

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 Commission 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. Its 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 testimony¹ 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 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

¹ Extended written testimony submitted by Sarah Hirshland appears following the live transcript on p. 95.

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?²

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,

² Extended written testimony submitted by Elizabeth Ramsey appears following the live transcript on p. 97.

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, 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 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's 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 information 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,³ 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

³ The entity's full legal name is the "Los Angeles Organizing Committee for the Olympic and Paralympic Games 2028."

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

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 toxic 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 arrest. 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 egregious 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.⁴

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

⁴ N.B.: Following the hearing, and after further requests by the Commission, the U.S. Center for SafeSport declined to provide this data.

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.

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.⁵

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.

⁵ Extended written testimony submitted by Grace French appears following the live transcript on p. 100.

The survivors we talked to were all frustrated with the process and felt there was no transparency, nor was their 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.⁶

DR. HAMILTON: Co-Chair, Koller and Xiao and commissioners, I'd like to thank you for inviting me today to speak about...

⁶ Extended written testimony submitted by Marci Hamilton appears following the live transcript on p. 103.

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 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 MS⁷ 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, 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

⁷ MS = Multiple Sclerosis.

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.

DR. 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?⁸

⁸ Extended written testimony submitted by Donald Fehr appears following the live transcript on p. 106.

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 regard, 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 appropriation 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 Harrigan⁹ 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.

⁹ Michael Harrigan served as the Executive Director of the 1976-77 President's Commission on Olympic Sports.

(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 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 Assistant 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. Manfield, 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 initiatives 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 grassroots-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-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 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 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. 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.

CO-CHAIR 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.¹⁰

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. 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

¹⁰ Extended written testimony submitted by Travis Tygart appears following the live transcript on p. 110.

both here in the United States as well as around the world to ensure that athletes that complete 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,¹¹ 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.

¹¹ The witness is referring here to Athleten Deutschland e.V.

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*.

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.¹² 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

¹² Written testimony submitted by Katrina Piercy appears following the live transcript on p. 114.

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.

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,¹³ 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 PeacePlayers 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.

¹³ H.R. 1582, introduced in the 118th Congress on March 14, 2023.

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 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. 8552,¹⁴ 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.

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

¹⁴ 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.

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 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 warmup, 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 participation 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 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.’¹⁵ 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.

¹⁵ 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.*”

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 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 Mexico 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-thriving 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 programs 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

* * *

[Record Continues on Next Page]

What follow are the extended prepared testimony by witnesses submitted into the record:

Statement of Sarah Hirshland

Chief Executive Officer, U.S. Olympic and 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 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.

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 being 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 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 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 experience 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 intended 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 discussions/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 anonymous 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 doper. 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*¹⁶

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),¹⁷ Tracking Youth Sports Participation and Access.

¹⁶ Footnote nos. 17-36 are original to Dr. Piercy's submitted testimony.

¹⁷ https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

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.¹⁸ 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 Americans¹⁹ (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 2020-2021,²⁰ 50.7% of children and adolescents aged 6 to 17 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.²¹ 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.²² 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.²³

Brief history and role of the President's Council

The mission of the President's Council on Sports, Fitness & Nutrition (President's Council)²⁴ 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

¹⁸ <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

¹⁹ https://health.gov/sites/default/files/2019-09/Physical_Activity_Guidelines_2nd_edition.pdf

²⁰ <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

²¹ <https://www.cdc.gov/mmwr/volumes/72/su/su7201a1.htm>

²² <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

²³ <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

²⁴ <https://health.gov/pcsfm>

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).²⁵ 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 14048²⁶ on September 30, 2021, renewing the President's Council for another two years.

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

²⁵ <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/advice-andguidance/facabrochure#:~:text=Under%20the%20Federal%20Advisory%20Committee,by%20law%20or%20Presidential%20Directive>

²⁶ <https://www.govinfo.gov/content/pkg/FR-2021-10-05/pdf/2021-21908.pdf>

this Administration to reduce hunger and improve healthy eating and physical activity by 2030.²⁷

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 NYSS²⁸ in response to Presidential Executive Order 13824,²⁹ 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 2022.³⁰ 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)³¹ 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,³² 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.³³

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 participation compared to their peers), which results in varying participation rates across demographic groups.^{34 35} 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.

²⁷ 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.

²⁸ https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

²⁹ <https://www.govinfo.gov/content/pkg/DCPD-201800119/pdf/DCPD-201800119.pdf>

³⁰ <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>

³¹ https://health.gov/sites/default/files/2019-09/Physical_Activity_Guidelines_2nd_edition.pdf

³² <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-adolescents-who-do-enough-aerobic-and-muscle-strengthening-activity-pa-08>

³³ https://health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf

³⁴ <https://health.gov/healthypeople/objectives-and-data/browse-objectives/physical-activity/increase-proportion-children-and-adolescents-who-play-sports-pa-12>

³⁵ <https://www.cdc.gov/mmwr/volumes/72/su/su7201a1.htm>

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 Champions³⁶ 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]

³⁶ <https://health.gov/our-work/nutrition-physical-activity/national-youth-sports-strategy/nyss-champions>