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AMENDMENT TO H.R. 2647
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

1 **SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.**

2 (a) IN GENERAL.—Chapter 903 of title 10, United
3 States Code, is amended by inserting after section 9359
4 the following new section:

5 **“§ 9359a. Air Force Academy Athletic Association: au-**
6 **thorization, purpose, and governance**

7 “(a) ESTABLISHMENT AUTHORIZED.—The Secretary
8 of the Air Force may establish a nonprofit corporation,
9 to be known as the ‘Air Force Academy Athletic Associa-
10 tion’, to support the athletic program of the Air Force
11 Academy.

12 “(b) ORGANIZATION AND DUTIES.—(1) The Air
13 Force Academy Athletic Association (in this section re-
14 ferred to as the ‘Association’) shall be organized and oper-
15 ated as a nonprofit corporation under section 501(c)(3)
16 of the Internal Revenue Code of 1986 and under the pow-
17 ers and authorities set forth in this section and the provi-
18 sions of the laws of the State of incorporation. The Asso-

1 ciation shall operate on a nonpartisan basis exclusively for
2 charitable, educational, and civic purposes consistent with
3 the authorities referred to in this subsection to support
4 the athletic program of the Academy.

5 “(2) Subject to the approval of the Secretary of the
6 Air Force, the Association may—

7 “(A) operate and manage athletic and revenue
8 generating facilities on Academy property;

9 “(B) use Government facilities, utilities, and
10 services on the Academy, without charge, in support
11 of its mission;

12 “(C) sell products to the general public on or
13 off Government property;

14 “(D) charge market-based fees for admission to
15 Association events and other athletic or athletic-re-
16 lated events at the Academy and for use of Academy
17 athletic facilities and property; and

18 “(E) engage in other activities, consistent with
19 the Academy athletic mission as determined by the
20 Board of Directors.

21 “(c) BOARD OF DIRECTORS.—(1) The Association
22 shall be governed by a Board of Directors made up of at
23 least nine members. The members, other than the member
24 referred to in paragraph (2), shall serve without com-

1 pensation, except for reasonable travel and other related
2 expenses for attendance at required meetings.

3 “(2) The Director of Athletics at the Academy shall
4 be a standing member of the Board as part of the Direc-
5 tor’s duties as the Director of Athletics.

6 “(3) Subject to the prior approval of all nominees for
7 appointment by the Secretary of the Air Force, the Super-
8 intendent shall appoint the remaining members of the
9 Board.

10 “(4) The Secretary of the Air Force shall select one
11 of the members of the Board appointed under paragraph
12 (3) to serve as chairperson of the Board.

13 “(d) BYLAWS.—Not later than July 1, 2010, the As-
14 sociation shall propose its by-laws. The Association shall
15 submit the by-laws, and all future changes to the by-laws,
16 to the Secretary of the Air Force for review and approval.
17 The by-laws shall be made available to Congress for re-
18 view.

19 “(e) TRANSITION FROM NONAPPROPRIATED FUND
20 OPERATION.—(1) Until September 30, 2011, the Sec-
21 retary of the Air Force may provide for parallel operations
22 of the Association and the Air Force nonappropriated fund
23 instrumentality whose functions include providing support
24 for the athletic program of the Academy. Not later than
25 that date, the Secretary shall dissolve the nonappropriated

1 fund instrumentality and transfer its assets and liabilities
2 to the Association.

3 “(2) The Secretary may transfer title and ownership
4 to all the assets and liabilities of the nonappropriated fund
5 instrumentality referred to in paragraph (1), including
6 bank accounts and financial reserves in its accounts,
7 equipment, supplies, and other personal property without
8 cost or obligation to the Association.

9 “(f) CONTRACTING AUTHORITIES.—(1) The Super-
10 intendent may procure, at fair and reasonable prices, such
11 athletic goods, services, human resources, and other sup-
12 port from the Association as the Superintendent considers
13 appropriate to support the athletic program of the Acad-
14 emy. The Association shall be exempt from the require-
15 ments of section 2533a of this title and the Buy American
16 Act (41 U.S.C. 10a et seq.).

17 “(2) The Superintendent may accept from the Asso-
18 ciation funds, goods, and services for use by cadets and
19 Academy personnel during participation in, or in support
20 of, Academy or Association contests, events, and pro-
21 grams.

22 “(g) USE OF AIR FORCE PERSONNEL.—Air Force
23 personnel may participate in—

24 “(1) the management, operation, and oversight
25 of the Association;

1 “(2) events and athletic contests sponsored by
2 the Association; and

3 “(3) management and sport committees for the
4 National Collegiate Athletic Association and other
5 athletic conferences and associations.

6 “(h) FUNDING AUTHORITY.—The authorization of
7 appropriations for the operation and maintenance of the
8 Academy includes Association operations in support of the
9 Academy athletic program, as approved by the Secretary
10 of the Air Force.

11 “(i) FEDERAL TORT CLAIMS ACT.—The Association
12 is deemed to be a Federal entity for purposes of chapter
13 171 of title 28, relating to tort claims. Members of the
14 Board of Directors, Association employees, and Air Force
15 personnel participating in the management, operation, and
16 oversight of the Association are entitled to the protections
17 of such chapter and are entitled to qualified immunity
18 from liability for actions taken in the scope of their par-
19 ticipation as members of the Board of Directors or partici-
20 pation or employment as members of the Air Force and
21 Association.”.

22 “(b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 9359 the following new
25 item:

“9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.”.

