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

Mr. Moran (for himself and Mr. Blumenthal) introduced the following bill; which was read twice and referred to the Committee on

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”.
SEC. 2. FINDINGS.

Congress makes the following findings:

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

(2) Larry Nassar, the former national team doctor for USA Gymnastics, sexually abused over 300 athletes for over two decades because of ineffective oversight by USA Gymnastics and the United States Olympic Committee.

(3) While the case of Larry Nassar is unprecedented in scale, the case is hardly the only recent incident of sexual abuse in amateur sports.

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

(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duties to protect amateur athletes from sexual, emotional, or physical abuse.
(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

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

SEC. 3. UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

(a) In General.—Chapter 2205 of title 36, United States Code, is amended—

(1) in section 220501(b)(6), by striking “United States Olympic Committee” and inserting “United States Olympic and Paralympic Committee”;

(2) in section 220502, by amending subsection (e) to read as follows:

“(e) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—

Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to
refer to the United States Olympic and Paralympic Committee.

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

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

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

“2205. United States Olympic and Paralympic Committee ............................................. 220501”.

SEC. 4. CONGRESSIONAL OVERSIGHT OF UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE AND NATIONAL GOVERNING BODIES.

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

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

(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

"In this subchapter, the term 'joint resolution' means a joint resolution—

"(1) which does not have a preamble; and

"(2) for which—

"(A)(i) the title is only as follows: 'A joint resolution to dissolve the board of directors of the United States Olympic and Paralympic Committee'; and

"(ii) the matter after the resolving clause—

"(I) is as follows: 'That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code'; and
“(II) prescribes adequate procedures
for forming a board of directors of the cor-
poration with all reasonable expediency
and in a manner that safeguards the vot-
ing power of the representatives of ama-
teur athletes at all times; or

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

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

§220552. Dissolution of board of directors of cor-
poration and termination of recognition
of national governing bodies

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

"(b) Termination of Recognition of National
Governing Body.—Effective on the date of enactment
of a joint resolution described in section 220551(2)(B)
with respect to a national governing body, the recognition
of the applicable amateur sports organization as a national
governing body shall cease to have force or effect.

"§ 220553. Joint resolution

"(a) Referral and Reporting.—

"(1) House of Representatives.—

"(A) In General.—In the House of Rep-
resentatives, a joint resolution shall be referred
to the Committee on Energy and Commerce.

"(B) Discharge.—The Committee on En-
ergy and Commerce shall be discharged from
further consideration of a joint resolution and
the joint resolution shall be referred to the ap-
propriate calendar on the date on which not less
than three-fifths of the Members of the House
of Representatives, duly chosen and sworn, are
listed as cosponsors of the joint resolution.

"(C) Limitation on Consideration.—
Except as provided in subsection (e)(1), it shall
not be in order for the House of Representa-
tives to consider a joint resolution unless—

"(i) the joint resolution is reported by
the Committee on Energy and Commerce;
or

"(ii) the Committee on Energy and
Commerce is discharged from further con-
sideration of the joint resolution under
subparagraph (B).

"(2) Senate.—

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

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

"(C) LIMITATION ON CONSIDERATION.—
Except as provided in subsection (e)(1), it shall
not be in order for the Senate to consider a
joint resolution unless—
“(i) the joint resolution is reported by
the Committee on Commerce, Science, and
Transportation; or
“(ii) the Committee on Commerce,
Science, and Transportation is discharged
from further consideration of the joint res-
olution under subparagraph (B).
“(b) EXPEDITED CONSIDERATION IN HOUSE OF
REPRESENTATIVES.—
“(1) PROCEEDING TO CONSIDERATION.—After
the Committee on Energy and Commerce reports a
joint resolution to the House of Representatives or
has been discharged from its consideration in ac-
cordance with subsection (a)(1)(B), it shall be in
order to move to proceed to consider the joint res-
olution in the House of Representatives. All points of
order against the motion are waived. Such a motion
shall not be in order after the House of Representa-
tives has disposed of a motion to proceed on a joint
resolution. The previous question shall be considered
as ordered on the motion to its adoption without in-
tervening motion. The motion is highly privileged in
the House of Representatives and is not debatable.
A motion to reconsider the vote by which the motion
is disposed of shall not be in order.
“(2) CONSIDERATION.—A joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its final passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

“(c) EXPEDITED PROCEDURE IN SENATE.—

“(1) MOTION TO PROCEED.—Notwithstanding rule XXII of the Standing Rules of the Senate, after the Committee on Commerce, Science, and Transportation reports a joint resolution to the Senate or has been discharged from its consideration in accordance with subsection (a)(2)(B), it shall be in order for any Member of the Senate to move to proceed to the consideration of the joint resolution. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution
is agreed to, the joint resolution shall remain the un-
finished business until disposed of.

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

"(3) VOTE ON PASSAGE.—If the Senate has
voted to proceed to a joint resolution, the vote on
passage of the joint resolution shall occur imme-
diately following the conclusion of consideration of
the joint resolution, and a single quorum call at the
conclusion of the consideration if requested in ac-
cordance with the rules of the Senate.
"(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

"(d) AMENDMENTS NOT IN ORDER.—A joint resolution shall not be subject to amendment in either the House of Representatives or the Senate.

"(e) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

"(1) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—

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

"(i) shall be entitled to expedited floor procedures described under this section; and

"(ii) may be referred in the receiving chamber or may be held at the desk.

"(B) POTENTIAL REFERRAL.—If a joint resolution referred to a committee under subparagraph (A)(ii) is cosponsored by not less than three-fifths of the Members of the origi-
nating House, duly chosen and sworn, the committee shall report the joint resolution not later than 20 days after the date on which the joint resolution is referred to the committee.

"(2) VETOES.—If the President vetoes a joint resolution, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the Majority and Minority leaders or their designees.

"(f) RULEMAKING FUNCTION.—This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively; and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House."
(b) TECHNICAL AND CONFORMING AMENDMENTS.—

The table of sections for chapter 2205 of title 36, United States Code, is amended—

(1) by striking the second item relating to subchapter III (relating to the United States Center for Safe Sport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115–126; 132 Stat. 320) and inserting the following:

"SUBCHAPTER IV—UNITED STATES CENTER FOR SAFE SPORT"; and

(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."

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

SEC. 5. MODIFICATIONS TO UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

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

(1) in paragraph (14), by striking "; and" and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting "; and"; and
(3) by adding at the end the following:

“(16) to exercise effective oversight of the national governing bodies with respect to the establishment of a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.”.

(b) REPRESENTATION OF AMATEUR ATHLETES.—

Section 220504 of title 36, United States Code, is amended—

(1) in subsection (b)(2)—

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

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

(C) in subparagraph (B)—

(i) by striking “20 percent” and inserting “1/3”; and

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

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

(E) by inserting after subparagraph (A) the following:
“(B) ensure that the chair of the Athletes’ Advisory Council holds voting power on the board of directors of the corporation and in the committees and entities of the corporation;

“(C) require that 1/3 of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes; and”; and

(2) by adding at the end the following:

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

(e) DUTY OF CARE.—

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

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

(B) by adding at the end the following:

“(d) DUTY OF CARE.—

“(1) IN GENERAL.—The corporation owes to amateur athletes a duty of care—
“(A) to ensure that each national governing body and paralympic sports organization complies with the oversight practices, policies, and procedures developed under paragraph (3) of section 220541(a);

“(B) to immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor;

“(C) to ensure that each national governing body and paralympic sports organization has in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

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

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

“(D) to ensure that each national governing body and paralympic sports organizations enforces temporary measures and sanctions issued pursuant to the authority of the Center.
“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preempt or otherwise abrogate the duty of care of the corporation under State law or the common law.”.

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

“220505. Powers and duty of care.”.

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

“(e) POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING NEW JOBS.—The corporation shall develop 1 or more policies that prohibit any individual who is an employee, a contractor, or an agent of the corporation from assisting a member or former member in obtaining a new job, except the routine transmission of administrative and personnel files, if the individual knows that such member or former member engaged in sexual misconduct regarding a minor in violation of the law.”.

(e) OFFICE OF OMBUDSMAN.—Section 220509(b) of title 36, United States Code, is amended—
(1) in the subsection heading, by striking "OM-
BUDSMAN" and inserting "OFFICE OF THE OM-
BUDSMAN";

(2) in paragraph (2)—

(A) in subparagraph (A), by moving
clauses (i) through (iii) two ems to the right;
(B) by striking "(2) (A) The procedure"
and inserting the following:

"(2) HIRING PROCEDURES; VACANCY; TERMi-
NATION.—

"(A) HIRING PROCEDURES.—The pro-
cedure";

(C) in subparagraph (B)—

(i) by moving clauses (i) through (iii)
to ems to the right; and
(ii) by striking "(B) The corporation"
and inserting the following:

"(C) TERMINATION.—The corporation";

and

(D) in the undesignated matter following
clause (iii) of subparagraph (A), by striking "If
there is" and inserting the following:

"(B) VACANCY.—If there is";

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

“(1) IN GENERAL.—The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman and support staff for athletes.

“(2) DUTIES.—The ombudsman shall—”;

(5) in paragraph (2), as so designated by paragraph (4)—

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

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

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

“(C) provide independent advice to reporting parties with respect to—

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

“(ii) the relative merits of engaging legal counsel; and
“(iii) the factual allegations that may support the ability of the Center to pursue a claim of abuse; and’; and

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

“(4) CONFIDENTIALITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the ombudsman shall maintain confidential any information communicated or provided to the ombudsman in any matter involving the exercise of the official duties of the ombudsman.

“(B) EXCEPTION.—The ombudsman may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute.

“(C) JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—

“(i) IN GENERAL.—The ombudsman shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the 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 re-
porting 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 indi-
vidual is at imminent risk of serious harm;
or

"(iv) a congressional subpoena.

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

(1) by striking "every fourth year" and inserting "annually"; and

(II) by striking "4 years" and inserting "calendar year";
(ii) by striking paragraph (1);

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

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

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

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

(vii) by adding at the end the following:

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

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

(C) by adding at the end the following:

“(c) Audit.—

“(1) In general.—Not less frequently than annually, the financial statements of the corporation for the preceding fiscal year shall be audited in ac-
cordance with generally accepted auditing standards
by—

"(A) an independent certified public ac-
countant; or

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

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

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

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

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

"(4) REPORT.—

"(A) IN GENERAL.—Not later than 180
days after the end of the fiscal year for which
an audit is carried out, the auditor shall submit
a report on the audit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the chair of the Athletes’ Advisory Council.

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

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

“(ii) An analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit.

“(iii) A detailed statement of the income and expenses of the corporation, including the results of any trading, manufacturing, publishing, or other commercial endeavor.

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

“(v) A detailed statement of the amounts allocated to the national governing bodies.
“(vi) Such comments and information as the auditor considers necessary to inform Congress of the financial operations and condition of the corporation.

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

“(C) FORM.—A report under this paragraph may not be printed as a public document, except as part of proceedings authorized to be printed under section 1332 of title 44.”.

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

“220511. Reports and audits.”.

SEC. 6. MODIFICATIONS TO NATIONAL GOVERNING BODIES.

(a) CORPORATION RESPONSIBLE FOR OBLIGATIONS OF NATIONAL GOVERNING BODIES.—Section 220521(d) of title 36, United States Code, is amended by striking “The corporation may review” and inserting “Not later than 8 years after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, and not less frequently than once every 4 years thereafter, the corporation shall review”. 
(b) Eligibility Requirements With Respect to Governing Boards.—Section 220522(a) of title 36, United States Code, is amended—

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

(2) by inserting after paragraph (9) the following:

"(10) ensures that the selection criteria for individuals and teams that represent the United States are as objective as possible;"

(3) by striking paragraph (13), as so redesignated, and inserting the following:

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

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

"(i) are elected by amateur athletes;

and

"(ii) are actively engaged in amateur athletic competition in the sport for which recognition is sought;"
“(B) any exception to such guidelines by such organization has been approved by—

“(i) the corporation; and

“(ii) the Athletes’ Advisory Council;

and

“(C) the voting power held by such individuals is not less than 1/3 of the voting power held in its board of directors and other such governing boards;”;

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

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

(6) by adding at the end the following:

“(17) commits to meeting any minimum standard or requirement set forth by the corporation.”.

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

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

“(a) IN GENERAL.—For the sport”;

(2) in subsection (a), as so designated—
(A) in paragraph (8), by striking "; and"

and inserting a semicolon;

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

(C) by adding at the end the following:

“(10) develop 1 or more policies that prohibit any individual who is an employee, a contractor, or an agent of the national governing body from assisting a member or former member in obtaining a new job, except from the routine transmission of administrative and personnel files, if the individual knows that such member or former member engaged in sexual misconduct regarding a minor in violation of the law;

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

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

“(13) immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor; and
“(14) have in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

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

“(B) the requirement described in paragraph (2)(A) of section 220542(a).”; and

(3) by adding at the end the following:

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

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

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

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

“(A) a report under paragraph (1); or

“(B) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.”.
SEC. 7. MODIFICATIONS TO UNITED STATES CENTER FOR SAFE SPORT.

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

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

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

(b) DEFINITION OF APPLICABLE ENTITY.—Section 220541(d)(3) of title 36, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(2) in subparagraph (G), as so redesignated, by striking "or (E)" and inserting "(E), or (F)"; and

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

"(B) the corporation;".
(e) TRAINING MATERIALS.—Section 220541 of title 36, United States Code, is amended by adding at the end the following:

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

"(1) develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, and mentally disabled individuals; and

"(2) not less frequently than every 3 years, update such training materials."

(d) INDEPENDENCE.—Section 220541 of title 36, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

"(f) INDEPENDENCE.—

"(1) PROHIBITION.—A former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body.

"(2) CONFLICTS OF INTEREST.—An executive or counsel for the Center shall be considered to have
an inappropriate conflict of interest if the executive
or counsel also represents the corporation or a na-
tional governing body.

"(3) INVESTIGATIONS.—

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

"(B) REPORT.—In the case of an attempt
to interfere in, or influence the outcome of, an
investigation not later than 72
hours after such attempt, the Center shall
submit to the Committee on Commerce,
Science, and Transportation of the Senate and
the Committee on Energy and Commerce of the
House of Representatives a report describing
the attempt.”.

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

"(g) FUNDING.—

"(1) MANDATORY PAYMENTS.—
“(A) Fiscal year 2019.—Not later than 30 days after the date of the enactment of this subsection, the corporation shall make a mandatory payment of $20,000,000 to the Center for operating costs of the Center for fiscal year 2019.

“(B) Subsequent fiscal years.—Beginning on January 1, 2020, the corporation shall make a mandatory payment of $20,000,000 to the Center on January 1 each year for operating costs of the Center.

“(2) Funds from national governing bodies.—The corporation may use funds received from one or more national governing bodies to make a mandatory payment required by paragraph (1).

“(3) Failure to comply.—

“(A) In general.—The Center may file a lawsuit to compel payment under paragraph (1).

“(B) Penalty.—For each day of late or incomplete payment of a mandatory payment under paragraph (1) after January 1 of the applicable year, the Center shall be allowed to recover from the corporation an additional $20,000.”.
(f) ADDITIONAL DUTIES.—Section 220542 of title 36, United States Code, is amended—

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

(2) in subsection (a)—

(A) in paragraph (1), by striking ‘‘; and’’ and inserting a semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

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

“(ii) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse;”;

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

(iii) by inserting after subparagraph (A) the following:
“(B) a requirement that the Center shall immediately report to law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) any allegation of child abuse of an amateur athlete who is a minor, including any report of such abuse submitted to the Center by a minor or by any person who is not otherwise required to report such abuse;

“(C) 1 or more policies that prohibit an individual who is a Center employee, contractor, or agent from assisting a member or former member in obtaining a new job, except the routine transmission of administrative and personnel files, if the individual knows that such member or former member engaged in sexual misconduct regarding a minor in violation of the law;

“(D) a requirement that the Center, including any officer, agent, attorney, or staff member of the Center, shall not take any action—

“(i) to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless the
Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator; and

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

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

“(II) declines to act on the allegation within 72 hours after the time at which the Center reports to law enforcement under subparagraph (B);”;

(iv) in subparagraph (F), as so redesignated, by inserting “, including communications,” after “interactions”; 

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

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

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

“(ii) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse;”;
(vi) in subparagraph (H), as so redesignated, by striking "; and" and inserting a semicolon;

(vii) in subparagraph (I), as so redesignated, by striking the period at the end of clause (ii) and inserting a semicolon;

and

(viii) by adding at the end the following:

"(J) a prohibition on the use in a report or a resolution of the Center under section 220541(a)(4) of any evidence relating to other sexual behavior or the sexual predisposition of the alleged victim, or the admission of any such evidence in arbitration, unless the probative value of the use or admission of such evidence, as determined by the Director or the arbitrator, as applicable, substantially outweighs the danger of—

"(i) any harm to the alleged victim;

and

"(ii) unfair prejudice to any party;

and

"(K) training for investigators on appropriate methods and techniques for ensuring sen-
sitivity toward alleged victims during interviews
and other investigative activities.”.

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

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

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

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

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

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

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

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

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

“(7) any information relating to the education and training conducted by the office of education and outreach of the Center during the preceding year; and”.

SEC. 8. EXEMPTION FROM AUTOMATIC STAY IN BANKRUPTCY CASES.

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

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

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

(3) by inserting after paragraph (28) the following:

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

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

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