

Calendar No. 567

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2119**

[Report No. 105-325]

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**A BILL**

To amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes.

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SEPTEMBER 10, 1998

Reported with an amendment in the nature of a substitute

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 1998

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

SEPTEMBER 10, 1998

Reported by Mr. MCCAIN, with an amendment in the nature of a substitute

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

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## A BILL

To amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be referred to as the “Olympic and  
3 Amateur Sports Act Amendments of 1998”.

4 **SEC. 2. OLYMPIC AND AMATEUR SPORTS ACT; AMENDMENT**  
5 **OF ACT.**

6 (a) The Act entitled “An Act to incorporate the  
7 United States Olympic Association”, approved September  
8 21, 1950 (36 U.S.C. 371 et seq.), as amended, shall be  
9 cited hereafter as the “Olympic and Amateur Sports Act”.

10 (b) Except as otherwise expressly provided, whenever  
11 in this Act an amendment or repeal is expressed in terms  
12 of an amendment to, or repeal of, a section or other provi-  
13 sion, the reference shall be considered to be made to a  
14 section or other provision of the Olympic and Amateur  
15 Sports Act (36 U.S.C. 371 et seq.), as renamed by sub-  
16 section (a).

17 **SEC. 3. OBJECTS AND PURPOSES.**

18 (a) Section 104(3) (36 U.S.C. 374(3)) is amended  
19 by inserting “, the Paralympic Games,” after “Olympic  
20 Games” in both places it appears.

21 (b) Section 104(4) (36 U.S.C. 374(4)) is amended  
22 by inserting “, the Paralympic Games,” after “Olympic  
23 Games”.

24 (c) Section 104(13) (36 U.S.C. 374(13)) is amended  
25 to read as follows:

1           “(13) encourage and provide assistance to ama-  
2           teur athletic programs and competition for amateur  
3           athletes with disabilities, including, where feasible,  
4           the expansion of opportunities for meaningful par-  
5           ticipation by such amateur athletes in programs of  
6           athletic competition for able-bodied amateur ath-  
7           letes; and”.

8   **SEC. 4. POWERS OF CORPORATION.**

9           (a) Section 105(a)(2) (36 U.S.C. 375(a)(2)) is  
10          amended by inserting before the semicolon, “and as its  
11          national Paralympic committee in relations with the Inter-  
12          national Paralympic Committee”.

13          (b) Section 105(a)(3) (36 U.S.C. 375(a)(3)) is  
14          amended by inserting “, the Paralympic Games” after  
15          “Olympic Games”.

16          (c) Section 105(a)(4) (36 U.S.C. 375(a)(4)) is  
17          amended by inserting “, the Paralympic Games” after  
18          “Olympic Games”.

19          (d) Section 105(a)(5) (36 U.S.C. 375(a)(5)) is  
20          amended by striking “Pan-American world championship  
21          competition” and inserting in lieu thereof “Paralympic  
22          Games, the Pan-American Games, world championship  
23          competition”.

24          (e) Section 105(a)(6) (36 U.S.C. 375(a)(6)) is  
25          amended by inserting after “sued” a comma and the fol-

1 lowing, “except that the Corporation may be sued only in  
2 federal court for matters pertaining solely to this Act”.

3 **SEC. 5. MEMBERSHIP; REPRESENTATION.**

4 (a) Section 106(b)(2) (36 U.S.C. 376(b)(2)) is  
5 amended to read as follows:

6 “(2) amateur athletes who are actively engaged  
7 in amateur athletic competition or who have rep-  
8 resented the United States in international amateur  
9 athletic competition within the preceding 10 years,  
10 including through provisions which—

11 “(A) establish and maintain an Athletes’  
12 Advisory Council composed of, and elected by,  
13 such amateur athletes to ensure communication  
14 between the Corporation and such amateur ath-  
15 letes; and

16 “(B) ensure that the membership and vot-  
17 ing power held by such amateur athletes is not  
18 less than 20 percent of the membership and  
19 voting power held in the board of directors of  
20 the Corporation and in the committees and en-  
21 tities of the Corporation.”.

22 (b) Section 106(b)(3) (36 U.S.C. 376(b)(3)) is  
23 amended by inserting “, the Paralympic Games,” after  
24 “Olympic Games”.

1 **SEC. 6. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMER-**  
 2 **ICAN SYMBOLS.**

3 (a) Section 110(a) (36 U.S.C. 380(a)) is amended—

4 (1) in paragraph (1) by inserting before the  
 5 semicolon, “, the symbol of the International  
 6 Paralympic Committee, consisting of three  
 7 TaiGeuks, or the symbol of the Pan-American  
 8 Sports Organization, consisting of a torch sur-  
 9 rounded by concentric rings”;

10 (2) in paragraph (3) by inserting “, the Inter-  
 11 national Paralympic Committee, the Pan-American  
 12 Sports Organization,” after “International Olympic  
 13 Committee”; and

14 (3) in paragraph (4)—

15 (A) by inserting “‘Paralympic’,  
 16 ‘Paralympiad’, ‘Pan-American’, ‘America  
 17 Espirito Sport Fraternite’,” before “or any  
 18 combination”; and

19 (B) by inserting “, Paralympic, or Pan-  
 20 American Games” after “any Olympic”.

21 (b) Section 110(b) (36 U.S.C. 380(b)) is amended—

22 (1) by inserting “, International Paralympic  
 23 Committee, Pan-American Sports Organization,”  
 24 after “International Olympic Committee”; and

25 (2) by inserting “, Paralympic,” before “or  
 26 Pan-American team”.

1 (e) Section 110(e) (36 U.S.C. 380(e)) is amended—

2 (1) by striking “symbol” and inserting “sym-  
3 bols”; and

4 (2) by inserting “, ‘Paralympic’, ‘Paralympiad’,  
5 ‘Pan-American’,” before “or any combination”.

6 **SEC. 7. AGENT FOR SERVICE OF PROCESS.**

7 Section 111 (36 U.S.C. 381) is amended by striking  
8 “file in the office” and all that follows through the period,  
9 and inserting in lieu thereof “have a designated agent in  
10 the State of Colorado to receive service of process for the  
11 Corporation. Notice to or service on the agent, or mailed  
12 to the business address of the agent, is notice to or service  
13 on the corporation.”.

14 **SEC. 8. REPORTS.**

15 Section 113 (36 U.S.C. 382a) is amended to read as  
16 follows:

17 “~~SEC. 113.~~ The Corporation shall, on or before the  
18 first day of June, 2001 and every fourth year thereafter,  
19 transmit simultaneously to the President and to each  
20 House of Congress a detailed report of its operations for  
21 the preceding four years, including a full and complete  
22 statement of its receipts and expenditures and a com-  
23 prehensive description of the activities and accomplish-  
24 ments of the Corporation during such four year period.  
25 The report shall contain data concerning the participation

1 of women, disabled individuals, and racial and ethnic mi-  
2 norities in the amateur athletic activities and administra-  
3 tion of the Corporation and national governing bodies, and  
4 a description of the steps taken to encourage the participa-  
5 tion of women, disabled individuals, and racial minorities  
6 in amateur athletic activities. Copies of the report shall  
7 be made available by the Corporation to interested persons  
8 at a reasonable cost.”.

9 **SEC. 9. RESOLUTION OF DISPUTES.**

10 (a) Section 114 (36 U.S.C. 382b) is amended—

11 (1) by inserting “(a)” before the first sentence;

12 (2) by inserting “the Paralympic Games,” be-  
13 fore “Pan-American Games”; and

14 (3) by inserting at the end the following, “In  
15 any lawsuit relating to the resolution of a dispute in-  
16 volving the opportunity of an amateur athlete to  
17 participate in the Olympic Games, the Paralympic  
18 Games, or the Pan-American Games, a court shall  
19 not grant injunctive relief against the Corporation  
20 within 30 days before the beginning of such games  
21 if the Corporation has stated in writing to such  
22 court that its constitution and bylaws cannot provide  
23 for the resolution of such dispute prior to the begin-  
24 ning of such games.”.

1 (b) Section 114 (36 U.S.C. 328b), as amended by  
2 subsection (a), is amended further by adding at the end  
3 the following new subsection:

4 “(b) Upon nomination by the Athletes’ Advisory  
5 Council, the Corporation shall hire and provide adminis-  
6 trative expenses for an ombudsman for athletes. The om-  
7 budsman for athletes shall provide advice at no cost to  
8 amateur athletes with respect to, among other issues, the  
9 resolution of any dispute involving the opportunity of an  
10 amateur athlete to participate in an amateur athletic com-  
11 petition, including the Olympic Games, the Paralympic  
12 Games, the Pan-American Games, world championship  
13 competition or other protected competition. The Corpora-  
14 tion may terminate the employment of an individual serv-  
15 ing as ombudsman for athletes, and may reduce the salary  
16 or administrative expenses of such individual, only if such  
17 termination or reduction is approved by a majority of the  
18 voting member of the Athlete’s Advisory Council. The om-  
19 budsman for athletes shall receive salary and administra-  
20 tive cost increases in increments similar to other employ-  
21 ees and offices of the Corporation. The Athletes’ Advisory  
22 Council shall nominate a replacement to fill any vacancy  
23 that occurs in the position of ombudsman for athletes.”.

1 **SEC. 10. COMPLETE TEAMS.**

2 Title I (36 U.S.C. 371 et seq.) is amended by insert-  
3 ing after section 114 the following new section:

4 “SEC. 115. In obtaining representation for the  
5 United States in each competition and event of the Olym-  
6 pic Games, Paralympic Games, and Pan-American Games,  
7 the Corporation, either directly or by delegation to the ap-  
8 propriate national governing body, may select, but is not  
9 obligated to select, athletes who have not met the eligi-  
10 bility standard of at least one of the national governing  
11 body, the Corporation, the International Olympic Commit-  
12 tee, or the appropriate international sports federation,  
13 when the number of athletes who have met the eligibility  
14 standard of at least one of such entities is insufficient to  
15 fill the roster for an event.”.

16 **SEC. 11. RECOGNITION OF AMATEUR SPORTS ORGANIZA-**  
17 **TIONS.**

18 (a) Section 201(a) (36 U.S.C. 391(a)) is amended—

19 (1) by inserting “, the Paralympic Games,”  
20 after “Olympic Games”;

21 (2) by inserting before the period at the end of  
22 the second sentence “, except as provided in sub-  
23 section (e)”;

24 (3) by striking “hold a hearing” and inserting  
25 in lieu thereof “hold at least two hearings”; and

1           (4) by inserting at the end, “In addition, the  
2 Corporation shall send written notice, which shall in-  
3 clude a copy of the application, at least 30 days  
4 prior to the date of the hearing to all amateur sports  
5 organizations known to the Corporation in that  
6 sport.”.

7           (b) Section 201(b) (36 U.S.C. 391(b)) is amended—

8           (1) in paragraph (3)—

9           (A) by striking “commercial rules of the  
10 American Arbitration Association” and insert-  
11 ing in lieu thereof “Commercial rules of the  
12 American Arbitration Association, as modified  
13 by the Corporation with the concurrence of the  
14 Athletes’ Advisory Council,”; and

15           (B) by striking “or involving the oppor-  
16 tunity of any” and inserting in lieu thereof “or,  
17 upon demand of the Corporation or any ag-  
18 grieved amateur athlete, coach, trainer, man-  
19 ager, administrator or official, to such arbitra-  
20 tion in any controversy involving the oppor-  
21 tunity of such”;

22           (2) in paragraph (6) by inserting “that com-  
23 ports with basic concepts of fundamental fairness,  
24 due process, and a presumption of innocence” after  
25 “opportunity for a hearing”;

1           (3) in paragraph (8)—

2                   (A) by striking “includes” and inserting in  
3           lieu thereof “has established criteria for and  
4           maintains”;

5                   (B) by inserting “that such criteria and  
6           the procedure for selecting such individuals is  
7           approved by the Athletes’ Advisory Council and  
8           the Corporation,” after “preceding 10 years,”;  
9           and

10                   (C) by striking “membership and” in both  
11           places it appears; and

12                   (4) in paragraph (12) by inserting “or to par-  
13           ticipation in the Olympic Games, the Paralympic  
14           Games, or the Pan-American Games” after “ama-  
15           teur status”.

16           (e) Section 201 (36 U.S.C. 391), as amended, is  
17           amended further by adding at the end the following new  
18           subsection:

19           “(e) For any sport which is included on the program  
20           of the Paralympic Games, the Corporation is authorized  
21           to designate, where feasible and when such designation  
22           would serve the best interest of the sport, a national gov-  
23           erning body recognized under subsection (a) to govern  
24           such sport. Where such designation is not feasible or  
25           would not serve the best interest of the sport, the Corpora-

1 tion is authorized to recognize as a national governing  
 2 body another amateur sports organization to govern such  
 3 sport, except that, notwithstanding the other requirements  
 4 of this Act, such national governing body—

5           “(1) shall comply only with those requirements,  
 6           perform those duties, and have those powers that  
 7           the Corporation determines are appropriate to meet  
 8           the objects and purposes of the Act; and

9           “(2) may, with the approval of the Corporation,  
 10          govern more than one sport included on the program  
 11          of the Paralympic Games.”.

12 **SEC. 12. DUTIES OF NATIONAL GOVERNING BODIES.**

13          (a) Section 202(a)(3) (36 U.S.C. 392(a)(3)) is  
 14 amended—

15           (1) by inserting “(A)” immediately after “(3)”;  
 16           (2) by inserting “and” after the semicolon; and  
 17           (3) by inserting at the end the following new  
 18 subparagraph:

19           “(B) disseminate and distribute to amateur  
 20 athletes, coaches, trainers, managers, administrators  
 21 and officials in a timely manner the applicable rules  
 22 and any changes to such rules of the national gov-  
 23 erning body, the Corporation, the appropriate inter-  
 24 national sports federation, the International Olympic

1 Committee, the International Paralympic Commit-  
2 tee, and the Pan-American Sports Organization;”.

3 (b) Section 202(a)(7) (36 U.S.C. 392(a)(7)) is  
4 amended by striking “handicapped” in each of the three  
5 places it appears and inserting in lieu thereof “disabled”.

6 **SEC. 13. AUTHORITY OF NATIONAL GOVERNING BODIES.**

7 (a) Section 203(6) (36 U.S.C. 393(6)) is amended  
8 by inserting “, the Paralympic Games,” after “Olympic  
9 Games”.

10 (b) Section 203(7) (36 U.S.C. 393(7)) is amended  
11 by inserting “, the Paralympic Games,” after “Olympic  
12 Games”.

13 **SEC. 14. REPLACEMENT OF NATIONAL GOVERNING BODY.**

14 (a) Section 205(a)(3)(C)(i) (36 U.S.C.  
15 395(a)(3)(C)(i)) is amended by inserting “and notify such  
16 national governing body of such probation and of the ac-  
17 tions needed to comply with such requirements,” before  
18 “or”.

19 (b) Section 205(b) (36 U.S.C. 395(b)) is amended—

20 (1) in paragraph (1) by striking “Olympic  
21 Games or in both” and inserting in lieu thereof  
22 “Olympic Games or the Paralympic Games, or in  
23 both”;

24 (2) in paragraph (2)—

1           (A) by striking “registered” and inserting  
2           “certified”; and

3           (B) by inserting “and with any other orga-  
4           nization that has filed an application” after  
5           “applicable national governing body”; and  
6           (3) in paragraph (3)—

7           (A) by inserting “open to the public” after  
8           “formal hearing” in the first sentence; and

9           (B) by inserting after the second sentence  
10          “In addition, the Corporation shall send written  
11          notice, which shall include a copy of the appli-  
12          cation, at least 30 days prior to the date of the  
13          hearing to all amateur sports organizations  
14          known to the Corporation in that sport.”.

15 **SEC. 15. SPECIAL REPORT TO CONGRESS.**

16          Five years from the date of the enactment of this Act,  
17          the United States Olympic Committee shall submit a spe-  
18          cial report to the Congress on the effectiveness of the pro-  
19          visions of this Act, together with any additional proposed  
20          changes to the Olympic and Amateur Sports Act the  
21          United States Olympic Committee determines are appro-  
22          priate.

23 **SECTION 1. SHORT TITLE.**

24          *This Act may be referred to as the “Olympic and Ama-*  
25          *teur Sports Act Amendments of 1998”.*

1 **SEC. 2. OLYMPIC AND AMATEUR SPORTS ACT; AMENDMENT**  
 2 **OF ACT.**

3 (a) *SHORT TITLE FOR 1950 ACT.*—*The Act entitled*  
 4 *“An Act to incorporate the United States Olympic Associa-*  
 5 *tion”, approved September 21, 1950 (36 U.S.C. 371 et seq.)*  
 6 *is amended by inserting before title I the following:*

7 **“SECTION 1. SHORT TITLE.**

8 *“This Act may be cited as the ‘Olympic and Amateur*  
 9 *Sports Act’.”.*

10 (b) *AMENDMENT OF 1950 ACT.*—*Except as otherwise*  
 11 *expressly provided, whenever in this Act an amendment or*  
 12 *repeal is expressed in terms of an amendment to, or repeal*  
 13 *of, a section or other provision, the reference shall be consid-*  
 14 *ered to be made to a section or other provision of the Olym-*  
 15 *pic and Amateur Sports Act (36 U.S.C. 371 et seq.).*

16 **SEC. 3. DEFINITIONS.**

17 *Section 103 (36 U.S.C. 373) is amended by—*

18 (1) *inserting “or paralympic sports organiza-*  
 19 *tion” after “national governing body” in paragraph*  
 20 *(1);*

21 (2) *striking “and” after the semicolon in para-*  
 22 *graph (6);*

23 (3) *redesignating paragraph (7) as paragraph*  
 24 *(8); and*

25 (4) *inserting after paragraph (6) the following:*

1           “(7) ‘paralympic sports organization’ means an  
2           amateur sports organization which is recognized by  
3           the Corporation in accordance with section 201(e) of  
4           this Act; and”.

5 **SEC. 4. OBJECTS AND PURPOSES.**

6           Section 104 (36 U.S.C. 374) is amended by—

7           (1) inserting a comma and “the Paralympic  
8           Games,” after “Olympic Games” each place it ap-  
9           pears in paragraph (3);

10          (2) inserting a comma and “the Paralympic  
11          Games,” after “Olympic Games” in paragraph (4);  
12          and

13          (3) striking paragraph (13) and inserting the  
14          following:

15                 “(13) encourage and provide assistance to ama-  
16                 teur athletic programs and competition for amateur  
17                 athletes with disabilities, including, where feasible,  
18                 the expansion of opportunities for meaningful partici-  
19                 pation by such amateur athletes in programs of ath-  
20                 letic competition for able-bodied amateur athletes;  
21                 and”.

22 **SEC. 5. POWERS OF CORPORATION.**

23           Section 105(a) (36 U.S.C. 375(a)) is amended by—

24           (1) striking “Organization;” in paragraph (2)  
25           and inserting “Organization and as its national

1 *Paralympic committee in relations with the Inter-*  
2 *national Paralympic Committee;”;*

3 (2) *inserting a comma and “the Paralympic*  
4 *Games,” after “Olympic Games” in paragraph (3);*

5 (3) *striking “Games;” in paragraph (4) and in-*  
6 *serting “Games, or as paralympic sports organiza-*  
7 *tions for any sport that is included on the program*  
8 *of the Paralympic Games;”;*

9 (4) *striking “Pan-American world championship*  
10 *competition,” in paragraph (5) and inserting*  
11 *“Paralympic Games, the Pan-American Games, world*  
12 *championship competition,”; and*

13 (5) *striking “sued; ” in paragraph (6) and in-*  
14 *serting “sued, except that any civil action brought in*  
15 *a State court against the Corporation shall be re-*  
16 *moved, at the request of the Corporation, to the dis-*  
17 *trict court of the United States in the district in*  
18 *which the action was brought, and such district court*  
19 *shall have original jurisdiction over the action with-*  
20 *out regard to the amount in controversy or citizen-*  
21 *ship of the parties involved, and except that neither*  
22 *this paragraph nor any other provision of this Act*  
23 *shall create a private right of action under this Act;”.*

1 **SEC. 6. MEMBERSHIP; REPRESENTATION.**

2 (a) Section 106(b)(1) (36 U.S.C. 376(b)(1)) is amend-  
3 ed to read as follows:

4 “(1) amateur sports organizations recognized as  
5 national governing bodies and paralympic sports or-  
6 ganizations in accordance with section 201 of this  
7 Act, including through provisions which establish and  
8 maintain a National Governing Bodies’ Council com-  
9 posed of representatives of the national governing bod-  
10 ies and any paralympic sports organizations and se-  
11 lected by their boards of directors or such other gov-  
12 erning boards to ensure effective communication be-  
13 tween the Corporation and such national governing  
14 bodies and paralympic sports organizations;”.

15 (b) Section 106(b) (36 U.S.C. 376(b)) is amended by—

16 (1) striking paragraph (2) and inserting the fol-  
17 lowing:

18 “(2) amateur athletes who are actively engaged  
19 in amateur athletic competition or who have rep-  
20 resented the United States in international amateur  
21 athletic competition within the preceding 10 years,  
22 including through provisions which—

23 “(A) establish and maintain an Athletes’  
24 Advisory Council composed of, and elected by,  
25 such amateur athletes to ensure communication

1           *between the Corporation and such amateur ath-*  
 2           *letes; and*

3           “(B) ensure that the membership and voting  
 4           power held by such amateur athletes is not less  
 5           than 20 percent of the membership and voting  
 6           power held in the board of directors of the Cor-  
 7           poration and in the committees and entities of  
 8           the Corporation;”; and

9           (2) inserting a comma and “the Paralympic  
 10          Games,” after “Olympic Games” in paragraph (3).

11 **SEC. 7. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN**  
 12           **SYMBOLS.**

13          Section 110 (36 U.S.C. 380) is amended by—

14           (1) striking “rings;” in subsection (a)(1) and in-  
 15           serting “rings, the symbol of the International  
 16           Paralympic Committee, consisting of three TaiGeuks,  
 17           or the symbol of the Pan-American Sports Organiza-  
 18           tion, consisting of a torch surrounded by concentric  
 19           rings”;

20           (2) inserting a comma and “the International  
 21           Paralympic Committee, the Pan-American Sports Or-  
 22           ganization,” after “International Olympic Commit-  
 23           tee” in subsection (a)(3);

1           (3) inserting “except as permitted in this sub-  
2           section and subsection (c),” before “the words” in sub-  
3           section (a)(4);

4           (4) inserting “‘Paralympic’, ‘Paralympiad’,  
5           ‘Pan-American’, ‘America Espirito Sport  
6           Fraternite,’” before “or any combination” in sub-  
7           section (a)(4);

8           (5) inserting a comma and “Paralympic, or  
9           Pan-American Games” after “any Olympic” in sub-  
10          section (a)(4);

11          (6) by inserting after “services.” in subsection  
12          (a) the following: “Use of the word ‘Olympic’ to iden-  
13          tify a business or goods or services is not prohibited  
14          by this section where it is evident from the cir-  
15          cumstances that the use of the word ‘Olympic’ refers  
16          to the geographical features or a region of the same  
17          name, and not a connection with the Corporation or  
18          any Olympic activity.”;

19          (7) inserting a comma and “International  
20          Paralympic Committee, Pan-American Sports Orga-  
21          nization,” after “International Olympic Committee”  
22          in subsection (b);

23          (8) inserting a comma and “Paralympic,” before  
24          “or Pan-American team” in subsection (b);

1           (9) by striking “symbol” in subsection (c) and  
2           inserting “symbols”;

3           (10) by inserting a comma and “‘Paralympic’,  
4           ‘Paralympiad’, ‘Pan-American’,” in subsection (c) be-  
5           fore “or any combination”; and

6           (11) by inserting “and rights of geographical ref-  
7           erence” in subsection (c) after “preexisting rights”.

8   **SEC. 8. AGENT FOR SERVICE OF PROCESS.**

9           Section 111 (36 U.S.C. 381) is amended by striking  
10          “file in the office” and all that follows through the period,  
11          and inserting in lieu thereof “have a designated agent in  
12          the State of Colorado to receive service of process for the  
13          Corporation. Notice to or service on the agent, or mailed  
14          to the business address of the agent, is notice to or service  
15          on the corporation.”.

16   **SEC. 9. REPORTS.**

17          Section 113 (36 U.S.C. 382a) is amended to read as  
18          follows:

19          “SEC. 113. The Corporation shall, on or before the first  
20          day of June, 2001, and every fourth year thereafter, trans-  
21          mit simultaneously to the President and to each House of  
22          Congress a detailed report of its operations for the preceding  
23          four years, including a full and complete statement of its  
24          receipts and expenditures and a comprehensive description  
25          of the activities and accomplishments of the Corporation

1 *during such four year period. The report shall contain data*  
 2 *concerning the participation of women, disabled individ-*  
 3 *uals, and racial and ethnic minorities in the amateur ath-*  
 4 *letic activities and administration of the Corporation and*  
 5 *national governing bodies, and a description of the steps*  
 6 *taken to encourage the participation of women, disabled in-*  
 7 *dividuals, and racial minorities in amateur athletic activi-*  
 8 *ties. Copies of the report shall be made available by the Cor-*  
 9 *poration to interested persons at a reasonable cost.”.*

10 **SEC. 10. RESOLUTION OF DISPUTES.**

11 *Section 114 (36 U.S.C. 382b) is amended by—*

12 *(1) inserting “(a)” before “In its constitution”;*

13 *(2) inserting “the Paralympic Games,” before*  
 14 *“Pan-American Games”;*

15 *(3) inserting after “bylaws.” the following: “In*  
 16 *any lawsuit relating to the resolution of a dispute in-*  
 17 *volving the opportunity of an amateur athlete to par-*  
 18 *ticipate in the Olympic Games, the Paralympic*  
 19 *Games, or the Pan-American Games, a court shall not*  
 20 *grant injunctive relief against the Corporation within*  
 21 *21 days before the beginning of such games if the Cor-*  
 22 *poration, after consultation with the chair of the Ath-*  
 23 *letes’ Advisory Council, has provided a sworn state-*  
 24 *ment in writing executed by an officer of the Corpora-*  
 25 *tion to such court that its constitution and bylaws*

1       cannot provide for the resolution of such dispute prior  
2       to the beginning of such games.”; and

3               (3) adding at the end thereof the following:

4       “(b)(1) The Corporation shall hire and provide salary,  
5       benefits, and administrative expenses for an ombudsman for  
6       athletes, who shall—

7               “(A) provide independent advice to athletes at no  
8       cost about the applicable provisions of this Act and  
9       the constitution and bylaws of the Corporation, na-  
10      tional governing bodies, a paralympic sports organi-  
11      zations, international sports federations, the Inter-  
12      national Olympic Committee, the International  
13      Paralympic Committee, and the Pan- American  
14      Sports Organization, and with respect to the resolu-  
15      tion of any dispute involving the opportunity of an  
16      amateur athlete to participate in the Olympic Games,  
17      the Paralympic Games, the Pan-American Games,  
18      world championship competition or other protected  
19      competition as defined in the constitution and bylaws  
20      of the Corporation;

21              “(B) assist in mediating any such disputes; and

22              “(C) report to the Athletes’ Advisory Council on  
23      a regular basis.

24       “(2)(A) The procedure for hiring the ombudsman for  
25      athletes shall be as follows:

1           “(i) *The Athletes’ Advisory Council shall provide*  
2           *the Corporation’s executive director with the name of*  
3           *one qualified person to serve as ombudsman for ath-*  
4           *letes.*

5           “(ii) *The Corporation’s executive director shall*  
6           *immediately transmit the name of such person to the*  
7           *Corporation’s executive committee.*

8           “(iii) *The Corporation’s executive committee*  
9           *shall hire or not hire such person after fully consider-*  
10          *ing the advice and counsel of the Athletes’ Advisory*  
11          *Council.*

12 *If there is a vacancy in the position of the ombudsman for*  
13 *athletes, the nomination and hiring procedure set forth in*  
14 *this paragraph shall be followed in a timely manner.*

15          “(B) *The Corporation may terminate the employment*  
16 *of an individual serving as ombudsman for athletes only*  
17 *if—*

18           “(i) *the termination is carried out in accordance*  
19           *with the applicable policies and procedures of the*  
20           *Corporation;*

21           “(ii) *the termination is initially recommended to*  
22           *the Corporation’s executive committee by either the*  
23           *Corporation’s executive director or by the Athletes’*  
24           *Advisory Council; and*



1           (1) *striking the first sentence and inserting the*  
2 *following: “For any sport which is included on the*  
3 *program of the Olympic Games, the Paralympic*  
4 *Games, or the Pan-American Games, the Corporation*  
5 *is authorized to recognize as a national governing*  
6 *body (in the case of a sport on the program of the*  
7 *Olympic Games or Pan-American Games) or as a*  
8 *paralympic sports organization (in the case of a sport*  
9 *on the program of the Paralympic Games for which*  
10 *a national governing body has not been designated*  
11 *under subsection (e)) an amateur sports organization*  
12 *which files an application and is eligible for such rec-*  
13 *ognition in accordance with the provisions of sub-*  
14 *sections (b) or (e) of this section.”;*

15           (2) *striking “approved.” and inserting “ap-*  
16 *proved, except as provided in subsection (e) with re-*  
17 *spect to a paralympic sports organization.”;*

18           (3) *striking “hold a hearing” and inserting in*  
19 *lieu thereof “hold at least 2 hearings”; and*

20           (4) *adding at the end thereof the following: “In*  
21 *addition, the Corporation shall send written notice,*  
22 *which shall include a copy of the application, at least*  
23 *30 days prior to the date of the hearing to all ama-*  
24 *teur sports organizations known to the Corporation in*  
25 *that sport.”.*

1       **(b) Section 201(b) (36 U.S.C. 391(b)) is amended by—**

2               **(1) striking paragraph (3) and inserting the fol-**  
3       **lowing:**

4               **“(3) agrees to submit, upon demand of the Cor-**  
5       **poration, to binding arbitration in any controversy**  
6       **involving its recognition as a national governing**  
7       **body, as provided for in section 205, and upon de-**  
8       **mand of the Corporation or any aggrieved amateur**  
9       **athlete, coach, trainer, manager, administrator or of-**  
10       **ficial, to binding arbitration in any controversy in-**  
11       **volving the opportunity of such amateur athlete,**  
12       **coach, trainer, manager, administrator or official to**  
13       **participate in amateur athletic competition, con-**  
14       **ducted in accordance with the Commercial Rules of**  
15       **the American Arbitration Association, as modified**  
16       **and provided for in the Corporation’s constitution**  
17       **and bylaws, provided that if the Athletes’ Advisory**  
18       **Council and National Governing Bodies’ Council do**  
19       **not concur on any modifications to such Rules, and**  
20       **if the Corporation’s executive committee is not able to**  
21       **facilitate such concurrence, the Commercial Rules of**  
22       **Arbitration shall apply unless at least two-thirds of**  
23       **the Corporation’s board of directors approves modi-**  
24       **fications to such Rules;”;**

1           (2) *striking paragraph (8) and inserting the fol-*  
2           *lowing:*

3           “*(8) demonstrates, based on guidelines approved*  
4           *by the Corporation, the Athletes’ Advisory Council,*  
5           *and the National Governing Bodies’ Council, that its*  
6           *board of directors and other such governing boards*  
7           *have established criteria and election procedures for*  
8           *and maintain among their voting members individ-*  
9           *uals who are actively engaged in amateur athletic*  
10           *competition in the sport for which recognition is*  
11           *sought or who have represented the United States in*  
12           *international amateur athletic competition within the*  
13           *preceding 10 years, that any exceptions to such guide-*  
14           *lines by such organization have been approved by the*  
15           *Corporation, and that the voting power held by such*  
16           *individuals is not less than 20 percent of the voting*  
17           *power held in its board of directors and other such*  
18           *governing boards;”*; and

19           (3) *inserting “or to participation in the Olympic*  
20           *Games, the Paralympic Games, or the Pan-American*  
21           *Games” after “amateur status” in paragraph (12).*

22           (c) *Section 201 (36 U.S.C. 391) is amended by adding*  
23           *at the end thereof the following:*

24           “*(e) For any sport which is included on the program*  
25           *of the Paralympic Games, the Corporation is authorized to*

1 *designate, where feasible and when such designation would*  
 2 *serve the best interest of the sport, and with the approval*  
 3 *of the affected national governing body, a national govern-*  
 4 *ing body recognized under subsection (a) to govern such*  
 5 *sport. Where such designation is not feasible or would not*  
 6 *serve the best interest of the sport, the Corporation is au-*  
 7 *thorized to recognize another amateur sports organization*  
 8 *as a paralympic sports organization to govern such sport,*  
 9 *except that, notwithstanding the other requirements of this*  
 10 *Act, any such paralympic sports organization—*

11           *“(1) shall comply only with those requirements,*  
 12           *perform those duties, and have those powers that the*  
 13           *Corporation, in its sole discretion, determines are ap-*  
 14           *propriate to meet the objects and purposes of the Act;*  
 15           *and*

16           *“(2) may, with the approval of the Corporation,*  
 17           *govern more than one sport included on the program*  
 18           *of the Paralympic Games.”.*

19 **SEC. 13. DUTIES OF NATIONAL GOVERNING BODIES.**

20           *(a) Section 202(a) (36 U.S.C. 392(a)) is amended*  
 21 *by—*

22           *(1) striking “(3) keep” in paragraph (3) and in-*  
 23           *serting “(3)(A) keep”;*

24           *(2) inserting “and” after the semicolon in para-*  
 25           *graph (3);*

1           (3) inserting before paragraph (4) the following:

2           “(B) disseminate and distribute to amateur ath-  
3           letes, coaches, trainers, managers, administrators and  
4           officials in a timely manner the applicable rules and  
5           any changes to such rules of the national governing  
6           body, the Corporation, the appropriate international  
7           sports federation, the International Olympic Commit-  
8           tee, the International Paralympic Committee, and the  
9           Pan-American Sports Organization;”; and

10           (4) striking “handicapped” each place it appears  
11           in paragraph (7) and inserting “disabled”.

12 **SEC. 14. AUTHORITY OF NATIONAL GOVERNING BODIES.**

13           Section 203 (36 U.S.C. 393) is amended by—

14           (1) inserting a comma and “the Paralympic  
15           Games,” after “Olympic Games” in paragraph (6);  
16           and

17           (2) inserting a comma and “the Paralympic  
18           Games,” after “Olympic Games” in paragraph (7).

19 **SEC. 15. REPLACEMENT OF NATIONAL GOVERNING BODY.**

20           (a) Section 205(a)(3)(C)(i) (36 U.S.C.  
21           395(a)(3)(C)(i)) is amended by inserting “and notify such  
22           national governing body of such probation and of the ac-  
23           tions needed to comply with such requirements,” before  
24           “or”.

25           (b) Section 205(b) (36 U.S.C. 395(b)) is amended by—

1           (1) striking “Olympic Games or in both” in  
2           paragraph (1) and inserting “Olympic Games or the  
3           Paralympic Games, or in both”;

4           (2) striking “registered” in paragraph (2) and  
5           inserting “certified”; and

6           (3) inserting “and with any other organization  
7           that has filed an application” in paragraph (2) after  
8           “applicable national governing body”; and

9           (4) inserting “open to the public” in paragraph  
10          (3) after “formal hearing” in the first sentence; and

11          (5) inserting after the second sentence in para-  
12          graph (3) the following: “In addition, the Corporation  
13          shall send written notice, which shall include a copy  
14          of the application, at least 30 days prior to the date  
15          of the hearing to all amateur sports organizations  
16          known to the Corporation in that sport.”.

17 **SEC. 16. SPECIAL REPORT TO CONGRESS.**

18          Five years from the date of the enactment of this Act,  
19          the United States Olympic Committee shall submit a spe-  
20          cial report to the Congress on the effectiveness of the provi-  
21          sions of this Act, together with any additional proposed  
22          changes to the Olympic and Amateur Sports Act the United  
23          States Olympic Committee determines are appropriate.