

(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.

plainant to report easily an incident of child abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

(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 without being in an observable and interruptible distance from another adult, except under emergency circumstances;

(G) procedures to prohibit retaliation by the corporation or any national governing body against any individual who makes—

(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;

(H) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body 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;

(I) a mechanism by which a national governing body 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 an adult authorized by a national governing body 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 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)(1)(D) 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 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.

(Added Pub. L. 115–126, title II, §202(a), Feb. 14, 2018, 132 Stat. 322; amended Pub. L. 116–189, §§7(a)(2)(A)(viii), 8(b), Oct. 30, 2020, 134 Stat. 957, 966.)

Editorial Notes

REFERENCES IN TEXT

Par. (3) of section 220541(a), referred to in subsec. (a)(2), was struck out in the general amendment of subsection (a) of section 220541 of this title by Pub. L. 116–189, §8(a)(1)(B), Oct. 30, 2020, 134 Stat. 960. See section 220541(a)(1)(C) of this title.

AMENDMENTS

2020—Pub. L. 116–189, §8(b)(1), struck out period at end of section catchline.

Subsec. (a)(1). Pub. L. 116–189, §8(b)(2)(A), substituted semicolon at end for “; and”.

Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out “or paralympic sports organization” after “national governing body”.

Subsec. (a)(2)(A). Pub. L. 116–189, §8(b)(2)(B)(i), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(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);”.

Pub. L. 116–189, §7(a)(2)(A)(viii)(I), (II)(aa), struck out “, a paralympic sports organization,” after “members of a national governing body” and “or paralympic sports organization” after “jurisdiction of a national governing body” in introductory provisions.

Subsec. (a)(2)(B). Pub. L. 116–189, §8(b)(2)(B)(iii), added subpar. (B). Former subpar. (B) redesignated (E).

Subsec. (a)(2)(C), (D). Pub. L. 116–189, §8(b)(2)(B)(iii), added subpars. (C) and (D). Former subpars. (C) and (D) redesignated (F) and (G), respectively.

Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out “or paralympic sports organization” after “national governing body”.

Subsec. (a)(2)(E). Pub. L. 116–189, §8(b)(2)(B)(ii), redesignated subpar. (B) as (E). Former subpar. (E) redesignated (H).

Pub. L. 116–189, §7(a)(2)(A)(viii)(II)(bb), struck out “or a paralympic sports organization of each national governing body and paralympic sports organization” after “a national governing body”.

Subsec. (a)(2)(F). Pub. L. 116–189, §8(b)(2)(B)(ii), (iv), redesignated subpar. (C) as (F) and inserted “, including communications,” after “interactions”. Former subpar. (F) redesignated (I).

Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out “or paralympic sports organization” after “a national governing body” in introductory provisions.

Subsec. (a)(2)(F)(i). Pub. L. 116–189, §7(a)(2)(A)(viii)(I), (II)(cc), substituted “a national governing body or an adult” for “a national governing body or paralympic sports organization, or an adult” and struck out “, paralympic sports organization,” after “by a national governing body” and “, paralympic sports organizations,” after “national governing bodies”.

Subsec. (a)(2)(G). Pub. L. 116–189, §8(b)(2)(B)(ii), (v), redesignated subpar. (D) as (G) and amended it generally. Prior to amendment, subpar. read as follows: “procedures to prohibit retaliation, by any national governing body or paralympic sports organization,

against any individual who makes a report under subparagraph (A) or subparagraph (B);”.

Subsec. (a)(2)(H), (I). Pub. L. 116-189, §8(b)(2)(B)(ii), redesignated subpars. (E) and (F) as (H) and (I), respectively.

Subsec. (a)(2)(J), (K). Pub. L. 116-189, §8(b)(2)(B)(vi)-(viii), added subpars. (J) and (K).

Subsec. (b). Pub. L. 116-189, §7(a)(2)(A)(viii)(I), struck out “or paralympic sports organization” after “a national governing body”.

§ 220543. Records, audits, and reports

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

(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