

36 USC Ch. 2205: UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE

From Title 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II—Patriotic and National Organizations

Part B—Organizations

CHAPTER 2205—UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE

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AMENDMENT OF ANALYSIS

Pub. L. 116–189, §5(b)(1), (c), Oct. 30, 2020, 134 Stat. 947, provided that, effective on the date that is 1 year after Oct. 30, 2020, this analysis is amended by substituting item for subchapter IV "UNITED STATES CENTER FOR SAFESPORT" for item for subchapter III relating to United States Center for Safe Sport. Section 5(b)(2) of Pub. L. 116–189, which added item for subchapter V and items 220551 and 220552, is also effective 1 year after Oct. 30,

2020, but has been executed to this analysis to conform to the concurrent execution of that subchapter in text. See 2020 Amendment note below.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §§4(a)(1), 6(c)(2), (f)(2), (g)(2), 7(a)(2)(B), 8(a)(2)(B), Oct. 30, 2020, 134 Stat. 944, 949, 955, 957, 966, added item 220513 and substituted "Powers and duties" for "Powers" in item 220505, "Reports and audits" for "Report" in item 220511, "Certification of national governing bodies" for "Recognition of amateur sports organizations as national governing bodies" in item 220521, and "Designation of United States Center for SafeSport" for "Designation of United States Center for Safe Sport" in item 220541.

Pub. L. 116–189, §5(b), Oct. 30, 2020, 134 Stat. 947, substituted item for subchapter IV "UNITED STATES CENTER FOR SAFESPORT" for item for subchapter III relating to United States Center for Safe Sport, and added item for subchapter V and items 220551 and 220552.

2018—Pub. L. 115–141, div. S, title III, §302(b), Mar. 23, 2018, 132 Stat. 1128, added item for subchapter III relating to grant to keep young athletes safe and item 220531.

Pub. L. 115–126, title II, §§202(c), 204(b), Feb. 14, 2018, 132 Stat. 323, 325, added item for subchapter III relating to United States Center for Safe Sport and items 220530 and 220541 to 220543.

2006—Pub. L. 109–284, §5(12), Sept. 27, 2006, 120 Stat. 1212, substituted "Short title and definitions" for "Definitions" in item 220501.

1998—Pub. L. 105–277, div. C, title I, §142(j)(2), (k)(2), Oct. 21, 1998, 112 Stat. 2681–606, 2681-607, substituted "Report" for "Annual report" in item 220511 and added item 220512.

¹ So in original. Two items for subchapter III have been enacted.

² Temporarily does not conform to subchapter heading as amended by section 8(a)(2)(A) of Pub. L. 116–189.

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.

(5) "Center" means the United States Center for SafeSport designated under section 220541.

(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).

(7) "corporation" means the United States Olympic and Paralympic Committee.

(8) "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.

(9) "national governing body" means an amateur sports organization, a high-performance management organization, or a paralympic sports organization that is certified by the corporation under section 220521.

(10) "protected individual" means any amateur athlete, coach, trainer, manager, administrator, or official associated with the corporation or a national governing body.

(11) "retaliation" means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from

competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with—

- (A) the Center;
- (B) a coach, trainer, manager, administrator, or official associated with the corporation;
- (C) the Attorney General;
- (D) a Federal or State law enforcement authority;
- (E) the Equal Employment Opportunity Commission; or
- (F) Congress.

(12) "sanction" means a certificate of approval issued by a national governing body.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466; Pub. L. 105–277, div. C, title I, §142(b)(2), (c), Oct. 21, 1998, 112 Stat. 2681–603; Pub. L. 109–284, §5(13), (14), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 115–126, title II, §202(b), Feb. 14, 2018, 132 Stat. 323; Pub. L. 116–189, §3, Oct. 30, 2020, 134 Stat. 944.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220501	36:373.	Sept. 21, 1950, ch. 975, title I, §103, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3045.

In clause (3), the words "club, federation, union" are omitted as unnecessary.

In clause (5), the words "one or more athletes" are substituted for "any athlete or athletes" and for "any athletic or athletes" for clarity and to correct a grammatical error.

In clause (6), a reference to section 220522 (restating 36:391(b) and (c)) is unnecessary because section 220521 incorporates the eligibility requirements of section 220522.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (b)(4). Pub. L. 116–189, §3(6), added par. (4). Former par. (4) redesignated (5). Pub. L. 116–189, §3(1), substituted "United States Center for SafeSport" for "United States Center for Safe Sport".

Subsec. (b)(5). Pub. L. 116–189, §3(5), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 116–189, §3(5), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Pub. L. 116–189, §3(2), substituted "United States Olympic and Paralympic Committee" for "United States Olympic Committee".

Subsec. (b)(7). Pub. L. 116–189, §3(5), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (b)(8). Pub. L. 116–189, §3(5), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Pub. L. 116–189, §3(3), amended par. (8) generally. Prior to amendment, par. (8) read as follows: " 'national governing body' means an amateur sports organization that is recognized by the corporation under section 220521 of this title."

Subsec. (b)(9). Pub. L. 116–189, §3(5), redesignated par. (8) as (9).

Pub. L. 116–189, §3(4), struck out par. (9) which read as follows: " 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title."

Subsec. (b)(10), (11). Pub. L. 116–189, §3(7), added pars. (10) and (11). Former par. (10) redesignated (12).

Subsec. (b)(12). Pub. L. 116–189, §3(5), redesignated par. (10) as (12).

2018—Subsec. (b)(4) to (10). Pub. L. 115–126 added pars. (4) and (5) and redesignated former pars. (4) to (8) as (6) to (10), respectively.

2006—Pub. L. 109–284, §5(13), substituted "Short title and definitions" for "Title and Definitions" in section catchline.

Subsec. (a). Pub. L. 109–284, §5(14), substituted "Short Title" for "Title" in heading.

1998—Pub. L. 105–277, §142(b)(2)(A), substituted "Title and Definitions" for "Definitions" in section catchline.

Subsec. (a). Pub. L. 105–277, §142(b)(2)(B), added subsec. (a).

Subsec. (b). Pub. L. 105–277, §142(b)(2)(C), designated existing provisions as subsec. (b) and inserted heading.

Subsec. (b)(1). Pub. L. 105–277, §142(c)(1), inserted "or paralympic sports organization" after "national governing body".

Subsec. (b)(7), (8). Pub. L. 105–277, §142(c)(2), (3), added par. (7) and redesignated former par. (7) as (8).

STATUTORY NOTES AND RELATED SUBSIDIARIES

SEVERABILITY

Pub. L. 116–189, §12, Oct. 30, 2020, 134 Stat. 973, provided that: "If any provision of this Act [see Short Title of 2020 Amendment note set out under section 101 of this title], or an amendment made by 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."

FINDINGS

Pub. L. 116–189, §2, Oct. 30, 2020, 134 Stat. 943, provided that: "Congress makes the following findings:

"(1) The courageous voice of survivors is a call to action to end emotional, physical, and sexual abuse in the Olympic and Paralympic movement.

"(2) Larry Nassar, the former national team doctor for USA Gymnastics, sexually abused over 300 athletes for over two decades because of ineffective oversight by USA Gymnastics and the United States Olympic Committee.

"(3) While the case of Larry Nassar is unprecedented in scale, the case is hardly the only recent incident of sexual abuse in amateur sports.

"(4) Survivors of Larry Nassar's abuse and all survivors of abuse in the Olympic and Paralympic movement deserve justice and redress for the wrongs the survivors have suffered.

"(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duty to protect amateur athletes from sexual, emotional, or physical abuse.

"(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

"(7) Ending abuse in the Olympic and Paralympic movement requires enhanced oversight to ensure that the Olympic and Paralympic movement does more to serve athletes and protect their voice and safety."

REPORT TO CONGRESS ON EFFECTIVENESS OF CHAPTER AND PROPOSED CHANGES

Pub. L. 105–277, div. C, title I, §142(q), Oct. 21, 1998, 112 Stat. 2681–609, required the United States Olympic Committee to submit, five years from Oct. 21, 1998, a special report to Congress on the effectiveness of the provisions of this chapter, together with any additional proposed changes to this chapter the United States Olympic Committee determined to be appropriate.

§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 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466; Pub. L. 116–189, §4(a)(2), Oct. 30, 2020, 134 Stat. 944.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220502(a)	36:371 (1st sentence). 36:372.	Sept. 21, 1950, ch. 975, title I, §101 (1st sentence), formerly §1(1st sentence), 64 Stat. 899; Nov. 8, 1978, Pub. L. 95–606, §1(a)(1), (2), 92 Stat. 3045. Sept. 21, 1950, ch. 975, title I, §§102, 105(a)

220502(b)	36:375(a) (words before cl. (1) related to perpetual succession).	(words before cl. (1) related to perpetual succession), as added Nov. 8, 1978, Pub. L. 95-606, §1(b), 92 Stat. 3045, 3047.
220502(c)	36:383.	Aug. 10, 1964, Pub. L. 88-407, 78 Stat. 383.

Subsection (a) is substituted for the source provisions for consistency in the revised title and to eliminate unnecessary and executed words.

In subsection (b), the words "Except as otherwise provided" are added, the word "has" is substituted for "shall have", and the word "existence" is substituted for "succession", for consistency in the revised title.

In subsection (c), the words "The corporation known as the United States Olympic Association, which was incorporated by this chapter, shall be known and designated on and after August 10, 1964, as the United States Olympic Committee and" are omitted as executed. The words "such corporation under the name of" are omitted as unnecessary. The words "is deemed to" are substituted for "shall be held to" for clarity. The words "such corporation under and by the name of" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (c). Pub. L. 116-189 amended subsec. (c) generally. Prior to amendment, text read as follows: "Any reference to the United States Olympic Association is deemed to refer to the United States Olympic 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, the Pan-American Games, and the Parapan American Games, including representation of the United States in the games; and
 - (B) the organization of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan 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, the Pan-American Games, and the Parapan 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;
- (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).

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466; Pub. L. 105–277, div. C, title I, §142(d), Oct. 21, 1998, 112 Stat. 2681–603; Pub. L. 115–126, title II, §201, Feb. 14, 2018, 132 Stat. 320; Pub. L. 116–189, §§4(a)(3), 6(a), Oct. 30, 2020, 134 Stat. 945, 947.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220503	36:374.	Sept. 21, 1950, ch. 975, title I, §104, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3046.

Before clause (1), the word "objects" is omitted as included in "purposes".
In clause (4), the word "competition" is omitted as included in "each event".

EDITORIAL NOTES

AMENDMENTS

2020—Par. (3). Pub. L. 116–189, §4(a)(3)(A), substituted "the Pan-American Games, and the Parapan American Games" for "and the Pan-American Games" in subpars. (A) and (B).

Par. (4). Pub. L. 116–189, §4(a)(3)(B), substituted "the Pan-American Games, and the Parapan American Games" for "and Pan-American Games".

Par. (9). Pub. L. 116–189, §6(a)(1), inserted "and access to" after "development of".

Par. (16). Pub. L. 116–189, §6(a)(2)–(4), added par. (16).

2018—Par. (15). Pub. L. 115–126 added par. (15).

1998—Pars. (3), (4). Pub. L. 105–277, §142(d)(1), substituted "Olympic Games, the Paralympic Games" for "Olympic Games" wherever appearing.

Par. (13). Pub. L. 105–277, §142(d)(2), added par. (13) and struck out former par. (13) which read as follows: "to encourage and provide assistance to amateur athletic programs and competition for individuals with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals; and".

§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) 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, including through provisions that—

(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—

(i) not less than 1/3 of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes; and

(ii) not less than 20 percent of the membership of the board of directors of the corporation shall be composed of amateur athletes who—

(I) are actively engaged in representing the United States in international amateur athletic competition; or

(II) have represented the United States in international amateur athletic competition during the preceding 10-year period; and

(D) ensure that the membership and voting power held by such amateur athletes is not less than 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, the Pan-American Games, or the Parapan 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 2-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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1467; Pub. L. 105–277, div. C, title I, §142(e), Oct. 21, 1998, 112 Stat. 2681–603; Pub. L. 116–189, §§4(a)(4), 6(b), 7(a)(2)(A)(i), Oct. 30, 2020, 134 Stat. 945, 948, 956.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220504	36:376.	Sept. 21, 1950, ch. 975, title I, §106, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3048.

In subsection (a), the words "is as provided in" are substituted for "shall be determined in accordance with" for consistency in the revised title.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–189, §6(b)(1), inserted ", and membership shall be available only to national governing bodies" before period at end.

Subsec. (b)(1). Pub. L. 116–189, §7(a)(2)(A)(i), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "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 corporation and such national governing bodies and paralympic sports organizations;"

Subsec. (b)(2). Pub. L. 116–189, §6(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "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

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;"

Subsec. (b)(3). Pub. L. 116–189, §4(a)(4), substituted "the Pan-American Games, or the Parapan American Games" for "or the Pan-American Games".

Subsecs. (c), (d). Pub. L. 116–189, §6(b)(3), added subsecs. (c) and (d).

1998—Subsec. (b)(1), (2). Pub. L. 105–277, §142(e)(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) amateur sports organizations recognized as national governing bodies under section 220521 of this title;

"(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;"

Subsec. (b)(3). Pub. L. 105–277, §142(e)(2), inserted ", the Paralympic Games," after "Olympic Games".

§220505. Powers and duties

(a) CONSTITUTION AND BYLAWS.—The corporation shall adopt a constitution and bylaws. The corporation may amend its constitution only if the corporation—

(1) publishes, in its principal publication, a notice of the proposed amendment, including—

(A) the substantive terms of the amendment;

(B) the time and place of the corporation's regular meeting at which adoption of the amendment is to be decided; and

(C) a provision informing interested persons that they may submit materials as authorized in clause (2) of this subsection; and

(2) gives all interested persons an opportunity to submit written comments and information for at least 60 days after publication of notice of the proposed amendment and before adoption of the amendment.

(b) GENERAL CORPORATE POWERS.—The corporation may—

(1) adopt and alter a corporate seal;

(2) establish and maintain offices to conduct the affairs of the corporation;

(3) make contracts;

(4) accept gifts, legacies, and devises in furtherance of its corporate purposes;

(5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;

(6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(7) publish a magazine, newspaper, and other publications consistent with its corporate purposes;

(8) approve and revoke membership in the corporation;

(9) sue and be sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this chapter shall be removed, at the request of the corporation, 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 citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and

(10) do any other act necessary and proper to carry out the purposes of the corporation.

(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, the Pan-American Games, and the Parapan American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;

(4) certify national governing bodies for any sport that is included on the program of the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan 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, the Parapan 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 subparagraph (C) of section 220541(a)(1); 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1468; Pub. L. 105–277, div. C, title I, §142(f), Oct. 21, 1998, 112 Stat. 2681–604; Pub. L. 109–284, §5(15), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116–189, §§4(a)(5), 6(c)(1), Oct. 30, 2020, 134 Stat. 945, 948.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220505(a)	36:375(b).	Sept. 21, 1950, ch. 975, title I, §§105 (less (a) (words before cl. (1) related to perpetual succession)), 109, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3047, 3048.
220505(b)	36:375(a) (words before cl. (1) less perpetual succession), (6)–(10), (12)–(16). 36:379.	
220505(c)	36:375(a) (words before cl. (1) less perpetual succession), (1)–(5), (11).	

In subsection (a), before clause (1), the words "not inconsistent with the laws of the United States or of any State" are omitted as unnecessary. In clause (1), the word "amendment" is substituted for "alteration" for consistency. Before subclause (A), the word "general" is omitted as unnecessary. In subclause (B), the words "adoption of the amendment" are substituted for "the alteration" for clarity. In clause (2), the word "comments" is substituted for "views, or arguments" to omit unnecessary words. The words "a period of" are omitted as unnecessary.

In subsection (b), the text of 36:379 is omitted as executed and obsolete. In clause (4), the word "devises" is substituted for "devices" to use standard contemporary spelling. In clause (5), the words "acquire, own, lease, encumber, and transfer" are substituted for "acquire, hold, and dispose of" for consistency in the revised title. The words "real and personal" and "may be" are omitted as unnecessary. The words "to carry out the purposes of the corporation" are substituted for "for its corporate purposes" for consistency in the revised title. In clause (6), the words "to carry out its corporate purposes" are omitted as unnecessary and for consistency in the revised title. The words "issue instruments of indebtedness, and secure its obligations by granting security interests in its property" are substituted for "issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage" for consistency in the revised title. The words "subject in each case to the laws of the United States or of any State" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §6(c)(1)(A), substituted "Powers and duties" for "Powers" in section catchline. Subsec. (c)(3). Pub. L. 116–189, §4(a)(5)(A), substituted "the Pan-American Games, and the Parapan American Games" for "and the Pan-American Games".

Subsec. (c)(4). Pub. L. 116–189, §4(a)(5)(B), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "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;"

Subsec. (c)(5). Pub. L. 116–189, §4(a)(5)(C), inserted "the Parapan American Games," after "the Pan-American Games,".

Subsec. (d). Pub. L. 116–189, §6(c)(1)(B), added subsec. (d).

2006—Subsec. (b)(9). Pub. L. 109–284 substituted "this chapter shall be" for "this Act shall be".

1998—Subsec. (b)(9). Pub. L. 105–277, §142(f)(1), substituted "sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this Act shall be removed, at the request of the corporation, 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 citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and" for "sued; and".

Subsec. (c)(2). Pub. L. 105-277, §142(f)(2)(A), substituted "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;" for "Organization".

Subsec. (c)(3). Pub. L. 105-277, §142(f)(2)(B), substituted "Games, the Paralympic Games, and" for "Games and of".

Subsec. (c)(4). Pub. L. 105-277, §142(f)(2)(C), substituted "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;" for "Games;".

Subsec. (c)(5). Pub. L. 105-277, §142(f)(2)(D), substituted "Games, the Paralympic Games, the Pan-American Games, world championship competition," for "Games,".

§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 and Paralympic Committee";

(2) the symbol of the International Olympic Committee, consisting of 5 interlocking rings, the symbol of the International Paralympic Committee, consisting of 3 Agitos, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;

(3) the emblem of the corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief; and

(4) the words "Olympic", "Olympiad", "Citius Altius Fortius", "Paralympic", "Paralympiad", "Pan-American", "Parapan American", "America Espirito Sport Fraternalite", or any combination of those words.

(b) CONTRIBUTORS AND SUPPLIERS.—The corporation may authorize contributors and suppliers of goods or services to use the trade name of the corporation or any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan-American Sports Organization, or of the corporation to advertise that the contributions, goods, or services were donated or supplied to, or approved, selected, or used by, the corporation, the United States Olympic team, the Paralympic team, the Pan-American team, the Parapan American team, or team members.

(c) CIVIL ACTION FOR UNAUTHORIZED USE.—Except as provided in subsection (d) of this section, the corporation may file a civil action against a person for the remedies provided in the Act of July 5, 1946 (15 U.S.C. 1051 et seq.) (popularly known as the Trademark Act of 1946) if the person, without the consent of the corporation, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

(1) the symbol described in subsection (a)(2) of this section;

(2) the emblem described in subsection (a)(3) of this section;

(3) the words described in subsection (a)(4) of this section, or any combination or simulation of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic, Paralympic, Pan-American, or Parapan American Games activity; or

(4) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee, the International Paralympic Committee, the Pan-American Sports Organization, or the corporation.

(d) PRE-EXISTING AND GEOGRAPHIC REFERENCE RIGHTS.—(1) A person who actually used the emblem described in subsection (a)(3) of this section, or the words or any combination of the words described in subsection (a)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(2) A person who actually used, or whose assignor actually used, the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(3) Use of the word "Olympic" to identify a business or goods or services is permitted by this section where—

(A) such use is not combined with any of the intellectual properties referenced in subsection (a) or (c) of this section;

(B) it is evident from the circumstances that such use of the word "Olympic" refers to the naturally occurring mountains or geographical region of the same name that were named prior to February 6, 1998, and not to the corporation or any Olympic activity; and

(C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1469; Pub. L. 105–277, div. C, title I, §142(g), Oct. 21, 1998, 112 Stat. 2681–604; Pub. L. 109–284, §5(16), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116–189, §4(a)(6), Oct. 30, 2020, 134 Stat. 945.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220506(a)	36:380(c).	Sept. 21, 1950, ch. 975, title I, §110, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3048.
220506(b)	36:380(b).	
220506(c)	36:380(a) (1st sentence).	
220506(d)	36:380(a) (2d, last sentences).	

Subsection (a)(2) and (3) is substituted for "the symbol described in subsection (a)(1) of this section; the emblem described in subsection (a)(2) of this section" because of the reorganization of the section.

In subsection (b), the words "or any trademark" are substituted for "as well as any trademark" to eliminate unnecessary words. The words "furnished . . . or for the use of" are omitted as unnecessary.

In subsection (c), the words "the corporation may file a civil action against a person" are substituted for "any person . . . shall be subject to suit in a civil action by the Corporation" for clarity.

In subsection (d)(2), the words "the words or any combination of the words described in subsection (a) (4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section" are substituted for "any other trademark, trade name, sign, symbol, or insignia described in subsections (a)(3) and (4) of this section" for clarity.

EDITORIAL NOTES

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in subsec. (c), is act [July 5, 1946, ch. 540](#), 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116–189, §4(a)(6)(A)(i), substituted "United States Olympic and Paralympic Committee" for "United States Olympic Committee".

Subsec. (a)(2). Pub. L. 116–189, §4(a)(6)(A)(ii), substituted "3 Agitos" for "3 TaiGeuks".

Subsec. (a)(4). Pub. L. 116–189, §4(a)(6)(A)(iii), inserted " 'Parapan American'," after " 'Pan-American',".

Subsec. (b). Pub. L. 116–189, §4(a)(6)(B), inserted "the Parapan American team," after "the Pan-American team,".

Subsec. (c)(3). Pub. L. 116–189, §4(a)(6)(C), substituted "Pan-American, or Parapan American Games activity" for "or Pan-American Games activity".

2006—Subsec. (d)(3)(A). Pub. L. 109–284 substituted "subsection" for "subsections".

1998—Subsec. (a)(2). Pub. L. 105–277, §142(g)(1), substituted "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;" for "rings;".

Subsec. (a)(4). Pub. L. 105–277, §142(g)(2), inserted " 'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternelite'," before "or any combination".

Subsec. (b). Pub. L. 105–277, §142(g)(3), (4), inserted ", International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" and "the Paralympic team," before "the Pan-American team".

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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).

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220508	36:371 (last sentence).	Sept. 21, 1950, ch. 975, title I, §101 (last sentence), formerly §1 (last sentence), 64

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 administrative 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 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 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 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.

(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 the Judiciary 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105–277, div. C, title I, §142(j)(1), Oct. 21, 1998, 112 Stat. 2681–606; Pub. L. 109–284, §5(18), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116–189, §6(f)(1), Oct. 30, 2020, 134 Stat. 953.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220511	36:382a(a).	Sept. 21, 1950, ch. 975, title I, §113(a), as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3049.

In subsection (a)(1), the words "full and" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189 amended section generally. Prior to amendment, section related to reports to be submitted by the United States Olympic Committee.

2006—Pub. L. 109–284 substituted "Report" for "Annual report" in section catchline.

1998—Subsec. (a). Pub. L. 105–277 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "Not later than June 1 of each year, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report of its operations during the prior calendar year, including—

"(1) a complete statement of the corporation's receipts and expenditures; and

"(2) a comprehensive description of the activities and accomplishments of the corporation during the prior year."

§220512. Complete teams

In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, Pan-American Games, and Parapan American Games, the corporation, either directly or by delegation to the appropriate national governing body, 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.

(Added Pub. L. 105–277, div. C, title I, §142(k)(1), Oct. 21, 1998, 112 Stat. 2681–606; amended Pub. L. 109–284, §5(19), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 116–189, §§4(a)(8), 7(a)(2)(A)(ii), Oct. 30, 2020, 134 Stat. 945, 956.)

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189 substituted "Pan-American Games, and Parapan American Games" for "and Pan-American Games" and struck out "or paralympic sports organization" after "appropriate national governing body".

2006—Pub. L. 109–284 substituted "and the corporation" for "and the Corporation".

§220513. Annual amateur athlete survey

(a) IN GENERAL.—Not less frequently than annually, the corporation shall cause an independent third-party organization, under contract, 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), such activity shall be reported immediately to Congress.

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

(Added Pub. L. 116–189, §6(g)(1), Oct. 30, 2020, 134 Stat. 955.)

SUBCHAPTER II—NATIONAL GOVERNING BODIES

§220521. Certification of national governing bodies

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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). 36:395(b)(5).
220521(d)	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—

(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 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 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 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;

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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;

(5) allow an amateur athlete to compete in any international amateur athletic competition conducted by any 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;

(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 subparagraph (C) of section 220541(a)(1); 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1474; Pub. L. 105–277, div. C, title I, §142(o), Oct. 21, 1998, 112 Stat. 2681–608; Pub. L. 116–189, §7(a)(2)(A)(iv), (c), Oct. 30, 2020, 134 Stat. 957, 959.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220524	36:392(a)(1)–(3), (5)–(9).	Sept. 21, 1950, ch. 975, title II, §202(a)(1)–(3), (5)–(9), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3052.

In clause (4), the word "by" is substituted for "under its auspices or that of . . . other" for clarity and to eliminate unnecessary words. The words "the national governing body" are substituted for "it" for clarity.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §7(c)(1), (3), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 116–189, §7(a)(2)(A)(iv), struck out "amateur sports" before "organizations" in pars. (1) and (2) and before "organization or person, unless" in par. (5) prior to redesignation of existing section as subsec. (a).

Subsec. (a)(10) to (14). Pub. L. 116–189, §7(c)(2), added pars. (10) to (14).

1998—Pars. (4) to (9). Pub. L. 105–277, added par. (4) and redesignated former pars. (4) to (8) as (5) to (9), respectively.

§220525. Granting sanctions for amateur athletic competitions

(a) **PROMPT REVIEW AND DECISION.**—For the sport that it governs, a national governing body promptly shall—

(1) review a request by an amateur sports organization or person for a sanction to hold an international amateur athletic competition in the United States or to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States; and

(2) grant the sanction if—

(A) the national governing body does not decide by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport; and

(B) the requirements of subsection (b) of this section are met.

(b) **REQUIREMENTS.**—An amateur sports organization or person may be granted a sanction under this section only if the organization or person meets the following requirements:

(1) The organization or person must pay the national governing body any required sanctioning fee, if the fee is reasonable and nondiscriminatory.

(2) For a sanction to hold an international amateur athletic competition in the United States, the organization or person must—

(A) submit to the national governing body an audited or notarized financial report of similar events, if any, conducted by the organization or person; and

(B) demonstrate that the requirements of paragraph (4) of this subsection have been met.

(3) For a sanction to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States, the organization or person must—

(A) submit a report of the most recent trip to a foreign country, if any, that the organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition; and

(B) submit a letter from the appropriate entity that will hold the international amateur athletic competition certifying that the requirements of paragraph (4) of this subsection have been met.

(4) The requirements referred to in paragraphs (2) and (3) of this subsection are that—

(A) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition;

(B) appropriate provision has been made for validation of any records established during the competition;

(C) due regard has been given to any international amateur athletic requirements specifically applicable to the competition;

(D) the competition will be conducted by qualified officials;

(E) proper medical supervision will be provided for athletes who will participate in the competition;

(F) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition; and

(G) the amateur sports organization or person requesting sanction from a national governing body will implement and abide by the policies and procedures to prevent the abuse, including emotional, physical, and child abuse, of amateur athletes participating in amateur athletic activities applicable to such national governing body.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1474; Pub. L. 115–126, title II, §203, Feb. 14, 2018, 132 Stat. 323.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220525(a)(1)	36:392(a)(4).	Sept. 21, 1950, ch. 975, title II, §202(a)(4), (b), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3052, 3053.
220525(a) (2)(A)	36:392(b) (words before cl. (1)).	
220525(a) (2)(B)	(no source).	
220525(b) (words before par. (1))	36:392(b)(1) (words before subcl. (A)), (2) (words before subcl. (A)).	
220525(b)(1)	36:392(b)(1)(A), (2)(A).	
220525(b) (2)(A)	36:392(b)(1)(C).	
220525(b) (2)(B)	36:392(b)(1)(B) (words before subcl. (i)).	
220525(b) (3)(A)	36:392(b)(2)(C).	
220525(b) (3)(B)	36:392(b)(2)(B) (words before subcl. (i)).	
220525(b)(4)	36:392(b)(1)(B)(i)–(vi), (2)(B)(i)–(vi).	

In subsection (a), the words "and determine whether to grant such sanction, in accordance with the provisions of subsection (b) of this section" and "As a result of its review under subsection (a)(4) of this section" are omitted as unnecessary. Clause (2)(B) is added because of the reorganization of the section.

In subsection (b), the language before paragraph (1) is substituted for 36:392(b)(1) (words before subclause (A)) and (2) (words before subclause (A)) because of the reorganization of the section. Paragraph (1) is substituted for 36:392(b)(1)(A) and (2)(A), and paragraph (4) is substituted for 36:392(b)(1)(B)(i)–(vi) and (2)(B)(i)–(vi), to avoid repeating identical language.

EDITORIAL NOTES

AMENDMENTS

2018—Subsec. (b)(4)(G). Pub. L. 115–126, which directed amendment of section 220525(b)(4), without specifying the title to be amended, by adding subpar. (G), was executed to this section, to reflect the

probable intent of Congress.

§220526. Restricted amateur athletic competitions

(a) EXCLUSIVE JURISDICTION.—An amateur sports organization that conducts amateur athletic competition shall have exclusive jurisdiction over that competition if participation is restricted to a specific class of amateur athletes, such as high school students, college students, members of the Armed Forces, or similar groups or categories.

(b) SANCTIONS FOR INTERNATIONAL COMPETITION.—An amateur sports organization under subsection (a) of this section shall obtain a sanction from the appropriate national governing body if the organization wishes to—

- (1) conduct international amateur athletic competition in the United States; or
- (2) sponsor international amateur athletic competition to be held outside the United States.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1475.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220526(a)	36:396 (1st sentence).	Sept. 21, 1950, ch. 975, title II, §206, as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3058.
220526(b)	36:396 (last sentence).	

§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) HEARINGS.—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.

(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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1476; Pub. L. 116–189, §7(d), Oct. 30, 2020, 134 Stat. 960.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220527(a)(1)	36:395(a)(1) (1st, last sentences).	Sept. 21, 1950, ch. 975, title II, §205(a), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3055.
220527(a)(2)	36:395(a)(1) (3d sentence).	
220527(b)(1)	36:395(a)(1) (2d sentence).	
220527(b)(2)	36:395(a)(2).	
220527(c)	36:395(a)(3)(A).	
220527(d)	36:395(a)(3)(B)–(D).	

In subsection (b)(2), the words "or person" are added for clarity and consistency in the section. The words "all available remedies" are substituted for "its remedies" for consistency with subsection (b)(1) of

this section. The words "within the applicable national governing body" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (b). Pub. L. 116–189, §7(d)(1), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to exhaustion of remedies before filing a complaint.

Subsec. (c). Pub. L. 116–189, §7(d)(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 116–189, §7(d)(2), substituted "The corporation" for "If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it".

Subsec. (d). Pub. L. 116–189, §7(d)(3), redesignated subsec. (d) as (c).

§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 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 each of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games; or

(B) any Pan-American Games or Parapan American Games, for a sport in which competition is held in the Pan-American Games or the Parapan American Games, as applicable, but not in the Olympic Games or the Paralympic 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 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 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 certification of the national governing body and declare a vacancy in the national governing body for that sport;

(3) revoke the certification of the national governing body and 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 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 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 certification of the national governing body and either—

(1) certify the applicant as the national governing body; or

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

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1476; Pub. L. 105–277, div. C, title I, §142(p), Oct. 21, 1998, 112 Stat. 2681–609; Pub. L. 116–189, §§4(a)(10), 7(a)(2)(A)(v), Oct. 30, 2020, 134 Stat. 945, 957.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220528(a)	36:395(b)(1) (1st sentence).	Sept. 21, 1950, ch. 975, title II, §205(b)(1)–(4), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3056.
220528(b)	36:395(b)(1) (last sentence), (2) (2d sentence).	
220528(c)(1)	36:395(b)(1) (2d sentence).	
220528(c)(2)	36:395(b)(2) (1st, 3d, last sentences).	
220528(d)	36:395(b)(3) (1st–3d sentences).	
220528(e)	36:395(b)(3) (last sentence).	
220528(f)	36:395(b)(4) (1st sentence).	
220528(g)	36:395(b)(4) (last sentence).	

In subsection (c)(2), the word "also" is omitted as unnecessary.

In subsection (d), the words "course of such" and "respective" are omitted as unnecessary.

In subsection (e), before clause (1), the words "amateur sports organization" are omitted as unnecessary. In clause (2)(B), the words "the applicant" are substituted for "it" for clarity.

In subsection (f), before clause (1), the word "after" is substituted for "of" for consistency in the revised title. In clause (4), the words "decide to" are omitted as unnecessary. The words "for a period not exceeding" are substituted for "of not to exceed" for clarity.

In subsection (g), before clause (1), the words "with sections 220522, 220524, and 220525 of this title" are added, and the words "probationary period prescribed under subsection (f)(4) of this section" are substituted for "prescribed time period", for clarity.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §7(a)(2)(A)(v), substituted "certification" for "recognition" wherever appearing, "certify" for "recognize" in two places, and "Certification" for "Recognition" in subsec. (g) heading.

Subsec. (c)(1)(A). Pub. L. 116–189, §4(a)(10)(A), which directed amendment of subpar. (A) of subsec. (c) by substituting "or in each of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games" for "or in both the Olympic and Pan-American Games", was executed to subpar. (A) of subsec. (c)(1), to reflect the probable intent of Congress.

Subsec. (c)(1)(B). Pub. L. 116–189, §4(a)(10)(B), which directed the general amendment of subpar. (B) of subsec. (c), was executed to subpar. (B) of subsec. (c)(1), to reflect the probable intent of Congress. Prior to amendment, subpar. (B) read as follows: "any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games."

1998—Subsec. (c)(1)(A). Pub. L. 105–277, §142(p)(1), substituted "Olympic Games or the Paralympic Games, or in both" for "Olympic Games or both".

Subsec. (c)(2). Pub. L. 105–277, §142(p)(2), (3), substituted "certified" for "registered" and substituted "body and with any other organization that has filed an application." for "body."

Subsec. (d). Pub. L. 105–277, §142(p)(4), (5), inserted "open to the public" after "formal hearing" and inserted after second sentence "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."

Subsec. (f)(4). Pub. L. 105–277, §142(p)(6), substituted "title and notify such national governing body of such probation and of the actions needed to comply with such requirements." for "title."

§220529. Arbitration of corporation determinations

(a) RIGHT TO REVIEW.—A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by the arbitration and mediation provider designated by the corporation under section

220522(a)(4).

(b) PROCEDURE.—(1) A demand for arbitration must be submitted within 30 days after the determination of the corporation.

(2) On receipt of a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time the demand is filed, except that—

(A) the arbitration panel shall consist of at least 3 arbitrators, unless the parties to the proceeding agree to a lesser number;

(B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding agree to the use of another site; and

(C) the arbitration hearing shall be open to the public.

(3) A decision by the arbitrators shall be by majority vote unless the concurrence of all arbitrators is expressly required by the contesting parties.

(4) Each party may be represented by counsel or by any other authorized representative at the arbitration proceeding.

(5) The parties may offer any evidence they desire and shall produce any additional evidence the arbitrators believe is necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence is not necessary.

(c) SETTLEMENT.—The arbitrators may settle a dispute arising under this chapter before making a final award, if agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.

(d) BINDING NATURE OF DECISION.—Final decision of the arbitrators is binding on the parties if the award is not inconsistent with the constitution and bylaws of the corporation.

(e) REOPENING HEARINGS.—(1) At any time before a final decision is made, the hearings may be reopened by the arbitrators on their own motion or on the motion of a party.

(2) If the reopening is based on the motion of a party, and if the reopening would result in the arbitrators' decision being delayed beyond the specific period agreed to at the beginning of the arbitration proceedings, all parties to the decision must agree to reopen the hearings.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1478; Pub. L. 116–189, §7(e), Oct. 30, 2020, 134 Stat. 960.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220529(a)	36:395(c)(1) (1st sentence).	Sept. 21, 1950, ch. 975, title II, §205(c), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3057.
220529(b)(1)	36:395(c)(1) (2d sentence).	
220529(b)(2)	36:395(c)(1) (last sentence).	
220529(b)(3)	36:395(c)(4).	
220529(b)(4)	36:395(c)(3) (1st sentence).	
220529(b)(5)	36:395(c)(3) (2d, last sentences).	
220529(c)	36:395(c)(2).	
220529(d)	36:395(c)(5).	
220529(e)	36:395(c)(6).	

In subsection (a), the reference to 36:391(c) is omitted because 36:391(c) is omitted as executed. See the revision note for section 220522 of the revised title. The words "may obtain review by" are substituted for "The right to review . . . shall be to" for clarity.

In subsection (b)(2)(A) and (B), the word "mutually" is omitted as unnecessary.

In subsection (b)(4), the word "duly" is omitted as unnecessary.

In subsection (c), the words "in any arbitration", "the provisions of", "mutually", and "to the proceeding" are omitted as unnecessary.

In subsection (d), the word "involved" is omitted as unnecessary.

In subsection (e), the word "contesting" is omitted as unnecessary.

In subsection (e)(2), the words "the reopening is based on the motion of a party" are substituted for "any contesting party makes such a motion" for clarity.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–189 substituted "the arbitration and mediation provider designated by the corporation under section 220522(a)(4)" for "any regional office of the American Arbitration Association".

§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) 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.

(Added Pub. L. 115–126, title II, §204(a), Feb. 14, 2018, 132 Stat. 324; amended Pub. L. 116–189, §7(f), Oct. 30, 2020, 134 Stat. 960.)

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (a)(2). Pub. L. 116–189, §7(f)(1), inserted ", including communications," after "interactions".

Subsec. (a)(4). Pub. L. 116–189, §7(f)(2), substituted "makes—" and subpars. (A) and (B) for "makes a report under paragraph (1)."

SUBCHAPTER III ¹—GRANT TO KEEP YOUNG ATHLETES SAFE

CODIFICATION

Pub. L. 115–141, div. S, title III, §302(a), Mar. 23, 2018, 132 Stat. 1127, which directed the addition of subchapter III, consisting of section 220531, at the end of chapter 2205, was executed by adding such subchapter III after subchapter II of chapter 2205, to reflect the probable intent of Congress and the intervening addition of a subchapter III, consisting of sections 220541 to 220543, by Pub. L. 115–126, title II, §202(a), Feb. 14, 2018, 132 Stat. 320.

EDITORIAL NOTES

AMENDMENTS

2018—Pub. L. 115–141, div. S, title III, §302(a), Mar. 23, 2018, 132 Stat. 1127, added subchapter heading.

¹ *Another subchapter III is set out following this subchapter.*

§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 and Paralympic Committee 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 and Paralympic Committee 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 and Paralympic Committee 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 and Paralympic Committee, each national governing body, 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.

(Added Pub. L. 115–141, div. S, title III, §302(a), Mar. 23, 2018, 132 Stat. 1127; Pub. L. 116–189, §§4(a)(11), 7(a)(2)(A)(vi), Oct. 30, 2020, 134 Stat. 946, 957.)

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §7(a)(2)(A)(vi)(I), substituted "and each national governing body" for ", each national governing body, and each paralympic sports organization" wherever appearing.

Pub. L. 116–189, §4(a)(11), substituted "United States Olympic and Paralympic Committee" for "United States Olympic Committee" wherever appearing.

Subsec. (c)(2). Pub. L. 116–189, §7(a)(2)(A)(vi)(II), struck out "each paralympic sports organization," after "each national governing body,".

SUBCHAPTER III ¹—UNITED STATES CENTER FOR SAFESPORT

AMENDMENT OF SUBCHAPTER

Pub. L. 116–189, §5(a)(1), (c), Oct. 30, 2020, 134 Stat. 946, 947, provided that, effective on the date that is 1 year after Oct. 30, 2020, this subchapter is redesignated as subchapter IV.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §8(a)(2)(A), Oct. 30, 2020, 134 Stat. 966, which directed the amendment of subchapter IV of this chapter by substituting "SAFESPORT" for "SAFE SPORT" in heading effective Oct. 30, 2020, was executed to this subchapter, which was designated as subchapter III on that date, to reflect the probable intent of Congress. This subchapter was redesignated as subchapter IV effective 1 year after Oct. 30, 2020, by Pub. L. 116–189, §5(a)(1), (c), Oct. 30, 2020, 134 Stat. 946, 947. See Effective Date note set out under section 220551 of this title.

Pub. L. 116–189, §5(a)(1), Oct. 30, 2020, 134 Stat. 946, redesignated this subchapter, formerly subchapter III, as subchapter IV.

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

¹ Another subchapter III is set out preceding this subchapter.

§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 complainant 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".

¹ *So in original.*

² *See References in Text note below.*

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

AMENDMENTS

2020—Pub. L. 116–189, §5(a)(2), Oct. 30, 2020, 134 Stat. 946, added subchapter heading.

§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 as expeditiously as possible and in a manner that safeguards the membership and voting power of the representatives of amateur athletes at all times, consistent with the membership and voting power of amateur athletes under section 220504(b)(2); 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.

(Added Pub. L. 116–189, §5(a)(2), Oct. 30, 2020, 134 Stat. 946.)

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Pub. L. 116–189, §5(c), Oct. 30, 2020, 134 Stat. 947, provided that: "The amendments made by this section [enacting this subchapter and redesignating subchapter III relating to United States Center for SafeSport as subchapter IV] shall take effect on the date that is 1 year after the date of the enactment of this Act [Oct. 30, 2020]."

§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.

(Added Pub. L. 116–189, §5(a)(2), Oct. 30, 2020, 134 Stat. 947.)

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section effective on the date that is 1 year after Oct. 30, 2020, see section 5(c) of Pub. L. 116–189, set out as a note under section 220551 of this title.

§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 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.

(Added Pub. L. 115–126, title II, §202(a), Feb. 14, 2018, 132 Stat. 323; amended Pub. L. 116–189, §8(c), Oct. 30, 2020, 134 Stat. 968.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 501(c) of the Internal Revenue Code of 1986, referred to in subsec. (b)(3)(A)(ii), is classified to section 501(c) of Title 26, Internal Revenue Code.

AMENDMENTS

2020—Subsecs. (b) to (d). Pub. L. 116–189 added subsecs. (b) to (d) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "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."