AMENDED AND RESTATED BYLAWS
OF
UNITED STATES EQUESTRIAN FEDERATION, INC.
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BYLAWS OF UNITED STATES EQUESTRIAN FEDERATION, INC.

PART I – GENERAL PROVISIONS

Bylaw 101 – Name and Seal

Section 1. Name. The name of this corporation shall be the United States Equestrian Federation, Inc. (hereinafter referred to as the “Federation”).

Section 2. Seal. The Seal of the Federation shall be in the form of a circle and shall bear the name United States Equestrian Federation, Inc., the name of the State in which it was incorporated, the year of its incorporation and the words “Corporate Seal.”

Bylaw 102 – National Governing Body & National Federation

Section 1. Certification as a National Governing Body.

The Federation shall seek and attempt to maintain certification by the United States Olympic & Paralympic Committee (the “USOPC”) as the National Governing Body for the sport of equestrian in the United States. In furtherance of that purpose, the Federation shall comply with the requirements for certification as a National Governing Body (“NGB”) as set forth in the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. §§ 220501 – 220543) (the “Sports Act”) and as mandated by the USOPC as such requirements are promulgated or revised from time to time. In fulfilling those requirements, the Federation shall:

a. Governance and Compliance.
   i. fulfill all responsibilities as an NGB as set forth in the Sports Act;
   ii. adopt and maintain governance and athlete representation policies complying with the requirements of these Bylaws;
   iii. adopt and maintain an Athletes Advisory Council as a part of its overall governance structure;
   iv. adopt and maintain appropriate good governance practices;
   v. be recognized by the Internal Revenue Service as a tax-exempt organization under the Internal Revenue Code;
   vi. provide a body of rules with which to govern equestrian sport at the national level, along with an effective means of enforcing them, and a judicial process that is fair to competitors while providing for optimum integrity within the sport;
   vii. adopt and enforce a code of conduct for its employees, members, board of Directors, and officers including clear conflicts of interest principles;
   viii. adopt and enforce ethics policies and procedures;
   ix. demonstrate an organizational commitment to diversity and inclusion; and
   x. satisfy such other requirements as are set forth by the USOPC or Congress.

b. Financial Standards and Reporting Practices.
   i. demonstrate financial operational capability to administer its sport;
   ii. be financially and operationally transparent and accountable to its members and to the USOPC;
   iii. adopt a budget and maintain accurate accounting records in accordance with accounting principles generally accepted in the United States of America (GAAP);
   iv. submit its complete IRS Form 990 and audited financial statements, including management letter and budget, to the USOPC annually;
   v. post on its website its current bylaws and other organic documents, its IRS Form 990 for the three most recent years, and its audited financial statements for the three most recent years; and
   vi. satisfy such other requirements as are set forth by the USOPC.
c. Athlete Safety.
   i. comply with all applicable athlete safety and child protection laws;
   ii. comply with the policies and requirements of the U.S. Center for SafeSport;
   iii. maintain and enforce an athlete safety program consistent with the policy(ies) and
        standards directed by the USOPC and the U.S. Center for SafeSport;
   iv. comply with the anti-doping policies of the USOPC and with the policies and procedures of
        USADA; and
   v. satisfy such other requirements as are set forth by the USOPC and the U.S. Center for
       SafeSport.

d. Sport Performance.
   i. maintain and execute on a strategic plan that is capable of supporting athletes in achieving
      sustained competitive excellence, and in growing the sport;
   ii. establish clear athlete, team, and team official selection procedures approved by the
       Federation, and the USOPC for Delegation Event teams as applicable, and timely
       disseminate such procedures to the athletes and team officials;
   iii. effectively conduct, in accordance with such selection procedures, a selection process to
       select athletes for Delegation Event and international teams;
   iv. competently and timely recommend to the USOPC athletes, teams, and team officials for
       Delegation Event teams as applicable;
   v. maintain and implement effective plans for successfully training Delegation Event athletes;
      and
   vi. satisfy such other requirements as are set forth by the USOPC.

e. Operational Performance.
   i. demonstrate managerial capability to administer its sport;
   ii. obtain and keep current insurance policies in such amount and for such risk management
       as appropriate;
   iii. actively seek, in good faith, to generate revenue in addition to any resources that may be
       provided by the USOPC, sufficient to achieve financial sustainability;
   iv. maintain and enforce grievance procedures that provide for prompt and equitable
       resolution of grievances and fair notice and an opportunity for a hearing before declaring
       an individual ineligible to participate;
   v. adopt a whistleblower and anti-retaliation policy;
   vi. cooperate with the USOPC in preventing the unauthorized use of the names and
       trademarks of the USOPC, the words “Olympic,” “Paralympic” and “Pan American,” and
       their derivatives, as well as their symbolic equivalents; and
   vii. satisfy such other requirements as are set forth by the USOPC.

Section 2. Objectives as the National Federation.

The Federation recognizes the Federation Equestre Internationale (“FEI”), as the sole international authority and
 governing body for FEI equestrian disciplines. The Federation agrees to be bound by the FEI rules and
 regulations. The Federation agrees not to become a member or recognize or otherwise support any other
 international organization with a similar purpose except those recognized by the FEI.

The Federation works with its members to regulate, promote, and develop equestrian nationally and to prepare
 athletes and horses for national and international competition. As the National Federation, the Federation’s
 objectives are:

   a. to be the sole authority in the United States for the equestrian disciplines recognized by the FEI, and
      those disciplines and breeds for which the Federation has division rules in the Federation rulebook;
b. to preserve and protect the welfare of the horse by inspecting, monitoring and testing to deter use of
   forbidden substances and other cruel, unsafe and/or unsportsmanlike practices and by adopting and
   enforcing rules to prohibit such practices;

c. to uphold, maintain and publish rules and regulations governing the sport of equestrian;

d. to promote equestrian as a sport for people of all ages and abilities;

e. to develop competition structures and pathways for athletes from beginner to elite level;

f. to provide training and education opportunities for all involved in equestrian, including but not limited only
to athletes, horses, trainer, grooms, veterinarians, officials, and organizers; and

g. to ensure the integrity of equestrian and ensure fair competition free from doping and manipulation of the
outcome of competitions.

**Bylaw 103 – Miscellaneous Provisions**

Section 1. Fiscal Year. The fiscal year of the Federation shall be as established by the Board of Directors.

Section 2. Designated Contributions. The Federation may accept any contribution, gift, grant, bequest or devise
that is designated, restricted or conditioned by the donor, provided that the designation, restriction or condition is
consistent with the Federation’s general tax-exempt purposes. Donor-designated contributions will be accepted
for special funds, purposes or uses, and such designations generally will be honored. However, the Federation
shall reserve all right, title and interest in and to and control over such contributions, and shall have authority to
determine the ultimate expenditure or distribution thereof in connection with any such special fund, purpose or
use. Further, the Federation shall acquire and retain sufficient control over all donated funds (including designated
contributions) to assure that such funds will be used exclusively to carry out the tax-exempt purposes.

Section 3. References to Internal Revenue Code. All references in these bylaws to provisions of the Internal
Revenue Code are to the provisions of the Internal Revenue Code of 1986, as amended, and to the
corresponding provisions of any subsequent federal tax laws.

Section 4. Principles of Construction.

a. These bylaws are the primary governing document of the Federation. The Rules of the Federation are
published separately. In the event of a conflict between a provision of these bylaws and the Rules, the
provisions of these bylaws shall prevail.

b. Words in any gender shall be deemed to include the other gender; the singular shall be deemed to
include the plural and vice versa; the words “pay” and “distribute” shall also mean assign, convey and
deliver; and the table of contents, headings and underlined paragraph titles are for guidance only and
shall have no significance in the interpretation of these bylaws.

Section 5. Severability. The invalidity of any provision of these bylaws shall not affect the other provisions hereof,
and in such event these bylaws shall be construed in all respects as if such invalid provision were omitted.

Section 6. Savings Clause. Failure of literal or complete compliance with provisions of these bylaws with respect
to dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of proposals,
which in the judgment of a majority of the members present at the meetings held do not cause substantial injury to
the rights of members, shall not invalidate the actions or proceedings of the Board of Directors, committees,
councils or task forces.

Section 7. Robert’s Rules of Order. The Annual Meeting and other meetings of the Board of Directors shall be
conducted in accordance with the latest authorized edition of Robert’s Rules of Order. In the event of any
inconsistency between the specific Robert’s Rule and the New York state law, the laws of New York shall govern.
PART II — MEMBERSHIPS AND AFFILIATIONS

SUBPART A – GENERAL

Bylaw 201 – Eligibility

Membership in the Federation is open to any individual who is an athlete, rider, driver, handler, vaulter, longeur, horse owner or breeder, coach, trainer, manager, administrator, official active in equestrian sport, or any other individual having an interest in equestrian sport, and to any organization that conducts equestrian competitions or other programs or events in the sport on a national, regional, or local level.

Bylaw 202 – Voting Constituency

Section 1. Voting Members. Voting Members consist of those Senior Active Members from time to time qualified to vote as members of the Board of Directors.

Section 2. Voting Athletes. Notwithstanding the foregoing, or anything to the contrary elsewhere in these bylaws, 10-Year Athlete Representatives (see definition in Bylaw 401) shall be entitled to directly vote for Athlete Representatives to the Board of Directors and the Federation Athlete Advisory Committee or other governing boards as are from time to time required by the USOPC Bylaws or by USOPC Board Resolution.

Section 3. Balloting Procedures. Unless otherwise provided herein, whenever elections are required by these bylaws, the election process shall follow the procedures published on the Federation website.

Bylaw 203 – Competition Eligibility

To be eligible to participate as a rider, driver, handler, vaulter, longeur, owner, lessee, agent or trainer, riding coach or driving coach, at Federation Regular Competitions, Eventing Competitions at the Preliminary Level or above, Dressage Competitions, Combined Driving Competitions at the Advanced Level, Vaulting Competitions, or International Competitions, Classes or Programs, persons must be Senior Active Members or Junior Active Members of the Federation as provided in Bylaw 212, or if non-members must pay a registration fee as provided in the Rules. Lessees are considered owners in connection with this requirement. In the event of an entry under multiple ownership, only one owner need be a Senior Active Member or pay a registration fee. Participants in the following classes are exempted from the requirements of this rule: (1) leadline; (2) exhibitions; (3) games and races; (4) classes for 4H members; (5) Walk trot and Academy classes (Academy Classes are classes limited to horses regularly used in a lesson program); (6) USDF Introductory Level tests, Pas de Deux and Quadrille classes; (7) Assistant Handlers in Dressage Sport Horse Breeding Classes; and (8) citizens of other nations who have proof, in English, of current membership in good standing in their own National Federation.

Bylaw 204 – Dues and Fees

Each Member and Affiliated Entity shall pay to the Federation annual fees and/or dues in the amount determined by the Board of Directors and published on the Federation website. The Board of Directors shall establish deadlines for the payment of fees and/or dues.

Bylaw 205 – Suspensions, Fines and Terminations

Section 1. A Voting Member or Affiliated Entity failing to pay any dues and/or fees due the Federation shall be provided notice of delinquency. If those fees are not paid within 30 days after the date specified in the notice of delinquency, the delinquent Member or Affiliated Entity shall be suspended from membership in the Federation. Unless otherwise provided by the Board of Directors, the membership or affiliation of a Member or Affiliated Entity shall be terminated automatically if the Member or Affiliated Entity has failed to pay those fees for a period of 90
days after the date specified in the notice of delinquency. The CEO shall notify the Member or Affiliated Entity of suspension and the date upon which membership or affiliation will be terminated if fees remain unpaid.

Section 2. The Board of Directors, upon a two-thirds vote of those members present at a duly called meeting, may suspend, fine, or terminate (or any combination thereof) the membership of any Member, the affiliation of any Affiliated Entity, or any member of the Board of Directors of the Federation if the Hearing Committee of the Federation (in accordance with applicable Federation Rules) determines that (1) the conduct of the Member or Affiliated Entity is adverse to the best interests of equestrian or the Federation, or (2) the Member or Affiliated Entity has not complied with the requirements of membership in the Federation. The Board may only act after a hearing, reasonable notice to the Member or Affiliated Entity of the time of the hearing, and providing the Member or Affiliated Entity with a reasonable opportunity to present evidence in support of the Member’s or Affiliated Entities position. It shall take a majority vote of those members present at any duly called meeting of the Board to initiate a disciplinary action under this bylaw.

Section 3. A suspension or other disciplinary action imposed by the Federation in accordance with these bylaws shall be recognized by all Members and Affiliated Entities of the Federation upon notification by the Federation. Suspensions and other disciplinary actions taken by Affiliated Entities of the Federation may be recognized by the Federation and all other Federation Members upon proper notification to the Federation and determination by the Federation’s Hearing Committee that the party subject to the action received hearing and procedural rights substantially similar to those set forth in these bylaws and the Federation’s Rules. However, should the Hearing Committee find that such procedural rights were not substantially similar, then the Committee may in its own discretion conduct a hearing after proper notice to the affected party and only after such hearing may the Hearing Committee recognize the suspension or other disciplinary action imposed by the Affiliated Entity of the Federation.

**SUBPART B – INDIVIDUAL MEMBERS**

**Bylaw 211 – Designation**

Members consist of those persons who have joined the Federation in one or more of the membership categories as provided in the Rules. All members in good standing, except Non-Competing Members, and Individual Group Members, shall be eligible to participate in all classes and levels at Federation Regular Competitions, Eventing Competitions at the Preliminary Level or above, Dressage Competitions, Combined Driving Competitions at the Advanced Level and Vaulting Competitions as provided in Bylaw 203. Each Federation member will be required upon joining or renewing to designate a primary Breed/Discipline affiliation within the Federation (and may designate one or more secondary Breed/Discipline affiliations for informational purposes only). The record date for designations shall be November 30, with the primary designations of all Senior Active Members made since December 1 of the preceding year to be counted. A Senior Active Member will be deemed to continue his or her primary and secondary affiliation designations unless prior to the record date such Senior Active Member notifies the Federation in writing of a change.

**Bylaw 212 – Member Categories**

Section 1. Competing Membership. Competing Members are those individuals who desire to participate in Federation Licensed Competitions. The Competing Membership categories are:

- a. Life Members. Those persons who have made a single lifetime payment of dues.
- b. Senior Active Members. Those persons who have reached their eighteenth birthday (in accordance with the applicable Federation Rules) and who have paid the requisite dues. Hereinafter, the use of the phrase “Senior Active Member” shall refer to any person who has reached his or her eighteenth birthday who is a Senior Active Member or Life Member in good standing.
c. Junior Active Members. Those persons who have not reached their eighteenth birthday (in accordance with the applicable Federation Rules), who have paid the requisite dues. Life members who have not reached their eighteenth birthday are also Junior Active Members.

Section 2. Non-Competing Membership. Non-competing members are those individuals who do not desire to participate in Federation Licensed Competitions. The non-competing membership options are described in the Federation Rules.

**SUBPART C – AFFILIATED ENTITIES**

**Bylaw 221 – Affiliated Entities**

Horse show committees and agricultural or other organizations shall be eligible for recognition as provided in the Federation's Rules. Where more than one competition is held in a given year by the same management under the same name, each competition shall be considered a separate entity. Competitions in foreign countries must be approved by their National Federation before receiving recognition. Any such recognized organization of the Federation in good standing may maintain full benefits and privileges and except as may be otherwise provided in these bylaws, operate under the complete rules on the payment of all required fees and/or dues.

**Bylaw 222 – Recognized Affiliate Associations**

Section 1. **RECOGNIZED AFFILIATE ASSOCIATIONS.** Recognized Affiliate Associations consist of corporations, organizations, and associations in good standing that have been approved by the Board of Directors of the Federation. Recognized National Affiliate Association requirements are established and subject to amendment by the Board of Directors. Recognized Affiliate Associations shall comply with and be bound by these bylaws and the Rules of the Federation and decisions of the Federation including those of the Hearing Committee, and must pay annual fees and/or dues as determined by the Federation. Recognized Affiliate categories shall include:

a. International Discipline Associations where the discipline is recognized through the Federation to the FEI or the USOPC. The Federation may only recognize one International Discipline Association for each discipline recognized by the FEI. International Discipline Associations are sometimes referred to in these Bylaws as the “FEI Affiliates”; or

b. National Associations where the national breed or discipline has competition rules which have been approved by the Board of Directors of the Federation for inclusion in the Federation's Rulebook. The Federation may only recognize one national breed/discipline association for each breed or discipline with competition rules in the Rulebook. Recognized National Affiliate Associations are sometimes referred to in these Bylaws as “National Affiliates.”

Appeals involving the recognition of any association must be made in writing to the National Office within 30 days of publishing such recognition. Appeals will be heard by the Hearing Committee in the same manner as date disputes. The decision of the Hearing-Committee shall be final and shall be deemed to have the force and effect of a ruling in arbitration.

Section 2. **Group Members.** A Recognized Affiliated Association may petition the Board of Directors to enlist members of such Recognized Affiliate Association in certain Federation programs designed to serve special needs of competitions, or divisions, and/or levels thereof, endorsed by such Affiliate Association that are not recognized by the Federation. Competitions, divisions, and/or levels thereof approved within such petition shall be designated as the Federation Endorsed competitions, divisions or levels.

Section 3. **Individual Group Members.** Those persons who are members of a Recognized Affiliated Association of the Federation that has applied for and been approved to offer a Federation Group Program to its membership. Individual Group Members shall be eligible to compete in the Federation Endorsed competitions, divisions or levels, as provided in the Rules.
Bylaw 223 – Affiliated Competitions

Section 1. Dressage Competitions. Dressage Competitions consist of those competitions under the management of organizations, associations, corporations and others holding a Dressage Competition independently of a Regular or Local Competition.

Section 2. Driving Competitions. Driving Competitions consist of those competitions under the management of organizations, associations, corporations and others holding a Driving Competition independently of a Regular or Local Competition.

Section 3. Endurance Competitions. Endurance Competitions consist of those organizations, associations, corporations and others holding an Endurance Competition independently of a Regular or Local Competition.

Section 4. Eventing Competitions. Eventing Competitions consist of those competitions under the management of organizations, associations, corporations and others holding an Eventing Competition independently of a Regular or Local Competition.

Section 5. Honorary Competitions. Honorary Competitions, which shall pay no dues, consisting of those competitions outside the United States which are duly elected to honorary status by the Board of Directors.

Section 6. International Competitions, Classes or Programs. International Competitions, Classes or Programs consist of those competitions, classes or programs involving disciplines recognized by the FEI.

Section 7. Local Competitions. Local Competitions consist of those competitions under the management of organizations, associations, corporations and others holding competitions which are limited by restrictions as indicated in the Rules.

Section 8. Regular Competitions. Regular Competitions consist of those competitions under the management of organizations, associations, corporations and others holding horse shows and agricultural and other fairs, meets and events which have applied for and received recognition.

Section 9. Reining Competitions. Reining Competitions consist of those competitions under the management of organizations, associations, corporations and others holding a Reining Competition independently of a Regular or Local Competition.

Section 10. Vaulting Competitions. Vaulting Competitions consist of those competitions under the management of organizations, associations, corporations and others holding a Vaulting Competition independently of a Regular or Local Competition

Bylaw 224 – Sustaining Affiliates

Sustaining Affiliates are charitable organizations that have been formed for and continue to have the primary purpose of providing funding directly to the Federation and shall be entitled to representation on the Board of Directors of the Federation so long as the Sustaining Affiliate provides a voting seat on its Board of Directors for a Federation representative appointed by the Federation President. The Federation shall have one sustaining member, the United States Equestrian Team Foundation.

PART III – GOVERNANCE

SUBPART A – BOARD OF DIRECTORS

Bylaw 301 – General Authority and Responsibilities

Section 1. The Federation shall have a Board of Directors that has knowledge of and experience in equestrian sport, including competencies that enhance the mission of the Federation. The Board of Directors shall be
responsible for the development of the strategic direction of the Federation and shall set policy and delegate the responsibility for implementation to the Chief Executive Officer and staff. Except as otherwise provided by these bylaws, the Board of Directors shall have all governance, supervising, and administrative authority of the Federation. The authority and responsibilities of the Board of Directors shall include:

a. development of policy and strategic direction for the Federation;
b. selection, compensation, evaluation, and termination of the Chief Executive Officer;
c. assistance and review, through the President, of the Chief Executive Officer’s implementation of the plans and initiatives to determine whether the Federation is achieving the desired outcome of the policies and strategic direction of the Federation;
d. oversight of financial activities throughout the fiscal year;
e. review and approval of the Federation annual budget, financial statements, annual reports, audit, financial control policies, and selection of independent auditors;
f. participation in an active manner in fund raising for the Federation;
g. contract execution in its name and behalf, or authorization for such contracts to be made by the Officers of the Federation;
h. focus on the long-term objectives and impacts rather than on day-to-day management of the Federation;
i. promulgation and approval of the rules governing Licensed Competitions and Individual Members and all other persons, corporations, associations or other organizations bound by the Rules. The Board shall adopt in its discretion rules recommended by its Councils;
j. assurance that athlete safety rules, policies, and procedures comply with the requirements of the USOPC and the U.S. Center for SafeSport;
k. after a hearing conducted in accordance with the provisions of Part VII of the Federation Bylaws, to censure, suspend or expel any officer or member of any committee of the Federation or any other person whose conduct shall be found to be adverse to the best interests of the sport or the Federation or in violation of its Bylaws or Rules;
l. after a hearing conducted in accordance with the provisions of Part VII of the Federation Bylaws, to censure or fine a Licensed Competition for cause or suspend or terminate the license of any Competition for cause;
m. maintenance of a record of its proceedings and shall report at the Annual Meeting of the Federation, or at any special meeting of the Board;
n. alteration or amendment of dues structure, including all fees, at any time as it deems warranted;
o. upon a majority vote of those members present at a duly called meeting of the Board, increase the number of directors on the Board of Directors as it considers appropriate to provide (i) that at least 33.3 percent (33.3%) of the Board are voting Athlete Representatives eligible under the USOPC Bylaws, and (ii) that there is adequate representation and to ensure reasonable direct representation for any amateur sports organization that:
  a. conducts a national program or regular national amateur athletic competition in equestrian sport on a level of proficiency appropriate for selection of athletes to represent the United States in international amateur athletic; and
  b. ensures that the representation reflects the nature, scope, quality, and strength of the equestrian programs and competitions of that amateur sports organization in relation to all other equestrian programs and competitions in the United States.

Notwithstanding the foregoing, the Hearing Committee shall have exclusive jurisdiction within the Federation to administer and oversee all administrative grievances, right to compete matters, and disciplinary matters filed with the Federation.

Section 2. No member of the Board of Directors or Officer of the Federation may serve as an officer of any other amateur sports organization that is recognized as a national governing body by the USOPC.
Bylaw 302 – Composition

Section 1. Beginning in January 2022, the Board of Directors consists of the following 21 Directors (or such greater number as increased pursuant to Bylaw 301.1(o), each of whom must be a Federation Senior Active Member, with each Director having one vote:

1. Three Officers, including a President, Vice-President, and Secretary/Treasurer, elected as provided in Bylaw 331.
2. Seven Athlete Representatives (or such greater number as needed to provide at least 33.3 percent (33.3%) athlete representation on the Board), elected as provided by Bylaw 303, Bylaw 411 and Bylaw 421, one of whom must be the USOPC AAC member and one of whom must be the USOPC AAC Alternate. At least one-half (1/2) of the Athlete Directors must be Athlete Representatives from the Olympic or Paralympic disciplines. No more than one-half (1/2) of the elected Athlete Directors can come from the same primary discipline. At least five Athlete Directors must be 10-Year Athlete Representatives and two Athlete Directors, with the exception of the USOPC AAC member and Alternate, can be 10-Year+ Athlete Representatives (see definition in Bylaw 401).
3. Three International Disciplines Council members, one from each of the three largest FEI disciplines shall be elected by the IDC in accordance with Bylaw 303. In 2022, the non-Olympic discipline seat shall convert to an Athlete Representative seat and shall be filled in accordance with Bylaw 303 below.
4. Four National Breeds & Disciplines Council members, one from each of the four largest breeds or non- FEI disciplines, elected as provided in Bylaw 303.
5. Three Independent members, as defined and elected as provided in Bylaw 303.
6. One representative from the Sustaining Member elected as provided in Bylaw 303.

Section 2. The term of a member elected to fill a position referred to in Section 1 of this Bylaw at the Annual Meeting of the Board of Directors, who is elected for a full term and not to fill a vacancy, begins that term immediately after the adjournment of the meeting at which the individual was elected. An individual elected or appointed to fill a vacancy takes office immediately upon the election or appointment.

Section 3. Term Limits. Any member of the Board of Directors may serve a maximum of two consecutive four-year terms, or eleven years in total if the Director has been elected to fill a partial term, and may not be reelected to the Board of the Federation for 350 days following the expiration of the second term, except that any Director may be elected to an Officer position for a maximum of two additional consecutive four-year terms regardless of prior continuous service as a Director. A change of Officer position shall operate to extend the maximum term of such person, except however, after serving as President, an individual may not be elected either Vice-President or Secretary/Treasurer or to the Board of Directors of the Federation for 350 days following the expiration of that individual’s term as President.

Bylaw 303 – Election of Directors

Section 1. Athlete Directors. The Athlete Directors shall be elected by 10-Year Athlete Representatives who are also Federation Senior Active Members as provided in Bylaw 413. At least one-half (1/2) of the Athlete Directors must be Athlete Representatives from the Olympic or Paralympic disciplines. No more than one-half (1/2) of the elected Athlete Directors can come from the same primary discipline. The Athlete Directors shall be elected as follows, beginning in 2022:

a. Two Athlete Representatives shall serve the remaining one year of their terms, and beginning in 2023 and every fourth year thereafter, two Athlete Representatives shall serve four-year terms;
b. One Athlete Representative shall serve the remaining two years of the current term, and one Athlete Representative shall be elected to serve an initial two-year term. Beginning in 2024 and every fourth year thereafter, two Athlete Representatives shall serve four-year terms;
c. The USOPC AAC member shall serve the remaining three years of the current term, and the USOPC AAC Alternate member shall serve an initial three-year term. Beginning in 2025 and every fourth year thereafter, the USOPC AAC Athlete Representative and Alternate shall serve four-year terms;
d. One Athlete Representative shall be elected to serve a four-year term, and beginning in 2026 and every fourth year thereafter one Athlete Representative shall serve four-year terms.

Section 2. Council Directors. The International Disciplines and National Breeds & Disciplines Councils shall elect four individuals from their respective Council to serve as Directors of the Federation. See Bylaw 302.3 for Term Limits.

a. International Disciplines Council. In 2014, one member shall be elected to serve on the Board of Directors for an initial term of one (1) year and beginning in 2015 and every fourth year thereafter to serve a four (4) year term. In 2014, two members shall be elected to serve on the Board of Directors for an initial term of two (2) years and beginning in 2016 and every fourth year thereafter to serve a four (4) year term. In 2014, one member shall be elected to serve on the Board of Directors for a term of four (4) years and every fourth year thereafter to serve a four (4) year term. Of the four seats above, one seat is a non-Olympic discipline seat, which shall be elected by the five (5) non-Olympic and ParaEquestrian council members only. In 2022, the non-Olympic discipline Director seat shall convert to an Athlete Director seat and shall be filled in accordance with section 1 above.

b. National Breeds & Disciplines Council. In 2014, one member shall be elected to serve on the Board of Directors for an initial one (1) year term and beginning in 2015 and every fourth year thereafter to serve a four (4) year term. In 2014, one member shall be elected to serve on the Board of Directors for an initial two (2) year term and beginning in 2016 and every fourth year thereafter to serve a four (4) year term. In 2014, one member shall be elected to serve on the Board of Directors for an initial three (3) year term and beginning in 2017 and every fourth year thereafter to serve a four (4) year term. In 2014, one member shall be elected to serve on the Board of Directors for a four (4) year term and every fourth year thereafter to serve a four (4) year term.

Section 3. Independent Directors. The Board of Directors shall elect three individuals, who meet the criteria below. Such criteria must be maintained throughout the Independent Director’s term of service. Beginning in 2017 and every fourth year thereafter, one elected individual will serve a four (4) year term. Beginning in 2019 and every fourth year thereafter, one elected individual will serve a four (4) year term. Beginning in 2020 and every fourth year thereafter, one elected individual will serve a four (4) year term. An Independent Director is an individual who:

a. is not, and has not been within the last three years, an employee or key person of the Federation or an affiliate of the Federation, and does not have a relative who is, or has been within the last three years, a key person of the Federation or an affiliate of the Federation;
b. has not received, and does not have a relative who has received, in any of the last three fiscal years, more than $10,000 in direct compensation from the Federation or an affiliate of the Federation (other than reimbursement for expenses reasonably incurred as a director or reasonable compensation for service as a director as permitted by law);
c. is not a current employee of or does not have a substantial financial interest in, and does not have a relative who is a current officer of or has a substantial financial interest in, any entity that has provided payments, property or services to, or received payments, property or services from, the Federation or an affiliate of the Federation if the amount paid by the Federation to the entity or received by the Federation from the entity for property or services in an amount which, in any of the last three fiscal years, exceeded the lesser of $10,000 or two percent of such entity’s consolidated gross revenues if the entity’s consolidated gross revenue was less than $500,000; $25,000 if the entity’s consolidated gross revenue was $500,000 or more but less than $10,000,000; $100,000 if the entity’s consolidated gross revenue was $10,000,000 or more. For purposes of this subparagraph, “payments” do not include charitable contributions;
d. has not served as a consultant, supplier, competition licensee, service provider, or Officer of the Federation; and none of the individual’s relatives has served in any of the foregoing positions; and
e. is not and does not have a relative who is a current owner, whether wholly or partially, director, officer, or employee of the Federation’s outside auditor or who has worked on the Federation’s audit at any time during the past three years.

The terms relative, affiliate, and key person are expressly defined terms under New York law. For purposes of this Bylaw, any grant or reimbursement through sport programs from the Federation is not considered direct compensation.

Section 4. Independent Director Additional Criteria. Beginning in 2022, at least one Independent Director must also satisfy, and maintain, the criteria below for their entire term and any successive term with the exception of holding any governance position with the Federation, Federation membership, and reimbursement of reasonable expenses related to their service.

Within two years preceding election:

a. the individual was not employed by or held any governance position (whether a paid or volunteer position) with the Federation, the IF, the international regional sport entity, or any sport family entity connected to the Federation;
b. an immediate family member of the individual was not employed by or held any governance position (whether a paid or volunteer position) with the Federation, the IF, the international regional sport entity, or any sport family entity connected to the Federation;
c. the individual was not affiliated with or employed by the Federation’s outside auditor or outside counsel;
d. an immediate family member of the individual was not affiliated with or not employed by the NGB’s outside auditor or outside counsel as a partner, principal or manager;
e. the individual was not a member of the Federation’s Athletes’ Advisory Council;
f. the individual was not a member of any constituent group with representation on the Board;
g. the individual receives no compensation from the Federation, directly or indirectly;
h. the individual is not an executive officer, controlling shareholder, or partner of a corporation or partnership or other business entity that does business with the Federation.

Section 5. Sustaining Affiliate Directors. Beginning in 2006 and every fourth year thereafter, each Sustaining Affiliate shall elect an individual to serve a four-year term.

Bylaw 304 – Meetings

Section 1. Meetings. The Board of Directors shall meet at least six times per year, including in person at the Annual Meeting of the Federation and at the Mid-Year Meeting. Except for Special Meetings addressed in Section 2 below, the Secretary/Treasurer must give at least three weeks’ notice of such meetings to all members of the Board of Directors. Meetings other than the Annual Meeting and Mid-Year Meeting are permitted to be conducted by telephonic or other electronic means and date to be fixed by the Board or by the Officers. Notice of a meeting or special meeting (or waiver of notice) may be given by fax or by electronic communication, such as e-mail provided there is reasonable certainty that the destination is correct. Fax/electronic notification is invalid if undeliverable or if two consecutive notices are not delivered to the recorded number or address.

a. Proposals to change any mileage rules must be published to the Federation’s membership at least sixty days prior to the meeting at which the Board will take such proposals under consideration. Such proposals must be considered by the Board after January 1 and before September 1 at a regularly scheduled Board meeting, not a Special Meeting. Any such amendments will have an effective date of December 1 of the following calendar year.

Section 2. Special Meetings. The President shall have the power to call a special meeting of the Board of Directors at any time and must call a meeting when requested in writing to do so by one-third or more of the
Section 2. Notice. The Secretary/Treasurer shall provide notice of such meetings to each Director at least ten days prior to the meeting.

Section 3. Quorum. At all meetings of the Board of Directors one-third of its members shall constitute a quorum. In the event that a quorum shall not be present at an Annual Meeting such meeting shall be adjourned by the chair to a future date, notice of which shall be given to all Board members by the Secretary/Treasurer.

Section 4. Action By Unanimous Written Consent. Whenever Directors are required or permitted to take any action by vote, such action may be taken without a meeting upon consent of all of the Directors entitled to vote thereon, which consent shall set forth the action so taken. Such consent may be written or electronic. If written, the consent must be executed by the Director by signing such consent or causing his signature to be affixed to such consent by any reasonable means including but not limited to facsimile signature. If electronic, the transmission of the consent must be sent by electronic mail and set forth, or be submitted with, information from which it can reasonably be determined that the transmission was authorized by the Director. The resolution and the written consents thereto by the Directors of the Board shall be filed with the minutes of the proceedings of the Board.

Councils and committees may take action by unanimous written consent in the same manner as the Board.

Section 5. Open Meetings. The Officers may exclude from the Annual Meeting, or any regular or special meeting, any persons who are not Directors or Officers of the Federation.

Section 6. Proxies. Proxies at meetings of the Board of Directors and committees are not permitted.

Section 7. Extraordinary Circumstances Participation. Under extraordinary circumstances, as determined in their absolute discretion by the unanimous agreement of the three Officers, members of the Board of Directors may participate in the Annual Meeting or Mid-Year Meeting of the Board by means of a conference telephone or similar electronic communications equipment which allows all persons participating in the meeting to hear each other at the same time. Any member of the Board may participate in a special meeting of the Board by conference telephone or similar electronic communications equipment which allows all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

Section 8. Agenda. Not less than seven (7) days prior to any meeting of the Board of Directors the Secretary/Treasurer shall cause to be mailed, faxed, or sent by electronic communication such as e-mail, to the Directors an agenda of matters proposed to be considered at such meeting. In order for the Board of Directors to take action on a specific matter at a particular meeting, the agenda for such meeting must describe the matter with sufficient particularity and be accompanied by sufficient supporting materials (to the extent then available) as to afford the Directors reasonable notice that it will be offered for consideration. Notwithstanding the foregoing, a specific matter not referred to in the agenda for the meeting of the Board of Directors may be considered and acted upon by the Board if (a) a supplement to the agenda, describing such matter in the same terms as provided above, has been sent by mailgram, facsimile transmission or email to the members thereof, not less than seventy-two (72) hours prior to the meeting in question; and (b) two-thirds (2/3) of the members present and voting at the meeting, vote to consider the matter. When not covered by the Agenda or the Agenda Supplement, New Business at a Board of Directors Meeting shall require the consent of eighty (80%) percent of the members present and voting at the meeting to consider the matter.

Section 9. Election of Officers, and Independent Directors. The election of Officers and Independent Directors, which are to be elected by the Board, shall be conducted after the Nominating Committee's nominations for those positions have been received and accepted by the Board and after any other nominations for those positions, if any, have been made by members from the floor. At the close of all nominations for all positions that are to be elected at that particular meeting, the election of those particular positions shall then occur.

In the event of more than one person being nominated for a particular Officer, or an Independent Director position which is elected by the Board, then the election for that multi-candidate position shall be by secret ballot in which each board member would be entitled to cast one vote for one of the nominees for each multi-candidate position.
A candidate must receive a majority of the votes cast in order to be elected. (A majority would be more than one-half \((1/2)\) of the total votes cast in that election.) In the event no candidate receives a majority of the votes cast, and there are more than two candidates, the candidate receiving the fewest votes will be removed from the nominations and the remaining candidates will be voted on again by secret ballot. This process shall continue until there are no fewer than two candidates and until one of those candidates ultimately obtains a majority of the votes cast to be elected.

In the event there is only one person nominated for a particular position, then the candidate nominated by the Nominating Committee shall be voted upon by voice vote. In the event that the Nominating Committee’s nominee is voted on and does not receive a majority of the votes, then the floor would be opened for additional nominees for that position.

Section 10. Attendance. A Director shall be removed by the Board if the Director fails to attend at least two-thirds \((2/3)\) of all regular meetings of the Board during any twelve (12)-month period and at least one in-person Board meeting during any twelve (12)-month period, unless the Director is able to demonstrate to the other Directors of the Board that the presence of exigent circumstances caused and excused the absences. Any absence approved by the President in writing in advance of the missed meeting will be deemed an excused absence.

**Bylaw 305 – Mid-Year and Annual Meetings**

Section 1. Mid-Year Meeting. The Mid-Year Meeting of the Federation’s Board of Directors shall be in each year on such day or days and at such time and place as the Board of Directors or the Officers may designate. The Secretary/Treasurer must give at least three weeks notice of such meeting to all Board of Directors. The order of proceedings shall provide for receiving the nomination(s) of the Nominating Committee for the office of President as previously disclosed by the Nominating Committee in accordance with Bylaw 503. Additional nominations, if any, shall be received from members of the Board. Following the election of the President at this meeting, the individual elected shall be designated President-Elect until convening the second meeting of the Board at the Annual Meeting at which time the President-Elect shall assume the office of President. The President-Elect shall attend meetings of the Federation but shall have no vote as President-Elect, except as he or she is otherwise entitled to vote as a member of the Board.

Section 2. Annual Meeting. The Annual Meeting of the Federation’s Board of Directors shall be in each year on such day or days and at such time and place as the Board of Directors or the Officers may designate. The Secretary/Treasurer must give at least three weeks’ notice of such meeting to all members of the Board of Directors.

Section 3. Order of Proceedings at Annual Meetings. The order of proceedings at Annual Meetings shall be as follows:

a. The first meeting shall be a meeting of the Board of Directors of the Federation (being the “Seated” Board of Directors) for closing out its business and for receiving the nominations of the Nominating Committee as previously disclosed by the Nominating Committee in accordance with Bylaw 503 and the election of the Vice-President and Secretary/Treasurer, if applicable, and for the election of Independent Directors, if any. Following this meeting, the second meeting shall be called and shall be the first meeting of the newly elected Board.

b. Upon convening of the second meeting, the Board of Directors shall consider rule changes and receipt of Committee reports. At the Annual Meetings, the Board of Directors shall entertain such additional business as may properly come before it.

**Bylaw 306 – Vacancies and Removal**

Section 1. Vacancies. A Board vacancy may be caused by the Director’s death, incapacity, resignation, removal, or upon expiration of the Director’s term.
Section 2. Resignations. Any Director may resign at any time by giving written notice to the Federation President, except the President’s resignation shall be given to the Board of Directors. Such resignation shall take effect at the time specified in the written notice, and unless otherwise specified in the written notice, the acceptance of such resignation shall not be necessary to make it effective.

Section 3. Removal. A Director shall be removed by the Board if the Director fails to attend in person more than one-third (1/3) of the regular meetings of the Board during any twelve (12)-month period or if the Director fails to attend at least one in-person Board meeting during any twelve (12)-month period, unless the Director is able to demonstrate to the other Directors of the Board that the presence of exigent circumstances caused and excused the absences. In such circumstances, the absent Directors shall be removed by the affirmative vote of a majority of the voting power of the Board (not including the voting power of the absent Director). Directors shall also be removed for cause at any duly noticed meeting of the Board, and after being provided an opportunity for the Directors to be heard by the Board, upon the affirmative vote of at least two-thirds (2/3) of the total voting power of the Board (excluding the voting power of the Director in question). Directors shall also be removed without cause at any duly noticed meeting of the Board, upon the affirmative vote of at least three-fourths (3/4) of the total voting power of the Board (excluding the voting power of the Director in question). Any vacancy occurring in the Board shall be filled as set forth for the election of the Director of the Board. A Director elected to fill a vacancy shall be elected for the unexpired term of such Director’s predecessor in office.

Section 4. Removal of Athlete Directors. Athlete Director positions can only be removed by the Athletes’ Advisory Council in the same manner described above that a Director can be removed from the Board. Any vacancy occurring in the Athlete Board positions shall be filled as set forth for the election of the Athlete Director positions. An Athlete Director elected to fill a vacancy shall be elected for the unexpired term of such Athlete Director’s predecessor in office.

SUBPART B – COUNCILS

Bylaw 311 – Councils

Section 1. To operate efficiently and to maximize the expertise of the various volunteers, the Board shall have three councils: Member Services; International Disciplines; and National Breeds & Disciplines. The Federation’s President, Vice-President, and Secretary/Treasurer shall be ex officio, non-voting members of each council. A council member may participate in the discussions of each council but may only vote in the council of which he or she is a member.

Section 2. The Member Services Council shall be composed of the following 7 to 11 voting members who shall oversee the direct member benefit functions of the Federation’s operations:

   a. A minimum of 33.3 per cent (33.3%) Athlete Representatives; and
   b. The remaining members shall be appointed by the President, one-half (1/2) of whom must meet the requirements of an Independent Director as defined by Bylaw 303.

Section 3. International Disciplines Council (24 members) shall be composed of the following voting members who shall oversee the national and international sport programs for the FEI disciplines, all of whom shall have both international experience, as defined by Bylaw 331.2, and an understanding of the dynamics and diversity of the sport nationally;

   a. One representative from each of the eight FEI Sport Committees designated by the relevant Sport Committee;
   b. One representative from each of the International Discipline Associations, designated by the relevant association. If no such association exists for a FEI discipline then the Federation President shall appoint a representative for the relevant discipline; and
c. One Athlete Representative from each of the eight FEI disciplines, appointed by the AAC.

Each International Discipline Affiliate shall designate its representative(s) no later than sixty days prior to the Annual Meeting. It shall also publish to its membership, via its website, its procedures for the designation of its representative(s) to the International Disciplines Council of the Federation, and provide the Federation with a link to those procedures.

If an International Discipline Affiliate fails to submit its designation by the time prescribed by the Federation, the seat will remain vacant through the next Board meeting at which time the seat(s) will be filled with a Presidential appointee(s).

Section 4. National Breeds & Disciplines Council shall be composed of eighteen 18 representatives from the Recognized National Affiliate Associations, 33.3 percent (33.3%) of whom must be voting Actively Engaged Athlete Representatives (see definition in Bylaw 401). The Federation President may appoint additional voting Actively Engaged Athletes, with the approval of the AAC, if necessary to ensure that at least 33.3 percent (33.3%) of the committee population consists of voting Actively Engaged Athlete Representatives. The National Breeds & Disciplines Council shall oversee all national breed sport programs and non-FEI discipline sport programs, including the Hunter discipline.

a. Fifteen (15) National Breeds & Disciplines Council seats shall be apportioned in order to ensure proportionate representation amongst the National Affiliate Associations. As such, the seats on the National Breeds & Disciplines Council shall be apportioned annually as follows, all of whom shall have an appreciation of the dynamics and diversity of the sport nationally;

b. Three (3) National Breeds & Disciplines Council seats shall be populated by representatives of the National Breeds & Disciplines Council Advisory Group (Advisory Group), one (1) of whom must be an Actively Engaged Athlete Representative. The Advisory Group shall elect these representatives. The Advisory Group is made up of one representative from each National Breed/Discipline Recognized Affiliate Association who has not met the criteria in Subsection 1 to occupy a voting seat on the National Breeds & Disciplines Council. Additional representatives to the Advisory Group will come from any National Breed/Discipline in the Federation Rule Book not represented by a Recognized Affiliate Association.

1. The four (4) largest National Affiliate Associations with Competing members of the Federation who have designated as of the preceding record date a primary affiliation with such breed or discipline shall be entitled to elect at least one representative to serve as a Member of the National Breeds & Disciplines Council of the Federation. The record date shall be the last day of the competition year preceding the Annual Meeting. The primary affiliation designations of new Competing Members, renewing Competing Members and Competing Members who have renewed his or her membership for more than one year as of the record date shall form the basis for the number of National Breeds & Disciplines Council Members that can be elected by each such National Affiliate Association to serve on the Federation’s National Breeds & Disciplines Council. The National Breeds & Disciplines Council members representing National Affiliate Associations are to be allocated among the applicable breeds/disciplines in proportion to the primary affiliation designations of Federation competing members. For affiliates appointing three or more individuals to the Council, 33.3 percent (33.3%) of the affiliate appointments must include Actively Engaged Athlete Representatives.

2. Each year at the Annual Meeting, the Nominating Committee shall issue a report of the number of National Breeds & Disciplines Council seats per breed/discipline that will be allocated that year (to be seated the following year) in order to maintain the above-described proportional representation as computed each year from the primary affiliation designations of the Federation competing membership as of the record date. Appeals involving the allocation of any seat by the process must be made in writing to the office of the Federation within 30 days of the announcement. Appeals will be heard by the Hearing Committee. The decision of the Hearing
Committee shall be final and shall be deemed to have the force and effect of a ruling in arbitration.

3. Each National Affiliate Association shall designate its representative(s) no later than sixty days prior to the Annual Meeting. It shall also publish to its membership, via its website, its procedures for the designation of its representative(s) to the National Breeds & Disciplines Council of the Federation, and provide the Federation with a link to those procedures.

4. If a National Affiliate Association fails to submit its designation by the time prescribed by the Federation, the seat will remain vacant through the next Board meeting at which time the seat(s) will be filled with a Presidential appointee(s).

5. A member designated to an allocated position on the Council must have designated such Breed/Discipline as his or her primary affiliation and shall be deemed to continue to hold such Breed/Discipline position for the balance of his or her term, even if such Council Member changes his or her primary affiliation during such term.
   a. Three (3) National Breeds & Disciplines Council seats shall be elected by the National Breeds & Disciplines Council Advisory Group. Any National Affiliate not meeting the criteria set above in subsection 1 to occupy a voting seat on the National Breeds & Disciplines Council shall be considered a member of the Advisory Group of the National Breeds & Disciplines Council. The Advisory Group shall elect three (3) members to serve as voting members for the Advisory Group on the National Breeds & Disciplines Council, one (1) of whom must be an Actively Engaged Athlete Representative. Each Advisory Group Member is eligible to nominate candidates and vote for the voting members to serve in the Advisory Group seats on the National Breeds & Disciplines Council.
   b. The Chair of the National Breeds & Disciplines Council shall be elected by the Council. Only Council members that represent the four largest National Affiliates are eligible to serve as Chair of the National Breeds & Disciplines Council.

Section 5. Notwithstanding any provision in these Bylaws to the contrary, if any organization having proportional or direct representation on any Council fails to affiliate and pay required fees as a Recognized Affiliate of the Federation and be subject to all responsibilities and privileges of affiliation, such failure shall constitute cause for the removal of the Council member(s) then serving on the Council representing such association or corporation and for the suspension of the election of any new Council members to such positions.

Section 6. Council Chairs. Immediately after the Councils have been constituted, each Council shall meet to elect a Chairman who shall act as chairman of the Council for a two-year term. Council Chair terms are limited to two consecutive two-year terms.
   a. Each Council Chairman shall facilitate program development for his Council, including long-term planning within each breed/discipline in his Council. The Chairman shall be responsible for his Council budget and shall facilitate internal program review.

Section 7. COUNCIL MEETINGS. The Councils shall meet at least quarterly.

Section 8. Participation. Each Council member who attends less than 50% of the meetings in any calendar year may be removed from the respective Council and replaced subject to the appointment or election procedures that were used in the initial seating of that position.

Section 9. Council Responsibilities. Each Council shall create its own budget in conjunction with and at the direction of the Budget & Finance Committee. The International Disciplines Council and the National Breeds & Disciplines Council each shall elect four members who shall serve on the Federation Board of Directors.

Section 10. Term. The term of each Council member shall be two years. There is no limit as to the number of terms that any Council member is eligible to serve. In 2014, the Athlete Representatives appointed to the International Disciplines Council shall serve an initial term of one year and beginning in 2015 and every second
year thereafter serve a two (2) year term, except the AAC representative whose initial term is three (3) years and then four (4) years thereafter.

Bylaw 312 – General Duties and Responsibilities

The President shall assign each Council specific matters within their respective expertise to consider and make a recommendation to the Board of Directors. Each Council shall be responsible for proposing an annual budget for the activities with in its respective area of expertise as set forth in Bylaw 611. The Councils may further consider any policies or programs within their respective areas of expertise and make such recommendations to the Board as the Council finds appropriate. The Board then shall consider the Council’s recommendations and take whatever action the Board considers appropriate.

SUBPART C – OFFICERS

Bylaw 331 – Officers

Section 1. The Officers of the Federation shall be a President, Vice-President and a Secretary/ Treasurer. All Officers shall be elected as set forth in section 2 below. All Officers shall hold office until their successors are duly chosen. No person at any time may hold more than one office of the Federation, unless otherwise provided herein.

Section 2.

a. The Board of Directors shall elect the President, Vice-President and a Secretary/ Treasurer as set forth below. To be eligible to serve as any of these Officers, the individual must have served on the Federation Board of Directors within the last six years preceding the election of the applicable seat.

b. To be eligible to serve as President an individual must have both international experience and an appreciation of the dynamics and diversity of the sport nationally. For purposes of these bylaws, “international experience” means an individual who demonstrates an understanding of and embraces the critical importance of the Federation’s role in international sport.

c. If an elected Officer holds a position as an existing Director, he or she shall vacate his or her existing Director position and shall commence the term of the officer position to which he or she was elected. The Director position vacated by that individual then shall be filled in accordance with the standard procedures for selecting that director position for the remainder of the unexpired term for that director position.

Section 3. The terms of officers are as follows:

1. The President: 4-year terms, beginning in 2005. [NOTE: The President is elected at the Mid-Year Meeting prior to taking office at the Annual Meeting.]

2. The Vice-President: a 2-year term being elected in 2005 and 4-year terms beginning in 2007. [NOTE: the Vice-President is elected at the Annual Meeting.]

3. The Secretary/Treasurer: a 2-year term being elected in 2005 and 4-year terms beginning in 2007. 2015 and 2-year terms thereafter. [NOTE: The Secretary/Treasurer is elected at the Annual Meeting.]

Bylaw 332 – Responsibilities of Officers

Section 1. President.

a. The President shall be the chairman and preside at all meetings of the Board of Directors and shall be an ex officio member of each Council and all committees and task forces, except the Ethics Committee, the Nominating Committee, and the Athletes’ Advisory Committee. The President shall not appoint himself nor be elected nor serve as chairman of any committee except the Board of Directors. During the term of office, the President shall not be an employee of the Federation. The President may at any time call a
meeting of the Board of Directors or Councils and shall do so at the request of the appropriate number of Directors as set forth in these bylaws. The President shall appoint a recording Secretary.

b. The President shall oversee the reporting system, checks and balances from the Councils to ensure that the Board approved plans are followed and implemented.

c. The President shall guide the strategic growth and direction of the Federation that has been approved by the Board of Directors. He shall see that it is implemented by the CEO.

d. The President shall preside over the volunteer leadership structure to provide inspiration and encouragement to Board of Directors, committee members, and volunteers to serve and contribute their time and talents.

e. The President shall recommend a Chief Executive Officer to the Board for its approval. The President shall negotiate the terms and conditions of employment for the CEO and recommend such terms to the Board of Directors for its approval. The President shall be the liaison between the Board of Directors and the CEO and responsible for the CEO’s implementation of the Board of Director’s policies and directives and the CEO’s overall management of the organization. The President shall report at least once annually to the Board of Directors on the performance of the Federation’s CEO. The President shall submit any recommendations for change in the terms and conditions of the employment of the CEO to the Board of Directors.

f. The President, or the Vice-President if the President is unavailable, or the Secretary/Treasurer if they both are unavailable, may make modification in the application of the Rules under special circumstances and shall report any such modification granted to the Board of Directors at its next meeting.

g. Subject to USOPC Athlete Representation Requirements, including when applicable, requirements for the direct appointment or election of Athlete Representatives, the President shall appoint all committee members and task force members as are specified in these bylaws.

Section 2. Vice-President. The Vice-President shall perform the duties of the President or other duties when requested by the President or in the event of the President’s resignation, incapacity, removal, or death. The Vice-President shall preside over all meetings of the Board at which the President is not present. The Vice-President shall serve as an ex officio, non-voting member of each of the three Councils.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall give notice of all meetings of the Board of Directors. The Secretary/Treasurer shall be custodian of the seal of the Federation and shall perform such other duties as may be from time to time assigned to the Secretary/Treasurer by the Board or are assigned to the Secretary/Treasurer in the Bylaws and Rules. The Secretary/Treasurer shall oversee all funds and accounts of the Federation maintained under the direction of the CEO. The Secretary/Treasurer shall oversee the keeping of proper books of account, showing the disposition of all funds of the Federation, and shall make a full report in writing covering the financial condition of the Federation at each Annual Meeting of the Federation and at such other times as requested by the Board of Directors. The Secretary/Treasurer, with the approval of the Audit Committee, may cause independent auditors to investigate any financial matters of the Federation. The Secretary/Treasurer shall be an ex officio member of each Council.

Bylaw 333 – Vacancies and Removal

Section 1. An officer vacancy may be caused by the death, incapacity, resignation or removal of an officer. If a vacancy of the presidency occurs, then as soon as practicable after the occurrence of that vacancy, the Nominating Committee shall nominate a Director as a replacement for the President for election by a majority vote of the members present at the next meeting of Board of Directors, or at a special meeting of the Board if the next meeting is not within 60 days. At the meeting, additional nominations for President, if any, shall be accepted from members of the Board. The Vice-President shall serve as Acting President until a new president is elected.

Section 2. If an Officer vacancy, other than the presidency, occurs, then as soon as practicable after the vacancy occurs, the Nominating Committee shall nominate a replacement for election by a majority vote of the members present in person at the next meeting of the Board of Directors. At the meeting, additional nominations for the Officer vacancy, if any, shall be accepted from members of the Board. A director elected to fill an Officer position
shall hold office for the remainder of the term for that Officer position and the remainder of the term of that director’s position shall be filled in the same manner that the director elected to the Officer position had been selected.

**SUBPART D – GENERAL PROVISIONS APPLICABLE TO OFFICERS AND DIRECTORS**

**Bylaw 341 – Indemnification of Officers and Directors**

If any Officer or Director of the Federation is made a party to any civil or criminal action, suit or proceeding in any matter arising from the performance of his or her duties for or on behalf of the Federation, then, to the fullest extent permitted by law including applicable provisions of the New York Not-For-Profit Corporation Law as in effect from time to time, the Federation shall indemnify the Officer or Director for all amounts paid by him or her in connection with the action, suit, or proceeding, including any judgments, fines, amounts paid in settlement and reasonable expenses, including attorney’s fees, or in connection with any appeals. This provision shall apply to both derivative and non-derivative actions to the extent permissible by law, and shall include an action by or in the right of any other corporation of any type or kind, domestic or foreign, or any partnership, joint venture, trust, employee benefit plan or other enterprise, which any Officer or Director of the Federation served in any capacity at the request of the Federation, by reason of the fact that he or she, his or her testator or intestate, was an Officer or Director of the Federation, or served such other corporation, partnership, joint venture, trust, employee benefit plan or other enterprise in any capacity. If any provision of the New York Not-For-Profit Corporation Law or these bylaws dealing with indemnification shall be invalidated by any court on any ground, then the Federation shall nevertheless indemnify each party otherwise entitled to indemnification hereunder to the fullest extent permitted by law or any applicable provision of the New York Not-For-Profit Corporation Law or these bylaws that shall not have been invalidated. Notwithstanding any other provision of these bylaws, the Federation shall neither indemnify any person nor purchase any insurance in any manner or to any extent that would jeopardize or be inconsistent with the qualification of the Federation as an organization described in section 501(c)(3) of the Internal Revenue Code, or that would result in the imposition of any liability under either section 4941 or section 4958 of the Internal Revenue Code.

**Bylaw 342 – General Standards of Conduct for Directors and Officers**

Section 1. Discharge of Duties. Each Director shall discharge the Director’s duties as a Director, including the Director’s duties as a member of a committee of the Board, and each officer with discretionary authority shall discharge the officer’s duties under that authority (i) in good faith; (ii) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and (iii) in a manner the Director or officer reasonably believes to be in the best interests of the Federation.

Section 2. Reliance on Information, Reports, etc. In discharging duties, a Director or officer is entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by: (i) one or more officers or employees of the Federation whom the Director or officer reasonably believes to be reliable and competent in the matters presented; (ii) legal counsel, a public accountant or another person as to matters the Director or officer reasonably believes are within such person’s professional or expert competence; or (iii) in the case of a Director, a committee of the Board of Directors of which the Director is not a member if the Director reasonably believes the committee merits confidence. A Director or officer is not acting in good faith if the Director or officer has a knowledge concerning the matter in question that makes reliance otherwise permitted by this Bylaw 342 unwarranted.

Section 3. Liability to Federation or Its Members. A Director or officer shall not be liable as such to the Federation or its members for any action taken or omitted to be taken as a Director or officer, as the case may be, if, in connection with such action or omission, the Director or officer performed the duties of the position in compliance with this Bylaw 342.
Bylaw 343 – Conflict and Duality of Interest

Section 1. Generally. If any officer, Director or member of any other committee has a conflict of interest as defined in the Federation’s Conflict of Interest Policy with regard to any financial or other transaction involving the Federation, such individual may not:

a. be present at or participate in Board or committee deliberations or voting on any matter giving rise to such conflict; or
b. attempt to influence Board or committee deliberations with respect to the transaction.

However, such a person may present information concerning such the transaction at a Board or committee meeting prior to the commencement of deliberations or voting relating thereto. But he or she shall be counted in determining the quorum for the meeting relating to the matter. In the absence of any conflict of interest, after full disclosure pursuant to the requirements of the Federation’s Conflict of Interest Policy, if such disclosure is made, the contracts or transaction shall not be voidable if the officers, Directors, or committee members in good faith authorized the contracts or transaction by the affirmative vote of the majority of the disinterested officers, Directors, or committee members and the contract or transaction is fair to the Federation at the time it is authorized.

Section 2. Disclosure of Directors’ Conflicts of Interest. Prior to the initial election of any Director, and annually thereafter, each Director shall complete, sign and submit to the Secretary of the Board a statement identifying, to the best of the Director’s knowledge, any entity of which such Director is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which the Federation has a relationship, and any transaction in which the Federation is a participant in which the Director might have a conflicting interest. The Secretary shall provide a copy of all completed statements to the chair of the Audit Committee.

Section 3. Conflict of Interest Policy. The Board of Directors shall adopt a written Conflict of Interest Policy including minimizing conflict of interest situations regarding the Directors, Officers, and key employees, and including selection of athletes, horses, coaches, trainers, managers, administrators, veterinarians, officials and others for competitions. The Board, in conjunction with the Audit Committee, shall oversee the adoption and implementation of, and compliance with, the Conflict of Interest Policy. At a minimum, the Conflict of Interest Policy shall include (1) a definition of circumstances that constitute a conflict of interest, (2) procedures for disclosing a conflict of interest to the Audit Committee, (3) a requirement that the person with a conflict of interest not be present at or participate in board or committee deliberations or voting on the matter giving rise to such conflict, (4) a prohibition against any attempt by the person with the conflict to influence improperly the deliberation or voting on the matter giving rise to such conflict, (5) a requirement that the existence and resolution of the conflict be documented in Federation records, including in the minutes of any meeting at which the conflict was discussed or voted upon, (6) procedures for disclosing, addressing and documenting related-party transactions, and (7) a requirement that Directors complete, sign, and submit annual conflict of interest disclosure statements to the Federation.

Section 4. Related Party Transactions. The Federation is prohibited from entering into any Related Party Transaction unless the transaction is determined by the Board of Directors to be fair, reasonable and in the Federation’s best interest at the time of such determination. Any Director, Officer, or Key Person who has an interest in a related party transaction shall disclose in good faith to the Board, or an authorized committee thereof, and/or the Audit Committee, the material facts concerning such interest. The Board may delegate the review and approval of Related Party Transactions to the Audit Committee, in which case all references to the Board in this Section 4 shall be deemed to refer to the Audit Committee.

Before engaging in a related party transaction, the Board of Directors shall:

a. consider alternative transactions to the extent available;
b. approve the transaction by not less than a majority vote of the Directors present at the meeting; and
c. contemporaneously document in writing the basis for the decision, including its consideration of any alternative transactions.
**Bylaw 344 – Liability of Directors for Unlawful Distributions**

Section 1. Liability of Corporation. A Director who votes for or assents to a distribution made in violation of the New York Not-for-Profit Corporation Law (NPCL) or the articles of incorporation of the Federation shall be personally liable to the Federation for the amount of the distribution that exceeds what could have been distributed without violating the NPCL or the articles of incorporation if it is established that the Director did not perform the Director’s duties in compliance with the general standards of conduct for Directors set forth in Bylaw 342 of this Subpart.

Section 2. Contribution. A Director who is liable under this Bylaw 344 for an unlawful distribution is entitled to contribution: (i) from every other Director who could be liable under this Bylaw 344 for the unlawful distribution; and (ii) from each person who accepted the distribution knowing the distribution was made in violation of the NPCL or the articles of incorporation, to the extent the distribution to that person exceeds what could have been distributed to that person without violating the NPCL or the articles of incorporation.

**Bylaw 345 – Loans to or from Directors and Officers Prohibited**

No loans shall be made by the Federation to any of its Directors or to the Federation from any one or more of its Directors. Any Director or officer who assents to or participates in the making of any such loan shall be liable to the Federation for the amount of such loan until the repayment thereof.

**Bylaw 346 - Compensation of Directors and Officers**

No Director or Officer may participate or be present at any Board or committee deliberation or vote concerning that person’s compensation, except that the Board or committee may request that such person present information as background or answer questions at a Board or committee meeting prior to the commencement of deliberations or voting. The Federation shall reimburse Board members elected as Athlete Representatives for reasonable travel costs incurred to attend Board meetings.

**Bylaw 347 - Whistleblower Policy**

The Board, through the Audit Committee, shall adopt a whistleblower policy to protect from retaliation persons who report suspected improper conduct. Such policy shall provide that no Director, officer, employee or volunteer who in good faith reports any action or suspected action taken by or within the Federation that is illegal, fraudulent or in violation of any adopted policy of the Federation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence. The whistleblower policy shall include (1) procedures for the reporting of violations or suspected violations of laws or corporate policies, including procedures for preserving the confidentiality of reported information; (2) a requirement that an officer, Director or employee be designated to administer the whistleblower policy and to report to the Audit Committee; and (3) a requirement that a copy of the policy be distributed to all officers, Directors, employees and volunteers who provide substantial services to the Federation.

**Bylaw 348 – Non-Discrimination Policy**

The Federation shall not discriminate on the basis of race, color, religion (creed), sex, gender identity, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
PART IV – ATHLETES

SUBPART A – ATHLETE REPRESENTATIVES

Bylaw 401 – Athlete Representatives

For purposes of seating Athlete Representatives on Federation Committees, athletes must be a Federation Senior Active Member and meet the definitions set forth in the USOPC Bylaws, which include the following:

1. 10-Year Athlete Representative: An athlete who has represented the United States in one of the following within the 10 years preceding election or appointment:
   a. a Delegation Event (Olympic, Paralympic, Pan Am, ParaPan); or
   b. an Elite Protected Competition as defined by the Federation AAC and approved by the USOPC NGB Athlete Representative Review Working Group from time to time. See Federation website for the list of approved Elite Protected Competitions.

2. 10-Year+ Athlete Representative: Same as 10-Year Athlete Representative, but representation was not within the previous 10 years.

3. Actively Engaged Athlete Representative: An athlete who:
   a. Is a 10-Year Athlete Representative;
   b. Is a 10-Year+ Athlete Representative;
   c. With the 24 months preceding election/appointment has been actively engaged in competitions defined by the Federation AAC and approved by the USOPC NGB Athlete Representative Review Working Group from time to time. See Federation website for the list of approved competitions.

SUBPART B – ATHLETE REPRESENTATION ON THE BOARD OF DIRECTORS AND COMMITTEES

Bylaw 411 – Athlete Representation on the Board of Directors and Committees

Section 1. There shall be at least 33.3 percent (33.3%) athlete representation on the Federation’s Board of Directors, Councils, and on all committees, unless an exception is provided by the USOPC. Those Athlete Representatives serving on the Federation’s Board of Directors, Councils, and Committees shall meet the standards detailed in the USOPC Bylaws.

Section 2. Vacancies. If an Athlete Director vacancy occurs before the end of his or her term, the Athlete Representative who continues to meet USOPC requirements in the discipline where the vacancy occurs who received the next highest vote total and who was not elected in the last election shall complete the remainder of the term of such Athlete Director position and until his or her successor is elected.

Bylaw 412 - Repealed

Bylaw 413 — Athlete Elections and Appointments

Section 1. All elections regarding, and appointments to Committees shall at all times and in all respects be conducted in accordance with applicable USOPC requirements.

Section 2. The procedures for electing Athlete Representatives shall be determined by the Athletes’ Advisory Committee of the Federation, in accordance with USOPC Guidelines, as approved by the Board of Directors.
SUBPART C – ATHLETE REPRESENTATION ON USOPC ATHLETES’ ADVISORY COUNCIL

Bylaw 421 – Athlete Representation on USOPC Athletes’ Advisory Council

Section 1. Following the conclusion of the summer Olympic Games, the 10-Year Athlete Representatives shall elect a 10-Year Athlete Representative qualified through their representation in a Delegation Event, an alternate who shall also be a 10-Year Athlete Representative qualified through their representation in a Delegation Event, to represent equestrian sport on the USOPC’s Athletes’ Advisory Council for the next Quadrennial period. The Athlete Representative selected as the USOPC AAC representative also shall serve on the Federation’s Board of Directors and shall be a member of the International Disciplines Council. The Athlete Representative selected as the USOPC AAC alternate representative shall also serve on the Federation’s Board of Directors.

Section 2. The following procedures shall be followed to elect the equestrian representative and alternate to the USOPC’s Athletes’ Advisory Council:

a. The Federation will contact all of the Federation 10-Year Athlete Representatives, who are also Senior Active Members, requesting their participation in the election of the equestrian representative to the USOPC’s Athletes’ Advisory Council.

b. The names of all such 10-Year Athlete Representatives qualified through their representation in a Delegation Event who have indicated a willingness to serve as the equestrian representative to the USOPC’s Athletes’ Advisory Council will be placed on an electronic ballot. The ballot will be accessible to all 10-Year Athlete Representatives who are also Senior Active Members. The Federation will request that they vote for one individual to represent them on the USOPC’s Athletes’ Advisory Council and to serve on the Federation’s Board of Directors.

c. The individual who receives the most votes will become the equestrian representative to the USOPC’s Athletes’ Advisory Council. The next individual who receives the most votes will become the alternate equestrian representative to the USOPC’s Athletes’ Advisory Council and will also serve on the Federation’s Board of Directors.

d. In the event of a tie for the position of the equestrian representative to the USOPC’s Athletes’ Advisory Council, the Federation will circulate the names of the individuals involved in the tie to the 10-Year Athlete Representatives who are also Senior Active Members and ask them to vote for one individual. This process will be repeated until the tie is broken.

e. The outcome of the election will be announced and the USOPC will be notified accordingly.

SUBPART D – ATHLETE COMMITTEES

Bylaw 431 – Athlete Nominating Committee

The Athlete Advisory Committee (“AAC”) shall annually appoint an Athlete Nominating Committee (“ANC”), which shall consist of five (5) 10-Year Athlete Representatives. No individual may serve more than four consecutive years on the ANC. The Committee shall elect a chairman. The greater of three or one-third of the Athlete Nominating Committee shall constitute a quorum. It shall be the duty of this committee:

1. to nominate Athlete Representatives for election to the Athlete Director positions on the Federation Board of Directors; and

2. to nominate Athletes for any other position within the Federation that requires direct election by Athletes pursuant to USOPC Requirements. In each case the ANC must nominate Athlete Representatives. It shall also be the duty of this committee to assist the AAC with Athlete Representative appointments to the Federation councils and committees.
Bylaw 432 - Athletes’ Advisory Committee

There shall be an Athletes’ Advisory Committee (“AAC”) including a Chairman and Vice Chairman of up to fifteen (15) Athlete Representatives composed annually as follows: one 10-Year Athlete Representative from each of the eight FEI disciplines, elected by 10-Year Athlete Representatives; the USOPC AAC representative and alternate; and up to five (5) additional 10-Year Athlete Representatives, appointed by the aforementioned elected AAC Athlete Representatives. A Chairman and Vice-Chairman of the AAC shall be elected for the calendar year from its membership. The Vice Chairman shall serve in the place and stead of the Chairman when the Chairman is unavailable and shall otherwise assist the Chairman in the work of the Committee. The Committee will convene as needed to perform Chairman of the Athletes’ Advisory Committee AAC shall be elected for the calendar year from its membership. The Vice Chairman shall serve in the place and stead of the Chairman when the Chairman is unavailable and shall otherwise assist the Chairman in the work of the Committee. The Committee will convene as needed to perform the following duties: ensure communication between the Federation and current Actively Engaged Athletes, to serve as a source of athlete opinion and advice to the Federation Board of Directors with regard to both current and contemplated policies of the Federation that affect Actively Engaged Athletes, to help ensure a strong and effective athlete voice in Federation governance, and discuss matters of interest to equestrian athletes and to make recommendations to the Board of Directors for improvements in any phase of equestrian sport. One-third of the Athletes’ Advisory Committee shall constitute a quorum.

SUBPART E – ATHLETE DRUG TESTING

Bylaw 441 – Athlete Drug Testing

It is the duty of members of the Federation to comply with all anti-doping rules of the World Anti-Doping Agency (WADA), the FEI, the USOPC including the USOPC National Anti-Doping Policy, and of the U.S. Anti-Doping Agency (USADA), including the USADA Protocol for Olympic and Paralympic Movement Testing (USADA Protocol) and all other policies and rules adopted by WADA, the FEI, the USOPC and USADA. Athlete members agree to submit to drug testing by the FEI and/or USADA, or their designees, at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension. If it is determined that a member may have committed a doping violation, the member agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of the FEI, if applicable or referred by USADA.

PART V – COMMITTEES OF THE BOARD AND CORPORATION

Bylaw 501 – General

Section 1. Composition. Committees of the Board are comprised solely of Directors. Committees of the Corporation are comprised of Federation Senior Active Members, which may include Directors. All Committees of the Board and Committees of the Corporation, also referred to as working groups from time to time, shall have a one-year term, unless otherwise stated below or in a relevant Charter. All committee appointments, except for Athlete Representative appointees, are subject to approval by the Board. There shall be no term limits for service on committees unless otherwise stated below.

Section 2. Athlete Representatives. Athlete Representatives shall be selected by direct appointment by the AAC, unless stated otherwise in the relevant committee Charter. Designated Committees (committees that make recommendations or decisions directly impacting elite athletes by name or function) must include at least 33.3 percent (33.3%) voting Athlete Representation, with 10-Year Athlete Representatives comprising at least one-half (1/2) of the 33.3 percent (33.3%), and either 10-Year Athlete Representatives or 10-Year+ Athlete Representatives comprising the rest. All other committees must include at least 33.3 percent (33.3%) voting athlete representation by Actively Engaged Athletes.
Section 3. Quorum. Unless otherwise provided, a quorum shall be three or one-third of a committee, subcommittee, or task force, whichever is greater.

Section 4. Participation. Any member of a committee or task force may participate in a meeting of the same by conference telephone call or similar communications equipment allowing all members participating in the meeting to hear each other at the same time. Participation by such means shall be deemed presence in person at the meeting.

Committee members who attend less than one-half (1/2) of the meetings in any calendar year may be removed from the committee in accordance with Bylaw 504 and replaced by a senior active member subject to the appointment or the election procedures that were used in the initial seating of that position. Proportional representation of athletes must be maintained.

Section 5. Vacancy. Except as otherwise provided herein, a committee vacancy shall be filled in accordance with the same procedures applicable to the initial appointment to such committee where the vacancy occurs.

Section 6. The Board of Directors may establish committees that serve in an advisory capacity. Each established committee must have a Charter describing its purpose, number of committee members, and the term of service. The President may appoint task forces as the President deems necessary to address a particular issue. Each task force must have a specific objective, a specific deliverable and a term certain.

Section 7. The Federation shall not compensate individuals for their service on a council, committee, task force, or working group.

Bylaw 502 - Committees of the Board.

Section 1. Audit Committee. There shall be an Audit Committee, which shall consist of no less than three but no more than five members of the Board who meet the definition of Independent Director in Bylaw 303.3. The Chairman shall be elected by the committee. The Audit Committee in conjunction with the Board shall oversee the accounting and financial reporting processes of the Federation and the audit of the Federation’s financial statements, annually retain or renew the retention of an independent auditor to conduct the audit and, upon completion thereof, review the results of the audit and any related management letter with the independent auditor. In addition to such duties, the Audit Committee shall:

a. review with the independent auditor the scope and planning of the audit prior to the audit’s commencement;

b. upon completion of the audit, review and discuss with the independent auditor:
   1. any material risks and weaknesses in internal controls identified by the auditor;
   2. any restrictions on the scope of the auditor’s activities or access to requested information;
   3. any significant disagreements between the auditor and management; and
   4. the adequacy of the Federation’s accounting and financial reporting processes.

c. consider the performance and independence of the independent auditor and report on the committee’s activities to the Board. Only Independent Directors may participate in any Board or committee deliberations or voting relating to matters relating to the audit.

d. investigate all matters of fiscal controls including but not limited to Budget Control, Risk Management, Legal Compliance, Conflict of Interest, Ethics/Code of Conduct and Whistleblower Policy. Following the investigation of any such matters, the Committee shall promptly report its findings to the Board and make recommendations as needed.

e. recommend the establishment of policies and controls that encompass any activity that may impact on the financial well-being of the Federation.

f. submit recommendations regarding requirements of confidentiality within the Federation, requirements of openness, and is charged with the development of a standard of openness required to do business properly.

g. perform such other duties as directed by the Board of Directors or the President.
Bylaw 503 - Committees of the Corporation

Section 1. Ethics Committee. There shall be appointed by the President, and subject to approval by the Board, an Ethics Committee to consist of five (5) or more Senior Active Members, two of whom must be members of the Board. The President shall appoint a Chairman from the Committee. The Ethics Committee shall draft a Code of Ethics for volunteers and staff ("the Code") establishing minimum standards for the volunteers (including members of the Board of Directors, Committees and task forces) and staff, for adoption by the Board of Directors. The committee shall also provide continuing attention to the Code and its enforcement, make recommendations to the Board with respect to ethical conduct, recommend to the Board amendments to the Code, and review and investigate such matters, referred to it, relating to ethical practice as it may deem appropriate. The greater of three or one-third of the members shall constitute a quorum.

Section 2. Hearing Committee.

The Hearing Committee shall (i) generally administer and oversee all administrative grievances, right to compete matters, and disciplinary matters filed with the Federation; (ii) generally administer and oversee all grievances related to any alleged violation of the U.S. Center for SafeSport rules, policies, and procedures over which the U.S. Center for SafeSport has not exercised jurisdiction, pursuant to the procedures set forth in Part VII of these Bylaws; (iii) hear complaints brought under Part VII of these Bylaws disputes where the Federation Bylaws or rules afford a party a hearing, including appeals or procedural reviews brought in accordance with the Federation Bylaws or rules; (iv) identify individuals who would be fair and impartial and who would have the qualifications and ability to serve on Hearing Panels; (v) if disinterested, sit on hearing panels; and (vi) perform such other duties as assigned by the Board. This committee shall consist of not less than eleven (11) members who shall serve as Panel members during the hearings along with other non-committee members when necessary. Subject to approval by the Board, the President shall appoint two (2) or more Co-Chairs of the Committee who shall be responsible for chairing the Committee, and assisting with the appointment of Hearing Panels. These appointments should, insofar as practicable, assure an equitable representation of interests on the Board by striving for geographic balance and fair representation of all Federation members, affiliates, breeds and disciplines. The term of this Committee is two years.

Section 3. Nominating Committee.

a. Composition. The Nominating Committee shall consist of nine (9) Senior Active Members of the Federation two (2) elected by each of the three Councils, two (2) Athlete Representatives appointed by the AAC, and one (1) member of the Federation's Governance Committee. One of the individuals elected from each Council shall be an individual who is currently serving on the Board of Directors and the second individual shall be a Senior Active Member who is not currently serving as a member of the Board of Directors. The Federation's Governance Committee shall annually appoint a Governance Committee member to serve. No individual may serve more than four consecutive years on the Nominating Committee. The Committee shall elect a chairman.

b. Quorum. Six (6) members of the Nominating Committee shall constitute a quorum.

c. Vacancy. Should a non-athlete vacancy occur on the Nominating Committee the pertinent Council or the Governance Committee shall appoint a replacement member to serve the remainder of the term of the seat vacated in the manner specified for that position as prescribed in a. above. If a vacancy occurs in an Athlete Representative position, the AAC shall appoint an Athlete Representative to fill the vacancy.

d. Duties. Thirty days prior to the first meeting of the Annual Meeting of the Federation, the Nominating Committee shall submit, in writing to the Board, its nominations for Independent Board Members and for Officers to be elected that year. Thirty days prior to the Mid-Year Meeting at which meeting the President is to be elected in accordance with Bylaw 305, the Nominating Committee shall submit in writing to the Board its nomination for President. At the meeting, additional nominations for Officers shall be accepted from members of the Board.

e. Suggestions for nominations for Independent Board Members and Officers shall be addressed to the Chairman of the Nominating Committee and must be received by the National Office sixty (60) days prior
to the Annual Meeting. Nothing contained herein shall preclude nomination(s) from the floor at the Annual Meeting. Suggestions for nominations of President shall be addressed to the Chairman of the Nominating Committee and must be received by the National Office sixty (60) days prior to the Mid-Year Meeting at which time the President will be elected. Nothing contained herein precludes nominations from the floor at the Mid-Year Meeting.

Bylaw 504 – Vacancies and Removals

Section 1. Vacancies. A committee (sometimes referred to as a working group) or task force vacancy may be caused by the committee or task force member’s death, incapacity, resignation, removal, or upon the expiration of the committee or task force member’s term.

Section 2. Resignations. A committee or task force member may resign at any time by giving written notice to the Federation Chief Executive Officer. Such resignation shall take effect at the time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 3. Removals. A committee or task force member may be removed by the Board if the individual fails to attend in person more than one-half (1/2) of the regular meetings during any twelve (12) month period, unless the individual is able to demonstrate to the Directors of the Board, that the presence of exigent circumstances caused and excused the absences. In such circumstances, the absent committee or task force member shall be removed upon the affirmative vote of a majority of the voting power of the Board (not including the voting power of the absent committee member in question, if also a Director). Committee members and task force members may also be removed for cause upon the affirmative vote of at least two-thirds (2/3) of the total voting power of the Board (excluding the voting power of the committee member in question, if also a Director) and after being provided a seven (7) day period to submit a written statement to the Chief Executive Officer for consideration by the Board prior to removal. Committee members and task force members may also be removed not for cause upon the affirmative vote of at least three-fourths (3/4) of the total voting power of the Board (excluding the voting power of the Director in question, if also a Director).

Any vacancy occurring in a committee or task force shall be filled as set forth for the appointment of that committee or task force member. A committee or task force member appointed to fill a vacancy shall be appointed for the unexpired term of such committee or task force member’s predecessor in office.

Section 4. Removal of Athlete Representatives. Athlete Representatives can only be removed by the Athletes’ Advisory Council in the same manner described above that a member can be removed from a committee or task force. Any vacancy occurring in the Athlete Representative positions shall be filled as set forth for the appointment of the Athlete Representative positions, or election if an AAC seat. An Athlete Representative appointed, or elected to the AAC, to fill a vacancy shall be appointed, or elected to the AAC, for the unexpired term of such Athlete Representative’s predecessor in office.

PART VI – ADMINISTRATION

SUBPART A – CHIEF EXECUTIVE OFFICER AND STAFF

Bylaw 601 – Chief Executive Officer

Section 1. The Federation shall have a Chief Executive Officer (CEO). The CEO shall be recommended by the President and approved by the Board of Directors. A CEO’s employment once retained may be terminated upon a two-thirds vote of the Directors present at a duly called meeting of the Board of Directors.

Section 2. The CEO shall:
a. Report to the President, and keep the Board of Directors and Officers fully informed of the conditions and operations of the Federation and all material concerns. The CEO shall not be directed by individual members of the Board of Directors. The President shall report on the performance of the CEO to the Board of Directors as set forth in Bylaw 332;
b. Attend all meetings of the Board of Directors and serve on all committees as an ex officio, non-voting member. The CEO may participate in these meetings, and provide adequate staff support, in order to effectively interact, communicate and implement the directives and policies of the Federation;
c. Remain neutral with respect to all Federation elections;
d. Recommend to the Board of Directors plans, policies and programs that will further the objectives of the Federation and promote interest and active participation in the sport of equestrian. The CEO shall have available the full resources of the Federation to support the implementation the Federation’s goals and objectives;
e. Assist in the preparation of the Federation’s budget, operate the Federation within its budget, and maintain proper books and accounts for the Federation, including sufficient financial controls and all applicable reporting requirements;
f. Supervise, develop and maintain a professional staff capable of successfully implementing and supporting the operational needs of the organization;
g. Direct all employees, consultants, independent contractors and others providing services for the Federation, except the Federation’s independent auditors who shall report directly to the Audit Committee;
h. Execute such contracts and commitments in accordance with the Federation’s budget or as authorized by the Board of Directors, the Bylaws or Rules;
i. Maintain effective communications and relations with the USOPC, the USSET Foundation, and such other organizations, public and private;
j. Serve, or appoint a designee to serve, as the Secretary General and Chief Staff liaison to the FEI and the USOPC. Any designee appointed by the CEO must have international experience as defined in Bylaw 332.

Bylaw 602 – Records of the Federation

Section 1. Minutes, etc. The Federation shall keep as permanent records minutes of all meetings of the Board of Directors and a record of all waivers of notices of meetings of the Board of Directors. Board meeting minutes should state high-level topics discussed in executive session and should include when individuals recuse themselves due to a conflict of interest. Board minutes shall be made available on the Federation website within a reasonable time after approval of such minutes.

Section 2. Accounting Records. The Federation shall maintain appropriate accounting records.

Section 3. Membership List. The Federation, or its agent, shall maintain a record of the members in a form that permits preparation of a list of the names and addresses of the members in alphabetical order, by class.

Section 4. Records in Written Form. The Federation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

Section 5. Records Maintained at National Office. The Federation shall keep a copy of each of the following records at its principal office:
   a. The Certificate of Incorporation;
   b. The Bylaws;
   c. The Rules;
   d. Resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations and obligations of the members or any class of the members;
e. The minutes of all meetings of the members, and records of all action taken by the members without a meeting, for the past four years;
f. All written communications within the past four years to the members generally as the members;
g. A list of the names and business or home addresses of the current Directors and officers;
h. A copy of the most recent corporate report delivered to the New York secretary of state;
i. All financial statements prepared for periods ending during the last four years that a member of the Federation could have requested under Sec. 6 of this bylaw;
j. The Federation’s application for recognition of exemption and the tax-exemption determination letter issued by the Internal Revenue Service; and
k. All other documents or records required to be maintained by the Federation at its principal office under applicable law or regulation.

Section 6. Inspection of Records Maintained at National Office by Members.

A voting member shall be entitled to inspect, during regular business hours at the Federation’s main office, any of the records of the Federation described in section 5 above, provided that the voting member gives the Federation written demand at least five business days before the date on which the voting member wishes to inspect such records. Upon written request listing specific documents and payment of a reasonable fee, in the discretion of the Officers copies may be provided in due course. In the discretion of the Officers, non-voting members may be permitted to inspect during regular business hours at the Federation’s main office such records as the Officers deem appropriate, provided the non-voting member gives the Federation at least five business days prior written notice of his or her request. The Officers in their discretion may permit copying in accordance with the procedures established by the Officers for voting members.

SUBPART B – FINANCES

Bylaw 611 – Yearly Budget

Section 1. Each year the Federation shall develop a proposed budget for the next fiscal year. This budget will be developed in accordance with a timeline approved by the Board in the first quarter of the calendar year.

Bylaw 612 – Conveyances and Encumbrances

Section 1. Property of the Federation may be assigned, conveyed or encumbered by such officers of the Federation as may be authorized to do so by the Board of Directors, and such authorized persons shall have power to execute and deliver any and all instruments of assignment, conveyance and encumbrance; however, the sale, exchange, lease or other disposition of all or substantially all of the property and assets of the Federation shall be authorized only in the manner prescribed by applicable statute.

Section 2. Only the Board of Directors at a duly called meeting of the Board has the authority to, make or execute contracts or agreements of any nature if said contract or agreement causes or may cause this Federation to be obligated to pay unbudgeted expenditures or other obligations the sum of which exceeds $100,000 for any fiscal year, or if the obligation has a term or establishes a term extending beyond one year, then the sum of which exceeds $150,000 over the life of the obligation.

Bylaw 613 – Audit

Each year the Federation shall have an annual audit of its books and accounts prepared by an independent certified public accountant as recommended by the Audit Committee. (See Bylaw 502). The Audit Committee shall provide the auditors report to the Board of Directors upon completion.
PART VII – COMPLAINTS AND DISPUTES

Bylaw 701 – Administration of Complaints

1. Types of Complaints
The Federation has the authority to hear and render decisions on the following types of complaints pursuant to the complaint procedures set forth in Part VII of the Federation’s Bylaws (the “Complaint Procedures”):

   a. NGB Compliance Complaints. A complaint alleging that the Federation has (i) violated a Federation Bylaw, rule, regulation, or policy, or (ii) failed to comply with its obligations as a National Governing Body under the USOPC Bylaws or the Sports Act.

   b. Opportunity to Participate Complaints. A complaint alleging that the Federation denied or threatened to deny the opportunity of an athlete, coach, trainer, manager, administrator, or official to participate in Protected Competition as defined in the USOPC Bylaws (“Protected Competition”) or other competition licensed or sanctioned by the Federation.

   c. Disciplinary Action Complaints. A complaint alleging that the conduct of an individual, organization, or entity other than the Federation and over whom the Federation has jurisdiction violated Federation rules, regulations, or policies. A complaint may not include matters within the exclusive jurisdiction of the IOC, IPC, WADA, FEI, USOPC, USADA, or the U.S. Center for SafeSport, or matters that are accepted by the U.S. Center for SafeSport under discretionary jurisdiction.

A claimant who brings any of the foregoing types of complaints, or otherwise seeks a hearing afforded under the Federation Bylaws or rules, does so subject to the Complaint Procedures set forth in Part VII of the Federation Bylaws.

2. Applicable Law
The construction and application of the Federation’s rules are governed by the laws of the State of New York.

3. Federation’s Regulation Department
The Federation’s Regulation Department (“FRD”) will generally administer and oversee all complaints such that complaints are heard in a timely, fair, and impartial manner. Parties to the proceedings will be afforded basic rights as described below. The FRD may promulgate procedures in addition to those set forth in these Bylaws for the effective administration of reports of violations or formal complaints received by the Federation.

   The FRD will determine if a complaint: (a) was properly filed; (b) satisfies the minimum requirements for that type of complaint; (c) should be re-designated as a different type of complaint; and (d) was accompanied by the applicable fee.

   The FRD does not have the authority to dismiss a complaint of its own accord. Instead, if the FRD determines that a complaint was improperly designated (such as an Opportunity to Participate Complaint filed as a Disciplinary Action Complaint), the FRD will give written notice to the parties of the improper designation, and that the FRD has changed it to the proper designation. If filing deficiencies are identified as a result of the re-designation, the claimant will be given an opportunity to remedy the deficiencies and/or re-file.

   If the FRD otherwise determines that a complaint was not properly filed or failed to satisfy the minimum requirements for such complaints, then the FRD will provide the parties the opportunity to remedy the deficiencies and/or re-file.

   The foregoing process does not preclude the respondent from filing a motion to dismiss the complaint, which will be heard by the Hearing Committee Panel as described below.

Bylaw 702 - General Hearing Procedures Applicable to All Complaints

Notice of Complaint

1. Notice of the Complaint
Upon the filing of a complaint, the Director of the FRD will acknowledge receipt of the complaint to the claimant. Once the complaint is determined to be properly filed and designated, the FRD will promptly provide
written notice with a copy of the complaint to the respondent. The notice will briefly describe the allegations made against the respondent, the respondent’s opportunity to provide a response, the respondent’s right to have a representative present and provide assistance throughout the proceedings, any potential consequences to respondent if the allegations are proven.

2. Hearing Panel Appointment
Upon its determination that a proper complaint has been filed, the FRD will appoint a Hearing Panel consisting of at least three (3) disinterested individuals to hear the complaint. The FRD will also appoint a chair of the Hearing Panel from the individuals selected. The composition of the Hearing Panel must meet the requirements under the USOPC Bylaws regarding athlete representation. Within the deadlines set forth in the Notice of Complaint, any party may object in writing to the appointment of any member of the Hearing Panel, showing good grounds for recusal, including bias or conflict of interest. The FRD will as soon as practicable notify the parties of its determination of whether the challenged panel member(s) should be disqualified and, if so, the identity of the replacement panel member(s). Once the final Hearing Panel has been identified, that Hearing Panel will rule on all substantive issues raised in the proceeding. In the interests of economy, the Hearing Panel may delegate decisions on certain administrative matters to the FRD. The Hearing Panel may rely on advice from legal counsel on legal issues, but legal counsel shall not vote on the decision of the matter.

3. Right to a Representative and Counsel
Any party to a proceeding under these General Hearing Procedures has the right to be represented by legal counsel and to have a representative present during such proceedings at their own expense.

4. Conduct of the Proceedings
The respondent may file a motion to dismiss on the grounds that the complaint: (a) was not timely filed; (b) fails to allege facts that would support a violation of an applicable rule, Bylaw, statute, policy, or procedure; (c) should be dismissed on account of pending litigation or other circumstances; and/or (d) it is not within the Federation’s jurisdiction. Following an opportunity for briefing by the parties, the Hearing Panel will decide on the motion, and can dismiss the matter with or without prejudice to re-file, as appropriate.

If the complaint is not dismissed, the parties will be sent written notice of a hearing date. The Notice of Hearing will include a schedule with deadlines for the proceeding, which will include a deadline for the parties to exchange a list of anticipated witnesses, with a brief description of their expected testimony, and any exhibits that the parties anticipate using at the hearing. The Notice of Hearing may also refer to certain rules regarding the proceeding and the conduct of the hearing as necessary. In this administrative hearing context, the Hearing Committee may take reasonable steps that impact the nature, process, or length of the hearing. The hearing may be conducted by teleconference or videoconference at the discretion of the Hearing Panel. Regardless of the format, each party will have the right to appear personally or through a representative, to be represented by counsel, to give opening and closing statements, to object to evidentiary and procedural matters, to seek exclusion of certain witnesses or testimony, and to present and cross-examine witnesses subject to orders from the Hearing Panel. Each witness that testifies will do so under oath and subject to cross-examination by the opposing party and questioning by the Hearing Panel.

Any party may request a court reporter to make a transcript of the hearing. If a request is made, the FRD will arrange for a court reporter. The expense of the court reporter and the transcript will be the responsibility of the requesting party, unless the parties mutually agree to share the cost.

In any complaint, the claimant bears the burden of proving alleged violations by a preponderance of the evidence. At the conclusion of the hearing, the Hearing Panel will review the evidence presented to determine whether the claimant has met its burden of proof. A decision will be determined by a majority vote of the Hearing Panel. The Hearing Panel’s written decision will be distributed to the parties as soon as practicable following the close of the hearing. In the event that the circumstances of the hearing require a speedy decision, the Hearing Panel may issue a brief written interim decision followed by a longer written decision.

5. Statute of Limitations
Disciplinary Action Complaints must be brought within a reasonable time after discovery of the alleged violation, except for alleged violations of the Safe Sport Policy. All other complaints must be filed within one year of the occurrence.
hundred and eighty (180) days of the occurrence of the alleged incident giving rise to the complaint. Failure to file within these time periods could be grounds for dismissal of the complaint.

6. Informal Resolution/Mediation
The parties may agree in writing to informally resolve a matter, and the Federation may attempt to assist in reaching such resolution. An informal resolution that is agreed to by all parties in writing will be considered a final disposition of the matter. Informal resolution of a complaint filed under Bylaw 701 is subject to approval by the appointed Hearing Panel. If an informal resolution results from a matter that was reported to the Federation, notice of the resolution may be sent to the reporting party that contains details of the resolution. Informal resolution efforts will not toll or extend the statute of limitations unless all parties to the dispute have signed a written agreement to that effect.

7. Fair Process
The parties will be afforded certain fair process rights, including, but not limited to, the following:
   a. each party will have the right to appear personally and/or through a representative
   b. respondents will receive written notice of any alleged violation or complaint against them, along with a reference to potential consequences
   c. respondents will be given a reasonable time before a hearing in which to prepare a defense
   d. the Hearing Panel will hold the hearing in as prompt and timely a manner as is practicable under the circumstances. The Hearing Panel will strive to schedule a hearing within ninety (90) days of the determination that a complaint is properly filed, and to issue its written decision within thirty (30) days after a hearing.
   e. parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses that testify at the hearing, and present argument, all subject to limiting rulings by the Hearing Panel.
   f. The parties may present live witnesses or affidavits or other witness statements and documentary proof to support their arguments subject to limiting rulings by the Hearing Panel. The Hearing Panel will typically give less weight to affidavits or witness statements when the author is not subject to cross-examination at the hearing.
   g. all parties will receive a written decision from the Hearing Panel, which will include notice of the applicable appeal procedures
   h. subject to applicable provisions below related to Temporary Measures, individuals will be provided with fair notice and opportunity for a hearing before being declared ineligible to participate
   i. in cases where a temporary measure is implemented, the opportunity for a hearing will be provided on an expedited basis so as to hear the matter as soon as practicable

8. Expedited Procedures
In the event that a claimant demonstrates in writing that an expedited process is necessary because the complaint relates to a competition that is scheduled such that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the FRD shall arrange for an expedited hearing that allows for a hearing and ruling sufficiently in advance of the subject competition so as not to prejudice the claimants’ ability to participate. In such a case, the Hearing Panel may hear and decide the complaint pursuant to such procedures as are reasonably necessary under the circumstances.

9. Temporary Measures
The Federation may implement Temporary Measures at any time, which shall be effective immediately upon notice, unless stated otherwise, (a) to ensure the safety or well-being of others, or horses; or (b) where an allegation is sufficiently serious. Temporary measures may include, but are not limited to, altering training schedules, providing chaperones, limiting contact, removal from the venue, and suspensions. The respondent must be afforded an opportunity for a provisional hearing within a reasonable amount time after the imposition of temporary measures, including being allowed to request expedited procedures if it affects respondent’s practical opportunity to participate in an approaching competition. The provisional hearing is not a full hearing on the merits, but rather will simply determine whether there is reasonable cause to continue the temporary measure pending a full hearing. The respondent will still be afforded a hearing on the merits in a timely manner thereafter.

As an exception to this provision, temporary suspensions and other temporary measures imposed by WADA,
FEI, USADA, USOPC, and the U.S. Center for SafeSport in accordance with their procedures shall be honored by the Federation without further proceedings.

Bylaw 703 – NGB Compliance Complaints

1. Jurisdiction
   The Hearing Committee has jurisdiction to hear NGB Compliance Complaints as defined above that are properly filed against the Federation by any Life Member, Senior Active Member, or Junior Active Member, so long as the claimant agrees to be subject to the applicable Complaint Procedures and to be bound by any decision rendered pursuant to those Complaint Procedures.

2. Filing Requirements
   a. Manner of Filing. An NGB Compliance Complaint must be filed with the FRD at disputes@usef.org using the form provided by the Federation on the Federation’s website.
   b. Requirements for Complaint. An NGB Compliance Complaint must set forth in clear and concise language, preferably in numbered paragraphs: (i) the facts supporting the alleged violation; (ii) each rule, Bylaw, or regulation allegedly violated; (iii) the identity of any parties claimed to have been aggrieved by the violation; (iv) the identity of any individuals or entities that allegedly caused or contributed to the alleged violation; and (v) the remedy requested. The claimant must sign the complaint and provide their current contact information on the form, including their preferred email address for receipt of communications regarding the matter.
   c. Filing Fee. A filing fee must be submitted with any NGB Compliance Complaint filed with the FRD. The amount of the fee can be found on the Federation fee schedule at www.usef.org. The filing fee may be waived by the FRD upon the claimant’s showing of hardship or other good cause.

3. Hearing
   Hearings will be conducted in accordance with the applicable Complaint Procedures in Bylaw 702.

Bylaw 704 - Opportunity to Participate Complaints

1. Jurisdiction
   The Hearing Committee has jurisdiction to hear Opportunity to Participate Complaints as defined above that are properly filed against the Federation by any athlete, coach, trainer, manager, administrator, or other official participating in, or who believes he should be allowed to participate in, a Licensed or sanctioned Competition, so long as the complaint alleges a denial or threatened denial of an opportunity to participate as set forth in Bylaw 701(1)(b), and the claimant agrees to be subject to the applicable Complaint Procedures and to be bound by any decision rendered pursuant to those Complaint Procedures.

2. Filing Requirements
   a. Manner of Filing. An Opportunity to Participate Complaint must be filed with the FRD at disputes@usef.org using the form provided by the Federation on the Federation’s website.
   b. Requirements for Complaint. The complaint must set forth in clear and concise language, preferably in numbered paragraphs: (i) the facts supporting the alleged denial or threat of denial of claimant's opportunity to participate; (ii) the identity of the respondent and any affected parties, including other potentially affected athletes; (iii) the particular competition in which the individual's or affected parties' participation could be impacted; (iv) the remedy requested, and (v) a list of any individuals who may be affected by the outcome of the matter. The claimant must sign the complaint and provide their current contact information in the signature block, including their preferred email address for receipt of communications regarding the matter.
   c. Filing Fee. A filing fee must be submitted with any complaint filed with the FRD. The amount of the fee can be found on the Federation fee schedule at www.usef.org. The filing fee may be waived by the FRD upon the claimant’s showing of hardship or other good cause.

3. Hearing
   Hearings for an Opportunity to Participate Complaint will be conducted in accordance with the Complaint
Procedures set forth in Bylaw 702. In addition, all affected athletes, as determined by the Hearing Panel, will be treated as parties to the case, and will be provided an opportunity to participate in the hearing.

4. No Exhaustion Requirement for Complaints Involving a Protected Competition

If the competition in question is a Protected Competition, the claimant is not required to exhaust internal remedies with the Federation by filing an Opportunity to Participate Complaint. Instead, claimant may elect to pursue the matter with the USOPC by following the process set forth in Section 9 of the USOPC Bylaws.

5. Appeal

If the Hearing Committee renders a final decision on an Opportunity to Participate Complaint that involves a Protected Competition, any party other than the Federation who wishes to challenge the decision may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously thereto, the claimant may file a demand for arbitration with the arbitral organization designated by the USOPC in accordance with any procedures and deadlines established in the USOPC Bylaws. The arbitration decision will be a final and binding decision.

If the competition at issue in the Hearing Committee’s final decision is not a Protected Competition, but is a Federation Licensed or sanctioned competition, within 30 days of the issuance of the final decision, a claimant may appeal the Hearing Panel’s final decision to the arbitral organization designated by the Federation for a final and binding decision. Any such appeal shall be limited to review of the record considered by the Hearing Panel, and the standard for review on appeal is only whether (i) the Hearing Panel’s determination was arbitrary, capricious or in bad faith, or (ii) the hearing process lacked the minimal fair process required for hearings by the USOPC and the Sports Act. A party may not present for the first time on appeal an issue or any evidence that was not raised during the original hearing. The appeal tribunal can order a new arbitration hearing or remand the case to the Federation Hearing Panel for corrections or further review. The hearing on appeal, if any, shall not exceed one day unless exceptional circumstances justify a longer hearing.

Decisions that do not result in a suspension or ineligibility to compete are not appealable.

Bylaw 705 - Disciplinary Actions Complaints

1. Jurisdiction

The Hearing Committee has jurisdiction to hear Disciplinary Action Complaints as defined above that are properly filed against a participant in Federation activities who has allegedly violated Federation rules or regulations relating to conduct, other than matters within the exclusive jurisdiction of WADA, the FEI, USADA, USOPC, the U.S. Center for SafeSport, or accepted by the U.S. Center for SafeSport under discretionary jurisdiction. Disciplinary Action Complaints can be filed by any Life Member, Senior Active Member, or parent of a Junior Active member of the Federation, or any Federation official, or can be filed by the Federation following its discovery of the violation or following its receipt of a report of a violation. In any case, the claimant agrees to be subject to the applicable Complaint Procedures and to be bound by any decision rendered pursuant to those Complaint Procedures.

2. Reporting

a. Reporting to the Federation. Any individual may report alleged misconduct to the Federation, either verbally or in writing. In a report, the individual is encouraged, but not required, to provide the following information: (i) the identity of the individual or individuals alleged to have violated the Federation rules or regulations related to conduct; (ii) details regarding the complained of misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; and (iii) the reporting or complaining party’s contact information, including a preferred email address, unless the report or complaint was made anonymously.

b. The Federation may also pursue a possible violation of Federation rules or regulations based on information received other than by a report described here, including but not limited to:

1. Information supporting a violation that is uncovered by the Federation in the normal course of its business;
2. Receipt of notice that disciplinary action has been taken by an administrative agency, arbitration or other tribunal body, humane society, other National Governing Body, or a court of law;

3. Receipt of notice that a court of law has entered a judgment or final order for monies owing to a Federation Senior Active or Life Member related to equestrian activities (e.g. training fees, coaching fees, stabling fees, horse board, horse transport, veterinary fees) and in connection with a Licensed Competition, which order or judgment is final and not subject to further appeal;

4. Receipt of an indictment, information, or charge, or a civil, criminal, or administrative proceeding or arbitration or other tribunal finding, that found that the respondent has committed or participated in any plan or conspiracy to commit any act of cruelty or abuse to a horse, whether or not any such alleged or actual act, plan, or conspiracy occurred on the grounds of a Licensed Competition, or was in conjunction with, or was an element of some other offense, actual or alleged. For purposes of this subsection, cruelty and abuse shall include, but shall not be limited to, any of the acts enumerated in GR839.4, and, in addition, killing, crippling, abandoning, mistreating, neglecting, or any other form of abuse of a horse.

3. Anonymous Reporting
   Reports can also be made anonymously to the Federation. If the Federation determines that a proper investigation cannot be conducted while maintaining the reporting party's anonymity, the Federation shall so inform the reporting party and attempt to obtain the reporting party's consent to continue the investigation without a promise of anonymity.

4. Temporary Measures
   The Federation may impose temporary measures at any time pursuant to the terms in Bylaw 702.9.

5. Preliminary Inquiry/Investigation
   Upon receipt of a report of an alleged violation of the Federation rules or regulations related to conduct, the Federation will undertake a preliminary inquiry into the matter and gather any relevant information it can regarding the alleged misconduct that is readily available.
   If the Federation determines that a formal investigation is required before proceeding with the case, then the Federation will conduct, or direct to be conducted, an unbiased and impartial investigation of the report.

6. Informal Resolution
   Pursuant to the terms of Bylaw 702.6, at any time prior to a final decision, the Federation may pursue an informal resolution of any Disciplinary Action Complaint. An informal resolution that is agreed to by the parties and approved by the Hearing Panel is a final decision and will not be appealable. The Federation will notify the reporting party, if any, that an informal resolution has been reached. The Federation may, but is not required to, provide the reporting party with the details of the resolution. If an informal resolution is reached and the matter is final, the reporting party cannot pursue the matter further.

7. Party Responsible for Pursuit of Case
   a. The Federation Pursues the Case. Upon its own initiative or after review of the initial report, any preliminary information gathered, or investigation results, the Federation may initiate a complaint by issuing a Disciplinary Action Complaint through the FRD. The Federation maintains full discretion whether to issue a Disciplinary Action Complaint or to otherwise pursue the complaint.
   b. The Federation Declines the Case.
      1. If the Federation declines to file a Disciplinary Action Complaint, then the Federation must advise the reporting party (if the report was not made anonymously) that, the reporting party may still file a Disciplinary Action Complaint with the FRD so long as the reporting party is either: a Life Member, Senior Active Member, or parent of a Junior Active member of the Federation, or any Federation official.
      2. Following receipt of notice that the Federation declined to pursue the case, if the reporting party elects to file a complaint with the FRD, then the reporting party is responsible for all aspects of pursuing the case, including without limitation the reporting party's expenses in pursuing the case. However, the Federation will provide the reporting party with any relevant information collected by the Federation.
8. **Filing Requirements**
   
a. **Manner of Filing.** A Disciplinary Action Complaint filed by anyone other than the Federation must be filed with the FRD at disputes@usef.org using the form provided by the Federation on the Federation’s website.

b. **Requirements for Complaints.** The Disciplinary Action Complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the identity of the individual or individuals alleged to have violated the Federation rules or regulations related to conduct; (ii) details regarding the misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; (iii) the specific Federation Rules or regulations allegedly violated; and (iv) the initial report of the alleged misconduct.

c. **Filing Fee.** A filing fee must be submitted with any Disciplinary Action Complaint filed with the FRD, except for Safe Sport complaints or complaints filed by the Federation. The amount of the fee can be found on the Federation fee schedule at www.usef.org. The filing fee may be waived by the FRD upon the claimant’s showing of hardship or other good cause.

9. **Hearing**

The hearing in a Disciplinary Action Complaint will be conducted in accordance with the Complaint Procedures set forth in Bylaw 702. However, minors will not be required to submit to cross-examination by the respondent or the respondent’s representative, and may instead be examined by the members of the Hearing Panel, including based on written questions submitted by the respondent and/or respondent’s representative.

10. **Appeal**

If a respondent found in violation of Federation Rules disputes the Hearing Committee’s decision rendered under these Complaint Procedures where the decision of the Hearing Panel involves a denial, or threatened denial, of an opportunity to participate in a Protected Competition, the individual may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously thereto, the individual may file a demand for arbitration with the arbitral organization designated by the USOPC in accordance with any procedures and deadlines established in the USOPC Bylaws. The arbitration decision will be a final and binding decision.

If the Hearing Panel’s decision does not involve a denial, or threatened denial, of an opportunity to participate in a Protected Competition, but does involve a Federation Licensed or sanctioned competition, within 30 days of the issuance of the final decision, the respondent may appeal the Hearing Panel’s decision to the arbitral organization designated by the Federation for a final and binding decision. Any such appeal shall be limited to review of the record considered by the Hearing Panel, and the standard for review on appeal is only whether (i) the Hearing Panel’s determination was arbitrary, capricious or in bad faith, or (ii) the hearing process lacked the minimal fair process required for hearings by the USOPC and the Sports Act. A party may not present for the first time on appeal an issue or any evidence that was not raised during the original hearing. The appeal tribunal can order a new arbitration hearing or remand the case to the Federation Hearing Panel for corrections or further review. The hearing on appeal, if any, shall not exceed one day unless exceptional circumstances justify a longer hearing.

Decisions that do not result in a suspension or ineligibility to compete are not appealable.

Bylaw 706 - Excluded Proceedings

1. **Scope of Jurisdiction**

The Federation does not have jurisdiction over complaints in the following areas:

a. **Anti-Doping Violations.** A decision concerning a doping violation adjudicated by the USADA, WADA, or the FEI is not be reviewable through, or the subject of, these Complaint Procedures. The Federation shall enforce any sanctions issued by these entities without further proceedings.

b. **FEI Decisions.** Any action taken by the FEI is not reviewable through, or the subject of, these Complaint Procedures. The Federation shall enforce any sanctions issued by the FEI without further proceedings.
c. SafeSport Decisions. A report or decision concerning a SafeSport Code violation under the jurisdiction of or adjudicated by the U.S. Center for SafeSport shall not be reviewable through, or the subject of, these Complaint Procedures. The Federation shall enforce any sanctions issued by the Center without further proceedings.

d. USOPC Athlete Safety Policy Reports/Complaints. A report and/or complaint submitted pursuant to the USOPC Athlete Safety Policy will not be reviewable through, or the subject of, these Complaint Procedures, and will be conducted in accordance with the USOPC Athlete Safety Policy. The Federation shall enforce any sanctions issued by the USOPC without further proceedings.

e. Federation Background Check Review. Any review of a self-disclosure or red-light finding of a criminal or driving record that was completed pursuant to the Federation Background Check Policy, will not be reviewable through, or the subject of, these Complaint Procedures, and will be conducted in accordance with the Federation Background Check Policy.

f. Field of Play Decisions. The final decision of a person designated to have discretion to make field of play decisions, i.e. Judge, Technical Delegate, or Ground Jury, during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of that official) shall not be reviewable through, or the subject of, these Complaint Procedures unless the decision is: (i) outside the official’s scope of authority, or (ii) the product of fraud, corruption, partiality or other misconduct of the person making the decision.

**Bylaw 707 - No Retaliation**

Neither the Federation nor any Federation member, participant, employee, coach, or Board member shall retaliate against an individual for the filing of a complaint or report under these Complaint Procedures. Retaliation against an individual for the filing of a report or complaint shall constitute a violation of the Federation rules and grounds for discipline thereunder.

**Bylaw 708 – Litigation**

No member, affiliate, or participant in the Federation and its programs may invoke the aid of the courts of the United States or a State without first exhausting all available remedies within the appropriate organization, and as provided within the Federation, including any rights to bring claims to the USOPC. This Bylaw does not preclude the commencement of an arbitration proceeding in accordance with these Complaint Procedures or the USOPC Bylaws. Arbitration decisions are final and binding and cannot be challenged in a court of law.

**PART VIII – AMENDMENTS**

**Bylaw 801 – Amendments**

These bylaws, and any resolution adopted by the founding directors prior to the adoption of these bylaws, may be added to or amended at any meeting of the Board of Directors or the Voting Members at which a quorum is present upon a two-thirds vote of those Directors or Voting Members present at the meeting. Amendments to these bylaws may be proposed by any member of the Board of Directors. All proposed amendments shall be submitted to the CEO in writing at least 30 days prior to a Board meeting. The CEO shall then provide notice of the proposed amendment to the Board at least seven days prior to the meeting.

[END OF DOCUMENT]
CHAPTER 2205—UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE

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Amendment of Analysis

Pub. L. 116–189, §5(b)(1), (c), Oct. 30, 2020, 134 Stat. 947, provided that, effective on the date that is 1 year after Oct. 30, 2020, this analysis is amended by substituting item for subchapter IV "UNITED STATES CENTER FOR SAFESPORT" for item for subchapter III relating to United States Center for Safe Sport. Section 5(b)(2) of Pub. L. 116–189, which added item for subchapter V and items 220551 and 220552, is also effective 1 year after Oct. 30,
2020, but has been executed to this analysis to conform to the concurrent execution of that subchapter in text. See 2020 Amendment note below.

**EDITORIAL NOTES**

**AMENDMENTS**


Pub. L. 115–126, title II, §§202(c), 204(b), Feb. 14, 2018, 132 Stat. 323, 325, added item for subchapter III relating to United States Center for Safe Sport and items 220530 and 220541 to 220543.


1. *So in original. Two items for subchapter III have been enacted.*


**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) "Athletes' Advisory Council" means the entity established and maintained under section 220504(b)(2)(A) that—

(A) is composed of, and elected by, amateur athletes to ensure communication between the corporation and currently active amateur athletes; and

(B) serves as a source of amateur-athlete opinion and advice with respect to policies and proposed policies of the corporation.

(5) "Center" means the United States Center for SafeSport designated under section 220541.

(6) "child abuse" has the meaning given the term in section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302).

(7) "corporation" means the United States Olympic and Paralympic Committee.

(8) "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.

(9) "national governing body" means an amateur sports organization, a high-performance management organization, or a paralympic sports organization that is certified by the corporation under section 220521.

(10) "protected individual" means any amateur athlete, coach, trainer, manager, administrator, or official associated with the corporation or a national governing body.

(11) "retaliation" means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from
(12) "sanction" means a certificate of approval issued by a national governing body.

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.

**EDITORIAL NOTES**

**AMENDMENTS**

Pub. L. 116–189, §3(1), substituted "United States Center for SafeSport" for "United States Center for Safe Sport".

Pub. L. 116–189, §3(2), substituted "United States Olympic and Paralympic Committee" for "United States Olympic Committee".

Pub. L. 116–189, §3(3), amended par. (8) generally. Prior to amendment, par. (8) read as follows:

"national governing body' means an amateur sports organization which is recognized by the corporation under section 220521 of this title."

Pub. L. 116–189, §3(4), struck out par. (9) which read as follows: "paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title."

Subsec. (b)(10), (11). Pub. L. 116–189, §3(7), added pars. (10) and (11). Former par. (10) redesignated (12).


2018—Subsec. (b)(4) to (10). Pub. L. 115–126 added paras. (4) and (5) and redesignated former paras. (4) to (8) as (6) to (10), respectively.


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).

**STATUTORY NOTES AND RELATED SUBSIDIARIES**

**SEVERABILITY**

Pub. L. 116–189, §12, Oct. 30, 2020, 134 Stat. 973, provided that: "If any provision of this Act [see Short Title of 2020 Amendment note set out under section 101 of this title], or an amendment made by this Act, is determined to be unenforceable or invalid, the remaining provisions of this Act and the amendments made by this Act shall not be affected."

**FINDINGS**

Pub. L. 116–189, §2, Oct. 30, 2020, 134 Stat. 943, provided that: "Congress makes the following findings:

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

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

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

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

"(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duty to protect amateur athletes from sexual, emotional, or physical abuse.

"(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

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

**REPORT TO CONGRESS ON EFFECTIVENESS OF CHAPTER AND PROPOSED CHANGES**


**§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 AND UNITED STATES OLYMPIC COMMITTEE.**—Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to refer to the United States Olympic and Paralympic Committee.


**HISTORICAL AND REVISION NOTES**

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<td>36:372.</td>
<td>Sept. 21, 1950, ch. 975, title I, §§102, 105(a)</td>
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</tbody>
</table>
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.

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (c). Pub. L. 116–189 amended subsec. (c) generally. Prior to amendment, text read as follows: "Any reference to the United States Olympic Association is deemed to refer to the United States Olympic Committee."

§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, the Pan-American Games, and the Parapan American Games, including representation of the United States in the games; and
   (B) the organization of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan 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, the Pan-American Games, and the Parapan 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 and access to 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;
(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;
(15) to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete; and
to effectively oversee the national governing bodies with respect to compliance with and implementation of the policies and procedures of the corporation, including policies and procedures on the establishment of a safe environment in sports as described in paragraph (15).

(Historical and Revision Notes)

### Revised Section

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<td>220503</td>
<td>36:374.</td>
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</table>

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".

### Editorial Notes

#### Amendments

Par. (9). Pub. L. 116–189, §6(a)(1), inserted "and access to" after "development of".

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, and membership shall be available only to national governing bodies.

(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. national governing bodies, including through provisions that establish and maintain a National Governing Bodies' Council that is composed of representatives of the national governing bodies who are selected by their boards of directors or other governing boards to ensure effective communication between the corporation and the national governing bodies;

2. amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition, including through provisions that—
   (A) establish and maintain an Athletes' Advisory Council;
   (B) ensure that the chair of the Athletes' Advisory Council, or the designee of the chair, holds voting power on the board of directors of the corporation and in the committees and entities of the corporation;
   (C) require that—
      (i) not less than 1/3 of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes; and
      (ii) not less than 20 percent of the membership of the board of directors of the corporation shall be composed of amateur athletes who—
         (I) are actively engaged in representing the United States in international amateur athletic competition; or
   (D) ensure that the membership and voting power held by such amateur athletes is not less than 1/3 of the membership and voting power held in the board of directors of the corporation and in the committees and entities
(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, the Pan-American Games, or the Parapan 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.

(c) CONFLICT OF INTEREST.—An athlete who represents athletes under subsection (b)(2) shall not be employed by the Center, or serve in a capacity that exercises decision-making authority on behalf of the Center, during the 2-year period beginning on the date on which the athlete ceases such representation.

(d) CERTIFICATION REQUIREMENTS.—The bylaws of the corporation shall include a description of all generally applicable certification requirements for membership in the corporation.


HISTORICAL AND REVISION NOTES

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

EDITORIAL NOTES

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–189, §6(b)(1), inserted ", and membership shall be available only to national governing bodies" before period at end.

Subsec. (b)(1). Pub. L. 116–189, §7(a)(2)(A)(i), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "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;".

Subsec. (b)(2). Pub. L. 116–189, §6(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "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;".

Subsec. (b)(3). Pub. L. 116–189, §4(a)(4), substituted "the Pan-American Games, or the Parapan American Games" for "or the Pan-American Games".

Subsecs. (c), (d). Pub. L. 116–189, §6(b)(3), added subsecs. (c) and (d).

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;".

§220505. Powers and duties

(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, the Pan-American Games, and the Paraplan American Games, and obtain, directly or by delegation to the appropriate national governing body, amateur representation for those games;
4. certify national governing bodies for any sport that is included on the program of the Olympic Games, the Paralympic Games, the Pan-American Games, or the Paraplan American 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, the Paraplan 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.

(d) **Duties.**—

1. **In general.**—The duty of the corporation to amateur athletes includes the adoption, effective implementation, and enforcement of policies and procedures designed—
   (A) to immediately report to law enforcement and the Center any allegation of child abuse of an amateur athlete who is a minor;
   (B) to ensure that each national governing body has in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—
      (i) the policies and procedures developed under subparagraph (C) of section 220541(a)(1); and
      (ii) the requirement described in paragraph (2)(A) of section 220542(a); and
(C) to ensure that each national governing body and the corporation enforces temporary measures and sanctions issued pursuant to the authority of the Center.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preempt or otherwise abrogate the duty of care of the corporation under State law or the common law.


HISTORICAL AND REVISION NOTES

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<td>220505(a)</td>
<td>36:375(b).</td>
<td>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.</td>
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<tr>
<td>220505(b)</td>
<td>36:375(a) (words before cl. (1) less perpetual succession), (6)–(10), (12)–(16), 36:379.</td>
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<td>220505(c)</td>
<td>36:375(a) (words before cl. (1) less perpetual succession), (1)–(5), (11).</td>
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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 "adoptions 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.

EDITORIAL NOTES

AMENDMENTS


Subsec. (c)(4). Pub. L. 116–189, §(a)(5)(B), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "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;".

Subsec. (c)(5). Pub. L. 116–189, §(a)(5)(C), inserted "the Parapan American Games," after "the Pan-American Games, ".


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 and Paralympic Committee";

(2) the symbol of the International Olympic Committee, consisting of 5 interlocking rings, the symbol of the International Paralympic Committee, consisting of 3 Agitos, 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


(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, the Parapan 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 of those words tending to cause confusion or mistake, to deceive, or to falsely suggest a connection with the corporation or any Olympic, Paralympic, Pan-American, or Parapan 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.
Historical and Revision Notes

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<td>220506(b)</td>
<td>36:380(b).</td>
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<td>220506(c)</td>
<td>36:380(a) (1st sentence).</td>
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<tr>
<td>220506(d)</td>
<td>36:380(a) (2d, last sentences).</td>
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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.

Editorial Notes

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


Subsec. (c)(3). Pub. L. 116–189, §4(a)(6)(C), substituted "Pan-American, or Parapan American Games activity" for "or Pan-American Games activity".


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. (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".


§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.

(c) POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.—The corporation shall develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the corporation from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law.

(d) POLICY REGARDING TERMS AND CONDITIONS OF EMPLOYMENT.—The corporation shall establish a policy—

(1) not to disperse bonus or severance pay to any individual named as a subject of an ethics investigation by the ethics committee of the corporation, until such individual is cleared of wrongdoing by such investigation; and

(2) that provides that—

(A) if the ethics committee determines that an individual has violated the policies of the corporation—

(i) the individual is no longer entitled to bonus or severance pay previously withheld; and

(ii) the compensation committee of the corporation may reduce or cancel the withheld bonus or severance pay; and

(B) in the case of an individual who is the subject of a criminal investigation, the ethics committee shall investigate the individual.


HISTORICAL AND REVISION NOTES

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<tr>
<td>220507(b)</td>
<td>36:377.</td>
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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.

EDITORIAL NOTES

AMENDMENTS


APPLICABILITY

Pub. L. 116–189, §6(d)(2)(B), Oct. 30, 2020, 134 Stat. 950, provided that: "The amendment made by subparagraph (A) [amending this section] shall not apply to any term of employment for the disbursement of bonus or severance pay that is in effect as of the day before the date of the enactment of this Act [Oct. 30, 2020]."

§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.


HISTORICAL AND REVISION NOTES

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<tr>
<td>220508</td>
<td>36:371 (last sentence).</td>
<td>Sept. 21, 1950, ch. 975, title I, §101 (last sentence), formerly §1 (last sentence), 64</td>
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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 complaints of retaliation or the opportunity of an amateur athlete, coach, trainer, manager, or official to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, the Parapan 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, the Pan-American Games, or the Parapan 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) OFFICE OF THE ATHLETE OMBUDS.—

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

(2) DUTIES.—The Office of the Athlete Ombuds 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, 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, the Parapan American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

(B) assist in the resolution of athlete concerns;

(C) provide independent advice to athletes with respect to—

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

(ii) the relative value of engaging legal counsel; and

(D) report to the Athletes’ Advisory Council on a regular basis.

(3) HIRING PROCEDURES; VACANCY; TERMINATION.—

(A) HIRING PROCEDURES.—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 1 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.

(B) VACANCY.—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.

(C) TERMINATION.—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.

(4) CONFIDENTIALITY.—

(A) IN GENERAL.—The Office of the Athlete Ombuds shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombuds in confidence in any matter involving the exercise of the official duties of the Office of the Athlete Ombuds.

(B) EXCEPTION.—The Office of the Athlete Ombuds may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute, with the permission of the parties involved.

(C) JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—
(i) IN GENERAL.—The ombudsman and the staff of the Office of the Athlete Ombuds shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the Office of the Athlete Ombuds.

(ii) WORK PRODUCT.—Any memorandum, work product, notes, or case file of the Office of the Athlete Ombuds shall be confidential; and shall not be—

(aa) subject to discovery, subpoena, or any other means of legal compulsion; or

(bb) admissible as evidence in a judicial or administrative proceeding.

(D) APPLICABILITY.—The confidentiality requirements under this paragraph shall not apply to information relating to—

(i) applicable federally mandated reporting requirements;

(ii) a felony personally witnessed by a member of the Office of the Athlete Ombuds;

(iii) a situation, communicated to the Office of the Athlete Ombuds, in which an individual is at imminent risk of serious harm; or

(iv) a congressional subpoena.

(E) DEVELOPMENT OF POLICY.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, the Office of the Athlete Ombuds shall develop and publish in the Federal Register a confidentiality and privacy policy consistent with this paragraph.

(ii) DISTRIBUTION.—The Office of the Athlete Ombuds shall distribute a copy of the policy developed under clause (i) to—

(I) employees of the national governing bodies; and

(II) employees of the corporation.

(iii) PUBLICATION BY NATIONAL GOVERNING BODIES.—Each national governing body shall—

(I) publish the policy developed under clause (i) on the internet website of the national governing body; and

(II) communicate to amateur athletes the availability of the policy.

(5) PROHIBITION ON RETALIATION.—No employee, contractor, agent, volunteer, or member of the corporation shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

(6) INDEPENDENCE IN CARRYING OUT DUTIES.—The board of directors of the corporation or any other member or employee of the corporation shall not prevent or prohibit the Office of the Athlete Ombuds from carrying out any duty or responsibility under this section.

(c) RETALIATION.—

(1) IN GENERAL.—The corporation, the national governing bodies, or any officer, employee, contractor, subcontractor, or agent of the corporation or a national governing body may not retaliate against any protected individual as a result of any communication, including the filing of a formal complaint, by a protected individual or a parent or legal guardian of the protected individual relating to an allegation of physical abuse, sexual harassment, or emotional abuse.

(2) DISCIPLINARY ACTION.—If the corporation finds that an employee of the corporation or a national governing body has retaliated against a protected individual, the corporation or national governing body, as applicable, shall immediately terminate the employment of, or suspend without pay, such employee.

(3) DAMAGES.—

(A) IN GENERAL.—With respect to a protected individual the corporation finds to have been subject to retaliation, the corporation may award damages, including damages for pain and suffering and reasonable attorney fees.

(B) REIMBURSEMENT FROM NATIONAL GOVERNING BODY.—In the case of a national governing body found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body for damages paid by the corporation under subparagraph (A).


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REFERENCES IN TEXT


AMENDMENTS

2020—Subsec. (a). Pub. L. 116–189, §§4(a)(7), 6(e)(1), in first sentence, inserted "complaints of retaliation or" after "relating to" and "the Parapan American Games," after "the Pan-American Games," and, in second sentence, substituted "the Pan-American Games, or the Parapan American Games" for "or the Pan-American Games".

Subsec. (b). Pub. L. 116–189, §6(e)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) provided for an ombudsman for athletes.


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."


§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.


HISTORICAL AND REVISION NOTES

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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.

EDITORIAL NOTES

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. Reports and audits

(a) REPORT.—

(1) SUBMISSION TO PRESIDENT AND CONGRESS.—Not less frequently than annually, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report on the operations of the corporation for the preceding calendar year.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) A comprehensive description of the activities and accomplishments of the corporation during such calendar year.

(B) 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.

(C) A description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.

(D) A description of any lawsuit or grievance filed against the corporation, including any dispute initiated under this chapter.

(E) The agenda and minutes of any meeting of the board of directors of the corporation that occurred during such calendar year.

(F) A report by the compliance committee of the corporation that, with respect to such calendar year—

(i) identifies—

(I) the areas in which the corporation has met compliance standards; and

(II) the areas in which the corporation has not met compliance standards; and

(ii) assesses the compliance of each member of the corporation and provides a plan for improvement, as necessary.

(G) A detailed description of any complaint of retaliation made during such calendar year, including the entity involved, the number of allegations of retaliation, and the outcome of such allegations.

(3) PUBLIC AVAILABILITY.—The corporation shall make each report under this subsection available to the public on an easily accessible internet website of the corporation.

(b) AUDIT.—

(1) IN GENERAL.—Not less frequently than annually, the financial statements of the corporation for the preceding fiscal year shall be audited in accordance with generally accepted auditing standards by—

(A) an independent certified public accountant; or

(B) an independent licensed public accountant who is certified or licensed by the regulatory authority of a State or a political subdivision of a State.

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

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

(A) all records and property owned or used by the corporation, as necessary to facilitate the audit; and

(B) any facility under audit for the purpose of verifying transactions, including any balance or security held by a depository, fiscal agent, or custodian.

(4) REPORT.—

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

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

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

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

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

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

(v) A detailed statement of the amounts spent on compensation and services for executives and administration officials of the corporation, including the 20 employees of the corporation who receive the highest amounts of compensation.

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

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

(ix) A description of any financial conflict of interest (including a description of any recusal or other mitigating action taken), evaluated in a manner consistent with the policies of the corporation, of—

(I) a member of the board of directors of the corporation; or

(II) any senior management personnel of the corporation.

(C) PUBLIC AVAILABILITY.—

(i) IN GENERAL.—The corporation shall make each report under this paragraph available to the public on an easily accessible internet website of the corporation.

(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available under clause (i) shall not include the personally identifiable information of any individual.


HISTORICAL AND REVISION NOTES

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

EDITORIAL NOTES

AMENDMENTS


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, Pan-American Games, and Parapan American Games, the corporation, either directly or by delegation to the appropriate national governing body, 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.


EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189 substituted "Pan-American Games, and Parapan American Games" for "and Pan-American Games" and struck out "or paralympic sports organization" after "appropriate national governing body".

2006—Pub. L. 109–284 substituted "and the corporation" for "and the Corporation".
§220513. Annual amateur athlete survey

(a) **In General.**—Not less frequently than annually, the corporation shall cause an independent third-party organization, under contract, to conduct an anonymous survey of amateur athletes who are actively engaged in amateur athletic competition with respect to—

1. their satisfaction with the corporation and the applicable national governing body; and
2. the behaviors, attitudes, and feelings within the corporation and the applicable national governing body relating to sexual harassment and abuse.

(b) **Consultation.**—A contract under subsection (a) shall require the independent third-party organization to develop the survey in consultation with the Center.

(c) **Prohibition on Interference.**—If the corporation or a national governing body makes any effort to undermine the independence of, introduce bias into, or otherwise influence a survey under subsection (a), such activity shall be reported immediately to Congress.

(d) **Public Availability.**—The corporation shall make the results of each such survey available to the public on an internet website of the corporation.


SUBCHAPTER II—NATIONAL GOVERNING BODIES

§220521. Certification of national governing bodies

(a) **In General.**—With respect to each sport included on the program of the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games, the corporation—

1. may certify as a national governing body an amateur sports organization, a high-performance management organization, or a paralympic sports organization that files an application and is eligible for such certification under section 220522; and
2. may not certify more than 1 national governing body.

(b) **Public Hearing.**—Before certifying 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 certifying 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 Certification.**—Not later than 8 years after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, and not less frequently than once every 4 years thereafter, the corporation—

1. shall review all matters related to the continued certification of an organization as a national governing body;
2. may take action the corporation considers appropriate, including placing conditions on the continued certification of an organization as a national governing body;
3. shall submit to Congress a summary report of each review under paragraph (1); and
4. shall make each such summary report available to the public.


### Historical and Revision Notes

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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.

**EDITORIAL NOTES**

**REFERENCES IN TEXT**

The date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, referred to in subsec. (d), is the date of enactment of Pub. L. 116–189, which was approved Oct. 30, 2020.

**AMENDMENTS**

Subsec. (a). Pub. L. 116–189, §7(a)(1)(B), amended subsec. (a) generally. Prior to amendment, subsec. (a) provided general authority for the corporation to recognize an eligible amateur sports organization as a national governing body.
Subsecs. (b), (c). Pub. L. 116–189, §7(a)(1)(C), (D), substituted "certifying" for "recognizing".
Subsec. (d). Pub. L. 116–189, §7(a)(1)(E), amended subsec. (d) generally. Prior to amendment, text read as follows: "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."


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."
the standard commercial arbitration rules of an established major national provider of arbitration and mediation
services based in the United States and designated by the corporation with the concurrence of the Athletes'
Advisory Council and the National Governing Bodies' Council, 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 standard commercial rules of arbitration of such designated provider 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, except with respect to the oversight of the
organization, 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, the Paralympic Games, the Pan-American Games, or the Parapan
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 certification is sought, or any amateur sports organization that
conducts programs in the sport for which certification 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) ensures that the selection criteria for individuals and teams that represent the United States are—
   (A) fair, as determined by the corporation in consultation with the national governing bodies, the Athletes'
       Advisory Council, and the United States Olympians and Paralympians Association;
   (B) clearly articulated in writing and properly communicated to athletes in a timely manner; and
   (C) consistently applied, using objective and subjective criteria appropriate to the applicable sport;

(11) 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 certification 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;

(12) provides for reasonable direct representation on its board of directors or other governing board for any
amateur sports organization, high-performance management organization, or paralympic 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 applicable organization in relation to all other programs and competitions in the sport in the
United States;

(13) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the
National Governing Bodies' Council, that—
   (A) its board of directors and other such governing boards have established criteria and election procedures for,
and maintain among their voting members, individuals who—
      (i) are elected by amateur athletes; and
      (ii) are actively engaged in amateur athletic competition, or have represented the United States in
international amateur athletic competition, in the sport for which certification is sought;

   (B) any exception to such guidelines by such organization has been approved by—
      (i) the corporation; and
      (ii) the Athletes' Advisory Council; and
(C) the voting power held by such individuals is not less than 1/3 of the voting power held by its board of
directors and other such governing boards;

(14) provides procedures for the prompt and equitable resolution of grievances of its members;
(15) does not have eligibility criteria related to amateur status or to participation in the Olympic Games, the
Paralympic Games, the Pan-American Games, or the Parapan American Games that are more restrictive than those
of the appropriate international sports federation;
(16) demonstrates, if the organization is seeking to be certified 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;
(17) commits to submitting annual reports to the corporation that include, for each calendar year—
(A) a description of the manner in which the organization—
(i) carries out the mission to promote a safe environment in sports that is free from abuse of amateur athletes
(including emotional, physical, and sexual abuse); and
(ii) addresses any sanctions or temporary measures required by the Center;
(B) a description of any cause of action or complaint filed against the organization that was pending or settled
during the preceding calendar year; and
(C) a detailed statement of—
(i) the income and expenses of the organization; and
(ii) the amounts expended on stipends, bonuses, and services for amateur athletes, organized by the level
and gender of the amateur athletes;

(18) commits to meeting any minimum standard or requirement set forth by the corporation; and
(19) provides protection from retaliation to protected individuals.


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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.

**Editorial Notes**

**Amendments**

"General" at beginning of section, substituted "An amateur sports organization, a high-performance
management organization, or a paralympic sports organization" for "An amateur sports organization" in
introductory provisions, and struck out subsec. (b) which related to recognition of paralympic sports
organizations.

Subsec. (a). Pub. L. 116–189, §7(a)(2)(A)(iii)(II)(aa), (bb), substituted "certified" for "recognized" and
"certification" for "recognition" wherever appearing in subsec. (a) prior to redesignation of subsec. (a) as
entire section.

Par. (2). Pub. L. 116–189, §7(b)(1), inserted ", including the ability to provide and enforce required athlete
protection policies and procedures" before semicolon at end.

Par. (4)(B). Pub. L. 116–189, §7(b)(2), substituted "which arbitration under this paragraph shall be
conducted in accordance with the standard commercial arbitration rules of an established major national
provider of arbitration and mediation services based in the United States and designated by the
corporation with the concurrence of the Athletes' Advisory Council and the National Governing Bodies' Council" for "conducted in accordance with the Commercial Rules of the American Arbitration
Authority" and "standard commercial rules of arbitration of such designated provider" for "Commercial Rules of Arbitration".


Subsec. (a)(6). Pub. L. 116–189, §7(a)(2)(A)(iii)(ll)(cc), substituted "the Olympic Games, the Paralympic Games, the Pan-American Games, or the Parapan American Games" for "the Olympic Games or the Pan-American Games" in par. (6) of subsec. (a) prior to redesignation of subsec. (a) as entire section.


Par. (13). Pub. L. 116–189, §7(b)(6), added par. (13) and struck out former par. (13) which read as follows: "demonstrates that none of its officers are also officers of any other amateur sports organization recognized as a national governing body;".


Subsec. (a)(14). Pub. L. 116–189, §7(a)(2)(A)(iii)(ll)(ee), substituted "the Pan-American Games, or the Parapan American Games" for "or the Pan-American Games" in par. (14) of subsec. (a) prior to redesignation of subsec. (a) as entire section and par. (14) as (15).

Pars. (15), (16). Pub. L. 116–189, §7(b)(4), redesignated pars. (14) and (15) as (15) and (16), respectively.


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".


§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, the Pan-American Games, and the Parapan 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, the Pan-American Games, and the Parapan 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.


HISTORICAL AND REVISION NOTES

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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.

EDITORIAL NOTES

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

(a) IN GENERAL.—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 organizations it represents;

(2) minimize, through coordination with other 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 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;
(9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;
(10) develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the national governing body from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies or procedures of the Center;
(11) promote a safe environment in sports that is free from abuse of any amateur athlete, including emotional, physical, and sexual abuse;
(12) take care to promote a safe environment in sports using information relating to any temporary measure or sanction issued pursuant to the authority of the Center;
(13) immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor; and
(14) have in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—
(A) the policies and procedures developed under subparagraph (C) of section 220541(a)(1); and
(B) the requirement described in paragraph (2)(A) of section 220542(a).

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


HISTORICAL AND REVISION NOTES

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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.

EDITORIAL NOTES

AMENDMENTS

Pub. L. 116–189, §7(a)(2)(A)(iv), struck out "amateur sports" before "organizations" in pars. (1) and (2) and before "organization or person, unless" in par. (5) prior to redesignation of existing section as subsec. (a).
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;
   (F) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition; and
   (G) the amateur sports organization or person requesting sanction from a national governing body will implement and abide by the policies and procedures to prevent the abuse, including emotional, physical, and child abuse, of amateur athletes participating in amateur athletic activities applicable to such national governing body.


### Historical and Revision Notes

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<td>220525(b)(3)(B)</td>
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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.

### Editorial Notes

#### Amendments

2018—Subsec. (b)(4)(G). Pub. L. 115–126, which directed amendment of section 220525(b)(4), without specifying the title to be amended, by adding subpar. (G), was executed to this section, to reflect the
§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.

§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) HEARINGS.—The corporation 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.
(c) 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.
this section. The words "within the applicable national governing body" are omitted as unnecessary.

**Editorial Notes**

**Amendments**

2020—Subsec. (b). Pub. L. 116–189, §7(d)(1), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to exhaustion of remedies before filing a complaint.

Subsec. (c). Pub. L. 116–189, §7(d)(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 116–189, §7(d)(2), substituted "The corporation" for "If the corporation decides that all available remedies have been exhausted as required by subsection (b)(1) of this section, it".


§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 certification 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.

(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 each of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games; or

(B) any Pan-American Games or Parapan American Games, for a sport in which competition is held in the Pan-American Games or the Parapan American Games, as applicable, but not in the Olympic Games or the Paralympic 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 certification 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 certification.

(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 certification of the national governing body and declare a vacancy in the national governing body for that sport;

(3) revoke the certification of the national governing body and certify 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 certification 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 Certification 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 certification of the national governing body and either—

(1) certify the applicant as the national governing body; or
§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 the arbitration and mediation provider designated by the corporation under section 220529.

(2) declare a vacancy in the national governing body for that sport.


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<td>220528(d)</td>
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<td>220528(f)</td>
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<tr>
<td>220528(g)</td>
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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.

EDITORIAL NOTES

AMENDMENTS

Subsec. (c)(1)(A). Pub. L. 116–189, §4(a)(10)(A), which directed amendment of subpar. (A) of subsec. (c) by substituting "or in each of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games" for "or in both the Olympic and Pan-American Games", was executed to subpar. (A) of subsec. (c)(1), to reflect the probable intent of Congress.
Subsec. (c)(1)(B). Pub. L. 116–189, §4(a)(10)(B), which directed the general amendment of subpar. (B) of subsec. (c), was executed to subpar. (B) of subsec. (c)(1), to reflect the probable intent of Congress. Prior to amendment, subpar. (B) read as follows: "any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games."
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."
220522(a)(4).

(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 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.


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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.
§220530. Other amateur sports organizations

(a) In General.—An applicable amateur sports organization shall—
   (1) comply with the reporting requirements of section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);
   (2) establish reasonable procedures to limit one-on-one interactions, including communications, between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;
   (3) offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons; and
   (4) prohibit retaliation, by the applicable amateur sports organization, against any individual who makes—
      (A) a report under paragraph (1); or
      (B) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.

(b) Definition of Applicable Amateur Sports Organization.—In this section, the term "applicable amateur sports organization" means an amateur sports organization—
   (1) that is not otherwise subject to the requirements under subchapter III;
   (2) that participates in an interstate or international amateur athletic competition; and
   (3) whose membership includes any adult who is in regular contact with an amateur athlete who is a minor.


EDITORIAL NOTES

AMENDMENTS

Subsec. (a)(4). Pub. L. 116–189, §7(f)(2), substituted "makes—" and subpars. (A) and (B) for "makes a report under paragraph (1)."

SUBCHAPTER III 1—GRANT TO KEEP YOUNG ATHLETES SAFE

CODIFICATION


EDITORIAL NOTES

AMENDMENTS


1 Another subchapter III is set out following this subchapter.

§220531. Grant to protect young athletes from abuse

(a) Authority.—The Attorney General may award a grant to an eligible nonprofit nongovernmental entity in order to support oversight of the United States Olympic and Paralympic Committee and each national governing body with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports.
(b) APPLICATIONS.—To be eligible to receive a grant under this section, a nonprofit nongovernmental entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including information that demonstrates that the entity has—

(1) nationally recognized expertise in preventing and investigating emotional, physical, and sexual abuse in the athletic programs of the United States Olympic and Paralympic Committee and each national governing body; and
(2) the capacity to oversee regular and random audits to ensure that the policies and procedures used by the United States Olympic and Paralympic Committee and each national governing body to prevent and identify the abuse of an amateur athlete are followed correctly.

(c) USE OF GRANT AMOUNT.—An entity that receives a grant under this section may use such funds—

(1) to develop and test new training materials for emotional, physical, and sexual abuse prevention and identification education in youth athletic programs;
(2) for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to the United States Olympic and Paralympic Committee, each national governing body, and other amateur sports organizations information about safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse in sports; and
(3) to oversee the administration of the procedures described in subsection (b)(2).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,500,000 for each of the fiscal years 2018 through 2022.
(2) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.


EDITORIAL NOTES

AMENDMENTS

Subsec. (c)(2). Pub. L. 116–189, §7(a)(2)(A)(vi)(II), struck out "each paralympic sports organization," after "each national governing body, ".

SUBCHAPTER III 1—UNITED STATES CENTER FOR SAFESPORT

AMENDMENT OF SUBCHAPTER

Pub. L. 116–189, §5(a)(1), (c), Oct. 30, 2020, 134 Stat. 946, 947, provided that, effective on the date that is 1 year after Oct. 30, 2020, this subchapter is redesignated as subchapter IV.

EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §8(a)(2)(A), Oct. 30, 2020, 134 Stat. 966, which directed the amendment of subchapter IV of this chapter by substituting "SAFESPORT" for "SAFE SPORT" in heading effective Oct. 30, 2020, was executed to this subchapter, which was designated as subchapter III on that date, to reflect the probable intent of Congress. This subchapter was redesignated as subchapter IV effective 1 year after Oct. 30, 2020, by Pub. L. 116–189, §5(a)(1), (c), Oct. 30, 2020, 134 Stat. 946, 947. See Effective Date note set out under section 220551 of this title.

1. Another subchapter III is set out preceding this subchapter.
§220541. Designation of United States Center for SafeSport

(a) DUTIES OF CENTER.—

(1) IN GENERAL.—The United States Center for SafeSport shall—

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

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

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

(D) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures;

(E) ensure that the mechanisms under subparagraph (D) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants;

(F) maintain an office for compliance and audit that shall—

(i) ensure that the national governing bodies and the corporation implement and follow the policies and procedures developed by the Center to prevent and promptly report instances of abuse of amateur athletes, including emotional, physical, and sexual abuse; and

(ii) establish mechanisms that allow for the reporting and investigation of alleged violations of such policies and procedures;

(G) publish and maintain a publicly accessible internet website that contains a comprehensive list of adults who are barred by the Center; and

(H) ensure that any action taken by the Center against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, and any other disciplinary action, is carried out in a manner that provides procedural due process to the individual, including, at a minimum—

(i) the provision of written notice of the allegations against the individual;

(ii) a right to be represented by counsel or other advisor;

(iii) an opportunity to be heard during the investigation;

(iv) in a case in which a violation is found, a reasoned written decision by the Center; and

(v) the ability to challenge, in a hearing or through arbitration, interim measures or sanctions imposed by the Center.

(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to preclude the Center from imposing interim measures or sanctions on an individual before an opportunity for a hearing or arbitration;

(B) to require the Center to meet a burden of proof higher than the preponderance of the evidence;

(C) to give rise to a claim under State law or to create a private right of action; or

(D) to render the Center a state actor.

(b) POLICIES AND PROCEDURES.—The policies and procedures developed under subsection (a)(1)(C) shall apply as though they were incorporated in and made a part of section 220524 of this title.

(c) BINDING ARBITRATION.—

(1) IN GENERAL.—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such an allegation, to participate in amateur athletic competition.

(2) PRESERVATION OF RIGHTS.—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center's jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center's policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

(d) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

(2) EXCEPTION.—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

(3) REMOVAL TO FEDERAL COURT.—
A) IN GENERAL.—Any civil action brought in a State court against the Center relating to the responsibilities of the Center under this section, section 220542, or section 220543, shall be removed, on request by the Center, 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 the citizenship of the parties involved.

B) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to create a private right of action.

4) DEFINITION OF APPLICABLE ENTITY.—In this subsection, the term "applicable entity" means—
(A) the Center;
(B) a national governing body;
(C) the corporation;
(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;
(E) an amateur sports organization reporting under section 220530;
(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and
(G) any individual participating in a proceeding pursuant to this section.

(e) TRAINING MATERIALS.—The office for education and outreach referred to in subsection (a)(1)(C) shall—
(1) develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, and individuals with disabilities; and
(2) not less frequently than every 3 years, update such training materials.

(f) INDEPENDENCE.—
(1) PROHIBITION WITH RESPECT TO FORMER EMPLOYEES AND BOARD MEMBERS.—A former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body.

(2) ATHLETES SERVING ON BOARD OF DIRECTORS OF NATIONAL GOVERNING BODY.—
(A) IN GENERAL.—An athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body, may volunteer at, or serve in an advisory capacity to, the Center.

(B) INELIGIBILITY FOR EMPLOYMENT.—An athlete who has served on the board of directors of a national governing body shall not be eligible for employment at the Center during the 2-year period beginning on the date on which the athlete ceases to serve on such board of directors.

(3) CONFLICTS OF INTEREST.—An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the corporation or a national governing body.

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

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

(C) WORK PRODUCT.—
(i) IN GENERAL.—Any decision, report, memorandum, work product, notes, or case file of the Center—
(I) shall be confidential; and
(II) shall not be subject to discovery, subpoena, or any other means of legal compulsion in any civil action in which the Center is not a party to the action.

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit the Center from providing work product described in clause (i) to a law enforcement agency for the purpose of assisting in a criminal investigation.

(g) FUNDING.—
(1) MANDATORY PAYMENTS.—
(A) FISCAL YEAR 2021.—On January 4, 2021, the corporation shall make a mandatory payment of $20,000,000 to the Center for operating costs of the Center for fiscal year 2021.

(B) SUBSEQUENT FISCAL YEARS.—For fiscal year 2022 and each fiscal year thereafter, the corporation shall make a mandatory payment of $20,000,000 to the Center not later than the close of business on the first regular business day in January.

(2) FUNDS FROM NATIONAL GOVERNING BODIES.—The corporation may use funds received from 1 or more national governing bodies to make a mandatory payment required by paragraph (1).
(3) **FAILURE TO COMPLY.**—
(A) **IN GENERAL.**—The Center may file a lawsuit to compel payment under paragraph (1).
(B) **PENALTY.**—For each day of late or incomplete payment of a mandatory payment under paragraph (1) after January 1 of the applicable year, the Center shall be allowed to recover from the corporation an additional $20,000.

(4) **ACCOUNTABILITY.**—
(A) **IN GENERAL.**—Amounts transferred to the Center by the corporation or a national governing body shall be used, in accordance with section 220503(15), primarily for the purpose of carrying out the duties and requirements under sections 220541 through 220543 with respect to the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes.

(B) **USE OF FUNDS.**—
(i) **IN GENERAL.**—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

(I) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in subparagraph (A); and

(II) not more than 10 percent may be used for executive compensation of officers and directors of the Center.

(ii) **RESERVE FUNDS.**—

(I) **IN GENERAL.**—If, after the Center uses the amounts as allocated under clause (i), the Center does not use the entirety of the remaining amounts for the purpose described in subparagraph (A), the Center may retain not more than 25 percent of such amounts as reserve funds.

(II) **RETURN OF FUNDS.**—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in subclause (I).

(iii) **LOBBYING AND FUNDRAISING.**—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

(h) **COMPLIANCE AUDITS.**—
(1) **IN GENERAL.**—Not less frequently than annually, the Center shall carry out an audit of the corporation and each national governing body—

(A) to assess compliance with policies and procedures developed under this subchapter; and

(B) to ensure that consistent training relating to the prevention of child abuse is provided to all staff of the corporation and national governing bodies who are in regular contact with amateur athletes and members who are minors subject to parental consent.

(2) **CORRECTIVE MEASURES.**—

(A) **IN GENERAL.**—The Center may impose on the corporation or a national governing body a corrective measure to achieve compliance with the policies and procedures developed under this subchapter or the training requirement described in paragraph (1)(B).

(B) **INCLUSIONS.**—A corrective measure imposed under subparagraph (A) may include the implementation of an athlete safety program or specific policies, additional compliance audits or training, and the imposition of a probationary period.

(C) **ENFORCEMENT.**—

(i) **IN GENERAL.**—On request by the Center, the corporation shall—

(I) enforce any corrective measure required under subparagraph (A); and

(II) report the status of enforcement with respect to a national governing body within a reasonable timeframe.

(ii) **METHODS.**—The corporation may enforce a corrective measure through any means available to the corporation, including by withholding funds from a national governing body, limiting the participation of the national governing body in corporation events, and decertifying a national governing body.

(iii) **EFFECT OF NONCOMPLIANCE.**—If the corporation fails to enforce a corrective measure within 72 hours of a request under clause (i), the Center may submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives a report describing the noncompliance.

(3) **ANNUAL REPORT.**—

(A) **IN GENERAL.**—Not less frequently than annually, the Center shall submit to Congress a report on the findings of the audit under paragraph (1) for the preceding year and the status of any corrective measures imposed as a result of the audit.
(B) PUBLIC AVAILABILITY.—
   (i) IN GENERAL.—Each report under subparagraph (A) shall be made available to the public.
   (ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available to the public shall not include the personally identifiable information of any individual.

(i) REPORTS TO CORPORATION.—Not later than 30 days after the end of each calendar quarter that begins after the date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, the Center shall submit to the corporation a statement of the following:
   (1) The number and nature of misconduct complaints referred to the Center, by sport.
   (2) The number and type of pending misconduct complaints under investigation by the Center.
   (3) The number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center.
   (4) The number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation.
   (5) The number of discretionary cases accepted or declined by the Center, by sport.
   (6) The average time required for resolution of such cases and misconduct complaints.
   (7) Information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding quarter, including the number of educational activities and trainings developed and provided.

(j) CERTIFICATIONS OF INDEPENDENCE.—
   (1) IN GENERAL.—Not later than 180 days after the end of a fiscal year, the Comptroller General of the United States shall make available to the public a certification relating to the Center's independence from the corporation.
   (2) ELEMENTS.—A certification required by paragraph (1) shall include the following:
      (A) A finding of whether a violation of a prohibition on employment of former employees or board members of the corporation under subsection (f) has occurred during the year preceding the certification.
      (B) A finding of whether an executive or attorney for the Center has had an inappropriate conflict of interest during that year.
      (C) A finding of whether the corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.
      (D) Any recommendations of the Comptroller General for resolving any potential risks to the Center's independence from the corporation.

(3) AUTHORITY OF COMPTROLLER GENERAL.—
   (A) IN GENERAL.—The Comptroller General may take such reasonable steps as, in the view of the Comptroller General, are necessary to be fully informed about the operations of the corporation and the Center.
   (B) SPECIFIC AUTHORITIES.—The Comptroller General shall have—
      (i) access to, and the right to make copies of, any and all nonprivileged books, records, accounts, correspondence, files, or other documents or electronic records, including emails, of officers, agents, and employees of the Center or the corporation; and
      (ii) the right to interview any officer, employee, agent, or consultant of the Center or the corporation.

(C) TREATMENT OF PRIVILEGED INFORMATION.—If, under this subsection, the Comptroller General seeks access to information contained within privileged documents or materials in the possession of the Center or the corporation, the Center or the corporation, as the case may be, shall, to the maximum extent practicable, provide the Comptroller General with the information without compromising the applicable privilege.


EDITORIAL NOTES

REFERENCES IN TEXT

The date of the enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, referred to in subsec. (i), is the date of enactment of Pub. L. 116–189, which was approved Oct. 30, 2020.

AMENDMENTS


§220542. Additional duties

(a) IN GENERAL.—The Center shall—

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

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

(A) a requirement that all adult members of a national governing body or a facility under the jurisdiction of a national governing body, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse of an amateur athlete who is a minor to—

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

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

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

(C) 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the Center from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law;

(D) a requirement that the Center, including any officer, agent, attorney, or staff member of the Center, shall not take any action to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless—

(i) the Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator; or

(ii) law enforcement—

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

(II) declines or fails to act on, or fails to respond to the Center with respect to, the allegation within 72 hours after the time at which the Center reports to law enforcement under subparagraph (B);

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

(F) reasonable procedures to limit one-on-one interactions, including communications, between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of a national governing body without being in an observable and interruptible distance from another adult, except under emergency circumstances;

(G) procedures to prohibit retaliation by the corporation or any national governing body against any individual who makes—

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

(ii) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse;

(H) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members who are in regular contact with amateur athletes who are minors, subject to parental consent, to members who are minors, regarding prevention of child abuse;

(I) a mechanism by which a national governing body can—

(i) share confidentially a report of suspected child abuse of an amateur athlete who is a minor by a member of a national governing body or an adult authorized by a national governing body or an amateur sports organization to interact with an amateur athlete who is a minor, with the Center, which in turn, may share with relevant national governing bodies and other entities; and
(ii) withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation;

(J) a prohibition on the use in a decision of the Center under section 220541(a)(1)(D) of any evidence relating to other sexual behavior or the sexual predisposition of the alleged victim, or the admission of any such evidence in arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—
(i) any harm to the alleged victim; and
(ii) unfair prejudice to any party; and

(K) training for investigators on appropriate methods and techniques for ensuring sensitivity toward alleged victims during interviews and other investigative activities.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a national governing body to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.


EDITORIAL NOTES

REFERENCES IN TEXT

Par. (3) of section 220541(a), referred to in subsec. (a)(2), was struck out in the general amendment of subsection (a) of section 220541 of this title by Pub. L. 116–189, §8(a)(1)(B), Oct. 30, 2020, 134 Stat. 960. See section 220541(a)(1)(C) of this title.

AMENDMENTS

Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out "or paralympic sports organization" after "national governing body".
Subsec. (a)(2)(A). Pub. L. 116–189, §8(b)(2)(B)(i), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:
"(i) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; and
"(ii) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);"
Subsec. (a)(2)(C), (D). Pub. L. 116–189, §8(b)(2)(B)(iii), added subpars. (C) and (D). Former subpars. (C) and (D) redesignated (F) and (G), respectively.
Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out "or paralympic sports organization" after "national governing body".
Pub. L. 116–189, §7(a)(2)(A)(viii)(II)(bb), struck out "or a paralympic sports organization of each national governing body and paralympic sports organization" after "a national governing body"
Subsec. (a)(2)(F)(I). Pub. L. 116–189, §7(a)(2)(A)(viii)(I), (II)(cc), substituted "a national governing body or an adult" for "a national governing body or paralympic sports organization, or an adult" and struck out ", paralympic sports organization," after "by a national governing body" and ", paralympic sports organizations," after "national governing bodies".
Subsec. (a)(2)(G). Pub. L. 116–189, §8(b)(2)(B)(ii), (v), redesignated subpar. (D) as (G) and amended it generally. Prior to amendment, subpar. read as follows: "procedures to prohibit retaliation, by any national
governing body or paralympic sports organization, against any individual who makes a report under subparagraph (A) or subparagraph (B);”.

Subsec. (a)(2)(H), (I). Pub. L. 116–189, §8(b)(2)(B)(ii), redesignated subpars. (E) and (F) as (H) and (I), respectively.


Subsec. (b). Pub. L. 116–189, §7(a)(2)(A)(viii)(I), struck out "or paralympic sports organization" after "a national governing body”.

1 So in original.

2 See References in Text note below.

SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

AMENDMENTS


§220551. Definitions

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

(1) which does not have a preamble; and

(2) for which—

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

(ii) the matter after the resolving clause—

(I) is as follows: "That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code"; and

(II) prescribes adequate procedures for forming a board of directors of the corporation as expeditiously as possible and in a manner that safeguards the membership and voting power of the representatives of amateur athletes at all times, consistent with the membership and voting power of amateur athletes under section 220504(b)(2); or

(B)(i) the title is only as follows: "A joint resolution relating to terminating the recognition of a national governing body"; and

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


Statutory Notes and Related Subsidiaries

Effective Date

Pub. L. 116–189, §5(c), Oct. 30, 2020, 134 Stat. 947, provided that: "The amendments made by this section [enacting this subchapter and redesignating subchapter III relating to United States Center for SafeSport as subchapter IV] shall take effect on the date that is 1 year after the date of the enactment of this Act [Oct. 30, 2020]."

§220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies

(a) Dissolution of Board of Directors of Corporation.—Effective on the date of enactment of a joint resolution described in section 220551(2)(A) with respect to the board of directors of the corporation, such board of directors shall be dissolved.
(b) TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODY.—Effective on the date of enactment of a joint resolution described in section 220551(2)(B) with respect to a national governing body, the recognition of the applicable amateur sports organization as a national governing body shall cease to have force or effect.


§220543. Records, audits, and reports

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

(b) AUDITS AND TRANSPARENCY.—

(1) ANNUAL AUDIT.—

(A) IN GENERAL.—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

(i) to ensure the adequacy of the internal controls of the Center; and

(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

(B) LOCATION.—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

(C) REPORT.—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

(D) CORRECTIVE ACTION PLAN.—

(i) IN GENERAL.—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

(ii) MATTERS TO BE INCLUDED.—A corrective action plan under clause (i) shall include the following for each such corrective action:

(I) The name of the person responsible for the corrective action.

(II) A description of the planned corrective action.

(III) The anticipated completion date of the corrective action.

(IV) In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.

(2) ACCESS TO RECORDS AND PERSONNEL.—With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The Center shall make available to the public on an easily accessible internet website of the Center—

(i) each audit report under paragraph (1)(C);

(ii) the Internal Revenue Service Form 990 of the Center for each year, filed under section 501(c) of the Internal Revenue Code of 1986; and

(iii) the minutes of the quarterly meetings of the board of directors of the Center.

(B) PERSONALLY IDENTIFIABLE INFORMATION.—An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.

(4) RULE OF CONSTRUCTION.—For purposes of this subsection, the Center shall be considered a private entity.

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

(1) a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542;

(2) a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year;
(3) any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;

(4) an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year;

(5) a detailed description of Center activities, including—

(A) the number and nature of misconduct complaints referred to the Center;

(B) the total number and type of pending misconduct complaints under investigation by the Center;

(C) the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and

(D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;

(6) a detailed description of any complaint of retaliation made during the preceding year by an officer or employee of the Center or a contractor or subcontractor of the Center that includes—

(A) the number of such complaints; and

(B) the outcome of each such complaint;

(7) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and

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

(d) Definitions.—In this section—

(1) "audit report" means a report by an independent auditor that includes—

(A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether such records are accurate and have been maintained in accordance with generally accepted accounting principles;

(B) an assessment of the internal controls used by the Center that describes the scope of testing of the internal controls and the results of such testing; and

(C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and

(2) "independent auditor" means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.


Editorial Notes

References in Text

Section 501(c) of the Internal Revenue Code of 1986, referred to in subsec. (b)(3)(A)(ii), is classified to section 501(c) of Title 26, Internal Revenue Code.

Amendments

2020—Subsecs. (b) to (d). Pub. L. 116–189 added subsecs. (b) to (d) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: "The Center shall submit an annual report to Congress, including—

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

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