

105TH CONGRESS
2D SESSION

S. 2119

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.

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be referred to as the "Olympic and
5 Amateur Sports Act Amendments of 1998".

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

3 (a) The Act entitled “An Act to incorporate the
4 United States Olympic Association”, approved September
5 21, 1950 (36 U.S.C. 371 et seq.), as amended, shall be
6 cited hereafter as the “Olympic and Amateur Sports Act”.

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

14 **SEC. 3. OBJECTS AND PURPOSES.**

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

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

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

23 “(13) encourage and provide assistance to ama-
24 teur athletic programs and competition for amateur
25 athletes with disabilities, including, where feasible,
26 the expansion of opportunities for meaningful par-

1 participation by such amateur athletes in programs of
2 athletic competition for able-bodied amateur ath-
3 letes; and”.

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

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

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

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

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

20 (e) Section 105(a)(6) (36 U.S.C. 375(a)(6)) is
21 amended by inserting after “sued” a comma and the fol-
22 lowing, “except that the Corporation may be sued only in
23 federal court for matters pertaining solely to this Act”.

1 **SEC. 5. MEMBERSHIP; REPRESENTATION.**

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

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

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

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

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

23 **SEC. 6. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMER-**
24 **ICAN SYMBOLS.**

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

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

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

11 (3) in paragraph (4)—

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

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

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

19 (1) by inserting “, International Paralympic
20 Committee, Pan-American Sports Organization,”
21 after “International Olympic Committee”; and

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

24 (c) Section 110(c) (36 U.S.C. 380(c)) is amended—

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

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

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

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

13 **SEC. 8. REPORTS.**

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

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

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

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

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

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

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

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

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