

116TH CONGRESS
2^D SESSION

S. 2330

AN ACT

To amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Empowering Olympic,
5 Paralympic, and Amateur Athletes Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

11 (2) Larry Nassar, the former national team
12 doctor for USA Gymnastics, sexually abused over
13 300 athletes for over two decades because of ineffec-
14 tive oversight by USA Gymnastics and the United
15 States Olympic Committee.

16 (3) While the case of Larry Nassar is unprece-
17 dented in scale, the case is hardly the only recent in-
18 cident of sexual abuse in amateur sports.

19 (4) Survivors of Larry Nassar’s abuse and all
20 survivors of abuse in the Olympic and Paralympic
21 movement deserve justice and redress for the wrongs
22 the survivors have suffered.

23 (5) After a comprehensive congressional inves-
24 tigation, including interviews and statements from
25 survivors, former and current organization officials,

1 law enforcement, and advocates, Congress found
2 that the United States Olympic Committee and USA
3 Gymnastics fundamentally failed to uphold their ex-
4 isting statutory purposes and duty to protect ama-
5 teur athletes from sexual, emotional, or physical
6 abuse.

7 (6) USA Gymnastics and the United States
8 Olympic Committee knowingly concealed abuse by
9 Larry Nassar, leading to the abuse of dozens of ad-
10 ditional amateur athletes during the period begin-
11 ning in the summer of 2015 and ending in Sep-
12 tember 2016.

13 (7) Ending abuse in the Olympic and
14 Paralympic movement requires enhanced oversight
15 to ensure that the Olympic and Paralympic move-
16 ment does more to serve athletes and protect their
17 voice and safety.

18 **SEC. 3. DEFINITIONS.**

19 Section 220501(b) of title 36, United States Code,
20 is amended—

21 (1) in paragraph (4), by striking “United
22 States Center for Safe Sport” and inserting “United
23 States Center for SafeSport”;

1 (2) in paragraph (6), by striking “United
2 States Olympic Committee” and inserting “United
3 States Olympic and Paralympic Committee”;

4 (3) by amending paragraph (8) to read as fol-
5 lows:

6 “(8) ‘national governing body’ means an ama-
7 teur sports organization, a high-performance man-
8 agement organization, or a paralympic sports orga-
9 nization that is certified by the corporation under
10 section 220521.”;

11 (4) by striking paragraph (9);

12 (5) by redesignating paragraphs (4), (5), (6),
13 (7), (8), and (10) as paragraphs (5), (6), (7), (8),
14 (9), and (12), respectively;

15 (6) by inserting after paragraph (3) the fol-
16 lowing:

17 “(4) ‘Athletes’ Advisory Council’ means the en-
18 tity established and maintained under section
19 220504(b)(2)(A) that—

20 “(A) is composed of, and elected by, ama-
21 teur athletes to ensure communication between
22 the corporation and currently active amateur
23 athletes; and

1 “(B) serves as a source of amateur-athlete
2 opinion and advice with respect to policies and
3 proposed policies of the corporation.”; and

4 (7) by inserting after paragraph (9), as so re-
5 designated, the following:

6 “(10) ‘protected individual’ means any amateur
7 athlete, coach, trainer, manager, administrator, or
8 official associated with the corporation or a national
9 governing body.

10 “(11) ‘retaliation’ means any adverse or dis-
11 criminatory action, or the threat of an adverse or
12 discriminatory action, including removal from a
13 training facility, reduced coaching or training, re-
14 duced meals or housing, and removal from competi-
15 tion, carried out against a protected individual as a
16 result of any communication, including the filing of
17 a formal complaint, by the protected individual or a
18 parent or legal guardian of the protected individual
19 relating to the allegation of physical abuse, sexual
20 harassment, or emotional abuse, with—

21 “(A) the Center;

22 “(B) a coach, trainer, manager, adminis-
23 trator, or official associated with the corpora-
24 tion;

25 “(C) the Attorney General;

1 “(D) a Federal or State law enforcement
2 authority;

3 “(E) the Equal Employment Opportunity
4 Commission; or

5 “(F) Congress.”.

6 **SEC. 4. MODERNIZATION OF THE TED STEVENS OLYMPIC**
7 **AND AMATEUR SPORTS ACT.**

8 (a) IN GENERAL.—Chapter 2205 of title 36, United
9 States Code, is amended—

10 (1) in the chapter heading, by striking
11 **“UNITED STATES OLYMPIC COM-**
12 **MITTEE”** and inserting **“UNITED STATES**
13 **OLYMPIC AND PARALYMPIC COM-**
14 **MITTEE”**;

15 (2) in section 220502, by amending subsection
16 (c) to read as follows:

17 “(c) REFERENCES TO UNITED STATES OLYMPIC AS-
18 SOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—
19 Any reference to the United States Olympic Association
20 or the United States Olympic Committee is deemed to
21 refer to the United States Olympic and Paralympic Com-
22 mittee.”;

23 (3) in section 220503—

24 (A) in paragraph (3), by striking “and the
25 Pan-American Games” each place it appears

1 and inserting “the Pan-American Games, and
2 the Parapan American Games”; and

3 (B) in paragraph (4), by striking “and
4 Pan-American Games” and inserting “the Pan-
5 American Games, and the Parapan American
6 Games”;

7 (4) in section 220504(b)(3), by striking “or the
8 Pan-American Games” and inserting “the Pan-
9 American Games, or the Parapan American Games”;
10 (5) in section 220505(c)—

11 (A) in paragraph (3), by striking “and the
12 Pan-American Games” and inserting “the Pan-
13 American Games, and the Parapan American
14 Games”;

15 (B) by amending paragraph (4) to read as
16 follows:

17 “(4) certify national governing bodies for any
18 sport that is included on the program of the Olympic
19 Games, the Paralympic Games, the Pan-American
20 Games, or the Parapan American Games;”; and

21 (C) in paragraph (5), by inserting “the
22 Parapan American Games,” after “the Pan-
23 American Games,”;

24 (6) in section 220506—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking
2 “United States Olympic Committee” and
3 inserting “United States Olympic and
4 Paralympic Committee”;

5 (ii) in paragraph (2), by striking “3
6 TaiGeuks” and inserting “3 Agitos”; and

7 (iii) in paragraph (4), by inserting
8 “‘Parapan American’,” after “‘Pan-Amer-
9 ican’,”;

10 (B) in subsection (b), by inserting “the
11 Parapan American team,” after “the Pan-
12 American team,”; and

13 (C) in subsection (c)(3), by striking “or
14 Pan-American Games activity” and inserting
15 “Pan-American, or Parapan American Games
16 activity”;

17 (7) in section 220509(a)—

18 (A) in the first sentence, by inserting “the
19 Parapan American Games,” after “the Pan-
20 American Games,”; and

21 (B) in the second sentence, by striking “or
22 the Pan-American Games” and inserting “the
23 Pan-American Games, or the Parapan Amer-
24 ican Games”;

1 (8) in section 220512, by striking “and Pan-
2 American Games” and inserting “Pan-American
3 Games, and Parapan American Games”;

4 (9) in section 220523(a), by striking “and the
5 Pan-American Games” each place it appears and in-
6 serting “the Pan-American Games, and the Parapan
7 American Games”;

8 (10) in section 220528(c)—

9 (A) in subparagraph (A), by striking “or
10 in both the Olympic and Pan-American Games”
11 and inserting “or in each of the Olympic
12 Games, the Paralympic Games, the Pan-Amer-
13 ican Games, and the Parapan American
14 Games”; and

15 (B) by amending subparagraph (B) to read
16 as follows:

17 “(B) any Pan-American Games or
18 Parapan American Games, for a sport in which
19 competition is held in the Pan-American Games
20 or the Parapan American Games, as applicable,
21 but not in the Olympic Games or the
22 Paralympic Games.”; and

23 (11) in section 220531, by striking “United
24 States Olympic Committee” each place it appears

1 and inserting “United States Olympic and
2 Paralympic Committee”.

3 (b) CONFORMING AMENDMENT.—The table of chap-
4 ters for part B of subtitle II of title 36, United States
5 Code, is amended by striking the item relating to chapter
6 2205 and inserting the following:

“**2205. United States Olympic and Paralympic
Committee220501**”.

7 **SEC. 5. CONGRESSIONAL OVERSIGHT OF UNITED STATES**
8 **OLYMPIC AND PARALYMPIC COMMITTEE AND**
9 **NATIONAL GOVERNING BODIES.**

10 (a) IN GENERAL.—Chapter 2205 of title 36, United
11 States Code, is amended—

12 (1) by redesignating the second subchapter des-
13 ignated as subchapter III (relating to the United
14 States Center for SafeSport), as added by section
15 202 of the Protecting Young Victims from Sexual
16 Abuse and Safe Sport Authorization Act of 2017
17 (Public Law 115–126; 132 Stat. 320) as subchapter
18 IV; and

19 (2) by adding at the end the following:

1 “SUBCHAPTER V—DISSOLUTION OF BOARD OF
2 DIRECTORS OF CORPORATION AND TERMI-
3 NATION OF RECOGNITION OF NATIONAL
4 GOVERNING BODIES

5 “§ 220551. **Definitions**

6 “In this subchapter, the term ‘joint resolution’ means
7 a joint resolution—

8 “(1) which does not have a preamble; and

9 “(2) for which—

10 “(A)(i) the title is only as follows: ‘A joint
11 resolution to dissolve the board of directors of
12 the United States Olympic and Paralympic
13 Committee’; and

14 “(ii) the matter after the resolving
15 clause—

16 “(I) is as follows: ‘That Congress
17 finds that dissolving the board of directors
18 of the United States Olympic and
19 Paralympic Committee would not unduly
20 interfere with the operations of chapter
21 2205 of title 36, United States Code’; and

22 “(II) prescribes adequate procedures
23 for forming a board of directors of the cor-
24 poration as expeditiously as possible and in
25 a manner that safeguards the membership

1 and voting power of the representatives of
 2 amateur athletes at all times, consistent
 3 with the membership and voting power of
 4 amateur athletes under section
 5 220504(b)(2); or

6 “(B)(i) the title is only as follows: ‘A joint
 7 resolution relating to terminating the recogni-
 8 tion of a national governing body’; and

9 “(ii) the matter after the resolving clause
 10 is only as follows: ‘That Congress determines
 11 that _____, which is recognized
 12 as a national governing body under section
 13 220521 of title 36, United States Code, has
 14 failed to fulfill its duties, as described in section
 15 220524 of title 36, United States Code’, the
 16 blank space being filled in with the name of the
 17 applicable national governing body.

18 **“§ 220552. Dissolution of board of directors of cor-**
 19 **poration and termination of recognition**
 20 **of national governing bodies**

21 “(a) DISSOLUTION OF BOARD OF DIRECTORS OF
 22 CORPORATION.—Effective on the date of enactment of a
 23 joint resolution described in section 220551(2)(A) with re-
 24 spect to the board of directors of the corporation, such
 25 board of directors shall be dissolved.

1 “(b) TERMINATION OF RECOGNITION OF NATIONAL
 2 GOVERNING BODY.—Effective on the date of enactment
 3 of a joint resolution described in section 220551(2)(B)
 4 with respect to a national governing body, the recognition
 5 of the applicable amateur sports organization as a national
 6 governing body shall cease to have force or effect.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 8 The table of sections for chapter 2205 of title 36, United
 9 States Code, is amended—

10 (1) by striking the second item relating to sub-
 11 chapter III (relating to the United States Center for
 12 SafeSport), as added by section 202 of the Pro-
 13 tecting Young Victims from Sexual Abuse and Safe
 14 Sport Authorization Act of 2017 (Public Law 115-
 15 126; 132 Stat. 320) and inserting the following:

“SUBCHAPTER IV—UNITED STATES CENTER FOR SAFESPORT”; AND

16 (2) by adding at the end the following:

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

“220551. Definitions.

“220552. Dissolution of board of directors of corporation and termination of
 recognition of national governing bodies.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall take effect on the date that is 1 year
 19 after the date of the enactment of this Act.

1 **SEC. 6. MODIFICATIONS TO UNITED STATES OLYMPIC AND**
2 **PARALYMPIC COMMITTEE.**

3 (a) **PURPOSES OF THE CORPORATION.**—Section
4 220503 of title 36, United States Code, is amended—

5 (1) in paragraph (9), by inserting “and access
6 to” after “development of”;

7 (2) in paragraph (14), by striking “; and” and
8 inserting a semicolon;

9 (3) in paragraph (15), by striking the period at
10 the end and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(16) to effectively oversee the national gov-
13 erning bodies with respect to compliance with and
14 implementation of the policies and procedures of the
15 corporation, including policies and procedures on the
16 establishment of a safe environment in sports as de-
17 scribed in paragraph (15).”.

18 (b) **MEMBERSHIP AND REPRESENTATION.**—Section
19 220504 of title 36, United States Code, is amended—

20 (1) in subsection (a), by inserting “, and mem-
21 bership shall be available only to national governing
22 bodies” before the period at the end;

23 (2) in subsection (b), by amending paragraph
24 (2) to read as follows:

25 “(2) amateur athletes who are actively engaged
26 in amateur athletic competition or who have rep-

1 resented the United States in international amateur
2 athletic competition, including through provisions
3 that—

4 “(A) establish and maintain an Athletes’
5 Advisory Council;

6 “(B) ensure that the chair of the Athletes’
7 Advisory Council, or the designee of the chair,
8 holds voting power on the board of directors of
9 the corporation and in the committees and enti-
10 ties of the corporation;

11 “(C) require that—

12 “(i) not less than $\frac{1}{3}$ of the member-
13 ship of the board of directors of the cor-
14 poration shall be composed of, and elected
15 by, such amateur athletes; and

16 “(ii) not less than 20 percent of the
17 membership of the board of directors of
18 the corporation shall be composed of ama-
19 teur athletes who—

20 “(I) are actively engaged in rep-
21 resenting the United States in inter-
22 national amateur athletic competition;
23 or

24 “(II) have represented the
25 United States in international ama-

1 teur athletic competition during the
2 preceding 10-year period; and

3 “(D) ensure that the membership and vot-
4 ing power held by such amateur athletes is not
5 less than $\frac{1}{3}$ percent of the membership and
6 voting power held in the board of directors of
7 the corporation and in the committees and enti-
8 ties of the corporation, including any panel em-
9 powered to resolve grievances;”); and
10 (3) by adding at the end the following:

11 “(c) CONFLICT OF INTEREST.—An athlete who rep-
12 resents athletes under subsection (b)(2) shall not be em-
13 ployed by the Center, or serve in a capacity that exercises
14 decision-making authority on behalf of the Center, during
15 the 2-year period beginning on the date on which the ath-
16 lete ceases such representation.

17 “(d) CERTIFICATION REQUIREMENTS.—The bylaws
18 of the corporation shall include a description of all gen-
19 erally applicable certification requirements for member-
20 ship in the corporation.”.

21 (c) DUTIES.—

22 (1) IN GENERAL.—Section 220505 of title 36,
23 United States Code, is amended—

1 (A) in the section heading, by striking
 2 “**Powers**” and inserting “**Powers and du-**
 3 **ties**”; and

4 (B) by adding at the end the following:

5 “(d) DUTIES.—

6 “(1) IN GENERAL.—The duty of the corpora-
 7 tion to amateur athletes includes the adoption, effec-
 8 tive implementation, and enforcement of policies and
 9 procedures designed—

10 “(A) to immediately report to law enforce-
 11 ment and the Center any allegation of child
 12 abuse of an amateur athlete who is a minor;

13 “(B) to ensure that each national gov-
 14 erning body has in place policies and procedures
 15 to report immediately any allegation of child
 16 abuse of an amateur athlete, consistent with—

17 “(i) the policies and procedures devel-
 18 oped under subparagraph (C) of section
 19 220541(a)(1); and

20 “(ii) the requirement described in
 21 paragraph (2)(A) of section 220542(a);
 22 and

23 “(C) to ensure that each national gov-
 24 erning body and the corporation enforces tem-

1 porary measures and sanctions issued pursuant
2 to the authority of the Center.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to preempt or oth-
5 erwise abrogate the duty of care of the corporation
6 under State law or the common law.”.

7 (2) CONFORMING AMENDMENT.—The table of
8 sections for chapter 2205 of title 36, United States
9 Code, is amended by striking the item relating to
10 section 220505 and inserting the following:

“220505. Powers and duties.”.

11 (d) RESTRICTIONS.—

12 (1) POLICY WITH RESPECT TO ASSISTING MEM-
13 BERS OR FORMER MEMBERS IN OBTAINING JOBS.—
14 Section 220507 of title 36, United States Code, is
15 amended by adding at the end the following:

16 “(c) POLICY WITH RESPECT TO ASSISTING MEM-
17 BERS OR FORMER MEMBERS IN OBTAINING JOBS.—The
18 corporation shall develop 1 or more policies that prohibit
19 any individual who is an employee, contractor, or agent
20 of the corporation from assisting a member or former
21 member in obtaining a new job (except the routine trans-
22 mission of administrative and personnel files) if the indi-
23 vidual knows that such member or former member violated
24 the policies or procedures of the Center related to sexual

1 misconduct or was convicted of a crime involving sexual
2 misconduct with a minor in violation of applicable law.”.

3 (2) POLICY WITH RESPECT TO TERMS AND
4 CONDITIONS OF EMPLOYMENT.—

5 (A) IN GENERAL.—Section 220507 of title
6 36, United States Code, as amended by para-
7 graph (1), is further amended by adding at the
8 end the following:

9 “(d) POLICY REGARDING TERMS AND CONDITIONS
10 OF EMPLOYMENT.—The corporation shall establish a pol-
11 icy—

12 “(1) not to disperse bonus or severance pay to
13 any individual named as a subject of an ethics inves-
14 tigation by the ethics committee of the corporation,
15 until such individual is cleared of wrongdoing by
16 such investigation; and

17 “(2) that provides that—

18 “(A) if the ethics committee determines
19 that an individual has violated the policies of
20 the corporation—

21 “(i) the individual is no longer enti-
22 tled to bonus or severance pay previously
23 withheld; and

1 “(ii) the compensation committee of
2 the corporation may reduce or cancel the
3 withheld bonus or severance pay; and

4 “(B) in the case of an individual who is
5 the subject of a criminal investigation, the eth-
6 ics committee shall investigate the individual.”.

7 (B) APPLICABILITY.—The amendment
8 made by subparagraph (A) shall not apply to
9 any term of employment for the disbursement
10 of bonus or severance pay that is in effect as
11 of the day before the date of the enactment of
12 this Act.

13 (e) RESOLUTION OF DISPUTES AND PROTECTING
14 ABUSE VICTIMS FROM RETALIATION.—Section 220509 of
15 title 36, United States Code, is amended—

16 (1) in subsection (a), in the first sentence, by
17 inserting “complaints of retaliation or” after “relat-
18 ing to”;

19 (2) by amending subsection (b) to read as fol-
20 lows:

21 “(b) OFFICE OF THE ATHLETE OMBUDS.—

22 “(1) IN GENERAL.—The corporation shall hire
23 and provide salary, benefits, and administrative ex-
24 penses for an ombudsman and support staff for ath-
25 letes.

1 “(2) DUTIES.—The Office of the Athlete
2 Ombuds shall—

3 “(A) provide independent advice to athletes
4 at no cost about the applicable provisions of
5 this chapter and the constitution and bylaws of
6 the corporation, national governing bodies,
7 international sports federations, the Inter-
8 national Olympic Committee, the International
9 Paralympic Committee, and the Pan-American
10 Sports Organization, and with respect to the
11 resolution of any dispute involving the oppor-
12 tunity of an amateur athlete to participate in
13 the Olympic Games, the Paralympic Games, the
14 Pan-American Games, the Parapan American
15 Games, world championship competition or
16 other protected competition as defined in the
17 constitution and bylaws of the corporation;

18 “(B) assist in the resolution of athlete con-
19 cerns;

20 “(C) provide independent advice to athletes
21 with respect to—

22 “(i) the role, responsibility, authority,
23 and jurisdiction of the Center; and

24 “(ii) the relative value of engaging
25 legal counsel; and

1 “(D) report to the Athletes’ Advisory
2 Council on a regular basis.

3 “(3) HIRING PROCEDURES; VACANCY; TERMI-
4 NATION.—

5 “(A) HIRING PROCEDURES.—The proce-
6 dure for hiring the ombudsman for athletes
7 shall be as follows:

8 “(i) The Athletes’ Advisory Council
9 shall provide the corporation’s executive di-
10 rector with the name of 1 qualified person
11 to serve as ombudsman for athletes.

12 “(ii) The corporation’s executive di-
13 rector shall immediately transmit the name
14 of such person to the corporation’s execu-
15 tive committee.

16 “(iii) The corporation’s executive com-
17 mittee shall hire or not hire such person
18 after fully considering the advice and coun-
19 sel of the Athletes’ Advisory Council.

20 “(B) VACANCY.—If there is a vacancy in
21 the position of the ombudsman for athletes, the
22 nomination and hiring procedure set forth in
23 this paragraph shall be followed in a timely
24 manner.

1 “(C) TERMINATION.—The corporation may
2 terminate the employment of an individual serv-
3 ing as ombudsman for athletes only if—

4 “(i) the termination is carried out in
5 accordance with the applicable policies and
6 procedures of the corporation;

7 “(ii) the termination is initially rec-
8 ommended to the corporation’s executive
9 committee by either the corporation’s exec-
10 utive director or by the Athletes’ Advisory
11 Council; and

12 “(iii) the corporation’s executive com-
13 mittee fully considers the advice and coun-
14 sel of the Athletes’ Advisory Council prior
15 to deciding whether or not to terminate the
16 employment of such individual.

17 “(4) CONFIDENTIALITY.—

18 “(A) IN GENERAL.—The Office of the Ath-
19 lete Ombuds shall maintain as confidential any
20 information communicated or provided to the
21 Office of the Athlete Ombuds in confidence in
22 any matter involving the exercise of the official
23 duties of the Office of the Athlete Ombuds.

24 “(B) EXCEPTION.—The Office of the Ath-
25 lete Ombuds may disclose information described

1 in subparagraph (A) as necessary to resolve or
 2 mediate a dispute, with the permission of the
 3 parties involved.

4 “(C) JUDICIAL AND ADMINISTRATIVE PRO-
 5 CEEDINGS.—

6 “(i) IN GENERAL.—The ombudsman
 7 and the staff of the Office of the Athlete
 8 Ombuds shall not be compelled to testify
 9 or produce evidence in any judicial or ad-
 10 ministrative proceeding with respect to any
 11 matter involving the exercise of the duties
 12 of the Office of the Athlete Ombuds.

13 “(ii) WORK PRODUCT.—Any memo-
 14 randum, work product, notes, or case file
 15 of the Office of the Athlete Ombuds—

16 “(I) shall be confidential; and

17 “(II) shall not be—

18 “(aa) subject to discovery,
 19 subpoena, or any other means of
 20 legal compulsion; or

21 “(bb) admissible as evidence
 22 in a judicial or administrative
 23 proceeding.

1 “(D) APPLICABILITY.—The confidentiality
2 requirements under this paragraph shall not
3 apply to information relating to—

4 “(i) applicable federally mandated re-
5 porting requirements;

6 “(ii) a felony personally witnessed by
7 a member of the Office of the Athlete
8 Ombuds;

9 “(iii) a situation, communicated to the
10 Office of the Athlete Ombuds, in which an
11 individual is at imminent risk of serious
12 harm; or

13 “(iv) a congressional subpoena.

14 “(E) DEVELOPMENT OF POLICY.—

15 “(i) IN GENERAL.—Not later than
16 180 days after the date of the enactment
17 of the Empowering Olympic, Paralympic,
18 and Amateur Athletes Act of 2020, the Of-
19 fice of the Athlete Ombuds shall develop
20 and publish in the Federal Register a con-
21 fidentiality and privacy policy consistent
22 with this paragraph.

23 “(ii) DISTRIBUTION.—The Office of
24 the Athlete Ombuds shall distribute a copy

1 of the policy developed under clause (i)
2 to—

3 “(I) employees of the national
4 governing bodies; and

5 “(II) employees of the corpora-
6 tion.

7 “(iii) PUBLICATION BY NATIONAL
8 GOVERNING BODIES.—Each national gov-
9 erning body shall—

10 “(I) publish the policy developed
11 under clause (i) on the internet
12 website of the national governing
13 body; and

14 “(II) communicate to amateur
15 athletes the availability of the policy.

16 “(5) PROHIBITION ON RETALIATION.—No em-
17 ployee, contractor, agent, volunteer, or member of
18 the corporation shall take or threaten to take any
19 action against an athlete as a reprisal for disclosing
20 information to or seeking assistance from the Office
21 of the Athlete Ombuds.

22 “(6) INDEPENDENCE IN CARRYING OUT DU-
23 TIES.—The board of directors of the corporation or
24 any other member or employee of the corporation
25 shall not prevent or prohibit the Office of the Ath-

1 lete Ombuds from carrying out any duty or responsi-
2 bility under this section.”; and

3 (3) by adding at the end the following:

4 “(c) RETALIATION.—

5 “(1) IN GENERAL.—The corporation, the na-
6 tional governing bodies, or any officer, employee,
7 contractor, subcontractor, or agent of the corpora-
8 tion or a national governing body may not retaliate
9 against any protected individual as a result of any
10 communication, including the filing of a formal com-
11 plaint, by a protected individual or a parent or legal
12 guardian of the protected individual relating to an
13 allegation of physical abuse, sexual harassment, or
14 emotional abuse.

15 “(2) DISCIPLINARY ACTION.—If the corporation
16 finds that an employee of the corporation or a na-
17 tional governing body has retaliated against a pro-
18 tected individual, the corporation or national gov-
19 erning body, as applicable, shall immediately termi-
20 nate the employment of, or suspend without pay,
21 such employee.

22 “(3) DAMAGES.—

23 “(A) IN GENERAL.—With respect to a pro-
24 tected individual the corporation finds to have
25 been subject to retaliation, the corporation may

1 award damages, including damages for pain
2 and suffering and reasonable attorney fees.

3 “(B) REIMBURSEMENT FROM NATIONAL
4 GOVERNING BODY.—In the case of a national
5 governing body found to have retaliated against
6 a protected individual, the corporation may de-
7 mand reimbursement from the national gov-
8 erning body for damages paid by the corpora-
9 tion under subparagraph (A).”.

10 (f) REPORTS AND AUDITS.—

11 (1) IN GENERAL.—Section 220511 of title 36,
12 United States Code, is amended to read as follows:

13 “§ 220511. **Reports and audits**

14 “(a) REPORT.—

15 “(1) SUBMISSION TO PRESIDENT AND CON-
16 GRESS.—Not less frequently than annually, the cor-
17 poration shall submit simultaneously to the Presi-
18 dent and to each House of Congress a detailed re-
19 port on the operations of the corporation for the pre-
20 ceding calendar year.

21 “(2) MATTERS TO BE INCLUDED.—Each report
22 required by paragraph (1) shall include the fol-
23 lowing:

1 “(A) A comprehensive description of the
2 activities and accomplishments of the corpora-
3 tion during such calendar year.

4 “(B) Data concerning the participation of
5 women, disabled individuals, and racial and eth-
6 nic minorities in the amateur athletic activities
7 and administration of the corporation and na-
8 tional governing bodies.

9 “(C) A description of the steps taken to
10 encourage the participation of women, disabled
11 individuals, and racial minorities in amateur
12 athletic activities.

13 “(D) A description of any lawsuit or griev-
14 ance filed against the corporation, including any
15 dispute initiated under this chapter.

16 “(E) The agenda and minutes of any
17 meeting of the board of directors of the cor-
18 poration that occurred during such calendar
19 year.

20 “(F) A report by the compliance committee
21 of the corporation that, with respect to such
22 calendar year—

23 “(i) identifies—

1 “(I) the areas in which the cor-
2 poration has met compliance stand-
3 ards; and

4 “(II) the areas in which the cor-
5 poration has not met compliance
6 standards; and

7 “(ii) assesses the compliance of each
8 member of the corporation and provides a
9 plan for improvement, as necessary.

10 “(G) A detailed description of any com-
11 plaint of retaliation made during such calendar
12 year, including the entity involved, the number
13 of allegations of retaliation, and the outcome of
14 such allegations.

15 “(3) PUBLIC AVAILABILITY.—The corporation
16 shall make each report under this subsection avail-
17 able to the public on an easily accessible internet
18 website of the corporation.

19 “(b) AUDIT.—

20 “(1) IN GENERAL.—Not less frequently than
21 annually, the financial statements of the corporation
22 for the preceding fiscal year shall be audited in ac-
23 cordance with generally accepted auditing standards
24 by—

1 “(A) an independent certified public ac-
2 countant; or

3 “(B) an independent licensed public ac-
4 countant who is certified or licensed by the reg-
5 ulatory authority of a State or a political sub-
6 division of a State.

7 “(2) LOCATION.—An audit under paragraph
8 (1) shall be conducted at the location at which the
9 financial statements of the corporation normally are
10 kept.

11 “(3) ACCESS.—An individual conducting an
12 audit under paragraph (1) shall be given full access
13 to—

14 “(A) all records and property owned or
15 used by the corporation, as necessary to facili-
16 tate the audit; and

17 “(B) any facility under audit for the pur-
18 pose of verifying transactions, including any
19 balance or security held by a depository, fiscal
20 agent, or custodian.

21 “(4) REPORT.—

22 “(A) IN GENERAL.—Not later than 180
23 days after the end of the fiscal year for which
24 an audit is carried out, the auditor shall submit
25 a report on the audit to the Committee on

1 Commerce, Science, and Transportation of the
2 Senate, the Committee on the Judiciary of the
3 House of Representatives, and the chair of the
4 Athletes' Advisory Council.

5 “(B) MATTERS TO BE INCLUDED.—Each
6 report under subparagraph (A) shall include the
7 following for the applicable fiscal year:

8 “(i) Any statement necessary to
9 present fairly the assets, liabilities, and
10 surplus or deficit of the corporation.

11 “(ii) An analysis of the changes in the
12 amounts of such assets, liabilities, and sur-
13 plus or deficit.

14 “(iii) A detailed statement of the in-
15 come and expenses of the corporation, in-
16 cluding the results of any trading, manu-
17 facturing, publishing, or other commercial
18 endeavor.

19 “(iv) A detailed statement of the
20 amounts spent on stipends and services for
21 athletes.

22 “(v) A detailed statement of the
23 amounts spent on compensation and serv-
24 ices for executives and administration offi-
25 cials of the corporation, including the 20

1 employees of the corporation who receive
2 the highest amounts of compensation.

3 “(vi) A detailed statement of the
4 amounts allocated to the national gov-
5 erning bodies.

6 “(vii) Such comments and information
7 as the auditor considers necessary to in-
8 form Congress of the financial operations
9 and condition of the corporation.

10 “(viii) Recommendations relating to
11 the financial operations and condition of
12 the corporation.

13 “(ix) A description of any financial
14 conflict of interest (including a description
15 of any recusal or other mitigating action
16 taken), evaluated in a manner consistent
17 with the policies of the corporation, of—

18 “(I) a member of the board of di-
19 rectors of the corporation; or

20 “(II) any senior management
21 personnel of the corporation.

22 “(C) PUBLIC AVAILABILITY.—

23 “(i) IN GENERAL.—The corporation
24 shall make each report under this para-
25 graph available to the public on an easily

1 accessible internet website of the corpora-
2 tion.

3 “(ii) PERSONALLY IDENTIFIABLE IN-
4 FORMATION.—A report made available
5 under clause (i) shall not include the per-
6 sonally identifiable information of any indi-
7 vidual.”.

8 (2) CONFORMING AMENDMENT.—The table of
9 sections for chapter 2205 of title 36, United States
10 Code, is amended by striking the item relating to
11 section 220511 and inserting the following:

“220511. Reports and audits.”.

12 (g) ANNUAL AMATEUR ATHLETE SURVEY.—

13 (1) IN GENERAL.—Subchapter I of chapter
14 2205 of title 36, United States Code, is amended by
15 adding at the end the following:

16 **“§ 220513. Annual amateur athlete survey**

17 “(a) IN GENERAL.—Not less frequently than annu-
18 ally, the corporation shall cause an independent third-
19 party organization, under contract, to conduct an anony-
20 mous survey of amateur athletes who are actively engaged
21 in amateur athletic competition with respect to—

22 “(1) their satisfaction with the corporation and
23 the applicable national governing body; and

24 “(2) the behaviors, attitudes, and feelings with-
25 in the corporation and the applicable national gov-

1 erning body relating to sexual harassment and
2 abuse.

3 “(b) CONSULTATION.—A contract under subsection
4 (a) shall require the independent third-party organization
5 to develop the survey in consultation with the Center.

6 “(c) PROHIBITION ON INTERFERENCE.—If the cor-
7 poration or a national governing body makes any effort
8 to undermine the independence of, introduce bias into, or
9 otherwise influence a survey under subsection (a), such ac-
10 tivity shall be reported immediately to Congress.

11 “(d) PUBLIC AVAILABILITY.— The corporation shall
12 make the results of each such survey available to the pub-
13 lic on an internet website of the corporation.”.

14 (2) CONFORMING AMENDMENT.—The table of
15 sections for chapter 2205 of title 36, United States
16 Code, is amended by inserting after the item relating
17 to 220512 the following:

“220513. Annual amateur athlete survey.”.

18 **SEC. 7. MODIFICATIONS TO NATIONAL GOVERNING BODIES.**

19 (a) CERTIFICATION OF NATIONAL GOVERNING BOD-
20 IES.—

21 (1) IN GENERAL.—Section 220521 of title 36,
22 United States Code, is amended—

23 (A) in the section heading, by striking
24 “**Recognition of amateur sports orga-**
25 **nizations as national governing bod-**

1 **ies**” and inserting “**Certification of na-**
2 **tional governing bodies**”;

3 (B) by amending subsection (a) to read as
4 follows:

5 “(a) IN GENERAL.—With respect to each sport in-
6 cluded on the program of the Olympic Games, the
7 Paralympic Games, the Pan-American Games, or the
8 Parapan American Games, the corporation—

9 “(1) may certify as a national governing body
10 an amateur sports organization, a high-performance
11 management organization, or a paralympic sports
12 organization that files an application and is eligible
13 for such certification under section 220522; and

14 “(2) may not certify more than 1 national gov-
15 erning body.”;

16 (C) in subsection (b), by striking “recog-
17 nizing” and inserting “certifying”;

18 (D) in subsection (c), by striking “recog-
19 nizing” and inserting “certifying”; and

20 (E) by amending subsection (d) to read as
21 follows:

22 “(d) REVIEW OF CERTIFICATION.—Not later than 8
23 years after the date of the enactment of the Empowering
24 Olympic, Paralympic, and Amateur Athletes Act of 2020,

1 and not less frequently than once every 4 years thereafter,
2 the corporation—

3 “(1) shall review all matters related to the con-
4 tinued certification of an organization as a national
5 governing body;

6 “(2) may take action the corporation considers
7 appropriate, including placing conditions on the con-
8 tinued certification of an organization as a national
9 governing body;

10 “(3) shall submit to Congress a summary re-
11 port of each review under paragraph (1); and

12 “(4) shall make each such summary report
13 available to the public.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENTS.—

16 (A) Chapter 2205 of title 36, United
17 States Code, is amended—

18 (i) in section 220504(b), by amending
19 paragraph (1) to read as follows:

20 “(1) national governing bodies, including
21 through provisions that establish and maintain a
22 National Governing Bodies’ Council that is com-
23 posed of representatives of the national governing
24 bodies who are selected by their boards of directors
25 or other governing boards to ensure effective com-

1 munication between the corporation and the national
2 governing bodies;”;

3 (ii) in section 220512, by striking “or
4 paralympic sports organization”;

5 (iii) in section 220522—

6 (I) by striking subsection (b);

7 and

8 (II) in subsection (a)—

9 (aa) by striking “recog-
10 nized” each place it appears and
11 inserting “certified”;

12 (bb) by striking “recogni-
13 tion” each place it appears and
14 inserting “certification”;

15 (cc) in paragraph (6), by
16 striking “the Olympic Games or
17 the Pan-American Games” and
18 inserting “the Olympic Games,
19 the Paralympic Games, the Pan-
20 American Games, or the Parapan
21 American Games”;

22 (dd) in paragraph (11)—

23 (AA) in the matter pre-
24 ceding subparagraph (A), by
25 inserting “, high-perform-

- 1 ance management organiza-
2 tion, or paralympic sports
3 organization” after “ama-
4 teur sports organization”;
5 and
6 (BB) in subparagraph
7 (B), by striking “amateur
8 sports” and inserting “appli-
9 cable”;
10 (ee) in paragraph (14), by
11 striking “or the Pan-American
12 Games” and inserting “the Pan-
13 American Games, or the Parapan
14 American Games”; and
15 (ff) by striking the sub-
16 section designation and heading
17 and all that follows through “An
18 amateur sports organization”
19 and inserting “An amateur
20 sports organization, a high-per-
21 formance management organiza-
22 tion, or a paralympic sports orga-
23 nization”;
24 (iv) in section 220524, by striking
25 “amateur sports” each place it appears;

1 (v) in section 220528—

2 (I) by striking “recognition” each
3 place it appears and inserting “certifi-
4 cation”;

5 (II) by striking “recognize” each
6 place it appears and inserting “cer-
7 tify”; and

8 (III) in subsection (g), in the
9 subsection heading, by striking “REC-
10 OGNITION” and inserting “CERTIFI-
11 CATION”;

12 (vi) in section 220531—

13 (I) by striking “, each national
14 governing body, and each paralympic
15 sports organization” each place it ap-
16 pears and inserting “and each na-
17 tional governing body”; and

18 (II) in subsection (c)(2), by strik-
19 ing “each paralympic sports organiza-
20 tion,”;

21 (vii) in section 220541(d)(3), by strik-
22 ing subparagraph (C);

23 (viii) in section 220542—

1 (I) by striking “or paralympic
2 sports organization” each place it ap-
3 pears; and

4 (II) in subsection (a)(2)—

5 (aa) in subparagraph (A), in
6 the matter preceding clause (i),
7 by striking “, a paralympic
8 sports organization,”;

9 (bb) in subparagraph (E),
10 by striking “or a paralympic
11 sports organization of each na-
12 tional governing body and
13 paralympic sports organization”;
14 and

15 (cc) in subparagraph
16 (F)(i)—

17 (AA) by striking “, or
18 an adult” and inserting “or
19 an adult”;

20 (BB) by striking “,
21 paralympic sports organiza-
22 tion,”; and

23 (CC) by striking “,
24 paralympic sports organiza-
25 tions,”.

1 (B) The table of sections for chapter 2205
2 of title 36, United States Code, is amended by
3 striking the item relating to section 220521 and
4 inserting the following:

“220521. Certification of national governing bodies.”.

5 (b) ELIGIBILITY REQUIREMENTS WITH RESPECT TO
6 GOVERNING BOARDS.—Section 220522 of title 36, United
7 States Code, as amended by subsection (a)(2), is further
8 amended—

9 (1) in paragraph (2), by inserting “, including
10 the ability to provide and enforce required athlete
11 protection policies and procedures” before the semi-
12 colon;

13 (2) in paragraph (4)(B)—

14 (A) by striking “conducted in accordance
15 with the Commercial Rules of the American Ar-
16 bitration Association” and inserting “which ar-
17 bitration under this paragraph shall be con-
18 ducted in accordance with the standard com-
19 mercial arbitration rules of an established
20 major national provider of arbitration and me-
21 diation services based in the United States and
22 designated by the corporation with the concu-
23 rence of the Athletes’ Advisory Council and the
24 National Governing Bodies’ Council”; and

1 (B) by striking “Commercial Rules of Ar-
2 bitration” and inserting “standard commercial
3 rules of arbitration of such designated pro-
4 vider”;

5 (3) in paragraph (5), in the matter preceding
6 subparagraph (A), by inserting “except with respect
7 to the oversight of the organization,” after “sport,”;

8 (4) by redesignating paragraphs (10) through
9 (15) as paragraphs (11) through (16), respectively;

10 (5) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) ensures that the selection criteria for in-
13 dividuals and teams that represent the United
14 States are—

15 “(A) fair, as determined by the corporation
16 in consultation with the national governing bod-
17 ies, the Athletes’ Advisory Council, and the
18 United States Olympians and Paralympians As-
19 sociation;

20 “(B) clearly articulated in writing and
21 properly communicated to athletes in a timely
22 manner; and

23 “(C) consistently applied, using objective
24 and subjective criteria appropriate to the appli-
25 cable sport;”;

1 (6) by striking paragraph (13), as so redesignated,
2 and inserting the following:

3 “(13) demonstrates, based on guidelines approved by the corporation, the Athletes’ Advisory
4 Council, and the National Governing Bodies’ Council, that—

7 “(A) its board of directors and other such governing boards have established criteria and
8 election procedures for, and maintain among their voting members, individuals who—

11 “(i) are elected by amateur athletes;

12 and

13 “(ii) are actively engaged in amateur athletic competition, or have represented
14 the United States in international amateur athletic competition, in the sport for which
15 certification is sought;

18 “(B) any exception to such guidelines by such organization has been approved by—

20 “(i) the corporation; and

21 “(ii) the Athletes’ Advisory Council;

22 and

23 “(C) the voting power held by such individuals is not less than $\frac{1}{3}$ of the voting power held
24

1 by its board of directors and other such gov-
2 erning boards;”;

3 (7) in paragraph (15), as so redesignated, by
4 striking “; and” and inserting a semicolon;

5 (8) in paragraph (16), as so redesignated, by
6 striking the period at the end and inserting a semi-
7 colon; and

8 (9) by adding at the end the following:

9 “(17) commits to submitting annual reports to
10 the corporation that include, for each calendar
11 year—

12 “(A) a description of the manner in which
13 the organization—

14 “(i) carries out the mission to pro-
15 mote a safe environment in sports that is
16 free from abuse of amateur athletes (in-
17 cluding emotional, physical, and sexual
18 abuse); and

19 “(ii) addresses any sanctions or tem-
20 porary measures required by the Center;

21 “(B) a description of any cause of action
22 or complaint filed against the organization that
23 was pending or settled during the preceding cal-
24 endar year; and

25 “(C) a detailed statement of—

1 “(i) the income and expenses of the
2 organization; and

3 “(ii) the amounts expended on sti-
4 pends, bonuses, and services for amateur
5 athletes, organized by the level and gender
6 of the amateur athletes;

7 “(18) commits to meeting any minimum stand-
8 ard or requirement set forth by the corporation; and

9 “(19) provides protection from retaliation to
10 protected individuals.”.

11 (c) GENERAL DUTIES OF NATIONAL GOVERNING
12 BODIES.—Section 220524 of title 36, United States Code,
13 is amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “For the sport” and inserting the following:

16 “(a) IN GENERAL.—For the sport”;

17 (2) in subsection (a), as so designated—

18 (A) in paragraph (8), by striking “; and”
19 and inserting a semicolon;

20 (B) in paragraph (9), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (C) by adding at the end the following:

23 “(10) develop 1 or more policies that prohibit
24 any individual who is an employee, contractor, or
25 agent of the national governing body from assisting

1 a member or former member in obtaining a new job
2 (except for the routine transmission of administra-
3 tive and personnel files) if the individual knows that
4 such member or former member violated the policies
5 or procedures of the Center related to sexual mis-
6 conduct or was convicted of a crime involving sexual
7 misconduct with a minor in violation of applicable
8 law or the policies or procedures of the Center;

9 “(11) promote a safe environment in sports
10 that is free from abuse of any amateur athlete, in-
11 cluding emotional, physical, and sexual abuse;

12 “(12) take care to promote a safe environment
13 in sports using information relating to any tem-
14 porary measure or sanction issued pursuant to the
15 authority of the Center;

16 “(13) immediately report to law enforcement
17 any allegation of child abuse of an amateur athlete
18 who is a minor; and

19 “(14) have in place policies and procedures to
20 report immediately any allegation of child abuse of
21 an amateur athlete, consistent with—

22 “(A) the policies and procedures developed
23 under subparagraph (C) of section
24 220541(a)(1); and

1 “(B) the requirement described in para-
2 graph (2)(A) of section 220542(a).”; and

3 (3) by adding at the end the following:

4 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to preempt or otherwise abrogate
6 the duty of care of a national governing body under State
7 law or the common law.”.

8 (d) ELIMINATION OF EXHAUSTION OF REMEDIES
9 REQUIREMENT.—Section 220527 of title 36, United
10 States Code, is amended—

11 (1) by striking subsection (b);

12 (2) in subsection (e), by striking “If the cor-
13 poration” and all that follows through “subsection
14 (b)(1) of this section, it” and inserting “The cor-
15 poration”; and

16 (3) by redesignating subsections (c) and (d) as
17 subsections (b) and (c), respectively.

18 (e) ARBITRATION OF CORPORATION DETERMINA-
19 TIONS.—Section 220529(a) of title 36, United States
20 Code, is amended by striking “any regional office of the
21 American Arbitration Association” and inserting “the ar-
22 bitration and mediation provider designated by the cor-
23 poration under section 220522(a)(4)”.

1 (f) ENSURE LIMITATIONS ON COMMUNICATIONS ARE
 2 INCLUDED IN LIMITATIONS ON INTERACTIONS.—Section
 3 220530(a) of title 36, United States Code, is amended—

4 (1) in paragraph (2), by inserting “, including
 5 communications,” after “interactions”; and

6 (2) in paragraph (4), by striking “makes” and
 7 all that follows through the period at the end and
 8 inserting the following: “makes—

9 “(A) a report under paragraph (1); or

10 “(B) any other report relating to abuse of
 11 any amateur athlete, including emotional, phys-
 12 ical, and sexual abuse.”.

13 **SEC. 8. MODIFICATIONS TO UNITED STATES CENTER FOR**
 14 **SAFESPORT.**

15 (a) DESIGNATION OF UNITED STATES CENTER FOR
 16 SAFESPORT.—

17 (1) IN GENERAL.—Section 220541 of title 36,
 18 United States Code, is amended—

19 (A) in the section heading by striking
 20 “**SAFE SPORT**” and inserting “**SAFESPORT**”;

21 (B) by amending subsection (a) to read as
 22 follows:

23 “(a) DUTIES OF CENTER.—

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

1 “(A) serve as the independent national safe
2 sport organization and be recognized worldwide
3 as the independent national safe sport organiza-
4 tion for the United States;

5 “(B) exercise jurisdiction over the corpora-
6 tion and each national governing body with re-
7 gard to safeguarding amateur athletes against
8 abuse, including emotional, physical, and sexual
9 abuse, in sports;

10 “(C) maintain an office for education and
11 outreach that shall develop training, oversight
12 practices, policies, and procedures to prevent
13 the abuse, including emotional, physical, and
14 sexual abuse, of amateur athletes participating
15 in amateur athletic activities through national
16 governing bodies;

17 “(D) maintain an office for response and
18 resolution that shall establish mechanisms that
19 allow for the reporting, investigation, and reso-
20 lution, pursuant to subsection (c), of alleged
21 sexual abuse in violation of the Center’s policies
22 and procedures;

23 “(E) ensure that the mechanisms under
24 subparagraph (D) provide fair notice and an

1 opportunity to be heard and protect the privacy
2 and safety of complainants;

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

5 “(i) ensure that the national gov-
6 erning bodies and the corporation imple-
7 ment and follow the policies and proce-
8 dures developed by the Center to prevent
9 and promptly report instances of abuse of
10 amateur athletes, including emotional,
11 physical, and sexual abuse; and

12 “(ii) establish mechanisms that allow
13 for the reporting and investigation of al-
14 leged violations of such policies and proce-
15 dures;

16 “(G) publish and maintain a publicly ac-
17 cessible internet website that contains a com-
18 prehensive list of adults who are barred by the
19 Center; and

20 “(H) ensure that any action taken by the
21 Center against an individual under the jurisdic-
22 tion of the Center, including an investigation,
23 the imposition of sanctions, and any other dis-
24 ciplinary action, is carried out in a manner

1 than provides procedural due process to the in-
2 dividual, including, at a minimum—

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

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

7 “(iii) an opportunity to be heard dur-
8 ing the investigation;

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

12 “(v) the ability to challenge, in a
13 hearing or through arbitration, interim
14 measures or sanctions imposed by the Cen-
15 ter.

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

18 “(A) to preclude the Center from imposing
19 interim measures or sanctions on an individual
20 before an opportunity for a hearing or arbitra-
21 tion;

22 “(B) to require the Center to meet a bur-
23 den of proof higher than the preponderance of
24 the evidence;

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

3 “(D) to render the Center a state actor.”;

4 (C) in subsection (b), by striking “sub-
5 section (a)(3)” and inserting “subsection
6 (a)(1)(C)”;

7 (D) in subsection (d), as amended by sec-
8 tion 7(a)(2)—

9 (i) in paragraph (3), by inserting after
10 subparagraph (B) the following:

11 “(C) the corporation;”;

12 (ii) by redesignating paragraph (3) as
13 paragraph (4); and

14 (iii) by inserting after paragraph (2)
15 the following:

16 “(3) REMOVAL TO FEDERAL COURT.—

17 “(A) IN GENERAL.—Any civil action
18 brought in a State court against the Center re-
19 lating to the responsibilities of the Center under
20 this section, section 220542, or section 220543,
21 shall be removed, on request by the Center, to
22 the district court of the United States in the
23 district in which the action was brought, and
24 such district court shall have original jurisdic-
25 tion over the action without regard to the

1 amount in controversy or the citizenship of the
2 parties involved.

3 “(B) RULE OF CONSTRUCTION.—Nothing
4 in this chapter shall be construed to create a
5 private right of action.”; and

6 (E) by adding at the end the following:

7 “(e) TRAINING MATERIALS.—The office for edu-
8 cation and outreach referred to in subsection (a)(1)(C)
9 shall—

10 “(1) develop training materials for specific au-
11 diences, including coaches, trainers, doctors, young
12 children, adolescents, adults, and individuals with
13 disabilities; and

14 “(2) not less frequently than every 3 years, up-
15 date such training materials.

16 “(f) INDEPENDENCE.—

17 “(1) PROHIBITION WITH RESPECT TO FORMER
18 EMPLOYEES AND BOARD MEMBERS.—A former em-
19 ployee or board member of the corporation or a na-
20 tional governing body shall not work or volunteer at
21 the Center during the 2-year period beginning on
22 the date on which the former employee or board
23 member ceases employment with the corporation or
24 national governing body.

1 “(2) ATHLETES SERVING ON BOARD OF DIREC-
2 TORS OF NATIONAL GOVERNING BODY.—

3 “(A) IN GENERAL.—An athlete serving on
4 the board of directors of a national governing
5 body who is not otherwise employed by the na-
6 tional governing body, may volunteer at, or
7 serve in an advisory capacity to, the Center.

8 “(B) INELIGIBILITY FOR EMPLOYMENT.—
9 An athlete who has served on the board of di-
10 rectors of a national governing body shall not
11 be eligible for employment at the Center during
12 the 2-year period beginning on the date on
13 which the athlete ceases to serve on such board
14 of directors.

15 “(3) CONFLICTS OF INTEREST.—An executive
16 or attorney for the Center shall be considered to
17 have an inappropriate conflict of interest if the exec-
18 utive or attorney also represents the corporation or
19 a national governing body.

20 “(4) INVESTIGATIONS.—

21 “(A) IN GENERAL.—The corporation and
22 the national governing bodies shall not interfere
23 in, or attempt to influence the outcome of, an
24 investigation.

1 “(B) REPORT.—In the case of an attempt
2 to interfere in, or influence the outcome of, an
3 investigation, not later than 72 hours after such
4 attempt, the Center shall submit to the Com-
5 mittee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on En-
7 ergy and Commerce of the House of Represent-
8 atives a report describing the attempt.

9 “(C) WORK PRODUCT.—

10 “(i) IN GENERAL.—Any decision, re-
11 port, memorandum, work product, notes,
12 or case file of the Center—

13 “(I) shall be confidential; and

14 “(II) shall not be subject to dis-
15 covery, subpoena, or any other means
16 of legal compulsion in any civil action
17 in which the Center is not a party to
18 the action.

19 “(ii) RULE OF CONSTRUCTION.—

20 Nothing in this subparagraph shall be con-
21 strued to prohibit the Center from pro-
22 viding work product described in clause (i)
23 to a law enforcement agency for the pur-
24 pose of assisting in a criminal investiga-
25 tion.

1 “(g) FUNDING.—

2 “(1) MANDATORY PAYMENTS.—

3 “(A) FISCAL YEAR 2020.—Not later than
4 30 days after the date of the enactment of this
5 subsection, the corporation shall make a man-
6 datory payment of \$20,000,000 to the Center
7 for operating costs of the Center for fiscal year
8 2020.

9 “(B) SUBSEQUENT FISCAL YEARS.—Begin-
10 ning on January 1, 2020, the corporation shall
11 make a mandatory payment of \$20,000,000 to
12 the Center on January 1 each year for oper-
13 ating costs of the Center.

14 “(2) FUNDS FROM NATIONAL GOVERNING BOD-
15 IES.—The corporation may use funds received from
16 1 or more national governing bodies to make a man-
17 datory payment required by paragraph (1).

18 “(3) FAILURE TO COMPLY.—

19 “(A) IN GENERAL.—The Center may file a
20 lawsuit to compel payment under paragraph
21 (1).

22 “(B) PENALTY.—For each day of late or
23 incomplete payment of a mandatory payment
24 under paragraph (1) after January 1 of the ap-
25 plicable year, the Center shall be allowed to re-

1 cover from the corporation an additional
2 \$20,000.

3 “(4) ACCOUNTABILITY.—

4 “(A) IN GENERAL.—Amounts transferred
5 to the Center by the corporation or a national
6 governing body shall be used, in accordance
7 with section 220503(15), primarily for the pur-
8 pose of carrying out the duties and require-
9 ments under sections 220541 through 220543
10 with respect to the investigation and resolution
11 of allegations of sexual misconduct, or other
12 misconduct, made by amateur athletes.

13 “(B) USE OF FUNDS.—

14 “(i) IN GENERAL.—Of the amounts
15 made available to the Center by the cor-
16 poration or a national governing body in a
17 fiscal year for the purpose described in sec-
18 tion 220503(15)—

19 “(I) not less than 50 percent
20 shall be used for processing the inves-
21 tigation and resolution of allegations
22 described in subparagraph (A); and

23 “(II) not more than 10 percent
24 may be used for executive compensa-

1 tion of officers and directors of the
2 Center.

3 “(ii) RESERVE FUNDS.—

4 “(I) IN GENERAL.—If, after the
5 Center uses the amounts as allocated
6 under clause (i), the Center does not
7 use the entirety of the remaining
8 amounts for the purpose described in
9 subparagraph (A), the Center may re-
10 tain not more than 25 percent of such
11 amounts as reserve funds.

12 “(II) RETURN OF FUNDS.—The
13 Center shall return to the corporation
14 and national governing bodies any
15 amounts, proportional to the contribu-
16 tions of the corporation and national
17 governing bodies, that remain after
18 the retention described in subclause
19 (I).

20 “(iii) LOBBYING AND FUNDRAISING.—
21 Amounts made available to the Center
22 under this paragraph may not be used for
23 lobbying or fundraising expenses.

24 “(h) COMPLIANCE AUDITS.—

1 “(1) IN GENERAL.—Not less frequently than
2 annually, the Center shall carry out an audit of the
3 corporation and each national governing body—

4 “(A) to assess compliance with policies and
5 procedures developed under this subchapter;
6 and

7 “(B) to ensure that consistent training re-
8 lating to the prevention of child abuse is pro-
9 vided to all staff of the corporation and national
10 governing bodies who are in regular contact
11 with amateur athletes and members who are
12 minors subject to parental consent.

13 “(2) CORRECTIVE MEASURES.—

14 “(A) IN GENERAL.—The Center may im-
15 pose on the corporation or a national governing
16 body a corrective measure to achieve compliance
17 with the policies and procedures developed
18 under this subchapter or the training require-
19 ment described in paragraph (1)(B).

20 “(B) INCLUSIONS.—A corrective measure
21 imposed under subparagraph (A) may include
22 the implementation of an athlete safety pro-
23 gram or specific policies, additional compliance
24 audits or training, and the imposition of a pro-
25 bationary period.

1 “(C) ENFORCEMENT.—

2 “(i) IN GENERAL.—On request by the
3 Center, the corporation shall—

4 “(I) enforce any corrective meas-
5 ure required under subparagraph (A);
6 and

7 “(II) report the status of enforce-
8 ment with respect to a national gov-
9 erning body within a reasonable time-
10 frame.

11 “(ii) METHODS.—The corporation
12 may enforce a corrective measure through
13 any means available to the corporation, in-
14 cluding by withholding funds from a na-
15 tional governing body, limiting the partici-
16 pation of the national governing body in
17 corporation events, and decertifying a na-
18 tional governing body.

19 “(iii) EFFECT OF NONCOMPLIANCE.—
20 If the corporation fails to enforce a correc-
21 tive measure within 72 hours of a request
22 under clause (i), the Center may submit to
23 the Committee on Commerce, Science, and
24 Transportation of the Senate and the
25 Committee on Energy and Commerce of

1 the House of Representatives a report de-
2 scribing the noncompliance.

3 “(3) ANNUAL REPORT.—

4 “(A) IN GENERAL.—Not less frequently
5 than annually, the Center shall submit to Con-
6 gress a report on the findings of the audit
7 under paragraph (1) for the preceding year and
8 the status of any corrective measures imposed
9 as a result of the audit.

10 “(B) PUBLIC AVAILABILITY.—

11 “(i) IN GENERAL.—Each report under
12 subparagraph (A) shall be made available
13 to the public.

14 “(ii) PERSONALLY IDENTIFIABLE IN-
15 FORMATION.—A report made available to
16 the public shall not include the personally
17 identifiable information of any individual.

18 “(i) REPORTS TO CORPORATION.—Not later than 30
19 days after the end of each calendar quarter that begins
20 after the date of the enactment of the Empowering Olym-
21 pic, Paralympic, and Amateur Athletes Act of 2020, the
22 Center shall submit to the corporation a statement of the
23 following:

24 “(1) The number and nature of misconduct
25 complaints referred to the Center, by sport.

1 “(2) The number and type of pending mis-
2 conduct complaints under investigation by the Cen-
3 ter.

4 “(3) The number of misconduct complaints for
5 which an investigation was terminated or otherwise
6 closed by the Center.

7 “(4) The number of such misconduct com-
8 plaints reported to law enforcement agencies by the
9 Center for further investigation.

10 “(5) The number of discretionary cases accept-
11 ed or declined by the Center, by sport.

12 “(6) The average time required for resolution of
13 such cases and misconduct complaints.

14 “(7) Information relating to the educational ac-
15 tivities and trainings conducted by the office of edu-
16 cation and outreach of the Center during the pre-
17 ceding quarter, including the number of educational
18 activities and trainings developed and provided.

19 “(j) CERTIFICATIONS OF INDEPENDENCE.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the end of a fiscal year, the Comptroller Gen-
22 eral of the United States shall make available to the
23 public a certification relating to the Center’s inde-
24 pendence from the corporation.

1 “(2) ELEMENTS.—A certification required by
2 paragraph (1) shall include the following:

3 “(A) A finding of whether a violation of a
4 prohibition on employment of former employees
5 or board members of the corporation under sub-
6 section (f) has occurred during the year pre-
7 ceding the certification.

8 “(B) A finding of whether an executive or
9 attorney for the Center has had an inappro-
10 priate conflict of interest during that year.

11 “(C) A finding of whether the corporation
12 has interfered in, or attempted to influence the
13 outcome of, an investigation by the Center.

14 “(D) Any recommendations of the Comp-
15 troller General for resolving any potential risks
16 to the Center’s independence from the corpora-
17 tion.

18 “(3) AUTHORITY OF COMPTROLLER GEN-
19 ERAL.—

20 “(A) IN GENERAL.—The Comptroller Gen-
21 eral may take such reasonable steps as, in the
22 view of the Comptroller General, are necessary
23 to be fully informed about the operations of the
24 corporation and the Center.

1 “(B) SPECIFIC AUTHORITIES.—The Comp-
2 troller General shall have—

3 “(i) access to, and the right to make
4 copies of, any and all nonprivileged books,
5 records, accounts, correspondence, files, or
6 other documents or electronic records, in-
7 cluding emails, of officers, agents, and em-
8 ployees of the Center or the corporation;
9 and

10 “(ii) the right to interview any officer,
11 employee, agent, or consultant of the Cen-
12 ter or the corporation.

13 “(C) TREATMENT OF PRIVILEGED INFOR-
14 MATION.—If, under this subsection, the Comp-
15 troller General seeks access to information con-
16 tained within privileged documents or materials
17 in the possession of the Center or the corpora-
18 tion, the Center or the corporation, as the case
19 may be, shall, to the maximum extent prac-
20 ticable, provide the Comptroller General with
21 the information without compromising the ap-
22 plicable privilege.”.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENTS.—

1 (A) Subchapter IV of chapter 2205 of title
 2 36, United States Code, as redesignated by sec-
 3 tion 5(a)(1), is amended in the subchapter
 4 heading by striking “SAFE SPORT” and in-
 5 serting “SAFESPORT”.

6 (B) The table of sections for chapter 2205
 7 of title 36, United States Code, is amended by
 8 striking the item relating to section 220541 and
 9 inserting the following:

“220541. Designation of United States Center for SafeSport.”.

10 (b) ADDITIONAL DUTIES OF CENTER.—Section
 11 220542 of title 36, United States Code, is amended—

12 (1) in the section heading, by striking the pe-
 13 riod at the end; and

14 (2) in subsection (a)—

15 (A) in paragraph (1), by striking “; and”
 16 and inserting a semicolon; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking
 19 clauses (i) and (ii) and inserting the fol-
 20 lowing:

21 “(i) law enforcement consistent with
 22 section 226 of the Victims of Child Abuse
 23 Act of 1990 (34 U.S.C. 20341); and

24 “(ii) the Center, whenever such mem-
 25 bers or adults learn of facts leading them

1 to suspect reasonably that an amateur ath-
2 lete who is a minor has suffered an inci-
3 dent of child abuse;”;

4 (ii) by redesignating subparagraphs
5 (B) through (F) as subparagraphs (E)
6 through (I), respectively;

7 (iii) by inserting after subparagraph
8 (A) the following:

9 “(B) a requirement that the Center shall
10 immediately report to law enforcement con-
11 sistent with section 226 of the Victims of Child
12 Abuse Act of 1990 (34 U.S.C. 20341) any alle-
13 gation of child abuse of an amateur athlete who
14 is a minor, including any report of such abuse
15 submitted to the Center by a minor or by any
16 person who is not otherwise required to report
17 such abuse;

18 “(C) 1 or more policies that prohibit any
19 individual who is an employee, contractor, or
20 agent of the Center from assisting a member or
21 former member in obtaining a new job (except
22 for the routine transmission of administrative
23 and personnel files) if the individual knows that
24 such member or former member violated the
25 policies or procedures of the Center related to

1 sexual misconduct or was convicted of a crime
2 involving sexual misconduct with a minor in vio-
3 lation of applicable law;

4 “(D) a requirement that the Center, in-
5 cluding any officer, agent, attorney, or staff
6 member of the Center, shall not take any action
7 to notify an alleged perpetrator of abuse of an
8 amateur athlete of any ongoing investigation or
9 accusation unless—

10 “(i) the Center has reason to believe
11 an imminent hazard will result from failing
12 to so notify the alleged perpetrator; or

13 “(ii) law enforcement—

14 “(I) authorizes the Center to
15 take such action; or

16 “(II) declines or fails to act on,
17 or fails to respond to the Center with
18 respect to, the allegation within 72
19 hours after the time at which the Cen-
20 ter reports to law enforcement under
21 subparagraph (B);”;

22 (iv) in subparagraph (F), as so reded-
23 icated, by inserting “, including commu-
24 nications,” after “interactions”;

1 (v) by amending subparagraph (G), as
2 so redesignated, to read as follows:

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

6 “(i) a report under subparagraph (A)
7 or (E); or

8 “(ii) any other report relating to
9 abuse of any amateur athlete, including
10 emotional, physical, and sexual abuse;”;

11 (vi) in subparagraph (H), as so reded-
12 igned, by striking “; and” and inserting
13 a semicolon;

14 (vii) in subparagraph (I), as so reded-
15 igned, by striking the period at the end
16 of clause (ii) and inserting a semicolon;
17 and

18 (viii) by adding at the end the fol-
19 lowing:

20 “(J) a prohibition on the use in a decision
21 of the Center under section 220541(a)(1)(D) of
22 any evidence relating to other sexual behavior
23 or the sexual predisposition of the alleged vic-
24 tim, or the admission of any such evidence in
25 arbitration, unless the probative value of the

1 use or admission of such evidence, as deter-
2 mined by the Center or the arbitrator, as appli-
3 cable, substantially outweighs the danger of—

4 “(i) any harm to the alleged victim;

5 and

6 “(ii) unfair prejudice to any party;

7 and

8 “(K) training for investigators on appro-
9 priate methods and techniques for ensuring sen-
10 sitivity toward alleged victims during interviews
11 and other investigative activities.”.

12 (c) RECORDS, AUDITS, AND REPORTS.—Section
13 220543 of title 36, United States Code, is amended—

14 (1) by striking subsection (b) and inserting the
15 following:

16 “(b) AUDITS AND TRANSPARENCY.—

17 “(1) ANNUAL AUDIT.—

18 “(A) IN GENERAL.—Not less frequently
19 than annually, the financial statements of the
20 Center for the preceding fiscal year shall be au-
21 dited by an independent auditor in accordance
22 with generally accepted accounting principles—

23 “(i) to ensure the adequacy of the in-
24 ternal controls of the Center; and

1 “(ii) to prevent waste, fraud, or mis-
2 use of funds transferred to the Center by
3 the corporation or the national governing
4 bodies.

5 “(B) LOCATION.—An audit under sub-
6 paragraph (A) shall be conducted at the loca-
7 tion at which the financial statements of the
8 Center normally are kept.

9 “(C) REPORT.—Not later than 180 days
10 after the date on which an audit under sub-
11 paragraph (A) is completed, the independent
12 auditor shall issue an audit report.

13 “(D) CORRECTIVE ACTION PLAN.—

14 “(i) IN GENERAL.—On completion of
15 the audit report under subparagraph (C)
16 for a fiscal year, the Center shall prepare,
17 in a separate document, a corrective action
18 plan that responds to any corrective action
19 recommended by the independent auditor.

20 “(ii) MATTERS TO BE INCLUDED.—A
21 corrective action plan under clause (i) shall
22 include the following for each such correc-
23 tive action:

24 “(I) The name of the person re-
25 sponsible for the corrective action.

1 “(II) A description of the
2 planned corrective action.

3 “(III) The anticipated completion
4 date of the corrective action.

5 “(IV) In the case of a rec-
6 ommended corrective action based on
7 a finding in the audit report with
8 which the Center disagrees, or for
9 which the Center determines that cor-
10 rective action is not required, an ex-
11 planation and a specific reason for
12 noncompliance with the recommenda-
13 tion.

14 “(2) ACCESS TO RECORDS AND PERSONNEL.—
15 With respect to an audit under paragraph (1), the
16 Center shall provide the independent auditor access
17 to all records, documents, and personnel and finan-
18 cial statements of the Center necessary to carry out
19 the audit.

20 “(3) PUBLIC AVAILABILITY.—

21 “(A) IN GENERAL.—The Center shall
22 make available to the public on an easily acces-
23 sible internet website of the Center—

24 “(i) each audit report under para-
25 graph (1)(C);

1 “(ii) the Internal Revenue Service
2 Form 990 of the Center for each year,
3 filed under section 501(c) of the Internal
4 Revenue Code of 1986; and

5 “(iii) the minutes of the quarterly
6 meetings of the board of directors of the
7 Center.

8 “(B) PERSONALLY IDENTIFIABLE INFOR-
9 MATION.—An audit report or the minutes made
10 available under subparagraph (A) shall not in-
11 clude the personally identifiable information of
12 any individual.

13 “(4) RULE OF CONSTRUCTION.—For purposes
14 of this subsection, the Center shall be considered a
15 private entity.

16 “(c) REPORT.—The Center shall submit an annual
17 report to Congress, including—

18 “(1) a strategic plan with respect to the man-
19 ner in which the Center shall fulfill its duties under
20 sections 220541 and 220542;

21 “(2) a detailed description of the efforts made
22 by the Center to comply with such strategic plan
23 during the preceding year;

1 “(3) any financial statement necessary to
2 present fairly the assets, liabilities, and surplus or
3 deficit of the Center for the preceding year;

4 “(4) an analysis of the changes in the amounts
5 of such assets, liabilities, and surplus or deficit dur-
6 ing the preceding year;

7 “(5) a detailed description of Center activities,
8 including—

9 “(A) the number and nature of misconduct
10 complaints referred to the Center;

11 “(B) the total number and type of pending
12 misconduct complaints under investigation by
13 the Center;

14 “(C) the number of misconduct complaints
15 for which an investigation was terminated or
16 otherwise closed by the Center; and

17 “(D) the number of such misconduct com-
18 plaints reported to law enforcement agencies by
19 the Center for further investigation;

20 “(6) a detailed description of any complaint of
21 retaliation made during the preceding year by an of-
22 ficer or employee of the Center or a contractor or
23 subcontractor of the Center that includes—

24 “(A) the number of such complaints; and

25 “(B) the outcome of each such complaint;

1 “(7) information relating to the educational ac-
2 tivities and trainings conducted by the office of edu-
3 cation and outreach of the Center during the pre-
4 ceding year, including the number of educational ac-
5 tivities and trainings developed and provided; and

6 “(8) a description of the activities of the Cen-
7 ter.

8 “(d) DEFINITIONS.—In this section—

9 “(1) ‘audit report’ means a report by an inde-
10 pendent auditor that includes—

11 “(A) an opinion or a disclaimer of opinion
12 that presents the assessment of the independent
13 auditor with respect to the financial records of
14 the Center, including whether such records are
15 accurate and have been maintained in accord-
16 ance with generally accepted accounting prin-
17 ciples;

18 “(B) an assessment of the internal controls
19 used by the Center that describes the scope of
20 testing of the internal controls and the results
21 of such testing; and

22 “(C) a compliance assessment that in-
23 cludes an opinion or a disclaimer of opinion as
24 to whether the Center has complied with the
25 terms and conditions of subsection (b); and

1 of a national governing body, as defined in that
 2 section, under section 220521 of that title.”.

3 **SEC. 10. ENHANCED CHILD ABUSE REPORTING.**

4 Section 226(c)(9) of the Victims of Child Abuse Act
 5 of 1990 (34 U.S.C. 20341(c)(9)) is amended—

6 (1) by striking “adult who is authorized” and
 7 inserting the following: “adult who—

8 “(A) is authorized”;

9 (2) in subparagraph (A), as so designated, by
 10 inserting “or” after the semicolon at the end; and

11 (3) by adding at the end the following:

12 “(B) is an employee or representative of
 13 the United States Center for SafeSport;”.

14 **SEC. 11. COMMISSION ON THE STATE OF U.S. OLYMPICS**
 15 **AND PARALYMPICS.**

16 (a) ESTABLISHMENT.—There is established within
 17 the legislative branch a commission, to be known as the
 18 “Commission on the State of U.S. Olympics and
 19 Paralympics” (referred to in this section as the “Commis-
 20 sion”).

21 (b) COMPOSITION.—

22 (1) IN GENERAL.—The Commission shall be
 23 composed of 16 members, of whom—

1 (A) 4 members shall be appointed by the
2 chairman of the Committee on Commerce,
3 Science, and Transportation of the Senate;

4 (B) 4 members shall be appointed by the
5 ranking member of the Committee on Com-
6 merce, Science, and Transportation of the Sen-
7 ate;

8 (C) 4 members shall be appointed by the
9 chairman of the Committee on Energy and
10 Commerce of the House of Representatives; and

11 (D) 4 members shall be appointed by the
12 ranking member of the Committee on Energy
13 and Commerce of the House of Representatives.

14 (2) CO-CHAIRS.—Of the members of the Com-
15 mission—

16 (A) 1 co-chair shall be designated by the
17 chairman of the Committee on Commerce,
18 Science, and Transportation of the Senate; and

19 (B) 1 co-chair shall be designated by the
20 chairman of the Committee on Energy and
21 Commerce of the House of Representatives.

22 (3) QUALIFICATIONS.—

23 (A) IN GENERAL.—Each member ap-
24 pointed to the Commission shall have the fol-
25 lowing qualifications:

1 (i) Experience in 1 or more of the fol-
 2 lowing:

3 (I) Amateur, Olympic and
 4 Paralympic, or professional athletics.

5 (II) Elite athletic coaching.

6 (III) Public service relating to
 7 sports.

8 (IV) Professional advocacy for in-
 9 creased minority participation in
 10 sports.

11 (V) Olympic and Paralympic
 12 sports administration or professional
 13 sports administration.

14 (ii) Expertise in bullying prevention
 15 and the promotion of a healthy organiza-
 16 tional culture.

17 (B) OLYMPIC OR PARALYMPIC ATH-
 18 LETES.—Not fewer than 8 members appointed
 19 under paragraph (1) shall be current or former
 20 Olympic or Paralympic athletes.

21 (c) INITIAL MEETING.—Not later than 30 days after
 22 the date on which the last member is appointed under
 23 paragraph (1), the Commission shall hold an initial meet-
 24 ing.

1 (d) QUORUM.—11 members of the Commission shall
2 constitute a quorum.

3 (e) NO PROXY VOTING.—Proxy voting by members
4 of the Commission shall be prohibited.

5 (f) STAFF.—The co-chairs of the Commission shall
6 appoint an executive director of the Commission, and such
7 staff as appropriate, with compensation.

8 (g) PUBLIC HEARINGS.—The Commission shall hold
9 1 or more public hearings.

10 (h) TRAVEL EXPENSES.—Members of the Commis-
11 sion shall serve without pay, but shall receive travel ex-
12 penses in accordance with sections 5702 and 5703 of title
13 5, United States Code.

14 (i) DUTIES OF COMMISSION.—

15 (1) STUDY.—

16 (A) IN GENERAL.—The Commission shall
17 conduct a study on matters relating to the state
18 of United States participation in the Olympic
19 and Paralympic Games.

20 (B) MATTERS STUDIED.—The study under
21 subparagraph (A) shall include—

22 (i) a review of the most recent re-
23 forms undertaken by the United States
24 Olympic and Paralympic Committee;

- 1 (ii) a description of proposed reforms
2 to the structure of the United States
3 Olympic and Paralympic Committee;
- 4 (iii) an assessment as to whether the
5 board of directors of the United States
6 Olympic and Paralympic Committee in-
7 cludes diverse members, including athletes;
- 8 (iv) an assessment of United States
9 athlete participation levels in the Olympic
10 and Paralympic Games;
- 11 (v) a description of the status of any
12 United States Olympic and Paralympic
13 Committee licensing arrangement;
- 14 (vi) an assessment as to whether the
15 United States is achieving the goals for the
16 Olympic and Paralympic Games set by the
17 United States Olympic and Paralympic
18 Committee;
- 19 (vii) an analysis of the participation in
20 amateur athletics of—
- 21 (I) women;
22 (II) disabled individuals; and
23 (III) minorities;
- 24 (viii) a description of ongoing efforts
25 by the United States Olympic and

1 Paralympic Committee to recruit the
2 Olympic and Paralympic Games to the
3 United States;

4 (ix) an evaluation of the functions of
5 the national governing bodies (as defined
6 in section 220501 of title 36, United
7 States Code) and an analysis of the re-
8 sponsiveness of the national governing bod-
9 ies to athletes with respect to the duties of
10 the national governing bodies under section
11 220524(a)(3) of title 36, United States
12 Code; and

13 (x) an assessment of the finances and
14 the financial organization of the United
15 States Olympic and Paralympic Com-
16 mittee.

17 (2) REPORT.—

18 (A) IN GENERAL.—Not later than 270
19 days after the date of the enactment of this
20 Act, the Commission shall submit to Congress
21 a report on the results of the study conducted
22 under paragraph (1), including a detailed state-
23 ment of findings, conclusions, recommendations,
24 and suggested policy changes.

1 (B) PUBLIC AVAILABILITY.—The report
2 required by subparagraph (A) shall be made
3 available to the public on an internet website of
4 the United States Government that is available
5 to the public.

6 (j) POWERS OF COMMISSION.—

7 (1) SUBPOENA AUTHORITY.—The Commission
8 may subpoena an individual the testimony of whom
9 may be relevant to the purpose of the Commission.

10 (2) FURNISHING INFORMATION.—On request by
11 the executive director of the Commission, the head
12 of a Federal agency shall furnish information to the
13 Commission.

14 (k) TERMINATION OF COMMISSION.—The Commis-
15 sion shall terminate 90 days after the date on which the
16 Commission submits the report under subsection (i)(2).

17 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated such sums as may be nec-
19 essary to carry out this section.

20 **SEC. 12. SEVERABILITY.**

21 If any provision of this Act, or an amendment made
22 by this Act, is determined to be unenforceable or invalid,

- 1 the remaining provisions of this Act and the amendments
- 2 made by this Act shall not be affected.

Passed the Senate August 4, 2020.

Attest:

Secretary.

116TH CONGRESS
2^D SESSION
S. 2330

AN ACT

To amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.