

Calendar No. _____

117TH CONGRESS
2^D SESSION**S. 2333****[Report No. 117-_____]**

To amend chapter 2205 of title 36, United States Code, to ensure equal treatment of athletes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Ms. CANTWELL (for herself, Mrs. CAPITO, Ms. LUMMIS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

_____ (legislative day, _____), _____

Reported by Ms. CANTWELL, with an amendment

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

A BILL

To amend chapter 2205 of title 36, United States Code, to ensure equal treatment of athletes, 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 “Equal Pay for Team
5 USA Act of 2021”.

1 **SEC. 2. EQUAL TREATMENT OF ATHLETES.**

2 (a) **MODIFICATION OF PURPOSES OF UNITED**
3 **STATES OLYMPIC COMMITTEE.**—Section 220503 of title
4 36, United States Code, is amended—

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

7 (2) in paragraph (16), by striking the period at
8 the end and inserting “; and”; and

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

10 “(17) with respect to a sport for which separate
11 programs for female and male athletes are con-
12 ducted on a national basis, to ensure that female
13 and male athletes who represent the United States
14 in international amateur athletic competitions re-
15 ceive equal and nondiscriminatory compensation,
16 wages, benefits, medical care, travel arrangements,
17 and payment or reimbursement for expenses.”.

18 (b) **DUTY OF NATIONAL GOVERNING BODIES.**—Sec-
19 tion 220524(a) of title 36, United States Code, is amend-
20 ed—

21 (1) by redesignating paragraphs (7) through
22 (14) as paragraphs (8) through (15), respectively;
23 and

24 (2) by inserting after paragraph (6) the fol-
25 lowing:

1 “(7) with respect to a sport for which separate
2 programs for female and male athletes are con-
3 ducted on a national basis, provide to female and
4 male athletes representing the United States in
5 international amateur athletic competitions equal
6 and nondiscriminatory compensation, wages, bene-
7 fits, medical care, travel arrangements, and payment
8 or reimbursement for expenses;”.

9 (c) ANNUAL REPORT ON EQUAL TREATMENT OF
10 ATHLETES.—

11 (1) IN GENERAL.—Subchapter H of chapter
12 2205 of title 36, United States Code, is amended by
13 adding at the end the following:

14 “**§ 220530A. Annual report on equal treatment of ath-**
15 **letes**

16 “Not less frequently than annually, each national
17 governing body shall submit to the corporation and Con-
18 gress a report on the compliance of the national governing
19 body with section 220524(a)(7).”.

20 (2) CONFORMING AMENDMENT.—The table of
21 sections for subchapter H of chapter 2205 of title
22 36, United States Code, is amended by adding at
23 the end the following:

 “220530A. Annual report on equal treatment of athletes.”.

24 (d) IMPLEMENTATION PERIOD AND REPORTS TO
25 CONGRESS.—Not later than January 31, 2022—

1 ~~(1)~~ the corporation shall—

2 ~~(A)~~ attain full compliance, and ensure that
3 each national governing body attains full com-
4 pliance, with the applicable provisions of law
5 amended by this Act; and

6 ~~(B)~~ submit to Congress a report describing
7 such compliance of the corporation and each
8 national governing body; and

9 ~~(2)~~ each national governing body shall—

10 ~~(A)~~ attain full compliance with the applica-
11 ble provisions of law amended by this Act; and

12 ~~(B)~~ submit to Congress a report describing
13 such compliance of the national governing body.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Equal Pay for Team*
16 *USA Act of 2022”.*

17 **SEC. 2. MODIFICATIONS TO UNITED STATES OLYMPIC AND**

18 **PARALYMPIC COMMITTEE AND NATIONAL**

19 **GOVERNING BODIES.**

20 *(a) UNITED STATES OLYMPIC AND PARALYMPIC COM-*
21 *MITTEE.—*

22 *(1) DUTIES.—Section 220505(d) of title 36,*
23 *United States Code, is amended—*

24 *(A) in paragraph (1)—*

1 (i) in subparagraph (B)(ii), by strik-
2 ing “; and” and inserting a semicolon;

3 (ii) in subparagraph (C), by striking
4 the period at the end and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) with respect to a sport for which the
9 corporation conducts separate programs for fe-
10 male and male athletes, to ensure that female
11 and male athletes who represent the United
12 States in international amateur athletic events
13 receive, from funds directly provided by the cor-
14 poration to the athlete (excluding any prize or
15 award based on the athlete’s performance in an
16 international amateur athletic competition),
17 equivalent and nondiscriminatory compensation,
18 wages, benefits, medical care, travel arrange-
19 ments, and payment or reimbursement for ex-
20 penses, all insofar as these are implemented in
21 connection with such amateur athletic events,
22 where ‘equivalent’ means ‘equal’ except that it
23 shall be permissible—

24 “(i) to consider merit, performance, se-
25 niority, or quantity of play in determining

1 *contract or other terms of participation;*
2 *and*

3 “(ii) *to provide more beneficial terms*
4 *of participation to athletes representing the*
5 *United States in international events to ad-*
6 *dress disparities in outside income, includ-*
7 *ing in compensation made available by*
8 *international sports federations and other*
9 *event organizers, or the need to foster under-*
10 *developed programs or address documented*
11 *and justifiable personal need on the part of*
12 *specific athletes or teams.”;*

13 *(B) by redesignating paragraph (2) as*
14 *paragraph (3); and*

15 *(C) by inserting after paragraph (1) the fol-*
16 *lowing:*

17 “(2) *ADVOCACY.—The corporation shall take all*
18 *reasonable steps, in collaboration with affected ath-*
19 *letes, to advocate to international sports federations*
20 *and other event organizers to equalize prizes, com-*
21 *penetration, funding, and other support provided to*
22 *athletes by such federations and organizers.”.*

23 (2) *ANNUAL REPORT ON EQUAL TREATMENT OF*
24 *ATHLETES.—*

1 (A) *IN GENERAL.*—Subchapter I of title 36,
 2 United States Code, is amended by adding at the
 3 end the following:

4 **“§220514. Annual report on equal treatment of ath-**
 5 **letes**

6 “(a) *IN GENERAL.*—Not less frequently than annually,
 7 the corporation shall submit to Congress a report on the
 8 compliance of the corporation with paragraphs (1)(D) and
 9 (2) of section 220505(d).

10 “(b) *MATTERS TO BE INCLUDED.*—Each report re-
 11 quired by subsection (a) shall include detailed information
 12 on the median, minimum, and maximum stipends and bo-
 13 nuses provided to athletes, disaggregated by gender, race,
 14 and, as applicable, status of participation on a professional
 15 sports team.”.

16 (B) *CONFORMING AMENDMENT.*—The table
 17 of sections for subchapter I of chapter 2205 of
 18 title 36, United States Code, is amended by add-
 19 ing at the end the following:

“220514. Annual report on equal treatment of athletes.”.

20 (b) *NATIONAL GOVERNING BODIES.*—

21 (1) *DUTIES.*—Section 220524(a) of title 36,
 22 United States Code, is amended—

23 (A) by redesignating paragraphs (7)
 24 through (14) as paragraphs (9) through (16), re-
 25 spectively; and

1 (B) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) with respect to a sport for which a national
4 governing body conducts separate programs for female
5 and male athletes, ensure that female and male ath-
6 letes who represent the United States in international
7 amateur athletic events receive, from funds directly
8 provided by the national governing body to the athlete
9 (excluding any prize or award based on the athlete’s
10 performance in an international amateur athletic
11 competition), equivalent and nondiscriminatory com-
12 pensation, wages, benefits, medical care, travel ar-
13 rangements, and payment or reimbursement for ex-
14 penses, all insofar as these are implemented in con-
15 nection with such amateur athletic events, where
16 ‘equivalent’ means ‘equal’ except that it shall be per-
17 missible—

18 “(A) to consider merit, performance, senior-
19 ity, or quantity of play in determining contract
20 or other terms of participation; and

21 “(B) to provide more beneficial terms of
22 participation to athletes representing the United
23 States in international events to address dispari-
24 ties in outside income, including in compensa-
25 tion made available by international sports fed-

1 *erations and other event organizers, or the need*
 2 *to foster underdeveloped programs or address*
 3 *documented and justifiable personal need on the*
 4 *part of specific athletes or teams;*

5 “(8) *take all reasonable steps, in collaboration*
 6 *with affected athletes, to advocate to international*
 7 *sports federations and other event organizers to equal-*
 8 *ize prizes, compensation, funding, and other support*
 9 *provided to athletes by such federations and orga-*
 10 *nizers;”.*

11 (2) *ANNUAL REPORT ON EQUAL TREATMENT OF*
 12 *ATHLETES.—*

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

16 “**§ 220530A. Annual report on equal treatment of ath-**
 17 **letes**

18 “(a) *IN GENERAL.—Not less frequently than annually,*
 19 *each national governing body shall submit to the corpora-*
 20 *tion and Congress a report on the compliance of the na-*
 21 *tional governing body with paragraphs (7) and (8) of sec-*
 22 *tion 220524(a).*

23 “(b) *MATTERS TO BE INCLUDED.—Each report re-*
 24 *quired by subsection (a) shall include detailed information*
 25 *on the median, minimum, and maximum stipends and bo-*

1 *nuses provided to athletes, disaggregated by gender, race,*
2 *and, as applicable, status of participation on a professional*
3 *sports team.”.*

4 (B) *CONFORMING AMENDMENT.—The table*
5 *of sections for subchapter II of chapter 2205 of*
6 *title 36, United States Code, is amended by add-*
7 *ing at the end the following:*

“220530A. Annual report on equal treatment of athletes.”.

8 (c) *IMPLEMENTATION PERIOD AND REPORTS TO CON-*
9 *GRESS.—Not later than 1 year after the date of the enact-*
10 *ment of this Act—*

11 (1) *the corporation shall—*

12 (A) *attain full compliance, and require as*
13 *a condition of continued certification that each*
14 *national governing body attains and maintains*
15 *full compliance, with the applicable amendments*
16 *made by this Act; and*

17 (B) *submit to Congress a report describing*
18 *such compliance of the corporation and each na-*
19 *tional governing body; and*

20 (2) *each national governing body shall—*

21 (A) *attain full compliance with the applica-*
22 *ble amendments made by this Act; and*

23 (B) *submit to Congress a report describing*
24 *such compliance.*

1 (d) *RULE OF CONSTRUCTION.*—*Nothing in this Act*
2 *shall be construed—*

3 (1) *to supersede, nullify, or diminish the rights*
4 *of any individual under any Federal law or the law*
5 *of any State or political subdivision of any State or*
6 *jurisdiction;*

7 (2) *to prohibit an individual athlete or a group*
8 *of athletes from receiving compensation from an indi-*
9 *vidual or entity other than a national governing body*
10 *or the corporation for the use of, as applicable, the*
11 *name, image, or likeness of the individual athlete or*
12 *the names, images, or likenesses of the group of ath-*
13 *letes; or*

14 (3) *to prohibit a team or group of athletes from*
15 *accepting outside sponsorships or endorsements, or*
16 *from participating in outside promotional events or*
17 *marketing campaigns, even if a team or group of ath-*
18 *letes of another gender are not offered equivalent*
19 *sponsorships, endorsements, or participation in out-*
20 *side promotional events or marketing campaigns.*