



Passing the Torch

Modernizing Olympic, Paralympic,
& Grassroots Sports in America

2024

Co-Chairs

Dionne Koller
Han Xiao

Commissioners

Patty Cisneros Prevo
Robert Cohen
John Dane III*
Mitch Daniels*
Benita Fitzgerald Mosley
Nancy Hogshead
William Hybl*
Karin Korb
Edwin Moses
Rob Mullens
Brittney Reese
Joseph E. Schmitz
Melissa Stockwell
Jordyn Wieber

Commission Staff

EXECUTIVE DIRECTOR

Kevin Brown

DEPUTY EXECUTIVE DIRECTORS

Andrea Ramos
Justin Vollmer

DIRECTORS OF POLICY & RESEARCH

Hannah Bodily
Adam Osborne
Logan Ridgeway

DIRECTOR OF PUBLIC ENGAGEMENT

Jenna Hudak

CHIEF WRITER

Adam Weissmann

**John Dane III and Mitch Daniels resigned from the Commission prior to April 2023 due to scheduling conflicts and took no part in its work. William Hybl stepped down in January 2024 due to family reasons and, up to that time, participated fully in the Commission's work.*

Acknowledgements



We were honored that Congress entrusted us and our fellow commissioners with conducting this study, and we thank the Senators and Representatives who have engaged with us since the beginning to ensure a smooth, bipartisan process. Though many both from within and outside the U.S. Olympic and Paralympic movement described our mandate as a Sisyphean task, we believe we were able to fix the stone at the summit as a result of extraordinary efforts by all involved.

Our commissioners brought their expertise and many years of experience with the movement, its institutions, and its practices. They also brought a commitment to conducting a thorough, fair, and consensus-based study. We thank them for their partnership in this undertaking.

The staff supporting us performed their jobs tremendously, ensuring a thorough and comprehensive study even with limited time and resources. We are grateful for their tireless efforts, to which this report testifies. Most of all, though, we wish to thank the athletes of Team USA who inspired us throughout our process. Their dedication, their resolve, and their patriotism formed the beacon that guided us as we sought answers and focused on developing recommendations that, we hope, will keep this movement worthy of the contributions they make to it.

Dionne Koller & Han Xiao
CO-CHAIRS

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INTRODUCTION

Sports hold a unique place in American life. We look to our athletic champions as heroes, men and women who inspire us to set ambitious goals and seek to reach them, who prove that seemingly unattainable heights can indeed be surmounted. The excitement of competition produces moments that echo through history and help define eras. The excellence observed in sports among athletes, coaches, and supporters sets a mirror in which we ourselves strive to reflect greatness in our varied pursuits. In so many ways, we expect our athletes to model the traits we hold in highest regard: determination, fairness, civility, ambition, teamwork, and faith in ourselves and our fellow Americans.

The benefits of greater participation in sports by Americans of all ages are also clear. Lower health-care costs, higher self-confidence among young people, greater social cohesion, increased defense readiness, and stronger communities are among sports' many positive impacts. Moreover, when Americans from different backgrounds come together on the field of play or join to cheer on Team USA in international competition, we come closer to embodying our Founders' vision as set forth in the motto they chose for us: *e pluribus unum*.

Since the nineteenth century, the global Olympic movement—and, later, the Paralympic movement—has provided a standard framework for every person to benefit from sports. With opportunities for children to learn play and teamwork and for adults to strive for personal achievement, this movement has aimed to create a universal ideal of equitable access to sports that are safe and fair. Each nation has established its own system to ensure that this ideal is achieved.

Since 1978, the governance of this movement in the United States has been organized by Congress on behalf of the American people. Lawmakers from both parties have recognized for more than four decades that the success of the U.S. Olympic and Paralympic movement must be a national priority.

While other sports contexts in our country, such as collegiate or professional sports, are of high public interest, it is Olympic and Paralympic sports that are uniquely a public value.

For much of its history, the U.S. Olympic and Paralympic movement has been associated more with its pinnacle than its base. While millions of Americans participate in the movement each year through youth and grassroots sports in the communities where they live, there are hardly any Americans who do not know about or take an interest in the quadrennial Olympic and Paralympic games. Those games have, at times, been a focus of American diplomacy, particularly during the Cold War and again now with the rise of new global competitors. The current system for governing the movement in the United States emerged in large part as a result of public attention to what was believed to be poor U.S. Olympic showings against Soviet-bloc nations. At the same time, athlete-eligibility and jurisdictional disputes among movement organizations required outside intervention to resolve.

In 1976, in an effort to address those challenges, President Gerald Ford launched an independent commission to recommend systemic changes to movement governance. The following year, his President's Commission on Olympic Sports asked Congress to step in and reconceptualize the entire landscape of Olympic and Paralympic sports in our country. Congress's legislation in response to that commission's recommendations, today known as the Ted Stevens Olympic and Amateur Sports Act, established the system that has been in place ever since.

Today, this movement is again in dire need of systemic change. In recent years, it has faced a reckoning over widespread abuse of athletes and associated cover-ups, over disparities in access and accessibility, and over deficiencies in accountability and due process. It is again time to re-envision how Olympic and Paralympic sports ought to be organized and governed so we can protect and empow-

er athletes to reach for their best and, in so doing, help demonstrate America's best.

The Ted Stevens Olympic and Amateur Sports Act broke new ground in striking a uniquely American balance between the need for public oversight of the Olympic and Paralympic movement as well as our tradition of decentralized, private governance of sports. Nearly half a century later, however, it is clear to stakeholders across the movement—and to Americans who participate in movement sports at every level—that the system has fallen out of balance. Athletes, including minors, have been physically and emotionally abused. Some of the most talented competitors under our flag go to sleep at night under the roof of a car or without sufficient food or adequate health insurance. Parents have been shortchanged by a pay-to-play system that leaves too many children without access to the health and social benefits of youth sports in their communities. Leaders tasked with overseeing movement sports, faced with near-impossible choices about funding, have instituted policies that prioritize revenues over the development of their sports and the well-being of those they are meant to serve. As Congress previously found, the current system promotes near-term incentives for medals and money over the long-term success of our sports-talent pipeline and equitable access to sports by millions of Americans' where they live. In nearly every case, the losers have been the athletes—and the millions of Americans who would be athletes—and the winners those Congress charged with the responsibility of protecting and empowering them.

A ONCE-IN-A-GENERATION OPPORTUNITY: THE COMMISSION ON THE STATE OF U.S. OLYMPICS & PARALYMPICS

Since enactment of the Ted Stevens Olympic and Amateur Sports Act, Congress has tried to implement piecemeal reforms, typically in the aftermath of a crisis. Much like athletic tape applied to the skin over broken bones, this approach has not suc-

ceeded in addressing fundamental problems. The Act was amended in 1998 to integrate Paralympic sports; still today many Paralympians face persistent inequities and continue to seek their proper place at the table. Congress amended it further in 2017 to address athlete safety with the establishment of the U.S. Center for SafeSport (SafeSport); many athletes continue to hold little trust in the system meant to protect them against abuse—and point to SafeSport's many shortcomings as deterrents to reporting misconduct. Three years later, Congress amended the Act once more to provide greater representation to athletes in the movement's governance; however, athletes remain without sufficient ability to better their conditions and ensure the support they need.

Recognizing the ineffectiveness and irrationality of making reforms one crisis at a time, Congress established the bipartisan Commission on the State of U.S. Olympics and Paralympics in 2020 with the goal of addressing systemic challenges. Much like the President's Commission on Olympic Sports in 1976-77, our Commission is fully independent. Forty-six years ago, that first independent commission offered a vision for a better-organized movement, and the result was the legislative foundation that supported the movement through years of spectacular growth, change, and unprecedented athletic success. Our Commission was tasked with studying the current system, evaluating the effectiveness of its governing institutions, and setting out a new vision for the movement to succeed in the twenty-first century and beyond. It is a once-in-a-generation chance to revisit the Ted Stevens Olympic and Amateur Sports Act and other foundations of the U.S. Olympic and Paralympic movement and ensure they reflect not only our nation's values but also its common goals of better safety, broader access, stronger accountability, and higher performance.

After being provided with operational funding by Congress in 2022 and hiring staff in early 2023, our Commission undertook a comprehensive months-

long study of the movement, its governance, and its current challenges. We collected tens of thousands of documents; we conducted surveys; we convened focus groups; we spoke with hundreds of participants and stakeholders individually; and we held a public hearing soliciting testimony from movement leaders, athletes, and subject-matter experts. There was no part of the U.S. Olympic and Paralympic movement we did not investigate or evaluate as thoroughly as we were able.

While we strove to be as comprehensive in our data collection as possible, the Commission made some requests for documents from the U.S. Olympic and Paralympic Committee (USOPC), SafeSport, and governing bodies that were not fulfilled. These organizations' decision not to furnish us with re-

United States. In conducting our study, the Commission hewed closely to these mandated areas, and our report thoroughly addresses all ten. However, our Commission found that it was impossible to review these ten areas and meet Congress's request for findings and recommendations without also looking at the movement's governance holistically through a broader exploration of conditions and challenges that play a role in the movement and help connect the ten specific areas of study to one another. Congress anticipated this challenge, not including any language in the statute specifically limiting our study to these ten areas only, and it directed us to *"submit to Congress a report on the results of the study ...including a detailed statement of findings, conclusions, recommendations, and suggested policy changes."*¹

...With the movement's growth and development over the past four decades, it is no exaggeration to say that our Commission's study was unprecedented in scope and scale.

In short, no study of this kind has been undertaken since 1977. Indeed, with the movement's growth and development over the past four decades, it is no

requested financial documents detailing spending, as well as those covering certain safety policies, reflect a lack of transparency built into the structure of the current system, one that hinders the movement's accountability to Congress. In this report's Findings section, we discuss in further detail some of these challenges with transparency, accountability, and public oversight that we believe should be addressed. While, in many instances, internal documents were not provided directly to our Commission, we were nevertheless able to fill in many of the gaps using information gleaned from other trustworthy and knowledgeable sources.

exaggeration to say that our Commission's study was unprecedented in scope and scale. The findings and recommendations below reflect our best effort at providing Congress and movement leaders with a full understanding of the complex challenges that need to be addressed as well as a solid framework for how best to do so.

In the 2020 legislation establishing our Commission, Congress specifically asked us to include in our study ten areas of inquiry. They included, among others: a review of recent reforms; an assessment of financial practices by USOPC and the governing bodies; an analysis of participation in the movement by women, minorities, and Americans with disabilities; and an evaluation of efforts to bring future Olympic and Paralympic games to the

From the ineffectiveness of piecemeal reforms to a troubling lack of transparency and accountability across institutions, from an opaque and lagging host-city bid process to an absence of effective representation for athletes, the findings from our study together portray a movement at an inflection point. Too many athletes feel unsafe and distrust the organizations meant to protect them. A broken incentive structure has shortchanged the millions of youth and grassroots participants at the entrance to our Olympic and Paralympic pipeline. Not all of our findings are negative; we identified one movement institution that has been a model of success, we saw some limited improvements in diversity and access within the movement, we found the Nation-

1 Pub. L. 116-189.

al Collegiate Athletic Association (NCAA) system to be highly effective in developing high-performance athletes in many sports, and we encountered USOPC policies that are delivering tangible benefits to athletes. However, the overall picture is one of challenge coupled with a tremendous opportunity to set a course away from scandal and crisis toward stability and success.

It would be easy to reduce our findings to a simple tale of institutional failure. The reality, however, is far more complex. Even though USOPC, governing bodies, and SafeSport have all engaged in actions that are not always consistent with the public interest and the well-being of athletes, they are not solely responsible. In the Commission's view, the problems with the U.S. Olympic and Paralympic movement today result from reliance on a system designed in the 1970s that cannot meet the movement's present challenges. The landscape for movement sports has changed, and while Congress has tried to make piecemeal reforms through the framework of that decades-old system, it is the framework itself that must be addressed. For many organizations operating within that framework, over time a monopoly-like power over movement sports has led to noncompetitive practices and development of an incentive-structure that short-changes athletes and jeopardizes safety—all without sufficient public oversight.

When Congress handed USOPC and the governing bodies a mandate to “*coordinate and develop*”² movement sports at every level without sufficient funding to carry it out, officials chose to focus nearly all their attention and resources on the athletes whose marketing would lead to more revenue generation: the Olympians and—sadly, to a lesser extent—Paralympians most likely to win medals. By establishing SafeSport as, effectively, an appendage of USOPC and the governing bodies—by virtue of its funding mechanism—Congress made it difficult for many athletes to trust SafeSport. This also contributed to the development of a funding-contribution formula that deters governing bodies from helping to root out abuse within their sports. The absence of an ongoing, robust process of public

oversight of these quasi-governmental institutions has created an environment in which, even with the best of intentions, many movement institutions have been unable or unwilling fully to protect, serve, and support the athletes who fuel this enterprise. Just as it did during the Cold War, when lawmakers enacted the Ted Stevens Olympic and Amateur Sports Act to restructure a broken system, once again Congress must set a new framework. States and private stakeholders also have important roles to play in this effort if we are to design a new blueprint for U.S. Olympic and Paralympic sports.

THE COMMISSION'S FINDINGS

First and foremost, we looked carefully at the issue of athlete safety. As we engaged in our study, it became clearer with each new piece of evidence that SafeSport has lost the trust of many athletes. This has resulted not only from a case backlog that is growing and not shrinking, from the length of time required to close cases, and from SafeSport's policy of closing many cases administratively; it can also be attributed to the center's lack of independent funding, which has caused the appearance of a conflict of interest. When we examined SafeSport's funding structure in greater detail, what we found was deeply concerning. In amassing its \$20 million funding requirement for the center, USOPC charges governing bodies a high-use contribution fee for each case referred. This practice incentivizes governing bodies to deter participants from coming forward if they have been abused or encountered other forms of misconduct. In observing the structural weaknesses of the funding mechanism Congress established for SafeSport, the Commission drew a sharp contrast with the success of the U.S. Anti-Doping Agency (USADA), which receives public funding and has very high rates of athlete trust and approval. In our view, USADA's public-private funding model has given it the kind of independence and accountability that SafeSport does not have but sorely requires.

We also found that SafeSport does not adequately employ trauma-informed practices. Victims are hesitant to file claims because they believe that

² Pub. L. 95-606.

SafeSport's process will re-traumatize them. There is also a widespread perception that the system is stacked against victims, perhaps as a result of the very high rate of SafeSport decisions being overturned through arbitration in favor of respondents. It is also often unclear to athletes how to report abuse and other violations of the SafeSport Code, likely because of varying requirements across the different governing bodies about who constitutes a "covered individual" and to whom athletes should go first to file a claim. Moreover, we encountered substantial misunderstandings among movement participants about their rights with regard to SafeSport's processes, including the widespread misperception that evidence "beyond a reasonable doubt" was required for the center's investigators to prove a claim, as opposed to a "preponderance of evidence," which is the standard in these cases. The Commission also assessed SafeSport's proactive training and educational programs and requirements to be insufficiently effective to meet the center's goals, and its event-auditing procedures currently limit proper oversight of governing bodies' safety practices. While SafeSport's Centralized Disciplinary Database has the potential to be a valuable tool for keeping abusers out of movement sports, several challenges have kept it from being as effective as possible. Among these are a lack of awareness of the database among both movement participants and the public, too infrequent updates to the list of those banned or sanctioned, and the fact that not all organizations now delivering youth-sport services in this country fall under SafeSport's jurisdiction—including even some locally affiliated with governing bodies. The database is also hampered because it only covers movement sports and does not receive information furnished by NCAA member institutions about individuals disciplined for misconduct in collegiate sports.

While the Commission heard from many who wished to see SafeSport disbanded entirely and replaced with a new entity, overall we found that most movement participants do not wish to start over and lose progress already made since 2017. Instead, there is a broad desire to see SafeSport strengthened and made into the effective safety watchdog that policymakers and movement leaders

intended it to be. In our public hearing, SafeSport CEO Ju'Riese Colón made it clear that the center is open to change and is working to correct its shortcomings. With proper reforms and support from Congress, we do not see any reason why SafeSport cannot be successful in the future and inspire athletes' trust.

Addressing safety, however, goes beyond making changes to SafeSport. It is deeply enmeshed with an even broader challenge to the movement that affects athletes' well-being and the long-term success of our Olympic and Paralympic pipeline. This challenge is also the source of our nation's fractured youth- and grassroots-sports landscape, which has moved millions of young athletes outside of SafeSport's jurisdiction. It is responsible, in large part, for creating an environment in which so many of our high-performance athletes feel vulnerable and disempowered. This challenge has also made it harder to close gaps in access that has prevented so many Americans from enjoying the lifelong benefits of participating in sports where they live. Many of the systemic failings observed across movement sports can be traced directly to USOPC's inability to carry out its dual mandate under the Ted Stevens Olympic and Amateur Sports Act. That unfunded mandate, we found, is unworkable, and it should surprise no one that USOPC leaders have focused for decades on the part of its mandate that would generate the greatest success in Olympic and Paralympic performance—and not the broadest access to youth and grassroots sports in our communities. Ultimately, this is Congress's responsibility, having set for USOPC a purpose at which it could not possibly succeed with the insufficient resources it was allocated.

Congress has also failed to provide a strong-enough system of public oversight of USOPC, the governing bodies, and other movement institutions, including SafeSport. This was apparent to us when we made repeated requests for detailed documentation on their finances and safety practices, many of which were not provided. While some movement institutions responded to our Commission's requests for information in good faith, others were hostile to our process, even when informed of our statutory

charge. That response evidenced the fact that public oversight and transparency are not a widespread, regular part of the movement's operating culture. As a result, when we asked USOPC to detail for us how much it invests each year in support of its mandate to “*coordinate and develop*” movement sports in our country at the grassroots level, we received

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very little in terms of financial documentation. We were forced to fill in gaps using public information as well as knowledge gleaned from interviews with those informed about USOPC's practices. Nevertheless, the Commission was able to conduct a financial analysis of USOPC's spending on youth and grassroots development, which outlines just how scant such investment has been. Indeed, not much has changed since the 1995 revelation that USOPC had been investing less than 1% of its resources in youth and grassroots development. It is no surprise that many private youth- and grassroots-sports organizations—both nonprofit and for-profit—that are unaccountable and outside of SafeSport's jurisdiction have emerged since that time to fill the vacuum left by unsupported governing bodies struggling to keep up with demand.

At the same time, we found that governing bodies take a widely varied approach in how they provide services to youth and grassroots participants. Differences in organization and board structure among the governing bodies have also had an impact on the delivery of services and effective communications at the youth and grassroots level. The Commission also looked closely at national data on youth-sports participation, which has been on a dangerous downward trend, as well as the impact of the COVID-19 pandemic and the further widening of gaps in access. Not only did we identify negative consequences of USOPC's inability to carry out its dual mandate to the millions of youth and grassroots participants

in movement sports. We also found that it is having damaging effects on the development of our high-performance talent pipeline, shortchanging our ability to keep up with global competitors at the Olympic and Paralympic games and other closely followed international competitions.

We also observed how spending by USOPC on executive compensation, in sharp contrast to what it invests in our nation's high-performance athletes and their well-being, continues to generate athlete distrust and disaffection. While the data we collected and the information gleaned from

both internal sources and publicly available financial documents shows USOPC and governing-body executives earning generous salaries and bonuses, a substantial number of athletes are struggling to make ends meet. We understand that competition for talent is real and that movement institutions must be able to attract and retain experienced individuals by offering competitive compensation. The stark difference, however, between incomes for executives and support for athletes was alarming. The Commission found that the net cost to athletes, on average, to participate at the highest levels of our Olympic and Paralympic sports pipeline and pursue international competition is \$12,000 a year. This means that our top athletes must pay for the privilege of competing under our flag. Even during the pandemic, USOPC and many governing bodies found creative ways to fund executive compensation while cutting support for athletes, many of whom were left to rely on crowdsourcing and other methods of supplementing their already-low incomes. For those in para sports, financial challenges have been even tougher, due to the higher cost to participate in the form of specialized equipment and training. Most athletes who engaged with our study reported insufficient financial support from USOPC or their governing bodies, and we heard accounts of how this negatively impacts athletes' performance.

Moreover, unique among nations, our system also relies on colleges and universities for much of our Olympic and Paralympic training pipeline, draw-

ing heavily on the funding generated by certain high-interest collegiate sports to sustain programs across other disciplines through scholarships and support for training. This has placed a substantial burden on higher education while creating confusion for athletes about changing rights and responsibilities as they move frequently between these two sports contexts at the top levels of our Olympic and Paralympic pipeline. The Commission found that, while USOPC's health-insurance program for top athletes has filled a critical need for athletes and is also helping to make it easier for women, in particular, to participate at the highest levels of competition, challenges remain with gaps in coverage and in understanding eligibility requirements. We also assessed athletes' ability to secure sponsorship funding under current USOPC and governing-body rules, and it is clear that the few who are able to access these opportunities do not earn much and often find they are asked to sign away rights or commit to time-consuming events that can interfere with their training schedules. When high-performance athletes move among different sports contexts they encounter different rules for dispute resolution as well. Unsurprisingly, we found a widespread lack of knowledge even among athletes participating in movement sports about how the U.S. Olympic and Paralympic movement is organized and governed.

To address many of these challenges facing athletes, Congress made three important reforms since 1978 with the intention of strengthening their representation within the movement's decision-making processes. First, it raised the statutory minimum requirement for athlete voting representation on USOPC and governing-body boards from one fifth to one third. It also codified into law the position and role of USOPC's Athlete Ombuds. Further, Congress provided authorization to the Athletes' Advisory Council (later renamed the Team USA Athletes' Commission), which had been an advisory committee within USOPC, as the official representative of athletes within the movement.

However, according to feedback from athletes and other participants, each of these three actions has failed to deliver progress on the goal of fully empowering athletes within the movement. Several

governing bodies are not compliant with the one-third rule for athlete board representation, with little consequence and no clear method of enforcement. The USOPC Athlete Ombuds, while well intended, has not been able to serve as an effective advocate for athletes and is hampered both by its inability to provide legal advice to those involved in disputes as well as being seen by athletes as an arm of the USOPC administration. While the Team USA Athletes' Commission is doing the best it can to carry out its mission, it has been unable to do so in full because it remains financially dependent on USOPC. As a result, the one entity meant to be beholden only to athletes and to advocate before other movement institutions' leaders on their behalf is beholden to those on the other side of the table. While many movement stakeholders have aspired to call the U.S. Olympic and Paralympic movement "athlete-centered," under current conditions it cannot truly be described as such.

Congress also asked our Commission to look specifically at whether efforts to improve representation of women and girls, racial and ethnic minorities, and Americans with disabilities within the movement have been successful. Unfortunately, limits in the collection and dissemination of data by USOPC and governing bodies made it difficult for the Commission to draw detailed conclusions with regard to trends in diversity, representation, and access. What we did find, however, is that much work remains unfinished in this area. While some limited progress has been achieved across the three above categories, the movement's leadership is still not fully representative of those who participate in it, and the diversity of the broad base of the pyramid has yet to be reflected in its pinnacle among our national teams.

In this report, we outline several positive steps that have been taken by USOPC and governing bodies that are helping to make movement sports more equitably accessible. During the pandemic, our nation saw improvement in some metrics when it comes to racial and ethnic minorities accessing youth sports. However, this remains an uphill effort, and persistent gaps continue to shortchange the talent pipeline while keeping many young Ameri-

cans from enjoying the multitude of benefits that come from sports participation. The largest and most pervasive barrier to access has been financial, which has exacerbated inequalities among urban, suburban, and rural Americans trying to access movement sports—in addition to inequalities for racial and ethnic minority communities that continue to experience national gaps in income inequality. In particular, we are concerned by our finding that very little funding has been made available—from USOPC, from governing bodies, from state and local governments, and from private sources—to support the development of para sports on the youth and grassroots level, elevating the financial hurdles that already exist movement-wide. The negative impact of this situation on our long-term Paralympic pipeline, if left unaddressed, could be far-reaching.

Another area where we found both challenges and opportunities for Paralympic sports was in our analysis of the U.S. hosting bid process. Congress included among its ten specified areas of study an evaluation of the current process by which U.S. bids to host the Olympic and Paralympic games are selected by USOPC to be submitted to the International Olympic Committee (IOC) and the International Paralympic Committee (IPC). In doing so, we found that USOPC's process could be more transparent. Our Commission also identified global trends in bid design that call for more creative and innovative plans, an area where the United States could demonstrate greater leadership around how games are hosted. Currently, U.S. hosts are forced to carry the full cost of the games on their own, without support from the federal government, a reality that deters potential bids that could help showcase America's sports talent and present the best of our country to the world. Unfortunately, the Commission also found that bid planners continue to prioritize the Olympics over the Paralympics in a way that sends the wrong message about how much our nation values the achievements and contributions of Americans with disabilities, all while missing an opportunity to tap further into the commercial potential of the Paralympic movement in this country that could be harnessed to support its growth. Even the LA28 Organizing Committee struggled to be

fully inclusive of Paralympians in the early stages of its work, an oversight we hope has since been corrected. We also found opportunity for USOPC and U.S. bid leaders to work with counterparts in the international movement to make the IOC and the IPC truly equal partners in planning, selecting, and facilitating the games.

Having been asked by Congress to evaluate the efficacy of recent reforms, the Commission found that piecemeal reforms implemented in the aftermath of scandal and crisis have not been the best method of achieving policymakers' aims. Only systemic changes can bring about the desired outcomes of making the movement "athlete-centered," addressing the conditions that have made athletes vulnerable to abuse, and ensuring proper transparency and accountability of the movement's quasi-governmental institutions. It is clear that the recent reforms undertaken in 2017 and 2020 have not been far-enough reaching to rebuild trust in movement institutions among those who participate. Indeed, the Commission found that even many high-performance athletes are not aware of these piecemeal reforms, and the general public still believes Congress has not done enough to address challenges that have plagued the U.S. Olympic and Paralympic movement for years. Perhaps the most important finding from our study is that the need for systemic reform of the governance and oversight of this movement by Congress is both extensive and urgent.

THE COMMISSION'S RECOMMENDATIONS

The findings from our Commission's study have led us to twelve major recommendations for next steps by Congress—as well as by the states, USOPC, governing bodies, SafeSport, and movement stakeholders. Within each major recommendation, the Commission has identified—and laid out below in detail in the Recommendations section of this report—specific actions that we view as essential to setting the movement on track for success in this new era of sports. This framework, in our view, ought to guide Congress and the movement forward as we seek a better, safer, more equitably accessible, and more accountable system for Olympic and Paralympic

sports in our country. The Commission's twelve major recommendations are as follows:

Recommendation #1: Congress should allow USOPC to focus on high-performance athletes and create a new federal office to coordinate and develop youth and grassroots sports.

It is time to end USOPC's dual mandate to support high-performance athletes as well as "*coordinate and develop*" youth and grassroots sports in our country. Instead, USOPC should be allowed, at long last and after repeated requests, to focus solely on the former. Congress should move responsibility for coordinating and developing youth and grassroots sports to a dedicated Office of Sports and Fitness under the U.S. Department of Health and Human Services (HHS). Furthermore, it should provide that office with sufficient funding to carry out its mission using competitive-grant programs for state and local governments, the governing bodies, and community-based nonprofit organizations. Such an office would also be charged with setting minimum safety standards and leading practices as well as researching and publishing data on participation and national trends. With this change, USOPC would be able to concentrate on supporting high-performance athletes, ensuring that the strongest national teams represent the United States in international competition, and fulfilling its responsibilities as our National Olympic Committee and National Paralympic Committee.

Recommendation #2: Congress should make SafeSport fully independent so it can earn athletes' trust and be held more accountable to the movement and the public.

In order to ensure that athletes can fully trust SafeSport to protect them and root out abuse in movement sports, Congress must make it completely independent of USOPC and provide direct appropriations to enable the success of its mission. In doing so, lawmakers should follow the successful funding model that has worked for USADA and made it a beacon of confidence within the movement. If athletes' safety is as much of a public value as fair competition, SafeSport needs to have pub-

If athletes' safety is as much of a public value as fair competition, SafeSport needs to have public support.

lic support. The \$20 million annually that USOPC must currently provide to SafeSport should instead be reinvested in improving conditions for our high-performance athletes so they will be less vulnerable to abuse.

Recommendation #3: Congress should reform certain SafeSport practices and reimagine the way SafeSport operates at the youth and grassroots level.

Congress must ensure that SafeSport has the resources it needs to clear its growing case backlog and no longer has a financial incentive to dismiss cases administratively. Additionally, the system of requiring governing bodies to pay for SafeSport must end, as it disincentivizes them from assisting victims in coming forward to file claims. Congress should also prevent SafeSport from closing cases administratively when the only reason given is because victims decline to participate in the investigative process and risk re-traumatization. Participation in the Centralized Disciplinary Database should be expanded to include more offenders, and the Commission encourages the NCAA to require its member institutions to share information with SafeSport about sanctioned or dismissed individuals for inclusion in the database. Likewise, SafeSport should more closely coordinate with the NCAA to make sure colleges and universities are notified whenever the database is updated, in order to ensure that those sanctioned or banned from movement sports cannot find safe haven in higher-education programs. At the youth and grassroots level, Congress ought to consider two proposals for how SafeSport handles cases, either through a regional system or through an accreditation-based system—or both.

Recommendation #4: The terms "amateur" and "amateurism" should finally be retired from the U.S. Olympic and Paralympic movement, and athletes' rights—when participating in movement sports—should be enshrined in law.

For decades, labeling athletes in movement sports as “amateurs” has served only to infringe on their rights, limit their eligibility to compete, and deny recognition that they train with the same dedication and time commitment as professional athletes. It also no longer accurately describes the athletes who make up Team USA. It is time for the movement to retire that term from use. Congress can help by striking the term from the statute, including by renaming the Ted Stevens Olympic and Amateur Sports Act as the Ted Stevens Olympic and Paralympic Sports Act. Meanwhile, USOPC, governing bodies, and stakeholders across the movement should participate in a culture change by refraining from using the term “amateur” across all communication.

Words matter, but actions matter more. That is why Congress should use this opportunity to recognize under law that American athletes, when participating in movement sports, have certain fundamental rights, including a safe and abuse-free environment, name-image-likeness (NIL) rights, freedom from retaliation, an affordable fee structure for national-team-selection competition events, and a timely dispute-resolution process as it relates to competition and team selection. Moreover, Congress should ensure that health-insurance coverage for athletes in movement and collegiate sports are aligned so nobody loses rights when moving between these different sport contexts—as so many frequently do during their years of training and competition.

Recommendation #5: USOPC governance processes must be improved.

While Congress must take important steps to reform the system, including by allowing the voting franchise of ten-year athletes to choose anyone as their board representatives, USOPC needs to play a role as well. This begins with closing loopholes in its bylaws that allow exceptions to the qualifications of independent board members as well as addressing shortcomings with the board’s Nominating and Governance Committee. Cooperation with the NCAA should be deepened through cross-board representation as well. In order to ensure that executives fully understand the experiences of the athletes they serve, USOPC should adopt a rule by which a

candidate meeting the required qualifications who is a former high-performance athlete must be interviewed for every vacant executive position.

The Commission is also recommending that USOPC formally implement a tiered system for the governing bodies so that resources and obligations alike can be equitably distributed and with a greater positive impact. In the same vein, Congress should grant the governing bodies ownership over their own trademarks. We also encourage USOPC to contract with a professional management organization in order to lessen the administrative burden on small and medium-sized governing bodies. Recognizing the dangers to athlete safety and well-being when sports are internally managed by USOPC for long periods of time, the Commission urges USOPC to create a standardized, time-limited process under which internally managed sports are spun off on their own or integrated with existing governing bodies. In addition, USOPC should disallow governing bodies from using USOPC-provided funds to offer supplemental podium bonuses beyond Operation Gold payments. Moreover, direct stipend support to athletes should increase every quadrennium at a rate equal to the average increase in compensation for USOPC executives.

Recommendation #6: Congress should strengthen athletes’ representation by making the Team USA Athletes’ Commission fully independent.

If the movement is to be truly athlete-centered, there must be an entity athletes can trust to be beholden to no one but them, with a duty to protect and empower athletes and to provide assistance, including access to legal advice and help with the cost of representation, during disputes and arbitration. To achieve this, Congress should amend the Ted Stevens Olympic and Amateur Sports Act to make the Team USA Athletes’ Commission completely independent and clarify its responsibilities to athletes. Congress must ensure, in doing so, that it has an independent, steady revenue stream to support the hiring of professional staff with powers that include conducting policy and process audits of movement institutions and referring athletes to outside counsel. This entity should have an explicit

role in representing athletes' concerns to USOPC, the governing bodies, SafeSport, and USADA on athletes' behalf on issues concerning arbitration processes, athlete-funding criteria, health-insurance eligibility, and national-team-selection criteria. Once the Team USA Athletes' Commission has been made fully independent, it should nevertheless continue to facilitate the election of athlete representatives to the boards of USOPC and the governing bodies. To that end, USOPC and the governing bodies must be required to furnish the Team USA Athletes' Commission with up-to-date lists of names and contact information for all eligible high-performance athletes.

Recommendation #7: Congress should enhance public oversight of the movement to ensure transparency, accountability, and due process at all levels.

Without sufficient public oversight of movement institutions, Congress will be unable to ensure that these quasi-governmental organizations are carrying out the public responsibilities they have been granted. That's why it is essential that Congress establish a firm process of public oversight, which may take one of four forms. The first option is a Senate-confirmed, multi-agency Inspector General for Sport serving the leaders of USOPC, SafeSport, USADA, and an independent Team USA Athletes' Commission. The second is a dedicated mission team within the General Accountability Office issuing regular audits and reports to the Congressional committees of jurisdiction. The third is an Office of Special Counsel for Sport—similar to the current U.S. Office of Special Counsel—operating independently within the federal executive branch, and a fourth option would be to expand the authority of the current HHS Inspector General to cover the movement's quasi-governmental institutions.

Regardless of which option Congress selects, there must be routine, regular, and comprehensive oversight

of USOPC, SafeSport, USADA, and the Team USA Athletes' Commission in order to ensure full transparency, due process, and accountability for those who participate in the U.S. Olympic and Paralympic movement. Such oversight would also provide policymakers and movement leaders alike with a deeper understanding of challenges facing movement institutions, ensuring an independent lens through which Congress can best assess their needs and how to help meet them. Congress should also require, as part of this oversight, semi-annual reports assessing whether athletes are receiving sufficient financial support in light of the level of compensation afforded to executives at these four entities and within the governing bodies. Moreover, any new oversight mechanism should ensure public disclosures and accountability relating to U.S. bids to host Olympic and Paralympic games.

Recommendation #8: Access and equality for Paralympians and those participating in para sports at all levels must be improved.

In order to ensure the equality of Olympic and Paralympic participants, Congress should require that funds USOPC raises using Paralympic trademarks are earmarked exclusively to support athletes in para sports. Moreover, USOPC should fund Olympic and Paralympic athlete support and sports development equitably and use its influence within the IOC to use that body's monopoly over licensing to negotiate equitable television and streaming coverage for future Paralympic games. While parity has now been achieved for Operation Gold payments to U.S. Olympians and Paralympians, USOPC should use its position within the global movement to promote equality in prize awards for those in para and non-para sports who medal at world-championship-level competitions. At the federal level, a new Office of Sports and Fitness under HHS should be directed to launch competitive-grant programs dedicated to making school gymnasium and fitness facilities universally acces-

...There must be routine, regular, and comprehensive oversight of USOPC, SafeSport, USADA, and the Team USA Athletes' Commission in order to ensure full transparency, due process, and accountability for those who participate in the U.S. Olympic and Paralympic movement.

sible as well as to publish and disseminate materials providing information about opportunities for Americans with disabilities to participate in sports and fitness programs where they live. The Commission also encourages the NCAA to work with its member institutions to add and expand para sports programs and treat them as varsity-level sports at the highest levels of competition. Congress should also study further the challenges faced by deaf and hard-of-hearing athletes and proposals to integrate deaf sports into the U.S. Olympic and Paralympic movement; in the meantime, USOPC should work with the U.S.A. Deaf Sports Federation to remove impediments to its full use of Deaflympic trademarks and access to sponsorships.

Recommendation #9: Congress, state governments, USOPC, the NCAA, and other stakeholders should take concrete steps to improve equitable access to movement sports.

If all Americans are to have equitable access to the benefits of Olympic and Paralympic sports, Congress, states, and movement institutions will need to take a number of actions to address persistent gaps and challenges. First, to promote wider participation—and recognizing the link between household income and children’s access to sports—Congress should make certain costs associated with youth-sports participation tax deductible for families with primary- and secondary-school-aged children. States can help facilitate age-appropriate play and sports engagement by requiring daily recess periods for elementary and middle schools and physical-education classes at least twice per week. A newly created Office of Sports and Fitness under the Department of Health and Human Services should establish a competitive-grant program to upgrade, repair, and expand public sports facilities as well as launch new leagues and clinics in under-served communities. In order to be eligible for funding, grantees should be required to adopt leading practices, such as positive youth-development programming, safety standards, and excellence in coaching education.

Recommendation #10: USOPC should adopt a new model for organizing U.S. bids to host the Olympic and Paralympic games.

As more nations—as well as the IOC and the IPC—move toward bids for future games that reach beyond just one city, it is time for USOPC to update its own U.S. bid process and change the American approach. As host of the upcoming 2028 Olympic and Paralympic summer games—and with a strong possibility of winning the right to stage the 2034 winter games—the United States has much to offer the world and the global Olympic and Paralympic movement. Officials at USOPC should work collaboratively with potential U.S. hosts of the games to ensure cooperation, not competition. It should encourage future bids to consider spreading the games farther in order to defray costs and increase the games’ positive impacts more broadly than just one metropolitan area. America should play host to the games, not only a single city. Moreover, bids should prioritize temporary venues over permanent ones wherever it is economical to do so, and athlete villages ought to be constructed in separate clusters so that new affordable, medium-density housing can be placed where it is most needed after the games end. At the same time, U.S. bids should emphasize venues, housing, and transportation infrastructure built for universal accessibility, and bid planners should be encouraged to think creatively about scheduling the Olympics and Paralympics, exploring benefits that might come from holding both games concurrently. In order to control costs better, USOPC, in partnership with the IOC and the IPC, should consider establishing a captive insurance program that could provide broader coverage at a more affordable cost. This type of risk-management program could create a surplus that would alleviate future insurance costs and, potentially, become a profit center to help defray other hosting-related expenses. Congress may wish to make the federal government a partner by providing a backstop and guarantee all U.S. bids.

Recommendation #11: Congress, USOPC, governing bodies, and other stakeholders should partner to improve coaching at all levels.

Well-educated coaches dedicated to their sports and to the values of the Olympic and Paralympic movement are an essential ingredient in the success of movement sports in our country. That’s why

policymakers and movement stakeholders together should begin a national dialogue on ways to improve coaching at all levels. The American Development Model ought to be universally adopted as the foundation for coaching in this country, and its embrace of multi-sport sampling and age-appropriate play should guide coaches as they help Americans access sports' many lifelong benefits. States should encourage public colleges and universities to tap into already-existing course offerings and design degree or certificate programs in coaching and coaching-related fields. At the same time, USOPC, governing bodies, and movement stakeholders should partner to launch new opportunities for volunteer coaches as well as for parents and guardians to receive training and education so all can understand the American Development Model and how to build and sustain healthy coach-athlete-parent/guardian relationships while fostering life-long sports and fitness skills. To help, Congress ought to make certain out-of-pocket expenses for parents volunteering as youth-sports coaches tax deductible. It should do the same for course-enrollment fees for coaching education and create a national scholarship program offering grants or low-interest loans to help students pursuing coaching careers.

Recommendation #12: Congress and state legislatures should think creatively about new and supplementary funding sources to support youth and grassroots sports and the safety and well-being of our high-performance athletes.

With the Commission recommending that Congress take responsibility for supporting youth- and grassroots-sports development through a new Office of Sports and Fitness under HHS, it should look for new and creative ways to raise additional revenues to support safety in, access to, and participation in the U.S. Olympic and Paralympic movement. Lawmakers may wish to consider options that include an excise tax on legal sports betting, which is now permitted across a growing list of states, as well as a voluntary donation checkbox on federal income-tax filing forms and a national sports lottery. States are also encouraged to explore these options as they seek new ways to support youth and grassroots sports at the state and local levels. One

or more of these creative funding options might also be used in the future to provide SafeSport and the Team USA Athletes' Commission with independent funding.

CONCLUSION

These twelve sets of recommendations reflect the careful and considered reasoning of the Commission based on the findings of our study in the ten areas mandated by Congress as well as a broader assessment of governance, public oversight, and goal-attainment of the U.S. Olympic and Paralympic movement. It is our hope that Congress, USOPC, governing bodies, other stakeholders, and all who participate in the movement will draw on these recommendations as a way to envision how this movement can better reflect its noble mission in service to the public good. We recognize, though, that our Commission can only provide a framework; we cannot bring about these recommended changes. Our role has been as independent assessors. The next steps will be for others to take, and we urge no delay in action.

As many of our global competitors continue to use sports as a potent foreign-policy tool, it is essential that the United States take the steps needed now to ensure that our system remains the envy of the world, that our athletes can compete and win internationally, and that we can maintain a reputation for upholding the highest principles of fair play and sportsmanship. Likewise, we must not miss this opportunity to embrace sports as a means to deliver myriad benefits to American society, to our health, to our economy, and to the success of our democracy. A fixation on short-term solutions will not suffice. As former Executive Director of the MLB Players' Association and the NHL Players' Association Donald Fehr told our Commission during its public hearing:

We can say: "Here's a problem, how do we fix it? Here's another one, how do we fix it?" I suggest that that's an endless task, and the problems of tomorrow are not going to be consistent with the ones of today. What you need to do is create a different governmental framework

that works and then entrust the people operating that framework to solve the problems and hold them accountable if they don't.

We need a better long-term vision for how we organize Olympic- and Paralympic-movement sports in America: one that ensures participants' safety, promotes equitable access, and holds governing systems accountable through transparency and a commitment to due process.

Several of our recommendations specifically ask Congress to enact new legislation amending and updating the Ted Stevens Olympic and Amateur Sports Act. Much of the work of reframing the U.S. Olympic and Paralympic movement's organizing system would be best realized by enacting a new, twenty-first-century version of that statute. As a bipartisan commission, we hope that the majorities and minorities in the House and Senate will be able to find common ground in our shared purpose of making movement sports fairer, safer, and better accessible to more of our fellow Americans.

In other recommendations, we have asked state legislatures to act. We have done so not only because we recognize the Constitutional limits of our federal system but because we have faith in the states, U.S. territories, and District of Columbia to embrace effective sports governance as a means to achieve progress toward healthier, safer, and more prosperous communities. Leadership at the state and local levels in this national effort will go a long way toward helping both improve the landscape for sports and fitness in our communities and schools as well as build a stronger pipeline for the long-term development of Olympic and Paralympic champions.

We have also encouraged action by USOPC, governing bodies, and other entities that play an important part in making this movement a success. It is not for government alone to take a leading role in building a new framework for movement sports in our country. It must be a team exercise.

With our Commission's work concluded, this common effort must begin. In four years, our nation will

once again welcome the world as we host the 2028 Olympic and Paralympic summer games in Los Angeles. Between now and that time, let us come together as a nation—embracing one of the strongest bonds we hold even in an era of much division—to reconceptualize the U.S. Olympic and Paralympic movement as a reflection of our highest hopes and our greatest strengths. When our Olympic and Paralympic heroes bear the torch into the opening ceremonies of those American games, with the eyes of the world upon us, let us demonstrate not only the prowess of our athletes but the success of our reforms to protect and empower those athletes and all Americans wishing to participate in sports for generations to come.†

Historical Background

THE OLYMPIC AND PARALYMPIC MOVEMENT IN AMERICA AND "AMATEUR" SPORTS

Throughout our nation's history, sports have played a constructive role in promoting Americans' health, social cohesion, understanding of democratic ideals, military readiness, and development of strong communities. While professional and collegiate sports leagues have grown to become a central part of our culture, the most influential athletics organizations have always been grassroots and community-based. From the earliest ages through adulthood, tens of millions of Americans continue to seek opportunities to play both team and individual sports and to access the benefits derived from physical activity and friendly competition.

For a long time, a clear distinction was made between professional and 'amateur' sports, a difference embedded in how government has approached sports oversight in this country for generations. Professional, commercial sport leagues with salaried athletes fall under the jurisdiction of general labor and business laws and regulations. Collegiate sports continues to be regulated under state and federal education statutes and under the private NCAA. However, much of the non-professional youth and grassroots sports landscape remained unregulated through the late 1970s—and, consequently, unsafe for many participants and without a formal process of redress for discrimination and malfeasance. These 'amateur' athletes, often seen by policymakers and the public as engaging in a purer form of sports competition because they did so for non-commercial purposes, were left without key protections. Financial barriers to training, travel, and competition excluded many who were not wealthy enough to bear the direct and indirect costs of participating. Moreover, until very recently, participants in 'amateur' athletics were also prohibited in many sports from joining professional leagues or even accepting paid endorsement agreements and then returning to international competition to represent the United States.

The term 'amateur' has often been used to describe these non-professional athletes. However, in our modern era, these 'amateurs' at the high-performance level (athletes on track to compete for spots at the Olympic, Paralympic, Pan American, Parapan American, and world championship games in their sports) spend no less time training, invest no fewer of their own resources, and require no less support from coaches and staff than their peers in the professional leagues. The only difference between these high-performance athletes, functionally, has been a restricted ability for those termed 'amateur' to access sufficient funding, stable benefits like health insurance, safety protections, and endorsement opportunities to help offset the cost of their training.

Indeed, debates about both the nature of sports 'amateurism' generally—and about 'amateurism' as a condition of eligibility for participation in the Olympic and Paralympic Games in particular—have been ongoing since Baron Pierre de Coubertin first conceived of the modern Olympic Games in the nineteenth century. Even in its earliest days, the IOC he founded could not agree on a definition of 'amateur' and left that question to each international sport governing body, resulting in confusion as sports had different requirements for eligibility.³ In the second half of the twentieth century, as the media landscape transformed, hundreds of millions of people were brought into the viewing stands of international competition in their own living rooms through television. The economics of this transformation meant that athletes and sports officials alike gained enormous revenue-generation potential as well as new financial pressures to train, compete, and win—and draw and maintain audiences that dwarfed anything Coubertin and those of his era could fathom. As historians Matthew Llewellyn and John Gleaves observe in their book *The Rise and Fall of Olympic Amateurism*:

³ Matthew Llewellyn and John Gleaves, *The Rise and Fall of Olympic Amateurism* (Champaign, Illinois: The University of Illinois Press, 2016), 7.

Perhaps most fatally, Coubertin committed the Olympic Movement to a noncommercial ideal in an age of rapidly expanding commercial possibility. ...The transformation of the Olympics into a televised, highly commercialized global spectacle altered the IOC's ideological compass. The IOC steadily transformed into a modern corporation; financial concerns and brand recognition grew paramount. Eager to sell Olympic broadcasting and commercial rights to the highest bidder, the IOC faced heightened pressures to promote an unrivaled product. The Olympic program had to comprise the most popular sports; the best athletes, amateur or otherwise, had to compete. The "shamateur" ruse that had allowed athletes to cash in while ostensibly remaining amateur no longer suited any party. Things had to change. Though tennis, ice hockey, and association football (soccer) explored early forays into an "open" Olympics, Michael Jordan and his Dream Team of U.S. basketball superstars ushered in the full transformation of the Olympic Movement from an amateur affair to the professional enterprise it has embraced in the 21st century.⁴

By the mid-1990s, 'amateurism' in the Olympic and Paralympic movement both in the United States and around the world no longer accurately or adequately reflected the reality facing high-performance athletes. Indeed, the IOC amended its eligibility rules in 1987 to permit professional athletes in the Olympics for the first time, and the 1992 Barcelona Games featured many basketball, tennis, and other professionals competing for the United States.⁵

Furthermore, the Supreme Court, in its unanimous 2021 *NCAA v. Alston* ruling, recognized that the definition of 'amateurism' in collegiate sports has been changed over time by the NCAA, often as it related to market conditions in the increasing commercialization of collegiate-sports competition.⁶ California enacted legislation in 2019⁷ that enables college athletes there to accept compensation in the form of scholarships and marketing endorsements without losing their eligibility, a further erosion of the 'amateurism' distinction for those participating in the nation's most populous state, which has the largest number of colleges and universities.⁸

During the period in their lives when these athletes are training and competing, for all intents and purposes they are doing it to the same degree as professionals—often full time and always with their full commitment. That is why the Commission prefers to describe athletes engaged in the U.S. Olympic and Paralympic movement and its ideals not as 'amateurs' but as athletes participating in 'movement sports.' This descriptor is far more apt—not only because it includes those bound for international competition at the highest levels but because it also encompasses those who partake in the youth and grassroots recreational sports across the country that promote the movement's values while forming a critical pipeline for identifying and developing high-performance talent to represent the United States abroad.

This term is also broad enough to encompass participants in K-12 school sports. Unlike in many other countries, in the United States our school systems often serve as primary feeders for both collegiate and professional sports, with robust—though unevenly funded—athletics programs. The same is

4 *Ibid.*, 8.

5 *Ibid.*, 185.

6 *NCAA v. Alston*, 594 U.S. __ (2021).

7 California Secretary of State, Chapter 383, Statutes of 2019.

8 U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Fall 2020, Institutional Characteristics component.

true for Olympic, Paralympic, Pan-American, Parapan-American, and world-championship athletes and teams. Our schools, institutions of higher education, professional leagues, and grassroots leagues and clubs form a symbiotic sports ecosystem where athletes can participate to the best of their ability and, if they are able, access pipelines to high-performance competition. The path to American Olympic and Paralympic gold often runs straight through the schoolyard and the college gymnasium.

For K-12 youth, multiple pathways to movement-sports participation exist in the United States. In addition to local clubs that offer both recreational and competitive programs—including travel teams for older youth that participate in regional, divisional, or national tournaments—many American children access movement sports solely through primary and secondary school-based intramural and extramural programs. For both school-based and club-based programs, the availability of different sports often depends on factors such as regional access to sport-specific infrastructure (whether there are nearby ski areas or bodies of water for sailing), population constraints (whether a community is large enough to support one or multiple teams), and funding. Ultimately, the availability of funding for school sports and local sports clubs has long been the single greatest determiner of young Americans' ability to access movement sports in their communities.

Although collegiate sports, overseen by the NCAA, are not directly within the scope of this Commission's investigation, it is impossible to look at Olympic and Paralympic movement sports—at both the grassroots and high-performance levels—in this country without exploring their relationship to higher education as well. Founded in 1906 as the Intercollegiate Athletic Association of the United States, the NCAA's original incarnation was as a body to adjudicate disputes on the development of game-play rules in men's collegiate sport leagues. By the 1960s, the NCAA had developed into an organization focused greatly on

monopolizing television broadcast rights for men's collegiate athletic competitions, which had grown tremendously in popularity and commanded wide audiences both regionally and nationally. Until 1983, women's collegiate sports were governed under the separate Association for Intercollegiate Athletics for Women, after which the NCAA integrated women's sports under its umbrella. In 2023, the NCAA oversaw men's and women's competition in twenty-four collegiate sports, divided into three divisions, and it continues to form a critical part of the pipeline for athletes training to represent the United States in international competition.

For many high-performance athletes, the NCAA's Division I is the last stop on their way to the Olympics, Paralympics, and world championships. Three-quarters of U.S. Olympians and a quarter of the Paralympians who represented our nation at the 2020 Tokyo games participated in NCAA or other collegiate sports programs, and an even higher percentage of the U.S. medalists in both of those games were trained through the NCAA.⁹ Indeed, hundreds of Olympic and Paralympic athletes from other nations come up through NCAA programs as well. *"Why do the world's Olympic hopefuls come here?"* sports historian Victoria Jackson writes. *"American colleges have the best Olympic development infrastructure in the world. If you are a young athlete with potential and you want to make your country's Olympic team, one of the best pathways is to come through the American collegiate system."*¹⁰ For young athletes not bound for international competition or professional leagues, collegiate sports programs also serve as a critical transition stage as they prepare for non-athletic careers.

America's high-performance sports pipeline stretches from the playgrounds of our elementary schools through the local youth clubs and all the way to the most acclaimed NCAA Division I teams. To understand how our nation has succeeded at identifying and training global champions—and how, at times, we fall short in that effort while failing so many Americans by limiting basic access to sports participation—it is es-

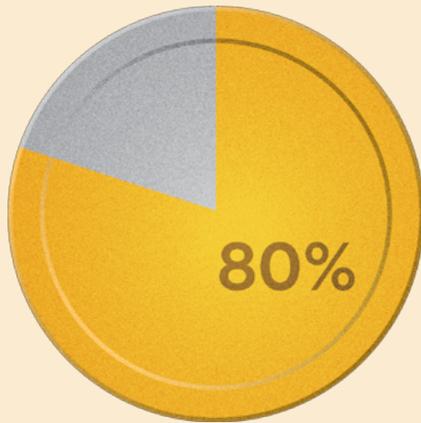
9 "Tokyo College Resource Hub: Team USA's 2020 Collegiate Olympic Footprint," U.S. Olympic and Paralympic Committee, accessed May 22, 2017, <https://www.usopc.org/tokyo-college-resource-hub/team-usas-2020-collegiate-olympic-footprint>. See also: Corbin McGuire, "Over 400 NCAA athletes designated as elite by USOPC, sports governing bodies," NCAA Media Center, November 21, 2023.

10 Victoria Jackson, "'We're all complicit to an extent:' How Team USA uses college football and basketball as funding sources," *The Athletic*, July 22, 2021.



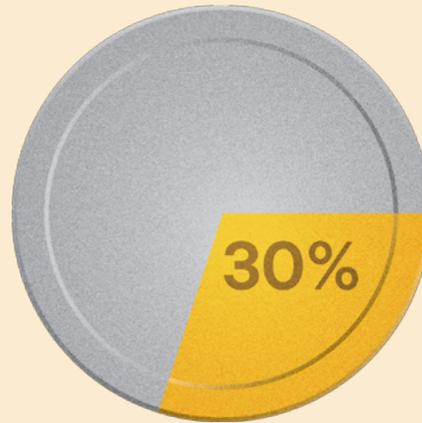
Percentage of Tokyo 2020 medalists trained in U.S. collegiate programs.

U.S. Olympic Medalists



About 75% of the more than 600 athletes on the 2020 Team USA roster for the Tokyo Games came from NCAA institutions of every division.

U.S. Paralympic Medalists



Paralympians who competed in the NCAA made up 25% of the total roster, but produced 30% of U.S. medals in Tokyo.

essential to observe the history of government's involvement in the U.S. Olympic and Paralympic movement. For as long as athleticism has been understood to be a core component of American life, federal, state, and local governments have recognized the importance of creating and expanding opportunities for Americans to access movement sports in the communities where they live. In addition to strengthening our defense readiness by increasing the number of those physically fit for service, broader sports participation has also long been seen as a critical tool for improving Americans' health and lowering health-care costs in our economy. It has also been seen, correctly, as a tool for promoting greater civility and social cohesion in our diverse and multicultural democracy. Movement sports help build the connective tissue of our democratic society.

In his special message to Congress on the state of health in America on March 4, 1968, President Lyndon Johnson recognized the beneficial role of sports: "*Physical fitness activities and sports,*" he asserted, "*contribute to more than health. They teach self-discipline and teamwork. They offer excitement and a wholesome alternative to idleness. They combat delinquency. They permanently enrich the individual and his society by developing qualities of leadership and fair play.*"¹¹ That year, President Johnson incorporated sports into the mission and the name of the advisory body originally launched by President Dwight Eisenhower in 1956 to promote physical fitness, which exists still today as the President's Council on Sports, Fitness, and Nutrition.¹² Later, Presidents Richard Nixon and Ford, respectively, created and expanded a Presidential Sports Award to encourage Americans' grassroots-sports participation.¹³

11 Lyndon B. Johnson, Special Message to the Congress: "Health in America," March 4, 1968. Online by Gerhard Peters and John T. Woolley, The American Presidency Project, <https://www.presidency.ucsb.edu/node/237494>.

12 "History of the Council," U.S. Department of Health and Human Services, accessed July 19, 2023, <https://health.gov/our-work/nutrition-physical-activity/presidents-council/history-council>.

13 *Ibid.*

The roots of government's role in supporting movement sports, however, go back much farther. From school gyms to sports and fitness infrastructure incorporated into neighborhood parks and playgrounds, public investment in promoting sports participation has been ubiquitous across the country for generations. As the United States became more engaged in global affairs in the late nineteenth and early twentieth centuries, this integration of athleticism into American culture extended to participation in international competition. When Baron de Coubertin opened the first modern Olympic Games in 1896, Americans not only competed in three of the nine sports but won twenty medals—including the most gold medals of any participating delegation.

The Olympic—and later Paralympic—Games provided U.S. athletes not only the chance to bring glory home to their communities; it also involved them in a broader effort to demonstrate the success of America's system of democracy and individual opportunity. During the Cold War period, this latter point became far more salient, with an increased sense of the stakes in competition between American and Soviet-bloc athletes at the Olympic Games. (As the Soviet Union and many Communist-bloc nations did not participate in the Paralympic Games before 1988, and American athletes dominated para-sports during that period, Paralympic medal counts did not elicit the same concern by the public and policymakers.) Leaders and citizens alike closely observed Olympic medal counts, assigning them the status of a benchmark in assessing whether the democratic world or the Communist world held an advantage—not only in the development of its most talented athletes but in the efficacy of its approach to government and economics.

THE 1976-77 PRESIDENT'S COMMISSION AND THE TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT

By the mid-1970s, increasing Soviet-bloc dominance in the Olympic medal counts led to a reassessment of America's high-performance sports strategy. The United States dominated the medal

tables in post-war Olympics until 1956, after which it was overtaken by the Soviet Union; this was repeated in 1960. In 1964, the two nations split the difference, with American athletes winning the most gold medals but Soviets earning more medals overall. After leading the medal count in the 1968 Summer Olympic Games in Mexico City, the United States slipped behind again in 1972 and then saw Soviet and, in particular, East German athletes substantially increase their podium dominance by the 1976 Montreal games. (See Appendix II for medal counts from the past sixty years.) Leaders in Congress and the Ford Administration recognized the need to study and reassess systemic challenges that were impeding U.S. performance at these highest levels of international sports competition.

One of the immediate concerns centered on the selection process for Olympic teams. For the Paralympics—and its earlier incarnation, the Stoke Mandeville Games—U.S. team selection was haphazard and determined differently for each sport. For the Olympics, the organization responsible for assembling U.S. teams was the volunteer, non-profit Amateur Athletic Union (AAU). Founded in 1888 by those seeking to standardize regulations and practices among movement-sport leagues, the AAU had held a monopoly on U.S. athlete and team selection for major international competitions, including the Olympic Games, for decades. Starting in 1947, however, with the decision by ice-hockey players and coaches to organize an alternative U.S. governing body and successfully seek its international recognition, the AAU began to lose its grip on this authority.

In the early 1960s, sport associations under the umbrella of the NCAA competed with the AAU for international recognition. In 1961, coaches and officials in track and field as well as basketball broke from the AAU and launched NCAA-affiliated governing bodies that succeeded in attaining international recognition. Competition between the AAU and the NCAA during the 1960s and early 1970s to secure control over the various movement sports in this country grew as heated as the rivalry be-

tween East and West playing out at the quadrennial Olympic games.¹⁴

By the late 1970s, concerns within the U.S. Olympic and Paralympic movement about AAU mismanagement of team selection—including prohibitions on athletes traveling to certain foreign-hosted competitions because of conflicts with domestic events—intersected with policymakers' broader concerns about Olympic medal performance. One U.S. athlete who medaled at the 1956 Melbourne Olympics complained of the stark financial imbalance between AAU executives and the athletes under their authority: "*The \$15-a-day expense account permitted athletes by the AAU is completely unrealistic,*" he told *Sports Illustrated* magazine in 1961. "*Let the AAU officials try and live like athletes, and they wouldn't waste any time trying to do something about it. On this kind of money the officials would have to cut out some of their cocktail parties.*"¹⁵ In 1960, the AAU sent the U.S. men's track and field team to the Olympics on an outdated propeller aircraft that took fourteen hours to reach Europe. There, they were required to participate in a meet shortly after arrival in Switzerland before being placed on yet another fourteen-hour journey to Rome, this time by train. Unsurprisingly, the athletes, exhausted, did not perform at their best. "*We didn't qualify anyone in the 5,000 meters or the half mile,*" one of them later recounted. "*And the guys got eliminated on times and distances that were far less than their best.*"¹⁶ Such issues helped propel U.S. track and field athletes and coaches to mutiny and leave the AAU's umbrella. Those in several other sports followed.¹⁷

Determined to understand systemic failings that affected U.S. medal performance, on June 19, 1975, President Ford issued Executive Order 11868, launching the President's Commission on Olympic Sports. Charged with investigating jurisdictional disputes among American sports organizations and impediments to U.S. medal performance in in-

ternational competition, the fully bipartisan commission was composed of twenty-two members, including four U.S. representatives and four U.S. senators. It was led by Gerald Zornow, then-Chairman of the Board of the Eastman Kodak Company and a former professional baseball player and college basketball star. Former Nixon and Ford White House aide and consultant to the President's Council on Physical Fitness and Sports Michael Harrigan served as Executive Director. After seventeen months of investigation and analysis, that commission issued its final report on January 13, 1977.

The President's Commission final report focused its attention on organizational deficiencies as a root cause both of ongoing disputes within the U.S. Olympic and Paralympic movement and of impediments to American athletes' top performance in international competition. It also zeroed in on the need for greater funding to promote athletic development and broader sports participation at all levels in order to build a pipeline of talent and ability for the future. In their executive summary, the commissioners noted:

America's weakness in sport is not lack of talent, for it has awesome talent which has kept the country's Olympic performances respectable. And it is certainly not lack of resources, although it is clear to this Commission that potential sources of financing have not been tapped and that facilities and knowledge have not been used to their greatest advantage. No, it is precisely America's great strength in the exploration of space which is our greatest weakness in sport: organization. U.S. sports organizations are fragmented, not bound by common purpose or any effective coordinating system. No clear policy or direction in amateur sports, physical education, or physical fitness can be or has been maintained. Incessant organizational squabbles waste time and talent and threaten the fundamental rights of ath-

14 Howard Chudacoff, "AAU v. NCAA: The Bitter Feud that Altered the Structure of American Amateur Sports," *Journal of Sport History*, Vol. 48, No. 1 (Spring, 2021), 53-58.

15 Tex Maule, "The End of the AAU," *Sports Illustrated*, September 26, 1961.

16 *Ibid.*

17 Chudacoff, "AAU v. NCAA," 53-58.

*letes to take part in the most challenging competition for which they are qualified. Feast and famine exist side by side. Men's college athletic opportunities are extensive and rewarding, while those for women or non-school athletes are spare and the experiences often embittering.*¹⁸

In addition to suggesting structural changes to address organization, the commissioners recommended a system of binding arbitration to resolve disputes between athletes and officials and protect athletes' rights, Congressional funding of at least \$83 million annually to support movement-sports programs, the creation of national training centers for high-performance athletes, the establishment of a central clearinghouse for research in sports medicine, and initiatives to increase the participation of women and Americans with disabilities in sports.^{19 20}

As important as its specific findings and recommendations, the President's Commission final report touched on a critical idea long in the making: that the federal government has a responsibility to reflect the public interest by ensuring public oversight of America's movement-sports system. Until this time, movement sports had effectively been an unregulated space, with all the requisite risk for abuse, financial mismanagement by sports officials, and violations of athletes' rights. The President's Commission recognized the long history in our country of keeping direct federal-government involvement out of sports and other areas seen as the purview of private individuals and organizations. At the time, the rigid top-down management of sports in the Soviet bloc served as a reminder of how far to the extreme sports regulation could be

taken. The commissioners also recognized, though, that some degree of oversight and centralization would be required to achieve the goals with which it had been charged. They prefaced their final report with an acknowledgement that:

*The federal government has never attempted to direct amateur athletics in this country, nor should it. ...In spite of the handicaps we choose to impose upon ourselves, our national characteristics of individualism, perseverance, and esprit-de-corps have resulted in outstanding athletic performance by U.S. athletes. It is also apparent, however, that we will not be able to compete effectively for long and have broad-based participation if the organizational conflicts and fragmentation which plague American amateur athletics today are not resolved.*²¹

With the President's Commission final report, Congress and the executive branch were challenged to focus on how government might provide effective oversight for movement sports in a way that was both rooted in American ideals and establish a system recognized by athletes, coaches, officials, and spectators as fair, equitable, safe, and accountable.

Congress took that commission's findings and recommendations and drew heavily on them in its answer to that challenge. Senator Ted Stevens, one of the commissioners, introduced the Amateur Sports Act in March 1978. After its passage by the House and Senate that October, it was signed into law by President Carter on November 8, 1978, ushering in a new era for U.S. Olympic and Paralympic sports and athletes.²² Twenty years later, the law would be renamed the Ted Stevens Olympic and Amateur Sports Act in honor of its chief sponsor.²³

18 U.S. Government Printing Office, *The Final Report of the President's Commission on Olympic Sports* (Washington, DC: U.S. Government Printing Office, 1977), 1.

19 *Ibid.*

20 Throughout this report, our Commission employs "person-first" language when referencing those with disabilities. However, the Commission also recognizes that many within the disability community prefer "identity-first" language, and we intend all references to Paralympians and those with disabilities to encompass everyone in the community with respect to individual preferences for self-identification.

21 U.S. Government Printing Office, *The Final Report of the President's Commission on Olympic Sports*, ix.

22 Pub. L. 95-606.

23 Pub. L. 105-277.

The Ted Stevens Olympic and Amateur Sports Act²⁴ effected the most radical change urged by the President's Commission, providing a “*vertically integrated organizational structure*”²⁵ for what it then termed ‘amateur sports.’ Now, instead of the free-for-all with affiliated sports organizations competing for international recognition, National Governing Bodies (NGBs) would be certified under the auspices of one federally recognized and overseen entity. From that organization down through the NGBs and all the way to local leagues and clubs, American athletes, coaches, and sports officials would be joined in a single, unified system to promote broad participation, facilitate sports development, and identify top talent to represent the nation in competitions abroad. Moreover, rival efforts at fundraising and overlapping systems of financial management would be set aside in favor of a more centralized structure for raising and allocating funds to support movement sports.

The organization chosen by Congress—at the recommendation of the President's Commission—to be reshaped into the new umbrella for movement sports was the U.S. Olympic Committee. Launched formally in 1921 as the American Olympic Association, it was known from 1945-1961 as the U.S. Olympic Association. In September 1950, Congress took its first step into movement-sports oversight by enacting legislation granting the U.S. Olympic Association a federal charter as a private, nonprofit corporation and permitting it to solicit tax-deductible donations.²⁶ Furthermore, it provided the Association with exclusive U.S. trademark over Olympic symbols, slogans, and terminology for the purposes of raising revenue through licensing. In 1961, the Association changed its name again to the U.S. Olympic Committee, and in 2019 it became the U.S. Olympic and Paralympic Committee (USOPC).²⁷

To ensure that this newly restructured USOPC would heed athletes' input and adopt strong policies and procedures through deliberation, the Ted Stevens Olympic and Amateur Sports Act created a governance structure based on a model of democratic representation. USOPC would adopt bylaws under which it would be governed by a 400-person House of Delegates, with a system of committees to help guide decision-making in the organization's areas of responsibility. The Act further required that 20% of all voting seats in the USOPC House of Delegates and NGB boards would be filled by athletes.²⁸ In 1973, an Athletes' Advisory Council (AAC)²⁹ was formed by athletes seeking to share their perspectives collectively with NGB—and later USOPC—leadership, though it would not be formally recognized in the legislation and the movement's governance structure until the Act was amended in 1998. Nevertheless, this AAC played a role in organizing athlete representation within this system established by the Act.

Prior to the Ted Stevens Olympic and Amateur Sports Act in 1978, USOPC's role primarily was to organize transportation for U.S. athletes participating in the Olympic Games and help facilitate American cities' bids to host the Olympics. With the enactment of that legislation, USOPC was transformed into a central organization with exclusive jurisdiction over non-school sports falling outside the professional and collegiate leagues as well as the right to recognize the NGBs—and, later, Paralympic Sport Organizations (PSOs)—for each movement sport in the country. Instead of providing Congressionally appropriated funding, as the President's Commission had recommended, the law confirmed USOPC's ownership of Olympic-related (and later Paralympic) trademarks from which it could derive licensing fees. What had been

24 For consistency, the Commission will refer to the legislation throughout this report by its current, amended title, the Ted Stevens Olympic and Amateur Sports Act, even when describing its previous iterations.

25 U.S. Government Printing Office, *The Final Report of the President's Commission on Olympic Sports*, 35-43.

26 Act of September 21, 1950, 64 Stat. 899.

27 For consistency, the Commission will refer to the organization throughout this report by its current name, the U.S. Olympic and Paralympic Committee (USOPC), even when describing its previous iterations.

28 Pub. L. 95-606.

29 In 2023, the USOPC Athletes' Advisory Council (AAC) changed its name to the Team USA Athletes' Commission (AC). Our Commission will refer to this organization by its original name in this section and then by its current name in the subsequent “Findings” and “Recommendations” sections of the report.

dismissed by many athletes and sports organizations before as little more than a travel agency now held immense power over both through its control of the purse strings and its authority to recognize only those governing bodies that would abide by its rules and decisions.

In addition to setting up its governance structure, the Act placed on USOPC a number of clear, statutory mandates that reflected Congress's intention both to restore organizational stability to the U.S. Olympic and Paralympic movement as well as to promote broader national goals with regard to movement sports and physical fitness. As enacted and amended,³⁰ the purposes of the USOPC under its mandate from Congress are as follows:

(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;³¹

(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;³²

(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;³³

(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;

30 Pub. L. 95-606. The Ted Stevens Olympic and Amateur Sports Act was amended by Congress on a bipartisan basis in 1998, 2018, and 2020.

31 Paragraph (3) was amended by Congress in 1998 and 2020.

32 Paragraph (4) was amended by Congress in 1998 and 2020.

33 Paragraph (9) was amended by Congress in 2020.

(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;³⁴

(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;³⁵ and

(16) 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).³⁶

Paragraphs (2) and (6) are of particular note in that Congress charged USOPC with more than just overseeing U.S. participation in international competition and developing the high-performance talent to represent our country abroad. USOPC would now also serve as the nation's chief body responsible for coordinating and developing movement sports at all levels. In doing so, it further required USOPC to focus on equity in access, including paragraphs (12), (13), and (14) to make it clear that it would carry a special responsibility to promote the inclusion of women, minorities, and those with disabilities in movement sports. Congress's intention was unambiguous: the best way to promote long-term success in international competition at the highest levels would be to invest

resources and attention at every level broadly. To sturdy the top rung of the ladder, USOPC would now need to get to work strengthening all those below.

Congress, however, perhaps cognizant of the same currents in American political culture that led the commissioners to shy away from endorsing full government oversight of movement sports, set up USOPC as, in effect, an amateur and not government regulator. That is, it established a quasi-governmental, private organization charged with acting in the public interest but without the funding, structure, full transparency, institutional expertise, or public accountability of a government agency. As Commission Co-Chair Dionne Koller noted in a 2019 article: “Hybrid, quasi-governmental organizations are less likely than federal agencies to effectuate the policy preferences of Congress and the President. In fact, such entities are incentivized to resist what they perceive as burdensome policy objectives because of the competing obligations quasi-governmental entities carry.”³⁷ Congress had, however, contemplated making USOPC's oversight

Congress's intention was unambiguous: the best way to promote long-term success in international competition at the highest levels would be to invest resources and attention at every level broadly.

role stronger. In the first draft of the Ted Stevens Olympic and Amateur Sports Act, its sponsors had written that one of the USOPC's mandates would be “to coordinate, develop, and direct amateur athletic activity in the United States.” The word “direct” was later stripped from the final version that would eventually be enacted after NCAA officials expressed concern that USOPC might then have the authority to undermine its control of collegiate sports.³⁸

34 Paragraph (13) was amended by Congress in 1998.

35 Paragraph (15) was added by Congress through amendment in 2018.

36 Paragraph (16) was added by Congress through amendment in 2020.

37 Dionne Koller, “Amateur Regulation and the Unmoored United States Olympic and Paralympic Committee,” *Wake Forest Law Review* 9 (November 30, 2019): 97.

38 Chudacoff, “AAU v. NCAA,” 62.

Furthermore, by refusing to provide it with funds other than what it could raise on its own through fees and licensing contracts, Congress set USOPC a broad mandate without the commitment of commensurate resources. From the very start, USOPC and governing-body officials were required to make strategic choices about the prioritization of resources and attention. Not surprisingly, this quickly led to a tug of war between a focus on high-performance, international-competition-level athletes and on coordinating and developing youth and grassroots sports. The ramifications of that tension and USOPC officials' decision-making would eventually bear significant and tragic consequences for athlete safety, equity in sports participation, and the U.S. Olympic and Paralympic movement's public accountability.

DEVELOPMENTS IN THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT FROM 1978-1998

The 1978 reforms effected by the Ted Stevens Olympic and Amateur Sports Act may have set the United States on a more solid long-term path forward in promoting and developing Olympic—and later Paralympic—movement sports, but it did not deliver near-term results with regard to Olympic medaling. The United States hosted the 1980 winter games in Lake Placid but continued to see Soviet and East German athletes dominate the medal table there. The United States and other Western-bloc nations boycotted the 1980 Moscow Olympics that summer. The 1984 Sarajevo Winter Olympics were a repeat of Lake Placid, with U.S. athletes behind in each medal category and far behind the Soviets and East Germans in the overall count. A few months later, the Soviets reciprocated the Western boycott from four years prior, and the United States dominated the 1984 Los Angeles Summer Olympics without the challenge of Communist-bloc competition. In 1988, with neither bloc boycotting, a return to East-West competition again saw U.S. athletes medal behind their Soviet and East German competitors in Seoul. The winter games that year in Calgary were abysmal for the United States, placing

ninth for overall medals and bringing home just two gold medals to the Soviets' eleven.

As the 1988 Calgary Olympics drew to a close, USOPC President Robert Helmick announced an eleven-person Olympic Overview Commission, led by USOPC Executive Board Member and New York Yankees owner George Steinbrenner. That internal commission was tasked with making reform recommendations that would address U.S. medal-count performance. On February 19, 1989, Steinbrenner and the other ten commissioners delivered their report to USOPC's House of Delegates.

The report's topline finding could not have been stated more clearly: "*winning medals must always be the primary goal*" of USOPC.³⁹ It focused on the organization's finances and urged changes to streamline revenue-raising as well as targeted investments in athletes and sports most likely to yield medals in international competition. The report recommended, among other things, that USOPC launch a new committee to identify talent at a younger age and encourage those athletes to train for top competitions earlier. Furthermore, it urged an end to the more-democratic governance structure provided by the House of Delegates and committees, instead proposing a corporate-style Board of Directors with fewer members. Marketing operations should be modeled after those of the professional National Football League (NFL), it suggested, and moved from Colorado Springs to New York to tap into that city's media market and fundraising networks.⁴⁰ "*With the limited resources available,*" the commissioners wrote, "*the [USOPC] must focus on activities that are central to its mission, and not weaken its effort by trying to be all things to all people.*"⁴¹

While the report suggested seeking funding from Congress to support USOPC's efforts, Congress has still never directly provided appropriations for movement-sports development. The original Congressional mandate handed down to USOPC in the Ted Stevens Olympic and Amateur Sports Act re-

39 U.S. Olympic Committee, *Report of the Olympic Overview Commission* (Colorado Springs: U.S. Olympic Committee, 1989).

40 *Ibid.*

41 *Ibid.*

mains an unfunded one. Then-USOPC President Helmick told *The New York Times* in the wake of the Olympic Overview Commission's report that "we have a prudent need for money. If Congress and the American people want us to fulfill our responsibility, they could help us."⁴²

Just a decade after Congress reorganized USOPC and provided it with a mandate to promote the development of the Olympic and Paralympic pipeline across the country, the organization's leaders set that responsibility aside in order to focus almost entirely on winning medals and generating revenue. Adopting the Olympic Overview Commission's recommendations, USOPC began to reorient itself around this 'medals and money' ethos. Along with dismantling its House of Delegates in favor of a corporate-style, 101-member Board of Directors, it altered its approach to seeking revenue through licensing.⁴³ Those steps were followed by the creation of programs to direct funding strategically to NGBs and high-performance-athlete development initiatives that promised to nurture medal winners. The results were unsurprising; journalist and founder of the Aspen Institute's Sports and Society Program Tom Farrey later observed: "Monetary awards for medal performances were created—and support for organizations that develop nonelite athletes withered."⁴⁴

With funding being targeted almost exclusively toward talent identification, athlete specialization, and high-performance training and development, a vacuum began to emerge in youth and grassroots sports across the country.

While the impact on movement sports at all other levels would be far-reaching, USOPC's reorientation to a singular focus on high-performance athletes seemed to achieve its purpose. U.S. athletes performed better in the Olympic medal count in Barcelona in 1992, coming close at the heels of the former Soviet bloc that competed as the Unified Team. In Albertville that year, U.S. winter athletes brought the country back up into the fifth place in overall medals, with a repeat performance two years

later in Lillehammer. When the Olympics came to Atlanta in 1996, the United States topped the medal charts for the first time since 1968 and has won the most overall medals in every summer games since. By the time our country hosted the winter games in Salt Lake City in 2002, U.S. athletes were able to move up to third position in winter overall medals. The United States came second in Turin in 2006, and then reached first overall in Vancouver in 2010, with U.S. winter athletes continuing to be highly competitive. The extent, however, to which the collapse of the Soviet Union and end of the Cold War, shortly after the Olympic Overview Commission delivered its report, contributed to comparatively better U.S. medal-count performance is indeterminable.

The impact of this 'medals and money' attitude by USOPC and the governing bodies trickled down to the very foundations of movement sports as well. With funding being targeted almost exclusively toward talent identification, athlete specialization, and high-performance training and development, a vacuum began to emerge in youth and grassroots sports across the country. This coincided with federal funding for public education in the 1980s declining rela-

tive to inflation.⁴⁵ As funding for school sports fell and as club resources from governing bodies dwindled, private organizations—both nonprofit and for-profit—moved in to fill the vacuum. In the 1980s and 1990s, AAU—having been displaced by USOPC as the arbiter of national team selection and Olympic and Paralympic movement sports regulation—rebranded itself as a youth-focused sports enterprise and grew a network of youth leagues and championship tournaments that bring in millions of dollars an-

42 Michael Janofsky, "U.S.O.C. Goes to Work on Steinbrenner's Report," *The New York Times*, February 21, 1989.

43 Michael Janofsky, "U.S.O.C. Aims at More Efficiency and Profitability," *The New York Times*, February 12, 1990.

44 Tom Farrey, *Game On: The All-American Race to Make Champions of Our Children* (New York: ESPN Books, New York, 2008), 191.

45 Mark Pitsch, "Education Spending Declined During 80's, Report Says," *Education Week*, June 5, 1991.

nually in membership and participation fees.⁴⁶ One for-profit network of local youth-club franchises that launched in 2003 now has more than 3 million participants between ages three and fourteen in a multitude of sports.⁴⁷ Its founder noted the opportunity he and other entrepreneurs saw as USOPC and governing bodies disengaged and left behind “*highly disorganized*” local clubs: “*profit centers disguised as sports leagues.*”⁴⁸ By 2019, the youth-sports industry in the United States was estimated to be worth \$19.2 billion, larger than the professional NFL.⁴⁹ Many of these private organizations, which operate their own leagues and tournaments, fall outside of the governing bodies’ jurisdiction for oversight or the strategic allocation of resources to under-served sports.

In 1995, with the summer Olympic games in Atlanta approaching, the *Atlanta Journal-Constitution* reported that more than 99% of USOPC’s budget for athlete development was being allocated to support high-performance, international-competition-bound athletes, abandoning its responsibility nearly in full to support broader movement-sports participation.⁵⁰ In response, the Senate Committee on Commerce, Science, and Transportation held a subcommittee hearing to evaluate the Ted Stevens Olympic and Amateur Sports Act and examine whether USOPC was meeting its statutory mandate. Reacting to senators’ concerns, USOPC President LeRoy Walker paraphrased the 1989 Olympic Overview Commission report: “*We cannot be all things to all people with limits on our resources.*”⁵¹

In 1998, led by Sens. Ted Stevens, Ben Nighthorse Campbell, and John Chafee, Congress made its first

significant update to the 1978 legislation. On October 21 of that year, Congress enacted their Ted Stevens Olympic and Amateur Sports Act as part of its omnibus appropriations package.⁵² This series of amendments to the original law expanded USOPC’s oversight authority to PSOs; recognized the AAC as the official representative body for high-performance athletes within the movement and gave it the power to elect a minimum of 20% representation on USOPC’s Board of Directors by current or recently retired athletes under the ten-year rule;⁵³ mandated the establishment by USOPC of an Athlete Ombuds to inform athletes of their rights and provide assistance during disputes; among other changes to USOPC practices and procedures.⁵⁴ The amendment also provided for federal-court jurisdiction over any cases brought against USOPC.⁵⁵ Additionally, one other very consequential provision was included in this amendment: the statute now clarified that athletes could not seek injunctive relief in court against USOPC in disputes relating to their participation within the movement. With athletes unable to sue USOPC, their only hope for resolution has continued to be through the established arbitration processes.⁵⁶ Congress’s actions in 1998, however, did not address the issue of USOPC prioritizing high-performance competition over the promotion and development of movement sports in the United States generally.

CREATION OF THE U.S. ANTI-DOPING AGENCY

The next serious reform Congress made to the organization of the U.S. Olympic and Paralympic move-

46 Internal Revenue Service, 2020, “Form 990: Return of Organization Exempt from Income Tax: Amateur Athletic Union of the U.S. Inc.”

47 “What is i9 Sports?” i9 Sports, accessed May 22, 2023, <https://www.i9sportsfranchise.com/>.

48 “Inside i9 Sports, the American youth-sports empire where everyone wins,” *Tampa Bay Times*, January 3, 2014.

49 “Youth Sports Market Projected to Reach \$77.6 Billion by 2026,” *Research and Markets*, December 26, 2019.

50 Joe Drape, “U.S. Olympic system rapped for shortchanging children,” *The Atlanta Journal-Constitution*, October 19, 1995.

51 Christine Brennan, “Spirited Olympic Hearing,” *The Washington Post*, October 19, 1995.

52 Pub. L. 105-277.

53 Under Pub. L. 105-277, athletes eligible to vote for representatives to the USOPC and NGB boards must be “*actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding ten years.*”

54 U.S. Senators Jerry Moran and Richard Blumenthal, “The Courage of Survivors: A Call to Action,” Senate Commerce, Science, and Transportation Subcommittee on Manufacturing, Trade, and Consumer Protection, July 30, 2019.

55 Pub. L. 105-277.

56 Dionne Koller, “A Twenty-First Century Olympic and Amateur Sports Act,” *Vanderbilt Journal of Entertainment and Technology Law* 20, no. 4, (Summer 2018): 1051.

ment was prompted by public outcry in the late 1990s over the use of performance-enhancing drugs across professional, collegiate, and movement sports. Clean, drug-free competition has always been a central tenet of the Olympic and Paralympic movement, including in the IOC's Olympic Charter, which states that the Olympic spirit is based in "*friendship, solidarity, and fair play*."⁵⁷ Doping, unfortunately, had been ubiquitous across Olympic and Paralympic competition since its origins, casting a cloud of doubt over the fairness of all competition. With the advent of technologies better able to screen for performance-enhancing drugs in the 1960s and 1970s, cases of doping—including doping orchestrated by national delegations—were brought to light.

After enacting legislation in 1990 to prohibit physicians from providing athletes with performance-enhancing drugs for no medically necessary reason,⁵⁸ Congress continued to confront the issue throughout the decade. In a 1999 Senate Commerce, Science, and Transportation Committee hearing, then-Director of the White House's Office of National Drug Control Policy (ONDCP) Barry McCaffrey told lawmakers that "*we have a wide-spread use of doping agents throughout the United States among young adolescents. We are talking about 550,000 kids using steroids in 1995, and the number is undoubtedly greater now*."⁵⁹ With USOPC's—and America's—international reputation threatened by the growing use of performance-enhancing drugs in U.S. Olympic and Paralympic sports, both Congress and ONDCP initiated action to address the challenge of doping, particularly urgent given the United States hosting the winter 2002 Olympic and Paralympic Games in Salt Lake City.⁶⁰

From the very start, ONDCP played a key role in promoting a response to doping. Its National Anti-Doping Strategy, unveiled in October 1999, cen-

tered on the premise that a new agency would need to be created that had buy-in both from stakeholders across the U.S. Olympic and Paralympic movement and from the federal government. The National Anti-Doping Strategy explained:

*In order to be effective, such an agency must be fully independent and must have certain governmental or quasi-governmental powers. With the powers of governmental status, however, must come the responsibilities of public service—most notably the duties of transparency and accountability to the American taxpayer. Further, an independent anti-doping agency would benefit substantially—both at home and abroad—from the added credibility offered by governmental oversight. Limited, but effective, oversight, accountability, and transparency would allow the United States to dispel the perceived conflicts of interests and the "fox guarding the hens" reputation that unfortunately now plagues the program.*⁶¹

Though USOPC initially launched the entity that would eventually become the U.S. Anti-Doping Agency (USADA), Director McCaffrey and ONDCP continued to engage closely with Congress to facilitate USADA's authorization in November 2001 as the independent, quasi-governmental body envisioned in the National Anti-Doping Strategy. Additionally, ONDCP secured the provision of annual appropriations to ensure USADA's independence from USOPC.⁶² ⁶³ Since then, USADA has been statutorily responsible for setting formal processes for drug testing, standardizing anti-doping rules, and sanctioning those found in violation. Other than funding appropriated for its use by Congress through ONDCP, USADA derives additional operating funds—and independence—from contract fees for providing drug-testing services to USOPC,

57 "Olympic Charter," International Olympic Committee (Lausanne: International Olympic Committee, October 2021).

58 Pub. L. 101-647.

59 Testimony of Barry McCaffrey, Director, Office of National Drug Control Policy, "U.S. Senate Commerce, Science, and Transportation Committee, October 20, 1999.

60 Dionne Koller, "Does the Constitution Apply to the Actions of the United States Anti-Doping Agency?" *Saint Louis University Law Journal* 50 (2005): 91-136.

61 *Ibid.*

62 *Ibid.*

63 Pub. L. 107-67.

NGBs, PSOs, and other sports organizations.⁶⁴ In parallel with its domestic efforts, ONDCP worked with international stakeholders in the Olympic and Paralympic movement to facilitate the multinational Lausanne Declaration pledging the launch of a global anti-doping regulatory body independent of the IOC and the IPC. The result was the creation of the World Anti-Doping Agency (WADA) in 1999. Because of its involvement from the start, the U.S. government has been able to play a leading role guiding WADA's development and the creation of its World Anti-Doping Code.⁶⁵ In the United States, USADA ensures compliance with WADA's World Anti-Doping Code in movement sports.

In addition to conducting drug testing, USADA also supports scientific research to ensure that testing keeps pace with the development of new performance-enhancing substances and practices. Toward that end, USADA awarded more than \$1.8 million in 2021 through its Partnership for Clean Competition funding.⁶⁶ Furthermore, the agency conducts trainings on clean competition for athletes and coaches.

As part of USADA's operations, athletes competing at the high-performance level in movement sports are routinely tested for hundreds of drugs on WADA's list of banned substances as well as evidence of blood doping. These athletes must abide by WADA's "Whereabouts Rule," which requires them to notify USADA where they can be found for the purposes of drug testing at any time. In 2021, more than 97% of U.S. athletes subject to this rule were in compliance, and USADA conducted more than 6,400 tests for athletes outside of a competition setting that year. More than 1,700 were also tested in competition.⁶⁷

Sanctions by USADA range from a short-term suspension to a lifetime ban on competition. An athlete wishing to dispute the results of a test or a sanctions ruling can request a hearing before an independent arbitrator and has a right to have his or her case heard within two months. For those requiring medications or medical treatments that could interfere with a test result, USADA provides limited "Therapeutic-Use Exemptions" (TUE) for athletes on an individual basis, with a clear and publicly transparent process for obtaining a TUE, including in an emergency situation. Since USADA's creation, more than 40,000 U.S. athletes have been tested and 770 U.S. and foreign athletes and others participating in USOPC-overseen events have been sanctioned for failed tests.⁶⁸

CHANGES TO THE USOPC BOARD OF DIRECTORS, 2003-2020

In 2003, following investigations by the Senate Commerce Committee of USOPC leadership and allegations of mismanagement—and the resignation of USOPC CEO Lloyd Ward after just sixteen months amid concerns over ethics-code violations—USOPC revisited the size and structure of its Board of Directors.⁶⁹ ⁷⁰ Having adopted changes based on the 1989 Olympic Overview Commission led by George Steinbrenner, USOPC's board had cut its membership to 101 directors⁷¹ before growing it by a quarter again in the 1990s. Accepting a recommendation by Sens. John McCain, Ted Stevens, and Ben Nighthorse Campbell, USOPC established an internal independent commission to review governance practices and make recommendations for reforms. This three-member commission consisted of Donald Fehr, then-Executive Director of the Major League Baseball Players' Association; Roberta Cooper Ramo, former President of the American

64 USADA 2021 Annual Report. Colorado Springs, CO: U.S. Anti-Doping Agency, 2022.

65 Koller, "Does the Constitution Apply to the Actions of the United States Anti-Doping Agency?" 91-136.

66 USADA 2021 Annual Report. Colorado Springs, CO: U.S. Anti-Doping Agency, 2022.

67 *Ibid.*

68 Information provided directly to the Commission by the U.S. Anti-Doping Agency; these figures include some athlete-support personnel, and twenty-three of the sanctioned individuals were considered "no-fault" instances, in which a prohibited substance was determined to have entered the subject's body through no fault or negligence, even though a sanction was still required or issued per U.S. Anti-Doping Agency rules.

69 Richard Sandomir, "Independent Panel Named to Review U.S.O.C.'s Crisis," *The New York Times*, February 28, 2003.

70 Amy Shipley, "Embattled CEO Ward Leaves USOC," *The Washington Post*, March 2, 2003.

71 Janofsky, "U.S.O.C. Aims at More Efficiency and Profitability."

Bar Association; and Dick Ebersol, then-Chairman of NBC Sports.⁷² Their recommendation to reduce the size of USOPC's board even further from 125 to just eleven directors was adopted later that year.

Yet another internal commission was set up by USOPC just six years later to address problems with that new system. After losing a bid to host the 2016 games, divisions among governing bodies and movement stakeholders' lack of confidence in USOPC's truncated board,⁷³ and the departure of the acting CEO after a no-confidence vote by the governing-body leaders,⁷⁴ USOPC asked former NFL Commissioner Paul Tagliabue to oversee a further review of board structure and governance practices.⁷⁵ The result of that review was the addition in 2010 of four more directors to USOPC's board, including one each representing the National Governing Bodies Council (NGB Council) and the AAC, bringing the total to fifteen.⁷⁶ In December 2020, additional director positions were added to provide for the NGB Council and AAC each to hold three voting seats.⁷⁷

The NGB Council and AAC are two of the three "constituent councils" recognized by USOPC as integral to its leadership of the U.S. Olympic and Paralympic movement. The third is USOPC's Affiliate Organization Council, which consists of representatives of its thirty-five affiliate community-based, military, adaptive, educational, and multi-sport organizations as well as organizations governing non-Olympic or Paralympic sports in the United States. The Affiliate Organization Council has no direct representation on USOPC's board.⁷⁸

Currently, the sixteen members of the USOPC Board of Directors include the two American

members of the IOC, the one American member of the IPC, three NGB Council representatives, three representatives from the AAC (now called the Team USA Athletes' Commission), five independent directors, and two independent athlete-at-large directors. While the athlete-at-large directors are chosen by the board in the same way that independent directors are selected, the three AAC representatives are directly elected by athletes who qualify under the ten-year rule, as was required by the 1998 amendment to the Ted Stevens Olympic and Amateur Sports Act.⁷⁹

OLYMPIC AND PARALYMPIC LICENSING AND BROADCASTS

Much of the current model for Olympic and Paralympic sponsorship and broadcast licensing emerged following the successes of the 1984 Los Angeles summer games. Under the direction of Peter Ueberroth, then-Chairman of the Los Angeles Olympic Organizing Committee, those games harnessed the power of the Olympic trademarks (the Paralympic games that year were not held in Los Angeles) unlike any previous. Broadcasting rights for those games were secured by ABC for \$225 million; nearly thirty private companies like American Express, McDonalds, and United Airlines together paid millions more for official sponsorships. To date, the 1984 Los Angeles games are lauded as not only a success for the movement—in spite of the Soviet boycott—but also as an exemplar that turned a profit of more than \$250 million.

In 2014, the IOC, which holds the global monopoly over broadcast rights to the Olympic games, signed an eleven-year extension with NBC Sports to its ex-

72 Sandomir, "Independent Panel Named to Review U.S.O.C.'s Crisis."

73 Katie Thomas, Richard Sandomir, and Juliet Macur, "Critics Assail U.S.O.C. After Chicago's Loss," *The New York Times*, October 3, 2009.

74 Katie Thomas and Juliet Macur, "U.S.O.C.'s Embattled Chief Says She'll Step Down," *The New York Times*, October 7, 2009.

75 Katie Thomas, "Paul Tagliabue, Former N.F.L. Commissioner, Selected to Lead U.S.O.C. Panel," *The New York Times*, November 12, 2009.

76 Associated Press, "USOC seeks to expand board," *ESPN*, July 13, 2010.

77 Matthew De George, "Donna de Varona, John Naber Join Expanded USOPC Board," *Swimming World Magazine*, December 21, 2020.

78 "Affiliate Organizations Council," *U.S. Olympic and Paralympic Committee*, accessed October 7, 2023, <https://www.usopc.org/about/leadership/affiliate-organizations-council>.

79 "U.S. Olympic and Paralympic Committee Leadership," *U.S. Olympic and Paralympic Committee*, accessed October 7, 2023, <https://www.usopc.org/about-the-usopc/leadership>.

isting deal providing exclusive rights to show the games in the U.S. domestic television and streaming market through 2032. NBC Sports paid the IOC \$7.75 billion for the privilege, which covers three winter and three summer games.⁸⁰ That same year, the revenues from NBC Sports's coverage of the 2014 Sochi winter games represented nearly two-thirds of the global broadcast revenues earned by the IOC from those games.⁸¹ The extension deal emerged after a no-bid process, in which the IOC approached NBC Sports to negotiate the right to continue its exclusive U.S. coverage,⁸² which had been the case since the contract signed in 1985 to broadcast the 1988 summer games in Seoul, after it won a competitive bid of \$300 million against ABC's \$250 million.⁸³ Ever since, NBC Sports has continued to secure U.S. rights, which produce the lion's share of the IOC's overall revenues globally.

Under an agreement between USOPC and the IOC signed in 1996, the former received 20% of all Olympic sponsorship revenues globally as well as 12.75% of the revenues generated from U.S. broadcast rights. A dispute ensued, however, in the early years of the twenty-first century as the IOC sought to renegotiate a lower percentage for USOPC. In May 2012, that disagreement was resolved when USOPC CEO Scott Blackmun signed a deal with the IOC to maintain the 20% rate for sponsorships but accept a reduction in broadcast revenues to 7% on any increases from 2020-2040, among other changes.⁸⁴

Concurrent with its exclusive contracts to broadcast Olympic coverage in the United States, NBC Sports also acquired rights from the IPC for the Paralympic games. However, NBC Sports declined to offer viewers primetime coverage of Paralympic events until the rescheduled 2020 Tokyo summer games

and the 2022 Beijing winter games.⁸⁵ Prior to those games, NBC Sports instead limited its Paralympic coverage to one-hour daily highlight broadcasts and a longer recap after the games had concluded, not during primetime viewing hours. In total, NBC Sports committed to sixty and a half hours of total coverage for the London 2012 Paralympics, sixty-six hours for the Rio de Janeiro summer games in 2016, and just fifty hours of the winter games in Sochi in between.⁸⁶

In contrast, Channel 4 in the UK, which held exclusive broadcast rights from the IPC in the 2012 host nation, provided viewers with 500 hours of Paralympic coverage, with nearly half the UK population tuning in to watch. That commitment to covering the Paralympic for the domestic UK market continued in 2016 with summer-game broadcasts reaching 700 hours. Moreover, Channel 4's coverage included live commentary and recaps hosted by on-air presenters with disabilities.⁸⁷ Nine-time U.S. Paralympian Candace Cable told our Commission during its public hearing:

London 2012 created a visceral paradigm shift. You actually could taste it in the air. There were more people that attended the Paralympic Games than the Olympic Games in London. That was almost unheard of. ...They had television shows, they had late-night talk shows. They had a late-night talk show called "The Last Leg" that was hosted by a single-leg amputee, and it was hilarious. It still continues to today, it's so popular.

NBC Sports aired 1,000 hours of coverage for the Tokyo 2020 Paralympic summer games, which included both television and streaming. In August 2023, NBC Sports announced that it would expand

80 Nancy Armour, "NBC Universal pays \$7.75 billion for Olympics through 2032," *USA Today*, May 7, 2014.

81 Brian Fung, "NBC single-handedly pays for a fifth of all Olympic games," *The Washington Post*, February 10, 2014.

82 Armour, "NBC Universal pays \$7.75 billion for Olympics through 2032."

83 Sally Bedell Smith, "NBC Wins TV Rights for Olympics," *The New York Times*, October 4, 1985.

84 Tom Degun, "IOC agree revenue-sharing deal with USOC," *Inside the Games*, May 24, 2012.

85 Scooby Axson, "NBC will air Paralympic Winter Games in primetime for first time," *USA Today*, January 28, 2022.

86 Nick Zaccardi, "NBC Olympics, U.S. Olympic Committee acquire media rights to Paralympics in 2014, 2016," *NBC Sports*, September 24, 2013.

87 "Report reveals Channel 4 revolutionising disability broadcast landscape," International Paralympic Committee, September 11, 2020.

its Paralympic coverage to 1,500 hours for the Paris 2024 summer games. Six of those hours are scheduled for primetime television.⁸⁸

U.S. BIDS TO HOST THE OLYMPIC AND PARALYMPIC GAMES

Following the successful 1996 summer and 2002 winter games, several attempts were made to bring the Olympics and Paralympics back to the United States before they were awarded to Los Angeles for 2028. Between 2000-2005, New York City sought to host the 2012 summer games, and it was selected by USOPC to be the official U.S. bid city. It was eliminated, however, in the second round of voting by the IOC. In 2007, USOPC chose Chicago over Houston, Los Angeles, and Philadelphia to submit to the IOC and IPC for the 2016 games. In 2009, once again American hopes were frustrated when the IOC selected Rio de Janeiro over Chicago and other finalists.

After the dispute between USOPC and the IOC over broadcast licensing revenues was resolved in 2012, the outlook for U.S. bids grew more favorable. Indeed, several cities put forward bids for the 2024 summer games, including Boston, Los Angeles, San Francisco, and Washington, D.C. In January 2015, USOPC selected Boston as the official U.S. bid for those games. However, by that July, the Boston organizers withdrew their city's bid as a result of poor public support. Instead, USOPC worked with officials from Los Angeles to revive that city's 2024 bid and advance it to the IOC and IPC. With only Los Angeles and Paris, France, in the running, the IOC and IPC decided to select one for 2024 and the other for 2028; Los Angeles was ultimately chosen for the latter date. More recently, Denver, Reno-Tahoe, and Salt Lake City submitted bids to USOPC for the 2030 winter games. After Reno-Tahoe withdrew, USOPC selected Salt Lake City over Denver in 2018 to advance to consideration by the IOC and the IPC. However, with Los Angeles set to host the

2028 summer games, Salt Lake City's bid planners shifted focus to 2034, and IOC and IPC officials announced in November 2023 that the city would be considered the preferred candidate.

SEXUAL-ABUSE CRISES AND CREATION OF THE U.S. CENTER FOR SAFESPORT

Congress next took action implementing structural reforms within the U.S. Olympic and Paralympic movement in 2017 after revelations in the mid-2010s of widespread sexual abuse in certain sports as well as the disturbing and failed response by NGBs, PSOs, and USOPC. The most publicly visible and wrenching scandals, perhaps, were those involving U.S.A. Swimming and U.S.A. Gymnastics. Not only did they initiate a process of soul-searching within the Olympic and Paralympic movement with regard to the safety of athletes, coaches, and staff. They also launched a national conversation about the role of government in protecting movement-sports participants through more effective oversight of safety precautions at every level.

In 2010, an ABC News investigation revealed that coaches with U.S.A. Swimming had been sexually assaulting multiple minors and secretly photographing and recording them in high-school locker rooms and showers. U.S.A. Swimming instituted lifetime bans for thirty-six coaches as a result. Among those it had banned was a coach who had been cleared through internal background checks even though he had a history of abusing teenaged swimmers.⁸⁹ Moreover, U.S.A. Swimming kept confidential the names of those coaches who had been sanctioned, making it easy for them to go outside the U.S. Olympic and Paralympic movement to continue their abuse.⁹⁰ Even as late as 2017, allegations of child sexual assault by coaches were routinely ignored by U.S.A. Swimming officials, with bans against individuals imposed only once they had been convicted in court, sometimes years after the abuse was first reported to the NGB. In to-

88 "NBC Universal to air record Paralympic coverage from Paris, daily live shows," *NBC Sports*, August 29, 2023.

89 Megan Chuchmach and Avni Patel, "ABC News Investigation: USA Swimming Coaches Molested, Secretly Taped Dozens of Teen Swimmers," *ABC News*, April 8, 2010.

90 "Nassar and Beyond: A Review of the Olympic Community's Efforts to Protect Athletes from Sexual Abuse," U.S. House Committee on Energy and Commerce (Majority Staff), December 20, 2018.

tal, between the period from 1997-2017, as many as 590 youth swimmers under age eighteen were abused by more than 250 coaches and officials from U.S.A. Swimming.⁹¹

In 2016, the movement confronted another egregious case, that of Larry Nassar, who was indicted the following year for the rape and sexual assault of hundreds of young women and minor girls over a twenty-four-year period between 1992-2016. According to USOPC's own independent investigation, Nassar may have sexually abused more than 400 victims, many of them repeatedly, over his thirty-year career as the team doctor and national medical coordinator for the U.S. national women's gymnastics team.⁹² According to that investigation's report:

*He abused famous Olympians in hotel rooms across the globe; elementary-school-aged gymnasts in local Michigan gyms and in the basement of his family's home; athletes from [Michigan State University] in his clinic's office; and the daughter of his family friends, starting when she was six years old.*⁹³

Nassar carried out his crimes with impunity, including at the U.S.A. Gymnastics training facility in Texas.⁹⁴ When courageous victims finally came forward in 2015 and reported his abuse to law enforcement, their actions came amid broader revelations that U.S.A. Gymnastics had ignored evidence for years of abuse by coaches on its staff and had delayed contacting law enforcement to report crimes.⁹⁵

Other sports faced a reckoning about their handling of abuse as well. In 2017, former athletes sued USOPC and U.S.A. Taekwondo for covering up abuses, and it was revealed that the NGB had placed an athlete and coach under investigation for sexual misconduct for two years without ever holding a hearing on their cases and then permitted the pair to travel to the Rio de Janeiro 2012 Olympics together with the rest of the team.⁹⁶ Furthermore, in February 2017, a six-time national champion cyclist publicly revealed that she had endured sexual abuse and emotional misconduct at U.S.A. Cycling earlier in her career.⁹⁷ U.S.A. Speedskating had experienced a sexual-abuse scandal in 2013, in which it settled a claim with athletes who had come forward to report a former head coach.⁹⁸ An exposé in 2017 revealed that U.S.A. Volleyball had banned a coach in 1995 for child sexual abuse but reinstated him just five years later, allowing him to coach more than 20,000 additional minor girls until he would eventually be banned again only in January 2018.⁹⁹

In the fallout from the U.S.A. Gymnastics scandal, its president resigned in 2017, and the USOPC threatened to decertify its NGB status in January 2018 unless its entire board departed as well, which it did by the end of the month. That February, Mr. Blackmun left his position as USOPC's CEO. By the end of 2018, U.S. Gymnastics, facing a multitude of civil lawsuits from abuse victims, declared bankruptcy. Two U.S.A. Swimming executives, including the senior director in charge of athlete safety, resigned shortly after the NGB's failures to address widespread abuse became public. The executive director of U.S.A. Taekwondo also stepped down. In explaining how the governance structure of Olympic and Paralympic sports

91 Scott Reid, "100s of USA swimmers were sexually abused for decades and the people in charge knew and ignored it, investigation finds," *The Orange County Register*, February 16, 2018.

92 Joan McPhee and James Dowden, "Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes," Ropes & Gray LLP, December 10, 2018.

93 *Ibid.*

94 "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse," Hearing Transcript, Subcommittee on Oversight and Investigations, U.S. House Committee on Energy and Commerce, May 23, 2018.

95 "Nassar and Beyond," U.S. House Committee on Energy and Commerce.

96 Nancy Armour and Rachel Axon, "Executive director out at USA Taekwondo after handling of misconduct cases," *USA Today*, September 5, 2017.

97 Caitlin Giddings, "USA Cycling Opens Investigation into Missy Erickson's Allegations of Sexual Abuse," *Bicycling.com*, February 17, 2017.

98 Kelly Whiteside, "USOC Group Looks at Enforcement in Misconduct Cases," *USA Today*, July 29, 2013.

99 Jon Seidel and Michael O'Brien, "Net Pains: Volleyball Coach Rick Butler, His Players—and the Damage That's Been Done," *Chicago Sun-Times*, November 24, 2017.

facilitated this type of rampant abuse and the lack of seriousness with which sports officials treated the abuse epidemic, law professor Amanda Peters writes:

The International Olympic Committee (IOC) sits at the top of the pyramid, overseeing 206 national Olympic committees. Next to the top are the national committees like America's USOPC, then NGBs, then individual sports clubs, then coaches, trainers, and staff, then amateur athletes. This tiered approach is problematic when it comes to determining who is responsible for athlete safety. The Olympic structure has allowed the IOC, USOPC, and even NGBs to deny responsibility for abuse. All tiers have deflected the blame further up or down the pyramid and have ignored the problem of abuse. NGBs looked to the USOPC to develop policies to protect athletes, but the USOPC did nothing. Meanwhile, the USOPC tried to lay the burden for creating policies and policing abuse on the NGBs, which in turn deferred to local clubs. When an athlete alleged abuse at a gym or club, the higher tiers' defense was that the clubs are self-regulated, they hire their own coaches and personnel, and set their own rules, so the USOPC and NGB were not liable. When each tier asserts that protection from abuse is another tier's responsibility, no one takes responsibility and coaches are more likely to abuse their athletes.¹⁰⁰

More important in terms of its impact on the structure of the U.S. Olympic and Paralympic movement than individuals' departures from USOPC and governing-body leadership, however, was Congress's growing recognition of this systemic failure and the need for improved safety precautions for athletes and greater accountability for USOPC, NGBs, and PSOs. On March 28, 2017, the Senate Judiciary Committee held a hearing on "Protecting Young Athletes from Sexual Abuse." It was followed on May 17 by a Senate Commerce, Science, and Transporta-

tion Committee hearing on "Protecting the Health and Safety of American Athletes."

The result of these hearings and the increased public attention to the issue of athlete safety from abuse was an acknowledgement by Congress that USOPC alone could not solve the problem. Though USOPC had established its own safety policies in 2012 and launched what it called the U.S. Center for Safe Sport (SafeSport) not long after, little had been achieved to fund that body or provide it with the independence required to carry out the mission for which it was sorely needed. Indeed, SafeSport's initial creation was considered more window-dressing than problem-solving, and when Mr. Blackmun initially led internal discussions on addressing safety issues, he sought to balance meeting safety needs against placing too much financial burden on NGBs and PSOs.¹⁰¹ "For years," Peters notes, "there was an unwillingness to open an investigative center that operated independently of the USOPC or NGBs because neither organization wanted to cede the control it had. ... The USOPC and NGBs refused to create a reporting process, track abuse, or conduct auditing of any kind. They were willfully ignorant."¹⁰²

Concurrent to Congress's hearings, Ranking Member Dianne Feinstein and Chairman Chuck Grassley of the Senate Judiciary Committee introduced the bipartisan Protecting Young Victims from Sexual Abuse Act, and Senate Commerce, Science, and Transportation Committee Chairman John Thune and Ranking Member Bill Nelson introduced the Safe Sport Act. Together, these were combined into the Protecting Young Victims from Sexual Abuse and Safe Sport Act of 2017. Congress subsequently enacted their legislation, which was signed into law on February 14, 2018.¹⁰³

That legislation amended the Ted Stevens Olympic and Amateur Sports Act to make SafeSport nominally independent of USOPC and grant it exclusive jurisdiction to investigate claims of sexual misconduct in movement sports as well as ban, temporarily

100 Amanda Peters, "When Coaching Becomes Criminal," *University of New Hampshire Law Review* 20, no. 1 (December 2021): 2-13.

101 "USOC Wary of Funding for Unit Investigating Abuse," *Associated Press*, September 29, 2014.

102 Peters, "When Coaching Becomes Criminal," 30-31.

103 Pub. L. 115-126.

or permanently, sanctioned individuals from participation. Though operating outside the control of USOPC, SafeSport would receive its funding almost entirely through USOPC grants. The remainder would come from other grants and from fee-for-service programs.

SafeSport, in short, was established to improve accountability, reduce the time needed to resolve allegations of abuse, promote a greater sense of safety among participants in movement sports, and ensure that those with a history of abuse can no longer threaten others in the U.S. Olympic and Paralympic movement. Each NGB and PSO also maintains its own individual safe-sport program or officer, through which SafeSport standards and policies are promoted, safety trainings are provided, and sanctions are enforced.

SafeSport's main function is to adjudicate claims submitted by athletes, coaches, staff, volunteers or anyone else operating within the USOPC, NGB, and PSO framework, particularly those with access to minors. The fifty-two-page SafeSport Code lays out its statutory jurisdiction and outlines its claims process. According to the Code:

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

- 1) Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to the underlying allegation of Sexual Misconduct;*
- 2) Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;*
- 3) Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;*

4) Misconduct Relating to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process;

5) Other Inappropriate Conduct, as defined herein.¹⁰⁴

Additionally, SafeSport holds discretionary jurisdiction when the subject of a claim is alleged to have engaged in the following activities:

Non-sexual Child Abuse;

Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;

Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;

Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;

Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the process of the USOPC, an NGB, an LAO,¹⁰⁵ or any other organization under the Center's jurisdiction.¹⁰⁶

The Code stipulates that each of these ten categories constitutes "Prohibited Conduct" as a result of which "the privilege of participation in the Olympic and Paralympic Movement may be limited, conditioned, suspended, terminated, or denied" by SafeSport.¹⁰⁷ Anyone listed on a sex-offender registry is automatically ineligible. The recording or sharing of images or video of a sexual or private nature (including online) without consent of all parties is strictly prohibited. The Code explicitly includes a ban against stalking, bullying, verbal assault, other forms of physical and emotional misconduct, for

104 "SafeSport Code for the U.S. Olympic and Paralympic Movement, Effective April 1, 2023," U.S. Center for SafeSport, accessed May 8, 2023, https://uscenterforsafesport.org/wp-content/uploads/2023/02/2023_SafeSportCode.pdf.

105 Local Affiliate Organization; USOPC's bylaws make certain sports organizations eligible for affiliate status as long as they qualify under one of five categories: 1) community-based multisport; 2) education-based multisport; 3) Armed Forces; 4) recognized sport; or 5) take some part in administering or organizing major sporting events in the United States. Examples of affiliate organizations include U.S.A. Football (which is not internationally governed for the purposes of Olympic competition), the NCAA, and community organizations such as the Boys and Girls Clubs of America, Special Olympics, and the U.S.A. Deaf Sports Federation.

106 "SafeSport Code," U.S. Center for SafeSport.

107 *Ibid.*

SafeSport, in short, was established to improve accountability, reduce the time needed to resolve allegations of abuse, promote a greater sense of safety among participants in movement sports, and ensure that those with a history of abuse can no longer threaten others in the U.S. Olympic and Paralympic movement.

which a victim may file a claim with SafeSport. Furthermore, it forbids adult participants from engaging in a consensual romantic or intimate relationship where there is a power imbalance. Failure to report child abuse or sexual misconduct to SafeSport (excepting self-reporting by victims) is a violation of the Code as well, and the Code details consequences for filing false claims, abusing the claims process, or retaliating against claimants.¹⁰⁸

Under statutory requirements, those making a claim of child abuse or child sexual abuse must report it to law enforcement in addition to filing a claim with SafeSport. Knowledge of other prohibited conduct under the Code, such as bullying, stalking, and other forms of physical and emotional abuse, are to be reported either to SafeSport or to one's affiliated organization (USOPC, NGB, PSO, or local affiliate organization). Claims may be made anonymously, and SafeSport promises claimants that their identities will remain confidential unless necessary to investigate or resolve a claim. SafeSport does not contact law enforcement on behalf of a claimant, instead directing those making claims to report criminal activity to law enforcement concurrent to filing a SafeSport claim. Claims are valid even if prohibited conduct occurred before the creation of SafeSport and the publication of the Code; there is no statute of limitations.¹⁰⁹

The Code specifies SafeSport's process for adjudicating claims. When an allegation is made, SafeSport notifies USOPC or the relevant NGB, PSO, or local affiliate. After a preliminary inquiry, SafeSport officials determine whether an investigation is warranted. The burden of evidence gathering is on SafeSport, not a claimant, and a "preponderance of

the evidence" is required to reach a determination. A dismissal of charges in a criminal proceeding is not considered sufficient reason to dismiss allegations under review by SafeSport. In cases where criminal laws may have been violated, SafeSport coordinates with law enforcement and provides evidence and other relevant information to criminal investigators.¹¹⁰

Once a claim is made, SafeSport seeks to reach a resolution either by administratively closing cases deemed to have insufficient evidence to investigate, by facilitating an informal resolution satisfactory to the claimant and the subject of the claim, or by reaching a formal resolution following an investigation and a decision. Under its Code, SafeSport strives to respect the privacy and anonymity of both claimants and those under investigation. All parties are guaranteed a right to consult with advisors of their choosing, including those providing legal representation, as long as an advisor is not affiliated with USOPC, an NGB, a PSO, a local affiliate organization, or SafeSport. Witness testimony is allowed from anyone who participates within the U.S. Olympic and Paralympic movement. SafeSport may notify the parent or guardian of a claimant if officials believe it necessary to protect the claimant's health or safety. It may also impose temporary sanctions, including suspensions or the required use of chaperones when interacting with minors, on those under investigation—even if the arbitration process has not yet begun.¹¹¹

Those who are the subjects of SafeSport claims also have certain rights under the Code. In addition to the right to representation and written notices, they are guaranteed an opportunity to be heard by

108 *Ibid.*

109 *Ibid.*

110 *Ibid.*

111 *Ibid.*

SafeSport investigators. The Code promises decisions made in writing with a reasoned explanation, and subjects have the right to challenge any temporary sanctions through arbitration. Once a decision

Congress’s grant of statutory authorities to SafeSport represented a significant step toward greater public oversight of safety in the U.S. Olympic and Paralympic movement.

has been made by SafeSport officials, following an investigation, the subject of that decision has ten days to request a hearing with a neutral arbitrator. Sanctions imposed by SafeSport can range from only a written warning to permanent ineligibility to participate in any movement-sports program.¹¹²

One of the most significant reforms was also the launch of SafeSport’s publicly accessible and searchable database of individuals sanctioned for misconduct, the Centralized Disciplinary Database. This made it possible for the first time for parents or guardians, athletes, coaches, and concerned participants in private leagues and clubs outside the Olympic and Paralympic movement—as well as those engaged in school and collegiate athletics—to find a list of banned individuals all in one place online. This was intended to make it harder for perpetrators of abuse to move with impunity from one league, club, or training facility to the next and continue their misconduct.

In addition to its claim-investigation and resolution process, SafeSport works proactively to promote safety through education and training programs across the U.S. Olympic and Paralympic movement. Adults who are in regular contact with minors are required by USOPC, NGBs, and PSOs to complete SafeSport’s annual ninety-minute training course online. Parents or guardians of athletes and—with their parents’ or guardians’ consent—athletes below age eighteen are also offered SafeSport training on how to recognize and report child abuse. SafeSport also offers its training courses to private sports organizations outside the framework of USOPC, NGBs, and PSOs on a fee-for-

service basis. However, the private grassroots- and youth-sports clubs and leagues that operate outside of USOPC, NGBs, or PSOs are required neither to participate in SafeSport’s trainings nor abide by its standards. These private organizations, which now form a major segment of the youth-sports landscape in our country, are also not obligated to participate in its Centralized Disciplinary Database by reporting claims of misconduct or checking potential employees or volunteers for inclusion in the database.

SafeSport is also required by law to conduct regular and random safety audits of USOPC, NGBs, and PSOs, with at least one audit per year per organization. Each is evaluated on the basis of whether its participants have completed required trainings and whether certain standard safety practices have been implemented. Where corrective actions are required they are noted, and the organizations are provided an opportunity to address shortcomings. Audit reports made after 2021 have been published online for public transparency.¹¹³

Congress’s grant of statutory authorities to SafeSport represented a significant step toward greater public oversight of safety in the U.S. Olympic and Paralympic movement. At around the same time, in December 2019, USOPC began requiring that criminal background checks be conducted on all adult participants in the movement meeting certain criteria, including all who interact with minors. The checks are conducted through the National Center for Safety Initiatives and are engaged upon the commencement of a role or responsibility or at least every two years for covered individuals. The background checks include SafeSport disciplinary records as well as public sex-offender registries.¹¹⁴

THE ROPES & GRAY LLP REPORT

Even while Congress was developing and enacting the Protecting Young Victims from Sexual Abuse and Safe Sport Act, it was clear both inside and outside the U.S. Olympic and Paralympic movement

112 *Ibid.*

113 To access Audit Reports since 2021, visit <https://uscenterforsafesport.org/audit-reports-3/>.

114 “Responsible Sport Organization Background Check Policy,” U.S. Olympic and Paralympic Committee, December 13, 2019.

that additional, broader reforms would be needed. USOPC entered a period of long-overdue introspection, and Congress continued to pursue additional fact-finding and prepare further legislation.

In early 2018, the USOPC Board of Directors hired the law firm Ropes & Gray LLP to carry out an independent investigation into the failings that allowed Nassar to engage in his crimes for so long while employed by U.S.A. Gymnastics. Led by two former federal prosecutors, the Ropes & Gray LLP investigation included interviews with current and former U.S.A. Gymnastics and USOPC employees, a review of more than a million documents, and analysis of the transcripts from Nassar's criminal proceedings, and it focused on identifying structural reforms needed within USOPC and the NGB.¹¹⁵ Ropes & Gray LLP presented USOPC and U.S.A. Gymnastics with its report that December, the authors stating that *"although neither organization purposefully sought to harm athletes, both adopted general governance structures and specific policies concerning sexual abuse that had the effect of allowing abuse to occur and continue without effective intervention."*¹¹⁶

Among the Ropes & Gray LLP report's main findings:

- *The [USOPC]'s evolution toward a more traditional corporate structure corresponded with an increased focus on generating revenue and athlete success and a diminishing voice for athletes in governance.*¹¹⁷
- *The [USOPC] did not view itself as a youth-oriented organization and was delayed in recognizing the need to adopt global child-protective measures.*¹¹⁸
- *Patterns of inadequate policies and practices emerged across the NGBs, including overly for-*

*malized complaint processes, lack of sufficient training for employees handling sexual abuse matters, and inadequate attention to the risk of retaliation against athletes and others for raising complaints.*¹¹⁹

- *U.S.A. Gymnastics erected numerous procedural obstacles in the complaint resolution process that kept U.S.A. Gymnastics from effectively addressing serious, credible allegations of child sexual abuse.*¹²⁰
- *These obstacles included requiring a complaint to come from a survivor or survivor's parent; refusing to investigate complaints where the reporting party wished to remain anonymous to the perpetrator; refusing to investigate complaints where the reporting party did not submit a signed, written complaint; limiting available sanctions if the alleged conduct was not "criminal" in nature; failing to follow up on complaints of misconduct; and losing track of important information about accused coaches.*¹²¹
- *U.S.A. Gymnastics's lack of oversight allowed Nassar to consolidate and entrench his position within a larger structural environment that lacked effective athlete-protection policies and practices and operated to discourage reporting of misconduct.*¹²²

In short, the Ropes & Gray LLP report pointed to three key areas where USOPC and the governing bodies had fallen short: 1) athlete representation; 2) the implementation of effective safety procedures to protect athletes, particularly minors; and 3) an attitude among USOPC and governing-body leaders that their primary responsibility was to foster medal accrual in international competition instead

115 McPhee and Dowden, "Report of the Independent Investigation."

116 *Ibid.*, 4.

117 *Ibid.*, 142.

118 *Ibid.*, 139.

119 *Ibid.*

120 *Ibid.*, 167.

121 *Ibid.*

122 *Ibid.*

of promoting safety and access in the coordination and development of movement sports at all levels.

The Ropes & Gray LLP report also cited a long-simmering disagreement among USOPC officials as to the organization's responsibility toward governing bodies and its role in supervising their actions for purposes of accountability. The authors noted: "One contributing factor to this debate is the vagueness of the Ted Stevens [Olympic and Amateur Sports] Act."¹²³ A lack of specifics and clarity with regard to the USOPC's mandate to "establish national goals for amateur athletic activities"¹²⁴ and "to coordinate and develop amateur athletic activities in the United States,"¹²⁵ they observed, led USOPC to adopt a "service-approach toward the NGBs that involved providing resources without accompanying oversight."¹²⁶ The weaknesses from having an amateur regulator had contributed directly to an environment where abusers like Nassar could commit their crimes and where USOPC officials could willfully ignore problems that could be seen as a distraction from their goal of maximizing medals and revenue.

CONGRESSIONAL INVESTIGATIONS, HEARINGS, & REPORTS FROM 2017-2020

Meanwhile, as the Ropes & Gray LLP report was being prepared, Congress itself began a process of looking into systemic failings in the governance of grassroots sports. The House Energy and Commerce Subcommittee on Oversight and Investigations held a hearing on May 23, 2018, and summoned the acting CEO of USOPC to testify, along with the President and CEO of U.S.A. Gymnastics, the President and CEO of U.S.A. Swimming, the CEO of U.S.A. Volleyball, the Executive Director for U.S.A. Taekwondo, and the President and CEO of SafeSport. Subcommittee Chairman Gregg Harper, in his opening statement, reminded all of them why Congress has a vested interest in holding USOPC, NGBs, PSOs, and SafeSport accountable for ensuring safety in movement sports. He stated:

*The [USOPC] and NGBs play a role in keeping millions of American athletes safe from harm. The vast majority of the athletes involved in NGBs will never compete in the Olympics. They're on teams affiliated with an NGB, or play in NGB-sponsored events. This can include little league teams, local tennis tournaments or gymnastics competitions. They are, in many instances, children. But they still fall within the parameters of "organized sport." So when we talk about athlete safety, we aren't just talking about elite athletes representing their country at the highest levels of their competition. We are also talking about our friends, our neighbors, our kids.*¹²⁷

Subcommittee Ranking Member Diana DeGette was also unabashed in expressing the concerns she and others in Congress were still having about safety even after enacting the legislation in 2017 that authorized SafeSport:

...I still have considerable concerns about whether SafeSport has sufficient tools and resources and operates with enough independence from the organizations it oversees. I want to know that there are formal ongoing assessments of SafeSport's needs and operations to ensure that it can handle its workload effectively. The Olympic Committee is not operating on a shoestring. Its annual revenue is in the hundreds of millions. I hope we will hear today that if SafeSport needs more money, the U.S. Olympic Committee and governing bodies are prepared to increase substantially the support they provide to the Center. Similarly, I would like to know how the Center for SafeSport and national governing bodies will ensure that the independent system they have designed is working as intended and meeting the needs of those it is charged with protecting. ...I hope that we are on the road to real change. Today,

¹²³ *Ibid.*, 150.

¹²⁴ 36 U.S.C., Sec. 220503 (1).

¹²⁵ *Ibid.*

¹²⁶ McPhee and Dowden, "Report of the Independent Investigation," 149.

¹²⁷ "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse," Hearing Transcript, Subcommittee on Oversight and Investigations, U.S. House Committee on Energy and Commerce, May 23, 2018.

*I want every witness here to convince me that we are, and that the steps taken to date are not just “window dressing.”*¹²⁸

On July 24, 2018, the Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security held a similar hearing, entitled “Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions.” It addressed a wide range of challenges, including the efficacy of SafeSport, athletes’ rights and representation, and USOPC officials’ steps to address concerns. The main focus, however, continued to be athlete safety in the aftermath of the still-ongoing fallout from the sexual abuse crisis.

Senate Judiciary Committee Chairman Chuck Grassley, one of the original sponsors of the 2017 legislation, joined the Subcommittee for the July 24 hearing. He noted the striking figure that SafeSport, in its first year alone, had *“fielded over 1,200 misconduct allegations and issued sanctions against 300 individuals.”*¹²⁹ According to information provided by SafeSport to the House Energy and Commerce Committee, in 2018 it had been asked to investigate allegations of sexual abuse from thirty-five out of the forty-eight governing bodies certified by USOPC at that time.

At the July 24 hearing, Han Xiao, then Chair of the AAC and later a Co-Chair of this Commission, warned that SafeSport *“could still fail in its mission to protect athletes. For example, SafeSport efforts could be derailed by the stories we’re hearing suggesting that the rights of the accused are not being appropriately protected. In other cases,”* he continued, *“we hear that SafeSport complaints are being used by staff against athletes, as yet another way to exercise power over them.”* Furthermore, he highlighted the variable effectiveness of SafeSport’s ed-

ucation and training programs. *“Athletes have informed me,”* Xiao told the Subcommittee, *“that in some sports, receiving a SafeSport ‘certification’ for completion of training is a mere formality that can be granted upon viewing a video or having someone pick up their certificate for them.”*

Xiao also raised the related issue of a lack of representation for athletes seeking to resolve disputes with USOPC over safety and other concerns, such as right-to-compete (USOPC Bylaws Section Nine) and governing-body non-compliance (USOPC Bylaws Section Ten) cases. *“Currently,”* he explained, *“the AAC is the primary body actively advocating for athletes’ rights. The AAC is structurally limited; it can only effectively address policy and governance issues and has no authority beyond its ability to nominate representatives to various boards and serving as a communications channel.”*¹³⁰ A fully volunteer organization, it had been unable to access sufficient resources to represent athletes effectively in arbitration over disputes with USOPC, the NGBs, or PSOs, which maintain full-time, professional staff. This has serious implications for athletes filing claims of abuse, given the power imbalance between individual athletes and these organizations and the deterrent factor of athletes being unable to secure affordable representation.

According to a 2020 report by the Government Accountability Office (GAO), SafeSport closed 4,150 claims between February 2018 and the end of 2020. Of those, 36% were closed administratively by SafeSport without any formal decision.¹³¹ Of the 2,460 cases closed by SafeSport in a one-year period from July 1, 2019, to June 30, 2020, only 262 led to sanctions, including fifty-seven cases of permanent ineligibility being imposed.¹³²

Meanwhile, concerns were rising that SafeSport’s funding model limited both its independence as

128 *Ibid.*

129 “Opening Remarks by Sen. Chuck Grassley,” U.S. Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, July 24, 2018.”

130 “Testimony of Han Xiao, Chair, Athletes Advisory Council,” U.S. Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, July 24, 2018.

131 Kathryn Larin, “Amateur Athletes: The U.S. Center for SafeSport’s Response and Resolution Process for Reporting Abuse,” *U.S. Government Accountability Office*, December 18, 2020.

132 *Ibid.*

well as its effectiveness. USOPC provided SafeSport with only \$3 million in funding for 2018 and \$6 million for 2019. This left it “*underfunded, understaffed, and ill equipped to investigate the thousands of abuse reports filed by athletes every year.*”¹³³ A former senior USOPC executive testified to Congress’s responsibility to address these shortcomings. “*Congress can support further funding for the Center for SafeSport,*” she said, “*as it has done historically for the U.S. Anti-Doping Agency by contributing \$10 million per year. ...The Olympic [and Paralympic]*

The Committee found that many athletes believed USOPC put ‘medals and money’ ahead of safety and athlete well-being...

Committee believes that [SafeSport’s] independence from the Olympic [and Paralympic] Committee is critical to its success.”¹³⁴ Moreover, perhaps in a nod to former CEO LeRoy Walker’s 1995 expressed view that Congress gave USOPC a mandate in the Ted Stevens Olympic and Amateur Sports Act that was too broad and insufficiently funded, the former USOPC executive asked the Subcommittee to “*identify areas for potential clarification or expansion of the Olympic [and Paralympic] Committee’s authority, or other needed reforms, including outside of the Act.*”¹³⁵

In December 2018, the same month that Ropes & Gray LLP released its report, the House Energy and Commerce Committee published its own investigative findings relating to the safety crisis in U.S. Olympic and Paralympic sports. Its conclusions were a further indictment of USOPC’s flawed approach to safety rooted in systemic, structural failings. “*Perhaps most troubling of the Committee’s findings,*” the report stated, “*is the culture within the Olympic community which prioritizes reputation and image, rather than athlete safety.*”¹³⁶ The Committee found that

many athletes believed USOPC put “*medals and money*” ahead of safety and athlete well-being, and it highlighted a policy in effect as late as April 2018 whereby review panels were asked to take into account “*the effect on [USOPC’s] reputation*” when deciding whether to sanction individuals for committing abuse.¹³⁷ The report also noted the dangerous variability in how governing bodies handled reports of abuse and no clear standard imposed by USOPC, with U.S.A. Gymnastics even having interpreted its own bylaws to allow its officials not to refer sexual-abuse allegations to law enforcement. Neither did USOPC require NGBs or PSOs to share information with it concerning abuse allegations. At the same time, governing bodies did not share a consistent definition of who was considered to be a “covered individual” for the purposes of reporting and investigating allegations of abuse, and background-check policies were both inconsistent among NGBs and PSOs and often unenforced. Moreover, some governing bodies did not maintain public lists of sanctioned and banned individuals, even while SafeSport included individuals from those governing bodies in its comprehensive database. The report stated that: “*concerns remain regarding [SafeSport’s] resources, independence, policies and procedures, and whether or not the Olympic community has confidence in [SafeSport].*”¹³⁸

It was clear to stakeholders and policymakers alike that the Protecting Young Victims from Sexual Abuse and Safe Sport Act did not go far enough to achieve its goal of preventing abuse in the U.S. Olympic and Paralympic movement. Safety, however, was not the only challenge these structural deficiencies had facilitated or exacerbated. Indeed, the more Congress looked into the roots of the abuse crisis, the more apparent it became that safety was only one of the major challenges threatening the well-being of athletes and the integrity of the U.S. Olympic and Paralympic movement in the twenty-first century.

133 Peters, “When Coaching Becomes Criminal,” 31.

134 “Testimony of Susanne Lyons, Acting Chair, U.S. Olympic Committee,” U.S. Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, July 24, 2018.

135 *Ibid.*

136 “Nassar and Beyond,” U.S. House Committee on Energy and Commerce, 3.

137 *Ibid.*

138 *Ibid.*, 120.

ATHLETES' FINANCIAL BURDENS

Among those challenges—both at the high-performance and at youth and grassroots levels—are persistent financial barriers to access. For high-performance athletes aiming to represent the United States in international competition, these barriers have led many to choose between leaving their sports to find full-time work or continuing to train and compete while struggling with poverty or financial insecurity. Prior to the 2014 Sochi Olympics, one short-track speedskater relied on food stamps as she trained full-time, six days a week. *“The last thing you want to be worried about in a year like this,”* she said about making the decision to seek public food-stamp assistance, *“is being able to pay your rent and eat, and you want to eat healthy. That was pretty hard... But I’m not the only one suffering.”*¹³⁹ Those training to compete in Olympic-level figure skating see costs as high as \$50,000 per year. One reserve athlete who traveled to the 2016 Rio de Janeiro Olympics for U.S.A. Modern Pentathlon faced as much as \$23,000 in travel expenses each year to attend trainings and competitions while earning an income of just \$8,000, partly from donations.¹⁴⁰ A U.S. medalist in fencing at the 2016 Rio de Janeiro Olympics, during her training, launched a crowdfunding campaign to make up

the shortfall even after receiving a small grant from U.S.A. Fencing through USOPC, obtaining endorsement sponsorship from private businesses, and generating small-business income. *“Fencing is one of the most expensive Olympic sports,”* she told *CNN Money* at the time. *“It can cost you more than \$20,000 a year”* to train and purchase specialized equipment.¹⁴¹

As more high-performance athletes began turning to crowdfunding to help finance their training and find support for basics like rent, food, and transportation, NGBs and PSOs took notice. In 2013, the U.S. Ski and Snowboard Association entered into a partnership with one crowdfunding platform. Several other governing bodies followed suit in 2014, including U.S.A. Cycling, U.S.A. Bobsled-Skeleton, and U.S.A. Archery.¹⁴² Many Paralympic athletes, particularly youth athletes, also now turn to crowdfunding to help defray costs, particularly those who did not become disabled as a result of military service and cannot take advantage of a plethora of post-9/11 veterans-focused programs offering funding and training opportunities.¹⁴³

To support high-performance athletes during their training and competition, USOPC has had a number of financial-assistance initiatives. Each year, NGBs and PSOs receive funding to support

2017 Operation Gold Payments*

Paralympic Sport

Place	Games Year
1 st	\$7,500
2 nd	\$5,250
3 rd	\$3,750

Olympic Sport

Place	Games Year
1 st	\$37,500
2 nd	\$22,500
3 rd	\$15,000

2020 Operation Gold Payments

Olympics & Paralympics

Place	Games Year
1 st	\$37,500
2 nd	\$22,500
3 rd	\$15,000

*This is just one example of a Paralympic Sport and its Olympic counterpart (prior to medals pay equity). Inequity in Paralympic and Olympic medal payments persisted across the movement, but amounts varied among sports.

139 Kelly Whiteside, “For some Olympic hopefuls, funding is a hurdle,” *USA Today*, July 1, 2013.

140 Gwen Moran, “Olympic Athletes Struggle Financially While Striving for Gold,” *Fast Company*, August 9, 2016.

141 Ahiza Garcia, “U.S. Olympic athletes sure aren’t paid like champions,” *CNN Money*, July 7, 2016.

142 Dave Seminara, “Facing Uphill Struggle for Sponsors, U.S. Skiers Lead a Crowdfunding Trend,” *The New York Times*, December 23, 2014.

143 Heather Dichter and John Kinder, “The deep ties between the Paralympics and the U.S. military—and what they mean,” *The Washington Post*, August 29, 2021.

athletes from USOPC through Performance Partnership Agreements and can designate a certain number of their athletes for inclusion in USOPC's Athlete Performance Pool, making them eligible for assistance in the form of grants, health insurance, tuition support, and achievement bonuses. USOPC also provides cash awards to athletes through Operation Gold, with payments at the \$37,500 level for gold medals in the Olympics or Paralympics, \$22,500 for silver, and \$15,000 for bronze. Athletes who reach winning positions in other top-level international competitions also receive Operation Gold payments.¹⁴⁴ Many—but not all—governing bodies provide winning athletes with additional podium prizes in the form of cash bonuses that supplement their Operation Gold payments; the amount of such prizes differs from each governing body to the next, based on availability of funds. In 2021, USOPC spent \$13.2 million to reward 603 athletes through Operation Gold during the Tokyo Olympics and Paralympics and other international events, averaging \$21,890 per athlete.¹⁴⁵ That same year, it provided 451 high-performance athletes with \$2.6 million in tuition assistance, averaging \$5,676 per recipient.¹⁴⁶ Each year, USOPC also allocates coverage-slots to NGBs and PSOs in the Elite Athlete Health Insurance (EAHI) program. Those deemed eligible by their NGBs or PSOs are able to enroll with 100% of the monthly premium paid by USOPC.¹⁴⁷

One step forward in recent years to alleviate a small additional financial burden on those who make it to the Olympics and Paralympics was Congress's enactment of legislation in 2016 to eliminate taxes on the value of medals and on medal bonuses. Rep. Robert Dold introduced the U.S. Appreciation for Olympi-

ans and Paralympians Act two weeks after the Rio de Janeiro games concluded. The House and Senate moved quickly to pass it, and President Barack Obama signed it into law on October 7, 2016, ensuring that those who had brought glory to our country on the medal podium that year would be the first to benefit from this change.¹⁴⁸ In the past, Olympic and Paralympic medalists were taxed not only on their USOPC Operation Gold bonuses; they also had to declare and pay taxes on the value of the metal contained in gold and silver prize medals.¹⁴⁹

Financial barriers are magnified for para-athletes, who often face much higher costs for specialized training and adapted-sport equipment, in part the result of a long tradition of ableism in American sports and society. Sports prosthetics and adaptive gear can cost thousands of dollars and are rarely covered by health insurance.¹⁵⁰ While USOPC and PSOs help cover costs for travel to the Paralympics and make grants available to high-performance Paralympic athletes similar to those provided to their Olympic counterparts, the costs facing those participating in para-sports have always been higher and the shortfalls in funding wider. Private organizations, such as the Challenge Athletics Foundation and Move United continue to help by providing sponsorships, grants, and training opportunities to athletes in Paralympic sports at all levels, and Toyota announced \$5 million worth of sponsorships and direct stipends for U.S. Paralympic athletes in May 2021.¹⁵¹ However, this support is still dwarfed by what resources are made available for those in non-para sports.

In a major step forward, USOPC's Board of Directors voted in September 2018 to equalize the top prize bonuses under Operation Gold for Olym-

144 "Financial Resources," U.S. Olympic and Paralympic Committee, accessed May 17, 2023, <https://www.teamusa.org/Team-USA-Athlete-Services/Financial-Resources>.

145 Internal Revenue Service, 2021, "Form 990: Return of Organization Exempt from Income Tax: U.S. Olympic and Paralympic Committee."

146 *Ibid.*

147 "Elite Athlete Health Insurance," U.S. Olympic and Paralympic Committee, accessed May 16, 2023, <https://www.teamusa.org/Team-USA-Athlete-Services/Medical/Athlete-Health-Insurance>.

148 Pub. L. 114-239.

149 Ahiza Garcia, "Congrats you won a gold medal. Now here's your tax bill," *CNN Money*, August 12, 2016.

150 "The Cost of Paralympic Triathlon Gold," U.S.A. Triathlon Foundation, November 24, 2021, accessed May 24, 2023, <https://usatriathlonfoundation.org/blog/cost-paralympic-triathlon-gold/>.

151 Michelle Bruton, "How Women-Led USOPC Is Leading Charge for Gender Equity In Olympic and Paralympic Movement," *Forbes*, July 9, 2021.

pic and Paralympic athletes. Before the change, Paralympic gold medals were only accompanied by a bonus of \$7,500, compared to \$37,500 for Olympic gold. Silver brought \$5,250 instead of \$22,500, and bronze earned a third-place finisher just \$3,750 where an Olympian on the bottom level of the podium would receive \$22,500. One Paralympic alpine skier, reflected on the impact of this change: *“I was able to finally buy a house and start up an actual life. It’s a drop in the bucket, we get it once every four years, but it makes a huge difference.”*¹⁵²

For years, USOPC and the governing bodies had prevented athletes within the movement from seeking or accepting individual sponsorships. Starting in March 2021, however, USOPC launched its Athlete Marketing Platform with the intention of helping high-performance athletes access marketing income. Since its inception, this program has enabled more than 800 athletes to earn an average of over \$3,000 a year from licensing their name, image, and likeness (commonly referred to as “NIL”) rights.¹⁵³ This came amid a national conversation about income inequality in sports, with the NCAA recognizing individual collegiate athletes’ NIL rights for the first time in July 2021.

THE GROWTH OF U.S. PARALYMPICS AND ONGOING CHALLENGES WITH ACCESSIBILITY

One of the most important positive developments in the movement in recent years has been a stronger push for equality between U.S. Olympics and U.S. Paralympics. Following the alignment of Olympic and Paralympic Operation Gold payments a year earlier, the USOPC Board of Directors voted in 2019 to rename the organization to include “Paralympic” alongside “Olympic” on an equal basis. USOPC’s Chief of Paralympic Sports at the time observed: *“Paralympics has been part of the organization for a long time, and getting it into the name was that final push across the finish line to make*

*sure it’s integrated into everything we do.”*¹⁵⁴ At the same time, in recent years PSOs have been adding staff with specialized skills in training, nutrition, and physiology, recognizing the importance of investing in preparing U.S. athletes for Paralympic, Parapan-American, and other international competition.¹⁵⁵ Even with these gains, however, athletes with disabilities at all levels of participation and competition continue to face unique challenges and persistent inequities.

U.S. Paralympics launched under the direction of USOPC in 2001 to improve American participation in the Paralympic Games and support the training and development of high-performance Paralympic athletes.¹⁵⁶ As more Americans are exposed to the Paralympics through television, the internet, and social media, Paralympic athletes are getting more much-deserved attention. Ableist attitudes are changing as well, even while longstanding biases persist. Positive developments for Paralympic athletes and sports development within USOPC have occurred in parallel with growth in the Paralympic movement more broadly as well.

Following the 1996 Atlanta Olympics, athletes, coaches, parents and guardians, and community leaders formed the non-profit American Association of Adapted Sports Programs (AAASP). Along with other organizations of a similar nature that were founded in the years since, AAASP has brought Paralympic sports to 2,490 schools in 210 school districts across the country, helping more than 7,000 disabled students participate in sports programs. Work by private organizations like AAASP, Move United, and the Challenge Athletics Foundation have continued to increase youth and grassroots participation in Paralympic sports, forming a critical pipeline for identifying and developing high-performance athletes to represent the United States in international competition.

In 2008, recognizing the physical- and mental-health benefits of sports participation among disabled military veterans—and with the commu-

152 Danielle Allentuck, “Paralympians See a Big Welcome in a Small Title Change,” *The New York Times*, June 29, 2019.

153 “Athlete Marketing Platform,” U.S. Olympic and Paralympic Committee, accessed May 18, 2023, <https://www.teamusa.org/Team-USA-Athlete-Services/Athlete-Marketing-Platform>.

154 Allentuck, “Paralympians See a Big Welcome in a Small Title Change.”

155 Ben Shpigel, “How Training for the Paralympics Became a Full-Time Job,” *The New York Times*, March 16, 2018.

156 “Paralympic Sport Development,” U.S. Olympic and Paralympic Committee, accessed May 24, 2023, <https://www.teamusa.org/team-usa-athlete-services/paralympic-sport-development>.

nity of disabled veterans growing as a result of those returning from combat in Afghanistan and Iraq—Congress enacted the Veterans’ Benefits Improvement Act.¹⁵⁷ That legislation created the V.A. Office of National Veterans Sports Programs and Special Events, which not only promotes Paralympic sports among veterans but also provides a monthly stipend to support individual veteran Paralympic athletes in their training for high-performance competition.¹⁵⁸ The office also hosts Paralympic sports clinics and competitions several times a year and provides grants to organizations that promote Paralympic sports in communities across the country.¹⁵⁹ Since 2010, the U.S. Department of Defense has hosted an annual Warrior Games, which features competition between service-branch teams in many Paralympic sports and provides an additional training and competition opportunity for U.S. Paralympians who are also veterans.¹⁶⁰

Until 2000, the United States had dominated the summer Paralympic medal tables and fared well in the winter games, but U.S. medal performance has fallen in the years since. (See Appendix II.) With the complete integration of Paralympics into USOPC and a new vigor for investment in Paralympic high-performance athlete development, that may change in the coming years, and more Paralympic athletes may likewise benefit from USOPC’s Athlete Marketing Platform and its new sponsorship opportunities. Regardless, Paralympic athletes continue to face financial barriers to participation through the extra costs of training, equipment, and travel on top of the costs faced by high-performance athletes generally.

Paralympic sports are not immune from abuse and threats to safety either. The head coach of the U.S. women’s wheelchair basketball team resigned in December 2021 after current and former athletes alleged emotional and verbal abuse and harass-

ment dating back to 2017. One of them, a two-time Paralympian who competed in Beijing in 2012 and Rio de Janeiro in 2016, stated publicly: “*Disabled women are one of the most unheard populations out there, and enough is enough.*”¹⁶¹ In November 2022, an athlete who competed for the United States in swimming at the 2020 Tokyo Paralympics came forward to accuse one of his teammates, a medalist in the 2016 Rio de Janeiro Paralympics and the 2020 Tokyo Paralympics, of rape. The swimmer sued both USOPC and SafeSport for failing to act on a previous complaint against the same individual and allowing unsupervised access while at the Tokyo games.¹⁶²

While advances toward equity for Paralympics have helped increase opportunities for many Americans with disabilities to participate in movement sports, not all have historically been included within this

Paralympic sports are not immune from abuse and threats to safety either.

system. Because U.S. Paralympics does not recognize deafness as an official disability category for the purposes of eligibility, deaf and hard-of-hearing athletes have built their own parallel system of sports participation. Organized around the world by the International Committee of Sports for the Deaf (ICSD) and in the United States by the U.S.A. Deaf Sports Federation (the ICSD’s equivalent of a national organizing committee), their quadrennial summer and winter Deaflympic Games have been operating continuously since 1924. While the IOC recognized the ICSD and accepted the Deaflympics as part of the broader global Olympic movement in 1955, deaf and hard-of-hearing athletes and their sports were omitted when Congress organized the U.S. Olympic movement under the Ted Stevens Olympic and Amateur Sports Act in 1978 and the

157 Pub. L. 110-389.

158 *Ibid.*

159 “VA Adaptive Sports and Arts,” U.S. Department of Veterans Affairs, accessed June 8, 2023, <https://department.va.gov/veteran-sports/>.

160 “About,” Department of Defense Warrior Games, accessed June 8, 2023, <https://dodwarriorgames.com/about>.

161 Alex Azzi, “U.S. wheelchair basketball coach resigns after players allege emotional misconduct,” *NBC Sports*, December 10, 2021.

162 Jenny Vrentas, “An American Paralympian Says He Was Sexually Abused by a Teammate,” *The New York Times*, November 14, 2022.

1998 amendment integrating U.S. Paralympics. In part that decision resulted from a concern by both Paralympic and Deaflympic officials that both would lose funding and representation if U.S. Deaflympics were to be brought inside the U.S. Olympic and Paralympic movement—as well as a hesitancy by U.S. Paralympic officials to cover the cost of sign-language interpreters at events.

For deaf and hard-of-hearing athletes, the barriers to participation in Olympic sports are markedly different from those of athletes with other physical disabilities within the Paralympics. While para sports involve adaptations to either the athlete (e.g., through a prosthetic or wheelchair) or to the sport itself (e.g., through use of a sight-guide or a modified playing field or rules), deaf sports require only adapted methods of communication. A sprinter who cannot hear a gunshot must have another way to know exactly when a race begins. A device with flashing lights takes the place of the starting gun. Flags replace whistles on a soccer field. In such ways, deaf and hard-of-hearing players have traditionally partaken in Olympic sports, not Paralympic ones—albeit with adapted communication where permitted.

One of the challenges stemming from the status of U.S. Deaflympics not being addressed by the Ted Stevens Olympic and Amateur Sports Act is the U.S.A. Deaf Sports Federation's inhibited ability to seek sponsorship funding or raise revenues using the "Deaflympics" trademark. Though the IOC has granted this trademark to the Deaflympics on an international basis, this is not the case in the United States. As a result, the development of deaf sports at all levels across the country has been hampered through a lack of sufficient funding. Another challenge centers on concerns raised about the ability of SafeSport to address the unique needs of deaf and hard-of-hearing youth, who are at a 25% greater risk from abuse generally than the rest of the population.¹⁶³ While clubs and leagues operated under the umbrella of the U.S.A. Deaf Sports Federation, which holds affiliate status with USOPC, are sub-

ject to SafeSport's jurisdiction, SafeSport has not implemented any specialized programs focused on the safety of deaf and hard-of-hearing athletes.

An additional challenge for deaf and hard-of-hearing athletes is equitable access to non-para and non-deaf sports. In 2020, the parents of a seven-year-old deaf athlete who was denied accommodation by his local NGB-affiliated local soccer club in Colorado sued in federal court on the grounds of a violation of the Americans with Disabilities Act (ADA). The suit contended that the club had stopped providing auxiliary-hearing aids and interpretive services, requiring the parents to pay for them out of pocket, creating a financial burden that led to their son leaving the soccer program. Under a settlement reached through the U.S. Attorney's office, the local soccer club agreed to pay compensatory damages and accommodate deaf and hard-of-hearing athletes.¹⁶⁴ Currently, NGBs are not required to comply with the ADA, in large part because of the nature of non-para sports and because PSOs are supposed to fill the gap by creating corresponding opportunities for athletes with disabilities to participate equally in sports. However, with Congress having left deaf sports outside the statutory framework of the U.S. Olympic and Paralympic system, ambiguities concerning accessibility requirements must be clarified through the judicial process.

PERSISTENT GAPS IN EQUITABLE ACCESS TO PARTICIPATION AT ALL LEVELS

Another major challenge that has emerged in recent years is the failure to close stubborn gaps in equitable access to and participation in movement sports at every level. For women and girls, racial and ethnic minorities, and Americans with disabilities, equitable access to Olympic and Paralympic sports continues to be hindered both by the long-term impacts of historical social and economic inequalities in our country as well as the nearer-term effects of policies and governance structures within the U.S. Olympic and Paralympic movement.

¹⁶³ Rochester Institute of Technology, "Abuse rates higher among deaf and hard-of-hearing children compared with hearing youths," February 15, 2011.

¹⁶⁴ U.S. Attorney's Office, District of Colorado, "U.S. Attorney's Office Gets Relief Under ADA for 10-Year-Old Deaf Soccer Player," April 10, 2020.

Where we have seen great progress, we have also seen obstinate barriers that keep too many in our country from being able to participate and strive to reach their full potential.

Since the enactment of Title IX in 1972, the participation of women and girls in sports has expanded steadily. That year, only 294,015 girls in high school in this country had an opportunity to participate in sports; by 2019, that number had risen to 3,402,733. The percentage of high-school athletes on varsity teams who are girls rose from just 7% to 43% over that same period. In collegiate sports, we've seen a seven-fold increase in the number of women participating, and nearly half of college-team athletes are now women.¹⁶⁵ Not only have U.S. women and girls seen an explosion in access and engagement in movement sports since Title IX, but America's sports infrastructure also has become better adapted to training and empowering female athletes. Particularly at the collegiate level, where NCAA programs generally form a key piece of the high-performance pipeline for U.S. teams in international competition, women from across the world have been able to access opportunities to develop and expand skills in their sports. In 2021, more than seventy-five national delegations to that year's rescheduled 2020 Tokyo Olympics featured women who had participated in NCAA programs at American colleges and universities.¹⁶⁶ Indeed, increased women's participation in movement sports has substantially benefitted U.S. performance at the Olympic and Paralympic games; according to a 2022 report by the Women's Sports Foundation, *"if the U.S. women were their own country, their collective performance [at the Tokyo Olympics] would have fallen third behind only the Russian Olympic Committee and China."*¹⁶⁷

Still, even with these gains, much work for gender parity remains incomplete. Women and girls of color still participate in grassroots sports at lower rates. Disparities in access to higher education generally have contributed to inequities in many sports at the collegiate level, raising barriers to access for specialized training, participation, and high-performance competition.¹⁶⁸ In spite of Title IX requiring NCAA-member institutions to provide equitable support for men's and women's sports programs, the NCAA itself is exempt under a 1999 Supreme Court ruling from similarly providing an equitable distribution of resources to male and female collegiate athletes and teams participating in its competitions.¹⁶⁹ When colleges and universities cut funding for non-revenue-generating men's sports programs during periods of economic downturn while continuing to spend on football and basketball, administrators continue citing Title IX as a convenient scapegoat, engendering public ill-will toward women's collegiate sports.¹⁷⁰

Meanwhile, one of the most pressing issues regarding equity for women and girls in the U.S. Olympic and Paralympic movement in recent years has been unequal pay. Starting in 2016, athletes competing on the U.S. Women's National Soccer Team sought to force their NGB, the U.S. Soccer Federation, to provide stipends, bonuses, and training resources equal to those provided to the men's national team, which historically did not perform as well in international competition. A 2016 complaint to the U.S. Equal Employment Opportunity Commission¹⁷¹ later formed the basis of a 2019 unequal-pay and gender discrimination lawsuit by athletes against the U.S. Soccer Federation that was eventually settled in 2022.¹⁷² Before that settlement, the U.S. Soccer Federation had paid bonuses to men's team players that dwarfed those provided to the women's team, even

165 "50 Years of Title IX: We're Not Done Yet," Women's Sports Foundation, May 2022.

166 Alan Blinder, "A Common Sight on U.S. Campuses: The Rest of the World's Female Olympians," *The New York Times*, February 24, 2023.

167 "50 Years of Title IX," Women's Sports Foundation, 7.

168 *Ibid.*

169 Victoria Jackson, "NCAA Gender Inequity Is a Feature, Not a Bug," *Global Sports Matters*, November 9, 2021.

170 Bill Whitaker, "Some colleges axing 'secondary sports' like gymnastics and tennis as pandemic continues," *CBS News*, December 6, 2020.

171 Bill Chappell, "U.S. Women's Soccer Team Members File Federal Equal-Pay Complaint," *NPR*, March 31, 2016.

172 Andrew Das, "U.S. Women's Soccer Team Sues U.S. Soccer for Gender Discrimination," *The New York Times*, March 8, 2019.

though the latter brought in millions of dollars in revenue and the former operated at a loss.¹⁷³ While part of the issue stemmed from unequal treatment of the men's and women's World Cup tournaments by the International Association Football Federation (FIFA), the international governing body for soccer, the practices undertaken by the U.S. Soccer Federation drew sharp criticism from players, fans, and policymakers. In much the same vein, the U.S. Women's National Ice Hockey Team, which had won the silver medals in both the 2010 Vancouver and 2014 Sochi Olympics, boycotted the International Ice Hockey Federation's world championships in March 2017 over the issue of inequitable pay and support. Team captain Meghan Duggan explained: "*We are asking for a living wage and for U.S.A. Hockey to fully support its programs for women and girls and stop treating us like an afterthought.*"¹⁷⁴

Indeed, amid the outcry over these gender pay disparities and public solidarity with athletes standing up for equitable pay and resources, Sens. Maria Cantwell and Shelly Moore Capito introduced the Equal Pay for Team USA Act in the Senate in July 2021. Their legislation requires USOPC, NGBs, and PSOs to provide athletes with equal pay regardless of gender and to demand that USOPC decertify NGBs or PSOs that violate this practice. The House and Senate both passed the bill in December 2022, and President Joe Biden signed it into law that same month.¹⁷⁵ As a result, Congress has now promised "*equivalent and nondiscriminatory compensation, wages, benefits, medical care, travel arrangements, and payment for reimbursement for expenses*"¹⁷⁶ for male and female athletes in the U.S. Olympic and Paralympic movement.

In addition to the aforementioned gender disparities, studies have also shown that LGBTQ Americans face obstacles to participation in movement sports. A 2017 study commissioned by the Human Rights Campaign Foundation and the University of Connecticut found not only that 84% of Americans surveyed had encountered anti-LGBTQ attitudes in a sports context but also that 78% of American athletes and spectators view youth team sports as an unsafe environment for LGBTQ participants.¹⁷⁷ In 2019, a study of LGBTQ youth in schools reported that 43.7% of LGBTQ students avoided locker rooms completely, and nearly as many kept away from physical education classes. One in four would not set foot on their schools' athletic fields or inside school athletic facilities.¹⁷⁸ The benefits of youth-sports participation for LGBTQ Americans, though, are clear: those who are able to access sports safely report a higher sense of safety in their classrooms, lower levels of depression, and higher self-esteem.¹⁷⁹

For racial and ethnic minorities already experiencing persistent disparities in income, wealth, and opportunity, gaps in movement-sports participation endure as well, particularly for youth. According to the HHS National Survey of Children's Health, while 62.9% of white children ages six to seventeen reported participating on sports teams or taking sports lessons in the 2018-2019 survey period, only 47.3% of African-American and 47.4% of Hispanic-American children indicated the same.¹⁸⁰ Meanwhile, HHS's National Youth Sports Survey in 2019 found a direct correlation between poverty and lower rates of participation among youth in sports outside of school.¹⁸¹

173 Laura Santhanam, "Data: How does the U.S. women's soccer team pay compare to the men?" *PBS News Hour*, March 31, 2016.

174 Seth Berkman, "U.S. Women's Hockey Team Plans to Boycott World Championship Over Pay Dispute," *The New York Times*, March 15, 2017.

175 Pub. L. 117-340.

176 *Ibid.*

177 "Play to Win: Improving the Lives of LGBTQ Youth in Sports," Human Rights Campaign Foundation, 2017.

178 Joseph Kosciw, Caitlin Clark, Nhan Truong, and Adrian Zongrone, *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools* (New York: GLSEN, 2020).

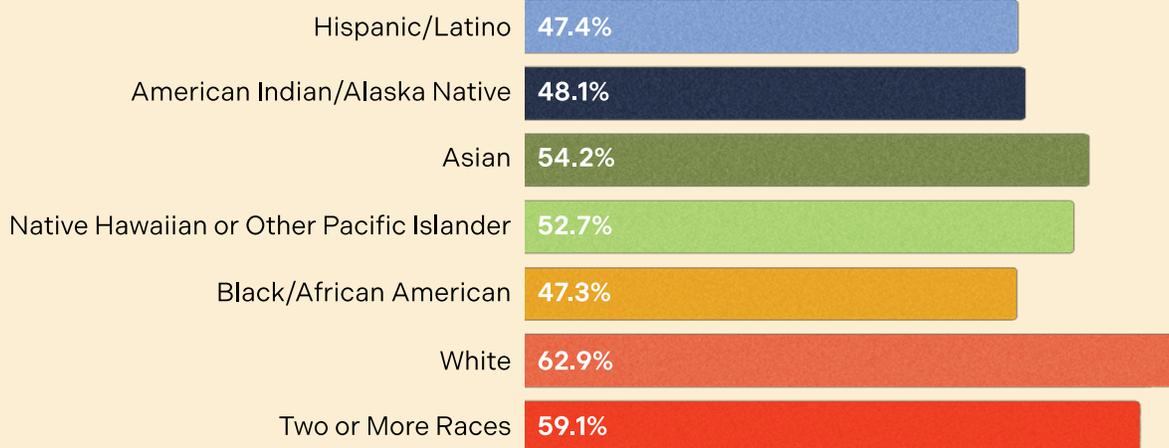
179 "Play to Win," Human Rights Campaign Foundation.

180 "National Survey on Children's Health," U.S. Department of Health and Human Services, accessed May 24, 2023, <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12/data?group=Race%2FEthnicity&state=United+States&from=2016&to=2021&populations=#edit-submit>.

181 "National Youth Sports Strategy," U.S. Department of Health and Human Services (Washington, DC: U.S. Department of Health and Human Services, 2019): 35-36.

Youth Sports Participation by Racial Group, 2018-2019

Data Source: National Survey of Children's Health (NSCH), HRSA/MCHB



Those wishing to partake in local youth and grassroots sports, particularly for those whose communities lack basic sports and fitness infrastructure, continue to face high costs in the pursuit of access and participation. According to data released in 2022 by the Aspen Institute and Utah State University, the average annual family spending per child on his or her participation in a primary sport was \$883, with the wealthiest households spending around four times the amount on a child's sports participation than the lowest-income households.¹⁸² Access to a range of athletic facilities, from clean and marked playing fields to indoor ice rinks and safe and maintained fitness equipment, often depends on family income, community wealth, and local officials' prioritization of funding for educational and recreational infrastructure. A rural-urban-suburban divide in access to facilities has also historically raised obstacles to participation in certain movement sports. There continues to be a disparity as well between sports programs offered by private and public schools.¹⁸³ Moreover, 92% of public

park-and-recreation agencies charge participation fees for youth sports.¹⁸⁴ During the COVID-19 pandemic, sports and fitness activities sharply declined for children from families at income levels below \$50,000 a year but increased for those from families with annual household incomes of over \$100,000.¹⁸⁵

THE AMERICAN DEVELOPMENT MODEL FOR COACHING

One of the concerns highlighted in the 2019 Aspen Institute and Utah State University study, related to the challenges of participation drop-off and inequities in access, was a substantial lack of consistent and appropriate training for coaches for youth in movement sports.¹⁸⁶ In a step aimed at addressing this problem, in 2014 USOPC adopted the American Development Model framework to promote quality coaching and healthy sports participation, which had been developed since 2009 by U.S.A. Hockey and several other governing bodies. In the years after, USOPC has been working to unify stan-

182 "State of Play 2022: Cost-to-Play Trends," The Aspen Institute: Project Play, 2022.

183 "State of Play 2019: Trends and Developments in Youth Sports," The Aspen Institute: Project Play, 2019.

184 "Youth Sports at Park and Recreation Agencies," National Recreation and Park Association, July 2020.

185 "State of Play 2022: Physical & Mental Health Trends," The Aspen Institute: Project Play, 2022.

186 "State of Play," The Aspen Institute: Project Play, 2019.

dards for youth-sports development across NGBs and PSOs through this model, disseminating it to coaches, parents and guardians, leagues, and other organizations both within and beyond the organizations it oversees directly.

The American Development Model seeks to engage youth in sports through age-appropriate expectations for the individual growth of each athlete. Its five key principles are:

- 1) *Universal access to create opportunities for all athletes;*
- 2) *Developmentally appropriate activities that emphasize motor and foundational skills;*
- 3) *multi-sport participation;*
- 4) *[A] fun, engaging, and progressively challenging atmosphere;*
- 5) *Quality coaching at all age levels.*¹⁸⁷

One of the most striking differences in this approach is the embrace of multi-sport sampling for young athletes and a focus on developmentally appropriate activities instead of incentives to commit to one sport early on. That approach—early-age specialization—had become more prevalent nationally in youth sports and has been associated with increased risk of burnout and overuse injuries in children and young adults.¹⁸⁸ Some NGBs and PSOs have recently begun discouraging the holding of national championships for young children and ranking participants under age twelve, which has deterred young athletes from multi-sport sampling; however, not all sports governing bodies have yet done so.¹⁸⁹ Of course, USOPC and governing bodies' adoption of the American Development Model has not led to its widespread adoption by the myriad private youth-sports organizations serving

millions of children and operating outside the formal structure of the U.S. Olympic and Paralympic movement.

THE BORDERS COMMISSION

In September 2018, anticipating the impending release of the Ropes & Gray LLP report and the findings of the House Energy and Commerce Committee, USOPC authorized its own internal independent, nine-member commission, which included Han Xiao and was led by former Women's National Basketball Association (WNBA) President Lisa Borders. This Borders Commission was tasked specifically with identifying recommendations for improving USOPC's role with regard to athletes and governing bodies as well as its oversight responsibilities. Its report was completed and published in July 2019.

The Borders Commission found that "*The USOPC has taken a too limited and narrow view of its role and responsibilities,*" and recommended major changes to USOPC governance.¹⁹⁰ First, the commissioners urged a reconstitution of its Board of Directors, including members directly elected from the AAC and other athlete representatives as well as members representing the NGBs and PSOs. Second, Board members must be given special training on USOPC's institutional history, the roles and fiduciary responsibilities of the Board members to USOPC, and the "*model of Olympic [and Paralympic] sport*" in the United States as set forth in the Ted Stevens Olympic and Amateur Sports Act.¹⁹¹ Additionally, every USOPC committee ought to have at least 20% of its members drawn from the ranks of athletes selected by the AAC or by the U.S. Olympians and Paralympians Association (USOPA), which represents retired high-performance athletes. Moreover, the Borders Commission recommended that the AAC must be allocated sustained funding by USOPC, sufficient to hire administrative staff

187 "American Development Model," U.S. Olympic & Paralympic Committee, accessed May 8, 2023, <https://www.teamusa.org/About-the-USOPC/Coaching-Education/American-Development-Model>.

188 Farrey, *Game On*, 84-104.

189 "State of Play," The Aspen Institute: Project Play, 2019.

190 "Borders Commission: An Independent Panel Chartered by the USOPC—Final Report," U.S. Olympic and Paralympic Committee, July 2019, 11.

191 *Ibid.*, 12.

answering to AAC directly, and control its own budget. Each NGB and PSO, the report contended, should have its own athletes' council, and USOPC ought to launch a 'one-stop-shop' microsite online for athletes to be able to find information and access beneficial resources. Furthermore, making pro-bono attorneys available to represent athletes in the dispute resolution process was advised—as well as the creation of a Chief Compliance Officer within USOPC responsible for ensuring compliance with SafeSport, USADA, internal policies, and federal statute. With regard to governing-body certification, the commissioners recommended biennial compliance audits to ensure that the NGBs and PSOs meet requirements to protect athletes and implement good governance and budgeting procedures.¹⁹²

In short, the Borders Commission made it clear that *“athletes, their well-being throughout their life-cycle including competitive performance and beyond, must be at the center of all USOPC and NGB efforts.”*¹⁹³ To do so, the commissioners made clear, *“the culture of the USOPC must change in order to build the trust of the athletes.”*¹⁹⁴ Hiring more athletes to serve as USOPC staff and increasing staff diversity were recommended to achieve that goal. Perhaps most important among its directives, the Borders Commission report urged Congress to revisit the Ted Stevens Olympic and Amateur Sports Act and update it for the twenty-first century, recommending amendments that would substantially rewrite both the statutory mandates for USOPC as well as its chartered structure and oversight of NGBs and PSOs.¹⁹⁵ Lisa Borders stated: *“The 2019 report recommended an organizational shift from ‘money for medals’ to ‘people and performance.’”*¹⁹⁶

In the months that followed, USOPC began to implement several of the Borders Commission's rec-

ommendations. The Board of Directors updated the organization's bylaws to allow athletes, directly elected, to fill a third of its seats as well as to require NGBs and PSOs to establish athletes' councils. In January 2020, USOPC agreed to provide the AAC with annual funding, starting at \$525,000 and increasing 2% annually in order to enable the hiring of professional staff and support additional expenses. Furthermore, USOPC hired a Chief Ethics and Compliance Officer and established a compliance committee, as the commissioners had suggested.¹⁹⁷ In parallel to USOPC officials' actions, and informed by the recommendations of the Borders Commission report as well as the House Energy and Commerce Committee report, some lawmakers began to explore what Congress's role ought to be in addressing systemic challenges beyond what USOPC, NGBs, and PSOs could address on their own.

THE COVID-19 PANDEMIC'S IMPACT ON THE U.S. OLYMPIC & PARALYMPIC MOVEMENT

The COVID-19 pandemic that brought an end to many public events and required public-health lockdowns starting in the spring of 2020 exacerbated many athletes' financial hardships while exposing just how vulnerable many are even to temporary lapses in support. The 2020 Tokyo Olympics and Paralympics were not the only major competitions to be postponed due to the global health emergency; more than 8,000 domestic sporting events were also cancelled, leading to a loss of an estimated \$600-800 million in revenue for USOPC, the NGBs, and the PSOs from licensing. From that, USOPC officials told lawmakers that high-performance athletes would see \$25 million less in funding. When they asked Congress to help make up the shortfall with a \$200 million emergency appropriation to maintain funding support for 2,500 high-perfor-

192 *Ibid.*

193 *Ibid.*, 11.

194 *Ibid.*, 16.

195 *Ibid.*

196 “The Borders Commission, An Independent Panel Chartered by the U.S. Olympic and Paralympic Committee, Releases One-Year Progress Report,” U.S. Olympic and Paralympic Committee, August 18, 2020.

197 *Ibid.*

mance athletes—as well as USOPC, NGB, and PSO staff—Congress did not oblige.¹⁹⁸ One U.S.A. Boxing athlete noted that not only was he concerned about generating income for himself while training, he also worried about the closure of small gyms and other local facilities in communities across the country where youth and grassroots athletes train and benefit from the sport. “Boxing gives a lot of people sanctuary,” he explained, “it gives them a home, it gives them structure and discipline that I think a lot of people need.”¹⁹⁹

Less than two months into the pandemic, nearly half of all parks and recreation agencies in the country had been directed to cut their budgets, and 65% had closed public outdoor sports fields and playing courts.

Another consequence of the COVID-19 pandemic was a diminishing of opportunities within the collegiate component of our Olympic- and Paralympic-sports development pipeline. Between March and November 2020, more than 350 NCAA programs were cut by colleges and universities, mostly from Olympic and Paralympic sports. “Every time there’s an economic downturn,” explains sports historian Victoria Jackson, college-athletics programs “protect the core business, which is football, which means other sports are on the chopping block.”²⁰⁰ In some cases, these institutions ended programs not long after they had recruited and offered scholarships to athletes who demonstrated talent in these sports.²⁰¹ In 2020, the NCAA ended up paying participating colleges and universities less than half of what it had originally budgeted to support athletes in non-revenue sports as a result of pandemic-re-

lated shortfalls from the cancellation of its annual men’s and women’s basketball championships.²⁰²

In a survey conducted by USOPC in 2020 of 737 high-performance athletes training for spots on the U.S. team for Tokyo 2020, 59% reported an expected income of less than \$25,000 for the year. Three quarters responded that they had lost income as a result of the COVID-19 pandemic; greater than a quarter of these athletes lost more than half their income. Moreover, one third did not receive any additional assistance—beyond what the U.S. government made available to the general public in pandemic relief—from their NGB, PSO, educational institution, or local club. More than half of the athletes surveyed wished they had opportunities for paid sponsorships.²⁰³

The impact of COVID-19 reached all the way down the Olympic- and Paralympic-sports pipeline and into the youth- and grassroots-sports landscape. Less than two months into the pandemic, nearly half of all parks and recreation agencies in the country had been directed to cut their budgets, and 65% had closed public outdoor sports fields and playing courts.²⁰⁴ The Aspen Institute found in a September 2021 survey that 44% of families reported that their community-based youth-sports program had shut down, merged with another, or reduced capacity during the pandemic.²⁰⁵ Respondents further shared that three in ten children who had previously engaged in organized youth-sports activity no longer wished to do so after the pandemic.²⁰⁶ However, parents also reported that many children used the pandemic to explore new sports, particu-

198 Torrey Hart, “U.S. Olympic Athletes in Financial Limbo Without Olympics, Events,” *Front Office Sports*, August 7, 2020.

199 *Ibid.*

200 Bill Whitaker, “Some colleges axing ‘secondary sports’ like gymnastics and tennis as pandemic continues,” *CBS News*, December 6, 2020.

201 Aishwarya Kumar, “The heartbreaking reality—and staggering numbers—of NCAA teams cut during the pandemic,” *ESPN*, November 6, 2020.

202 Alan Blinder, “Hammered by Pandemic, N.C.A.A. Revenue Falls by \$600 Million,” *The New York Times*, January 25, 2021.

203 “COVID-19 Impact Athlete Survey,” U.S. Olympic and Paralympic Committee, accessed May 16, 2023, <https://www.teamusa.org/COVID19-Impact-Athlete-Survey>.

204 “NRPA Parks Snapshot: April 15-17,” National Recreation and Park Association, April 17, 2020.

205 Travis Dorsch and Jordan Blazo, *COVID-19 Parenting Survey IV: September 2021* (Washington, DC: Aspen Institute, 2021).

206 *Ibid.*

larly outdoor sports, and 12.3% said that their community-based youth-sports programs expanded capacity as a result of the pandemic, creating new opportunities for participation.²⁰⁷

THE EMPOWERING OLYMPIC, PARALYMPIC, AND AMATEUR ATHLETES ACT AND ESTABLISHMENT OF THIS COMMISSION

The same month that the Borders Commission released its report, Sen. Jerry Moran introduced the Empowering Olympic, Paralympic, and Amateur Athletes Act, which was aimed at improving safety, accessibility, equity, and accountability in U.S. Olympic and Paralympic sports at all levels. That bipartisan legislation passed the House and Senate in 2020 and was signed into law on October 30 that year. It drew on the findings and recommendations included in a report issued by Sen. Moran and Sen. Richard Blumenthal on the hearings held and investigations conducted by the Senate Commerce, Science, and Transportation Subcommittee on Manufacturing, Trade, and Consumer Protection.²⁰⁸ Their legislation amended the Ted Stevens Olympic and Amateur Sports Act by: 1) granting Congress the authority to dissolve USOPC's Board of Directors and decertify governing bodies on its own; 2) establishing a duty of care owed to athletes by USOPC, including a requirement to report child abuse immediately to law enforcement; 3) providing the AAC with a more formalized role in the movement's governance processes; 4) requiring a third of USOPC Board Members to be drawn from the athlete community; 5) ensuring confidentiality and non-interference in athletes' communications with the USOPC Office of the Ombuds with regard to SafeSport claims; and 6) prohibiting retaliation against those reporting abuse or harassment and requiring reporting to Congress in the event of attempted retaliation or interference in a SafeSport investigation.²⁰⁹ USOPC would also be required to fund

SafeSport at a rate of no less than \$20 million annually in grants, with NGBs and PSOs also responsible for contributing funds each year.²¹⁰

In addition to these amendments to the statute, the Empowering Olympic, Paralympic, and Amateur Athletes Act recognized that further reform would be required. To that end, it established a new, independent Congressional commission to assess the U.S. Olympic and Paralympic movement for the 2020s in much the same way that the President's Commission did in the 1970s. That body, this Commission on the State of U.S. Olympics and Paralympics (CSUSOP), was granted not only broad parameters for its assessment and its issuing of recommendations but also significant authority to gather information from USOPC, NGBs, PSOs, athletes, and other stakeholders in order to inform Congress's next steps.

The Act established it as a fully bipartisan commission composed of sixteen members, four each appointed by the Chair and Ranking Member of the Senate Commerce, Science, and Transportation Committee and the Chair and Ranking Member of the House Energy and Commerce Committee. Each committee chair designated one of the four appointees as a Co-Chair for the Commission. By statute, at least half of the commissioners appointed were required to be Olympic or Paralympic athletes. By April 2021, all sixteen of the commissioners had been selected and announced.²¹¹ In order to ensure that CSUSOP could carry out its work, Congress authorized \$2 million to fund it. However, this funding was not provided until enactment of the Consolidated Appropriations Act on March 15, 2022.²¹² The Commission approved the selection of an executive director on January 17, 2023, which enabled the hiring of additional staff and the commencement of data and document collection by March 2023. The Commission was given a statutory deadline for completing its work by September 30, 2023, with its final report due in the first half of 2024.

207 *Ibid.*

208 Moran and Blumenthal, "The Courage of Survivors," July 30, 2019.

209 Pub. L. 116-189.

210 *Ibid.*

211 Two of the sixteen commissioners originally appointed declined to participate early in the process and resigned their positions, leaving a fourteen-member Commission from April 8, 2023. As a result, these two former commissioners took no part in the Commission's work.

212 Pub. L. 117-103.

While previous commissions and task forces established to evaluate and make recommendations for the U.S. Olympic and Paralympic movement since 1977 have all been initiated by and internal to USOPC, this Commission is different. Not only was it created by Congress to be fully independent; it was also vested with the power to “*subpoena an individual the testimony of whom may be relevant to the purpose of the Commission*”²¹³ and a statutory mandate to assess the state of U.S. Olympics and Paralympics, particularly in ten areas. Moreover, Congress charged CSUSOP with studying U.S. Olympic and Paralympic movement-sports oversight generally, not to respond to just one crisis or challenge.

The Empowering Olympic, Paralympic, and Amateur Athletes Act tasked the Commission with the following:

(A) *IN GENERAL.*—*The Commission shall conduct a study on matters relating to the state of United States participation in the Olympic and Paralympic Games.*

(B) *MATTERS STUDIED.*—*The study under subparagraph (A) shall include—*

(i) *a review of the most recent reforms undertaken by the United States Olympic and Paralympic Committee;*

(ii) *a description of proposed reforms to the structure of the United States Olympic and Paralympic Committee;*

(iii) *an assessment as to whether the board of directors of the United States Olympic and Paralympic Committee includes diverse members, including athletes;*

(iv) *an assessment of United States athlete participation levels in the Olympic and Paralympic Games;*

(v) *a description of the status of any United States Olympic and Paralympic Committee licensing arrangement;*

(vi) *an assessment as to whether the United States is achieving the goals for the Olympic and Paralympic Games set by the United States Olympic and Paralympic Committee;*

(vii) *an analysis of the participation in amateur athletics of—*

(I) *women;*

(II) *disabled individuals; and*

(III) *minorities;*

(viii) *a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States;*

(ix) *an evaluation of the functions of the national governing bodies (as defined in section 220501 of title 36, United States Code) and an analysis of the responsiveness of the national governing bodies to athletes with respect to the duties of the national governing bodies under section 220524(a)(3) of title 36, United States Code; and*

(x) *an assessment of the finances and the financial organization of the United States Olympic and Paralympic Committee.*²¹⁴

Though Congress delineated these ten matters that must be included, the statute does not limit the scope of the Commission’s inquiry, and specifically requests any suggested additional reforms:

*...The Commission shall submit to Congress a report on the results of the study... including a detailed statement of findings, conclusions, recommendations, and suggested policy changes.*²¹⁵

This authority provided our Commission with an ability to look holistically at the numerous factors that have contributed to the present state of the U.S. Olympic and Paralympic movement in an effort to generate recommendations that bring the movement’s organization, whose fundamental structure dates to the

213 Pub. L. 116-189.

214 *Ibid.*

215 *Ibid.*

1970s, into alignment with the movement's challenges and needs in the twenty-first century.

Much of the ethos behind the creation, structure, and mandate of CSUSOP came from a broad realization among policymakers, those within the U.S. Olympic and Paralympic movement, and other stakeholders that major reforms after 1978 were only undertaken in reaction to crises. None of those reform efforts, though, reevaluated the whole structure of how the U.S. Olympic and Paralympic movement is organized. Moreover, internal efforts by USOPC have not fully addressed systemic weaknesses that have contributed to those crises over the years. In many ways, the solutions to some of the long-term challenges facing USOPC and the movement-sports landscape it has been charged with overseeing may be beyond the capacity of USOPC on its own. This Commission's creation and mandate constitute an acknowledgement by Congress not only that athlete safety and well-being are public values but that the federal government has a critical role to play in protecting them. Moreover, it is a reaffirmation that Congress holds the ultimate responsibility to ensure the effective oversight and successful promotion, coordination, and development of movement sports at all levels in the United States.

This Commission's creation and mandate constitute an acknowledgement by Congress not only that athlete safety and well-being are public values but that the federal government has a critical role to play in protecting them.

This Commission's months-long study, analysis, and recommendation of policy changes provides Congress with a once-in-a-generation opportunity to revisit the system established by the Ted Stevens Olympic and Amateur Sports Act in the wake of the last independent, governmental commission on U.S. Olympic and Paralympic sports. In doing so, the Commission focused on the ten specific areas outlined in the Empowering Olympic, Paralympic, and Amateur Athletes Act as well as on the broader criteria that best inform a critical evaluation of how our nation structures its approach to sports oversight: 1) safety; 2) equitable access; 3) accessi-

bility; and 4) accountability. How well our nation performs in these areas will ultimately determine our ability to serve and empower athletes and place them at the center of the U.S. Olympic and Paralympic movement, from the highest-performing champions all the way down to those participating for the first time in youth and grassroots sports in our communities.†

Findings

INTRODUCTION & METHODOLOGY

From the start, the Commission has understood that the conduct of our study would rely both on the careful and comprehensive collection of objective data as well as direct and candid engagement with the individuals and organizations that constitute the U.S. Olympic and Paralympic movement. As an independent body un beholden to any of the stakeholders—including Congress—the Commission’s ethos throughout has been to follow where facts lead, to ask the most important and difficult questions, and to collect and analyze the information provided to us without prejudice. The success of our work has depended on the participation and cooperation of athletes, coaches, USOPC officials, NGB and PSO staff, parents and guardians, educators, historians, policymakers, and other stakeholders across grassroots sports. The Commission did not permit USOPC, USADA, SafeSport, NGBs, PSOs, the Team USA Athletes’ Commission,²¹⁶ or any individual or organizational stakeholders to collect and filter information on our behalf, instead gathering testimonies, survey responses, and other data directly. The Commission thanks all those who provided information that has been integral in carrying out our Congressionally mandated study as outlined in the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020.

In conducting this study, the Commission made use of five main research methods: 1) the collection of documents from individuals and organizations; 2) direct interviews with individuals with relevant knowledge; 3) survey analysis; 4) focus groups composed of different sets of stakeholders; and 5) a public hearing held on September 6 to gather witness testimony. Each provided the Commission and its staff with insights that, when taken together, made possible a holistic view of the U.S.

Olympic and Paralympic movement’s challenges and opportunities. Before setting out our findings from this study, we will lay out in greater detail how the Commission made use of each of these five research methods.

Under its authorizing legislation, Congress empowered the Commission to subpoena testimony and request information in support of our study. Individuals and organizations were directed to comply with requests from the Commission’s Executive Director for the provision of documents and other relevant information.²¹⁷ On February 6, 2023, the Executive Director sent a letter asking USOPC, fifty-one independent NGBs and PSOs, twelve internally managed sports,²¹⁸ the Team USA Athletes’ Commission, SafeSport, and the Los Angeles 2028 Organizing Committee (LA28) to provide our Commission with any and all documents relating to the ten mandated areas of the Commission’s inquiry. (Additionally, USADA helpfully offered documents to the Commission addressing its operations.) All documents collected through these requests were required to be provided using secure online forms and uploaded onto secure government systems with additional cybersecurity protocols and protections. None of the information provided to the Commission was or will ever be subject to Freedom of Information Act (FOIA) requests, and the Commission has strived to maintain confidentiality and privacy for all individuals whose information has been collected. An example of a letter from the Executive Director making these document requests and the Statement on Commission Practices outlining the handling of received documents can both be found in Appendix III.

As a result of these requests, the Commission received tens of thousands of individual documents.

²¹⁶ In 2023, the USOPC Athletes’ Advisory Council (AAC) renamed itself the Team USA Athletes’ Commission (AC), and this report will refer to it by that name from this point onward.

²¹⁷ Pub. L. 116-189.

²¹⁸ The number of internally managed sports fluctuated over the course of our study; this represents the total number included in our request for documents and other information.

They were, however, provided, unevenly, with some NGBs or PSOs turning over comprehensive materials across the ten areas of study and others transmitting incomplete sets of documents or those relating to just one or a few areas. Some returned documents in incorrect file formats, and others missed the forty-day deadline. On July 10 and July 13, 2023, the Commission made a second request to organizations to furnish documents specifically relevant to SafeSport interactions, safety concerns, licensing, the U.S. host-city bid process, and financial records. These were areas in which the organizations had produced minimal documentation to the Commission in response to our first request.

The two requests for documents provided the Commission with a telling example of one of the major challenges facing the U.S. Olympic and Paralympic movement: a lack of consistent participation in accountability processes. While some NGBs and PSOs provided the Commission with reams of documents ranging from officials' written communications and detailed financial accounting to internal memos and athlete-development plans, others turned over relatively few documents with scant information. The Commission was gravely disappointed that some entities chose not to engage seriously with our study. Others, seemingly due to a lack of resources and staffing, could not fully comply with Commission requests. Either way, we were left deeply concerned that a key process for public accountability appeared, for many, to be—at best—an unwelcome burden.

In addition to the document requests, the Commission also conducted two surveys and analyzed their results. The first survey was conducted among 3,009 individuals involved in high-performance sports within the U.S. Olympic and Paralympic movement. After designing the survey and its questions, Commission staff shared it using lists of athletes, retired athletes, coaches, executives, and staff provided by USOPC, NGBs and PSOs, LA28, SafeSport, and USADA-affiliated sports organizations. The survey was open to respondents between May 2 and July 31, 2023, and steps were taken to ensure that each individual receiving the survey could only complete it once. In addition to asking survey par-

ticipants to answer a range of questions about their experience within the U.S. Olympic and Paralympic movement, it also provided them an opportunity to share additional documents or testimony directly with the Commission. The survey responses, as was the case with the Commission's policies relating to document collection, were completely confidential and not subject to the FOIA.

For the second survey, a broader examination of Americans' understanding of and attitudes toward the U.S. Olympic and Paralympic movement as well as public views on movement sports, the Commission contracted with SurveyUSA. Aimed at identifying the degree of public knowledge about how the system operates and views on the availability, cost, and safety of sports in their communities, this online survey was conducted by SurveyUSA between July 23 and July 25, 2023, with 1,000 respondents participating.

The Commission also engaged Hudson Pacific to facilitate eight focus groups between June 26 and June 29, 2023. Each group was composed of between six and eight participants, drawn from a selection of those who either responded to the Commission's initial survey or who engaged individually with Commission staff to provide useful information and perspectives. The focus groups included both gender and ethnic diversity and featured both Olympic and Paralympic as well as summer and winter athletes. The groups also included current and former officials from USOPC and NGBs/PSOs, coaches, and a referee. The first group was composed of youth-sports athletes and parents. Over the course of the four days, Hudson Pacific staff moderated discussions with two groups each on one of four topics: 1) Financial Issues; 2) Safety Issues; 3) Organizational and Governance Issues; and 4) Recent Reforms and Processes.

Furthermore, Commission staff held direct discussions with more than 700 individuals who shared information and insights relevant to our study. These included athletes, retired athletes, parents and guardians, coaches, executives and staff currently and formerly with USOPC and NGBs or PSOs, current and former executives and staff from

USADA and SafeSport, personnel from HHS, individuals involved with previous commissions and studies relating to the U.S. Olympic and Paralympic movement, and other movement stakeholders. These discussions were conducted with confidentiality, allowing for frank and candid disclosures to the Commission of past and current practices by different parties and organizations within the movement and the offering of a range of suggestions for future reforms.

Lastly, in addition to receiving forty-seven comments from the public submitted through the Commission's website between April 17 and July 31, 2023, commissioners held a hearing in Washington, DC, on September 6, 2023, to receive both oral and written testimony. This fulfilled the statutory requirement for a public hearing by the Commission; it also provided a unique opportunity for commissioners, staff, and all interested Americans to hear directly from athletes, sports officials, and stakeholders who offered assessments of recent reforms by USOPC and Congress as well as recommendations for additional steps to improve safety, accessibility, equitable access, and accountability in sports. Testifying at that hearing were:

- *Donald Fehr, former Executive Director, National Hockey League Players' Association and Major League Baseball Players Association;*
 - *Ed Williams, Former Chair, U.S. Olympic and Paralympic Committee's Athletes Advisory Council;*
 - *Chuck Aoki, Community Access Navigator, University of Michigan's Adaptive Sports & Fitness Program and Three-time U.S. Paralympian;*
 - *Jeff Mansfield, President, U.S.A. Deaf Sports Federation;*
 - *Candace Cable, Director of Community Outreach, Resources, & Education at the Disability Rights Legal Center and Nine-time U.S. Paralympian;*
 - *Travis Tygart, CEO, U.S. Anti-Doping Agency;*
 - *Dr. Vincent Minjares, Project Manager, Aspen Institute's Sports & Society Program;*
 - *Sally Nnamani, Co-Executive Director for the United States, PeacePlayers;*
 - *Jeremy Goldberg, President, LeagueApps; and*
 - *Tom Farrey, Founder & Executive Director, Aspen Institute's Sports & Society Program.*
- *Dr. Victoria Jackson, Associate Professor of History, Arizona State University;*
 - *Sarah Hirshland, CEO, U.S. Olympic and Paralympic Committee;*
 - *Elizabeth Ramsey, Executive Director, Team USA Athletes' Commission;*
 - *Pat Kelleher, Executive Director, U.S.A. Hockey, & Chair, National Governing Bodies Council;*
 - *Ju'Riese Colón, CEO, U.S. Center for SafeSport;*
 - *Grace French, Founder & President, The Army of Survivors;*
 - *Scott Gray, Minnesota Hockey Safe Sport Coordinator;*
 - *Marci Hamilton, Founder & CEO, Child USA;*

An additional witness, Dr. Katrina Piercy of HHS—on behalf of the President's Council on Sports, Fitness, and Nutrition—submitted written testimony for the record. A full transcript and record of the September 6, 2023, public hearing can be found in Appendix I.

Along with these tools, the Commission drew on: prior reports and investigations; public statements by individuals involved in the U.S. Olympic and Paralympic movement; data published by the President's Council on Sports, Fitness, and Nutrition, by the GAO and by other federal and state entities;

statistical data provided to us by the Sports and Fitness Industry Association’s (SFIA) research department, the Aspen Institute, and other entities that track national trends in sports participation and costs; information publicly available through USOPC, NGBs, PSOs, USADA, SafeSport, the IOC, the IPC, and other Olympic- and Paralympic-sport organizations; as well as a range of scholarship and reporting in the form of books and articles addressing issues pertinent to the Commission’s study. In digesting and analyzing the information gleaned during this undertaking, the Commission has determined its findings in each of the ten mandated areas of inclusion as well as in additional areas relating to its statutory mission. What follows are the findings of the Commission’s months-long study of the state of U.S. Olympics and Paralympics, beginning with those central to the challenge of safety that has been of critical concern to policymakers and movement leaders in recent years.

FINDINGS

Finding: SafeSport has lost the trust of athletes and other movement participants as a result of a growing case backlog, cases remaining unresolved for long periods, and a policy of closing many cases administratively.

In 2017, Congress authorized SafeSport and gave it a clear mission: protect athletes from harm and enable them to feel safe. In its first seven years, SafeSport has failed on both accounts. The process for resolving cases and removing those found responsible for abuse and misconduct is not operating as Congress intended, and, as a result, more than half of athletes do not trust SafeSport.

While 97% of high-performance athletes we surveyed agreed that it is important to maintain an abuse-free environment, only 44% viewed SafeSport as succeeding in that effort. Those athletes who have directly interacted with SafeSport rated it just 3.7 out of ten for satisfaction. Nearly half—47.7%—of all movement participants who participated in a SafeSport resolution process felt that its dispute-resolution process was conducted in

a manner that was either “never timely” or “rarely timely.” Grace French, founder and President of The Army of Survivors and a survivor of abuse in sports herself, testified to the Commission during our hearing that:

SafeSport has not been a support or place of trust for athletes up to this point. The survivors we talked to were all frustrated with the process and felt there was no transparency, nor was there good communication about their cases and investigations. This extends to SafeSport’s reputation in the sports world beyond.

Clearly, too many athletes do not see SafeSport as an ally. It is too often perceived, instead, as an obstacle to safe participation in movement sports.

This broad lack of trust—which the Commission heard again and again in interviews, in hearing testimony, and in documents shared with us—is not surprising, given the caseload numbers that tell a story of an organization overwhelmed and under-resourced. In her testimony at the Commission’s public hearing, SafeSport CEO Ju’Riese Colón related that nearly 300 complaints were filed in 2017, the center’s first year operating under Congressional authorization. According to a GAO study in 2020, SafeSport opened and resolved 3,909 cases during the period from February 2018 to June 2020.²¹⁹ In 2020 alone, we found that SafeSport received 2,310 claims. In 2021, that number rose to 3,708. During the first quarter of 2022, 1,396 claims were filed with the center, representing a 62.7% increase over the previous year’s first quarter. Ms. Colón told the Commission in her testimony that “we’ve received more than 4,300 reports and are projected to hit 7,000 reports by the end of 2023. That represents a 2,000% increase from 2017.” Marci Hamilton, founder and CEO of Child USA, shared this bleak assessment with the Commission during her testimony at the hearing:

At least 20% of girls and 8% of boys will be sexually abused by the age of eighteen in the United States. ... Many victims need decades to come forward... That is the reality of child

219 Larin, “Amateur Athletes,” U.S. Government Accountability Office, 2020.

SafeSport Incident Reports by Quarter (Q3 2017–Q1 2023)



sex abuse and young-adult sex abuse. For that reason, I do not expect the reports to SafeSport to go down. I think 7,000 is a very small number, given the millions of athletes. I expect it to go up, and I expect the need for an effective, preventive system to be of the highest priority.

Indeed, in spite of its best efforts, SafeSport’s case backlog is increasing. Nearly every quarter since 2017, overall incident-report submissions have grown, with the only significant drop occurring at the onset of the COVID-19 pandemic.

Meanwhile, the length of time needed to resolve some of the most difficult cases has been growing.

Though case-resolution times under one year have remained moderately stable since 2021, the number of cases open beyond a year has increased substantially on average. According to the 2020 GAO study, SafeSport resolved 63% of cases within one to three months during the period of February 2018 to June 2020. However, even at this early point in SafeSport’s history, 14% of cases in that timeframe were open for longer than a year.²²⁰ In the first quarter of 2022, SafeSport reported 907 open cases, more than 26% of which had been unresolved for more than a year and more than half open for at least six months. Moreover, 42.2% of all open cases at that time involved some form of sexual-misconduct allegation. “*The amount of time that a case is*

220 Ibid.

SafeSport Case Resolution Times by Quarter (Q1 2021–Q1 2023)



open is a massive pain point for athletes, whether it be physical, emotional, or sexual abuse, under the jurisdiction of the center or an NGB,” one employee of USOPC’s Athlete Ombuds office shared in one of our focus groups. The longer cases remain open, the greater the trauma for victims seeking justice as well as the agony for respondents awaiting a decision. Such delays also impact governing bodies’ ability to keep participants safe from harm in the local clubs and programs they oversee. “The Center’s response-and-resolution process is far too slow,” our Commission heard in testimony from Scott Gray, U.S.A. Hockey’s SafeSport Coordinator for Minnesota Hockey. “...When the Center takes so long, participants in local programs can be subjected to continued misconduct by the respondent in those cases.” This has only further diminished SafeSport in the eyes of those it was created to protect, deterring those who have experienced abuse and misconduct from coming forward.

A further challenge continues to be SafeSport’s practice of relying on administrative closures in an effort to clear its caseload backlog. Between February 2018 and June 2020, most cases under SafeSport’s review were

closed administratively or jurisdictionally without a determination.²²¹ The 2020 GAO report observed:

Center staff explained that the Center can administratively close cases at various stages in the process and may reopen cases when previously reluctant claimants reengage and are ready to participate, or when additional information or evidence is learned. According to the Center’s standard operating procedures, jurisdictional assessments occur before a case is investigated. However, the Center may reassess its jurisdictional decision at any time. If the Center declines to exercise jurisdiction over a matter in its discretionary jurisdiction, the Center may refer the matter to the appropriate sport’s national governing body.²²²

Mr. Gray told our Commission:

The high rate of administrative closure erodes confidence among our constituents to the extent that concerned participants and parents don’t want to make a report to the Center, because they feel nothing ever happens.

²²¹ *Ibid.*

²²² *Ibid.*, 10.

Ms. French recounted the disturbing story of an athlete whose case was closed by SafeSport without a determination. She testified:

An example that I've been given permission to use is that an athlete who was going through the SafeSport process reported suicidal ideation to the U.S. Center for SafeSport. The U.S. Center for SafeSport responded in one email giving him a 1-800 number and then promptly closed his case. There was no follow up from the U.S. Center for SafeSport. There was nothing after that.

As noted below (see pages 70-71), the Commission found lapses in SafeSport's use of trauma-informed practices, which would appear to have occurred in this case cited by Ms. French as well.

It is not only athletes who have expressed alarm about these administrative closures and in whom trust is being lost as a result. Officials from NGBs and PSOs have also raised concerns about a lack of information shared by SafeSport when cases are closed administratively. Among the documents the Commission reviewed was a June 2023 email sent from a SafeSport official to personnel at National Governing Body 1²²³ to inform them that the center would assume jurisdiction over a case involving a claim by one of its athletes alleging “bullying of a sexual nature.” In that same email—indeed, in the very next sentence—however, the SafeSport official notified National Governing Body 1 that the case was also being closed administratively:

This letter is to inform [National Governing Body 1] that, after review and consideration of the reported allegations, the Center is accepting jurisdiction and will resolve the matter pursuant to the policies and procedures proscribed [sic] by the SafeSport Code. This letter also serves to notify [National Governing Body 1] that the Center is administratively closing this matter.

As Mr. Gray from U.S.A. Hockey told us in his testimony, “NGBs are made aware of this result but

are not allowed to learn the underlying facts of the initial complaint. Or, if we were already aware, the Center's exclusive jurisdiction prohibits NGBs from taking any action on their own.” Indeed, we came across a case in which National Governing Body 2, to its credit, raised this issue directly with SafeSport and asked it to “consider [National Governing Body 2's] own rules... at least in cases where [National Governing Body 2] (or any other NGB) has rules in place that specifically address the behavior and make the sanction against the respondent greater than the sanction that might be issued by the Center.” With governing bodies' hands tied in these cases, nothing further can be done to seek justice for victims, to protect others in the sport, or to clear the names of those accused without merit.

Additionally, we heard from the USADSF—the multi-sport USOPC-affiliate organization that operates adapted competitions for deaf and hard-of-hearing athletes—that it does not receive any notification from SafeSport when its participants have cases closed administratively. Instead, only the NGB or PSO for that sport is notified, even though the participants may have reported through USADSF, which also falls under SafeSport's jurisdiction and has personnel and processes in place to support the unique needs of deaf and hard-of-hearing athletes that NGBs and PSOs may not. The impact of SafeSport's administrative-closure policies and their heavy use has been far-reaching and contributed to a lack of trust in the system by athletes, coaches, and governing-body officials alike.

Finding: SafeSport's lack of independent funding has both hurt its credibility with athletes and led to an incentive structure that deters victims of abuse and misconduct from coming forward and filing claims.

Perhaps the most direct reason, however, for a broad lack of trust in SafeSport that we heard over and over again from athletes is the center's dependence on USOPC for funding. Even after Congress required USOPC to fund SafeSport with a minimum guarantee of \$20 million per year, SafeSport

223 For purposes of privacy and in accordance with stated Commission practices, the names of governing bodies and internally managed sports throughout presentation of the report's Findings have been redacted.

is still seen as a dependent entity, interconnected with USOPC and its leadership. When he appeared before the Commission at our public hearing, CEO Travis Tygart of USADA explained the link between perception and trust:

You know, from an independent standpoint in funding, I think, I mean, obviously, the Center [for SafeSport] has, as I understand it, basically a \$20 million guarantee, maybe with no or very few strings attached. And, at some level, I think that actually gives you complete independence. The appearance, however, and the perception that that money's coming from the United States Olympic & Paralympic Committee, ...it raises the issues of the fox actually guarding the hen house that I mentioned previously. So, I think it's really important for folks to understand the sources of funding and what's attached to that funding.

Consequently, the Commission investigated the way in which USOPC collects funding earmarked for SafeSport, and we were deeply disturbed by what we found.

As detailed in financial statements shared with the Commission, USOPC charges each NGB or PSO a baseline contribution fee toward the statutory annual SafeSport funding requirement of \$20 million. As demonstrated in the table below, NGBs and PSOs are divided into six tiers based on their annual revenues, and those in each tier are required to pay a certain amount toward USOPC's annual funding for SafeSport. However, each NGB or PSO is also charged a "high-use contribution" fee per case in addition to this baseline contribution—even for those in which SafeSport declines jurisdiction and sends the case back to the governing body.

In response to a request for further information by the Commission, SafeSport wrote that *"the Center does not have any influence over how or why the USOPC solicits contributions from individual NGBs to support annual contribution."* According to documents furnished to us by USOPC, NGBs and PSOs are charged "high-use contribution" fees even for cases that are closed administratively or jurisdictionally. The table on page 69 shows the three types of cases, according to USOPC, and the amounts charged to a governing body for each case.

Governing Body SafeSport Contribution Fee Tiers

Tier	Low Revenue	High Revenue	Base Fee
1	\$15,000,000		0.25% of Revenue
2	\$10,000,000	\$14,999,999	\$37,440
3	\$4,000,000	\$9,999,999	\$28,080
4	\$2,000,000	\$3,999,999	\$18,720
5	\$1,000,000	\$1,999,999	\$9,360
6		\$999,999	\$4,680

SafeSport Case Categories & Cost

Case Bucket	Resolution Category	Cost per Case
"High Cost" Cases	Criminal Disposition, Informal Resolution, Formal Resolution, No Violation	\$3,000
"Medium Cost" Cases	All Admin Closures	\$1,500
"Low Cost" Cases	No Jurisdiction, Jurisdiction Declined, Administrative Hold	\$150

As a result, NGBs and PSOs have an incentive to reduce the number of SafeSport claims initiated by participants in their sports. The number of victims discouraged from filing claims by their NGB or PSO officials is unknown, but this incentive structure certainly does not lend itself to governing bodies supporting victims and removing those found to have engaged in misconduct. This may be reflected in an inconsistency by NGBs and PSOs in effectively communicating the right of any participant to file a claim directly with SafeSport instead of having to do so first through one's governing body. During our study, the Commission also found that smaller NGBs and PSOs were less likely to encourage participants to report claims directly to SafeSport.

Finding: In contrast to SafeSport, USADA has been a model of success when it comes to independence and trust.

Throughout our comprehensive study of the U.S. Olympic and Paralympic movement, the Commission continued to hear participants praise one institution above all others for its fairness and its efficacy: USADA. Athletes, coaches, and officials trust USADA, they feel the agency communicates its policies effectively, and they rate it as successful in delivering on its mission of fair play in sports. While Congress did not directly charge our Commission with evaluating USADA, the pervasiveness of movement participants' high esteem for the agency cannot be ignored, particularly when identifying leading practices for movement institutions.

Again and again, those with whom we spoke set USADA as a model against which other movement institutions were compared.

Athlete trust in USADA, we found, is substantial. Among the high-performance athletes we surveyed, more than three quarters reported trusting the agency—75.8%. That figure was even higher for coaches—76.6%—as well as USOPC and governing-body executives and board members, more than eight in ten of whom expressed trust in USADA. Meanwhile, in the same survey, nearly two-thirds of athletes, coaches, and executives and staff from USOPC and the governing bodies agreed that USADA is successful in carrying out its mission. This is a stark difference from SafeSport, in which fewer than half of those surveyed expressed confidence to carry out its mission successfully.

One reason for higher trust in USADA, the Commission believes, is its clear financial separation from USOPC and the governing bodies.

One reason for higher trust in USADA, the Commission believes, is its clear financial separation from USOPC and the governing bodies. Congress's direct support for the agency provides it with a reputational advantage among the athletes served, who understand that, from its very origins, USADA has never been dependent on other agencies or

beholden to their leaders. SafeSport, on the other hand, is known to be deeply financially integrated with USOPC and the governing bodies, which plays a role in shaping athletes' view of its independence or lack thereof.

The Commission also found that 62% of high-performance athletes believe USADA is communicating its policies and processes effectively. When broken down by category—athletes, coaches, USOPC and governing-body staff, and USOPC and governing-body executives and board members—more than half in each group agreed. At our hearing, the Commission asked Mr. Tygart why this might be the case. He pointed to an athlete-centered ethos at the agency and a commitment by USADA leadership and staff to ensure that all its rules are clear and evenly applied. Mr. Tygart said:

...I think having a fair, accountable, transparent, consistent process—whether you're a global icon like Lance Armstrong or a weekend warrior under our jurisdiction, there's no fear or favor in how the application of the rules happens.

Clear lines of communication from USADA officials to the athletes interacting with the agency, along with the athlete-serving attitude demonstrated by Mr. Tygart, have clearly made a positive impact.

Additionally, as we have seen from USADA's testing and sanction record, the agency is carrying out its mission. In the twenty-three years since Congress first authorized it as the nation's official anti-doping watchdog agency, USADA has tested more than 40,000 athletes. During that time, 770 athletes have been sanctioned as a result of failing the agency's tests, including both relatively unknown individuals and some of the most popular athletes known to millions of Americans. In high-profile cases, USADA has loudly advocated at the World Anti-Doping Agency and other international sporting organizations on behalf of U.S. athletes believed to have been wronged as a result of the use of banned substances or practices by foreign competitors. Time and again, participants in the U.S. Olympic and Paralympic movement have watched USADA car-

ry out its mandate and work effectively for fairness in sports. That record has certainly contributed to the agency's high levels of trust—again, in contrast to SafeSport, whose expanding backlog and high rate of administrative closures, among other process concerns, have led to low levels of trust among movement participants.

The Commission appreciated that, even though USADA was not directly under our review in the ten areas of study specified by Congress, its leadership proactively shared documents and materials with us and responded in full to our requests for information. We encountered no similar lack of transparency or aversion to accountability as we often experienced with other organizations within the movement. In USADA we found an agency not only acknowledging its public responsibility to share information with Congress but one eager to prove its openness to oversight. This is likely a consequence of having a significant part of its funding derived from Congressional appropriations through ONDCP. With public support comes public scrutiny. Congress has been a careful watchdog over taxpayer funds, something USADA's leadership clearly understands.

Finding: SafeSport has not fully embraced the kind of trauma-informed practices that engender trust among athletes seeking help. Moreover, current SafeSport arbitration rules have led to an unacceptably high rate of decisions being overturned in favor of respondents.

In addition to concerns about its case backlog and perceptions about its independence, the Commission also found that many movement participants feel that SafeSport has not fully embraced trauma-informed practices in its investigatory and dispute-resolution processes. In her testimony, Ms. French informed us that:

Starting in May 2022, [The Army of Survivors] conducted a series of interviews with diverse athletes across several different sports, genders, ages, and levels of competition regarding their experiences with reporting sexual assault. All of these survivors tried to work through SafeSport's

process. We've gathered their testimony and found some common, very disturbing themes. Of most concern to me is the re-traumatization that survivors of sexual abuse have been subject to in the SafeSport process. Survivors have felt ignored, silenced through do-not-disclose agreements, had investigations that lingered for years, and had no notice of actions taken by the Center that could directly put them at risk of retaliation, and have not been supported through a trauma-informed approach.

We were not at all surprised to hear Ms. French's assessment. The Commission heard similar accounts directly of victims feeling re-traumatized by SafeSport's practices.

In the same hearing, Ms. Hamilton from Child USA noted that a lack of experience in trauma-informed practices by SafeSport's investigators and the independent arbitrators hearing appeals *"has routinely resulted in re-traumatization of the victims and reversal of well-founded claims."* Moreover, we found a broadly shared perception among participants in the movement that SafeSport's process disadvantages victims making claims and makes it harder to remove offenders from positions of power over athletes. Ms. Hamilton summarized this challenge in her testimony:

Nearly half—42%—of the appealed SafeSport decisions come out unfavorable to the victim. When the athlete comes forward, they are guaranteed nothing. They are often told it is a confidential process, they may not talk to anybody, and they are given no report. Private arbitration for youth sex-abuse claims plays into the hands of perpetrators and the institutions that cover up for them. It disables victims' voices and leaves future athletes vulnerable to preventable sexual abuse. Numerous coaches that SafeSport would have removed were permitted to return coaching following arbitration without any official public record of the claims made against them. At the same time, the USOPC was settling lawsuits involving the same perpetrators.

That figure she cites—42% of appealed decisions—represents the share of cases before February 2022 in which an individual initially sanctioned by SafeSport asked arbitrators to overturn a ruling successfully or close it administratively. In some of those cases, arbitrators made their decision after victims declined to participate in the arbitration hearing and go through another round of testimony and re-traumatization.²²⁴

Finding: It is often unclear to athletes how to report abuse and other violations, with requirements varying across the different governing bodies. Broad misunderstanding of participants' rights with regard to SafeSport processes is also an ongoing challenge.

When abuse or other violations of the SafeSport Code occur, athletes often encounter confusion about how to report those violations and seek help. That's because pathways to report abuse and other violations of the SafeSport Code vary across NGBs and PSOs. For example, as we found from internal documents shared with the Commission in response to our request for information, National Governing Body 3 directs covered participants to report misconduct one of three ways: either through an online form to the governing body's safe-sport officials, by contacting the NGB or PSO leadership directly by phone or email, or by reporting directly to SafeSport. However, National Governing Body 4 instructs covered individuals to report violations only to the NGB, making no mention of SafeSport as a reporting option. Though the SafeSport Code maintains that directly reporting to SafeSport is always available to those initiating claims, not every NGB or PSO furnishes that information proactively to athletes and other participants. As noted above, smaller governing bodies were more likely, we found, not to provide information about directly reporting claims to SafeSport.

Moreover, not all participants understand which types of misconduct fall within SafeSport's jurisdiction and which do not. Ms. French told the Commission:

224 Dan Murphy and Pete Madden, "U.S. Center for SafeSport, Olympic Movement's misconduct watchdog, struggles to shed 'paper tiger' reputation," *ESPN*, February 23, 2022.

I think athletes that we've heard from are extremely confused about where to report first. They do not understand who has jurisdiction, and when, and I've heard from several athletes that they believe the U.S. Center for SafeSport is only for sexual abuse, so if they're experiencing physical or emotional abuse they feel as if they don't know where to go. Should they go to the NGB? Should they go to the police? Should they go to just the organization, the gym that they're in?

According to the SafeSport Code, the center maintains exclusive jurisdiction over:

- 1) *Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to the underlying allegation of Sexual Misconduct;*
- 2) *Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;*
- 3) *Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;*
- 4) *Misconduct Relating to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process;*
- 5) *Other Inappropriate Conduct, as defined [elsewhere in the Code]²²⁵*

Meanwhile, SafeSport holds discretionary jurisdiction over five other categories of misconduct:

Non-sexual Child Abuse;

Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;

Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;

Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;

Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the process of the USOPC, an NGB, an LAO,²²⁶ or any other organization under the Center's jurisdiction.²²⁷

This discretion over jurisdiction for certain types of misconduct makes it unclear in many cases where a victim can turn to make a claim and seek justice within the movement. It also makes it easier both for governing bodies and for SafeSport to avoid responsibility and leave a claimant without redress.

Throughout our study, we also heard from movement participants who discussed what they perceived to be their “due-process rights” or “legal rights” in the context of SafeSport’s adjudication of claims and issuing of decisions. For example, one of the participants in our focus groups shared his perception that SafeSport does not protect the rights of those involved in its claim process. “*They need due process for everyone involved,*” he said. “*And I don't think there's due process on either side. Whoever gets investigated doesn't have due process, and I don't think the victims get due process either.*” SafeSport, however, is not a fully governmental entity, and it is, therefore, not required to provide Constitutional-level due-process protections, as a court would. While many participants perceived themselves to hold such “due-process” rights in SafeSport proceedings, that is not the case.

The Commission found clear gaps in understanding among individuals across the movement as to SafeSport’s status as an entity that investigates misconduct and only determines whether or not an individual can participate in movement sports. We also discovered misunderstanding around SafeSport’s standards for issuing bans and suspensions. While many with whom we spoke presumed that a ‘beyond-a-reasonable-doubt’ standard applies, which is the case in criminal proceedings, the ac-

225 “SafeSport Code,” U.S. Center for SafeSport.

226 Local Affiliate Organization.

227 “SafeSport Code,” U.S. Center for SafeSport.

tual standard used by SafeSport is much lower, requiring only finding a violation of the Code by a ‘preponderance of evidence.’ Such lack of clear understanding and awareness of SafeSport’s legal status, as well as the obligations and protections that must be afforded to those who are a part of their proceedings, has contributed to feelings of mistrust in SafeSport’s processes by athletes, coaches, and others who may believe the center has either overreached or not gone far enough in certain cases.

Finding: SafeSport’s training and education programs are insufficiently effective.

The seriousness and effectiveness of SafeSport’s training programs have also elicited concerns from across the movement, we found. Ms. French shared from The Army of Survivors’ recent study “*that coaches and families are concerned that the training [SafeSport] provided was not tailored to each sport and did not include prevention, a prevention approach, or a trauma-informed lens.*” One of the women in our focus groups, affiliated with National Governing Body 5, criticized SafeSport’s “1980s mentality of how you educate people through webi-

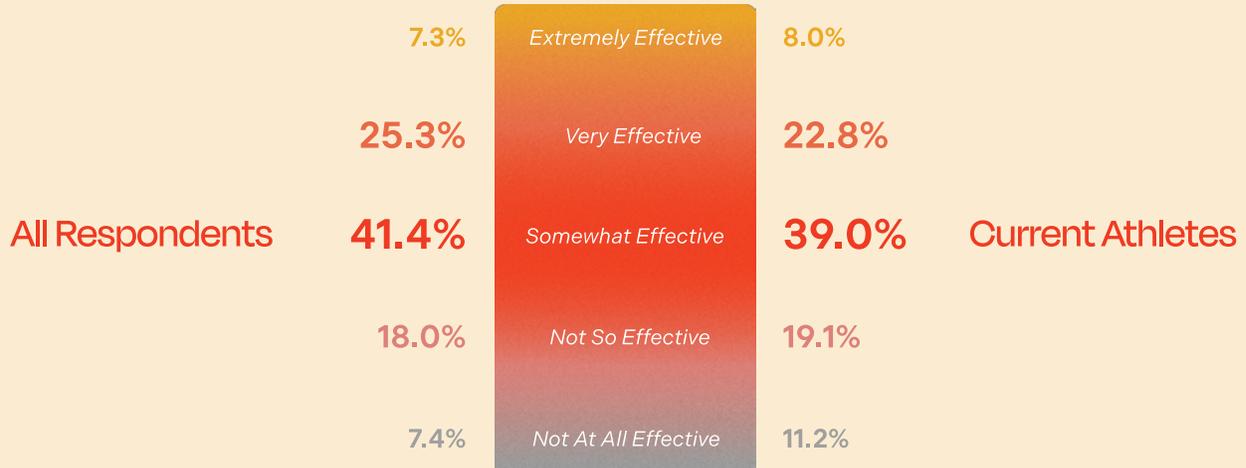
nars and trainings.” Another focus-group participant from National Governing Body 1 said of SafeSport training: “*It’s not going to keep bad people from being bad people. They’re probably in youth sports for a reason—because it’s a target-rich environment for them. And SafeSport training isn’t going to make them any better as people.*” In a positive, though, we did find that some governing bodies have taken it upon themselves to enforce rules about SafeSport training and other safety education courses more rigorously. In one notable instance, National Governing Body 2 carefully tracks compliance by members with required background checks and safety trainings, and it mandates that all coaches and officials at sanctioned events clearly designate on their uniforms if all their safety training has been successfully completed.

Congress heard testimony in 2018 from then-AAC Chair Han Xiao, one of this Commission’s Co-Chairs, that “*in some sports, receiving a SafeSport ‘certification’ for completion of training is a mere formality that can be granted upon viewing a video or having someone pick up their certificate for them.*”²²⁸ Based on the evidence the Commission has seen,

SURVEY

Perceived Efficacy of the U.S. Center for Safesport

1,752 movement stakeholders responded to the following scale, including 672 current athletes.



this does not appear to have changed. With 30.2% of the high-performance athletes we surveyed assessing SafeSport overall as ineffective and another 39% citing it as only somewhat effective, these figures at least somewhat reflect a negative view of SafeSport’s training programs, which constitutes most movement participants’ primary interactions with the center and its processes.

Finding: SafeSport’s event-auditing procedures limit effective oversight of safety practices.

Furthermore, the Commission identified flaws in SafeSport’s audit mechanism for governing bodies, specifically in the advance warning given to NGB and PSO officials that undermines proper oversight and accountability. Currently, SafeSport provides up to two-weeks advance notice to NGBs and PSOs for audits of competition events, which creates non-ideal audit conditions by allowing governing-body officials to attend and carefully manage which individuals are available to answer questions from SafeSport auditors. While there is certainly a benefit to NGB and PSO officials stepping up safety

precautions at an event where SafeSport auditors are expected to be present, this system shortchanges safety at events where auditors are known ahead of time not to be conducting inspections. This creates an uneven safety landscape and facilitates the covering-up of violations that threaten athletes’ and other participants’ safety. Moreover, the Commission’s research uncovered no follow-up mechanisms for failed audits during our study other than emails between SafeSport and NGBs or PSOs indicating required policy changes. There was neither evidence of action on such policy-change requirements, additional audits, nor clear enforcement tools to bring governing bodies into compliance.

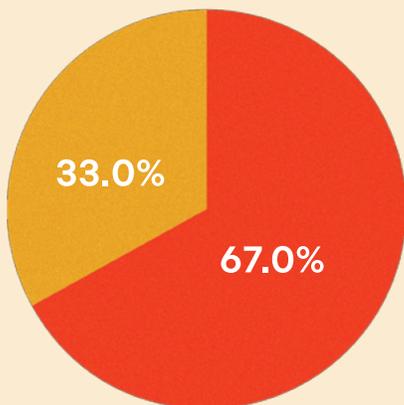
Finding: Lack of awareness of its Centralized Disciplinary Database has impacted participants’ trust in SafeSport as an institution.

Another reason SafeSport has lost trust across the movement is that so few are aware of one of its most important undertakings: the Centralized Disciplinary Database. Ms. Colón noted in her testimony to our Commission that “*Today, the names*

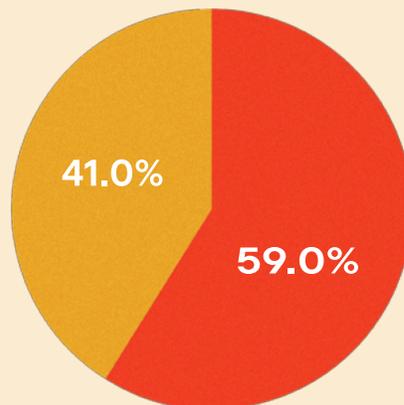
SURVEY

Awareness of the U.S. Center for SafeSport’s Centralized Disciplinary Database

Coaches



Current Athletes



Unaware Aware

of more than 1,900 [sanctioned or banned] individuals appear on this list, which any local sports league, youth-serving organization, or employer can easily access on our website.” In our survey, 41% of high-performance athletes did not even know of its existence. A third of coaches were unaware of the publicly searchable database. Parents of children in youth sports, thankfully, reported higher awareness, though just at 52%. Only one third of the general population reported being aware of SafeSport’s database.

Ms. Colón testified that SafeSport had invested in publicizing the database and using search-engine optimization (SEO) tools to ensure that movement participants could find it on SafeSport’s website. “*The Centralized Disciplinary Database*,” she told us, “*is actually the only piece of our website that is updated every day... and that happens at least once a day.*” The Commission, however, having reviewed SafeSport’s website and updates during the course of our study, did not find this to be true. Moreover, we found a general perception that the database was ineffective both because of the many cases languishing in SafeSport’s slow investigation process and because not all programs in our nation’s fragmented, pay-to-play youth-sports landscape fall under SafeSport’s jurisdiction.

Finding: The fracturing of the youth- and grassroots-sports landscape in our country has placed athletes at risk. Even those participating in governing-body affiliated programs, however, may be less safe due to inconsistent rules concerning SafeSport’s jurisdiction.

Changes to America’s youth- and grassroots-sports landscape over the past several decades have contributed to reduced safety for participants. In June 2022, NGB Council leadership wrote, in a letter accompanying a report to Congress, that:

Many NGBs are facing increased competition for participation in their respective sports. This is happening under the premise that it is easier for non-NGB sport organizations to operate outside of the USOPC and governmental re-

*quirements that make our organizations leaders in their respective sports. Given established requirements and that leaders of NGBs are working hard to meet those requirements, NGBs currently provide the safest environment for the youth sport experience. ... Sadly, we are aware that children can participate in sports with other organizations that not only fail to offer any abuse prevention training nor limit one-on-one interactions with minor athletes, and they permit SafeSport-banned coaches to participate.*²²⁹

The many private sports organizations—both for-profit and not-for-profit—that are not affiliated with NGBs or PSOs, and thus do not fall under SafeSport’s jurisdiction, provide no recourse for participants or their families to report misconduct to SafeSport. If SafeSport cannot investigate claims and issue sanctions, those who perpetrate abuse and other forms of misconduct cannot have their names added to the Centralized Disciplinary Database. “*Loopholes need to be closed*,” one focus-group participant from National Governing Body 6 told us, “*where a coach can move to unsanctioned competitions and still be part of them, still be participating in the sport basically every single day...*” Another told us: “*The two biggest offenders that I know of are still coaching. Nothing’s ever happened to them.*”

This situation has not occurred in a vacuum. It can be seen as a direct consequence of USOPC’s inability to fulfill the dual mandate given to it by Congress under the Ted Stevens Olympic and Amateur Sports Act—and, consequently, its decision to focus nearly exclusively on high-performance, medal-capable athletes at the expense of investment in and attention to youth and grassroots development. The rise of a youth-sports industry featuring large numbers of sports organizations unaffiliated with governing bodies has brought new safety risks for all who participate.

Even youth-serving organizations affiliated with NGBs or PSOs, however, may not provide participants with sufficient protection, as many still fall outside SafeSport’s jurisdiction. Whether a local

affiliate organization operating on the ground level of youth sports does or not depends on the individual governing body to which it is linked and on that governing body's definition of a local affiliate organization, a category not specifically defined or addressed in the 2017 Protecting Young Victims from Sexual Abuse and Safe Sport Act.²³⁰ While the statute places "amateur sports organizations" under SafeSport's jurisdiction, there is ambiguity as to whether NGBs' or PSOs' local affiliates constitute such "amateur sports organizations" or whether only programs run directly by the governing bodies qualify. Each NGB or PSO has made its own determination as to whether its local affiliate organizations must report to SafeSport and whether their personnel constitute "covered individuals" for the purposes of the statute.²³¹

The 2018 House Energy and Commerce Committee report on sexual abuse in sports raised concerns about such inconsistency across the NGBs and PSOs with regard to defining who is a "covered individual." The report included an extensive table with the categories of individuals considered "covered" by each governing body, with a wide divergence among them. While some, like National Governing Body 7, shared extensive lists that included staff, contractors, volunteers, coaches, referees, medical personnel, and more, other NGBs or PSOs, such as National Governing Body 8, only listed paid staff, board members, athletes, and few others.²³² This disparity has led athletes in certain leagues and programs wishing to open a complaint with SafeSport surprised when the center issues a cursory jurisdictional closure, and it can deter others from coming forward with claims if they believe the same will occur.

Finding: In spite of its challenges, most participants in the movement do not wish to replace SafeSport but want to correct its shortcomings and strengthen it for the future.

Though SafeSport is not, at present, fully meeting its mission and has lost a significant amount of

trust across the movement, the Commission found that most participants do not wish to see it dismantled. There were certainly dissenting views; one focus-group participant from National Governing Body 9 stated very clearly that she believed "*SafeSport cannot be fixed and shouldn't. Nobody should spend any time trying... it's such a nightmare.*" We heard passionate arguments on both sides of this question. However, the overall picture was one of hopefulness that SafeSport's problems could be addressed and that the center could inspire trust among those it serves. One participant from National Governing Body 6 told us: "*I think everyone knows it just needs to be improved and refined, and they are doing good things.*" Half of the respondents in our movement survey agreed that SafeSport was meeting its goals, and 70% of athletes indicated that it was at least somewhat effective as an institution. A woman from Paralympic Sports Organization 1 in one of our focus groups perfectly captured this conflicted attitude when she said: "*I do believe SafeSport is necessary, but I also think it's broken.*"

When she appeared before our Commission, Ms. Colón acknowledged SafeSport's shortcomings and pledged to do better:

We know that there are participants in our response-and-resolution process who felt it was not trauma-informed, that there was poor communication, or it simply took too long. ... We're actively reviewing how we can shorten resolution times, provide more information to NGBs, particularly around administrative closures, and solicit additional resources to grow our investigative staff. More importantly, our door is open to those who want to help us improve. We are dedicated to strengthening what we've built, making the Center better and more accessible to athletes throughout the country.

SafeSport's creation also addressed a critical need among the governing bodies. As Mr. Gray told us from his experience with U.S.A. Hockey:

230 Pub. L. 115-126.

231 "Nassar and Beyond," U.S. House Committee on Energy and Commerce.

232 *Ibid.*

I believe the creation of the U.S. Center for SafeSport was a necessary and important step in assisting us to appropriately respond to these challenges. From the start, the driving forces behind creating the Center were the need for the most serious cases to be investigated and resolved by an independent third party rather than the NGBs—and to have that third party include the necessary capability and expertise. Although I continue to strongly believe that the Center is an integral part of the safety landscape, I also believe that substantive changes in its practices and procedures must occur to improve our ability to respond to and resolve misconduct in a fair and timely fashion with all aspects of due process taken into consideration.

The framework established in 1978 is unable to keep pace with today’s challenges.

The need for an institution within the movement like SafeSport is clear. Indeed, 87% of Americans in our public survey agreed that it is important for sports organizations to prioritize the safety of athletes, coaches, and staff. Sadly, as one of our focus-group participants from National Governing Body 10 told us, there is still much misconduct to uncover and address: “I don’t think people really go through the sport pipeline,” she said, “from kids to professional Olympic level, without having at least some indirect connection to abuse in sport.” Just over seven years old in its current form, SafeSport is an organization still growing and finding its footing. Though much work is required to sturdy it, the foundation for SafeSport already stands. With the proper reforms, SafeSport has the potential to become the kind of safety watchdog that movement participants expect and deserve.

Finding: Since 1978, USOPC has been unable to achieve its Congressional mandate to “coordinate and develop” youth and grassroots sports across the country, which has led to the development of a youth-sports landscape that has hampered safety, limited equitable access, and jeopardized our long-term Olympic and Paralympic pipeline.

While SafeSport remains at the center of discussions of safety, safety concerns are directly related to broader problems with movement governance. The protection and well-being of athletes and all participants depends not only on a robust watchdog agency but on ensuring a successful framework for movement sports that incentivizes safety, access, and athlete empowerment across the system. The framework established in 1978 is unable to keep pace with today’s challenges. As a result, our Commission found, the youth- and grassroots-sports landscape in our country has changed dramatically and fragmented, leaving millions unprotected, keeping many would-be participants out of the system, and endangering America’s long-term talent pipeline for Olympic and Paralympic champions.

At the Commission’s public hearing, Arizona State University sports historian Victoria Jackson explained:

...the [Ted Stevens Olympic and Amateur Sports Act] charges the USOPC with a dual mandate to lead both the narrow apex, high-performance elite Olympic and Paralympic sports, and the massive base: grassroots-, community-, and youth-sports of the pyramid. Despite this charge, operationally, the USOPC has held a narrow focus on Olympic and, to a lesser degree, Paralympic success. ...The many pressures to prioritize top-of-pyramid success, coupled with the absence of funding or incentives to support grassroots, have meant that the USOPC has only ever been successful in filling half of its dual mandate.

The result, as she noted, has been “the explosive growth of a pay-to-play, privatized youth-sports world, making the American sports ecosystem not one of sports for all, but one of restricted access and privilege.” Jeremy Goldberg, whose company LeagueApps oversees an app-based youth-sports management platform, summarized in his testimony much of what the Commission found over the course of our study:

Youth sports is no longer largely driven by volunteer-led community organizations compris-

ing the majority of member organizations that are associated with national governing bodies. Instead, the youth-sports industry is really in a transition from a hobby to a profession. ... To be sure, the organizations with greater capacity are investing more in coaching and training and safety, and the vast majority are well-intended and deeply committed. But it's also clear there is no coherent youth-sports system in this country. First, there is a lack of governance with no real structure or standards that stewards youth-sports experiences in this country. Instead of the COVID pandemic offering a moment to re-establish the leadership and influence of governing bodies in association, the crisis crystallized their lack of authority, resources, and capabilities, which reveal itself every day in the inconsistencies around safety and quality. Second, there is a widening gap in terms of access to sport for underserved communities. The youth-sports sector is severely under-resourced, both in terms of governance but even more so at the local level in terms of organizations, programs, and play spaces.

Today, the youth-sports industry in the United States has been valued with a market size as high as \$30 billion.²³³ It has grown rapidly, having been previously estimated at \$15.3 billion in 2017.²³⁴

Congress's intention, however, was never for youth sports and our Olympic and Paralympic pipeline to become commercialized to the point where access and safety are dependent on participants' ability to pay, turning athletic competitors into customers. When Congress granted USOPC responsibility over both supporting high-performance athletes heading to the Olympics and Paralympics and developing grassroots sports across the country, the understanding was that USOPC would allocate resources to ensure that Americans of all ages could equitably

access movement sports in their communities. In his remarks bringing up the 1978 legislation for consideration by the full Senate, then-Chairman of the Senate Commerce Committee Howard Cannon listed what he and the other sponsors of the bill saw as USOPC's mandate:

First, the bill restructures the [USOPC] so that it can serve as the coordinating body for the development of amateur athletic activity in the United States.²³⁵

The Commission notes that the coordination and development of what we now term grassroots sports were seen as the first priority. In that same Senate debate, Sen. Ted Stevens, the bill's chief author, stated:

One of the most important functions of the revitalized [USOPC] is to promote and encourage physical fitness and public participation in sports. This legislation is not a bill merely to assist Olympic and "elite" athletes. Far from it. I am hopeful that with the new goals and directives for both the [USOPC] and the national governing bodies it will be easier for all Americans to find programs and facilities through which they can further their athletic interests.²³⁶

Sen. Stevens went on to address a provision in the original bill that would have appropriated \$30 million in public funding to USOPC to assist with "its expanded responsibilities and in furtherance of the objects and purposes of this act"²³⁷—that is, the addition of its new mandate to coordinate and develop youth and grassroots sports nationwide. He made clear:

Many national governing bodies are presently underdeveloped and financially unable to provide adequate programs, not to mention general information to the general public. Programs

233 Erik Spanberg, "Youth Sports: Supply. Demand. Access," *Sports Business Journal*, May 1, 2023.

234 Sean Gregory, "How Kids' Sports Became a \$15 Billion Industry," *TIME*, August 24, 2017.

235 Amateur Sports Act of 1978, S. 2727, 95th Congress, 2nd sess., *Congressional Record* 124, pt. 10: 12853.

236 *Ibid.*, 12854.

237 *Ibid.*

*will be developed so that their membership and financial support can be expanded.*²³⁸

Congress, however, did not end up including that appropriation in the final enacted legislation. To this day, it has refused to provide any public funding to support USOPC's dual mandate, even while continually recognizing the public benefit and public value of Americans' access to movement sports.

For decades, USOPC leaders have asserted—accurately—that they were handed an impossible task. “*We cannot be all things to all people,*” its CEOs have repeated to policymakers since the Ted Stevens Olympic and Amateur Sports Act was first signed into law. Consequently, without sufficient resources to carry out both halves of its mandate, USOPC officials were forced to make difficult decisions about how to invest the limited funding earned mainly from licensing of trademarks. Instead of spreading resources thinly everywhere, they chose to focus on what they believed would have the biggest public impact: helping Team USA win more medals internationally. Certainly, Team USA athletes performing better increases the value of the Olympic and Paralympic trademarks; consequently, revenues from licensing the trademarks rise as our high-performance athletes inspire Americans through their successes. As USOPC's licensing revenues have increased over the years, though, we have not observed a shift toward more (or much of any) investment in helping millions of Americans access movement sports in their communities. There is currently little incentive to shift that focus.

Even so, USOPC continues to tell Congress that it is doing its best to fulfill both parts of its dual mandate. However, it has been clear for a long time that USOPC invests far less funding in the development of youth and grassroots sports than it does in high-performance athletes. The Commission looked carefully at this issue as a metric by which to measure USOPC's commitment to carrying out both parts of its Congressional mandate.

Finding: USOPC allocates far less funding to support grassroots development in the movement sports pipeline than it reports, even according to its own definition of “grassroots” development.

Evaluating USOPC's responsibility to “coordinate and develop” movement sports at the grassroots level required an examination of how much it actually allocates toward helping governing bodies maintain and expand youth and community programs in their sports. The central challenge the Commission encountered in analyzing grassroots investment by USOPC and the governing bodies is that we did not receive consistent or detailed financial documentation from them outlining spending in support of grassroots development, even after repeated requests. When documents were shared with the Commission, it was not always clear whether funding listed in annual financial disclosures labeled as being for “grassroots” development was truly for that purpose or really just for high-performance talent recruitment. Moreover, “grassroots” has always been an amorphous term, and the Commission first needed to understand how USOPC and the governing bodies define it in their financial records.

Thankfully, “grassroots” has indeed been provided a standard definition within the movement by USOPC. That can be found in the glossary of USOPC's public Sports Benefits Statements, issued each year to summarize spending by NGBs and PSOs in pursuit of their priorities. In the statements issued from 2019 through 2022, the most recent available, the glossary entry reads:

Grassroots: Actual cost of coaching education and development programs in support of the American Development Model.

While each governing body follows a slightly different incarnation of the American Development Model, at its core are eight ascending stages of age-appropriate coaching, play, and competition. Starting with learning to be active as a young child, the stages culminate in Olympic and Paralympic training for high-performance athletes and learn-

238 *Ibid.*, 12855.

Grassroots Spending by Governing Bodies in 2021



Category I: Spending that supports open competitions, training opportunities, events, or capacity-building for local affiliate organizations for the purpose of expanding and increasing youth-sports participation.

Category II: Spending that supports some broad-based youth-sports participation, but includes spending for closed competitions, governing body membership support, or resources to further high-performance development at the youth and junior levels.

Category III: Spending labeled as “grassroots,” “sports development,” or broadly defined “membership services,” that cannot be separated from governing bodies’ administrative costs, closed competitions, the development of pathways for high-performance athletes, other high-performance-related expenses, or coach training and education.

*Does not include over 51-million in grant spend from an outlier governing body

ing tools for lifelong enjoyment in a sport for everyone else. This definition of “grassroots” sports encompasses both what most Americans would identify as youth and grassroots participation and the kind of high-performance talent identification and development that falls under USOPC’s statutory mandate to cultivate U.S. Olympic and Paralympic talent. As such, USOPC has been able to include much of its investment in high-performance development under the label of “grassroots” development, making it difficult for observers to parse exactly how much funding it has directed toward each side of its dual mandate.

In order to determine how much funding USOPC and governing bodies are truly allocating toward the coordination and development of youth and grassroots sports, the Commission looked closely at financial documents both provided to us and made available publicly. In these documents, USOPC and

the governing bodies list funds allocated toward grassroots development, but when examined closely they break down into three categories. The first includes spending for open competitions, training opportunities, events, or capacity-building for local affiliate organizations for the purpose of expanding and increasing youth-sport participation.²³⁹ Examples may include partnerships with schools, parks departments, or non-profit organizations and specifically do not include spending on high-performance programs aimed at developing talent for national teams. These align with activities found by the Commission to have direct and identifiable positive impacts on the development of youth and grassroots sports across the country. The second category covers closed competitions, governing-body membership spending, or resources to further high-performance development at the youth and junior levels—though it still covers projects or spending that can be traced back to local efforts to increase

²³⁹ This first category includes all funding provided directly by governing bodies to affiliates’ local clubs in the form of grants. While the Commission was unable to determine spending in detail at the club level, these are the organizations responsible for facilitating youth and grassroots participation in the most straightforward way. Even if some of these governing-body grants to local clubs are used for administrative purposes, the Commission interprets those as essential to maintaining the direct youth and grassroots services that clubs provide.

broad-based youth participation. The third includes spending that may be labeled as “grassroots,” “membership services,” or “sport development” but cannot be separated from governing bodies’ administrative costs, closed competitions, the development of pathways for high-performance athletes, broadly defined member services, coach training and education, or other high-performance-related expenses. In short, only the first category of “grassroots development” spending that we identified unmistakably covers the kind of youth and grassroots projects envisioned by Congress in the Ted Stevens Olympic and Amateur Sports Act.

The Commission analyzed financial documents from 2021 for the thirty-one governing bodies that satisfied at least one of these definitions of “grassroots-development” spending in order to understand more clearly the balance of investments by USOPC in its statutory responsibility to “coordinate and develop” youth and grassroots movement sports in America. That year, we found, total spending by governing bodies labeled as investment in “grassroots” activities neared \$108.2 million.²⁴⁰ However, of those funds, spending in the first category—representing what our study identified as actual direct investment in grassroots development—amounted to just over \$3 million. The median grassroots spending per governing body in that category was just \$89,724. Meanwhile, the Commission found that USOPC barely invests at all in helping governing bodies develop their sports at the grassroots level. In total, USOPC directed just \$92,231 toward just ten governing bodies in 2021 to support grassroots development in any of the three categories outlined above. In addition to this funding, USOPC allows governing bodies and certain national affiliates to apply for up to \$5,000 in annual “Grassroots / American Development Model” grants, which are “designed to provide select NGBs with [American Development Model] and Coaching Education support.” Otherwise, the Commission was unable to identify any other funding from USOPC to the governing bodies directly supporting grassroots development.

For para sports, the Commission found little to no grassroots-development funding at all coming from

USOPC. In one example, the 2022-2025 High-Performance Plan for a para team operating under the supervision of National Governing Body 1, notes that “*the club level continues to have struggles with developing athletes to a competitive international level...*” and that “*there is no USOPC direct support to club athletes.*” The same document listed as an internally identified weakness: “*limited resources to fund development and grassroots programs.*” In one example of the scope of need for USOPC support, National Governing Body 11 indicated in its 2022 strategic plan that it would seek between \$15,000 and \$25,000 in assistance from USOPC to launch a Paralympic recruiting program. This is just one governing body among dozens, and with USOPC having sent less than \$100,000 in direct grassroots-development support in total the prior year, it is easy to see how these needs are going unmet. While the Commission asked USOPC to provide us with detailed financial and other information about the internally managed sports under its purview, which include several para sports, we were provided almost none. As a result, we cannot responsibly infer any conclusions regarding USOPC’s level of support for grassroots development in internally managed Paralympic sports.

Such lack of investment in youth and grassroots para sports has an even more detrimental impact on the high-performance pipeline, perhaps, than in non-para sports because of the higher costs associated with participation. As three-time U.S. Paralympian Chuck Aoki noted in his testimony, echoing what we heard from others from the U.S. Paralympic community:

I think the reality is that for any adapted athlete, whether you’re a wheelchair user or visually impaired or anything of that nature, you’re going to require specialized equipment which, you know—you can’t buy it at a regular store. You have to order it special-made. There’s only several manufacturers in the world that make them, and they’re often, you know—the cost is in the thousands of dollars just for equipment. And, particularly, for youth athletes they’re growing. Their bodies are changing, and they have to constantly do it, and so,

240 This figure includes a \$50 million outlier from one governing body in grant spending.

USOPC v. Governing Body Grassroots Spending in 2021



in addition to the burden of having added expenses from having a disability, you then stack on top of it even being able to participate in recreational activities, adds even further burden of money.

For young Americans with disabilities, full of talent and drive, a lack of necessary support from the movement all too often keeps them out of the movement. This is detrimental to our Paralympic talent pipeline as well as a lost opportunity for broadening the positive impacts of sport in our communities. It is no surprise that we found that only 54.8% of Americans were aware that USOPC plays a role in coordinating and developing youth and grassroots sports in the United States. USOPC has been all but missing from the field of play.

The amounts above, it should be clarified, reflect only USOPC-originated funding sourced from the monopoly on Olympic- and Paralympic-related trademarks granted to it by Congress. The figures do not include funds for grassroots development distributed by governing bodies in the form of grants—to local affiliates and other community-serving organizations—whose revenues were derived from NGB or PSO membership dues or participation fees. Without robust support from USOPC, the governing bodies primarily rely on dues and fees to support their youth and grassroots programming, further entrenching a pay-to-play system. This is one of the reasons the Commission found growing concern among governing-body officials about membership falloff in many sports,

particularly during and after the pandemic. A drop in membership bears serious implications both for carrying out a governing body's mission of broadening participation as well as for the revenues that sustain their operations, including these grants.

The Commission also found these grants to be unevenly available. For example, governing bodies like National Governing Body 2 and National Governing Body 12 have substantial grassroots-development grant programs, through which annual revenues from membership dues and competition fees help support initiatives to increase access to the sport. In 2021, National Governing Body 13 donated \$113,525 to its foundation in order to fund grants for the growth and development of local clubs and to promote diversity. However, we also identified more than a dozen governing bodies and at least one internally managed sport where no such grassroots-development grants exist.

Finding: Governing bodies differ greatly in how they organize governance and deliver services aimed at youth and grassroots participants.

While the structure of investment by USOPC and governing bodies in youth- and grassroots-sports development provides one measure of the imbalance between the two parts of USOPC's statutory mission, another can be found in the way NGBs and PSOs deliver services to participants and organize their own governance. Governing bodies, by and large, outsource their youth and grassroots programs to local affiliate organizations. These affiliates are separate entities that oversee services to member-participants of the governing bodies, and in return for the exclusive right to do so they must agree to abide by certain rules—including SafeSport jurisdiction.

Each NGB and PSO maintains its own model for governance, and those appearing to hold a more serious attitude toward facilitating closer communications and furthering grassroots development have implemented a representational model that integrates these affiliate groups into their decision-making processes. Under such a model, representatives

of the affiliate groups may be invited to join the governing body's board of directors. One example of this can be found with National Governing Body 13, which requires one affiliate club representative and one competitive athletic representative for each registered club on its board. National Governing Body

It is no surprise that we found that only 54.8% of Americans were aware that USOPC plays a role in coordinating and developing youth and grassroots sports in the United States. USOPC has been all but missing from the field of play.

14 provides each of its local affiliate organizations with four voting board representatives—two coaches, one administrator, and one athlete. Other governing bodies following this model include National Governing Body 2 and National Governing Body 15. Additionally, National Governing Body 16 requires its board members to be registered with one of its affiliated regional associations—and it maintains that three directors must themselves serve on regional affiliates' boards. With so much programming responsibility handed to local affiliate organizations, the Commission found an alarming inconsistency among governing bodies with the potential to impact quality of service, accountability, and clear communications with participants and their families about policies concerning safety and athletes' rights and well-being.

Finding: As USOPC withdrew from its mandate to "coordinate and develop" youth- and grassroots-sports, participation levels in movement sports nationally have dropped, with the pandemic exacerbating gaps in access. Fitness and activity levels have also been impacted.

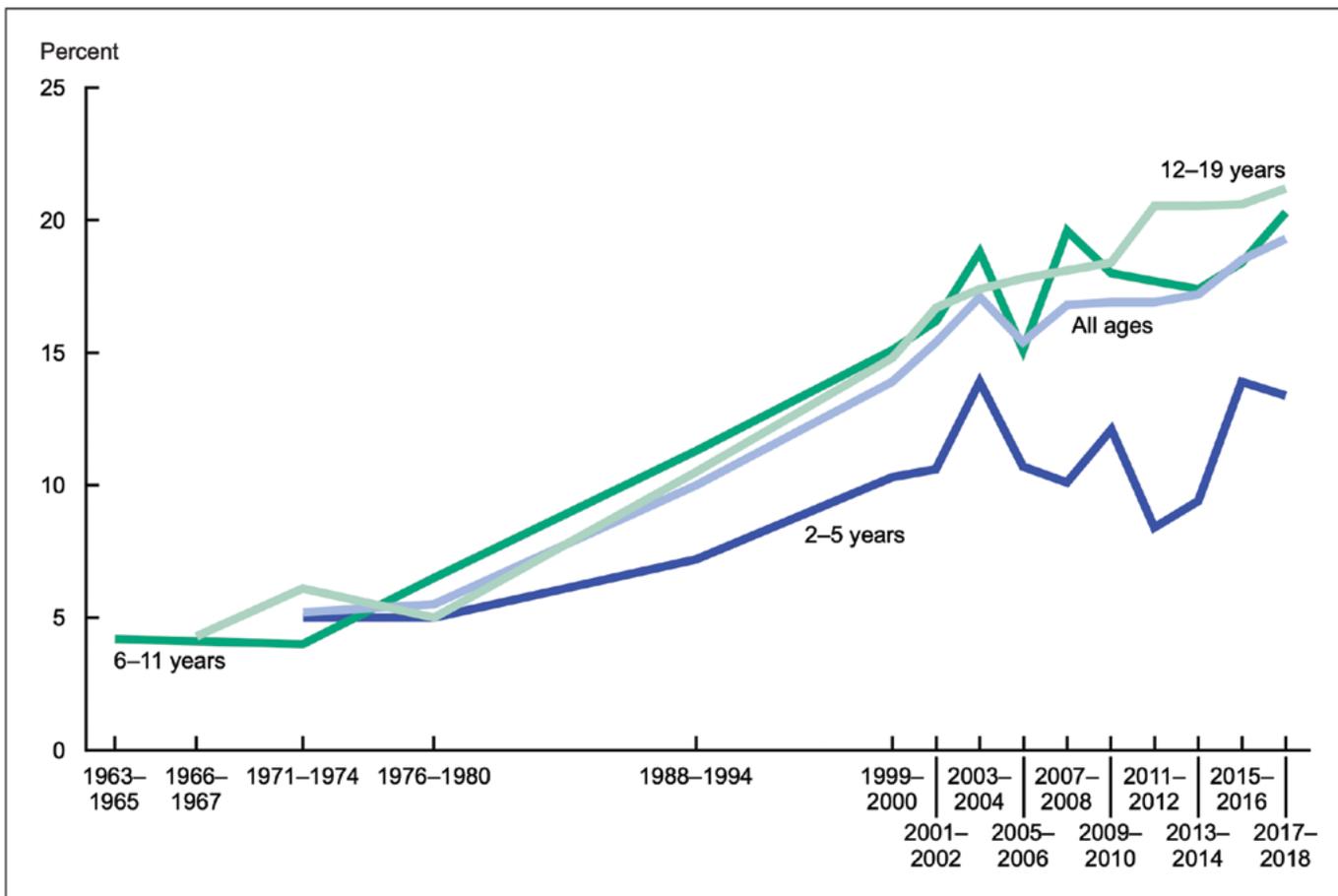
In evaluating whether USOPC has been effective at meeting its dual mandate, the Commission also looked closely at participation data and trends for youth and grassroots sports across the country. A 2019 study by the Aspen Institute and Utah State University noted a striking decrease in the number of children ages six through twelve participating in sports between 2008 and 2018, with a drop from 45% to 38% during that decade as well as a national average age of just ten-and-

a-half years old when a child quits sports.²⁴¹ Physical fitness also declined by 6% over that time, and only a fifth of girls—compared to 28% of boys—were meeting the U.S. Centers for Disease Control and Prevention’s recommendation for daily physical activity. Indeed, obesity rates among American youth have surged from 5.5% in 1980 to 19.3% in 2018.²⁴²

In its 2022 follow-up report, the Aspen Institute found that the pandemic saw an even further drop in youth-sports participation, with just 37% of children ages six through twelve playing on a team

sport in 2021.²⁴³ The report also shared that nearly one in five parents indicated that their children had lost interest in sports during the pandemic, and these parents saw this attitude as a barrier to their children’s return to playing.²⁴⁴ The Commission was alarmed at the SFIA 2023 Topline Report, which showed that 68.6 million Americans were “*totally inactive*” in 2022, representing 22.4% of the overall population not participating in any sports or fitness activities during the year.²⁴⁵ Though inactivity rates have been trending downward over the past few years, the rates for those in age groups

Figure. Trends in obesity among children and adolescents aged 2–19 years, by age: United States, 1963–1965 through 2017–2018



NOTE: Obesity is body mass index (BMI) at or above the 95th percentile from the sex-specific BMI-for-age 2000 CDC Growth Charts.

SOURCES: National Center for Health Statistics, National Health Examination Surveys II (ages 6–11), III (ages 12–17); and National Health and Nutrition Examination Surveys (NHANES) I–III, and NHANES 1999–2000, 2001–2002, 2003–2004, 2005–2006, 2007–2008, 2009–2010, 2011–2012, 2013–2014, 2015–2016, and 2017–2018.

Image Source: CDC/NCHS National Health & Nutrition Examination Surveys

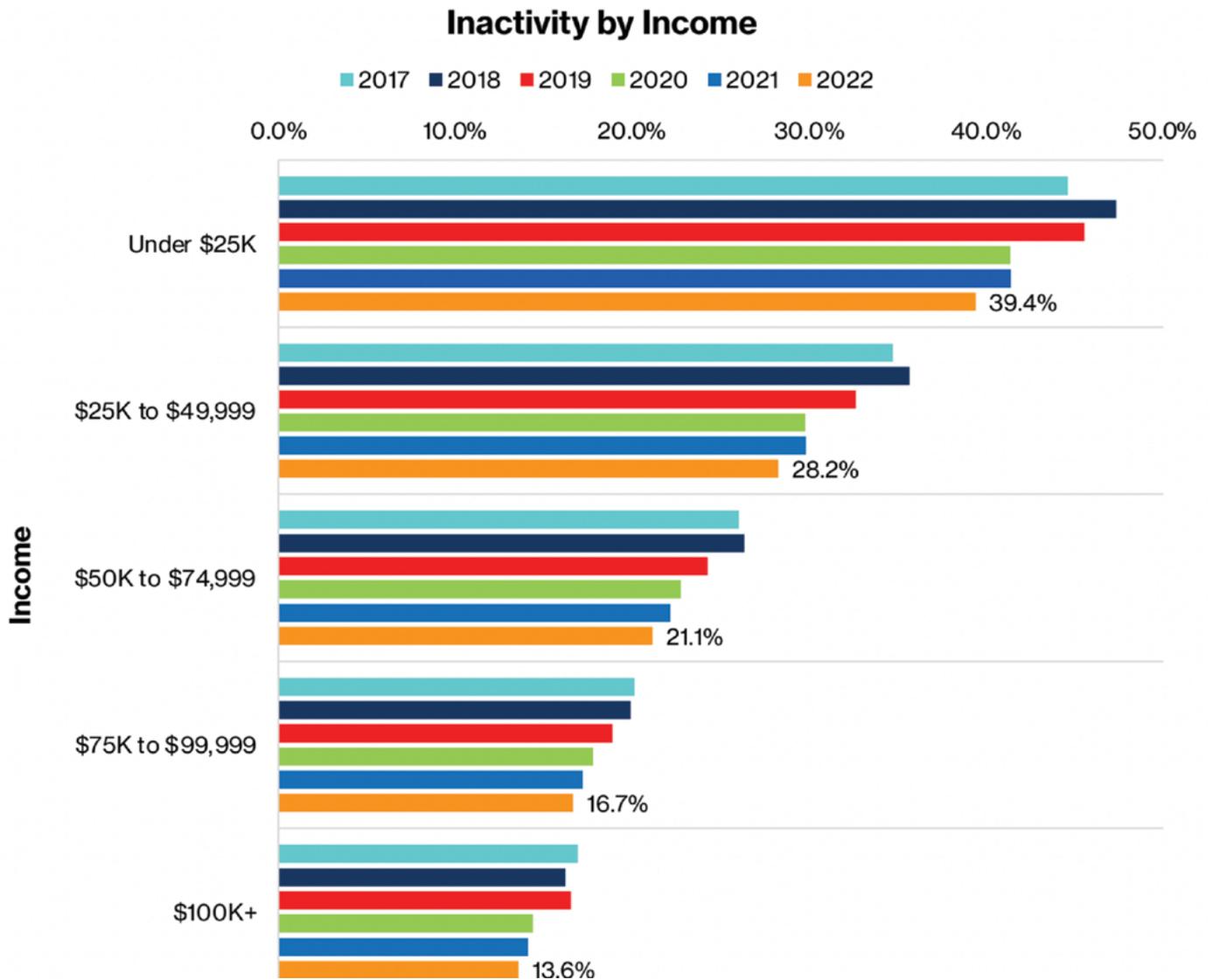
241 “State of Play 2019: Trends and Developments in Youth Sports,” The Aspen Institute: Project Play, 2019.

242 National Center for Health Statistics, National Health and Nutrition Examination Surveys, 1976–1980 and 1999–2018, accessed May 24, 2023.

243 “State of Play 2022: Participation Trends,” The Aspen Institute: Project Play, 2022.

244 *Ibid.*

245 “Topline Participation Report 2023,” Sports and Fitness Industry Association, 2023.



Note: Income type is household income.

Image Source: Sports & Fitness Industry Association (SFIA) Topline Participation Report 2022

18-24 and 25-34 years old moved in the opposite direction in 2022.²⁴⁶

Even with inactivity rates decreasing across all household-income levels, sharp disparities remain between those at higher and lower incomes. Nearly 40% of those from households earning less than \$25,000 a year experiencing total inactivity, compared to just under 14% for those in households earning at least \$100,000 annually.²⁴⁷ In 2019, the

President's Council on Sports, Fitness, and Nutrition held a listening session and heard from Assistant Secretary of Health and Human Services Admiral Brett Giroir that the average cost nationally for a child participating in one season of a single sport was \$400, and sports participation declines as young Americans graduate into middle and high school.²⁴⁸ According to the Aspen Institute's data from 2022, the annual cost of one child's primary sport is \$883 on average for a family in the United

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ "Listening Session for the National Youth Sports Strategy: Meeting Minutes," U.S. Department of Health and Human Services, Office of Disease Prevention & Health Promotion, President's Council on Sports, Fitness, & Nutrition, April 4, 2019.

States.²⁴⁹ Depending on whether a family lives in a rural, urban, or suburban community, this figure could range anywhere between \$650 and \$1,300 a year.²⁵⁰ In our focus groups, we heard from parents about the impact of high costs on youth-sports participation, particularly in some of the more-expensive sports with specialized equipment and training. “*It just tells you,*” one of these parents lamented, “*how many American families just simply don’t have access to the sport.*”

In 2019, HHS, led by the President’s Council on Sports, Fitness, and Nutrition, published its National Youth Sports Strategy, which drew on research confirming that participation in youth sports is associated with lifelong higher physical activity, better health outcomes and lower health-care costs, reduced stress and incidence of mental health challenges, improved educational and career achievement, and other myriad benefits.²⁵¹ The development of our current pay-to-play youth-sports system, in which not all programs are sanctioned by governing bodies and held to the highest standards or subject to SafeSport protections, makes it harder for American families to access these many benefits from youth-sports participation. It is difficult to observe national trends in participation and physical activity levels, the fragmentation and commercialization of the American youth-sports landscape, and USOPC’s severe underinvestment in youth- and grassroots-sports development and not make a connection. While it is impossible to prove cause and effect, it is certainly reasonable for Americans to draw a link between these conditions and an inadequacy of the framework established by the Ted Stevens Olympic and Amateur Sports Act to deliver on its promise. The consequences, however, extend not only to the sports fields and playgrounds where young Americans first engage with movement sports; it will be felt too on the podium at future Olympic and Paralympic games.

Finding: USOPC’s decision to focus away from its mandate to “coordinate and develop” youth and grassroots sports has had a negative impact on our long-term Olympic and Paralympic talent pipeline.

Not only has USOPC’s inability to carry out its dual mandate curtailed access for youth and grassroots participants today, it is shortchanging our ability to win Olympic and Paralympic medals tomorrow. During the course of our study, the Commission heard a great deal from coaches, athletes, and other movement participants about the positive impacts of multi-sport sampling on the development of future Olympians and Paralympians. Contrary to popular belief, early specialization by children in particular sports has not been shown to advantage them later; rather, the risks of such specialization have been demonstrated to include quitting sports entirely at an early age as a result of burnout or injury.²⁵² Multi-sport sampling, or allowing children to engage at their own level of comfort in a variety of sports that teach differing physical and cooperative skills, is now considered the gold standard in developing future champions.

In a review of studies conducted between 1990 and 2021, researchers determined that “*most sports demonstrate better performance after youth multi-sport engagement.*”²⁵³ In 2017, researchers at the University of Connecticut found multi-sport sampling to be associated with better neuromuscular control and a reduction in injury risk.²⁵⁴ Since 2015, some governing bodies and professional sports leagues have begun encouraging multi-sport sampling at least through age twelve. In one noteworthy example, National Governing Body 17 has implemented a goal of promoting greater physical literacy among youth participants, shifting the focus from winning to skills development. By embracing multi-sport sampling as part of the American Development Model, USOPC

249 “State of Play 2022: Cost-to-Play Trends,” The Aspen Institute: Project Play, 2022.

250 “Parenting Survey: Fall 2022,” The Aspen Institute: Project Play, 2022.

251 “National Youth Sports Strategy,” 2019.

252 Jayanthi Neeru, et al., “Sports Specialization in Young Athletes,” *Sports Health* 5, no. 3, May 2013, 251-257.

253 Maddison McLellan, Sachin Allahabadi, and Nirav Pandya, “Youth Sports Specialization and Its Effects on Professional, Elite, and Olympic Athlete Performance, Career Longevity, and Injury Rates: A Systematic Review,” *Orthopedic Journal of Sports Medicine* 10, no. 11, November 2022, 1-10.

254 Lindsay DiStefano, et al., “Sport Sampling Is Associated With Improved Landing Technique in Youth Athletes,” *Sports Health* 10, no. 2, March/April 2018, 160-168.

has also acknowledged its importance as a key ingredient in our nation's Olympic and Paralympic pipeline. However, by abdicating its responsibility to “coordinate and develop” that pipeline to a mix of under-resourced NGB and PSO affiliates and unaffiliated private-sector companies, USOPC has enabled the continued rise of a youth-sports industry in which multi-sport sampling is disfavored and early-age specialization is widely practiced. The Commission views with alarm this trajectory that risks eroding U.S. performance in international competition in the years ahead.

In the aftermath of the 1977 President's Commission report, Congress believed it could reorganize the movement in such a way that it would produce more medals for America and craft a well-defined talent pipeline for the future by engaging more of our people in sports, all without spending a dime. As Tom Farrey testified to our Commission, “*it was an unfunded mandate, and within a few years the USOPC was telling Congress explicitly that it can't both get Americans off the couch and onto the podium, that it lacked the resources and the authority to do so.*” Congress should have listened. Over time, the problem has only grown, made even more difficult to address—and even fully understand—owing to insufficient transparency and public oversight of USOPC and other movement institutions, particularly in financial matters.

Finding: There is a serious lack of transparency and public accountability in the finances of USOPC and the governing bodies; nevertheless, the imbalance between what USOPC and governing-body executives earn for their work, compared to the athletes they serve, is readily apparent.

The Commission took very seriously Congress's directive that we provide “*an assessment of the finances and the financial organization of the United States Olympic and Paralympic Committee.*”²⁵⁵ From the beginning of our study, we asked USOPC and the governing bodies

to submit detailed financial statements beyond what they make publicly available annually through the Internal Revenue Service Form 990. We were given tens of thousands of documents by USOPC and governing bodies, yet very few of them shed meaningful light on the organizations' finances. This lack of transparency has become a problem for accountability, making it very difficult for Congress and the American people to understand exactly how USOPC—a Congressionally chartered quasi-governmental entity given exclusive authority over coordinating a key aspect of life for our nation and in our communities—is allocating its resources.

What the Commission was able to uncover in its analysis of USOPC and governing bodies' finances is a stark imbalance in priorities, one in which millions of dollars are being directed to their executives in the form of high salaries and bonuses while many of the high-performance athletes striving to win America glory at the Olympics and Paralympics are barely getting by. In 2018, after former USOPC CEO Scott Blackmun stepped down in the aftermath of the cover-ups of sexual abuse, he received a severance payment of \$2.4 million in addition to collecting his base salary and a bonus of more than half a million dollars that year.²⁵⁶ Current CEO Sarah Hirshland was compensated just over \$1 million in 2021, inclusive of base salary and bonuses. Since her first full year as CEO, her base salary has increased by more than 45% (as of 2022). During that same period, base salaries for executives at USOPC increased nearly 35%.

A *Washington Post* exposé in 2016 revealed that one U.S.A. Swimming executive was paid \$854,000, the CEO of U.S.A. Triathlon had an annual income of \$362,000, and the coach of the U.S.A. Rowing team brought in \$237,000 a year. None of the athletes they were training earned more than \$42,000, and many saw less than \$20,000 in annual stipends.²⁵⁷ The reporting also highlighted a 2008 bronze-medalist in judo forced to live out of her car. Meanwhile, according to tax disclosures reviewed by the Com-

255 Pub. L. 116-189.

256 Jere Longman, “U.S. Olympics Chief Received \$2.4 Million Severance Amid Scandal,” *The New York Times*, July 3, 2019.

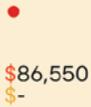
257 Will Hobson, “Olympic executives cash in on a ‘Movement’ that keeps athletes poor,” *The Washington Post*, July 30, 2016.

Executive Compensation as a Share of Annual Expenditures

Based on most recent (2021/2022) IRS Form 990s from 55 NGBs/PSOs.



Baseball
(Expenditure Only)



Badminton
(Expenditure Only)



Team Handball
(17.15%)



Surfing
(16.09%)



Pentathlon
(Expenditure Data Only)



Skateboarding
(16.13%)



Wheelchair Basketball
(5.78%)



Roller Sports
(6.99%)



Goalball
(13.16%)



Racquetball
(7.72%)



Karate
(Expenditure Only)



Breaking
(Expenditure Only)



Canoe (ACA)
(6.94%)



Judo
(8.71%)



Water Ski & Wake Sports
(7.27%)



Artistic Swimming
(5.00%)



Table Tennis
(6.92%)



Curling
(10.42%)



Taekwondo
(5.51%)



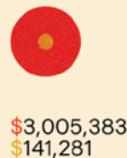
Biathlon
(19.48%)



Diving
(10.36%)



Luge
(4.70%)



Bobsled/Skeleton
(4.52%)



Squash
(27.68%)



Climbing
(7.06%)



Speedskating
(6.31%)



\$5,150,918
\$324,868

Archery
(14.75%)



\$5,258,471
\$775,880

Shooting
(5.60%)



\$5,359,672
\$300,000

Boxing
(7.81%)



\$5,596,634
\$437,172

Weightlifting
(2.55%)



\$7,478,633
\$190,899

Field Hockey
(7.44%)



\$9,596,330
\$714,410

Rugby
(7.72%)



\$9,596,526
\$658,278

Softball
(2.00%)



\$10,627,823
\$212,946

Fencing
(4.77%)



\$11,411,939
\$544,535

Lakeshore Foundation
(Expenditure Only)



\$11,747,024
\$-

Water Polo
(7.10%)



\$12,188,726
\$722,830

Rowing
(9.50%)



\$12,615,649
\$1,198,059

Cycling
(15.42%)



\$13,602,115
\$2,097,774

Sailing
(11.04%)



\$14,102,629
\$1,557,634

Wrestling
(14.12%)



\$14,823,467
\$2,093,553

Basketball
(13.49%)



\$17,125,677
\$2,310,092

Figure Skating
(4.85%)



\$18,981,966
\$921,127

Triathlon
(6.72%)



\$20,047,018
\$1,346,290

Volleyball
(9.87%)



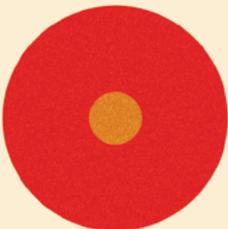
\$22,513,930
\$2,221,344

Equestrian
(6.95%)



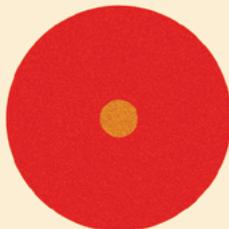
\$27,498,854
\$1,912,095

Gymnastics
(5.43%)



\$31,215,596
\$1,696,501

Ski & Snowboard
(2.77%)



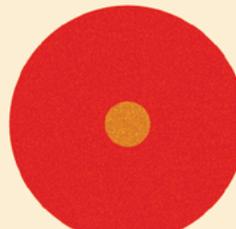
\$31,340,669
\$867,706

Track & Field
(21.50%)



\$34,135,508
\$7,339,601

Bowling
(3.64%)



\$34,446,673
\$1,255,000

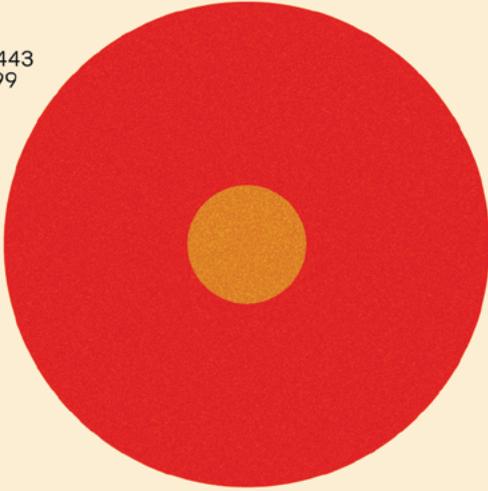
Swimming
(9.85%)



\$36,531,692
\$3,598,060

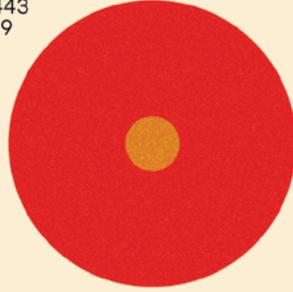
Soccer
(5.92%)

\$50,724,443
\$1,809,699



Hockey
(3.57%)

\$50,724,443
\$1,809,699



Golf
(4.32%)

\$263,194,534
\$11,374,572



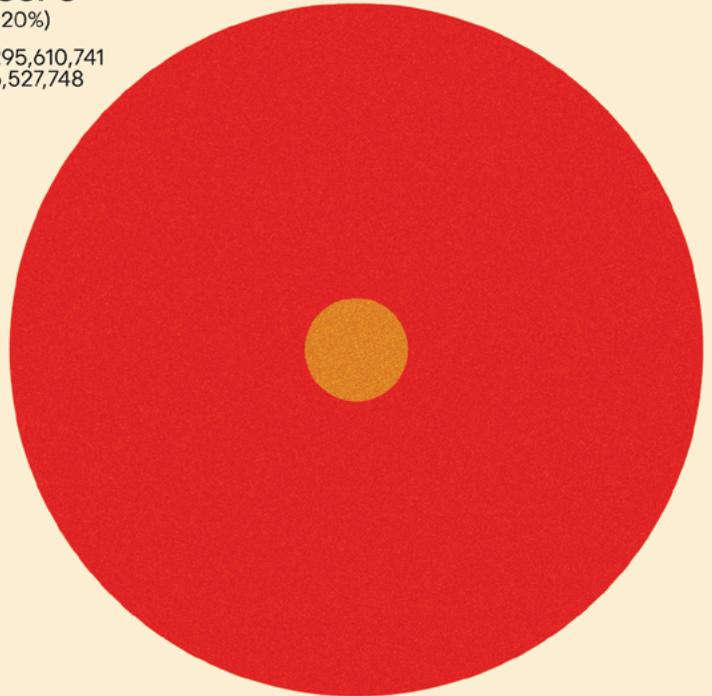
Tennis
(6.92%)

\$274,986,697
\$8,879,571



USOPC
(2.20%)

\$295,610,741
\$6,527,748

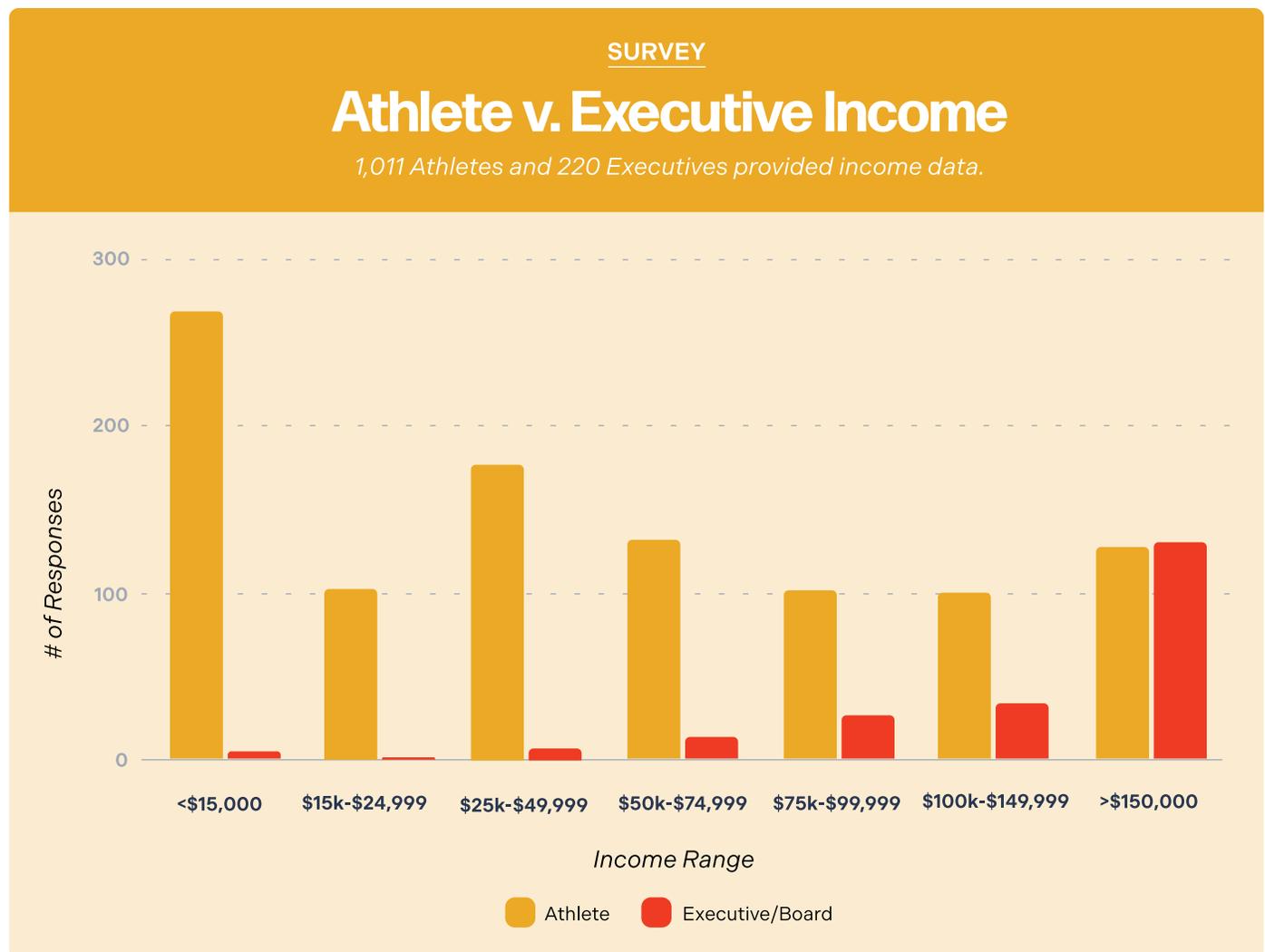


mission, USOPC's Chief of Athlete Services was paid more than \$670,000 in 2021.²⁵⁸ Also that year, National Governing Body 18 approved a \$50,000 bonus for its CEO, whose salary reached \$243,333. That NGB paid its senior-most coach \$249,969 as well.²⁵⁹ Similarly, National Governing Body 19 provided its CEO with \$441,334 in compensation in 2021,²⁶⁰ and the CEO for National Governing Body 20 earned a \$52,630 bonus on top of his \$185,014 salary.²⁶¹

Under current USOPC rules, board members and certain executives can be reimbursed for travel to and from the Olympic and Paralympic games. Since 2020,

moreover, these individuals can bring guests with them, paid for using USOPC funds. Potential conflicts of interest are vetted through the board's ethics committee, though this Commission could not determine precisely how this committee is composed or how it operates. Similarly, we did not receive enough information to understand fully the selection criteria, makeup, or operations of the board's compensation committee, which approves salary increases for USOPC executives.

In their 2019 investigation, Sen. Jerry Moran and Sen. Richard Blumenthal noted the impact of these executive-compensation practices on athletes' trust in the system. They wrote:



258 Internal Revenue Service, 2021, "Form 990: Return of Organization Exempt from Income Tax: U.S. Olympic and Paralympic Committee."

259 Internal Revenue Service, 2021, "Form 990: Return of Organization Exempt from Income Tax: [National Governing Body 18]."

260 Internal Revenue Service, 2021, "Form 990: Return of Organization Exempt from Income Tax: [National Governing Body 19]."

261 Internal Revenue Service, 2021, "Form 990: Return of Organization Exempt from Income Tax: [National Governing Body 20]."

[USOPC's] bloated and top-heavy organizational structure has created significant angst and anger by the athletes that support executives' exorbitant salaries and excessive perks. The Subcommittee spoke with athletes frustrated by the fact that despite their high salaries, executives seemed to actually be doing little to put athletes first and implement necessary and overdue reforms. Among their concerns were first-class travel and fine dining afforded to top officials and executives, while athletes have few benefits, including no health insurance or coverage that is contingent on performance in competitions.²⁶²

In light of that assessment five years ago, we understand why Congress tasked our Commission with providing “an assessment of the finances and financial organization”²⁶³ of USOPC. If Congress had provided our Commission with earlier funding and a longer timeframe in which to conduct our inquiry, we might have been able to compel USOPC to turn over additional documents that may have further illumi-

nated its allocation of resources. Instead, we had to rely mainly on the insufficient information USOPC provided, on what has been publicly disclosed and reported, and on what we could gather from speaking with current and former officials, athletes, coaches and other movement participants. Without a reliable mechanism for studying and analyzing the detailed finances of USOPC and the governing bodies, Congress and the public will never really be able to determine whether movement institutions are truly “athlete-centered” and accountable to their statutory mission.

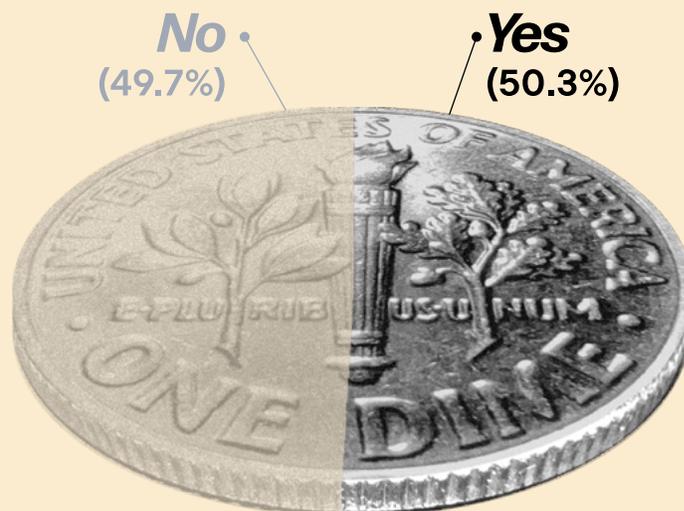
Finding: High-performance athletes in the movement are struggling financially, impacting their ability to focus on training and competition on behalf of the United States.

We were, however, able to collect a trove of information concerning the financial situation of athletes advancing through America’s Olympic and Paralympic pipeline. In our survey, the Commission found that only half of high-performance athletes training to represent the United States in international competition received

SURVEY

Reported Athlete Compensation, 2018-2022

648 high-performance athletes answered “Yes” or “No” to receiving compensation for their participation in the Olympic & Paralympic movement.



262 Moran and Blumenthal, “The Courage of Survivors,” 15.

263 Pub. L. 116-189.

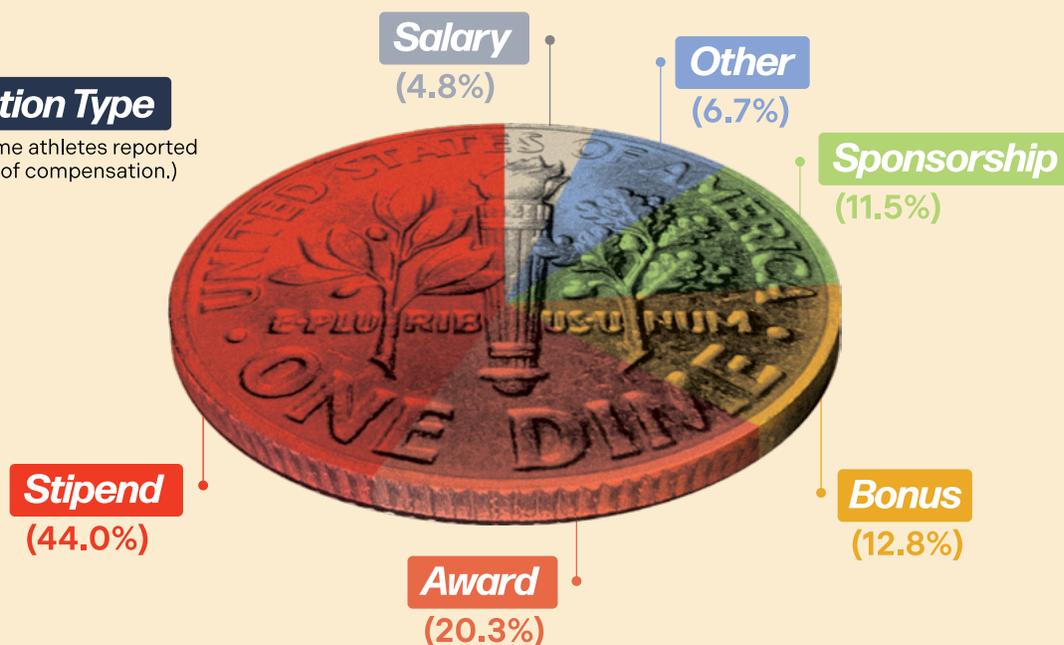
SURVEY

Reported Athlete Compensation by Type, 2018-2022

High-performance athletes shared what types of compensation they received for their participation in the Olympic & Paralympic movement.

Compensation Type

(% of responses, some athletes reported more than one type of compensation.)



any kind of monetary earnings for their efforts. Those who did report participation-related income indicated several sources, including stipends, awards, bonuses, and sponsorships. While 44% of the reported income came from stipends from USOPC or governing bodies, just 11.5% came from sponsorships. Some athletes, though, receive limited non-monetary support in the form of housing, food, and other expenses when present at training camps or sanctioned events and programs. While 59.1% of the USOPC and governing-body executives and board members surveyed reported earning more than \$150,000 annually in income, more than a quarter of current athletes—26.5%—shared that they earn less than \$15,000 a year. When looking at total household income, we see that 30.3% of current athletes in the movement fall into the \$150,000-and-above bracket, which highlights how much athletes often rely on their family to support them as dependents during their years of training and competition. This figure also reinforces our finding that family income and wealth are key factors in making movement-sports participation accessible (see pages 111-112).

Injuries have also taken a financial toll in addition to a physical one. More than four in ten athletes reported out-of-pocket medical expenses relating to their training and competition, with an approximate average cost-per-athlete of \$9,200. Only 16% told us they had received reimbursements for these medical expenses.

Athletes also continue to face high costs as a result of membership dues and competition fees. More than nine out of ten athletes reported paying these dues or fees, at an approximate annual cost to each participant of \$21,700, on average. We did find, though, a positive example of a governing body reducing competition fees after feedback from athletes. Following the solicitation of input from participants, National Governing Body 21 lowered its competition fees for its youth, junior women's, and junior champs teams by as much as 40%.

A host of other associated costs place enormous burdens on talented athletes striving to climb the ladder,

including the private coaches and trainers recommended by NGBs and PSOs to top prospects. One athlete from National Governing Body 22 told us:

At one of my first competitions, I won state, and then was paired with a USOPC Team USA Olympic coach, who I paid out of pocket at seventeen or eighteen years old. So that was \$500 a month while I was going to college. Around age twenty, I made the national team and won nationals and started doing really well. And so those seasons from, basically, age twenty to twenty-five cost \$6,000 to \$7,000 a month.

Paralympians and those aspiring to represent our nation in the Paralympic Games continue to face even higher costs as a result of often-expensive specialized equipment and training. A visually impaired alpine skier whose husband competes with her as a sight guide told *Business Insider* in 2014 that they spent a combined \$90,000 per ski season on training, specialized equipment, travel to competitions, and child care.²⁶⁴ One two-time paratriathlon gold medalist noted in 2021 that her training costs in the years leading up to Paralympic competition were “*easily in the hundreds of thousands*” of dollars.²⁶⁵

In one notable positive, National Governing Body 15 now provides all athletes who qualify for its Olympic team with a bonus of \$15,000; those on the relay team only receive a \$7,500 bonus. This means that those Olympic athletes in the sport who do not medal and receive Operation Gold payments can still receive funds to help offset the costs of training to reach that level. This provides extra peace of mind as they focus on reaching the highest level of competition.

Nevertheless, the Commission found that the average net financial burden on an American high-performance athlete is just shy of \$12,000 per year. This means that, effectively, many of America’s most talented athletes must pay for the privilege of compet-

ing under our flag. It is a testament to their dedication that most still do so even knowing the cost.

Finding: Most athletes report insufficient financial support from USOPC and their governing bodies, which negatively impacts performance. Even during the pandemic, when officials received high compensation and bonuses, many athletes lost their incomes, forced to rely at times on crowdsourcing.

In order to help close this gap, USOPC claims to provide funding to support their high-performance athletes each year. The Team USA Athletes’ Commission has called into question USOPC’s athlete-support expenditures, though, as it has not been allowed to review line-by-line spending to verify that all of these funds are actually being used for that purpose—and athletes have had no direct say in how this money is allocated. Indeed, our Commission was unable to make that determination either, based on the limited access we were given to internal USOPC and governing-body financial documentation. Of all high-performance athletes surveyed, six in ten told us they received no reimbursements from USOPC or their governing bodies for any dues, fees, health-insurance premiums, travel to competitions, or other expenses incurred. It’s no wonder that only 28% of participants we surveyed across the U.S. Olympic and Paralympic movement—current and former athletes, coaches, staff, executives, and board members—believe USOPC raises and allocates funding adequately.

During the COVID-19 pandemic, nonprofit organizations across the country experienced lower revenues and desperate budget shortfalls. USOPC and the governing bodies were among them, with hundreds of millions of dollars lost to cancelled or postponed competitions. In March 2020, as Congress was preparing its emergency supplemental appropriation that would become the CARES Act,²⁶⁶ USOPC asked lawmakers to include \$200 million with the argument that it was needed to support struggling athletes. Of that amount, \$50 million

264 Tony Manfred, “The Harsh Financial Reality of Being a Paralympic Athlete,” *Business Insider*, January 10, 2014.

265 *Ibid.*

266 Pub. L. 116-136.

would go to USOPC directly and the rest would be sent to the governing bodies.²⁶⁷ Congress did not oblige. The Commission found that, even while the pandemic affected their revenue streams and many athletes lost their incomes, USOPC and governing bodies still paid bonuses to their executives. During this same period, USOPC reduced the payments it sent to some NGBs and PSOs for athlete support and other purposes. Certain governing bodies opted to shift funds away from athlete stipends, such as National Governing Body 17, which moved it toward coaching expenses. Whether this was to supplement coaches' lost wages as a result of reduced hours from the pandemic or for some other reason the Commission is uncertain. However, we were concerned to see this same movement of funds away from support for athletes and toward assistance to coaches at other governing bodies as well. This may indicate a concerted effort during the pandemic to provide relief to employees at athletes' expense. It is important to note as well that USOPC must approve all changes to high-performance plans, including reallocation of funding.

When asked at the Commission's hearing about the disparity between high executive pay and low financial support for athletes, Ms. Hirshland responded:

Let me say very clearly, there is no question that Team USA athletes deserve greater financial reward for their performances, and we're working extraordinarily hard, in our philanthropic community predominantly, right now to do everything we can to raise funding for exactly that purpose.

Indeed, the charitable U.S. Olympic and Paralympic Foundation has become a major source of funding for athletes to fill the gap where Congress has not provided USOPC with appropriate resources. This includes advanced technology platforms for high-performance athletes' training, educational programs, and career assistance. Some receive additional financial support through the Foundation as

The Commission found that, even while the pandemic affected their revenue streams and many athletes lost their incomes, USOPC and governing bodies still paid bonuses to their executives.

well. While a creative solution, the need for this private, outside support highlights the insufficiency of the current funding model that Congress has set. It also has been far from enough to address underlying challenges. The Commission heard unnerving testimony in our interviews and focus groups and read striking accounts from athletes about the financial hardships they have endured. A participant in one of our focus groups expressed the uncertainty and anxiety that so many of her fellow high-performance athletes share:

I just know when the season starts... I'm not able to work my two jobs; I have to cut back to my one job where I coach remote. I developed an eating disorder... just from having so much anxiety and stress from not knowing if I was going to be able to pay rent or, like, making ends meet...

An athlete from National Governing Body 23 told us:

You're not going to make it financially if you are not roughly in the top twenty in the world. There's not a large group of people who really make a living... It's a per tournament thing, so you're living from tournament to tournament. If you have a bad tournament, you might be struggling to pay the bills the next month or so.

One parent of an athlete noted how crowdsourcing has become a preferred way of trying to make up that \$12,000 annual average shortfall. He observed:

You know, what do athletes do today? It's GoFundMe, friends and family. Put your hand out. It's a joke. It's an absolute joke, representing the national team with a world ranking on a world championship team or Olympic team.

267 Will Hobson, "USOPC asked for \$200 million in the coronavirus stimulus bill to 'sustain American athletes,'" *The Washington Post*, March 26, 2020.

Indeed, one athlete from National Governing Body 5 made clear the link between financial insecurity and performance:

I see ... anxiety around revenue generation constantly and having to hustle to get those monies coming in. And wouldn't it be nice if that kind of stress wasn't always hanging over everyone. And the money wasn't as much of a worry, so that we could focus on the task, which is supporting and allowing athletes to become the best in the world?

The toll of USOPC's imbalance of financial priorities on athletes' well-being is clear and distressing. Even though we were unable to parse in detail USOPC's expenditures on athlete support, what we have seen from their results paints an unmistakable picture of a system that has failed athletes. Leaving athletes under-resourced places stress and strain on them that cannot possibly further the mission of empowering our athletes to win—and, in the Commission's assessment, it jeopardizes our long-term Olympic and Paralympic performance against rising global competitors.

Finding: High-performance athletes face inconsistencies in access to quality health insurance as they move between different sports contexts.

We also saw evidence that certain policies have had a strain on athletes' well-being, including concerns about access to quality health-insurance coverage. During our study, the Commission found dangerous inconsistencies in athletes' access to health insurance and that sports context matters a great deal when it comes to eligibility, duration, and extent of coverage. In the collegiate setting, many athletes are often covered under their parents' plans or through their institutions of higher education. For those over age twenty-six or who cannot be covered by a parent, graduation often means losing access to coverage unless a high-performance athlete is able to qualify for USOPC's EAHI plan.

Many of our nation's highest performing athletes benefit from EAHI coverage through USOPC, and the

Commission views the implementation of this program since the early 2000s as a positive development for athlete well-being. However, a number of athletes indicated to the Commission that problems exist both with communication to athletes about EAHI policies as well as with gaps in coverage. Some of these came to public attention in 2014 when high-performance athletes enrolled in EAHI had to be exempted by the Centers for Medicare and Medicaid Services from penalties that would have been imposed because program did not provide sufficient coverage under the Affordable Care Act, such as for prescription drug benefits or certain preventive services. The program's coverage had to be expanded the following year to meet minimum federal standards.²⁶⁸ Since then, concerns about coverage have focused on injuries, which remain a constant concern for athletes in any sport context.

The Commission found that EAHI policies outline strict limitations on what constitutes a "covered" athlete as well as "covered" activities that could lead to injuries. When an athlete with EAHI engages in training on personal time or outside of an event or competition sanctioned directly by an NGB or PSO, EAHI policies make it clear that injuries are not covered. According to the EAHI 2022 Benefits Guide, an example of an injury not covered by insurance is "*an injury sustained while independently exercising not specifically related to your sport (i.e. a cyclist suffering an ankle sprain while running in the evening vs. riding a bike)*."²⁶⁹ Such a gap in coverage makes little sense for athletes expected to maintain a high degree of fitness and to engage in different forms of physical training even outside formal sessions with a coach or trainer. This also runs counter to the goals and ideals of the American Development Model, which embraces multi-sport participation as a means toward athletes' development of advanced sports skills. In another, even more jarring example, the program does not cover chronic conditions directly resulting from injuries sustained while participating directly in movement sports. "*Chronic injuries,*" the Benefits Guide advises, "*such as a shoulder injury sustained during an NGB sanctioned competition 14 months previously*" are not covered.²⁷⁰

268 Lena Sun, "Olympic athletes' health plan fails to meet Affordable Care Act rules," *The Washington Post*, April 11, 2015.

269 "USOPC Elite Athlete Health Insurance (EAHI) Program 2022 Benefits Guide," U.S. Olympic and Paralympic Committee, 2022.

270 *Ibid.*

The Commission heard from athletes who endured injuries that limited or ended their participation in high-performance competition—affecting their ability to earn income from stipends, sponsorships, or medal bonuses—yet received no EAH coverage even to pay their medical expenses. At the same time, we are aware of substantial settlements made to athletes in professional leagues whose injuries prematurely ended lucrative playing careers. Moreover, the Commission found that many high-performance athletes hire trainers from outside their NGBs or PSOs—sometimes even at their governing bodies’ recommendations—to provide supplementary services as they seek to hone their skills. In some cases, governing bodies do not provide training services directly and require athletes to seek outside trainers. Injuries from training in this context are not covered under EAH. Though we did not encounter direct evidence of this, it is easy to imagine that some athletes are forced to choose between safety and health-insurance coverage if they have to decide between using an outside trainer or coach who is trusted or a governing-body-sanctioned coach or trainer who may be abusive or using outdated and injury-prone methods. That is a choice no athlete should be forced to make.

The maintenance of eligibility for EAH is also a challenge for athletes. While participating in the context of movement sports, high-performance athletes can become eligible for coverage by their NGB or PSO if they reach a stated level of performance in certain qualifying competition events during the year. We heard from athletes who told us how, under certain governing bodies, one only becomes eligible for coverage by qualifying for the Olympic or Paralympic team; however, qualification trials occur just weeks before the games themselves, with coverage ending once the games are over. This meant only a month or two of coverage for some high-performance athletes under EAH during the four-year quadrennium of training. In other sports, we found that governing bodies only extend EAH eligibility to those termed “A Team” athletes—as opposed to those assigned to the “B Team” or “C Team” in a sport at the top levels of competition. One athlete who moved among these teams over the course of a year told us of gaining

and losing EAH coverage four times in the span of six months. Some told us that full-time coverage was an option for those who could live and train at certain USOPC or governing-body training centers full time. This, however, is a benefit accessible to only the few athletes who can afford to give up outside employment to do so. Dangerously, the Commission also learned about an athlete who died from suicide after having EAH coverage removed and no longer being able to access mental-health care. Indeed, it was clear to us that EAH coverage is one of the first benefits athletes lose when governing bodies engage in cost-saving measures.

Finding: As athletes move between different sports contexts, their access to sponsorship opportunities change; as a result, when participating in movement sports, many athletes are required to sign away key rights. Additionally, athletes’ interests are not taken into consideration in the negotiation of licensing agreements benefitting USOPC and the governing bodies, impacting athletes’ earnings and competition performance.

In addition to affecting athletes’ access to health-insurance coverage, constant movement among sport contexts has impacted athletes’ sponsorship opportunities as well as their obligations under licensing agreements negotiated between USOPC or their governing bodies and sponsors. With a strict public mandate but without public funding, USOPC and the governing bodies have had to seek operating revenues mainly through licensing agreements with businesses wishing to associate themselves and their products with America’s Olympic and Paralympic champions and aspirants. As a result, much pressure is placed each year on USOPC and governing-body executives to find and maintain sponsors and secure lucrative licensing agreements. While such agreements can produce financial benefits for athletes, they are relatively small and often come with burdensome conditions, negotiated and agreed without input from athletes themselves.

The main avenue by which individual athletes can generate sponsorship revenue is by licensing the rights to their names, images, and likenesses (NIL). For a famous athlete with a large national fan base,

licensing of NIL rights can attract highly lucrative sponsorship agreements. Most athletes, however, will never see anything close to that level of sponsorship. Indeed, only 11.5% of high-performance athletes participating in the U.S. Olympic and Paralympic movement reported earning any sponsorship revenues at all, according to our survey.

Currently, without any consistency under law, athletes' NIL rights depend on the sport context in which they are engaged. Athletes in professional leagues maintain NIL rights under law as individuals engaged in commercial activity. Group licensing is negotiated on behalf of athletes by the various players' associations. After many years of debate, the NCAA recognized its athletes' NIL rights in July 2021. While opponents had contended that allowing NIL rights at the collegiate level would benefit popular sports like basketball and soccer at the expense of many smaller Olympic and Paralympic sports, licensing deals and figures indicate that this change is already benefiting athletes from across the sports landscape.²⁷¹

Under the Ted Stevens Olympic and Amateur Sports Act, USOPC and governing bodies hold exclusive rights over licensing and sponsorships. In 2018, *Gold Medal LLC v. USA Track and Field* clarified this monopoly when the U.S. Ninth Circuit Court of Appeals upheld USOPC's antitrust immunity and affirmed that these rights extend to sponsorship deals for individual athletes participating not only in the Olympic and Paralympic games but also Olympic and Paralympic trials.²⁷² The establishment of USOPC's Athlete Marketing Program, while creating sponsorship opportunities for individual athletes, has had the effect of preserving USOPC's ultimate control over sponsorship rules within the context of Olympic and Paralympic sports.

As a result, athletes participating in the movement have little recourse when asked to sign away NIL rights as part of the contracts they enter upon selection to a national team. In many cases, we found that athletes are discouraged from reviewing contracts with the help of an attorney, and few can afford le-

gal representation during that process regardless. Athletes frequently relinquish their NIL rights unknowingly, agreeing not to seek or accept earnings from their participation outside of stipends from their governing bodies or medal bonuses through Operation Gold. National Governing Body 14, for example, maintains a strict policy concerning individual sponsorships. Its bylaws state:

...any financial advantage which a competitor gains based on athletic fame and/or competitive results must be approved by [National Governing Body 14]. An athlete may control personal gains based on athletic fame after notifying [National Governing Body 14] and extending first right of refusal to licensees of [National Governing Body 14] before accepting sponsorships.

We found similar examples from other governing bodies as well. As athletes move from collegiate to Olympic or Paralympic competition and back again, as so many do even in the course of a single year, they are forced to navigate a shifting landscape of NIL rights and obligations, usually without proper legal guidance. It is likely that many income-generating opportunities for individual athletes and groups of athletes are left untapped as a result.

In order to help U.S. high-performance athletes access more sponsorship revenues to support them through training and competition, USOPC launched its Athlete Marketing Program in 2021. Under this program, athletes can sign up for either individual or group marketing opportunities. Throughout participation, an athlete retains full ownership of his or her NIL rights. The Athlete Marketing Program's agreement reads:

USOPC acknowledges and agrees that, as between USOPC and Athlete, Athlete is the sole owner of Athlete Likeness, and USOPC shall not acquire any right, title, or interest therein. Athlete hereby represents and warrants that it has all necessary rights to grant to USOPC the rights described herein, and will not object to

271 Pat Forde, "NCAA's New NIL Landscape Already Proving to Quell the Naysayers," *Sports Illustrated*, July 1, 2021.

272 *Gold Medal LLC v. USA Track & Field*, 899 F.3d 712 (9th Cir. 2018).

...Only 11.5% of high-performance athletes participating in the U.S. Olympic and Paralympic movement reported earning any sponsorship revenues at all, according to our survey.

USOPC's use of the Athlete Marketing Rights, so long as such use is in accordance with the terms of this Athlete AMP Agreement.

For individual marketing, athletes can sign up to be added to the Athlete Marketing Program's platform, which they can use to connect with sponsor businesses that have similarly enrolled in the platform in order to search for athletes. Those who participate in group marketing effectively lease their NIL rights to USOPC to use in its marketing and media under its sponsorship agreements.

Group-marketing participation through the Athlete Marketing Program earns athletes an automatic base payment of \$1,250 per quadrennium. To date, according to USOPC, more than 800 athletes have participated, and it has yielded an average of \$3,000 a year per athlete through agreements for the use of their NIL rights. When considering that the average net financial burden on high-performance athletes in our country is just under \$12,000, this extra revenue can make a substantial difference for many. It is, however, still paltry when weighed against the enormous financial hardships athletes face throughout their time training and competing. While the Athlete Marketing Program is a step in the right direction, it still leaves USOPC in control of access to sponsorship opportunities for many athletes while they are participating in movement sports, raising the question of whether USOPC is the best entity to operate such a marketing platform. Furthermore, the Commission found that many high-performance athletes are still routinely asked by governing bodies to hand over their NIL rights as part of team agreements without sufficient earnings or without reasonable opportunities to review contracts and seek attorney guidance in advance. For example, National Governing Body 24 asks its high-performance competitors to sign an Athlete Funding Agreement, which requires them to hand over NIL rights to the NGB for its exclusive use and for use by NBC Universal without compensation. However, prior consent by the athlete is necessary whenever National Governing Body 24 wishes to

use a name, image, or likeness for commercial purposes. A distinction is made between marketing for the national team and the marketing of individual athletes, and the 2021-2022 Athlete Funding Agreement used by National Governing Body 24 states:

[National Governing Body 24] may, without the Athlete's prior written consent, make use of Athlete's Identifications in a manner that is "Team-Featuring" (as that term is defined in the USOPC Policy on NGB Athlete Agreements—i.e., an image depicting an athlete or athletes which is not Athlete-Featuring but represents or depicts Team USA in any fashion), including for commercial use.

Like many other governing bodies, involvement in an athlete-funding program at National Governing Body 24 comes with a requirement to participate in media training and press availabilities, which can be time consuming. Similarly, Paralympic Sports Organization 2 asks athletes on its men's team to sign an athlete agreement that requires media appearances in return for a minimum of \$750 in stipend funding per quarter. For athletes on National Governing Body 25's women's team who signed its Athlete Marketing Agreement for 2022-2023, the following conditions apply:

The Athlete agrees to engage in a minimum of four and a maximum of six full days (up to six hours each, including travel time) without remuneration except for reasonable travel costs, of non-commercial Appearances in any year of the Membership Period as reasonably required by [National Governing Body 25] for promotional activities.

In return, the athletes are provided stipends according to a calculation based on either the number of years on the national team or on the number of games in which they participated, ranging from \$1,050 to \$1,750 each month. Some governing bodies have included strict rules in their funding agree-

ments limiting what athletes can say publicly, such as National Governing Body 26. Its 2017 National Team Athlete Agreement states:

Athlete shall not disparage [National Governing Body 26] or question its operations or integrity on any public platform, in public appearances, or on private platforms involving [National Governing Body 26] members and/or pipeline athletes.

The Commission did see a few agreements, however, that were more sensitive to the burdens placed on athletes and were written in a way that clearly aimed to respect and protect athletes' rights and schedules. One notable example came from USOPC's Paralympic Internally Managed Sport 1, which included the following language:

(a) Respect for Athlete's Training. In carrying out its duties and activities under this Agreement, [Internally Managed Sport 1] will be respectful of, and use reasonable efforts to avoid interfering with Athlete's training and competition schedules.
(b) Use of Image. In no event will [Internally Managed Sport 1] use or authorize the use of Athlete's name, picture, likeness, voice and biographical information for the purpose of trade, including any use in a manner that would imply Athlete's endorsement of any company, product, or service, without Athlete's express written permission.

Furthermore, National Governing Body 15 publishes an Athlete Participation Manual and provides it to those who sign athlete partnership agreements, helping to ensure that athletes have access to clear and understandable information about their obligations. This document outlines athletes' rights and responsibilities under that agreement with regard to marketing and stipends, explaining what athletes can expect in a straightforward manner so as to help them plan ahead. Sadly, agreements like that from Internally Managed Sport 1 and supplemental information of the kind provided by National Governing Body 15 do not yet appear to be the norm but the exception.

Governing bodies, the Commission found during our interviews, also often leave little room for ath-

letes to decline participation in licensing agreements. While they are prohibited from imposing commercial-rights agreements on athletes as a prerequisite for participation, NGBs and PSOs are able to get around this restriction by linking such agreements to athlete funding or other forms of support. In such a way, they are able to use resource allocation as leverage to secure control over athletes' NIL rights.

Once party to an agreement with a governing body, athletes may be expected to meet certain obligations, including use of their names, images, and likenesses as part of a team or group marketing endeavor, product endorsements and use of certain brands' equipment, or even completing individual marketing deals with a sponsor. Frequently, the obligations that come with these licensing agreements can interrupt training schedules and impede athletes' time-management at competition events. For example, National Governing Body 6 entered into a \$600,000 agreement with a manufacturer of insulated drinkware and outdoor-adventure products. Under the terms of a 2022 amendment to that deal, National Governing Body 6 received an additional \$50,000 in exchange for agreeing to provide athletes with the company's products to use in training, competition, and media. Moreover, the NGB agreed to provide the sponsor with access to members of its national team for press and promotional appearances, including a minimum of one full or two half service days annually to be fulfilled by at least one National Governing Body 6 athlete. The same NGB inked a \$400,000 sponsorship deal with an insurance company in 2021 that requires a minimum of two athlete appearances each year and is contingent on four athletes from the U.S. Olympic team separately making individual licensing agreements with that sponsor. Furthermore, National Governing Body 15, in its 2022 athlete agreement, requires athletes selected for its national team to participate *"in at least two promotional activities during the term on behalf of [National Governing Body 15] and/or the [National Governing Body 15] Foundation without compensation, other than reimbursement of reasonable travel expenses."* In other words, these athletes are paid for their travel but not the time they spend using their NIL rights to benefit the governing body. National Governing Body 15 also mandates that athletes au-

tograph up to twenty-five promotional items without any compensation.

While it is certain that athletes stand to benefit financially from licensing and sponsorship agreements, it is also clear from our findings that the benefits to them rarely balance against the burdensome obligations and, sometimes, the handing over of their NIL rights. In the Commission's assessment, this is a consequence of athletes playing little role in the negotiation of licensing agreements for which the impact on their time and on their rights are profound. While we cannot directly measure the effects on athlete performance, undoubtedly there is an impact, and we know from our conversations with athletes directly involved that added pressure from the terms and obligations of these agreements all too often translates to poorer outcomes in competition.

Finding: Athletes often lack clear information about their rights and responsibilities as they move between sports contexts, and a breakdown in the communication process between institutions and athletes have led to confusion about the dispute-resolution and arbitration process with regard to national-team selection. Poor communication to athletes also translates into broad lack of knowledge about how the U.S. Olympic and Paralympic movement is organized and governed.

Meanwhile, athletes report to us that they are often confused about their rights and responsibilities in general as they move among different sports contexts, particularly into Olympic- and Paralympic-movement sports from collegiate sports. With our nation's unique model for collegiate sports, in which higher-education programs fund much of our Olympic and Paralympic pipeline—indeed, much of the world's pipeline—athletes frequently move from the collegiate to the movement contexts as they train and compete. Consequently, athletes rely on the clear explanation of differing rules and practices as they move from collegiate to movement sports. More than three in ten current athletes the Commission surveyed told us that USOPC communication of policies and procedures for athletes when participating in movement programs and events was either “not so effective” or “not effec-

tive at all.” This stands in sharp contrast to USADA, for which only 12.4% of athletes said the same. Just 2.1% called USOPC's communications “extremely effective,” while 24.4% gave USADA the same assessment. For many athletes wishing to step up and work toward addressing problems they see within the movement, it is unclear how to do so. Nearly half of athletes—47%—told us they did not know how to become involved in the movement outside of competition, whether through the Team USA Athletes' Commission or another avenue.

The dispute-resolution and arbitration system provides another example of how such communications breakdowns impact athletes. With regard to disputes over national-team selection—what are known as Section Nine disputes, referring to the relevant part of USOPC's Bylaws—we found that the criteria for selection are unclear and differ from one governing body to the next, exacerbating these disputes. While NGBs and PSOs are required to abide by certain standards set by USOPC for team-selection processes, many rely on a mix of discretionary and objective criteria to make final national-team selections. Some athletes have been deterred from pursuing Section Nine cases because selection criteria for their governing bodies are either unclear or sufficiently discretionary as to make it overly burdensome to prove a violation. The Commission reviewed several Section Nine cases in which governing bodies relied on both discretionary and objective criteria against their own policies, leading to arbitrators finding athletes' cases to have merit—but coming too late in the process to provide sufficient remedy and inclusion on a national team. In some cases, we found, athletes simply could not establish with certainty exactly what the selection criteria would be for their governing body or encountered difficulty in understanding what arbitrators would take into account when considering discretionary criteria in a dispute.

Alarming, the Commission also observed consequences to gaps in communication beyond information about athletes' rights, responsibilities, competition schedule, and dispute resolution processes. Only 54.4% of athletes in our movement survey understood that USOPC is a private organization and

not a governmental entity. Even fewer—46.7% of athletes—knew that USOPC does not receive any public funding. When asked by our survey if they could name even a single board member of USOPC, the

...Fewer than four in ten athletes told us that they feel supported by USOPC, and fewer than half indicated feeling supported by their particular NGB or PSO.

institutional body with the greatest power and influence over the policies affecting their participation in movement sports, most athletes could not do so. That so many high-performance athletes lack even basic knowledge about the movement and its governance underscores the communication failures that exist between USOPC and the governing bodies, on one hand, and the athletes they serve, on the other. Consequently, given this poor communication, it did not surprise the Commission to find that fewer than four in ten athletes told us that they feel supported by USOPC and fewer than half indicated feeling supported by their particular NGB or PSO.

Finding: Not all governing bodies are compliant with statutory requirements for athlete representation, raising questions about oversight and enforcement. The ten-year rule for service eligibility may also not be the most effective method of ensuring current athletes' representation on USOPC and governing-body boards.

As a means to address the gaps in athletes' rights when moving among different sports contexts, Congress included language in the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 setting minimum representation levels for athletes on the boards of USOPC and the governing bodies.²⁷³ Intended to empower athletes as agents of decision-making within the movement's governance, this reform built on earlier amendments that had initially required a fifth of board members to be drawn from current or retired athletes.

Under current statute, the mandate for USOPC is that:

*...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 not less than 20 percent of the membership of the board of directors of the corporation shall be composed of amateur athletes who have represented the United States in international amateur athletic competition during the preceding 10-year period...*²⁷⁴

Furthermore, it directs USOPC to:

*...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 of the corporation, including any panel empowered to resolve grievances...*²⁷⁵

Current law also requires that each NGBs and PSOs certified by USOPC also provide high-performance athletes with *"not less than 1/3 of the voting power held by its board of directors and other such governing boards..."*²⁷⁶

In the Commission's interviews, focus groups, and public hearing, we observed a general consensus among athletes and their advocates that Congress's requirement of 33% athlete representation was a positive development within the movement. However, this is seen as a minimum, not an ideal. One athlete from National Governing Body 9 who participated in our focus groups stated: *"Thirty-three percent athlete representation [should be the goal] in all the groups that decide on everything. That's a baseline we're asking for."*

The Commission closely examined the bylaws and board composition of USOPC as well as of each governing body to determine whether they are in compliance with current statute with regard to athlete representation. We found that, as of September 30, 2023, at least seven governing bodies currently do not meet the 33% minimum requirement that Congress

273 Pub. L. 116-189.

274 36 U.S.C. 2205.

275 *Ibid.*

276 *Ibid.*

has imposed. Incidentally, only one governing body had a majority-athlete board, for which the figure is currently 62.5%.

This is occurring in spite of USOPC's thorough and regular audits of the governing bodies. Given those audits, the Commission has no alternative but to consider this a problem of enforcement as opposed to one of oversight. Indeed, several of the non-compliant governing bodies are among the larger and more established. We have found anecdotal evidence—through our many one-on-one interviews with movement leaders and participants—that USOPC's audit requirements and process can be overly burdensome on smaller NGBs and PSOs, where CEOs and other senior executives have to complete audit paperwork themselves because of a lack of dedicated staff. This leads us to suspect that USOPC may be turning a blind eye to the non-compliance of larger governing bodies with higher levels of influence while scrutinizing the audits for smaller or newer ones. We hope this is not the case.

With such a substantial rate of non-compliance with Congress's athlete-representation mandate, even three years after the Empowering Olympic, Paralympic, and Amateur Athletes Act was signed into law, one of two explanations are possible. Either USOPC is choosing not to use the authority granted to it by Congress—the power to decertify a governing body—to enforce this mandate or Congress has not provided a clear-enough process by which USOPC and the governing bodies can be assessed through public oversight as to whether they are meeting current statutory requirements. Regardless, it is clear that no effective enforcement mechanism exists to ensure that these boards are constituted according to Congress's directive. While USOPC conducts regular audits of governing bodies' athlete-representation requirement, in the form of Athlete-Representation Review Working Groups created to evaluate boards' representation, many governing bodies were granted extensions or exemptions. The working group assessing compliance for National Governing Body 12 claimed in its findings that athletes did not wish to have more than 20% representation, though the Commission had no way to verify that information and how it

was determined. Neither USOPC appears to be able to compel the governing bodies to comply with statute, nor does Congress itself. In the Commission's view, this can be attributed to the lack of regular, independent oversight of USOPC and the governing bodies on Congress's behalf.

Athlete representation on boards, however, is only as effective as the representatives selected. Even if current athletes have formal representation on USOPC and governing-body boards, their power has been diluted through the ten-year-rule restrictions. While intended as a way to ensure that athlete representatives were in touch with the challenges faced by current athletes, the ten-year rule has now become an impediment to current athletes' empowerment. Not only does current statute effectively restrict ten-year athletes to selecting 20% of the voting members of each board (with the remainder of the mandated one-third representation considered seats set aside for retired athletes outside the ten-year electorate); it also has curtailed the ability of ten-year athletes to choose as their representatives those who may be best suited to carry out the work. The Commission heard from many current athletes that the board representatives they elect are less-effective advocates because they lack sufficient experience on organizational boards and an initial unfamiliarity with the internal relationships that often facilitate board decision-making. Many lack knowledge of statute, bylaws, and board precedents. We heard in our interviews serious concerns that ten-year athletes themselves do not always make the best board representatives for their peers. As a result, increased athlete representation on USOPC and governing-body boards, as defined under current law, has not translated into greater benefits to current athletes or deeper trust by them in the system meant to protect them and their rights.

Finding: The USOPC Office of the Athlete Ombuds is not an effective alternative to an independent entity advocating solely on behalf of high-performance athletes within the movement.

While USOPC has been required under statute to maintain an Office of the Athlete Ombuds since 1998, the presence of such a role within USOPC has

not sufficiently responded to the needs of athletes, led to increased athlete safety, or effectively raised athletes' concerns with leadership. Even after Congress added a confidentiality requirement for the Athlete Ombuds as part of the 2020 governance reforms, this office has been hamstrung by the structural roadblock of being unable to provide athletes with legal representation as well as a perception that it ultimately answers to USOPC leadership and not to athletes. While included in statute as part of Congress's efforts in both 1998 and 2020 to provide for athletes' concerns to be heard among USOPC leadership, the Athlete Ombuds office has not generated any measurable action to address gaps in athletes' rights or well-being in the way athletes have sought.

The Athlete Ombuds, according to its own Privacy and Confidentiality Policy, which was among the documents the Commission reviewed:

...offers independent, confidential advice to elite athletes regarding their rights and responsibilities in the Olympic and Paralympic Movement, and assists athletes with a broad range of questions, disputes, complaints and concerns.

The key word here, of course, is “*advice*.” With athletes desperate for legal aid and direct assistance during an arbitration or dispute-resolution process, general advice alone is insufficient help. As Elizabeth Ramsey, Executive Director of the Team USA Athletes' Commission, testified during our hearing, “*there's the Ombuds office, which I think tries to do as best a job as they can, but they can't provide legal advice. They have to remain confidential and neutral...*” Athletes across the movement are seeking assistance from an entity that is not neutral but instead reliably on their side and able to provide legal counsel.

Across the U.S. Olympic and Paralympic movement, there is only one entity solely dedicated to working on behalf of athletes without any conflict of interest, representing their views within the institutions of governance, and advocating for their well-being. That, of course, is the Team USA Athletes' Commission—known until 2023 as the USOPC Athletes'

Advisory Council (AAC). However, a lack of independence has diminished the Team USA Athletes' Commission's position in the eyes of the athletes it serves, making it less effective and less trusted.

Finding: The Team USA Athletes' Commission, while striving to be an effective voice for athletes within the movement, cannot succeed as long as it is financially dependent on USOPC, a situation that has jeopardized athletes' trust in it. The absence of a truly independent organization representing athletes disempowers them across key processes, with implications for every aspect of a high-performance athlete's life.

While the Memorandum of Understanding signed by USOPC and the Team USA Athletes' Commission in 2020 was a positive step toward ensuring the latter would be able to hire full-time staff and secure regular funding, it did not address the fundamental challenges that have hampered its ability to carry out its mission. That agreement saw USOPC commit to providing the Team USA Athletes' Commission with \$525,000 in funding each year with a 2% annual increase. Up to 10% of those funds can be rolled over into the next year if unused—but any portion greater than that amount must be returned to USOPC. The Memorandum of Understanding stated:

It is the intent of the USOPC to provide resources such that the [Team USA Athletes' Commission] can be effective and efficient in fulfilling their duties as they are stated in the Ted Stevens Act & the USOPC Bylaws.²⁷⁷

Testifying at our hearing, though, Ms. Ramsey explained that funding alone is not enough for her organization to succeed in its mission. The Team USA Athletes' Commission, she told us:

...is not given the access or information it needs from the USOPC to advocate effectively for Team USA athletes.Our athlete representatives have not been given by some of their NGBs or the USOPC names and contact information for the very athletes they represent.

Ms. Ramsey was very forthcoming in her assessment of the challenges facing Team USA Athletes' Commission, and her testimony underscored just how much its lack of independence matters. She said:

First, Team USA AC relies solely on the USOPC for all its funding. It is prohibited from obtaining sponsors, and any fundraising it does is offset by the budget allotment from the USOPC. In fact, USOPC could, in theory, pull back all funding for Team USA AC. Without adequate resources, we are unable to provide critical services to Team USA athletes such as helping protect their rights under the [Ted Stevens Olympic and Amateur Sports] Act and USOPC Bylaws and increasing financial security, support, and overall wellness for athletes.

Second, because Team USA AC is not a legally independent body, it has been challenging for our Athlete Representatives and Team USA AC staff to form trusting quality relationships with some of the athletes it serves to represent. Many athletes still believe Team USA AC staff works for the USOPC and therefore believe that we do not have athletes' best interests in mind when making decisions.

With its funding still entirely at the mercy of USOPC, the Team USA Athletes' Commission cannot fully earn the trust of the athletes it serves. Perceptions matter, and when athletes do not trust the Team USA Athletes' Commission to elevate their concerns and advocate on their behalf, they do not come forward seeking help. We heard this sentiment from across the athlete community, and one focus-group participant from National Governing Body 22 put it bluntly: *"I avoided the [Team USA Athletes' Commission] for a long time because it was basically just the [USOPC] administration's puppet."*

The Commission has assessed, however, that the Team USA Athletes' Commission is working hard to serve athletes to the best of its ability and that its staff continues striving to overcome this misperception. We also found that there is a clear need for an entity that reports solely to the athletes and works only on their behalf, without conflicts of in-

terest. The same athlete who described avoiding the Team USA Athletes' Commission in our focus group also told us what she believed she and her fellow athletes needed most:

I really think that we need professional advocacy and representation. We need H.R. and a players' association, or a union, or someone who can neutrally listen to athletes' needs and concerns and approach the [USOPC] administration or coaches or whoever professionally with labor law.

Another athlete, from National Governing Body 27, shared that assessment. *"We need to have someone independent,"* she told us, *"and that the athletes trust."*

...There is a clear need for an entity that reports solely to the athletes and works only on their behalf, without conflicts of interest.

With no other entity expressly set up to put athletes' rights, representation, and well-being first, the Team USA Athletes' Commission has a crucial role to play in the fostering of an athlete-centered movement. In its current form, however, it cannot succeed at doing so. Athletes are not effectively served by an advocate whose hands are tied by statutory limits on raising funds, by its location within the apparatus of USOPC, and by reliance on those often in an adversarial position to share essential information voluntarily. Until athletes have a truly independent—and independently funded—advocacy organization charged with providing them with a duty of care, including in the form assisting with legal costs and making referrals to trusted outside counsel, athletes will remain disempowered within the movement and at greater risk of abuse and mistreatment.

Finding: A lack of transparency and consistency has made it difficult to draw conclusions about trends in the representation of women and girls, racial and ethnic minorities, and people with disabilities across the movement.

When addressing athlete representation, it is also essential to ensure that the Olympic and Paralympic movement in this country is representative of all Americans. Sports engage, inspire, and benefit Americans from every background, and it is critical to the movement's success that all who wish to participate can do so. When Congress enacted the Ted Stevens Olympic and Amateur Sports Act in 1978, one of its original mandates to USOPC and the governing bodies was to help increase the representation of women, minorities, and people with disabilities in Olympic and Paralympic sports at all levels, from youth engagement all the way up to service on organizational boards of directors. Since that time—though limited progress has certainly been made, particularly in recent years as USOPC and the governing bodies have strengthened their efforts to increase diversity in both participation and administration—it is clear that the movement still faces challenges with diversity, representation, and equitable access. One major challenge we encountered was difficulty in making a detailed, scientific assessment of statistical trends in improving diversity because of a lack of sufficient data. While the Commission made a thorough effort to obtain this information, a lack of transparency both in public disclosures and in response to direct requests for internal data prevented us from doing so. As a result, we cannot provide Congress with the detailed analysis requested of us in our authorizing statute.

Since 2017, governing bodies have used a self-reporting scorecard as a rubric for determining diversity within their organizations and progress toward greater equity and accessibility, which they have submitted annually to USOPC. These scorecards were previously used by USOPC to measure progress against targets for closing gaps across several metrics, which include board composition, staff diversity, and athlete diversity, among others. In 2020, USOPC did away with these targets and the color-coded system it had used to rank governing bodies' progress, though it has continued to collect and track diversity data. Unfortunately, the Commission was not provided enough information to observe trends across sports or to be able to draw conclusions about diversity throughout the movement.

When analyzing data from the scorecards reported by the governing bodies for the period between 2017-2021, one can see limited improvements in some areas when it comes to the following three metrics: board composition, total formal participation across a sport, and national-team composition. At the same time, the Commission found striking gaps in data reporting by USOPC, NGBs, and PSOs, with several omitting statistics on certain diversity metrics some years, further clouding our ability to track trends movement-wide. This was particularly true for Americans with disabilities, for which less information was recorded by the governing bodies than for other groups.

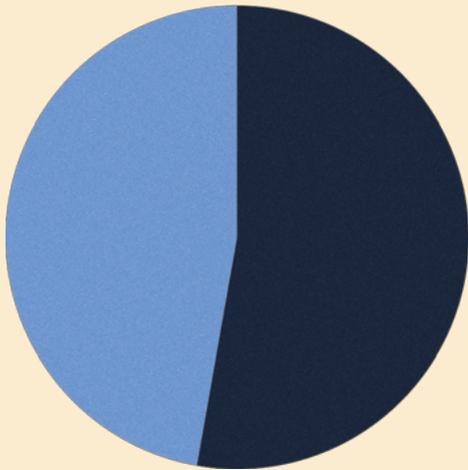
Representation for people of color—which USOPC defines as individuals identifying as “*African-American / Black, Asian, Hispanic, Native American, Pacific Islander, and two or more races*”²⁷⁸—across NGBs and PSOs appear to have steadily risen since 2017 both in broad participation and on boards of directors. However, a lack of consistent data across sports means that we cannot make conclusive determinations. Between 2017-2021, the share of women and girls participating across the governing bodies that provided data does not seem to have changed significantly, remaining at approximate 42%. However, when looking at individual governing bodies, we see trends in both directions. For example, the board of National Governing Body 15 saw an increase from 13% to 50% women over the course of the four years we analyzed. During the same period, though, the percentage of women on the board of National Governing Body 28 fell from half to a quarter. For Americans with disabilities, representation on some boards has risen slightly, but overall participation has not substantially changed across the sports where information is available.

It is important, of course, to keep in mind that progress in one of the three categories alone—board composition, total formal participation across a sport, and national-team composition—does not make up for shortfalls in the others. Real diversity means ensuring that all across the movement are represented and feel that their unique experiences and perspectives are present at the

278 While the Ted Stevens Olympic and Amateur Sports Act uses the term “*racial and ethnic minorities*,” and the Empowering Olympic, Paralympic, and Amateur Athletes Act refers just to “*minorities*,” the Commission determined that analyzing USOPC’s collected data tracking “*people of color*” is the closest way to make assessments concerning the involvement of racial and ethnic minorities across the movement, even though the terms are not fully analogous. This further underscores the need for a clear, uniform system for tracking participation data and making that data available for study by Congress and by the public.

Governing Body Compliance in Diversity Reporting

Out of 60 NGBs/PSOs, 32 were out of compliance at least once in the last five years (meaning they submitted no data).



53% Compliant

47% Non-Compliant

table of leadership. A board that has only increased its number of women—but has not included among those women individuals from minority communities—has not seriously addressed diversity. The highly multicultural and ethnically diverse board of an NGB that includes both para and non-para sports but has no or little representation of those with disabilities has likewise failed. Unfortunately, the Commission was unable to assess diversity trends across the movement in such a way or in a method consistent with the approach of the U.S. Census Bureau, as USOPC does not include in its reporting intersectional data collected by governing bodies from board members, executives, staff, and athletes. When our Commission specifically requested this information from USOPC in our follow-up on in July 2023, it was not provided.

Finding: Certain policies implemented by USOPC and governing bodies in recent years are likely to have positive effects on the recruitment and retention of women and girls, racial and ethnic minorities, and people with disabilities.

While a lack of transparency in public reporting and sharing information with the Commission ham-

pered a full analysis of trends in representation, we were able to identify some recent policies that are likely to have a positive impact on diversity across the movement. One of the areas in which we found that USOPC has excelled of late has been support for women’s health in sports, which is a key to successful recruitment and retention of high-performance athletes for international competition. An athlete who becomes pregnant while in training and competition can now retain both her athlete stipend and her coverage under the USOPC’s EAHI program through the duration of pregnancy and for a full year after the birth of a child. Moreover, that one-year extension of coverage is also provided if the pregnancy results in miscarriage or the loss of a child. Retaliation by an NGB or PSO for notification of a pregnancy is strictly prohibited under USOPC policies, and officials are required to keep that information confidential.²⁷⁹ This policy will help USOPC and the governing bodies foster an environment in which more women can participate at the high-performance level and not be forced to choose between starting a family and continuing to train and compete for U.S. national teams. We commend USOPC for leading in this area.

279 “Athlete Pregnancy Support & Resources,” U.S. Olympic and Paralympic Committee, accessed May 16, 2023.

In the same vein, in 2020 National Governing Body 15 launched a mobile app to help participants reduce inflammation and performance-inhibiting side-effects of menstruation during training and competition. Moreover, the NGB has established priorities and goals to increase the number of women in coaching. These include raising the number of women coaching national teams, creating mentorship opportunities for women in coaching, and integrating training tracks between the club-development and national-team programs. Similarly, National Governing Body 17 has developed a strategic plan that focuses on increasing women's participation through recruiting more women as coaches and coordinating more closely with NCAA programs to identify talent, among others. It also entered into a partnership with a national nonprofit organization to publish a set of leading practices aimed at expanding opportunities at every level for women and girls in the sport.

The Commission also identified several governing bodies making concerted, committed efforts to improve diversity and to recruit and retain a more diverse pool of high-performance athletes. These governing bodies are actively addressing inequities in administration and mentorship through grants, training, and recruitment policies with an aim to align practices with values. National Governing Body 11, for example, has been increasing its focus on the needs of Paralympic athletes at its top national training centers. At National Governing Body 2, the adoption of a robust plan in 2017 to address diversity and inclusion focuses on making “inside-out” progress from the executive suite all the way down through the organization to the grassroots, strengthening efforts to attract and support not only women and girls, minorities, and people with disabilities but also military veterans and LGBTQ Americans.²⁸⁰ The same NGB also distributed \$80,000 in grants to cover participation fees and provide facility time, equipment, and coaching free of charge to youth and grassroots participants from under-represented backgrounds. In 2017, National Governing Body 16 received a \$20,000 grant to help girls from low-income families afford to

play the sport through a partnership with the nonprofit YMCA. After recently integrating a formerly internally managed Paralympic sport, National Governing Body 1 launched a new selection system for the national team that identifies athletes across the continuum of ability levels both in order to support those with the highest medal potential at the top as well as to move talented individuals through a training progression so they can better reach the Paralympics.

Finding: Poor funding to support para sports at all levels has contributed to problems in access for Americans with disabilities.

One of the areas we found in dire need of improvement was accessibility for Americans with disabilities. In evaluating gaps in access for those with disabilities, the Commission found inadequate funding at all levels to be a major contributing factor. This directly threatens U.S. competitiveness at the Paralympics, the Parapan-American Games, and in other international para-sports competitions. We also identified a link between insufficient funding and USOPC's internal management of many para sports.

In one example, Internally Managed Sport 2 has struggled under USOPC's internal management. Already a prohibitively expensive sport in which to participate—due to the high cost of specialized equipment, training, and travel—the few clubs that exist are forced to compete with one another for scant funding. The impact of this challenge on the Internally Managed Sport 2 talent pipeline in our country has been demonstrable. As the sport's leaders noted in their 2017-2021 High Performance Plan:

The single biggest issue related to the pipeline currently is that once an athlete outgrows the skill progression of their club they are not sure how to take the next step or seek out the resources needed to continue developing at a steady rate. The lack of guidance, coupled with the financial burden of the sport... tends to lead to athletes leaving the sport to pursue other endeavors.²⁸¹

280 “Diversity and Inclusion Strategic Plan,” [National Governing Body 2], 2017.

281 “[Internally Managed Sport 2]: 2017-2021 High Performance Plan,” U.S. Olympic and Paralympic Committee, 2017.

Internally Managed Sport 3²⁸² faced similar difficulty. Its athletes received no direct financial support from USOPC in the form of stipends, even though high-performance athletes in the sport can see participation costs as high as \$4,000 per race in which they compete. According to Internally Managed Sport 3's 2022-2025 High Performance Plan, "*development athletes must fund their own way to World Cup races to qualify for the National Team and the Paralympic Games.*" As many as two thirds of the sport's athletes identified as ready for the high-performance level decline international-competition opportunities because of these high costs.²⁸³ At the grassroots level of the pipeline, "*the club level continues to have struggles with developing athletes to a competitive international level...*"²⁸⁴ Meanwhile, according to Internally Managed Sport 3 officials, the pathway from beginner levels to more-advanced competition is not clearly laid out for those ready to take those next steps. The Commission also identified another challenge facing our Paralympic pipeline. In its 2023-2024 high-performance plan, a Paralympic team organized by National Governing Body 16 identified one of its current weaknesses as a "*lack of disabled male athletes involved in High School, Junior Clubs or Collegiate... programs.*"

Indeed, several para sports are struggling to demonstrate opportunities at the entry level that attract interested participants. While young Americans often become acquainted with non-para sports through broad exposure to different disciplines in school and through community programs, those with disabilities rarely have the same opportunity. In its 2021 High-Performance Plan, National Governing Body 11 observed that the lack of a well-defined Paralympic pipeline in that sport, as in so many others, "*is still the greatest barrier in finding young talent.*"²⁸⁵ In addition to hearing from a number of Paralympic-movement participants who shared experiences of difficulty in finding youth-sports programs, Mr. Aoki told us in his public testimony:

...there is an urgent need to create more systematic participation in adaptive sports across the entire country. I got started in adaptive sports purely by accident. I was leaving a swimming lesson when an employee of the rehabilitation center I took my lessons at asked if I wanted to play wheelchair basketball. ...Adaptive sports is something people fall into through a random connection or seeing a flyer posted on the wall. There is no systematic way to ensure people with disabilities have access to adaptive sports and fitness opportunities like exists for organized youth sport for able-bodied children.

The Commission encountered story after story like Mr. Aoki's, in which acclaimed and aspiring Paralympians nearly missed beginning in their sports because of a lack of entry opportunities and barriers to youth participation. We also heard from the parents of an athletic eight-year-old who had been paralyzed as a result of a gunshot wound during the horrific July 4, 2022, mass shooting in Highland Park, Illinois. The family did not know how to find any sports programs for their child locally and contacted a national organization hoping to find information. It shouldn't be so difficult for families of young Americans with disabilities to learn how to access para sports in the communities where they reside. Inadequate communication about opportunities, compounded by insufficient funding and athlete support, has significantly harmed America's Paralympic pipeline and the ability of our young people with disabilities to access the myriad benefits of sport. Moreover, if multi-sport sampling is at the core of the American Development Model, that model is not being applied equally within the movement when it comes to para sports, in no small part because it can be difficult to access even a single para sport in one's community or region.

282 Internally Managed Sport 3 has since transitioned out of internal management by USOPC and is now organized under one of the national governing bodies.

283 "[Internally Managed Sport 3]: 2022-2025 High Performance Plan," U.S. Olympic and Paralympic Committee, 2022.

284 *Ibid.*

285 "[National Governing Body 11] Paralympics High-Performance Plan 2021," [National Governing Body 11], 2021.

Finding: In the current pay-to-play system of youth and grassroots sports, financial hurdles too often pose barriers for children to enter and remain in America’s Olympic and Paralympic pipeline and access the lifelong benefits of participating in movement sports. However, the data is not all negative, with some notable gains to report.

Financial barriers are not only impediments to raising participation by those with disabilities; indeed, they continue to deter the creation of a more diverse and equitably accessible youth-sports landscape overall. As noted above, America’s youth- and grassroots-sports system has become one of pay-to-play, advantaging those from higher-income and wealthier households over others. An Aspen Institute report in 2022 found that “*parents in the wealthiest households spent about four times more on their child’s sport than the lowest-income families. The middle-income families were far closer in their spending to the lowest-income households than the wealthiest.*”²⁸⁶ While white and Hispanic families reported spending more than \$880 on average per child on his or her primary sport each season, African-American families only spend an average of \$574.²⁸⁷ This mirrors similar data from before the COVID-19 pandemic.²⁸⁸ We also observe an urban-suburban-rural divide in costs and spending, with suburban households spending nearly double on a

It shouldn’t be so difficult for families of young Americans with disabilities to learn how to access para sports in the communities where they reside.

child’s primary sport what rural households spend.²⁸⁹ Urban households report spending 82.7% of what suburban households do.²⁹⁰ In one of our focus groups, the Commission heard about the link between household

spending on youth sports and America’s sports-talent pipeline. One parent told us:

...The Hispanic community, as an example, is one of the most passionate in our sport. Within our area, many of them go to the same schools but can’t participate on the club team. And sometimes it’s ‘I’m not going to pay it,’ and sometimes it’s ‘I can’t afford to pay it, or that’s not where we prioritize our money.’ I also coach at the high-school level, and I have players who try out in ninth or tenth grade. And [they are] just very ill-prepared compared to the well-funded athlete to even make a team.

A 2013 report by *ESPN Magazine* showed that African-American children begin participating in youth-sports more than a year later, on average, than white children; for Hispanic children, that number jumps to more than a year and a half.²⁹¹ It also found that the least likely groups to play more than three sports—a key indicator of exposure to multi-sport sampling—were urban (11%), rural (20%), and low-income (17%) girls as well as boys from low-income families (27%).²⁹² Moreover, the report showed a striking disparity in access among those living in states with different approaches to funding school-based youth sports. In states like Iowa and Wyoming, for example, more than 80% of boys and 70% of girls had positions available on school teams if they wanted to participate. Meanwhile, in Florida and California, fewer than four in ten boys and three in ten girls had the same opportunities.

The inequalities in access found by this Commission are not new, given this data from a decade ago. They are, however, painfully persistent. In 2021, researchers at Washington University and Vanderbilt University demonstrated that African-American and Hispanic children still participate in sports at lower rates.²⁹³ A

286 “State of Play 2022: Cost-to-Play Trends,” The Aspen Institute: Project Play, 2022.

287 *Ibid.*

288 *Ibid.*

289 “Parenting Survey: Fall 2022,” The Aspen Institute: Project Play, 2022.

290 *Ibid.*

291 Bruce Kelley and Carl Carchia, “Hey, data data—swing!” *ESPN Magazine*, July 11, 2013.

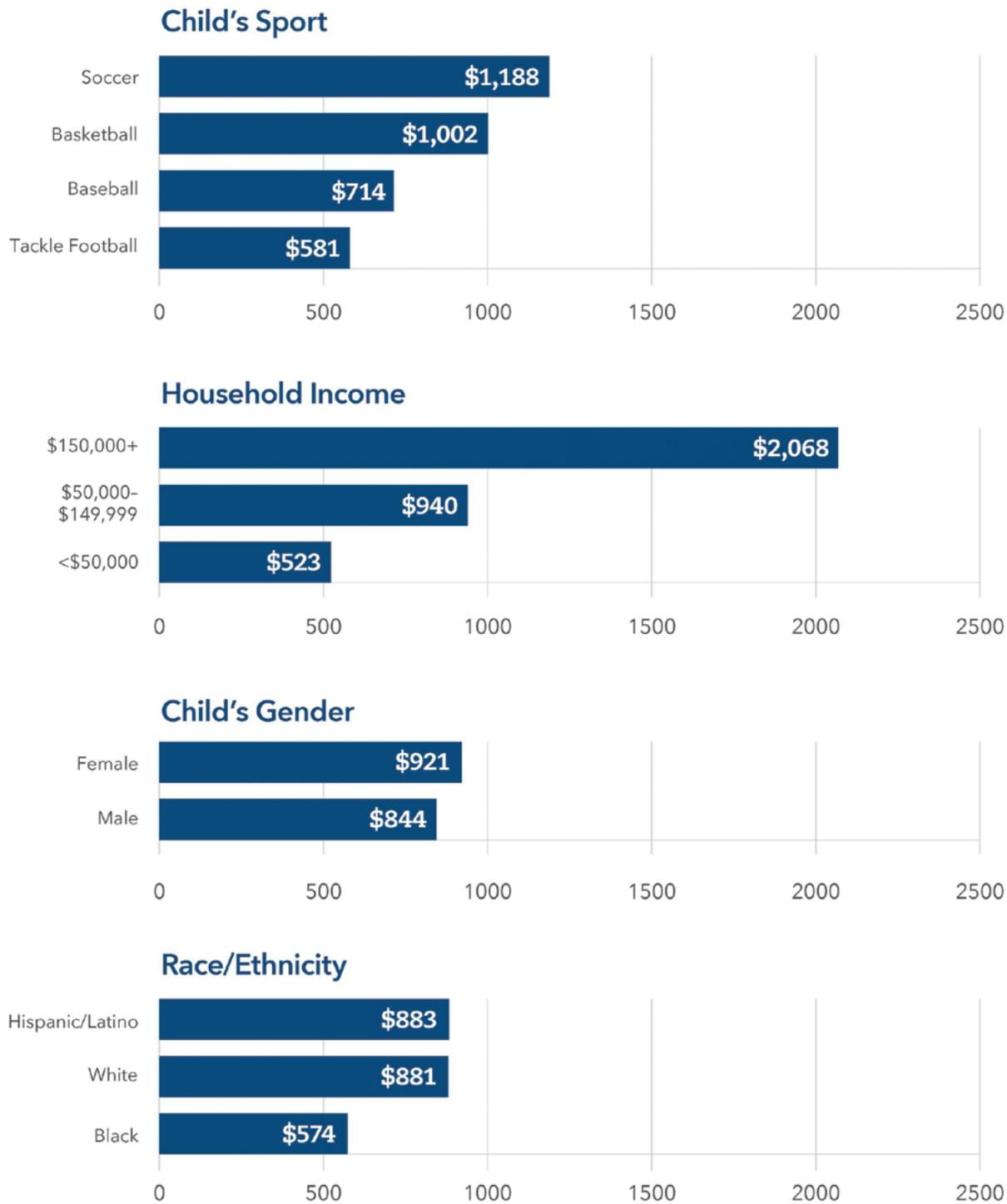
292 *Ibid.*

293 Andrew Kuhn et al., “Disparities and Inequities in Youth Sports,” *American College of Sports Medicine, Special Communication 20*, no. 9 (September 2021), 494-498.

Family Spending on Sports by Demographic

Average spent on one child's primary sport per season

■ Total Costs



Source: Aspen Institute, Utah State University, Louisiana Tech University, TeamSnap youth sports parent surveys, 2022

Note: Sample sizes were too small to produce results for all sports and races/ethnicities.

Mean Spending on Youth Sports By Community Type

Data Source: Aspen Institute Parenting Survey, Fall 2022



2022 study by the Ann and Robert H. Lurie Children’s Hospital in Chicago, in one example, found that fewer than half of African-American and Hispanic children had taken swimming lessons, compared to nearly three quarters of their white peers.²⁹⁴ Given the overall disparities in access to opportunities across American society, it is no surprise that participation in youth and grassroots sports can be found among them.

The news, however, is not all negative. The Aspen Institute’s 2022 Parenting Survey showed few or no ethnic or racial disparities in certain key areas, including children’s average time spent each week playing sports, the different types of sports contexts in which children participate, rates of sports-related injuries, and family involvement in children’s sports.²⁹⁵ In that survey, more parents of African-American and Hispanic children, compared to those of white children, reported improved mental and physical health and well-being for their children participating in sports as well as increased quality time spent with parents, siblings, friends, and coaches.²⁹⁶ This shows some progress toward closing gaps.

When looking at diversity within the movement and disparities in access, what the Commission has found

above all else is that the number-one barrier to equitable participation is affordability. Family income and wealth are the most prominent factors determining whether a child can access youth and grassroots sports in the United States in 2024. Indeed, it is the Commission’s view that efforts to improve diversity within youth sports—in order to expand the reach of sport’s benefits and strengthen our Olympic and Paralympic pipeline—must be seen as inseparable from efforts to reduce financial barriers to access at all levels in the movement.

Finding: USOPC’s process for selecting official U.S. Olympic and Paralympic hosting bids could be more transparent.

Congress also asked us to include in our study “a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States.”²⁹⁷ In seeking to do so, the Commission found the bid process for potential U.S. hosts to be insufficiently transparent. In spite of making requests, we received minimal documentation on this process from USOPC, which oversees the se-

294 Cara Murez, “Race Plays a Big Role in Whether Children Learn to Swim,” *U.S. News & World Report*, December 15, 2022.

295 “Parenting Survey: Fall 2022,” The Aspen Institute: Project Play, 2022.

296 *Ibid.*

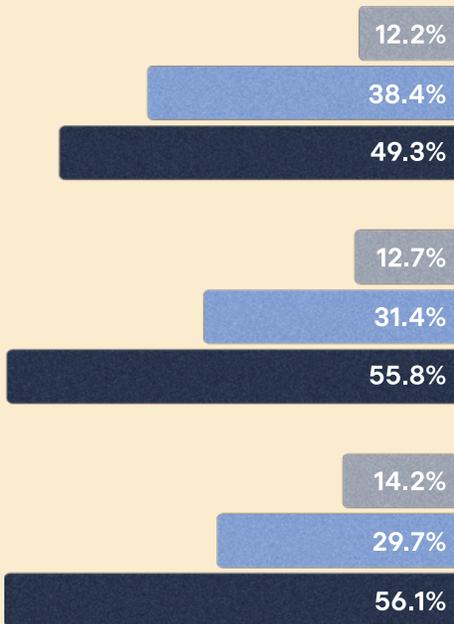
297 Pub. L. 116-189.

Children's Quality Time with Others by Racial Group

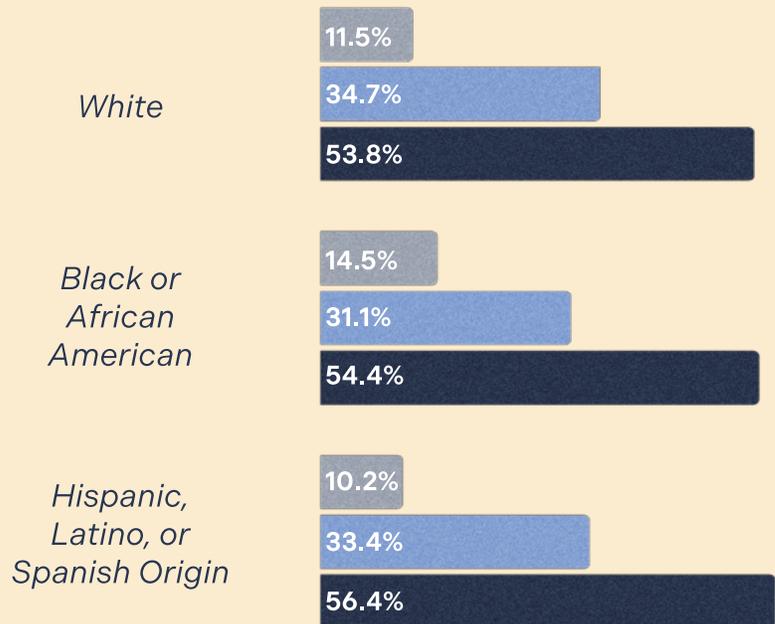
Data Source: Aspen Institute Parenting Survey, Fall 2022

Decreased Unchanged Increased

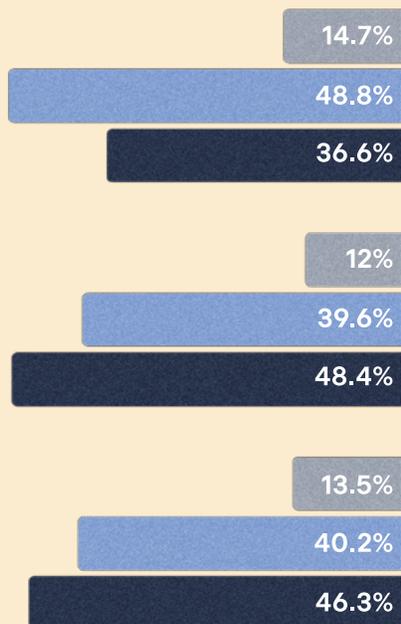
Parents



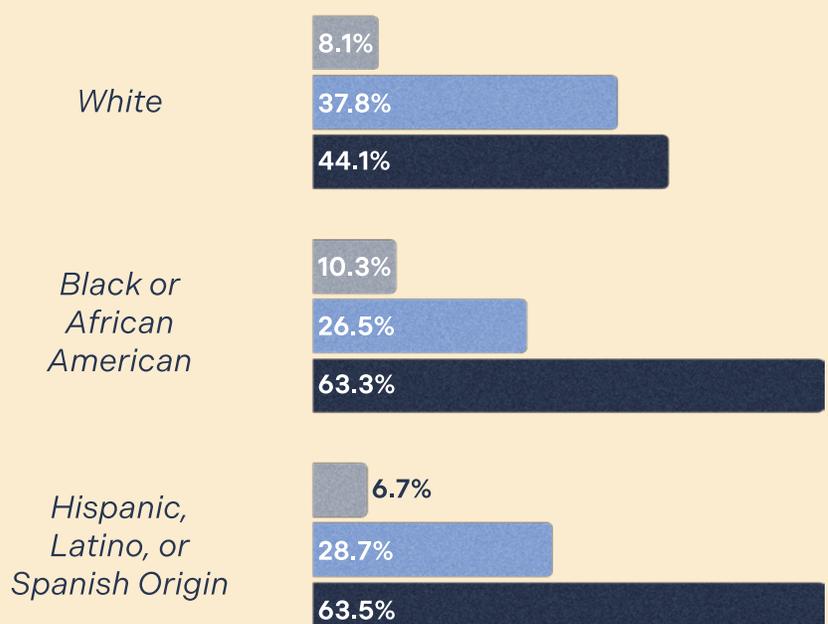
Peers



Siblings



Coaches



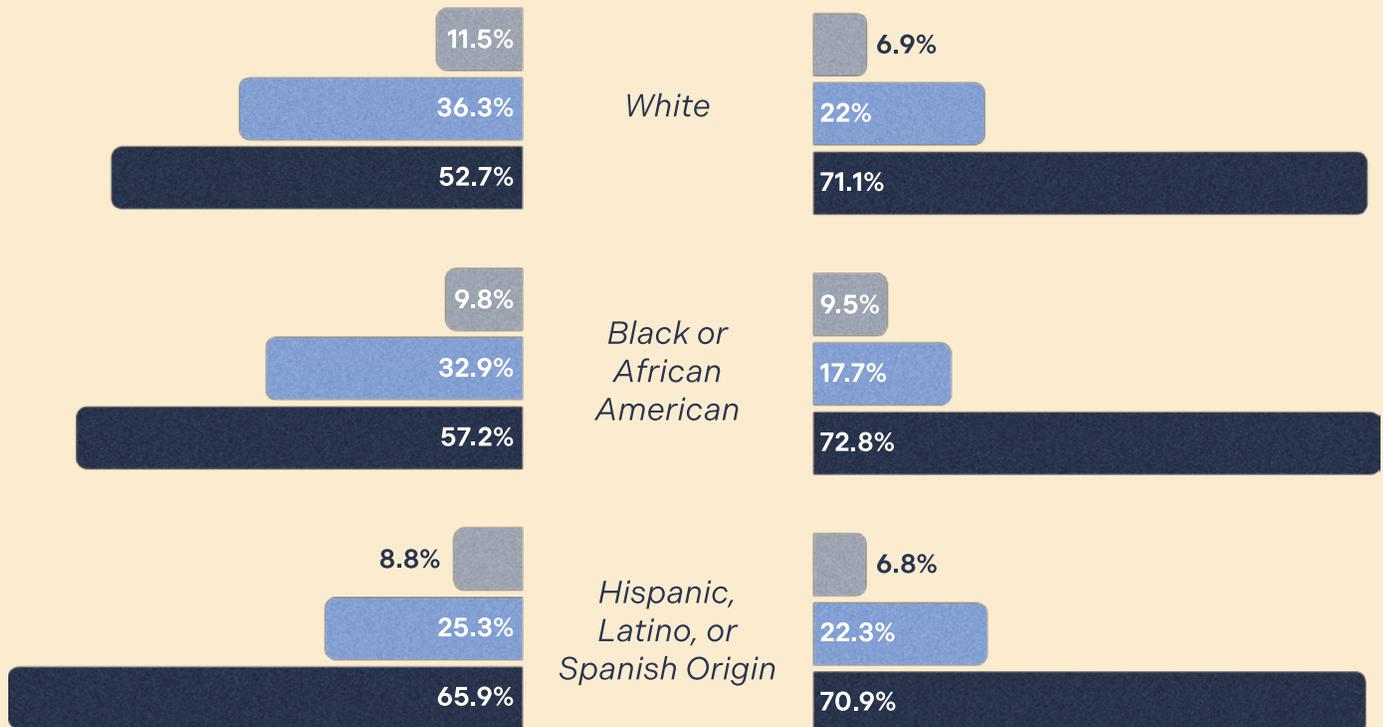
Children's Mental Health & Physical Fitness by Racial Group

Data Source: Aspen Institute Parenting Survey, Fall 2022

■ Deteriorated ■ Unchanged ■ Increased

Mental Health

Physical Fitness



lection of official U.S. bids to be submitted to the IOC and the IPC. As a result, we have had to rely mainly on publicly available documentation as well as interviews with those possessing inside knowledge of U.S. bids and USOPC's process. In doing so, we were able to identify several key findings that raise concerns.

The Commission found that, when U.S. bids are unsuccessful, their proposals and materials submitted to USOPC are never made part of the public record. This makes it difficult for future U.S. bid planners to learn from past experience. Over the past two decades, there have been a number of significant bid

attempts by U.S. cities, four of which were selected by USOPC to be the official American bid for hosting the Olympic and Paralympic games: New York 2012, Chicago 2016, Boston 2024, and Los Angeles 2024.²⁹⁸ While Denver and Reno-Tahoe recently developed and submitted serious bids for winter games, neither were chosen by USOPC. While Boston was initially selected as the official U.S. bid for the 2024 summer games, it later had its bid rescinded as a result of local pushback. None of the bid proposals from these efforts are publicly available today. Those bids, which we know from interviews and media reports included innovative, novel proposals, have now fallen "into a black hole," in the words of one

298 After Boston withdrew, Los Angeles was selected by USOPC to be its official 2024 bid city. Los Angeles 2024 was then carried through at the IOC/IPC level to become Los Angeles 2028; the latter was never submitted to USOPC as part of a separate 2028-specific bid process.

individual who spoke to us from experience having worked on developing multiple U.S. bids.

Finding: The U.S. bid process could be more creative and innovative to demonstrate leadership around how Olympic and Paralympic games are hosted and enhance future opportunities to secure American games. At the same time, U.S. hosts are currently forced to bear the full cost of the games on their own.

Because the U.S. bid process lacks transparency, the Commission had to look abroad to observe trends in bid design that may help inform Congress and USOPC leaders on avenues for reform here at home. In doing so, we found room for greater creativity in U.S. bid design. We also identified opportunities for innovation that could showcase what America has to offer the world as a leader in sports.

The leading trend in recent years has been the move to spread the games farther out from just one named host city. In Beijing at the 2008 summer games, sailing events were held in Qingdao—more than 300 miles away—and equestrian events in Hong Kong, which is over 1,200 miles from the named host city. In 2010, all events were localized around Vancouver and Whistler, but London 2012 spread soccer preliminaries across the United Kingdom and held sailing events off the Isle of Portland in the English Channel. While Sochi 2014 kept all events in a tight radius, Rio 2016 saw a repeat of soccer preliminaries held across the country, a feature that the Paris 2024 planners have adopted for this year's games as well. In 2018, winter-games planners again kept venues localized, with all of them situated within the Pyeongchang district of South Korea. The 2022 Beijing games saw events divided into three tight clusters: venues in and around China's capital, ninety miles away in the Xiaohaituo Mountain Area, and 140 miles away in and around the city of Zhangjiakou. However, the next winter games in Italy's Milan and Cortina d'Ampezzo—which together won a joint bid to host—will feature venues scattered across the European alps. In October 2023, the Milan-Cortina d'Ampezzo organizers announced that sliding events would take place in either Austria or Switzerland because Italy

was not prepared to invest in building new facilities ahead of the 2026 games.²⁹⁹ Indeed, in a first, Switzerland is preparing to submit a whole-country bid to host the 2030 winter Olympic and Paralympic games, eschewing the traditional model of centralizing the games in one host city in favor of spreading the games as widely as possible among existing venues throughout the country. In the summer games, we've seen this trend of moving events farther afield continue, with Tokyo 2020 featuring marathon and race-walking events held hundreds of miles north in Sapporo—a former winter-games host—to take advantage of cooler temperatures. Meanwhile, Paris 2024 has embraced this concept, sending its sailing events to the south of the country in Marseille, handball events to the northern city of Lille, and its surfing competitions to France's far-flung Pacific Ocean territory of Tahiti.

In such ways, Los Angeles 2028 is an exception in that its organizers have planned to host all events within Southern California—a feature promoted prominently in its bid proposal submitted to USOPC and later the IOC and the IPC. It boasts of "*locations with short journey times from the Olympic village*" set in four clusters, all within Los Angeles County, with a few outlying venues within a 100 miles of the city (though soccer preliminaries will again take place across different cities throughout the host nation). In the Commission's view, even while this approach will draw on Los Angeles's many assets to produce a spectacular and successful 2028 games here in our country, it is a reflection of some of the challenges posed by USOPC's failure to adapt alongside the IOC, the IPC, and other national Olympic and Paralympic committees. Favoring centralized, single-city bids limits what USOPC can offer in the highly competitive IOC and IPC processes for selecting future hosts.

Related to this myopic preference for compact, single-city bids is the challenge that American hosts still bear the full burden of staging Olympic or Paralympic games. In other nations, the federal or central governments have stepped in to assist with financing, insurance, and other burdens of hosting. Here in the United States, cities bidding for

299 Matt Bonesteel, "Italy will move 2026 Olympic sliding events to Austria or Switzerland," *The Washington Post*, October 16, 2023.

the Olympic and Paralympic games are left to face these challenges alone, even as other mega sporting events like the NFL's Super Bowl come bundled with captive insurance and other forms of assistance from the professional league overseeing the event. This continues to deter potential U.S. hosts from even initiating the process of exploring bids.

Finding: Hosting the Paralympic Games continues to be treated as a secondary priority to hosting the Olympic Games, in spite of their enormous opportunities to demonstrate U.S. achievement and contribute to breaking down barriers in accessibility, equality, and respect for people with disabilities.

The Commission heard disheartening testimony in our hearing that the organizers of Los Angeles 2028 were not, at least in the beginning, fully inclusive of movement participants with disabilities. In a telling anecdote, nine-time Paralympian and LA28 Organizing Committee Vice Chair Candace Cable shared with us that she became involved with the Organizing Committee after raising concerns about the lack of Paralympic symbols and inclusion at the LA28 logo unveiling ceremony. Ms. Cable related that afterward:

I started to show up at the [LA28] office and see how things were run, and I saw that there was no Paralympic representation at all. There was no person with a disability that had any visibility in it.

After the Organizing Committee brought her on as Vice Chair, Ms. Cable was able to identify a number of problems with both the current attitude among bid planners as well as IOC rules that still marginalize Paralympics within the international bid process. She told us:

I really think that that was very helpful for us to have someone in the office with a visible disability as a part of it, but it wasn't enough in the office to continue to remind people that it was the Olympic and Paralympic Games. It was very Olympic-centric, and the reason it is, from my perspective, is because it's run by the IOC. I mean, we have to follow, if you're host,

if you're pining on trying to win, being the host of the games, the IOC runs everything. So, the IOC dictates all the things that are deliverables and the things that need to happen. And so, having any Paralympic narrative really doesn't matter to them, and they're the ones who make the decision. The IPC did come and visit, but their visit wasn't as elaborate as the IOC's visit. I think that's a gap. I think that's a problem. I also think that it's a problem that both symbols aren't a part of the bid process.

It is the Commission's assessment, from the testimony we heard and from the public bid documentation we've reviewed, that the Paralympics continue to be secondary to the Olympics in the minds of most bid planners—instead of one of two equally exciting and equally valuable events to bring the world's attention to what America has to offer as a host nation. While we are encouraged that LA28 organizers have taken steps to address and correct this issue, it is clear that more attention needs to be given to the status of Paralympics planning in future U.S. bids.

We also see room for more American leadership and action within the international movement to demand true equality for Paralympics at the IOC/IPC level of the bidding process. The Commission heard from those involved in designing past bids who shared creative ideas for how to align the Paralympic and Olympic games in the public's understanding and attention. One of Denver's bids, for example, proposed scheduling the Olympics and Paralympics not subsequently but concurrently. This would have ensured that all venues, housing, and transport were accessible and ready to accommodate participants and fans. Such a change would also bring far greater media coverage of the Paralympic events during primetime alongside Olympic ones, with equivalent events held back-to-back (such as the Olympic 100-meter dash followed immediately on television by the Paralympic 100-meter dash). Under the current process, along with current attitudes, creative ideas for enhancing the standing of the Paralympic Games do not have space to emerge within the movement's discourse.

Finding: While several reforms have been implemented in recent years, many in the movement are not aware of them, and the public does not believe they have gone far enough. A piecemeal approach has fallen short, compared to systemic changes that are needed to achieve policymakers' desired outcomes.

Throughout our study, one of the central points that continued to emerge was the inadequacy of limited actions to address broad and pervasive challenges within the U.S. Olympic and Paralympic movement. Since 2017, the movement has seen the implementation of a number of significant reforms. Some were initiated by Congress, such as the creation of SafeSport and statutory changes to movement governance processes. Others were the work of USOPC

months after SafeSport's establishment, two central criticisms emerged. First, unlike USADA, SafeSport is not truly independent from USOPC, being funded mainly from USOPC's budget. While SafeSport officials insist that the body maintains a strict separation, no organization can fully be deemed independent when it relies entirely for funding on the very same entity whose staff, coaches, and athletes it has been charged with regulating. Thus, SafeSport's funding has made it vulnerable to the dangers of regulatory capture. When those who control its purse-strings could be the very same ones investigated by SafeSport—given the history within the movement of cover-ups and denials about the scope of abuse—it is no surprise that vulnerable athletes, coaches, and staff have not had much faith in the organization's impartiality or ability from its beginnings.

...the Paralympics continue to be secondary to the Olympics in the minds of most bid planners—instead of one of two equally exciting and equally valuable events to bring the world's attention to what America has to offer as a host nation.

and the NGBs and PSOs, such as those that resulted from adoption of recommendations in the Borders Commission report and policy changes like the new background-check requirements. Still others were the result of negotiations between athletes and officials, including the agreement that now permits the Team USA Athletes' Commission to maintain paid staff and draw a budget from USOPC resources.

The Commission has found these changes to be, generally, positive steps. They reflect a deep desire across the movement to see reforms implemented that benefit participants, improve safety, and place athletes more firmly at the movement's center. However, the Commission has also observed the negative effects on the movement of piecemeal reforms put in place as a result of crises or with strict limits in scope.

The creation of SafeSport, while essential, was accompanied by a number of institutional shortcomings that have led to serious questions about its effectiveness and doubts about its future. Even just

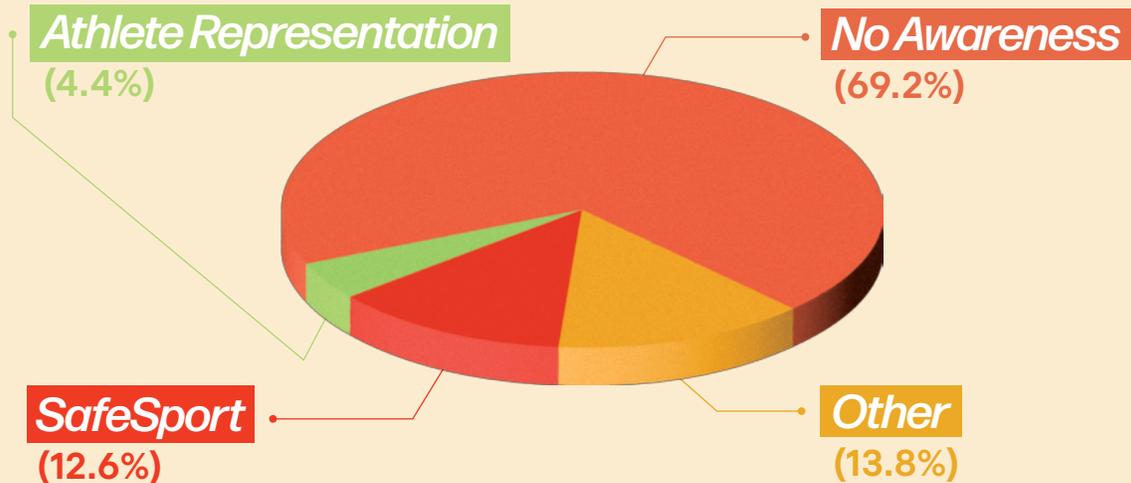
Second, even if SafeSport were to operate fully independently and effectively as intended by Congress, its jurisdiction remains limited to those within the ever-narrowing landscape of youth- and grassroots-sports programs overseen by or affiliated with NGBs or PSOs. With USOPC hav-

ing been unable to meet its responsibility to regulate grassroots sports activity to focus on the high-performance level, that vacuum has been filled over the last four decades by outside actors. The privately operated nonprofit and for-profit sports leagues serving all ages—but particularly younger, school-age Americans—are wholly separate from the system SafeSport is charged to protect. As a result, any individual banned by SafeSport or placed under investigation for abuse of minors can simply find employment at one of these private organizations beyond SafeSport's reach. Often, one is able to do so without having to disclose being under SafeSport investigation or sanction, as public awareness of SafeSport's comprehensive online database remains limited. Considering how long it takes for SafeSport claims to be heard, investigated, and resolved, it is unsurprising that individuals placed under sanction have sought to continue their careers unencumbered outside the system overseen by NGBs and PSOs. This places youth- and grassroots-sports participants in these private clubs and leagues outside SafeSport's jurisdiction in danger.

SURVEY

Awareness of Reforms

1,797 movement stakeholders shared their awareness of recent reforms to the Olympic & Paralympic movement. This figure does not include responses from retired athletes.



Another reform that has fallen short has been the new requirement that athlete representatives constitute 33% of USOPC, NGB, and PSO boards. While this was a well-intentioned change, in practice it has not led to more effective avenues for athlete empowerment. Increasing athlete representation formally—without making additional changes to ensure that athletes’ representatives can be more successful in driving positive policy changes—has not been able to deliver a more athlete-centered movement.

Moreover, in spite of its inclusion formally into statute, the Team USA Athletes’ Commission is still marginalized, and many high-performance athletes still do not see it as a trusted and able agent on their behalf. Ms. Ramsey, its Executive Director, told us during our hearing that:

Because Team USA AC is not a legally independent body, it has been challenging for our athlete representatives and myself and staff to form trusting, quality relationships with some of the athletes it serves to represent. Many athletes still believe I work for the USOPC and,

therefore, sometimes believe I do not have the athletes’ best interests in mind when making decisions.

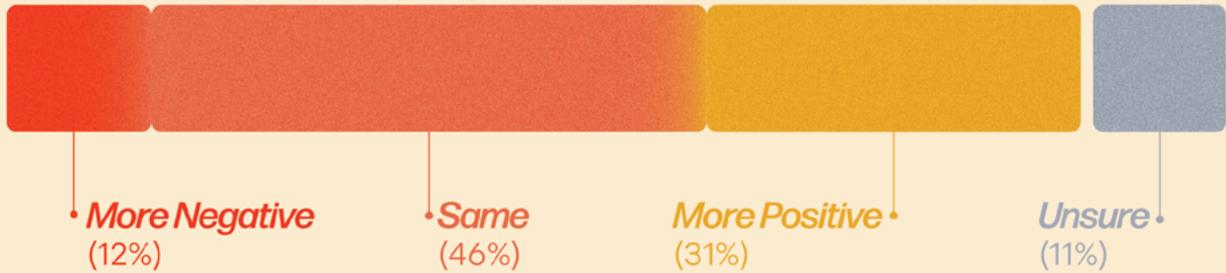
Without clarifying and strengthening the Team USA Athletes’ Commission’s role and powers, Congress has not provided athletes with the robust advocacy and representation they have long sought and needed within the movement.

Additionally, communication regarding these recent reforms has been inadequate, and many athletes and other participants remain unaware of key changes meant to improve their experience. More than half of high-performance athletes surveyed by the Commission—55%—could not name a single recent reform within the movement. Even more coaches—65%—responded the same. Similar numbers among USOPC and governing-body staff were also indicative of problems communicating information about these reforms across the movement. (The only group surveyed in which a majority of respondents said they were aware of these reforms were USOPC and governing-body executives.) Such a lack of awareness contributes to the feeling

SURVEY

Public Perceptions of the Olympic & Paralympic Movement Since Legislative Reforms of 2017

A sample of 1000 American adults shared how their perceptions of the Olympic & Paralympic movement have changed—if at all—since the 2017 legislative reforms.



of mistrust we encountered among many athletes, coaches, and other participants in the movement's governing institutions and in the guardrails meant to protect them. Indeed, it is easy to understand participants' concerns and their lack of awareness when reforms have been undertaken in a piecemeal fashion and have failed to address systemic challenges that defy simple solutions.

Public perceptions of these recent reforms also show a need for further action. Nearly half of parents—and 52% of all Americans—in our national survey told us that the safety reforms implemented in the wake of sexual-abuse scandals did not go far enough to prevent future abuse. Five out of ten agreed that other reforms to the U.S. Olympic and Paralympic movement over the past six years were also insufficient. Majorities of respondents who identified as Republicans, Democrats, and independents all felt the same. While 31% of Americans surveyed shared that their perception of the U.S. Olympic and Paralympic movement had improved since 2017, still 46% said it had not changed, and 12% report a more negative view now. It is clear that Americans broadly agree more work is needed to confront systemic failings in the governance of this movement. †

Recommendations

INTRODUCTION

In its authorizing legislation, Congress tasked the Commission with making “*a detailed statement of findings, conclusions, recommendations, and suggested policy changes.*”³⁰⁰ The recommendations that follow, based on the findings set out above, reflect the Commission’s determination to re-envision what the U.S. Olympic and Paralympic movement can be for participants and for our country if better structured and supported by policymakers. Nothing short of reconceptualizing of our sports landscape can set our country on the path to achieving the goals Congress has repeatedly outlined and that the American people continue to expect.

In spite of all the rhetoric around “amateurism,” Olympic- and Paralympic-movement sports are, without a doubt, a lucrative national and international industry. The Constitution’s Commerce Clause³⁰¹ continues to provide Congress with the authority to regulate this industry and establish mechanisms for public oversight. When contemplating the different ways to improve public oversight of sports, Congress has an array of options. These range from the most aggressive—bringing more functions currently assigned to private or quasi-governmental entities under direct federal purview—to the least, such as simply allowing lawsuits to be filed against USOPC or NGBs and PSOs. Currently, Congress permits only arbitration in many dispute cases, which does not carry the same incentivizing effect as litigation or the threat of litigation in state or federal courts. While private arbitration can be an effective solution for resolving disputes, it is not the most effective public-oversight mechanism. The Commission considered these factors in making its recommendations.

Congress is not alone in bearing responsibility for the future of this movement. Stakeholders ranging from sports officials, athletes, parents or guard-

ians, coaches, advocates, and others have a critical role to play in addressing the challenges currently plaguing the movement and taking steps to reshape it. Indeed, among the Commission’s recommendations are a number of steps that these stakeholders ought to undertake alongside actions by lawmakers, including recommendations for states that fall outside Congress’s Constitutional authority as a result of the Tenth Amendment. It is Congress, however, that must take the greatest responsibility in charting a course forward and making essential statutory corrections to the design, governance, and accountability of the system by which it oversees the coordination and development of Olympic and Paralympic sports in the United States. How Congress proceeds with these suggested policy changes will determine whether we can build successful sports policy around a vision for athlete-centered, safe, equitably accessible, and accountable pursuit of the Olympic and Paralympic ideals that inspire millions of our people and showcase American sporting excellence.

Recommendation #1: Congress should limit USOPC’s purpose to focusing on high-performance athletes and create a new federal office to coordinate and develop youth and grassroots movement sports.

KEY POINTS:

- Create a new HHS Office of Sports and Fitness to support the coordination and development of youth and grassroots sports nationwide.
- The new office should set standards and leading practices, research and publish participation data and trends, and provide assistance to governing bodies in their responsibilities toward youth and grassroots sports.

300 Pub. L. 117-189.

301 U.S. Constitution, Art. 1, Sec. 8, Cl. 3.

- Congress should appropriate annual funding for this new office to support youth- and grass-roots-sports development through competitive federal grants.
- USOPC should focus on high-performance athletes and its role as the NOC and NPC to certify governing bodies.

For more than four decades, Congress has tasked USOPC with coordinating and developing all Olympic and Paralympic sports in our country, from the highest-performing levels of international competition all the way down the pipeline to early-childhood sports programs. This mandate has been unfunded and unworkable, and from the start USOPC has never fully embraced its broader mission. In fact, it cannot do so, because a substantial segment of youth sports is no longer formally affiliated with the Olympic and Paralympic movement. Repeatedly, USOPC has expressed to Congress that it cannot provide both robust support and coordination to youth and grassroots sports while also directing resources to America's high-performance athletes. The result is what Congress found to be a 'medals and money' ethos while millions of our nation's children are left on the sidelines.

As a parent of an athlete expressed to the Commission in one of our focus groups:

We're operating so far below our potential in this country, in terms of empowering our youth athletes to participate in these sports. And then, of course, the result of that is we're underperforming in Olympics as a country. ...We should seize this opportunity to reflect on the fact that we are not supporting our athletes the way we should—and that there's a better way forward.

There is a better way forward indeed. For years, USOPC executives have told policymakers: "We

cannot be all things to all people." They have been correct. USOPC has failed to achieve a major component of the purpose laid out for it by Congress in the Ted Stevens Olympic and Amateur Sports Act. However, this is as much Congress's responsibility as USOPC's, and it is Congress's to fix. At the earliest opportunity, Congress should amend the Act to remove responsibility for youth- and grass-roots-sports coordination, promotion, and development from USOPC and allow it focus on what it has always done best: helping American athletes win Olympic, Paralympic, Pan-American, Parapan-American, and world-championship medals.

With responsibility for high-performance athletes and competition in the hands of USOPC, Congress must then take steps to construct a new architecture for youth and grassroots sports development in our country that serves as both a pipeline for high-performance talent and a pipeline for the better health and other benefits we know sports promote in our communities. This begins with the establishment of a new federal office within HHS to operate as a central clearinghouse for youth- and grassroots-sports coordination, promotion, development, and grant-based funding. It would also play a role in providing public accountability to governing bodies as they serve youth and grassroots athletes and develop their sports through higher standards of coaching and organized competition.

In every other nation there exists some government ministry, agency, or bureau to regulate and oversee sports policy at all levels; however, that is not what this Commission envisions for our country. For a variety of reasons both political and cultural, Americans have never desired such a direct, formal government role in overseeing sports policy. This has been the case even as Congress asserted its responsibility to establish a quasi-governmental sports regulator in USOPC and maintains interest in oversight through hearings and investigations like the

one undertaken by this Commission. Moreover, the creation of USADA and the statutory authorization for SafeSport continue to show that Congress sees a role for itself in this space. It is time for Congress to accept that, while we will never have a ‘ministry of sport’ model in this country, the federal government has more of a role to play in ensuring safety, equity, accessibility, and accountability in sports than it has so far acknowledged and accepted.

The establishment of a new Office of Sports and Fitness (OSF), led by a Senate-confirmed Assistant Secretary for HHS, would strike this balance and improve the way Congress delivers on the original promise and purposes of the Ted Stevens Olympic and Amateur Sports Act. Though not replacing the current President’s Council on Sports, Fitness, and Nutrition, which would continue to operate as an advisory body and to promote its ideals to the public, some of the Council’s functions would move to OSF. These include tracking

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and publishing annual data relating to national and regional youth-sports engagement and equitable-access trends as well as promoting national goals for fitness and sports participation by Americans, such as further updates to the National Youth Sports Strategy. Given the gaps the Commission observed in diversity reporting shared by USOPC and the governing bodies, particularly with regard to intersectional data, it would be beneficial to have an office like OSF tasked with better collecting and disseminating demographic information useful to Congress and movement stakeholders. It is also within this OSF that a national sports policy ought to be formulated and published to guide and set goals for near-term, medium-term, and long-term sports development in our country. Such a policy would encourage and guide states to design and adopt their own as well.

Additionally, OSF would oversee the distribution of competitive grants to state and local governments, sport governing bodies, and community-based nonprofit organizations that support increased public access to youth and grassroots sports and that promote sports development. These would include targeted grants to help state and local governments to develop new sport offerings that broaden accessibility to movement sports among children and adults with disabilities. The new office, in coordination with the U.S. Department of Education, would also set uniform national safety standards for youth-sports programs serving children ages twelve and under, including through school programs. Further, OSF would be tasked with promoting leading practices for the administration of sports and fitness programs as well as designing and publicizing national strategies for improving Americans’ access to sports and fitness in their communities.

This new federal office will only be successful, however, if Congress steps up with annual appropriations sufficient to meet national goals. In 1977, the President’s Commission recommended that Congress provide \$83 million in public funding as an initial investment to help USOPC meet its mandate to coordinate and develop movement sports at all levels across the country. Those funds were never provided, and now forty-six years have passed without

any substantial federal support to promote Americans’ sports participation, expand opportunities in underserved communities, or protect athletes’ safety and well-being. This must change. The United States remains the only nation in which sports programs serving the public, particularly for youth, have no regular, substantial public funding support on the national level.

Nations demonstrate what they value when governments re-invest in their people. Congress has made it clear for decades that Americans’ equitable access to sports and fitness in a safe environment is a public value. The time has come for the federal budget to reflect this value. To that end, the Commission strongly advises Congress and the Administration to work together to identify a suf-

ficient level of appropriations through the annual Labor-HHS-Education Appropriations legislation to facilitate Americans' greater access to sports in the communities where they live—and increase that amount on a yearly basis as demand grows.

Once Congress establishes this new federal office to assume responsibility for the coordination and development of youth and grassroots sports, USOPC's mandate would narrow. USOPC would remain the U.S. National Olympic Committee and U.S. National Paralympic Committee under IOC and IPC rules, respectively, and would continue to certify governing bodies, taking into account recommendations from OSF evaluating their services for youth and grassroots participants. Its central responsibility would continue to be providing governing bodies with services, to help them identify our high-performance athletes, and to aid in fostering the best environment for the development of champions who can bring medals home for the United States. It would still oversee the selection process of teams and athletes to represent the United States in international competition and arrange for their travel. USOPC would also continue to provide high-performance athletes—whom it would designate according to clearly communicated and transparent benchmarks—with health insurance benefits, stipends and other financial support, and opportunities for specialized training at its facilities.

In short, USOPC would no longer have to be “*all things to all people*.” Instead, it could focus on what it has always viewed as its core mission: to support the high-performance athletes who represent us in international competition. The result will be a better-prepared and more competitive Team USA to bring home medals—without jeopardizing long-term investments in our sports pipeline and in the growth and development of movement sports across the country.

With the responsibilities for high-performance and youth and grassroots being handled by separate entities, close and constant coordination among USOPC, OSF, and other stakeholders in overseeing movement sports in our country will be even more essential. That's why, no matter how Congress chooses to

engage in a restructuring of this system, the Commission urges policymakers to outline specifically what roles and responsibilities belong to USOPC, the governing bodies, OSF, and any other entities so that there is no ambiguity. Furthermore, governing bodies' roles in coordinating with USOPC to identify high-performance athletes must be clearly delineated in order to ensure that those who work hard and demonstrate excellence have their fair chance to train and compete at the highest levels.

Recommendation #2: Congress should make SafeSport fully independent so that it can regain athletes' trust and be held more accountable to the movement and the public.

KEY POINTS:

- Make SafeSport independent by providing it with annual direct Congressional appropriations, drawing on USADA as a model for successful public-private funding.
- Congress should ensure a substantial increase in SafeSport's funding so it can hire more investigators and clear its backlog with less of an incentive to dismiss cases administratively.

Every athlete, coach, referee, trainer, and staff member participating in the U.S. Olympic and Paralympic movement deserves a safe environment, free from physical and emotional abuse, harassment, hazing, or bullying. That ethos must always be at the center of U.S. sports and remains at the core of the Commission's work. That is why, in our view, it is essential to have a fully independent, effective, and accountable entity charged with ensuring safety in sports and addressing misconduct claims fairly and in a timely manner.

Since its creation, SafeSport has been tasked with that mission. For just as long, it has been unable to carry out that mission effectively because of several factors. The most impactful of these has been a lack of sufficient independence, with SafeSport continuing to rely on grants from USOPC, resulting in a perception among athletes that SafeSport

defers to USOPC and governing bodies' interests, reputation, and performance goals. Another factor, as outlined in our findings, has been woefully insufficient funding. Even with the increased statutory requirement of \$20 million annually in grants from USOPC under the 2020 legislation, SafeSport does not have nearly enough resources or staff to complete the tasks under its Congressional mandate. In its first year alone, SafeSport received thousands of claims, leaving it operating with a backlog it has still been unable to clear. The result has been cases dragging on for months and even years, leaving both complainants and subjects in limbo as claims sit unresolved. Meanwhile, too many cases are closed administratively without possible abusers being found responsible, sanctioned, and added to SafeSport's Centralized Disciplinary Database.

In short, given the volume of cases building over decades and the sudden influx of claims upon its launch, SafeSport has never been able to find its footing. It must not, however, be allowed to become an enduring example of failure. In our discussions with stakeholders from across the movement, including victims and those who have been heavily involved in SafeSport processes—as well as through testimony shared by athletes, parents and guardians, coaches, and others deeply concerned about safety in sports—

than eight in ten athletes and coaches agreeing that safety is “extremely important.” That entity, however, must work effectively. Though some have expressed to us the view that SafeSport ought to be dismantled and replaced entirely, the Commission believes not only that it is salvageable but that SafeSport has elements in place already that could help transform it into a positive and trusted entity within U.S. sports. Indeed, 70% of high-performance athletes in our survey agreed that SafeSport as it currently operates is at least somewhat effective. Starting over from scratch would further jeopardize athletes' safety as a new entity is stood up, a process that would be both time-consuming and disruptive. Instead, Congress ought to take the opportunity now to learn from the missteps of SafeSport's initial years and address shortcomings so that it can become the independent agency movement participants need and deserve.

For an example of success worth emulating, Congress need look no further than USADA. Like SafeSport, USADA had its origins in crisis. Like SafeSport, it began with steps initially taken internally by USOPC. Moreover, like SafeSport, USADA has a broad jurisdiction across the movement and the power to sanction or even permanently ban individuals from participating as a result of conduct incongruous with the movement's rules and values. However, outside of those similarities, the differences have been monumental.

...The Commission has heard again and again that the answer is not to abandon SafeSport but to rescue it.

the Commission has heard again and again that the answer is not to abandon SafeSport but to rescue it. In her testimony at the Commission's public hearing, SafeSport CEO Ju'Riese Colón reminded us that “*nothing like the U.S. Center for SafeSport has ever existed before*” its launch in 2017, “*...with only four employees, and by the end of that year we had received nearly 300 reports of abuse and misconduct, more than anyone imagined and definitely more than we were prepared to handle.*” Much has been built over that time, progress that must not be lost.

Movement participants strongly agree that an entity like SafeSport is desperately needed, with more

While USADA receives the majority of its funding from federal appropriations and program fees, SafeSport continues to depend on mandated USOPC grants. Where USADA's independence has led to broad trust in that entity by athletes, coaches, and the American public, the opposite has been true for SafeSport. Athletes and their parents or guardians simply do not believe that SafeSport will protect minors from abuse, and many of those who have directly interacted with SafeSport through a reporting process feel only further traumatized by that experience. With too few investigators to clear its backlog and handle incoming cases—along with several flawed incentives that place victims at a disadvantage in the system—it is no surprise that SafeSport isn't working as Congress intended.

The most impactful step Congress can take to remedy the problem is to increase SafeSport’s annual funding substantially—while ensuring it can keep pace with movement growth and inflation—and provide those funds directly through appropriations. In the 1990’s, Congress recognized that protecting sports from the insidious effects of performance-enhancing drugs is enough of a public value to invest in an independent, government-supported agency to combat doping. Since then, USADA has been an unqualified success. One need look no further than USOPC CEO Sarah Hirshland herself to make this comparison and offer a strong endorsement of adopting USADA’s funding model for SafeSport. In 2019, she told attendees at USOPC’s annual assembly:

*We’ve also asked Congress to invest in [SafeSport] in the same manner that it invests in USADA. We understand the questions regarding independence when the center’s sole source of funding is the community it is designed to police, and we believe this is an urgent national priority that requires the full support of the federal government.*³⁰²

In recent years, Congress has made it clear that, like safeguarding fair play and the integrity of sports, protecting vulnerable athletes from sexual and other forms of abuse—particularly minor athletes—is also a public value. Indeed, in its decision in *Gilbert v. U.S. Olympic Committee*, the U.S. District Court for the District of Colorado noted that “Congress has placed SafeSport in a position of profound public trust.”³⁰³ This being the case, Congress must invest public resources in making sure athlete safety is addressed with the same seriousness with which our nation has approached anti-doping.

Significantly increasing SafeSport’s funding would enable the hiring of more investigators who could address the backlog while cutting down on the time needed to evaluate claims and resolve cases. Among the top reasons athletes, coaches, and staff have cited for a lack of confidence in SafeSport are the lengthy delays in its investigation of claims and

the long waits for disciplinary action or exoneration by claimants and subjects, respectively. Moreover, additional staff would help reduce incentives to dismiss cases administratively without resolution. This has happened far too often, and the number of cases closed in this way is among the most alarming evidence that SafeSport is failing those it has been established to protect.

With direct Congressional support, SafeSport should no longer be funded by USOPC. This change would not only allow the former to be truly independent; it would permit the latter to recoup \$20 million a year earned through its trademark revenues. It should then be required to reinvest those funds in our high-performance athletes through additional stipends and support, helping to improve conditions that too often contribute to athletes’ vulnerability to abuse.

Recommendation #3: Congress should reform certain SafeSport practices and reimagine the way SafeSport operates at the youth and grassroots level.

KEY POINTS:

- Governing bodies should no longer pay into SafeSport based on caseload, and SafeSport should no longer be permitted to close cases administratively simply because a victim declines to participate in the investigative process.
- SafeSport should include greater consideration of candidates’ experience with trauma cases when hiring investigators and should seek to include more with prior experience as social workers and victim advocates in its candidate pool.
- Congress should consider two proposals for changing the way SafeSport operates at the youth- and grassroots-sports level: a regional system for handling these cases with the possibility of appeal to the national office in the

302 Sarah Hirshland, “General Address,” transcript of speech delivered to the U.S. Olympic and Paralympic Assembly, Colorado Springs, CO, September 12, 2019.

303 2019 WL 10252758 (D. Colo. 2019).

most egregious cases; and an accreditation system by which youth- and grassroots-sports organizations are encouraged to become accredited by SafeSport by meeting certain safety benchmarks and participating in the Centralized Disciplinary Database.

- The NCAA is encouraged to require its member institutions to share information with SafeSport about sanctioned or dismissed individuals in certain cases for inclusion in the Centralized Disciplinary Database. Similarly, SafeSport should be required to notify the NCAA and its member institution when it adds an affiliated individual to its Centralized Disciplinary Database.

Once Congress has made SafeSport fully independent by providing it with public funding and sufficient resources to carry out its mission, lawmakers must also take steps to address failings in the way SafeSport operates. Having found that certain SafeSport practices deter victims from coming forward, make it harder to keep abusers from finding new targets, and fall short of providing sufficient safety education, the Commission recommends that Congress take steps to reform SafeSport practices and processes so that these shortcomings are resolved. We are also encouraging stronger coordination to ensure the safety of those who move between movement and collegiate sports contexts.

Governing bodies, first and foremost, should no longer be required to pay into SafeSport, especially not using a formula based on the number of cases SafeSport handles for each one. With Congress providing direct appropriations, it should no longer be necessary for governing bodies to contribute to SafeSport at all. This policy of contributions based on caseload has had the effect of incentivizing governing bodies to deter athletes from filing claims. Indeed, it discourages everything that would be a leading practice, from generating awareness of problematic behaviors that could prompt complaints to preventing cover-ups. If governing bodies have problems with abuse, the answer is not to impose a tax on reporting abuse.

This dangerous and misguided policy must end. What governing bodies should be required to do, though, is develop unifying language to clarify the reporting pathway and simplify the delineation of reporting guidelines so that there aren't different standards across sports as to when a matter rises to the level of making a claim.

SafeSport should, additionally, be prohibited from closing cases administratively just because a victim chooses not to participate in the investigative process. The burden of determining whether an abusive or malign individual has been allowed access to athletes should not fall to victims; rather, it must be SafeSport's responsibility to investigate all claims that have merit until a determination can be made concerning a subject's possible sanctioning or removal. When a victim chooses not to risk re-traumatization by engaging with SafeSport's process, that fact alone cannot justify an administrative closure without a proper investigation. Additionally, Congress should consider an alternative dispute-resolution mechanism, other than the commercial-arbitration model used by USOPC, better tailored to the sensitivities concerning abuse cases. This might include an arbitration panel composed of subject-matter experts and individuals trained in trauma-informed practices

If governing bodies have problems with abuse, the answer is not to impose a tax on reporting abuse.

When it comes to arbitration—with regard both to SafeSport decisions and to those adjudicating other processes within the movement, such as Section Nine and Section Ten cases—the Commission also recommends that arbitrators be permitted to award the reimbursement of legal expenses in order to prevent any party from attempting to deter or stall the process through the threat of higher attorney costs. This runs counter to the spirit of arbitration as an expedient method of dispute resolution, and it shortchanges athletes seeking redress. In its 1977 report, the President's Commission recommended the adoption of independent arbitration so that

disputes could be “*readily and expeditiously resolved*.”³⁰⁴ Allowing arbitrators to award legal expenses would help uphold that original intent for an expeditious process in every case.

Another step the Commission suggests, in order to help SafeSport turn the page to a new chapter, is for at least a third of its board members be selected from among current or retired high-performance athletes who have not previously been employed as staff by SafeSport, USOPC, any of the governing bodies, or USADA. In his testimony to the Commission at our public hearing, USADA’s CEO Travis Tygart explained why such a firewall is so vital:

The most important reason for our success is our independence. The word independent is thrown around a lot in the Olympic and Paralympic movement. From our experience however, the only true definition of independence is that those who govern or otherwise make decisions affecting others cannot have an interest, actual or perceived, in the outcome of the decisions that they’re making. No USADA board member or staff member can serve in any paid or voluntary governing or employment capacity with an organization that we provide services to. You simply cannot have the fox guarding the hen house.

Even further, we encourage the SafeSport Board of Directors to consider candidates’ past personal experience with surviving abuse when evaluating individuals for future open board positions.

Likewise, SafeSport should place a greater priority on hiring investigative staff with direct experience in trauma cases. This might include social workers and those who have worked with victim advocacy organizations. We have heard from a number of those currently or previously involved in a SafeSport reporting process that investigators, though professional, too often fail to grasp sensitivities of the types of cases they handle, which in turn discourages victims of abuse from carrying their cases through to conclusion and deters others from coming forward. It is also essential for SafeSport leaders to make a

greater effort to ensure that all the investigators on its staff and all the arbitrators with whom it contracts understand that cases are to be decided on a preponderance of evidence, not beyond a reasonable doubt.

It is essential to the successful resolution of cases that both parties—claimant and respondent—participate in the investigation process. One loophole that we have identified in SafeSport’s process is that respondents are neither strictly required to furnish information to SafeSport investigators during the discovery phase of a case nor to share their defense until a case is heard in arbitration. As a result, it is possible that investigators could spend weeks or months gathering information from a victim of abuse and issue a decision, only to have an arbitrator overturn that decision because the respondent to that claim shares new information during an arbitration hearing that investigators were never able to consider or verify. While the Commission did not find examples of this having occurred, we believe this is an issue requiring further study, either by SafeSport as it reviews its policies to ensure they are consistent with its mission or by an independent Team USA Athletes’ Commission as part of an expanded mandate to audit movement processes affecting athletes’ well-being (See Recommendation #6).

Another factor hindering SafeSport’s success has been a perception that its compliance and training requirements are neither serious nor effective—as well as that it does not take sufficient steps to ensure participants’ full adherence to requirements or to promote wider awareness of its Centralized Disciplinary Database. SafeSport must take action to strengthen its safety trainings, ensure that movement institutions take the trainings of all participants seriously, and provide for the daily updating of the database. The Centralized Disciplinary Database has the potential to be one of the most powerful and effective tools for preventing future abuse and misconduct, and SafeSport must make its success a top priority.

With responsibility to coordinate and develop youth and grassroots sports moved from USOPC to the new HHS Office of Sports and Fitness, the

way SafeSport handles claims in those areas should change. While the Commission heard from some within the movement who believe that SafeSport should only have jurisdiction over the high-performance athletes under the umbrella of USOPC, in our view that would be a mistake. Participants at every level of the movement deserve safety protections and ought to have access to SafeSport's system of seeking remedy in cases of misconduct. Those who perpetrate abuse should not be shielded simply by moving from situations in which they have access to Olympic and Paralympic competitors to those in which they are involved in youth clubs and leagues. However, it would be far too burdensome on SafeSport to be the clearinghouse for any and all complaints of SafeSport Code violations throughout the entire movement, which consists of more than 11 million participants across all fifty states. That's why the Commission recommends that Congress consider adopting one of the following two proposals to reform the way SafeSport operates in the youth- and grassroots-sports environment.

The Centralized Disciplinary Database has the potential to be one of the most powerful and effective tools for preventing future abuse and misconduct, and SafeSport must make its success a top priority.

The first option would be to implement a regional system for handling claims by those outside the high-performance athlete community. SafeSport would be directed to open regional or even state-based SafeSport centers to serve as the first points of contact for those wishing to submit claims. These regional or state-based centers would conduct investigations and handle the resolution of claims arising within their areas of jurisdiction, with the national SafeSport apparatus available to hear appeals in certain, specified types of cases. In such a way, claims would be more quickly addressed where they are made, and the national SafeSport staff would be able to focus on resolving cases involving high-performance athletes training for international competition. As an alternative to having SafeSport establish regional or state-based offices itself,

Congress might consider exercising its authority under Article I, Section 10, of the Constitution to permit compacts among states for the purposes of establishing regional sports-safety institutions independent of SafeSport but working closely with it to ensure the most efficient and effective means of protecting athletes at the youth and grassroots levels in our country.

The second option for Congress's consideration would be to adopt a market-based approach through a system of SafeSport 'accreditation' for youth- and grassroots-sports organizations. While SafeSport would continue to hear and resolve claims for high-performance athletes, it would no longer do so outside that space. Instead, it would be directed to design and implement an 'accreditation' program by which any youth- or grassroots-sports organization could become accredited by SafeSport by meeting certain benchmarks. These would include having a minimum percentage of its coaches trained through an official SafeSport program, committing to abide by the SafeSport Code and published guidelines for leading practices, and screening all coaches and volunteers who interact with minors through criminal background checks and SafeSport's Centralized Disciplinary Database as well as through state and federal sex-offender registries. Importantly, those seeking accreditation would be required to share with SafeSport the names of any individuals in their organizations who have been found responsible for abuse or misconduct by local authorities relating to their engagement with the sports organization so that these names could be added to the Centralized Disciplinary Database. Organizations wishing to maintain SafeSport accreditation would have to re-apply for it regularly and continue to demonstrate that they are meeting the required benchmarks. Stakeholders, particularly parents and guardians of minor athletes, would be encouraged through public awareness campaigns by SafeSport, USOPC, and OSE, to be discerning consumers and only participate in movement sports through organizations that maintain SafeSport accreditation. As a result, the consumer marketplace should encourage more regional and community sports clubs and leagues—whether operating through a governing body or as

a private entity outside the system—to seek SafeSport accreditation and comply voluntarily with the SafeSport Code and leading safety practices. Particularly with the requirement to participate in and make use of the Centralized Disciplinary Database, this would make it more difficult for those who have been sanctioned for misconduct to find opportunities to come into contact with minors.

Just as important as ensuring that SafeSport can protect participants at the youth and grassroots level is making certain that athletes are safe when engaging in collegiate sports. With so many of our nation’s high-performance athletes moving seamlessly between sport contexts, from NCAA events and programs to those overseen by USOPC and governing bodies, it is essential that athletes not enjoy SafeSport protections one day but lose them the next. Thankfully, students at our nation’s colleges and universities have anonymous reporting mechanisms and other channels to report safety violations as well as standing under law to bring civil actions in court in order to seek redress for abuse and misconduct. For that reason, the Commission does not believe it is necessary to consider extending SafeSport’s jurisdiction to collegiate sports. However, a major safety gap must be closed. We strongly encourage the NCAA to create a mechanism by which its individual member institutions are required to report timely information to SafeSport about the dismissal or sanctioning of staff or participants in their athletic programs for reasons consistent with SafeSport Code violations. That way, the names of such individuals could be included in SafeSport’s Centralized Disciplinary Database. Likewise, SafeSport should be required to notify the NCAA and a member institution directly when an affiliated individual is added to its database. Closer coordination between SafeSport and the NCAA is essential to the success of the Centralized Disciplinary Database.

In her testimony at the Commission’s hearing, Ms. Colón made it clear that SafeSport is open to changes: *“We don’t have to stick to what we’ve done for the last five years or what people did ten years ago, you know, we’re able to chart our own path. ...So we’re certainly open to suggestions and recommenda-*

tions and process changes...” SafeSport, in our view, is ready and willing to grow and adapt. It is up to Congress to make that change possible and set the parameters for SafeSport to become the institution it was always intended to be.

Recommendation #4: The terms “amateur” and “amateurism” should finally be retired from the U.S. Olympic and Paralympic movement, and athletes’ rights should be enshrined in law.

KEY POINTS:

- Congress should amend the Ted Stevens Olympic and Amateur Sports Act to remove the terms “amateur” and “amateurism” from the statute. The legislation’s name should be changed to the Ted Stevens Olympic and Paralympic Sports Act.
- USOPC, governing bodies, and all movement stakeholders should cease using these terms entirely, as they do not describe a specific type of sport or athletes in this context, and they obscure the fact that high-performance athletes train with the same dedication and time commitment as professional athletes and yield substantial benefits to the nation.
- Congress should recognize under law that athletes participating in movement sports have certain fundamental rights, including: a safe environment free from abuse and harassment; name, image, and likeness rights; the right to seek redress free from retaliation; timely information about national-team-selection competition events posted in advance; an affordable fee structure for national-team-selection competition events; and a timely and cost-effective dispute-resolution process as it relates to competition and national-team selection.
- Congress should work to align health-insurance coverage for athletes in movement and collegiate sports to ensure that none are penalized or otherwise stripped of rights or benefits when moving between these differ-

ent sport contexts and provide for expanded coverage where necessary to ensure that athletes training full time to represent the United States have secure health-insurance coverage.

From the very beginnings of the global Olympic movement, which is rooted in the ideal of universal access to sports' many benefits, the notion that the pursuit of movement sports requires a commitment to 'amateurism' has been used to exclude those not wealthy enough or well-connected enough to afford participation. Historically, it has been used to limit athlete eligibility and infringe on athletes' right to earn income or access financial support in connection with their athletic training and performance. Indeed, these terms have been harnessed to punish unfairly those who did not abide by this highly limiting and exclusionary definition of 'amateurism.' In a notable example in 1912, Jim Thorpe—one of the most celebrated athletes in American history and the first Native American to medal for our country at the Olympics—saw his gold medals in the pentathlon and decathlon events at the Stockholm Olympics that summer invalidated by the IOC because he had briefly played professional minor-league baseball. This misguided attitude has trickled down from the pinnacle of high-performance competition all the way to community centers and public sports fields, where our pay-to-play system keep many young Americans out of movement sports because their families cannot afford the high and rising costs. Most problematic, though, is how many of the movement-sports athletes who rise to the top of our pipeline still face hardship and added adversity within the system because they cannot afford to pursue their sports full-time as an avocation. That, however, is what a culture of 'amateurism' in movement sports historically has demanded, and it is what use of the term today still assumes.

Continuing to refer to athletes in movement sports as 'amateurs' contributes to a culture where USOPC and governing bodies—and, indeed, we as a nation—may fail to appreciate fully the enormous commitment and sacrifice it takes to be a twenty-first century high-performance Olympic

or Paralympic athlete. Calling them 'amateurs' has allowed sports officials to deny high-performance athletes basic rights, adequate financial support, and even safety protections. Indeed, calling these athletes 'amateurs' has imposed burdens that negatively impact their ability to focus on achieving in their sports. 'Amateurism' has, in many ways, limited America's medal potential while undercutting our athletes' potential for accessing the financial security and stability that ensures a robust athlete pipeline and protects athletes' ability to focus on excellence in their sports.

...'Amateurism' has, in many ways, limited America's medal potential...

This Commission very strongly recommends that the terms 'amateur' and 'amateurism' be fully retired from use across the U.S. Olympic and Paralympic movement. In addition to the compelling reasons stated above, these terms no longer have utility within sports because they do not convey any particular level or type of sport. They are merely vestiges of outdated attitudes toward athletes that no longer make sense in twenty-first century movement sports, which has now long welcomed those who previously would have been ineligible because of involvement in professional sports. Congress should set the tone by amending the Ted Stevens Olympic and Amateur Sports Act to remove references to these terms from statute and from the title of the legislation itself. Indeed, it should seize the opportunity to right two wrongs in the name of the Act by replacing "Amateur" with "Paralympic." Likewise, USOPC, governing bodies, and stakeholders should cease using the terms "amateur" and "amateurism," helping lead a broader effort to change the culture of movement sports that reflects the reality of our high-performance athletes without the historical baggage of a label implying that their dedication to the task is merely an avocation and not a full-time commitment.

Ending the use of these inaccurate—and now substantively empty—terms is but the first step. It must be matched with policy changes that reflect the same commitment to putting athletes at the cen-

ter of the movement and ensuring that their rights and contributions are respected. Congress should recognize that athletes in our country, when participating in the movement sports that Congress has accepted as having a public value and requiring public oversight, hold certain fundamental rights. Rights that athletes participating in movement sports should have include: 1) the right to train, practice, and compete in a safe environment, free from abuse, harassment, or bullying; 2) the right to own and market their names, images, and likenesses; 3) the right to seek redress free from retaliation; 4) the right to timely information posted well in advance regarding national-team-selection processes within their sports and the calendar of required competition events in those selection processes; 5) the right to an affordable fee structure for participating in national-team-selection competition events; and 6) the right to a timely dispute resolution as it relates to competition and national-team selection. Congress ought to enshrine in law the basic rights athletes in the U.S. Olympic and Paralympic movement hold. For too long the lack of a clear delineation of these rights has been used to deny them.

In addition to delineating these rights, Congress should take action to alleviate one of the most difficult burdens facing athletes: ensuring steady health-insurance coverage. It is essential that Congress work to align health-insurance coverage for athletes in movement and collegiate sports in order to ensure that no athlete is penalized or otherwise stripped of rights or benefits when moving between these different sports contexts. Athletes representing Team USA in international competition should be given generous grace periods around competition-event timeframes with regard to health-insurance coverage. The Commission is encouraged by efforts currently underway in Congress to close NCAA loopholes regarding health-insurance coverage for sports-related injuries. If those efforts come to fruition, we urge that athletes in movement sports are included under the same protections. Maintaining two systems with different criteria for coverage eligibility, guarantees for coverage of injury-related costs, and grace periods simply does not work when many of the same individual athletes are constantly moving between the two.

Recommendation #5: USOPC governance processes must be improved.

KEY POINTS:

- USOPC should close loopholes that allow exceptions to the qualifications of ‘independent’ members of its Board of Directors and make reforms to the Board’s Nominating and Governance Committee.
- USOPC should adopt a rule by which a candidate meeting the required qualifications of the position who is a former high-performance athlete must be interviewed for every vacant executive position.
- Governing bodies should be reorganized into a tiered system to facilitate a more equitable and higher-impact distribution of resources and requirements.
- Congress should grant NGBs and PSOs ownership over their own unique trademarks even as USOPC continues to possess rights over general Olympic and Paralympic trademarks.
- USOPC should consider contracting with a professional management organization to alleviate the human-resources burden placed on small- and medium-sized governing bodies.
- USOPC should prohibit governing bodies from using USOPC-provided funds to supplement Operation Gold payments through their own podium prizes, and direct stipend support to athletes should be increased every four years at a rate equal to the average increase in USOPC executive compensation.
- USOPC should create a standardized, time-limited process for spinning off internally managed sports, and it should deepen its cooperation with the NCAA through cross-board representation.
- Congress should allow the voting bloc of ten-year athletes to choose anyone to represent

them on the USOPC and governing bodies' boards, as long as at least one seat is held by a ten-year athlete.

Charged with overseeing the Olympic and Paralympic movement in our country, USOPC has a responsibility to the public to operate as effectively, fairly, and successfully as possible. With the removal of its statutory mandate to coordinate and develop movement sports at the youth and grassroots level, USOPC would have an opportunity to address longstanding problems with its governance and strengthen its ability to serve athletes and governing bodies. Many of these reforms, however, need not wait for Congress to take action through legislation but can be carried out by USOPC itself.

First, USOPC should amend its Bylaws to change the way that the 'independent' members of its Board of Directors are chosen in order to promote greater diversity of background and experience that will benefit the movement. The Board's Nominating and Governance Committee should have its makeup and processes re-evaluated to ensure that it can operate more independently of the rest of the Board on questions of membership and its influence on USOPC decision-making. Furthermore, the Bylaws should be updated to clarify the qualifications for 'independent' directors, eliminating ambiguous exceptions and closing loopholes that have allowed the Board to ignore qualification barriers for certain preferred candidates. In order to provide for the broader consideration of differing perspectives and viewpoints, USOPC should also ensure wider enfranchisement within constituent groups voting for Board representatives.

Second, in order better to ensure the representation of athletes' views at the staff level, the Commission also encourages USOPC to adopt a new hiring rule. Similar to the 'Rooney Rule' adopted by the National Football League in 2002, such a rule would demand that a retired high-performance athlete meeting the required qualifications of the role must be interviewed for any executive position that becomes vacant. This ought to be the case even if there is an internal candidate on track for promotion. Moreover, USOPC should impose a

mandatory cooling-off period prohibiting any candidate from being hired into an executive role who has been an active high-performance athlete at any point in the past two years. This will help reduce the incidence of situations in which current athletes are incentivized to side with USOPC or governing bodies in disputes against other athletes with the promise of a lucrative job afterward.

Third, USOPC should transform the way it supports governing bodies. Currently, NGBs and PSOs are all treated alike by USOPC when it comes to providing assistance as well as enforcing obligations. This is the case despite vast differences among them in participant size, staff resources, sponsorship revenues, and public visibility. While a large governing body like the U.S. Tennis Association has no shortage of these, smaller ones like U.S.A. Curling do not. Applying the same approach to all of them simply does not make sense. That's why the Commission is recommending that Congress authorize USOPC to establish a tiered system for governing bodies with different requirements for annual audits, reporting, and other actions that place a heavy burden on staff and resources. Likewise, these tiers would inform the way USOPC and the new OSF approach financial support, making certain funds and grants available for those in each grouping. The tiers would be based on the number of registered participants in each sport at all levels as well as the current state of each governing body's sponsorship revenues. USOPC would be responsible for reviewing and updating which governing bodies belong in each tier every four years, though an independent Team USA Athletes' Commission (see Recommendation #6 below) would have to agree on the criteria for athlete funding and benefits made available to governing bodies at each tier. Moreover, the NGB Council and the independent Team USA Athletes' Commission would also have to approve all tier assignments.

Another important step forward to help governing bodies of any size succeed would be for Congress to allow them to own their unique trademarks. Currently, governing bodies must negotiate with USOPC over the use of their specific marks, even those designed by the respective NGBs or PSOs and paid for using their own funds. Were they to hold

copyright over their own trademarks, governing bodies would be further empowered to raise revenues independently of USOPC grants to support the hiring of staff, coaches, and trainers as well as to provide additional financial support to athletes. Of course, USOPC would continue to control the trademarks for general Olympic and Paralympic terms and symbols.

The Commission encourages USOPC to consider contracting with a professional management organization to offer services to smaller and medium-sized governing bodies. Staffing and human resources functions can be particularly burdensome for governing bodies lacking the sponsorship revenues of larger, more popular sports. Consolidating these functions under a professional management organization that can be shared across governing bodies—for which USOPC can negotiate lower

If executives are going to be rewarded for the success of America’s athletes, the athletes should reap those rewards too.

rates through a larger, grouped contract—would save them money that could be redirected to support their high-performance athletes and development at the youth and grassroots levels.

Fourth, in some—but not all—sports, governing bodies choose to supplement Operation Gold payments to medaling athletes with their own podium prizes. Unsurprisingly, this has caused an imbalance in medal-bonus revenues to athletes across different sports. To help remedy this, the Commission recommends that USOPC limit governing bodies’ ability to extend supplementary medal bonuses outside of Operation Gold using funds directly provided by USOPC through high-performance agreements. While this will not preclude governing bodies from continuing the practice of supplementing payments, it will ensure that they do not use their podium prizes as a backdoor to increase USOPC-funded medal bonuses for their athletes at the expense of stipend support for those in other sports. Moreover, USOPC should commit to raising direct stipend support to athletes each quadrennium at the same rate as the average increase in its executives’ compensation

during that same period. If executives are going to be rewarded for the success of America’s athletes, the athletes should reap those rewards too.

Another area where USOPC should make changes is in its handling of internally managed sports. These sports, which do not have certified governing bodies either because they are new or because their governing bodies have been decertified, must not be left in limbo indefinitely. Indeed, there ought to be a standardized, time-limited pathway for USOPC to transition internally managed sports over to governing bodies. If no organization seeks to become a governing body for one of these sports by the end of that timeframe, USOPC should create one for it or arrange an agreement with another governing body to take that sport under its purview until such time as it can stand on its own. One option might be to combine two or more of the smallest sports within a joint governing body for an interim period. Only once an internally managed sport has been decoupled from USOPC can it truly engage in the kind of long-term planning needed to develop that sport for the benefit of athletes at all levels.

The Commission views internally managed sports as an emergency necessity that must not be allowed to become a long-term—or even medium-term—solution by default. In the same vein, if the process of moving a sport out of internal management were more clearly defined according to a standard timeframe, USOPC would find it easier to exercise—or threaten to exercise—its authority to decertify governing bodies that are either delinquent on safety standards or governance requirements (such as the rule setting the minimum percentage of athlete representation on its board) as a means of enforcement.

Recognizing the highly integrated environment among movement and collegiate sports, through which so many athletes move back and forth regularly, the Commission believes USOPC would additionally be strengthened by expanding and deepening its cooperation with the NCAA. Both are encouraged to build on the good work of USOPC’s Collegiate Advisory Council. Moreover, they should strongly consider inviting each other’s representatives to sit on their respective boards and committees. While history has given our country

two separate systems serving many of the same athletes, this does not preclude efforts to create a more seamless training and competition environment for those who participate in both.

Congress has a role in this reform process as well. The Commission strongly recommends that lawmakers permit those in the ten-year-athlete voting franchise to select any candidate of their choosing to be their representatives on the boards of USOPC and the governing bodies, eliminating the rule that they can choose only other ten-year athletes. However, at least one of the board members elected to represent this group must still be a ten-year athlete.

Recommendation #6: Congress should strengthen athletes' representation by making the Team USA Athletes' Commission fully independent.

KEY POINTS:

- Congress should amend the Ted Stevens Olympic and Amateur Sports Act to make the Team USA Athletes' Commission fully independent, clarify its duty to protect and empower athletes, and ensure a steady revenue stream to support the hiring of professional staff.
- The independent Team USA Athletes' Commission should be empowered to raise and direct funds to support athletes' legal aid when involved in a process or dispute relating to their participation in the movement. Its staff should also maintain a list of trusted outside attorneys, including those willing to represent athletes on a *pro bono* basis, when athletes seek representation.
- Congress should provide the Team USA Athletes' Commission with an explicit role in representing athletes' concerns to USOPC, the governing bodies, SafeSport, and USADA on issues relating to arbitration processes, athlete-funding criteria, team-selection criteria, and national-team assignments.
- Team USA Athletes' Commission staff should be given the authority to conduct periodic audits of movement institutions and processes on athletes' behalf.
- Even with this change, athlete representatives through the Team USA Athletes' Commission should continue to be elected to the USOPC Board of Directors and the boards of governing bodies, and nothing should preclude them from carrying out board responsibilities.

Congress should make the Team USA Athletes' Commission fully independent so that it can be the most trusted and effective advocate possible for our nation's high-performance athletes. In the decades since Congress enacted the Ted Stevens Olympic and Amateur Sports Act, numerous scandals have plagued the movement and, as Congress has found, directly harmed athletes. Many well-meaning measures have been attempted to ensure athletes in movement sports are protected and have more control over the policies that hold great impact over their athletic careers. None have proved fully effective, as the Commission heard from athletes. Even with the reforms undertaken in response to sexual-abuse scandals, athletes still often feel unsafe, unrepresented, and under-supported. The Commission believes that circumstances now require that athletes have an independent organization dedicated solely to advocating on their behalf, one that is not beholden to USOPC or the governing bodies. It must fully belong to them and serve as their resource in ensuring that their views and perspectives carry appropriate weight within the movement's governing institutions. As Team USA Athletes' Commission Executive Director Elizabeth Ramsey testified before our Commission:

Were it a completely independent body disconnected from the USOPC, Team USA AC would be able to gain more athletes' trust and have the autonomy to make decisions that benefit athletes without oversight from the USOPC.

We must restore athletes' trust in the one entity solely answerable to them and charged with advocating on their behalf. America's Olympic and Paralympic athletes and hopefuls deserve no less than a Team USA Athletes' Commission that is empowered and effective. In order to achieve this, Congress must alter the

Team USA Athletes' Commission mandate in statute and should make certain that it is independently funded.

The Ted Stevens Olympic and Amateur Sports Act ought to be amended to make clear that the Team USA Athletes' Commission has a duty to support and protect athletes' rights, empower them through facilitating representation, and maximize athletes' well-being. Congress may wish to address athletes' NIL rights and the role, if any, that the Team USA Athletes' Commission would have in supporting athletes during negotiations over licensing agreements. It is essential that athletes know and trust this independent entity to work for them—and, if necessary, to fight for them.

There are several ways lawmakers might secure independent funding for the Team USA Athletes' Commission. At a minimum, an independent Team USA Athletes' Commission must be able to raise its own funds without the threat of those revenues being clawed back by USOPC—as is currently the case under the organizations' 2020 Memorandum of Understanding for certain funds provided to it. Some of the options for Congress include: permitting the Team USA Athletes' Commission to solicit and accept tax-deductible private contributions; earmarking certain funds for it through the U.S. Olympic and Paralympic Endowment; or requiring that a certain percentage of revenues earned from the trademarks granted to USOPC through statute are first directed to support its budget. If the last of these, Congress must adopt “Team USA,” which was trademarked independently by USOPC, into the list of trademarks defined as authorized to USOPC under statute—and thus included alongside “Olympics,” “Paralympics,” the rings, the agitos, and other movement-specific phrases and symbols. Congress may wish to start with this third option for an initial period of four or eight years before revisiting the funding mechanism and adjusting it for the future in order to provide an independent Team USA Athletes' Commission with a strong start. Any method of securing independent funding must guarantee a revenue stream with which an empowered Team USA Athletes' Commission can hire professional staff with a legal duty to act in athletes' best interests, including legal counsel who can represent athletes in disputes.

This independent and empowered Team USA Athletes' Commission should have primary responsibility for representing non-unionized athletes' interests in interactions with USOPC and governing bodies over high-performance athletes' financial support, if any, and conditions of training and competition. Congress ought to stipulate specifically that the Team USA Athletes' Commission can raise and direct funds to support athletes' legal aid when involved in any process or dispute relating to their participation in the movement, such as an arbitration process through SafeSport, USADA, USOPC, or a governing body. While the organization should not directly provide legal representation to athletes itself, its staff should maintain a list of trusted outside attorneys, particularly those willing to engage in *pro bono* services, to whom it can refer athletes seeking representation. The Team USA Athletes' Commission should also be a place where athlete whistleblowers can safely and anonymously disclose information about malfeasance, with Team USA Athletes' Commission staff bound by rules to protect their privacy and report such information to the new public-oversight entity Congress establishes (see Recommendation #7) or to relevant Congressional committees of jurisdiction. Once the Team USA Athletes' Commission becomes fully independent, there will no longer be a need for USOPC to maintain an Athlete Ombuds position, and it should be eliminated so as not to confuse athletes as to where they can best find assistance when in need of it.

Congress should also provide the Team USA Athletes' Commission with explicit authority to negotiate on behalf of athletes with USOPC, the governing bodies, SafeSport, and USADA. Its approval should be required when negotiating athlete-funding criteria, team-selection criteria and processes, and changes to arbitration rules. Its assent should also be mandatory, along with that of the NGB Council, when determining tier assignments for governing bodies, pursuant to Recommendation #5 above. The independent Team USA Athletes' Commission should also have a role in negotiating high-performance athletes' eligibility for health-insurance coverage, roles concerning Section Nine and Section Ten dispute processes, and other critical issues of concern for athletes across the

movement. Congress may additionally wish to permit the Team USA Athletes' Commission to designate an external representative to assist in these efforts, such as a players' association within a particular sport that brings unique experience and expertise to bear on athletes' behalf. The professional staff of the Team USA Athletes' Commission should also be given authority to conduct periodic audits of movement institutions' policies, processes, and agreements in order to keep athletes informed of rules and practices as well as to contribute to transparency and accountability.

Making the Team USA Athletes' Commission fully independent, however, should not in any way reduce athletes' organized representation within USOPC and the governing bodies. Even with this change, Congress should still require that USOPC and governing bodies maintain mandated seats for athlete representatives chosen through the Team USA Athletes' Commission and that athlete representatives on those boards continue to be eligible to carry out board responsibilities. This representation, in our view, continues to be essential both for the benefit of athletes and for these organizations that benefit from their participation in decision-making. Moreover, Congress should clarify and strengthen the authority of the Team USA Athletes' Commission to operate elections for the athlete-representative seats on USOPC's Board of Directors and on the boards of the governing bodies. To do so, USOPC and the governing bodies should be required to provide the Team USA Athletes' Commission with lists of the names and contact information for all current high-performance athletes so that election-related information can be forwarded and ballots made available through whichever means the Team USA Athletes' Commission considers most effective.

The newly independent Team USA Athletes' Commission must reflect the athletes it serves. That's why Congress should mandate that a minimum percentage of its athlete representatives come from winter and summer sports and from Olympic and Paralympic sports. To promote gender and racial diversity among representatives, the Team USA Athletes' Commission should be required to submit annual reports to Congress that include an assessment of its diversity and inclusion practices and what efforts are being under-

taken to improve them, just as USOPC is required to do in its own annual reporting.

Recommendation #7: Congress should strengthen public oversight of the movement to ensure transparency, accountability, and due process at all levels.

KEY POINTS:

- Congress should establish a firm process of public oversight, either in the form of a Senate-confirmed Inspector General for Sport, a dedicated mission team within the GAO an Office of Special Counsel for Sport, or expanded authority for the current HHS Inspector General.
- This new public-oversight mechanism would ensure transparency and accountability by USOPC, governing bodies, SafeSport, USADA, and the Team USA Athletes' Commission.
- Semi-annual reports to Congress should be required to assess whether executives at USOPC, governing bodies, SafeSport, USADA, and the Team USA Athletes' Commission are compensated at a justifiable level.
- The new public-oversight mechanism would ensure public disclosures and accountability relating to U.S. bids to host the Olympics and Paralympics—and make all final bids to USOPC, the IOC, and the IPC publicly available for the benefit of future bid planners.

One of the key findings of this study has been a lack of transparency, accountability, and due process by USOPC, governing bodies, and SafeSport. This is detrimental both to the movement and to the millions of Americans who participate in it. Congress took it upon itself in 1978 to create quasi-governmental entities to oversee movement sports and to look after the well-being of athletes. However, as has been pointed out, USOPC, as a private, quasi-governmental entity, does not have sufficient incentives or resources to be its own public watchdog over the system and the organizations falling under its purview. The same can be said for SafeSport.

In the Commission's view, the best way to ensure public accountability for the movement and the entities that oversee it would be for Congress to establish a new and robust public-oversight mechanism covering these quasi-governmental entities. Until that happens, the U.S. Olympic and Paralympic movement's governing institutions will remain, in effect, an unregulated public-private monopoly. During the course of our study, the Commission heard several proposals for how to address this challenge. We also looked carefully at how Congress set up public oversight for other quasi-governmental institutions, such as Amtrak, the Corporation for National and Community Service, the Federal Deposit Insurance Corporation, and Tennessee Valley Authority, among others. The Commission has identified four possible options that would be appropriate for public oversight of the U.S. Olympic and Paralympic movement's governing institutions, each of which Congress ought to consider before selecting the one that fits best with lawmakers' broader vision for reform.

The first option, which is not without precedent,³⁰⁵ would be to create a multi-agency Inspector General for Sport. The individual in this Senate-confirmed position would be responsible for ensuring the budgetary and operational accountability, transparency, and due-process compliance of entities authorized by Congress to participate in the governance and oversight of movement sports in our country. These include USOPC, SafeSport, USADA, and an independent Team USA Athletes' Commission. As a multi-agency inspector general, this individual would support the leaders of each of these entities in ensuring transparency, accountability, and due process in carrying out their organization's missions. Moreover, this new Inspector General for Sport would be answerable to Congress and would serve as a secure point of contact for board members, executives, and staff wishing to raise alarms about possible mismanagement or policy violations. To be clear, the scope of respon-

sibilities for this Inspector General for Sport would not cover the new Office of Sports and Fitness we are recommending be created within HHS. Such an office would fall under the purview of that Department's Inspector General.

The second option for Congress would be to direct the GAO to create a special mission team for sports oversight and provide it with a mandate to produce regular audits and reports to the House and Senate committees of jurisdiction. Because GAO forms part of the legislative branch and answers only to Congress, this would keep the public oversight of movement institutions close to lawmakers and not require the establishment of any new executive-branch positions. However, the Commission has concerns about the effectiveness of oversight by GAO, which typically acts in response to Congressional inquiries and not proactively. It also already has a substantial backlog of requests from Congressional offices and committees for investigations and reports. These concerns would need to be allayed in the form of a statutory directive for GAO to prioritize oversight of the movement and ensure timely and regular reports.

The third option would be the creation of an Office of Special Counsel for Sport. This would be modeled after the general Office of Special Counsel, which serves as a resource for whistleblowers across the federal government and protects the integrity of our merit-based civil service. An Office of Special Counsel for Sport would operate similarly to an Inspector General for Sport, as outlined above. Unlike inspectors general, though, who are usually attached to organizational leaders within an agency, this new independent executive-branch office would operate as an external federal watchdog over USOPC, the governing bodies, SafeSport, USADA, and the Team USA Athletes' Commission.

The final option would be for Congress to grant the existing Inspector General for HHS additional au-

305 Congress has created multi-agency inspectors general in several cases, with notable examples being: 1) the Inspector General of the Intelligence Community, which serves multiple intelligence agencies; 2) the Inspector General of the Board of Governors of the Federal Reserve System, which also covers the Consumer Financial Protection Bureau; 3) the Inspector General for U.S. Aid for International Development, which also has jurisdiction over the Overseas Private Development Corporation; and 4) the Inspector General for the U.S. Postal Service, which also oversees the Postal Regulatory Commission. Cf.: Ben Wilhelm, "Statutory Inspectors General in the Federal Government: A Primer," Congressional Research Service, November 13, 2023.

thority to cover the quasi-governmental agencies relating to sports. Such an extension in the Inspector General's mandate would necessitate additional resources appropriated by Congress in order to ensure that oversight of USOPC, the governing bodies, SafeSport, USADA, and the Team USA Athletes' Commission does not fall by the wayside in an office responsible for the entirety of a large cab-

In the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, Congress gave itself the direct authority to decertify any governing body that had run afoul of its responsibilities. The mechanism for how Congress would identify such malfeasance, however, was never specified. This ambiguity, in the Commission's view, makes it less likely that Congress would ever choose to exercise such authority. A

dedicated public-oversight entity would be able to report to Congress with recommendations as to whether and when this power ought to be exercised, eliminating that ambiguity.

With a strong public-oversight function in place, no longer would these quasi-governmental organizations have any ability or excuse to hide information from Congress and the American people.

inet-level department. The advantage of this option is that it would not require the creation of a new inspector general or an additional confirmable appointee. There is precedent for this type of arrangement; in 2014, Congress granted Inspector General of the Department of Transportation responsibility for oversight over the Metropolitan Washington Airports Authority, which, though authorized by Congress, is not a federal entity.³⁰⁶

Regardless of the option Congress chooses, it must create a strong oversight and reporting function, answerable to lawmakers and the public they serve, which is currently absent from the U.S. Olympic and Paralympic movement. Among the duties of this new public-oversight mechanism, alongside audits, inspections, and investigations, must be the issuing of semi-annual reports to Congress on whether quasi-governmental movement-sports institutions are fulfilling their statutorily mandated responsibilities and ensuring that whistleblowers for malfeasance have a safe and trusted avenue to come forward. Congress should also specifically authorize that such semi-annual reporting include assessments as to whether athletes are receiving sufficient financial support compared to the level of compensation afforded to executive-level staff at these organizations. The Commission is not recommending statutory caps on salaries or bonuses, but we believe it is essential for the public to understand how these executives are compensated in comparison to the financial resources made available to the athletes and coaches they serve.

Moreover, such a public-oversight entity should be tasked with ensuring transparency, accountability, and due process for U.S. bids to host Olympic and Paralympic Games. That means having full access to any and all documents relating to bids by U.S. host-city candidates as well as documents provided to the IOC and the IPC as part of any final-selection process when a U.S. bid is considered. To aid in this process, Congress should require that U.S. bids meet all IOC and IPC standards and release all financial ledgers for review by the public-oversight entity to ensure no impropriety in the disbursement of Olympic- or Paralympic-related funding. Moreover, all final bid documentation submitted either to USOPC, to the IOC, or to the IPC should be made publicly available by the public-oversight entity after a certain amount of time has passed, in order for future bid planners to have access to them and see what previous bid cities proposed even if they were not selected. No documents concerning ongoing bids, of course, should be made public, in order to protect confidential information that, if shared, could advantage a foreign competitor's bid or one U.S. bid against another.

This Commission encountered great difficulty soliciting voluntary disclosure of key documents from USOPC, governing bodies, and SafeSport. With a strong public-oversight function in place, no longer would these quasi-governmental organizations have any ability or excuse to hide information from Congress and the American people. The creation of

this public-oversight function is essential to ensure that these entities, charged by Congress with upholding certain public values, remain accountable to the public they serve.

Recommendation #8: Access and equality for Paralympians and those participating in para sports at all levels must be improved.

KEY POINTS:

- Congress should require that funds raised from Paralympic trademarks be earmarked by USOPC to support athletes in para sports.
 - USOPC should fund Olympic and Paralympic athletes equitably and use its influence over licensing to negotiate equitable television and streaming coverage for future Paralympic Games.
 - USOPC should use its position in the global sporting movement to push for equality in prize awards for those with and without disabilities who medal at world-championship-level competitions.
 - Movement stakeholders should build on the momentum of the 2028 Los Angeles Olympic and Paralympic Games by launching national nonprofit organizations to increase access to movement sports among under-served groups and to create opportunities for young people to participate in para sports in their communities.
 - Congress should direct the newly created HHS Office of Sports and Fitness to establish dedicated competitive-grant programs to help state and local governments make public-school gymnasium and fitness facilities fully accessible.
 - The NCAA is encouraged to work with its member institutions to add and expand para sports programs as well as to treat them as varsity-level programs at the highest levels of competition.
- Congress should further study the issue of integrating deaf and hard-of-hearing athletes and deaf sports into the U.S. Olympic and Paralympic movement, while USOPC should work with the U.S.A. Deaf Sports Federation to resolve impediments to the latter making full use of Deaflympic trademarks and obtaining sponsorships.

The Commission has been encouraged by the many positive steps taken in recent years toward the full equality of Paralympics within the movement; we are not there yet, however. Changing USOPC's name to reflect the equality of Paralympics alongside Olympics was a powerful statement of purpose and intention, as was establishing parity in Operation Gold payments. In reality, however, the Paralympics are not treated equally. For most American fans and spectators, they remain an afterthought—even though their competitions and achievements are no less engaging and can be even more inspiring than the Olympics.

First, in order to promote equality at the high-performance level and create the best environment for Paralympic champions who can inspire all Americans, Congress should require that, at a minimum, funds raised directly from the use of Paralympic trademarks must be earmarked by USOPC to benefit Paralympic programs. Moreover, USOPC should provide financial support to Olympic and Paralympic athletes equitably. If American high-performance athletes with disabilities are not receiving the full and equitable support they deserve, the U.S. Olympic and Paralympic movement as a whole will not succeed.

In order to help more Americans learn about para sports and the opportunities available for those with disabilities at all ages to participate in the movement, it is essential to broaden the visibility of our Paralympic champions. Our talent pipeline doesn't begin when a child first tries a sport; it starts when that child first watches others playing it and dreams of doing the same. If American children cannot observe others like them pushing the limits, demonstrating sportsmanship, and hoisting medals atop a podium, those dreams may never materialize. That's

why the Commission strongly urges USOPC, when the IOC's current agreement with NBC Sports comes up for renewal or renegotiation, to use all its influence to force the IOC to use its monopoly over Olympics-relating licensing to benefit the U.S.—and global—coverage and broadcast promotion of the 2034 and all future Paralympic Games and of Paralympic athletes with the same vigor and support as their Olympic counterparts. Requirements for equitable coverage of the Paralympics ought to be part of future deals licensing Olympic broadcasts in order to ensure maximum public interest in both. Domestic coverage of the London 2012 Paralympic Games in the United Kingdom, which included more than 150 hours on one of the nation's most-watched television stations and featured individuals with disabilities as half of the on-screen presenters, should serve as an example to emulate. As a result, 28 million people in the United Kingdom watched those Paralympic Games.³⁰⁷ The Commission is encouraged by NBC Sports's announcement of expanded coverage for the 2024 Paralympic summer games in Paris, and we hope it will voluntarily increase its live- and primetime-television Paralympic coverage for those and other Paralympic games occurring before 2034, which would set a positive example of corporate responsibility and civic leadership. Doing so would also unlock a major commercial opportunity that, until this point, has been largely untapped.

It is essential that our nation takes full advantage of hosting the summer 2028 Olympic and Paralympic Games—and, hopefully, the winter 2034 games. We must use them as an opportunity to set high goals and harness the energy for committing the resources necessary for success. We must help a new generation dream—and then access the tools to turn dreaming into participating.

One easy step USOPC can take right away is to commit to equality in its approach to selling Paralympic-branded items through its official Team USA Shop online. The Commission found a disturbing disparity between the number of unique Olympic-branded vs. Paralympic-branded items for sale. This both sends a message to the public about which sports and athletes are most valued by USOPC and

deprives Paralympic sports of critical funding from the sale of items using their trademarks. USOPC should take immediate steps to rectify this imbalance by committing to equalize the number of unique items supporting Olympic and Paralympic sports offered for sale, even as it continues to stock inventory based on demand. We believe, if this occurs, USOPC will see demand for Paralympic merchandise grow.

In addition, USOPC should use its influence within the global sports movement to push for equal prize awards for athletes and teams who win medals and championships, regardless of whether they have disabilities or not, whether they are competing in adapted sports or not. While Operation Gold payments have now been equalized for Olympic and Paralympic champions within the American system, these athletes still face inequality at the international level. Prize purses for world-championship competitions run by international governing bodies remain unequal in many cases, leaving American athletes with disabilities at a disadvantage. The Commission hopes USOPC will work to make the United States a leader in the global movement for equality for athletes with disabilities.

The Commission also encourages USOPC to hire a new Chief Compliance Officer for Accessibility. It is clear that not enough athletes in para sports feel like USOPC is listening to them when it comes to accessibility issues, and there is a need for a dedicated member of USOPC's leadership team to be focused on making movement sports more accessible and promoting equity for Paralympics within the system. This is a position that ought to be established quickly, and, if USOPC does not do so, Congress should consider requiring it.

Another important step would follow the brilliant effort undertaken by stakeholders within the disability community and U.S. Paralympics following the 1996 Atlanta Games. After those games' conclusion, they formed the American Association of Adapted Sports Programs (AAASP), a nonprofit organization that has taken on a national mission to benefit para sports and athletes with disabilities.

307 "Report reveals Channel 4 revolutionising disability broadcast landscape," International Paralympic Committee, September 11, 2020.

Movement stakeholders should commit to recreating that effort after the 2028 Los Angeles Paralympic Games, in partnership with AAASP and other organizations, to build a national nonprofit focused on supporting more equitable access to para sports in under-served communities.

Congress should also direct the newly created HHS Office of Sports and Fitness (See Recommendation #1) to establish a dedicated competitive-grant program to help primary and secondary schools upgrade gymnasium and fitness facilities to make them Rehabilitation Act and ADA compliant³⁰⁸ and fully accessible to students with physical disabilities, including those who are deaf and hard-of-hearing. Already, public-school districts receiving federal support are required to provide accessible facilities to students under the 1973 Rehabilitation Act, the 1990 Individuals with Disabilities Education Act, and the 1990 ADA. However, many are still not in compliance because of lack of sufficient funding. Grants through the OSF could be used to help close the gap and make public-school facilities fully accessible. The Commission also strongly recommends that states create new funding opportunities for school districts to purchase adaptive equipment and to train or hire staff who can provide instruction and coaching in para sports as well as to provide specialized sports programs and coaching for deaf and hard-of-hearing students. Congress should direct the OSF as well to develop and publish information about opportunities for people with disabilities to participate in sports, and it should encourage the dissemination of these materials in hospitals, rehabilitation centers, and other places where they will reach those who may benefit. In doing so, OSF should coordinate with the U.S. Department of Veterans Affairs to amplify the impact of programs serving veterans with disabilities.

Recognizing the central role that collegiate sports play in the talent pipeline for U.S. representation in the Olympics and Paralympics, the Commission encourages the NCAA to work with its member institutions to increase funding for para sports and, at

their highest levels of competition, treat them all as varsity-level programs—not recreational. With as many as three quarters of America’s high-performance athletes participating in NCAA programs during their athletic careers, it is essential that collegiate and movement sports are aligned in treating athletes with disabilities equitably and that colleges and universities provide them with robust training and competition programs. They deserve opportunities to train, compete, and grow as athletes as they pursue their Paralympic dreams.

During the course of our study, the Commission heard from many in the deaf and hard-of-hearing community about the unique challenges they face accessing movement sports, as well as the history of the Deaflympics and its relationship to the U.S. Olympic and Paralympic movement. Since the enactment of the Ted Stevens Olympic and Amateur Sports Act, deaf and hard-of-hearing athletes have been left outside the current system, at various times seeking inclusion or celebrating their unique standing. We believe the issue of integrating deaf and hard-of-hearing athletes into the U.S. Olympic and Paralympic movement merits further study by Congress, with a goal of ensuring that all athletes who want to participate in the movement can always do so with the accessibility accommodations they need—and to clarify current ambiguities around communication channels between SafeSport and the USADSF when athletes in the Deaflympic movement report abuse or misconduct. In the meantime, the Commission recommends that USOPC and USADSF work together, in coordination with the U.S. Patent and Trademark Office, to ensure that USADSF can make use in the United States of trademarked words and phrases that the IOC has granted to Deaflympics internationally and that USADSF can enter into sponsorships without hindrance from USOPC.

308 While ADA compliance should be a required minimum, the Commission encourages states to aim higher and take steps to promote the broader adoption of universal design principles, in which environments are built to be usable by all without the need for specialized adaptation.

Recommendation #9: Congress, state governments, USOPC, and other stakeholders should take concrete steps to improve equitable access to movement sports.

KEY POINTS:

- Congress should make certain costs associated with youth-sports access and participation tax deductible for families with children in primary and secondary schools.
- States should mandate daily recess periods for elementary and middle schools and require physical-education classes at least twice per week.
- Stakeholders should build on the momentum of the 2028 Los Angeles games to launch a national nonprofit modeled after LA84 that can spread the benefit of hosting the games far and wide through expanded opportunities for access to movement-sports programs for those from under-represented and under-served minority and rural communities as well as among women and girls.
- The newly created HHS Office of Sports and Fitness should establish dedicated competitive-grant programs to upgrade, repair, and build new public sports facilities and launch new public leagues and clinics in under-served communities. Grantees, to be eligible for funding, would be required to adopt leading practices in youth-development programming, safety, and coaching education.
- Congress and states should work to remove liability barriers that too often stand in the way of school districts allowing community access to school-based sports and fitness infrastructure.

One of the most defining aspects of the global sports movement encompassing the Olympics and Paralympics is its universal nature. Every person has a place within it. Every individual, no matter one's

age, race, sex, physical ability, culture, or beliefs, can participate in sports and enjoy its positive health and social benefits. Indeed, the IOC's Olympic Charter declares that:

*The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.*³⁰⁹

Consequently, the U.S. Olympic and Paralympic movement must continue to embrace the removal of barriers for all who wish to participate in sports in our country. Together, we must ensure that sports can remain a great equalizer, an environment in which individuals of talent and determination, no matter their origin, can rise to the best of their ability and strive to win glory for our country on their own or through admirable teamwork. In doing so, their communities benefit, and so does our entire nation. This ethos remains one of the reasons why Congress, on behalf of the American public, has a responsibility to ensure the movement's success.

To achieve this goal, Congress, state governments, USOPC, governing bodies, and all stakeholders must take additional steps to promote and ensure more equitable access, diversity in participation, and accessibility for those wishing to engage in movement sports at every level. As noted earlier, the Commission found stubborn gaps in access for women and girls, for racial and ethnic minorities, for those in underserved rural and inner-city communities, and for Americans with disabilities. We have also heard about persistent challenges faced by those in the LGBTQ community when accessing movement sports. These gaps and challenges must be addressed through proactive, concerted measures.

All too often, as this Commission has found, the most enduring barriers to equitable participation are financial. Most American families cannot afford to spend hundreds or even thousands of dollars a year for each child to join an organized individual sports program or play on a team. Indeed, in com-

309 "Olympic Charter," International Olympic Committee.

munities lacking sufficient resources to invest in public facilities like maintained parks or recreational centers, many Americans do not have access to basic sports and fitness infrastructure at all where they live. Moreover, where USOPC and governing bodies have left a vacuum in the youth and grassroots environment, private nonprofit and for-profit entities have filled that vacuum with sports programs that are almost exclusively pay-to-play. As a result of high program fees, equipment requirements, and travel costs, not as many young people are participating in sports as there could be. Even where less expensive public programs exist, offered through municipal governments or school districts, families still end up facing substantial costs in order for children to access organized movement sports or even just a safe place to play.

Congress should address this problem by making certain costs associated with youth-sports participation tax-deductible, including program fees, the cost of necessary equipment, and funds spent on travel for competitions. Such a deduction should be made available to all parents and guardians of primary- and secondary-school students. Permitting Americans to use pre-tax funds set aside through Health Savings Accounts and Flexible Spending Accounts for fitness and sports-related costs, such as recreational-league signup fees or a dependent child's sports equipment, would also be a positive step forward. The Commis-

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sion is aware of bipartisan legislation introduced in the 118th Congress³¹⁰ to that effect and encourages its inclusion as part of broader reform efforts. While this would not end our current pay-to-play system of youth sports, it would certainly help many families by easing the financial burden of participation—and, consequently, reduce the frequency of families having to make the difficult decision not to enroll their children in youth sports because of high costs.

States too have an important role to play in tackling this challenge. Perhaps most important are the actions states can take to promote healthier children and a greater awareness of the benefits of physical education and play from an early age. To that end, every state should enact legislation mandating a recess period each school day and physical education classes at least twice per week in every public elementary and middle school. It must be made clear, however, that physical education programs in public schools must be supported through specific funding streams so that they do not compete with resources for other vital educational programs, such as STEM, the arts, or language learning.

States should also seek to take full advantage of grants made available through the newly created HHS Office of Sports and Fitness (See Recommendation #1) to upgrade, repair, and construct new public sports facilities. Other grants through OSF should help fund the launching of new and expanded youth- and recreational-sports leagues and clinics that are more affordable or even free of charge in under-served communities. All grantees through OSF should be required to adhere to leading practices, such as positive youth-development programming, high standards of safety, and excellence in coaching education. Once the federal OSF is established and Congress appropriates funding to enable its critical work, that new office ought to become a national hub for efforts aimed at closing persistent gaps in access and opportunity.

Public schools also provide a major untapped opportunity for promoting sports and fitness access in their communities. Already, thousands of public schools across the nation host well-maintained facilities, such as running tracks, ball fields, and gymnasiums. However, many school districts restrict public access to these facilities because of liability concerns, locking them behind fences or shuttering them during non-school hours. Congress and states should take steps to protect school districts against liability when making their sports and fitness facilities available for use by community groups and local sports leagues so that

Americans of all ages can enjoy the benefits of having these facilities located right in their neighborhoods.

Building on the momentum from the 2028 Los Angeles games, stakeholders should also launch a national nonprofit modeled on the highly successful LA84 organization. Such a nonprofit's mission should be reach far beyond Southern California to expand opportunities in movement-sports programs. In particular, it should focus its efforts on opening new avenues to sports for those from under-represented and under-served minority communities, from rural areas, and among women and girls.

Recommendation #10: USOPC should adopt a new model for organizing U.S. bids to host the Olympic and Paralympic Games.

KEY POINTS:

- USOPC should embrace a new model for U.S. bids to host the Olympic and Paralympic Games focused on coordination, not competition.
- Congress may wish to consider making the federal government a partner with future U.S. hosts of the games, providing a financial backstop and guaranteeing all U.S. bids.
- Future bids under this model should consider spreading events—including the opening and closing ceremonies—across cities and regions in order to broaden their positive impact and lessen the financial burden on any one particular city.
- Host cities should prioritize temporary venues over permanent ones where economical, and athlete-village housing should be built in separate clusters in order to locate new affordable, medium-density housing where it is most needed after the games.
- USOPC, in partnership with the IOC and the IPC, should establish a captive insurance program to provide broader coverage to U.S. hosts of the games at a more affordable costs, with eventual surpluses used to alleviate future insurance costs and help defray other hosting-related expenses, such as venue construction.
- Host cities should place a greater emphasis on building ADA-compliant venues, housing, and transportation infrastructure to account for the thousands of athletes and spectators with disabilities who will be using them during both the Olympic and the Paralympic Games.
- Future bids should be creative with scheduling the Olympics and Paralympics, exploring what benefits may come from holding the two simultaneously.

Hosting the Olympics, Paralympics, and other major international sporting competitions has the power to shine a spotlight on an American city or region and on our nation as a whole. On the positive side, hosting can generate billions of dollars in new revenues, spur long-delayed public and private investments in infrastructure and development, and inspire increased participation in youth and grassroots sports—particularly in underserved communities. Hosting is not without risks, however, with the potential for budget overruns, fraud and theft, as well as mismanagement that can damage a city or region's reputation or financial footing, among others. The bid process itself has also been plagued at times with lack of transparency, byzantine rules set by the IOC, the IPC, or a national committee, or even illegality.

In the summers of 1984 and 1996 and in the winters of 1980 and 2002, the United States successfully demonstrated how to host the modern Olympic and Paralympic Games. In 2028—and, hopefully, in 2034—we will have another opportunity to do so. Already, Los Angeles 2028 is preparing to bring the summer games back and shine their spotlight on the U.S. Olympic and Paralympic movement. Winning the right to host the 2034 winter games would likewise highlight American winter Olympians' and Paralympians' dedication to their sports and help inspire the growth and development of those sports more widely in our communities. It is essential that we take full advantage of those games, the impact

of which ought to echo far beyond their host cities and generate positive changes in movement sports across our country.

One of those changes is a rethinking of how American cities ought to bid for and host these games in the future. To start, USOPC should treat the domestic bid process not as a competition but as a conversation. It ought to work with interested cities and regions to assemble the best U.S. bid for each IOC and IPC bid process. If two nearby cities were ever both interested in bidding for the games, USOPC should work with them to develop a joint proposal. Likewise, if a mid-sized city from a region that has never before hosted the games wishes to bid and puts forward a strong proposal against a larger, more-traditional competitor, USOPC should work to bring the two together for a joint bid. In such a way, USOPC should lead a dialogue among interested cities and regions to make sure America is submitting the best possible bid each time. Moreover, while other nations' federal or central governments play a supportive role in assisting their bid cities secure financing, insurance, and other resources, ours does not. Congress may wish to consider making the federal government a partner to USOPC and potential U.S. hosts in this process as other nations have successfully modeled, including by serving as a backstop and financial guarantor of U.S. bids.

This increased coordination is not enough, though. USOPC should adopt a new model for American bids. Under such a model, the old dynamic of 'one city, one bid' would make way for a more flexible approach that recognizes the benefits of spreading the games across regions or even the whole country. While one city (or pair of cities, such as Milan and Cortina d'Ampezzo in 2026) might still be officially the named host, it would be beneficial to locate some of the venues for competition in other American cities in order both to lessen the financial burden on one metropolitan area alone and to broaden the positive financial impacts of hosting. For example, if Salt Lake City is selected to host the 2034 winter games, its plan might include clusters of venues located in places like Denver, Bozeman or Reno-Tahoe. All three areas would benefit, particularly a smaller

city like Bozeman that would never likely bid for or host the Olympic and Paralympic Games on its own. Geography need not be a limiting factor either in our age of frequent airline connectivity and high-speed internet communications. Nothing should preclude USOPC from encouraging and supporting an Olympic and Paralympic bid by Chicago that features venues and events as far afield as places like Seattle, Little Rock, or Baltimore. We have seen this successful model applied by FIFA for its soccer world cup games, where entire nations serve as the hosts (or even jointly with other nations, as with the 2023 Australia and New Zealand games) and hold matches across different cities. Indeed, in recent months Switzerland announced its own intention to put forward the first-ever national bid for the Olympic and Paralympic winter games sometime in the 2030s.

Along these lines, potential hosts should consider organizing opening and closing ceremonies that span cities in order to bring more Americans into the games and showcase a wider narrative about the diversity of culture and sports in our country. The Commission has been impressed with plans announced by the Paris 2024 organizing committee to hold an opening ceremony on the Seine River, with athletes from national delegations parading on boats through the center of the city. Surely, our cities can present bids with innovative approaches like that one, which break new ground in expanding the number of people who can participate as spectators and which bring the world to America in new and exciting ways. Longstanding practices that have seemed set in stone can and must be reimaged.

When it comes to the planning for facilities and infrastructure, this new model ought to include a preference for temporary venues where possible and economical. All too often, new permanent venues are constructed for Olympic and Paralympic host cities that, soon after, are abandoned or fall into disrepair, with few resources available for their upkeep. Where permanent venues are planned, they should all be justified based on after-games need or envisioned for a specific secondary purpose. Indeed, permanent venues should only be constructed if they are required even without hosting the games. Otherwise, planners should look for

already-existing venues farther away or consider temporary ones. Moreover, host cities should plan for Olympic and Paralympic villages to be built in clusters specifically where new medium-density—and affordable—housing is lacking. As long as host cities engage in smart planning around public transit infrastructure, all athletes need not be housed together in one single place.

Another strategy in this new model would be for USOPC to offer, in partnership with the IOC and the IPC, a captive insurance program that provides better and more affordable coverage to U.S. hosts if their bids are successful. As was observed in 2020 when the Tokyo Games were postponed due to the COVID-19 pandemic, insurance plays a critical role in modern Olympic and Paralympic hosting. A captive insurance program under USOPC that could provide coverage bundled with its other hosting-related services and resources would bring insurance costs down for host cities. Additionally, surpluses from this type of risk-management program could then be used by USOPC to help future U.S. hosts offset the cost of new venue construction and upgrades.

The Commission also strongly urges USOPC to require that U.S. bids make a greater effort to ensure that all games are fully accessible to athletes, coaches, judges, referees, foreign officials, and fans with disabilities. We have heard from Paralympians who have had to endure stressful delays in getting to and from their competition events because host cities built infrastructure for the Olympic Games that did not take into account their use shortly thereafter by thousands of people with disabilities. Spectators with disabilities at the Olympic and Paralympic Games also deserve better. Host cities should build infrastructure for both Olympic and Paralympic Games that can meet the demand of the Paralympics, including more busses and trains that are compliant with the ADA and athlete-village housing where most or all of the units are ADA compliant from the very start. Compliance with the ADA should be a minimum standard; the Commission recommends the implementation of universal-design principles for construction of venues and housing that can be used by all without the

need for specialized adaptation. This will also help ensure that converted housing is accessible for all after the games end.

Having heard a number of new proposals during the course of our study, the Commission also encourages U.S. bids to embrace creativity and innovation when it comes to scheduling. There is no reason why the Olympics and Paralympics need to take place two weeks apart. Holding them simultaneously would help promote greater attention and interest in Paralympic athletes and sports among a wider viewership. If the live broadcast of an Olympic basketball game were followed immediately by the live broadcast of a Paralympic wheelchair-basketball game, certainly many fans who had never been exposed to the latter would continue watching. Another concept worth exploring is to work with the IOC and the IPC to allow two different American cities from the same region to host the Olympics and Paralympics concurrently. It is time to think differently—and strategically—about the kind of Olympics and Paralympics that Americans want to host and encourage for the future.

Recommendation #11: Congress, USOPC, governing bodies, and other stakeholders should partner to improve coaching at all levels.

KEY POINTS:

- Policymakers and movement stakeholders should begin a national dialogue about how to improve coaching at all levels.
- The American Development Model should be adopted universally as the foundation for coaching in our country.
- States should encourage public colleges and universities to offer degree or certificate programs in coaching and coaching-related fields by drawing on course offerings that already exist in sports science, sports psychology, nutrition, child development, education, and other fields.
- Congress should make course-enrollment

fees for coaching education tax deductible and consider launching a national scholarship program offering grants or low-interest loans to help students afford coaching education.

- Congress should extend a tax deduction to help volunteer youth-sport coaches in our communities offset certain out-of-pocket costs spent on equipment, fees, and other coaching-related expenses.
- USOPC, governing bodies, and movement stakeholders should partner to create new opportunities for training and education for volunteer coaches as well as for parents and guardians of athletes so all can better understand the American Development Model as well as how a healthy athlete-coach-parent/guardian relationship should work when building life-long sports and fitness skills.

While it is essential that athletes remain at its center, the U.S. Olympic and Paralympic movement cannot succeed without the hard work, dedication, and expertise of its coaches. Whether professional coaches and trainers helping to guide our champions to the medal podium or the parent or guardian volunteers in local youth sports, these individuals form a critical link between athletes' talent and success. Particularly at the youth level, a good coach can make the difference between a child who embraces a lifetime love of sports and fitness and one who drops out because of burnout or lack of engagement. In the worst scenarios, we have observed individuals who never should have been allowed to coach commit horrific abuses; in the best, we have encountered coaches who keep minor athletes safe when their parents or guardians aren't around and provide age-appropriate and encouraging guidance that instills whole-of-life skills. One of our focus-group participants from the private-sector youth-sports industry observed the connection between a stronger approach to coaching and athlete safety: *"If we can make our coaches more effective by teaching them how to be better coaches, how to do their jobs better, then it would likely reduce this bad behavior that's happening."* For the most part, we found, coaches believe strongly in the ethos of the Olympic

and Paralympic movement and want to play a constructive role in the lives of the athletes they serve. That's why the Commission believes it is essential not to ignore the place of coaching within the movement and in the future of sports in our country.

For too long, coaching has been left out of many critical discussions about how to strengthen the movement and build a stronger future for the system of movement sports in America. That must change. It is time for our Congress, USOPC, governing bodies, and stakeholders throughout the movement to begin a national dialogue about how to improve coaching at every level and how to harness and amplify the many positive benefits that good coaching brings to athletes, sports, and entire communities.

One of the challenges at present is a lack of clear data about coaches and their experience within the movement. This information will be crucial as policymakers and movement stakeholders contemplate future steps to improve coaching and expand opportunities for coaches to develop their skills—and, for professional coaches, advance in their careers. To that end, Congress should direct the new federal OSF to study and track national coaching data, including rates of licensing, retention, wages and

...A good coach can make the difference between a child who embraces a lifetime love of sports and fitness and one who drops out because of burnout or lack of engagement.

other compensation, diversity, and volunteer or professional status, among other criteria. Additionally, OSF should conduct surveys to gauge coaches' attitudes, approaches, and training needs and to identify trends within the field.

Congress should also recognize the important role OSF could play in improving coaching in our country. That office could make grants to governing bodies as well as youth- and grassroots-sports organizations contingent on the adoption of certain basic coaching standards and training, including meeting benchmarks for recruiting and hiring women, those with disabilities, and those from under-represented groups for coach and trainer positions. Certain

grants from OSF might also be earmarked to support research into coaching practice, education, and policy through accredited institutions of higher education and research-conducting nonprofit organizations. Moreover, OSF could be tasked with designating a formal, nationally recognized definition of sports coaching, including exact sub-sectors to which the definition applies (competitive sports, recreational sports, fitness, etc.) as well as a description of the characteristics of a coach that differentiates coaching from related occupations.

One of the bright spots within the movement in recent years has been the creation and growth of USOPC's American Development Model for age-appropriate coaching. The Commission believes this model ought to be the foundation of American coaching and adopted by OSF, states, governing bodies, school districts, and stakeholders across the U.S. Olympic and Paralympic movement. This model is particularly effective in helping participants understand the importance of free play at the youngest ages, multi-sport sampling, and the development of fundamental sports and fitness skills that can be applied across sports. We know from abundant research that athletes who learn and play multiple sports not only have a lower risk of injuries but have a better chance of developing the skills that build champions in their eventual sports of choice. One woman who participated in a Commission focus group shared the following:

Growing up in gymnastics... it didn't feel like a physically safe environment. The sport itself is physically very challenging, but there was a lot of forcing gymnasts to do skills they weren't ready for or not having the right equipment. Typically you have a spring floor, but our gym had a foam block floor, which was really, really hard. So, we had a lot of injuries, and it was really hard to learn skills. But our coaches wanted it because they thought it made us tougher. I don't think that their intentions were poor, but I think that their education was severely lacking in what was appropriate and healthy for kids to be doing.

Better-supported and better-educated coaches will deliver benefits both for youth and grassroots sports and for the high-performance athletes who

compete to bring Olympic, Paralympic, Pan-American, Parapan-American, and world-championship medals home to our country.

In any national dialogue about the future of coaching, it is vital to recognize that wider adoption of the American Development Model alone is insufficient. We also need trained, skilled, and dedicated coaches and trainers to apply it. That's why improving coaching education must have a central role in this discussion. For professional coaches we need a more formalized system of coaching education in this country, which at present is sorely lacking in clearly defined pathways from the classroom to careers. States should consider directing public colleges and universities—including community colleges—to develop coaching degrees and programs by drawing on existing courses in relevant fields, such as sports medicine, sports psychology, nutrition, child development, and education. Many of these institutions already have the building blocks, and they ought to use them to construct degree- or certificate-track programs for those pursuing sports coaching as a vocation. Movement stakeholders should also explore ways to support the development of tools and partnerships that streamline coaching education, such as institutional collaborations with the NCAA and others, as well as to increase accreditation of coaching-education programs through the National Committee for Accreditation of Coaching Education. Next, Congress should consider ways to help Americans afford this education, including by making course-enrollment fees tax deductible for those pursuing coaching education and licensing or by creating a national scholarship program to provide grants and low-interest loans to offset the cost of tuition and other education-related costs for those from under-represented groups.

To help the volunteer youth-sports coaches in our communities, many of whom end up spending funds out of their own pockets to furnish equipment and cover participation costs for their athletes, the Commission recommends that Congress consider extending a tax deduction for those costs up to a certain amount. Additionally, OSF, USOPC, governing bodies, and other movement stakehold-

ers should identify new opportunities for affordable courses and training programs to help volunteer coaches learn key skills, understand the American Development Model, and recognize how listening better to athletes can improve safety and reduce injuries. Athletes and parents or guardians in youth sports ought to have greater access to education about what a healthy athlete-coach-parent/guardian relationship can and should look like in order to help cultivate a better understanding about how coaching can promote life-long sports participation rather than a focus on short-term competition, which all too often leads to injuries and burnout. We must do a better job empowering coaches and equipping them with the skills and tools required for success.

Recommendation #12: Congress and state legislatures should think creatively about new and supplementary funding sources to support athletes throughout the U.S. Olympic and Paralympic movement.

KEY POINTS:

- Congress should identify creative new sources of revenue to support safety in, access to, and participation in the U.S. Olympic and Paralympic movement.
- Congress may wish to consider a federal excise tax on income from legal sports betting.
- Congress should consider directing the Internal Revenue Service (IRS) to add a voluntary-donation checkbox to individual tax-filing forms, with revenues earmarked to benefit youth and grassroots programs or athletes' safety and well-being.
- Congress and state legislatures may want to explore the creation of lotteries or other fundraising tools.

During the course of our study, the Commission heard again and again that the biggest obstacle to achieving so many of the goals of the U.S. Olympic and Paralympic movement and to fulfilling Congress's vision, as set forth in the 1978 Ted Stevens Olympic and Amateur Sports Act, is the need for

additional funding. Many stakeholders within and outside of the movement shared a number of novel ideas on how Congress and states might raise new funds to support the movement and its mission, both with regard to youth and grassroots athletes and sports and to the high-performance athletes who struggle to afford the training required to compete for our country abroad.

The Commission strongly recommends public funding to support the development of youth and grassroots sports through Congressional appropriations to establish a new HHS Office of Sports and Fitness (see Recommendation #1). We have also urged direct Congressional support to ensure the independence of SafeSport—with its previous \$20 million annual grants from USOPC instead made available to support governing bodies' investments in high-performance athletes. It is also our hope that state and local governments will also adequately fund youth and grassroots sports that serve an immense public good in our communities. However, we acknowledge that public resources are limited, which is why we recommend that Congress and the states explore new and creative revenue streams that can benefit youth and grassroots sports as well as the safety and well-being of high-performance athletes.

Congress has granted USOPC lucrative trademarks, and much of its revenues from those trademarks should be used to provide stipends, health insurance, and other benefits for our high-performance athletes as they train and compete. We understand now, though, that these revenues are not enough on their own. Even if the funding USOPC currently provides to SafeSport were redirected toward athlete support, the Commission believes additional funds will still be required to ensure that our high-performance athletes can contribute to an important national effort without risking serious financial insecurity. The availability of sponsorship agreements through initiatives like USOPC's Athlete Marketing Program, as we have also seen, is no guarantee of benefits to individual athletes. At the same time, the new Office of Sports and Fitness that we recommend Congress establish will need funds to provide for the competitive grants it will

offer to support youth- and grassroots-sports development in our communities.

While we are not urging any of the following specifically, it is our recommendation that Congress look carefully at proposals as well as think creatively in general about establishing new and supplementary sources of funding to support all of these efforts, particularly youth and grassroots sports. Below the Commission has outlined three possible ideas for consideration. In addition, any of these potential sources could also be tapped to provide an independent revenue stream to the Team USA Athletes' Commission in the future. Moreover, state governments should look carefully at these and other ideas in order to supplement funding for the development of youth and grassroots sports programs at the state and local levels.

One of the creative proposals our Commission heard is to take advantage of the growing number of states permitting legal betting on certain sports. Congress should consider enacting a federal excise tax on income generated from legal sports betting, with the proceeds automatically earmarked to support youth and grassroots programs or high-performance athletes.. Given the uneven nature of legalized sports betting across the fifty states, this proposal may not be feasible unless sports betting becomes permissible throughout the country. The Commission does not take a view on the legalization or not of sports betting, but if and where it is legal it may provide a useful source of dedicated supplementary funding for the movement's growth and development through an excise tax.

Another action Congress may wish to consider is legislation directing the Internal Revenue Service (IRS) to add a donation checkbox to individuals' federal income-tax filing forms. Voluntary contributions from taxpayers who check this box would be earmarked for the Office of Sports and Fitness for its competitive grants; alternatively, Congress could use such a mechanism to direct funding to SafeSport. A checkbox option would be similar to ones already used at the federal level to solicit con-

tributions to the public funding of presidential campaigns and by states to support a variety of state-based initiatives. Indeed, such a system ought to be considered as well by state legislatures as a means to supplement funding for public or school-based sports and fitness infrastructure and programs.

Congress may also wish to look abroad to emulate other nations' successes with new ways of securing funding for high-performance athletes, such as lotteries or other fundraising tools. In the United Kingdom, a national lottery directly benefitting that nation's high-performance athletes was implemented in the 1990s. The revenues from that lottery now form the large majority of the funding that supports the United Kingdom's Olympic and Paralympic athletes.³¹¹ This model may be applied here as well, either to support our high-performance athletes or our youth- and grassroots-sports programs. Though some states established sports-funding lotteries in partnership with USOPC in the early 1990s that were unsuccessful, it may be worth a new attempt, having learned lessons that can be applied now, a generation later.³¹² One important caveat is that these lotteries should not be designed to compete with lottery programs that specifically benefit public education.

In one of the focus groups the Commission held, the parent of an athlete raised this idea of drawing on lottery revenues to benefit movement sports and used it to highlight a broader point:

I think [funding is] going to have to come from a large national program. Like in Europe, almost every country has a national sports lottery. We could do that in the United States. ... But we've got to think big, and it's got to be a big national program, and it's got to raise real money if we're going to make a dent in this problem.

Like that parent, and like so many Americans, the Commission agrees that we need to "think big." If Congress continues to hold that the U.S. Olympic and Paralympic movement yields public benefits—to the health and well-being of millions of Amer-

311 Tom Wigmore, "Britain's Huge Investment in Summer Olympic Sports Pays Off," *The New York Times*, August 22, 2016.

312 Michael Janofsky, "U.S.O.C. Seeks Funds Using State Lotteries," *The New York Times*, October 3, 1991.

icans who participate in sports, to our diplomacy, and to our reputation as a land of equal opportunity that values individuals' labor—it has a responsibility to ensure that sufficient funding exists to support these goals. It is up to Congress to explore every feasible option toward that end. Congress must not, once again, set an unfunded mandate for the guiding institutions of this movement that so greatly benefits the American people. †

OFFICIAL RECORD OF THE PUBLIC HEARING:
**“The Future of Olympic and Paralympic Sports in America”
Commission on the State of U.S. Olympics and Paralympics**

September 6, 2023
9:00am – 4:30pm
2123 Rayburn House Office Building
Washington, DC 20515

START OF LIVE TRANSCRIPT

CO-CHAIR KOLLER: I would like to call this hearing to order and note that a majority of our commissioners are present and the others are following along via our live stream. I'd also like to remind everybody at this point to please silence your cellphones so we can get through our hearing with a minimum of distractions.

Good morning, Co-Chair Xiao, fellow commissioners, witnesses, and members of the public who are here because they understand the significance of our study and the important contributions Olympians and Paralympians make to our nation. The U.S. Olympic and Paralympic movement stands at a crossroads. Nearly half a century ago, Congress enacted landmark legislation that established the modern U.S. Olympic and Paralympic Committee in response to a particular set of challenges presented by the United States's approach to sport that engendered harm to athletes and disappointing results in international sports competition. That legislation and the work that proceeded it, was path-breaking. It established mechanisms to protect athletes' ability to compete and led to extraordinary success of the United States in Olympic and Paralympic competition that every American appreciates.

As we all know, however, the history of U.S. Olympic- and Paralympic-movement sport over the last several decades did not just feature unforgettable athletic achievement. It also includes far too many examples of athlete abuse, lack of transparency and accountability, and significant pipeline issues. Millions of young Americans do not have equitable access to movement sports in the communities where

they live, and millions of others who do participate at all levels are burdened by the tremendous costs. Congress established our bipartisan, independent Commission to study these issues and charged U.S. with making recommendations for how best to address them.

Since being constituted earlier this year, after a lengthy delay, our Commission has collected and sifted through tens of thousands of documents, interviewed a wide and diverse group of individuals, conducted numerous in depth surveys, solicited expert opinions, and held focus-group discussions with movement stakeholders, these have included athletes, coaches, parents, abuse survivors, athletes' rights advocates, individuals with disabilities, scholars in sports law and education, officials from the U.S. Olympic and Paralympic Committee, and the sports governing bodies, as well as ordinary Americans. Our work has been thorough, fair, and extensive.

Today's hearing is the final step in our study, which concludes later this month. Throughout the day, we will be hearing from witnesses who will share information, insights, and perspectives from across the Olympic and Paralympic movements. We will hear from leaders, from the U.S. Olympic and Paralympic Committee, the U.S. Center for SafeSport, the governing bodies, and the Team U.S. Athletes' Commission. We will listen to testimony from those who have survived abuse in sports, and those who are working to root it out. We will hear from long-time advocates for better pay and benefits for the athletes who work full time to bring Olympic and Paralympic medals home for our nation, and we will hear about trends in youth sports participation, about barriers

to equitable access to sports, and about how to make the system better governed and more accountable to the American people it serves.

All of these components of our study including today's testimony will inform the Commission's final report to Congress, which will be delivered early next year. That report will include recommendations for action, which we hope Congress and movement stakeholders will follow.

Before we begin, I want to thank the House Energy and Commerce Committee and its staff for the generous use of this stately hearing room, which lends itself to the important work we are undertaking for the benefit of the American public. We appreciate the support we've received from Chairwoman McMorris-Rodgers, and Ranking Member Pallone, as well as from Chairwoman Cantwell and Ranking Member Cruz of the Senate Commerce Committee throughout this process.

Now, I would like to welcome our distinguished commissioners who are able to join U.S. today. They were selected by the House Energy and Commerce Committee and Senate Commerce Committee on a bipartisan basis to oversee our study and the development of our policy recommendations. Each commissioner will have two minutes to make an opening statement, and in the interest of time, my Co-Chair Han Xiao is reserving and will deliver a closing statement at the end of the hearing. We'll begin with Commissioner Patty Cisneros Prevo.

COMMISSIONER CISNEROS PREVO: Good morning, everyone. I want to thank the Co-Chairs of the Commission, Dionne Koller and Han Xiao, for their leadership in this movement. I want to thank the members of the movement here seated next me, all of the witnesses, and the guests. My name is Patty Cisneros Prevo. I use pronouns she, her, and ella. I am a brown Mexican woman. Today I come with a burnt-orange jacket and dark green shirt. I have long brown hair that's pulled back in a braid. I am a Paralympian two-time gold medalist in the sport of wheelchair basketball and a proud mom of a youth-soccer player and a budding jiu-jitsu competitor. I am honored to serve on this Com-

mission alongside fellow athletes, advocates, and true change-makers who are committed and have been committed to this movement of equity, inclusion, transparency, safety, and health and well-being.

As an individual who holds many historically marginalized identities, I proudly accepted this appointment as an opportunity to center those who have made most vulnerable due to systems of oppression and the inequities in sport. Centering those individuals whose experiences live at the intersections of disability and race, disability and gender identity, disability and sexual orientation, disability and age, disability and socio-economic status, disability and immigration status, and so on. Oftentimes, the inclusion of Paralympians and the Paralympics in these crucial conversations are overlooked and afterthoughts, especially compared to our counterparts as the Olympians and the Olympics.

When we're talking about the integrity of sport and the protection of athletes, we must be intentional and committed to this work for all athletes. I implore the USOPC and Congress to enact real, meaningful change that will positively affect and influence all athletes from the grassroots and youth levels to the Olympics and Paralympics. Thank you so much.

CO-CHAIR KOLLER: Thank you Patty. I'll now invite Commissioner Rob Cohen to deliver his opening statement.

COMMISSIONER COHEN: Good morning, everybody. Thank you very much for making time to be here. It's great to have everybody here. For those of you who don't know me, I'm the Chair and CEO of the IMA Financial Group. We're an integrated financial-services company with 2,500 employees. We do work in retail and wholesale insurance, money management, and private-equity work. I've been involved with the Olympic movement for thirty-plus years in a number of different capacities. I've worked with NGBs and athletes on hosting events, both international and national championship events through the Denver Sports Commission, which I founded about twenty-five years ago.

I'm a current board member of the United States Olympic and Paralympic Foundation, and I also chair the Games Hospitality Working Committee underneath that group. I'm a board member of the United States Olympic and Paralympic Museum, and I was the bid leader for the Denver Olympic Winter bid in 2014, '18, '22, '26, '30, and '34, and I'm now currently on the board of the Salt Lake City Bid Committee, which actually beat us in that process, and they asked me to join that group to bring the Olympic back to the United States.

So, with that, I would just say that I believe that through the work of this Commission, we have an incredible opportunity to strengthen the Olympic movement in the United States. In order to do so, we have to be willing to recognize what is working, and we have to continue to do that on an ongoing basis. We have to be real. A lot of things are actually working well. But, at the same time, we have to be brutally honest about what is not working, and we have to be willing to make those changes in order to strengthen the movement for all that are involved. And it's really my hope that the output of this Commission will in fact embrace both of these truths and that the Olympic movement in the United States will emerge stronger and better for having gone through this process. So with that, I just thank you again for being here today.

CO-CHAIR KOLLER: Thank you Rob. Next, we will hear from Commissioner Benita Fitzgerald Mosley.

COMMISSIONER FITZGERALD MOSLEY:

Good morning, everyone. My name is Benita Fitzgerald Mosley, and it's a pleasure to be with you today. First, I'd like to thank all the witnesses who'll be testifying here today and those in the audience for participating in this very important hearing. I'd also like to publicly thank Senator Maria Cantwell for appointing me to this Commission. Our work is critical to the safety and welfare of our athletes and to the future success of the Olympic movement. It is my distinct honor to serve alongside my fellow commissioners.

I'm a two-time Olympian and an Olympic-gold medalist in the 100-meter hurdles at the Los Angeles Olympics in 1984. I call my gold medal the 'gift that

keeps on giving,' and I want to pay that gift forward by fulfilling my personal mission to help people in organizations win gold medals in life and business. I have served in a myriad of worlds within the Olympic movement, such as Chief Operating Officer of the U.S. Olympic and Paralympic Committee, Chief of Sport for U.S.A. Track and Field, as well as on several international Olympic Committee commissions. I currently serve as CEO of Multiplying Good, an organization founded by Jacqueline Kennedy Onassis that has been cultivating and celebrating greatness through public service for over fifty years.

My approach as a commissioner is to combine my experience as an Olympian, athlete advocate, business executive, and sports administrator, together with my extensive knowledge of the Olympic movement to provide recommendations on topics that I know will be discussed during the hearing today. First, how the USOPC prioritizes the support, safety, and well-being of our athletes through its decision-making, resource allocation, hiring practices, policymaking, SafeSport, and sport-performance programs. Secondly, how to promote the wonderful diversity of the Olympic and Paralympic movement and highlight the urgency of providing a safe and inclusive environment for all athletes at every level. And, lastly, how to use the power of sport to positively impact the lives of youth in communities throughout the United States.

In closing, I'd like to say thanks again to today's witnesses. I know your testimony will greatly assist our Commission in crafting an ambitious vision for the U.S. Olympic and Paralympic movement moving forward. Thank you.

CO-CHAIR KOLLER: Thank you Benita. I'll now yield to Commissioner Nancy Hogshead for her opening statement.

COMMISSIONER HOGSHEAD: I would just like reiterate everything that Benita said.

COMMISSIONER FITZGERALD MOSLEY: You've only been doing that for thirty years... Oh, we won't say that...

COMMISSIONER HOGSHEAD: Yeah, easily, or exactly. Thank you, all. It's a pleasure to be here. I'd also like to thank Senator Maria Cantwell who appointed me to be on this Commission. My name is Nancy Hogshead. I'm an eight-year U.S. National team member from 1976-1984, a two-time Olympian, and three-time Olympic champion in the 1984 Olympics—from the age of 14-22. I'm now a civil rights lawyer. I run a non-profit called Champion Women. We provide legal advocacy for girls and women in sports. I call on my background as an athlete and as a rape survivor to inform my work.

When the “adults” in charge did it right, I got excellent aftercare after a post-rape PTSD that included some extraordinary accommodations. And I got let down by adults, like when the IOC and the USOC did not take care of East Germans who were taking steroids. We were expected to be gracious losers.

The Commission and this work has been a long time coming. The Olympics and Paralympics are the grittiest, grueliest, hard work—extraordinary talent, and a touch of magic. The games have come to me in excellence, fair play, and integrity. They are a gift to this country.

In 2010, I received a call from a woman who was sexually abused by her coach. The athlete was not training as part of a school sport, where the requirements of Title IX would've applied, and that was my expertise at the time. They were training in a club that was a member of the Olympic and Paralympic movement, and I did what any lawyer would do, which is, I called upon the experts in the movement to find out what the legal framework was. And what I found out was chilling. There was no legal duty to protect athletes from abuse. There was no requirement to predict and prevent and no duty to address the abuse after it happened. There was no insurance in many cases, for many of the clubs. There were no background checks being done. There was no duty to report abuse to the police or to other authorities. Worse, I harken back to my own competitive years and, to my astonishment, the Olympic and Paralympic culture allowed coaches to “date” their athletes. There was some concern about under-age athletes, but nothing like

the protections girls and women have in school and colleges and universities. The Olympic and Paralympic movement had no qualified staff to investigate abuse and provide respondents with due process that they were owed under the Ted Stevens Olympic and Amateur Sports Act, let alone training that would leave athletes and their families empowered to assert appropriate boundaries between coaches and athletes.

Here was a child-serving organization that was allowed to abuse, especially during the #MeToo movement. We've all come a long way since then. Many of the players have changed, but the system, the structure, has not changed nearly enough. Those of you who got to see the documentary *Athlete A*, showed the world why reform is needed. Athlete abuse in Olympic and Paralympic sport was unchecked, rampant, and ongoing. In response to the Nasser abuse and the U.S. Olympic and Paralympic Committee cover up, employees and board members repeat “athletes first,” but they still hold this a type of power over athletes for their stipends, their endorsement deals, the ultimate dream of being selected onto the Olympic Committee. It is this powerlessness that makes our athletes so susceptible to abuse, and it has to be stopped.

Between 2016 and 2020, the House and the Senate held numerous hearings on sexual abuse in the Olympic movement. I was with my friend, Mara Guban, who runs the Equality League as we worked with Congress on how to make changes. But the four major reports have detailed what the governance failures have been. The board has no constituency or shareholders, no owners, no independent oversight, and certainly is not accountable to athletes that they're supposed to be serving. Every day of inaction it continues.

Again, I'm thrilled to be able to be on this Commission, and I'm looking forward to hearing all the witnesses and the types of change that we are allowed to make. Let's keep in mind that this is not 800 athletes once every four years. This is 16 million athletes. Thank you.

CO-CHAIR KOLLER: Thank you. Commissioner Karin Korb will now deliver her opening statement.

COMMISSIONER KORB: Good morning, everyone. Thank you to our Co-Chairs, commissioners, witnesses, and guests. It is an absolute privilege to be sitting in front of you today as a commissioner. My name is Karin Korb, my pronouns are she/her. I am a disabled, wheelchair-using white woman with multicolored blond hair, wearing an off-white blouse and a black jacket. Here's a quick story. I arrived yesterday. As a disabled person, travel is often daunting. You're never really sure if your wheelchair's going to make it in one piece. How will you get to your hotel? Will your hotel be wheelchair accessible? Will the elevator even work? Even though all of that is mandated by the law for me to have access, I still can't count on it. We still can't count on it. I'm happy to report that my trip yesterday was seamless—a miracle! Even down to getting a wheelchair-accessible taxi. I was sharing this with a colleague, and this is what my colleague said to me—she said: “Karin, I love environments that leave no one behind.” And I sat back, and I thought about that, and I want you all to think about that today as we proceed. How many times do you think youth and adults with disabilities are in sporting environments where they are left behind? Are we truly creating sport environments that leave no one behind? What pathways, what pipelines to sporting participation have been created with and for disabled youth and adults?

Nearly 56% of people with disabilities do not engage in any type of physical activity, compared to their non-disabled peers. Nearly 1.5 million students with disabilities in public primary and secondary schools are excluded from having access to any type of sporting competition. Obesity rates for disabled youth, ages two to seventeen, are 38% higher than non-disabled children, and physical-activity levels for disabled youth are nearly 50% lower than non-disabled children.

And here's a quick history about myself. I'm an athlete. My sport of passion is gymnastics. It's also the sport wherein I broke my back and became a wheelchair user and paralyzed. I was a junior in

high school. I was sixteen. And I share this because there was no pathway back to sport for me. It was twelve years before I was introduced to adapted sport. This time, it was wheelchair tennis, and I was twenty-eight years old. I became a two-time Paralympian, ten world team. I was proud to be part of U.S.A. Wheelchair Tennis. I am the first person with a discernible disability to receive a Division I scholarship to Georgia State University to play on their inaugural intercollegiate wheelchair tennis team. I've held leadership positions within multiple adapted-sport organizations. I served on various sport-focused boards, including various USOPC-committee positions. I've served two quads—that's eight years—on the USOPC Athlete Advisory Council, charged with creating U.S. SafeSport, as well as changing the name from USOC to USOPC. Currently, I am the Co-Chair of the Sport Integrity Global Alliance's Gender, Race, Inclusion, and Diversity Committee.

Today is a day of listening, reflection, transparency, and accountability. My trust is that the data that we and our remarkable staff—thank you so much—have prepared for you all today, along with our witness testimonies, you will recognize the overarching value that must be prioritized and implemented is equity, wherein we can recognize the humanity of those who have historically been erased within the Olympic and Paralympic movement. And then, maybe, maybe then, we too can be part of the population that is also never left behind. It's nothing without us. Thank you so much.

CO-CHAIR KOLLER: Thank you Karin. Commissioner Moses, I'll recognize you for an opening statement at this time.

COMMISSIONER MOSES: Thank you very much. My name is Moses—Edwin Moses. I consider myself a seasoned veteran. I've been around in the Olympic movement now, it's hard to believe, but for forty-seven years, going back to the 1976 Olympics. In that same number of years, and seconds it takes me, or took me to go around a track. But I've seen the United States Olympic and Paralympic movement grow from the pre-1978 Amateur Sports Act through the Steinbrenner Commission, from a

time in which there was no athlete representation and very little consideration for disabled athletes.

My gold medal was in 1976 in the 400[-meter] hurdles. I experienced the boycott in 1980 of Moscow when I was one of the athletes who was rated the most likely to win their race. In 1984, I experienced the best moment of the United States Olympic Committee with the Olympics in Los Angeles. In 1988, we went through the biggest drug scandal in sports with Ben Johnson. I was appointed in 1981 as the first IOC Athlete's Commissioner from the United States and served on several commissions, including the Coordination Commission, the Ethics Commission, the Medical Commission, the Apartheid in Sport Commission. I also was a Chairman and a member of USADA for over twelve years, Chairman for ten years of the United States Anti-Doping Agency, and also was on the Executive Committee when WADA went through some of its toughest times with the scandal in Sochi and how to deal with the Russian incursion on the Olympic Games. But, most of all, I'm just a very interested observer, and I'm looking forward to hearing what our witnesses have to say. And, at the end of the day, as all of our colleagues want to see, we want to bring back the Olympic movement and put it in a position so that in 2028 we can experience the same type of feeling that we experienced in 1984. Thank you.

CO-CHAIR KOLLER: Thank you, Edwin. Our final opening statement today will be from Commissioner Joseph Schmitz.

COMMISSIONER SCHMITZ: Good morning. I want to thank our Chair and Co-Chair, Dionne Koller and Han Xiao, for their leadership. My background that is most relevant to today's hearing is my years of experience as the Senate-confirmed Inspector General of the Department of Defense, dealing with challenges such as sexual assaults at our three national service academies and human trafficking around the world.

The most important lesson learned that I applied as Inspector General is what C.S. Lewis called the principle of first and second things. "You can't get

second things by putting them first. You can get second things only by putting first things first." Money and survival are paradigmatic and very important second things. But as one C.S. Lewis expert explained the principle: "The society that believes in nothing worth surviving for, beyond mere survival, will not survive."

First things in the future of Olympic and Paralympic sports in America include our core American values, such as integrity, accountability, and government transparency, and of course the safety, health, and well-being of our Olympic and Paralympic athletes. Government transparency is embedded in our Constitution itself, providing each of us the constitutional right to know how our government spends our money. Article I, Section 9, of our Constitution provides that: "*A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*"

While the U.S. Olympic and Paralympic Committee is, by no means, a government agency like the Department of Defense, it is a Congressionally chartered corporation. In the Ted Stevens Olympic and Amateur Sports Act, Congress confirmed that the Committee's authorities include the authority to organize, finance, and control the representation of the United States in the competitions and events at the Olympic Games and the Paralympic Games. Congress has also granted the Committee what amounts to a monopoly to raise revenues utilizing the Olympic name and symbols, including the five interlocking rings. Congress has also mandated, starting in January of 2021, that the Committee make an annual payment of \$20 million to the United States Center for SafeSport for operating costs of the Center.

I would like to thank Congress for establishing this Commission, our staff and my fellow commissioners for all their hard work and dedication leading up to today, and our witnesses for participating in today's hearing. I look forward to hearing from our witnesses about both our first and second things, as applied to the future of Olympic and Paralympic sports in America. Thank you.

CO-CHAIR KOLLER: Thank you Joe. At this time, I want to invite our first witness to be seated at the table. This introductory session of our hearing will provide the Commission with an overview of some of the key issues and challenges facing the movement as well as those facing Congress in providing public oversight and setting policy.

We're pleased to have sports historian Victoria Jackson, Associate Professor of History at Arizona State University, and a former collegiate cross-country and track-and-field champion athlete. She has written and lectured extensively about the development of our current system for Olympic- and Paralympic-movement sports, and we appreciate her participation this morning. Professor Jackson, welcome.

Along with our other witnesses today, we ask that you please keep your testimony to five minutes. You'll see a timer on your microphone. If any witnesses have more than five minutes' worth of prepared remarks, they are welcome to enter the remainder of that extended testimony into the official hearing record.

Professor Jackson, the Commission will now hear your prepared testimony.

DR. JACKSON: This is going to make C.S. Lewis a little bit annoyed, but I was told I had ten minutes.

CO-CHAIR KOLLER: Professor Jackson, go ahead and do your best to keep to our timing, and you can take your ten minutes, and we'll adjust as necessary. But anything you can do to keep us on time, I appreciate.

DR. JACKSON: Okay.

CO-CHAIR KOLLER: Thank you.

DR. JACKSON: Okay. Thank you. Thank you to the Commission.

The United States takes pride in a distinctly American approach to sport that is credited for Team USA's long-running success in international competition. The American sports ecosystem is unique

in the world. It is a vast, loose collection of private, public, and nonprofit entities. It does not have a tight organizational structure aligning all constituencies and sectors within a sports ministry but does allow for a mostly free flow of athletes, coaches, and administrators across bodies.

It is built on trust. Trust that the greater agenda is a shared one. Trust that organizations share a common mission, set of goals, and understanding of the purpose of sport. Trust in free enterprise. Trust that the system is democratic and meritocratic and serves all Americans—and that all Americans can access and understand the system. Trust that athletes and their health and well-being are at the heart of the enterprise.

The past half century is, indeed, marked by American athletes' success on the international stage. But, in too many cases, this success has come despite—and not because of—the design of the American sports ecosystem. The past half century is also marked by mistakes, tragedies, and harms endured by athletes, many of which can be explained by the largely hands-off approach to regulation and scant oversight that have made athletes vulnerable.

Athletes have pushed for changes within the American Olympic and Paralympic movement, including increased athlete representation and governance; increased and equitable support for athletes with disabilities; more monies going directly to athletes, athlete insurance, and health care; athlete pregnancy, maternity, and post-partum protections; and increased mental-health and well-being support. Athletes' courageous efforts to bring an end to abuse in sport have inspired a widespread global reckoning and have resulted in the establishment for the U.S. Center for SafeSport and more-robust athlete-protection mechanisms. Trust, it turns out, depends upon a hard backstop of regulation, coordination, transparency, and accountability through checks on power, something that the American sports ecosystem does not have.

Since you've asked a historian to set the stage, it is time for a quick history lesson. The Amateur Sports Act, signed into law by President Jimmy

Carter in 1978, created the foundation of the current structure for Olympic, Paralympic, and grassroots sports that the United States has today. The Sports Act established the United States Olympic Committee, now the United States Olympic and Paralympic Committee, as a federally chartered non-profit corporation. The law does not grant the USOPC the authority to regulate the entirety of the American sports ecosystem, nor does it appropriate federal funds to support Olympic athletes. Rather, the law charges the USOPC with a dual mandate to lead both the narrow apex, high-performance elite Olympic and Paralympic sports, and the massive base: grassroots-, community-, and youth-sports of the pyramid.

Despite this charge, operationally, the USOPC has held a narrow focus on Olympic and, to a lesser degree, Paralympic success. The Sports Act also created sport-by-sport national governing bodies, and the NGBs also hold the dual mandate of serving both top-tier elite performance and grassroots. Despite amendments to the Sports Act in 1998, athletes with disabilities and disabled sports organizations have encountered frustrations as they have sought to make the U.S. Olympic and Paralympic movement fully inclusive and equitably supportive of athletes with disabilities.

The many pressures to prioritize top-of-pyramid success, coupled with the absence of funding or incentives to support grassroots, have meant that the USOPC has only ever been successful in filling half of its dual mandate. The President's Council on Fitness—now Sports, Fitness, and Nutrition—established in 1956 by President Dwight D. Eisenhower, also has sought to increase awareness about the benefits of physical activity and to promote the individual, community, and national value of play on health. But USOPC and a President's Counsel with good intentions, yet no substantial resources, has left grassroots, community, and youth sports underserved. Meanwhile, trust in free enterprise has enabled the explosive growth of a pay-to-play, privatized youth-sports world, making the American sports ecosystem not one of sports for all, but one of restricted access and privilege. For all their historical contributions and their single-minded

focus on Olympic success at the expense of the grassroots mandate, the USOPC and NGBs cannot claim primary responsibility for American sporting excellence on a global stage.

That distinction belongs to the most improbable and the most uniquely American of protagonists in our saga: institutions of higher learning. For the past half century, for most athletes and most sports, Olympic development has happened outside of the USOPC's purview and within school sports. Seventy-seven percent of U.S. Olympians, 475 out of 613 athletes in the Tokyo Summer Olympic Games, spent time competing in American college-sports programs. School-sports organizations like the National Collegiate Athletic Association and the National Federation of State High School Associations, hold member-organization status in NGBs. But these organizations and their schools have charted a different course in their sports-policy and business model. An elite, under-23 sport system has grown in higher education over the past fifty years to make American college sports the best Olympic development system in the world.

The unique business model of big-time college sports is centered around college football, which subsidizes Olympic sports in American universities. Collegiate amateurism forms the foundation of this business model. With a cap on our athlete compensation keeping football-labor costs down, but with no caps on spending, schools are incentivized to maximize their chances of winning by spending the most money to woo the best talent without directly paying athletes. As big-time college sports has ballooned into a multi-billion dollar industry, schools have increased spending on coaches, administrative positions, training and competition facilities, medical and academic-support programs, and other benefits enjoyed by all athletes in all sports.

This best-in-world sports infrastructure attracts the world's best athletes. More than 20,000 international athletes participate in NCAA sports each year. The Power Five conferences of the Atlantic Coast Conference, Big Ten, Big 12, Pac-12, and Southeastern Conference sent 749 Olympic athletes to the 2016 Rio de Janeiro Summer Olympic Games with 442

athletes, or 59%, representing any one of more than fifty countries other than Team USA. At the 2023 Women's World Cup in Australia and New Zealand, 151 athletes spent time developing at American college-soccer programs. So, again, it is worth pausing here to marvel at this improbable collegiate scheme. College football, that most American of all pursuits, is paying for the development of Olympic talent from all corners of the globe.

The United States is the last remaining place in the world where the term “amateur” is still used to describe a major category of sports participation. In the current Olympic Charter, “amateur” appears exactly zero times. In the *2023-24 NCAA Division I Manual*, it appears 194 times. The term “amateur” is fluid, and it is its dynamic nature that causes confusion in the United States. Today's school-sports programs use “amateur” in a way to suggest that getting an education and getting paid to play directly by educational institutions are mutually exclusive. Amateurism has made college athletes vulnerable and has exposed them to harm. Much like Olympic and Paralympic athletes' efforts have pushed reforms, college athletes have done the same to force schools to provide a quality education, non-revocable grants and aid, medical coverage and mental-health care, protections from abuse, and the right, like all other students on campus as well as their coaches, to make money from third parties.

Gender equity became a principle in school-sports organizations thanks to their being subject to educational civil-rights laws that mandate equal opportunity in education programs, including sports. When the Sports Act passed, the NCAA was still a men's-only sports organization, but colleges and universities were already grappling with how to support women's intercollegiate athletics in an equitable way to comply with Title IX of the Education Amendments of 1972. Today, while acknowledging the juggernaut that is men's college football, American women enjoy equitable access to a wide range of best-in-world sports programs. Fifty-one years after the passage of Title IX, however, K-12 schools have not enjoyed the same attention, energy, and mandatory reporting mechanisms to ensure gender equity in school sports.

Much like the USOPC has neglected its grassroots responsibilities in pursuit of Olympic gold, so too have media activists in the government focused a policy microscope and a public spotlight on elite college sports at the expense of the country's K-12 schoolchildren. K-12 school sports reflect broader societal barriers that work to keep too many kids from low-income families, kids of color, kids with disabilities, and girls out of sport. Additionally, K-12 schools' varied levels of funding make access to many sports teams offered by college programs—and, therefore, access to Olympic development—too often a product of privilege.

The good news is that the United States has a lot to work with. I hope this view from 10,000 feet of the past fifty years of the American sports ecosystem is useful to the Commission, to Congress, and to future generations of Americans. Thank you.

CO-CHAIR KOLLER: Thank you, Professor Jackson. I want to apologize for the confusion over the timing, and I do want to remind our witnesses this morning to please do your best to keep to the five minutes, or we will never be able to get to lunch. So, I apologize for that, Professor Jackson.

I'm going to now yield to my Co-Chair, Han Xiao, who will be leading our questioning of witnesses today.

CO-CHAIR XIAO: Thank you, Dionne. Professor Jackson, thanks for being here with us today. I will actually yield my time in this session to Commissioner Fitzgerald Mosley for a question.

COMMISSIONER FITZGERALD MOSLEY: Good morning. In your testimony, you mentioned the connection between NCAA and the Olympic and Paralympic movements and the number of athletes that are sponsored by major institutions, intercollegiate institutions, not only in the United States but across the world. I want you to speak a little bit more about how the current systems relate to each other and what gaps in athletes' rights or protections you think exist and how can we might change that?

DR. JACKSON: Thank you, Benita—and I'm a track-and-field person also...

COMMISSIONER FITZGERALD MOSLEY: I know. I heard that.

DR. JACKSON: ... so, hello.

Yeah, I mean, the University of Oregon is a good example of the intersection of these two bodies and, well, last year, in 2022, Eugene, Oregon—the University of Oregon—hosted a Pac-12 track-and-field championships, an NCAA track-and-field championships, the U.S.A. Track and Field National Championships—which served as qualifying for a World Championships, which is also hosted in Eugene—right in the center of the university campus.

This system does not exist anywhere else in the world, and, because of the growth, the exponential growth, and, you know, from the business of college football to build this into a multi-billion dollar industry, the world athletes come here. If you are a water-polo player in France or a tennis player in Hungary or, I mean, anywhere in the world, one of the best places for you to develop and come to train to become a world-class athlete is through American college sports. This serves U.S. athletes well, too. So, that's an important thing to keep in mind, because it is the world's best talent that everybody gets to compete against on a regular basis, and it's a beautiful thing.

The future looks troubling in that football players might actually finally get what they deserve, which means football might not be subsidizing American college sports much longer. So, I've been kind of banging on the walls and pots and pans to say: "Let's find new subsidization models for this wonderful Olympic-development pathway we have through American college sports."

COMMISSIONER FITZGERALD MOSLEY: Thank you.

CO-CHAIR KOLLER: Thank you, Professor Jackson. Unfortunately, we only have time for one question this morning, but we appreciate you having joined us today to provide us with your perspective and this very, very useful historical overview as a starting point for today.

With the history of this movement in mind, let us now turn to the issues of governance and accountability. We are fortunate to have with us this morning representatives from the U.S. Olympic and Paralympic Committee, the Team USA Athletes' Commission and the National Governing Bodies Council. All three play a critical role in the governance of the movement.

Indeed, the U.S. Olympic and Paralympic Committee, or USOPC, has been statutorily mandated by Congress to oversee movement sports in our country at all levels as a quasi-governmental, private organization. It's CEO, Sarah Hirshland, is here today, and I want to thank her for recognizing this important opportunity to share USOPC's perspectives on key issues with the Commission. She is joined at the table by the Executive Director of the Team USA Athletes' Commission, Elizabeth Ramsey, and by NGB Council Chair, Pat Kelleher, who is also Executive Director of U.S.A. Hockey. Ms. Hirshland, I invite you to share your prepared testimony³¹³ with us, followed by Ms. Ramsey and Mr. Kelleher, before we begin questions from the commissioners.

MS. HIRSHLAND: Thank you, and good morning, members of the Commission. It is with sincere gratitude I thank you for your important work supporting the Olympic and Paralympic community and for the opportunity to be here today.

After five years serving as the CEO of the United States Olympic and Paralympic Committee, I stand before you today with stronger conviction than ever about Team USA's positive impact on American communities, our youth, and those we inspire and support globally. Team USA athletes have consistently graced the global stage with their bravery, unity, humanity, and unwavering commitment to excellence. As the world changes around us, so do the Olympic and Paralympic movements, bringing new challenges. However, we remain resolute in our mission to serve Team USA athletes, uphold our values, and strengthen our resolve. In recent years, we have made significant strides in athlete safety, athlete representation, mental health, and

313 Extended written testimony submitted by Sarah Hirshland appears following the live transcript on p. 226.

inclusivity. We have spearheaded transformative changes within our governance, including increasing athlete representation on our Board of Directors and our governance commissions and investing in the strength and efficacy of the Team USA Athletes' Commission. These reforms, coupled with our annual athlete listening survey, ensure athletes' voices are heard in decision-making processes. They also enhance our understanding and our responsiveness to their needs.

Athletes' mental well-being is a new cornerstone of our quest for greatness. We have introduced comprehensive programs and resources that empower athletes, acknowledging their needs as individuals and equipping Team USA to excel both on and off the field. Our dedication to athlete safety remains unyielding. We have set up robust measures and policies to protect, support, and empower athletes with extensive training, transparent reporting mechanisms, thorough background checks, and reinforced athlete-protection policies. We aim to be the strongest allies for Team USA athletes and the broader Olympic and Paralympic community.

We are now proudly called the United States Olympic and Paralympic Committee. Our Paralympians' inclusion in our name is intentional and unique among national Olympic committees around the world. It is a proud affirmation of human potential. We continue to elevate the voices of our Paralympians to celebrate their triumphs and endeavor to create a platform that recognizes their accomplishments.

The recent Tokyo and Beijing games brought extraordinary excitement as hundreds of athletes represented our nation. Despite the unprecedented challenges of the pandemic, they inspired us and created lifelong memories. Athletes such as Lydia Jacoby, the seventeen-year-old who brought home Alaska's first-ever Olympic gold medal in swimming; Erin Jackson, the first Black woman to win a gold medal at the Winter Games; and Oksana Masters, the most decorated Paralympian of all time. They not only made history but inspired countless young athletes to push the boundaries of what is possible.

Looking ahead to hosting the world for the 2028 games in L.A., and potentially a winter games in the following decade, we are confident that Team USA will represent our nation proudly, both as competitors and as global ambassadors for sport, leaving a legacy that transcends the competition itself. Our vision is to chart a stronger future, making Team USA's performance the most successful and diverse in history, ensuring top-notch athlete experiences, holistic wellness, and Team USA pride. We're equally dedicated to fair play and promoting a positive sport culture while aiming to generate record-breaking support for Team USA that will provide stability well into the future, and we will not do it alone. The collaboration and dedication of the complex sports ecosystem in the U.S.—comprised of hundreds of sports organizations and the athletes, coaches, families, sponsors, donors, fans, and everyone who supports them—is the backbone of American sports. Each plays a crucial role in this movement. We are all part of Team USA.

Thank you for the opportunity to testify today. I'm humbled to be part of this era in Team USA's history, and I'm eager to advance sport for future generations of Americans. I look forward to answering your questions.

CO-CHAIR KOLLER: Thank you. Ms. Ramsey?³¹⁴

MS. RAMSEY: Commissioners, good morning. Thank you for the opportunity to testify as part of this public hearing. My name is Elizabeth Ramsey, and I serve as the Executive Director of the Team USA Athletes' Commission, formerly known as the United States Olympic and Paralympic Athletes Advisory Council. I am the first Executive Director of Team USA AC, and I've served in my role since July 2020.

Team USA AC serves as the representative group and official voice of approximately 5,000 Team USA athletes. Each representative is elected by their fellow athletes. We are responsible for broadening communication between the USOPC and active athletes and serve as a source of input and advice to the USOPC Board of Directors. We facilitate

and represent the athlete voice and decision-making within the Olympic and Paralympic movement. With the limited resources and access provided, we attempt to support all athletes during the games and advocate on their behalf regarding on- and off-the-field-of-play issues. Even without an official policy in place by the USOPC, we ensure there is athlete representation on all USOPC working groups, task forces, and committees, and we provide resources, education, and support to athlete representatives serving on their National Governing Bodies' boards and international committees.

For many years, Team USA AC was largely unfunded and, as a result, was not able to provide the impact intended by the Ted Stevens Olympic and Amateur Sports Act or provide the support the athletes needed. This was, in part, because the Team USA AC was comprised fully of athlete volunteers without staff support, whereas other entities, like the USOPC and NGBs, had full-time employees.

Finally, in January 2020, the USOPC and Team USA Athletes Commission signed a Memorandum of Understanding that allocated an annual budget from the USOPC to the Team USA AC. As a result of this new funding, my position was created. Since the passing of the Act in 1978, Team USA AC has evolved to do much more than simply "ensure communication," as directed by the Act. We advocate on behalf of Team USA athletes, ensure that they have a meaningful voice, and empower Team USA athletes to be change agents. The movement has made great strides in improving the system for athletes and strengthening the athlete voice. However, there are still many improvements that can be made.

Team USA AC is hamstrung in many ways due to its complex link to the USOPC. The Act is extremely vague when it comes to the structure of the Team USA AC. The Act states the USOPC must "establish and maintain an athletes' advisory council." But, under this governance structure, Team USA AC is an organization within the USOPC, which creates numerous challenges.

First, Team USA AC relies solely on the USOPC for all of its funding. It is prohibited from obtaining

sponsors, and any fundraising it does is offset by the budget allotment from the USOPC. In fact, the USOPC could, in theory, hold back all the funding for the Team USA AC. Without adequate resources, we are unable to provide critical services to Team USA athletes.

Second, because Team USA AC is not a legally independent body, it has been challenging for our athlete representatives and myself and staff to form trusting, quality relationships with some of the athletes it serves to represent. Many athletes still believe I work for the USOPC and, therefore, sometimes believe I do not have the athletes' best interests in mind when making decisions.

Third, Team USA AC is not given the access or information it needs from the USOPC to advocate effectively for all Team USA athletes. Such access is critical because we are the sole organization tasked with advocacy on behalf of these athletes. As an example, during the first few days of the Tokyo games, I was not given the same access to venues, events, transportation that was provided to other USOPC executives. This lack of access obstructed my ability to connect with the athletes or champion on their behalf during the games as well as negatively impacted their perception of my influence. Another example of the lack of access to information is that our athlete representatives have not been given by some of their NGBs or the USOPC names and contact information for the very athletes they represent. These are all barriers to effective athlete representation.

I am before you today to ask for your assistance in giving Team USA AC the support it needs to be impactful, more effective, and better recognized within the movement. To accomplish this, we believe the Act should be amended to give Team USA AC independence from the USOPC while still being recognized by the USOPC as the official representative body of Team USA athletes. Were it a completely independent body disconnected from the USOPC, Team USA AC would be able to gain more athletes' trust and have the autonomy to make decisions that benefit athletes without oversight from the USOPC. Additionally, it is imperative that Team USA AC is given the access it needs to garner visibility, aware-

ness, and recognition among the entire movement as the official organization representing Team USA athletes. We understand that these are not simple asks, but we believe they are necessary so that we can serve, support, and advocate for all Team USA athletes. Thank you for your time.

CO-CHAIR KOLLER: Thank you. Mr. Kelleher?

MR. KELLEHER: Distinguished members of the Congressional Commission, thank you for inviting us here today. On behalf of all fifty national governing bodies, we greatly appreciate the important and meaningful work you are engaging in to help better the U.S. Olympic and Paralympic movement. As national governing bodies, or NGBs, we are proud of the important role we play in providing opportunities for children and families to be physically active, be part of a team, to compete, and—for some—to have the chance to represent the United States at the Olympic and Paralympic Games. We know the positive impact participating in sports can have, and we're focused and committed to doing everything we can to provide the safest and most-supportive environment for everyone involved. We've taken meaningful steps forward within the movement over the past several years, with athlete representation, safety, and wellness at the forefront, and, while much progress has been made, we recognize that there's more work in front of us.

As you're aware, NGBs come in different sizes and different shapes, including the number of participants under our organizations, our staff sizes, our financial resources, and our missions. For example, our friends at U.S.A. Bobsled and Skeleton, there is a limited youth component with their sport with less than ten total participants in the U.S. In contrast, for us at U.S.A. Hockey—and others, like U.S.A. Wrestling, U.S.A. Swimming, and U.S.A. Gymnastics—grassroots youth participation includes tens of thousands and is at the core of what we are involved with on a daily basis as an NGB. While NGBs have many differences, we are all alike in our love, passion, and commitment to helping develop athletes, promoting sport, and being an important conduit in the success of our Olympic and Paralympic teams.

The mission of the National Governing Bodies Council is to support the interest of athletes and NGBs through collaboration, advocacy, and partnership with the Team USA Athletes' Commission, the U.S. Olympic and Paralympic Committee, and other stakeholders. The NGBs share common goals, and we rely on their representatives on our Council to address issues, voice concerns, and work towards collective solutions. As Chair of this NGB Council, I greatly appreciate the engagement, passion, expertise, collaboration, and overall genuine care the group has toward further improving the movement and the desire to take consequential steps forward to continue fostering a better environment for athletes and everyone involved in our sports.

Along with the important work you as a commissioner engage with, the NGB Council has identified two major initiatives as focal points. Number one: athlete safety, which includes the U.S. Center for Safe Sport. And, number two: resource allocation.

The safety of all participants is our most important priority. To achieve this, a healthy working relationship with the U.S. Center for Safe Sport is crucial. We remain hopeful, through our invested time and resources, that we will be able to build a stronger, more collaborative working relationship with the Center. The Center completions of cases by administrative closure, which has reached in excess of 70%, must be addressed, and we strongly believe that government funding and oversight of the Center, along with a fresh look at the statute, would improve its operational effectiveness and confidence in the Center by others.

Many NGBs are facing increased pressure for participation in their sports from non-NGB organizations under the premise that it's easier for these sport organizations to operate outside the USOPC and the Center for SafeSport's authority and governmental requirements. Our strong position is that Congress must broaden the applicability of safeguarding practices and requirements to all youth-serving sports organizations to ensure consistent safety standards. Relative to resources, the NGB Council is currently working through challenges related to competitive-funding allocations within the USOPC to NGBs,

because, without increased resources, the United States will be challenged to maintain its status as a world leader in competition.

In the end, NGBs provide the foundation for sport in America. We help our youth become the next generation of leaders. We foster Olympic and Paralympic dreams and promote a lifelong love of sport. It's a big responsibility that we all take very seriously, because we know the important role that sport plays in the fabric of society in our great nation. As we work together to empower a strong Team USA for the 2024 Games in Paris, the 2026 Games in Italy, and ultimately look ahead to hosting the 2028 Olympic and Paralympic Games at home in Los Angeles, we know Americans are excited to be inspired by the great athletes who represent the United States, and we're focused on providing our athletes the resources they need to shine on what is the biggest stage in sports, the Olympic and Paralympic Games. Thank you for your time.

CO-CHAIR XIAO: Thanks to all of the witnesses on this panel for sharing your testimony with us. I'd like to start with a question for Ms. Hirshland. In the past, in response to concerns that the USOPC has focused too much on high-performance athletes to the exclusion of youth and grassroots sports and athletes, your predecessors told Congress that it "*cannot be all things to all people.*" Is the USOPC in a position to oversee the coordination and development of all youth and grassroots sports in our country effectively, as the current law directs, or would it be more effective if Congress were to give that responsibility to another entity?

MS. HIRSHLAND: Thanks. Good morning. You know, I think it's a really important question, and we play a critical role and have made incredible strides in the last several years in creating a set of standards defined as our compliance standards as we think about national governing bodies and the certification process that's been put in place over the past few years. And those standards are high and represent, you know, excellence in sport administration, and we feel very confident that, in partnership with the national governing bodies, we have elevated the quality and caliber of sport administration in this country over the last several years.

That said, the remit or the purview of that does not include all of the organizations and entities within what is a very, very fragmented sport environment in this country. We heard Dr. Jackson's testimony this morning talking about the fragmentation just among education-based sport organizations, and certainly that fragmentation exists quite broadly across sport organizations everywhere.

CO-CHAIR XIAO: Thank you. The next question will be from Commissioner Cohen.

COMMISSIONER COHEN: My question is also for Ms. Hirshland, and on the same lines of what you were just talking about. Several national governing bodies have been decertified since 2017, and our Commission has heard from a number of different groups that the USOPC is overcorrecting based on the recent NGB scandals. And so, I'm just curious, how does the USOPC ensure that NGBs don't fall out of compliance with these new requirements and risk being decertified, given their essential role to sport?

MS. HIRSHLAND: Yeah. Thanks for the question. You know, it's been quite a journey for all of us as we've created and built our ethics and compliance function, focusing on both defining and setting those standards and providing that, you know, set of standards to the national governing bodies which is, as we heard Pat's testimony, you know, have vast sizes of resources and capabilities. But the process has been pretty clear around, you know, our philosophy is, first, how do we help NGBs be wildly successful? We created an NGB-services function whose sole purpose is to try to help NGBs with best practices around finance and human resources and administration and, predominantly, governance and have come a long way in helping NGBs in those areas.

At the same time, where we see audit findings that are of high risk, as we're doing audits, it's important that those findings be both clearly delineated for the NGBs, that there be, you know, a mediation process in place to fix those things. And, what we've seen over the course of time is, the number of audit findings that we're seeing are coming down,

and the time with which those findings are being, you know, acted upon and fixed is shortening.

And so, there's real progress being made in the NGB community around that. That said, you are right. There are NGBs that continue to struggle, and when they struggle we have taken a firm stance at saying, you know, we are not going to certify an organization in good standing that can't meet the standards that are expected of them.

CO-CHAIR XIAO: Thank you. I have a question for Mr. Kelleher. You mention in your testimony the differences in needs between large and small NGBs. Do you see the USOPC as currently meeting the unique needs of both the small and the large NGBs? Particularly, in what ways is the system succeeding, and in what ways is it missing the mark with respect to providing services to NGBs of both types?

MR. KELLEHER: Thank you. I think it's very challenging for the USOPC to meet all of our needs. With fifty different NGBs, different sizes, different funding sources, I think every NGB would sign up for more funding from the USOPC. I think that's pretty standard across the board. But I think, as Sarah alluded to with audits, we are living under a set of standards now that we all have to meet, and I think those have been outlined to us. It's been a challenge within the NGB world for sure, again based on size and responsibilities that we all have to face, but I think the support from the USOPC on that and helping NGBs has been substantial.

Again, I think we look to the USOPC to lead. I think we have a great collaborative working relationship between the NGBs and the USOPC right now. Still work to be done, for sure, but I think for large and small NGBs they are made aware by the USOPC what resources are available and know what they have to do outside of that to fulfill their mission and meet the needs of their athletes and well as their sport.

CO-CHAIR XIAO: Right. Thank you. I'll now yield to Commissioner Cisnero Prevo.

COMMISSIONER CISNEROS PREVO: Ms.

Ramsey, you spoke of trust being an issue at the center of the Athletes' Commission's work. Can you expand a little further on why there is still a misperception of athletes being able to trust the AC in spite of being the voice of athletes within the movement?

MS. RAMSEY: Yes. Thank you for your question. It's kind of what I alluded to. You know, I'll give you examples. When I'm being introduced in front of athletes, I give this whole spiel every time to ensure that they know I'm a safe space, and when I go into a room to advocate for them, that I can't fear retaliation of my job, or if I disagree with someone. And, so, I go through the whole spiel of, yes, I get my paycheck from the USOPC. That's what it says. We get all of our funding. However, I report to our chair and five other athlete leaders. And I have to walk through this every time because, even though there's been standards put in place and audit compliance and reporting portals, the reality is, athletes still fear retaliation.

Lack of trust takes a really long time to get over, and I don't expect anyone to trust me when they first meet me. They don't know me. But having that extra layer on top where I can't go, you know—no, we're independent, you know, similar to, like, a players' association. I work directly for the athletes. I serve at your pleasure. It's just a really tough hurdle to get over. And even, you know, interactions with members of the media, they, that's not who I serve but trying to even convince them for... I'll give you a real example. Today, sitting here in front of you guys, when I was trying to convince our athletes to fill out surveys going, 'Please, make sure your voice is heard, make sure your voice is heard,' I was still getting emails going, 'Hmm... are you sure this isn't, like, some sort of inside job? That you're really reporting all this back to USOPC staff?' From retired athletes. And, so, those are just some of the real-life examples.

But it takes time. But, yeah, with that extra layer, that lack of independence, it can just be really, really hard, and I don't fault the athletes, especially given the history.

CO-CHAIR XIAO: Right. Thank you, Ms. Ramsey. I'll yield to Commissioner Schmitz for the next question.

COMMISSIONER SCHMITZ: Can you hear me?

MS. HIRSHLAND: I can.

COMMISSIONER SCHMITZ: The organization you lead made it clear that one of its core values is to have an "athlete-first culture." Among the nearly 47,000 documents that USOPC submitted to this Commission are financial statements, which show an increase in athlete funding by approximately 21% across all NGBs since 2019—an admirable reflection of this value, this "athlete-first culture." However, over the same period, publicly available 990 forms show that executive salaries at USOPC have increased by nearly 35%, and your own base salary has grown 45%. Meanwhile, Operation Gold payments to athletes who medal in the Olympics or Paralympics have remained stagnant over the past eight years. Why haven't these payouts or spending on athletes kept pace with the growth of executive compensation?

MS. HIRSHLAND: Let me start by saying it is a great honor to serve in this role, and I know my fellow executives at the organization feel that same honor, and I recognize and am incredibly grateful for the compensation the organization affords me for the honor to serve in this role. I don't have the numbers in front of me, but we made a significant commitment in the Op. Gold funding when we created equity and parity with Paralympians. So, I think it's accurate to say that the individual amount to an individual athlete—I don't know what the history of that change has been—but the organization did make a significant commitment to create equity on Paralympians and increased our overall Op. Gold funding significantly in doing that. And that's an important thing.

That said, let me say very clearly, there is no question that Team USA athletes deserve greater financial reward for their performances, and we're working extraordinarily hard, in our philanthropic community predominantly, right now to do everything we

can to raise funding for exactly that purpose.

CO-CHAIR XIAO: I'll yield to Commissioner Hogshead for a question.

COMMISSIONER HOGSHEAD: My question is for Ms. Ramsey. What are some of the biggest challenges that athletes face when it comes to participation in the arbitration process, whether it's with the U.S. Center for SafeSport or the USOPC or governing bodies or USADA? And what resources does the Athletes' Commission provide them in help during that process? Moreover, would you characterize them as sufficient to meet the athletes' needs in these areas?

MS. RAMSEY: No. So, you know, access to funds, money, should never be a barrier to access to the administrative process. You know, there's no... Because we're not a separate legal entity, so we don't have in-house counsel that can go in and serve as advocates for athletes and legal counsel in these hearings. There's the Ombuds office, which I think tries to do as best a job as they can, but they can't provide legal advice. They have to remain confidential and neutral, and so that the cost associated with all the filing fees and all that type of stuff can serve as a real barrier to athletes even wanting to go through the process. And then, on top of that, if it's a SafeSport matter, and depending on what the issue at hand is, if you've ever had to relive trauma over and over and over again and you're not provided maybe a case manager to help you through that process, to prepare you for, you know, each time you have to engage with the Center, that in itself, so now you have a mental-health issue on top of it. And, depending on whether you meet the definition for certain services that are provided by the USOPC, like the mental-health services, or if you can apply for one of the grants at the Ombuds office to give some pro-bono counsel to you, you're kind of stuck. So, you're out on your own. And, you know, I can tell you I've had several conversations with athletes that bring issues to me, and I have to, like, be like: 'We can't serve as your counsel. We can talk to you, and I can listen, but I can't go in and fight for you, because I'm not permitted to do that.'

So, I think, you know, money. You know, I think if you're an athlete and if you have to, you know, if you get hit with a doping violation or if you want to file a Section 9 or other things, you're really thinking about, you know, how much can I afford, do I want to go through this mentally, am I going to be retaliated against? I know there's protections in place now, but these are real thoughts. So, I think there could really be some improvement in that space. Thank you.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Korb for the next question.

COMMISSIONER KORB: Mr. Kelleher, congratulations, by the way. Women's team, sled hockey, just brought home the gold at World's. Congratulations on that.

MR. KELLEHER: Thank you.

COMMISSIONER KORB: You spoke about the governing bodies' relationship with SafeSport and your hope for improved collaboration in the future. Can you share your insights with us about SafeSport's high rate of administrative closures and the NGBs' general perceptions of the timing and the process behind such closures—and what additional burden, if any, does this place on the governing bodies?

MR. KELLEHER: Yes, all of that. Thank you. To start with, the collaboration is important. I think we've had discussions with the Center and the Center's leadership that we are on the same team. We want to get bad actors, these terrible situations, out of sport at all levels. Again, to my point earlier with different shapes and sizes of NGBs, there are some that are dealing with primarily elite athletes only, and there are others that are dealing with athletes at all levels and a wide, wide group of constituents.

So, in administrative closures we don't receive any information back from the Center as an NGB, other than that the case was administratively closed. That leaves us to either allow someone back into our sports or keep someone out without knowledge of what happened in the case. I understand some of the issues with the legal side of that and potential further infor-

mation that comes forward, but we don't know that that's making our sports safer when we have an administrative closure that we then cannot act on as an NGB—we are prohibited from acting on. I think that is a key part of it, and it leaves us without information again to try and make our sports as safe as they can be. And that's where it goes back to the collaboration of how do we make sure we, the Center, all the NGBs are making sport as safe as possible for everyone.

The timing of that is also certainly a challenge. We recognize the caseload of the Center and the number of participants they are trying to protect in youth sport. I think 16 million was brought up. I think we've had different numbers. It's a huge undertaking. But the timing of it can, again, leave victims, leave plaintiffs, leave people involved, very, very frustrated if they don't have any communication on this. And, again, we as NGBs often answer those phone calls from those victims to say—to ask for information that we don't have as well. So, those are the bigger challenges that come along with that, particularly with administrative closures.

CO-CHAIR XIAO: Thank you all. I yield back to Commissioner Hogshead for an additional question.

COMMISSIONER HOGSHEAD: My question is for Sarah Hirshland. And so, Congress gave the USOPC the right to be able to use the rings and the words and whatnot. The USOPC has given those rights away, say to colleges and universities, so you can imagine there might be a time when they gave those rights away inappropriately. What boundaries should be around giving those rights away?

MS. HIRSHLAND: I'm not sure that I understand the question in terms of giving the rights away. We do form a number of partnerships with entities, including the NCAA you referenced, in which the marks can be used with specific parameters. And, in that case in particular, the motivation of our relationship with the NCAA is to promote the connection between collegiate athletes and Olympians and Paralympians.

We've heard many references today to that important connection, and what we learned is that many in America don't understand the importance of

that connection and the importance of the collegiate system in helping to develop Olympic and Paralympic athletes in those sports in particular. And so, the motivation of the relationship is a partnership in which the NCAA institutions have the ability to promote the Olympians and Paralympians that are training and developing on their respective campuses. And it's an agreement that is, you know, specific to the parameters around that purpose intentionally.

COMMISSIONER HOGSHEAD: What did the USOPC get in return for using the marks?

MS. HIRSHLAND: Yeah, in the NCAA agreement—I'm not going to be super familiar with all the terms, but the benefit was also promotion, access to promoting the movement, promoting the Olympians and Paralympians in particular in those hometowns. One of our great challenges and important obligations and opportunities, frankly, is building, you know, the Olympic and Paralympic fan base in this country. That is where the value of those marks is derived, the people who know and love it and support the movement. And so that promotion is quite important to us, and so we have access to and are actively promoting the Olympic and Paralympic connection at things like the NCAA Championships and events like that.

I'll point to an example. This March at the Women's Final Four, the women's basketball tournament, we took a number of the women's national team Paralympic wheelchair-basketball players and had an event during halftime of the women's game where we were showcasing the sport of wheelchair basketball for the collegiate community. So, it is examples like that where there's a cross-promotional arrangement.

CO-CHAIR XIAO: Thank you, Ms. Hirshland.

I have a question for Mr. Kelleher. USOPC performs yearly audits of NGBs for participation of under-represented groups. So, how does the USOPC support NGBs with diversity, equity, inclusion outside of these audit processes?

MR. KELLEHER: There is a small team within the USOPC that leads within the movement that all of us have staff or people that are connected with. I know they have regular communication to us regular groups. And again, it's for different sports—what does diversity mean?

Again, I come from a sport, hockey, that has been struggling and continuing to work to try and be more diverse with people of color, and we are being more intentional. Other sports have different challenges with gender, with adaptive sports or disabled sports. So we have, I think, solid leadership from the USOPC on that. And then it really comes to the different NGBs taking that and working with those resources to try and make sure they adapt it to their sports and to their environments and the needs within their sports, because we do have different challenges of diversity in different NGBs in different sports.

CO-CHAIR XIAO: I'll yield to my Co-Chair for an additional question.

CO-CHAIR KOLLER: Thank you. Ms. Ramsey, since you accepted the Executive Director position in 2020, has funding increased for the Team USA Athletes' Commission?

MS. RAMSEY: Per the M.O.U., I think the rolling increase is either 2% or 3%. I'll have to verify that number each year. And then, say we're under budget, we can roll over 10% of what we didn't use. But other than that, we have not gotten an increase in our budget.

CO-CHAIR KOLLER: Thank you.

CO-CHAIR XIAO: I have a question for Ms. Hirshland. Can you talk briefly, high level, about USOPC's strategy to invest in and develop the high-performance pathway for talented athletes, whether it's directly or through the NGBs?

MS. HIRSHLAND: Sure. There is a process that's actually being evaluated as we speak by a working group that consists of members of our team, members of the National Governing Body Council, and

members of the Team USA Athletes' Commission, looking at the resource-allocation process, particularly for high-performance funding.

We enter into agreements with NGBs, affectionately, I think, known as "high-performance agreements," and those agreements are partnerships with each sport focused on where the greatest needs may be and the funding around that that comes with the agreements. We grant, you know, tens of millions of dollars annually across the various sports for that purpose. In those agreements, there can be any number of categories and types of investments. Equipment is certainly one of them, especially for those sports where equipment is critically important. Coaching, retaining coaches. Athlete stipends is a part of that. Elite Athlete Health Insurance and the health insurance provided to athletes is a part of that conversation. And then there are, obviously, significant travel expenses that often come with the international-competition circuit and the qualifying process that goes with it.

So, there are a lot of different components to those high-performance funds that are evaluated, and the agreement is defined and entered into with each NGB, and, frankly, they look quite different from one NGB to the next.

CO-CHAIR XIAO: Thank you. I'll yield back to my Co-Chair.

CO-CHAIR KOLLER: Mr. Kelleher, NGBs have provided feedback about the downstream administrative challenges and costs of adhering to changing regulations from the USOPC. How has the USOPC responded to the concerns of NGBs that may be struggling to remain compliant year to year?

MR. KELLEHER: It's an ongoing work in progress, I would say. We have developed great communication on those topics. Again, I think we get into areas where you have NGBs with smaller staff sizes that have added components to their workload to try and manage, and they don't have people or resource to do that.

The USOPC, in some areas, has provided grants to NGBs to help more on the operational side, and, I will say, you know, we have had, over the three years

that I've been the Chair of the NGB Council, had an open door with Sarah—a lot of positive conversation—and a lot of her team that listens and joins into NGB Council calls to share ideas and topics and hear directly from the NGBs. So, they've been responsive.

Again, I think, you know, there's work to be done. Again, when you have, I think we have half of our NGBs operate on a budget of \$3 million or less. So, they're limited with what they have. So, there are, when it comes to audit and compliance, those are areas that we continue to work on as an NGB community and the NGB Council in how we can help our smaller NGBs make sure they are compliant with all the requirements.

CO-CHAIR XIAO: All right. Thank you. I'll yield to Commissioner Cisneros Prevo for an additional question.

COMMISSIONER CISNEROS PREVO: Hello, this is a follow-up to Pat. I have a question about your diversity efforts. For those NGBs that are committed to bringing diversity in, what is being done to parallel those efforts for those who are coming into spaces that are predominantly white, predominantly male, to ensure safety and a sense of belonging for those that come from historically marginalized communities?

MR. KELLEHER: I believe we're all attempting to be more intentional about that. I think we've learned a lot over the past, I'd say, several years. I believe the NGBs that I've spoken on these topics are listening to make sure that we are more welcoming and more inclusive to make sure that we're all providing equitable opportunities in our sports. We've received great feedback from participants of what works and what doesn't work.

So, I think one thing that I've seen with NGBs, and I know that we've done in hockey, is to be more intentional to listen to the communities and try what we can to meet those needs. Challenging, for sure. Work to be done, for sure. But listening to participants has been, again, hugely beneficial to the NGBs that I've had these conversations with.

CO-CHAIR XIAO: Thank you. That will conclude our questioning for this panel. I'll yield back to my Co-Chair. Oh, sorry—Commissioner Fitzgerald Mosley has one additional question.

COMMISSIONER FITZGERALD MOSLEY: I was in the middle of writing it, and—anyway—Ms. Hirshland, I have a question for you. When the U.S. hosts the games, there's a joint venture created between the host committee and the U.S. Olympic and Paralympic Committee. And I'm just wondering how—if you could expand a little bit on how that works and what benefits accrue to the USOPC through that venture, how the revenues are split? And do you see between now and 2028—and then, hopefully, a winter games after that—how those increases in revenues that we hope to see will accrue to the athletes?

MS. HIRSHLAND: Yeah, it's a bit of a complex structure. As you may know, the idea behind capitalizing on the commercial rights of both the Olympic Committee and the organizing committee, which is the LA28 Committee to Organize the Games,³¹⁵ is to put those commercial rights into a single entity and take them to the market in a unified fashion. That's the concept and the philosophy behind that. And so, the joint venture is essentially that it is an entity in which the commercial rights for sponsorship and licensing—and it's not all, because it doesn't incorporate broadcasting. But the sponsorship and licensing rights for the two entities are put into the joint venture and then taken to the market to generate funding. And that funding then predominantly funds the operations of the games, along with some other revenue streams that will be generated through the LA28 organization independently.

And then, in the way this one was structured—which is not, I don't think, how they're all done—but, in this instance, it was structured such that the USOPC was given essentially a fixed, guaranteed amount of revenue over the two quad-cycle, through '28. And that fixed revenue is essentially a guaranteed payment against the rights that we've put into the entity, and the entity will now go and

generate revenue—the predominant, as I said, source of that revenue coming from sponsorship and licensing and going toward funding the games in Los Angeles.

So, we don't know yet what the bottom-line outcome of that will be, and it will likely be sometime in 2029 before we understand whether those L.A. games have generated a surplus. I know certainly the folks in L.A. hope that they don't generate a deficit, right? Their goal is to break even at worst and to have a surplus at best. If there is a surplus, the USOPC does stand to benefit from that surplus, again which would happen sometime in 2029 or beyond. Certainly, you know, the L.A. games in 1984 set a wonderful standard, and we have reaped incredible benefits of the endowment that was a result of the surplus in 1984. You know, time will tell if we can expect that same kind of surplus. If we do, our commitment is absolutely 100%—we will continue to provide greater services and support to Team USA athletes with those funds. How that will be structured, what that surplus might look like, all very much to be determined.

CO-CHAIR XIAO: Thank you.

COMMISSIONER FITZGERALD MOSLEY: Thank you.

CO-CHAIR XIAO: I yield back to Co-Chair Koller.

CO-CHAIR KOLLER: Thank you, Han. I again want to thank Ms. Hirshland, Ms. Ramsey, and Mr. Kelleher for their participation today. We really appreciate how seriously you're all taking this process, which is a once-in-a-generation opportunity for systemic reforms that can benefit everyone in the movement.

We will now adjourn for a short break, after which we will hear from witnesses on the very important issue of safety. The hearing will reconvene at 10:50 AM, and I ask that everyone be back and seated so that we may start promptly at that time.

[BREAK]

315 The entity's full legal name is the "Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028."

CO-CHAIR KOLLER: I'd like to call this hearing back to order, and at this time I invite our next witness, Ms. Ju'Riese Colón, the CEO of the U.S. Center for SafeSport, to join us at the table.

In 2017, Congress gave SafeSport jurisdiction to process all claims of abuse and develop policies to prevent all forms of abuse and harassment, both physical and emotional, within movement sports. This was in the aftermath of horrific abuse cases coming to the public's attention across several sports, along with some governing bodies' efforts to minimize or even cover up abuse and their refusal to take action against abusers or even promptly notify law enforcement. SafeSport was launched to fix that broken system.

We are very grateful to have its CEO with us today to share SafeSport's view with the Commission, and I'll now yield five minutes to Ms. Colón to deliver her prepared testimony.

MS. COLÓN: Can you hear me now? Alright. I'm Ju'Riese Colón, CEO of the U.S. Center for SafeSport. Thank you so much for inviting us to participate in today's hearing.

I'm glad to have the opportunity to discuss the integral role the U.S. Center for SafeSport plays in the Olympic and Paralympic movement. The Center was born out of need, a need for reform and a need for accountability. A need for an independent authority to finally put athlete safety and well-being above medals and money.

Nothing like the U.S. Center for SafeSport has ever existed before. There was no model, and there was no template, and we have pioneered a shift to a safer sport culture over the past six years. Our efforts go beyond elite athletes. From the neighborhood soccer field to the podium in Paris, we are working to ensure that everyone at every level of sport is safe, supported, and strengthened.

While there is a long road to truly making athlete well-being the centerpiece of this nation's sport culture, we cannot forget the long road behind us. It is a road that we will not retread, a road where tox-

ic sport culture quietly festered, where allegations were ignored, even swept under the rug, and where countless individuals suffered abuse in silence without avenues for recourse.

That changed forever when the U.S. Center for SafeSport opened our doors in 2017. Since then, the Center has been holding individuals and organizations accountable. We've established consistent safety policies across every NGB, and we have dedicated ourselves to developing and delivering data-informed prevention education to millions within the movement and beyond.

In the six years since we started this work, we've seen true progress towards culture change. We began in 2017 with only four employees, and by the end of that year we had received nearly 300 reports of abuse and misconduct, more than anyone imagined and definitely more than we were prepared to handle.

This year, with a staff of 122, we've received more than 4,300 reports and are projected to hit 7,000 reports by the end of 2023. That represents a 2,000% increase from 2017. These numbers show that, while not perfect, our process is working. Athletes are coming forward with their stories, because they finally can. We are building awareness and trust and demanding accountability.

SafeSport's Centralized Disciplinary Database, or the CDD, is just one way we demonstrate this. The CDD is the first-of-its-kind public resource listing individuals who have been restricted or banned from sport. Today, the names of more than 1,900 individuals appear on this list, which any local sports league, youth-serving organization, or employer can easily access on our website.

As mandatory reporters, the Center often collaborates with law enforcement to bring abusers to justice. In one example, the Center reported to law enforcement allegations of sexual misconduct by an adult coach against a minor athlete. The agency had not been aware of these crimes until SafeSport reported them. The Center quickly suspended the coach from sport, more than a year before his ar-

rest. He plead guilty to criminal charges and is currently serving a five-year sentence.

And, while we seek accountability on behalf of athletes, we are also accountable to them. As a neutral and independent organization not beholden to any sport or individual, we recognize that criticism is inherent to this work. Some of the criticism is warranted, but some comes from individuals with a vested interest in setting back our efforts, whether it comes from those sanctioned through our process or their allies or from a handful of sport national governing bodies who find prioritizing athlete safety costly and cumbersome.

I am not here to make excuses. We know that there are participants in our response-and-resolution process who felt it was not trauma-informed, that there was poor communication, or it simply took too long. To them I say: we are working every day to prioritize athlete safety, and the Center is deeply committed to continuous quality improvement.

We are beginning to see feedback on our process and pledge to make improvements based on what we learn. We have ongoing trauma-informed training for our team and have dedicated staff and resources to help participants understand our process. We're actively reviewing how we can shorten resolution times, provide more information to NGBs, particularly around administrative closures, and solicit additional resources to grow our investigative staff. More importantly, our door is open to those who want to help us improve. We are dedicated to strengthening what we've built, making the Center better and more accessible to athletes throughout the country.

The kind of culture change that we're leading does not come easy, and it is truly a team effort. It's going to take all of us—center, athletes, coaches, officials, parents, NGBs—working together to build a future where inclusive and safe sport environments are commonplace; where athletes, coaches, and parents understand how to recognize, report, and respond to grooming and abuse; and where the entire athletic community stands together to safeguard athletes above all else.

Thank you, and I look forward to your questions.

CO-CHAIR XIAO: And thank you, Ms. Colón, for being here and for providing your testimony. My first question is how's the requirement that the majority of SafeSport's funding come from USOPC affected the Center independence and ability to be a safety watchdog over USOPC and the governing bodies? And, additionally, does the current funding arrangement pose any potential limits to the functions of the Center for SafeSport's operations?

MS. COLÓN: When the Empowering Olympic and Paralympic Amateur Athletes Act passed in 2020, it was a game changer for the Center for SafeSport. When I joined in 2019, with a very limited budget, we did not know where we were getting our funding, and so having funding that was secured through federal law annually was—it gave us the funds necessary that we needed to actually build out the organization. Not only were we able to hire the staff that we needed at the time, but we were also able to invest in technology solutions to help support NGBs and athletes, were able to develop additional education resources, and really build up the organization to what I think is what people really wanted to be on day one.

You know, it is interesting because when that passed it was a great day, but we quickly realized that, without inflationary adjustment and then just, you know, basing the dollar amount on the caseload that we had in 2019, those funds quickly were spent. And so, right now, we are looking for additional ways to identify more funding to help support the organization's growth, because, you know, no one could have imagined that we would see 7,000 reports in a year, and the funding levels were determined on something on numbers that were put together years ago. And so, it is something that we're consciously looking at and trying to solve.

CO-CHAIR XIAO: I will yield to Commissioner Fitzgerald Mosley for a question.

COMMISSIONER FITZGERALD MOSLEY: Thank you, Ms. Colón. What steps, if any, has SafeSport taken to increase the awareness of its Centralized

Disciplinary Database, to keep it updated, to improve its safety trainings, and to make it more widely accessible to people, particularly, you know, maybe through a Google search? And then, secondly, why—my understanding is that victims aren't able to share the findings related to their case through SafeSport, and I'm wondering why and if there could be a change to that?

MS. COLÓN: Just want to get all parts of your questions written down.

COMMISSIONER FITZGERALD MOSLEY: So, two parts: the Centralized Disciplinary Database, how is it updated, how we improve the safety trainings, and then how can we make it more viably accessible to people in general?

MS. COLÓN: Sure.

COMMISSIONER FITZGERALD MOSLEY: And then the second question about victims being able to share their findings.

MS. COLÓN: Sure. So, I'll start with the Centralized Disciplinary Database. And so, over the past several years, we've invested a lot, one, in our online presence, and so that started with SEO work, right, to make sure that people could actually find us online. One of the most common issues, I think, that the public has, particularly athletes, is that people didn't know who we were, and so we took a lot of time and investment in making sure that, one, you can find us, but also that the resources available on our website were current and up to date.

The Centralized Disciplinary Database is actually the only piece of our website that is updated every day, and so every time we suspend or ban someone or we release a suspension or a ban—well not a ban, but a suspension—that information is updated on our website, and that happens at least once a day. And so, right now, we are actually in the process of putting together a national brand campaign to focus specifically on the Centralized Disciplinary Database, because it is a resource that we feel is under-utilized and that people, one, don't know that it is there and, you know, is incredibly useful to make decisions when you are looking for your kids' next coach.

When it comes to sharing information, well your question is, what information can athletes share when they come to the Center?

COMMISSIONER FITZGERALD MOSLEY: About their particular case, yes.

MS. COLÓN: Yeah, so athletes are welcome to share their stories. We don't get in the way of that. In fact, we encourage that, because they're their stories to tell.

We do, once we go through an investigation, there are some things that we ask particularly respondents not to share, oftentimes just specific details that are actually included in an investigative report. As you can imagine, if you were a claimant in our process and the respondent shared certain information and—or maybe you were one claimant out of five—not everyone's ready to share information at their own, you know, at their own pace. And so, we don't stop people from doing that, but we do ask that certain documents not be shared publicly.

COMMISSIONER FITZGERALD MOSLEY: I just had one more, and that is with 7,000 cases, is there a way to differentiate—or is there a need to say there's certain cases that belong in a certain...

COMMISSIONER HOGSHEAD: Triage?

COMMISSIONER FITZGERALD MOSLEY: Yeah, and there's others that you spend more resources on?

MS. COLÓN: Yeah.

COMMISSIONER FITZGERALD MOSLEY: Do you do that? Because I understand it's a huge volume, and the budget may not be able to escalate in the same way.

MS. COLÓN: Yeah, the volume is a lot, and, you know, right now... Last year we ended our year, you know, roughly at 5,500 reports, which was our all-time high. And every year I tell people 'We're at our all-time high' every quarter, every year, and so it's important for us to be able to get to the most egre-

gious cases, and those that are when athletes are in harm's way.

So, you know, because the Center does not have a statute of limitations, we will continue to get reports from cases, or from allegations of abuse that happened ten, twenty, thirty, forty years ago, and we'll investigate those, but we do have to do a certain level of triaging. And so, we have an internal rubric that takes a look at complexity and severity to be able to make those decisions as we are making cases through.

Now, one of the great things about the funding that we received was that we were able to increase the size of our investigative staff, and, so as of today, we've got over sixty people internally dedicated to investigating allegations of abuse and misconduct. And so, you know, we're getting faster every day. But, you know, cases around emotional and physical misconduct take a lot more time and have proved to be a lot more complicated than we initially thought walking into this.

And we have cases, particularly in the emotional and physical abuse side, that have taken years because we continue to get more claimants or more information is presented or there may be criminal charges that are tied to it, and so there's a lot of nuance to it. But, it is a... We have to be able to, kind of, take a look at cases in that way in order to make sure we're getting to athletes quickly and as efficiently as possible.

COMMISSIONER FITZGERALD MOSLEY: Thank you.

MS. COLÓN: Of course.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Schmitz.

COMMISSIONER SCHMITZ: I'm sorry. Ms. Colón, can you explain the trend in resolution time for cases in the past few years?

MS. COLÓN: Sure.

COMMISSIONER SCHMITZ: As you stated, you have a number of cases grown—I think you said you started with 300 reports a year and now you're up to 7,000 a year.

MS. COLÓN: It's a lot.

COMMISSIONER SCHMITZ: Are those numbers correct?

MS. COLÓN: Unfortunately, yes.

COMMISSIONER SCHMITZ: Wow. And then you just mentioned you have emotional-abuse cases that sometime takes years to resolve? What generally, in the terms of resolution of these cases ... I know you can't ... Some take longer than others...

MS. COLÓN: They do.

COMMISSIONER SCHMITZ: But is there an average time from receipt of an allegation to closure of a case?

MS. COLÓN: Yeah, it really depends, right, because, one, we've got... We're taking a look at sexual-, physical-, and emotional-misconduct cases. Some of them are relatively simple for us to, kind of, get through. Some of them we decline jurisdiction back to NGBs for them to handle, because they're better handled on the ground. Others, we will work with law enforcement and sometimes beyond—and holds from law enforcement for years until charges can be, you know, pressed or a trial might be completed—so it's hard to just give you, like, this is exactly the number.

I will say that the resolution times have lessened over the years. There was a moment in time when I started, back in 2019, where our backlog was tremendous, and that was the first thing—and really the only thing—that I heard walking in the door, that, you know, SafeSport takes way too long to complete these cases and, at that point, didn't have a lot of staff. And so, you know, to Ms. Mosley's question, we had to triage quite a bit of—quite a few cases.

And so, right now, while that number is trending downward, we have, you know, we don't have a backlog, which is great. At the rate that we are seeing more reports coming in, you know, I think that we are, kind of, staring down a barrel right now with, like, what's going to happen next?

COMMISSIONER SCHMITZ: Thank you.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Moses.

COMMISSIONER MOSES: Good morning, Ms. Colón. As a member of USADA, at one point we had to take the SafeSport certification online, all the board members, and it was quite eye-opening to me. And it took, just to, kind of, take everything away from all the sexual exploitation and whatnot that you have to deal with, this concerns more day-to-day interactions between coaches and conduct that may not reach a level where you have to start an investigation, such as bullying, name-calling, shaming, blaming, withholding of participation, which was something that I had never thought of—turning athletes against each other and so forth. Maybe you could explain to the panel a little bit more about that, because I think that's one of the functions that you have that doesn't really get covered a lot.

One case that I came across was—I was on a podcast with two women from track and field about women's mental health and dealing with that, and during the podcast there was a gentleman who kept barging in online and typing, blaming them for claiming that they were taking drugs and blaming them and that they were weak and so forth. And I had to get online—they put me online live—and I had to chew this guy out. And one of the questions that I asked him, "Are you a coach? Because if you, if you are, you know, you're in violation of the rules at this point right now." So, maybe you can explain that function to the panel.

MS. COLÓN: Sure. So, you know, we've seen an uptick in emotional abuse, particularly online, since we came out of the pandemic really. And, you know, I think we can attribute that just in our daily lives,

we're just online a lot more. And we started to see more just aggressive behavior online, and athletes have been, you know, really at the forefront of that, whether it's in matches or their coaching. It's gotten pretty bad.

And so, one of the things that we focused on is, one, trying to get a better understanding of what the landscape is. So, for the last six years we've taken a close look at sexual-abuse misconduct and have gotten fairly good at understanding, you know, how that presents itself, most of the time, in sport. What we didn't know was how deep emotional and physical abuse went, and we also didn't know and didn't realize at the time the grayness of what that looks like—and to be able to help people understand and discern that, when they see it in public, how they are to cope with it. And so, you know, as we have learned more, particularly through data collection and through the investigative reports that we have, we've also been able to pour that into our educational content to, one, not only help athletes understand what emotional abuse look like and, you know, where mental health kind of fits into all of that, but also to help bystanders understand as well.

One of the, I think, bright spots that I've seen particularly with our investigations—in our world, the Center for SafeSport, you know, we don't get a lot of bright spots—but what we have seen is that there are more people coming forward about policy violation, there are more people coming forward before things escalate to that. There are more people stepping in, as you did, to correct and call out behavior, and I think that that is a symbol of a culture change. But, certainly, we've got a long, long way to go, because it runs deep.

COMMISSIONER MOSES: Thank you. I yield to Commissioner Cohen.

COMMISSIONER COHEN: Thank you very much for your comments, and I want to applaud you for all the work that you're doing in resolution, and that's obviously a very important step in the process. What I'm really curious about is—the ultimate goal is to prevent these incidents from occurring before they happen. And so, what are the steps

that the Center is taking, from a risk-management standpoint, to ensure that these kinds of incidents quit happening?

MS. COLÓN: Sure. A couple of things. First and foremost, you know, when we were opened one of our biggest lifts at the time was to develop child-safety policies that could be implemented across the entire Olympic and Paralympic movement. When we opened our doors, it just, it wasn't there. There were policies. They were not consistent, and so over the years we've been able to not only implement those policies but revise them continuously to make improvements and really help NGBs, local affiliated organizations, one, understand what the rules are but also to implement them.

A big part of understanding that, of course, is education. And so, in addition to the SafeSport core course and the subsequent refreshers that we offer online, the Center has released over thirteen modules that you can take online that focus on a number of things, everything from emotional- and physical-abuse misconduct to athletes with disabilities, medical professionals, bullying prevention, things for parents. The list really goes on, because we do think that our unique position in this movement, to truly understand how abuse presents itself, gives us the ability to develop really interesting and relevant content that's rooted in data and information to help people prevent this. Because, at the end of the day, you know, we're all trying to work ourselves out of a job, right?

We don't want to exist in a world where the Center for SafeSport has to. Like, this is our—everything that we have to focus on forever. We want to get to this place where we're preventing it and that we are making people so aware about how to recognize, how to respond, how to report, that that becomes the focus instead of the very terrible investigations that we have to do every day.

CO-CHAIR XIAO: Thank you. Commissioner Hogshead has the next question, so I'll yield to her.

COMMISSIONER HOGSHEAD: Yeah, I was wondering if the U.S. Center for SafeSport would be open to a due process...

CO-CHAIR KOLLER: Commissioner Hogshead, I just want to remind you to push your button.

COMMISSIONER HOGSHEAD: Yeah, oh, thank you. To repeat: so, the Commission is interested in whether you and the U.S. Center for SafeSport would be open to a rule that has to do with the due process that all respondents are owed and requiring them to participate in the investigation prior to the hearing so that, you know... In appellate law you can only bring up something that has been brought up and addressed, right? And then, for the hearing, to have something brand new brought up for the first time—would the Center, and you, be amenable to a change in policy that would require respondents to participate in the investigation?

MS. COLÓN: So, we're open to ongoing policy changes, right? I think the arbitration process is probably one of the stickiest pieces of what we have to deal with on the SafeSport side. And so, when it comes to changing policy, whether that is a requirement for respondents to participate or, you know, how the arbitration hearings are held, we're open to exploring what else it could look like.

You know, I think one of the great things about being an organization on the ground level is that you get to try a bunch of stuff, right? We don't have to stick to what we've done for the last five years or what people did ten years ago, you know. We're able to chart our own path. And so, one of the things that we're looking at internally right now is, you know, on all the processes, right, from the moment that we pick up the phone all the way through arbitration. And so, we're certainly open to suggestions and recommendations and process changes to make that process easier, right—if there is such a thing as an easier process. To make it just more and more efficient for athletes, because at the end of the day we're here to serve them.

COMMISSIONER HOGSHEAD: And one follow-up question that has nothing to do with my earlier question.

MS. COLÓN: Sure.

COMMISSIONER HOGSHEAD: What percentage of that 7,000—what percentage are coach-athlete? What percentage are athlete-athlete? And what percentage are minor athletes versus adult athletes on who's getting harmed?

MS. COLÓN: At the risk of me citing the wrong number, I can certainly gather that for you. But anecdotally, I can tell you that the majority of the cases that we see are going to be coach-athlete.

COMMISSIONER HOGSHEAD: Okay.

MS. COLÓN: We are seeing more athlete-on-athlete cases though, particularly when it comes to emotional abuse. And we certainly see a fair amount of minor athletes as well. And one of the things that we are internally reviewing at the moment is, you know, how we move minor athletes through our system as well, because it takes a different level of care sometimes.

COMMISSIONER HOGSHEAD: Okay. Can you provide that data to the Commission?

MS. COLÓN: Yeah.³¹⁶

COMMISSIONER HOGSHEAD: Thank you.

CO-CHAIR XIAO: For a last question for, Ms. Colón, I'll yield to Commissioner Schmitz.

COMMISSIONER SCHMITZ: So, when I was the Inspector General at the Pentagon, I was very surprised when I took over the job to find out that of all of our hotline allegations that came in—and we had literally the largest hotline in the world—that I was surprised to learn that only 20% of the allegations that actually came in were substantiated. In other words, 80% either weren't worth investigating or were unsubstantiated or non-substantiated. What percentage of these 7,000 cases you get in, what percentage result in a substantiation—in other words: a finding of a valid allegation? In other words, an abuse as opposed to whatever?

MS. COLÓN: Well, first I'll say that the cases, we don't get a lot of cases where people, that we find that people lie when it comes to abuse. So, I think that's one, like, sort of, common misconception when it comes to abuse allegations.

The second piece is that, you know, when we go through our investigative process, we're looking at a lot of different things. We're talking to claimants. We're talking to witnesses. And so, on the sexual-abuse side, you know, it's a little bit easier to, sort of, understand the facts. On the emotional side, it's very, very gray, and, you know, often times when you have an emotional-abuse case it will come down to how the person felt, and I don't know if we can ever say that that's unsubstantiated or substantiated because that's how someone feels. And so, you know, I don't have a number for you in that respect, because that is—it's deeply, deeply personal. I will say that, you know, a significant number of our cases do go through investigation and result in findings. I have our annual report here that I can certainly share with you, and, you know, again 1,900 people are on our Centralized Disciplinary Database, so I think that is certainly significant.

And then with the completions of violations, I want to say it was upwards of, like, 25% that have gone through the entire investigative process where we have found a violation. I think it's important to note that the Center for SafeSport operates not only on the SafeSport Code that we've developed, but we also take a very close look at laws and policies that were in place at the time of the alleged incident. And, unfortunately, there weren't always policies to go off of. And so, when you take a look at the policies that did or did not exist in 1975 versus policies that exist today, they're quite different, and so it's hard to, kind of, quantify and put those sort of things in the same bucket.

CO-CHAIR XIAO: Thank you. I yield back to Co-Chair Koller.

CO-CHAIR KOLLER: Thank you, Ms. Colón, for sharing your testimony and answering our questions. We sincerely appreciate you being here. Now, I will invite our next three witnesses to come to the table.

316 N.B.: Following the hearing, and after further requests by the Commission, the U.S. Center for SafeSport declined to provide this data.

We have heard from SafeSport, and now we will have an opportunity to hear from a survivor and advocate, from a governing-body SafeSport coordinator with on-the-ground experience, and a distinguished law professor specializing in child protection. Grace French is the President and founder of The Army of Survivors, which works to raise the voices of those who survived sexual assault in sports and fight for better policies to keep participants safe. And I know—Ms. French, I know you have a flight to catch, so if you do have to slip out of this panel early, we certainly understand. Scott Gray is Vice President and SafeSport Coordinator for Minnesota Hockey, who has worked to help establish new safety policies and protocols for U.S.A. Hockey as a member of its SafeSport taskforce. We are also joined by Marci Hamilton, the founder and CEO of Child USA and the Fells Institute of Government Professor of Practice and a resident Senior Fellow in the Program for Research on Religion at the University of Pennsylvania. Ms. French, Mr. Gray, and Professor Hamilton, welcome. I'll now yield each of you five minutes to share your prepared testimony.³¹⁷

MS. FRENCH: Thank you so much for inviting me to speak today. My name is Grace French, and I am the founder and President of the 501(c)(3) nonprofit The Army of Survivors. We create awareness, accountability, and transparency around the issue of abuse in sport through our pillars of advocacy, education, and resources. But how did I get here? I often wonder about this when I find myself in situations like these. I began doing this work in 2018 when I came forward about the abuse that I had experienced at the hands of the now infamous and imprisoned U.S.A. Gymnastics and Michigan State University doctor. I was abused from the ages of twelve to nineteen. It was only after I came forward that I found out that the first report of his abuse was in 1997, when I was two years old. I did not know as a young athlete how vulnerable I was to abuse. Athletes face extreme vulnerability to sexual abuse because of their complex and sometimes isolating schedules, the intimate nature of coaching and development of sporting skills, increased physical care and scrutiny, the pressures and stressors of athletic competition,

as well as concerns about career opportunities in a finite timeframe.

I was focused on being the best athlete that I could and trusting the coaches, doctors, and staff that supported me. Coming forward with my story changed my life in multiple ways, but what I failed to predict was that institutions that I had trusted with my safety failed to be transparent or trauma-informed, and then there was no support from my sport or sports-connected organizations, including the U.S. Center for SafeSport. I realized I had to be a change-agent of myself. Through all of this trauma and re-traumatization, the silver lining was that I became a part of a group of like-minded people. In the summer of 2018, forty of us came together to create a shared vision for the future, a world where athletes can train and compete without violence, because we knew that we were not alone in our experience—and, from that vision, The Army of Survivors (TAOS) was formed to turn our pain to power. Since then, our organization has expanded rapidly, and we have met so many survivors of abuse in sport across the nation and the world—most recently with their experiences with the U.S. Center for SafeSport investigative processes.

Starting in May 2022, TAOS conducted a series of interviews with diverse athletes across several different sports, genders, ages, and levels of competition regarding their experiences with reporting sexual assault. All of these survivors tried to work through SafeSport's process. We've gathered their testimony and found some common, very disturbing themes. Of most concern to me is the re-traumatization that survivors of sexual abuse have been subject to in the SafeSport process. Survivors have felt ignored, silenced through do-not-disclose agreements, had investigations that lingered for years, and had no notice of actions taken by the Center that could directly put them at risk of retaliation, and have not been supported through a trauma-informed approach. We need to also center strategies to prevent these abuses in the first place that consider the specific and coercive control tactics that exist uniquely in the sports world. SafeSport has not been a support or place of trust for athletes up to this point.

317 Extended written testimony submitted by Grace French appears following the live transcript on p. 230.

The survivors we talked to were all frustrated with the process and felt there was no transparency, nor was there good communication about their cases and investigations. This extends to SafeSport's reputation in the sports world beyond. We have heard that coaches and families are concerned that the training they provided was not tailored to each sport and did not include prevention, a prevention approach, or a trauma-informed lens. SafeSport has not engaged with organizations like The Army of Survivors or others to bring meaningful trauma-informed approaches to their work and philosophy. We have tried to open communication channels several times, only to be largely ignored. Further, SafeSport's arbitrary closing of cases with no further information given to survivors, and their holding jurisdiction of cases they administratively closed, which prevents non-governmental sports organizations from investigating and providing accountability and intervention, are just further examples of how SafeSport's systems re-traumatize and do harm.

TAOS's mission is to prevent what happened to me from happening to others, to support the healing of survivors like me, to hold institutions that failed children accountable. We see SafeSport as one of those institutions that is critical in the response to preventing abuse, and we know there are necessary changes that SafeSport must take. New legislation that is soon to be introduced, the Safer Sports for Athletes Act of 2023, championed by Representative Deborah Ross, is intended to create safer sports for athletes through key revisions that would improve the reporting process for athlete survivors, revise training guidelines, and focus some efforts and resources on prevention strategies, something that appears to be willfully ignored by the Center. I'd ask that the Commission's recommendations to Congress consider supporting that legislation as it gets introduced.

As an athlete- and athlete-survivor-founded and led organization, The Army of Survivors will continue to work toward a safer future for athletes. We hope that, through your leadership, policy change can be trauma-informed and survivor-centered. Thank you for your time.

CO-CHAIR KOLLER: Thank you, Ms. French. Mr. Gray.

MR. GRAY: Good morning. I'd first like to thank the Commission for the opportunity to participate in providing experiences and commentary in the very important topic of safety in sports, with a particular focus on protecting minor athletes from abuse and misconduct.

I'm a volunteer primarily in the sport of hockey, where we have a large grassroots membership of over 650,000 participants. In Minnesota, where I'm from, U.S.A. Hockey has nearly 60,000 players, and I've been involved actively with U.S.A. Hockey's SafeSport program since its inception in 2012. And, as you're aware, the original creation of the SafeSport policies and programs by the then-United States Olympic Committee and national governing bodies has had a tremendous impact in benefiting athletes by creating safer environments. These programs not only created awareness in educational programming but also provided systems for reporting and adjudication, with the goal of removing bad actors and keeping the misconduct from reoccurring.

In between 2012 and 2017, each NGB was responsible for conducting its own SafeSport program, and, while during that time we all know there were some really horrible cases of misconduct that did occur, for the most part, the endeavor was successful. I believe the creation of the U.S. Center for SafeSport was a necessary and important step in assisting us to appropriately respond to these challenges. From the start, the driving forces behind creating the Center were the need for the most serious cases to be investigated and resolved by an independent third party rather than the NGBs—and to have that third party include the necessary capability and expertise. Although I continue to strongly believe that the Center is an integral part of the safety landscape, I also believe that substantive changes in its practices and procedures must occur to improve our ability to respond to and resolve misconduct in a fair and timely fashion with all aspects of due process taken into consideration. Specifically, I would like to highlight three areas that I think are in need of

adjustment that I believe would not only improve athlete safety but also create a more-timely and just outcome for those parties involved.

Number one, the Center's response—and it's been discussed—the Center's response-and-resolution process is far too slow. Cases tend to languish in its system, often taking over a year, or even longer, to result in a determination. I believe the Center should narrow the scope of the cases it accepts jurisdiction over and focus its work on cases that involve mandatory reports to law enforcement or Child Protective Services. When the Center takes so long, participants in local programs can be subjected to continued misconduct by the respondent in those cases. The less-serious cases do not require intervention by the Center, and most NGBs are capable of handling the less-serious cases in a prompt fashion and, in many cases, can and should be handled by the coach or the local program leadership.

Number two, the vast majority of cases the Center takes jurisdiction over result in a determining of administration closure, meaning the Center has determined that no action should be taken. NGBs are made aware of this result but are not allowed to learn the underlying facts of the initial complaint. Or, if we were already aware, the Center's exclusive jurisdiction prohibits NGBs from taking any action on their own. For the most part, all of these cases were reported in good faith, and with legitimate concerns by the people reporting, and I believe they deserve a more-thorough and diligent review. I believe that if the Center administratively closes a case it should cede jurisdiction to the relevant NGB for its own review and ability to respond to and resolve the matter in an appropriate manner. The high rate of administrative closure erodes confidence among our constituents to the extent that concerned participants and parents don't want to make a report to the Center, because they feel nothing ever happens.

And, number three, we need to improve the cooperation and relationship between the Center and the NGBs. While the Center must remain independent in its investigatory function, I believe that if the

Center works more collaboratively with the NGBs to make sport better and, jointly, providing safe environments for sports and athletes, then all would benefit. In conclusion, I believe your Commission can provide impact for positive recommendations to greatly improve the current approach, resulting in a far more efficient responsive system to combat abuse and misconduct in sports. Thank you.

CO-CHAIR KOLLER: Thank you, Mr. Gray. Professor Hamilton.³¹⁸

MS. HAMILTON: Co-Chair, Koller and Xiao and commissioners, I'd like to thank you for inviting me today to speak about...

CO-CHAIR KOLLER: Professor Hamilton, I just want to make sure your microphone is on, so everyone... There we go. Thank you.

MS. HAMILTON: I'll start over. Okay. Co-Chair, Koller, Xiao, and commissioners—thank you for opportunity to speak today about Child USA's assessment of the SafeSport center, which was formed to secure the safety primarily of athletes from sexual misconduct and abuse.

By way of introduction, I am the founder and CEO of Child USA, and a professor of practice in Political Science at the University of Pennsylvania. I started Child USA in 2016, building on my work as a law professor on child sex abuse. It is a nonprofit, interdisciplinary think-tank, which pairs legal analysis and social science. We are the only entity to do an independent case study by the leading experts in the country on the Larry Nassar issues. What we found was that every institution that could have protected those girls did not. I urge you to read it at childusa.org. There is a nationwide epidemic of sex abuse in sports, causing potentially lifelong damage to victims that requires the Olympic system to focus on prevention as well as effective removal of offending coaches.

At least 20% of girls and 8% of boys will be sexually abused by the age of eighteen in the United States. Youth sex abuse occurs across all social strata and

318 Extended written testimony submitted by Marci Hamilton appears following the live transcript on p. 232.

institutions, including athletic. Athletics is not distinctive. It is just part of the culture phenomenon. Many victims need decades to come forward, as was shown by our extensive study of the Boy Scouts, learning that the vast majority came forward in adulthood, and over half came forward after age fifty. That is the reality of child sex abuse and young-adult sex abuse. For that reason, I do not expect the reports to SafeSport to go down. I think 7,000 is a very small number, given the millions of athletes. I expect it to go up, and I expect the need for an effective, preventive system to be of the highest priority. Children right now are being sexually abused in the Olympic system when it could be prevented. We did a survey of the Nassar survivors. We found that 100% had no knowledge of where to report sex abuse—100%; 22% said no effort was made to make any changes in response to their report; 27% said they didn't want to report because they expected repercussions.

The problem, in our view, is that SafeSport has a faulty investigative system and an opaque process through private arbitration, which is disfavoring the victims, which are the ones supposed to be helped, and it's also misleading the public. The SafeSport system is supposed to have exclusive jurisdiction over these issues. It is supposed to be about athlete well-being. As we all know, it's been limited because of the intense need to sexual-abuse cases.

The SafeSport process is two-fold. The Center investigates the claim, it reaches a conclusion or recommends sanctions as needed. If sanctions are assigned, the accused party can appeal, which triggers a private-merit arbitration hearing where the accused and the Center presents evidence to an arbitrator who is not required to have any experience or training in handling sexual-abuse cases, and which has routinely resulted in re-traumatization of the victims and reversal of well-founded claims. Nearly half—42%—of the appealed SafeSport decisions come out unfavorable to the victim. When the athlete comes forward, they are guaranteed nothing. They are often told it is a confidential process, they may not talk to anybody, and they are given no report.

Private arbitration for youth sex-abuse claims plays into the hands of perpetrators and the institutions that cover up for them. It disables victims' voices and leaves future athletes vulnerable to preventable sexual abuse. Numerous coaches that SafeSport would have removed were permitted to return coaching following arbitration without any official public record of the claims made against them. At the same time, the USOPC was settling lawsuits involving the same perpetrators. Athletes and parents deserve much better. Child USA recommends elimination of the private and opaque arbitration process and replacement with an expert panel, whose members are drawn from a pool of trauma-informed medical, psychological, and legal experts in the field. Otherwise, the poison will continue to circulate within the Olympic system, and if you don't let the poison out it cannot be solved.

Finally, very quickly, it's widely known that SafeSport's Board of Directors and its employees, too many are coming from the defense side. That is not what SafeSport is supposed to be. It's supposed to be for the athletes who've been abused. It is not supposed to be a judicial proceeding. We highly recommend that SafeSport look very carefully at who it's hiring and who it's putting on its Board of Directors and make sure that they are victim-centered, trauma-trained, and that is the only way that the Olympic system is going to be able to—not put this behind them but to—come to terms with the reality so many organizations are facing. Thank you.

CO-CHAIR XIAO: Thank you to our witnesses. I'll begin the question by recognizing Commissioner Cisneros Prevo.

COMMISSIONER CISNEROS PREVO: This is to Ms. French. I know you have a flight to catch, so thank you for your testimony. Congress gave SafeSport jurisdiction over abuse cases in 2017, the year before you courageously came forward as a survivor. In your testimony you said that SafeSport did not protect you. You also described trauma-informed practices recognizing both the impact of trauma and preventing re-traumatization. Do you believe SafeSport employs trauma-informed practices, and, if not, how can SafeSport better implement such practices?

MS. FRENCH: Thank you so much for your question. The short answer is no, I do not believe they employ trauma-informed practices because of the experiences I've heard from survivors who are currently going through the process. I, myself, did not report to SafeSport. I think there is opportunity for them to continue to support athletes who come forward no matter what. With that said, survivors we've heard have talked about feeling like SafeSport wasn't able to communicate when they were moving their case forward, they didn't understand what the process looked like, and there was a loss of trust throughout that process.

An example that I've been given permission to use is that an athlete who was going through the SafeSport process reported suicidal ideation to the U.S. Center for SafeSport. The U.S. Center for SafeSport responded in one email giving him a 1-800 number and then promptly closed his case. There was no follow up from the U.S. Center for SafeSport. There was nothing after that. This is a matter of life or death for many of the survivors who are reporting to the U.S. Center for SafeSport, and this re-victimization that we've heard from almost all athletes we've talked to has been incredibly harmful to their mental and physical health. Thank you.

CO-CHAIR XIAO: Thank you. I'd next like to yield to Commissioner Schmitz.

COMMISSIONER SCHMITZ: Professor Hamilton, in a related question, can you speak some more about why you think it's important for SafeSport to hire, I think you were referring to the arbitrators?

MS. HAMILTON: No. No. I was referring to...

COMMISSIONER SCHMITZ: ...investigators and arbitrators?

MS. HAMILTON: ...and board members.

COMMISSIONER SCHMITZ: ...with a background specifically in child sexual-abuse trauma.

MS. HAMILTON: So, the science of trauma has

become very highly reticulated. It is now quite clear. It's settled how trauma actually operates on the victims. It operates in both psychological-emotional and physical ways. There's a higher incidence of MS³¹⁹ among female victims of rape than there is among the general population. So, the trauma has to be part of what the person brings, the understanding of that trauma, to be able to deal with these issues. It is my view that, and it's actually Child USA's view, that if you have people who are hearing child sex-abuse cases or youth-adult, because there's—we don't view any difference up to age twenty-five—if you have those cases decided by someone who is not well-trained in trauma, they are going to inevitably re-traumatize the victim and discount their claims.

It's just common. This is how it happens, right? So, we analyze and we track all the major institutions that have had child sex-abuse problems—the Catholic Church, Southern Baptists, Penn State, Michigan, all of these entities—and what you find is that the instinct is always to protect the institution and the person. Always. We prefer and protect adults, and that the victims get pushed aside, the change factor is if you understand the trauma and how it operates, and so if you have a victim who comes in and they are severely drug-addicted, they're not making a claim out of the addiction. The addiction is likely coming out of the abuse.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Korb.

COMMISSIONER KORB: Thank you. Ms. French, thank you again for being here today. Can you describe any jurisdictional conflicts or confusion you've been made aware of from athletes regarding SafeSport? I know you mentioned that. What do you hear from the athlete community and from survivors who have participated in SafeSport's process?

MS. FRENCH: Thank you for your question. I think athletes that we've heard from are extremely confused about where to report first. They do not understand who has jurisdiction, and when,

319 MS = Multiple Sclerosis.

and I've heard from several athletes that they believe the U.S. Center for SafeSport is only for sexual abuse, so if they're experiencing physical or emotional abuse they feel as if they don't know where to go. Should they go to the NGB? Should they go to the police? Should they go to just the organization, the gym that they're in. I think the other thing is that SafeSport has been a damaging institution for those people who have gone through the process itself. So, it's not doing a good job of being transparent throughout the process. It doesn't make survivors feel supported, and I believe there's a second part to your question and I apologize for missing that part.

COMMISSIONER KORB: Not at all. I think you shared that, but the second part of the question was: what do you hear from the athlete community and from survivors who have participated in SafeSport's process?

MS. FRENCH: Oh, yes.

COMMISSIONER KORB: You answered.

MS. FRENCH: Yeah, I can continue on that line for a while here. Further, athletes and parents don't feel that SafeSport is a trusted or respected entity, so oftentimes, they feel as if why should they report to SafeSport if it isn't trusted. If the process is re-traumatizing, why would they continue to go to it for training or for reporting? Cases are ended without notice. Cases are—there's no support after. I think there's a general lack of trust within the athletic community with victims of abuse to go to SafeSport. Thank you.

CO-CHAIR XIAO: Thank you. I'd like to yield to Commissioner Cohen.

COMMISSIONER COHEN: Thank you. My question is for Mr. Gray. I'm curious—how has SafeSport changed athlete safety within your NGB compared to the internal processes that you had in place prior to SafeSport's establishment, and were there any gaps, failures, or added burdens that were brought on by SafeSport?

MR. GRAY: So, to clarify, are you talking about the original SafeSport policy in 2012 or the Center for SafeSport?

COMMISSIONER COHEN: The Center for SafeSport.

MR. GRAY: Okay, so, as my original statement, in, you know, between 2012 and 2017, each NGB was doing their own thing, and it was working fairly well other than the cases we all know about. The Center improved things in 2017 because it created the outlet for all the NGBs to assign the really serious cases that, frankly, most aren't capable of handling. The larger ones maybe, like us or, you know, some of the other bigger ones, but the Center was critical in that aspect, essentially taking that off the backs. And you got to keep in mind, most of the people in these NGBs are volunteers, and it can be pretty burdensome, so that was one great effect, and then the ramped-up rules for screening and for video training. That all helped too, because it created awareness for parents and kids alike as to how to identify certain things that might happen. So, I guess your specific—did it improve child safety? Yeah, I think the increased awareness, screening, and—arguably—better ways to address the most serious cases helped us.

COMMISSIONER COHEN: And the second part was: were there any added burdens to you, from an administrative standpoint?

MR. GRAY: Well, the burdens now are—I talked about how it's just too incredibly slow. I mean, I've done since 2012 in the neighborhood of 1,500 SafeSport investigations myself, and they take two weeks, or a month at the most, depending on how involved and how many witnesses and how available they are to reach and talk to and all that kind of stuff. But there's no reason it should take more than a month. Absolutely not. And then, secondly, my other point was the cases that the jurisdiction was taken and then they administratively close, and we don't know what it is that the person supposedly did, and I think we should. The parents or the athletes that reported those concerns, for the most part—now, there are bad-faith complaints, but for

the most part—reported those out of a concern and good faith, and I think they're owed the diligence to look into what they're complaining about and not just close it out.

COMMISSIONER COHEN: Great, thank you.

CO-CHAIR XIAO: Commissioner Fitzgerald Mosley, I'll yield to you now for your question.

COMMISSIONER FITZGERALD MOSLEY: Mine is for Mr. Gray as well. It's kind of a follow-up to Mr. Cohen's question. Yeah, in your testimony, you were talking about narrowing the scope for the U.S. Center for SafeSport to more serious cases and then let the NGBs handle less serious cases, and I'm wondering, you know, how do you think this collaboration between the U.S. Center for SafeSport and the NGBs would, you know—how would it work in your view? What the collaboration would look like? And what steps should we take to bring this, you know, to fruition, to make this a safer process for the athletes?

MR. GRAY: Thank you for that question. I'm glad you asked that question, and it kind of fits in with what the professor was talking about. I firmly believe that the Center's resources were used to build a system that better addresses the concerns she laid out, and, in so far as focusing on the most serious cases, which I think we can agree for the most part are sexual-misconduct cases, and build a better structure where maybe there is some support afterwards for the athlete, and the cases are handled more quickly, and all of those things that people have talked about. If the Center focused its resources and efforts on that kind of stuff rather than some of these more minor cases, we're very capable as NGBs to deal with those, and the last piece would be the Center could also provide training, educational materials, even updated policies and procedures that we could follow. But let us do it, and let them focus on that critical stuff that we really aren't capable of doing.

COMMISSIONER FITZGERALD MOSLEY: Can I just ask a follow-up question, because—is Edwin down there still? Yeah, when we went through,

the two of us, in U.S.A. Track and Field in the mid-1980s, there was this—it was kind of like SafeSport was, what you're saying between 2012 and 2018 or whatever, there was a bit of a, you know, 'fox guarding the hen house' situation. And in the case of U.S.A. Track and Field and, quite frankly, the USOPC at the time—or USOC at the time—there was this non-punitive drug testing that was happening. People were told: "Hey," you know, "you've got a positive test. You may not want to show up to this meet." I remember this mass exodus from the 1983 Pan-American games after everybody found out that they had tested positive, but there was no, you know, no punishment happening. So, you know, I think Professor Hamilton said that the instinct is always to protect the institution and the perpetrator, and not the victim, so I'm wondering—do you see how that might cause, taking the clock back a little bit and putting some of these cases in the hands of the NGBs, might not work out so well for the victims.

MR. GRAY: I can see that being a concern, definitely. But, you know, we've also heard concerns along the lines that if the Center is heavily funded by NGBs then there's a concern there, too. I would firmly be in favor of some kind of reporting mechanism, where when the NGB does—there is one already, frankly—I mean, when the NGB completes a case, we have to report the details of that to the Center, and...

COMMISSIONER FITZGERALD MOSLEY: Yeah. So that's the collaboration you would...

MR. GRAY: ...collaboration there so that they're monitoring it, and I think that's appropriate.

MS. HAMILTON: May I add just a point to that, if that's okay? The need for comprehensive policies is acute in the Olympic system. We put together what's called the "Gold Standard for Child Protection." Right now, I would say that the Olympic system is doing about 25% of it, but if that were instituted, the NGBs would have the help they need and guidance.

CO-CHAIR XIAO: All right, we have time for one more question from Commissioner Hogshead.

COMMISSIONER HOGSHEAD: I'm going to follow up on what you were just saying, which has to do with—can you provide an expert opinion on the types of cases that SafeSport should be handling directly versus what the NGBs are doing? And what types of culture change should the whole Olympic movement be concerned with when it comes to, say, boundaries between coaches and athletes?

MS. HAMILTON: That's a lot, but that's exactly what needs to be done: an entire culture change. There needs to be a flip in the system from the current power structures to an athlete-centered system. An athlete-centered system would be one in which athletes are supported and in which there is a real dedication to prevention through the policies that we know are tried-and-true but are not yet close to being implemented at any level of the Olympic system at this point.

But the science is there. That's what's frustrating. The will is there by this Commission and really the public. The science is there. It can be so much better. But, going back to SafeSport's jurisdiction, you know, we study these things. We have two journal articles in review. One is about poly-abuse—physical abuse, emotional abuse, and sexual abuse. I think that SafeSport should be focusing on sex abuse. It should be coordinating with every law-enforcement officer it could find. They're really good at investigating sex abuse—a lesson the bishops had to learn.

With respect to emotional abuse and with respect to physical abuse, emotional abuse is slightly over 50% of all athletes. Those are issues that need to be handled at the NGB level, and they need to be enforced against the coaches, and the coaches need to be educated on why they can't engage in physical and emotional abuse, and they can't cover up sex abuse. So, I just think they're two different arenas for athlete well-being; you've got to cover all three. I would put sex abuse over there.

With respect to the lesser sex-abuse claims, I'm not sure, because the reality is—the science is—that a child who is touched over their clothing may have more trauma than a child that is raped. The harm that's done to a child, you can't put it on a chart of

touching up to rape. And so, given that, I do worry about coaches that are out there touching the athletes inappropriately. Maybe not taking them in a secret space, but when they're touching them inappropriately they're creating a potential for lifelong trauma. So, there's a lot to be done. But, as I said, I'm very optimistic because the science is there, it just has to be implemented.

CO-CHAIR XIAO: Alright. Thank you. I yield back to Co-Chair Koller.

CO-CHAIR KOLLER: Thank you all so much for being here today. The Commission sees your input as invaluable as we consider recommendations that will make movement sports safer for all who participate. This morning we learned about the history of the movement and its governance. We heard from some of its most senior leaders, and we explored the critical issue of safety. We will now take a break for lunch. When we re-convene this afternoon, the Commission will hear about athletes' rights, equity and accessibility and participation, good governance practices, and how to build a better system for youth and grassroots sports in our country. Our hearing will re-convene promptly at 1:00. Thanks.

[BREAK]

CO-CHAIR KOLLER: I'd like to call this hearing back to order. Our first session this afternoon will be divided into three parts. First, we will hear from two distinguished leaders in the field of athletes' rights and representation who can speak to a number of current challenges facing athletes across the movement. And, as we do, I want to take the moment to remind our witnesses and to all those who are here with us and listening on the livestream that this Commission is, of course, not just focused on Olympic sports but Paralympic sports as well, and I hope we will all be mindful of that.

I'd like to introduce our witnesses. First we have Donald Fehr. Until last year, Donald Fehr served as Executive Director of the National Hockey League Players' Association, and he was previously the Executive Director of the Players' Association for Major League Baseball. He has spent nearly half a

century as an advocate for athletes and, in doing so, not only helped make our favorite pastimes more equitable and fair but stronger and more commercially successful as well.

We are also joined by Ed Williams, a former prosecutor, champion athlete, past Chair of the USOPC Athletes' Advisory Council, and long-time advocate for athletes' due-process rights under the law. He also testified before the 1976-77 President's Commission on Olympic Sports, making him truly a living link between that independent governmental commission and our own. Mr. Fehr?³²⁰

Mr. Fehr, I just want to remind you to hit your button. Sorry. Thank you.

MR. FEHR: Is that better? Thank you. It's been a long time since I've been in this hearing room as a witness. I can't tell you that I've missed it. I will say that, in one sense, it's unfortunate that I'm here again, because that means this Commission is necessary. But it is necessary. So, what I'm going to do, if you'll permit me, is summarize my written statement, which I ask to be included in full in the record. And I have a reputation of being not warm and fuzzy, so I don't intend to do that. I'll adhere as closely to the five minutes as I can.

First, my opinions represent the accumulated views of fifty years of experience doing this. In October of 1975, I first started representing Major League Baseball players. Second, this law that established this Commission was established in the stark light of abuse. All over the papers, all over the newspapers, damaging the brand, the athletes, the coaches, and everyone. But, this effort is one of a long series of efforts. Previous approaches tried to figure out some way to have others take care of the athletes better. I think we're finally at the stage where we simply need to take to heart the words of the law, and we have to empower the athlete.

We have to make certain that they have the resources necessary, if you will, to take care of themselves. Doing so means fundamental change. As I said, I've been doing this a long time—1975 until 2010 with

the Major League Baseball Players' Association, twenty-five years plus as its Executive Director, and twelve with the NHLPA representing hockey players, a position from which I just retired. In both organizations, in addition to the ordinary collective bargaining responsibilities, I represented those players in all discussions and negotiations relating to Olympic matters, including participation in the games, in the international federation world championships, as well as the World Baseball Classic and the World Cup of Hockey, which are joint international championships put on by the players and the owners in the two leagues but with the participation of the relevant Olympic country and international federations by contract.

Within this movement, I was a public-sector Director of the USOC from '96 to 2003, heavily involved in a wide variety of issues generally at the executive-committee level and with the AAC. I was a member of the Bid Oversight Commission reviewing Salt Lake. That report was issued in 1999. And I left the USOC board in 2003 when John McCain, who was then Chairman of the Senate Commerce Committee, asked if I would chair what came to be called the Independent Commission on USOC Reform, which the USOC then established.

This is sort of a long way around saying I've seen this, I believe, from every angle possible. What does this experience tell me? It tells me, principally, that there's two ways to go at this. We can say: "Here's a problem, how do we fix it? Here's another one, how do we fix it?" I suggest that that's an endless task, and the problems of tomorrow are not going to be consistent with the ones of today. What you need to do is create a different governmental framework that works and then entrust the people operating that framework to solve the problems and hold them accountable if they don't.

The Independent Commission report in '03 essentially said: 'Let's get rid of this 120-plus person board, and let's have independent directors and end the political infighting.' And we hoped that that would make a big difference. Our report was not adopted. The USOC did make changes in this re-

320 Extended written testimony submitted by Donald Fehr appears following the live transcript on p. 234.

gard, but if asked the question ‘did it work?’ we only have to look around the room, because if it had we wouldn’t be here.

I start as my bargaining training teaches me with a summary of what the entity is. What in the world are the Olympic Games, which are shrouded in mythology? I hope this is not overly blunt. The Olympics today are a commercial-entertainment enterprise. They are a show consisting of athletic competitions of individuals and teams representing nations. Fans—everywhere else we call them customers—purchase expensive tickets to watch the show. Broadcast entities pay large sums of money to broadcast it. Businesses pay the broadcasters in the Olympic Games these large sums of money to advertise on the broadcast and on the boards around the rinks and at the games. Sponsors pay a lot of money to associate themselves with the games. Merchandise and souvenirs are sold all over everywhere.

In other words, lots of money is changing hands in big-dollar, garden-variety commercial activities, and a very long list of people and businesses are getting paid and making profits. And the Olympics have no business risk, as that term is ordinarily understood. There is no competition, and the product doesn’t look like it’s going out of style.

But there’s an exception. The exception is the athletes. Consider that people who watch the games, or want to be associated with them—advertisers—do so because they want to watch the athletes or because they want to be associated with the athletes. The athletes are the stars. They bring the fans. They bring the advertisers and the sponsors. Consider what would Audi’s four rings be worth if they didn’t have cars? With all due respect, I don’t think the Olympic rings would be worth very much if they didn’t have the athletes.

Consider one other example, which I use educating players about what their role is in both sports. If tomorrow we changed every person who has every job in the U.S. Olympic movement and threw them out and got new and put on the games, the fans would not notice the difference. You change

the athletes, you don’t have the best in the world, everything changes. And, in my view, it’s time we empower the athletes, as I said, to take care of themselves.

I offer several ideas. These are not specific recommendations for legislation or for amendments to the USOC Constitution or Bylaws. They are concepts, and if this Commission decides that fundamental reform is needed, here are some ideas you could consider.

First, recognize that the USOPC board is not, in any normal sense, responsible to anyone. There are no shareholders. There are no bond holders. There are no owners. If you say they’re accountable to the people of the U.S. or the Congress, that’s great—but that only matters when the scandals have been running around in the newspapers for two years. Given the short careers of the athletes, by the time that happens, of course, the damage is done. The board members are accountable only to themselves, and I don’t even have any idea how their performance is measured or by whom. First question, then, is: who is the constituency to which the board owes allegiance? I suggest it’s the athletes, because I can’t think of another one.

Second, the athletes’ voice on the board needs to be enhanced or empowered. The way it’s been structured throughout my tenure, the athletes can always be out-voted on every issue. Among the things that could be considered would be to increase the vote of the athletes to 50%. Second, I would eliminate in whole or in part for the athlete representatives the requirement that an athlete representative have been an athlete within some defined period of time. If other people that name individuals to the board can ask George W. Bush or Barack Obama to be a board member, I don’t know why in the world the athlete can’t. You have to trust the athletes to make the choice. And I would also give them the right to remove a board member they name if they believe that board member is not acting in their interest. An alternative to this would simply be to give the athletes veto power over certain key decisions: CEO, other officers, budgets, things like that. I think the athletes ought to have the right to audit

any Olympic organization any time they want to make sure that it's working right.

Last in this regard for a closing thought, I think athletes would be well served—and the movement would be well served—by creating an organization of athletes with sufficient funding, which is entirely controlled by the athletes, run by professional staff of their choosing, and solely dedicated to their benefit and welfare. If an athlete has an issue—or the parent of one—they need someplace to go where they know that people are on their side and their side only.

Last comment, and then just a couple of stray thoughts regarding earlier testimony. Athletes are not usually considered employees in the ordinary sense. They don't get W-2s, as far as I know. Most of the time, they don't. But the notion that, somehow, they don't work for the Olympic movement or the USOPC or their NGB is just silly. You can't say that with a straight face. And, if you're going to be an Olympic athlete, your potential opportunity cost is enormous, because if you are training for years, what are you not doing? What other employment or educational opportunities are you not availing yourself of? I don't think I have to spell that out. And while in a few careers a lucrative professional contract is always possible, that is not true for the overwhelming number of athletes.

I therefore would suggest that thought be given to establishing some sort of mechanism to consider what kind of arrangements or agreements are appropriate to make sure the athletes are protected, that they are treated fairly, and that the conditions under which they train and compete are appropriate and that their contribution to the USOPC and their own NGB is recognized. For various legal reasons, I'm not here suggesting a traditional union. Happy to talk about that if anybody's interested, but I believe people can work this out.

Many people, my guess is a whole lot of volunteers and staff, are going to respond by saying: 'These things aren't necessary. We know what's best for the athletes. We can take care of them. Everything that should be done has been done.' Perhaps, but I

don't think history suggests that that's right.

And, accordingly, my recommendation comes down to this: you have to empower the athletes, and then you have to trust them. They are not children. Some of them are young, many of them are not. There's a lot of eighteen-year-old hockey players, too. The union works just fine. I've had the privilege of representing elite athletes and working for them for five decades. They can handle it.

Three other quick thoughts. First, decisions at the USOPC-board level and the NGB level are made just like everywhere else. They're made reflecting whatever the power dynamic on the board is. That's what needs to be looked at.

Secondly, I watched on TV some of the earlier testimony, and there was a comment that we are doing what we can to make sure the athletes' voice is always heard. I started laughing when I heard that. I don't mean that in a caustic or demeaning way to the person who said it, but that's what every management says when it doesn't want a union or athletes' voice. 'I know what's best. You have to trust me. My door's always open. Come talk to me.'

Third, why professional staff for an organization? You learn a lot of things training to be an athlete. How to run an organization like that and represent athletes is not one of them. Ask Ed or Nancy how those lessons are learned. They don't come overnight, and they're not apparently immediately obvious.

Last, I hope as some comment was made earlier that there is a surplus at the L.A. games. I hope we don't end up with any white elephants like the stadium in Montreal that's been there since 1976. But I suggest that there's a reason there was a surplus in 1984. The reason is the athletes didn't get paid anything. That's why. Any company can make a lot more money if it's not paying its key staff. No issue about that.

And I would then close by saying: where does the money come from that comes into the Olympic movement? This isn't Europe, where it's an appro-

priation from the federal government. It comes from people who want to watch or be associated with the athletes. If you take nothing else out of my testimony, I would ask you to remember that. Thank you, and I apologize if I went on too long.

CO-CHAIR KOLLER: Thank you, Mr. Fehr. Mr. Williams, at this time I invite you to share your testimony with the Commission.

MR. WILLIAMS: Thank you, Madam Chairman. Just for the record, my name is Edward Williams. I'm an Olympian in the sport of biathlon. That's why I have the assistance of someone to translate if I can't hear some of your questions. I've chaired the U.S. AAC for four years. I was the Chairman of the Legislation Committee of the Olympic Committee for eight years and sat on the USOC board for eight years. I have represented hundreds of athletes in Section 9 right-to-compete cases and Section 10 NGB-non-compliance cases, many of them on a pro-bono basis.

And, in February 2018, when former CEO of the USOC stated to the world at the Winter Olympics in South Korea that the Olympic Committee did not have the authority under the Sports Act to oversee and regulate its own member NGBs, including Gymnastics, I founded—and I now co-chair with Nancy Hogshead—the Committee to Restore Integrity to the USOC. Over 350 Olympic athletes, other athletes, parents, and supporters have joined Team Integrity in our mission to reform the USOC and have it truly put athletes first.

As a side note to my prepared comments, if you go on the internet and type in USOC and Team Integrity, your laptop will light up like the Christmas tree in Rockefeller Center to show you the impact we have had through the press. I acknowledge that the Olympic Committee has made significant improvements to address the sheer, serious shortcomings laid bare by the investigation of the criminal acts and the abuse of girls and young women—particularly in U.S. Gymnastics but not limited to them, to Swimming, Taekwondo, Judo, other sports. But there's much more to be done.

I have previously submitted a fifty-five page—sorry for that—a fifty-five page written submission to this Commission which, at some point, maybe some of you already read it. I will briefly highlight five points.

One, these are recommendations. An independent, private-sector Inspector General must be appointed to monitor and oversee the operations of the USOC—I call it the USOC, excuse me, USOPC—until such time or as he or she determines that the USOPC can responsibly carry on without close oversight by the IPSIG. And we can discuss later if you wish during questions and answer why I think that's necessary.

Number two, the Sports Act should be amended to require that the USOPC must itself provide the same due process to athletes that the Sports Act requires NGBs to provide athletes. You're probably amazed to know that the USOPC, under the Act, is itself not required to provide due process to athletes or to affiliated non-employed members. Can you believe that? That's the due-process loophole that needs to be changed.

Number three, athletes should directly elect their own athlete representatives to the USOPC board, and they should be the voice of the athletes. Thank you, Don, for emphasizing that. Gone should be the days when the USOC trots out an all-star alumni Olympic athlete who has not been elected to be a representative to the athletes to speak on their behalf and says that Blackmun did "*a phenomenal job*" just as it shamelessly happened on February 8, 2018.

Number four—and there are really three parts to my number four. (4)(a) I'm a lawyer, sorry. The USOPC should vigorously educate its member NGBs and expand its efforts to ensure that athletes are provided due process in both disciplinary and eligibility disputes. (4)(b) The USOC must expand and put in place a more rigorous review of athlete- and team-selection procedures to ensure that they are clear, unambiguous and free from non-objective discretionary requirements. (4)(c) The USOPC must closely monitor and enforce the Sports Act membership requirements for NGBs as well as strengthen and follow its own policies to ensure

compliance and athletes' well-being. Well, that's sort of a given, isn't it? But it's required.

These efforts, these three efforts, (4)(a),(b), and (c), if followed, will largely eliminate the need for Section 9 or Section 10 complaints. The Borders Commission spent an enormous amount of time—and they did a terrific job—they spent a lot of time on, “Oh, how can we improve the Section 9 processes? How can we improve the Section 10 processes?” That's not my suggestion. My recommendation is that the USOC do a better job so that Section 9 cases and Section 10 cases don't have to be brought.

And, by the way, Section 10 cases—this is the NGB-non-compliance cases—although it looks plain and simple in the bylaws, they are terribly expensive for athletes to bring. I have prosecuted six Section 10 cases. Each one of them, in terms of attorney-time, costs over \$200,000. No athlete could possibly expend that—and, my law firm will no longer do it. They said: “Ed, you've reached the end of your pro-bono work.” Section 10 cases just cannot be prosecuted by athletes on a paying basis. If there has to be a Section 10 case, there has to be another way to bring it.

Finally, in my number four, in connection with its review of NGB compliance, the Olympic Committee must go beyond simply checking the box to see if the NGB has, ‘Oh, you have this Sports Act requirement in your bylaws. Check.’ No, no, no, no. The USOC has to go beyond that and actually look and see whether or not the NGB is actually following the required bylaw that it puts in bylaws. That's where the rubber meets the road.

So, in conclusion on my point four, a long one, a measure of whether or not the Olympic Committee is successful or not is whether or not Section 9 and 10 cases are being brought. If there are Section 9 failure-to-provide-due-process cases or Section 9 failure-of-selection-criteria cases or Section 10 failure-of-NGB-compliance—if a number of them are brought, hey, that is a signal that the USOC has failed. Zero Section 9 and Section 10 cases should be the objective of the Olympic Committee.

Here's my number five, finally. A new staff position, an attorney athlete-advocate, should be created and funded by the USOC. This person will work independently of the USOC off campus to prosecute Section 10 cases, if necessary. Hopefully there will not be any. And this athlete advocate, paid by the staff, paid by the USOC, shall be able to give legal advice to athletes, something that the Ombudsman is not permitted to do. This attorney athlete-advocate must be a graduate of a highly ranked law school, have an enviable academic record, and be paid at least as much as the current Ombudsman is being paid.

And my final point on number five is the existing requirement of exhaustion of administrative remedies within the NGB, which has been used not only by the NGB but by the USOC itself to stymie and block Section 10 complaints, must be dropped.

Okay, finally, some bullet points. Quickly. (A) The USOC needs to be more transparent. I will not recount ways, except to refer the Commission to Exhibit-E of my fifty-five-page submission written earlier.

(B) The mantra of the USOC leadership and staff should be “athletes first,” and, as we say in the military, “selfless service.” Every proposed project and decision should be made through the lens of ‘how will this benefit the athletes?’

(C) The USOC leadership, both staff and the board, must engage in a program of self-education. Just ask Mike Harrigan³²¹ about that. Many good things and lessons learned in the past have been lost and forgotten on account of the lack of any institutional memory within the USOC.

(D) Getting close to the finish line. Although it's very sad to even have to think about it, the USOPC board must take steps to guard against the possibility of being kept in the dark or even misled by paid staff. Sorry to bring it up, but that's a possibility and may have happened in the past. Read my fifty-five-page submission. Direct reports should be made to the board by the Chief Compliance Officer as well as the Ombudsman detailing athlete abuse and pending and threatened Section

321 Michael Harrigan served as the Executive Director of the 1976-77 President's Commission on Olympic Sports.

9 and Section 10 cases. A Board of Directors can only carry out its responsibilities if it's an informed board.

(E) The USOC's whistleblower policy must be expanded and enhanced with whistleblowers having direct access to the Chief Compliance Officer. Finally, the Olympic Committee has to be a bit more humble and more accepting of criticism and more tolerant of unsolicited and even unwanted advice. The USOPC must step back and engage in critical self-evaluation, which history shows, with a few exceptions, it is incapable of doing.

This is a tall order, but reforms can only be accomplished if the USOPC is populated by people with high character who possess a moral compass that points true north and who are driven in their work by a sense of commitment of selfless service to the athletes that the USOC is supposed to support. Thank you so much, ladies and gentlemen.

CO-CHAIR KOLLER: Thank you, Mr. Williams. And, I just want to take a moment and clarify for the record, I believe you said it in your testimony, but all of your recommendations and all of the suggestions that you make apply as well to the Paralympic movement and to our Paralympians as well. Am I correct about that?

MR. WILLIAMS: Thank you so much.

CO-CHAIR KOLLER: Yes, thank you.

CO-CHAIR XIAO: Mr. Fehr, I want to turn back to you for a moment. Over the years, many people have suggested unionization as the solution, and you said in your testimony that, for various legal reasons, that is not what you were recommending. Could you elaborate, at least briefly, on why this is not a viable across-the-board solution?

MR. FEHR: I don't want to suggest it isn't viable. I do want to suggest that we're not in a position to make that judgment. First of all, unions normally require employees. The whole relationship would have to be redefined, or statutory authorization for some different kind of arrangement would have to be made. That requires the Congress.

Second, the way the current law normally works, you don't say "okay, we're going to have a union.' You have to bargain. You have a union in an appropriate bargaining unit. I don't know whether the agreement should be all athletes with the USOPC, the national teams with their local governing body, individuals with respect to the various federations, or what the circumstance would be. That takes a lot of time and work and effort to work out.

Third, the way the labor law works in the U.S.—with two exceptions: public-employee unions and the Railway Labor Act, which governs railways and airlines—is it operates on the adversary system. The theory is you're supposed to bargain in good faith. No one actually knows what that means until after the fact. But then, either side—management or labor—can resort to concerted action, that is to threaten a lockout or to threaten to strike or to engage in one or the other. Normally, you have ongoing businesses which the employees might be able to work elsewhere and the customers might be able to buy other products. There's competitors.

You don't have that very much in the professional sports leagues, but in the Olympic movement—if you look at the Olympic Games, for example, you've got two games every four years, one opportunity every four years for each athlete—unless somebody, I suppose, is both winter and summer. Unless that needs to become the focal point of the dispute—'what are we going to do for this game?'—you ought to look to find some other mechanism. I don't know if there is one, but my suggestion was that that needs to be examined. There are all kinds of models for arbitration of various things and mediation that might make sense.

CO-CHAIR XIAO: Thank you. Mr. Williams, since the departure of Scott Blackmun as USOPC CEO, have you seen improvement in USOPC's oversight of governing bodies as well as transparency in communicating with athletes, based on your own experiences?

MR. WILLIAMS: Thank you, Mr. Chairman. In terms of oversight of NGBs, there has been, I would say, significant improvement, and that was with the hiring of a Chief Compliance Officer, a former Assis-

tant U.S. Attorney, thank you, who has done a very credible job as far as I can see. And my law firm is very happy to put us out of business.

You really can't have athletes and attorneys acting as private attorney generals. That has to be done in-house, and the Chief Compliance Officer, as far as I can see—I'm not an insider—is doing a credible job on that. But there are still several shortcomings that I've seen. The first one, and Don has mentioned it, is lack of accountability. There is no accountability by the USOC board to anybody, certainly not to athletes.

I want to read to you a sentence that I received yesterday from an Olympic athlete who was very much involved in the past as Chairperson of the Athlete's Advisory Council, who had sent me some very nice bullets. And here is what she said, and it resonates very true: "*The USOC has no meaningful accountability. Athletes have been left to use the media to bring intermittent attention to problems, because there is no other meaningful way for them to make known their position and to have the USOC respond.*"

The short-track issue—in which I represented a number of short-track cases, athletes—was only brought to a head when Phil Hersh of the *Chicago Tribune* wrote a scathing set of articles in the *Chicago Tribune*. We also know about the *Indy Star* with gymnastics when attorney Johnathan Little got his hands on a whole pile of secret files and delivered them to the *Indy Star*, and published them—and then, boom! The USOC started to take reaction. That is not the way accountability should work.

Exhibit (C) to the question of 'have things improved?' and why there's a need for independent inspector is that the USOC, two years after the blowup in South Korea in February 2018—two years later—it voted to give Mr. Blackmun \$2.4 million because of what one captured athlete at the press conference in Korea said: he had done such "*a phenomenal job.*" And the disclosure of the \$2.4 million took place on July 3, 2019, months after Ropes & Gray came out with its report. How do you think that set well for the athletes? Was that putting "athletes first?"

I'm going to take a minute to add to this. Remember Les Moonves, CBS? He had a contract with a severance agreement just like Scott Blackmun did, which

was the reason the USOC board gave—'Oh, we have to meet his severance agreement.' Well, Les Moonves had a severance agreement too, and Debevoise & Plimpton, subject to the work of Ropes & Gray, did a scathing report and recommended to the board of CBS: 'Hey, you can't give him a severance agreement.' And guess what? They didn't. Les Moonves sued and lost. Giving Scott Blackmun \$2.4 million after the events that were disclosed in South Korea was really, really outrageous and shows lack of accountability. Sorry for the long answer.

CO-CHAIR XIAO: Thank you.

MR. FEHR: If I could take "one minute" and amend my prior comment—when I suggest an organization representing the athletes, in a perfect world it would have sufficient funding so that it would represent the athletes with respect to all matters pertaining to their participation in the Olympic movement. The point would be to eliminate from them or from their parents the right to go out and get funding, which the overwhelming majority can't—as Mr. Williams has testified. It's not cheap to do that. That's what the unions do. Thank you.

CO-CHAIR XIAO: I will yield back to Co-Chair Koller for question.

CO-CHAIR KOLLER: Thank you, and thank you, Mr. Fehr, for that clarifying question. And I, again, want to just clarify for the record—when you're talking about an independent entity, you fully intend for this entity to cover Olympic-movement athletes and Paralympic-movement athletes as well. Am I correct about that?

MR. FEHR: All athletes within the ambit of the USOPC. Yes.

CO-CHAIR KOLLER: Outstanding. Thank you. Mr. Fehr, you had previously testified about athlete representation on the USOPC and NGB boards, and I want to follow up on that. Can you explain why, I think you said, that they can always be outvoted. Are there other reasons why athlete representation isn't sufficient to provide the types of meaningful rights and protections that you're talking about today?

MR. FEHR: Well, I think it comes down to this. In my collective-bargaining experience, basically what it comes down to is, with respect to those areas which are mandatory subjects of bargaining, which is most things, management is obligated to reach an agreement with its workers, with its employees, there have to be an agreement. Unless you're going to go to that model, you need the kind of representation on the decision-making body or bodies which will require that result. That's how I get there.

The second thing that I mentioned was qualifications for election. What I mean by that is this: it may be that the athletes would choose to have someone who's been around the movement for thirty-five or forty years, has the benefit of that experience, has contacts all over the country and with the business entities that the USOPC does business with, who may be able to represent them better than an athlete who ordinarily will not have had that opportunity. I don't know that that would be the case. All I'm saying is the athlete should have the ability to make that choice if they so choose.

CO-CHAIR KOLLER: Thank you.

CO-CHAIR XIAO: Thank you. I'm going to yield Commissioner Hogshead for the next question.

COMMISSIONER HOGSHEAD: Yes, Mr. Williams, I wondered if you had any comments about the U.S. Center for SafeSport? You've stayed away from talking about it.

MR. WILLIAMS: Thank you for that question. How many hours do we have? I will give one short comment on SafeSport. I'm a due-process guy. The amount of time it takes for SafeSport to come to a resolution once a complaint is filed, the extreme amount of time, constitutes a denial of due process to both the accuser and the respondent. You can't have things sitting out there for a year or more or drop a stone down a well and never hear the splash. There has to be some time limit, reasonable time limit, imposed on SafeSport to bring a matter to resolution. Again, to repeat, the length of time constitutes the denial of due process to both parties.

CO-CHAIR XIAO: Thank you. I'll yield back to the Co-Chair.

CO-CHAIR KOLLER: Thank you, I have another question for you, Mr. Fehr. You talked about empowering athletes and trusting athletes, and I'm wondering, in your experience and in the different contexts in which you've worked with elite athletes, does granting additional power to athletes—trusting athletes, as you say, to work things out—does that harm the games, sport, the commercial enterprise that is sport? Are there downsides to your approach?

MR. FEHR: I'm laughing because my very first major case as a lawyer was as one of the counsel to the Baseball Players' Association in the free-agency cases in 1975 and 1976. And the then-Commissioner of Baseball basically was making speeches and, I believe, from the witness stand was basically saying that if you allowed free agency, baseball would end. 'Wouldn't be there anymore,' I think he said, 'The American League would go out of business. We'd be down to five or six teams in the National League,' if memory serves right. Similar comments were made in the other sports.

Well, we learned in the '60s and '70s—in the '60s with basketball and football, the bidding war for Joe Namath between the Jets and whatever the NFL team was—and we learned in basketball, as they began to get through, and then in baseball in the '70s and later that not only is it not inconsistent with success, in my view, it forges it. Because one of the things it did is it made celebrities out of the players in a way that they were not previously. It enhanced revenue, and I know of no one who believes that somehow professional-sports franchises would sell in the billions of dollars in hockey, which is far and away the fourth sport in North America—revenues are higher in the other three—would suggest that somehow they can't make it.

CO-CHAIR KOLLER: Thank you for that. In the interest of time, I'd like to move forward and invite our second panel of this session to be seated. I want to thank you both, Mr. Williams and Mr. Fehr, for your participation today. We sincerely appreciate you being here to share your insights with the Commission.

Our next panel focuses on equity and accessibility in Olympic- and Paralympic-movement sports. Chuck Aoki is a three-time Paralympian in wheelchair rugby, a former wheelchair-basketball competitor, and now the Community-Access Navigator for the University of Michigan's Adaptive Sports and Fitness program. He also serves as Vice Chair of the Team USA Athlete's Commission and was one of our nation's flag bearers at the opening ceremony for the most recent summer Paralympic Games in Tokyo. Jeff Mansfield is a Deaflympic medalist in ice hockey and current President of the U.S.A. Deaf Sports Federation, which is the national governing body for deaf sports in our country. We are also joined by Candace Cable, who in 1992 became the first woman to medal in both the summer and winter Paralympic Games. Today she serves as Director of the Community Outreach, Resources, and Education Program at the Disability Rights Legal Center.

It is essential that all who want to participate can do so and access opportunities to reach for their limits in sports, especially Americans with disabilities, including those who are deaf and hard of hearing. I now yield five minutes each to Mr. Aoki, Mr. Mansfield, and Ms. Cable to help the Commission better understand the landscape for para and deaf sport in our country and the challenges facing athletes who wish to participate. Mr. Aoki?

MR. AOKI: Good afternoon, and thank you to everyone for having me here. As mentioned, my name is Chuck Aoki. I'm a three-time U.S. Paralympic medalist in the sport of wheelchair rugby, a four-time world-championship medalist, and the Vice Chair of the Team USA Athletes' Commission. I'm here today to speak about my experiences in the Paralympic movement here in the United States and to give some thoughts about how we can continue to advance the movement here in the U.S.

In my career, I have seen the Paralympics go from an afterthought within the movement itself to growing into a meaningful partner within the USOPC. I think this change is perhaps best illustrated by the acronym that I just used: USOPC. From its inception, with the Ted Stevens Act of 1978, to 2019, the governing body of the Olympic and Paralympic

movement was referred to as the United States Olympic Committee—USOC—as we've heard today still. While a seemingly small change, it is important for Paralympics to now be front and center when we talk about the movement here in the U.S. so it can never become an afterthought again.

This raises the important question, of course, as to how the Paralympics can grow in a meaningful and sustainable way. From my perspective, there are three important avenues that must be addressed in order to take the Paralympics into a truly nationwide phenomenon. These are greater participation in adaptive sports, increased funding for developmental and elite Paralympic athletes, and overall global change in way disability is viewed on a societal level.

So, first, there is an urgent need to create more systematic participation in adaptive sports across the entire country. To illustrate this point at both the highest level and then all the way down to grassroots, allow me to share a couple of quick examples. I got started in adaptive sports purely by accident. I was leaving a swimming lesson when an employee of the rehabilitation center I took my lessons at asked if I wanted to play wheelchair basketball. Without waiting for my mother to respond, I said: "Yes!" And, thus, I set off on the path down that has led me to be in front of you all today.

My story is unfortunately too common, however. Adaptive sports is something people fall into through a random connection or seeing a flyer posted on the wall. There is no systematic way to ensure people with disabilities have access to adaptive sports and fitness opportunities like exists for organized youth sport for able-bodied children. It is high time for us to consider what can be done to ensure adaptive athletes receive the same access to opportunities to compete that our able-bodied compatriots have.

To highlight this need at the highest level, at the Tokyo Paralympic Games held in 2021, the United States won ninety-five medals. We competed in another 147 events which, while not resulting in medals, saw elite athletes represent our country at the

highest level. These numbers may sound impressive—and we should be proud of every athlete who has put on the USA jersey—however, as is often the case, these numbers do not tell the entire story. I say this because, despite these remarkable successes, the U.S.A. did not even contest 297 other medal opportunities in Tokyo.

Second, there is a need to see vastly more funding put into elite-level Paralympic sports here in the United States. The USOPC, as we all know, is one of the only governing bodies that receives no funding from government or national sports oversight bodies. This challenge is especially pronounced on the Paralympic side, as the movement remains behind the Olympics in terms of awareness on a very broad level.

For the purposes of this Commission, however, I strongly urge the committee to consider ways in which the growth and development of Paralympic sport could be supported via unique funding mechanisms. One such example exists in the United Kingdom, where funding for Paralympic sport at least partially comes from a government-lottery tax. Another option could be taking the burden off of the USOPC to fund the Center for SafeSport under the condition that at least 50% of said dollars be directed towards Paralympic growth and development.

I posit these ideas as ones that would only grow the overall pie of funding for the Olympic and Paralympic movement in the U.S. This is because, as a Paralympic athlete, I am never attempting to take things away from or lessen the benefits or services my Olympic counterparts receive. My only goal is to ensure we receive equitable treatment, which does not come from lessening what they receive.

And, third, we must continue to work to break down stereotypes about people with disabilities in our society so that all individuals with disabilities can live fulfilling lives. Sport is one such mechanism for doing so—and a powerful one at that. My two previous points are both in service of this greater goal: by increasing access to sport and then supporting our elite athletes who have disabilities we are changing the way in which disability is viewed in the world at large.

I firmly believe in the power of sport to change lives, whether at the elite level or on a recreational basis. Sports are an integral part of our culture, and we all deserve to have access to compete and strive to be the best versions of ourselves. We may not all make it to the Paralympic level, but we can all find a community that accepts us and celebrates our unique way of moving through the world. Thanks for the time, and I look forward to answering any questions you may have.

CO-CHAIR KOLLER: Thank you, Mr. Aoki. Ms. Cable?

MS. CABLE: Thank you. I'm Candace Cable, and I thank you for this opportunity to share my experiences with you. I'm optimistic and hopeful that you hear today—it lights a fire of impeccable culture change.

I was always an optimistic and hopeful non-disabled child living with environmental privilege in a white-supremacy, ableist world that valued me as a non-disabled child. I believed I had every access to every opportunity. My spinal cord injury in 1975 and the use of a wheelchair for mobility prompted systemic ableism, taking away my value, my humanity, my access privilege, my optimism, and my hopefulness.

I was fortunate that a community of disabled people found me and introduced me to sports. Sport brought humanity back for me. This is the power of sport when everyone is included. I offer this story on ableism because I'm a historian. My first of nine Paralympic Games was in 1980 and should've been in Moscow, but the Soviets said they didn't have any disabled people, so they wouldn't hold the Paralympic Games.

Disabled people have historically been institutionalized or eliminated up until the mid-twentieth century. That's why you didn't see disabled people anywhere or any infrastructures ever built to include us, including the houses of the people. They exempted themselves from the ADA before it was passed so that they didn't have to make these buildings accessible.

The framework of eugenics continues today in all of our legislation, and we're still not thought of as human beings—and all because of an -ism that is rarely ever talked about. Ableism, the value of some bodies over other bodies, is deeply embedded in the U.S. Olympic and Paralympic Committee. The infrastructure, the stakeholders—including the International Olympic Committee and the International Paralympic Committee—ableism dehumanizes, and it's just one of the many forms of -ism that causes great harm.

We do not have to be disabled to experience ableism. We know that racism is the foundation of ableism. Olympians have historically been valued as the pinnacle of the human experience within our sport culture. This has created segregation, silencing, backstabbing, fear, micro/macro aggressions for all Paralympians. Ableist beliefs harm everyone, including Olympians. It assures that Paralympians will never be valued as we strive for equity.

I've been a part of the U.S. sport culture for forty-plus years as an athlete, a 2010 athlete-services coordinator on the Athlete Advisory Council, on the U.S. Olympic and Paralympic Association, on the Olympic and Paralympic Relief Fund—and each name change came to include Paralympic. In the U.S. Olympic and Paralympic Committee, it didn't come from the top. It came from Paralympians' emotional labor, pushing for visible value recognition of belonging.

The U.S. Olympic and Paralympic Committee created a Council Racial and Social Justice with four areas of focus. I worked on the Institutional Awareness and Cultural Change Committee. We took our work really seriously, very seriously. In fact, we all were changed by it. We got transparent, and we broke down a lot of our own discriminatory things that we were doing.

After a year, we delivered our recommendations to remove systemic barriers to racial and social justice, empower athletes in driving societal change, and anchor a commitment to access, diversity, equity, inclusion, and justice from organizational policies, practices, and procedures within the U.S. Olympic

and Paralympic movement. It's the U.S. Olympic and Paralympic movement.

The USOPC leadership responded with a dismal tone. It was too much to do. Not receiving detailed feedback, we were shocked and frustrated, which led to a delay of completing the recommendations.

Part four of the recommendations focused entirely on the equity of the Paralympic movement. The recommendations state that creating and implementing a plan for moving oversight of Paralympic sports currently managed by the U.S. Olympic and Paralympic Committee under the U.S. Paralympic Division of the U.S. Olympic and Paralympic Committee be moved out and under disabled sport organizations and NGBs. This piece is critical to dismantling the current oppressions. Currently, U.S. Paralympics is listed as a National Paralympic Committee, and it's a division of the USOPC.

The recommendations also support understanding disability education to dismantle bias to disability, which Chuck spoke about, because disability and Paralympians come as one. Systemic oppression, conscious or unconscious, must be identified, removed—and education is needed to better.

I worked on the LA28 bid. It was a constant struggle to promote equitable and authentic Paralympic narratives during that time. I really hope that LA28 organizers take advantage of the positive paradigm shift that the organizers of the 2012 London Paralympic Games created. They developed a strategy of education based on exposure, play, experience, and knowledge-building to dismantle systemic ableism in the sport culture. This several-year strategy began dismantling ableism and restored value to disabled human beings and elevated Paralympians to an equitable space with Olympians.

I think this next story sums up ableism and bias that goes unchecked in our sport culture. This book, and I'm holding up a book of Olympic trivia, was written by a U.S. Olympic and Paralympic board member, and it says: "Olympic Trivia." But inside is Paralympic trivia also. When I asked the author why the title didn't include "Paralympic," he said

that the editor didn't like it. The Olympic athlete, the U.S. Olympic and Paralympic board member, doesn't see the value of telling the editor: "Paralympic" must be on the title, because it's a book that includes Paralympic trivia too.'

We can do better. We can create an impeccable inclusion and equity for all athletes, and I really thank you for your time.

CO-CHAIR KOLLER: Thank you, Ms. Cable. Mr. Mansfield?

MR. MANSFIELD: Thank you, commissioners. My name is Jeffrey Mansfield. As a three-time Deaflympian, I am honored to be here today as President of the U.S.A. Deaf Sports Federation. USADSF is the national governing body of deaf sports in the United States, a member of the International Committee of Sports for the Deaf (ICSD), and the USOPC's Affiliate Organizations Council. In short, USADSF is to the Deaflympics what the USOPC is to the Olympics and Paralympics.

The summer and winter Deaflympics are quadrennial events administered by the ICSD. In 1955, the IOC recognized the ICSD as an international federation with Olympic standing, and in 2001 IOC granted ICSD the right to use the term 'Deaflympics.' However, the Ted Stevens Olympic and Amateur Sports Act makes no provision for the Deaflympics. This omission is at the crux of three issues I highlight today as they relate to the movement and to the rights of deaf and hard-of-hearing Americans.

The first relates to access and compliance. While it is true that deaf and hard-of-hearing athletes can and do take part in the Olympics and Paralympics, the USOPC only tracks categories of disability that are covered under the Paralympics, and deafness is excluded. Because of this technicality, Becca Meyers, a deaf-blind Paralympian, was denied reasonable accommodations and was pressed into making the decision to withdraw from the 2021 Tokyo Paralympic Games. In addition, compliance with the Americans with Disabilities Act is not an explicit criteria for NGB certification. While some NGBs have implemented policies and initia-

tives to better serve deaf and hard-of-hearing athletes—U.S. Soccer, for example, fully funds the U.S. deaf national teams under the Extended National Teams program—others have not. Consequently, we have a sports landscape where ADA compliance is piecemeal, inconsistent, and neglected. In reality, discrimination, abuse, and mistreatment take place at every level from grassroots youth sports to high-performance sports.

Second, the Empowering Olympic and Amateur Athletes Act is important legislation that champions athlete safety. However, we also caution that the continued omission of the Deaflympics from the Sports Act mandate perpetuates a sports infrastructure that fails to protect the health, safety, and well-being of deaf and hard-of-hearing Americans.

Because deaf and hard-of-hearing athletes are often isolated in sports at every level, anxiety around self-advocacy, for fear of stigmatization and repercussions on playing time and opportunities to advance, have prevented athletes from recognizing and reporting wrongdoing. What results is an environment where deaf and hard-of-hearing athletes are more vulnerable to physical, psychological, and sexual abuse and mistreatment. These factors make the exclusion of the Deaflympics and Deaflympians a public-health issue.

Third is the issue of unequal opportunity. Neither the Amateur Sports Act nor the U.S. Copyright Office recognized the term "Deaflympics" as the ICSD's intellectual property, even though the IOC has granted ICSD the right to use this term. This creates a double injustice, in which the USOPC provides zero funding to the U.S. Deaflympic program and we are precluded from pursuing a wide swath of sponsor funding. Meanwhile, Deaflympic medalists are also excluded from Operation Gold awards.

A growing number of countries, including Russia, now fund their national Deaflympic programs with results that translate on the medal table. We believe that the lack of investment in the United States Deaflympic program reflects poorly on the Olympic and Paralympic brand in the United States, undermines national pride, and exacerbates inequality.

In front of me are over 2,000 pages of documents that we have submitted to the Commission. These documents chart a pattern several decades long of deflection, dismissiveness, and denial that can be described as discrimination on the basis of a specific disability, deafness. Today we are calling on the USOPC and Congress to end this pattern and to uphold compliance and athlete safety and equality for deaf and hard-of-hearing Americans.

I urge for the insertion of the Deaflympics into the Ted Stevens Olympic and Amateur Sports Act and to USOPC's mandate and for the investment in Deaflympians. As Deaflympians, we are proud to wear the letters "U.S.A." across our chests, and today we are calling on our country to have our backs. Nothing about us without us. Thank you for your time.

CO-CHAIR XIAO: Thank you for your testimony. I'll yield first to Commissioner Cisneros Prevo.

COMMISSIONER CISNEROS PREVO: My question is to Mr. Aoki. Thank you for your testimony. Could you talk a little more about the challenges that athletes with disabilities still face within the movement, both at the high-performance Paralympic level as well as the youth- and grass-roots-participation level?

MR. AOKI: Uh, certainly. Thank you for your question. I think there's certainly many areas to explore in this issue, but the one I would just start with is the challenge of equipment. I think the reality is that for any adapted athlete, whether you're a wheelchair user or visually impaired or anything of that nature, you're going to require specialized equipment which, you know—you can't buy it at a regular store. You have to order it special-made. There's only several manufacturers in the world that make them, and they're often, you know—the cost is in the thousands of dollars just for equipment. And, particularly, for youth athletes they're growing. Their bodies are changing, and they have to constantly do it, and so, in addition to the burden of having added expenses from having a disability, you then stack on top of it even being able to participate in recreational activities, adds even further

burden of money. So, I think the issue of equipment access is a really challenging one that I would focus on. But there are certainly many others.

COMMISSIONER CISNEROS PREVO: Thank you.

CO-CHAIR XIAO: I yield to Commissioner Hogshead.

COMMISSIONER HOGSHEAD: I'd like to ask a question to Mr. Mansfield. Mr. Mansfield, can you share a little bit more about the reasons why Deaflympics is distinct from the Paralympics? Such as, what adaptations need to be made for competition?

MR. MANSFIELD: Thank you for that question. So, there are several reasons, first of which goes back to efforts in the 1980s and 1990s around the international organizing committee and the deaf-sports agency to create the Paralympics. There was an overwhelming desire for the Deaflympic community to maintain the number of events that they held—and the Deaflympics, I should add, has been around since 1924—and, by joining the Paralympic community, that would have resulted in the subtraction of seats that were available to Paralympic athletes and deaf athletes both. So, the preference was to maintain the number of seats separately so that they could operate concurrently.

Modifications that happen in the Deaflympics include lighted notification systems, access through signed languages, speech accessibility through captioning—so, in service of provision, a complete or optimal space for deaf athletes at every level, from youth sports to elite-performance sports. And, as I have learned through my own experience as an elite athlete, when you reach the higher-performance levels, the margins that separate an elite athlete from an Olympian or Paralympian are razor-thin. And those margins really also can make the difference between a deaf athlete's ability to access an environment that provides optimal services for a deaf and hard-of-hearing person's or athlete's communication needs or not.

So, this again goes back to the fact that, to get to the higher performance levels, we have to start at the

grassroots level, and we have to encourage culture change at every level, including attitudes towards different disabilities, including deafness and people who are deaf. Deafness and the Deaflympics have not had the same status as the Olympics or the Paralympics in this country, and you see this pattern that deaf and hard-of-hearing athletes—their progression is interrupted, and this has an impact on long-term health outcomes of deaf people. The amount of opportunities that are available for deaf and hard-of-hearing Americans are also limited.

COMMISSIONER HOGSHEAD: Can I ask one follow-up? Well, so you just said that the progression was limited for deaf athletes. What did you mean by that?

MR. MANSFIELD: So, I can use my own experience as an example. I was cut from my first hockey team at nine years old because the coach did not believe that a deaf person could play hockey. And, at every level beyond that, I continued to encounter similar obstacles, which really arose from someone's doubt or preconceived notions about deaf people, and that is widespread around our entire country in the arenas of sports.

In Nebraska there was a high-school wrestler who was denied access to the state championship because he did not recognize a whistle being blown by the referee, because there was no visual-alert device available. And, as a result of that, he was denied the opportunity to have an equally competitive environment. But you see this happen at every sport that deaf and hard-of-hearing players—they'll continue to play beyond a whistle blow, and then they have repercussions that then cause emotional trauma. And we see this happen also between coaches and athletes, where a coach doesn't recognize what is needed to provide appropriate access to deaf athletes, and then this results in an environment where an athlete is being looked down upon by their coach, and they're not then getting the same amount of playing time or they're being denied opportunity for additional instructional opportunities. So, again, this happens at every level—the youth level, grassroots—but it also does happen at the elite NCAA levels as well and beyond.

CO-CHAIR XIAO: Thank you very much. Commissioner Schmitz has our next question.

COMMISSIONER SCHMITZ: Mr. Mansfield, in your testimony just now you spoke about some additional safety or maybe practical challenges facing deaf and hard-of-hearing athletes, yourself included. Just to clarify, are these athletes currently protected by SafeSport?

MR. MANSFIELD: Yes, but again, as has already been mentioned today, while we report things to SafeSport, it's like sending a complaint into a vacuum, and, in addition to that, at younger levels—or youth-sport levels—deaf and hard-of-hearing athletes, and their families included, are already at a disadvantage. So, to then report—it creates a fear of repercussions or retribution on playing time. So, for those reasons, often deaf and hard-of-hearing athletes will decide to not report abusive or misconduct. And, in fact, we have research and statistics that show that deaf and hard-of-hearing Americans are 25% more likely to experience mental-health issues than those who can hear normally.

CO-CHAIR XIAO: Thank you. I'll yield now to Commissioner Cohen, who has questions for two of our witnesses.

COMMISSIONER COHEN: Thank you. I have two questions. My first is for Ms. Cable. And I apologize for diverting the conversation to the bid process, but as a former bid leader I'm curious of your involvement with the LA28 bid and kind of, you know, how you saw the United States's approach to the bid process and whether you saw gaps or ways that we could improve the bidding process in the United States, as you were the Vice Chair of the LA28 bid.

MS. CABLE: Thank you for that question about LA28 and what the bid process was like. So, L.A. got the bid late because Boston was selected by the USOPC to be the city that would go after trying to host the games for 2024, not 2028. And then the citizens of Boston decided that they didn't want that, and so they were halfway through the process and L.A. put its hand up, and so they were behind on everything.

And I moved to Los Angeles in 2015 and met some people that had some things to do with the bid, and I was invited to the event where they were going to unveil the logo. And, as I was meeting people and wandering around, and I noticed that up on stage there was an Olympian, an adult Olympian, and then there was a child with a disability, and I thought: 'oh, this is really interesting. There's no adult Paralympian here.' And they unveiled the logo, and it was this beautiful angel-looking thing that had lots of beautiful colors, and it was only the Olympic rings. And I thought: 'Well, what's going on here?' Like, why aren't the Paralympic agitos here? Because I know that there's a contract—I know there's a contract—that says if you bid on hosting the games you bid for the Olympics and the Paralympics. It's a must now. It's not like what I said about the Soviets. You don't get to choose anymore.

And I asked someone who was a part of the bid, and they said: "Oh, well, the International Olympic Committee determines how the bid process goes." That they determine the logo, you know, the fonts, and that you only use the rings, you don't use the Paralympic symbols. I thought that was so odd, but I posted it on Facebook, and people were very upset about not having the Paralympic symbols. And I said, well don't get mad at the bid people, because it's not their fault. And, actually, USOC—it's not their fault either, it's actually the IOC's fault. That's their deal. And I got a call the next day asking me to be Vice Chair, and they said, well, we really liked the way you handled that, and I thought: 'Well, that was easy!' And I started to show up at the office and see how things were run, and I saw that there was no Paralympic representation at all. There was no person with a disability that had any visibility in it. And I kept going to their events and things, and I went to the leadership, the CEO and the Chair, and I said: "You should hire me, because I really can help you build up the narrative about Paralympics even though we're not displaying it."

And I really think that that was very helpful for us to have someone in the office with a visible disability as a part of it, but it wasn't enough in the office to continue to remind people that it was the Olympic and Paralympic Games. It was very Olympic-cen-

tric, and the reason it is, from my perspective, is because it's run by the IOC. I mean, we have to follow, if you're host, if you're pinning on trying to win, being the host of the games, the IOC runs everything. So, the IOC dictates all the things that are deliverables and the things that need to happen. And so, having any Paralympic narrative really doesn't matter to them, and they're the ones who make the decision.

The IPC did come and visit, but their visit wasn't as elaborate at the IOC's visit. I think that's a gap. I think that's a problem. I also think that it's a problem that both symbols aren't a part of the bid process. I think that's a huge gap. We have such an opportunity in so many spaces in sport to educate about equity, inclusion, access for everyone because, really, disability is a human-life experience we are all going to have—should we live long enough, you're going to have an age-related disability. Bottom line. And you're going to want these things in place. And sports is an amazing venue to create these things.

I think another gap is one that I mentioned in my testimony: is that London 2012 created a visceral paradigm shift. You actually could taste it in the air. There were more people that attended the Paralympic Games than the Olympic Games in London. That was almost unheard of. They had a sponsor that was Paralympic-only sponsor, Sainsbury's, which is a grocery store in the UK. They said: 'We only want to sponsor the Paralympic Games,' and they put together a program that was about teaching the entire country about Paralympics, disability, and it went to schools. And then the schools that won the competition that they had won a day with David Beckham, because he was sponsored by Sainsbury's. So, and then they had television shows, they had late-night talk shows. They had a late-night talk show called "The Last Leg" that was hosted by a single-leg amputee, and it was hilarious. It still continues to today, it's so popular.

So, I think there are gaps that are a part of the bid process, or also a part of our process in general, is that we don't have education around incorporating Paralympics and disabilities into the narrative, and people are too afraid about disability. I mean,

I would speak up in the executive meetings about something, and it would be full-on silence, crickets. I was like: ‘Oh my gosh, did we say something wrong, out of place? What should we do?’ And I talked to friends who also work in corporate that have visible disabilities, and they say it’s the exact same thing. People just get so shy and uncomfortable and embarrassed that they might do something wrong, and we need good education.

And so, I would say, in your process with Salt Lake you should be pounding the message about the Paralympics. Because everybody knows about the Olympics. Like, I mean, really. If you just look at it, it’s just you say that ‘oh, the games are coming,’ and they’re like ‘oh, the Olympics.’ And they don’t know about the Paralympics, and it’s a huge marketing mistake, from my perspective, to eliminate that, because there’s a lot of money out there that could come from a lot of new places. I’ll stop there.

COMMISSIONER COHEN: No, thank you very much.

MS. CABLE: Clearly I can talk about...

COMMISSIONER COHEN: No, I’m glad I diverted for a little bit. My, my second question is for Mr. Aoki. The current administration of para sports within the movement falls to a mix of NGBs, internally managed sports, and Paralympic Sports Organizations like the Lakeshore Foundation. In your view, which structures best serve the needs of our nation’s Paralympians?

MR. AOKI: That is a fantastic question. I think the reality is that—I’ll answer your question this way, in that I don’t believe internally managed is the best option. I think that the most that—in the way in which the movement sits today I’m of the opinion that the USOPC shouldn’t be having internal managed sports. I think all the sports should be under some. In some cases, that makes sense for the sport to be paired up with its able-bodied compatriot, as in skiing/snowboarding, for example, has paraskiing/snowboarding. I think it makes a lot of sense there. To your example, Lakeshore Foundation, where I’m actually heading to later today, you know,

they manage two Paralympic sports that are fairly unique and don’t have perfect able-bodied, sort of, match-ups. I think it makes a lot of sense in that regard to have, sort of, a specialized knowledge.

So, I guess the answer to your question is that the internally managed model I don’t believe is one that is sustainable and should succeed, and I understand there are a lot of challenges and reasons as to why we have that, and it’s a decent fallback option, but the goal should be for all Olympic, all Paralympic, sports to be managed either by their able-bodied compatriot or, you know, as you said, a Paralympic Sport Organization that, you know, manages ones that, again, don’t have a really good equivalent. And, so, there’s not a natural place for it to fall into, sort of like swimming or something like that.

CO-CHAIR XIAO: Thank you. Commissioner Korb, I’ll yield to you for a question.

COMMISSIONER KORB: Ms. Cable, have the reforms to create more opportunities for athletes with disabilities or disabled athletes, however you identify, in the Paralympic movement extended to youth, grassroots, or development pathways?

MS. CABLE: Thank you for that question. No. And I’d say that, you know, simply because we don’t see any building-out of opportunities for disabled youth. I think Chuck’s story was really great, because he said, you know, basically it was somebody said something to him about playing a sport and, ‘oh my gosh, I can play sport?’ Your story that you gave us earlier in the beginning, same thing. It’s all word of mouth within sport for a disabled folk. I think that it’s gotten very stuck that way, because we haven’t gotten the support of, well, the U.S. Olympic and Paralympic Committee, for one. Once U.S. Paralympics—I mean, the U.S. Olympic and Paralympic Committee kind of really started dabbling a little bit in Paralympic sport a little bit before U.S. Paralympics in 2001, but once U.S. Paralympics came as a division, it really seemed like the natural progression would be to bring in all of these grassroots development if they were going to be basically an NGB for at least six or seven sports, Paralympic sports, right? And we haven’t seen any of that really happen.

We see some clinics happen once in a while, but those are usually funded through an outside source. There was—at one time, there was quite a bit of money for veterans, so we saw a lot of clinics and camps. I was teaching cross-country skiing and sit-down cross-country skiing at the time, and the ones we were seeing was the veterans, and it was because there was so much V.A. money that was going into U.S. Paralympics to support cross-country skiing that these clinics were happening around. But that was really it. There wasn't—if you were a citizen you were required to pay all your own expenses and to bring all your own equipment, but as a veteran all their expenses were paid as well as they were given equipment, you know, from these grants that were available, and the grants aren't really available for any outside organizations.

I live in Los Angeles. There's several sports organizations for people with disabilities there, and all of them work independently of each other. There isn't a lot of cohesion that goes on between them, because they're all, basically, searching for the same dollar. And they don't get any support from the U.S. Olympic and Paralympic Committee. They also, you know, they also in Los Angeles are creating the sport programming with Parks and Rec with the city.

Because when L.A. took LA28, one of the things is that the IOC gave 2028 a bunch of money to go into developing some kind of sport for youth in Los Angeles. I think it's \$60 million that the IOC gave 2028. And 2028 gave that money to the City of Los Angeles to start some sports programs. And so, Parks and Rec have started to develop some programs, but there are programs really that are going to be at no cost to kids. So, it's the original programs that already exist, but they're at no cost, and then the sports for disabled youth, there's four of them—and I'm not sure if they're really going to be sustainable—are available right now, for some disabled youth to come and try some sports. I think one is sitting volleyball, one is wheelchair basketball, one is equestrian—which is really surprising, because it's probably the most expensive sport to do.

So, also I want to say too is the coaches that we've had in the past in disabled sport, and that really pioneered

sport, are all aging out, and we're not seeing new coaches come in. And so, that also limits the pathways and the grassroots development. And we don't have any development for new coaches really coming forward in Paralympics. I know there are some programs, but really focusing and getting people excited about Paralympic sport doesn't seem to be at the top of the agenda.

CO-CHAIR XIAO: Thank you, Ms. Cable. I will yield back to my Co-Chair.

CO-CHAIR KOLLER: I want to thank each of you for being here today to make sure that these important issues are front and center for the Commission and inform our study and our report to Congress. Our final panel of this session concerns good governance, and at this time I'd like to invite our next witness to take his place at the table.

Since its creation in 2000 and recognition by Congress in 2001, the U.S. Anti-Doping Agency, or USADA, has been working to root out the use of performance-enhancing drugs and other prohibited substances and methods in our sports. Much like SafeSport, USADA has been tasked by Congress to oversee the protection of an indispensable value in American sports, which is fair play. Today the United States is viewed as a leader in clean sport, and USADA is respected by athletes and by participants across the movement. To help us understand why that is the case and how USADA became an example of success, we are joined by its CEO, Travis Tygart, who has led the agency since 2007. Mr. Tygart, I'm pleased to yield you five minutes to share your testimony with the Commission.³²²

MR. TYGART: Thank you, Co-Chair. I want to thank this Commission, obviously, for the opportunity to be here. It's a true honor for me to represent the wonderful team at USADA and our small and independent board to be here to assist you and, hopefully, answer any questions you have about the incredible and important work that you all have before you.

We are unique in the Olympic and Paralympic movement in that we're a private organization, but we're also authorized and recognized by the U.S.

322 Extended written testimony submitted by Travis Tygart appears following the live transcript on p. 237.

Congress as the national anti-doping organization for Olympic and Paralympic sport here in the United States. And, while, you know, we certainly appreciate that USADA's not directly under the purview of your study according to the Act, we're honored to have worked with the Commission over the past several months and certainly look forward to offering any insight we may have that can help you in your purpose.

The most important reason for our success is our independence. The word 'independent' is thrown around a lot in the Olympic and Paralympic movement. From our experience, however, the only true definition of independence is that those who govern or otherwise make decisions affecting others cannot have an interest, actual or perceived, in the outcome of the decisions that they're making. No USADA board member or staff member can serve in any paid or voluntary governing or employment capacity with an organization that we provide services to. You simply cannot have the fox guarding the hen house.

Athletes have come to trust USADA because there's not a single decision we make that we don't first ask ourselves: 'What is best for clean athletes?' We view athletes and their powerful stories as our guiding light, as our North Star. We must ensure a properly structured and funded system both here in the United States as well as around the world to ensure that athletes that compete on the global playing field can do so with integrity and can win the right way.

You've heard the stories, unfortunately, of athletes who've been adversely affected by systems that do not protect their rights. American shot-putter Adam Nelson was awarded a gold medal nine years after the 2004 Athens Summer Olympic Games, when the person that won the gold that day tested positive. The most decorated Olympian in history, Michael Phelps—in this very room, sitting right here in 2017—testified that, as a clean athlete, he always had serious doubts about whether or not he was competing on a global level playing field.

Even as we all sit here today, there's another group of athletes that have been robbed of their rights and the irreparable damage that has been done by them

losing their moment on the podium. You've heard the story of the U.S. figure-skating team, whose podium moment continues to hang in purgatory because the overdue case of a Russian figure skater has yet to be resolved by a global system that has delayed justice so long that, effectively, this justice has been denied.

These stories, unfortunately, go on and on and on. All athletes deserve better, and, certainly, justice demands better. Of course, even with the noblest missions, the best governance structures, and adequate resources, organizations are only as good as their culture. It is the people that make the team that make up the organization.

Obviously, the independent private-public model has worked for USADA, and, while we understand your review is not also looking at the global arena, we would recommend that you reconfirm that this independent model is essential for success at all levels of anti-doping work and integrity efforts. The timing of your work could not be overstated.

As I'm sure you have heard and also realized, the belief in institutions, particularly organizations for sport, including governance and integrity across the global sports landscape, could be at an all-time low. Trust and confidence in sport integrity has declined significantly in recent years and seems, unfortunately, only to be getting worse. The new threats from legalized betting, now available in roughly thirty-seven states and the District of Columbia, NIL pressures at the collegiate level, and the influx of extraordinary amounts of money into sport at all levels in the U.S. and around the world has sport and athletes at an important crossroads.

To a large extent, the personal well-being of the next generation of athletes hangs in the balance. This is not just about elite Olympic and Paralympic athletes. This is about every kid on a playground who grows up, who asks themselves: 'what do I have to do to make my dreams come true?' And the truth is, if we as a movement—if we don't push, if we don't win on all the issues that affect athletes, we will likely find ourselves back in this same position years from now, staring down another egregious scandal

that has abused athletes and robbed another generation of athletes in the process. And we'll all be wondering why. Why didn't we do more when we had the chance? Thank you for the invitation to appear before you today, and I look forward to any questions you may have.

CO-CHAIR XIAO: Thank you, Mr. Tygart. In our study we've surveyed a large sample of movement participants, including athletes, coaches, and sports officials. Nearly eight in ten indicated that they trust USADA. More than 40% completely trust the agency. What, in your view, has made USADA so highly trusted across the movement.

MR. TYGART: Well, thanks. Thanks for that, Han, and obviously we're incredibly humbled and honored and thankful for those results and that athletes trust and have confidence in us and the programs that we run. You know, I think we set out to simply do the right thing for the right reasons. You know, sometimes that's popular, but, frankly, a lot of times that's not very popular. I mean, I can assure the leadership at the World Anti-Doping Agency right now is still probably not very happy with us because we push for reform and justice in the state-sponsored Russian scandal and to hold Russia accountable and the global anti-doping system accountable in a better way that failed athletes, quite frankly.

But, you know, we don't follow the polls, and we're not here to do what's politically convenient. We just stay true, I think and I hope, to the commitment that we've given to clean athletes, and I think having a fair, accountable, transparent, consistent process—whether you're a global icon like Lance Armstrong or a weekend warrior under our jurisdiction, there's no fear or favor in how the application of the rules happens. And, I think, at the end of the day clean athletes have the most to lose when we're not doing our job right. And, I think, they have come to appreciate and respect the work that we do, because it's their hard work, it's their sacrifice, it's their commitment to winning the right way, ultimately, that they need us to be successful in order for their dreams to become a reality. Thanks.

CO-CHAIR XIAO: Great, thank you. Commissioner Korb, I'll yield to you.

COMMISSIONER KORB: Mr. Tygart, on the record I can say I do not miss that knock on the door from the doping-control agent! In your testimony you talk about USADA's independence. If USADA were funded through the USOPC, like SafeSport is, and not supported by Congressional appropriations through the White House Office of National Drug Control Policy, what impact would that have on your independence and on the amount of trust USADA enjoys across the movement?

MR. TYGART: Yeah—and, Karin, thanks for the comment prior to the question. And it's incredible what our athletes go through that many people don't know, and the level of inconvenience and lack of privacy when we literally have your whereabouts information 365 days a year. And our Olympic athletes should be congratulated, and Paralympic athletes should be congratulated, for the effort they put into it. And the reason you did it, and many other athletes in this country do it, is because it's a lot less inconvenient when they get on the podium and they've lost to someone that's cheated them. So, thank you for your commitment in that regard, and it's not easy, and we fully understand that and appreciate that and want to make it as easy as we can.

You know, from an independent standpoint in funding, I think, I mean, obviously, the Center has, as I understand it, basically a \$20 million guarantee, maybe with no or very few strings attached. And, at some level, I think that actually gives you complete independence. The appearance, however, and the perception that that money's coming from the United States Olympic & Paralympic Committee, so it's sport, it raises the issues of the fox actually guarding the hen house that I mentioned previously. So, I think it's really important for folks to understand the sources of funding and what's attached to that funding.

You know, our public-private model works, we think, extremely well. It's, in our opinion, the best model here for what we do in the United States, but I can assure you there have been times in the past, whether it was the Lance Armstrong case or our position against, you know, Russia's state-sponsored doping, where both of our funders—both the

government folks, a few select politicians, as well as some sport leaders in the United States—did not want us doing the job that we did, and we had to make a commitment—and our board did, and our staff did—that we’re going to have the resolve to put ourselves out of business before we compromise the oath and the duty that we have sworn to the millions of athletes that we’re here to protect.

CO-CHAIR XIAO: Thank you. I yield to Co-Chair Koller for a follow-up.

CO-CHAIR KOLLER: Thank you, Han. Mr. Tygart, it seems you testified that independence and athlete trust are really at the core of your success. We have worked hard as our Commission processes move forward—we’ve been very eager to hear directly from athletes on their experiences within the movement and how their voices, or how they believe their voices, have been heard. Can you provide us with some examples of athlete feedback being directly incorporated into USADA’s operations?

MR. TYGART: Yeah, thanks for that, Dionne. Listen, we’re also eager, always, for athlete feedback and find ways to seek it—surveys, small group meetings, interaction with the Team USA Athletes’ Commission. I would hope that everything we do in our program is a direct result of athlete feedback, or at the very least, if our staff is making a decision or has a judgment call to make, they’re first asking themselves: ‘What’s the right answer based on what clean athletes would expect from us?’ So that’s my hope, certainly, and that we would then follow through with that and make sure that that is in line with what athletes would expect.

You know, I think one example that’s led to great change around the world, not as much as we would hope for of course, but is when the media reported and broke the state-sponsored doping scandal out of Russia in late 2014. It, to a large extent, unfortunately, fell on deaf ears at the World Anti-Doping Agency and within the global sports movement. They wanted to limit it just to that investigation and not broaden the investigation, but at the time we met with individual athletes we met with groups of

athletes, not just here in the United States, but also around the world—German Athletes Independent Commission,³²³ for example—and we said we have to go lock arms with clean athletes who are demanding, you know, justice and reform. So, justice for the hundreds of individual athletes that were robbed by this state-sponsored doping scheme, as well as reform to the global system, to ensure athlete voice is better incorporated, and they actually have a vote at the World Anti-Doping Agency, and make it as independent as we possibly can.

That’s what led, I mentioned previously, to testimony by Michael Phelps here in this room. It was a 2017 House Energy and Commerce Subcommittee that looked at what can be done from a reform standpoint to the global effort, the World Anti-Doping Agency. Still a lot of work to be done there but certainly an example, I think, in line with your question, where we heard directly from athletes and took the call and did what they expected us to do in that environment.

CO-CHAIR KOLLER: Thank you for that, and thank you, Mr. Tygart, for your testimony. That concludes this session of the hearing. At this time, we will recess for a short break, and we will reconvene at 3:00.

[BREAK]

CO-CHAIR KOLLER: I’d like to call this hearing back to order. For our final session of the day, we have four witnesses who can help us understand broader trends in youth-sports participation, the view from the private sector, issues involving coaching, and how other nations have structured movement governance and oversight. With us for this session are Vincent Minjares, Project Manager at the Aspen Institute’s Sports & Society Program; Sally Nnamani, Co-Executive Director for the United States at PeacePlayers; Jeremy Goldberg, the President of LeagueApps; and Tom Farrey, the founder and Executive Director of the Aspen Institute’s Sports & Society Program, as well as a former sports journalist and author of the 2007 book *Game On: The All-American Race to Make Champions of Our Children*.

323 The witness is referring here to Athleten Deutschland e.V.

I would also like to note that Katrina Piercy from the U.S. Department of Health & Human Services, representing the President's Council on Sports, Fitness, & Nutrition, has submitted written testimony, which will appear in the record alongside other testimony from this session.³²⁴ As a reminder, all witnesses are asked to keep to five minutes for their prepared testimony, and as you can see from the timers on the wall in front of you, we are doing our best to keep to that. I will now yield each of you five minutes. Mr. Minjares?

DR. MINJARES: Good afternoon, distinguished members of the Commission. I am Dr. Vincent Minjares, Project Manager with the Sports & Society Program of the Aspen Institute. Thank you for the opportunity to provide testimony on the future of sports in America, particularly the state of youth coaching. Admittedly, I bring a diverse perspective to today's hearing. When I started coaching at eighteen, I knew I'd found a service to many families, particularly in under-served communities. Sport coaching quickly became a calling, then a career, but not in the way I thought.

Rather than earn a living as a coach, I became a coaching researcher, first at U.C. Berkeley then internationally. My quest was to understand how we develop the next generation of coaches, educated, youth-focused, and well-versed in core competencies? For most of the last ten years, I've lived in New Zealand, a Pacific nation committed to coaching research and recognized internationally for innovation in coach development. While in New Zealand, I earned my Ph.D. in coaching and worked in the coaching sector, including as a coach trainer, designer of coaching programs, and consultant on national consulting strategy. I share this background to help you understand the context for my testimony and hope that my perspective aids the important work of this Commission.

To begin, allow me to briefly step back and set the scene on youth sport and physical activity in America. First, the research is unequivocal. Active kids do better in life. They're one tenth as likely to have obesity, more likely to go to college, less likely to

suffer a range of chronic diseases—including thirteen types of cancer—more likely to be active parents, and as role models are more likely to have active kids. Our mental-health crisis: kids who play sports are less likely to suffer from anxiety and depression and more likely to enjoy life. Through its Healthy People 2030 initiative, the federal government has set a target of 63.3% participation in organized sports for youth ages six to seventeen, but only 50.7% of children played in 2020-21, the most recent year of available federal data. That was the middle of the pandemic. Even before, the rate was just 56%.

Now, let's look at the three populations of interest to the Commission: females, minorities, and individuals with disabilities. Only 48% of girls played, five percentage points less than boys. The gaps were even wider among minorities, including black—42%, Hispanic—40%, and Native American and Native Hawaiian youth—34%. Among youth with special needs, just 43% of kids played. Now, improving the state of youth coaching isn't the only solution to lifting these numbers. It is an important one though, because coaches are key agents in keeping kids involved in sports and delivering the benefits of participation we seek.

In fact, research consistently demonstrates how coaches shape the experience of sport, which strongly influences decisions to join, stay, or quit. For example, we know that lack of enjoyment is a major factor in youth-sports dropout. Interestingly, when researchers ask what makes it fun, kids point out many coaching behaviors, such as praise, staying positive through mistakes, and being easy to talk to. Regardless of player ability, we know that coaches impact motivation. However, too many coaches behave in destructive ways, including—but not limited to—abuse. Studies of team climate in competitive sports show that coaches can kill the intrinsic motivation needed to reach one's personal best, often through favoritism or being too controlling. Given the incredible power that coaches can wield over athletes, our system cannot continue to take their work for granted.

324 Written testimony submitted by Katrina Piercy appears following the live transcript on p. 240.

Unfortunately, our sports ecosystem has never truly made coach development a priority, especially at the grassroots level. Relative to other leading nations, this leaves us behind. To illustrate this point, consider New Zealand—and I'd ask to advance the slides to the New Zealand slide. Sport New Zealand is the national agency responsible for grassroots-sport development, including coach development. In partnership with the agency responsible for high-performance sport and their affiliated national governing bodies, Sport New Zealand develops a community-sport coaching plan, which is separate from but aligned to a high-performance coaching plan. Importantly, both plans are underpinned by a theory of coaching development and aligned to a national coaching strategy, which outlines coaching communities and pathways. NGBs and other sport-governing bodies draw upon the plans to build development programs for their affiliated coaches, including licensing requirements, online resources, and on-the-ground support. Through funding and strategic guidance, Sport New Zealand helps them reach the targeted outcomes, such as growing the coach-developer workforce or recruiting women into coaching.

For Western democracies, this kind of coordinated, interagency planning is indicative of a well-developed sport-coaching policy. But not in the U.S., not especially for community coaches. While we have many training courses, licensing programs, and resources throughout the ecosystem, they operate in silos, devoid of any guiding policy, program, or accountability system. This is incredibly true in the world of coach licensing and certification, where NGBs, state high-school associations, and others differ widely in their requirements, curriculum, and delivery. The result: not enough coaches trained and competent in key issues, like mental health. In a recent national survey of 10,000 coaches, we found that 70% cited low confidence in their ability to help athletes navigate their presence on social media and link to mental-health resources.

It doesn't have to be this way. The U.S. is home to incredible thought leadership in both coaching and coach development. The time is now for a serious national dialogue on how we improve our

system. Let's start with a clear, overarching vision for coaching in this country. Drawing on our assets, such as the American Development Model or the National Standards for Sports Coaches, we can build a national coaching strategy that drills into what coaches should be competent in, when, and how. In partnership with appropriate governing bodies, the creation of coaching plans for recreation-, club-, school-, and national-team settings could then align our communities around a set of commonsense minimum standards and incentivize benchmarks for continuing education. A national registry can help track progress while also generating a database for research insights related to coaching demographics, training levels, and youth outcomes.

Let's also explore ways to better support coaches. For example, tax deductions for coaching costs, such as gas, equipment, or training can ease the burden on a primarily volunteer workforce. Similarly, let's stop leaving coaches on an island. Growing our own grassroots coach-development workforce would go a long way towards providing the on-the-ground support that researchers know help coaches learn and grow. Finally, if we are to close the gaps in access referenced at the top, we need to increase the size and diversity of the coaching community. That begins with recruiting more women, coaches for disabled youth, minorities, and people from low-income backgrounds. The time is now to build a coaching community that reflects the communities they serve and can deliver on the promise of sport for American society. Thank you.

CO-CHAIR KOLLER: Thank you, Dr. Minjares. Ms. Nnamani?

MS. NNAMANI: Hello. It's really an honor to be a part of this process, not only representing my organization, PeacePlayers, but representing the wide sports-based youth-development community. Again, my name is Sally Nnamani, and I am the Co-Executive Director of PeacePlayers United States, where our mission is to use the power of sport to equip young people with the resources, skills, and experiences to lead in their communities, to build more-peaceful and more-thriving communities. We

do this by increasing access to high-quality community-basketball programming, centered on leadership development, conflict transformation, and global engagement. I personally have worked at the intersection of sport, social impact, and community development for over a decade, both here in the U.S. and globally. Our award-winning programs are one of the few year-round, no-cost programs that are serving young people who have been left behind by the current youth-sports system.

I share my testimony today as a leader of an organization that makes sport accessible to over 2,000 young people across five major cities in some of the least-resourced neighborhoods in our country. I also share my testimony as an immigrant kid who grew up in the youth-sports system from middle school all the way through college, and I can attest to the barriers and also the life-changing impact that having had access to sport has had on me.

The youth-sports system in America, as it exists today, has failed millions of young people. The over-investment in competitive athletics marginalizes the late bloomer. It marginalizes young girls who are curious about sport but do not have a safe space to learn where they're not judged. It marginalizes low-income families and young people with disabilities.

So, you see, reforming the youth-sports system is not just an access issue. It's a basic-fairness issue. In fact, it's a social-justice issue, when you think about the young people who are not included in sport and who do not have the opportunity to reap the social, economic, and health benefits of having played sports. I am the thirty-five-year-old adult version of the young people that we're trying to include in sports, and I can tell you that it's because I played sports that I'm the person that I am today and feeling a sense of empowerment around pursuing my goals.

Where the system has fallen short, community-sports organizations like PeacePlayers and many others are stepping in to fill in the barriers. In the South Side of Chicago, we regularly provide transportation for young people to get to programming because of safety issues and also because of a shortage of facilities in their neighborhoods. In Brooklyn,

New York, we have built a grassroots girls' basketball pipeline from third grade all the way through high school that includes girls of various skill level and is also part of this wider ecosystem of organizations providing access to girls and adult women to sport, so our girls are able to see what a trajectory in sport can look like when they become adults and also have access to positive role models.

In L.A., where many community centers have succumbed to the pay-to-play system and are constantly booked for private sessions—and also have been priced out of their local community centers—we are working with our local Los Angeles Rec and Parks to offer our programs to make their gyms accessible. In Detroit, we facilitate quarterly community conversations in partnership with the Detroit Pistons, Detroit Public Schools, and other local stakeholders to identify gaps and collaborate on solutions affecting youth-sports and the wider Detroit community.

These are a few out of many examples of how PeacePlayers and other organizations like ours are putting a band-aid on the wound. We believe in the power of collective action across various stakeholders, including government, in moving the needle towards more access for all young people, especially young people of color, girls, and youth with disabilities. We've already begun this work over the last six-plus years at this point, through our partnership with Nike, the Kellogg Foundation, NBA Foundation, and a number of local stakeholders, where we are centering investment and access from childhood all the way until early adulthood, economic opportunity, and supporting young people in their journey to leadership in their communities.

With all of what I've shared, I would love to share a set of recommendations as you all build out your report to submit to Congress. The sports-based youth involvement and the community-sports organizations do not exist outside of the youth-sports ecosystem. We are part of it. We're not adjacent to it, and it's important that we are integrated into those conversations and that investment reaches these organizations. It's important that we invest in local collective-action efforts, increasing youth-

sports access and quality of sporting experiences. There are a number of these coalitions in places like Chicago, New York, New Orleans—where the Laureus Sport for Good Cities are working—the PLAY Sports Coalition that also serves Massachusetts and Maryland. And then, lastly, support the Personal Health Investment Today Act,³²⁵ which allows pre-tax flexible- and medical-savings accounts to cover physical-activity expenses, effectively reducing the out-of-pocket expenses for American families and individuals for youth-sports fees, health-club dues, training costs, and much more.

I'd love to close with a story of a group of young people I had the opportunity to coach a couple years ago in Brownsville, Brooklyn. Brownsville, if you're familiar or not familiar, is a small neighborhood in Brooklyn, and it is the highest concentration of housing developments in the Americas. Not a lot of opportunity, not a lot of access to high-quality sports, and not a lot of role models. So, I had the opportunity to coach these middle-school girls, and they just wanted a space to play. They were not really interested in competition at the time. They just wanted a place to get better at a sport that they enjoyed. And, over time, I got to learn about just some of the challenges these young girls faced, including some people had experienced homelessness at some point. Many of them were already taking care of younger siblings, and many of them just had a ton of barriers to even show up to programming—and those barriers included transportation.

We reduced those barriers by offering the programs directly in their schools. Later on, their principal would share with me that being involved in Peace-Players was, by far, one of the biggest impact in their lives. This summer, a lot of those girls graduated high school. A couple of them are going to university. Many of them were considering dropping out of school in the sixth, seventh grade. This is the power of sport. I said earlier that I am the adult version of a lot of the young people that we're trying to reach. When young people have access to sport, we can change their life's trajectory, and we can make economic opportunity available to young people so they can transform their communities. Thank you, and I'm looking forward to your questions.

CO-CHAIR KOLLER: Thank you, Ms. Nnamani. Mr. Goldberg.

MR. GOLDBERG: Ladies and gentlemen of the Commission, it is an honor to appear before you today. You know, more than twenty-five years ago, I was roaming these halls on Capitol Hill when I had the privilege of serving as an intern for the late, great Senator from Indiana, Dick Lugar. And I had a critical responsibility as an intern in that I was supposed to go reserve the softball fields at three in the afternoon for a few hours in front of the Washington Monument. And, every week, I was reminded of the power of sports to bring people together across every conceivable division.

My own sports experience, as well as the data from leading experts like the Aspen Institute, make it clear that playing sports creates advantages that help you win at life. But the data also tells us that way too many children are not able to access those benefits. There's a reason why Nelson Mandela extolled passionately about the power of sports to change the world, and I think the work of this Commission, the work of all of us, really reflects this critical question: if sports has this kind of awesome power, what does it say about the responsibility of all of those who have the power over sport?

You know, my insights and perspective on youth sports is reflecting all the different roles that I play. I'm a youth-sports parent. I'm the co-founder and President of LeagueApps, a sports-technology company, started two youth-sports nonprofits focused on access—as Co-Chair and co-founder of the Play Sports Coalition and Fun Play Foundation. I'm also a member of the Project Play 2024 group. And all of those different perspectives has given me conviction that when the youth-sports sector is discussed, the focus is frequently on the national governing bodies and associations. And, to be sure, there is a critical role for them to play, but often missed is the central role of hundreds of thousands of youth-sports organizations as the delivery mechanism for youth sports.

The makeup of these organizations has changed dramatically. Youth sports is no longer largely

325 H.R. 1582, introduced in the 118th Congress on March 14, 2023.

driven by volunteer-led community organizations comprising the majority of member organizations that are associated with national governing bodies. Instead, the youth-sports industry is really in a transition from a hobby to a profession. And you also have the deeper engagement of professional leagues, professional teams, as well as consolidation being driven by investment capital and the proliferation of franchise models. The structural shifts in how youth sports is organized is only being hastened by the way that these organizations will harness technology to improve how they operate in scale, how they run their programs, how they're coached—and that's before the full impact of augmented reality (AR), virtual reality (VR), and even AI. Inevitable.

The evolution of the youth-sports industry has profound implications on the sector. To be sure, the organizations with greater capacity are investing more in coaching and training and safety, and the vast majority are well-intended and deeply committed. But it's also clear there is no coherent youth-sports system in this country.

First, there is a lack of governance with no real structure or standards that stewards youth-sports experiences in this country. Instead of the COVID pandemic offering a moment to re-establish the leadership and influence of governing bodies in association, the crisis crystallized their lack of authority, resources, and capabilities, which reveal itself every day in the inconsistencies around safety and quality. Second, there is a widening gap in terms of access to sport for underserved communities. The youth-sports sector is severely under-resourced, both in terms of governance but even more so at the local level in terms of organizations, programs, and play spaces.

The promise of this Commission is to address these issues and galvanize cross-sector support. There is an important role for the private sector. The focus of any strategy should be recognizing and supporting organizations at the grassroots that are key agents of change. Take the Los Angeles Dodgers' RBI program. Over the past decade, they have served more than

75,000 participants, and they've actually increased participation by more than 300% during that time.

I'm reminded of a student from Bowling Green that showed up in our office a decade ago with a vision of a sports program. Now, that vision is a reality: RallyCap Sports, which is serving thousands of kids annually with special needs across twenty different universities. We obviously heard about PeacePlayers and they kind of reach they're having. For organizations to have this kind of change, there's a level of knowledge, training, and professionalism that is required as well as the accountability that goes with it.

Companies serving the youth-sports space should also embrace their responsibilities. At LeagueApps, we've committed 1% of our revenue to supporting access to youth sports as well as providing free software license to nonprofits through Fun Play Foundation. There's also a critical need for institutional change. New approaches to governance should center the role and support the role of youth-sports organizations using standards and incentives to improve their capacity and quality. And the federal government should be allocating more resources to support the needs of the very organizations that are working directly with kids.

An example of what is needed is H.R. 8552,³²⁶ which is the bipartisan PLAYS in Youth Sports Act, sponsored by Representatives Allred, Fitzpatrick, and Wasserman Schultz. That bill authorizes \$75 million in grant funding to go directly to youth-sports nonprofits. I urge the Commission to add passage of this bill to the list of recommendations to Congress.

Lastly, this Commission has an opportunity to make sure policymakers and decisionmakers appreciate the importance of youth sports that goes well beyond a game. You should be encouraging legislators to incorporate sports participation as an essential tool in education as well as combating mental- and physical-health crises. I thank the Commission for your leadership, and, on behalf of my colleagues at LeagueApps, Fun Play Foundation, the Play Sports Coalition, we stand ready to play our part. Thank you, and I look forward to your questions.

326 This was the bill's number in the 117th Congress. In the 118th Congress, the PLAYS in Youth Sports Act has been assigned H.R. 4599.

CO-CHAIR KOLLER: Thank you, Mr. Goldberg. Mr. Farrey?

MR. FARREY: Members of the Commission, thank you so much for having me. As mentioned, I am the founder and the leader of Project Play, which has convened many organizations over the past ten years. It's now a group of about 20,000 leaders who we have a conversation with. We basically aim to facilitate conversation about how to build healthy children and communities through sports. But this all started fifteen years ago with a book that I wrote, back when I was at ESPN, called *Game On: The All-American Race to Make Champions of Our Children*, which was a work of investigative journalism that asked: can we really be the world's sports superpower if most of our kids are pushed out of the system by age twelve, if just one in four are getting enough physical activity? And what's with all the abuse and the preventable injuries that we see kids who are still in the game suffering?

So, when I peeled back the layers, I found a failure of sports governance, of policy. I wrote a chapter on the 1978 Amateur Sports Act, which tasked the U.S. Olympic Committee and affiliated NGBs with (A) selecting and supporting teams that represent our country and (B) coordinating and developing participation opportunities down to the community level. But it was an unfunded mandate, and within a few years the USOPC was telling Congress explicitly that it can't both get Americans off the couch and onto the podium, that it lacked the resources and the authority to do so. And they were right. And I think it's time we listened.

You saw the research that my colleague Vince Minjares highlighted that has now been amassed that active kids simply do better in life. A virtuous cycle can be unleashed if we can simply get them off the couch or get them off their phones and into the game without running them into the ground. But this isn't going to happen without incentives for programs to get and keep every kid in the game or without adherence and accountability to best practices in athlete development or without honoring the human rights every child is born with: it's a safe and healthy environment to an equal opportunity

for personal growth, to be treated with dignity, to simply play.

We have a framework. The "Children's Bill of Rights in Sports" is a statement drafted through Project Play that has been endorsed by 200 organizations, including the U.S. Olympic & Paralympic Committee and most of the national governing bodies of sports. What most haven't done—and can't do under the current Sports Act—is change their business model to prioritize mass participation and support for quality programs. They're beholden to corporate sponsors more interested in media stars who can draw eyeballs to products. That's why each NGB submits a high-performance plan to the USOPC, which then distributes more than \$110 million annually to help podium-potential athletes. It's a commitment to individual excellence, which is good. But it's also a recipe for dysfunction without an even-greater commitment to systems excellence.

What we need is for every NGB to submit a grassroots-performance plan—or a GPP as I would call it. A grassroots-performance plan would include a strategy in reporting, verified by a third party, on efforts to grow participation rates, to recruit youth from under-represented populations, to improve coach quality, to partner with schools, to prevent all forms of abuse—emotional, physical, and sexual. Put whatever you want in there—efforts to promote injury prevention, multi-sport play, no games on Mother's Day?—and raise another \$110 million or \$500 million that gets distributed based on the quality of the NGB's GPP. Then redistribute much of that money to community programs that align with best practices and deliver results.

The work of this Commission is important. Our Aspen program has studied the governance structure of sports systems in ten peer countries, research we will publish next month. A preview: every country deals with the issues we face here in the U.S. They are not unique. And all, except for perhaps China, rely on community-based programs and mostly—Jeremy's right, the environment is changing—but volunteers still make a lot of these programs go. There is no perfect system. That's one thing we found. But those that are most effective connect the treetops to the grassroots.

Here that would start with registration, a database of all programs that offer the sport, which of them are training coaches and meeting minimum program standards. Help families find the trusted providers. They can't do that right now. And reward registered organizations with, I don't know, free FBI-quality background checks, access to grants, insurance discounts—this is a way that U.S.A. Hockey, back in the 1990s, began to organize their pipeline effectively - and a greater voice in NGB governance. This is how you better coordinate amateur-sport activity across the landscape. NGB's need to be held accountable as well to serve the interest of public health.

If the USOPC does not want or is not a good fit for the grassroots role anymore, then oversight needs to go to another entity. Options could include an office within the U.S. Department of Health and Human Services, could be a quasi-governmental agency or entity akin to the U.S. Anti-Doping Agency or the U.S. Center for SafeSport, or another not-for-profit with the necessary focus, expertise, resources, and independence to do the job. That body should be guided by a national sports policy, which we don't have, developed with input from stakeholders across key sectors. Public and private funding streams can and should be identified to support this essential work.

There is a better future for sports in America—please believe that—and it starts with policy. Rewrite the Amateur Sports Act and center the needs of youth and communities—and watch everything that sits on top of that base flourish. More athletes, better athletes, and—yes—more Olympic and Paralympic inspiration. Thank you for your time, and happy to take any questions.

CO-CHAIR XIAO: Thank you to all the witnesses for your testimony. I'll yield first to Commissioner Cohen.

COMMISSIONER COHEN: Hi. My question is for Ms. Nnamani. PeacePlayers operates in many cities and states across our country, and I'm just wondering if you're able to track the data and trends that give us a sense for youth participation and sports

access across the nation—and also where gaps might exist that we need to focus on.

MS. NNAMANI: I mean, data is a challenge within the sport-for-development space, right? Because we recognize the impact that we're trying to have it's a long-term game. And so, in the U.S., we're about five and a half years out. And, I always say, if you count the COVID years, we're about two and a half, three years out. So, we're very young. And, however, we're part of a global organization that has over twenty years of experience working in post-conflict and active-conflict regions and using sports to bridge divides.

And so, for example, our work in Israel and Palestine, we had an eight-year randomized controlled trial study that measured the effectiveness of using sport as a tool for bridge-building and developing young people as leaders. And a lot of the lessons learned from there has informed our work in the U.S. When we first started up in the U.S., the University of Michigan worked with us on running a study to better understand, like, where are the gaps in the communities we're hoping to work in. And we learned that, one, there's lots of playgrounds, but a lot of them sit empty because of gun violence—gun and gang violence. Second, there are community centers that have a ton of programs, but it's hard to attract young people to attend programs in their community center. And, kind of in relation to what was shared around coaching, there are gaps in how young people are coached at the grassroots level. And there's a need for adults who are working with young people to have access to the professional development and the opportunity to recognize how to properly use sport as a tool for positive outcomes and for youth development.

So, we're learning a ton as we're going. We have currently our system is really around tracking our young people in the long term. So, every young person who's entering a PeacePlayers program takes part in a baseline study that seeks to understand where they're at currently in terms of, like, their leadership skills, their self-efficacy, their self-esteem. And, each year, they're taking part in that same survey. So, we're able to measure the change

and impact that's happening over a period of time. So, we recognize that this is a long-term game. And so, I think, over the next five years, five to ten years, we'll be able to share in real terms where the gaps really are and what we've learned in working in these under-resourced communities that have a ton of potential, especially human potential.

CO-CHAIR XIAO: Thank you. Commissioner Cisneros Prevo has a couple of questions for our witnesses. So, I'll yield to her.

COMMISSIONER CISNEROS PREVO: First to Mr. Farrey, do you believe that the USOPC is capable of overseeing the coordination and development of youth and grassroots sports in our country, as Congress has directed under current statute, even if it had more funding?

MR. FARREY: Not under the current statute. Look, we've worked with the U.S. Olympic Committee. There are many wonderful people there who want to do the right thing, but the law is not written in a manner that allows them to have sufficient level of authority over the grassroots. It just says, 'coordinate amateur sports activity, set some national goals.' But how? I mean, this is language that was written nearly fifty years ago. It was our first attempt at sport governance in this country. It was a start, but we can do much better.

COMMISSIONER CISNEROS PREVO: All right. My next question is for Dr. Minjares. What is a defined problem that we see in youth sports that could be significantly minimized if coaches were trained and supported to implement leading practices?

DR. MINJARES: Thank you for the question. I'll preface my answer by saying that coaching is a field that really struggles with research-to-practice translation, and we have a number of really important issues across the sector. Some of them are already mentioned, relating to abuse in terms of trauma-informed practices, but also in areas relating to pedagogy and even the way in which coaches learn themselves. There's an entire field of research into coach learning and development. But the issue I would highlight is an interesting one

that came up quite a bit in the Women's World Cup, which is ACL-injury prevention. You know, we've learned through our work in this space that there's two decades of research into effective, proven solutions. We know it's a complex issue. We know that there's a lot of factors involved. But what we've learned is that preventative training, neuromuscular training, is really, really effective. In controlled studies, we see 50% to 80% reduction in risk. The problem has been implementation, and implementation means coaches. Coaches are a key actor in the design of training sessions, particularly warm-up, which is the place where we tend to want to promote preventative practices.

But, when you study coaches and their attitudes to prevention in this space, we get answers like: 'I don't have enough time,' 'I don't understand the training,' 'I'm not sure it's my responsibility,' 'isn't it someone else's responsibility?' So, when you think about that piece and knowing that ACL-injury prevention has a proven starting point—not the solution of the issue—what we need, what we can do through a facilitated program of coach education and development, much like we've done with concussion, because, I think, with concussion we've really made massive strides around coach training and education. This is another example where, if we can get coaches simply implementing the programming that we know research that has demonstrated is effective, we can see a dramatic reduction in injury risk because it's actually one of the few controllables we have on this injury. But we need coach buy-in. And in order to get coach buy-in, we need training. We need support. We need endorsement. We need mandates. There's a whole subset of, kind of, collective support around this issue that we would need for coaches. ACL injury prevention would be a good one.

CO-CHAIR XIAO: Thank you. Commissioner Fitzgerald Mosley, I'll yield to you for your questions.

COMMISSIONER FITZGERALD MOSLEY: Engrossed in your answer. Lost track of time. So, Mr. Goldberg, I have a question for you. I want to know what changes you're seeing in terms of participa-

tion opportunities and the regulations of the youth-sports experience that are a result of the increasing privatization of youth sports.

MR. GOLDBERG: One thing that comes to mind is, as someone who works at the intersection of sports and technology, I think of the Steve Jobs quote where he was quoting Wayne Gretzky, which is: you've got to "*skate to where the puck is going*." And so, first of all, to kind of think about the landscape, I think it's to anticipate that this system is dynamic, not static, and that we're in the middle of really an evolutionary period of how youth sports is currently operating in this country. A lot of that is driven by privatization, and one of the trends we see a lot of is consolidation.

So, for example, what we've seen through our own research at LeagueApps is that about 75% of all the programmatic spending in this country in youth sports is now concentrated in less than 20% of all organizations, and you can also look in terms of growth and participation where the growth of organizations is typically happening in organizations with much greater scale and size. That is only accelerating because there's a lot more investment capital coming into the market, a lot of private-equity dollars coming into the market, a lot more franchise-related models. And you also have the deeper engagement of the professional leagues and teams related to youth sports.

So, what are the implications of this, the changes? On participation, there's the potential for growing participation, especially if that energy is focused on more recreational and participatory experience. So, if you look at programs like MLB's RBI program that I cited earlier or what the NBA is doing with rec leagues or even NHL is doing with their Learn to Play program, you have the ability to grow the game by the engagement of the private sector that has a strategic interest in more participation. And even—the more innovation that's happening, especially where we see these franchises emerging, is happening at the base of that pyramid as opposed to only the most competitive aspect of sport.

In terms of regulation of experience, I'd almost reframe that to talk about the standardization of that

experience around quality and accountability, in which those organizations that are trying to replicate—especially ones that are bringing more professional staff and training—have the promise or the potential to create higher-quality programs and higher adherence to kind of safety protocols.

But I'll leave you with this thought because, no matter what is happening in the private sector, there are still gaps. And, during COVID when we started the Play Sports Coalition, we literally created a Google document to crowdsource what organizations, governing bodies were doing in response to COVID. And that was what was governing how people were trying to figure out how to respond, because there was no authority providing that kind of guidance and insight. And so, it was literally people trying to figure it out on their own. And I think we can do better.

COMMISSIONER FITZGERALD MOSLEY:

Thanks. I have a follow-up question. And having, you know, been alongside you in creating this Play Sports Coalition, it's been a slog. But I think we're finally making some progress. I wanted to see—my follow-up question to Mr. Farrey is going to be around this national sports policy that you were talking about. But how- how do we merge the two together, this privatization of youth sports, and provide the proper governance, oversight, accountability that's required? How do we incorporate them? Because it seems as if that's something that was missing out of the initial Amateur Sports Act in the oversight this required to put the horses back in the barn or start that process at least.

MR. GOLDBERG: Yeah. So, a couple things. I think Sally mentioned this, which is the first way to approach it is to start to break down the artificial distinctions that we created within youth sports. Right? The difference between a sports-based youth-development organization and a private organization shouldn't be all that different, right? Every organization, if they're focused on youth sports, should be focused on sports-based development. And there's a lot of practices around how those organizations operate in the private sector that might be able to replicate and support how sports-based youth-development organizations are scaling.

So, first of all, is the idea of a 501(c)(3) or for-profit—it's just a tax distinction. The real question is: are those programs operating with the highest levels of standard and quality. And, I think, when we talk about the professionalization of youth sports, the kids need to be amateurs. They have to be kids. But the adults have to be professionals, right? They need to be trained. There needs to be accountability. And I think that's where there's an opportunity for collaboration and partnership. Where the governing bodies and associations, I think, have the ability to help set those standards, help provide that kind of certification or requirements and incentives, and then empower the grassroots to be able to deliver those programs to meet to those standards.

But I think that there's a lot of well-intended people, that people can work together all aligned with the goal towards access and higher quality. And I'm optimistic that that can happen, and I think this Commission represents that.

COMMISSIONER FITZGERALD MOSLEY:

Thank you. Mr. Farrey, in your testimony you talked about the need for a national sports policy, and so I'm wondering: how do you think this should be formulated, the policy?

MR. FARREY: Yeah, and let me, by the way—I meant to make a point to your question earlier. In our research, when you asked if the USOPC is the entity to still run the grassroots, in our research of ten systems around the world, what we found is no other country asked the Olympic committee to organize the grassroots. They usually sit next to it. They're part of a confederation among other stakeholders, but no one says the Olympic committee should be the entity to do this, much less with no money to do so. So, I wanted to make sure I get that into the record.

So, a national policy, I think, is important because it begins to set the priorities. Like, why do we do sports in this country? Is it for child development? Is it community development? Is it entertainment? What is it for? There are lots of reasons we want to prioritize sports. So, a statement, a national policy, on why we're doing sports in this country can be

very valuable, starting with the government. It can help guide, you know, government grant funding. It can guide inter-agency cooperation, development of data, how you begin to think about sport governance at the NGB or other levels. So, I think that needs to happen, and it needs to be something of a consensus process. The key stakeholders need to be around a table and really identify what a good sport policy ought to be. And then there ought to be some entity within the government, maybe it's within HHS or otherwise, that guides the process and does all that coordination.

I also think that policy can help think about what that overarching confederation of sport, that NGBs can report to with these grassroots-performance plans that I'm a big fan of—it can guide that. It can guide the type of criteria that you put into such a document and, you know, set up the reporting around it.

COMMISSIONER FITZGERALD MOSLEY:

Thank you.

CO-CHAIR XIAO: I'll yield now to Commissioner Hogshead.

COMMISSIONER HOGSHEAD: Yes. My question is for Mr. Minjares. Did I pronounce that right?

DR. MINJARES: Yes. Thank you.

COMMISSIONER HOGSHEAD: So often, when we hear about youth sports, we usually hear, well, we often hear about it when they've been accused of abuse. And I was wondering what impact that that has had on youth sports and their willingness to be trained or the...

COMMISSIONER FITZGERALD MOSLEY:

Youth coaches?

COMMISSIONER HOGSHEAD: Yeah, yeah, yeah. Youth coaches. Like, what impact does that have with all these stories coming forward?

DR. MINJARES: Fantastic research question for a researcher out there, I would say. My response

would be a few things. One, that, in general, there is a tendency for training coursework—if we think about sort of the reaction of coaches to, you know, things like mandatory trainings or what have you—there's already a disposition among primarily a volunteer base: 'Why do I have to do extra stuff? This is already hard enough. I hardly have enough time.' So, I think, one challenge is dealing with a perception as a community that you are not good at what you do or that you are out to get someone or that you—and I think coaches, this is sort of part of this challenge, I think of how we positioned coaches in the youth-sports landscape.

So, on the one hand, you have coaches who are facing the already, sort of, intimidating piece of parents', kind of, criticism. Certainly the challenge of making the experience work within your time and your lifestyle. But also, this sort of question of 'am I alone in this and do I have any support?' And I know coaches have a tendency to be very siloed, to be kind of off on their own doing their own thing, but we also set them up that way. We sort of hired them. We say: 'Here's your bag of balls,' or 'Here's your field, go off and do your thing.' And I think there's already, in this case, like, a set of barriers to engaging with an infrastructure of support and training.

It's not a culture. We don't have a culture of continuous learning. We don't have a culture of coaches wanting to embrace getting better and learning. And it's a function of, admittedly, a lot of different factors. And, I would argue, that this is one of the main reasons way we need to be more intentional about cultivating not just a scheme or a structure but a way of thinking about the place of coaches, the way in which they grow and develop. Coaches are deserving not just of, you know, accountability, which I think we all jump to immediately when we see a negative story, but they're deserving of support. And one of the things we've learned internationally is I do think there's a more-robust approach to simply supporting coaches usually on the ground through a coach developer, which is a professional status that's not as common in this country.

And so, I think, you know, there's just simply a whole subset of issues that coaches are already facing. And

when there's a story that positions coaches as being this evil person, and—admittedly so, some of these stories are obviously real—but not every coach is that. And I think there's a need for us to not jump immediately to accountability and training, but to also think about that in relation to support and help. And I think those things need to be working in harmony together.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Korb.

COMMISSIONER KORB: Ms. Nnamani. It's a beautiful name. Ms. Nnamani, you mentioned that in developing youth programs, you've worked in partnership with organizations including the NBA and companies like Nike. In your experience, does the USOPC and its governing bodies, specifically U.S.A. Basketball, share an active and/or visible role in grassroots- and youth-sports development in the communities where you and your colleagues and your team have been working?

MS. NNAMANI: I believe there's been—in recent years definitely—there's been a ton of investments in the grassroots space. I think, you know, organizations and companies recognize there's a business opportunity in investing in grassroots sports. So, you see organizations like the Junior NBA, U.S.A. Basketball has—there are a number of initiatives. For example, Junior NBA has the Her Time to Play initiative, which is really centered around getting more girls to play. And we partner with them on a number of events they host throughout the year. Dick's Sporting Goods is another group that does a ton of work around that.

But I would have to speak about Nike, who has been our core partner in this work. And I think Nike has been intentional in investing in the grassroots space from multiple places, right, from a systemic standpoint, from a grassroots standpoint. And I can share a number of examples. Nike has the Grow Our Game initiative, which they've paused recently due to the pandemic. But that initiative allowed young people to work with their local NBA teams to identify gaps in their communities around girls participating in sports and begin to recommend

solutions on how communities, the NBA, and Nike can collaborate about increasing participation. That initiative is not just invested in access, it's also giving young people an agency and opportunity to look around and say: 'Well, what role can I play in imparting change in my community?' Which I think is very important, because many young people do not believe that their voices are part of this process or that it's even welcome in this process. So, when there's opportunity—and real opportunity—for them to contribute, I think that's very important. So, that's from a grassroots perspective.

From a systemic and a structural standpoint, I think Nike has invested a ton of resources towards research and developing guides and tools around increasing participation for girls and young people who typically are not part of the sports ecosystem. So, we have to think about this from multiple perspectives, right? It's not just rolling out the basketballs and running events in these communities and getting everyone excited. It's how are we, one, creating opportunities for young people to contribute their opinions and drive this process? And also what tools and guides and resources and mandates have we put out there to inform how opportunity is shared out across the board? Because you look at our youth-sports system, where family income is the number-one driver of if you're going to participate and how long you're going to participate. So, when we create resources for young people to influence and have a voice at the table and also to support the coaches and people who are leading these programs, I think that's what's going to help with driving the conversation forward. And, certainly, Nike and NBA, I think, in the recent years have made a lot of investment from multiple places, multiple verticals, in moving this conversation forward.

CO-CHAIR XIAO: Thank you. I'll yield to Commissioner Schmitz for a couple of questions.

COMMISSIONER SCHMITZ: We heard testimony today regarding how movement sports are under the safety umbrella of the U.S. Center for SafeSport. Organizations that aren't overseen by a national governing body fall outside of SafeSport's

jurisdiction. So, how do these private-sector youth-sports organizations protect the safety of participants when it comes to abuses?

MR. GOLDBERG: I think it's an excellent question. And, I think, one thing I see is that, in a lot of cases, any time you have the movement or engagement of governing bodies or associations, if grassroots organizations don't like what those organizations are doing, they just move outside the system, or they create their own kind of entities or their own kinds of associations. So, the reality is, there is no standardization around how they think about safety. It really depends on the leadership of those organizations, the accountability they want to provide with respect to their programs, and also the expectations of the parents they're serving within those programs.

Now, there are exceptions. So, for example, if you're running a program that has a partnership with the NBA or NBA teams, license programs, there becomes standardization of requirements around background checks or coach training or certain requirements to participate, even if those organizations might operate outside of the purview of those governing bodies and associations. My general perspective is, across the landscape, you generally have organizations that want to do the right thing. And that organizations, especially if they have more capacity and are hiring more professional staff, they take the question of safety and quality very seriously.

But they're not operating under any other kind of mandate, and it really depends on the individual organization. And, ultimately, if parents don't feel that organization's safe, they'll go elsewhere. And so, there are gaps that are created by that, and, ultimately, I think we need to figure out ways to better link those systems together.

COMMISSIONER SCHMITZ: So, my second question is a follow-up. It's related to this question from a Constitutional perspective.

MR. GOLDBERG: Right.

COMMISSIONER SCHMITZ: Because in my opening statement, I mentioned kind of American ‘first things.’ One of our ‘first things’ is our Bill of Rights, which concludes with the Tenth Amendment. It says that ‘all powers that are not delegated to the national government are reserved to the states and the people, respectively.’³²⁷ So, as I’m kind of listening to these great ideas about, like, a national sports policy, I’m thinking to myself—and Commissioner [Fitzgerald] Mosley already asked the question—who would write such a policy? I think your answer, Mr. Farrey, was kind of—it should be consensual of all of the different stakeholders. Then I’m thinking back to Dr. Minjares’s, like, slide, where he’s got the New Zealand sports policy. Of course, New Zealand doesn’t have a Tenth Amendment, so it’s very easy.

So, my question, I think, is for maybe Dr. Minjares or maybe Tom Farrey, but it’s a follow-up to Commissioner [Fitzgerald] Mosley’s question: do we have any of our fifty states that have written state sport policies? And do we have any kind of best practices that we might be able to learn from? Because, frankly, the safety of our young kids is a paradigmatic, what we call a state-police power. It really isn’t—I mean, obviously with the Olympics there’s a national hook. But the further we get down into the grassroots, I don’t really see a Constitutional federal role, frankly.

MR. FARREY: Well, I think there is an appropriate role at the federal, at the national level. I don’t think it’s a completely hands-off situation. However, you raise a good question, is there a role for states to play in organizing sport activity? And the answer is yes. Many of the countries we looked at are the size of states. It’s Norway, it’s New Zealand, etc., and there are a lot of good practices to pull from that. In the United States, we have no state that has said there’s a commission, a sports commission, that is reporting to the governor and coordinating activity and being that gathering place for the stakeholders to help set policy, or communicate with the health department when the next pandemic comes along about shutting down or otherwise.

The only parallel we have is in Puerto Rico. Puerto Rico has a Department of Sports and Recreation, and what’s required there—I wrote about this in the *New York Times* if you want to pull it up—what’s required there is, if you are offering sports in Puerto Rico, you are required to register with the state. And they use that registration to then make sure coaches are background-checked, that they’re trained in key competencies, etc., etc. Puerto Rico doesn’t have much in the way of resources, but imagine if we could do that here. Imagine if Minnesota or the State of Washington, whatever, said: ‘Listen, if you’re going to offer sport activity in our state you got to register.’ And, now, we have a communication channel to push coaches’ education, program standards, SafeSport, whatever else may be down the pipeline. And Texas might look different than Minnesota. And that’s okay in some areas, as long as the minimum conditions, the human rights of children, are being honored. But I think that there’s a real opportunity, and there’s also an opportunity around local sport governance. Cities using the power of the permit to, you know—meaning access to public fields, gyms, etc., to say: ‘if you, as a nonprofit or a for-profit are going to use our space, then you need to show us your coaches are background-checked, they’re trained in these key competencies, etc.’ There is an appropriate role for government at each of those levels. I don’t know if that’s helpful.

CO-CHAIR XIAO: Thank you. Mr. Goldberg, you just spoke a little bit about some of the challenges with SafeSport adoption or athlete-safety adoption with organizations moving out of the privy of the NGB. Are there at least some things that you think that would encourage more private-sector organizers of youth sports to adopt SafeSport standards, or at least participate in the Centralized Disciplinary Database?

MR. GOLDBERG: There’s a couple of different ways I’d approach that. The first thing I’d just, in general, would say, is in my experiences in a lot of cases you’ll have these expectations around training but that you’re not focused on the outcomes. So, I

³²⁷ The Tenth Amendment to the Constitution reads: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

remember sitting in actually a Project Play meeting where there was a discussion around coach training, around safety, and it was more making sure the training happened. But no one asked the question of, well, did it work, right? So, I think there's just a general question around any of these different policies which is: what are the outcomes we're trying to achieve, and how do you create accountability in tracking against those outcomes?

I do think that there are mechanisms to think about the incentives. Tom mentioned one potential incentive, which is the ability to access space and the ability to create requirements. I mentioned earlier the ability to be a part of programs or affiliations associated with professional leagues or teams or other kinds of incentives that might approach that. And the third might be—it's also eligibility around grants or the ability to have support for programs around coach training. Where, if you're willing to accept certain kinds of standards, in return you're eligible for pools of funding and support that allows you to make sure your coaches are trained and accountable. So, I do think, in general, most private organizations want to do the right thing. They just ultimately need to be nudged and understand what are the resources that are available to them.

CO-CHAIR XIAO: All right, thank you. I'll yield to Co-Chair Koller.

CO-CHAIR KOLLER: Thank you. Mr. Farrey, I love the idea of your NGB GPP—if I got that right. But what my mind is going to immediately is dollar signs. That sounds really expensive, and I'm thinking of testimony—I believe it was Pat Kelleher—early today who talked about our NGBs and just how under-resourced they are in terms of human resources and just people and just dollar resources. And so, what are some potential new funding streams that, in your view, could be considered to support grassroots- and youth-sport development?

MR. FARREY: Well, the first thing I think we need to do is an assessment, identify all of the sources of federal and state support for sports. And they're out there. There are agency grants. There are legislative earmarks. There are proceeds from Gulf of Mexi-

co oil drilling allocated to sports facilities through the Land and Water Conservation Fund, which has been around since the 1960s and helped build more than 40,000 fields and sport spaces over the past several decades. Every state has benefited from this. If you've played sports, you probably played on a field that was supported in part by LWCF funds. That's not actually federal money. That's again, a cut of proceeds from oil drilling.

So, I would encourage us to think about not just direct funding by the government, but are there other sources, private sources? Sports betting, which right now is a state issue, but as things evolve is there an opportunity to tap into sports betting or gambling or other type of excise taxes? I think that's worth exploring.

I also think there is a good conversation to be had around mega events in our country. We know that mega events in the past have produced really solid legacies. In the 1984 Olympics, the surplus was—part of it went to the USOPC and the NGBs, and part of it went to create something called the LA84 Foundation, which has introduced millions and millions of dollars of grants into the Southern California ecosystem since the 1980s. The 1994 FIFA Men's World Cup produced the U.S. Soccer Foundation, which is now driving hard on building many pitches around the country. The 2002 Salt Lake Olympics created the Utah Olympic Legacy Foundation, which has done a lot of great work in Utah.

So, as we move toward the 2026 FIFA Men's World Cup, possibly the Women's World Cup coming, and the '28 Olympics, I think we need to have a good conversation about what's an appropriate legacy from the event and from the sponsors of the event. If there's going to be a surplus, should it all go to elite athletes, or should it go to funding youth and community development or some, like, combination of the two that makes sense to the American people? I could tell you, we've seen the research. Americans, overwhelmingly, like youth sports. They want their kids involved in sports. They get the value proposition. They're even supportive of public funding of it. They're much less supportive of funding of pro teams, colleges, you know, etc. But they understand

the value prop when it comes to funding youth and school sports, which is a key piece as well. So, I think we need to have a conversation. We need to do the research, identify the potential sources, and then develop some consensus around that.

CO-CHAIR XIAO: Thank you. Commissioner Cisneros Prevo has our next question.

COMMISSIONER CISNEROS PREVO: Thank you. This is for Ms. Nnamani. In your testimony—thank you for that—you shared some of the benefits to young people individually that come from participating in sports. What are some of the positive impacts on entire communities that you've seen when there is both investment in and expansion of youth sports that are affordable and accessible?

MS. NNAMANI: That is a great question. The emphasis of our work at PeacePlayers is really centered on building thriving communities and the role of sport in doing that. So, I love that your question is community-centered, because ultimately that's what we're trying to accomplish—is young people feeling the sense of agency in their communities and sport being the platform in which we do that. So, an example I would share is—I spoke a bit about Brooklyn. I name that city often, mainly because I worked there for some time. But the example I'm going to share is very similar across the board in places where we work, in L.A., in Detroit, in Baltimore, and Chicago.

So, in every summer we run a six-week basketball camp, and we run it outside. I shared earlier about how local playgrounds are empty because of safety issues and gun and gang violence in that neighborhood. And so, one summer, the park that we chose as one of—it's a block that's known to be one of the most dangerous blocks in the neighborhood. And we wanted to be a visible—a positive—example of what's possible when the community collaborates together. And we've been privileged in the work that we do in Brooklyn that we have some local partners and people who believe in the idea of what we're trying to accomplish. And we're not just the organization that's leading it, we're part of a coalition of organizations who are trying to build more-thriv-

ing communities and using sport to do that.

And so, for six weeks, young people came out and participated in the basketball camp. And that park, the surrounding areas around that park, unfortunately, like, drug users will come by every now and then, people who are just sitting outside and drinking. But by the second week, we noticed, like, there was an uptick of people coming out to watch and, all of a sudden, asking: 'Well, what is this? What's this PeacePlayers thing, and who is involved with this?' And said they wanted to be involved in, like, in what PeacePlayers and the other groups were building through the camp. And so, through the next, you know, couple of weeks, we had a number of people who live in the community—residents, people who had worked in the community—coming by and figuring out ways to align their organizations in what we were building.

And so, while that is a small example, it's really a testament to the role that sport can play in convening people from different walks of life in a community. We're not even talking about, like, the U.S. as a whole. We're talking about a community. And there's a group called Brownsville Community Justice Center that works directly with young people who have been in touch with the juvenile system and really centered on providing opportunities for them to find employment or go back to school. And we work closely with that group and a number of other organizations that are a part of that ecosystem on the economic-empowerment piece. Because we cannot think about youth leadership without thinking about economic empowerment.

Young people have to have pathways that are reachable to them. And what role can the community play in doing that? And so, the way we think about thriving communities in PeacePlayers is economic empowerment, on one hand, and then leadership development, on the other—and then the supportive environment, which is the community, in nurturing young people in that path. And so, I gave an example of Brownsville, Brooklyn. But this is very similar to what we're doing in Watts in South L.A., in the South Side of Chicago, in East and West Baltimore, in Detroit in Cody Rouge, in and all of these

places, where it's not just sport or access to sport, it's access to the social, economic, and health benefits of sport—and young people's feeling a sense of agency and power to look around and want to play an active role in building this vision of a thriving community.

CO-CHAIR XIAO: I'll yield to Commissioner Cohen for our next question.

COMMISSIONER COHEN: My question is for Mr. Goldberg. And I'm just wondering, what are the most worrying trends that you're seeing in youth and grassroots sports, especially post pandemic?

MR. GOLDBERG: I appreciate the question. The first thing I'll say is that any of the trends that have happened since the pandemic have simply been the acceleration of the trends that were true before the pandemic. So, the most pressing one, I would say, is the question of access and who has access to sport. Because those that had continue to have. And those organizations that were serving those who have means and had access, they were the first to respond, they had access to their own space—while organizations with far less capacity serving those which have the most needs, were really left behind. And they were less able to adapt because of technology, organizational capacity.

So, I think that you have this acceleration of kind of inequality that mirrors the broader inequality in our society. And, I think, the real interesting question is where is the opportunity to solve that? So, one a way of solving that is to say: hey, we have to better support organizations that are providing direct services to those under-served communities like PeacePlayers, right? Or I know through our Fun Play Foundation—we work with about 175 different nonprofits—through technology and cash grants to be able to support them. And that's also why the Play Sports Coalition is advocating for more funds at the federal and state level to directly support those organizations that are solving those gaps.

I think the second is we need to encourage organizations, incentivize organizations, to think more creatively about recreational participatory pro-

grams as a market opportunity. That you can run low-cost programs that can meet the needs of community and bring people in, as opposed to only focusing on the very top of the pyramid, the most elite, the most competitive. And I see some signs that there is more and more focus and interest at those broad-based programs that is bringing higher-quality coaching and standards but at a recreational participatory level that's far more affordable. So, I think that's one thing.

I think the second trend is, ultimately, a question of the idea of, like, the divide between volunteer-based organizations and professional organizations. And I'm of the mind that, if sports is so important and we talk about the importance of coaching—I went to a coaching clinic last night to coach my kindergartner's flag football league; I'm pretty well-versed in youth sports, and I am not that qualified to do this! And I sat around the room, and it was not, like: 'Let's talk about positive coaching alliance and how we're getting a better coaching experience in the field.' It was like: 'Here's how you run a fake-pick play to open up a receiver' for your kindergartner or first-grader. So, I'm like: 'Whoa, this does not seem right!' And I'm looking around here, saying: 'They are very well-intentioned.' I happened to be around a bunch of Eagle's fans. I'm a Dallas Cowboy's fan; that was also uncomfortable.

And so, I'm looking at this, and I'm saying: 'Wait, this can't be the right way of entrusting the development of our kids through what seems to be a very high-quality organization to make it happen.' At the same time, if the organizations that have professional staff and training isn't focused on the recreational or entry-level experiences, that's a missed opportunity. And so, I think that one of the trends that worries me is that everyone's focusing on the wrong thing. And I think that, hopefully, the work of the Commission gets people to focus on the right problem.

DR. MINJARES: Can I comment on the clinic briefly? I just wanted to take the opportunity to say that, you know, welcome to coach training and coach development in youth sports. I mean, this is what happens when we entrust the development of

our volunteers to well-intentioned but, ultimately, either, you know, under-supported or simply unaware of the work that goes into this important practice. And I think that coaching needs to be recognized as a legitimate field. Certainly, you have academic study, you have rigor, but also an important place that we need to develop people's capacity to do this. And you don't just know how to do it because your C.V. says you played or you coached last year. We simply can't keep taking for granted this work.

CO-CHAIR XIAO: Thank you. Commissioner Moses, I'll yield to you.

COMMISSIONER MOSES: I have a question for you, Tom. Being that we're the only country that doesn't have a sports minister, which puts us in a very different situation than almost every other country in the world—and I think it's probably a blessing, because I would hate to have funding for sport for development contingent upon a continuing resolution, for example, the way things have played out over here. You mentioned a couple of points that we have had a very good history in, producing legacy events, namely the 1984 Olympics, which produced a huge windfall, and other possibilities, including World Cup football, going forward. How does our system compare with other countries' approaches to providing public oversight for youth, grassroots, and high-performance sports? And, I guess you could say, 'sport for good' versus 'sport for development.'

MR. FARREY: Right. So, there's all these countries, we're finding, do things slightly differently, so there's not one model to pull from. And, again, none of them are perfect, but in general what you have is one entity that's either within the government or is quasi-government, like USADA or a U.S. Center for SafeSport, sort of blessed by the government, maybe partly funded by the government, that is in charge of running hard on grassroots sports, mass participation, quality standards, talks with the clubs. That's their focus. That's their business. That's what they're trying to do.

And then there's the Olympic committee over here, which is just—it's often like a private organization.

It's not even funded by the government; sometimes it is. But, you know, their job is to get the athletes to the Olympics and support them along the way. I mean, they're working with the tippy, tippy top of the folks. And, you know, that makes sense because, I mean, what matters to most people when it comes to sports is this 99% of the population over here. It's their kids, it's their community, that's how they're impacted. So, we'll publish all this in October, and it'll all be free, and I can share more then. Can I make one more point to that?

You know, I don't know if it'll come up or not, but we've been talking about athletes all day, asserting athletes, athletes' rights, athletes' voice. When we talk about the Olympic movement in this country—whether it's 11 million people or 16 million people, or there are about 36 million children who play sports in this country, ages six to seventeen—that term 'athlete' is not applying to 99% of the people who are in that movement. And I think, as we go forward here, we need to be mindful about recognizing anybody who has a body as an athlete, anybody who's playing. It's the kid down the street. It's the kid down the hallway. They need to count as much as an elite athlete out there. What are they thinking? What are they feeling? What do they need?

We need to listen to that 11 to 16 to 36 million, through surveys, through other methods. We have good feedback. We cannot design a sport system in this country if we don't understand how it's being experienced by the people on the ground. So, that is a piece we need to figure out. So, I would encourage this group as we go forward, when we talk about athletes, let's be very clear if we're only talking about elite, Olympic, podium-ready-type athletes who is at the top one half of one percent of our population—or are we talking about all athletes within the movement? Thank you for indulging me.

CO-CHAIR KOLLER: Thank you for that. Commissioner Moses, I'm going to take that as the last question for today. Mr. Farrey, I'll take that as the last word. But I would like to also, again, put for the record everything that you're talking about, in terms of Olympic movement also Paralympic

movement and reaching all children who can benefit from sport.

So, we've reached the end of our time for this session. I want to thank you all for sharing your insights with us. I again want to thank all of witnesses today, who took the time and investment to travel here to Washington to provide testimony to our Commission and answer our questions. As a reminder, the testimony and a full transcript of these proceedings will accompany the Commission's final report. I also want to thank our commissioners for their thoughtful participation as well as my Co-Chair Han Xiao, who led today's questioning. I'll now turn the gavel over to him to deliver closing remarks before adjourning our hearing.

CO-CHAIR XIAO: Thank you, Dionne. And thank you all for spending the day with us today.

Today, we heard voices from across the U.S. Olympic and Paralympic movement. There were voices of athletes; voices of officials from the USOPC, the governing bodies, USADA, and SafeSport; as well as some voices from outside stakeholders. We heard from a survivor of some of the most horrific abuses, and we heard from those who have been marginalized and excluded unfairly. They join the thousands of individuals and the many organizations our Commission heard from this year. Congress gave us a mission to listen, and listening is what our Commission has been doing. Throughout the course of our work, our bipartisan Commission has been striving to hear from all the voices of the movement as we conduct our independent study and prepare to make our recommendations.

What we've heard so far, including today, is that we need to make adjustments in the system of governance and public oversight of the U.S. Olympic and Paralympic movement in order to meet tough challenges and ensure maximum transparency and accountability.

First and foremost, it's clear that athletes must be at the center of this movement. To make certain that happens, athletes need to have appropriate influence in representation within the movement's

centers of decision-making. That isn't the case now, and we need to consider the appropriate reforms to make that happen.

Athletes also need to know that they can participate in sports safely. This is of particular concern for parents like me and many others who want to be enthusiastic about engaging our children in sports, not worried about whether to let them do so because it might be unsafe. We need to ensure that movement stakeholders and the American people can trust in SafeSport to protect all who participate.

At the same time, our Commission has been looking into barriers that prevent all Americans from accessing movement sports equitably. Particularly at the youth and grassroots levels, we found that too many people are deterred from participating or seeking to participate because of high costs, lack of adequate facilities, or barriers to accessibility. For Americans with disabilities, equity and access also means equity in support and equality in respect and attention.

While today's hearing may be ending, our Commission work will continue. On September 30, the study phase of our work will conclude. Based on the findings of our study, we will work to produce a report with recommendations to Congress and to movement stakeholders on how to make the future of sports in America better reflect our common vision for success. That report will be shared in the spring of 2024.

I refer to a common vision because, while there may be some debates within the movement on how best to achieve them, we've identified broad agreement on our movement's values and priorities. It's a vision that transcends party or ideology, one that brings harmony to the many different voices that make up our movement as well as our country.

So, even though our challenges are many, they are not insurmountable. If there's anything America's high-performance athletes have taught us, it is that just when you think an achievement is out of reach, it becomes possible—and then seems inevitable. We look forward to sharing our report in the spring,

and we encourage Congress and the public to read it and consider the Commission's recommendations.

Again, thank you all for being a part of these proceedings in this important process. And I hereby adjourn the commission's public hearing.

-END OF LIVE TRANSCRIPT-

What follow are the extended prepared testimony by witnesses submitted into the record:

Statement of Sarah Hirshland

Chief Executive Officer, U.S. Olympic & Paralympic Committee

Commission on the State of the U.S. Olympics and Paralympics

September 6, 2023

Members of the Commission, with sincere gratitude, I thank you for your important work supporting our Olympic and Paralympic community. We also owe our appreciation to Congress for establishing the Commission and dedicating the needed funding and resources to evaluate the state of the Olympic and Paralympic movements in the United States.

After five years serving as the CEO of the United States Olympic & Paralympic Committee, I stand before you today with stronger conviction than ever about Team USA's positive impact on American communities, our youth, and those we inspire and support globally. Team USA athletes have consistently graced the global stage with their bravery, unity, humanity, and unwavering commitment to excellence. As the world changes around us, so do the Olympic and Paralympic movements, bringing new challenges. However, we remain resolute in our mission to serve Team USA athletes, uphold our values, and strengthen our resolve. I take pride in our immense progress and am committed to the journey ahead.

In recent years, we have made significant strides in athlete safety, representation, mental health, and inclusivity. We have spearheaded transformative changes within our governance including increasing athlete representation on our board of directors and across our governance committees and investing in the strength and efficacy of the Team USA Athletes' Commission. These reforms, coupled with our annual athlete listening survey, have greatly empowered athletes, ensuring their voices

are heard in decision-making processes, while also enhancing our understanding and responsiveness to their needs.

Athletes' mental well-being is a new cornerstone of our quest for greatness. We have introduced comprehensive programs and resources that empower athletes, acknowledging their needs as individuals—and equipping Team USA to excel both on and off the field. Our dedication to athlete safety remains unyielding. We have set up robust measures and policies to protect, support, and empower athletes. With extensive training, transparent reporting mechanisms, thorough background checks, and reinforced athlete protection policies, we aim to be the strongest allies for athletes and the broader Olympic and Paralympic community.

We are now proudly called the United States Olympic and Paralympic Committee. Our Paralympians' inclusion in our name—confirmed by our board in 2019—is intentional and unique among the 205 National Olympic Committees around the world; it is a proud affirmation of human potential. We continue to elevate the voices of our Paralympians, celebrate their triumphs, and endeavor to create a platform that recognizes their accomplishments.

The recent Tokyo and Beijing Games brought extraordinary excitement as hundreds of athletes represented our nation. Despite the unprecedented challenges of the pandemic, they inspired us and created lifelong memories. Athletes such as Lydia Jacoby, the 17-year-old swimmer who brought home Alaska's first-ever Olympic gold medal in swimming, Erin Jackson, the first Black woman to win a gold medal in the Winter Games, and Oksana Masters, a remarkable Paralympian who has competed in both the Summer and Winter Games, becoming the most decorated Paralympian of all time, not only made history but also inspired countless young athletes to push the boundaries of what is possible.

Looking forward to hosting the world for the 2028 Games in L.A. and potentially a Winter Games in the following decade, we have the opportunity to showcase the very best of sport in our country. We

are confident that Team USA will represent our nation proudly, both as competitors and as global ambassadors through sport, leaving a legacy that transcends the competition itself.

Our vision is to chart a stronger future, making Team USA's performance the most successful and diverse in history, while ensuring top-notch athlete experiences, holistic wellness, and Team USA pride. We will lead in sport science and innovation to enhance athlete well-being and performance. Our goal is to set the standard for excellence in sport administration and establish a strong network of partnerships to bolster our pipeline for generations to come. We are dedicated to fair play and promoting a positive sport culture, while elevating the popularity of Olympic and Paralympic sports in the U.S. We aim to generate record-breaking support for Team USA that will provide stability for the future well beyond 2028.

And we will not do it alone. The collaboration and dedication of the complex sports ecosystem in the U.S. comprised of hundreds of sport organizations and the athletes, coaches, families, sponsors, donors, fans, and everyone who supports them, is the backbone of American sports. Each plays a crucial role in this Movement. Every touchpoint, every interaction with sport, makes Team USA possible. We are all part of Team USA.

As the Commission reviews the extensive materials, nearly 47,000 pages that we have provided, and summarizes the results of the surveys that were widely distributed across our 500-member staff and 6,000 alumni, we invite you to consider some of our most important opportunities and challenges. These include extending athlete safety measures across the U.S. sports spectrum, clarifying the duties of the USOPC to align with our mission and scope, and refining the US collegiate sports model to ensure it continues to be the envy of all those around the world.

Thank you for the opportunity to testify today. I am humbled to be part of this era in Team USA's history, and I am eager to advance sport in America for future generations of Team USA athletes. I look forward to answering your questions.

Testimony of Elizabeth Ramsey

Executive Director
Team USA Athletes' Commission

Public Hearing
Commission on the State of the United
States Olympic and Paralympic Committee

September 6, 2023

Co-Chair Koller, and Co-Chair Xiao, and Commissioners,

Good morning. Thank you for the opportunity to testify as part of this public hearing.

My name is Elizabeth Ramsey, and I currently serve as the Executive Director of the Team USA Athletes' Commission (Team USA AC), formerly known as the United States Olympic and Paralympic Committee Athletes' Advisory Council (USOPC AAC). I am the first executive director of Team USA AC and have served in my role since July 2020.

Team USA AC serves as the representative group and official voice of the approximately 5,000 Team USA athletes. Each representative is elected by their fellow athletes. Team USA AC is responsible for broadening communication between the USOPC and active athletes, and serves as a source of input and advice to the USOPC Board of Directors. We facilitate and represent the athlete voice in decision-making within the Olympic and Paralympic Movement. With the limited resources and access provided, we attempt to support all athletes during the Games and advocate on their behalf regarding on and off-the-field of play issues. Even without an official policy in place by the USOPC, we ensure there is athlete representation on all USOPC working groups, task forces and committees. And, we provide resources, education and support to Team USA Athlete Representatives serving on National Governing Bodies (NGBs) and international committees.

For many years Team USA AC was largely unfunded, and as a result, was not able to have the impact

intended by the Ted Stevens Olympic and Amateur Sports Act (the Act) or provide the support that the athletes needed. This was, in part, because Team USA AC was comprised solely of athlete volunteers without staff support, whereas other entities like the USOPC and the NGBs had full-time employees. Finally, in January 2020, USOPC and Team USA AC signed a memorandum of understanding that allocated an annual budget from the USOPC to Team USA AC. As a result of this new funding, the Executive Director position was created.

Since the passing of the Act in 1978, Team USA AC has evolved to do much more than simply "ensure communication," as directed by the Act. The evolution of athlete representation in the U.S. has led to what is now Team USA AC. We advocate on behalf of Team USA Athletes, ensure that they have a meaningful voice, and empower Team USA athletes to be change agents.

The Movement has made great strides in improving the system for athletes and strengthening the athlete voice. However, there are still many improvements that can be made. Team USA AC is hamstrung in many ways due to its complex link to the USOPC. The Act is extremely vague when it comes to the structure of Team USA AC. The Act states that the USOPC must "establish and maintain an Athletes' Advisory Council." But under this governance structure, Team USA AC is an organization within the USOPC which creates numerous challenges. Today, I want to highlight three ways those challenges have impaired our ability to act as a strong voice for Team USA athletes.

First, Team USA AC relies solely on the USOPC for all its funding. It is prohibited from obtaining sponsors, and any fundraising it does is offset by the budget allotment from the USOPC. In fact, USOPC could, in theory, pull back all funding for Team USA AC. Without adequate resources, we are unable to provide critical services to Team USA athletes such as helping protect their rights under the Act and USOPC Bylaws and increasing financial security, support, and overall wellness for athletes.

Second, because Team USA AC is not a legally in-

dependent body, it has been challenging for our Athlete Representatives and Team USA AC staff to form trusting quality relationships with some of the athletes it serves to represent. Many athletes still believe Team USA AC staff works for the USOPC and therefore believe that we do not have athletes' best interests in mind when making decisions.

Third, Team USA AC is not given the access or information it needs from the USOPC to advocate effectively for Team USA athletes. Such access is critical because we are the sole organization tasked with advocacy on behalf of these athletes. As an example, during the Tokyo and Beijing Games, Team USA AC was not informed by the USOPC about potential issues related to athletes. As the official voice and advocate for Team USA athletes, anything that impacts athletes—especially in situations where athletes feel as though their rights might be infringed upon—must be shared with Team USA AC. This involvement is crucial so that we can provide the athletes with guidance, help them advocate on their behalf, and view issues from the lens of what might be in the best interest of all Team USA athletes. Additionally, the lack of access to Team USA athletes hampers our ability to inform athletes about our role or how we can help them. As an example, during the first few days of the Tokyo Games, as the Executive Director of Team USA AC, I was not even given the same access to events, venues, or TA transportation that was provided to other individuals such as USOPC Executives. This lack of access obstructed our ability to connect with the athletes, or champion on their behalf, during the Games, as well as negatively impacted athletes' perception of our influence. Another example of the lack of access to information is that our Athlete Representatives have not been given, by some of their NGBs or the USOPC, names and contact information for the athletes they represent. These are all barriers to effective athlete representation.

I am before you today to ask for your assistance in giving Team USA AC the support it needs to be impactful, more effective, and better recognized within the Movement. To accomplish this, we believe the Act should be amended to give Team USA AC independence from the USOPC while still be-

ing recognized by the USOPC as the official representative body of Team USA athletes. This includes but is not limited to, the creation of proper policies that require Team USA AC to be provided notice regarding dispute resolutions and grievances, better access to events, and more clarity and structure in the governance of Team US AC. Were it to be made a completely independent body that is disconnected from the USOPC, Team USA AC would be able to gain more athletes' trust and have the autonomy to make decisions that benefit athletes without oversight from the USOPC. Additionally, it is imperative that Team USA AC is given the access it needs to garner visibility, awareness, and recognition among the entire Movement as the official organization representing Team USA athletes. We understand that these are not simple asks, but we believe that they are necessary so that we can serve, support and advocate for all Team USA athletes.

Thank you for your time today, and I welcome any questions.

Statement for the Record from Grace French

Founder and President
The Army of Survivors

Commission on the State of U.S. Olympics &
Paralympics Public Hearing

2123 Rayburn House Office Building
September 6, 2023
10:50-11:45 a.m.

Thank you to the Commission on the State of U.S. Olympics & Paralympics for inviting me to speak today to offer my perspective on safety in sports as an athlete and survivor. I truly appreciate the Commissioner's time and commitment to supporting all athletes. My name is Grace French and I am the founder and President of 501c3 non-profit, The Army of Survivors. We create awareness, accountability, and transparency around the issue of abuse in sport through our pillars: advocacy, education, and resources.

But how did I get here? I often wonder about this when I find myself in situations like these. I began doing this work in 2018 when I came forward about the abuse I had experienced at the hands of the now infamous and imprisoned USA Gymnastics and Michigan State University doctor. I was abused from the ages of 12-19. It was only after I came forward that I found out that the first report to the University of his abuse was in 1997 - I was two years old. Another report to the University happened in 2014 and in 2015, USA Gymnastics, the USOPC, Michigan State University and the FBI knew he was sexually assaulting people, but failed to stop him or tell his patients. So I continued to see him for my injuries and was abused multiple times even after it had been reported.

I did not know as a young athlete how vulnerable I was to abuse. Athletes face extreme vulnerability to sexual abuse because of their complex and sometimes isolating schedules, the intimate nature of coaching and development of sporting skills, the increased physical care and scrutiny, the pres-

ures and stressors of athletic competition, as well as concerns about career opportunities in a finite timeframe. I was focused on being the best athlete I could be and trusting the coaches, doctors, and staff that supported me.

Coming forward with my story changed my life in multiple ways. But what I failed to predict was that institutions that I trusted with my safety failed to be transparent or trauma-informed. And there was no support from my sport or sports-connected organizations, including the U.S. Center for SafeSport. I realized that I had to be the change agent myself. Through all of this trauma, and re-traumatization, the silver lining was that I became a part of a group of like-minded people. In the summer of 2018, 40 of us came together to create a shared vision for the future: a world where athletes can train and compete without violence. Because we knew that we were not alone in our experience. And from that vision, The Army of Survivors was formed to turn our pain to power. Since then, our organization has expanded rapidly, and we have met so many survivors of abuse in sport from across the nation and the world.

Congress has also responded with new laws, but we've continued to hear from many athlete survivors of all ages, genders, and sports that more needs to be done. According to the Congressional Research Service, between its creation in 2017 and December 2022, the U.S. Centre for SafeSport (SafeSport) has received over 16,000 reports of abuse and misconduct on nearly 2,000 adults. The demand has only increased, and we heard from survivors about major problems with SafeSport response.

Starting in May 2022, TAOS conducted a series of interviews with diverse athletes across several different sports, genders, ages, and levels of competition regarding their experiences with reporting sexual assault. All of these survivors tried to work through SafeSport's process. We've gathered their testimony and found some common disturbing themes. A full report of our findings is available and will be submitted with my comments.

Of most concern to me is the re-traumatization that

survivors of sexual abuse have been subject to in the SafeSport process. Survivors have been ignored, silenced through do not disclose agreements, had investigations that lingered for years, had no notice of actions taken by the Center that could directly put them at risk of retaliation, and have not been supported through a trauma-informed approach. It is critical that SafeSport understand that a trauma-informed approach is not biased—it is simply an approach that recognizes the impact of trauma and takes steps to prevent re-traumatization. The impact of trauma on persons' bodies, minds, and mental health is widely scientifically researched. Any organization working with persons who have been traumatized needs to center this approach. We need to also center strategies to prevent these abuses in the first place. We should support innovative prevention programs and community-level prevention strategies that consider the complex and intersectional lens of abuse in sports and sexual abuse.

SafeSport has not been a support or place of trust for athletes up to this point. The survivors we talked to were all frustrated with the SafeSport process and felt there was no transparency of process nor was there good communication about their cases and investigations. This extends to SafeSport's reputation in the sports world—we have heard that coaches, athletes, and families/parents are concerned that the training they provide is not tailored to sports and does not include a prevention approach or trauma-informed lens.

SafeSport has not engaged with organizations, like The Army of Survivors or others, to bring a meaningful trauma-informed approach to their work and philosophy. We have tried to open channels of communications several times, only to be largely ignored.

SafeSport has also failed to connect survivors with meaningful mental health/suicide prevention support and resources. We have stories of athletes being directed to 1-800 numbers and having no follow up. For some athletes, reporting to SafeSport can be a first step in their journey to healing and accountability—but from our experience no athlete

has seen the Center that way.

Further, SafeSport's arbitrary closing of cases with no further information given to survivors, and their holding jurisdiction of cases they administratively close which prevents non-governmental sports organizations from investigating and providing accountability and intervention are just further examples of how SafeSport's systems re-traumatizes and does harm.

TAOS's mission is to prevent what happened to me from happening to others. To support the healing of survivors like me. To hold the institutions that fail children accountable. We see SafeSport as one of those institutions that is critical in responding to and preventing abuse. And we know there are necessary changes that SafeSport must make.

New legislation that is soon to be introduced, The Safer Sports for Athletes Act of 2023, championed by Rep. Deborah Ross, is intended to create safer sports for athletes through key revisions that would improve the reporting process for athlete survivors and revise training guidelines at SafeSport. Also this new legislation importantly starts to focus some efforts and resources on prevention strategies—something that appears to be woefully ignored by the Center. I'd ask that the Commission's recommendations to Congress consider supporting that legislation as it gets introduced.

As an athlete and athlete-survivor founded and led organization, The Army of Survivors will continue to work toward a safer future for athletes. We hope that through your leadership, policy change can become trauma-informed and survivor-centered. Thank you for your time.

Professor Marci A. Hamilton

CEO, CHILD USA; Professor, University of Pennsylvania

Testimony Regarding the U.S. Center for SafeSport and the Inadequate Protection of Youth Athletes from Child Sex Abuse

September 6, 2023

Co-Chair Koller, Co-Chair Xiao, and Commissioners, thank you for this opportunity to share my testimony today regarding the U.S. Center for SafeSport (SafeSport), which was formed to secure the safety of athletes from sexual misconduct and abuse. By way of introduction, I am the Founder and CEO of CHILD USA and a Professor of Practice in the Department of Political Science at the University of Pennsylvania. I started CHILD USA in 2016 to build on my academic work as a law professor on child sex abuse; it is a nonprofit, interdisciplinary think tank, which pairs legal analysis with social science research to formulate the best policies to prevent youth sex abuse. CHILD USA led the only independent, expert case study into the many systems that should have protected athletes from serial abuser Larry Nassar: “The Game Over Commission to Protect Youth Athletes” (“GOCO Report”).

I. There Is a Nationwide Epidemic of Sex Abuse in Sports Causing Potentially Lifelong Damage to Victims that Requires the Olympic System to Focus on Prevention as Well as Effective Removal of Offending Coaches

At least 20% of girls and 8% of boys will be sexually abused before they turn 18 in the United States. Child and young adult, or youth, sex abuse (“youth sex abuse”) occurs across all social groups and institutions, including athletic. Many victims need decades to come forward. CHILD USA’s study of Boy Scouts of America victims shows that over half of the victims reported their sex abuse after age 50. For this reason alone, an effective system to protect today’s athletes and to prevent youth athlete sex abuse are necessary.

The need for an effective system to prevent youth sex abuse was underscored in CHILD USA’s survey of the victims of Larry Nassar, GOCO Report at pages 8 and 10, which showed the following disturbing results.

- 100% had no knowledge of where to report sexual assault or misconduct.
- 22% said no effort was made to make changes that led to their abuse after reporting.
- 27% believed there would be repercussions against them if they reported what happened.

II. SafeSport’s Faulty Investigation System and Opaque Arbitration Process for Youth Sex Abuse Claims Disfavors the Victims and Misleads the Public

SafeSport has exclusive jurisdiction to “investigate and resolve reports of sexual misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of sexual misconduct . . . and other inappropriate conduct.” It may also take discretionary jurisdiction over other forms of abuse, including bullying, harassment, and emotional abuse, or instead direct the allegation to the appropriate National Governing Body (NGB), though the latter are beyond its capacity. SafeSport’s mission is to “mak[e] athlete well-being the center of our nation’s sports culture through abuse prevention, education, and accountability.” In fact, the primary task assigned to SafeSport is to receive reports of sex abuse and/or assault from victims, investigate whether the offending coach should be removed, and make a secret report that goes to a private arbitrator having no knowledge of the field. Olympic athletes are at risk as a result.

The SafeSport process is twofold: (1) the Center investigates the claim, reaches a conclusion, and recommends sanctions as needed; and (2) if sanctions are assigned, the accused party can appeal, which triggers a private “merits arbitration hearing,” where the accused and the Center present evidence to an arbitrator, who is not required to have any ex-

perience or training in handling sexual abuse cases and which has routinely resulted in the re-traumatization of the victims and reversal of well-founded claims. Nearly half (42%) of the appealed SafeSport decisions come out unfavorable to the victim, due to sanctions against the accused being modified, reduced, or removed.

Private arbitration for youth sex abuse claims plays into the hands of the perpetrators and the institutions that cover up for them; it disables victims' voices and leaves future athletes vulnerable to preventable sexual abuse. Numerous coaches that SafeSport would have removed were permitted to return to coaching following arbitration without any official public record of the claims made against them, even as the USOPC paid millions to settle lawsuits arising from their misconduct. Athletes and parents deserve better.

CHILD USA recommends elimination of the private and opaque arbitration process and replacement with an Expert Panel, whose members are drawn from a pool of trauma-informed medical, psychological, and legal experts in the field of youth sex abuse. The Expert Panel would have the final say on a coach's removal.

III. The SafeSport Board, Investigators, and Proposed Expert Panel Must Be Trained in Trauma and Its Effects on Youth Sex Abuse Victims

It is widely known that SafeSport's Board of Directors and investigators have been drawn in significant part from the defense side of sex abuse/assault cases rather than the victims' side. Nor is there a meaningful requirement that they have experience in the field. The Board of Directors, Investigators, and proposed Expert Panel, instead, should be extremely knowledgeable about sex abuse, trauma, and prevention, and not be trained primarily to dismantle sex abuse cases and protect perpetrators and institutions from actual justice. Such qualified individuals may include former child sex abuse prosecutors, attorneys that have litigated these cases on the side of the victims, and academics in the fields of physical and psychological trauma, sports psychology, and youth sex abuse. SafeSport was in-

tended to rid the Olympic system of perpetrators, not perpetuate the systemic failures endangering youth athletes.

Conclusion

I commend you for holding this public hearing, which is desperately needed to validate athlete victims of youth sex abuse and to ensure that our nation's athletes are meaningfully protected now and in the future. Please do not hesitate to contact me if you have further questions regarding the abuse and neglect of youth athletes.

Statement of Donald M. Fehr

Before the Commission on the State
of U.S. Olympics and Paralympics

6 September 2023—Washington, DC

I speak today from the perspective gained over a nearly 50 year career representing athletes and working for their collective benefit. That experience, both outside of and within the Olympic movement, informs my views as to what recommendations for change should be considered by this Commission as it fulfills its Congressional mandate under the Empowering Olympic, Paralympic and Amateur Athletes Act of 2020 (EOPAAA). I do not here today make specific suggestions as to amendments to the law or modifications to the USOPC By-Laws, but rather speak in general to the considerations I find persuasive, in the hope that so doing will aid the Commission in its deliberations.

As the Commission is well aware, that Act was passed in the stark light of abuses suffered by athletes, but represents only the most recent in a series of reform efforts over the years. Previous approaches asking others to “take care of” the athletes, and treat them right, simply haven’t worked. In my view, then, we are at the stage in which we need to take to heart the title of the law: we must empower the athletes, and make certain that they have the resources necessary to make sure that they are both protected from abuse, and treated fairly in all respects. Doing so means fundamental structural reform.

As noted, my views stem from decades representing and working for athletes. For nearly 35 years I represented major league baseball players, first as outside counsel in the free agency cases in 1975-76, and then on the staff of the Major League Baseball Players Association (MLBPA) until 2010, initially as General Counsel and then Executive Director, a position I held for more than a quarter century. I then served as the Executive Director of the National Hockey League Players Association (NHLPA) for 12+ years, the position from which I just retired. In both organizations, I represented the players in dis-

cussions/negotiations regarding Olympic matters, including participation in the Olympic Games, as well the World Baseball Classic and the World Cup of Hockey, both of which are tournaments put on jointly by the players and owners in the respective leagues, but with the participation by contract of the relevant Olympic international federations.

Within the Olympic movement, I served as a Public Sector Director of the USOC (as it was then called) from 1996-2003, and was there involved in a wide variety of issues, both generally, and at the Executive Committee level and with the Athletes Advisory Council (AAC). Among many other things, I was a member of the USOC Special Bid Oversight Commission regarding the 2002 Salt Lake City Games bidding scandal (report issued in 1999). I left the USOC Board of Directors in early 2003 when I was asked by Senator John McCain to chair the Independent Commission on Reform of the United States Olympic Committee, which was established by the USOC at the behest of the Senate, which was then in the midst of hearings on USOC reform in response to the scandals of that time.

What does that experience tell me? How do we bite into this apple? Do we try to examine each individual problem which has arisen and look for a solution within the existing framework? That is an endless task, and tomorrow’s problems may not be today’s problems. The alternative is to consider the overall nature of the business at hand, and see if some different governmental framework would be more likely to get the job done. I favor this approach. In 2003 the Independent Commission’s approach was to end the enormous Board (120+ members if I remember correctly) and substitute a much smaller one and add “independent directors’ to, in theory, reduce the political infighting and allow for real time, professional decision making. Our report was not adopted, but some efforts were made in that direction by the USOC, mainly to reduce board size. The Congress then declined to enact new legislation. Did it work? To ask the question is to answer it; if it had, we would not likely be here. Given the history—troubled again and again over the years—I no longer believe, as I did in 2003, that changing the size and slightly changing

the makeup of the Board is sufficient.

Where to start? We need to begin with what the nature of the entity is, as is made crystal clear by what it does. What is it that the USOPC (and/or the IOC, the NGBs and the IFs) do? The answer is simple to state, although rarely (if ever) stated this directly: The Olympics today are a commercial entertainment enterprise; a show. The show consists of athletic competitions between individuals and teams representing nations. Consider that fans—everywhere else called customers - purchase expensive tickets to watch the show. Broadcast entities pay very large sums to televise the show. Businesses pay the broadcasters and the Olympic entities large sums of money to advertise during the broadcasts. Sponsors pay a lot of money to associate themselves with the Games. Merchandise—souvenirs—is licensed and product sold. Local businesses and governments pay the producers of the Games to come and put on the show in their city. In other words, lots of money is changing hands in big dollar garden variety commercial activity in which lots of people are employed and paid and a very long list of business concerns are profiting.

Except, of course, for the athletes. Consider that people want to watch or be associated with the Games, and that means to watch or be associated with the athletes. They are the stars of the show; they bring the fans, advertisers and sponsors. They are the best the USA has to offer, and the only indispensable people around. Audi's rings without the cars mean little or nothing. What do the Olympic rings mean without the athletes? That question also answers itself. This time we need to empower the athletes, so that they can, if and when needed and appropriate, take care of themselves. Do we not owe them that?

To that end, I offer several ideas that may merit serious consideration if the Commission is prepared to recommend fundamental change. These ideas are general in nature, but get to the point.

We must first recognize that the USOPC Board is not accountable to anyone in any meaningful way in real time. There are no shareholders or owners

or bondholders to whom they owe allegiance. To say that they are accountable to the people of the United States, or to the Congress, is simply another way of saying that they are not accountable and that nothing will happen until scandals reach the point that the Congress will look into the matter. Given the short careers of nearly all athletes, that will almost always be too late, after the horse has left the barn. The Board members are, in practice, accountable only to one another and the only result of poor performance (How is that measured and by whom?) is that their term may not be renewed. Who, then, is the constituency that the Board should be serving? There is only one: the athletes. Step 1 should be to define the obligations of the Board to be to that constituency. But that modification is not self-enforcing; more is needed.

The athletes' voice on the Board needs to be enhanced; empowered. The way that the membership and voting power of the Board has been structured over the years effectively ensures that the athletes can always be outvoted. Several ideas come to mind as to how that might be addressed.

- a) Increase the vote of the athletes to 50% of the Board
- b) Eliminate the requirement that someone elected by the athletes must have been an athlete within the last 10 years or some longer period. Why should anyone other than the athletes have a say in who represents them? If they want to elect as their representatives only athletes who have recently competed, great. If they want to elect someone whom they believe can best represent them, and has the kind of experience, connections and public profile that most athletes won't have, that is great, too. The point is that it should be up to the athletes to decide. If George W Bush or Barack Obama can be named by others, why can't the athletes do so? The athletes should also have the ability to remove someone they name to the Board at any time, if they believe that person is not serving their interests.

- c) One could also consider giving the athletes veto power over certain decisions, which might include any “independent” board members, key staff positions such as CEO and General Counsel, and/or budgets.
- d) Athletes should have the right to audit the USOPC or any other US Olympic organization that they believe should be audited.
- e) Establish an organization of the athletes, with sufficient funding, controlled by the athletes and run by professional staff of the athletes’ choosing, to represent them as a group and assist individual athletes with any issues which may arise. This organization must be accountable to the athletes, and dedicated to working for and with them. If an athlete has a problem—including but not limited to cases of abuse - he or she needs somewhere to go knowing that whomever she or he speaks to is selected, and paid by the athletes, and dedicated only to their welfare.

Before closing, there is one other matter to which I would direct your attention. The athletes are not usually considered to be “employees” in the traditional legal sense, but it is impossible to say with a straight face that they do not “work for” the Olympic movement, for their own NGB or the USOPC. Moreover, being an Olympic athlete usually means that other opportunities will be, at best, delayed and may well be lost; the opportunity cost can be enormous. In addition to the rigors of training and competition, they run the continual risk of serious injury. In a few sports, a lucrative professional career is possible, but that is not the case with respect to the overwhelming majority of the athletes. I would therefore suggest that thought be given to establishing some sort of mechanism(s) to consider what kinds of arrangements or agreements are appropriate to make sure that the athletes are protected, but also that they are treated fairly, that the conditions under which they train and compete are appropriate, and that their contribution to the USOPC and the NGBs is fairly recognized. I do not suggest a traditional union, but creative people

can forge with the athletes some sort of arrangements in which those matters can be collectively worked out.

I recognize that many people—especially volunteers and staff—may well suggest that they know what is best for the athletes and that we have to trust them that everything which can be done for the athletes is being done. Perhaps, but history does not so suggest; we have been down that road for decades now, and yet here we are, again. Accordingly, my recommendation simply comes down to this: We have to empower the athletes and we have to trust them.

I have had the privilege of working with and representing elite athletes for five decades. My experience strongly suggests that if we give the US athletes the tools, they will be able to do the job. It is time.

Finally, I want to thank the Commission for the opportunity to express my views. I hope you will find them helpful as you deliberate and consider your recommendations.

Testimony of Travis T. Tygart

Chief Executive Officer
U.S. Anti-Doping Agency

September 6, 2023 Hearing
Rayburn House Office Building, Room 2123

Good afternoon, my name is Travis T. Tygart, and I am the Chief Executive Officer of the United States Anti-Doping Agency, also known as USADA. I want to thank this Commission for the opportunity to appear before you today to discuss how USADA can assist in the incredibly important work you all have before you.

It is an honor for me to be here representing our ten-person, independent USADA Board of Directors, our relatively small but incredibly talented professional staff, and most importantly, clean athletes from across the United States for whom we advocate every day. It is also an honor for USADA, a 501 (c)(3), not-for-profit organization, to be a part of such an important discussion.

USADA is unique in the U.S. Olympic and Paralympic movement. We are a private organization but also authorized and recognized by Congress as the “independent National Anti-Doping Agency for the United States Olympic, Paralympic, Pan and Para-Pan American movement.” As such, we also greatly appreciate the ongoing support of Congress and especially the President’s Office of National Drug Control Policy (ONDCP) in our efforts to protect athletes’ rights to a fair, safe, and level playing field.

While I appreciate USADA is not directly under the purview of your study as called for by the Empowering Olympic, Paralympic and Amateur Athletes Act, we are honored to have worked with the Commission over the past several months and to be here today to offer any insight that could be helpful to your mission.

The most important reason for our success is our independence. While we firmly believe the independent, public-private partnership model allows

us the platform for success, we also know it is a daily fight to improve, hold ourselves accountable, be better, and truly strive for the perfection that athletes deserve.

The word ‘independent’ is thrown around a lot in the global Olympic and Paralympic movement. From our experience and perspective, however, the only true definition of ‘independence’ is that those who govern or otherwise make decisions affecting others cannot have any actual or perceived interest in the outcome of the decision they are making. We are proud of the fact that no one on our Board can also serve in a paid or voluntary governing or employment position for any organization for which we administer an anti-doping program. Many of you have heard me say that you cannot have the fox guarding the henhouse. It is a concept that is as simple as it is effective.

Similarly, our independence is also enhanced through our public-private partnership with the federal government. In the early 2000s, the United States Olympic and Paralympic Committee put a stake in the ground in establishing USADA as an independent model and by providing a portion of our funding. The USOPC, the largest and most powerful NOC in the global Olympic and Paralympic movement, courageously ceded control of anti-doping efforts and still strongly supports our mission today.

Athletes have come to trust USADA because there is not a single decision we make without first asking --is this best for clean athletes? We view athletes and their powerful stories- as our guiding light, our North Star. They give us hope, they daily remind us of our purpose, and they provide us the fuel to continue to fight, sometimes against all odds, for their right to clean and fair competition. Simply put, we are unwavering in our service to athletes and their right to a fair playing field.

Fairness and integrity in athletic competition are the two bedrock principles at the heart of why athletes devote their lives to sport, but they are under attack. We must ensure a properly structured and funded system both here and around the world is in

place to protect the rights of athletes who compete with integrity. If we do not, we will be committing an unacceptable injustice to today's clean athletes, fans, broadcasters, sponsors who believe in, and invest in, fair and clean competition; and, equally intolerable, we risk shattering the dreams of tens of millions of young people from around the world.

You have heard the stories of athletes who have been materially and adversely affected by systems that do not protect their rights and have caused them harm. American shot putter Adam Nelson was awarded a gold medal nine years after the 2004 Summer Olympics, when the original gold medalist tested positive.

The most decorated Olympic athlete in history, Michael Phelps, testified in this very room in 2017 that as a clean athlete, he always had serious doubts whether he truly competed on a level playing field on the international stage.

Katie Uhlaender lost a bronze medal at the Sochi Winter Olympics by .04 seconds to a Russian athlete who was named in the Russian doping scandal. She learned from the New York Times she was elevated to a bronze medalist, only to have it reversed and her dream extinguished once again.

Newly, elected USADA Board member, Kara Goucher, a decade after racing the 10,000 meters at the track and field World Championships, finally received the medal she won and deserved - the silver - when the second-place finisher from Turkey, was exposed as a doper.

Even as we sit here today, another group of athletes have been robbed of their rights and that irreplaceable moment on the podium. You have heard the story of the U.S. Figure Skating Team, whose podium moment is still in purgatory waiting the long overdue positive case of a Russian figure skater to be resolved by a global system that has delayed justice so long that it has been denied.

These stories go on and on. All athletes deserve better. Justice demands better.

Of course, even with the noblest of missions, the best governance structures and adequate resources, organizations are only as good as the culture that exists within those organizations. It is the people and the team that makes up the organization. In this regard, it is vital to ensure as diverse, experienced, and committed of a Board and professional team as possible.

As previously referenced, we put athletes first and constantly aim to do what clean athletes would do. This is made incredibly easy as we were founded by athletes, are governed, in large part, by athletes, and we constantly strive to listen to and serve athletes. When the Russian state-sponsored doping scheme was finally exposed by brave whistleblowers and the media, we saw athletes mobilizing, voicing their opinions and concerns, and fighting for a level playing field more than ever before. They stood on the shoulders of athletes of a previous generation who suffered through another state doping scandal—athletes such as Frank Shorter, Evelyn Ashford, Kate Borg, and Edwin Moses -- who became our founders and have served on our governing Board.

Today, we currently have five of our Board members, including our Chair Emeritus, who were Olympians or National team level athletes. We seek input and feedback from athletes. We regularly engage with the Team USA Athletes' Commission (formerly the AAC), and we take every opportunity to attend their meetings and engage with them - whether on the agenda or not.

In fact, I attended my first AAC meeting in early 2003. It was out of these engagements that athletes asked us to publicly post on our website the exact number of tests they had provided. This was a level of transparency and accountability that athletes demanded. Today, we are one of the only organizations to post individual test numbers and while it is a level of accountability, it also goes a long way in building trust and confidence with our athletes.

We also regularly conduct athlete surveys to allow athletes to provide feedback to an outside administrator of the survey. This direct outreach to our country's elite athletes provides us with any-

mous but critical feedback and information on how we are doing and how we can do better. We also employ Olympians and Paralympians, like Allison Wagner and Kevin Broussard. Allison is a silver medalist in 1996 and world champion, who also lost gold in 1996 to a dooper. She oversees our athlete engagement and international relations efforts.

Obviously, the independent, private-public partnership model has worked for USADA. While we understand your review is not in the global arena, we would recommend that you re- confirm the independent model is essential at national and global levels of anti-doping and integrity enforcement. Hopefully, our experience provides some guidance to you in your important work in other areas of the Olympic and Paralympic movement.

The timing of your work cannot be overstated, as I am sure you have heard and realize, the belief in institutions and organizations for sport—including its governance and integrity across the global sport landscape —could be at an all-time low. Trust and confidence in sport integrity has declined significantly over recent years and only seems to be getting worse. The new threats from legalized betting, NIL pressures at the college-level, and the influx of extraordinary amounts of money into sport at all levels in the U.S. and around the world has sport and athletes at a crossroads.

To a large extent, the personal well-being of the next generation of athletes hangs in the balance. This is not just about elite Olympic and Paralympic athletes—this is about every kid on a playground who has an Olympic or Paralympic dream and asks, “What do I have to do to make my dreams come true?” And, the truth is, if we as a movement don’t push, if we don’t win on all the issues that affect athletes, we will likely find ourselves back in this same position, years from now, staring down another egregious scandal that has abused athletes and robbed another generation of athletes in the process.

And we will all be wondering why we didn’t do more when we had the chance.

Thank you for the invitation to appear before you today and best of luck with your important work.

Thank you, I look forward to any questions.

Testimony of Katrina L. Piercy

PhD, RD, ACSM-CEP, FACSM

CDR, US Public Health Service
 Director, Division of Prevention Science
 Office of Disease Prevention and Health
 Promotion (ODPHP)
 Office of the President's Council on Sports,
 Fitness & Nutrition (PCSFN)
 Office of the Assistant Secretary for Health
 (OASH)
 Department of Health and Human Services
 (HHS)

Before the Commission on the State of
 U.S. Olympics and Paralympics

Rayburn House Office Building, Room 2123
 September 6, 2023

*Introduction*³²⁸

Co-Chairs Dionne Koller and Han Xiao, and distinguished members of the Commission, it is an honor to provide this written testimony to you today regarding the federal government's work in youth sports, specifically around measurement of youth sports, the President's Council on Sports, Fitness & Nutrition, and the importance of the National Youth Sports Strategy as a federal roadmap with actionable strategies to increase participation in youth sports.

How the federal government currently tracks data and trends in youth/grassroots sports in America

There are limited federal surveillance systems that assess youth sports participation. Four systems, the National Health and Nutrition Examination Survey (NHANES), the Youth Risk Behavior Survey (YRBS), the National Survey of Children's Health (NSCH), and the National Health Interview Survey

(NHIS) each have a question about overall physical activity that can include examples, such as exercise, recreation/leisure, play, and sports participation. YRBS also includes a question on the number of sports teams on which the individual participates. The School Health Policies and Practices Study (SHPPS), a previously funded survey from the Centers for Disease Control and Prevention (CDC) was the only federal surveillance system that measured participation in youth sports at the school or community level and focused on school systems (e.g., classroom, school, school district, state level) for kindergarten through twelfth grade. Additional details about these surveillance systems are in Chapter 4 of the National Youth Sports Strategy (NYSS),³²⁹ Tracking Youth Sports Participation and Access.

For Healthy People 2030, a new physical activity objective, PA-12, was added to track youth sports participation: Increase the proportion of children and adolescents who play sports.³³⁰ This addition is consistent with other federal policies having corresponding Healthy People 2030 objectives to monitor progress toward meeting health-related goals. For example, there are multiple objectives to track physical activity participation toward meeting the Physical Activity Guidelines for Americans³³¹ (e.g., PA-05 and PA-08). The data for PA-12 is tracked using the NSCH, funded and administered annually by the Health Resources and Services Administration (HRSA). Prioritizing youth sports as a national objective in Healthy People 2030 enables the U.S. Department of Health and Human Services (HHS) to monitor progress toward improving participation and can help inform future federal efforts to support the availability of safe, fun, inclusive, developmentally appropriate, and accessible sports opportunities for all youth.

Based on current data for PA-12 from 2020-2021,³³² 50.7% of children and adolescents aged 6 to 17

328 Footnote nos. 329-348 are original to Dr. Piercy's submitted testimony.

329 https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

330 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

331 https://health.gov/sites/default/files/2019-09/Physical_Activity_Guidelines_2nd_edition.pdf

332 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

years participated in a sports team or took sports lessons after school or on weekends in the past 12 months. The baseline for this objective is from 2016-2017, which showed 58.4% of youth participated in sports in the past year. The current participation rates were likely impacted by the COVID-19 pandemic and the closure of many youth sports programs.

Available data indicate that there are also substantial disparities to youth sports participation. Youth sports participation rates are lower among girls and underserved populations, including racial and ethnic minorities and youth from lower income households. Additionally, rates of youth sports participation are lower for youth with a disability and those who identify as gay, lesbian, bisexual, or not sure.³³³ There are also significant differences based on economic circumstances. For example, 67.7% of youth from households with incomes of at least 400 percent of the federal poverty threshold participated in a sports team or lesson after school or on weekends within the last 12 months, compared 33.9% of youth from households at less than 100 percent of the poverty threshold.³³⁴ Similarly, only 25.7% of youth from households with less than a high school education participated, compared to 64.8% of youth from households with a college degree or higher.³³⁵

Brief history and role of the President's Council

The mission of the President's Council on Sports, Fitness & Nutrition (President's Council)³³⁶ is to engage, educate, and empower all Americans to adopt a healthy lifestyle that includes regular physical activity and good nutrition. The President's Council is the only federal advisory committee focused solely on the promotion of physical activity, sports, fitness, and nutrition for the health and

well-being of all Americans. Since its establishment in 1956, the President's Council has played an important role in educating Americans about the benefits of physical activity.

The President appoints members of the President's Council as Special Government Employees to provide advice and recommendations to HHS through the Secretary of Health and Human Services on physical fitness and nutrition promotion. President's Council members serve as subject matter experts on selected topics and act as liaisons to relevant State, local, public, and private entities. The diverse make-up of the President's Council, many of whom are high-profile athletes or well known in their community, enables HHS to engage with a variety of non-profit, private sector, and state and local agencies and offices to promote programs and initiatives that motivate people of all ages, backgrounds, and abilities to lead active, healthy lives.

As a federal advisory committee, the President's Council adheres to the requirements established by the Federal Advisory Committee Act (FACA).³³⁷ Policy is ultimately the responsibility of the federal government staff. An advisory committee can provide valuable review, comment, and recommendations on these matters, but it does not have the authority to make final decisions regarding programming or budgets.

The President's Council is supported by federal staff from the Office of the President's Council on Sports, Fitness & Nutrition, which is housed within the Office of Disease Prevention and Health Promotion (ODPHP). The President's Council was established through an Executive Order by the President of the United States. President Biden issued Executive Order 14048³³⁸ on September 30, 2021, renewing the President's Council for another two years.

333 <https://www.cdc.gov/mmwr/volumes/72/su/su7201a1.htm>

334 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

335 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

336 <https://health.gov/pcsfn>

337 <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/advice-and-guidance/facabrochure#:~:text=Under%20the%20Federal%20Advisory%20Committee,by%20law%20or%20Presidential%20Directive>

338 <https://www.govinfo.gov/content/pkg/FR-2021-10-05/pdf/2021-21908.pdf>

Current priorities of the Office of the President's Council include:

- Continue to promulgate a national strategy (the National Youth Sports Strategy);
 - Increase awareness of the benefits of participation in sports and regular physical activity, as well as the importance of good nutrition;
- Promote private and public sector strategies to increase participation in sports, encourage regular physical activity, and improve nutrition;
- Expand national awareness of the importance of mental health as it pertains to physical fitness and nutrition
- Share information about the positive effects of physical activity on mental health, particularly as it relates to children and adolescents, to combat the negative mental health impacts of the coronavirus disease 2019 (COVID-19) pandemic; and
- Amplify progress made in response to the White House Conference on Hunger, Nutrition, and Health held in September 2022 and the Biden-Harris Administration National Strategy on Hunger, Nutrition and Health and reinforce the goals set by this Administration to reduce hunger and improve healthy eating and physical activity by 2030.³³⁹

Brief overview of the National Youth Sports Strategy (NYSS) and why it is important for there to be a national youth sports strategy on the federal level

HHS developed the NYSS³⁴⁰ in response to Presi-

dential Executive Order 13824,³⁴¹ which called for a national strategy to increase youth sports participation. It contains actionable strategies for different sectors of society to work toward the NYSS vision: that one day all youth will have the opportunity, motivation, and access to play sports. Recognizing the need to make it easier for all people to be more physically active—in part by ensuring that everyone has access to safe places to be active, the Biden-Harris Administration included federal actions as well as a call for a whole-of-society response to increase physical activity for all in the National Strategy on Hunger, Nutrition, and Health released in the fall of 2022.³⁴² The Strategy calls for a whole-of-government and whole-of-America approach to increase physical activity by 2030.

The Physical Activity Guidelines for Americans (Guidelines)³⁴³ recommends youth aged 6 to 17 years get 60 minutes or more of moderate-intensity physical activity each day, including vigorous-intensity, bone-strengthening, and muscle-strengthening activities three days a week. Currently, less than 16% of youth meet the Guidelines,³⁴⁴ and sports are one way for youth to get the physical activity they need to be healthy. As discussed in the NYSS, sports also can provide benefits beyond those associated with physical activity in general, including developing competence, confidence, and self-esteem; reducing risk of suicide and suicidal thoughts and tendencies; and improving life skills, such as goal setting, time management, and work ethic.³⁴⁵

Not all youth have the same opportunity to participate in sports (girls, racial and ethnic minorities, LGBTQI+ youth, youth from households of low socioeconomic status, youth living in rural areas, and youth with disabilities have lower rates of par-

339 The Biden-Harris Administration National Strategy on Hunger, Nutrition and Health is not currently included in Executive Order 14048, however, the National Strategy is aligned with the goals of the President's Council.

340 https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

341 <https://www.govinfo.gov/content/pkg/DCPD-201800119/pdf/DCPD-201800119.pdf>

342 <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>

343 https://health.gov/sites/default/files/2019-09/Physical_Activity_Guidelines_2nd_edition.pdf

344 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-adolescents-who-do-enough-aerobic-and-muscle-strengthening-activity-pa-08>

345 https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

participation compared to their peers), which results in varying participation rates across demographic groups.^{346 347} This means that youth have unequal access to the health, psychosocial, and academic benefits of youth sports participation. HHS developed the NYSS to address these disparities and the related barriers in order to improve youth sports participation and access.

The NYSS provides a framework for how entities across the youth sports system can facilitate safe, fun, inclusive, developmentally appropriate, and accessible sports opportunities for all youth. The framework is operationalized based on the social-ecological model, which summarizes key factors that influence youth sports participation at multiple levels. Best practices were gathered through a public listening session, public comments, a literature review, and an environmental scan. The strategies were then organized into opportunities and action items for each level of the framework, providing steps for youth, adults, organizations, communities, and local, state, tribal, and federal governments to improve the youth sports landscape in the United States.

The NYSS Champions³⁴⁸ initiative (currently 230+ organizations) was launched in September 2020 and aims to connect and recognize organizations that support the vision of NYSS. NYSS Champions serve over 80 million youth, and many have a specific focus on underserved populations. NYSS Champions play an important role in reducing disparities in access to sports and supporting youth mental health through opportunities for youth to be physically active, experience social connectedness, and build resilience.

Many countries around the world have a robust interest in sports participation and have ministries of sport or government funded national organizations that support the country's sports system. In the United States, youth sports are not led at the federal level, rather they are organized and led at

the community level. However, several federal initiatives promote youth sports. Activities include collecting and monitoring surveillance data (e.g., CDC, Healthy People objectives, HRSA, National Institutes of Health, NIH), promoting youth sports through public figures (i.e., President's Council), and providing grant funding (e.g., CDC's National Center for Injury Prevention and Control, NIH). These initiatives establish a foundation to further advance the federal government's efforts to have a larger impact on the youth sports landscape.

[END OF RECORD]

346 <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

347 <https://www.cdc.gov/mmwr/volumes/72/su/su7201a1.htm>

348 <https://health.gov/our-work/nutrition-physical-activity/national-youth-sports-strategy/nyss-champions>

Summer Olympics, 1964–2020

Top Ten by Medals Won

	1964 Tokyo	1968 Mexico City	1972 Munich	1976 Montreal	1980 Moscow
1st	Soviet Union (96)	United States (107)	Soviet Union (99)	Soviet Union (125)	Soviet Union (195)
2nd	United States (90)	Soviet Union (91)	United States (94)	United States (94)	East Germany (126)
3rd	United Team of Germany (50)	Hungary (32)	East Germany (66)	East Germany (90)	Bulgaria (41)
4th	Japan (29)	West Germany (26)	West Germany (40)	West Germany (39)	Hungary (32)
5th	Italy (27)	Japan (25)	Hungary (35)	Romania (27)	Poland (32)
6th	Poland (23)	East Germany (25)	Japan (29)	Poland (26)	Romania (25)
7th	Hungary (22)	Poland (18)	Poland (21)	Japan (25)	Athletes from Great Britain (21)
8th	Australia (18)	Australia (17)	Bulgaria (21)	Bulgaria (22)	Cuba (20)
9th	Great Britain (18)	Italy (16)	Italy (18)	Hungary (22)	Athletes from Italy (15)
10th	France (15)	France (15)	Great Britain (18)	Cuba (13)	Athletes from France (14)

	1984 Los Angeles	1988 Seoul	1992 Barcelona	1996 Atlanta	2000 Sydney
1st	United States (174)	Soviet Union (132)	Former Soviet Unified Team (112)	United States (101)	United States (93)
2nd	West Germany (59)	East Germany (102)	United States (108)	Germany (65)	Russia (89)
3rd	Romania (53)	United States (94)	Germany (82)	Russia (63)	China (58)
4th	Canada (44)	West Germany (40)	China (54)	China (50)	Australia (58)
5th	Great Britain (37)	Bulgaria (35)	Cuba (31)	Australia (41)	Germany (56)
6th	China (32)	South Korea (33)	Hungary (30)	France (37)	France (38)
7th	Italy (32)	China (28)	South Korea (29)	Italy (35)	Italy (34)
8th	Japan (32)	Romania (24)	France (29)	South Korea (27)	Cuba (29)
9th	France (28)	Great Britain (24)	Australia (27)	Cuba (25)	Great Britain (28)
10th	Australia (24)	Hungary (23)	Spain (22)	Ukraine (23)	South Korea (28)

	2004 Athens	2008 Beijing	2012 London	2016 Rio de Janeiro	2020 Tokyo
1st	United States (101)	United States (112)	United States (104)	United States (121)	United States (113)
2nd	Russia (90)	China (100)	China (92)	China (70)	China (89)
3rd	China (63)	Russia (60)	Russia (66)	Great Britain (67)	Russian Olympic Committee (71)
4th	Australia (50)	Great Britain (51)	Great Britain (65)	Russia (56)	Great Britain (64)
5th	Germany (49)	Australia (46)	Germany (44)	Germany (42)	Japan (58)
6th	Japan (37)	France (43)	Japan (38)	France (42)	Australia (46)
7th	France (33)	Germany (41)	France (35)	Japan (41)	Italy (40)
8th	Italy (32)	South Korea (32)	Australia (35)	Australia (29)	Germany (37)
9th	South Korea (30)	Cuba (30)	South Korea (30)	Italy (28)	Netherlands (36)
10th	Great Britain (30)	Italy (27)	Italy (28)	Canada (22)	France (33)

Summer Paralympics, 1964–2020

Top Ten by Medals Won

	1964 Tokyo	1968 Tel Aviv	1972 Heidelberg	1976 Toronto	1980 Arnhem
1st	United States (123)	United States (99)	United States (75)	United States (155)	United States (195)
2nd	Great Britain (61)	Great Britain (69)	West Germany (67)	West Germany (97)	Poland (177)
3rd	Italy (43)	Israel (62)	Great Britain (52)	Great Britain (94)	West Germany (162)
4th	Argentina (37)	Italy (39)	South Africa (41)	Netherlands (84)	Canada (130)
5th	Australia (30)	Australia (38)	Netherlands (38)	Canada (77)	Great Britain (100)
6th	Israel (23)	West Germany (35)	Poland (33)	Sweden (74)	Netherlands (100)
7th	South Africa (19)	France (32)	France (33)	Israel (69)	Sweden (91)
8th	Rhodesia (17)	Argentina (30)	Israel (28)	France (58)	France (85)
9th	Netherlands (14)	South Africa (26)	Italy (17)	Poland (53)	Mexico (42)
10th	West Germany (12)	Netherlands (20)	Jamaica (15)	Austria (50)	Norway (36)

	1984 New York & Stoke Mandeville	1988 Seoul	1992 Barcelona & Madrid	1996 Atlanta	2000 Sydney
1st	United States (397)	United States (269)	United States (175)	United States (157)	Australia (149)
2nd	Great Britain (331)	West Germany (193)	Germany (171)	Germany (149)	Great Britain (131)
3rd	Canada (238)	Great Britain (184)	Great Britain (138)	Great Britain (122)	United States (109)
4th	West Germany (232)	Canada (152)	Spain (120)	Australia (106)	Spain (105)
5th	France (186)	France (140)	Australia (110)	Spain (106)	Canada (96)
6th	Sweden (160)	Sweden (103)	France (107)	France (95)	Germany (95)
7th	Australia (154)	Australia (95)	Canada (81)	Canada (69)	France (86)
8th	Netherlands (135)	South Korea (94)	Sweden (68)	Netherlands (45)	China (73)
9th	Poland (106)	Netherlands (83)	Former Soviet Unified Team (50)	Italy (45)	Poland (53)
10th	Norway (90)	Poland (81)	China (31)	Denmark (41)	Czech Republic (43)

	2004 Athens	2008 Beijing	2012 London	2016 Rio de Janeiro	2020 Tokyo
1st	China (141)	China (211)	China (231)	China (239)	China (207)
2nd	Australia (101)	Great Britain (102)	Great Britain (120)	Great Britain (147)	Great Britain (124)
3rd	Great Britain (94)	United States (99)	Russia (102)	Ukraine (117)	Russian Paralympic Committee (118)
4th	United States (88)	Australia (79)	United States (98)	United States (115)	United States (104)
5th	Germany (78)	Ukraine (74)	Australia (85)	Australia (81)	Ukraine (98)
6th	France (74)	Russia (63)	Ukraine (84)	Brazil (72)	Australia (80)
7th	Canada (72)	Germany (59)	Germany (66)	Netherlands (62)	Brazil (72)
8th	Spain (71)	Spain (58)	France (45)	Germany (57)	Italy (69)
9th	Ukraine (55)	France (52)	Brazil (43)	Italy (39)	Netherlands (59)
10th	Poland (54)	Canada (50)	Spain (42)	Poland (39)	France (55)

Winter Olympics, 1964–2022

Top Ten by Medals Won

	1964 Innsbruck	1968 Grenoble	1972 Sapporo	1976 Innsbruck	1980 Lake Placid
1st	Soviet Union (25)	Norway (14)	Soviet Union (16)	Soviet Union (27)	East Germany (23)
2nd	Norway (15)	Soviet Union (13)	East Germany (14)	East Germany (19)	Soviet Union (22)
3rd	Austria (12)	Austria (11)	Norway (12)	United States (10)	United States (12)
4th	Finland (10)	France (9)	Switzerland (10)	West Germany (10)	Norway (10)
5th	United Team of Germany (9)	Netherlands (9)	Netherlands (9)	Norway (7)	Finland (9)
6th	France (7)	Sweden (8)	United States (8)	Finland (7)	Austria (7)
7th	Sweden (7)	West Germany (7)	West Germany (5)	Austria (6)	Switzerland (5)
8th	United States (7)	United States (7)	Italy (5)	Netherlands (6)	West Germany (5)
9th	Italy (4)	Switzerland (6)	Austria (5)	Switzerland (5)	Sweden (4)
10th	Canada (3)	East Germany (5)	Finland (5)	Italy (4)	Liechtenstein (4)

	1984 Sarajevo	1988 Calgary	1992 Albertville	1994 Lillehammer	1998 Nagano
1st	Soviet Union (25)	Soviet Union (29)	Germany (26)	Norway (26)	Germany (29)
2nd	East Germany (24)	East Germany (25)	Former Soviet Unified Team (23)	Germany (24)	Norway (25)
3rd	Finland (13)	Switzerland (15)	Austria (21)	Russia (23)	Russia (18)
4th	Norway (9)	Austria (10)	Norway (20)	Italy (20)	Austria (17)
5th	United States (8)	West Germany (8)	Italy (14)	United States (13)	Canada (15)
6th	Sweden (8)	Finland (7)	United States (11)	Canada (13)	United States (13)
7th	Czechoslovakia (6)	Netherlands (7)	France (9)	Switzerland (9)	Finland (12)
8th	Switzerland (5)	Sweden (6)	Finland (7)	Austria (9)	Netherlands (11)
9th	Canada (4)	United States (6)	Canada (7)	South Korea (6)	Japan (10)
10th	West Germany (4)	Italy (5)	Japan (7)	Finland (6)	Italy (10)

	2002 Salt Lake City	2006 Turin	2010 Vancouver	2014 Sochi	2018 Pyeongchang	2022 Beijing
1st	Germany (36)	Germany (29)	United States (37)	Russia (30)	Norway (39)	Norway (37)
2nd	United States (34)	United States (25)	Germany (30)	United States (28)	Germany (31)	Russian Olympic Committee (32)
3rd	Norway (25)	Canada (24)	Canada (26)	Norway (26)	Canada (29)	Germany (27)
4th	Canada (17)	Austria (23)	Norway (23)	Canada (25)	United States (23)	Canada (26)
5th	Austria (17)	Russia (22)	Austria (16)	Netherlands (24)	Netherlands (20)	United States (25)
6th	Russia (13)	Norway (19)	Russia (15)	Germany (19)	South Korea (17)	Sweden (18)
7th	Italy (13)	Sweden (14)	South Korea (14)	Austria (17)	Athletes from Russia (17)	Austria (18)
8th	France (11)	Switzerland (14)	China (11)	France (15)	Switzerland (15)	Japan (18)
9th	Switzerland (11)	South Korea (11)	Sweden (11)	Sweden (15)	France (15)	Netherlands (17)
10th	Netherlands (8)	Italy (11)	France (11)	Switzerland (11)	Sweden (14)	Italy (17)

Winter Paralympics, 1976–2022

Top Ten by Medals Won

	1976 Ornskoldsvik	1980 Geilo	1984 Innsbruck	1988 Innsbruck	1992 Tignes & Albertville	1994 Lillehammer
1st	Austria (35)	Norway (54)	Austria (70)	Norway (60)	United States (45)	Norway (64)
2nd	West Germany (28)	Finland (35)	Norway (41)	Austria (44)	Germany (38)	Germany (64)
3rd	Finland (22)	Austria (22)	Switzerland (37)	West Germany (30)	Former Soviet Unified Team (21)	United States (43)
4th	Sweden (20)	West Germany (18)	United States (35)	United States (30)	Austria (20)	Austria (35)
5th	Switzerland (12)	Sweden (16)	Finland (34)	Finland (25)	France (19)	France (31)
6th	Norway (12)	Switzerland (10)	West Germany (34)	Switzerland (23)	Switzerland (15)	Russia (30)
7th	France (5)	United States (6)	Sweden (14)	Sweden (15)	Finland (14)	Finland (25)
8th	Canada (4)	Canada (6)	Canada (14)	France (13)	Norway (14)	Australia (9)
9th	Czechoslovakia (3)	France (3)	Poland (13)	Canada (13)	Canada (12)	Sweden (8)
10th	--	Czechoslovakia (1)	France (6)	Italy (9)	Poland (5)	New Zealand (6)

	1998 Nagano	2002 Salt Lake City	2006 Turin	2010 Vancouver	2014 Sochi	2018 Pyeongchang	2022 Beijing
1st	Germany (44)	United States (43)	Russia (33)	Russia (38)	Russia (80)	United States (36)	China (61)
2nd	Japan (41)	Germany (33)	Ukraine (25)	Germany (24)	Ukraine (25)	Canada (28)	Ukraine (29)
3rd	Norway (40)	Austria (29)	Germany (18)	Canada (19)	United States (18)	Athletes from Russia (24)	Canada (25)
4th	United States (34)	Russia (21)	France (15)	Ukraine (19)	Canada (16)	Ukraine (22)	United States (20)
5th	Austria (34)	Norway (19)	Austria (14)	United States (13)	Germany (15)	France (20)	Germany (19)
6th	Russia (31)	Canada (15)	Canada (13)	Slovakia (11)	France (12)	Germany (19)	Austria (13)
7th	Switzerland (23)	Switzerland (12)	United States (12)	Austria (11)	Austria (11)	Belarus (12)	France (12)
8th	France (22)	Finland (8)	Japan (9)	Japan (11)	Slovakia (7)	Slovakia (11)	Norway (7)
9th	Finland (19)	Australia (7)	Belarus (9)	Belarus (9)	Japan (6)	Japan (10)	Japan (7)
10th	Spain (8)	New Zealand (6)	Italy (8)	Italy (7)	Great Britain (6)	Norway (8)	Italy (7)

End of Appendix II

Statement on Commission Practices



Congress has tasked the Commission on the State of U.S. Olympics and Paralympics to study matters relating to the state of the United States' participation in the Olympic and Paralympic Games. The Commission will be engaging a wide range of stakeholders and requesting information relevant to our study. Throughout our work the Commission's top priority will be to maintain fairness and credibility. To that end we must strive for the complete picture and provide everyone an opportunity to participate. Your participation, knowledge, and expertise are essential to our work. We want to provide you with basic information regarding participation in the study and document collection, management, and use.

Stakeholder Engagement Standards

The Commission is committed to undertaking its study in an environment where individuals and entities providing information relevant to our study are comfortable, respected, and have confidence in the security of the information provided. To that end, Commission members and staff seek to maintain the highest standard of confidentiality for all information provided as part of the Commission's work. The Commission will not publicly share the name or identifying information for any individual or entity providing information to the Commission without the express permission of the individual or entity providing such information. Moreover, information provided to the Commission is not subject to public records requests and will be kept in secure databases, for the use of the Commission only. Unless specifically requested otherwise, to the extent that the resulting Commission study refers to confidential information, the report will use pseudonyms that do not identify with particularity the source of the information (e.g., "Athlete 1," or "NGB 2"). The Commission is committed to a positive, collaborative experience and welcomes questions about our information handling practices.

Document Collection, Management, and Use

Documents are provided to the Commission through secure forms and are directly uploaded into secure government systems with additional security protocols and protections. Information provided to the Commission is for use by Commission members and staff for its Congressionally mandated work. The Commission will not publicly use personal identifiable information or information of a personal nature without the written permission of the individual(s) or entities involved.

If you have any specific questions pertaining to these practices, please contact comments@csusop.gov.

Document Request Letter



Congress has tasked the Commission on the State of U.S. Olympics and Paralympics to conduct a study on matters relating to the state of the United States' participation in the Olympic and Paralympic Games set forth in Section 11 of Public Law 116–189 (Oct. 30, 2020). The study includes the following areas:

- (i) a review of the most recent reforms undertaken by the United States Olympic and Paralympic Committee;
- (ii) a description of proposed reforms to the structure of the United States Olympic and Paralympic Committee;
- (iii) an assessment as to whether the board of directors of the United States Olympic and Paralympic Committee includes diverse members, including athletes;
- (iv) an assessment of United States athlete participation levels in the Olympic and Paralympic Games;
- (v) a description of the status of any United States Olympic and Paralympic Committee licensing arrangement;
- (vi) an assessment as to whether the United States is achieving the goals for the Olympic and Paralympic Games set by the United States Olympic and Paralympic Committee;
- (vii) an analysis of the participation in amateur athletics of—
 - (I) women;
 - (II) disabled individuals; and
 - (III) minorities;
- (viii) a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States;
- (ix) an evaluation of the functions of the national governing bodies (as defined in section 220501 of title 36, United States Code) and an analysis of the responsiveness of the national governing bodies to athletes with respect to the duties of the national governing bodies under section 220524(a)(3) of title 36, United States Code; and
- (x) an assessment of the finances and the financial organization of the United States Olympic and Paralympic Committee.

The Commission welcomes the submission of any information that is relevant to the areas of study and requests that information be submitted as soon as possible. Please follow the instructions provided in the submission form. If you have any questions regarding this request please contact comments@csusop.gov. **You can submit documents by clicking this link.**

Index of Statutorily Mandated Areas of Study

Pub. L. 116-189; Sec. 11 (i)(B) –

(i) a review of the most recent reforms undertaken by the United States Olympic and Paralympic Committee:

Pages 34-35, 49, 56-60, 98-99, 104-105, 107, 117-119

(ii) a description of proposed reforms to the structure of the United States Olympic and Paralympic Committee:

Pages 120-123, 131-134

(iii) an assessment as to whether the board of directors of the United States Olympic and Paralympic Committee includes diverse members, including athletes:

Pages 105-107

(iv) an assessment of United States athlete participation levels in the Olympic and Paralympic Games:

Pages 22-23, 51-52, 86-87, 92-96, 101-102, 107-112

(v) a description of the status of any United States Olympic and Paralympic Committee licensing arrangement:

Pages 35-37, 49, 97-101

(vi) an assessment as to whether the United States is achieving the goals for the Olympic and Paralympic Games set by the United States Olympic and Paralympic Committee:

Pages 79, 83-87, 92-96, 105-112, 116

(vii) *an analysis of the participation in amateur athletics of (I) women; (II) disabled individuals; and (III) minorities:*

Pages 29, 49-55, 105-112

(viii) *a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States:*

Pages 37, 112-116

(ix) *an evaluation of the functions of the national governing bodies (as defined in section 220501 of title 36, United States Code) and an analysis of the responsiveness of the national governing bodies to athletes concerning the duties of the national governing bodies under section 220524(a)(3) of title 36, United States Code:*

Pages 37-39, 47-49, 55-56, 71-73, 75-76, 83, 93-103, 107-108

(x) *an assessment of the finances and the financial organization of the United States Olympics and Paralympic Committee:*

Pages 30-32, 36, 48-49, 56-57, 61-62, 68-69, 77-83, 87-92, 94-96, 98-100, 104

Accessibility Index

Use the following index to find a specific table or long description for a given infographic, or continue to the next page to browse the data in order of appearance within the main body of the report.

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Stakeholder Awareness of Reforms to the Olympic and Paralympic Movement, page 277

Public Sentiment Toward the Olympic and Paralympic Movement Since the Legislative Reforms of 2017, page 277

Percentage of Tokyo 2020 medalists trained in U.S. collegiate programs

Two pie charts as illustrations of gold medals.

Left pie chart: 80% of Olympic medalists from the 2020 Tokyo Olympic Games were trained in U.S. collegiate programs, 20% did not. Footnote: Nearly 80% of Team USA's Olympic medalists competed in the NCAA. Sixty-five U.S. Paralympians in Tokyo (more than 25% of the 2020 U.S. Paralympic team) competed collegiately as members of NCAA programs, including 30% of U.S. Paralympic medalists.

Right pie chart: 30% of Paralympic medalists from the 2020 Tokyo Paralympic Games were trained in U.S. collegiate programs, and 70% were not. Footnote: About 75% of the more than 600 athletes on the 2020 Team USA roster for the Tokyo Games come from NCAA institutions of every division.

Operation Gold Tables

2017 Operation Gold Payments

Medal Placement	Paralympic Medal Payment	Olympic Medal Payment
1st	\$7,500	\$37,500
2nd	\$5,250	\$22,500
3rd	\$3,750	\$15,000

2020 Operation Gold Payments

Medal Placement	Olympic and Paralympic Medal Payments
1st	\$37,500
2nd	\$22,500
3rd	\$15,000

Footnote: This is just one example of a Paralympic Sport and its Olympic counterpart (prior to medals pay equity). Inequity in Olympic and Paralympic medals payments persisted across the movement but varied among sports.

Youth Sports Participation by Racial Group, 2018-2019

Race/Ethnicity	Hispanic/Latino	American Indian/Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Black or African American	White	Two or More Races
Percentage Participating in Sports	47.4	48.1	54.2	52.7	47.3	62.9	59.1

External Link: [Original Data from the U.S. Department of Health and Human Services](#)

SafeSport Incident Reports by Quarter

2017 Data

Fiscal Quarter	2017 Q1	2017 Q2	2017 Q3	2017 Q4
Number of Incident Reports	No Data	85	70	126

2018 Data

Fiscal Quarter	2018 Q1	2018 Q2	2018 Q3	2018 Q4
Number of Incident Reports	374	414	510	550

2019 Data

Fiscal Quarter	2019 Q1	2019 Q2	2019 Q3	2019 Q4
Number of Incident Reports	704	700	691	675

2020 Data

Fiscal Quarter	2020 Q1	2020 Q2	2020 Q3	2020 Q4
Number of Incident Reports	714	400	667	529

2021 Data

Fiscal Quarter	2021 Q1	2021 Q2	2021 Q3	2021 Q4
Number of Incident Reports	643	858	964	1243

2022 & 2023 Data

Fiscal Quarter	2022 Q1	2022 Q2	2022 Q3	2022 Q4	2023 Q1
Number of Incident Reports	1396	1295	1431	1565	2101

2023 Q1 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	9	4	0	3	3	19
	Preliminary Inquiry	51	69	15	7	18	160
	Under Supervisor Review	3	2	3	9	1	18
	Awaiting Investigator Assignment	14	60	8	3	2	87
	Investigation	8	80	98	103	146	435
	Investigation Under Review	0	0	4	5	100	109
	Decision Issued-Pending Appeal	0	3	1	5	5	14
	In Arbitration	0	0	1	1	7	9
	Total By Quarter	85	218	130	136	282	851

2022 Q4 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	7	0	2	4	5	18
	Preliminary Inquiry	45	94	14	12	13	178
	Under Supervisor Review	4	13	15	1	4	37
	Awaiting Investigator Assignment	10	69	18	1	2	100
	Investigation	3	33	96	109	146	387
	Investigation Under Review	0	0	7	15	107	129
	Decision Issued-Pending Appeal	0	1	1	5	4	11
	In Arbitration	0	0	0	3	4	7
	Total By Quarter	69	210	153	150	285	867

2022 Q3 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	12	21	11	17	2	63
	Preliminary Inquiry	43	58	13	13	9	136
	Under Supervisor Review	7	15	3	3	0	28
	Awaiting Investigator Assignment	5	21	6	0	0	32
	Investigation	17	66	108	89	173	453
	Investigation Under Review	0	0	2	21	96	119
	Decision Issued-Pending Appeal	0	6	6	3	3	18
	In Arbitration	0	0	0	0	5	5
	Total By Quarter	84	187	149	146	288	854

2022 Q2 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	10	40	6	21	1	78
	Preliminary Inquiry	60	79	18	6	10	173
	Under Supervisor Review	5	12	3	2	1	23
	Awaiting Investigator Assignment	1	36	15	1	1	54
	Investigation	11	47	117	119	147	441
	Investigation Under Review	1	1	5	21	87	115
	Decision Issued-Pending Appeal	0	4	1	1	6	12
	In Arbitration	0	0	0	1	1	2
	Total By Quarter	88	219	165	172	254	898

2022 Q1 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	14	13	18	6	5	56
	Preliminary Inquiry	67	65	25	4	6	167
	Under Supervisor Review	2	6	3	0	0	11
	Awaiting Investigator Assignment	10	17	4	1	0	32
	Investigation	14	83	97	165	133	492
	Investigation Under Review	0	0	2	36	90	128
	Decision Issued-Pending Appeal	0	6	2	2	3	13
	In Arbitration	0	0	0	3	5	8
	Total By Quarter	107	190	151	217	242	907

2021 Q2 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					
		Under 30	30-90	91-180	181-365	Over 365	Total By Case Type
Case Type	Intake	3	10	4	5	1	23
	Preliminary Inquiry	45	85	19	13	8	170
	Under Supervisor Review	1	1	4	0	2	8
	Awaiting Investigator Assignment	7	33	4	1	2	47
	Investigation	9	48	88	110	137	392
	Investigation Under Review	0	1	6	9	41	57
	Decision Issued-Pending Appeal	0	5	2	7	4	18
	In Arbitration	0	0	1	0	1	2
	Total By Quarter	65	183	128	145	196	717

2021 Q1 SafeSport Case Resolution Times with Case Type

		Days Since Case Started					Total By Case Type
		Under 30	30-90	91-180	181-365	Over 365	
Case Type	Intake	1	2	6	0	0	9
	Preliminary Inquiry	22	55	19	12	9	117
	Under Supervisor Review	3	3	3	2	2	13
	Awaiting Investigator Assignment	8	24	26	28	5	91
	Investigation	2	46	39	102	143	332
	Investigation Under Review	0	0	0	8	42	50
	Decision Issued-Pending Appeal	0	3	2	4	4	13
	In Arbitration	0	0	0	0	3	3
	Total By Quarter	36	133	95	156	208	628

Governing Body SafeSport Contribution Fee Tiers

Table Header Definitions

Low Revenue: The lower revenue threshold of a given tier

High Revenue: The higher threshold of a given tier

Base Fee: The base fee amount paid to SafeSport by a governing body

Tier	Low Revenue	High Revenue	Base Fee
1	\$15,000,000	Not Applicable	0.25% of revenue
2	\$10,000,000	\$14,999,999	\$37,440
3	\$4,000,000	\$9,999,999	\$28,080
4	\$2,000,000	\$3,999,999	\$18,720
5	\$1,000,000	\$1,999,999	\$9,360
6	Not Applicable	\$999,999	\$4,680

SafeSport Case Categories & Cost

Table Header Definitions

Case Bucket: SafeSport's cost designation for a given set of cases

Resolution Category: The types of case resolutions in a given case bucket

Cost per: The cost charged to governing bodies per case type

Case Bucket	Resolution Category	Cost per
"High Cost" Cases	Criminal Disposition, Informal Resolution, Formal Resolution, No violation	\$3,000
"Medium Cost" Cases	All Admin Closures	\$1,500
"Low Cost" Cases	No Jurisdiction, Jurisdiction Declined, Administrative Hold	\$150

Survey: Perceived Efficacy of the U.S. Center for SafeSport Among Movement Stakeholders

Survey question: How effective do you think the U.S. Center for SafeSport is meeting its goals of investigating, addressing, and preventing abuse in sports overall?

All Respondents

Answer Choices	Response Percent	Number of Responses
Extremely effective	7.31%	128
Very effective	25.34%	444
Somewhat effective	41.38%	725
Not so effective	18.04%	316
Not at all effective	7.93%	139

Current Athletes

Answer Choices	Response Percent	Number of Responses
Extremely effective	8.04%	54
Very effective	22.77%	153
Somewhat effective	38.99%	262
Not so effective	19.05%	128
Not at all effective	11.16%	75

Survey: Awareness of the U.S. Center for SafeSport’s Centralized Disciplinary Database Among Coaches and Current Athletes

Survey question: Are you aware of the U.S. Center for SafeSport’s Centralized Disciplinary Database that tracks the expulsion, suspension, or restricted eligibility of coaches and affiliated staff connected with the Olympic and Paralympic movement?

Current Athletes

Answer Choices	Response Percent	Number of Responses
Yes	59.04%	395
No	40.96%	274

Coaches

Answer Choices	Response Percent	Number of Responses
Yes	67.05%	177
No	32.95%	87

Total Grassroots Spending by Governing Bodies in 2021

The Commission identified three different categories of grassroots spending by governing bodies to more accurately determine their investments in broad-based youth sports participation. Note: this table does not include an outlier governing body that spent over 50 million in grants for category 1.

Table Definitions

Category 1: Spending that supports open competitions, training opportunities, events, or capacity-building for local affiliate organizations for the purpose of expanding and increasing youth-sports participation.

Category 2: Spending that supports some broad-based youth-sport participation, but includes spending for closed competitions, governing body membership support, or resources to further high-performance development at the youth and junior levels.

Category 3: Spending labeled as “grassroots,” “sports development,” or broadly defined “membership services,” that cannot be separated from governing bodies’ administrative costs, closed competitions, the development of pathways for high-performance athletes, other high-performance-related expenses, or coach training and education.

Category 1 Spending	Category 2 Spending	Category 3 Spending
\$3,039,136	\$16,621,208.50	\$37,297,839

USOPC v. Governing Body Grassroots Spending in 2021

Organization Type	Total Spending	Median Spending	Average Spending
USOPC	\$92,231	\$7,750	\$9,223
Governing Body	\$108,193,790	\$431,358	\$2,847,205

Obesity trends for children ages 2-19 years in the U.S. from 1963-1965 to 2017-2018 (Data from CDC/NCHS)

[External link to the original .pdf for this data set \(see page five for the CDC NCHS table\).](#)

Girls ages 2-19

Survey Period	Sample size	Overweight %	Obesity %	Severe Obesity %
1971-1974	7041	10.1	5.1	1
1976-1980	7351	9	5.6	1.3
1988-1994	10777	13.4	9.8	2.6
1999-2000	4039	13.4	13.8	3.6
2001-2002	4261	15	14.3	4.2
2003-2004	3961	16.3	16	4.7
2005-2006	4207	14.6	14.9	4.5
2007-2008	3249	15.4	15.9	4.3
2009-2010	3408	15.4	15	4.7
2011-2012	3355	14.5	17.2	5.5
2013-2014	3523	16	17.1	6.3
2015-2016	3340	17.6	17.8	4.9
2017-2018	2824	17.6	18	5.2

Boys ages 2-19

Survey Period	Sample size	Overweight %	Obesity %	Severe Obesity %
1971-1974	7041	10.3	5.3	1
1976-1980	7351	9.4	5.4	1.2
1988-1994	10777	12.6	10.2	2.7
1999-2000	4039	15	14	3.7
2001-2002	4261	14.2	16.4	6.1
2003-2004	3961	16.6	18.2	5.4
2005-2006	4207	14.7	15.9	4.9
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2015-2016	3340	15.7	19.1	6.3
2017-2018	2824	14.7	20.5	6.9

All ages 2-19

Survey Period	Sample size	Overweight %	Obesity %	Severe Obesity %
1971-1974	7041	10.2	5.2	1
1976-1980	7351	9.2	5.5	1.3
1988-1994	10777	13	10	2.6
1999-2000	4039	14.2	13.9	3.6
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2015-2016	3340	16.6	18.5	5.6
2017-2018	2824	16.1	19.3	6.1

American Physical Inactivity by Household Income (Data from SFIA)

The Commission was unable to access the raw data for this data visual. but follow this [external link](#) for more information from SFIA on their 2023 topline report.

National Governing Body and USOPC Executive Compensation as Shares of Annual Expenditures in 2021/2022

The Commission analyzed the most recently available IRS 990 forms in order to compare national governing body spending on executive compensation as a share of annual expenditures. The following table lists organizations in order from lowest to highest annual expenditures.

Please note: for any cell labeled “no data,” the Commission did not receive that type of financial information from the organization or publicly available documentation.

Governing Body	Executive Compensation	Annual Expenditure	Executive Compensation as Percentage of Annual Expenditure
Baseball	No Data	\$86,550	No Data
Badminton	No Data	\$558,202	No Data
Team Handball	\$109,097	\$636,316	17.15%
Surfing	\$108,178	\$672,391	16.09%
Pentathlon	No Data	\$695,611	No Data
Skateboarding	\$162,500	\$1,007,319	16.13%
National Wheelchair Basketball Association	\$60,000	\$1,037,579	5.78%
Roller Sports	\$72,639	\$1,039,568	6.99%
Goalball	\$150,000	\$1,139,470	13.16%
Racquetball	\$88,600	\$1,147,400	7.72%
Karate	No Data	\$1,251,028	No Data
Breaking	No Data	\$1,523,022	No Data
ACA	\$115,000	\$1,656,324	6.94%
Judo	\$165,983	\$1,905,595	8.71%
Water Ski and Wake Sports	\$139,464	\$1,918,337	7.27%
Artistic Swimming	\$100,601	\$2,011,984	5.00%
Table Tennis	\$141,458	\$2,043,975	6.92%
Curling	\$257,800	\$2,474,479	10.42%
Taekwondo	\$144,545	\$2,623,907	5.51%
Biathlon	\$130,000	\$2,766,014	4.70%
Diving	\$309,341	\$2,986,549	10.36%
Luge	\$141,281	\$3,005,383	4.70%
Bobsled/Skeleton	\$174,268	\$3,856,537	4.52%
Squash	\$1,168,602	\$4,221,199	27.68%
Climbing	\$310,062	\$4,394,746	7.06%
Speedskating	\$324,868	\$5,150,918	6.31%
Archery	\$775,880	\$5,258,471	14.75%
Shooting	\$300,000	\$5,359,672	5.60%
Boxing	\$437,172	\$5,596,634	7.81%
Weightlifting	\$190,899	\$7,478,633	2.55%
Field Hockey	\$714,410	\$9,596,330	7.44%

Governing Body	Executive Compensation	Annual Expenditure	Executive Compensation as Percentage of Annual Expenditure
Rugby	\$658,278	\$9,596,526	6.86%
Softball	\$212,946	\$10,627,823	2.00%
Fencing	\$544,535	\$11,411,939	4.77%
Lakeshore Foundation	No Data	\$11,747,024	No Data
Water Polo	\$722,830	\$12,188,726	5.93%
Rowing	\$1,198,059	\$12,615,649	9.50%
Cycling	\$2,097,774	\$13,602,115	15.42%
Sailing	\$1,557,634	\$14,102,629	11.04%
Wrestling	\$2,093,553	\$14,823,467	14.12%
Basketball	\$2,310,092	\$17,125,677	13.49%
Figure Skating	\$921,127	\$18,981,966	4.85%
Triathlon	\$1,346,290	\$20,047,018	6.72%
Volleyball	\$2,221,344	\$22,513,930	9.87%
Equestrian	\$1,912,095	\$27,498,854	6.95%
Gymnastics	\$1,696,501	\$31,215,596	5.43%
Ski and Snowboard	\$867,706	\$31,340,669	2.77%
Track and Field	\$7,339,601	\$34,135,508	21.50%
Bowling Congress	\$1,255,000	\$34,446,673	3.64%
Swimming	\$3,598,060	\$36,531,692	9.85%
Hockey	\$1,809,699	\$50,724,443	3.57%
Soccer	\$8,592,985	\$145,087,772	5.92%
Golf	\$11,374,572	\$263,194,534	4.32%
Tennis Association	\$8,879,571	\$274,986,697	3.23%
USOPC	\$6,527,748	\$295,610,741	2.20%
Basque Pelota	No Data	No Data	No Data

Survey: Athlete v. Executive Income

The Commission surveyed high-performance athletes and executives/board members of national governing bodies on their estimated individual income. What follows is a table comparing the two groups.

Surveyed Income Bracket	Percent of Athletes Reporting	Percent of Executives/Board Members Reporting	Number of Athletes Reporting	Number of Executives/Board Members Reporting
Less than \$15,000	26.51%	2.27%	268	5
\$15,000 - \$24,999	10.19%	0.91%	103	2
\$25,000 - \$49,999	17.61%	3.64%	178	8
\$50,000 - \$74,999	13.06%	6.36%	132	14
\$75,000 - \$99,999	10.09%	12.27%	102	27
\$100,000 - \$149,999	9.89%	15.45%	100	34
More than \$150,000	12.66%	59.09%	128	130

Survey: Reported Athlete Compensation and Types, 2018-2022

The Commission surveyed high-performance athletes and asked whether they received financial compensation for their participation in the Olympic and Paralympic movement from 2018-2022. 50.3% reported yes (326 athletes reporting), while 49.7% reported no (322 athletes reporting).

The following table shows the types of compensation received by athletes who answered “yes,” but please note that athletes were able to respond more than once depending on their compensation makeup.

Compensation Type	Percentage of Responses for Compensation Type	Number of Responses for Compensation Type
Salary	4.8%	26
Award	20.3%	110
Bonus	12.8%	69
Stipend	44.0%	238
Sponsorship	11.5%	62
Other	6.7%	36

Survey: Family Spending on Sports by Demographics (Data from Aspen Institute)

The following data tables were sourced from the Aspen Institute's 2022 Youth Sports Parent Surveys. The original data can be found on the [Costs to Play Trends](#) page on their website.

Annual Spending by Child's Sport

Sport	Annual Spending
Soccer	\$1,188.00
Basketball	\$1,002.00
Baseball	\$714.00
Tackle Football	\$581.00

Annual Spending by Household Income

Household Income	Annual Spending
\$150,000 or more	\$2,068
\$50,000-\$149,999	\$940
Less than \$50,000	\$523

Annual Spending by Child's Gender

Gender	Annual Spending
Female	\$921.00
Male	\$844.00

Annual Spending by Race/Ethnicity

Race/Ethnicity	Annual Spending
Hispanic/Latino	\$883
White	\$881
Black	\$574

Survey: Family Spending on Sports by Community Type (Data from Aspen Institute)

The following data tables were sourced from the Aspen Institute's 2022 Youth Sports Parent Surveys. The original data can be found on the [Costs to Play Trends](#) page on their website.

Community Type	Annual Spending
Rural	\$659.74
Suburban	\$1,330.27
Urban	\$1,100.89

Survey: Children's Quality Time with Others by Racial Group (Data from Aspen Institute)

The following data tables were sourced from the Aspen Institute's 2022 Youth Sports Parent Surveys. The original data can be found on the [Physical & Mental Health Trends](#) page on their website.

Quality Time with Parents

Race/Ethnicity	Decreased	Not Changed	Increased
White	12.2%	38.4%	49.3%
Black or African American	12.7%	31.4%	55.8%
Hispanic, Latino, or Spanish Origin	14.2%	29.7%	56.1%

Quality Time with Siblings

Race/Ethnicity	Decreased	Not Changed	Increased
White	14.7%	48.8%	36.6%
Black or African American	12.0%	39.6%	48.4%
Hispanic, Latino, or Spanish Origin	13.5%	40.2%	46.3%

Quality Time with Peers

Race/Ethnicity	Decreased	Not Changed	Increased
White	11.5%	34.7%	53.8%
Black or African American	14.5%	31.1%	54.4%
Hispanic, Latino, or Spanish Origin	10.2%	33.4%	56.4%

Quality Time with Coaches

Race/Ethnicity	Decreased	Not Changed	Increased
White	8.1%	37.8%	44.1%
Black or African American	10.3%	26.5%	63.3%
Hispanic, Latino, or Spanish Origin	6.7%	29.7%	63.5%

Survey: Children's Mental Health and Physical Fitness by Racial Group (Data from Aspen Institute)

The following data tables were sourced from the Aspen Institute's 2022 Youth Sports Parent Surveys. The original data can be found on the [Physical & Mental Health Trends](#) page on their website.

Mental Health

Race/Ethnicity	Decreased	Not Changed	Increased
White	11.0%	36.3%	52.7%
Black or African American	9.8%	32.9%	57.2%
Hispanic, Latino, or Spanish Origin	8.8%	25.3%	65.9%

Physical Fitness

Race/Ethnicity	Decreased	Not Changed	Increased
White	6.9%	22.0%	71.1%
Black or African American	9.5%	17.7%	72.8%
Hispanic, Latino, or Spanish Origin	6.8%	22.3%	70.9%

Survey: Stakeholder Awareness of Reforms to the Olympic and Paralympic Movement

The Commission surveyed movement stakeholders asking them to name one reform to the Olympic and Paralympic movement. The following table contains the results.

Reform Answer	Awareness by Percentage	Awareness by Number of Respondents
SafeSport	13%	227
Athlete Representation	4%	79
Other	14%	248
No Awareness	69%	1,243

Survey: Public Sentiment Toward the Olympic and Paralympic Movement Since the Legislative Reforms of 2017

The Commission surveyed the public asking them to share their perception of the Olympic and Paralympic movement since the legislative reforms of 2017. The following table contains the results.

Feeling	Percentage of Respondents
More Positive Than Before Reforms	31%
More Negative Since Reforms	12%
About The Same	46%
Not Sure	11%

END OF ACCESSIBILITY INDEX