

Calendar No. 734

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-443

UNITED STATES CENTER FOR SAFE SPORT
AUTHORIZATION ACT OF 2017

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1426



DECEMBER 19, 2018.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION ACT OF 2017

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1426]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1426) to amend the Ted Stevens Olympic and Amateur Sports Act to expand the purposes of the corporation, to designate the United States Center for Safe Sport, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1426, the United States Center for Safe Sport Authorization Act of 2017, is to clarify that a central purpose of the United States National Olympic Committee (USOC) is to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete. This legislation also would designate the United States Center for Safe Sport (Center) as the independent organization to investigate and adjudicate abuse allegations in the Olympic movement. It would require the Center, among other things, to develop best practices and procedures for implementation by the various National Governing Bodies (NGBs) and Paralympic Sports Organizations (PSOs) that are responsible for administering Olympic and Paralympic sports at the national level and for athlete development in preparing for competition.

To minimize the risk to the Center of litigation arising from actions performed in the course of the investigation, adjudication, and sharing of information of abuse allegations, as this bill contemplates and requires, S. 1426 would provide certain limitations on liability for the Center, NGBs, and PSOs. It would provide exceptions to these limitations on liability in instances in which the entity has acted with actual malice or outside the scope of its duties. Finally, in order to ensure independence, this bill would authorize to be appropriated \$1 million annually for fiscal years (FYs) 2017 through 2021 to the Center to supplement the funds it currently receives from the USOC, the NGBs, and other sources.

BACKGROUND AND NEEDS

The issue of sexual abuse within the United States Olympic movement has received considerable media attention in recent months. In February 2017, reports detailed serious allegations of alleged sexual abuse within the sport of taekwondo, resulting in the criminal conviction of a USA Taekwondo coach.¹ Additional misconduct has reportedly occurred under other sports' NGBs, including gymnastics, speed skating, swimming, and cycling.² The implication that such conduct may be systemic across NGBs raises serious concerns about the extent to which the USOC³ perceives and is acting upon its obligation to protect the health and safety of athletes. Following these reports, in March 2017, Chairman Thune and Senator Moran, who serves as Chairman of the Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, sent a letter to the USOC inquiring about the ability of the USOC and the NGBs to conduct effective, timely, and impartial investigations into allegations of misconduct.⁴

To address abuse and misconduct, the USOC is responsible for enforcing conduct and safety policies for staff who are in direct contact with athletes. The USOC also has instituted mandatory policy measures for NGBs and PSOs. For example, in 2010, the USOC convened a working group for safe training environments and subsequently implemented its recommendations. In 2017, the USOC established the Center as an independent entity to provide a single

¹ Will Hobson & Steven Rich, "An Athlete Accused Her Coach of Sex Abuse. Olympic Officials Stayed on the Sideline," Wash. Post, February 14, 2017, at https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd_story.html.

² See, e.g., Rick Maese & Will Hobson, "USA Gymnastics Says it Alerted FBI to Dr. Accused of Sex Abuse in 2015," Wash. Post, February 16, 2017, at https://www.washingtonpost.com/sports/2017/02/16/a03f968c-f489-11e6-a9b0-ecee7ce475fc_story.html (alleging sexual abuse within USA Gymnastics); Marisa Kwiatkowski, et al., "A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases," Indianapolis Star, Aug. 4, 2016, at A9 (alleging failure to report sexual abuse within USA Gymnastics); Kelly Whiteside, "the USOC Eyes Agency to Fix Abuses," USA Today, Mar. 8, 2013, at 6C (reporting claims of physical and emotional abuse in U.S. Speedskating and stating that "[s]exual abuse allegations have rocked swimming and other sports"); Caitlin Giddings, "USA Cycling Opens Investigation into Missy Erickson's Allegations of Sexual Abuse," Bicycling, Feb. 17, 2017, at <http://www.bicycling.com/racing/pro-cycling/usa-cycling-opens-investigation-into-missy-ericksons-allegations-of-sexual-abuse> (alleging sexual abuse within USA Cycling).

³ The National Olympic Committee for the United States (USOC) is responsible for supporting, entering, and overseeing U.S. teams for the Olympic Games, Paralympic Games, Youth Olympic Games, Pan American Games, and Parapan American Games. The USOC supports NGBs by providing expertise in nutrition, biomechanics, medicine, physiology, psychology, strength and conditioning, and performance technology. About the USOC, Team USA, at <http://www.teamusa.org/About-the-USOC> (last visited Oct. 20, 2017).

⁴ Letter from Hon. John Thune, Chairman, S. Comm. on Commerce, Sci., & Transp., and Hon. Jerry Moran, Chairman, Subcomm. on Consumer Prot., Prod. Safety, Ins., & Data Sec., to Mr. Scott Blackmun, Chief Exec. Officer, U.S. Olympic Comm. (March 2, 2017) (on file with Comm.).

source for investigation and resolution of abuse and misconduct allegations.⁵ The Center is tasked with enforcing abuse prevention policies, investigating and adjudicating such allegations, and providing training and education to NGBs and their members on how to implement best practices.

The Center receives operational funding principally through cash and in-kind contributions from the USOC and NGBs. The Center contemplates additional fundraising from the private sector, including foundations, corporations, and individuals; however, in FY 2017, the year the Center became operational, it received approximately 66 percent of its funding from the USOC and approximately 33 percent of its funding from the NGBs. The Committee recognizes that additional sources of funding, including access to Federal funding, are needed to ensure the Center's independence and long-term viability. In particular, not having to rely solely on USOC and NGB funding is critical to the Center's ability to offer and administer its investigations and decisions with clear independence and autonomy from those entities. Indeed, their athletes and coaches may be the subject of sensitive investigations.

In addition to fundraising, the Committee recognizes that access to adequate insurance coverage has been a challenge for the Center. Given the Center's current work in addressing abuse allegations and the additional duties contemplated by this legislation, the Committee believes the Center's tort liability exposure should be calibrated to allow the Center to continue its work to protect amateur athletes from abuse by limiting the risk of potential litigation arising in the course of its legitimate activities. Furthermore, the Committee believes that such liability protections would allow the Center to renegotiate its current insurance policy to receive more favorable terms.

SUMMARY OF PROVISIONS

Section 3 would amend chapter 2205 of title 36, United States Code,⁶ by adding a new section 220541(a)(1) designating the Center to serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States. This language is modeled off of the law authorizing the United States Anti-Doping Agency (USADA) (21 U.S.C. 2001, et seq.). It is the Committee's intention for the Center to exist on a similar footing with, and with the same independence as, USADA.

Section 3 would add a new section 220541(a)(3) to require the Center to maintain an office, to develop, among other things, training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through NGBs and PSOs. This provision would ensure that policies and procedures exist at the NGB and PSO level to protect amateur athletes from abuse, training to prevent abuse is available to NGBs and PSOs, and there is sufficient oversight of the implementation of these anti-abuse protections. This provision would confer discretion

⁵Press Release, U.S. Ctr. for SafeSport, The U.S. Center for SafeSport Opens (March 23, 2017) (on file with Comm.).

⁶This chapter is known as the Ted Stevens Olympic and Amateur Sports Act.

to the Center to tailor such training, oversight practices, policies, and procedures to the needs of the individual NGBs and PSOs, based on such factors as legal and governance structure, size, number of amateur athletes, history of prior misconduct, and other factors particular to each sport. The Committee is aware that certain NGBs and PSOs have instituted and currently enforce robust policies and procedures to prevent abuse, which may be sufficient for the purposes of this section. Where such policies and procedures exist, the Center may recognize the existing policies and procedures rather than develop policies and procedures de novo. The outreach and oversight contemplated under this provision may include, for instance, the sharing of information regarding accused violators, which can help prevent such violators from “sport hopping” in order to avoid being caught and prevent them from coaching amateur athletes in spite of alleged abusive behavior.

Section 3 would add a new section 220541(a)(5) to require the Center to maintain an office for response and resolution to, among other things, establish mechanisms that allow for the reporting, investigation, and adjudication of alleged sexual abuse in violation of the Center’s policies and procedures. Section 220541(a)(6) would further require that these mechanisms provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants. In an administrative proceeding to determine the opportunity of an individual to participate in amateur athletic competition, the requirement to provide “fair notice and an opportunity to be heard” is a lower standard than would be required as a matter of constitutional due process in a criminal proceeding.

Section 3 would add a new section 220541(b) to allow the Center to utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction in order to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of an allegation of sexual abuse, to participate in amateur athletic competition. It is not the purpose of such a proceeding to supplant any criminal or civil proceeding arising from alleged sexual abuse. The Committee contemplates that the policies and procedures developed under this section may include procedures to appeal the decision of the neutral arbitration body.

Section 3 would add a new section 220541(c) to limit the liability of the Center and each NGB and PSO, including officers, employees and agents thereof. This provision states that these parties shall not be held liable for damages in any civil action for a variety of tort actions arising out of any actions or communications undertaken in the course of their duties. The Committee contemplates that these protection extend not only to actions for defamation, libel, slander, or damage to reputation, but also to related actions, including, but not limited to, false light, intrusion upon seclusion, tortious interference, and abuse of process. These liability protections would not apply in instances in which the Center, NGB, PSO, or officers, employees, or agents thereof act with actual malice or in cases where the action is unrelated to official duties. There is a presumption that the Center, NGB, PSO, or officers, employees, or agents thereof act pursuant to their duties under this Act and without actual malice.

Section 3 would add a new section 220542(a)(2)(A) to require that the Center develop, and that the NGBs and PSOs follow, policies and procedures to require adults within the NGBs and PSOs, among others, to report immediately any allegation of child abuse to law enforcement, the Center, and other appropriate entities. “Child abuse” would be defined as “physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography,” consistent with the term’s definition in section 212 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001a). Though the legislation contemplates elsewhere that the Center would develop, among other things, training to prevent abuse, including emotional, physical, and sexual abuse, in sports, section 220542(a)(2)(A) would neither require mandatory reporting of other allegations of abuse beyond child abuse, as defined, nor would it preclude voluntary reporting of such allegations.

Section 3 would add a new section 220542(a)(2)(C) to require that the Center develop, and that NGBs and PSOs follow, reasonable procedures to limit 1-on-1 interactions between an amateur athlete who is a minor and an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of an NGB or PSO without being in an observable and interruptible distance from another adult, except under exigent circumstances. Such procedures can contemplate the policies and procedures outlined in the Center for Disease Control and Prevention’s (CDC’s) guidelines entitled “Preventing Child Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures,”⁷ which recommends organizations consider contextual issues and balance the need to keep youth safe with the need to nurture and care for them.⁸ With respect to 1-on-1 interactions, the CDC states that “some organizations have a policy to limit 1-on-1 interactions between youth and adults (i.e., having at least two adults present at all times with youth). The goal of such a policy is to prevent the isolation of 1 adult and 1 youth, a situation that elevates the risk for child sexual abuse. This strategy must be modified based on the mission of your organization.”⁹

Section 3 would add a new section 220542(a)(2)(E) providing for oversight procedures, including a requirement that subject matter experts, unaffiliated with an NGB or PSO conduct regular and random audits. The Committee contemplates that such audits occur on a quadrennial basis. In determining whether a subject matter expert is unaffiliated with an NGB or PSO, the Committee contemplates that the Center apply criteria similar to the criteria set forth in section 3.4 of the USOC bylaws to determine whether a director would be considered an “independent director.” The purpose of these oversight procedures is to ensure that the NGBs and PSOs comply with the policies and procedures developed under the new section 220541(a)(3). In addition, these procedures are meant to ensure that all adult NGB and PSO members receive consistent sexual abuse prevention training, as well as minors, subject to parental consent. In this instance, “consistent training” would mean

⁷U.S. Dep’t of Health & Hum. Servs., “Preventing Child Sexual Abuse Within Youth-serving Orgs.: Getting Started on Policies and Procs. (2007),” at <https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>.

⁸Id. at 2.

⁹Id. at 11.

training regarding the prevention of sexual abuse that is consistent with the training developed under section 220541(a)(3) for an individual NGB or PSO.

LEGISLATIVE HISTORY

On May 17, 2017, the Committee held a hearing entitled “Current Issues in American Sports: Protecting the Health and Safety of American Athletes,” during which Committee members heard testimony regarding the Center’s efforts to address incidents of sexual abuse within the Olympic movement. Ms. Shellie Pfohl, the Center’s President and Chief Executive Officer, testified that 45 million youth in the United States play sports, and that, among athletes and non-athletes, 1-in-10 youth in the United States are at risk of being sexually abused before the age of 18. Ms. Pfohl also testified that among the best practices that the Center endorses are risk-based policies to limit 1-on-1 contact between minor athletes and coaches, consistent with the standard for such contact recommended by the CDC.

Chairman Thune introduced S. 1426 on June 22, 2017 (for himself and Ranking Member Nelson). Senators Moran (chairman of the Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security), Blumenthal (ranking member of that subcommittee), Sullivan, Peters, and Klobuchar are also cosponsors.

On June 29, 2017, the Committee met in open Executive Session, and, by voice vote, ordered S. 1426 reported favorably with an amendment (in the nature of a substitute). At the Executive Session, Senators Thune and Nelson both recognized a similar bill, S. 534, the Protecting Young Victims from Sexual Abuse Act of 2014, sponsored by Senator Feinstein and previously reported by the Committee on the Judiciary of the Senate. Both Senators stated their intention to work with Senator Feinstein to merge S. 1426 and S. 534 for consideration by the full Senate. Provisions of S. 1426 were merged with S. 543 before S. 534 passed the Senate on November 14, 2017.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1426—United States Center for Safe Sport Authorization Act of 2017

S. 1426 would designate the United States Center for Safe Sport as the national safe sport organization for the United States Olympic Committee (USOC) and would authorize the appropriation of \$1 million each year for fiscal years 2017–2021 for its operations. Currently, the Center operates as a non-profit entity that addresses sexual misconduct and abuse within national governing bodies recognized by the USOC. The bill also would specify the structure and duties of the Center and would require it to submit an annual report to Congress. CBO estimates that implementing the bill would

cost \$4 million over the 2018–2022 period, assuming appropriation of the specified amounts.

S. 1426 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 1426 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1426 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

S. 1426 would impose a private-sector mandate, as defined in UMRA, by requiring the United States Center for Safe Sports to develop training, oversight practices, policies and procedures to prevent the abuse of any amateur athlete. The bill also would require additional procedures to be implemented by the Center to report such abuse. According to testimony, the United States Olympic Committee recently implemented such a program to prevent and report any abuse of athletes. Consequently, CBO estimates that the costs of complying with the mandates would be small and would fall well below the annual threshold established in UMRA for private-sector mandates (\$156 million in 2017, adjusted annually for inflation). Moreover, the bill would authorize the appropriation of \$1 million annually for fiscal years 2017–2021 to the Center to offset the costs of complying with the requirements of the bill.

The CBO staff contacts for this estimate are Stephen Rabent (for federal costs) and Paige Piper-Bach (for private-sector mandates). The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1426, as reported, would not impose any new regulatory requirements on businesses.

ECONOMIC IMPACT

Enactment of this legislation is not expected to have an adverse impact on the Nation's economy.

PRIVACY

S. 1426 would include a provision to require immediate reporting of allegations of child abuse of any amateur athlete who is a minor, and would establish a mechanism for reporting of other abuse allegations. It includes a provision to require the Center to establish a mechanism by which an NGB or PSO would share confidentially reports of suspected sexual abuse of an amateur athlete who is a minor. It would include a provision to require the Center to establish mechanisms that would allow for the reporting, investigation, and adjudication of alleged sexual abuse in violation of the Center's

policies and procedures, but requires that these mechanisms protect the privacy of complainants, among other things.

PAPERWORK

S. 1426 would require the Center to keep correct and complete records of account and to submit an annual report to Congress including an annual audit and description of its activities.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “United States Center for Safe Sport Authorization Act of 2017.”

Section 2. Expansion of the purposes of the corporation.

This section would amend the Ted Stevens Olympic and Amateur Sports Act (Stevens Act) to state that it is the purpose of the USOC to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete (defined in existing code as an athlete who meets the eligibility standards established by the NGB or PSO for the sport in which the athlete competes).

Section 3. Designation of the United States Center for Safe Sport.

This section would amend the Stevens Act by creating a new subchapter III, designating the Center, enumerating additional duties of the Center, requiring records audits and reports, and authorizing appropriations.

Designation of the United States Center for Safe Sport

The Center would serve as the independent national safe sport organization and would be recognized worldwide as the independent national safe sport organization for the United States. This section would establish the Center’s jurisdiction over the USOC, NGB, and PSO with regard to safeguarding athletes against abuse, including emotional, physical, and sexual abuse, in sports. This provision is modeled on similar language codifying the role of USADA.

The Center would be required to maintain an office for education and outreach to develop training, oversight practices, policies and procedures to prevent the abuse, including emotional, physical and sexual abuse, of amateur athletes participating in amateur athletic activities through the NGBs and PSOs. The Center would be required to ensure that all NGBs and PSOs follow its policies and procedures for preventing abuse. The Center also would be required to maintain an office for response and resolution that would establish mechanisms for the reporting, investigation, and adjudication of allegations of sexual abuse committed in violation of the

Center's policies and procedures to determine an individual's opportunity to participate in amateur athletic competition. In so doing, this office would be required to provide fair notice and an opportunity to be heard, as well as to protect the privacy and safety of complainants.

The Center, at its discretion, would be allowed to utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction. However, this section would contain a rule of construction to preserve the right otherwise existing in law of an amateur athlete to pursue civil remedies through the courts.

This section would contain a limitation of liability that would provide that the Center, each NGB, and each PSO would not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation, except when the Center, NGB, or PSO acts with actual malice or takes action not pursuant to this bill.

Additional Duties

The Center would be required to develop training, oversight practices, policies, and procedures for implementation by the NGBs and PSOs to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes. These policies would include a requirement that all adult members of the NGBs and PSOs, or facilities under the jurisdiction of a NGB or PSO, in addition to other adults authorized to interact with amateur athletes, report immediately any allegation of child abuse of a minor amateur athlete to appropriate authorities, including the Center and law enforcement agencies, whenever such member or adult learns of facts leading them to suspect reasonably that a minor amateur athlete has suffered an incident of child abuse. The term "child abuse" would be defined to mean physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography.

The Center would be required to implement a mechanism approved by a trained expert on child abuse that allows a complainant to report easily an incident of sexual abuse to the Center, NGB, PSO, law enforcement, or other appropriate authority.

The Center would be required to include reasonable procedures to limit 1-on-1 interactions between minor amateur athletes and adults (other than the minor's legal guardian) at facilities under control of an NGB or PSO except under exigent circumstances. Under this requirement, the reasonable procedures would allow for interactions that occur within an observable and interruptible distance from another adult.

The Center would be required to prohibit any NGB or PSO from retaliating against any individual who reports sexual abuse of a minor amateur athlete as required under Center policies and procedures, or who reports an incident of child abuse pursuant to the Center's established mechanisms.

The Center would be required to establish oversight procedures, including regular and random audits conducted by subject matter experts, unaffiliated with an NGB or PSO, of each NGB or PSO to ensure that certain policies and procedures are followed correctly and that consistent training regarding prevention of sexual abuse is offered and given to all adult members and, subject to parental consent, to members who are minors.

The Center would be required to establish a mechanism by which an NGB or PSO can share confidentially a report of sexual abuse of an amateur athlete who is a minor by a member of the NGB or PSO, or an adult authorized by an NGB or PSO to interact with an amateur athlete who is a minor, with each of the other NGBs, PSOs, or facilities under the control of such entities, and to allow an NGB or PSO to withhold providing to an adult who is the subject of an allegation of sexual abuse the authority to interact with an amateur athlete who is a minor until the resolution of such allegation. This section would contain a rule of construction to clarify that nothing in this section would be construed as to limit the ability of an NGB or PSO to implement an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.

Records, Audits, and Reports

This section would require the Center to keep correct and complete records of account and to submit an annual report to Congress including an annual audit that complies with the audit requirements for Patriotic and National Organizations and includes a description of the Center's activities.

Authorization of Appropriations

This section would authorize to be appropriated to the Center \$1 million annually for FY 2017 through FY 2021.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 36. PATRIOTIC AND NATIONAL OBSERVANCES,
CEREMONIES, AND ORGANIZATIONS

SUBTITLE II. PATRIOTIC AND NATIONAL ORGANIZATIONS

PART B. ORGANIZATIONS

CHAPTER 2205. UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I. CORPORATION

§ 220501. Short title and definitions

(a) SHORT TITLE.—This chapter may be cited as the “Ted Stevens Olympic and Amateur Sports Act”.

(b) DEFINITIONS.—For purposes of this chapter—

(1) “amateur athlete” means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes.

(2) “amateur athletic competition” means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete.

(3) “amateur sports organization” means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition.

(4) “Center” means the United States Center for Safe Sport designated under section 220541.

[(4)](5) “corporation” means the United States Olympic Committee.

[(5)](6) “international amateur athletic competition” means an amateur athletic competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country.

[(6)](7) “national governing body” means an amateur sports organization that is recognized by the corporation under section 220521 of this title.

[(7)](8) “paralympic sports organization” means an amateur sports organization which is recognized by the corporation under section 220521 of this title.

[(8)](9) “sanction” means a certificate of approval issued by a national governing body.

§ 220503. Purposes

The purposes of the corporation are—

(1) to establish national goals for amateur athletic activities and encourage the attainment of those goals;

(2) to coordinate and develop amateur athletic activity in the United States, directly related to international amateur athletic competition, to foster productive working relationships among sports-related organizations;

(3) to exercise exclusive jurisdiction, directly or through constituent members of committees, over—

(A) all matters pertaining to United States participation in the Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games; and

(B) the organization of the Olympic Games, the Paralympic Games, and the Pan-American Games when held in the United States;

(4) to obtain for the United States, directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each event of the Olympic Games, the Paralympic Games, and Pan-American Games;

(5) to promote and support amateur athletic activities involving the United States and foreign nations;

(6) to promote and encourage physical fitness and public participation in amateur athletic activities;

(7) to assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;

(8) to provide swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;

(9) to foster the development of amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;

(10) to provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

(11) to encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;

(12) to encourage and provide assistance to amateur athletic activities for women;

(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; **[and]**

(14) to encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of those minorities in amateur athletic activities in which they are underrepresented**[.]**; *and*

(15) *to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.*

Subchapter III—United States Center for Safe Sport

§220541. Designation of United States Center for Safe Sport

(a) *IN GENERAL.*—*The United States Center for Safe Sport (referred to in this subchapter as the “Center”) shall—*

(1) *serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;*

(2) *exercise jurisdiction over the corporation, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;*

(3) *maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;*

(4) *ensure that the policies and procedures under paragraph (3) include requirements that all national governing bodies and paralympic sports organizations follow the policies and procedures of the Center;*

(5) *maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and adjudication of alleged sexual abuse in violation of the Center’s policies and procedures; and*

(6) *ensure that the mechanisms under paragraph (5) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants.*

(b) *POLICIES AND PROCEDURES.*—

(1) *IN GENERAL.*—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction.

(2) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an amateur athlete to pursue criminal or civil justice through the courts.

(c) *LIMITATION ON LIABILITY.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), the Center, and each national governing body and paralympic sports organization, including any officer, employee, or agent thereof, shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

(2) *EXCEPTION.*—Paragraph (1) shall not apply in any action in which the Center, a national governing body, or a paralympic sports organization, or an officer, employee, or agent thereof, acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

§ 220542. Additional duties

(a) *IN GENERAL.*—The Center shall—

(1) develop training, oversight practices, policies, and procedures for implementation by a national governing body or paralympic sports organization to prevent the abuse, including emotional, physical, and sexual abuse, of any amateur athlete; and

(2) include in the policies and procedures developed under section 220541(a)(3)—

(A) a requirement that all adult members of a national governing body, a paralympic sports organization, or a facility under the jurisdiction of a national governing body or paralympic sports organization, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse (as defined in section 212 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001a)) of an amateur athlete who is a minor to law enforcement authorities and other appropriate authorities, including 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 (as so defined);

(B) a mechanism, approved by a trained expert on child abuse, that allows a complainant to report easily an incident of sexual abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

(C) reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of a national governing body or paralympic sports organization without being in an observable and in-

terruptible distance from another adult, except under exigent circumstances;

(D) procedures to prohibit retaliation, by any national governing body or paralympic sports organization, against any individual who makes a report under subparagraph (A) or subparagraph (B);

(E) oversight procedures, including regular and random audits conducted by subject matter experts, unaffiliated with a national governing body or a paralympic sports organization of each national governing body and paralympic sports organization to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members and, subject to parental consent, to members who are minors, regarding prevention of sexual abuse; and

(F) a mechanism by which a national governing body or paralympic sports organization can—

(i) share confidentially a report of suspected sexual abuse of an amateur athlete who is a minor by a member of a national governing body or paralympic sports organization, or an adult authorized by a national governing body or paralympic sports organization to interact with an amateur athlete who is a minor, with each of the other national governing bodies, paralympic sports organizations, or facilities under the control of such entities; and

(ii) withhold providing to an adult who is the subject of an allegation of sexual abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a national governing body or paralympic sports organization to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete.

§ 220543. Records, audits, and reports

(a) RECORDS.—The Center shall keep correct and complete records of account.

(b) REPORT.—The Center shall submit an annual report to Congress, including—

(1) an audit conducted and submitted in accordance with section 10101; and

(2) a description of the activities of the Center.

§ 220544. Authorization of appropriations

There are authorized to be appropriated to the Center—

(1) for fiscal year 2017, \$1,000,000;

(2) for fiscal year 2018, \$1,000,000;

(3) for fiscal year 2019, \$1,000,000;

(4) for fiscal year 2020, \$1,000,000; and

(5) for fiscal year 2021, \$1,000,000.