

36 USC Ch. 2205: UNITED STATES OLYMPIC COMMITTEE

From 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**

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AMENDMENTS

2006—Pub. L. 109–284, §5(12), Sept. 27, 2006, 120 Stat. 1212, substituted "Short title and definitions" for "Definitions" in item 220501.

1998—Pub. L. 105–277, div. C. title I, §142(j)(2), (k)(2), Oct. 21, 1998, 112 Stat. 2681–606, 2681–607, substituted "Report" for "Annual report" in item 220511 and added item 220512.

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) "corporation" means the United States Olympic Committee.

(5) "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) "national governing body" means an amateur sports organization that is recognized by the corporation under section 220521 of this title.

(7) "paralympic sports organization" means an amateur sports organization which is recognized by the corporation under section 220521 of this title.

(8) "sanction" means a certificate of approval issued by a national governing body.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466; Pub. L. 105–277, div. C, title I, §142(b)(2), (c), Oct. 21, 1998, 112 Stat. 2681–603; Pub. L. 109–284, §5(13), (14), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220501	36:373.	Sept. 21, 1950, ch. 975, title I, §103, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3045.

In clause (3), the words "club, federation, union" are omitted as unnecessary.

In clause (5), the words "one or more athletes" are substituted for "any athlete or athletes" and for "any athletic or athletes" for clarity and to correct a grammatical error.

In clause (6), a reference to section 220522 (restating 36:391(b) and (c)) is unnecessary because section 220521 incorporates the eligibility requirements of section 220522.

AMENDMENTS

2006—Pub. L. 109–284, §5(13), substituted "Short title and definitions" for "Title and Definitions" in section catchline.

Subsec. (a). Pub. L. 109–284, §5(14), substituted "Short Title" for "Title" in heading.

1998—Pub. L. 105–277, §142(b)(2)(A), substituted "Title and Definitions" for "Definitions" in section catchline.

Subsec. (a). Pub. L. 105–277, §142(b)(2)(B), added subsec. (a).

Subsec. (b). Pub. L. 105–277, §142(b)(2)(C), designated existing provisions as subsec. (b) and inserted heading.

Subsec. (b)(1). Pub. L. 105–277, §142(c)(1), inserted "or paralympic sports organization" after "national governing body".

Subsec. (b)(7), (8). Pub. L. 105–277, §142(c)(2), (3), added par. (7) and redesignated former par. (7) as (8).

REPORT TO CONGRESS ON EFFECTIVENESS OF CHAPTER AND PROPOSED CHANGES

Pub. L. 105–277, div. C, title I, §142(q), Oct. 21, 1998, 112 Stat. 2681–609, provided that: "Five years from the date of the enactment of this Act [Oct. 21, 1998], the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate."

§220502. Organization

(a) FEDERAL CHARTER.—The corporation is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION.—Any reference to the United States Olympic Association is deemed to refer to the United States Olympic Committee.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220502(a)	36:371 (1st sentence). 36:372.	Sept. 21, 1950, ch. 975, title I, §101 (1st sentence), formerly §1(1st sentence), 64 Stat. 899; Nov. 8, 1978, Pub. L. 95–606, §1(a)(1), (2), 92 Stat. 3045. Sept. 21, 1950, ch. 975, title I, §§102, 105(a) (words before cl. (1) related to perpetual succession), as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3045, 3047.
220502(b)	36:375(a) (words before cl. (1) related to perpetual succession).	
220502(c)	36:383.	Aug. 10, 1964, Pub. L. 88–407, 78 Stat. 383.

Subsection (a) is substituted for the source provisions for consistency in the revised title and to eliminate unnecessary and executed words.

In subsection (b), the words "Except as otherwise provided" are added, the word "has" is substituted for "shall have", and the word "existence" is substituted for "succession", for consistency in the revised title.

In subsection (c), the words "The corporation known as the United States Olympic Association, which was incorporated by this chapter, shall be known and designated on and after August 10, 1964, as the United States Olympic Committee and" are omitted as executed. The words "such corporation under the name of" are omitted as unnecessary. The words "is deemed to" are substituted for "shall be held to" for clarity. The words "such corporation under and by the name of" are omitted as unnecessary.

§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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1466; Pub. L. 105–277, div. C, title I, §142(d), 112 Stat. 2681–603.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220503	36:374.	Sept. 21, 1950, ch. 975, title I, §104, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3046.

Before clause (1), the word "objects" is omitted as included in "purposes".

In clause (4), the word "competition" is omitted as included in "each event".

AMENDMENTS

1998—Pars. (3), (4). Pub. L. 105–277, §142(d)(1), substituted "Olympic Games, the Paralympic Games" for "Olympic Games" wherever appearing.

Par. (13). Pub. L. 105–277, §142(d)(2), added par. (13) and struck out former par. (13) which read as follows: "to encourage and provide assistance to amateur athletic programs and competition for individuals with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals; and".

§220504. Membership

(a) **ELIGIBILITY.**—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.

(b) **REQUIRED PROVISIONS FOR REPRESENTATION.**—In its constitution and bylaws, the corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur

athletes to ensure communication between the corporation and such amateur athletes; and

(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;

(3) amateur sports organizations that conduct a national program or regular national amateur athletic competition in 2 or more sports that are included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who, in the corporation's judgment, represent the interests of the American public in the activities of the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1467; Pub. L. 105–277, div. C, title I, §142(e), 112 Stat. 2681–603.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220504	36:376.	Sept. 21, 1950, ch. 975, title I, §106, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3048.

In subsection (a), the words "is as provided in" are substituted for "shall be determined in accordance with" for consistency in the revised title.

AMENDMENTS

1998—Subsec. (b)(1), (2). Pub. L. 105–277, §142(e)(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) amateur sports organizations recognized as national governing bodies under section 220521 of this title;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years;"

Subsec. (b)(3). Pub. L. 105–277, §142(e)(2), inserted ", the Paralympic Games," after "Olympic Games".

§220505. Powers

(a) **CONSTITUTION AND BYLAWS.**—The corporation shall adopt a constitution and bylaws. The corporation may amend its constitution only if the corporation—

(1) publishes, in its principal publication, a notice of the proposed amendment, including—

(A) the substantive terms of the amendment;

(B) the time and place of the corporation's regular meeting at which adoption of the amendment is to be decided; and

(C) a provision informing interested persons that they may submit materials as authorized in clause (2) of this subsection; and

(2) gives all interested persons an opportunity to submit written comments and information for at least 60 days after publication of notice of the proposed amendment and before adoption of the amendment.

(b) **GENERAL CORPORATE POWERS.**—The corporation may—

(1) adopt and alter a corporate seal;

(2) establish and maintain offices to conduct the affairs of the corporation;

(3) make contracts;

(4) accept gifts, legacies, and devises in furtherance of its corporate purposes;

- (5) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
- (6) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;
- (7) publish a magazine, newspaper, and other publications consistent with its corporate purposes;
- (8) approve and revoke membership in the corporation;
- (9) sue and be sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this chapter shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and
- (10) do any other act necessary and proper to carry out the purposes of the corporation.

(c) **POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.**—The corporation may—

- (1) serve as the coordinating body for amateur athletic activity in the United States directly related to international amateur athletic competition;
- (2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization and as its national Paralympic committee in relations with the International Paralympic Committee;
- (3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games, the Paralympic Games, and the Pan-American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;
- (4) recognize eligible amateur sports organizations as national governing bodies for any sport that is included on the program of the Olympic Games or the Pan-American Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;
- (5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes that involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and that arise in connection with their eligibility for and participation in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation; and
- (6) provide financial assistance to any organization or association, except a corporation organized for profit, in furtherance of the purposes of the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1468; Pub. L. 105–277, div. C, title I, §142(f), 112 Stat. 2681–604; Pub. L. 109–284, §5(15), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220505(a)	36:375(b).	Sept. 21, 1950, ch. 975, title I, §§105 (less (a) (words before cl. (1) related to perpetual succession)), 109, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3047, 3048.
220505(b)	36:375(a) (words before cl. (1) less perpetual succession), (6)–(10), (12)–(16). 36:379.	
220505(c)	36:375(a) (words before cl. (1) less perpetual succession), (1)–(5), (11).	

In subsection (a), before clause (1), the words "not inconsistent with the laws of the United States or of any State" are omitted as unnecessary. In clause (1), the word "amendment" is substituted for "alteration" for consistency. Before subclause (A), the word "general" is omitted as unnecessary. In

subclause (B), the words "adoption of the amendment" are substituted for "the alteration" for clarity. In clause (2), the word "comments" is substituted for "views, or arguments" to omit unnecessary words. The words "a period of" are omitted as unnecessary.

In subsection (b), the text of 36:379 is omitted as executed and obsolete. In clause (4), the word "devises" is substituted for "devices" to use standard contemporary spelling. In clause (5), the words "acquire, own, lease, encumber, and transfer" are substituted for "acquire, hold, and dispose of" for consistency in the revised title. The words "real and personal" and "may be" are omitted as unnecessary. The words "to carry out the purposes of the corporation" are substituted for "for its corporate purposes" for consistency in the revised title. In clause (6), the words "to carry out its corporate purposes" are omitted as unnecessary and for consistency in the revised title. The words "issue instruments of indebtedness, and secure its obligations by granting security interests in its property" are substituted for "issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage" for consistency in the revised title. The words "subject in each case to the laws of the United States or of any State" are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (b)(9). Pub. L. 109–284 substituted "this chapter shall be" for "this Act shall be".

1998—Subsec. (b)(9). Pub. L. 105–277, §142(f)(1), substituted "sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this Act shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and" for "sued; and".

Subsec. (c)(2). Pub. L. 105–277, §142(f)(2)(A), substituted "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;" for "Organization".

Subsec. (c)(3). Pub. L. 105–277, §142(f)(2)(B), substituted "Games, the Paralympic Games, and" for "Games and of".

Subsec. (c)(4). Pub. L. 105–277, §142(f)(2)(C), substituted "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;" for "Games;".

Subsec. (c)(5). Pub. L. 105–277, §142(f)(2)(D), substituted "Games, the Paralympic Games, the Pan-American Games, world championship competition," for "Games,".

§220506. Exclusive right to name, seals, emblems, and badges

(a) **EXCLUSIVE RIGHT OF CORPORATION.**—Except as provided in subsection (d) of this section, the corporation has the exclusive right to use—

(1) the name "United States Olympic Committee";

(2) the symbol of the International Olympic Committee, consisting of 5 interlocking rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;

(3) the emblem of the corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief; and

(4) the words "Olympic", "Olympiad", "Citius Altius Fortius", "Paralympic", "Paralympiad", "Pan-American", "America Espirito Sport Fraternalite", or any combination of those words.

(b) **CONTRIBUTORS AND SUPPLIERS.**—The corporation may authorize contributors and suppliers of goods or services to use the trade name of the corporation or any trademark, symbol, insignia, or emblem of the International Olympic Committee, International Paralympic Committee, the Pan-American Sports Organization, or of the corporation to advertise that the contributions, goods, or services were donated or supplied to, or approved, selected, or used by, the corporation, the United States Olympic team, the Paralympic team, the Pan-American team, or team members.

(c) CIVIL ACTION FOR UNAUTHORIZED USE.—Except as provided in subsection (d) of this section, the corporation may file a civil action against a person for the remedies provided in the Act of July 5, 1946 (15 U.S.C. 1051 et seq.) (popularly known as the Trademark Act of 1946) if the person, without the consent of the corporation, uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

- (1) the symbol described in subsection (a)(2) of this section;
- (2) the emblem described in subsection (a)(3) of this section;
- (3) the words described in subsection (a)(4) of this section, or any combination or simulation of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic, Paralympic, or Pan-American Games activity; or
- (4) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee, the International Paralympic Committee, the Pan-American Sports Organization, or the corporation.

(d) PRE-EXISTING AND GEOGRAPHIC REFERENCE RIGHTS.—(1) A person who actually used the emblem described in subsection (a)(3) of this section, or the words or any combination of the words described in subsection (a)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(2) A person who actually used, or whose assignor actually used, the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section, for any lawful purpose before September 21, 1950, is not prohibited by this section from continuing the lawful use for the same purpose and for the same goods or services.

(3) Use of the word "Olympic" to identify a business or goods or services is permitted by this section where—

(A) such use is not combined with any of the intellectual properties referenced in subsection (a) or (c) of this section;

(B) it is evident from the circumstances that such use of the word "Olympic" refers to the naturally occurring mountains or geographical region of the same name that were named prior to February 6, 1998, and not to the corporation or any Olympic activity; and

(C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1469; Pub. L. 105–277, div. C, title I, §142(g), 112 Stat. 2681–604; Pub. L. 109–284, §5(16), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220506(a)	36:380(c).	Sept. 21, 1950, ch. 975, title I, §110, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3048.
220506(b)	36:380(b).	
220506(c)	36:380(a) (1st sentence).	
220506(d)	36:380(a) (2d, last sentences).	

Subsection (a)(2) and (3) is substituted for "the symbol described in subsection (a)(1) of this section; the emblem described in subsection (a)(2) of this section" because of the reorganization of the section.

In subsection (b), the words "or any trademark" are substituted for "as well as any trademark" to eliminate unnecessary words. The words "furnished . . . or for the use of" are omitted as unnecessary.

In subsection (c), the words "the corporation may file a civil action against a person" are substituted for "any person . . . shall be subject to suit in a civil action by the Corporation" for clarity.

In subsection (d)(2), the words "the words or any combination of the words described in subsection (a)(4) of this section, or a trademark, trade name, sign, symbol, or insignia described in subsection (c)(4) of this section" are substituted for "any other trademark, trade name, sign, symbol,

or insignia described in subsections (a)(3) and (4) of this section" for clarity.

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in subsec. (c), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

AMENDMENTS

2006—Subsec. (d)(3)(A). Pub. L. 109–284 substituted "subsection" for "subsections".

1998—Subsec. (a)(2). Pub. L. 105–277, §142(g)(1), substituted "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;" for "rings;".

Subsec. (a)(4). Pub. L. 105–277, §142(g)(2), inserted " 'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite'," before "or any combination".

Subsec. (b). Pub. L. 105–277, §142(g)(3), (4), inserted ", International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" and "the Paralympic team," before "the Pan-American team".

Subsec. (c)(3). Pub. L. 105–277, §142(g)(5), inserted ", Paralympic, or Pan-American Games" after "any Olympic".

Subsec. (c)(4). Pub. L. 105–277, §142(g)(6), inserted ", the International Paralympic Committee, the Pan-American Sport Organization," after "International Olympic Committee".

Subsec. (d). Pub. L. 105–277, §142(g)(7), inserted "AND GEOGRAPHIC REFERENCE" after "PRE-EXISTING" in heading.

Subsec. (d)(3). Pub. L. 105–277, §142(g)(8), added par. (3).

§220507. Restrictions

(a) PROFIT AND STOCK.—The corporation may not engage in business for profit or issue stock.

(b) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1470.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220507(a)	36:378.	Sept. 21, 1950, ch. 975, title I, §§107, 108, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3048.
220507(b)	36:377.	

In subsection (a), the words "may not" are substituted for "shall have no power to" for consistency in the revised title. The words "capital", "pecuniary", and "or gain" are omitted as unnecessary.

In subsection (b), the words "as an organization" are omitted as unnecessary.

§220508. Headquarters, principal office, and meetings

The corporation shall maintain its principal office and national headquarters in a place in the United States decided by the corporation. The corporation may hold its annual and special meetings in the places decided by the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1470.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220508	36:371 (last sentence).	Sept. 21, 1950, ch. 975, title I, §101 (last sentence), formerly §1 (last sentence), 64 Stat. 899; Nov. 8, 1978, Pub. L. 95–606, §1(a)(3), 92 Stat. 3045.

The word "decided" is substituted for "as is determined" and for "shall determine" for consistency in the revised title.

§220509. Resolution of disputes

(a) **GENERAL.**—The corporation shall establish and maintain provisions in its constitution and bylaws for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition, or other protected competition as defined in the constitution and bylaws of the corporation. In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.

(b) **OMBUDSMAN.**—

(1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall—

(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

(B) assist in mediating any such disputes; and

(C) report to the Athletes' Advisory Council on a regular basis.

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

(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

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

(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if

(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1470; Pub. L. 105–277, div. C, title I, §142(h), 112 Stat. 2681–605; Pub. L. 109–284, §5(17), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220509	36:382b.	Sept. 21, 1950, ch. 975, title I, §114, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3049.

AMENDMENTS

2006—Subsec. (b)(1)(A). Pub. L. 109–284 struck out "a" before "paralympic sports organizations".

1998—Subsec. (a). Pub. L. 105–277, §142(h)(1), designated existing provisions as subsec. (a), and inserted heading.

Pub. L. 105–277, §142(h)(2), inserted "the Paralympic Games," before "the Pan-American Games".

Pub. L. 105–277, §142(h)(3), inserted at end "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games."

Subsec. (b). Pub. L. 105–277, §142(h)(4), added subsec. (b).

§220510. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1470; Pub. L. 105–277, div. C, title I, §142(i), 112 Stat. 2681–606.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220510	36:381.	Sept. 21, 1950, ch. 975, title I, §111, as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3049.

The words "precedent" and "or conferred" are omitted as unnecessary. The words "with the secretary of state or other designated official" are substituted for "in the office of the secretary of state, or similar office" for consistency in the revised title. The words "post-office" and "authorized" are omitted as unnecessary. The words "legal process" are substituted for "local process" for consistency in the revised title.

AMENDMENTS

1998—Pub. L. 105–277 amended text generally. Prior to amendment, text read as follows: "As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served."

§220511. Report

(a) **SUBMISSION TO PRESIDENT AND CONGRESS.**—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

- (1) a complete statement of its receipts and expenditures;
- (2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;
- (3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and
- (4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.

(b) **AVAILABILITY TO PUBLIC.**—The corporation shall make copies of the report available to interested persons at a reasonable cost.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105–277, div. C, title I, §142(j)(1), 112 Stat. 2681–606; Pub. L. 109–284, §5(18), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220511	36:382a(a).	Sept. 21, 1950, ch. 975, title I, §113(a), as added Nov. 8, 1978, Pub. L. 95–606, §1(b), 92 Stat. 3049.

In subsection (a)(1), the words "full and" are omitted as unnecessary.

AMENDMENTS

2006—Pub. L. 109–284 substituted "Report" for "Annual report" in section catchline.

1998—Subsec. (a). Pub. L. 105–277 amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "Not later than June 1 of each year, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report of its operations during the prior calendar year, including—

- "(1) a complete statement of the corporation's receipts and expenditures; and
- "(2) a comprehensive description of the activities and accomplishments of the corporation during the prior year."

§220512. Complete teams

In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of the national governing body and the corporation when the number of athletes who have met the eligibility standards of such entities is insufficient to fill the roster for an event.

(Added Pub. L. 105–277, div. C, title I, §142(k)(1), Oct. 21, 1998, 112 Stat. 2681–606; amended Pub. L. 109–284, §5(19), Sept. 27, 2006, 120 Stat. 1212.)

AMENDMENTS

2006—Pub. L. 109–284 substituted "and the corporation" for "and the Corporation".

SUBCHAPTER II—NATIONAL GOVERNING BODIES

§220521. Recognition of amateur sports organizations as national governing bodies

(a) **GENERAL AUTHORITY.**—For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under section 220522(b)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsection (a) or (b) of section 220522. The corporation may recognize only one national governing body for each sport for which an application is made and approved, except as provided in section 220522(b) with respect to a paralympic sports organization.

(b) **PUBLIC HEARING.**—Before recognizing an organization as a national governing body, the corporation shall hold at least 2 public hearings on the application. The corporation shall publish notice of the time, place, and nature of the hearings. Publication shall be made in a regular issue of the corporation's principal publication at least 30 days, but not more than 60 days, before the date of the hearings. The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.

(c) **RECOMMENDATION TO INTERNATIONAL SPORTS FEDERATION.**—Within 61 days after recognizing an organization as a national governing body, the corporation shall recommend and support in any appropriate manner the national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(d) **REVIEW OF RECOGNITION.**—The corporation may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105–277, div. C, title I, §142(l), 112 Stat. 2681–607; Pub. L. 109–284, §5(20), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220521(a)	36:391(a) (1st, 2d sentences).	Sept. 21, 1950, ch. 975, title II, §§201(a), (d), 204, 205(b)(5), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3050, 3052, 3055, 3057.
220521(b)	36:391(a) (3d–last sentences).	
220521(c)	36:391(d). 36:395(b)(5).	
220521(d)	36:394.	

In subsection (b), the words "under the authority granted under this subchapter and in accordance with the procedures and requirements of this section" are omitted as unnecessary. The words "public hearing" are substituted for "hearing open to the public", and the words "for such recognition" are omitted, to eliminate unnecessary words.

In subsection (c), the words "in accordance with subsection (a) of this section" in 36:391(d) and "in accordance with this subsection" in 36:395(b)(5) are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–284 substituted "subsection" for "subsections".

1998—Subsec. (a). Pub. L. 105–277, §142(l)(1), inserted first sentence and struck out former first sentence which read as follows: "For any sport that is included on the program of the Olympic Games or the Pan-American Games, the corporation may recognize as a national governing body

an amateur sports organization that files an application and is eligible under section 220522 of this title."

Pub. L. 105–277, §142(l)(2), substituted "approved, except as provided in section 220522(b) with respect to a paralympic sports organization." for "approved."

Subsec. (b). Pub. L. 105–277, §142(l)(3)–(5), substituted "hold at least 2 public hearings" for "hold a public hearing", substituted "hearings." for "hearing." in two places, and inserted at end "The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport."

§220522. Eligibility requirements

(a) GENERAL.—An amateur sports organization is eligible to be recognized, or to continue to be recognized, as a national governing body only if it—

(1) is incorporated under the laws of a State of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition;

(2) has the managerial and financial capability to plan and execute its obligations;

(3) submits—

(A) an application, in the form required by the corporation, for recognition as a national governing body;

(B) a copy of its corporate charter and bylaws; and

(C) any additional information considered necessary or appropriate by the corporation;

(4) agrees to submit to binding arbitration in any controversy involving—

(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, except that if the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;

(5) demonstrates that it is autonomous in the governance of its sport, in that it—

(A) independently decides and controls all matters central to governance;

(B) does not delegate decision-making and control of matters central to governance; and

(C) is free from outside restraint;

(6) demonstrates that it is a member of no more than one international sports federation that governs a sport included on the program of the Olympic Games or the Pan-American Games;

(7) demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which recognition is sought, or any amateur sports organization that conducts programs in the sport for which recognition is sought, or both;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate;

(9) is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin, or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on the board of directors or other governing board;

(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that its board of directors and other such governing boards have established

criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years, that any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;

(11) provides for reasonable direct representation on its board of directors or other governing board for any amateur sports organization that—

(A) conducts a national program or regular national amateur athletic competition in the applicable sport on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(B) ensures that the representation reflects the nature, scope, quality, and strength of the programs and competitions of the amateur sports organization in relation to all other programs and competitions in the sport in the United States;

(12) demonstrates that none of its officers are also officers of any other amateur sports organization recognized as a national governing body;

(13) provides procedures for the prompt and equitable resolution of grievances of its members;

(14) does not have eligibility criteria related to amateur status or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games that are more restrictive than those of the appropriate international sports federation; and

(15) demonstrates, if the organization is seeking to be recognized as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under sections 220524 and 220525 of this title.

(b) **RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.**—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1471; Pub. L. 105–277, div. C, title I, §142(m), 112 Stat. 2681–607.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220522	36:391(b), (c).	Sept. 21, 1950, ch. 975, title II, §201(b), (c), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3050.

In clause (1), the words "a State" are substituted for "any of the several States" for consistency in the revised title.

In clause (3)(B), the words "upon application" are omitted as unnecessary.

In clause (10)(B), the words "hold at least 20 percent of the membership and voting power on the board" are substituted for "the membership and voting power held . . . is not less than 20 percent of such membership and voting power held in that board of directors or other such governing board" to eliminate unnecessary words.

The text of 36:391(c) is omitted as executed.

AMENDMENTS

1998—Pub. L. 105–277, §142(m)(1), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (a)(4). Pub. L. 105–277, §142(m)(2), added par. (4) and struck out former par. (4) which read as follows: "agrees to submit, on demand by the corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving—

"(A) its recognition as a national governing body, as provided for in section 220529 of this title; or

"(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in the corporation's constitution and bylaws;"

Subsec. (a)(10). Pub. L. 105–277, §142(m)(3), added par. (10) and struck out former par. (10) which read as follows: "demonstrates that—

"(A) its board of directors or other governing board includes among its voting members—

"(i) individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought; or

"(ii) individuals who, within the prior 10 years, have represented the United States in international amateur athletic competition in the sport for which recognition is sought; and

"(B) the individuals described in subclause (A) of this clause hold at least 20 percent of the membership and voting power on the board;"

Subsec. (a)(14). Pub. L. 105–277, §142(m)(4), inserted "or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games" after "amateur status".

Subsec. (b). Pub. L. 105–277, §142(m)(5), added subsec. (b).

§220523. Authority of national governing bodies

(a) **AUTHORITY.**—For the sport that it governs, a national governing body may—

(1) represent the United States in the appropriate international sports federation;

(2) establish national goals and encourage the attainment of those goals;

(3) serve as the coordinating body for amateur athletic activity in the United States;

(4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;

(5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for determining eligibility standards for participation in competition, except for amateur athletic competition specified in section 220526 of this title;

(6) recommend to the corporation individuals and teams to represent the United States in the Olympic Games, the Paralympic Games, and the Pan-American Games; and

(7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games, the Paralympic Games, and the Pan-American Games) and certify, in accordance with applicable international rules, the amateur eligibility of those individuals and teams.

(b) **REPLACEMENT OF NATIONAL GOVERNING BODY PURSUANT TO ARBITRATION.**—A national governing body may not exercise any authority under subsection (a) of this section for a particular sport after another amateur sports organization has been declared (in accordance with binding arbitration proceedings prescribed by the organic documents of the corporation) entitled to replace that national governing body as the member of the corporation for that sport.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1473; Pub. L. 105–277, div. C, title I, §142(n), 112 Stat. 2681–608.)

HISTORICAL AND REVISION NOTES

Revised

Source (U.S. Code)

Source (Statutes at Large)

<i>Section</i>		
220523(a)	36:393.	Sept. 21, 1950, ch. 975, title II, §203, as added Nov. 8, 1978, Pub. L. 95-606, §2, 92 Stat. 3054.
220523(b)	36:393 note.	July 8, 1980, Pub. L. 96-304, title I (last sentence related to limitation on exercise of authority in par. under heading "Salaries and Expenses"), 94 Stat. 898.

In subsection (b), the words "national governing body" are omitted (the first time they appear) to eliminate unnecessary words. The reference to "subsection (a) of this section" is substituted for "section 203 of Public Law 95-606 as hereby amended" because of the restatement. The word "corporation" is substituted for "Committee" because of the definition of "corporation" in section 220501 of this title.

AMENDMENTS

1998—Subsec. (a)(6), (7). Pub. L. 105-277, which directed substitution of "Games, the Paralympic Games, and" for "Games and" in pars. (6) and (7) of this section, was executed by making the substitution in pars. (6) and (7) of subsec. (a) to reflect the probable intent of Congress.

§220524. General duties of national governing bodies

For the sport that it governs, a national governing body shall—

(1) develop interest and participation throughout the United States and be responsible to the persons and amateur sports organizations it represents;

(2) minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;

(3) keep amateur athletes informed of policy matters and reasonably reflect the views of the athletes in its policy decisions;

(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;

(5) allow an amateur athlete to compete in any international amateur athletic competition conducted by any amateur sports organization or person, unless the national governing body establishes that its denial is based on evidence that the organization or person conducting the competition does not meet the requirements stated in section 220525 of this title;

(6) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;

(7) encourage and support amateur athletic sports programs for individuals with disabilities and the participation of individuals with disabilities in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by individuals with disabilities in programs of athletic competition for able-bodied individuals;

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

(9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1474; Pub. L. 105-277, div. C, title I, §142(o), 112 Stat. 2681-608.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220524	36:392(a)(1)-(3), (5)-(9).	Sept. 21, 1950, ch. 975, title II, §202(a)(1)-

(3), (5)–(9), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3052.

In clause (4), the word "by" is substituted for "under its auspices or that of . . . other" for clarity and to eliminate unnecessary words. The words "the national governing body" are substituted for "it" for clarity.

AMENDMENTS

1998—Pars. (4) to (9). Pub. L. 105–277, added par. (4) and redesignated former pars. (4) to (8) as (5) to (9), respectively.

§220525. Granting sanctions for amateur athletic competitions

(a) **PROMPT REVIEW AND DECISION.**—For the sport that it governs, a national governing body promptly shall—

(1) review a request by an amateur sports organization or person for a sanction to hold an international amateur athletic competition in the United States or to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States; and

(2) grant the sanction if—

(A) the national governing body does not decide by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport; and

(B) the requirements of subsection (b) of this section are met.

(b) **REQUIREMENTS.**—An amateur sports organization or person may be granted a sanction under this section only if the organization or person meets the following requirements:

(1) The organization or person must pay the national governing body any required sanctioning fee, if the fee is reasonable and nondiscriminatory.

(2) For a sanction to hold an international amateur athletic competition in the United States, the organization or person must—

(A) submit to the national governing body an audited or notarized financial report of similar events, if any, conducted by the organization or person; and

(B) demonstrate that the requirements of paragraph (4) of this subsection have been met.

(3) For a sanction to sponsor United States amateur athletes to compete in international amateur athletic competition outside the United States, the organization or person must—

(A) submit a report of the most recent trip to a foreign country, if any, that the organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition; and

(B) submit a letter from the appropriate entity that will hold the international amateur athletic competition certifying that the requirements of paragraph (4) of this subsection have been met.

(4) The requirements referred to in paragraphs (2) and (3) of this subsection are that—

(A) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition;

(B) appropriate provision has been made for validation of any records established during the competition;

(C) due regard has been given to any international amateur athletic requirements specifically applicable to the competition;

(D) the competition will be conducted by qualified officials;

(E) proper medical supervision will be provided for athletes who will participate in the competition; and

(F) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1474.)

HISTORICAL AND REVISION NOTES

Revised

<i>Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220525(a)(1)	36:392(a)(4).	Sept. 21, 1950, ch. 975, title II, §202(a)(4), (b), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3052, 3053.
220525(a) (2)(A)	36:392(b) (words before cl. (1)).	
220525(a) (2)(B)	(no source).	
220525(b) (words before par. (1))	36:392(b)(1) (words before subcl. (A)), (2) (words before subcl. (A)).	
220525(b)(1)	36:392(b)(1)(A), (2)(A).	
220525(b) (2)(A)	36:392(b)(1)(C).	
220525(b) (2)(B)	36:392(b)(1)(B) (words before subcl. (i)).	
220525(b) (3)(A)	36:392(b)(2)(C).	
220525(b) (3)(B)	36:392(b)(2)(B) (words before subcl. (i)).	
220525(b)(4)	36:392(b)(1)(B)(i)–(vi), (2)(B)(i)–(vi).	

In subsection (a), the words "and determine whether to grant such sanction, in accordance with the provisions of subsection (b) of this section" and "As a result of its review under subsection (a)(4) of this section" are omitted as unnecessary. Clause (2)(B) is added because of the reorganization of the section.

In subsection (b), the language before paragraph (1) is substituted for 36:392(b)(1) (words before subclause (A)) and (2) (words before subclause (A)) because of the reorganization of the section. Paragraph (1) is substituted for 36:392(b)(1)(A) and (2)(A), and paragraph (4) is substituted for 36:392(b)(1)(B)(i)–(vi) and (2)(B)(i)–(vi), to avoid repeating identical language.

§220526. Restricted amateur athletic competitions

(a) **EXCLUSIVE JURISDICTION.**—An amateur sports organization that conducts amateur athletic competition shall have exclusive jurisdiction over that competition if participation is restricted to a specific class of amateur athletes, such as high school students, college students, members of the Armed Forces, or similar groups or categories.

(b) **SANCTIONS FOR INTERNATIONAL COMPETITION.**—An amateur sports organization under subsection (a) of this section shall obtain a sanction from the appropriate national governing body if the organization wishes to—

- (1) conduct international amateur athletic competition in the United States; or
- (2) sponsor international amateur athletic competition to be held outside the United States.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1475.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220526(a)	36:396 (1st sentence).	Sept. 21, 1950, ch. 975, title II, §206, as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3058.
220526(b)	36:396 (last sentence).	

§220527. Complaints against national governing bodies

(a) **GENERAL.**—(1) An amateur sports organization or person that belongs to or is eligible to belong to a national governing body may seek to compel the national governing body to comply with sections 220522, 220524, and 220525 of this title by filing a written complaint with the corporation. A copy of the complaint shall be served on the national governing body.

(2) The corporation shall establish procedures for the filing and disposition of complaints under this section.

(b) EXHAUSTION OF REMEDIES.—(1) An organization or person may file a complaint under subsection (a) of this section only after exhausting all available remedies within the national governing body for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay.

(2) Within 30 days after a complaint is filed, the corporation shall decide whether the organization or person has exhausted all available remedies as required by paragraph (1) of this subsection. If the corporation determines that the remedies have not been exhausted, it may direct that the remedies be pursued before the corporation considers the complaint further.

(c) HEARINGS.—If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it shall hold a hearing, within 90 days after the complaint is filed, to receive testimony to decide whether the national governing body is complying with sections 220522, 220524, and 220525 of this title.

(d) DISPOSITION OF COMPLAINT.—(1) If the corporation decides, as a result of the hearing, that the national governing body is complying with sections 220522, 220524, and 220525 of this title, it shall so notify the complainant and the national governing body.

(2) If the corporation decides, as a result of the hearing, that the national governing body is not complying with sections 220522, 220524, and 220525 of this title, it shall—

(A) place the national governing body on probation for a specified period of time, not to exceed 180 days, which the corporation considers necessary to enable the national governing body to comply with those sections; or

(B) revoke the recognition of the national governing body.

(3) If the corporation places a national governing body on probation under paragraph (2) of this subsection, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with sections 220522, 220524, and 220525 of this title. If, at the end of the period allowed by the corporation, the national governing body has not complied with those sections, the corporation shall revoke the recognition of the national governing body.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1476.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220527(a)(1)	36:395(a)(1) (1st, last sentences).	Sept. 21, 1950, ch. 975, title II, §205(a), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3055.
220527(a)(2)	36:395(a)(1) (3d sentence).	
220527(b)(1)	36:395(a)(1) (2d sentence).	
220527(b)(2)	36:395(a)(2).	
220527(c)	36:395(a)(3)(A).	
220527(d)	36:395(a)(3)(B)–(D).	

In subsection (b)(2), the words "or person" are added for clarity and consistency in the section. The words "all available remedies" are substituted for "its remedies" for consistency with subsection (b)(1) of this section. The words "within the applicable national governing body" are omitted as unnecessary.

§220528. Applications to replace an incumbent national governing body

(a) GENERAL.—An amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing a written application for recognition with the corporation.

(b) ESTABLISHMENT OF PROCEDURES.—The corporation shall establish procedures for the filing and disposition of applications under this section. If 2 or more organizations file applications for the same sport, the applications shall be considered in a single proceeding.

	sentences).
220528(d)	36:395(b)(3) (1st–3d sentences).
220528(e)	36:395(b)(3) (last sentence).
220528(f)	36:395(b)(4) (1st sentence).
220528(g)	36:395(b)(4) (last sentence).

In subsection (c)(2), the word "also" is omitted as unnecessary.

In subsection (d), the words "course of such" and "respective" are omitted as unnecessary.

In subsection (e), before clause (1), the words "amateur sports organization" are omitted as unnecessary. In clause (2)(B), the words "the applicant" are substituted for "it" for clarity.

In subsection (f), before clause (1), the word "after" is substituted for "of" for consistency in the revised title. In clause (4), the words "decide to" are omitted as unnecessary. The words "for a period not exceeding" are substituted for "of not to exceed" for clarity.

In subsection (g), before clause (1), the words "with sections 220522, 220524, and 220525 of this title" are added, and the words "probationary period prescribed under subsection (f)(4) of this section" are substituted for "prescribed time period", for clarity.

AMENDMENTS

1998—Subsec. (c)(1)(A). Pub. L. 105–277, §142(p)(1), substituted "Olympic Games or the Paralympic Games, or in both" for "Olympic Games or both".

Subsec. (c)(2). Pub. L. 105–277, §142(p)(2), (3), substituted "certified" for "registered" and substituted "body and with any other organization that has filed an application." for "body."

Subsec. (d). Pub. L. 105–277, §142(p)(4), (5), inserted "open to the public" after "formal hearing" and inserted after second sentence "The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport."

Subsec. (f)(4). Pub. L. 105–277, §142(p)(6), substituted "title and notify such national governing body of such probation and of the actions needed to comply with such requirements." for "title."

§220529. Arbitration of corporation determinations

(a) **RIGHT TO REVIEW.**—A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by any regional office of the American Arbitration Association.

(b) **PROCEDURE.**—(1) A demand for arbitration must be submitted within 30 days after the determination of the corporation.

(2) On receipt of a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time the demand is filed, except that—

(A) the arbitration panel shall consist of at least 3 arbitrators, unless the parties to the proceeding agree to a lesser number;

(B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding agree to the use of another site; and

(C) the arbitration hearing shall be open to the public.

(3) A decision by the arbitrators shall be by majority vote unless the concurrence of all arbitrators is expressly required by the contesting parties.

(4) Each party may be represented by counsel or by any other authorized representative at the arbitration proceeding.

(5) The parties may offer any evidence they desire and shall produce any additional evidence the arbitrators believe is necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence is not necessary.

(c) **SETTLEMENT.**—The arbitrators may settle a dispute arising under this chapter before making a final award, if

- (c) FILING PROCEDURES.—(1) An application under this section must be filed within one year after the final day of—
 (A) any Olympic Games, for a sport in which competition is held in the Olympic Games or the Paralympic Games, or in both the Olympic and Pan-American Games; or
 (B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games.

(2) The application shall be filed with the corporation by certified mail, and a copy of the application shall be served on the national governing body and with any other organization that has filed an application. The corporation shall inform the applicant that its application has been received.

(d) HEARINGS.—Within 180 days after receipt of an application filed under this section, the corporation shall conduct a formal hearing open to the public to determine the merits of the application. The corporation shall publish notice of the time and place of the hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, before the date of the hearing. The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport. In the hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their positions.

(e) STANDARDS FOR GRANTING APPLICATIONS.—In the hearing, the applicant must establish by a preponderance of the evidence that—

- (1) it meets the criteria for recognition as a national governing body under section 220522 of this title; and
 (2)(A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title;
 or
 (B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks recognition.

(f) DISPOSITION OF APPLICATIONS.—Within 30 days after the close of the hearing required by this section, the corporation shall—

- (1) uphold the right of the national governing body to continue as the national governing body for its sport;
 (2) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;
 (3) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or
 (4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title and notify such national governing body of such probation and of the actions needed to comply with such requirements.

(g) REVOCATION OF RECOGNITION AFTER PROBATION.—If the national governing body does not comply with sections 220522, 220524, and 220525 of this title within the probationary period prescribed under subsection (f)(4) of this section, the corporation shall revoke the recognition of the national governing body and either—

- (1) recognize the applicant as the national governing body; or
 (2) declare a vacancy in the national governing body for that sport.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1476; Pub. L. 105–277, div. C, title I, §142(p), 112 Stat. 2681–609.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220528(a)	36:395(b)(1) (1st sentence).	Sept. 21, 1950, ch. 975, title II, §205(b)(1)–(4), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3056.
220528(b)	36:395(b)(1) (last sentence), (2) (2d sentence).	
220528(c)(1)	36:395(b)(1) (2d sentence).	
220528(c)(2)	36:395(b)(2) (1st, 3d, last	

agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.

(d) **BINDING NATURE OF DECISION.**—Final decision of the arbitrators is binding on the parties if the award is not inconsistent with the constitution and bylaws of the corporation.

(e) **REOPENING HEARINGS.**—(1) At any time before a final decision is made, the hearings may be reopened by the arbitrators on their own motion or on the motion of a party.

(2) If the reopening is based on the motion of a party, and if the reopening would result in the arbitrators' decision being delayed beyond the specific period agreed to at the beginning of the arbitration proceedings, all parties to the decision must agree to reopen the hearings.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1478.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220529(a)	36:395(c)(1) (1st sentence).	Sept. 21, 1950, ch. 975, title II, §205(c), as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3057.
220529(b)(1)	36:395(c)(1) (2d sentence).	
220529(b)(2)	36:395(c)(1) (last sentence).	
220529(b)(3)	36:395(c)(4).	
220529(b)(4)	36:395(c)(3) (1st sentence).	
220529(b)(5)	36:395(c)(3) (2d, last sentences).	
220529(c)	36:395(c)(2).	
220529(d)	36:395(c)(5).	
220529(e)	36:395(c)(6).	

In subsection (a), the reference to 36:391(c) is omitted because 36:391(c) is omitted as executed. See the revision note for section 220522 of the revised title. The words "may obtain review by" are substituted for "The right to review . . . shall be to" for clarity.

In subsection (b)(2)(A) and (B), the word "mutually" is omitted as unnecessary.

In subsection (b)(4), the word "duly" is omitted as unnecessary.

In subsection (c), the words "in any arbitration", "the provisions of", "mutually", and "to the proceeding" are omitted as unnecessary.

In subsection (d), the word "involved" is omitted as unnecessary.

In subsection (e), the word "contesting" is omitted as unnecessary.

In subsection (e)(2), the words "the reopening is based on the motion of a party" are substituted for "any contesting party makes such a motion" for clarity.