

116TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2019

Mr. MORAN (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

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

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

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

18 (5) After a comprehensive congressional inves-
19 tigation, including interviews and statements from
20 survivors, former and current organization officials,
21 law enforcement, and advocates, Congress found
22 that the United States Olympic Committee and USA
23 Gymnastics fundamentally failed to uphold their ex-
24 isting statutory purposes and duties to protect ama-
25 teur athletes from sexual, emotional, or physical
26 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 Safe Sport), 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 Safe Sport), 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 SAFE SPORT”; 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 (14), by striking “; and” and
19 inserting a semicolon;

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

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

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

7 (b) REPRESENTATION OF AMATEUR ATHLETES.—
8 Section 220504 of title 36, United States Code, is amend-
9 ed—

10 (1) in subsection (b)(2)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “within the preceding 10
13 years”;

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

16 (C) in subparagraph (B)—

17 (i) by striking “20 percent” and in-
18 serting “ $\frac{1}{3}$ ”; and

19 (ii) by inserting “, including any panel
20 empowered to resolve grievances” before
21 the semicolon;

22 (D) by redesignating subparagraph (B) as
23 subparagraph (D); and

24 (E) by inserting after subparagraph (A)
25 the following:

1 “(B) ensure that the chair of the Athletes’
 2 Advisory Council holds voting power on the
 3 board of directors of the corporation and in the
 4 committees and entities of the corporation;

5 “(C) require that $\frac{1}{3}$ of the membership of
 6 the board of directors of the corporation shall
 7 be composed of, and elected by, such amateur
 8 athletes; and”;

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

10 “(c) CONFLICT OF INTEREST.—An amateur athlete
 11 who represents amateur athletes under subsection (b)(2)
 12 shall not be employed by the Center during the 2-year pe-
 13 riod beginning on the date on which the amateur athlete
 14 ceases such representation.”.

15 (c) DUTY OF CARE.—

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

18 (A) in the section heading, by striking
 19 “**Powers**” and inserting “**Powers and**
 20 **duty of care**”; and

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

22 “(d) DUTY OF CARE.—

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

1 “(A) to ensure that each national gov-
2 erning body and paralympic sports organization
3 complies with the oversight practices, policies,
4 and procedures developed under paragraph (3)
5 of section 220541(a);

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

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

14 “(i) the policies and procedures devel-
15 oped under paragraph (3) of section
16 220541(a); and

17 “(ii) the requirement described in
18 paragraph (2)(A) of section 220542(a);
19 and

20 “(D) to ensure that each national gov-
21 erning body and paralympic sports organiza-
22 tions enforces temporary measures and sanc-
23 tions issued pursuant to the authority of the
24 Center.

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

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

“220505. Powers and duty of care.”.

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

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

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

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

4 (2) in paragraph (2)—

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

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

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

11 “(A) HIRING PROCEDURES.—The proce-
 12 dure”;

13 (C) in subparagraph (B)—

14 (i) by moving clauses (i) through (iii)
 15 to ems to the right; and

16 (ii) by striking “(B) The corporation”
 17 and inserting the following:

18 “(C) TERMINATION.—The corporation”;

19 and

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

23 “(B) VACANCY.—If there is”;

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

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

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

9 “(2) DUTIES.—The ombudsman shall—”;

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

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

14 (B) by redesignating subparagraph (C) as
 15 subparagraph (D); and

16 (C) by inserting after subparagraph (B)
 17 the following:

18 “(C) provide independent advice to report-
 19 ing parties with respect to—

20 “(i) the role, responsibility, and au-
 21 thority of the Center;

22 “(ii) the relative merits of engaging
 23 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”; and

4 (6) by inserting after paragraph (3), as redesign-
5 nated 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.

“(ii) WORK PRODUCT.—Any memorandum, work product, notes, or case file of the office of the ombudsman—

“(I) shall be confidential; and

“(II) shall not be—

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

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

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

“(i) applicable federally mandated reporting requirements;

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

“(iii) a situation, communicated to the office of the ombudsman, in which an individual is at imminent risk of serious harm; or

“(iv) a congressional subpoena.

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

thority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for disclosing information to the ombudsman or seeking assistance in mediation.

“(6) INDEPENDENCE IN CARRYING OUT DUTIES.—The board of directors of the corporation or any other member or employee of the corporation shall not prevent or prohibit the ombudsman from carrying out any duty or responsibility under this section.”.

(f) REPORTS AND AUDITS.—

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

(A) in the section heading, by striking “**Report**” and inserting “**Reports and audits**”;

(B) in subsection (a)—

(i) in the matter preceding paragraph

(1)—

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

(II) by striking “4 years” and inserting “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 redesign-
6 nated, by striking “such 4-year period”
7 and inserting “such calendar year”;

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

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

14 (vii) by adding at the end the fol-
15 lowing:

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 “(c) 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 cordance 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 redesign-
 12 nated, 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 (c) 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 (c), 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 redes-
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 redes-
22 ignated, by striking “; and” and inserting
23 a semicolon;

24 (vii) in subparagraph (I), as so redes-
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.”.

○