replace an NGB or any action by the USOPC to revoke recognition of an NGB would not operate as a stay in bankruptcy cases.

Section 9. Enhanced child abuse reporting

This section would amend the Victims of Child Abuse Act of 1990³⁸ to add employees or representatives of SafeSport to the list of covered individuals with reporting obligations.

Section 10. Commission on the State of U.S. Olympics and Paralympics

This section would establish within the legislative branch the Commission on the State of U.S. Olympics and Paralympics (Commission). The Commission would be composed of 16 members, with four members appointed by each of the Chairpersons and Ranking Members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. The Commission members would be required to have experience in matters related to amateur athletics and advocacy for minors, and no fewer than eight of such members would be required to be Olympic or Paralympic athletes.

³⁸ 34 U.S.C. 20341(c)(9).

This section would establish the procedures and duties of the Commission. This section would direct the Commission to conduct a study on matters related to the state of the Olympic and Paralympic movement in the United States, including proposed reforms, USOPC membership diversity, athlete participation, the status of licensing arrangements, the functioning of NGBs, USOPC finances, and other related issues.

This section would direct the Commission to submit to Congress a report on findings and recommendations based on the results of the study not later than 270 days after the date of enactment of this Act. The report would be required to be made publicly available. This section would establish the powers of the Commission to obtain information, terminate the Commission 90 days after the report is submitted to Congress, and authorize appropriations to carry out this section.

Section 11. Protecting abuse victims from retaliation

This section would amend 36 U.S.C. 220501(b) as amended to add the terms “covered entity”, “protected disclosure”, “protected individual”, and “retaliation” to the list of definitions of the Ted Stevens Act. This section would amend 36 U.S.C. 220509 to prohibit USOPC or NGB personnel from engaging in retaliation, direct the USOPC to create reporting, investigation, and resolution procedures for retaliation complaints, establish remedies, and set procedures for enforcement actions.

Section 12. Severability

This section would establish that, if any provision of this Act is determined to be unenforceable or invalid, the remaining provisions of this Act and the amendments made by this Act shall not be affected.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 11—BANKRUPTCY

* * * * *

CHAPTER 3—CASE ADMINISTRATION

* * * * *

SUBCHAPTER IV—ADMINISTRATIVE POWERS

* * * * *

§ 362. Automatic stay

(a) * * *

(b) The filing of a petition under section 301, 302, or 303 of this title, or of an application under section 5(a)(3) of the Securities Investor Protection Act of 1970, does not operate as a stay—

(1) * * *

* * * * *

(27) under subsection (a) of this section, of the exercise by a master netting agreement participant of any contractual right (as defined in section 555, 556, 559, or 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any master netting agreement, or of any contractual right (as defined in section 555, 556, 559, or 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such master netting agreements to the extent that such participant is eligible to exercise such rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; **and**

(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).**and**

(29) under subsection (a)(1) of this section, of any action by—

(A) an amateur sports organization, as defined in section 220501(b) of title 36, to replace a national governing body, as defined in that section, under section 220528 of that title; or

(B) the corporation, as defined in section 220501(b) of title 36, to revoke the recognition of a national governing body, as defined in that section, under section 220521 of that title.

The provisions of paragraphs (12) and (13) of this subsection shall apply with respect to any such petition filed on or before December 31, 1989.

(c) * * *

* * * * *

TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

[Table of chapters]

* * * * *

Subtitle II—Patriotic and National Organizations

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* * * * *

PART B—ORGANIZATIONS

*	*	*	*	*	*	*
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*	*	*	*	*	*	*

Subtitle II—Patriotic and National Organizations

* * * * *

PART B—ORGANIZATIONS

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CHAPTER 2205—UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE

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- 220531. Grant to protect young athletes from abuse.

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SUBCHAPTER IV—UNITED STATES CENTER FOR SAFESPORT

- 【220541. Designation of United States Center for Safe Sport.】
- 220541. *Designation of United States Center for SafeSport.*

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TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

- 220551. *Definitions.*
- 220552. *Dissolution of board of directors of corporation and termination of recognition of national governing bodies.*
- 220553. *Joint resolution.*

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SUBCHAPTER I—CORPORATION

§ 220501. Short title and definitions

(a) **SHORT TITLE.**—This chapter may be cited as the “Ted Stevens Olympic and Amateur Sports Act”.

(b) **DEFINITIONS.**—For purposes of this chapter—

(1) “amateur athlete” means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes.

(2) “amateur athletic competition” means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete.

(3) “amateur sports organization” means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition.

(4) “*Athletes’ Advisory Council*” means the entity established and maintained under section 220504(b)(2)(A) that—

(A) is composed of, and elected by, amateur athletes to ensure communication between the corporation and currently active amateur athletes; and

(B) serves as a source of amateur-athlete opinion and advice with respect to policies and proposed policies of the corporation.

[(4)](5) “Center” means the [United States Center for Safe Sport] *United States Center for SafeSport* designated under section 220541.

[(5)](6) “child abuse” has the meaning given the term in section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302).

[(6)](7) “corporation” means the [United States Olympic Committee] *United States Olympic and Paralympic Committee*.

(8) “covered entity” means—

(A) an officer or employee of the Center;

(B) a coach, trainer, manager, administrator, or other employee or official associated with the corporation or a national governing body;

(C) the Department of Justice;

(D) a Federal or State law enforcement authority;

(E) a Federal or State entity responsible for receiving reports of child abuse;

(F) *the Equal Employment Opportunity Commission or other State or Federal entity with responsibility over claims of sexual harassment; or*

(G) *any other person who the protected individual reasonably believes has authority to investigate or act on information relating to abuse, including—*

- (i) *emotional, physical, or sexual abuse; and*
- (ii) *sexual harassment.*

[(7)][(8)](9) “international amateur athletic competition” means an amateur athletic competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country.

[(8)](9)(10) “national governing body” means an amateur sports organization, a *high-performance management organization*, or a *paralympic sports organization* that is [recognized] certified by the corporation under section 220521 [of this title].

[(9) “paralympic sports organization” means an amateur sports organization which is recognized by the corporation under section 220521 of this title.]

(11) “protected disclosure” means any lawful act of a protected individual, or in the case of a protected individual who is a minor, an individual acting on behalf of a protected individual—

(A) *to provide information to, cause information to be provided to, or otherwise assist in an investigation by a covered entity (or to be perceived as providing information to, causing information to be provided to, or otherwise assisting in such an investigation) relating to abuse, including—*

- (i) *emotional, physical, or sexual abuse;*
- (ii) *sexual harassment; and*
- (iii) *a violation of anti-abuse policies, practices, and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);*

(B) *to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (or be perceived as filing, causing to be filed, testifying, participating in, or otherwise assisting in such an investigation) relating to abuse, including—*

- (i) *emotional, physical, or sexual abuse;*
- (ii) *sexual harassment; and*
- (iii) *a violation of anti-abuse policies and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);*

(C) *in communication with Congress; or*

(D) *in the case of an amateur athlete, in communication with the Office of the Athlete Ombudsman.*

(12) “protected individual” means any—

(A) *amateur athlete, coach, medical professional, or trainer associated with the corporation or a national governing body; or*

(B) *any official or employee of the corporation, a national governing body, or a contractor or subcontractor of the corporation or a national governing body.*

(13) “retaliation” means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against a protected individual because of any protected disclosure, including—

- (A) discipline;
- (B) discrimination regarding pay, terms, or privileges;
- (C) removal from a training facility;
- (D) reduced coaching or training;
- (E) reduced meals or housing; and
- (F) removal from competition.

[(10)](14) “sanction” means a certificate of approval issued by a national governing body.

§ 220502. Organization

(a) FEDERAL CHARTER.—The corporation is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

[(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION.—Any reference to the United States Olympic Association is deemed to refer to the United States Olympic Committee.]

(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to refer to the United States Olympic and Paralympic Committee.

§ 220503. Purposes

The purposes of the corporation are—

(1) to establish national goals for amateur athletic activities and encourage the attainment of those goals;

(2) to coordinate and develop amateur athletic activity in the United States, directly related to international amateur athletic competition, to foster productive working relationships among sports-related organizations;

(3) to exercise exclusive jurisdiction, directly or through constituent members of committees, over—

(A) all matters pertaining to United States participation in the Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games; and

(B) the organization of the Olympic Games, the Paralympic Games, and the Pan-American Games when held in the United States;

(4) to obtain for the United States, directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each event of the Olympic Games, the Paralympic Games, and Pan-American Games;

(5) to promote and support amateur athletic activities involving the United States and foreign nations;

(6) to promote and encourage physical fitness and public participation in amateur athletic activities;

(7) to assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;

(8) to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;

(9) to foster the development of *and access to* amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;

(10) to provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

(11) to encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;

(12) to encourage and provide assistance to amateur athletic activities for women;

(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes;

(14) to encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of those minorities in amateur athletic activities in which they are underrepresented[; and];

(15) to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete[.]; *and*

(16) *to effectively oversee the national governing bodies with respect to compliance with and implementation of the policies and procedures of the corporation, including policies and procedures on the establishment of a safe environment in sports as described in paragraph (15).*

§ 220504. Membership

(a) **ELIGIBILITY.**—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation *and membership shall be available only to national governing bodies.*

(b) **REQUIRED PROVISIONS FOR REPRESENTATION.**—In its constitution and bylaws, the corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

[(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corpora-

tion and such national governing bodies and paralympic sports organizations;】

(1) *national governing bodies, including through provisions that establish and maintain a National Governing Bodies' Council that is composed of representatives of the national governing bodies who are selected by their boards of directors or other governing boards to ensure effective communication between the corporation and the national governing bodies;*

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition 【within the preceding 10 years】, including through provisions which—

【(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and】

(A) *establish and maintain an Athletes' Advisory Council;*

(B) *ensure that the chair of the Athletes' Advisory Council, or the designee of the chair, holds voting power on the board of directors of the corporation and in the committees and entities of the corporation;*

(C) *require that $\frac{1}{3}$ of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes, including not fewer than one amateur athlete who—*

(i) *is actively engaged in representing the United States in amateur athletic competition; or*

(ii) *has represented the United States in international amateur athletic competition during the preceding 10-year period; and*

【(B)】(D) *ensure that the membership and voting power held by such amateur athletes is not less than 【20 percent】 $\frac{1}{3}$ of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation, including any panel empowered to resolve grievances;*

(3) amateur sports organizations that conduct a national program or regular national amateur athletic competition in 2 or more sports that are included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who, in the corporation's judgment, represent the interests of the American public in the activities of the corporation.

(c) *CONFLICT OF INTEREST.—An athlete who represents athletes under subsection (b)(2) shall not be employed by the Center, or serve in a capacity that exercises decision-making authority on behalf of the Center, during the two-year period beginning on the date on which the athlete ceases such representation.*

(d) *CERTIFICATION REQUIREMENTS.*—*The bylaws of the corporation shall include a description of all generally applicable certification requirements for membership in the corporation.*

§ 220505. [Powers] Powers and duties

(a) * * *

(b) * * *

(c) **POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.**—The corporation may—

(1) serve as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition;

(2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization and as its national Paralympic committee in relations with the International Paralympic Committee;

(3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games, the Paralympic Games, and the Pan-American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;

[(4) recognize eligible amateur sports organizations as national governing bodies for any sport that is included on the program of the Olympic Games or the Pan-American Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;]

(4) *certify national governing bodies for any sport that is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games;*

(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation; and

(6) provide financial assistance to any organization or association, except a corporation organized for profit, in furtherance of the purposes of the corporation.

(d) *DUTIES.*—

(1) *IN GENERAL.*—*The duty of the corporation to amateur athletes includes the adoption, effective implementation, and enforcement of policies and procedures designed—*

(A) *to immediately report to law enforcement and the Center any allegation of child abuse of an amateur athlete who is a minor;*

(B) *to ensure that each national governing body has in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—*

(i) the policies and procedures developed under paragraph (3) of section 220541(a); and

(ii) the requirement described in paragraph (2)(A) of section 220542(a); and

(C) to ensure that each national governing body and the corporation enforces temporary measures and sanctions issued pursuant to the authority of the Center.

(2) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be construed to preempt or otherwise abrogate the duty of care of the corporation under State law or the common law.

§ 220506. Exclusive right to name, seals, emblems, and badges

(a) *EXCLUSIVE RIGHT OF CORPORATION.*—Except as provided in subsection (d) of this section, the corporation has the exclusive right to use—

(1) the name “[United States Olympic Committee] *United States Olympic and Paralympic Committee*”;

* * * * *

§ 220507. Restrictions

(a) *PROFIT AND STOCK.*—The corporation may not engage in business for profit or issue stock.

(b) *POLITICAL ACTIVITIES.*—The corporation shall be non-political and may not promote the candidacy of an individual seeking public office.

(c) *POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.*—The corporation shall develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the corporation from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law.

(d) *POLICY REGARDING TERMS AND CONDITIONS OF EMPLOYMENT.*—The corporation shall establish a policy—

(1) not to disperse bonus or severance pay to any individual named as a subject of an ethics investigation by the ethics committee of the corporation, until such individual is cleared of wrongdoing by such investigation; and

(2) that provides that—

(A) if the ethics committee determines that an individual has violated the policies of the corporation—

(i) the individual is no longer entitled to bonus or severance pay previously withheld; and

(ii) the compensation committee of the corporation may reduce or cancel the withheld bonus or severance pay; and

(B) in the case of an individual who is the subject of a criminal investigation, the ethics committee shall investigate the individual.

§ 220508. * * *

§ 220509. Resolution of disputes

(a) GENERAL.—The corporation shall establish and maintain provisions in its constitution and bylaws for the swift and equitable resolution of disputes involving any of its members and relating to *complaints of retaliation* or the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation. In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.

(b) **【OMBUDSMAN】 OFFICE OF THE ATHLETE OMBUDSMAN.**—

【(1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall—】

(1) IN GENERAL.—The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman and support staff for athletes.

(2) DUTIES.—The Office of the Athlete Ombudsman shall—

(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, **【paralympic sports organizations,】** international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

【(B) assist in mediating any such disputes; and】

(B) assist in the resolution of athlete concerns;

(C) provide independent advice to athletes with respect

to—

(i) the role, responsibility, authority, and jurisdiction of the Center; and

(ii) the relative value of engaging legal counsel;
and

【(C)】(D) report to the Athletes' Advisory Council on a regular basis.

【(2)(A) The procedure】

【(2)】(3) HIRING PROCEDURES; VACANCY; TERMINATION.—

(A) HIRING PROCEDURES.—The procedure for hiring the ombudsman for athletes shall be as follows:

(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

【If there is】

(B) *VACANCY.*—*If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.*

【(B) The corporation】

(C) *TERMINATION.*—*The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—*

(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.

(4) *CONFIDENTIALITY.*—

(A) *IN GENERAL.*—*The Office of the Athlete Ombudsman shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombudsman in any matter involving the exercise of the official duties of the Office of the Athlete Ombudsman.*

(B) *EXCEPTION.*—*The Office of the Athlete Ombudsman may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute, with the permission of the parties involved.*

(C) *JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.*—

(i) *IN GENERAL.*—*The ombudsman and the staff of the Office of the Athlete Ombudsman shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the Office of the Athlete Ombudsman.*

(ii) *WORK PRODUCT.*—*Any memorandum, work product, notes, or case file of the Office of the Athlete Ombudsman—*

(I) shall be confidential; and

(II) shall not be—

(aa) subject to discovery, subpoena, or any other means of legal compulsion; or

(bb) admissible as evidence in a judicial or administrative proceeding.

(D) *APPLICABILITY.*—The confidentiality requirements under this paragraph shall not apply to information relating to—

(i) applicable federally mandated reporting requirements;

(ii) a felony personally witnessed by a member of the Office of the Athlete Ombudsman;

(iii) a situation, communicated to the Office of the Athlete Ombudsman, in which an individual is at imminent risk of serious harm; or

(iv) a congressional subpoena.

(E) *DEVELOPMENT OF POLICY.*—

(i) *IN GENERAL.*—Not later than 180 days after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, the Office of the Athlete Ombudsman shall develop and publish in the Federal Register a confidentiality and privacy policy consistent with this paragraph.

(ii) *DISTRIBUTION.*—The Office of the Athlete Ombudsman shall distribute a copy of the policy developed under clause (i) to—

(I) employees of the national governing bodies;

and

(II) employees of the corporation.

(iii) *PUBLICATION BY NATIONAL GOVERNING BODIES.*—Each national governing body shall—

(I) publish the policy developed under clause (i) on the internet website of the national governing body; and

(II) communicate to amateur athletes the availability of the policy.

(5) *PROHIBITION ON RETALIATION.*—No employee, contractor, agent, volunteer, or member of the corporation shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombudsman.

(6) *INDEPENDENCE IN CARRYING OUT DUTIES.*—The board of directors of the corporation or any other member or employee of the corporation shall not prevent or prohibit the Office of the Athlete Ombudsman from carrying out any duty or responsibility under this section.

(c) *RETALIATION.*—

(1) *IN GENERAL.*—The corporation, the national governing bodies, or any officer, employee, contractor, subcontractor, or agent of the corporation or a national governing body may not retaliate against any protected individual because of any protected disclosure.

(2) *REPORTING, INVESTIGATION, AND ARBITRATION.*—The corporation shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation.

(3) *DISCIPLINARY ACTION.*—If the corporation finds that an officer or employee of the corporation or a national governing

body (or any contractor, subcontractor, or agent of the corporation or a national governing body) has retaliated against a protected individual, the corporation or national governing body, as applicable, shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

(4) **REMEDIES.**—

(A) **IN GENERAL.**—If the corporation finds that an officer or employee of the corporation or a national governing body (or any contractor, subcontractor, or agent of the corporation or a national governing body) has retaliated against a protected individual, the corporation or national governing body, as applicable, shall promptly—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

(B) **REIMBURSEMENT FROM NATIONAL GOVERNING BODY.**—In the case of a national governing body found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body for damages paid by the corporation under subparagraph (A).

(5) **ENFORCEMENT ACTION AND PROCEDURES.**—

(A) **IN GENERAL.**—If the corporation has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(B) **JURY TRIAL.**—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

(C) **RELIEF.**—The court shall have jurisdiction to grant all relief under paragraph (4).

(6) **STATUTE OF LIMITATIONS.**—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

(7) **BURDENS OF PROOF.**— An action under paragraph (2) or (5) shall be governed as follows:

(A) **REQUIRED SHOWING BY COMPLAINANT.**—The corporation shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the action alleged in the complaint.

(B) **CRITERIA FOR DETERMINATION BY THE ARBITRATION.**—The arbitration may determine that a violation of paragraph (1) has occurred only if the complainant dem-

onstrates that the retaliation was a contributing factor in the action alleged in the complaint.

(C) *PROHIBITION.*—Relief may not be ordered under paragraph (4) if the corporation or national governing body, as applicable, demonstrates by clear and convincing evidence that the corporation or national governing body would have taken the same action in the absence of that behavior.

(8) *REVIEW.*—Any person adversely affected or aggrieved by an order issued under paragraph (4) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the arbitration decision of the corporation. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

(9) *RIGHTS RETAINED.*—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any employee or other individual under any Federal or State law, or under any collective bargaining agreement.

(10) *NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.*—The rights and remedies provided for in this subsection may not be waived by any agreement, policy form, or condition of employment or association with the corporation or a national governing body.

§ 220510. * * *

§ 220511. **[Report] Reports and audits**

[(a) *SUBMISSION TO PRESIDENT AND CONGRESS.*—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

[(1) a complete statement of its receipts and expenditures;

[(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

[(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

[(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.]

(a) *REPORT.*—

(1) *SUBMISSION TO PRESIDENT AND CONGRESS.*—Not less frequently than annually, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report on the operations of the corporation for the preceding calendar year.

(2) *MATTERS TO BE INCLUDED.*—Each report required by paragraph (1) shall include the following:

(A) A comprehensive description of the activities and accomplishments of the corporation during such calendar year.

(B) Data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies.

(C) A description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.

(D) A description of any lawsuit or grievance filed against the corporation, including any dispute initiated under this chapter.

(E) The agenda and minutes of any meeting of the board of directors of the corporation that occurred during such calendar year.

(F) A report by the compliance committee of the corporation that, with respect to such calendar year—

(i) identifies—

(I) the areas in which the corporation has met compliance standards; and

(II) the areas in which the corporation has not met compliance standards; and

(ii) assesses the compliance of each member of the corporation and provides a plan for improvement, as necessary.

(G) A detailed description of any complaint of retaliation made during such calendar year, including the entity involved, the number of allegations of retaliation, and the outcome of such allegations.

(3) PUBLIC AVAILABILITY.—The corporation shall make each report under this subsection available to the public on an easily accessible internet website of the corporation.

ies of the report available to interested persons at a reasonable cost.】

(b) AUDIT.—

(1) IN GENERAL.—Not less frequently than annually, the financial statements of the corporation for the preceding fiscal year shall be audited in accordance with generally accepted auditing standards by—

(A) an independent certified public accountant; or

(B) an independent licensed public accountant who is certified or licensed by the regulatory authority of a State or a political subdivision of a State.

(2) LOCATION.—An audit under paragraph (1) shall be conducted at the location at which the financial statements of the corporation normally are kept.

(3) ACCESS.—An individual conducting an audit under paragraph (1) shall be given full access to—

(A) all records and property owned or used by the corporation, as necessary to facilitate the audit; and

(B) any facility under audit for the purpose of verifying transactions, including any balance or security held by a depository, fiscal agent, or custodian.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the end of the fiscal year for which an audit is carried out, the auditor shall submit a report on the audit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the chair of the Athletes' Advisory Council.

(B) MATTERS TO BE INCLUDED.—Each report under subparagraph (A) shall include the following for the applicable fiscal year:

(i) Any statement necessary to present fairly the assets, liabilities, and surplus or deficit of the corporation.

(ii) An analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit.

(iii) A detailed statement of the income and expenses of the corporation, including the results of any trading, manufacturing, publishing, or other commercial endeavor.

(iv) A detailed statement of the amounts spent on stipends and services for athletes.

(v) A detailed statement of the amounts spent on compensation and services for executives and administration officials of the corporation, including the 20 employees of the corporation who receive the highest amounts of compensation.

(vi) A detailed statement of the amounts allocated to the national governing bodies.

(vii) Such comments and information as the auditor considers necessary to inform Congress of the financial operations and condition of the corporation.

(viii) Recommendations relating to the financial operations and condition of the corporation.

(ix) A description of any financial conflict of interest (including a description of any recusal or other mitigating action taken), evaluated in a manner consistent with the policies of the corporation, of—

(I) a member of the board of directors of the corporation; or

(II) any senior management personnel of the corporation.

(C) PUBLIC AVAILABILITY.—

(i) IN GENERAL.—The corporation shall make each report under this paragraph available to the public on an easily accessible internet website of the corporation.

(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available under clause (i) shall not include the personally identifiable information of any individual.

§ 220512. Complete teams

In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delega-

tion to the appropriate national governing body [or paralympic sports organization], may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of the national governing body and the corporation when the number of athletes who have met the eligibility standards of such entities is insufficient to fill the roster for an event.

§ 220513. Annual amateur athlete survey

(a) *IN GENERAL.*—Not less frequently than annually, the corporation shall enter into a contract with an independent third-party organization to conduct an anonymous survey of amateur athletes who are actively engaged in amateur athletic competition with respect to—

(1) *their satisfaction with the corporation and the applicable national governing body; and*

(2) *the behaviors, attitudes, and feelings within the corporation and the applicable national governing body relating to sexual harassment and abuse.*

(b) *CONSULTATION.*—A contract under subsection (a) shall require the independent third-party organization to develop the survey in consultation with the Center.

(c) *PROHIBITION ON INTERFERENCE.*—If the corporation or a national governing body makes any effort to undermine the independence of, introduce bias into, or otherwise influence a survey under subsection (a), the corporation or the national governing body shall be decertified.

(d) *PUBLIC AVAILABILITY.*—The corporation shall make the results of each such survey available to the public on an internet website of the corporation.

* * * * *

SUBCHAPTER II—NATIONAL GOVERNING BODIES

* * * * *

§ 220521. [Recognition of amateur sports organizations as national governing bodies] Certification of national governing bodies

[(a) GENERAL AUTHORITY.—For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under section 220522(b)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsection (a) or (b) of section 220522. The corporation may recognize only one national governing body for each sport for which an application is made and approved, except as provided in section 220522(b) with respect to a paralympic sports organization.]

(a) *IN GENERAL.*—With respect to each sport included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation—

(1) *may certify as a national governing body an amateur sports organization, a high-performance management organization, or a paralympic sports organization that files an application and is eligible for such certification under section 220522; and*

(2) *may not certify more than 1 national governing body.*

(b) **PUBLIC HEARING.**—Before **[recognizing]** *certifying* an organization as a national governing body, the corporation shall hold at least 2 public hearings on the application. The corporation shall publish notice of the time, place, and nature of the hearings. Publication shall be made in a regular issue of the corporation’s principal publication at least 30 days, but not more than 60 days, before the date of the hearings. The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.

(c) **RECOMMENDATION TO INTERNATIONAL SPORTS FEDERATION.**—Within 61 days after **[recognizing]** *certifying* an organization as a national governing body, the corporation shall recommend and support in any appropriate manner the national governing body to the appropriate international sports federation as the representative of the United States for that sport.

[(d) REVIEW OF RECOGNITION.—The corporation may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.]

(d) *REVIEW OF CERTIFICATION.*—*Not later than 8 years after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, and not less frequently than once every 4 years thereafter, the corporation—*

(1) *shall review all matters related to the continued certification of an organization as a national governing body;*

(2) *may take action the corporation considers appropriate, including placing conditions on the continued certification of an organization as a national governing body;*

(3) *shall submit to Congress a summary report of each review under paragraph (1); and*

(4) *shall make each such summary report available to the public.*

§ 220522. Eligibility requirements

[(a) GENERAL.—An amateur sports organization] *An amateur sports organization, a high-performance management organization, or a paralympic sports organization is eligible to be [recognized] certified, or to continue to be [recognized] certified, as a national governing body only if it—*

(1) *is incorporated under the laws of a State of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition;*

(2) has the managerial and financial capability to plan and execute its obligations, *including the ability to provide and enforce required athlete protection policies and procedures*;

(3) submits—

(A) an application, in the form required by the corporation, for **[recognition]** *certification* as a national governing body;

(B) a copy of its corporate charter and bylaws; and

(C) any additional information considered necessary or appropriate by the corporation;

(4) agrees to submit to binding arbitration in any controversy involving—

(A) its **[recognition]** *certification* as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, except that if the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;

(5) demonstrates that it is autonomous in the governance of its sport, *except with respect to the oversight of the organization*, in that it—

(A) independently decides and controls all matters central to governance;

(B) does not delegate decision-making and control of matters central to governance; and

(C) is free from outside restraint;

(6) demonstrates that it is a member of no more than one international sports federation that governs a sport included on the program of the Olympic Games, *the Paralympic Games*, or the Pan-American Games;

(7) demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which **[recognition]** *certification* is sought, or any amateur sports organization that conducts programs in the sport for which **[recognition]** *certification* is sought, or both;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator,

or official before declaring the individual ineligible to participate;

(9) is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin, or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on the board of directors or other governing board;

(10) ensures that the selection criteria for individuals and teams that represent the United States are—

(A) fair, as determined by the corporation in consultation with the national governing bodies, the Athletes' Advisory Council, and the United States Olympians and Paralympians Association;

(B) clearly articulated in writing and properly communicated to athletes in a timely manner; and

(C) consistently applied, using objective and subjective criteria appropriate to the applicable sport;

[(10)](11) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which [recognition] *certification* is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years, that any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;

[(11)](12) provides for reasonable direct representation on its board of directors or other governing board for any amateur sports organization, *high-performance management organization*, or *paralympic sports organization* that—

(A) conducts a national program or regular national amateur athletic competition in the applicable sport on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(B) ensures that the representation reflects the nature, scope, quality, and strength of the programs and competitions of the [amateur sports] *applicable* organization in relation to all other programs and competitions in the sport in the United States;

[(12)](13) [demonstrates that none of its officers are also officers of any other amateur sports organization recognized as a national governing body;] *demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—*

(A) *its board of directors and other such governing boards have established criteria and election procedures for, and maintain among their voting members, individuals who are—*

- (i) *elected by amateur athletes; and*
 - (ii) *actively engaged in amateur athletic competition in the sport for which certification is sought;*
 - (B) *any exception to such guidelines by such organization has been approved by—*
 - (i) *the corporation; and*
 - (ii) *the Athletes' Advisory Council; and*
 - (C) *the voting power held by such individuals is not less than 1/3 of the voting power held by its board of directors and other such governing boards;*
- [(13)](14) *provides procedures for the prompt and equitable resolution of grievances of its members;*
- [(14)](15) *does not have eligibility criteria related to amateur status or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games that are more restrictive than those of the appropriate international sports federation[; and];*
- [(15)](16) *demonstrates, if the organization is seeking to be [recognized] certified as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under sections 220524 and 220525 of this title[.];*
- (17) *commits to submitting annual reports to the corporation that include, for each calendar year—*
- (A) *a description of the manner in which the organization—*
 - (i) *carries out the mission to promote a safe environment in sports that is free from abuse of amateur athletes (including emotional, physical, and sexual abuse); and*
 - (ii) *addresses any sanctions or temporary measures required by the Center;*
 - (B) *a description of any cause of action or complaint filed against the organization that was pending or settled during the preceding calendar year; and*
 - (C) *a detailed statement of—*
 - (i) *the income and expenses of the organization; and*
 - (ii) *the amounts expended on stipends, bonuses, and services for amateur athletes, organized by the level and gender of the amateur athletes[; and];*
- (18) *commits to meeting any minimum standard or requirement set forth by the corporation[.]; and*
- (19) *provides protection from retaliation to protected individuals.*

[(b) RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.—
 For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that,

notwithstanding the other requirements of this chapter, any such paralympic sports organization—

[(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

[(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.]

§ 220523. * * *

§ 220524. General duties of national governing bodies

[For the sport]

(a) *IN GENERAL.*—*For the sport* that it governs, a national governing body shall—

(1) develop interest and participation throughout the United States and be responsible to the persons and [amateur sports] organizations it represents;

(2) minimize, through coordination with other [amateur sports] organizations, conflicts in the scheduling of all practices and competitions;

(3) keep amateur athletes informed of policy matters and reasonably reflect the views of the athletes in its policy decisions;

(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;

(5) allow an amateur athlete to compete in any international amateur athletic competition conducted by any [amateur sports] organization or person, unless the national governing body establishes that its denial is based on evidence that the organization or person conducting the competition does not meet the requirements stated in section 220525 of this title;

(6) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;

(7) encourage and support amateur athletic sports programs for individuals with disabilities and the participation of individuals with disabilities in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals;

(8) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis[; and];

(9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety[.];

(10) develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the national governing body from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies or procedures of the Center;

(11) promote a safe environment in sports that is free from abuse of any amateur athlete, including emotional, physical, and sexual abuse;

(12) take care to promote a safe environment in sports using information relating to any temporary measure or sanction issued pursuant to the authority of the Center;

(13) immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor; and

(14) have in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

(A) the policies and procedures developed under paragraph (3) of section 220541(a); and

(B) the requirement described in paragraph (2)(A) of section 220542(a).

(b) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to preempt or otherwise abrogate the duty of care of a national governing body under State law or the common law.

* * * * *

§ 220527. Complaints against national governing bodies

(a) *GENERAL.*—(1) An amateur sports organization or person that belongs to or is eligible to belong to a national governing body may seek to compel the national governing body to comply with sections 220522, 220524, and 220525 of this title by filing a written complaint with the corporation. A copy of the complaint shall be served on the national governing body.

(2) The corporation shall establish procedures for the filing and disposition of complaints under this section.

[(b) *EXHAUSTION OF REMEDIES.*—(1) An organization or person may file a complaint under subsection (a) of this section only after exhausting all available remedies within the national governing body for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay.

[(2) Within 30 days after a complaint is filed, the corporation shall decide whether the organization or person has exhausted all available remedies as required by paragraph (1) of this subsection. If the corporation determines that the remedies have not been exhausted, it may direct that the remedies be pursued before the corporation considers the complaint further.]

[(c) *(b) HEARINGS.*—[If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it] *The corporation* shall hold a hearing, within 90 days after the complaint is filed, to receive testimony to decide

whether the national governing body is complying with sections 220522, 220524, and 220525 of this title.

[(d)](c) DISPOSITION OF COMPLAINT.—(1) If the corporation decides, as a result of the hearing, that the national governing body is complying with sections 220522, 220524, and 220525 of this title, it shall so notify the complainant and the national governing body.

(2) If the corporation decides, as a result of the hearing, that the national governing body is not complying with sections 220522, 220524, and 220525 of this title, it shall—

(A) place the national governing body on probation for a specified period of time, not to exceed 180 days, which the corporation considers necessary to enable the national governing body to comply with those sections; or

(B) revoke the recognition of the national governing body.

(3) If the corporation places a national governing body on probation under paragraph (2) of this subsection, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with sections 220522, 220524, and 220525 of this title. If, at the end of the period allowed by the corporation, the national governing body has not complied with those sections, the corporation shall revoke the recognition of the national governing body.

§ 220528. Applications to replace an incumbent national governing body

(a) GENERAL.—An amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing a written application for [recognition] *certification* with the corporation.

(b) ESTABLISHMENT OF PROCEDURES.—The corporation shall establish procedures for the filing and disposition of applications under this section. If 2 or more organizations file applications for the same sport, the applications shall be considered in a single proceeding.

(c) FILING PROCEDURES.—(1) An application under this section must be filed within one year after the final day of—

(A) any Olympic Games, for a sport in which competition is held in the Olympic Games or the Paralympic Games, or in both the Olympic and Pan-American Games; or

(B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games.

(2) The application shall be filed with the corporation by certified mail, and a copy of the application shall be served on the national governing body and with any other organization that has filed an application. The corporation shall inform the applicant that its application has been received.

(d) HEARINGS.—Within 180 days after receipt of an application filed under this section, the corporation shall conduct a formal hearing open to the public to determine the merits of the application. The corporation shall publish notice of the time and place of the hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, before the date of the hearing.

The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport. In the hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their positions.

(e) STANDARDS FOR GRANTING APPLICATIONS.—In the hearing, the applicant must establish by a preponderance of the evidence that—

(1) it meets the criteria for [recognition] *certification* as a national governing body under section 220522 of this title; and

(2)(A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title; or

(B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks [recognition] *certification* .

(f) DISPOSITION OF APPLICATIONS.—Within 30 days after the close of the hearing required by this section, the corporation shall—

(1) uphold the right of the national governing body to continue as the national governing body for its sport;

(2) revoke the [recognition] *certification* of the national governing body and declare a vacancy in the national governing body for that sport;

(3) revoke the [recognition] *certification* of the national governing body and [recognize] *certify* the applicant as the national governing body; or

(4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained [recognition] *certification* except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title and notify such national governing body of such probation and of the actions needed to comply with such requirements.

(g) REVOCATION OF [RECOGNITION] *CERTIFICATION* AFTER PROBATION.—If the national governing body does not comply with sections 220522, 220524, and 220525 of this title within the probationary period prescribed under subsection (f)(4) of this section, the corporation shall revoke the [recognition] *certification* of the national governing body and either—

(1) [recognize] *certify* the applicant as the national governing body; or

(2) declare a vacancy in the national governing body for that sport.

§ 220529. * * *

§ 220530. Other amateur sports organizations

(a) IN GENERAL.—An applicable amateur sports organization shall—

(1) comply with the reporting requirements of section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

(2) establish reasonable procedures to limit one-on-one interactions, *including communications*, between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

(3) offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons; and

(4) prohibit retaliation, by the applicable amateur sports organization, against any individual who **【makes a report under paragraph (1).】** *makes—*

(A) *a report under paragraph (1); or*

(B) *any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.*

(b) DEFINITION OF APPLICABLE AMATEUR SPORTS ORGANIZATION.—In this section, the term “applicable amateur sports organization” means an amateur sports organization—

(1) that is not otherwise subject to the requirements under subchapter III;

(2) that participates in an interstate or international amateur athletic competition; and

(3) whose membership includes any adult who is in regular contact with an amateur athlete who is a minor.

SUBCHAPTER III—GRANT TO KEEP YOUNG ATHLETES SAFE

§ 220531. Grant to protect young athletes from abuse

(a) AUTHORITY.—The Attorney General may award a grant to an eligible nonprofit nongovernmental entity in order to support oversight of the **【United States Olympic Committee】** *United States Olympic and Paralympic Committee***【, each national governing body, and each paralympic sports organization】** *and each national governing body* with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports.

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a nonprofit nongovernmental entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including information that demonstrates that the entity has—

(1) nationally recognized expertise in preventing and investigating emotional, physical, and sexual abuse in the athletic programs of the **【United States Olympic Committee】** *United States Olympic and Paralympic Committee***【, each national governing body, and each paralympic sports organization】** *and each national governing body*; and

(2) the capacity to oversee regular and random audits to ensure that the policies and procedures used by the **【United States Olympic Committee】** *United States Olympic and Paralympic Committee***【, each national governing body, and**

each paralympic sports organization] *and each national governing body* to prevent and identify the abuse of an amateur athlete are followed correctly.

(c) USE OF GRANT AMOUNT.—An entity that receives a grant under this section may use such funds—

(1) to develop and test new training materials for emotional, physical, and sexual abuse prevention and identification education in youth athletic programs;

(2) for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to the [United States Olympic Committee] *United States Olympic and Paralympic Committee*, each national governing body, [each paralympic sports organization,] and other amateur sports organizations information about safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports; and

(3) to oversee the administration of the procedures described in subsection (b)(2).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of the fiscal years 2018 through 2022.

(2) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.

SUBCHAPTER [III] IV—UNITED STATES CENTER FOR [SAFE SPORT] *SAFESPORT*

§ 220541. Designation of United States Center for [Safe Sport] *SafeSport*

(a) IN GENERAL.—The United States Center for [Safe Sport] *SafeSport* shall—

(1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;

(2) exercise jurisdiction over the corporation[, each national governing body, and each paralympic sports organization] *and each national governing body* with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;

(3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies [and paralympic sports organizations];

(4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures[; and];

(5) ensure that the mechanisms under paragraph (4) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants[.];

(6) *maintain an office for compliance and audit that shall—*

(A) *ensure that the national governing bodies and the corporation implement and follow the policies and procedures developed by the Center to prevent and promptly report instances of abuse of amateur athletes, including emotional, physical, and sexual abuse; and*

(B) *establish mechanisms that allow for the reporting and investigation of alleged violations of such policies and procedures; and*

(7) *publish and maintain a publicly accessible internet website that contains a comprehensive list of adults who are barred by the Center.*

(b) **POLICIES AND PROCEDURES.**—The policies and procedures developed under subsection (a)(3) shall apply as though they were incorporated in and made a part of section 220524 of this title.

(c) **BINDING ARBITRATION.**—

(1) **IN GENERAL.**—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such an allegation, to participate in amateur athletic competition.

(2) **PRESERVATION OF RIGHTS.**—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center's jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center's policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

(d) **LIMITATION ON LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

(2) **EXCEPTION.**—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

(3) **REMOVAL TO FEDERAL COURT.**—

(A) **IN GENERAL.**—*Any civil action brought in a State court against the Center relating to the responsibilities of the Center under this section, section 220542, or section 220543, shall be removed, on request by the Center, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or the citizenship of the parties involved.*

(B) **RULE OF CONSTRUCTION.**—*Nothing in this chapter shall be construed to create a private right of action.*

[(3)](4) Definition of applicable entity.—In this subsection, the term “applicable entity” means—

(A) the Center;

(B) a national governing body;

[(C) a paralympic sports organization;]

(C) the corporation;

(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;

(E) an amateur sports organization reporting under section 220530;

(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and

(G) any individual participating in a proceeding pursuant to this section.

(e) TRAINING MATERIALS.—*The office for education and outreach referred to in subsection (a)(3) shall—*

(1) develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, and individuals with disabilities; and

(2) not less frequently than every 3 years, update such training materials.

(f) INDEPENDENCE.—

(1) PROHIBITION WITH RESPECT TO FORMER EMPLOYEES AND BOARD MEMBERS.—*A former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body.*

(2) ATHLETES SERVING ON BOARD OF DIRECTORS OF NATIONAL GOVERNING BODY.—

(A) IN GENERAL.—*An athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body, may volunteer at, or serve in an advisory capacity to, the Center.*

(B) INELIGIBILITY FOR EMPLOYMENT.—*An athlete who has served on the board of directors of a national governing body shall not be eligible for employment at the Center during the 2-year period beginning on the date on which the athlete ceases to serve on such board of directors.*

(3) CONFLICTS OF INTEREST.—*An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the corporation or a national governing body.*

(4) INVESTIGATIONS.—

(A) IN GENERAL.—*The corporation and the national governing bodies shall not interfere in, or attempt to influence the outcome of, an investigation.*

(B) REPORT.—*In the case of an attempt to interfere in, or influence the outcome of, an investigation, not later than 72 hours after such attempt, the Center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the attempt.*

(C) *WORK PRODUCT.*—

(i) *IN GENERAL.*—Any decision, report, memorandum, work product, notes, or case file of the Center—

(I) shall be confidential; and

(II) shall not be subject to discovery, subpoena, or any other means of legal compulsion in any civil action in which the Center is not a party to the action.

(ii) *RULE OF CONSTRUCTION.*—Nothing in this subparagraph shall be construed to prohibit the Center from providing work product described in clause (i) to a law enforcement agency for the purpose of assisting in a criminal investigation.

(g) *FUNDING.*—(1) *MANDATORY PAYMENTS.*—

(A) *FISCAL YEAR 2020.*—Not later than 30 days after the date of the enactment of this subsection, the corporation shall make a mandatory payment of \$20,000,000 to the Center for operating costs of the Center for fiscal year 2020.

(B) *SUBSEQUENT FISCAL YEARS.*—Beginning on January 1, 2020, the corporation shall make a mandatory payment of \$20,000,000 to the Center on January 1 each year for operating costs of the Center.

(2) *FUNDS FROM NATIONAL GOVERNING BODIES.*—The corporation may use funds received from 1 or more national governing bodies to make a mandatory payment required by paragraph (1).

(3) *FAILURE TO COMPLY.*—

(A) *IN GENERAL.*—The Center may file a lawsuit to compel payment under paragraph (1).

(B) *PENALTY.*—For each day of late or incomplete payment of a mandatory payment under paragraph (1) after January 1 of the applicable year, the Center shall be allowed to recover from the corporation an additional \$20,000.

(4) *ACCOUNTABILITY.*—

(A) *IN GENERAL.*—Amounts transferred to the Center by the corporation or a national governing body shall be used, in accordance with section 220503(15), primarily for the purpose of carrying out the duties and requirements under sections 220541 through 220543 with respect to the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes.

(B) *USE OF FUNDS.*—

(i) *IN GENERAL.*—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

(I) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in subparagraph (A); and

(II) not more than 10 percent may be used for executive compensation of officers and directors of the Center.

(ii) *RESERVE FUNDS.*—

(I) *IN GENERAL.*—If, after the Center uses the amounts as allocated under clause (i), the Center does not use the entirety of the remaining amounts for the purpose described in subparagraph (A), the Center may retain not more than 25 percent of such amounts as reserve funds.

(II) *RETURN OF FUNDS.*—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in subclause (I).

(iii) *LOBBYING AND FUNDRAISING.*—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

(h) *COMPLIANCE AUDITS.*—

(1) *IN GENERAL.*—Not less frequently than annually, the Center shall carry out an audit of the corporation and each national governing body—

(A) to assess compliance with policies and procedures developed under this subchapter; and

(B) to ensure that consistent training relating to the prevention of child abuse is provided to all staff of the corporation and national governing bodies who are in regular contact with amateur athletes and members who are minors subject to parental consent.

(2) *CORRECTIVE MEASURES.*—

(A) *IN GENERAL.*—The Center may impose on the corporation or a national governing body a corrective measure to achieve compliance with the policies and procedures developed under this subchapter or the training requirement described in paragraph (1)(B).

(B) *INCLUSIONS.*—A corrective measure imposed under subparagraph (A) may include the implementation of an athlete safety program or specific policies, additional compliance audits or training, and the imposition of a probationary period.

(C) *ENFORCEMENT.*—

(i) *IN GENERAL.*—On request by the Center, the corporation shall—

(I) enforce any corrective measure required under subparagraph (A); and

(II) report the status of enforcement with respect to a national governing body within a reasonable timeframe.

(ii) *METHODS.*—The corporation may enforce a corrective measure through any means available to the corporation, including by withholding funds from a national governing body, limiting the participation of the national governing body in corporation events, and decertifying a national governing body.

(iii) *EFFECT OF NONCOMPLIANCE.*—If the corporation fails to enforce a corrective measure within 72 hours of a request under clause (i), the Center may sub-

mit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the noncompliance.

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Not less frequently than annually, the Center shall submit to Congress a report on the findings of the audit under paragraph (1) for the preceding year and the status of any corrective measures imposed as a result of the audit.

(B) PUBLIC AVAILABILITY.—

(i) IN GENERAL.—Each report under subparagraph (A) shall be made available to the public.

(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available to the public shall not include the personally identifiable information of any individual.

(i) RETALIATION.—

(1) PROHIBITION.—The Center (or any officer, employee, contractor, subcontractor, or agent of the Center) may not retaliate against any protected individual because of any protected disclosure.

(2) REPORTING, INVESTIGATION, AND ARBITRATION.—The Center shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation against a protected individual.

(3) DISCIPLINARY ACTION.—If the Center finds that an officer or employee of the Center (or any contractor, subcontractor, or agent of the Center) has retaliated against a protected individual, the Center shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

(4) REMEDIES.—

(A) IN GENERAL.—If the Center finds that an officer or employee of the Center (or any contractor, subcontractor, or agent of the Center) has retaliated against a protected individual, the Center shall promptly—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

(5) ENFORCEMENT ACTION AND PROCEDURES.—

(A) IN GENERAL.—If the Center has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(B) *JURY TRIAL.*—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

(C) *RELIEF.*—The court shall have jurisdiction to grant all relief under paragraph (4).

(6) *STATUTE OF LIMITATIONS.*—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

(7) *BURDENS OF PROOF.*—An action under paragraph (2) or (5) shall be governed as follows:

(A) *REQUIRED SHOWING BY COMPLAINANT.*—The Center shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the action alleged in the complaint.

(B) *CRITERIA FOR DETERMINATION BY ARBITRATION.*—The arbitration may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that the retaliation was a contributing factor in the action alleged in the complaint.

(C) *PROHIBITION.*—Relief may not be ordered under paragraph (4) if the Center demonstrates by clear and convincing evidence that the Center would have taken the same action in the absence of that behavior.

(8) *REVIEW.*—Any person adversely affected or aggrieved by an order issued under paragraph (4) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the arbitration decision of the Center. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(9) *RIGHTS RETAINED BY EMPLOYEE.*—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

(10) *NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.*—The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment.

(11) *PROTECTED INDIVIDUAL.*—For purposes of this subsection, a protected individual includes any official or employee of the Center and any contractor or subcontractor of the Center.

(j) *REPORTS TO CORPORATION.*—Not later than 30 days after the end of each calendar quarter that begins after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, the Center shall submit to the corporation a statement of the following:

(1) The number and nature of misconduct complaints referred to the Center, by sport.

(2) The number and type of pending misconduct complaints under investigation by the Center.

(3) *The number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center.*

(4) *The number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation.*

(5) *The number of discretionary cases accepted or declined by the Center, by sport.*

(6) *The average time required for resolution of such cases and misconduct complaints.*

(7) *Information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding quarter, including the number of educational activities and trainings developed and provided.*

(k) **CERTIFICATIONS OF INDEPENDENCE.—**

(1) **IN GENERAL.—***Not later than 180 days after the end of a fiscal year, the Comptroller General of the United States shall make available to the public a certification relating to the Center's independence from the corporation.*

(2) **ELEMENTS.—***A certification required by paragraph (1) shall include the following:*

(A) *A finding of whether a violation of a prohibition on employment of former employees or board members of the corporation under subsection (f) has occurred during the year preceding the certification.*

(B) *A finding of whether an executive or attorney for the Center has had an inappropriate conflict of interest during that year.*

(C) *A finding of whether the corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.*

(D) *Any recommendations of the Comptroller General for resolving any potential risks to the Center's independence from the corporation.*

(3) **AUTHORITY OF COMPTROLLER GENERAL.—**

(A) **IN GENERAL.—***The Comptroller General may take such reasonable steps as, in the view of the Comptroller General, are necessary to be fully informed about the operations of the corporation and the Center.*

(B) **SPECIFIC AUTHORITIES.—***The Comptroller General shall have—*

(i) *access to, and the right to make copies of, any and all nonprivileged books, records, accounts, correspondence, files, or other documents or electronic records, including emails, of officers, agents, and employees of the Center or the corporation; and*

(ii) *the right to interview any officer, employee, agent, or consultant of the Center or the corporation.*

(C) **TREATMENT OF PRIVILEGED INFORMATION.—***If, under this subsection, the Comptroller General seeks access to information contained within privileged documents or materials in the possession of the Center or the corporation, the Center or the corporation, as the case may be, shall, to the maximum extent practicable, provide the Comptroller General with the information without compromising the applicable privilege.*

§ 220542. Additional duties[.]

(a) IN GENERAL.—The Center shall—

(1) develop training, oversight practices, policies, and procedures for implementation by a national governing body or paralympic sports organization to prevent the abuse, including emotional, physical, and sexual abuse, of any amateur athlete[; and];

(2) include in the policies and procedures developed under section 220541(a)(3)—

(A) a requirement that all adult members of a national governing body, a paralympic sports organization, or a facility under the jurisdiction of a national governing body or paralympic sports organization, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse of an amateur athlete who is a minor to—

[(i) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; and]

[(ii) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);]

(i) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341); and

(ii) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse;

(B) a requirement that the Center shall immediately report to law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) any allegation of child abuse of an amateur athlete who is a minor, including any report of such abuse submitted to the Center by a minor or by any person who is not otherwise required to report such abuse;

(C) 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the Center from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law;

(D) a requirement that the Center, including any officer, agent, attorney, or staff member of the Center, shall not take any action to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless—

(i) the Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator; or

(ii) law enforcement—

(I) authorizes the Center to take such action;
or

(II) declines or fails to act on, or fails to respond to the Center with respect to, the allegation within 72 hours after the time at which the Center reports to law enforcement under subparagraph (B);

[(B)](E) a mechanism, approved by a trained expert on child abuse, that allows a complainant to report easily an incident of child abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

[(C)](F) reasonable procedures to limit one-on-one interactions, *including communications*, between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of a national governing body or paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

[(D)](G) procedures to prohibit retaliation[,] by the corporation or any national governing body [or paralympic sports organization,] against any individual who makes—
[a report under subparagraph (A) or subparagraph (B);]

(i) a report under subparagraph (A) or (E); or

(ii) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse;

[(E)](H) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body or a paralympic sports organization of each national governing body and paralympic sports organization to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention of child abuse[; and];

[(F)](I) a mechanism by which a national governing body or paralympic sports organization can—

(i) share confidentially a report of suspected child abuse of an amateur athlete who is a minor by a member of a national governing body or paralympic sports organization, or an adult authorized by a national governing body, paralympic sports organization, or an amateur sports organization to interact with an amateur athlete who is a minor, with the Center, which in turn, may share with relevant national governing bodies, paralympic sports organizations, and other entities; and

(ii) withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation[.];

(J) a prohibition on the use in a decision of the Center under section 220541(a)(4) of any evidence relating to other sexual behavior or the sexual predisposition of the alleged victim, or the admission of any such evidence in arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—

- (i) any harm to the alleged victim; and
- (ii) unfair prejudice to any party; and

(K) training for investigators on appropriate methods and techniques for ensuring sensitivity toward alleged victims during interviews and other investigative activities.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a national governing body or paralympic sports organization to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.

§ 220543. Records, audits, and reports

(a) RECORDS.—The Center shall keep correct and complete records of account.

[(b) REPORT.—The Center shall submit an annual report to Congress, including—

[(1) an audit conducted and submitted in accordance with section 10101; and

[(2) a description of the activities of the Center.]

(b) AUDITS AND TRANSPARENCY.—

(1) ANNUAL AUDIT.—

(A) IN GENERAL.—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

(i) to ensure the adequacy of the internal controls of the Center; and

(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

(B) LOCATION.—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

(C) REPORT.—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

(D) CORRECTIVE ACTION PLAN.—

(i) IN GENERAL.—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

(ii) MATTERS TO BE INCLUDED.—A corrective action plan under clause (i) shall include the following for each such corrective action:

(I) *The name of the person responsible for the corrective action.*

(II) *A description of the planned corrective action.*

(III) *The anticipated completion date of the corrective action.*

(IV) *In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.*

(2) **ACCESS TO RECORDS AND PERSONNEL.**—*With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.*

(3) **PUBLIC AVAILABILITY.**—

(A) **IN GENERAL.**—*The Center shall make available to the public on an easily accessible internet website of the Center—*

(i) *each audit report under paragraph (1)(C);*

(ii) *the Internal Revenue Service Form 990 of the Center for each year, filed under section 501(c) of the Internal Revenue Code of 1986; and*

(iii) *the minutes of the quarterly meetings of the board of directors of the Center.*

(B) **PERSONALLY IDENTIFIABLE INFORMATION.**—*An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.*

(4) **RULE OF CONSTRUCTION.**—*For purposes of this subsection, the Center shall be considered a private entity.*

(c) **REPORT.**—*The Center shall submit an annual report to Congress, including—*

(1) *a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542;*

(2) *a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year;*

(3) *any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;*

(4) *an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year;*

(5) *a detailed description of Center activities, including—*

(A) *the number and nature of misconduct complaints referred to the Center;*

(B) *the total number and type of pending misconduct complaints under investigation by the Center;*

(C) *the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and*

- (D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;
- (6) a detailed description of any complaint of retaliation made during the preceding year by an officer or employee of the Center or a contractor or subcontractor of the Center that includes—
- (A) the number of such complaints; and
 - (B) the outcome of each such complaint;
- (7) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and
- (8) a description of the activities of the Center.
- (d) DEFINITIONS.—In this section—
- (1) “audit report” means a report by an independent auditor that includes—
 - (A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether such records are accurate and have been maintained in accordance with generally accepted accounting principles;
 - (B) an assessment of the internal controls used by the Center that describes the scope of testing of the internal controls and the results of such testing; and
 - (C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and
 - (2) “independent auditor” means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.

**SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS
OF CORPORATION AND TERMINATION OF RECOGNITION
OF NATIONAL GOVERNING BODIES**

§ 220551. Definitions

In this subchapter, the term “joint resolution” means a joint resolution—

- (1) which does not have a preamble; and
- (2) for which—
 - (A)(i) the title is only as follows: “A joint resolution to dissolve the board of directors of the United States Olympic and Paralympic Committee”; and
 - (ii) the matter after the resolving clause—
 - (I) is as follows: “That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code”; and

(II) prescribes adequate procedures for forming a board of directors of the corporation with all reasonable expediency and in a manner that safeguards the voting power of the representatives of amateur athletes at all times; or

(B)(i) the title is only as follows: “A joint resolution relating to terminating the recognition of a national governing body”; and

(ii) the matter after the resolving clause is only as follows: ‘That Congress determines that _____, which is recognized as a national governing body under section 220521 of title 36, United States Code, has failed to fulfill its duties, as described in section 220524 of title 36, United States Code’, the blank space being filled in with the name of the applicable national governing body.

§ 220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies

(a) *DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION.*—Effective on the date of enactment of a joint resolution described in section 220551(2)(A) with respect to the board of directors of the corporation, such board of directors shall be dissolved.

(b) *TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODY.*—Effective on the date of enactment of a joint resolution described in section 220551(2)(B) with respect to a national governing body, the recognition of the applicable amateur sports organization as a national governing body shall cease to have force or effect.

§ 220553. Joint resolution

(a) *REFERRAL AND REPORTING.*—

(1) *HOUSE OF REPRESENTATIVES.*—

(A) *IN GENERAL.*—In the House of Representatives, a joint resolution shall be referred to the Committee on Energy and Commerce.

(B) *DISCHARGE.*—The Committee on Energy and Commerce shall be discharged from further consideration of a joint resolution and the joint resolution shall be referred to the appropriate calendar on the date on which not less than three-fifths of the Members of the House of Representatives, duly chosen and sworn, are listed as cosponsors of the joint resolution.

(C) *LIMITATION ON CONSIDERATION.*—Except as provided in subsection (e)(1), it shall not be in order for the House of Representatives to consider a joint resolution unless—

(i) the joint resolution is reported by the Committee on Energy and Commerce; or

(ii) the Committee on Energy and Commerce is discharged from further consideration of the joint resolution under subparagraph (B).

(2) *SENATE.*—

(A) *IN GENERAL.*—In the Senate, a joint resolution shall be referred to the Committee on Commerce, Science, and Transportation.

(B) *DISCHARGE.*—The Committee on Commerce, Science, and Transportation shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar on the date on which not less than three-fifths of the Members of the Senate, duly chosen and sworn, are listed as cosponsors of the joint resolution.

(C) *LIMITATION ON CONSIDERATION.*—Except as provided in subsection (e)(1), it shall not be in order for the Senate to consider a joint resolution unless—

(i) the joint resolution is reported by the Committee on Commerce, Science, and Transportation; or

(ii) the Committee on Commerce, Science, and Transportation is discharged from further consideration of the joint resolution under subparagraph (B).

(b) *EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.*—

(1) *PROCEEDING TO CONSIDERATION.*—After the Committee on Energy and Commerce reports a joint resolution to the House of Representatives or has been discharged from its consideration in accordance with subsection (a)(1)(B), it shall be in order to move to proceed to consider the joint resolution in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on a joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion is highly privileged in the House of Representatives and is not debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(2) *CONSIDERATION.*—A joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its final passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(c) *EXPEDITED PROCEDURE IN SENATE.*—

(1) *MOTION TO PROCEED.*—Notwithstanding rule XXII of the Standing Rules of the Senate, after the Committee on Commerce, Science, and Transportation reports a joint resolution to the Senate or has been discharged from its consideration in accordance with subsection (a)(2)(B), it shall be in order for any Member of the Senate to move to proceed to the consideration of the joint resolution. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(2) *CONSIDERATION.*—Consideration of a joint resolution, and on all debatable motions and appeals in connection there-

with, shall be limited to not more than 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate is in order and not debatable. A motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. Any debatable motion is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion. All time used for consideration of the joint resolution, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

(3) VOTE ON PASSAGE.—If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the consideration if requested in accordance with the rules of the Senate.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

(d) AMENDMENTS NOT IN ORDER.—A joint resolution shall not be subject to amendment in either the House of Representatives or the Senate.

(e) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(1) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—

(A) IN GENERAL.—If the Senate or House of Representatives fails to introduce or consider a joint resolution under this section, the joint resolution of the other House—

(i) shall be entitled to expedited floor procedures described under this section; and

(ii) may be referred in the receiving chamber or may be held at the desk.

(B) POTENTIAL REFERRAL.—If a joint resolution referred to a committee under subparagraph (A)(ii) is cosponsored by not less than three-fifths of the Members of the originating House, duly chosen and sworn, the committee shall report the joint resolution not later than 20 days after the date on which the joint resolution is referred to the committee.

(2) VETOES.—If the President vetoes a joint resolution, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the Majority and Minority leaders or their designees.

(f) RULEMAKING FUNCTION.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure

of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

* * * * *

VICTIMS OF CHILD ABUSE ACT OF 1990

* * * * *

[34 U.S.C. 20341(c)(9)]

SEC. 226. CHILD ABUSE REPORTING.

(a) * * *

(b) * * *

(c) DEFINITIONS.—For the purposes of this section—

(1) * * *

* * * * *

(9) the term “covered individual” means an [adult who is authorized] *adult who—*

(A) is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization; or

(B) is an employee or representative of the United States Center for SafeSport;

(10) * * *

(11) * * *

(12) * * *

(d) * * *

* * * * *

