

Calendar No. 503116TH CONGRESS
2^D SESSION**S. 2330****[Report No. 116-245]**

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.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2019

Mr. MORAN (for himself, Mr. BLUMENTHAL, Ms. ERNST, Mrs. SHAHEEN, Ms. CORTEZ MASTO, Mrs. CAPITO, Ms. HARRIS, Mr. KENNEDY, Ms. MCSALLY, Ms. SINEMA, Ms. COLLINS, Ms. ROSEN, Ms. MURKOWSKI, Mr. GARDNER, Mr. PETERS, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 29, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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 and Amateur Athletes Act of 2019”.

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 duties 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. UNITED STATES OLYMPIC AND PARALYMPIC COM-**
 19 **MITTEE.**

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

22 (1) in section 220501(b)(6), by striking
 23 “United States Olympic Committee” and inserting
 24 “United States Olympic and Paralympic Com-
 25 mittee”;

1 (1) by redesignating the second subchapter des-
 2 ignated as subchapter III (relating to the United
 3 States Center for Safe Sport), as added by section
 4 202 of the Protecting Young Victims from Sexual
 5 Abuse and Safe Sport Authorization Act of 2017
 6 (Public Law 115–126; 132 Stat. 320) as subchapter
 7 IV; and

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

9 “SUBCHAPTER V—DISSOLUTION OF BOARD OF
 10 DIRECTORS OF CORPORATION AND TERMI-
 11 NATION OF RECOGNITION OF NATIONAL
 12 GOVERNING BODIES

13 **“§ 220551. Definitions**

14 “‘In this subchapter, the term ‘joint resolution’ means
 15 a joint resolution—

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

17 “(2) for which—

18 “(A)(i) the title is only as follows: ‘A joint
 19 resolution to dissolve the board of directors of
 20 the United States Olympic and Paralympic
 21 Committee’; and

22 “(ii) the matter after the resolving
 23 clause—

24 “(I) is as follows: ‘That Congress
 25 finds that dissolving the board of directors

1 of the United States Olympic and
2 Paralympic Committee would not unduly
3 interfere with the operations of chapter
4 2205 of title 36, United States Code'; and

5 “(H) prescribes adequate procedures
6 for forming a board of directors of the cor-
7 poration with all reasonable expediency
8 and in a manner that safeguards the vot-
9 ing power of the representatives of ama-
10 teur athletes at all times; or

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

14 “(ii) the matter after the resolving clause
15 is only as follows: ‘That Congress determines
16 that _____; which is recognized
17 as a national governing body under section
18 220521 of title 36, United States Code, has
19 failed to fulfill its duties, as described in section
20 220524 of title 36, United States Code’, the
21 blank space being filled in with the name of the
22 applicable national governing body.

1 **“§ 220552. Dissolution of board of directors of cor-**
 2 **poration and termination of recognition**
 3 **of national governing bodies**

4 “(a) DISSOLUTION OF BOARD OF DIRECTORS OF
 5 CORPORATION.—Effective on the date of enactment of a
 6 joint resolution described in section 220551(2)(A) with re-
 7 spect to the board of directors of the corporation, such
 8 board of directors shall be dissolved.

9 “(b) TERMINATION OF RECOGNITION OF NATIONAL
 10 GOVERNING BODY.—Effective on the date of enactment
 11 of a joint resolution described in section 220551(2)(B)
 12 with respect to a national governing body, the recognition
 13 of the applicable amateur sports organization as a national
 14 governing body shall cease to have force or effect.

15 **“§ 220553. Joint resolution**

16 “(a) REFERRAL AND REPORTING.—

17 “(1) HOUSE OF REPRESENTATIVES.—

18 “(A) IN GENERAL.—In the House of Rep-
 19 resentatives, a joint resolution shall be referred
 20 to the Committee on Energy and Commerce.

21 “(B) DISCHARGE.—The Committee on En-
 22 ergy and Commerce shall be discharged from
 23 further consideration of a joint resolution and
 24 the joint resolution shall be referred to the ap-
 25 propriate calendar on the date on which not less
 26 than three-fifths of the Members of the House

1 of Representatives, duly chosen and sworn, are
2 listed as cosponsors of the joint resolution.

3 “(C) LIMITATION ON CONSIDERATION.—

4 Except as provided in subsection (c)(1), it shall
5 not be in order for the House of Representa-
6 tives to consider a joint resolution unless—

7 “(i) the joint resolution is reported by
8 the Committee on Energy and Commerce;
9 or

10 “(ii) the Committee on Energy and
11 Commerce is discharged from further con-
12 sideration of the joint resolution under
13 subparagraph (B).

14 “(2) SENATE.—

15 “(A) IN GENERAL.—In the Senate, a joint
16 resolution shall be referred to the Committee on
17 Commerce, Science, and Transportation.

18 “(B) DISCHARGE.—The Committee on
19 Commerce, Science, and Transportation shall
20 be discharged from further consideration of the
21 joint resolution and the joint resolution shall be
22 referred to the appropriate calendar on the date
23 on which not less than three-fifths of the Mem-
24 bers of the Senate, duly chosen and sworn, are
25 listed as cosponsors of the joint resolution.

1 “(C) LIMITATION ON CONSIDERATION.—

2 Except as provided in subsection (e)(1), it shall
3 not be in order for the Senate to consider a
4 joint resolution unless—

5 “(i) the joint resolution is reported by
6 the Committee on Commerce, Science, and
7 Transportation; or

8 “(ii) the Committee on Commerce,
9 Science, and Transportation is discharged
10 from further consideration of the joint res-
11 olution under subparagraph (B).

12 “(b) EXPEDITED CONSIDERATION IN HOUSE OF
13 REPRESENTATIVES.—

14 “(1) PROCEEDING TO CONSIDERATION.—After
15 the Committee on Energy and Commerce reports a
16 joint resolution to the House of Representatives or
17 has been discharged from its consideration in ac-
18 cordance with subsection (a)(1)(B), it shall be in
19 order to move to proceed to consider the joint reso-
20 lution in the House of Representatives. All points of
21 order against the motion are waived. Such a motion
22 shall not be in order after the House of Representa-
23 tives has disposed of a motion to proceed on a joint
24 resolution. The previous question shall be considered
25 as ordered on the motion to its adoption without in-

1 tervening motion. The motion is highly privileged in
2 the House of Representatives and is not debatable.
3 A motion to reconsider the vote by which the motion
4 is disposed of shall not be in order.

5 “(2) CONSIDERATION.—A joint resolution shall
6 be considered as read. All points of order against the
7 joint resolution and against its consideration are
8 waived. The previous question shall be considered as
9 ordered on the joint resolution to its final passage
10 without intervening motion except 2 hours of debate
11 equally divided and controlled by the proponent and
12 an opponent. A motion to reconsider the vote on
13 passage of the joint resolution shall not be in order.

14 “(e) EXPEDITED PROCEDURE IN SENATE.—

15 “(1) MOTION TO PROCEED.—Notwithstanding
16 rule XXII of the Standing Rules of the Senate, after
17 the Committee on Commerce, Science, and Trans-
18 portation reports a joint resolution to the Senate or
19 has been discharged from its consideration in ac-
20 cordance with subsection (a)(2)(B), it shall be in
21 order for any Member of the Senate to move to pro-
22 ceed to the consideration of the joint resolution. A
23 motion to proceed is in order even though a previous
24 motion to the same effect has been disagreed to. The
25 motion to proceed is not debatable. The motion is

1 not subject to a motion to postpone. A motion to re-
2 consider the vote by which the motion is agreed to
3 or disagreed to shall not be in order. If a motion to
4 proceed to the consideration of the joint resolution
5 is agreed to, the joint resolution shall remain the un-
6 finished business until disposed of.

7 “(2) CONSIDERATION.—Consideration of a joint
8 resolution, and on all debatable motions and appeals
9 in connection therewith, shall be limited to not more
10 than 10 hours, which shall be divided equally be-
11 tween the Majority and Minority Leaders or their
12 designees. A motion further to limit debate is in
13 order and not debatable. A motion to postpone, a
14 motion to proceed to the consideration of other busi-
15 ness, or a motion to recommit the joint resolution is
16 not in order. Any debatable motion is debatable for
17 not to exceed 1 hour, to be divided equally between
18 those favoring and those opposing the motion. All
19 time used for consideration of the joint resolution,
20 including time used for quorum calls and voting,
21 shall be counted against the total 10 hours of con-
22 sideration.

23 “(3) VOTE ON PASSAGE.—If the Senate has
24 voted to proceed to a joint resolution, the vote on
25 passage of the joint resolution shall occur imme-

1 diately following the conclusion of consideration of
 2 the joint resolution, and a single quorum call at the
 3 conclusion of the consideration if requested in ac-
 4 cordance with the rules of the Senate.

5 “(4) RULINGS OF THE CHAIR ON PROCE-
 6 DURE.—Appeals from the decisions of the Chair re-
 7 lating to the application of the rules of the Senate
 8 to the procedure relating to a joint resolution shall
 9 be decided without debate.

10 “(d) AMENDMENTS NOT IN ORDER.—A joint resolu-
 11 tion shall not be subject to amendment in either the House
 12 of Representatives or the Senate.

13 “(e) RULES TO COORDINATE ACTION WITH OTHER
 14 HOUSE.—

15 “(1) TREATMENT OF JOINT RESOLUTION OF
 16 OTHER HOUSE.—

17 “(A) IN GENERAL.—If the Senate or
 18 House of Representatives fails to introduce or
 19 consider a joint resolution under this section,
 20 the joint resolution of the other House—

21 “(i) shall be entitled to expedited floor
 22 procedures described under this section;
 23 and

24 “(ii) may be referred in the receiving
 25 chamber or may be held at the desk.

1 “(B) POTENTIAL REFERRAL.—If a joint
2 resolution referred to a committee under sub-
3 paragraph (A)(ii) is cosponsored by not less
4 than three-fifths of the Members of the origi-
5 nating House, duly chosen and sworn, the com-
6 mittee shall report the joint resolution not later
7 than 20 days after the date on which the joint
8 resolution is referred to the committee.

9 “(2) VETOES.—If the President vetoes a joint
10 resolution, debate on a veto message in the Senate
11 under this section shall be 1 hour equally divided be-
12 tween the Majority and Minority leaders or their
13 designees.

14 “(f) RULEMAKING FUNCTION.—This section is en-
15 acted by Congress—

16 “(1) as an exercise of the rulemaking power of
17 the Senate and House of Representatives, respec-
18 tively, and as such it is deemed a part of the rules
19 of each House, respectively, but applicable only with
20 respect to the procedure to be followed in that
21 House in the case of a joint resolution, and it super-
22 sedes other rules only to the extent that it is incon-
23 sistent with such rules; and

24 “(2) with full recognition of the constitutional
25 right of either House to change the rules (so far as

1 relating to the procedure of that House) at any time,
 2 in the same manner, and to the same extent as in
 3 the case of any other rule of that House.”.

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

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

“SUBCHAPTER IV—UNITED STATES CENTER FOR SAFE SPORT”; AND

13 (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.

“220553. Joint resolution.”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on the date that is one year
 16 after the date of the enactment of this Act.

17 **SEC. 5. MODIFICATIONS TO UNITED STATES OLYMPIC AND**
 18 **PARALYMPIC COMMITTEE.**

19 (a) PURPOSES OF THE CORPORATION.—Section
 20 220503 of title 36, United States Code, is amended—

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

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

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

6 “(16) to exercise effective oversight of the na-
7 tional governing bodies with respect to the establish-
8 ment of a safe environment in sports that is free
9 from abuse, including emotional, physical, and sex-
10 ual abuse, of any amateur athlete.”.

11 (b) REPRESENTATION OF AMATEUR ATHLETES.—

12 Section 220504 of title 36, United States Code, is amend-
13 ed—

14 (1) in subsection (b)(2)—

15 (A) in the matter preceding subparagraph
16 (A), by striking “within the preceding 10
17 years”;

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

20 (C) in subparagraph (B)—

21 (i) by striking “20 percent” and in-
22 serting “1/3”; and

23 (ii) by inserting “, including any panel
24 empowered to resolve grievances” before
25 the semicolon;

1 (D) by redesignating subparagraph (B) as
2 subparagraph (D); and

3 (E) by inserting after subparagraph (A)
4 the following:

5 “(B) ensure that the chair of the Athletes’
6 Advisory Council holds voting power on the
7 board of directors of the corporation and in the
8 committees and entities of the corporation;

9 “(C) require that $\frac{1}{3}$ of the membership of
10 the board of directors of the corporation shall
11 be composed of, and elected by, such amateur
12 athletes; and”;

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

14 “(e) CONFLICT OF INTEREST.—An amateur athlete
15 who represents amateur athletes under subsection (b)(2)
16 shall not be employed by the Center during the 2-year pe-
17 riod beginning on the date on which the amateur athlete
18 ceases such representation.”.

19 (e) DUTY OF CARE.—

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

22 (A) in the section heading, by striking
23 “**Powers**” and inserting “**Powers and**
24 **duty of care**”; and

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

1 “(d) DUTY OF CARE.—

2 “(1) IN GENERAL.—The corporation owes to
3 amateur athletes a duty of care—

4 “(A) to ensure that each national gov-
5 erning body and paralympic sports organization
6 complies with the oversight practices, policies,
7 and procedures developed under paragraph (2)
8 of section 220541(a);

9 “(B) to immediately report to law enforce-
10 ment any allegation of child abuse of an ama-
11 teur athlete who is a minor;

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

17 “(i) the policies and procedures devel-
18 oped under paragraph (2) of section
19 220541(a); and

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

23 “(D) to ensure that each national gov-
24 erning body and paralympic sports organiza-
25 tions enforces temporary measures and sanc-

1 tions issued pursuant to the authority of the
2 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 duty of care.”.

11 (d) **POLICY WITH RESPECT TO ASSISTING MEMBER**
12 **OR FORMER MEMBER TO OBTAIN NEW JOBS.**—Section
13 220507 of title 36, United States Code, is amended by
14 adding at the end the following:

15 “(e) **POLICY WITH RESPECT TO ASSISTING MEM-**
16 **BERS OR FORMER MEMBERS IN OBTAINING NEW JOBS.**—
17 The corporation shall develop one or more policies that
18 prohibit any individual who is an employee, a contractor,
19 or an agent of the corporation from assisting a member
20 or former member in obtaining a new job, except the rou-
21 tine transmission of administrative and personnel files, if
22 the individual knows that such member or former member
23 engaged in sexual misconduct regarding a minor in viola-
24 tion of the law.”.

1 (e) OFFICE OF OMBUDSMAN.—Section 220509(b) of
2 title 36, United States Code, is amended—

3 (1) in the subsection heading, by striking “OM-
4 BUDSMAN” and inserting “OFFICE OF THE OM-
5 BUDSMAN”;

6 (2) in paragraph (2)—

7 (A) in subparagraph (A), by moving
8 clauses (i) through (iii) two ems to the right;

9 (B) by striking “(2) (A) The procedure”
10 and inserting the following:

11 “(2) HIRING PROCEDURES; VACANCY; TERMI-
12 NATION.—

13 “(A) HIRING PROCEDURES.—The proce-
14 dure”;

15 (C) in subparagraph (B)—

16 (i) by moving clauses (i) through (iii)
17 to ems to the right; and

18 (ii) by striking “(B) The corporation”
19 and inserting the following:

20 “(C) TERMINATION.—The corporation”;
21 and

22 (D) in the undesignated matter following
23 clause (iii) of subparagraph (A), by striking “If
24 there is” and inserting the following:

25 “(B) VACANCY.—If there is”;

1 (3) by redesignating paragraph (2) as para-
2 graph (3);

3 (4) in paragraph (1), in the matter preceding
4 subparagraph (A), by striking “(1) The corporation”
5 and all that follows through “who shall—” and in-
6 serting the following:

7 “(1) IN GENERAL.—The corporation shall hire
8 and provide salary, benefits, and administrative ex-
9 penses for an ombudsman and support staff for ath-
10 letes.

11 “(2) DUTIES.—The ombudsman shall—”;

12 (5) in paragraph (2), as so designated by para-
13 graph (4)—

14 (A) in subparagraph (B), by striking “;
15 and” and inserting a semicolon;

16 (B) by redesignating subparagraph (C) as
17 subparagraph (D); and

18 (C) by inserting after subparagraph (B)
19 the following:

20 “(C) provide independent advice to report-
21 ing parties with respect to—

22 “(i) the role, responsibility, and au-
23 thority of the Center;

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

1 “(iii) the factual allegations that may
2 support the ability of the Center to pursue
3 a claim of abuse; and”;

4 (6) by inserting after paragraph (3), as redesignated
5 by paragraph (3), the following:

6 “(4) CONFIDENTIALITY.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), the ombudsman shall main-
9 tain confidential any information communicated
10 or provided to the ombudsman in any matter
11 involving the exercise of the official duties of
12 the ombudsman.

13 “(B) EXCEPTION.—The ombudsman may
14 disclose information described in subparagraph
15 (A) as necessary to resolve or mediate a dis-
16 pute.

17 “(C) JUDICIAL AND ADMINISTRATIVE PRO-
18 CEEDINGS.—

19 “(i) IN GENERAL.—The ombudsman
20 shall not be compelled to testify or produce
21 evidence in any judicial or administrative
22 proceeding with respect to any matter in-
23 volving the exercise of the duties of the
24 ombudsman.

1 “(ii) WORK PRODUCT.—Any memo-
2 randum, work product, notes, or case file
3 of the office of the ombudsman—

4 “(I) shall be confidential; and

5 “(II) shall not be—

6 “(aa) subject to discovery,
7 subpoena, or any other means of
8 legal compulsion; or

9 “(bb) admissible as evidence
10 in a judicial or administrative
11 proceeding.

12 “(D) APPLICABILITY.—The confidentiality
13 requirements under this paragraph shall not
14 apply to information relating to—

15 “(i) applicable federally mandated re-
16 porting requirements;

17 “(ii) a felony personally witnessed by
18 a member of the office of the ombudsman;

19 “(iii) a situation, communicated to the
20 office of the ombudsman, in which an indi-
21 vidual is at imminent risk of serious harm;
22 or

23 “(iv) a congressional subpoena.

24 “(5) PROHIBITION ON RETALIATION.—An em-
25 ployee or a member of the corporation who has au-

1 thority to take, direct others to take, recommend, or
 2 approve any personnel action, shall not, with respect
 3 to such authority, take or threaten to take any ac-
 4 tion against any employee or member as a reprisal
 5 for disclosing information to the ombudsman or
 6 seeking assistance in mediation.

7 “(6) INDEPENDENCE IN CARRYING OUT DU-
 8 TIES.—The board of directors of the corporation or
 9 any other member or employee of the corporation
 10 shall not prevent or prohibit the ombudsman from
 11 carrying out any duty or responsibility under this
 12 section.”.

13 (f) REPORTS AND AUDITS.—

14 (1) IN GENERAL.—Section 220511 of title 36,
 15 United States Code, is amended—

16 (A) in the section heading, by striking
 17 “**Report**” and inserting “**Reports and au-**
 18 **dits**”;

19 (B) in subsection (a)—

20 (i) in the matter preceding paragraph

21 (1)—

22 (I) by striking “every fourth
 23 year” and inserting “annually”; and

24 (II) by striking “4 years” and in-
 25 serting “calendar year”;

1 (ii) by striking paragraph (1);
2 (iii) by redesignating paragraphs (2),
3 (3), and (4) as paragraphs (1), (2), and
4 (3), respectively;

5 (iv) in paragraph (1), as so redesignated,
6 by striking “such 4-year period”
7 and inserting “such calendar year”;

8 (v) in paragraph (2), as so redesignated,
9 by striking “; and” and inserting a
10 semicolon;

11 (vi) in paragraph (3), as so redesignated,
12 by striking the period at the end
13 and inserting a semicolon; and

14 (vii) by adding at the end the following:
15

16 “(4) a description of any lawsuit or grievance
17 filed against the corporation, including any dispute
18 initiated under this chapter; and

19 “(5) the agenda and minutes of any meeting of
20 the board of directors of the corporation.”; and

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

22 “(e) AUDIT.—

23 “(1) IN GENERAL.—Not less frequently than
24 annually, the financial statements of the corporation
25 for the preceding fiscal year shall be audited in ac-

1 eordance with generally accepted auditing standards
2 by—

3 “(A) an independent certified public ac-
4 countant; or

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

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

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

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

18 “(B) full access to any facility under audit
19 for the purpose of verifying transactions, in-
20 cluding any balance or security held by a depos-
21 itory, fiscal agent, or custodian.

22 “(4) REPORT.—

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

1 a report on the audit to the Committee on
2 Commerce, Science, and Transportation of the
3 Senate, the Committee on Energy and Com-
4 merce of the House of Representatives, and the
5 chair of the Athletes' Advisory Council.

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

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

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

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

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

23 “(v) A detailed statement of the
24 amounts allocated to the national gov-
25 erning bodies.

1 “(vi) Such comments and information
2 as the auditor considers necessary to in-
3 form Congress of the financial operations
4 and condition of the corporation.

5 “(vii) Recommendations relating to
6 the financial operations and condition of
7 the corporation.

8 “(C) FORM.—A report under this para-
9 graph may not be printed as a public document,
10 except as part of proceedings authorized to be
11 printed under section 1332 of title 44.”.

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

“220511. Reports and audits.”.

16 **SEC. 6. MODIFICATIONS TO NATIONAL GOVERNING BODIES.**

17 (a) CORPORATION RESPONSIBLE FOR OBLIGATIONS
18 OF NATIONAL GOVERNING BODIES.—Section 220521(d)
19 of title 36, United States Code, is amended by striking
20 “The corporation may review” and inserting “Not later
21 than 8 years after the date of the enactment of the Em-
22 powering Olympic and Amateur Athletes Act of 2019, and
23 not less frequently than once every 4 years thereafter, the
24 corporation shall review”.

1 (b) ELIGIBILITY REQUIREMENTS WITH RESPECT TO
2 GOVERNING BOARDS.—Section 220522(a) of title 36,
3 United States Code, is amended—

4 (1) by redesignating paragraphs (10) through
5 (15) as paragraphs (11) through (16), respectively;

6 (2) by inserting after paragraph (9) the fol-
7 lowing:

8 “(10) ensures that the selection criteria for in-
9 dividuals and teams that represent the United
10 States are as objective as possible;”;

11 (3) by striking paragraph (13), as so redesi-
12 gnated, and inserting the following:

13 “(13) demonstrates, based on guidelines ap-
14 proved by the corporation, the Athletes’ Advisory
15 Council, and the National Governing Bodies’ Coun-
16 cil, that—

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

21 “(i) are elected by amateur athletes;

22 and

23 “(ii) are actively engaged in amateur
24 athletic competition in the sport for which
25 recognition is sought;

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

3 “(i) the corporation; and

4 “(ii) the Athletes’ Advisory Council;
5 and

6 “(C) the voting power held by such individ-
7 uals is not less than $\frac{1}{3}$ of the voting power held
8 in its board of directors and other such gov-
9 erning boards;”;

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

12 (5) in paragraph (16), as so redesignated, by
13 striking the period at the end and inserting “; and”;
14 and

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

16 “(17) commits to meeting any minimum stand-
17 ard or requirement set forth by the corporation.”;

18 (c) GENERAL DUTIES OF NATIONAL GOVERNING
19 BODIES.—Section 220524 of title 36, United States Code,
20 is amended—

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

23 “(a) IN GENERAL.—For the sport”;

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

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

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

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

6 “(10) develop one or more policies that prohibit
7 any individual who is an employee, a contractor, or
8 an agent of the national governing body from assist-
9 ing a member or former member in obtaining a new
10 job, except from the routine transmission of admin-
11 istrative and personnel files, if the individual knows
12 that such member or former member engaged in
13 sexual misconduct regarding a minor in violation of
14 the law;

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

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

22 “(13) immediately report to law enforcement
23 any allegation of child abuse of an amateur athlete
24 who is a minor; and

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

4 “(A) the policies and procedures developed
5 under paragraph (3) of section 220541(a); and

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

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

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

13 (d) **ENSURE LIMITATIONS ON COMMUNICATIONS ARE**
14 **INCLUDED IN LIMITATIONS ON INTERACTIONS.**—Section
15 220530(a) of title 36, United States Code, is amended—

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

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

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

22 “(B) any other report relating to abuse of
23 any amateur athlete, including emotional, phys-
24 ical, and sexual abuse.”.

1 **SEC. 7. MODIFICATIONS TO UNITED STATES CENTER FOR**
2 **SAFE SPORT.**

3 (a) **LIST OF BARRED INDIVIDUALS.**—Section
4 220541(a) of title 36, United States Code, is amended—

5 (1) in paragraph (4), by striking “; and” and
6 inserting a semicolon;

7 (2) in paragraph (5), by striking the period at
8 the end and inserting “; and”; and

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

10 “(6) publish and maintain a publicly available
11 internet website that contains a comprehensive list
12 of individuals who are barred from the corporation
13 or a national governing body.”.

14 (b) **DEFINITION OF APPLICABLE ENTITY.**—Section
15 220541(d)(3) of title 36, United States Code, is amend-
16 ed—

17 (1) by redesignating subparagraphs (B)
18 through (G) as subparagraphs (C) through (H), re-
19 spectively;

20 (2) in subparagraph (G), as so redesignated, by
21 striking “or (E)” and inserting “(E), or (F)”; and

22 (3) by inserting after subparagraph (A) the fol-
23 lowing:

24 “(B) the corporation;”.

1 (e) TRAINING MATERIALS.—Section 220541 of title
 2 36, United States Code, is amended by adding at the end
 3 the following:

4 “(e) TRAINING MATERIALS.—The office for edu-
 5 cation and outreach referred to in subsection (a)(3)
 6 shall—

7 “(1) develop training materials for specific au-
 8 diences, including coaches, trainers, doctors, young
 9 children, adolescents, adults, and mentally disabled
 10 individuals; and

11 “(2) not less frequently than every 3 years, up-
 12 date such training materials.”.

13 (d) INDEPENDENCE.—Section 220541 of title 36,
 14 United States Code, as amended by subsection (e), is fur-
 15 ther amended by adding at the end the following:

16 “(f) INDEPENDENCE.—

17 “(1) PROHIBITION.—A former employee or
 18 board member of the corporation or a national gov-
 19 erning body shall not work or volunteer at the Cen-
 20 ter during the 2-year period beginning on the date
 21 on which the former employee or board member
 22 ceases employment with the corporation or national
 23 governing body.

24 “(2) CONFLICTS OF INTEREST.—An executive
 25 or counsel for the Center shall be considered to have

1 an inappropriate conflict of interest if the executive
 2 or counsel also represents the corporation or a na-
 3 tional governing body.

4 “(3) INVESTIGATIONS.—

5 “(A) IN GENERAL.—The corporation and
 6 the national governing bodies shall not interfere
 7 in, or attempt to influence the outcome of, an
 8 investigation.

9 “(B) REPORT.—In the case of an attempt
 10 to interfere in, or influence the outcome of, an
 11 investigation, not later than 72 hours after such
 12 attempt, the Center shall submit to the Com-
 13 mittee on Commerce, Science, and Transpor-
 14 tation of the Senate and the Committee on En-
 15 ergy and Commerce of the House of Represent-
 16 atives a report describing the attempt.”

17 (e) FUNDING.—Section 220541 of title 36, United
 18 States Code, as amended by subsections (c) and (d), is
 19 further amended by adding at the end the following:

20 “(g) FUNDING.—

21 “(1) MANDATORY PAYMENTS.—

22 “(A) FISCAL YEAR 2019.—Not later than
 23 30 days after the date of the enactment of this
 24 subsection, the corporation shall make a man-
 25 datory payment of \$20,000,000 to the Center

1 for operating costs of the Center for fiscal year
2 2019.

3 “(B) SUBSEQUENT FISCAL YEARS.—Begin-
4 ning on January 1, 2020, the corporation shall
5 make a mandatory payment of \$20,000,000 to
6 the Center on January 1 each year for oper-
7 ating costs of the Center.

8 “(2) FUNDS FROM NATIONAL GOVERNING BOD-
9 IES.—The corporation may use funds received from
10 one or more national governing bodies to make a
11 mandatory payment required by paragraph (1).

12 “(3) FAILURE TO COMPLY.—

13 “(A) IN GENERAL.—The Center may file a
14 lawsuit to compel payment under paragraph
15 (1).

16 “(B) PENALTY.—For each day of late or
17 incomplete payment of a mandatory payment
18 under paragraph (1) after January 1 of the ap-
19 plicable year, the Center shall be allowed to re-
20 cover from the corporation an additional
21 \$20,000.”.

22 (f) ADDITIONAL DUTIES.—Section 220542 of title
23 36, United States Code, is amended—

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

1 (2) in subsection (a)—

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

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 clauses (i) and (ii) and inserting the fol-
7 lowing:

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

11 “(ii) the Center, whenever such mem-
12 bers or adults learn of facts leading them
13 to suspect reasonably that an amateur ath-
14 lete who is a minor has suffered an inci-
15 dent of child abuse;”;

16 (ii) by redesignating subparagraphs
17 (B) through (F) as subparagraphs (E)
18 through (I), respectively;

19 (iii) by inserting after subparagraph
20 (A) the following:

21 “(B) a requirement that the Center shall
22 immediately report to law enforcement con-
23 sistent with section 226 of the Victims of Child
24 Abuse Act of 1990 (34 U.S.C. 20341) any alle-
25 gation of child abuse of an amateur athlete who

1 is a minor, including any report of such abuse
2 submitted to the Center by a minor or by any
3 person who is not otherwise required to report
4 such abuse;

5 “(C) one or more policies that prohibit an
6 individual who is a Center employee, contractor,
7 or agent from assisting a member or former
8 member in obtaining a new job, except the rou-
9 tine transmission of administrative and per-
10 sonnel files, if the individual knows that such
11 member or former member engaged in sexual
12 misconduct regarding a minor in violation of
13 the law;

14 “(D) a requirement that the Center, in-
15 cluding any officer, agent, attorney, or staff
16 member of the Center, shall not take any ac-
17 tion—

18 “(i) to notify an alleged perpetrator of
19 abuse of an amateur athlete of any ongo-
20 ing investigation or accusation unless the
21 Center has reason to believe an imminent
22 hazard will result from failing to so notify
23 the alleged perpetrator; and

24 “(ii) on a date that is earlier than the
25 date on which law enforcement—

1 ~~“(I) authorizes the Center to~~
2 ~~take such action; or~~

3 ~~“(II) declines to act on the alle-~~
4 ~~gation within 72 hours after the time~~
5 ~~at which the Center reports to law en-~~
6 ~~forcement under subparagraph (B);”;~~

7 ~~(iv) in subparagraph (F), as so redес-~~
8 ~~ignated, by inserting “, including commu-~~
9 ~~nications,” after “interactions”;~~

10 ~~(v) by amending subparagraph (G), as~~
11 ~~so redesignated, to read as follows:~~

12 ~~“(G) procedures to prohibit retaliation by~~
13 ~~any national governing body or paralympic~~
14 ~~sports organization against any individual who~~
15 ~~makes—~~

16 ~~“(i) a report under subparagraph (A)~~
17 ~~or (E); or~~

18 ~~“(ii) any other report relating to~~
19 ~~abuse of any amateur athlete, including~~
20 ~~emotional, physical, and sexual abuse;”;~~

21 ~~(vi) in subparagraph (H), as so redес-~~
22 ~~ignated, by striking “, and” and inserting~~
23 ~~a semicolon;~~

24 ~~(vii) in subparagraph (I), as so redес-~~
25 ~~ignated, by striking the period at the end~~

1 of clause (ii) and inserting a semicolon;
2 and
3 (viii) by adding at the end the fol-
4 lowing:

5 “(J) a prohibition on the use in a report
6 or a resolution of the Center under section
7 220541(a)(4) of any evidence relating to other
8 sexual behavior or the sexual predisposition of
9 the alleged victim, or the admission of any such
10 evidence in arbitration, unless the probative
11 value of the use or admission of such evidence,
12 as determined by the Director or the arbitrator,
13 as applicable, substantially outweighs the dan-
14 ger of—

15 “(i) any harm to the alleged victim;
16 and

17 “(ii) unfair prejudice to any party;
18 and

19 “(K) training for investigators on appro-
20 priate methods and techniques for ensuring sen-
21 sitivity toward alleged victims during interviews
22 and other investigative activities.”.

23 (g) REPORT.—Section 220543(b) of title 36, United
24 States Code, is amended—

1 (1) in paragraph (1), by striking “; and” and
2 inserting a semicolon;

3 (2) by redesignating paragraph (2) as para-
4 graph (8); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) a strategic plan with respect to the man-
8 ner in which the Center shall fulfill its duties under
9 sections 220541 and 220542;

10 “(3) a detailed description of the efforts made
11 by the Center to comply with such strategic plan
12 during the preceding year;

13 “(4) any financial statement necessary to
14 present fairly the assets, liabilities, and surplus or
15 deficit of the Center for the preceding year;

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

19 “(6) any information relating to any report re-
20 ceived or investigation conducted by the Center dur-
21 ing the preceding year, including the number, type,
22 and results of such report or investigation;

23 “(7) any information relating to the education
24 and training conducted by the office of education

1 and outreach of the Center during the preceding
2 year; and”.

3 **SEC. 8. EXEMPTION FROM AUTOMATIC STAY IN BANK-**
4 **RUPTCY CASES.**

5 Section 362(b) of title 11, United States Code, is
6 amended—

7 (1) in paragraph (27), by striking “and” at the
8 end;

9 (2) in paragraph (28), by striking the period at
10 the end and inserting “; and”; and

11 (3) by inserting after paragraph (28) the fol-
12 lowing:

13 “(29) under subsection (a)(1) of this section, of
14 any action by—

15 “(A) an amateur sports organization, as
16 defined in section 220501(b) of title 36, to re-
17 place a national governing body, as defined in
18 that section, under section 220528 of that title;
19 or

20 “(B) the corporation, as defined in section
21 220501(b) of title 36, to revoke the recognition
22 of a national governing body, as defined in that
23 section, under section 220521 of that title.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Empowering Olympic*
3 *and Amateur Athletes Act of 2019”.*

4 **SEC. 2. FINDINGS.**

5 *Congress makes the following findings:*

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

9 *(2) Larry Nassar, the former national team doc-*
10 *tor for USA Gymnastics, sexually abused over 300*
11 *athletes for over two decades because of ineffective*
12 *oversight by USA Gymnastics and the United States*
13 *Olympic Committee.*

14 *(3) While the case of Larry Nassar is unprece-*
15 *dent in scale, the case is hardly the only recent in-*
16 *cident of sexual abuse in amateur sports.*

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

21 *(5) After a comprehensive congressional inves-*
22 *tigation, including interviews and statements from*
23 *survivors, former and current organization officials,*
24 *law enforcement, and advocates, Congress found that*
25 *the United States Olympic Committee and USA*
26 *Gymnastics fundamentally failed to uphold their ex-*

1 *isting statutory purposes and duty to protect amateur*
 2 *athletes from sexual, emotional, or physical abuse.*

3 (6) *USA Gymnastics and the United States*
 4 *Olympic Committee knowingly concealed abuse by*
 5 *Larry Nassar, leading to the abuse of dozens of addi-*
 6 *tional amateur athletes during the period beginning*
 7 *in the summer of 2015 and ending in September*
 8 *2016.*

9 (7) *Ending abuse in the Olympic and*
 10 *Paralympic movement requires enhanced oversight to*
 11 *ensure that the Olympic and Paralympic movement*
 12 *does more to serve athletes and protect their voice and*
 13 *safety.*

14 **SEC. 3. UNITED STATES OLYMPIC AND PARALYMPIC COM-**
 15 **MITTEE.**

16 (a) *IN GENERAL.*—Chapter 2205 of title 36, United
 17 States Code, is amended—

18 (1) *in the chapter heading, by striking*
 19 **“UNITED STATES OLYMPIC COM-**
 20 **MITTEE”** and inserting **“UNITED STATES**
 21 **OLYMPIC AND PARALYMPIC COM-**
 22 **MITTEE”**;

23 (2) *in section 220501(b)(6), by striking “United*
 24 *States Olympic Committee” and inserting “United*
 25 *States Olympic and Paralympic Committee”;*

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

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

8 “SUBCHAPTER V—DISSOLUTION OF BOARD OF
 9 DIRECTORS OF CORPORATION AND TERMI-
 10 NATION OF RECOGNITION OF NATIONAL GOV-
 11 ERNING BODIES

12 “§ 220551. **Definitions**

13 “In this subchapter, the term ‘joint resolution’ means
 14 a joint resolution—

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

16 “(2) for which—

17 “(A)(i) the title is only as follows: ‘A joint
 18 resolution to dissolve the board of directors of the
 19 United States Olympic and Paralympic Com-
 20 mittee’; and

21 “(ii) the matter after the resolving clause—

22 “(I) is as follows: ‘That Congress finds
 23 that dissolving the board of directors of the
 24 United States Olympic and Paralympic
 25 Committee would not unduly interfere with

1 *the operations of chapter 2205 of title 36,*
 2 *United States Code’; and*

3 *“(II) prescribes adequate procedures*
 4 *for forming a board of directors of the cor-*
 5 *poration with all reasonable expediency and*
 6 *in a manner that safeguards the voting*
 7 *power of the representatives of amateur ath-*
 8 *letes at all times; or*

9 *“(B)(i) the title is only as follows: ‘A joint*
 10 *resolution relating to terminating the recognition*
 11 *of a national governing body’; and*

12 *“(i) the matter after the resolving clause is*
 13 *only as follows: ‘That Congress determines that*
 14 _____, *which is recognized as a*
 15 *national governing body under section 220521 of*
 16 *title 36, United States Code, has failed to fulfill*
 17 *its duties, as described in section 220524 of title*
 18 *36, United States Code’, the blank space being*
 19 *filled in with the name of the applicable national*
 20 *governing body.*

21 **“§220552. Dissolution of board of directors of cor-**
 22 **poration and termination of recognition**
 23 **of national governing bodies**

24 *“(a) DISSOLUTION OF BOARD OF DIRECTORS OF COR-*
 25 *PORATION.—Effective on the date of enactment of a joint*

1 resolution described in section 220551(2)(A) with respect to
2 the board of directors of the corporation, such board of di-
3 rectors shall be dissolved.

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

10 **“§ 220553. Joint resolution**

11 “(a) *REFERRAL AND REPORTING.*—

12 “(1) *HOUSE OF REPRESENTATIVES.*—

13 “(A) *IN GENERAL.*—In the House of Rep-
14 resentatives, a joint resolution shall be referred to
15 the Committee on Energy and Commerce.

16 “(B) *DISCHARGE.*—The Committee on En-
17 ergy and Commerce shall be discharged from fur-
18 ther consideration of a joint resolution and the
19 joint resolution shall be referred to the appro-
20 priate calendar on the date on which not less
21 than three-fifths of the Members of the House of
22 Representatives, duly chosen and sworn, are list-
23 ed as cosponsors of the joint resolution.

24 “(C) *LIMITATION ON CONSIDERATION.*—Ex-
25 cept as provided in subsection (e)(1), it shall not

1 *be in order for the House of Representatives to*
2 *consider a joint resolution unless—*

3 *“(i) the joint resolution is reported by*
4 *the Committee on Energy and Commerce; or*

5 *“(ii) the Committee on Energy and*
6 *Commerce is discharged from further con-*
7 *sideration of the joint resolution under sub-*
8 *paragraph (B).*

9 “(2) *SENATE.—*

10 *“(A) IN GENERAL.—In the Senate, a joint*
11 *resolution shall be referred to the Committee on*
12 *Commerce, Science, and Transportation.*

13 *“(B) DISCHARGE.—The Committee on Com-*
14 *merce, Science, and Transportation shall be dis-*
15 *charged from further consideration of the joint*
16 *resolution and the joint resolution shall be re-*
17 *ferred to the appropriate calendar on the date on*
18 *which not less than three-fifths of the Members of*
19 *the Senate, duly chosen and sworn, are listed as*
20 *cosponsors of the joint resolution.*

21 *“(C) LIMITATION ON CONSIDERATION.—Ex-*
22 *cept as provided in subsection (e)(1), it shall not*
23 *be in order for the Senate to consider a joint res-*
24 *olution unless—*

1 “(i) the joint resolution is reported by
2 the Committee on Commerce, Science, and
3 Transportation; or

4 “(ii) the Committee on Commerce,
5 Science, and Transportation is discharged
6 from further consideration of the joint reso-
7 lution under subparagraph (B).

8 “(b) *EXPEDITED CONSIDERATION IN HOUSE OF REP-*
9 *RESENTATIVES.*—

10 “(1) *PROCEEDING TO CONSIDERATION.*—After
11 the Committee on Energy and Commerce reports a
12 joint resolution to the House of Representatives or has
13 been discharged from its consideration in accordance
14 with subsection (a)(1)(B), it shall be in order to move
15 to proceed to consider the joint resolution in the
16 House of Representatives. All points of order against
17 the motion are waived. Such a motion shall not be in
18 order after the House of Representatives has disposed
19 of a motion to proceed on a joint resolution. The pre-
20 vious question shall be considered as ordered on the
21 motion to its adoption without intervening motion.
22 The motion is highly privileged in the House of Rep-
23 resentatives and is not debatable. A motion to recon-
24 sider the vote by which the motion is disposed of shall
25 not be in order.

1 “(2) *CONSIDERATION.*—A joint resolution shall
2 be considered as read. All points of order against the
3 joint resolution and against its consideration are
4 waived. The previous question shall be considered as
5 ordered on the joint resolution to its final passage
6 without intervening motion except 2 hours of debate
7 equally divided and controlled by the proponent and
8 an opponent. A motion to reconsider the vote on pas-
9 sage of the joint resolution shall not be in order.

10 “(c) *EXPEDITED PROCEDURE IN SENATE.*—

11 “(1) *MOTION TO PROCEED.*—Notwithstanding
12 rule XXII of the Standing Rules of the Senate, after
13 the Committee on Commerce, Science, and Transpor-
14 tation reports a joint resolution to the Senate or has
15 been discharged from its consideration in accordance
16 with subsection (a)(2)(B), it shall be in order for any
17 Member of the Senate to move to proceed to the con-
18 sideration of the joint resolution. A motion to proceed
19 is in order even though a previous motion to the same
20 effect has been disagreed to. The motion to proceed is
21 not debatable. The motion is not subject to a motion
22 to postpone. A motion to reconsider the vote by which
23 the motion is agreed to or disagreed to shall not be
24 in order. If a motion to proceed to the consideration

1 of the joint resolution is agreed to, the joint resolution
2 shall remain the unfinished business until disposed of.

3 “(2) *CONSIDERATION.*—*Consideration of a joint*
4 *resolution, and on all debatable motions and appeals*
5 *in connection therewith, shall be limited to not more*
6 *than 10 hours, which shall be divided equally between*
7 *the Majority and Minority Leaders or their designees.*
8 *A motion further to limit debate is in order and not*
9 *debatable. A motion to postpone, a motion to proceed*
10 *to the consideration of other business, or a motion to*
11 *recommit the joint resolution is not in order. Any de-*
12 *batable motion is debatable for not to exceed 1 hour,*
13 *to be divided equally between those favoring and those*
14 *opposing the motion. All time used for consideration*
15 *of the joint resolution, including time used for*
16 *quorum calls and voting, shall be counted against the*
17 *total 10 hours of consideration.*

18 “(3) *VOTE ON PASSAGE.*—*If the Senate has voted*
19 *to proceed to a joint resolution, the vote on passage*
20 *of the joint resolution shall occur immediately fol-*
21 *lowing the conclusion of consideration of the joint res-*
22 *olution, and a single quorum call at the conclusion of*
23 *the consideration if requested in accordance with the*
24 *rules of the Senate.*

1 “(4) *RULINGS OF THE CHAIR ON PROCEDURE.—*
 2 *Appeals from the decisions of the Chair relating to the*
 3 *application of the rules of the Senate to the procedure*
 4 *relating to a joint resolution shall be decided without*
 5 *debate.*

6 “(d) *AMENDMENTS NOT IN ORDER.—A joint resolu-*
 7 *tion shall not be subject to amendment in either the House*
 8 *of Representatives or the Senate.*

9 “(e) *RULES TO COORDINATE ACTION WITH OTHER*
 10 *HOUSE.—*

11 “(1) *TREATMENT OF JOINT RESOLUTION OF*
 12 *OTHER HOUSE.—*

13 “(A) *IN GENERAL.—If the Senate or House*
 14 *of Representatives fails to introduce or consider*
 15 *a joint resolution under this section, the joint*
 16 *resolution of the other House—*

17 “(i) *shall be entitled to expedited floor*
 18 *procedures described under this section; and*

19 “(ii) *may be referred in the receiving*
 20 *chamber or may be held at the desk.*

21 “(B) *POTENTIAL REFERRAL.—If a joint res-*
 22 *olution referred to a committee under subpara-*
 23 *graph (A)(ii) is cosponsored by not less than*
 24 *three-fifths of the Members of the originating*
 25 *House, duly chosen and sworn, the committee*

1 *shall report the joint resolution not later than 20*
2 *days after the date on which the joint resolution*
3 *is referred to the committee.*

4 “(2) *VETOES.*—*If the President vetoes a joint*
5 *resolution, debate on a veto message in the Senate*
6 *under this section shall be 1 hour equally divided be-*
7 *tween the Majority and Minority leaders or their des-*
8 *ignees.*

9 “(f) *RULEMAKING FUNCTION.*—*This section is enacted*
10 *by Congress—*

11 “(1) *as an exercise of the rulemaking power of*
12 *the Senate and House of Representatives, respectively,*
13 *and as such it is deemed a part of the rules of each*
14 *House, respectively, but applicable only with respect*
15 *to the procedure to be followed in that House in the*
16 *case of a joint resolution, and it supersedes other rules*
17 *only to the extent that it is inconsistent with such*
18 *rules; and*

19 “(2) *with full recognition of the constitutional*
20 *right of either House to change the rules (so far as re-*
21 *lating to the procedure of that House) at any time,*
22 *in the same manner, and to the same extent as in the*
23 *case of any other rule of that House.”.*

1 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 2 *The table of sections for chapter 2205 of title 36, United*
 3 *States Code, is amended—*

4 (1) *by striking the second item relating to sub-*
 5 *chapter III (relating to the United States Center for*
 6 *SafeSport), as added by section 202 of the Protecting*
 7 *Young Victims from Sexual Abuse and Safe Sport*
 8 *Authorization Act of 2017 (Public Law 115–126; 132*
 9 *Stat. 320) and inserting the following:*

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

10 (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 rec-*
ognition of national governing bodies.

“220553. *Joint resolution.*”.

11 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 12 *section shall take effect on the date that is 1 year after the*
 13 *date of the enactment of this Act.*

14 **SEC. 5. MODIFICATIONS TO UNITED STATES OLYMPIC AND**
 15 **PARALYMPIC COMMITTEE.**

16 (a) *PURPOSES OF THE CORPORATION.*—*Section*
 17 *220503 of title 36, United States Code, is amended—*

18 (1) *in paragraph (9), by inserting “and access*
 19 *to” after “development of”;*

20 (2) *in paragraph (14), by striking “; and” and*
 21 *inserting a semicolon;*

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

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

4 “(16) to effectively oversee the national governing
5 bodies with respect to compliance with and implemen-
6 tation of the policies and procedures of the corpora-
7 tion, including policies and procedures on the estab-
8 lishment of a safe environment in sports as described
9 in paragraph (15).”.

10 (b) *MODIFICATIONS TO MEMBERSHIP IN CORPORATION*
11 *AND REPRESENTATION OF ATHLETES.*—

12 (1) *DEFINITION OF ATHLETES’ ADVISORY COUN-*
13 *CIL.*—Section 220501(b) of title 36, United States
14 Code, is amended—

15 (A) by striking paragraph (9);

16 (B) by redesignating paragraphs (4)
17 through (8) as paragraphs (5) through (9), re-
18 spectively; and

19 (C) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) ‘Athletes’ Advisory Council’ means the enti-
22 ty established and maintained under section
23 220504(b)(2)(A) that—

24 “(A) is composed of, and elected by, ama-
25 teur athletes to ensure communication between

1 *the corporation and currently active amateur*
 2 *athletes; and*

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

6 (2) *MEMBERSHIP AND REPRESENTATION.—Sec-*
 7 *tion 220504 of title 36, United States Code, is amend-*
 8 *ed—*

9 (A) *in subsection (a), by inserting “and*
 10 *membership shall be available only to national*
 11 *governing bodies” before the period at the end;*

12 (B) *in subsection (b)(2)—*

13 (i) *in the matter preceding subpara-*
 14 *graph (A), by striking “within the pre-*
 15 *ceding 10 years”;*

16 (ii) *by striking subparagraph (A) and*
 17 *inserting the following:*

18 *“(A) establish and maintain an Athletes’*
 19 *Advisory Council;”;*

20 (iii) *in subparagraph (B)—*

21 (I) *by striking “20 percent” and*
 22 *inserting “ $\frac{1}{3}$ ”; and*

23 (II) *by inserting “, including any*
 24 *panel empowered to resolve grievances”*
 25 *before the semicolon;*

1 (iv) by redesignating subparagraph
2 (B) as subparagraph (D); and

3 (v) by inserting after subparagraph
4 (A) the following:

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

10 “(C) require that $\frac{1}{3}$ of the membership of
11 the board of directors of the corporation shall be
12 composed of, and elected by, such amateur ath-
13 letes, including not fewer than one amateur ath-
14 lete who—

15 “(i) is actively engaged in representing
16 the United States in amateur athletic com-
17 petition; or

18 “(ii) has represented the United States
19 in international amateur athletic competi-
20 tion during the preceding 10-year period;
21 and”;

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

23 “(c) *CONFLICT OF INTEREST.*—An athlete who rep-
24 resents athletes under subsection (b)(2) shall not be em-
25 ployed by the Center, or serve in a capacity that exercises

1 *decision-making authority on behalf of the Center, during*
 2 *the two-year period beginning on the date on which the ath-*
 3 *lete ceases such representation.*

4 “(d) *CERTIFICATION REQUIREMENTS.*—*The bylaws of*
 5 *the corporation shall include a description of all generally*
 6 *applicable certification requirements for membership in the*
 7 *corporation.”.*

8 (c) *DUTIES.*—

9 (1) *IN GENERAL.*—*Section 220505 of title 36,*
 10 *United States Code, is amended—*

11 (A) *in the section heading, by striking*
 12 **“Powers”** *and inserting “***Powers and du-**
 13 **ties”**; *and*

14 (B) *by adding at the end the following:*

15 “(d) *DUTIES.*—

16 “(1) *IN GENERAL.*—*The duty of the corporation*
 17 *to amateur athletes includes the adoption, effective*
 18 *implementation, and enforcement of policies and pro-*
 19 *cedures designed—*

20 “(A) *to immediately report to law enforce-*
 21 *ment and the Center any allegation of child*
 22 *abuse of an amateur athlete who is a minor;*

23 “(B) *to ensure that each national governing*
 24 *body has in place policies and procedures to re-*

1 port immediately any allegation of child abuse of
2 an amateur athlete, consistent with—

3 “(i) the policies and procedures devel-
4 oped under paragraph (3) of section
5 220541(a); and

6 “(ii) the requirement described in
7 paragraph (2)(A) of section 220542(a); and

8 “(C) to ensure that each national governing
9 body and the corporation enforces temporary
10 measures and sanctions issued pursuant to the
11 authority of the Center.

12 “(2) *RULE OF CONSTRUCTION.*—Nothing in this
13 subsection shall be construed to preempt or otherwise
14 abrogate the duty of care of the corporation under
15 State law or the common law.”.

16 (2) *CONFORMING AMENDMENT.*—The table of sec-
17 tions for chapter 2205 of title 36, United States Code,
18 is amended by striking the item relating to section
19 220505 and inserting the following:

“220505. Powers and duties.”.

20 (d) *POLICY WITH RESPECT TO ASSISTING MEMBERS*
21 *OR FORMER MEMBERS IN OBTAINING JOBS.*—Section
22 220507 of title 36, United States Code, is amended by add-
23 ing at the end the following:

24 “(c) *POLICY WITH RESPECT TO ASSISTING MEMBERS*
25 *OR FORMER MEMBERS IN OBTAINING JOBS.*—The corpora-

1 *tion shall develop 1 or more policies that prohibit any indi-*
 2 *vidual who is an employee, contractor, or agent of the cor-*
 3 *poration from assisting a member or former member in ob-*
 4 *taining a new job (except the routine transmission of ad-*
 5 *ministrative and personnel files) if the individual knows*
 6 *that such member or former member violated the policies*
 7 *or procedures of the Center related to sexual misconduct or*
 8 *was convicted of a crime involving sexual misconduct with*
 9 *a minor in violation of applicable law.”.*

10 *(e) OFFICE OF THE ATHLETE OMBUDSMAN.—Section*
 11 *220509(b) of title 36, United States Code, is amended—*

12 *(1) in the subsection heading, by striking “OM-*
 13 *BUDSMAN” and inserting “OFFICE OF THE ATHLETE*
 14 *OMBUDSMAN”;*

15 *(2) in paragraph (2)—*

16 *(A) in subparagraph (A), by moving clauses*
 17 *(i) through (iii) two ems to the right;*

18 *(B) by striking “(2)(A) The procedure” and*
 19 *inserting the following:*

20 *“(2) HIRING PROCEDURES; VACANCY; TERMI-*
 21 *NATION.—*

22 *“(A) HIRING PROCEDURES.—The proce-*
 23 *dure”;*

24 *(C) in subparagraph (B)—*

1 (i) by moving clauses (i) through (iii)

2 two ems to the right; and

3 (ii) by striking “(B) The corporation”

4 and inserting the following:

5 “(C) *TERMINATION.*—The corporation”; and

6 (D) in the undesignated matter following

7 clause (iii) of subparagraph (A), by striking “If

8 there is” and inserting the following:

9 “(B) *VACANCY.*—If there is”;

10 (3) by redesignating paragraph (2) as para-

11 graph (3);

12 (4) in paragraph (1), in the matter preceding

13 subparagraph (A), by striking “(1) The corporation”

14 and all that follows through “who shall—” and in-

15 serting the following:

16 “(1) *IN GENERAL.*—The corporation shall hire

17 and provide salary, benefits, and administrative ex-

18 penses for an ombudsman and support staff for ath-

19 letes.

20 “(2) *DUTIES.*—The Office of the Athlete Ombuds-

21 man shall—”;

22 (5) in paragraph (2), as so designated by para-

23 graph (4)—

24 (A) by amending subparagraph (B) to read

25 as follows:

1 “(B) assist in the resolution of athlete con-
2 cerns;”;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B) the
6 following:

7 “(C) provide independent advice to athletes
8 with respect to—

9 “(i) the role, responsibility, authority,
10 and jurisdiction of the Center; and

11 “(ii) the relative value of engaging
12 legal counsel; and”;

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

14 “(4) CONFIDENTIALITY.—

15 “(A) IN GENERAL.—The Office of the Ath-
16 lete Ombudsman shall maintain as confidential
17 any information communicated or provided to
18 the Office of the Athlete Ombudsman in any
19 matter involving the exercise of the official duties
20 of the Office of the Athlete Ombudsman.

21 “(B) EXCEPTION.—The Office of the Athlete
22 Ombudsman may disclose information described
23 in subparagraph (A) as necessary to resolve or
24 mediate a dispute, with the permission of the
25 parties involved.

1 “(C) *JUDICIAL AND ADMINISTRATIVE PRO-*
 2 *CEEDINGS.—*

3 “(i) *IN GENERAL.—The ombudsman*
 4 *and the staff of the Office of the Athlete Om-*
 5 *budsman shall not be compelled to testify or*
 6 *produce evidence in any judicial or admin-*
 7 *istrative proceeding with respect to any*
 8 *matter involving the exercise of the duties of*
 9 *the Office of the Athlete Ombudsman.*

10 “(ii) *WORK PRODUCT.—Any memo-*
 11 *randum, work product, notes, or case file of*
 12 *the Office of the Athlete Ombudsman—*

13 “(I) *shall be confidential; and*

14 “(II) *shall not be—*

15 “(aa) *subject to discovery,*
 16 *subpoena, or any other means of*
 17 *legal compulsion; or*

18 “(bb) *admissible as evidence*
 19 *in a judicial or administrative*
 20 *proceeding.*

21 “(D) *APPLICABILITY.—The confidentiality*
 22 *requirements under this paragraph shall not*
 23 *apply to information relating to—*

24 “(i) *applicable federally mandated re-*
 25 *porting requirements;*

1 “(ii) a felony personally witnessed by
2 a member of the Office of the Athlete Om-
3 budsman;

4 “(iii) a situation, communicated to the
5 Office of the Athlete Ombudsman, in which
6 an individual is at imminent risk of serious
7 harm; or

8 “(iv) a congressional subpoena.

9 “(E) DEVELOPMENT OF POLICY.—

10 “(i) IN GENERAL.—Not later than 180
11 days after the date of the enactment of the
12 Empowering Olympic and Amateur Ath-
13 letes Act of 2019, the Office of the Athlete
14 Ombudsman shall develop and publish in
15 the Federal Register a confidentiality and
16 privacy policy consistent with this para-
17 graph.

18 “(ii) DISTRIBUTION.—The Office of the
19 Athlete Ombudsman shall distribute a copy
20 of the policy developed under clause (i) to—

21 “(I) employees of the national
22 governing bodies; and

23 “(II) employees of the corporation.

1 “(iii) *PUBLICATION BY NATIONAL GOV-*
 2 *ERNING BODIES.—Each national governing*
 3 *body shall—*

4 “(I) *publish the policy developed*
 5 *under clause (i) on the internet website*
 6 *of the national governing body; and*

7 “(II) *communicate to amateur*
 8 *athletes the availability of the policy.*

9 “(5) *PROHIBITION ON RETALIATION.—No em-*
 10 *ployee, contractor, agent, volunteer, or member of the*
 11 *corporation shall take or threaten to take any action*
 12 *against an athlete as a reprisal for disclosing infor-*
 13 *mation to or seeking assistance from the Office of the*
 14 *Athlete Ombudsman.*

15 “(6) *INDEPENDENCE IN CARRYING OUT DU-*
 16 *TIES.—The board of directors of the corporation or*
 17 *any other member or employee of the corporation*
 18 *shall not prevent or prohibit the Office of the Athlete*
 19 *Ombudsman from carrying out any duty or responsi-*
 20 *bility under this section.”.*

21 “(f) *REPORTS AND AUDITS.—*

22 “(1) *IN GENERAL.—Section 220511 of title 36,*
 23 *United States Code, is amended—*

24 “(A) *in the section heading, by striking “Re-*
 25 *port” and inserting “Reports and audits”;*

1 (B) by striking subsection (b);

2 (C) by amending subsection (a) to read as
3 follows:

4 “(a) REPORT.—

5 “(1) SUBMISSION TO PRESIDENT AND CON-
6 GRESS.—Not less frequently than annually, the cor-
7 poration shall submit simultaneously to the President
8 and to each House of Congress a detailed report on
9 the operations of the corporation for the preceding
10 calendar year.

11 “(2) MATTERS TO BE INCLUDED.—Each report
12 required by paragraph (1) shall include the following:

13 “(A) A comprehensive description of the ac-
14 tivities and accomplishments of the corporation
15 during such calendar year.

16 “(B) Data concerning the participation of
17 women, disabled individuals, and racial and eth-
18 nic minorities in the amateur athletic activities
19 and administration of the corporation and na-
20 tional governing bodies.

21 “(C) A description of the steps taken to en-
22 courage the participation of women, disabled in-
23 dividuals, and racial minorities in amateur ath-
24 letic activities.

1 “(D) A description of any lawsuit or grievance
2 filed against the corporation, including any
3 dispute initiated under this chapter.

4 “(E) The agenda and minutes of any meeting
5 of the board of directors of the corporation
6 that occurred during such calendar year.

7 “(F) A report by the compliance committee
8 of the corporation that, with respect to such calendar
9 year—

10 “(i) identifies—

11 “(I) the areas in which the corporation has met compliance
12 standards; and
13 “(II) the areas in which the corporation has not met compliance

14 standards; and
15 “(ii) assesses the compliance of each
16 member of the corporation and provides a
17 plan for improvement, as necessary.

18 “(G) A detailed description of any complaint of retaliation
19 made during such calendar year, including the entity involved,
20 the number of allegations of retaliation, and the outcome of
21 such allegations.

22 “(H) A detailed description of any complaint of retaliation
23 made during such calendar year, including the entity involved,
24 the number of allegations of retaliation, and the outcome of
such allegations.

1 “(3) *PUBLIC AVAILABILITY.*—*The corporation*
2 *shall make each report under this subsection available*
3 *to the public on an easily accessible internet website*
4 *of the corporation.*”; and

5 *(D) by adding at the end the following:*

6 “(b) *AUDIT.*—

7 “(1) *IN GENERAL.*—*Not less frequently than an-*
8 *nually, the financial statements of the corporation for*
9 *the preceding fiscal year shall be audited in accord-*
10 *ance with generally accepted auditing standards by—*

11 “(A) *an independent certified public ac-*
12 *countant; or*

13 “(B) *an independent licensed public ac-*
14 *countant who is certified or licensed by the regu-*
15 *latory authority of a State or a political subdivi-*
16 *sion of a State.*

17 “(2) *LOCATION.*—*An audit under paragraph (1)*
18 *shall be conducted at the location at which the finan-*
19 *cial statements of the corporation normally are kept.*

20 “(3) *ACCESS.*—*An individual conducting an*
21 *audit under paragraph (1) shall be given full access*
22 *to—*

23 “(A) *all records and property owned or used*
24 *by the corporation, as necessary to facilitate the*
25 *audit; and*

1 “(B) any facility under audit for the pur-
2 pose of verifying transactions, including any
3 balance or security held by a depository, fiscal
4 agent, or custodian.

5 “(4) REPORT.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the end of the fiscal year for which an
8 audit is carried out, the auditor shall submit a
9 report on the audit to the Committee on Com-
10 merce, Science, and Transportation of the Sen-
11 ate, the Committee on Energy and Commerce of
12 the House of Representatives, and the chair of
13 the Athletes’ Advisory Council.

14 “(B) MATTERS TO BE INCLUDED.—Each re-
15 port under subparagraph (A) shall include the
16 following for the applicable fiscal year:

17 “(i) Any statement necessary to
18 present fairly the assets, liabilities, and sur-
19 plus or deficit of the corporation.

20 “(ii) An analysis of the changes in the
21 amounts of such assets, liabilities, and sur-
22 plus or deficit.

23 “(iii) A detailed statement of the in-
24 come and expenses of the corporation, in-
25 cluding the results of any trading, manufac-

1 *turing, publishing, or other commercial en-*
2 *deavor.*

3 *“(iv) A detailed statement of the*
4 *amounts spent on stipends and services for*
5 *athletes.*

6 *“(v) A detailed statement of the*
7 *amounts spent on compensation and serv-*
8 *ices for executives and administration offi-*
9 *cial of the corporation, including the 20*
10 *employees of the corporation who receive the*
11 *highest amounts of compensation.*

12 *“(vi) A detailed statement of the*
13 *amounts allocated to the national governing*
14 *bodies.*

15 *“(vii) Such comments and information*
16 *as the auditor considers necessary to inform*
17 *Congress of the financial operations and*
18 *condition of the corporation.*

19 *“(viii) Recommendations relating to*
20 *the financial operations and condition of*
21 *the corporation.*

22 *“(ix) A description of any financial*
23 *conflict of interest (including a description*
24 *of any recusal or other mitigating action*

1 taken), evaluated in a manner consistent
2 with the policies of the corporation, of—

3 “(I) a member of the board of di-
4 rectors of the corporation; or

5 “(II) any senior management per-
6 sonnel of the corporation.

7 “(C) *PUBLIC AVAILABILITY.*—

8 “(i) *IN GENERAL.*—The corporation
9 shall make each report under this para-
10 graph available to the public on an easily
11 accessible internet website of the corpora-
12 tion.

13 “(ii) *PERSONALLY IDENTIFIABLE IN-*
14 *FORMATION.*—A report made available
15 under clause (i) shall not include the per-
16 sonally identifiable information of any in-
17 dividual.”.

18 (2) *CONFORMING AMENDMENT.*—The table of sec-
19 tions for chapter 2205 of title 36, United States Code,
20 is amended by striking the item relating to section
21 220511 and inserting the following:

 “220511. *Reports and audits.*”.

22 (g) *POLICY WITH RESPECT TO BONUS AND SEVER-*
23 *ANCE PAY.*—

1 (1) *IN GENERAL.*—Section 220507 of title 36,
2 *United States Code, as amended by subsection (d), is*
3 *further amended by adding at the end the following:*

4 “(d) *POLICY REGARDING TERMS AND CONDITIONS OF*
5 *EMPLOYMENT.*—*The corporation shall establish a policy—*

6 “(1) *not to disperse bonus or severance pay to*
7 *any individual named as a subject of an ethics inves-*
8 *tigation by the ethics committee of the corporation,*
9 *until such individual is cleared of wrongdoing by*
10 *such investigation; and*

11 “(2) *that provides that—*

12 “(A) *if the ethics committee determines that*
13 *an individual has violated the policies of the cor-*
14 *poration—*

15 “(i) *the individual is no longer entitled*
16 *to bonus or severance pay previously with-*
17 *held; and*

18 “(ii) *the compensation committee of the*
19 *corporation may reduce or cancel the with-*
20 *held bonus or severance pay; and*

21 “(B) *in the case of an individual who is the*
22 *subject of a criminal investigation, the ethics*
23 *committee shall investigate the individual.”.*

24 (2) *APPLICABILITY.*—*The amendment made by*
25 *paragraph (1) shall not apply to any term of employ-*

1 *ment for the disbursement of bonus or severance pay*
 2 *that is in effect as of the day before the date of the*
 3 *enactment of this Act.*

4 *(h) ANNUAL AMATEUR ATHLETE SURVEY.—*

5 *(1) IN GENERAL.—Subchapter I of chapter 2205*
 6 *of title 36, United States Code, is amended by adding*
 7 *at the end the following:*

8 **“§ 220513. Annual amateur athlete survey**

9 *“(a) IN GENERAL.—Not less frequently than annually,*
 10 *the corporation shall enter into a contract with an inde-*
 11 *pendent third-party organization to conduct an anonymous*
 12 *survey of amateur athletes who are actively engaged in*
 13 *amateur athletic competition with respect to—*

14 *“(1) their satisfaction with the corporation and*
 15 *the applicable national governing body; and*

16 *“(2) the behaviors, attitudes, and feelings within*
 17 *the corporation and the applicable national governing*
 18 *body relating to sexual harassment and abuse.*

19 *“(b) CONSULTATION.—A contract under subsection (a)*
 20 *shall require the independent third-party organization to*
 21 *develop the survey in consultation with the Center.*

22 *“(c) PROHIBITION ON INTERFERENCE.—If the cor-*
 23 *poration or a national governing body makes any effort to*
 24 *undermine the independence of, introduce bias into, or oth-*

1 *erwise influence a survey under subsection (a), the corpora-*
 2 *tion or the national governing body shall be decertified.*

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

6 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
 7 *tions for chapter 2205 of title 36, United States Code,*
 8 *is amended by adding at the end of subchapter I the*
 9 *following:*

“220513. Annual amateur athlete survey.”

10 **SEC. 6. MODIFICATIONS TO NATIONAL GOVERNING BODIES.**

11 (a) *CERTIFICATION OF NATIONAL GOVERNING BOD-*
 12 *IES.*—

13 (1) *IN GENERAL.*—*Section 220521 of title 36,*
 14 *United States Code, is amended—*

15 (A) *in the section heading, by striking*
 16 ***“Recognition of amateur sports orga-***
 17 ***nizations as national governing bod-***
 18 ***ies”*** *and inserting “****Certification of na-***
 19 ***tional governing bodies”***;

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

22 “(a) *IN GENERAL.*—*With respect to each sport in-*
 23 *cluded on the program of the Olympic Games, the*
 24 *Paralympic Games, or the Pan-American Games, the cor-*
 25 *poration—*

1 “(1) may certify as a national governing body
2 an amateur sports organization, a high-performance
3 management organization, or a paralympic sports or-
4 ganization that files an application and is eligible for
5 such certification under section 220522; and

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

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

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

12 (E) by amending subsection (d) to read as
13 follows:

14 “(d) *REVIEW OF CERTIFICATION.*—Not later than 8
15 years after the date of the enactment of the Empowering
16 Olympic and Amateur Athletes Act of 2019, and not less
17 frequently than once every 4 years thereafter, the corpora-
18 tion—

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

22 “(2) may take action the corporation considers
23 appropriate, including placing conditions on the con-
24 tinued certification of an organization as a national
25 governing body;

1 “(3) shall submit to Congress a summary report
2 of each review under paragraph (1); and

3 “(4) shall make each such summary report avail-
4 able to the public.”.

5 (2) *TECHNICAL AND CONFORMING AMEND-*
6 *MENTS.*—

7 (A) Chapter 2205 of title 36, United States
8 Code, is amended—

9 (i) in section 220501(b), as amended
10 by section 5(b)(1), by amending paragraph
11 (9) to read as follows:

12 “(9) ‘national governing body’ means an ama-
13 teur sports organization, a high-performance manage-
14 ment organization, or a paralympic sports organiza-
15 tion that is certified by the corporation under section
16 220521.”;

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

19 “(1) national governing bodies, including
20 through provisions that establish and maintain a Na-
21 tional Governing Bodies’ Council that is composed of
22 representatives of the national governing bodies who
23 are selected by their boards of directors or other gov-
24 erning boards to ensure effective communication be-

1 *tween the corporation and the national governing*
2 *bodies;”;*

3 *(iii) in section 220505(c), by amending*
4 *paragraph (4) to read as follows:*

5 *“(4) certify national governing bodies for any*
6 *sport that is included on the program of the Olympic*
7 *Games, the Paralympic Games, or the Pan-American*
8 *Games;”;*

9 *(iv) in section 220509(b)(2)(A), as des-*
10 *ignated by subsection 5(e)(4), by striking*
11 *“paralympic sports organizations;”;*

12 *(v) in section 220512, by striking “or*
13 *paralympic sports organization”;*

14 *(vi) in section 220522—*

15 *(I) by striking subsection (b); and*

16 *(II) in subsection (a)—*

17 *(aa) by striking “recognized”*
18 *each place it appears and insert-*
19 *ing “certified”;*

20 *(bb) by striking “recogni-*
21 *tion” each place it appears and*
22 *inserting “certification”;*

23 *(cc) in paragraph (6), by in-*
24 *serting “, the Paralympic*

1 *Games,” after “the Olympic*
2 *Games”;*

3 *(dd) in paragraph (11)—*

4 *(AA) in the matter pre-*
5 *ceding subparagraph (A), by*
6 *inserting “, high-performance*
7 *management organization, or*
8 *paralympic sports organiza-*
9 *tion” after “amateur sports*
10 *organization”;* and

11 *(BB) in subparagraph*
12 *(B), by striking “amateur*
13 *sports” and inserting “appli-*
14 *cable”;* and

15 *(ee) by striking the sub-*
16 *section designation and heading*
17 *and all that follows through “An*
18 *amateur sports organization” and*
19 *inserting “An amateur sports or-*
20 *ganization, a high-performance*
21 *management organization, or a*
22 *paralympic sports organization”;*

23 *(vii) in section 220524, by striking*
24 *“amateur sports” each place it appears;*

25 *(viii) in section 220528—*

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

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

7 (III) in subsection (g), in the sub-
8 section heading, by striking “RECOGNI-
9 TION” and inserting “CERTIFICATION”;
10 (ix) in section 220531—

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

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

19 (x) in section 220541—

20 (I) in subsection (a)—

21 (aa) in paragraph (2), by
22 striking “, each national gov-
23 erning body, and each paralympic
24 sports organization” and insert-

1 ing “and each national governing
2 body”; and

3 (bb) in paragraph (3), by
4 striking “and paralympic sports
5 organizations”; and

6 (II) in subsection (d)(3), by strik-
7 ing subparagraph (C);

8 (xi) in section 220542—

9 (I) by striking “or paralympic
10 sports organization” each place it ap-
11 pears; and

12 (II) in subsection (a)(2)—

13 (aa) in subparagraph (A), by
14 striking “, a paralympic sports
15 organization,”;

16 (bb) in subparagraph (E), by
17 striking “or a paralympic sports
18 organization of each national gov-
19 erning body and paralympic
20 sports organization”; and

21 (cc) in subparagraph
22 (F)(i)—

23 (AA) by striking “, or
24 an adult” and inserting “or
25 an adult”;

1 *(BB) by striking “,*
 2 *paralympic sports organiza-*
 3 *tion,”; and*

4 *(CC) by striking “,*
 5 *paralympic sports organiza-*
 6 *tions,”.*

7 *(B) The table of sections for chapter 2205 of*
 8 *title 36, United States Code, is amended by*
 9 *striking the item relating to section 220521 and*
 10 *inserting the following:*

“220521. Certification of national governing bodies.”.

11 *(b) ELIGIBILITY REQUIREMENTS WITH RESPECT TO*
 12 *GOVERNING BOARDS.—Section 220522 of title 36, United*
 13 *States Code, as amended by subsection (a)(2), is further*
 14 *amended—*

15 *(1) in paragraph (2), by inserting “, including*
 16 *the ability to provide and enforce required athlete*
 17 *protection policies and procedures” before the semi-*
 18 *colon;*

19 *(2) in paragraph (5), in the matter preceding*
 20 *subparagraph (A), by inserting “except with respect*
 21 *to the oversight of the organization,” after “sport,”;*

22 *(3) by redesignating paragraphs (10) through*
 23 *(15) as paragraphs (11) through (16), respectively;*

24 *(4) by inserting after paragraph (9) the fol-*
 25 *lowing:*

1 “(10) ensures that the selection criteria for indi-
2 viduals and teams that represent the United States
3 are—

4 “(A) fair, as determined by the corporation
5 in consultation with the national governing bod-
6 ies, the Athletes’ Advisory Council, and the
7 United States Olympians and Paralympians As-
8 sociation;

9 “(B) clearly articulated in writing and
10 properly communicated to athletes in a timely
11 manner; and

12 “(C) consistently applied, using objective
13 and subjective criteria appropriate to the appli-
14 cable sport;”;

15 (5) by striking paragraph (13), as so redesign-
16 ated, and inserting the following:

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

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

24 “(i) elected by amateur athletes; and

1 “(ii) actively engaged in amateur ath-
 2 letic competition in the sport for which cer-
 3 tification is sought;

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

6 “(i) the corporation; and

7 “(ii) the Athletes’ Advisory Council;

8 and

9 “(C) the voting power held by such individ-
 10 uals is not less than $\frac{1}{3}$ of the voting power held
 11 by its board of directors and other such gov-
 12 erning boards;”;

13 (6) in paragraph (15), as so redesignated, by
 14 striking “; and” and inserting a semicolon;

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

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

19 “(17) commits to submitting annual reports to
 20 the corporation that include, for each calendar year—

21 “(A) a description of the manner in which
 22 the organization—

23 “(i) carries out the mission to promote
 24 a safe environment in sports that is free

1 *from abuse of amateur athletes (including*
 2 *emotional, physical, and sexual abuse); and*

3 “(i) *addresses any sanctions or tem-*
 4 *porary measures required by the Center;*

5 “(B) *a description of any cause of action or*
 6 *complaint filed against the organization that*
 7 *was pending or settled during the preceding cal-*
 8 *endar year; and*

9 “(C) *a detailed statement of—*

10 “(i) *the income and expenses of the or-*
 11 *ganization; and*

12 “(ii) *the amounts expended on sti-*
 13 *pends, bonuses, and services for amateur*
 14 *athletes, organized by the level and gender*
 15 *of the amateur athletes; and*

16 “(18) *commits to meeting any minimum stand-*
 17 *ard or requirement set forth by the corporation.”.*

18 (c) *GENERAL DUTIES OF NATIONAL GOVERNING BOD-*
 19 *IES.—Section 220524 of title 36, United States Code, is*
 20 *amended—*

21 (1) *in the matter preceding paragraph (1), by*
 22 *striking “For the sport” and inserting the following:*

23 “(a) *IN GENERAL.—For the sport”;*

24 (2) *in subsection (a), as so designated—*

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

3 (B) in paragraph (9), by striking the period
4 at the end and inserting a semicolon; and

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

6 “(10) develop 1 or more policies that prohibit
7 any individual who is an employee, contractor, or
8 agent of the national governing body from assisting
9 a member or former member in obtaining a new job
10 (except for the routine transmission of administrative
11 and personnel files) if the individual knows that such
12 member or former member violated the policies or
13 procedures of the Center related to sexual misconduct
14 or was convicted of a crime involving sexual mis-
15 conduct with a minor in violation of applicable law
16 or the policies or procedures of the Center;

17 “(11) promote a safe environment in sports that
18 is free from abuse of any amateur athlete, including
19 emotional, physical, and sexual abuse;

20 “(12) take care to promote a safe environment in
21 sports using information relating to any temporary
22 measure or sanction issued pursuant to the authority
23 of the Center;

1 “(13) immediately report to law enforcement any
2 allegation of child abuse of an amateur athlete who
3 is a minor; and

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

7 “(A) the policies and procedures developed
8 under paragraph (3) of section 220541(a); and

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

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

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

16 (d) *ELIMINATION OF EXHAUSTION OF REMEDIES RE-*
17 *QUIREMENT.*—Section 220527 of title 36, United States
18 Code, is amended—

19 (1) by striking subsection (b);

20 (2) in subsection (c), by striking “If the corpora-
21 tion” and all that follows through “subsection (b)(1)
22 of this section, it” and inserting “The corporation”;
23 and

24 (3) by redesignating subsections (c) and (d) as
25 subsections (b) and (c), respectively.

1 (e) *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 in-
 8 serting 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. 7. MODIFICATIONS TO UNITED STATES CENTER FOR**
 14 **SAFESPORT.**

15 (a) *NAME OF CENTER.*—

16 (1) Subchapter IV of chapter 2205 of title 36,
 17 United States Code, as redesignated by section
 18 4(a)(1), is amended in the subchapter heading by
 19 striking “SAFE SPORT” and inserting
 20 “SAFESPORT”.

21 (2) Section 220541 of title 36, United States
 22 Code, is amended—

23 (A) in the section heading by striking
 24 “SAFE SPORT” and inserting “SAFESPORT”;
 25 and

1 (B) in subsection (a), in the matter pre-
 2 ceding paragraph (1), by striking “Safe Sport”
 3 and inserting “SafeSport”.

4 (3) Paragraph (5) of section 220501(b) of title
 5 36, United States Code, as redesignated by section
 6 5(b)(1), is amended by striking “United States Center
 7 for Safe Sport” and inserting “United States Center
 8 for SafeSport”.

9 (4) The table of sections for chapter 2205 of title
 10 36, United States Code, is amended by striking the
 11 item relating to section 220541 and inserting the fol-
 12 lowing:

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

13 (b) LIST OF BARRED INDIVIDUALS; AUDIT AND COM-
 14 PLIANCE.—Section 220541(a) of title 36, United States
 15 Code, is amended—

16 (1) in paragraph (4), by striking “; and” and
 17 inserting a semicolon;

18 (2) in paragraph (5), by striking the period at
 19 the end and inserting a semicolon; and

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

21 “(6) maintain an office for compliance and
 22 audit that shall—

23 “(A) ensure that the national governing
 24 bodies and the corporation implement and follow
 25 the policies and procedures developed by the Cen-

1 *ter to prevent and promptly report instances of*
 2 *abuse of amateur athletes, including emotional,*
 3 *physical, and sexual abuse; and*

4 *“(B) establish mechanisms that allow for*
 5 *the reporting and investigation of alleged viola-*
 6 *tions of such policies and procedures; and*

7 *“(7) publish and maintain a publicly accessible*
 8 *internet website that contains a comprehensive list of*
 9 *adults who are barred by the Center.”.*

10 *(c) LIMITATION ON LIABILITY.—Section 220541(d) of*
 11 *title 36, United States Code, as amended by section 6(a)(2),*
 12 *is further amended—*

13 *(1) in paragraph (3), by inserting after subpara-*
 14 *graph (B) the following:*

15 *“(C) the corporation;”;*

16 *(2) by redesignating paragraph (3) as para-*
 17 *graph (4); and*

18 *(3) by inserting after paragraph (2) the fol-*
 19 *lowing:*

20 *“(3) REMOVAL TO FEDERAL COURT.—*

21 *“(A) IN GENERAL.—Any civil action*
 22 *brought in a State court against the Center re-*
 23 *lating to the responsibilities of the Center under*
 24 *this section, section 220542, or section 220543,*
 25 *shall be removed, on request by the Center, to the*

1 *district court of the United States in the district*
2 *in which the action was brought, and such dis-*
3 *trict court shall have original jurisdiction over*
4 *the action without regard to the amount in con-*
5 *troversy or the citizenship of the parties involved.*

6 “(B) *RULE OF CONSTRUCTION.*—*Nothing in*
7 *this chapter shall be construed to create a private*
8 *right of action.”*

9 (d) *TRAINING MATERIALS; INDEPENDENCE; FUND-*
10 *ING.*—*Section 220541 of title 36, United States Code, is*
11 *amended by adding at the end the following:*

12 “(e) *TRAINING MATERIALS.*—*The office for education*
13 *and outreach referred to in subsection (a)(3) shall—*

14 “(1) *develop training materials for specific audi-*
15 *ences, including coaches, trainers, doctors, young chil-*
16 *dren, adolescents, adults, and individuals with dis-*
17 *abilities; and*

18 “(2) *not less frequently than every 3 years, up-*
19 *date such training materials.*

20 “(f) *INDEPENDENCE.*—

21 “(1) *PROHIBITION WITH RESPECT TO FORMER*
22 *EMPLOYEES AND BOARD MEMBERS.*—*A former em-*
23 *ployee or board member of the corporation or a na-*
24 *tional governing body shall not work or volunteer at*
25 *the Center during the 2-year period beginning on the*

1 *date on which the former employee or board member*
2 *ceases employment with the corporation or national*
3 *governing body.*

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

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

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

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

22 “(4) *INVESTIGATIONS.—*

23 “(A) *IN GENERAL.—The corporation and*
24 *the national governing bodies shall not interfere*

1 *in, or attempt to influence the outcome of, an in-*
2 *vestigation.*

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

11 “(C) *WORK PRODUCT.*—

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

15 “(I) *shall be confidential; and*

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

21 “(ii) *RULE OF CONSTRUCTION.*—*Noth-*
22 *ing in this subparagraph shall be construed*
23 *to prohibit the Center from providing work*
24 *product described in clause (i) to a law en-*

1 *forcement agency for the purpose of assist-*
2 *ing in a criminal investigation.*

3 “(g) *FUNDING.*—

4 “(1) *MANDATORY PAYMENTS.*—

5 “(A) *FISCAL YEAR 2020.*—*Not later than 30*
6 *days after the date of the enactment of this sub-*
7 *section, the corporation shall make a mandatory*
8 *payment of \$20,000,000 to the Center for oper-*
9 *ating costs of the Center for fiscal year 2020.*

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

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

19 “(3) *FAILURE TO COMPLY.*—

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

22 “(B) *PENALTY.*—*For each day of late or in-*
23 *complete 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 to
5 the Center by the corporation or a national gov-
6 erning body shall be used, in accordance with
7 section 220503(15), primarily for the purpose of
8 carrying out the duties and requirements under
9 sections 220541 through 220543 with respect to
10 the investigation and resolution of allegations of
11 sexual misconduct, or other misconduct, made by
12 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 shall
20 be used for processing the investigation
21 and resolution of allegations described
22 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 the*
18 *retention described in subclause (I).*

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

23 “(h) *COMPLIANCE AUDITS.*—

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

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

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

12 “(2) *CORRECTIVE MEASURES.*—

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

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

25 “(C) *ENFORCEMENT.*—

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

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

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

10 “(ii) *METHODS.*—The corporation may
11 enforce a corrective measure through any
12 means available to the corporation, includ-
13 ing by withholding funds from a national
14 governing body, limiting the participation
15 of the national governing body in corpora-
16 tion events, and decertifying a national gov-
17 erning body.

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

1 *House of Representatives a report describ-*
2 *ing the noncompliance.*

3 “(3) *ANNUAL REPORT.*—

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

19 “(1) *PROHIBITION.*—*The Center (or any officer,*
20 *employee, contractor, subcontractor, or agent of the*
21 *Center) may not retaliate against any protected indi-*
22 *vidual because of any protected disclosure.*

23 “(2) *REPORTING, INVESTIGATION, AND ARBITRA-*
24 *TION.*—*The Center shall establish mechanisms for the*
25 *reporting, investigation, and resolution (through*

1 *binding third-party arbitration) of complaints of al-*
2 *leged retaliation against a protected individual.*

3 “(3) *DISCIPLINARY ACTION.*—*If the Center finds*
4 *that an officer or employee of the Center (or any con-*
5 *tractor, subcontractor, or agent of the Center) has re-*
6 *taliated against a protected individual, the Center*
7 *shall take appropriate disciplinary action with re-*
8 *spect to any such individual found to have retaliated*
9 *against the protected individual.*

10 “(4) *REMEDIES.*—

11 “(A) *IN GENERAL.*—*If the Center finds that*
12 *an officer or employee of the Center (or any con-*
13 *tractor, subcontractor, or agent of the Center)*
14 *has retaliated against a protected individual, the*
15 *Center shall promptly—*

16 “(i) *take affirmative action to abate*
17 *the violation;*

18 “(ii) *reinstate the complainant to the*
19 *former position with the same pay and*
20 *terms and privileges; and*

21 “(iii) *pay compensatory damages, in-*
22 *cluding economic damages (including back-*
23 *pay with interest) and any special damages*
24 *sustained as a result of the retaliation, in-*

1 cluding damages for pain and suffering,
2 reasonable attorney fees, and costs.

3 “(5) *ENFORCEMENT ACTION AND PROCE-*
4 *DURES.*—

5 “(A) *IN GENERAL.*—*If the Center has not*
6 *issued a final decision within 180 days of the fil-*
7 *ing of the complaint and there is no showing*
8 *that such delay is due to the bad faith of the*
9 *complainant, the complainant may bring an ac-*
10 *tion at law or equity for de novo review in the*
11 *appropriate district court of the United States,*
12 *which shall have jurisdiction over such an action*
13 *without regard to the amount in controversy.*

14 “(B) *JURY TRIAL.*—*A party to an action*
15 *brought under paragraph (A) shall be entitled to*
16 *trial by jury.*

17 “(C) *RELIEF.*—*The court shall have juris-*
18 *isdiction to grant all relief under paragraph (4).*

19 “(6) *STATUTE OF LIMITATIONS.*—*An action*
20 *under paragraph (2) shall be commenced not later*
21 *than 2 years after the date on which the violation oc-*
22 *urs, or after the date on which the protected indi-*
23 *vidual became aware of the violation.*

24 “(7) *BURDENS OF PROOF.*—*An action under*
25 *paragraph (2) or (5) shall be governed as follows:*

1 “(A) *REQUIRED SHOWING BY COMPLAIN-*
2 *ANT.—The Center shall dismiss a complaint filed*
3 *under this subsection and shall not conduct an*
4 *investigation unless the complainant makes a*
5 *prima facie showing that any retaliation was a*
6 *contributing factor in the action alleged in the*
7 *complaint.*

8 “(B) *CRITERIA FOR DETERMINATION BY AR-*
9 *BITRATION.—The arbitration may determine*
10 *that a violation of paragraph (1) has occurred*
11 *only if the complainant demonstrates that the re-*
12 *taliation was a contributing factor in the action*
13 *alleged in the complaint.*

14 “(C) *PROHIBITION.—Relief may not be or-*
15 *dered under paragraph (4) if the Center dem-*
16 *onstrates by clear and convincing evidence that*
17 *the Center would have taken the same action in*
18 *the absence of that behavior.*

19 “(8) *REVIEW.—Any person adversely affected or*
20 *aggrieved by an order issued under paragraph (4)*
21 *may obtain review of the order in the United States*
22 *Court of Appeals for the circuit in which the viola-*
23 *tion, with respect to which the order was issued, alleg-*
24 *edly occurred or the circuit in which the complainant*
25 *resided on the date of such violation. The petition for*

1 *review must be filed not later than 60 days after the*
2 *date of the issuance of the arbitration decision of the*
3 *Center. Review shall conform to chapter 7 of title 5,*
4 *United States Code. The commencement of pro-*
5 *ceedings under this subparagraph shall not, unless or-*
6 *dered by the court, operate as a stay of the order.*

7 *“(9) RIGHTS RETAINED BY EMPLOYEE.—Nothing*
8 *in this section shall be deemed to diminish the rights,*
9 *privileges, or remedies of any employee under any*
10 *Federal or State law, or under any collective bar-*
11 *gaining agreement.*

12 *“(10) NONENFORCEABILITY OF CERTAIN PROVI-*
13 *SIONS WAIVING RIGHTS AND REMEDIES.—The rights*
14 *and remedies provided for in this section may not be*
15 *waived by any agreement, policy form, or condition*
16 *of employment.*

17 *“(11) PROTECTED INDIVIDUAL.—For purposes of*
18 *this subsection, a protected individual includes any*
19 *official or employee of the Center and any contractor*
20 *or subcontractor of the Center.*

21 *“(j) REPORTS TO CORPORATION.—Not later than 30*
22 *days after the end of each calendar quarter that begins after*
23 *the date of the enactment of the Empowering Olympic and*
24 *Amateur Athletes Act of 2019, the Center shall submit to*
25 *the corporation a statement of the following:*

1 “(1) *The number and nature of misconduct com-*
2 *plaints referred to the Center, by sport.*

3 “(2) *The number and type of pending mis-*
4 *conduct complaints under investigation by the Center.*

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

8 “(4) *The number of such misconduct complaints*
9 *reported to law enforcement agencies by the Center for*
10 *further investigation.*

11 “(5) *The number of discretionary cases accepted*
12 *or declined by the Center, by sport.*

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

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

20 “(k) *CERTIFICATIONS OF INDEPENDENCE.—*

21 “(1) *IN GENERAL.—Not later than 180 days*
22 *after the end of a fiscal year, the Comptroller General*
23 *of the United States shall make available to the public*
24 *a certification relating to the Center’s independence*
25 *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 *propriate 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 GENERAL.*—

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

24 “(B) *SPECIFIC AUTHORITIES.*—*The Comp-*
25 *troller General shall have—*

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

7 “(ii) the right to interview any officer,
8 employee, agent, or consultant of the Center
9 or the corporation.

10 “(C) *TREATMENT OF PRIVILEGED INFORMA-*
11 *TION.—If, under this subsection, the Comptroller*
12 *General seeks access to information contained*
13 *within privileged documents or materials in the*
14 *possession of the Center or the corporation, the*
15 *Center or the corporation, as the case may be,*
16 *shall, to the maximum extent practicable, pro-*
17 *vide the Comptroller General with the informa-*
18 *tion without compromising the applicable privi-*
19 *lege.”.*

20 (e) *ADDITIONAL DUTIES.—Section 220542 of title 36,*
21 *United States Code, is amended—*

22 (1) *in the section heading, by striking the period*
23 *at the end; and*

24 (2) *in subsection (a)—*

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

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
5 clauses (i) and (ii) and inserting the fol-
6 lowing:

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

10 “(ii) the Center, whenever such mem-
11 bers or adults learn of facts leading them to
12 suspect reasonably that an amateur athlete
13 who is a minor has suffered an incident of
14 child abuse;”;

15 (ii) by redesignating subparagraphs
16 (B) through (F) as subparagraphs (E)
17 through (I), respectively;

18 (iii) by inserting after subparagraph
19 (A) the following:

20 “(B) a requirement that the Center shall
21 immediately report to law enforcement consistent
22 with section 226 of the Victims of Child Abuse
23 Act of 1990 (34 U.S.C. 20341) any allegation of
24 child abuse of an amateur athlete who is a
25 minor, including any report of such abuse sub-

1 *mitted to the Center by a minor or by any per-*
2 *son who is not otherwise required to report such*
3 *abuse;*

4 “(C) *1 or more policies that prohibit any*
5 *individual who is an employee, contractor, or*
6 *agent of the Center from assisting a member or*
7 *former member in obtaining a new job (except*
8 *for the routine transmission of administrative*
9 *and personnel files) if the individual knows that*
10 *such member or former member violated the poli-*
11 *cies or procedures of the Center related to sexual*
12 *misconduct or was convicted of a crime involving*
13 *sexual misconduct with a minor in violation of*
14 *applicable law;*

15 “(D) *a requirement that the Center, includ-*
16 *ing any officer, agent, attorney, or staff member*
17 *of the Center, shall not take any action to notify*
18 *an alleged perpetrator of abuse of an amateur*
19 *athlete of any ongoing investigation or accusa-*
20 *tion unless—*

21 “(i) *the Center has reason to believe an*
22 *imminent hazard will result from failing to*
23 *so notify the alleged perpetrator; or*

24 “(ii) *law enforcement—*

1 “(I) authorizes the Center to take
2 such action; or

3 “(II) declines or fails to act on, or
4 fails to respond to the Center with re-
5 spect to, the allegation within 72 hours
6 after the time at which the Center re-
7 ports to law enforcement under sub-
8 paragraph (B);”;

9 (iv) in subparagraph (F), as so redes-
10 ignated, by inserting “, including commu-
11 nications,” after “interactions”;

12 (v) by amending subparagraph (G), as
13 so redesignated, to read as follows:

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

17 “(i) a report under subparagraph (A)
18 or (E); or

19 “(ii) any other report relating to abuse
20 of any amateur athlete, including emo-
21 tional, physical, and sexual abuse;”;

22 (vi) in subparagraph (H), as so redes-
23 ignated, by striking “; and” and inserting
24 a semicolon;

1 (vii) in subparagraph (I), as so reded-
2 ignated, by striking the period at the end of
3 clause (ii) and inserting a semicolon; and

4 (viii) by adding at the end the fol-
5 lowing:

6 “(J) a prohibition on the use in a decision
7 of the Center under section 220541(a)(4) of any
8 evidence relating to other sexual behavior or the
9 sexual predisposition of the alleged victim, or the
10 admission of any such evidence in arbitration,
11 unless the probative value of the use or admis-
12 sion of such evidence, as determined by the Cen-
13 ter or the arbitrator, as applicable, substantially
14 outweighs the danger of—

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

16 and

17 “(ii) unfair prejudice to any party;

18 and

19 “(K) training for investigators on appro-
20 priate methods and techniques for ensuring sen-
21 sitivity toward alleged victims during interviews
22 and other investigative activities.”.

23 (f) *RECORDS, AUDITS, AND REPORTS.*—Section
24 220543 of title 36, United States Code, is amended—

1 (1) *by striking subsection (b) and inserting the*
2 *following:*

3 “(b) *AUDITS AND TRANSPARENCY.—*

4 “(1) *ANNUAL AUDIT.—*

5 “(A) *IN GENERAL.—Not less frequently than*
6 *annually, the financial statements of the Center*
7 *for the preceding fiscal year shall be audited by*
8 *an independent auditor in accordance with gen-*
9 *erally accepted accounting principles—*

10 “(i) *to ensure the adequacy of the in-*
11 *ternal controls of the Center; and*

12 “(ii) *to prevent waste, fraud, or misuse*
13 *of funds transferred to the Center by the*
14 *corporation or the national governing bod-*
15 *ies.*

16 “(B) *LOCATION.—An audit under subpara-*
17 *graph (A) shall be conducted at the location at*
18 *which the financial statements of the Center nor-*
19 *mally are kept.*

20 “(C) *REPORT.—Not later than 180 days*
21 *after the date on which an audit under subpara-*
22 *graph (A) is completed, the independent auditor*
23 *shall issue an audit report.*

24 “(D) *CORRECTIVE ACTION PLAN.—*

1 “(i) *IN GENERAL.*—On completion of
2 the audit report under subparagraph (C)
3 for a fiscal year, the Center shall prepare,
4 in a separate document, a corrective action
5 plan that responds to any corrective action
6 recommended by the independent auditor.

7 “(ii) *MATTERS TO BE INCLUDED.*—A
8 corrective action plan under clause (i) shall
9 include the following for each such correc-
10 tive action:

11 “(I) *The name of the person re-*
12 sponsible for the corrective action.

13 “(II) *A description of the planned*
14 corrective action.

15 “(III) *The anticipated completion*
16 date of the corrective action.

17 “(IV) *In the case of a rec-*
18 ommended corrective action based on a
19 finding in the audit report with which
20 the Center disagrees, or for which the
21 Center determines that corrective ac-
22 tion is not required, an explanation
23 and a specific reason for noncompli-
24 ance with the recommendation.

1 “(2) *ACCESS TO RECORDS AND PERSONNEL.*—
2 *With respect to an audit under paragraph (1), the*
3 *Center shall provide the independent auditor access to*
4 *all records, documents, and personnel and financial*
5 *statements of the Center necessary to carry out the*
6 *audit.*

7 “(3) *PUBLIC AVAILABILITY.*—

8 “(A) *IN GENERAL.*—*The Center shall make*
9 *available to the public on an easily accessible*
10 *internet website of the Center—*

11 “(i) *each audit report under para-*
12 *graph (1)(C);*

13 “(ii) *the Internal Revenue Service*
14 *Form 990 of the Center for each year, filed*
15 *under section 501(c) of the Internal Revenue*
16 *Code of 1986; and*

17 “(iii) *the minutes of the quarterly*
18 *meetings of the board of directors of the*
19 *Center.*

20 “(B) *PERSONALLY IDENTIFIABLE INFORMA-*
21 *TION.*—*An audit report or the minutes made*
22 *available under subparagraph (A) shall not in-*
23 *clude the personally identifiable information of*
24 *any individual.*

1 “(4) *RULE OF CONSTRUCTION.*—*For purposes of*
2 *this subsection, the Center shall be considered a pri-*
3 *ivate entity.*

4 “(c) *REPORT.*—*The Center shall submit an annual re-*
5 *port to Congress, including—*

6 “(1) *a strategic plan with respect to the manner*
7 *in which the Center shall fulfill its duties under sec-*
8 *tions 220541 and 220542;*

9 “(2) *a detailed description of the efforts made by*
10 *the Center to comply with such strategic plan during*
11 *the preceding year;*

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

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

18 “(5) *a detailed description of Center activities,*
19 *including—*

20 “(A) *the number and nature of misconduct*
21 *complaints referred to the Center;*

22 “(B) *the total number and type of pending*
23 *misconduct complaints under investigation by*
24 *the Center;*

1 “(C) the number of misconduct complaints
2 for which an investigation was terminated or
3 otherwise closed by the Center; and

4 “(D) the number of such misconduct com-
5 plaints reported to law enforcement agencies by
6 the Center for further investigation;

7 “(6) a detailed description of any complaint of
8 retaliation made during the preceding year by an of-
9 ficer or employee of the Center or a contractor or sub-
10 contractor of the Center that includes—

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

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

13 “(7) information relating to the educational ac-
14 tivities and trainings conducted by the office of edu-
15 cation and outreach of the Center during the pre-
16 ceding year, including the number of educational ac-
17 tivities and trainings developed and provided; and

18 “(8) a description of the activities of the Center.

19 “(d) *DEFINITIONS.*—*In this section—*

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

22 “(A) an opinion or a disclaimer of opinion
23 that presents the assessment of the independent
24 auditor with respect to the financial records of
25 the Center, including whether such records are

1 *accurate and have been maintained in accord-*
 2 *ance with generally accepted accounting prin-*
 3 *ciples;*

4 *“(B) an assessment of the internal controls*
 5 *used by the Center that describes the scope of*
 6 *testing of the internal controls and the results of*
 7 *such testing; and*

8 *“(C) a compliance assessment that includes*
 9 *an opinion or a disclaimer of opinion as to*
 10 *whether the Center has complied with the terms*
 11 *and conditions of subsection (b); and*

12 *“(2) ‘independent auditor’ means an inde-*
 13 *pendent certified public accountant or independent li-*
 14 *icensed public accountant, certified or licensed by a*
 15 *regulatory authority of a State or a political subdivi-*
 16 *sion of a State, who meets the standards specified in*
 17 *generally accepted accounting principles.”.*

18 **SEC. 8. EXEMPTION FROM AUTOMATIC STAY IN BANK-**

19 **RUPTCY CASES.**

20 *Section 362(b) of title 11, United States Code, is*
 21 *amended—*

22 (1) *in paragraph (27), by striking “and” at the*
 23 *end;*

24 (2) *in paragraph (28), by striking the period at*
 25 *the end and inserting “; and”; and*

1 (3) *by inserting after paragraph (28) the fol-*
2 *lowing:*

3 “(29) *under subsection (a)(1) of this section, of*
4 *any action by—*

5 “(A) *an amateur sports organization, as de-*
6 *defined in section 220501(b) of title 36, to replace*
7 *a national governing body, as defined in that*
8 *section, under section 220528 of that title; or*

9 “(B) *the corporation, as defined in section*
10 *220501(b) of title 36, to revoke the recognition of*
11 *a national governing body, as defined in that*
12 *section, under section 220521 of that title.”.*

13 **SEC. 9. ENHANCED CHILD ABUSE REPORTING.**

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

16 (1) *by striking “adult who is authorized” and*
17 *inserting the following: “adult who—*

18 “(A) *is authorized”;*

19 (2) *in subparagraph (A), as so designated, by in-*
20 *serting “or” after the semicolon at the end; and*

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

22 “(B) *is an employee or representative of the*
23 *United States Center for SafeSport;”.*

1 **SEC. 10. COMMISSION ON THE STATE OF U.S. OLYMPICS**
2 **AND PARALYMPICS.**

3 (a) *ESTABLISHMENT.*—*There is established within the*
4 *legislative branch a commission, to be known as the “Com-*
5 *mission on the State of U.S. Olympics and Paralympics”*
6 *(referred to in this section as the “Commission”).*

7 (b) *COMPOSITION.*—

8 (1) *IN GENERAL.*—*The Commission shall be com-*
9 *posed of 16 members, of whom—*

10 (A) *4 members shall be appointed by the*
11 *chairman of the Committee on Commerce,*
12 *Science, and Transportation of the Senate;*

13 (B) *4 members shall be appointed by the*
14 *ranking member of the Committee on Commerce,*
15 *Science, and Transportation of the Senate;*

16 (C) *4 members shall be appointed by the*
17 *chairman of the Committee on Energy and Com-*
18 *merce of the House of Representatives; and*

19 (D) *4 members shall be appointed by the*
20 *ranking member of the Committee on Energy*
21 *and Commerce of the House of Representatives.*

22 (2) *CO-CHAIRS.*—*Of the members of the Commis-*
23 *sion—*

24 (A) *1 co-chair shall be designated by the*
25 *chairman of the Committee on Commerce,*
26 *Science, and Transportation of the Senate; and*

1 (B) 1 co-chair shall be designated by the
2 chairman of the Committee on Energy and Com-
3 merce of the House of Representatives.

4 (3) QUALIFICATIONS.—

5 (A) IN GENERAL.—Each member appointed
6 to the Commission shall have—

7 (i) experience in—

8 (I) amateur or professional ath-
9 letics;

10 (II) athletic coaching;

11 (III) public service relating to
12 sports; or

13 (IV) professional advocacy for in-
14 creased minority participation in
15 sports; or

16 (ii) expertise in bullying prevention
17 and the promotion of a healthy organiza-
18 tional culture.

19 (B) OLYMPIC OR PARALYMPIC ATHLETES.—
20 Not fewer than 8 members appointed under
21 paragraph (1) shall be Olympic or Paralympic
22 athletes.

23 (c) INITIAL MEETING.—Not later than 30 days after
24 the date on which the last member is appointed under para-
25 graph (1), the Commission shall hold an initial meeting.

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

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

5 (f) *STAFF.*—The co-chairs of the Commission shall ap-
6 point 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 Commission
11 shall serve without pay, but shall receive travel expenses in
12 accordance with sections 5702 and 5703 of title 5, United
13 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 description of proposed reforms to
23 the structure of the United States Olympic
24 and Paralympic Committee;

1 (ii) an assessment as to whether the
2 board of directors of the United States
3 Olympic and Paralympic Committee in-
4 cludes diverse members, including athletes;

5 (iii) an assessment of United States
6 athlete participation levels in the Olympic
7 and Paralympic Games;

8 (iv) a description of the status of any
9 United States Olympic and Paralympic
10 Committee licensing arrangement;

11 (v) an assessment as to whether the
12 United States is achieving the goals for the
13 Olympic and Paralympic Games set by the
14 United States Olympic and Paralympic
15 Committee;

16 (vi) an analysis of the participation in
17 amateur athletics of—

18 (I) women;

19 (II) disabled individuals; and

20 (III) minorities;

21 (vii) a description of ongoing efforts by
22 the United States Olympic and Paralympic
23 Committee to recruit the Olympic and
24 Paralympic Games to the United States;

1 *(viii) an evaluation of the functions of*
2 *the national governing bodies (as defined in*
3 *section 220502 of title 36, United States*
4 *Code) and an analysis of the responsiveness*
5 *of the national governing bodies to athletes*
6 *with respect to the duties of the national*
7 *governing bodies under section 220524(a)(3)*
8 *of title 36, United States Code; and*

9 *(ix) an assessment of the finances and*
10 *the financial organization of the United*
11 *States Olympic and Paralympic Com-*
12 *mittee.*

13 (2) *REPORT.—*

14 (A) *IN GENERAL.—Not later than 270 days*
15 *after the date of the enactment of this Act, the*
16 *Commission shall submit to Congress a report on*
17 *the results of the study conducted under para-*
18 *graph (1), including a detailed statement of*
19 *findings, conclusions, recommendations, and sug-*
20 *gested policy changes.*

21 (B) *PUBLIC AVAILABILITY.—The report re-*
22 *quired by subparagraph (A) shall be made avail-*
23 *able to the public on an internet website of the*
24 *United States Government that is available to*
25 *the public.*

1 (j) *POWERS OF COMMISSION.*—

2 (1) *SUBPOENA AUTHORITY.*—*The Commission*
3 *may subpoena an individual the testimony of whom*
4 *may be relevant to the purpose of the Commission.*

5 (2) *FURNISHING INFORMATION.*—*On request by*
6 *the executive director of the Commission, the head of*
7 *a Federal agency shall furnish information to the*
8 *Commission.*

9 (k) *TERMINATION OF COMMISSION.*—*The Commission*
10 *shall terminate 90 days after the date on which the Com-*
11 *mission submits the report under subsection (i)(2).*

12 (l) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated such sums as may be nec-*
14 *essary to carry out this section.*

15 **SEC. 11. PROTECTING ABUSE VICTIMS FROM RETALIATION.**

16 (a) *DEFINITIONS.*—*Section 220501(b) of title 36,*
17 *United States Code, as amended by section 6(a)(2), is fur-*
18 *ther amended—*

19 (1) *by redesignating paragraphs (8), (9), and*
20 *(10) as paragraphs (9), (10), and (14), respectively;*
21 *and*

22 (2) *by inserting after paragraph (7) the fol-*
23 *lowing:*

24 “(8) ‘covered entity’ means—

25 “(A) *an officer or employee of the Center;*

1 “(B) a coach, trainer, manager, adminis-
2 trator, or other employee or official associated
3 with the corporation or a national governing
4 body;

5 “(C) the Department of Justice;

6 “(D) a Federal or State law enforcement
7 authority;

8 “(E) a Federal or State entity responsible
9 for receiving reports of child abuse;

10 “(F) the Equal Employment Opportunity
11 Commission or other State or Federal entity
12 with responsibility over claims of sexual harass-
13 ment; or

14 “(G) any other person who the protected in-
15 dividual reasonably believes has authority to in-
16 vestigate or act on information relating to abuse,
17 including—

18 “(i) emotional, physical, or sexual
19 abuse; and

20 “(ii) sexual harassment.”; and

21 (3) by inserting after paragraph (10), as so re-
22 designated, the following:

23 “(11) ‘protected disclosure’ means any lawful act
24 of a protected individual, or in the case of a protected

1 *individual who is a minor, an individual acting on*
2 *behalf of a protected individual—*

3 “(A) to provide information to, cause infor-
4 mation to be provided to, or otherwise assist in
5 an investigation by a covered entity (or to be
6 perceived as providing information to, causing
7 information to be provided to, or otherwise as-
8 sisting in such an investigation) relating to
9 abuse, including—

10 “(i) emotional, physical, or sexual
11 abuse;

12 “(ii) sexual harassment; and

13 “(iii) a violation of anti-abuse policies,
14 practices, and procedures established pursu-
15 ant to paragraph (3) of section 220541(a)
16 and paragraph (2) of section 220542(a);

17 “(B) to file, cause to be filed, testify, par-
18 ticipate in, or otherwise assist in a proceeding
19 filed or about to be filed (or be perceived as fil-
20 ing, causing to be filed, testifying, participating
21 in, or otherwise assisting in such an investiga-
22 tion) relating to abuse, including—

23 “(i) emotional, physical, or sexual
24 abuse;

25 “(ii) sexual harassment; and

1 “(iii) a violation of anti-abuse policies
2 and procedures established pursuant to
3 paragraph (3) of section 220541(a) and
4 paragraph (2) of section 220542(a);

5 “(C) in communication with Congress; or

6 “(D) in the case of an amateur athlete, in
7 communication with the Office of the Athlete
8 Ombudsman.

9 “(12) ‘protected individual’ means any—

10 “(A) amateur athlete, coach, medical profes-
11 sional, or trainer associated with the corporation
12 or a national governing body; or

13 “(B) any official or employee of the cor-
14 poration, a national governing body, or a con-
15 tractor or subcontractor of the corporation or a
16 national governing body.

17 “(13) ‘retaliation’ means any adverse or dis-
18 criminatory action, or the threat of an adverse or dis-
19 criminatory action, carried out against a protected
20 individual because of any protected disclosure, includ-
21 ing—

22 “(A) discipline;

23 “(B) discrimination regarding pay, terms,
24 or privileges;

25 “(C) removal from a training facility;

1 “(D) reduced coaching or training;

2 “(E) reduced meals or housing; and

3 “(F) removal from competition.”.

4 (b) *RESOLUTION OF DISPUTES.*—Section 220509 of
5 *title 36, United States Code, is amended—*

6 (1) *in subsection (a), in the first sentence, by in-*
7 *serting “complaints of retaliation or” after “relating*
8 *to”;* and

9 (2) *by adding at the end the following:*

10 “(c) *RETALIATION.*—

11 “(1) *IN GENERAL.*—*The corporation, the na-*
12 *tional governing bodies, or any officer, employee, con-*
13 *tractor, subcontractor, or agent of the corporation or*
14 *a national governing body may not retaliate against*
15 *any protected individual because of any protected dis-*
16 *closure.*

17 “(2) *REPORTING, INVESTIGATION, AND ARBITRA-*
18 *TION.*—*The corporation shall establish mechanisms*
19 *for the reporting, investigation, and resolution*
20 *(through binding third-party arbitration) of com-*
21 *plaints of alleged retaliation.*

22 “(3) *DISCIPLINARY ACTION.*—*If the corporation*
23 *finds that an officer or employee of the corporation or*
24 *a national governing body (or any contractor, subcon-*
25 *tractor, or agent of the corporation or a national gov-*

1 *erning body) has retaliated against a protected indi-*
2 *vidual, the corporation or national governing body, as*
3 *applicable, shall take appropriate disciplinary action*
4 *with respect to any such individual found to have re-*
5 *taliated against the protected individual.*

6 *“(4) REMEDIES.—*

7 *“(A) IN GENERAL.—If the corporation finds*
8 *that an officer or employee of the corporation or*
9 *a national governing body (or any contractor,*
10 *subcontractor, or agent of the corporation or a*
11 *national governing body) has retaliated against*
12 *a protected individual, the corporation or na-*
13 *tional governing body, as applicable, shall*
14 *promptly—*

15 *“(i) take affirmative action to abate*
16 *the violation;*

17 *“(ii) reinstate the complainant to the*
18 *former position with the same pay and*
19 *terms and privileges; and*

20 *“(iii) pay compensatory damages, in-*
21 *cluding economic damages (including back-*
22 *pay with interest) and any special damages*
23 *sustained as a result of the retaliation, in-*
24 *cluding damages for pain and suffering,*
25 *reasonable attorney fees, and costs.*

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

8 “(5) *ENFORCEMENT ACTION AND PROCE-*
9 *DURES.*—

10 “(A) *IN GENERAL.*—*If the corporation has*
11 *not issued a final decision within 180 days of*
12 *the filing of the complaint and there is no show-*
13 *ing that such delay is due to the bad faith of the*
14 *complainant, the complainant may bring an ac-*
15 *tion at law or equity for de novo review in the*
16 *appropriate district court of the United States,*
17 *which shall have jurisdiction over such an action*
18 *without regard to the amount in controversy.*

19 “(B) *JURY TRIAL.*—*A party to an action*
20 *brought under paragraph (A) shall be entitled to*
21 *trial by jury.*

22 “(C) *RELIEF.*—*The court shall have juris-*
23 *isdiction to grant all relief under paragraph (4).*

24 “(6) *STATUTE OF LIMITATIONS.*—*An action*
25 *under paragraph (2) shall be commenced not later*

1 *than 2 years after the date on which the violation oc-*
2 *curs, or after the date on which the protected indi-*
3 *vidual became aware of the violation.*

4 “(7) *BURDENS OF PROOF.*— *An action under*
5 *paragraph (2) or (5) shall be governed as follows:*

6 “(A) *REQUIRED SHOWING BY COMPLAIN-*
7 *ANT.*—*The corporation shall dismiss a complaint*
8 *filed under this subsection and shall not conduct*
9 *an investigation unless the complainant makes a*
10 *prima facie showing that any retaliation was a*
11 *contributing factor in the action alleged in the*
12 *complaint.*

13 “(B) *CRITERIA FOR DETERMINATION BY*
14 *THE ARBITRATION.*—*The arbitration may deter-*
15 *mine that a violation of paragraph (1) has oc-*
16 *curred only if the complainant demonstrates that*
17 *the retaliation was a contributing factor in the*
18 *action alleged in the complaint.*

19 “(C) *PROHIBITION.*—*Relief may not be or-*
20 *dered under paragraph (4) if the corporation or*
21 *national governing body, as applicable, dem-*
22 *onstrates by clear and convincing evidence that*
23 *the corporation or national governing body*
24 *would have taken the same action in the absence*
25 *of that behavior.*

1 “(8) *REVIEW*.—Any person adversely affected or
2 aggrieved by an order issued under paragraph (4)
3 may obtain review of the order in the United States
4 Court of Appeals for the circuit in which the viola-
5 tion, with respect to which the order was issued, alleg-
6 edly occurred or the circuit in which the complainant
7 resided on the date of such violation. The petition for
8 review shall be filed not later than 60 days after the
9 date of the issuance of the arbitration decision of the
10 corporation. Review shall conform to chapter 7 of title
11 5, United States Code. The commencement of pro-
12 ceedings under this paragraph shall not, unless or-
13 dered by the court, operate as a stay of the order.

14 “(9) *RIGHTS RETAINED*.—Nothing in this sub-
15 section shall be deemed to diminish the rights, privi-
16 leges, or remedies of any employee or other individual
17 under any Federal or State law, or under any collec-
18 tive bargaining agreement.

19 “(10) *NONENFORCEABILITY OF CERTAIN PROVI-*
20 *SIONS WAIVING RIGHTS AND REMEDIES*.—The rights
21 and remedies provided for in this subsection may not
22 be waived by any agreement, policy form, or condi-
23 tion of employment or association with the corpora-
24 tion or a national governing body.”.

1 (c) *ELIGIBILITY REQUIREMENTS FOR NATIONAL GOV-*
2 *ERNING BODIES.*—Section 220522 of title 36, United States
3 Code, as amended by section 6(b), is further amended—

4 (1) in clause (ii) of paragraph (17)(C), by strik-
5 ing “; and” and inserting a semicolon;

6 (2) in paragraph (18), by striking the period at
7 the end and inserting “; and”; and

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

9 “(19) provides protection from retaliation to pro-
10 tected individuals.”.

11 **SEC. 12. SEVERABILITY.**

12 *If any provision of this Act, or an amendment made*
13 *by this Act, is determined to be unenforceable or invalid,*
14 *the remaining provisions of this Act and the amendments*
15 *made by this Act shall not be affected.*

Calendar No. 503

116TH CONGRESS
2^D SESSION

S. 2330

[Report No. 116-245]

A BILL

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.

JULY 29, 2020

Reported with an amendment