

Jerry Moran

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2330

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MORAN and Mr. Blumenthal

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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:

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

4 (2) Larry Nassar, the former national team
5 doctor for USA Gymnastics, sexually abused over
6 300 athletes for over two decades because of ineffec-
7 tive oversight by USA Gymnastics and the United
8 States Olympic Committee.

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

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

16 (5) After a comprehensive congressional inves-
17 tigation, including interviews and statements from
18 survivors, former and current organization officials,
19 law enforcement, and advocates, Congress found
20 that the United States Olympic Committee and USA
21 Gymnastics fundamentally failed to uphold their ex-
22 isting statutory purposes and duty to protect ama-
23 teur athletes from sexual, emotional, or physical
24 abuse.

1 (6) USA Gymnastics and the United States
2 Olympic Committee knowingly concealed abuse by
3 Larry Nassar, leading to the abuse of dozens of ad-
4 ditional amateur athletes during the period begin-
5 ning in the summer of 2015 and ending in Sep-
6 tember 2016.

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

12 **SEC. 3. UNITED STATES OLYMPIC AND PARALYMPIC COM-**
13 **MITTEE.**

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

16 (1) in section 220501(b)(6), by striking
17 “United States Olympic Committee” and inserting
18 “United States Olympic and Paralympic Com-
19 mittee”;

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

22 “(c) REFERENCES TO UNITED STATES OLYMPIC AS-
23 SOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—
24 Any reference to the United States Olympic Association
25 or the United States Olympic Committee is deemed to

1 refer to the United States Olympic and Paralympic Com-
2 mittee.”;

3 (3) in section 2205506(a), by striking “United
4 States Olympic Committee” and inserting “United
5 States Olympic and Paralympic Committee”; and

6 (4) in section 220531, by striking “United
7 States Olympic Committee” each place it appears
8 and inserting “United States Olympic and
9 Paralympic Committee”.

10 (b) CONFORMING AMENDMENT.—The table of chap-
11 ters for part B of subtitle II of title 36, United States
12 Code, is amended by striking the item relating to chapter
13 2205 and inserting the following:

**“2205. United States Olympic and Paralympic Com-
mittee220501”.**

14 **SEC. 4. CONGRESSIONAL OVERSIGHT OF UNITED STATES**
15 **OLYMPIC AND PARALYMPIC COMMITTEE AND**
16 **NATIONAL GOVERNING BODIES.**

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

19 (1) by redesignating the second subchapter des-
20 ignated as subchapter III (relating to the United
21 States Center for SafeSport), as added by section
22 202 of the Protecting Young Victims from Sexual
23 Abuse and Safe Sport Authorization Act of 2017

1 (Public Law 115–126; 132 Stat. 320) as subchapter
2 IV; and

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

4 “SUBCHAPTER V—DISSOLUTION OF BOARD OF
5 DIRECTORS OF CORPORATION AND TERMI-
6 NATION OF RECOGNITION OF NATIONAL
7 GOVERNING BODIES

8 **“§ 220551. Definitions**

9 “In this subchapter, the term ‘joint resolution’ means
10 a joint resolution—

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

12 “(2) for which—

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

17 “(ii) the matter after the resolving
18 clause—

19 “(I) is as follows: ‘That Congress
20 finds that dissolving the board of directors
21 of the United States Olympic and
22 Paralympic Committee would not unduly
23 interfere with the operations of chapter
24 2205 of title 36, United States Code’; and

1 “(II) prescribes adequate procedures
2 for forming a board of directors of the cor-
3 poration with all reasonable expediency
4 and in a manner that safeguards the vot-
5 ing power of the representatives of ama-
6 teur athletes at all times; or

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

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

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

22 “(a) DISSOLUTION OF BOARD OF DIRECTORS OF
23 CORPORATION.—Effective on the date of enactment of a
24 joint resolution described in section 220551(2)(A) with re-

1 spect to the board of directors of the corporation, such
2 board of directors shall be dissolved.

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

9 “§ 220553. Joint resolution

10 “(a) REFERRAL AND REPORTING.—

11 “(1) HOUSE OF REPRESENTATIVES.—

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

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

23 “(C) LIMITATION ON CONSIDERATION.—

24 Except as provided in subsection (e)(1), it shall

1 not be in order for the House of Representa-
2 tives to consider a joint resolution unless—

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

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

10 “(2) SENATE.—

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

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

22 “(C) LIMITATION ON CONSIDERATION.—
23 Except as provided in subsection (e)(1), it shall
24 not be in order for the Senate to consider a
25 joint resolution 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 res-
7 olution under subparagraph (B).

8 “(b) EXPEDITED CONSIDERATION IN HOUSE OF
9 REPRESENTATIVES.—

10 “(1) PROCEEDING TO CONSIDERATION.—After
11 the Committee on Energy and Commerce reports a
12 joint resolution to the House of Representatives or
13 has been discharged from its consideration in ac-
14 cordance with subsection (a)(1)(B), it shall be in
15 order to move to proceed to consider the joint reso-
16 lution in the House of Representatives. All points of
17 order against the motion are waived. Such a motion
18 shall not be in order after the House of Representa-
19 tives has disposed of a motion to proceed on a joint
20 resolution. The previous question shall be considered
21 as ordered on the motion to its adoption without in-
22 tervening motion. The motion is highly privileged in
23 the House of Representatives and is not debatable.
24 A motion to reconsider the vote by which the motion
25 is disposed of shall 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
9 passage 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 Trans-
14 portation reports a joint resolution to the Senate or
15 has been discharged from its consideration in ac-
16 cordance with subsection (a)(2)(B), it shall be in
17 order for any Member of the Senate to move to pro-
18 ceed to the consideration of the joint resolution. A
19 motion to proceed is in order even though a previous
20 motion to the same effect has been disagreed to. The
21 motion to proceed is not debatable. The motion is
22 not subject to a motion to postpone. A motion to re-
23 consider the vote by which the motion is agreed to
24 or disagreed to shall not be in order. If a motion to
25 proceed to the consideration of the joint resolution

1 is agreed to, the joint resolution shall remain the un-
2 finished 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 be-
7 tween the Majority and Minority Leaders or their
8 designees. A motion further to limit debate is in
9 order and not debatable. A motion to postpone, a
10 motion to proceed to the consideration of other busi-
11 ness, or a motion to recommit the joint resolution is
12 not in order. Any debatable motion is debatable for
13 not to exceed 1 hour, to be divided equally between
14 those favoring and those opposing the motion. All
15 time used for consideration of the joint resolution,
16 including time used for quorum calls and voting,
17 shall be counted against the total 10 hours of con-
18 sideration.

19 “(3) VOTE ON PASSAGE.—If the Senate has
20 voted to proceed to a joint resolution, the vote on
21 passage of the joint resolution shall occur imme-
22 diately following the conclusion of consideration of
23 the joint resolution, and a single quorum call at the
24 conclusion of the consideration if requested in ac-
25 cordance with the rules of the Senate.

1 “(4) RULINGS OF THE CHAIR ON PROCE-
2 DURE.—Appeals from the decisions of the Chair re-
3 lating to the application of the rules of the Senate
4 to the procedure relating to a joint resolution shall
5 be decided without 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
14 House of Representatives fails to introduce or
15 consider a joint resolution under this section,
16 the joint resolution of the other House—

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

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

22 “(B) POTENTIAL REFERRAL.—If a joint
23 resolution referred to a committee under sub-
24 paragraph (A)(ii) is cosponsored by not less
25 than three-fifths of the Members of the origi-

1 nating House, duly chosen and sworn, the com-
2 mittee shall report the joint resolution not later
3 than 20 days after the date on which the joint
4 resolution is referred to the committee.

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

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

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

20 “(2) with full recognition of the constitutional
21 right of either House to change the rules (so far as
22 relating to the procedure of that House) at any time,
23 in the same manner, and to the same extent as in
24 the 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 Pro-
7 tecting Young Victims from Sexual Abuse and Safe
8 Sport Authorization Act of 2017 (Public Law 115–
9 126; 132 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
recognition of national governing bodies.

“220553. Joint resolution.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date that is one year
13 after the 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 exercise effective oversight of the na-
5 tional governing bodies with respect to the establish-
6 ment of a safe environment in sports that is free
7 from abuse, including emotional, physical, and sex-
8 ual abuse, of any amateur athlete.”.

9 (b) MODIFICATIONS TO MEMBERSHIP IN CORPORA-
10 TION AND REPRESENTATION OF ATHLETES.—

11 (1) DEFINITION OF ATHLETES’ ADVISORY
12 COUNCIL.—Section 220501(b) of title 36, United
13 States Code is amended—

14 (A) by striking paragraph (9);

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

18 (C) by inserting after paragraph (3) the
19 following:

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

23 “(A) is composed of, and elected by, ama-
24 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
8 amended—

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 and

13 (B) in subsection (b)(2)—

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

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

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

21 (iii) in subparagraph (B)—

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

1 (II) by inserting “, including any
2 panel empowered to resolve griev-
3 ances” before the semicolon;

4 (iv) by redesignating subparagraph
5 (B) as subparagraph (D); and

6 (v) by inserting after subparagraph
7 (A) the following:

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

13 “(C) require that $\frac{1}{3}$ of the membership of
14 the board of directors of the corporation shall
15 be composed of, and elected by, such amateur
16 athletes, including not fewer than one amateur
17 athlete who—

18 “(i) is actively engaged in rep-
19 resenting the United States in amateur
20 athletic competition; or

21 “(ii) has represented the United
22 States in international amateur athletic
23 competition during the preceding 10-year
24 period; and”;

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

1 “(c) CONFLICT OF INTEREST.—An athlete who rep-
2 resents athletes under subsection (b)(2) shall not be em-
3 ployed by the Center, or serve in a capacity that exercises
4 decision-making authority on behalf of the Center, during
5 the two-year period beginning on the date on which the
6 athlete ceases such representation.

7 “(d) CERTIFICATION REQUIREMENTS.—The bylaws
8 of the corporation shall include a description of all gen-
9 erally applicable certification requirements for member-
10 ship in the corporation.”.

11 (c) DUTY OF CARE.—

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

14 (A) in the section heading, by striking
15 “**Powers**” and inserting “**Powers and**
16 **duty of care**”; and

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

18 “(d) DUTY OF CARE.—

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

21 “(A) to ensure that each national gov-
22 erning body complies with the oversight prac-
23 tices, policies, and procedures developed under
24 paragraph (3) of section 220541(a);

1 “(B) to immediately report to law enforce-
2 ment and the Center any allegation of child
3 abuse of an amateur athlete who is a minor;

4 “(C) to ensure that each national gov-
5 erning body has in place policies and procedures
6 to report immediately any allegation of child
7 abuse of an amateur athlete, consistent with—

8 “(i) the policies and procedures devel-
9 oped under paragraph (3) of section
10 220541(a); and

11 “(ii) the requirement described in
12 paragraph (2)(A) of section 220542(a);
13 and

14 “(D) to ensure that each national gov-
15 erning body and the corporation enforces tem-
16 porary measures and sanctions issued pursuant
17 to the authority of the Center.

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

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

“220505. Powers and duty of care.”.

1 (d) POLICY WITH RESPECT TO ASSISTING MEMBER
2 OR FORMER MEMBER TO OBTAIN NEW JOBS.—Section
3 220507 of title 36, United States Code, is amended by
4 adding at the end the following:

5 “(c) POLICY WITH RESPECT TO ASSISTING MEM-
6 BERS OR FORMER MEMBERS IN OBTAINING NEW JOBS.—
7 The corporation shall develop one or more policies that
8 prohibit any individual who is an employee, a contractor,
9 or an agent of the corporation from assisting a member
10 or former member in obtaining a new job, except the rou-
11 tine transmission of administrative and personnel files, if
12 the individual knows that such member or former member
13 engaged in sexual misconduct regarding a minor in viola-
14 tion of the law.”.

15 (e) OFFICE OF THE ATHLETE OMBUDSMAN.—Sec-
16 tion 220509(b) of title 36, United States Code, is amend-
17 ed—

18 (1) in the subsection heading, by striking “OM-
19 BUDSMAN” and inserting “OFFICE OF THE ATH-
20 LETE OMBUDSMAN”;

21 (2) in paragraph (2)—

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

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

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

3 “(A) HIRING PROCEDURES.—The proce-
4 dure”;

5 (C) in subparagraph (B)—

6 (i) by moving clauses (i) through (iii)
7 two ems to the right; and

8 (ii) by striking “(B) The corporation”
9 and inserting the following:

10 “(C) TERMINATION.—The corporation”;
11 and

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

15 “(B) VACANCY.—If there is”;

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

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

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

1 “(2) DUTIES.—The Office of the Athlete Om-
2 budsman shall—”;

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

5 (A) by amending subparagraph (B) to read
6 as follows:

7 “(B) assist in the resolution of athlete con-
8 cerns;”;

9 (B) by redesignating subparagraph (C) as
10 subparagraph (D); and

11 (C) by inserting after subparagraph (B)
12 the following:

13 “(C) provide independent advice to athletes
14 with respect to—

15 “(i) the role, responsibility, authority,
16 and jurisdiction of the Center; and

17 “(ii) the relative value of engaging
18 legal counsel; and”;

19 (6) by inserting after paragraph (3), as redesign-
20 ated by paragraph (3), the following:

21 “(4) CONFIDENTIALITY.—

22 “(A) IN GENERAL.—The Office of the Ath-
23 lete Ombudsman shall maintain as confidential
24 any information communicated or provided to
25 the Office of the Athlete Ombudsman in any

1 matter involving the exercise of the official du-
2 ties of the Office of the Athlete Ombudsman.

3 “(B) JUDICIAL AND ADMINISTRATIVE PRO-
4 CEEDINGS.—

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

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

16 “(I) shall be confidential; and

17 “(II) shall not be—

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

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

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

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

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

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

13 “(iv) a congressional subpoena.

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

20 “(6) INDEPENDENCE IN CARRYING OUT DU-
21 TIES.—The board of directors of the corporation or
22 any other member or employee of the corporation
23 shall not prevent or prohibit the Office of the Ath-
24 lete Ombudsman from carrying out any duty or re-
25 sponsibility under this section.”.

1 (f) REPORTS AND AUDITS.—

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

4 (A) by striking subsection (b);

5 (B) by amending subsection (a) to read as
6 follows:

7 “(a) REPORTS AND AUDITS.—

8 “(1) SUBMISSION TO PRESIDENT AND CON-
9 GRESS.—Not less frequently than annually, the cor-
10 poration shall submit simultaneously to the Presi-
11 dent and to each House of Congress a detailed re-
12 port on the operations of the corporation for pre-
13 ceding calendar year.

14 “(2) MATTERS TO BE INCLUDED.—Each report
15 required by paragraph (1) shall include the fol-
16 lowing:

17 “(A) A comprehensive description of the
18 activities and accomplishments of the corpora-
19 tion during such calendar year.

20 “(B) Data concerning the participation of
21 women, disabled individuals, and racial and eth-
22 nic minorities in the amateur athletic activities
23 and administration of the corporation and na-
24 tional governing bodies.

1 “(C) A description of the steps taken to
2 encourage the participation of women, disabled
3 individuals, and racial minorities in amateur
4 athletic activities.

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

8 “(E) The agenda and minutes of any
9 meeting of the board of directors of the cor-
10 poration that occurred during such calendar
11 year.

12 “(F) A report by the compliance committee
13 of the corporation that, with respect to such
14 calendar year—

15 “(i) identifies—

16 “(I) the areas in which the cor-
17 poration has met compliance stand-
18 ards; and

19 “(II) the areas in which the cor-
20 poration has not met compliance
21 standards; and

22 “(ii) assesses the compliance of each
23 member of the corporation and provides a
24 plan for improvement, as necessary.

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

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

6 “(b) AUDIT.—

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

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

14 “(B) an independent licensed public ac-
15 countant who is certified or licensed by the reg-
16 ulatory authority of a State or a political sub-
17 division of a State.

18 “(2) LOCATION.—An audit under paragraph
19 (1) shall be conducted at the location at which the
20 financial statements of the corporation normally are
21 kept.

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

1 “(A) all records and property owned or
2 used by the corporation, as necessary to facili-
3 tate the audit; and

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

8 “(4) REPORT.—

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

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

20 “(i) Any statement necessary to
21 present fairly the assets, liabilities, and
22 surplus or deficit of the corporation.

23 “(ii) An analysis of the changes in the
24 amounts of such assets, liabilities, and sur-
25 plus or deficit.

1 “(iii) A detailed statement of the in-
2 come and expenses of the corporation, in-
3 cluding the results of any trading, manu-
4 facturing, publishing, or other commercial
5 endeavor.

6 “(iv) A detailed statement of the
7 amounts spent on stipends and services for
8 athletes.

9 “(v) A detailed statement of the
10 amounts allocated to the national gov-
11 erning bodies.

12 “(vi) Such comments and information
13 as the auditor considers necessary to in-
14 form Congress of the financial operations
15 and condition of the corporation.

16 “(vii) Recommendations relating to
17 the financial operations and condition of
18 the corporation.

19 “(C) PUBLIC AVAILABILITY.—

20 “(i) IN GENERAL.—The corporation
21 shall make each report under this para-
22 graph available to the public on an easily
23 accessible internet website of the corpora-
24 tion.

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

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

“220511. Reports and audits.”.

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
4 organization that files an application and is eligible
5 for such certification under section 220522; and

6 “(2) may not certify more than one national
7 governing 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 RECOGNITION.—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 shall review all matters related to the continued cer-
19 tification of an organization as a national governing body
20 and may take any action the corporation considers appro-
21 priate, including placing conditions on the continued cer-
22 tification and imposing penalties for the failure of a na-
23 tional governing body to maintain proper certification
24 standards.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—

3 (Λ) Chapter 2205 of title 36, United
4 States Code, is amended—

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

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

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

15 “(1) national governing bodies, including
16 through provisions that establish and maintain a
17 National Governing Bodies’ Council that is com-
18 posed of representatives of the national governing
19 bodies who are selected by their boards of directors
20 or other governing boards to ensure effective com-
21 munication between the corporation and the national
22 governing bodies;”;

23 (iii) in section 220505(c), by amend-
24 ing paragraph (4) to read as follows:

1 (AA) in the matter pre-
2 ceding subparagraph (A), by
3 inserting “, high-perform-
4 ance management organiza-
5 tion, or paralympic sports
6 organization” after “ama-
7 teur sports organization”;
8 and

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

13 (ee) by striking the sub-
14 section designation and heading
15 and all that follows through “An
16 amateur sports organization”
17 and inserting “An amateur
18 sports organization, a high-per-
19 formance management organiza-
20 tion, or a paralympic sports orga-
21 nization”;

22 (vii) in section 220524(1), by striking
23 “amateur sports” each place it appears;

24 (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
8 subsection heading, by striking “REC-
9 OGNITION” and inserting “CERTIFI-
10 CATION”;

11 (ix) in section 220531—

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

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

20 (x) in section 220541—

21 (I) in subsection (a)—

22 (aa) in paragraph (2), by
23 striking “, each national gov-
24 erning body, and each paralympic
25 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
7 striking 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),
14 by striking “, a paralympic
15 sports organization,”;

16 (bb) in subparagraph (E),
17 by striking “or a paralympic
18 sports organization of each na-
19 tional governing body and
20 paralympic sports organization”;
21 and

22 (cc) in subparagraph
23 (F)(i)—

1 (AA) by striking “, or
2 an adult” and inserting “or
3 an adult”;

4 (BB) by striking “,
5 paralympic sports organiza-
6 tion,”; and

7 (CC) by striking “,
8 paralympic sports organiza-
9 tions,”.

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

“220521. Certification of national governing bodies.”.

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

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

22 (2) in paragraph (5), in the matter preceding
23 subparagraph (A), by inserting “except with respect
24 to the oversight of the organization,” after “sport,”;

1 (3) by redesignating paragraphs (10) through
2 (15) as paragraphs (11) through (16), respectively;

3 (4) by inserting after paragraph (9) the fol-
4 lowing:

5 “(10) ensures that the selection criteria for in-
6 dividuals and teams that represent the United
7 States are—

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

13 “(B) clearly articulated in writing and
14 properly communicated to athletes in a timely
15 manner; and

16 “(C) consistently applied, using objective
17 and subjective criteria appropriate to the appli-
18 cable sport;”;

19 (5) by striking paragraph (13), as so redesign-
20 nated, and inserting the following:

21 “(13) demonstrates, based on guidelines ap-
22 proved by the corporation, the Athletes’ Advisory
23 Council, and the National Governing Bodies’ Coun-
24 cil, that—

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

5 “(i) are elected by amateur athletes;

6 and

7 “(ii) are actively engaged in amateur
8 athletic competition in the sport for which
9 certification is sought;

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

12 “(i) the corporation; and

13 “(ii) the Athletes’ Advisory Council;

14 and

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

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

21 (7) in paragraph (16), as so redesignated, by
22 striking the period at the end and inserting “; and”;

23 and

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

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

3 (c) GENERAL DUTIES OF NATIONAL GOVERNING
4 BODIES.—Section 220524 of title 36, United States Code,
5 is amended—

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

8 “(a) IN GENERAL.—For the sport”;

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

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

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

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

15 “(10) develop one or more policies that prohibit
16 any individual who is an employee, a contractor, or
17 an agent of the national governing body from assist-
18 ing a member or former member in obtaining a new
19 job, except from the routine transmission of admin-
20 istrative and personnel files, if the individual knows
21 that such member or former member engaged in
22 sexual misconduct regarding a minor in violation
23 of—

24 “(A) the law; or

1 “(B) the policies or procedures of the Cen-
2 ter;

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

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

10 “(13) immediately report to law enforcement
11 any allegation of child abuse of an amateur athlete
12 who is a minor; and

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

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

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

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

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

1 (d) ELIMINATION OF EXHAUSTION OF REMEDIES
2 REQUIREMENT.—Section 220527 of title 36, United
3 States Code, is amended—

4 (1) by striking subsection (b);

5 (2) in subsection (c), by striking “If the cor-
6 poration” and all that follows through “subsection
7 (b)(1) of this section, it” and inserting “The cor-
8 poration”; and

9 (3) by redesignating subsections (c) and (d) as
10 subsections (b) and (c), respectively.

11 (e) ENSURE LIMITATIONS ON COMMUNICATIONS ARE
12 INCLUDED IN LIMITATIONS ON INTERACTIONS.—Section
13 220530(a) of title 36, United States Code, is amended—

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

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

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

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

23 **SEC. 7. MODIFICATIONS TO UNITED STATES CENTER FOR**
24 **SAFESPORT.**

25 (a) NAME OF CENTER.—

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

6 (2) Section 220541 of title 36, United States
7 Code, is amended—

8 (A) in the section heading by striking
9 “**SAFE SPORT**” and inserting “**SAFESPORT**”;
10 and

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

14 (3) Paragraph (5) of section 220501(b) of title
15 36, United States Code, as redesignated by section
16 5(b)(1), is amended by striking “United States Cen-
17 ter for Safe Sport” and inserting “United States
18 Center for SafeSport”.

19 (4) The table of sections for chapter 2205 of
20 title 36, United States Code, is amended by striking
21 the item relating to section 220541 and inserting
22 the following:

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

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

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

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

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

6 “(6) maintain an office for compliance and
7 audit that shall ensure that the national governing
8 bodies and the corporation implement and follow the
9 procedures developed by the Center to prevent and
10 promptly report instances of abuse of amateur ath-
11 letes, including emotional, physical, and sexual
12 abuse; and

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

16 (c) LIMITATION ON LIABILITY.—Section 220541(d)
17 of title 36, United States Code, as amended by section
18 6(a)(2), is further amended—

19 (1) in paragraph (3), by inserting after sub-
20 paragraph (B) the following:

21 “(C) the corporation;”;

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

24 (3) by inserting after paragraph (2) the fol-
25 lowing:

1 “(3) REMOVAL TO FEDERAL COURT.—

2 “(A) IN GENERAL.—Any civil action
3 brought in a State court against the Center re-
4 lating to the responsibilities of the Center under
5 this section, section 220542, or section 220543,
6 shall be removed, on request by the Center, to
7 the district court of the United States in the
8 district in which the action was brought, and
9 such district court shall have original jurisdic-
10 tion over the action without regard to the
11 amount in controversy or the citizenship of the
12 parties involved.

13 “(B) RULE OF CONSTRUCTION.—Nothing
14 in this chapter shall be construed to create a
15 private right of action.”.

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

19 “(e) TRAINING MATERIALS.—The office for edu-
20 cation and outreach referred to in subsection (a)(3)
21 shall—

22 “(1) develop training materials for specific au-
23 diences, including coaches, trainers, doctors, young
24 children, adolescents, adults, and individuals with
25 disabilities; and

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

3 “(f) INDEPENDENCE.—

4 “(1) PROHIBITION WITH RESPECT TO FORMER
5 EMPLOYEES AND BOARD MEMBERS.—A former em-
6 ployee or board member of the corporation or a na-
7 tional governing body shall not work or volunteer at
8 the Center during the 2-year period beginning on
9 the date on which the former employee or board
10 member ceases employment with the corporation or
11 national governing body.

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

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

19 “(B) INELIGIBILITY FOR EMPLOYMENT.—
20 An athlete who has served on the board of di-
21 rectors of a national governing body shall not
22 be eligible for employment at the Center during
23 the 2-year period beginning on the date on
24 which the athlete ceases to serve on such board
25 of directors.

1 “(3) CONFLICTS OF INTEREST.—An executive
2 or attorney for the Center shall be considered to
3 have an inappropriate conflict of interest if the execu-
4 tive or attorney also represents the corporation or
5 a national governing body.

6 “(4) INVESTIGATIONS.—

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

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

19 “(C) WORK PRODUCT.—

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

23 “(I) shall be confidential; and

24 “(II) shall not be subject to dis-
25 covery, subpoena, or any other means

1 of legal compulsion in any civil action
2 in which the Center is not a party to
3 the action.

4 “(ii) RULE OF CONSTRUCTION.—
5 Nothing in this subparagraph shall be con-
6 strued to prohibit the Center from pro-
7 viding work product described in clause (i)
8 to a law enforcement agency for the pur-
9 pose of assisting in a criminal investiga-
10 tion.

11 “(g) FUNDING.—

12 “(1) MANDATORY PAYMENTS.—

13 “(A) FISCAL YEAR 2020.—Not later than
14 30 days after the date of the enactment of this
15 subsection, the corporation shall make a man-
16 datory payment of \$20,000,000 to the Center
17 for operating costs of the Center for fiscal year
18 2020.

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

24 “(2) FUNDS FROM NATIONAL GOVERNING BOD-
25 IES.—The corporation may use funds received from

1 one or more national governing bodies to make a
2 mandatory payment required by paragraph (1).

3 “(3) FAILURE TO COMPLY.—

4 “(A) IN GENERAL.—The Center may file a
5 lawsuit to compel payment under paragraph
6 (1).

7 “(B) PENALTY.—For each day of late or
8 incomplete payment of a mandatory payment
9 under paragraph (1) after January 1 of the ap-
10 plicable year, the Center shall be allowed to re-
11 cover from the corporation an additional
12 \$20,000.

13 “(4) ACCOUNTABILITY.—

14 “(A) IN GENERAL.—Amounts transferred
15 to the Center by the corporation or a national
16 governing body shall be used, in accordance
17 with section 220503(15), primarily for the pur-
18 pose of carrying out the duties and require-
19 ments under sections 220541 through 220543
20 with respect to the investigation and resolution
21 of allegations of sexual misconduct, or other
22 misconduct, made by amateur athletes.

23 “(B) USE OF FUNDS.—

24 “(i) IN GENERAL.—Of the amounts
25 made available to the Center by the cor-

1 poration or a national governing body in a
2 fiscal year for the purpose described in sec-
3 tion 220503(15)—

4 “(I) not less than 50 percent
5 shall be used for processing the inves-
6 tigation and resolution of allegations
7 described in subparagraph (A); and

8 “(II) not more than 10 percent
9 may be used for executive compensa-
10 tion of officers and directors of the
11 Center.

12 “(ii) RESERVE FUNDS.—

13 “(I) IN GENERAL.—If, after the
14 Center uses the amounts as allocated
15 under clause (i), the Center does not
16 use the entirety of the remaining
17 amounts for the purpose described in
18 subparagraph (A), the Center may re-
19 tain not more than 25 percent of such
20 amounts as reserve funds.

21 “(II) RETURN OF FUNDS.—The
22 Center shall return to the corporation
23 and national governing bodies any
24 amounts, proportional to the contribu-
25 tions of the corporation and national

1 governing bodies, that remain after
2 the retention described in subclause
3 (I).

4 “(iii) LOBBYING AND FUNDRAISING.—
5 Amounts made available to the Center
6 under this paragraph may not be used for
7 lobbying or fundraising expenses.”.

8 (e) ADDITIONAL DUTIES.—Section 220542 of title
9 36, United States Code, is amended—

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

12 (2) in subsection (a)—

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

15 (B) in paragraph (2)—

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

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

22 “(ii) the Center, whenever such mem-
23 bers or adults learn of facts leading them
24 to suspect reasonably that an amateur ath-

1 lete who is a minor has suffered an inci-
2 dent of child abuse;”;

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

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

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

17 “(C) one or more policies that prohibit an
18 individual who is a Center employee, contractor,
19 or agent from assisting a member or former
20 member in obtaining a new job, except the rou-
21 tine transmission of administrative and per-
22 sonnel files, if the individual knows that such
23 member or former member engaged in sexual
24 misconduct regarding a minor in violation of
25 the law;

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

7 “(i) the Center has reason to believe
8 an imminent hazard will result from failing
9 to so notify the alleged perpetrator; or

10 “(ii) law enforcement—

11 “(I) authorizes the Center to
12 take such action; or

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

19 (iv) in subparagraph (F), as so redes-
20 ignated, by inserting “, including commu-
21 nications,” after “interactions”;

22 (v) by amending subparagraph (G), as
23 so redesignated, to read as follows:

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

4 “(i) a report under subparagraph (A)
5 or (E); or

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

9 (vi) in subparagraph (II), as so redes-
10 ignated, by striking “; and” and inserting
11 a semicolon;

12 (vii) in subparagraph (I), as so redes-
13 ignated, by striking the period at the end
14 of clause (ii) and inserting a semicolon;
15 and

16 (viii) by adding at the end the fol-
17 lowing:

18 “(J) a prohibition on the use in a decision
19 of the Center under section 220541(a)(4) of
20 any evidence relating to other sexual behavior
21 or the sexual predisposition of the alleged vic-
22 tim, or the admission of any such evidence in
23 arbitration, unless the probative value of the
24 use or admission of such evidence, as deter-

1 mined by the Center or the arbitrator, as appli-
2 cable, substantially outweighs the danger of—

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

4 and

5 “(ii) unfair prejudice to any party;

6 and

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

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

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

15 “(b) AUDITS AND TRANSPARENCY.—

16 “(1) ANNUAL AUDIT.—

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

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

24 “(ii) to prevent waste, fraud, or mis-
25 use of funds transferred to the Center by

1 the corporation or the national governing
2 bodies.

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

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

11 “(D) CORRECTIVE ACTION PLAN.—

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

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

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

24 “(II) A description of the
25 planned corrective action.

1 “(III) The anticipated completion
2 date of the corrective action.

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

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

18 “(3) PUBLIC AVAILABILITY.—

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

22 “(i) each audit report under para-
23 graph (1)(C);

24 “(ii) the Internal Revenue Service
25 Form 990 of the Center for each year filed

1 under section 501(c) of the Internal Rev-
2 enue Code of 1986; and

3 “(iii) the minutes of the quarterly
4 meetings of the board of directors of the
5 Center.

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

11 “(4) RULE OF CONSTRUCTION.—For purposes
12 this subsection, the Center shall be considered a pri-
13 vate entity.

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

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

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

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

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

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

6 “(A) the number and nature of misconduct
7 complaints referred to the Center;

8 “(B) the total number and type of pending
9 misconduct complaints under investigation by
10 the Center;

11 “(C) the number of misconduct complaints
12 for which an investigation was terminated or
13 otherwise closed by the Center; and

14 “(D) the number of such misconduct com-
15 plaints reported to law enforcement agencies by
16 the Center for further investigation;

17 “(6) information relating to the educational ac-
18 tivities and trainings conducted by the office of edu-
19 cation and outreach of the Center during the pre-
20 ceding year, including the number of educational ac-
21 tivities and trainings developed and provided; and

22 “(7) a description of the activities of the Cen-
23 ter.

24 “(d) DEFINITIONS.—In this section—

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

3 “(A) an opinion or a disclaimer of opinion
4 that presents the assessment of the independent
5 auditor with respect to the financial records of
6 the Center, including whether such records are
7 accurate and have been maintained in accord-
8 ance with generally accepted accounting prin-
9 ciples;

10 “(B) an assessment of the internal controls
11 used by the Center that describes the scope of
12 testing on of the internal control and the re-
13 sults of such testing; and

14 “(C) a compliance assessment that in-
15 cludes an opinion or a disclaimer of opinion as
16 to whether the Center has complied with the
17 terms and conditions of subsection (b); and

18 “(2) ‘independent auditor’ means an inde-
19 pendent certified public accountant or independent
20 licensed public accountant, certified or licensed by a
21 regulatory authority of a State or a political subdivi-
22 sion of a State, who meets the standards specified
23 in generally accepted accounting principles.”.

1 ~~SEC. 8. GRANT ACCOUNTABILITY.~~

2 ~~Section 220531 of title 36, United States Code, is~~
3 ~~amended by adding at the end the following:~~

4 ~~“(e) GRANT ACCOUNTABILITY.—~~

5 ~~“(1) LIMITATIONS ON FUNDING.—The Attorney~~
6 ~~General may not award a grant under this section~~
7 ~~to an entity that holds amounts in an offshore ac-~~
8 ~~count for the purpose of avoiding payment of the tax~~
9 ~~described in section 511(a) of the Internal Revenue~~
10 ~~Code of 1986.~~

11 ~~“(2) TRANSPARENCY.—~~

12 ~~“(A) IN GENERAL.—As a condition of re-~~
13 ~~ceiving funds under this section, an entity shall~~
14 ~~include in an application for a grant—~~

15 ~~“(i) a description of the process by~~
16 ~~which the entity determines the compensa-~~
17 ~~tion of the officers, directors, trustees, and~~
18 ~~key employees of the entity, including any~~
19 ~~independent individual involved in review-~~
20 ~~ing and approving such compensation;~~

21 ~~“(ii) the comparability data used in~~
22 ~~such process; and~~

23 ~~“(iii) contemporaneous substantiation~~
24 ~~of the deliberation and decision with re-~~
25 ~~spect to such compensation.~~

1 ~~“(B) PUBLIC AVAILABILITY. On request,~~
2 ~~the Attorney General shall make the informa-~~
3 ~~tion disclosed under subparagraph (A) available~~
4 ~~for public inspection.”~~

5 ~~“(3) LIMITATIONS ON CONFERENCE EXPENDI-~~
6 ~~TURES.—~~

7 ~~“(A) IN GENERAL. Except as provided in~~
8 ~~subparagraph (B), not more than \$50,000 of~~
9 ~~grant funds provided to an entity under this~~
10 ~~section may be used to host or support a con-~~
11 ~~ference.—~~

12 ~~“(B) EXCEPTION. An entity may use~~
13 ~~more than \$50,000 of grant funds provided~~
14 ~~under this section to host or support a con-~~
15 ~~ference if the Director of the Office of Justice~~
16 ~~Programs—~~

17 ~~“(i) authorizes such additional ex-~~
18 ~~pense in writing; and~~

19 ~~“(ii) provides a written cost estimate~~
20 ~~for the conference, including the cost of~~
21 ~~food, beverages, audio-visual equipment,~~
22 ~~honoraria for speakers, and entertainment.~~

23 ~~“(4) AVOIDANCE OF DUPLICATIVE FEDERAL~~
24 ~~GRANTS.—~~

1 ~~“(A) IN GENERAL. The Attorney General~~
2 ~~shall assess whether a potential grant award to~~
3 ~~an entity under this section would result in an~~
4 ~~overlap or a duplication of Federal grant~~
5 ~~awards.~~

6 ~~“(B) REPORT.—If the Attorney General~~
7 ~~awards a grant under this section to an entity~~
8 ~~in a fiscal year for which the entity receives any~~
9 ~~other Federal grant for a substantially similar~~
10 ~~purpose, the Attorney General shall submit to~~
11 ~~the Committee on the Judiciary of the Senate~~
12 ~~and the Committee on the Judiciary of the~~
13 ~~House of Representatives a report that in-~~
14 ~~cludes~~

15 ~~“(i) a description of each grant~~
16 ~~awarded to the entity in such fiscal year~~
17 ~~that results in an overlap or a duplication~~
18 ~~in Federal grant awards, including the~~
19 ~~total amount of each such grant award;~~
20 ~~and~~

21 ~~“(ii) a justification for awarding an~~
22 ~~overlapping or a duplicative grant.”.~~

1 **SEC. 9. EXEMPTION FROM AUTOMATIC STAY IN BANK-**
2 **RUPTCY CASES.**

3 Section 362(b) of title 11, United States Code, is
4 amended—

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

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

9 (3) by inserting after paragraph (28) the fol-
10 lowing:

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

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

18 “(B) the corporation, as defined in section
19 220501(b) of title 36, to revoke the recognition
20 of a national governing body, as defined in that
21 section, under section 220521 of that title.”.

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

23 Section 226(e)(9) of the Victims of Child Abuse Act
24 of 1990 (34 U.S.C. 20341(e)(9)) is amended—

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

1 “(A) is authorized”;

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

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

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

7 **SEC. 11. COMMISSION ON THE STATE OF U.S. OLYMPICS**
8 **AND PARALYMPICS.**

9 (a) **ESTABLISHMENT.**—There is established within
10 the legislative branch a commission, to be known as the
11 “Commission on the State of U.S. Olympics and
12 Paralympics” (referred to in this section as the “Commis-
13 sion”).

14 (b) **COMPOSITION.**—

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

17 (A) 4 members shall be appointed by the
18 chairman of the Committee on Commerce,
19 Science, and Transportation of the Senate;

20 (B) 4 members shall be appointed by the
21 ranking member of the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate;

1 (C) 4 members shall be appointed by the
2 chairman of the Committee on Energy and
3 Commerce of the House of Representatives; and

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

7 (2) CO-CHAIRS.—Of the members of the Com-
8 mission—

9 (A) 1 co-chair shall be designated by the
10 chairman of the Committee on Commerce,
11 Science, and Transportation of the Senate; and

12 (B) 1 co-chair shall be designated by the
13 chairman of the Committee on Energy and
14 Commerce of the House of Representatives.

15 (3) QUALIFICATIONS.—

16 (A) IN GENERAL.—Each member ap-
17 pointed to the Commission shall have—

18 (i) experience in—

19 (I) amateur or professional ath-
20 letics;

21 (II) athletic coaching;

22 (III) public service relating to
23 sports; or

1 (IV) professional advocacy for in-
2 creased minority participation in
3 sports; or

4 (ii) expertise in bullying prevention
5 and the promotion of a healthy organiza-
6 tional culture.

7 (B) OLYMPIC OR PARALYMPIC ATH-
8 LETES.—Not fewer than 8 members appointed
9 under paragraph (1) shall be Olympic or
10 Paralympic athletes.

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

15 (d) QUORUM.—11 members of the Commission shall
16 constitute a quorum.

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

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

22 (g) PUBLIC HEARINGS.—The Commission shall hold
23 1 or more public hearings.

24 (h) TRAVEL EXPENSES.—Members of the Commis-
25 sion shall serve without pay, but shall receive travel ex-

1 penses in accordance with sections 5702 and 5703 of title
2 5, United States Code.

3 (i) DUTIES OF COMMISSION.—

4 (1) STUDY.—

5 (A) IN GENERAL.—The Commission shall
6 conduct a study on matters relating to the state
7 of United States participation in the Olympic
8 and Paralympic games.

9 (B) MATTERS STUDIED.—The study under
10 subparagraph (A) shall include—

11 (i) a description of proposed reforms
12 to the structure of the United States
13 Olympic and Paralympic Committee;

14 (ii) an assessment as to whether the
15 board of directors of the United States
16 Olympic and Paralympic Committee in-
17 cludes diverse members, including athletes;

18 (iii) an assessment of United States
19 athlete participation levels in the Olympic
20 and Paralympic games;

21 (iv) a description of the status of any
22 United States Olympic and Paralympic
23 Committee licensing arrangement;

24 (v) an assessment as to whether the
25 United States is achieving the goals for the

1 Olympic and Paralympic games set by the
2 United States Olympic and Paralympic
3 Committee;

4 (vi) an analysis of the participation in
5 amateur athletics of—

6 (I) women;

7 (II) disabled individuals; and

8 (III) minorities;

9 (vii) a description of ongoing efforts
10 by the United States Olympic and
11 Paralympic Committee to recruit the
12 Olympic and Paralympic games to the
13 United States;

14 (viii) an evaluation of the function of
15 the national governing bodies (as defined
16 in section 220502 of title 36, United
17 States Code) and an analysis of the re-
18 sponsiveness of the national governing bod-
19 ies to athletes with respect to the duties of
20 the national governing bodies under section
21 220524(a)(3) of title 36, United States
22 Code; and

23 (ix) an assessment of the finances and
24 the financial organization of the United

1 States Olympic and Paralympic Com-
2 mittee.

3 (2) REPORT.—

4 (A) IN GENERAL.—Not later than 270
5 days after the date of the enactment of this
6 Act, the Commission shall submit to Congress
7 a report on the results of the study conducted
8 under paragraph (1), including a detailed state-
9 ment of findings, conclusions, recommendations,
10 and suggested policy changes.

11 (B) PUBLIC AVAILABILITY.—The report
12 required by subparagraph (A) shall be made
13 available to the public on an internet website of
14 the United States Government that is available
15 to the public.

16 (j) POWERS OF COMMISSION.—

17 (1) SUBPOENA AUTHORITY.—The Commission
18 may subpoena an individual the testimony of whom
19 may be relevant to the purpose of the Commission.

20 (2) FURNISHING INFORMATION.—On request by
21 the executive director of the Commission, the head
22 of a Federal agency shall furnish information to the
23 Commission.

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

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