

Cantwell_Substitute (as modified)



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 2333

To amend chapter 2205 of title 36, United States Code, to ensure equal treatment of athletes, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Pay for Team
5 USA Act of 2022”.

6 **SEC. 2. MODIFICATIONS TO UNITED STATES OLYMPIC AND
7 PARALYMPIC COMMITTEE AND NATIONAL
8 GOVERNING BODIES.**

9 (a) UNITED STATES OLYMPIC AND PARALYMPIC
10 COMMITTEE.—

11 (1) DUTIES.—Section 220505(d) of title 36,
12 United States Code, is amended—

1 (A) in paragraph (1)—

2 (i) in subparagraph (B)(ii), by strik-
3 ing “; and” and inserting a semicolon;

4 (ii) in subparagraph (C), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(D) with respect to a sport for which the
10 corporation conducts separate programs for fe-
11 male and male athletes, to ensure that female
12 and male athletes who represent the United
13 States in international amateur athletic events
14 receive equivalent and nondiscriminatory com-
15 pensation, wages, benefits, medical care, travel
16 arrangements, and payment or reimbursement
17 for expenses, all insofar as these are imple-
18 mented in connection with such amateur ath-
19 letic events, where ‘equivalent’ means ‘equal’ ex-
20 cept that it shall be permissible—

21 “(i) to consider merit, performance,
22 seniority, or quantity of play in deter-
23 mining contract or other terms of partici-
24 pation; and

1 “(ii) to provide more beneficial terms
2 of participation to athletes representing
3 the United States in international events
4 to address disparities in outside income,
5 including in compensation made available
6 by international sports federations and
7 other event organizers, or the need to fos-
8 ter underdeveloped programs or address
9 documented and justifiable personal need
10 on the part of specific athletes or teams.”;

11 (B) by redesignating paragraph (2) as
12 paragraph (3); and

13 (C) by inserting after paragraph (1) the
14 following:

15 “(2) ADVOCACY.—The corporation shall take all
16 reasonable steps, in collaboration with affected ath-
17 letes, to advocate to international sports federations
18 and other event organizers to equalize prizes, com-
19 pensation, funding, and other support provided to
20 athletes by such federations and organizers.”.

21 (2) ANNUAL REPORT ON EQUAL TREATMENT
22 OF ATHLETES.—

23 (A) IN GENERAL.—Subchapter I of title
24 36, United States Code, is amended by adding
25 at the end the following:

1 **“§ 220514. Annual report on equal treatment of ath-**
2 **letes**

3 “(a) IN GENERAL.—Not less frequently than annu-
4 ally, the corporation shall submit to Congress a report on
5 the compliance of the corporation with paragraphs (1)(D)
6 and (2) of section 220505(d).

7 “(b) MATTERS TO BE INCLUDED.—Each report re-
8 quired by subsection (a) shall include detailed information
9 on the median, minimum, and maximum stipends and bo-
10 nuses provided to athletes, disaggregated by gender, race,
11 and, as applicable, status of participation on a professional
12 sports team.”.

13 (B) CONFORMING AMENDMENT.—The
14 table of sections for subchapter I of chapter
15 2205 of title 36, United States Code, is amend-
16 ed by adding at the end the following:

“220514. Annual report on equal treatment of athletes.”.

17 (b) NATIONAL GOVERNING BODIES.—

18 (1) DUTIES.—Section 220524(a) of title 36,
19 United States Code, is amended—

20 (A) by redesignating paragraphs (7)
21 through (14) as paragraphs (9) through (16),
22 respectively; and

23 (B) by inserting after paragraph (6) the
24 following:

1 “(7) with respect to a sport for which a na-
2 tional governing body conducts separate programs
3 for female and male athletes, ensure that female and
4 male athletes who represent the United States in
5 international amateur athletic events receive equiva-
6 lent and nondiscriminatory compensation, wages,
7 benefits, medical care, travel arrangements, and pay-
8 ment or reimbursement for expenses, all insofar as
9 these are implemented in connection with such ama-
10 teur athletic events, where ‘equivalent’ means ‘equal’
11 except that it shall be permissible—

12 “(A) to consider merit, performance, se-
13 niority, or quantity of play in determining con-
14 tract or other terms of participation; and

15 “(B) to provide more beneficial terms of
16 participation to athletes representing the
17 United States in international events to address
18 disparities in outside income, including in com-
19 pensation made available by international sports
20 federations and other event organizers, or the
21 need to foster underdeveloped programs or ad-
22 dress documented and justifiable personal need
23 on the part of specific athletes or teams;

24 “(8) take all reasonable steps, in collaboration
25 with affected athletes, to advocate to international

1 sports federations and other event organizers to
2 equalize prizes, compensation, funding, and other
3 support provided to athletes by such federations and
4 organizers;”.

5 (2) ANNUAL REPORT ON EQUAL TREATMENT
6 OF ATHLETES.—

7 (A) IN GENERAL.—Subchapter II of chap-
8 ter 2205 of title 36, United States Code, is
9 amended by adding at the end the following:

10 **“§ 220530A. Annual report on equal treatment of ath-**
11 **letes**

12 “(a) IN GENERAL.—Not less frequently than annu-
13 ally, each national governing body shall submit to the cor-
14 poration and Congress a report on the compliance of the
15 national governing body with paragraphs (7) and (8) of
16 section 220524(a).

17 “(b) MATTERS TO BE INCLUDED.—Each report re-
18 quired by subsection (a) shall include detailed information
19 on the median, minimum, and maximum stipends and bo-
20 nuses provided to athletes, disaggregated by gender, race,
21 and, as applicable, status of participation on a professional
22 sports team.”.

23 (B) CONFORMING AMENDMENT.—The
24 table of sections for subchapter II of chapter

1 2205 of title 36, United States Code, is amend-
2 ed by adding at the end the following:

“220530A. Annual report on equal treatment of athletes.”.

3 (c) IMPLEMENTATION PERIOD AND REPORTS TO
4 CONGRESS.—Not later than 1 year after the date of the
5 enactment of this Act—

6 (1) the corporation shall—

7 (A) attain full compliance, and require as
8 a condition of continued certification that each
9 national governing body attains and maintains
10 full compliance, with the applicable amend-
11 ments made by this Act; and

12 (B) submit to Congress a report describing
13 such compliance of the corporation and each
14 national governing body; and

15 (2) each national governing body shall—

16 (A) attain full compliance with the applica-
17 ble amendments made by this Act; and

18 (B) submit to Congress a report describing
19 such compliance.

20 (d) RULE OF CONSTRUCTION.—Nothing in this Act
21 shall be construed to supersede, nullify, or diminish the
22 rights of any individual under any Federal law or the law
23 of any State or political subdivision of any State or juris-
24 diction.