

edies” for consistency with subsection (b)(1) of this section. The words “within the applicable national governing body” are omitted as unnecessary.

§ 220528. Applications to replace an incumbent national governing body

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

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

(c) FILING PROCEDURES.—(1) An application under this section must be filed within one year after the final day of—

(A) any Olympic Games, for a sport in which competition is held in the Olympic Games or the Paralympic Games, or in both the Olympic and Pan-American Games; or

(B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games.

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

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

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

(1) it meets the criteria for recognition as a national governing body under section 220522 of this title; and

(2)(A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title; or

(B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks recognition.

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

(1) uphold the right of the national governing body to continue as the national governing body for its sport;

(2) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;

(3) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or

(4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title and notify such national governing body of such probation and of the actions needed to comply with such requirements.

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

(1) recognize the applicant as the national governing body; or

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

AMENDMENTS

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

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

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

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

§ 220529. Arbitration of corporation determinations

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

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

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

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

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

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

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

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

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

(c) SETTLEMENT.—The arbitrators may settle a dispute arising under this chapter before making a final award, if agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.

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

(e) REOPENING HEARINGS.—(1) At any time before a final decision is made, the hearings may

be reopened by the arbitrators on their own motion or on the motion of a party.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

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

§ 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 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 report under paragraph (1).