

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 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 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 CERTIFICATION.—Not later than 8 years after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105–277, div. C, title I, §142(l), Oct. 21, 1998, 112 Stat. 2681–607; Pub. L. 109–284, §5(20), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116–189, §7(a)(1), Oct. 30, 2020, 134 Stat. 955.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220521(a)	36:391(a) (1st, 2d sentences).	Sept. 21, 1950, ch. 975, title II, §§201(a), (d), 204, 205(b)(5), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3050, 3052, 3055, 3057.
220521(b)	36:391(a) (3d–last sentences).	
220521(c)	36:391(d).	
220521(d)	36:395(b)(5). 36:394.	

In subsection (b), the words “under the authority granted under this subchapter and in accordance with the procedures and requirements of this section” are omitted as unnecessary. The words “public hearing” are substituted for “hearing open to the public”, and the words “for such recognition” are omitted, to eliminate unnecessary words.

In subsection (c), the words “in accordance with subsection (a) of this section” in 36:391(d) and “in accordance with this subsection” in 36:395(b)(5) are omitted as unnecessary.

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. (d), is the date of enactment of Pub. L. 116–189, which was approved Oct. 30, 2020.

AMENDMENTS

2020—Pub. L. 116–189, §7(a)(1)(A), substituted “Certification of national governing bodies” for “Recognition of amateur sports organizations as national governing bodies” in section catchline.

Subsec. (a). Pub. L. 116–189, §7(a)(1)(B), amended subsec. (a) generally. Prior to amendment, subsec. (a) provided general authority for the corporation to recognize an eligible amateur sports organization as a national governing body.

Subsecs. (b), (c). Pub. L. 116–189, §7(a)(1)(C), (D), substituted “certifying” for “recognizing”.

Subsec. (d). Pub. L. 116–189, §7(a)(1)(E), amended subsec. (d) generally. Prior to amendment, text read as follows: “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.”

2006—Subsec. (a). Pub. L. 109–284 substituted “subsection” for “subsections”.

1998—Subsec. (a). Pub. L. 105–277, §142(l)(1), inserted first sentence and struck out former first sentence which read as follows: “For any sport that is included on the program of the Olympic Games or the Pan-American Games, the corporation may recognize as a national governing body an amateur sports organization that files an application and is eligible under section 220522 of this title.”

Pub. L. 105–277, §142(l)(2), substituted “approved, except as provided in section 220522(b) with respect to a paralympic sports organization.” for “approved.”

Subsec. (b). Pub. L. 105–277, §142(l)(3)–(5), substituted “hold at least 2 public hearings” for “hold a public hearing”, substituted “hearings.” for “hearing.” in two places, and inserted at end “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.”

§ 220522. Eligibility requirements

An amateur sports organization, a high-performance management organization, or a paralympic sports organization is eligible to be certified, or to continue to be 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 certification as a national governing body;

(B) a copy of its corporate charter and by-laws; 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 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, which arbitration under this paragraph shall be conducted in accordance with the standard commercial arbitration rules of an established major national provider of arbitration and mediation services based in the United States and designated by the corporation with the concurrence of the Athletes' Advisory Council and the National Governing Bodies' Council, 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 standard commercial rules of arbitration of such designated provider 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, the Pan-American Games, or the Parapan 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 certification is sought, or any amateur sports organization that conducts programs in the sport for which 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 pro-

grams, 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;

(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 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;

(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 applicable organization in relation to all other programs and competitions in the sport in the United States;

(13) 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—

(i) are elected by amateur athletes; and

(ii) are actively engaged in amateur athletic competition, or have represented the United States in international 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;
- (14) provides procedures for the prompt and equitable resolution of grievances of its members;
- (15) does not have eligibility criteria related to amateur status or to participation in the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games that are more restrictive than those of the appropriate international sports federation;
- (16) demonstrates, if the organization is seeking to be 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;
- (18) commits to meeting any minimum standard or requirement set forth by the corporation; and
- (19) provides protection from retaliation to protected individuals.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105-277, div. C, title I, §142(m), Oct. 21, 1998, 112 Stat. 2681-607; Pub. L. 116-189, §7(a)(2)(A)(iii), (b), Oct. 30, 2020, 134 Stat. 956, 958.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220522	36:391(b), (c).	Sept. 21, 1950, ch. 975, title II, §201(b), (c), as added Nov. 8, 1978, Pub. L. 95-606, §2, 92 Stat. 3050.

In clause (1), the words “a State” are substituted for “any of the several States” for consistency in the revised title.

In clause (3)(B), the words “upon application” are omitted as unnecessary.

In clause (10)(B), the words “hold at least 20 percent of the membership and voting power on the board” are

substituted for “the membership and voting power held . . . is not less than 20 percent of such membership and voting power held in that board of directors or other such governing board” to eliminate unnecessary words. The text of 36:391(c) is omitted as executed.

Editorial Notes

AMENDMENTS

- 2020—Pub. L. 116-189, §7(a)(2)(A)(iii)(I), (II)(ff), struck out subsec. (a) designation and heading “General” at beginning of section, substituted “An amateur sports organization, a high-performance management organization, or a paralympic sports organization” for “An amateur sports organization” in introductory provisions, and struck out subsec. (b) which related to recognition of paralympic sports organizations.
- Subsec. (a). Pub. L. 116-189, §7(a)(2)(A)(iii)(II)(aa), (bb), substituted “certified” for “recognized” and “certification” for “recognition” wherever appearing in subsec. (a) prior to redesignation of subsec. (a) as entire section.
- Par. (2). Pub. L. 116-189, §7(b)(1), inserted “, including the ability to provide and enforce required athlete protection policies and procedures” before semicolon at end.
- Par. (4)(B). Pub. L. 116-189, §7(b)(2), substituted “which arbitration under this paragraph shall be conducted in accordance with the standard commercial arbitration rules of an established major national provider of arbitration and mediation services based in the United States and designated by the corporation with the concurrence of the Athletes' Advisory Council and the National Governing Bodies' Council” for “conducted in accordance with the Commercial Rules of the American Arbitration Association” and “standard commercial rules of arbitration of such designated provider” for “Commercial Rules of Arbitration”.
- Par. (5). Pub. L. 116-189, §7(b)(3), inserted “except with respect to the oversight of the organization,” after “sport,” in introductory provisions.
- Subsec. (a)(6). Pub. L. 116-189, §7(a)(2)(A)(iii)(II)(cc), substituted “the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games” for “the Olympic Games or the Pan-American Games” in par. (6) of subsec. (a) prior to redesignation of subsec. (a) as entire section.
- Par. (10). Pub. L. 116-189, §7(b)(5), added par. (10). Former par. (10) redesignated (11).
- Par. (11). Pub. L. 116-189, §7(b)(4), redesignated par. (10) as (11). Former par. (11) redesignated (12).
- Subsec. (a)(11). Pub. L. 116-189, §7(a)(2)(A)(iii)(II)(dd), in subsec. (a)(11) prior to redesignation of subsec. (a) as entire section, inserted “, high-performance management organization, or paralympic sports organization” after “amateur sports organization” in introductory provisions and substituted “applicable” for “amateur sports” in subpar. (B).
- Par. (12). Pub. L. 116-189, §7(b)(4), redesignated par. (11) as (12). Former par. (12) redesignated (13).
- Par. (13). Pub. L. 116-189, §7(b)(6), added par. (13) and struck out former par. (13) which read as follows: “demonstrates that none of its officers are also officers of any other amateur sports organization recognized as a national governing body;”.
- Pub. L. 116-189, §7(b)(4), redesignated par. (12) as (13). Former par. (13) redesignated (14).
- Par. (14). Pub. L. 116-189, §7(b)(4), redesignated par. (13) as (14). Former par. (14) redesignated (15).
- Subsec. (a)(14). Pub. L. 116-189, §7(a)(2)(A)(iii)(II)(ee), substituted “the Pan-American Games, or the Parapan American Games” for “or the Pan-American Games” in par. (14) of subsec. (a) prior to redesignation of subsec. (a) as entire section and par. (14) as (15).
- Pars. (15), (16). Pub. L. 116-189, §7(b)(4), redesignated pars. (14) and (15) as (15) and (16), respectively.
- Pars. (17) to (19). Pub. L. 116-189, §7(b)(7)-(9), added pars. (17) to (19).

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

Subsec. (a)(4). Pub. L. 105-277, §142(m)(2), added par. (4) and struck out former par. (4) which read as follows: “agrees to submit, on demand by the corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving—

“(A) its recognition as a national governing body, as provided for in section 220529 of this title; or

“(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in the corporation’s constitution and bylaws;”.

Subsec. (a)(10). Pub. L. 105-277, §142(m)(3), added par. (10) and struck out former par. (10) which read as follows: “demonstrates that—

“(A) its board of directors or other governing board includes among its voting members—

“(i) individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought; or

“(ii) individuals who, within the prior 10 years, have represented the United States in international amateur athletic competition in the sport for which recognition is sought; and

“(B) the individuals described in subclause (A) of this clause hold at least 20 percent of the membership and voting power on the board;”.

Subsec. (a)(14). Pub. L. 105-277, §142(m)(4), inserted “or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games” after “amateur status”.

Subsec. (b). Pub. L. 105-277, §142(m)(5), added subsec. (b).

§ 220523. Authority of national governing bodies

(a) AUTHORITY.—For the sport that it governs, a national governing body may—

(1) represent the United States in the appropriate international sports federation;

(2) establish national goals and encourage the attainment of those goals;

(3) serve as the coordinating body for amateur athletic activity in the United States;

(4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;

(5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for determining eligibility standards for participation in competition, except for amateur athletic competition specified in section 220526 of this title;

(6) recommend to the corporation individuals and teams to represent the United States in the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games; and

(7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games) and certify, in accordance with applicable international rules, the amateur eligibility of those individuals and teams.

(b) REPLACEMENT OF NATIONAL GOVERNING BODY PURSUANT TO ARBITRATION.—A national

governing body may not exercise any authority under subsection (a) of this section for a particular sport after another amateur sports organization has been declared (in accordance with binding arbitration proceedings prescribed by the organic documents of the corporation) entitled to replace that national governing body as the member of the corporation for that sport.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1473; Pub. L. 105-277, div. C, title I, §142(n), Oct. 21, 1998, 112 Stat. 2681-608; Pub. L. 116-189, §4(a)(9), Oct. 30, 2020, 134 Stat. 945.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220523(a)	36:393.	Sept. 21, 1950, ch. 975, title II, §203, as added Nov. 8, 1978, Pub. L. 95-606, §2, 92 Stat. 3054.
220523(b)	36:393 note.	July 8, 1980, Pub. L. 96-304, title I (last sentence related to limitation on exercise of authority in par. under heading “Salaries and Expenses”), 94 Stat. 898.

In subsection (b), the words “national governing body” are omitted (the first time they appear) to eliminate unnecessary words. The reference to “subsection (a) of this section” is substituted for “section 203 of Public Law 95-606 as hereby amended” because of the restatement. The word “corporation” is substituted for “Committee” because of the definition of “corporation” in section 220501 of this title.

Editorial Notes

AMENDMENTS

2020—Subsec. (a)(6), (7). Pub. L. 116-189 substituted “the Pan-American Games, and the Parapan American Games” for “and the Pan-American Games”.

1998—Subsec. (a)(6), (7). Pub. L. 105-277, which directed substitution of “Games, the Paralympic Games, and” for “Games and” in pars. (6) and (7) of this section, was executed by making the substitution in pars. (6) and (7) of subsec. (a) to reflect the probable intent of Congress.

§ 220524. General duties of national governing bodies

(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 organizations it represents;

(2) minimize, through coordination with other 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;