

SUBCHAPTER IV—UNITED STATES CENTER FOR SAFESPORT

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-189, §§5(a)(1), 8(a)(2), Oct. 30, 2020, 134 Stat. 946, 966, redesignated this subchapter, formerly subchapter III, as subchapter IV and substituted “SAFESPORT” for “SAFE SPORT” in heading.

2018—Pub. L. 115-126, title II, §202(a), Feb. 14, 2018, 132 Stat. 320, added subchapter heading.

§ 220541. Designation of United States Center for SafeSport

(a) DUTIES OF CENTER.—

(1) IN GENERAL.—The United States Center for SafeSport shall—

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

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

(C) 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;

(D) 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;

(E) ensure that the mechanisms under subparagraph (D) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants;

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

(i) 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

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

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

(H) ensure that any action taken by the Center against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, and any other disciplinary action, is carried out in a manner that provides procedural due process to the individual, including, at a minimum—

(i) the provision of written notice of the allegations against the individual;

(ii) a right to be represented by counsel or other advisor;

(iii) an opportunity to be heard during the investigation;

(iv) in a case in which a violation is found, a reasoned written decision by the Center; and

(v) the ability to challenge, in a hearing or through arbitration, interim measures or sanctions imposed by the Center.

(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to preclude the Center from imposing interim measures or sanctions on an individual before an opportunity for a hearing or arbitration;

(B) to require the Center to meet a burden of proof higher than the preponderance of the evidence;

(C) to give rise to a claim under State law or to create a private right of action; or

(D) to render the Center a state actor.

(b) POLICIES AND PROCEDURES.—The policies and procedures developed under subsection (a)(1)(C) 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.

(4) DEFINITION OF APPLICABLE ENTITY.—In this subsection, the term “applicable entity” means—

- (A) the Center;
- (B) a national governing body;
- (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)(1)(C) 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 and the Committee on the Judiciary 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 2021.—On January 4, 2021, the corporation shall make a mandatory payment of \$20,000,000 to the Center for operating costs of the Center for fiscal year 2021.

(B) SUBSEQUENT FISCAL YEARS.—For fiscal year 2022 and each fiscal year thereafter, the corporation shall make a mandatory payment of \$20,000,000 to the Center not later than the close of business on the first regular business day in January.

(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 submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary 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) 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, Paralympic, and Amateur Athletes Act of 2020, 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.

(j) 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.

(Added Pub. L. 115–126, title II, §202(a), Feb. 14, 2018, 132 Stat. 320; amended Pub. L. 116–189, §§7(a)(2)(A)(vii), 8(a)(1), Oct. 30, 2020, 134 Stat. 957, 960.)

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

AMENDMENTS

2020—Pub. L. 116–189, §8(a)(1)(A), substituted “SafeSport” for “Safe Sport” in section catchline. Text quoted in directory language of amendment was editorially conformed to the style of the catchline.

Subsec. (a). Pub. L. 116–189, §8(a)(1)(B), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to the duties of the United States Center for Safe Sport.

Subsec. (b). Pub. L. 116–189, §8(a)(1)(C), substituted “subsection (a)(1)(C)” for “subsection (a)(3)”.

Subsec. (d)(3). Pub. L. 116–189, §8(a)(1)(D)(iii), added par. (3). Former par. (3) redesignated (4).

Subsec. (d)(3)(C). Pub. L. 116–189, §8(a)(1)(D)(i), added subpar. (C).

Pub. L. 116–189, §7(a)(2)(A)(vii), struck out subpar. (C) which read as follows: “a paralympic sports organization;”.

Subsec. (d)(4). Pub. L. 116–189, §8(a)(1)(D)(ii), redesignated par. (3) as (4).

Subsecs. (e) to (j). Pub. L. 116–189, §8(a)(1)(E), added subsecs. (e) to (j).

§ 220542. Additional duties

(a) IN GENERAL.—The Center shall—

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

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

(A) a requirement that all adult members of a national governing body or a facility under the jurisdiction of a national governing body, 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) 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);

(E) a mechanism, approved by a trained expert on child abuse, that allows a com-

¹ So in original.

² See References in Text note below.