

Subsec. (c)(3). Pub. L. 105-277, §142(g)(5), inserted “, Paralympic, or Pan-American Games” after “any Olympic”.

Subsec. (c)(4). Pub. L. 105-277, §142(g)(6), inserted “, the International Paralympic Committee, the Pan-American Sport Organization,” after “International Olympic Committee”.

Subsec. (d). Pub. L. 105-277, §142(g)(7), inserted “AND GEOGRAPHIC REFERENCE” after “PRE-EXISTING” in heading.

Subsec. (d)(3). Pub. L. 105-277, §142(g)(8), added par. (3).

**§ 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 nonpolitical 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.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1470; Pub. L. 116-189, §6(d)(1), (2)(A), Oct. 30, 2020, 134 Stat. 949.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220507(a) .....	36:378.	Sept. 21, 1950, ch. 975, title I, §§107, 108, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3048.
220507(b) .....	36:377.	

In subsection (a), the words “may not” are substituted for “shall have no power to” for consistency in the revised title. The words “capital”, “pecuniary”, and “or gain” are omitted as unnecessary.

In subsection (b), the words “as an organization” are omitted as unnecessary.

**Editorial Notes**

AMENDMENTS

2020—Subsec. (c). Pub. L. 116-189, §6(d)(1), added subsec. (c).

Subsec. (d). Pub. L. 116-189, §6(d)(2)(A), added subsec. (d).

**Statutory Notes and Related Subsidiaries**

APPLICABILITY

Pub. L. 116-189, §6(d)(2)(B), Oct. 30, 2020, 134 Stat. 950, provided that: “The amendment made by subparagraph (A) [amending this section] shall not apply to any term of employment for the disbursement of bonus or severance pay that is in effect as of the day before the date of the enactment of this Act [Oct. 30, 2020].”

**§ 220508. Headquarters, principal office, and meetings**

The corporation shall maintain its principal office and national headquarters in a place in the United States decided by the corporation. The corporation may hold its annual and special meetings in the places decided by the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1470.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220508 .....	36:371 (last sentence).	Sept. 21, 1950, ch. 975, title I, §101 (last sentence), formerly §1 (last sentence), 64 Stat. 899; Nov. 8, 1978, Pub. L. 95-606, §1(a)(3), 92 Stat. 3045.

The word “decided” is substituted for “as is determined” and for “shall determine” for consistency in the revised title.

**§ 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, the Parapan 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, the Pan-American Games, or the Parapan 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) OFFICE OF THE ATHLETE OMBUDS.—

(1) IN GENERAL.—The corporation shall hire and provide salary, benefits, and administra-

tive expenses for an ombudsman and support staff for athletes.

(2) DUTIES.—The Office of the Athlete Ombuds 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, 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, the Parapan American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

(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

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

(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 1 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.

(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.

(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 Ombuds shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombuds in confidence in any matter involving the exercise of the official duties of the Office of the Athlete Ombuds.

(B) EXCEPTION.—The Office of the Athlete Ombuds 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 Ombuds 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 Ombuds.

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

(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 Ombuds;

(iii) a situation, communicated to the Office of the Athlete Ombuds, 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, Paralympic, and Amateur Athletes Act of 2020, the Office of the Athlete Ombuds shall develop and publish in the Federal Register a confidentiality and privacy policy consistent with this paragraph.

(ii) DISTRIBUTION.—The Office of the Athlete Ombuds 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 mem-

ber 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 Ombuds.

(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 Ombuds 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 as a result of any communication, including the filing of a formal complaint, by a protected individual or a parent or legal guardian of the protected individual relating to an allegation of physical abuse, sexual harassment, or emotional abuse.

(2) DISCIPLINARY ACTION.—If the corporation finds that an employee of the corporation or a national governing body has retaliated against a protected individual, the corporation or national governing body, as applicable, shall immediately terminate the employment of, or suspend without pay, such employee.

(3) DAMAGES.—

(A) IN GENERAL.—With respect to a protected individual the corporation finds to have been subject to retaliation, the corporation may award damages, including damages for pain and suffering and reasonable attorney fees.

(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).

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1470; Pub. L. 105-277, div. C, title I, §142(h), Oct. 21, 1998, 112 Stat. 2681-605; Pub. L. 109-284, §5(17), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116-189, §§4(a)(7), 6(e), Oct. 30, 2020, 134 Stat. 945, 950.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220509 .....	36:382b.	Sept. 21, 1950, ch. 975, title I, §114, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3049.

**Editorial Notes**

REFERENCES IN TEXT

The date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, referred to in subsec. (b)(4)(E)(i), is the date of enactment of Pub. L. 116-189, which was approved Oct. 30, 2020.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-189, §§4(a)(7), 6(e)(1), in first sentence, inserted “complaints of retaliation or” after “relating to” and “the Parapan American

Games,” after “the Pan-American Games,” and, in second sentence, substituted “the Pan-American Games, or the Parapan American Games” for “or the Pan-American Games”.

Subsec. (b). Pub. L. 116-189, §6(e)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) provided for an ombudsman for athletes.

Subsec. (c). Pub. L. 116-189, §6(e)(3), added subsec. (c). 2006—Subsec. (b)(1)(A). Pub. L. 109-284 struck out “a” before “paralympic sports organizations”.

1998—Subsec. (a). Pub. L. 105-277, §142(h)(1), designated existing provisions as subsec. (a), and inserted heading.

Pub. L. 105-277, §142(h)(2), inserted “the Paralympic Games,” before “the Pan-American Games”.

Pub. L. 105-277, §142(h)(3), inserted at end “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.”

Subsec. (b). Pub. L. 105-277, §142(h)(4), added subsec. (b).

**§ 220510. Service of process**

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1470; Pub. L. 105-277, div. C, title I, §142(i), Oct. 21, 1998, 112 Stat. 2681-606.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220510 .....	36:381.	Sept. 21, 1950, ch. 975, title I, §111, as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3049.

The words “precedent” and “or conferred” are omitted as unnecessary. The words “with the secretary of state or other designated official” are substituted for “in the office of the secretary of state, or similar office” for consistency in the revised title. The words “post-office” and “authorized” are omitted as unnecessary. The words “legal process” are substituted for “local process” for consistency in the revised title.

**Editorial Notes**

AMENDMENTS

1998—Pub. L. 105-277 amended text generally. Prior to amendment, text read as follows: “As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.”

**§ 220511. Reports and audits**

(a) REPORT.—

(1) SUBMISSION TO PRESIDENT AND CONGRESS.—Not less frequently than annually, the