

ATHLETE SAFETY AND THE INTEGRITY OF U.S. SPORT

HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

FEBRUARY 5, 2020

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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ATHLETE SAFETY AND THE INTEGRITY OF U.S. SPORT

WEDNESDAY, FEBRUARY 5, 2020

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:07 a.m. in room SH-216, Hart Senate Office Building, Hon. Roger Wicker, Chairman of the Committee, presiding.

Present: Senators Wicker [presiding], Thune, Fischer, Blackburn, Young, Scott, Cantwell, Blumenthal, Udall, Peters, and Sinema.

OPENING STATEMENT OF HON. ROGER WICKER, U.S. SENATOR FROM MISSISSIPPI

The CHAIRMAN. Good morning. Today the Committee convenes to discuss the health and safety of American athletes, in protecting the integrity of U.S. sports.

I welcome our distinguished panel of witnesses and thank them for appearing today. We will hear from Ju'Riese Colón, Chief Executive Officer of United States Center for SafeSport; Mr. Tory Lindley, President of the National Athletic Trainers Association; Mr. Travis Tygart, Chief Executive Officer of the United States Anti-Doping Agency.

Americans love sports. Whether we are cheering on our children at a little league baseball game and soccer tournament or gathering around our televisions to watch highly trained professional athletes compete, as most of us did on Sunday, sporting events entertain and captivate us all year round. Athletics also inspire us, helps us build character, develops teamwork skills, and unites diverse communities across the country and around the world.

As the Committee of jurisdiction over youth, amateur, collegiate, and professional sports, we are committed to maintaining a positive, healthy, safe, and vibrant sports environment for all athletes. Today's hearing is an opportunity to discuss a range of policy issues impacting the sports world in the United States and abroad.

This summer, hundreds of athletes will represent the United States at the Olympic Games in Tokyo. Over the past two years, this Committee has been investigating the issue of sexual abuse within the Olympic community. I applaud the courageous survivors of these reprehensible acts. They have stepped forward. They have had to relive these terrible past events and helped start and shape the national imperative to right these wrongs.

Let me thank Senators Moran and Blumenthal for their leadership in developing legislation to establish meaningful reforms with-

in the United States Olympic and Paralympic Committee. These reforms will increase accountability for those involved in wrongdoing and protect athletes against this type of abuse in the future. I will continue working with Senators Moran and Blumenthal to get this important legislation across the finish line and passed into law.

This morning, I hope to discuss changes that have been made within the SafeSport organization to create a safer environment for athletes and swiftly address reports of misconduct.

The physical health and safety of athletes on the field or in sports arenas has also been a matter of concern. According to reports, concussion rates among student and professional athletes are on the rise. In addition, every year a number of children die suddenly from cardiac arrest or other medical conditions that were not previously disclosed.

Today we provide an opportunity for witnesses to share their insights about how to protect athletes across all age groups and skill levels from these types of incidents. I also look forward to discussing how to ensure coaches and medical personnel onsite are properly certified and follow established protocols and procedures to reduce safety risks to players.

Integrity in sports is critical to fair play and healthy competition. Reports of sign-stealing in baseball and other types of cheating only serve to harm the hard work and dedication of athletes.

Unfortunately, doping has long been an issue that threatens sport integrity across disciplines. In December, the World Anti-Doping Agency issued a decision that would ban Russia from international competition for 4 years because of its state-sponsored doping scheme. Russia has appealed that decision.

The Rodchenkov Anti-Doping Act, which passed the House last year, represents a further effort to remove performance-enhancing drugs from sports. This legislation would impose stronger penalties on those involved in doping schemes and related conspiracy.

Today's hearing is an opportunity to discuss the merits of this legislation and how it can advance clean sports in the United States and around the world.

Finally, many states are proposing legislation that would require compensation to collegiate athletes for the use of their names, images, or likenesses. As debates on these legislative proposals advance, I hope sport integrity is a guiding principle for all parties involved. I look forward to Senator Moran exploring this issue further at his Subcommittee hearing next week.

So I thank the witnesses for being with us today. I look forward to it.

And with that, I turn to my dear friend and colleague, Ranking Member Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for mentioning the issue of sexual assault that continues to plague sports and the horrifying events that this Committee has tried to deal with. I know that it is going to be a continued effort by everyone not to have this unacceptable silence when these events happen.

So I was proud to support the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. I hope that we will continue to work on improving the last parts of that legislation so we can get it passed by the full Congress.

One of the most important sports-related issues facing the Committee is to protect our athletes from the dangers of concussions. There is nothing scarier than an injury when you can see and when you learn so much in the recent years about the devastating impacts on this. I was proud that the State of Washington led the way on this issue in 2009, passing the Zachary Lystedt law to reduce concussions in youth sports, one of the first in the Nation laws in this area. It requires schools to educate coaches, students, and athletes about their impacts received from serious head injuries. It also requires athletes to be removed from the field when they are suspected of having suffered a concussion and have a licensed medical professional to clear them. It also created the U.S. Center for SafeSports. Actually wait a minute. Sorry. I got my pages out of order here. Sorry, Mr. Chairman.

I think I am looking forward to hearing from Ms. Colón today about SafeSport writ large and some of the efforts their organization is doing to help take these laws from the local level and push them through at the Federal level.

I know as we approach the summer Olympics, I hope that we will continue to focus on many diverse issues here that are facing our athletes across the board.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

We now invite our three panelists to summarize their testimony in 5 minutes or less. Your entire statement will be included in the record, without objection. And, Ms. Colón, we begin with you. You are recognized.

**STATEMENT OF JU'RIESE COLÓN, CHIEF EXECUTIVE
OFFICER, U.S. CENTER FOR SAFESPORT**

Ms. COLÓN. Thank you, Chairman Wicker and Ranking Member Cantwell, for inviting the U.S. Center for SafeSport to participate in this hearing and providing me the opportunity to share the center's mission, vision, and our progress thus far.

The U.S. Center for SafeSport opened its doors nearly 3 years ago in the wake of several high profile abuse cases. We are unique. We are an independent, nonprofit organization responsible for responding to and preventing emotional, physical, and sexual abuse and misconduct in U.S. Olympic and Paralympic sport. We are the only organization in this country congressionally mandated to take on this critical task.

Our mission is to make athlete well-being the centerpiece of our nation's sports culture through abuse prevention, education, and accountability. We live this mission every day by focusing on three main priorities.

One, preventing abuse in sport. We educate coaches, athletes, and others involved in sport to prevent abuse, recognize signs of grooming, understand appropriate boundaries, and report. And to date, we have trained over 1 million individuals and anticipate training at least 2 million more in 2020.

Second, organizational accountability and transparency. We develop athlete safety policies and best practices for the USOPC and for more than 50 national governing bodies representing between 13 million and 18 million participants. The center also holds the USOPC and every NGB accountable through a robust audit and compliance program.

Third, individual accountability. And this is arguably our most critical function. The center holds those who abuse others accountable by thoroughly investigating allegations of sexual, emotional, and physical abuse and misconduct and prohibiting those who have perpetrated abuse from participating in Olympic and Paralympic sport. This includes coaches, athletes, officials, referees, medical professionals, volunteers, and administrators at the highest level of sport.

To date, we have received nearly 5,000 reports and sanctioned 627 individuals. Cases include grooming behavior, bullying, hazing, forcing athletes to compete through really serious injuries, withholding food and water, sexual harassment, sexual assault, and rape.

That is why it is so vital that those who perpetrate abuse are held accountable. And the center has been successful in doing just that.

When we first opened our doors, the center received 39 reports each month. At the time, we had one investigator on staff. Today, nearly 3 years later, we receive more than 200 reports a month of physical, emotional, and sexual abuse. That is more than a 500 percent increase in less than 3 years.

We ensure that our investigative policies and our practices are fair and consistently applied and we implement controls and processes to ensure that we address allegations as efficiently as possible because when athletes are at risk, time is of the essence.

Last year, we received a report that a coach was sending sexualized communications to a minor athlete and they were about to leave the country for an athletic competition. She was 14. He was in his 30s. And to ensure she was not further harmed, our intake staff took quick action. We spoke to the minor and her parents. We gathered evidence, and ultimately we imposed temporary measures to prevent her coach from traveling with her while our investigation progressed.

We pride ourselves on conducting thorough, neutral, trauma-informed, and unbiased investigations. Our investigative staff includes retired FBI and NCIS agents, retired sex crimes detectives, JAG prosecutors, public defenders, and child protective services investigators, many of whom have spent their entire careers investigating child sexual abuse.

The center also has multiple internal safeguards in place before any person is sanctioned or suspended. For instance, we guarantee hearings on temporary suspension within 72 hours if a respondent requests so so that those individuals who think that we may have gotten it wrong can challenge our decisions before an independent arbitrator.

During our merits and arbitrations, respondents can be represented by counsel, challenge our evidence, cross examine our witnesses, and put forth their own evidence.

The center has come a long way. We have developed policies where there were none. We have provided a mechanism for athletes to seek resolution, and we have held hundreds of individuals accountable for causing harm. And as a result, we are leading the charge and changing the culture of sport.

But there is still a lot of work to be done. To meet the growing needs of our athletes and the rapidly growing caseload, the center has expanded our response and resolution team. We have tripled the size of our auditing and compliance team, and in 2020 we will host more trainings than we ever have before.

We are grateful for the resources thus far and are hopeful about the potential for ongoing and reliable funding through the Empowering Olympic and Amateur Athletes Act of 2019 introduced by Senators Moran and Blumenthal last year, cosponsored by many other Senators, and voted favorably on by this Committee.

This year, 600 of America's best and most talented athletes are headed to Tokyo. We owe it to them and to the children and the young people in your state and across this country to do everything in our power to protect them and to ensure that they have a safe and positive experience in sport.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Colón follows:]

PREPARED STATEMENT OF JU'RIESE COLÓN, CHIEF EXECUTIVE OFFICER,
U.S. CENTER FOR SAFE SPORT

Thank you, Chairman Wicker and Ranking Member Cantwell, for inviting the U.S. Center for SafeSport ("the Center") to participate in this hearing and providing me the opportunity to share the Center's mission, vision, and progress.

The U.S. Center for SafeSport opened its doors nearly 3 years ago in the wake of several high-profile abuse cases. The Center is unique. We are an independent, nonprofit 501(c)(3) organization responsible for responding to and preventing emotional, physical, and sexual misconduct and abuse in U.S. Olympic and Paralympic communities. We are the only organization in the country congressionally mandated to take on this critical task.

Our mission is to make athlete well-being the centerpiece of our Nation's sports culture through abuse prevention, education, and accountability. We live this mission every day by focusing on three main priorities.

1. One, *Preventing abuse in sport*: We educate coaches, athletes, and others involved in sport to prevent abuse, recognize signs of grooming, understand appropriate boundaries, and report. To date, we've trained over 1 million individuals through our online SafeSport training and anticipate training at least 2 million more in 2020. We believe prevention, education, and training are critical to culture change.
2. Two, *Organizational accountability and transparency*: We develop athlete safety policies and best practices for the U.S. Olympic & Paralympic Committee (USOPC) and more than 50 National Governing Bodies (NGBs), representing between 13 and 18 million participants. The Center also holds the USOPC and every NGB accountable for these policies through a robust audit and compliance program. To date, we have completed 51 audits, reaching 100 percent of the NGBs, including the USOPC. In 2020, the Center will to be on the ground to audit competitive events around the country.
3. Three, *Individual accountability*: This is arguably our most critical function. The Center holds those who have abused others accountable by thoroughly investigating allegations of emotional, physical, and sexual abuse and misconduct and prohibiting those who have perpetrated abuse from participating in Olympic and Paralympic sport.

This includes coaches, athletes, officials, referees, medical professionals, volunteers, and administrators at the highest levels of sport.

To date, we've received nearly 5,000 reports and sanctioned 627 individuals from participating in Olympic and Paralympic sport. Cases include grooming behavior, bullying, hazing, forcing athletes to compete through serious injuries, withholding food and water, sexual harassment, sexual assault, and rape.

The list of what athletes have had to endure, unfortunately, could go on and on. That's why it's vital those who perpetrate abuse are held accountable—and the U.S. Center for SafeSport has been successful in doing so. We are grateful that Congress has codified this authority.

When we first opened our doors, the Center received 39 reports of allegations of abuse each month. At the time, we had one investigator on staff.

Today, nearly 3 years later, we receive more than 200 reports a month of physical, emotional, and sexual abuse. That is more than a 500 percent increase in less than 3 years.

We have spent considerable time, energy, and resources to not only ensure that our investigative policies and practices are fair and consistently applied, but to implement controls and processes to ensure we address allegations as efficiently as possible.

Because when athletes are at risk, time is of the essence.

Last year, we received a report that a coach was sending sexualized communications to a minor athlete and was about to leave the country with her for an athletic competition. She was 14; he was in his 30s. To ensure she wasn't further harmed, our Intake staff took quick action. We spoke to the minor and her parents, gathered evidence, and ultimately imposed temporary measures to prevent her coach from travelling with her while our investigation progressed. All of this happened within 5 days.

Moving quickly was necessary for her safety and to eliminate the risk of abuse. We've done temporary measures hearings on the weekends, and even the day after Christmas. But not all investigations move that quickly. And that's by design.

We pride ourselves on conducting thorough, neutral, trauma-informed, and unbiased investigations. Our investigative staff includes retired FBI and NCIS agents, retired sex crimes detectives, former JAG prosecutors, former public defenders, a former Federal administrative law judge, and child protective services investigators, many of whom have spent their entire careers investigating sexual abuse.

The Center also has multiple internal safeguards in place before any person is sanctioned or suspended. For instance, we guarantee hearings on temporary suspensions within 72 hours, if a Respondent requests, so that those individuals who think we got it wrong can challenge our decision before an independent arbitrator.

During arbitrations, respondents can be represented by counsel, challenge our evidence, cross-examine our witnesses, and put forth their own evidence. In a recent arbitration, the Respondent was represented by 3 attorneys and brought seven of his own witnesses. Ultimately, after hearing all the evidence, the arbitrator upheld the Center's findings of sexual misconduct and our sanction of permanent ineligibility.

The Center has come a long way. We have developed policies where there were none. We have provided a mechanism for athletes to seek resolution. We have required training where it was once rarely utilized. We have held hundreds of individuals accountable for causing harm. And, as a result, we are leading the charge in changing the culture of sport.

But there is still much work to be done. To meet the growing needs of our athletes, and the rapid growing caseload, the Center has expanded our Response & Resolution team, tripled the size of our audit and compliance team, and will host more trainings in 2020 than ever before.

We are grateful for the resources received thus far and are hopeful about the potential for ongoing and reliable funding through the *Empowering Olympic and Amateur Athletes Act of 2019* introduced by Senator Moran and Senator Blumenthal last year, co-sponsored by many other Senators, and voted favorably by this committee.

This year, 600 of America's best and most talented athletes are headed to Tokyo. We owe it to them and to the young people in your state and across the country, wanting to be them someday, to do everything in our power to ensure they have a safe and positive experience.

The Center is committed to doing just that. Our focus on prevention, holding organizations accountable and holding individuals accountable has, and will continue, to have a tremendous impact on athletes throughout this country for years to come.

**Ju'Riese Colón
BIO**



Ju'Riese Colón is the Chief Executive Officer of the U.S. Center for SafeSport, the nation's only nonprofit organization committed to ending all forms of abuse in sport. As CEO, Ju'Riese leads the strategic vision and direction of the organization to ensure every athlete is safe, supported, and strengthened through sport.

Ju'Riese previously served as the National Vice President of Child & Club Safety for the Boys & Girls Clubs of America. She was responsible for developing and leading the organization's child safety policies and initiatives for more than 1,100 Boys & Girls Club Organizations and 4,300 Boys & Girls Club locations across the United States, including those located on Native lands and military bases.

Ju'Riese also served as the Executive Director of Prevention & Outreach for the National Center for Missing & Exploited Children (NCMEC). She led NCMEC's prevention and education programs and initiatives related to online safety, child abduction and sexual exploitation and their delivery to children, families, schools, and the public. Ju'Riese was with NCMEC for 15 years.

Her professional experience also includes leading prevention and outreach initiatives with youth serving organizations serving families, educators, law enforcement, and diverse communities. Ju'Riese is an experienced child advocate and serves as an expert on issues related to child safety. She is a graduate of Virginia Commonwealth University where she received degrees in both Criminal Justice and Spanish. She also holds a degree from the Proyecto Lingüístico Francisco Marroquín in Antigua, Guatemala.

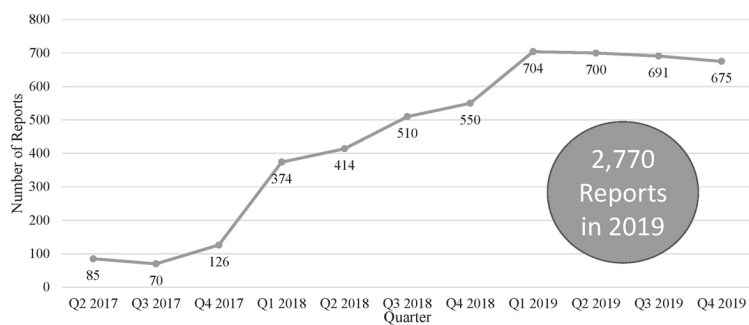
Ju'Riese is based in Denver, CO.

U.S. Center for SafeSport

"Athlete Safety and the Integrity of U.S. Sport"
U.S. Senate Committee on Commerce, Science, and Transportation
Presented by Ju'Riese Colón, CEO, U.S. Center for SafeSport
February 5, 2020

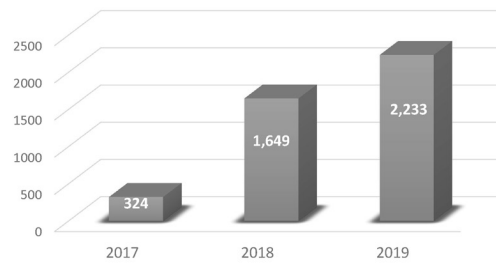


Total Reports *By Quarter*



Total Cases

FY 2019 & By Year



Case Resolutions

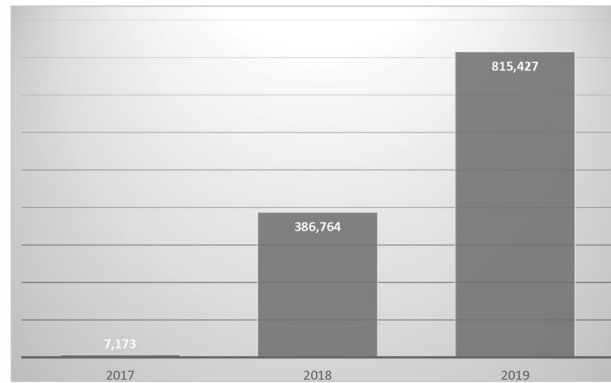
FY 2019 & Total Cumulative

Primary Sanction (All Time)	
Formal Warning	17
Ineligible	247
Limited Participation	2
Permanent Ineligibility	235
Probation	46
Suspension	80
Total Violation(s)	627

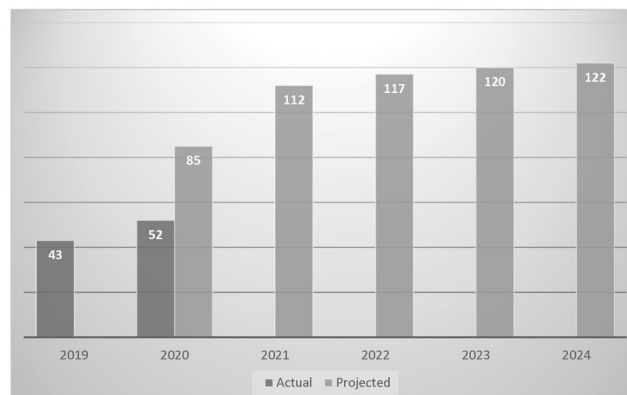


Online Course Completions 2017–2019

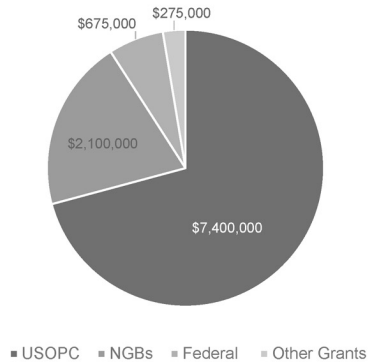
>1.2 million trained to date



Staffing Needs (5-Year Projection)



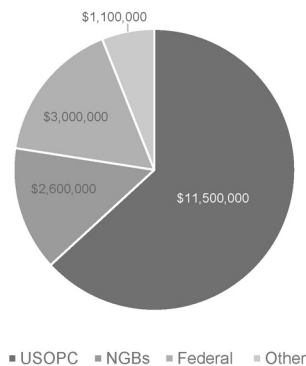
2019 Funding Sources



Total Budget ≈ \$10.5 million

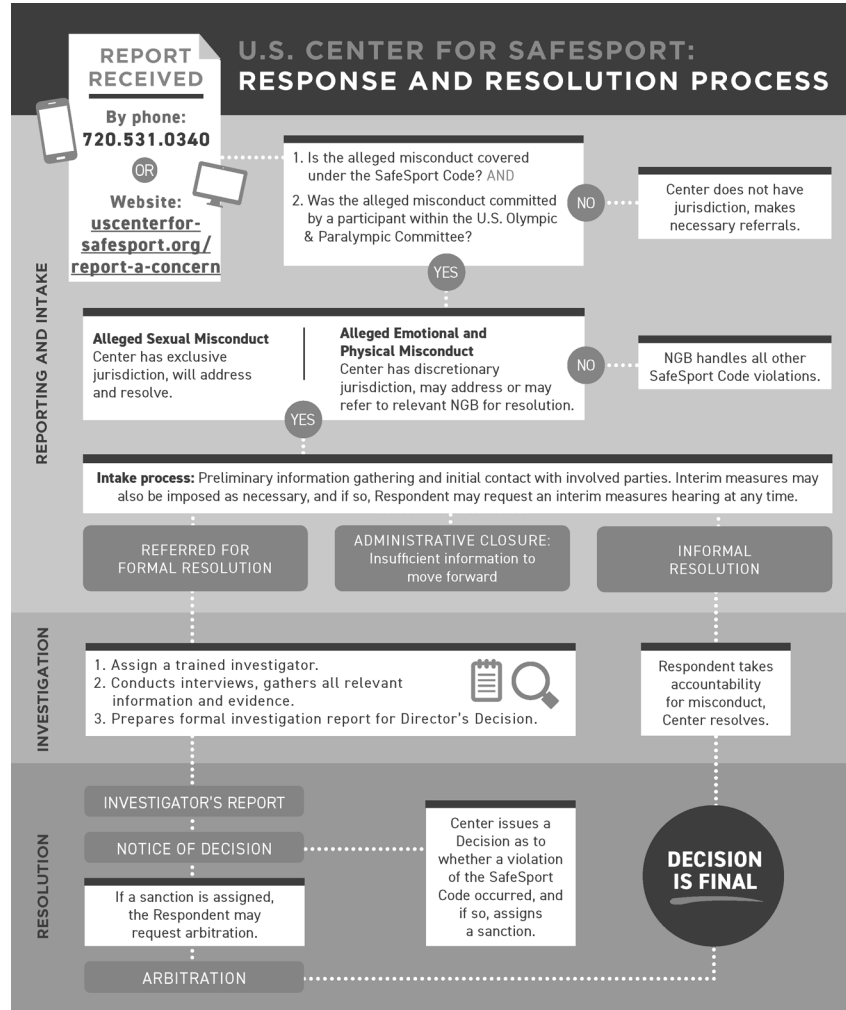


2020 Funding Sources



Total Budget ≈ \$18.2 million





This chart is a simplified view of the Center's Response and Resolution Process, please refer to the full policies and SafeSport Code of Conduct at uscenterforsafesport.org.

TEMPORARY MEASURES OVERVIEW

This is intended as an overview of the Temporary Measures process. For the rules governing Temporary Measures, you should consult the U.S. Center for SafeSport Code available online at www.uscenterforsafesport.org. In particular, Rule 40 governs Temporary Measure hearings.

What are Temporary Measures?

Temporary Measures are tools that allow the Center flexibility to mitigate potential risks to the sport community and to protect the well-being of individuals. They are implemented on a case-by-case basis and tailored to the specific needs of a matter. They can include many different tools, including, for example, no-contact orders, restrictions on travel or event attendance, restrictions on interactions with minors and temporary suspensions.

When are Temporary Measures Implemented?

Temporary Measures can be implemented at any time during the Center's process.

Do you use Temporary Measures in every case?

No. Measures are implemented when the Center believes, based on the current information and evidence, that they are necessary to protect sport community or athletes. Generally, Measures are implemented based on the severity of the allegations, the evidentiary support for the allegations and/or the perceived risk to athletes or the sport community.

Are Temporary Measures Permanent?

No. As the name suggests, measures are temporary pending completion of the investigation and a final decision being made.

Does a Temporary Measure mean the Center has determined someone violated the Code or did something wrong?

No. Issuance of a Temporary Measure is not a finding or decision that someone has engaged in misconduct. Instead, Measures are a tool that the Center uses to protect athletes and sport based on the current state of the evidence.

Are Temporary Measures ever modified?

Yes. The Center consistently reevaluates the need for Temporary Measures as new information becomes available. In some instances, the Center may modify measures to include additional restrictions, up to and including a suspension. In other instances, the Center may lift one or more restrictions for a specific timeframe or until new information becomes available. These determinations are made on a case-by-case basis based on the current information available to the Center.

If I'm a Respondent, when am I told that a Temporary Measure has been put in place?

The Center provides Respondents with a detailed letter called a Notice of Allegations & Temporary Measures, which includes:

1. The reasons for the Temporary Measure and the allegations upon which it has been issued. If you do not understand the reasons set forth in the letter, please contact the Center at resolutions@safesport.org or call (720) 965-1524.
2. Your right to immediately request a hearing in front of a neutral arbitrator to challenge the need for the Temporary Measure. The Center must provide the hearing within 72 hours of your request if you so desire.
3. Information regarding the investigative process, next steps, and your option to have an advisor (who may be an attorney) to guide you through the process.
4. Your right to identify witnesses and provide other relevant evidence as part of the investigative process.

I have been temporarily restricted or suspended. What should I do?

First, review the Notice of Allegations & Temporary Measures letter carefully. You should also go to www.uscenterforsafesport.org and review or download the SafeSport Code. Temporary Measures are generally governed by Rule 40 in the Code.

Are Temporary Measures published?

Yes. When the Center determines it is necessary to issue a temporary measure, it will publish the measure on its public database. In all instances, the Center will communicate a Temporary Measure to the relevant National Governing Body(ies) as the NGB has an obligation to enforce the Center's Measures.

Can I talk about the Temporary Measure?

In no way does the Center restrict an individual from speaking for themselves, though it may advise caution in the interest of protecting individuals' privacy and safety, especially that of minors. The Code does generally prohibit the identification of Reporting Parties or Claimants.

Does a hearing cost money?

Yes. Hearings are provided by an independent neutral arbitrator unaffiliated with the Center. At this time, the Center utilizes a pool of arbitrators from JAMS. The cost of a Temporary Measures hearing is currently \$1,500. The Center pays \$1000 of that amount, and the person requesting the hearing is responsible for \$500.

What happens at the Hearing?

A hearing on a Temporary Measure is governed by SafeSport Rule 40.

INVESTIGATIONS OVERVIEW

The following is intended to provide answers to frequently asked questions related to the Center's investigation process, which, for ease of reference, have been organized according to common questions asked by specific types of parties involved in that process. This process is governed by the SafeSport Code for the U.S Olympic and Paralympic Movements ("the Code"), available online at www.uscenterforsafesport.org. Per the Code, and as referenced below, a Claimant is the person who is alleged to have experienced conduct that constitutes a Code violation, a Respondent is the person whose behavior is alleged to have violated the Code, and a Witness is a person who may have information relevant to the allegations.

COMMON QUESTIONS FROM INVOLVED PARTIES*What is the role of the Investigator?*

The Center typically assigns a single investigator to a matter. However, for complex cases, the Center may also assign multiple investigators and/or additional subject matter experts. The investigator's role is to determine, by a preponderance of the evidence (*i.e.*, more likely than not), whether or not a Respondent engaged in behaviors that violate the Code. In doing so, an investigator may interview the Respondent, Claimant, and any relevant Witnesses. They may also gather additional relevant information, including physical and/or documentary evidence. The investigator concludes their investigation by drafting an Investigation Report.

What happens after an investigation concludes?

After the investigator completes the Investigation Report, it is reviewed by one or more Assistant Director of Investigations and Outcomes. The finalized Investigation Report is presented to the Center's legal team who applies the Code to the investigator's findings of fact and drafts the Notice of Decision. The Response & Resolution Leadership Team reviews the final Investigation Report and Notice of Decision to determine the appropriate sanction, if any. The sanction, if any, is then included in the final Notice of Decision. The Claimant and Respondent are provided with access to both the Investigation Report and the Notice of Decision. The associated National Governing Body (NGB) receives a copy of the Notice of Decision so that it is aware of the outcome and can ensure that any sanctions imposed are enforced.

I'm worried that if I participate in the Center's process, someone will retaliate against me.

It is a violation of the Code to retaliate against any party who participates in the SafeSport process. If you feel that you are the target of possible retaliation, you are encouraged to immediately report those concerns to the Center.

Who made this complaint? Will I learn who that is?

The Center does not disclose the identity of the person who initially reported allegations to the Center, as it is not relevant to whether the alleged misconduct actually occurred. However, a Respondent will learn the identity of a Claimant and any relevant, participating Witnesses during the investigative process.

Are you going to give this information to the police /law enforcement?

The Center is a mandatory reporter and therefore, in instances that require mandatory reporting—such as in the case of allegations involving child abuse—the Center will report those allegations to the relevant law enforcement agency.

COMMON QUESTIONS FROM A RESPONDENT*How do I know if I am under investigation by the Center?*

When the Center initiates a formal investigation, it will issue a Notice of Allegations letter containing the information currently available to the Center, including a general description of the alleged misconduct, when the incident(s) allegedly occurred, and who's involved. The Notice of Allegations will also provide information about the Code, your right to have someone advise you during the process, and that you will be contacted by a SafeSport Investigator. This Notice may be updated as more information and evidence becomes available to the Center. Sometimes this letter may come in the form of a Notice of Allegations & Temporary Measures, which means the Center is providing notice of the allegations as well as implementing cor-

responding Temporary Measures (for more information on Temporary Measures, see the related FAQ).

Do I get an attorney?

Respondents may be accompanied and/or assisted by an advisor throughout the process, and that advisor may be an attorney.

Do I have to talk to you?

Respondents may choose the degree to which they choose to participate in the Center's process. However, if a Respondent elects not to participate or limits their participation in the Center's process, the Center will resolve the matter without the benefit of the Respondent's participation based on all information and evidence available.

How long will this process take?

The Center endeavors to resolve all matters as efficiently and effectively as possible. Many factors will impact the length of an investigation including, but not limited to, the availability and location of witnesses and evidence, the number of alleged incidents, and the number potential Claimants.

Can I see all the evidence the Center has in advance of an interview with the investigator?

The Center's investigatory process does not require that an investigator share information or evidence with a Respondent prior to an interview.

COMMON QUESTIONS FROM A CLAIMANT

Can I be anonymous?

A Claimant may request that personally-identifying information not be shared with a Respondent. The Center will seek to honor the Claimant's request(s) if it is possible to do so while also protecting the health and safety of the Claimant and the sporting community. However, a Claimant's decision to remain anonymous or limit their participation in the Center's process may hinder the Center's ability to either fully investigate or to render a Decision in a specific matter.

What will be shared with the Respondent if I participate in the investigation?

During the investigation, the Center provides the Respondent a fair opportunity to respond to all relevant evidence. A Respondent will receive a Notice of Allegations letter and, once the investigation concludes, will also receive the Investigation Report and Notice of Decision.

What will be shared with me if I participate in the investigation?

Just as with Respondents, a Claimant will also receive the Investigation Report and Notice of Decision.

COMMON QUESTIONS FOR A WITNESS

A SafeSport investigator e-mailed/called me; do I have to talk to them?

Under Federal law and the Code, Participants in the Olympic Movement must report all known or suspected instances of sexual misconduct to the Center. If a Participant knows or suspects any form of child abuse, it must report to both the Center and to law enforcement. While in some instances a witness may not be required to participate in an investigation, the Center strongly encourages anyone with relevant information regarding alleged misconduct to participate in the investigation process to help ensure a sport culture free from abuse and misconduct.

Who will know that I participated in an investigation?

The Claimant and Respondent in a matter will be informed of any relevant information collected during an investigation, including the names of witnesses who provide information. Relevant interview statements and any physical, electronic, or documentary evidence provided during an investigation will also be shared with the Claimant and Respondent, but will otherwise be kept as confidential as possible.

Will I get updates on a case? Will I be informed of the outcome?

The Center's investigations are confidential. Accordingly, witnesses will not receive updates and will not be notified of the outcome. However, outcomes resulting in a sanction of ineligibility (e.g., suspension) may be available on the Center's online Centralized Disciplinary Database.

Will I get a copy of my statement?

Per the above, the Center's investigations are confidential. Accordingly, only the Claimant and Respondent will have access to the Investigation Report, including any interview statements recorded as part of the investigation.

ARBITRATIONS OVERVIEW

The following is intended to provide answers to frequently asked questions related to the Center's arbitration process, which may occur after either (1) the Center implements a Temporary Measure affecting a Participant's ability to participate in sport ("Temporary Measures Hearing"), or (2) the Center completes an investigation and renders a Decision ("Merits Arbitration"). This process is governed by the SafeSport Code for the U.S Olympic and Paralympic Movements ("the Code"), available online at www.uscenterforsafesport.org.

What is the difference between a Temporary Measures hearing and a Merits Arbitration?

As the name suggests, a Temporary Measures Hearing provides a Respondent an opportunity to contest the imposition of certain Temporary Measures implemented by the Center, whereas a Merits Arbitration is a Respondent's opportunity to contest the Center's findings after an investigation has been completed and a Notice of Decision issued. For more information about Temporary Measures Hearings, please see the corresponding FAQ.

Does a Merits Arbitration occur automatically, or do I have to request it?

As set forth in the Notice of Decision, you must request a Merits Arbitration (or receive an extension of time to request a Merits Arbitration) within five business days of the issuance of the Decision. If you do not request an Arbitration (or receive an extension of time), the Center's decision is final.

I thought the Center made its decision; why is there a hearing?

The Center's Notice of Decision is one step in the Center's process. It represents the Center's determination that the alleged conduct either did or did not occur and the appropriate sanction(s), if any. To ensure a fair process, Respondents may request that the Center present its case to an independent arbitrator. The arbitrator will review the facts and evidence and reach an independent and binding decision regarding whether the Center has shown a violation more likely than not occurred (preponderance of the evidence) and, if so, imposed the appropriate sanction.

Who pays for a Merits Arbitration?

A Respondent is responsible for the JAMS arbitration fee. In certain circumstances, an arbitrator may require the Center to reimburse a Respondent for some or all of the arbitration fee. A Respondent may also apply for a hardship exemption if they are unable to pay the arbitration fee. A Claimant is not responsible for any of the costs associated with an Arbitration.

Generally, what happens at an Arbitration?

Typically, a Merits Arbitration looks a lot like a mini-trial. Each side will make an opening statement, present witnesses and evidence, and make closing statements. The Center has the burden to prove the misconduct more likely than not occurred, and that it imposed the appropriate sanction.

Who has to testify at a Merits Arbitration?

To ensure the arbitrator makes a fully informed decision, the Center seeks to provide the arbitrator with all relevant evidence, including testimonial and documentary evidence. To ensure the best presentation of the matter, this typically will include the testimony of the Claimant(s) and any relevant witnesses. The Center recognizes that it may be difficult for some Claimants to participate fully in an arbitration hearing and offers alternative methods of providing testimony, including participating in the arbitration through video conference rather than in person, and responding to questions from the arbitrator rather than from Respondent or Respondent's counsel. A Claimant can discuss these and other options for participation with the Center's counsel prior to an Arbitration. In some cases, if a Claimant chooses not to participate in the Merits Arbitration (as is their right), the Center may determine that it cannot move forward without such testimony. In such cases, the Center may seek to withdraw its Decision until such time as a Claimant decides to participate.

Where is an Arbitration held? Would I have to travel for it?

Merits Arbitrations are typically held by video-conference. You can participate remotely from anywhere in the world through any device (such as a laptop) that can access video-conferencing. In some cases, a Respondent or the Center may request and be granted an in-person hearing. In such instances, you can choose to appear in-person or through the video-conference.

How long does an Arbitration hearing last?

Except in exceptional circumstances (as determined by the Arbitrator), Merits Arbitrations are typically to be completed within one-day.

Who are the arbitrators who conduct these hearings?

JAMS, an independent arbitration services provider, administers the Merits Arbitrations. The JAMS arbitrators utilized by the Center are former judges and practicing attorneys who have experience in sexual misconduct cases, and all receive SafeSport arbitrator training.

The CHAIRMAN. Thank you, Ms. Colón.
Mr. Lindley.

**STATEMENT OF TORY LINDLEY, PRESIDENT,
NATIONAL ATHLETIC TRAINERS' ASSOCIATION (NATA)**

Mr. LINDLEY. Good morning. Chairman Wicker, Ranking Member Cantwell, and members of the Senate Committee on Commerce, Science, and Transportation, thank you for the opportunity to participate in today's hearing.

My name is Tory Lindley. I am an AT, an athlete trainer, who serves as the director of athletic training services at Northwestern University. I am also very proud to serve as the President of the National Athletic Trainers' Association.

NATA is a professional organization serving more than 46,000 certified athletic trainers, students of athletic trainers, and other health care professionals. Protecting the health and safety of athletes is exactly what our members have been doing and our organization has been doing since founded in 1950.

Athletic trainers are health care professionals who collaborate with physicians to provide preventative services, emergency care, clinical diagnosis, therapeutic intervention, injury rehabilitation, and mental health management. ATs are required to graduate from an accredited athletic training program, are licensed or otherwise regulated in 49 states and the District of Columbia. Further, ATs pass a rigorous national certifying board exam.

NATA has long been a leader in health and safety issues facing athletes. We proactively provide our expertise and specific recommendations to policymakers at the local, State, and national levels.

Many athletic trainers are doing outstanding work in conducting research, analyzing trends, and implementing strategies in injury prevention and management.

NATA strongly believes Congress should fully invest in efforts to track youth sports injuries and fatalities. It is only with a comprehensive system for collecting and analyzing this data that we will be able to understand the scope of the problem and the best methods for addressing it.

I would like to give you some current statistics on athletic participation and athletic injuries in the United States.

Currently there are 470,000 collegiate-level athletes who experience 210,000 injuries per year.

At the secondary school level, there are 7.9 million athletes who sustain more than 1.4 million injuries a year.

The 46.5 million children playing organized team sports in our country sustain 1.35 million injuries per year.

Further, 1.6 to 3.8 million sports-related concussions occur every single year.

Studies show that 62 percent of injuries occur in practice as opposed to games or competitions.

According to the CDC, on average there are 2.7 million emergency department visits per year by children ages 5 to 24 for sports-related injuries. This means that there are a staggering 7,397 emergency department visits every single day, creating an unnecessary burden on our health care system.

These injury statistics are compelling, but to athletic trainers, the most concerning fact is that the secondary school athletic population leads the Nation in athletic-related deaths. Between 2008 and 2019, there have been more than 400 sports-related fatalities among young athletes. Let me underscore this fact that in an 11-year period, we lost over 400 children who were simply playing sports. As a nation, we must do better at protecting our youth athletes while continuing to promote the benefits, the strong benefits, of sports participation.

Athletic trainers are experts in creating and applying strategies to decrease the instance of sudden death in athletic participation. However, only 37 percent of high schools employ a full-time athletic trainer. We need to improve access to athletic trainers in secondary schools and youth sports organizations as a primary prevention and a primary management strategy.

It is time that we change the culture in this country. The costs of having sports must include adequate health care coverage and risk management for the reduction of time loss injury and the overall better experience in playing sports.

NATA has made substantial investments, established meaningful partnerships, and led numerous initiatives to bring attention to youth athlete sport safety at the local, State, and national level. Organized sports bring enormous health benefits to children, but certain factors may cause them to ignore the pain and ignore the injuries which could result in lifetime injury or even death.

As a part of a joint effort between the NATA, the Korey Stringer Institutes, and the NFL Foundation, work has already begun to host meetings with local high school sport leaders and State legislators in all 50 states to encourage the development and implementation of policy and best practice to reduce catastrophic injury.

Athletic trainers are also uniquely qualified and extremely well positioned to recognize the signs and symptoms related to opioid and prescription drug abuse, particularly among patients rehabilitating from injuries. ATs are experts in identifying other methods of chronic pain management like manual medicine and rehabilitation. NATA continues to support proposals to increase access to and training in administering naloxone.

In closing, the interest in making sports safer is at an all-time high. We have an opportunity to implement real change cooperatively and creatively. The current gaps are simply unacceptable.

We can and must do better for our children. Appropriate medical care and safety in sports must become a standard, not a luxury.

Thank you for organizing this hearing today and this opportunity present the views of the National Athletic Trainers' Association, and we look forward to your questions.

[The prepared statement of Mr. Lindley follows:]

PREPARED STATEMENT OF TORY LINDLEY, PRESIDENT,
NATIONAL ATHLETIC TRAINERS' ASSOCIATION (NATA)

On behalf of the National Athletic Trainers' Association (NATA), I am pleased to have the opportunity to provide testimony to the United States Senate Committee on Commerce, Science, and Transportation on the important topic of protecting the health and safety of American athletes. My name is Tory Lindley and I am director of athletic training services at Northwestern University. I am also very proud to serve as the President of the National Athletic Trainers' Association.

NATA is a professional organization serving more than 46,000 certified athletic trainers, students of athletic training, and other health care professionals. Protecting the health and safety of athletes is exactly what NATA members have been doing since the organization was founded in 1950.

BACKGROUND ON THE ATHLETIC TRAINING PROFESSION

NATA's mission is to represent, engage, and foster the continued growth and development of the athletic training profession and athletic trainers as unique health care providers. Athletic trainers are health care professionals who collaborate with physicians to provide preventative services, emergency care, clinical diagnosis, therapeutic intervention, and rehabilitation of injuries. As part of the health care team, services provided by athletic trainers include injury and illness prevention, wellness promotion and education, emergent care, examination and clinical diagnosis, and therapeutic intervention.

Athletic trainers provide urgent and acute care of injuries; they specialize in preventing, diagnosing, and treating muscle and bone injuries. Athletic trainers are included under the allied health professions category as defined by the U.S. Department of Health and Human Services and are assigned National Provider Identifier numbers. In addition to employment by sports and athletic organizations, athletic trainers are employed by hospitals, clinics, occupational health departments, wellness facilities, the United States military, and numerous other health care settings.

Athletic trainers are highly qualified, multi-skilled health care professionals. To provide appropriate care for patients, athletic trainers receive training in prevention, recognition, and treatment of critical situations. They must graduate from an accredited athletic training program. Currently, 76 percent of athletic trainers currently have a master's degree, and by 2022, a master's degree in athletic training will be the professional degree for all ATs.

Using a medical-based education model, comparable to other healthcare professions, athletic trainers serve as allied health professionals with an emphasis on clinical reasoning skills. The curriculum of an accredited athletic training program must include a comprehensive basic and applied science background and uses a competency-based approach in both the classroom and clinical settings.

Athletic training education programs are accredited by the Commission on Accreditation of Athletic Training Education (CAATE), which is recognized by the Council for Higher Education Accreditation. The CAATE sets forth rigorous standards for the preparation of athletic training graduates that are science-based and didactic. CAATE also administers post-professional athletic training residency programs.

Upon completion of an accredited athletic training program, athletic trainers are required to pass a rigorous comprehensive examination administered by the Board of Certification, Inc. (BOC). The BOC certification program ensures that individuals have the knowledge and skills necessary to perform the tasks critical to safe and competent practice as an athletic trainer. Athletic trainers who pass the BOC's examination are awarded the ATC® credential.

ATHLETE HEALTH AND SAFETY ISSUES

NATA has long been a leader in health and safety issues facing athletes. We proactively provide our expertise and specific recommendations to policymakers at the local, state, and Federal levels.

As a healthcare professional organization, we pride ourselves on developing and educating our members on the latest research, evidence, and narratives related to athlete safety. In fact, many athletic trainers are doing outstanding work in conducting research and analyzing trends in sports injury prevention and sports injury management.

NATA strongly believes Congress should fully invest in efforts to track youth sports injuries and fatalities. It is only with a comprehensive system for collecting and analyzing this data that we will be able to understand the scope of the problem and the best methods for addressing it.

Based upon current studies and reports, we know our Nation faces many challenges in balancing an active and healthy sports culture while protecting the safety of the youth athlete. I would like to provide the below statistics on athletic participation and athletic injuries in the United States:

- 470,000 collegiate-level athletes experience 210,000 injuries per year;
- At the secondary school level, there are 7.9 million athletes who sustain more than 1.4 million injuries per year;
- The 46.5 million children playing team sports experience 1.35 million injuries per year;
- Studies show that 62 percent of injuries occur during practice, as opposed to games or competitions; and
- 1.6 to 3.8 million sports-related concussions occur every year.

According to the CDC, on average, there are 2.7 million emergency room visits per year by children between five and 24 years of age for sport-related injuries. This means there are a staggering 7,397 emergency department visits per day and 308 emergency department visits per hour.

These injury statistics are compelling, but to athletic trainers, the most concerning fact is that the secondary school athletic population leads the Nation in athletic-related deaths. Between 2008 and 2019, there have been more than 400 sports-related fatalities among young athletes. Let me underscore this fact; in an 11-year period, we lost over 400 children who were merely playing sports. As a nation, we must do a better job in protecting youth athletes while continuing to promote the benefits of sports participation.

Athletic trainers are experts in creating and applying strategies to decrease the instances of sudden death in athletic participation. However, only 37 percent of high schools employ a full-time athletic trainer. We need improved access to athletic trainers in secondary schools and youth-sports organizations as a primary prevention and management strategy.

The investment in proper safety measures including adequate medical supervision, such as a full-time athletic trainer, for sports practices and games begins to look like a solemn responsibility and skilled risk management when compared to a preventable fatal injury.

NATA'S LEADERSHIP ON YOUTH ATHLETE SAFETY ISSUES

NATA has made substantial investments, established meaningful partnerships, and led numerous initiatives to bring attention to youth athlete safety issues at a local, state, and national level. To that end, in 2010, NATA founded the Youth Sports Safety Alliance (YSSA), which is now comprised of more than 300 organizations. The members of YSSA range from parent advocate groups and research institutions to professional associations, health care organizations, and youth sports leagues.

Organized sports bring enormous health benefits to children, but certain factors may cause them to ignore pain and injuries, which could result in lifelong injuries or even death. NATA is working to promote and preserve sports, but we must also ensure that sports are played safely. When injuries occur, there must be qualified and trained medical personnel available to respond.

Since 2013, NATA has sponsored the Safe Sports School Award, a program designed to establish a standard for secondary school athlete safety and recognize those athletic programs that excel in taking all the necessary steps to ensure athlete safety. To date, there have been more than 2,100 schools across the country that have received the award.

Beginning in 2019, NATA partnered with the Korey Stringer Institute and the NFL Foundation on the Team Up for Sports Safety (TUFFS) program, to encourage all states to develop and implement standard policies and best practices to reduce sports related injuries for student athletes. As part of this effort, KSI and NATA members plan to host meetings with local high school sports leaders and state legis-

lators in all fifty states. Efforts are focusing on the more than 90 percent of sport related deaths among secondary school athletes due to four causes: cardiac arrest, exertional heat stroke, traumatic brain injuries, and exertional sickling.

PROMOTING PHYSICAL ACTIVITY

Central to the mindset of an athletic trainer is the understanding of the physical and mental health benefits of an active lifestyle. While NATA has worked to raise awareness of youth athlete safety issues, we have remained steadfast in our efforts to promote the benefits of physical activity and sports.

NATA has taken a leadership role within several national coalitions involved in promoting physical activity issues. These include being represented on the Board of Directors of the National Physical Activity Plan Alliance and the National Coalition to Promote Physical Activity.

NATA members frequently visit Capitol Hill, urging Members of Congress to support the *Personal Health Investment Today Act* or the *PHIT Act*. We thank Senators Thune and Capito for their leadership on the bill and the many committee members who are cosponsors. The legislation provides an incentive for adults and their children to get fit, which will help prevent health care costs related to preventable chronic diseases.

THE OPIOID AND PRESCRIPTION DRUG EPIDEMIC

Athletic trainers' involvement in the health and safety of youth athletes is not limited to the playing field. Athletic trainers are uniquely qualified and extremely well positioned to recognize the signs and symptoms related to opioid and prescription drug abuse, particularly among patients rehabilitating from injuries. They are also experts in identifying other methods of chronic pain management like manual medicine and rehabilitation. NATA continues to support proposals to increase access to and training in administering naloxone.

OTHER FEDERAL LEGISLATIVE AND REGULATORY POLICY ISSUES

Finally, I want to join my fellow athletic trainers and the more than 46,000 members of NATA in thanking Senators John Thune and Amy Klobuchar, and other members of the United States Senate for passing the *Sports Medicine Licensure Clarity Act* in the 115th Congress.

Thank you for this opportunity to present the views of the National Athletic Trainers' Association.

The CHAIRMAN. Thank you, Mr. Lindley.
Mr. Tygart.

STATEMENT OF TRAVIS T. TYGART, CHIEF EXECUTIVE OFFICER, UNITED STATES ANTI-DOPING AGENCY

Mr. TYGART. Mr. Chairman, Ranking Member Cantwell, and members of the Committee, good morning. My name is Travis Tygart and I am the CEO at the United States Anti-Doping Agency, or USADA.

We greatly appreciate the support of Congress, the President's Office of National Drug Control Policy, and our efforts to protect the health, safety, and rights of clean athletes to a fair and level playing field.

Mr. Chairman, we are at a critical juncture for the soul of sport. The challenge facing clean athletes and fair play is obvious. There is, however, fortunately consensus on effective solutions to these problems.

First, the challenges: fairness, respect for the rules, and integrity in athletic competition hang in the balance. These principles are under attack. As a private, independent organization, athletes are our north star. But we need to be honest with ourselves. How many more athletes will we all allow to be taken advantage of by state-sponsored doping schemes? How many more podium moments

will be stolen from athletes like U.S. Olympians Alysia Montano, Katie Uhlaender, or Adam Nelson?

Russia's state-supported doping system that defrauded international sport has exposed the soft underbelly of the global anti-doping system. This corruption was orchestrated by the Russian Government and sport officials spreading across 30-plus sports over many years.

Despite mountains of evidence and calls from athletes, democratic governments and anti-doping groups, the International Olympic Committee, or the IOC, chose not to stand for clean athletes. Instead, the IOC allowed Russia to compete in the 2016 Rio Olympic Games and then allowed over 160 Russian athletes to compete in the 2018 Winter Olympic Games, agreeing to a mere slap on the wrist.

Sadly, almost 6 years after the Russian fraud first came to light, it is yet another groundhog's day for clean athletes. Despite an agreement by the Russians to provide the World Anti-Doping Agency, or WADA, the information necessary to finally serve justice, the Russians went to great lengths to cover up and manipulate the very evidence they agreed to turn over.

The IOC president has recently stated that Russia will suffer no consequences until the case is finally decided, which we now understand may very well be after this summer's Tokyo Olympic Games. The IOC president also recently stated that any athletes who voice their concerns or protest during the games will be subject to harsh penalties. Can you imagine?

However, out of the Russian doping scandal, two silver linings have emerged. First, athletes are mobilizing more than ever before and fighting for their rights to a level playing field. Second, we all now have a once-in-a-lifetime opportunity to fix the global anti-doping system.

The most vital principle of an effective anti-doping system is it has to be truly independent. Since our founding in late 2000, USADA has advocated for a clear separation from those who promote sport and those who police it. To do so otherwise is to have the fox guarding the henhouse, and it does not work.

I want to thank Senators Moran and Blumenthal for their introduction of the USADA Reauthorization Act of 2020. And why it is so vitally important. Passing this reauthorization as soon as possible and before the Tokyo Olympic Games would send a strong signal to the rest of the world of the U.S.'s commitment to the integrity of sport, athlete's rights, and the importance of the independent model.

It was great to see the Appropriations Committee include language for this year's budget requiring a report on WADA's governance. As the U.S. is WADA's largest financial contributor, we need to do much more to ensure its actual independence.

We also appreciate the work of the Helsinki Commission and specifically Chairman Wicker in introducing S. 259, the Rodchenkov Anti-Doping Act of 2019. This bill will prevent corrupt organizations from defrauding future athletic competitions by protecting the U.S. financial investment in sport and further protecting whistleblowers. Let us not forget we host the L.A. Olympic Games in 2028, and we want it real, not rigged. The Rodchenkov

Act will help deter future Russian doping scandals, and the Senate should join the House where the bill passed unanimously last October. Numerous athlete groups, sports organizations, including the major professional leagues and the USOPC here in the United States support this legislation. By passing into law both the Rodchenkov Act and the USADA Reauthorization Act, we can make the 2028 L.A. games a pageantry of clean sport and send a powerful message to the world that the rules and integrity do matter.

The truth is if we do not win, we will likely find ourselves back in the same position, staring another state-supported doping scheme in the face that has abused its athletes and robbed another generation of clean athletes in the process, and we will all be wondering why we did not do more.

Thank you for your time and I look forward to your questions.
[The prepared statement of Mr. Tygart follows:]

PREPARED STATEMENT OF TRAVIS T. TYGART, CHIEF EXECUTIVE OFFICER,
UNITED STATES ANTI-DOPING AGENCY

Mr. Chairman, members of the Committee, good morning. My name is Travis T. Tygart, and I am the Chief Executive Officer (CEO) of the United States Anti-Doping Agency ("USADA"). I want to thank this Committee for its interest in "Athlete Safety and the Integrity of U.S. Sport" and for the invitation to appear before you today to discuss how we can better protect the rights of athletes and the integrity of competition. I commend your efforts on these critical issues, and I look forward to continuing to work with you all in the coming months, especially as the sports world prepares for this summer's Olympic Games in Tokyo, Japan.

It is an honor for me to be here representing the USADA Board, our small but talented professional staff, and 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, incorporated in Colorado, to be a part of such an important discussion. We also greatly appreciate the ongoing support of Congress and the President's Office of National Drug Control Policy ("ONDCP") in our efforts to protect the health, safety and rights of clean athletes to a fair and level playing field.

Over the past several years, we have been at a critical juncture for the soul of sport—a time of truth, if you will. And today, I want to speak to the Committee about not only the significant and on-going threats facing clean athletes and fair play, but also about the sound solutions to these problems.

First, the challenges: fairness, respect for the rules and integrity in athletic competition hang in the balance. These principles have been abused and are currently under attack. If we don't act soon to renew our commitment to protect the rights of clean athletes and to preserve a level playing field—both here in the United States and around the world—we will be committing an unacceptable injustice to all of those who believe in, and invest in, fair and clean competition. If we do not act, we also risk shattering the dreams of tens of millions of young kids from around the world.

As an independent anti-doping organization, athletes are our guiding light, our North Star. Their inspiration gives us hope, they remind us of our purpose, and they provide us the fuel to continue to fight for their right to clean and fair competition.

But, we need to be honest with ourselves. How many more athletes will we allow to be taken advantage of by state sponsored doping systems? How many more podium moments stolen from athletes like U.S. Olympians Alysia Montano, Katie Uhlaender and Adam Nelson? How many more medals will be handed over years after a competition—before we finally accept the responsibility to ensure clean sport and fair competition?

Russia's widespread, state-supported doping system that corrupted and defrauded international sport has exposed the soft underbelly of the global anti-doping system. The astounding lengths to which Russia's corrupt system went to deceive the world, anti-doping officials and other athletes, was in many ways, a nightmare realized—shadow laboratories, tampering by Russian intelligence officers, samples swapped and passed through a hole in a wall under the cover of darkness, male DNA in female samples, and e-mails to and from the Russian Ministry of Sport determining which doped athletes the system would protect, and which ones it would sacrifice. This corruption was orchestrated and supported by the Russian government and

sport officials within the Russian system, spreading across 30-plus sports, lasting from at least 2011 to 2015.

At the end of the day, despite mountains of evidence and vocal opposition from athletes, democratic governments and anti-doping groups—ourselves included—the International Olympic Committee (“IOC”) chose not to stand up for clean athletes and against state-sponsored doping. The IOC allowed Russia into the 2016 Rio Olympic Games and then put in a farce of a consequence by suspending the Russian Olympic Committee for only a few weeks and allowed over 160 Russian athletes to compete in the 2018 Winter Olympic Games.

Sadly, four years later, it’s “ground hog’s day” for clean athletes. Despite an agreement by the Russians to provide the World Anti-Doping Agency (“WADA”) the laboratory information necessary to attempt to serve justice, the Russians went to great lengths to cover-up and manipulate the very evidence they agreed to turn over—in an attempt to continue to deny their fraudulent scheme and to actually pin the responsibility on a whistleblower—the former Moscow laboratory director, Grigory Rodchenkov.

The IOC President has recently stated that Russia will suffer no consequences until the Court of Arbitration for Sport decides the case, which we understand will not be in time to avoid tarnishing this summer’s Tokyo Games. The IOC President has also recently stated that any athletes who protest during the Games will be subject to harsh penalties. The message is obvious—the Russian case will not be complete before this summer’s 2020 Olympic Games in Tokyo and the IOC President’s shot across the bow toward athletes standing up for their rights is as clear as it is ineffective.

Certainly, history will not judge any of these decisions kindly.

However, out of the Russian doping scandal, two silver linings have emerged. The first: more than ever before athletes are mobilizing, voicing their opinions and fighting for a level playing field. And second: We have a once-in-a-lifetime opportunity to break through entrenched positions for the good of clean athletes and the future of sport.

To get there . . . the road to reform starts with independence. I’ve had the privilege to speak to Congress several times before about the “matrix of effectiveness” for anti-doping programs, about the elements of an effective anti-doping program—one armed not just to say there is “drug testing” for sport brand value purposes but to actually win the battle for clean athletes. In the U.S. and in many countries around the globe, these key elements such as, ensuring year-round, no-notice, out-of-competition testing for both blood and urine and conducting robust intelligence gathering and investigations, have been implemented and proved successful. Clean athletes can succeed when the current rules are implemented with determination and will to win for clean athletes.

Yet, the problems which currently plague the global anti-doping system are even more basic. The most vital principle of an effective anti-doping system is that it must be free from the influence of sport governing bodies. It must be independent and serious about protecting clean athletes.

Since our founding in late 2000, we at USADA have advocated for a clear separation between those who promote sport and those who police it. To do so otherwise, we believe, is to encourage the fox to guard the henhouse. No matter how well intended it might begin, it simply does not work. The conflict of interest is too great and clean athletes will always lose out.

To be clear, the threat of doping is a global problem. And, as a nation of laws established on the ideals of justice, fairness and equality, the United States must lead the way and ensure we are doing everything we can do to protect our United States athletes so that their decision to compete by the rules is upheld and that they can be the true heroes that they are when competing here at home and representing our great nation in competitions around the globe. They in many ways are the best example of our American values and the importance of our principles when they compete and win the right way.

And, Senators Moran and Blumenthal, this is precisely why your introduction of the “USADA Re-Authorization of 2020” is so vitally important—so we can ensure that the great strides we have made on behalf of clean athletes since USADA was founded, almost twenty years ago this year, are reconfirmed and allowed to further blossom in an independent way to allow U.S. clean athletes to win. With your leadership and that of the U.S. Congress, we can continue to be an example of fighting the good fight with the right structure, resources and determination to win this battle for the good of sport and its fundamental values. Passing the reauthorization bill before the beginning of the Tokyo Games this summer would send a strong signal to the rest of the world on the United States’ commitment to clean sport. We thank you for your support.

We are extremely humbled when we hear from U.S. athletes, coaches (and we frequently do) that they believe in the independent model; that they have been prevented and deterred from doping here in the U.S.; and, that they now have hope that they can not only compete but also win the right way—all of this in thanks to our government's commitment to clean sport and an independent anti-doping agency.

Additionally, I can promise that while the burden is enormous and the responsibility is great, this independent model established by Congress is a light to many others around the world that competing clean is the **ONLY WAY** and that there exist independent organizations that will take a stand even when tough to do so, even when involving a global icon or high profile sport sponsor—to ensure that the injustice, the inequality of doping does not win the day.

In fact, the two Russian whistleblowers, Yulia and Vitaly Stephanov, saw this example and were inspired by it. They saw firsthand the efforts of the U.S. and others to truly root out cheating and dangerous doping fraud. Vitaly's e-mail to USADA sent on his departure from the corrupt Russian Anti-Doping Agency ("RUSADA") in March 2011 stating that he wished "RUSADA was as committed to doping fighting and open as USADA" as confirmed by him a belief that the U.S. and others were actually doing it right and an important signal from our great country that fairness, the rule of law and healthy sport does matter.

This matter of independence is without question the most important issue facing global anti-doping efforts today. In fact, it's likely the entire Russian state-supported doping scandal would have been exposed much sooner by the many good men and women staffed at the global oversight body for anti-doping in sport—the World Anti-Doping Agency (WADA)—had its governance not been hamstrung by its own lack of true independence.

We know now that WADA and the IOC had compelling evidence, from whistleblowers Yulia and Vitaly Stephanov and others, about systematic Russian cheating for several years prior to the 2014 Sochi Winter Olympic Games. Yet, action to protect clean athletes only happened after the whistleblowers—frustrated by inaction—took their story to the media. Even then, however, it took persistent lobbying by clean sport advocates, including some within WADA's own internal staff, to finally convince its leaders to open up the initial Russian investigation which began in January 2015.

The good news is that WADA's conflicted governance model could be easily solved by removing sport leaders from the WADA leadership and implementing a proper conflict-of-interest policy which prohibits governing members from simultaneously holding a governing role within a sports organization under WADA's jurisdiction. WADA has recognized the need for more independence and is in the process of adding two independent positions to its Executive Committee. But while they acknowledge the importance and benefit of independence with this change, it still does not allow for true independence as the WADA Executive Committee is filled and controlled by those on the sport side with a collective interest in the outcome of its enforcement decisions. This must change. As the single largest financial contributor to WADA (other than the IOC) with no seat on the Executive Committee, the U.S. must act to ensure change. We were happy to see the Senate Appropriations Committee include report language last year requiring an analysis from ONDCP on these issues concerning WADA's governance model.

The fix for the IOC—which has experienced significant backlash from clean athletes in the wake of its inaction and poor handling of this horrid affair since its inception in 2014—is just as simple. In fact, we've said publicly on numerous occasions that if the IOC really wanted to put clean athletes and fair play first, they could. We believe that they could do it today.

Since this Russian sport corruption was exposed, at least 37 National Anti-Doping Organizations ("NADOs") from around the world, with the support of athletes and others have put forth a series of specific proposals designed to reform and strengthen the global anti-doping model. The reform principles below were also agreed to in October 2018 by a strong coalition of democratic governments, athletes and NADOs from around the world who convened at the request of the White House.

The path forward is outlined in what has been called the "Copenhagen Reform Declaration" of 2016 and the 2018 White House Declaration—the reforms are simple yet effective and include:

- Remove the fundamental conflict of interest that exists when anti-doping decisions are controlled by sport organizations.
- Strengthen WADA through improved independence, transparency, and increased investment.

- Increase and make clear WADA's ability to investigate, monitor compliance and impose sanctions, so that countries and organizations which engage in state-supported doping are held accountable.
- Provide the opportunity for athletes who have been robbed by doping to have significant and meaningful recognition and celebration, including the swift re-allocation of any medals.
- Increase support and protection for whistleblowers around the world.

The failure of sport to do the right thing in confronting institutional fraud through doping and the refusal of sport to implement meaningful reforms has directly led us here today. Since sport has failed to make the basic reforms necessary to ensure this type of corruption never happens again, governments of the world that value fair play and that do not want to see athletes or corporations defrauded by criminals, dictatorships or kleptocrats should step up and fight back. The status quo is doomed to fail, and we support efforts by governments and others to ensure that clean, true sport prevails.

We appreciate the work of the Helsinki Commission and Chairman Wicker to specifically enact ways to protect the U.S. financial investment in international competition; stop corrupt actors that organize and facilitate doping fraud; compensate clean athletes who have been defrauded; and protect whistleblowers and clean athletes.

We whole heartedly support S.259, the "Rodchenkov Anti-Doping Act of 2019" and the goal of ensuring corrupt organizations and enterprises that defraud athletic competitions like what the Russians did never happens again. The Act, which is mimicked after other current Federal statutes, like those used successfully to prosecute corruption in the FIFA soccer case out of the Eastern District of NY, protects athletes as well as our country's financial investment in international sporting competitions.

Can you imagine the loss of value of a sports sponsorship knowing over 100 samples had positive tests after the completion of the 2012 London Olympic Games—a fact that came to light when the Russian state sponsored scheme was revealed and the IOC was forced to re-test samples collected during those Olympic Games. What right minded company would want to invest in these corrupt competitions in which athletes are robbed and abused? What right minded broadcaster would spend a dime on airing a deceptive outcome in sport? And, let's not forget, the 2014 Sochi Olympics were the worst of the worst as they were tarred with the state Russian system that covered up doped athletes and knowingly allowed cheaters to prevail—an injustice that remains today in many individual cases. With the shocking revelations of the Russian state sponsored scheme and the lack of meaningful sanctions from international bodies, it is not surprise that the Rodchenkov Act has gained universal support from a wide range of organizations, including athletes' groups, National Governing Bodies and the major pro leagues.

As you all know, the United States hosts the Olympic Games in 2028 in Los Angeles. We must not allow this type of corruption and destruction of the values of sport to invade our Games. The Act will work and the Senate should quickly pass it, as has been done in the House, where it was passed unopposed on October 22 last year. Once thing we can all agree on is that fraud, deception and robbery of athletes should not happen on our home turf during the Games we are hosting. I know several members of this Committee have already cosponsored the bill, and we thank you for your support. Let's pass the USADA Re-Authorization and the Rodchenkov Act and make the 2028 L.A. Olympic Games a pageantry of true and clean sport.

We feel confident that making WADA independent as discussed above will preserve the many effective parts of the global system and that, combined with the passage of the Rodchenkov Anti-Doping Act of 2019, these changes will work to go a long way in curing the problems that allowed state supported fraud to remain secret and then go unpunished for so long. Likewise, as mentioned above, we and our international partners support greater protection for truthful "whistleblowers" to encourage and incentivize them in speaking up and making it easier for them to obtain access to safe and secure living as well as to end any retaliation against them. The Rodchenkov Act allows for this to happen.

Mr. Chairman, members of the Committee, for those of us who value the rights of clean athletes and the preservation of a fair, safe and healthy playing field—this is our moment. As a global community that deeply cares about athletes' rights and health, we must merely find the resolve and the courage.

The personal well-being of the next generation of clean athletes hangs in the balance. This is not just about elite Olympic athletes—this is about every kid on a playground who has an athletic dream and asks "what do I have to do to make my dreams come true?" And the truth is, if we don't push, if we don't win, we will likely

find ourselves back in this same position, years from now, staring another state-supported doping system in the face—one that has abused its athletes, and robbed another generation of clean athletes in the process.

And, we will all be wondering why we didn't do more when we had the chance.

The CHAIRMAN. Well, thank you, Mr. Tygart, and thank you all.

We will now begin a round of questioning. Each Senator will take five minutes in the first round.

Mr. Tygart, in December, the World Anti-Doping Agency issued a decision about Russia. That decision is on appeal. Is it your testimony that as long as that appeal is pending, Russian athletes will be permitted in the Tokyo Games? Is that your testimony?

Mr. TYGART. That is absolutely right.

The CHAIRMAN. What is the solution there? What do you advocate? People have a right to appeal.

Mr. TYGART. For sure, and we respect and have great appreciation for due process.

The problem is this was first exposed in December 2014. No action was taken in 2016 leading into the Rio Olympic Games. A mere slap on the wrist was put in place before the Winter Games in 2018. It was a charade and a farce of any sort of consequence.

The CHAIRMAN. Help us understand the difference between the World Anti-Doping organization and the Olympic organizations.

Mr. TYGART. So WADA is the World Anti-Doping Agency which is made up of 50 percent sport, basically the IOC, and we believe is controlled in large part by the IOC. It has 50 percent governance. The United States does not have a seat on the executive committee of WADA but we are represented through the Americas process.

The CHAIRMAN. It is obviously harder to catch cheating than it might seem. Help enlighten us on that. Are the types of drugs becoming more sophisticated? And why is it so easy to stretch out a dispute and make it take a long time?

Mr. TYGART. I think in the Russia case, for example, they are doing everything possible, from what we understand, to delay, to ensure the distance between the current injustice that has now been going on for 6 years. It has stretched out as far as it can and no penalty is put in place. So I think there are games being played from the legal side of it.

It is very difficult to continue to stay ahead of the willingness of those who think they can get away with cheating to cheat, or whether it is by drugs or what happened in Russia where the state was literally covering up evidence, swapping samples, they go to great lengths to try to defeat the system. It is good thing it was exposed. The real issue now is the length of time it took to expose it and the failure to adequately address it in accordance with the rules. And no one is asking for anything other than the rules to be enforced in a timely manner so that athletes have finality going into the games that they are not once again marred by this Russia state-sponsored doping.

The CHAIRMAN. Thank you.

Ms. Colón, you mentioned one case where the report of a coach sending inappropriate communications was discovered, and that coach was not allowed to leave the country with the athlete. What

became of that situation? And what is your interaction with law enforcement in a situation like that?

Ms. COLÓN. So that particular case is still under investigation. In those cases and many other cases when we are investigating allegations of sexual, physical, and emotional abuse and misconduct, we work very closely with law enforcement. Not only are our staff mandated reporters, but we often will share evidence, information that we gather to support law enforcement investigations.

The CHAIRMAN. OK. And I understand there are due process concerns. In that case, is the coach still coaching? Is he still on staff?

Ms. COLÓN. So I will have to check and get back with you, but under our temporary suspension and sanction, he should not be.

So it is really important to note that the Center provides a fair process throughout our entire investigative process, meaning that we provide notice of allegations to anyone going through the process. We provide a right to have an attorney. We give them an opportunity to be heard. Those pieces are very important and help support the process in which the Center uses each and every day to investigate the thousands of reports that we get every year.

The CHAIRMAN. Do sports organizations—do elementary and secondary schools have to agree to have a partnership with you to come under your supervision, or is it something that is imposed on everyone?

Ms. COLÓN. So the U.S. Center for SafeSport only has jurisdiction over the Olympic and Paralympic movement. So secondary schools, high schools, colleges, and universities would not have to abide by the Center for SafeSport policies or sanctions. However, we do post all of our sanctions, our permanently ineligible sanctions, online and provide those to the public so that if someone is hiring a coach or if they are looking to bring someone into their coaching staff or another capacity, that they are able to see and check to make sure that those people are not on that list. And we encourage everyone to do that as part of their screening process, very similar to how you would check and do a background check.

The CHAIRMAN. So in the case of this 14-year-old, she was already an athlete on an Olympic track?

Ms. COLÓN. So, yes. So when you think about the Olympic and Paralympic movement, it not only includes our elite athletes, but it also includes all of those that are in the pipeline. And a pipeline athlete could be someone who is a 5-year-old gymnast, a 12-year-old hockey player. It really just depends on how their organization is connected to each one of the national governing bodies. So that coach would certainly fall under the jurisdiction of the center.

The CHAIRMAN. Thank you.
Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

And I have three questions, depending on how much time we have.

Mr. Tygart, I want to know what we, Congress, can do to help on the whistleblower side as it relates to strengthening the laws and helping in protection?

Mr. Lindley, if you think we should consider this Washington State law as a national model on concussions.

But, Ms. Colón, if I could start with you. Thank you so much for your leadership in the Center for SafeSport and everything that everybody is doing.

I wanted to ask if you thought, given the Chairman's question, if we should expand this oversight to the NCAA and to a broader sports arena because there a million athletes that are not covered, and this seems like it would be helpful.

But I am actually struck most by your comments about grooming. Thank you so much. If you could elaborate more on what you were trying to bring to light about bad behavior in this area.

Ms. COLÓN. Sure. So the center is trying to create a different culture in sport, and that starts with education and it starts with outreach to coaches, administrators, parents, and athletes because it is very important that not only our parents understand what grooming behavior looks like but also those that interact with athletes each and every day. So if there are inappropriate comments that are said, if they are talking about things with children that they really should not be, if they are buying athletes gifts really trying to gain their trust and get close to them, which we know that that behavior often perpetuates abuse—and so it is really important for us to get to that before it happens so that people can understand what those red flags are and understand what those boundaries should be so that they can certainly correct those actions.

And what we are starting to see now is that people within the Olympic and Paralympic movement are calling us earlier. They are noticing this behavior before it gets to the point of abuse. And that is a win because the more that we can get people to understand that, the better off we will all be and the safer our athletes will be.

Senator CANTWELL. I think that speaks volumes of what we need to do in the culture writ large. People do not realize that there is so much of this going on. So thank you so much. This seems very important.

And what about the expansion to other athletes?

Ms. COLÓN. So I think that every organization that serves you, serves athletes should have policies in place and should certainly have mechanisms in place to deal with allegations of abuse as they come up. The Center for SafeSport is a fairly new organization, and we do not yet have the capacity to take on organizations like colleges and universities and NCAA. However, we would welcome the opportunity to talk with them further to see how we can strengthen our relationship.

Senator CANTWELL. OK. What about the concussion law and what about whistleblowers?

Mr. LINDLEY. Sure. Thank you, Senator.

The NATA is thrilled that there are concussion laws in all 50 states. Those vary slightly but the key components are immediate removal from play, absolute assessment by a health care provider, and then return to play must include that from a licensed health care provider. The opportunities to make them more uniform and to improve concussion legislation include opportunities to have return to learn be components, as well as increased education for coaches and others, as well as a culture change that would be con-

nected to that education change so that more people understand the importance of being removed from play when signs and symptoms occur.

Senator CANTWELL. Mr. Tygart.

Mr. TYGART. Thanks for the question.

Obviously, whistleblowers are essential to the job that we do. We can go back to BALCO or the U.S. Postal Service's case. Even the Russian case was exposed thanks in large part to whistleblowers.

I think what Congress can do and what I would encourage the Senate to do is what I said in my oral testimony, to join the House and pass the Rodchenkov Act. I think it will increase the protections provided to whistleblowers by allowing them to be afforded the same protections that other whistleblowers in the United States receive when they have evidence of criminal violations occurring. So I would strongly encourage you all to pass that as soon as possible and let us enact that in law prior to the Tokyo Olympic Games.

Senator CANTWELL. Thank you.

And then on the international basis to join in trying to get Russia to be held accountable, are there things that we should be doing, resolutions or—

Mr. TYGART. I think we were thrilled, as I mentioned in my oral testimony, about the Senate appropriations language requiring a report from the President's office to Congress. What I would say that has to be done in 180 days, I would encourage you to have another hearing and bring in the President of the IOC, the President of WADA and ask the tough questions about why this has taken so long, how is our money being used in a way that is not being effective to our clean athletes and not just the U.S. athletes but athletes around the globe who want to do it the right way.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Peters.

STATEMENT OF HON. GARY PETERS, U.S. SENATOR FROM MICHIGAN

Senator PETERS. Thank you, Mr. Chairman.

And thank you to our witnesses here today. I appreciate it.

In Michigan, we are all too familiar with the tragedy of sexual abuse in sports, and we recently had to deal with the heinous actions of Larry Nasser. He is now serving a 175-year sentence. But certainly now is the time to make sure that we do not ever have another monster like him out there preying on our athletes and young people.

So I want to thank Senators Moran, Blumenthal, and Cantwell for working with me on their bill, Empowering Olympic and Amateur Athletes Act, and talk a little bit about some of those amendments, Ms. Colón. I authored language in the bill that would require the U.S. Olympic and Paralympic Committee to terminate anyone who has retaliated against athletes, who have spoken out about misconduct.

My question to you is, how does SafeSport currently follow up on suspensions and bans that are handed out?

Ms. COLÓN. So every time that the Center publishes a ban or removes someone from sport, we not only notify the general public about this person, but we also notify each and every one of the national governing bodies to ensure that those folks do not end up at a competition, at a training facility because the purpose of those bans is to remove those individuals from sport.

Senator PETERS. What steps can SafeSport and other organizations do to encourage athletes to actually speak out and feel that they are going to be protected from being retaliated against, creating that safe space? What are you doing and what can other organizations do?

Ms. COLÓN. It is critically important that if someone has experienced abuse, whether it is emotional, physical, or sexual abuse, that they contact the Center and speak up. We certainly respect every person's and every claimant's, every victim's and survivor's ability to and desire to actually participate in this process. But it is really important for us to get that information from them and for them to speak up so that we can start to do those investigations. And we encourage them in a variety of ways. Not only do we have a number of resources available on our websites, we work with our NGBs to make sure that they have access to that information because communicating that to athletes is critically important.

Senator PETERS. Well, one area—and this is an amendment that I put into the legislation that passed out of committee here—was to require the Olympic Committee to hire a third party to consult with the U.S. Center for SafeSport to conduct an anonymous survey to include questions related to sexual harassment. So can you talk a little bit about that and what SafeSport is currently doing to maintain that kind of anonymity in reporting?

Ms. COLÓN. Sure. So part of that is going to tell us a lot about culture and safety within Olympic sport, and that will certainly help athletes to come share their voice, let us know that those concerns are so that we can continue to provide resources to better protect athletes. That is going to be critical moving forward so that we can get a real understanding.

As I mentioned, there are 13 million to 18 million participants in the U.S. Olympic and Paralympic movement. We have got to be able to get more information from them to understand what those issues are so that we can adequately address them.

Senator PETERS. Does SafeSport have any concerns about a high profile case being reported to the media before you have actually been able to do the investigations?

Ms. COLÓN. So it is certainly complicates things because we pride ourselves on doing unbiased investigations. When reports are made to the media early on, some information may come out that claimants do not want to, you know, want to protect their identity. But oftentimes—and this has happened in a number of cases—the reports that come out through the media prompt an investigation. So this is another way for people to tell us, like this is happening, look into this person, and in certain cases, the Center will open up that investigation.

Senator PETERS. In your testimony, you have talked about how you have increased your capacity because of more reports that are coming forward. You mentioned that the Center receives more than

200 reports a month I believe in your testimony, which is a 500 percent increase. That is a very large increase. How are you able to resolve these cases and clear the backlog? Where are you in that process?

Ms. COLÓN. When we first opened, we had one investigator, which was not nearly enough, because this is a very people-driven action when you are thinking about investigations. In the last 3 years, we have significantly increased our response and resolution staff, meaning that we have more and more investigators that are added and we continue to hire those folks that participate in this process with us.

That is going to be a big part of us moving forward, also ensuring that we have the funding to do that and hire investigators to do that. But as a process and part of my job is to make sure that we continue to look for efficiencies in the process. How can we continue to operate? How can we continue to do investigations effectively and thoughtfully but also making sure that we provide resolution to those who go through our process as quickly as possible?

Senator PETERS. Well, thank you. Thank you for your answers and thank you for your leadership on this issue. We appreciate you.

The CHAIRMAN. Thank you, Senator Peters.

Senator Udall.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Wicker, and thank you to the witnesses. A very good hearing today and I really appreciate, Mr. Chairman, you holding this hearing on this important topic.

As Chairman Wicker knows, I have spent a considerable amount of time and effort on two issues: raising awareness on concussions and the impact of doping on horseracing. We must protect both the jockeys who put their lives at risk every time they mount a horse that may be unsound and protect the welfare of the animals.

Mr. Tygart, thank you for your work to protect the integrity of our sports and your advocacy to bring about change especially to the World Anti-Doping Agency. Your testimony outlined ways to increase WADA's independence, including ridding the executive committee of conflicts of interest. Governing bodies must be independent and strong when they are dealing with industries that have profited for too long on drugging.

As to some of the proposals to reform the horseracing industry, I am concerned some will not provide the independence necessary to really bring about genuinely needed reform. We have discussed the need to clean up this sport in the past.

A question to you, should any legislation from Congress ensure that any anti-doping organization created is truly independent and not compromised to representatives from industries who currently profit from the status quo?

Mr. TYGART. Senator, thanks for your question and thanks for your great work on these issues.

Absolutely it must be independent. From our standpoint and our experience, the USOPC back in late 1999, in conjunction with some efforts here on the Hill on this committee specifically, put a stake in the ground and said we are going to outsource and make inde-

pendent, meaning folks at USADA who serve on our board or on our staff can have no financial interests, cannot serve in any capacity for an organization that we provide services to. And I think that has been a game-changer. And so I think it equally applies to horseracing and any legislation that may come from this committee or otherwise to ensure its independence.

Senator UDALL. Thank you for that answer and for your work.

Mr. Lindley, thank you for the important work you and your colleagues do to prevent and mitigate injuries on our student athletes.

I remain concerned, however, about the claims of some equipment manufacturers that their products will reduce impact consequences. In the past, I have worked with the Federal Trade Commission to bring attention to such claims when manufacturers would brazenly claim that a mouth guard could prevent concussions. I have one that is here that is doing that right now.

Are you familiar with the University of Wisconsin study that was released last year which says in part—and I quote—the use of protective head gear among high school players does not result in fewer or less severe sports-related concussions compared to players who wear no head gear at all?

Mr. LINDLEY. Senator, thank you.

Yes, I am familiar with that particular research, as well as other components within the research that compare or look at equipment specifically with concussion. We have to be reminded that the brain floats inside of each of our craniums, and as such, it is a movement type of an injury and it can be a torsion type injury and injury can occur even without contact to the ground or to another person. And so certainly the opportunities to continue to improve equipment can be one of the mitigating factors or risk mitigation factors. However, it is far more important to consider what frontline health care providers are in line like athletic trainers to be able to more accurately assess those types of injuries by signs and symptoms, have immediate removal from play, and to assure that further injury is not sustained.

Senator UDALL. Great. Thank you.

I am troubled that it seems that at least one manufacturer is making a claim that their—and this is the ExoShield head guard—a headband as the only product shown to statistically reduce—this is the claim they are making—the only product shown to statistically reduce the risk of head injuries. Except this is what the study actually concludes, as Dr. McGwin says, the principal investigator, and I quote here. “While it may seem reasonable to assume that using head gear in a contact sport like soccer is better than wearing no head gear at all, our study proves that assumption may not be accurate.”


This is unacceptable, and I will continue to work with the FTC and other agencies to correct information in the marketplace. We should not have companies like this out there telling young people, you wear our head gear and you are going to be fine as far as concussions. And these are the representations they are making right now.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Udall, is that in a form that we could add to the record?

Senator UDALL. You bet.
 The CHAIRMAN. Let us do that.
 Senator UDALL. Mr. Chairman, I would like to add this advertisement and the two studies into the record.
 The CHAIRMAN. Without objection, that will be done.
 [The information referred to follows:]

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Study: 'Protective' headgear does not prevent sport-related concussions in soccer players

The use of protective headgear among high school soccer players does not result in fewer or less severe sport-related concussions compared to players who wear no headgear at all, according to a new study by researchers at the University of Wisconsin School of Medicine and Public Health.

Published this week in the *British Journal of Sports Medicine*, the study is the first of its kind to provide rigorous, scientific evidence to guide clinical recommendations about the use of protective headgear to reduce sports-related concussions in adolescent soccer players.

“Decisions about the health and well-being of our student athletes should always be based on strong scientific evidence instead of strategic marketing messages designed to sell products,” says Tim McGuine, PhD, principal investigator of the study and distinguished scientist in the Department of Orthopedics and Rehabilitation at the UW School of Medicine and Public Health. “While it may seem reasonable to assume that using headgear in a contact sport like soccer is better than wearing no headgear at all, our study proves that assumption may not be accurate.”

Researchers enrolled 2,766 high-school soccer players (ages 14-18, grades 9-12) from 88 high schools in the Midwest, with a total of 62 male teams and 88 female teams participating in over 151,000 soccer practices and games. Half of the schools were assigned to the intervention group, which required players to wear protective soccer headgear for all practice and competitions. Players had the choice of five different models of headgear, all of which met specific laboratory testing standards. The control group did not wear any headgear at all.

While it may seem reasonable to assume that using headgear in a contact sport like soccer is better than wearing no headgear at all, our study proves that assumption may not be accurate.

Tim McGuine

Of the 130 athletes who sustained a sport-related concussion during the study, 68 were part of the intervention group and 62 were from the control group. The total days off from playing soccer due to a concussion did not significantly differ between the two groups either.

It should be noted, however, that even though all of the headgear used in this study is currently allowed for use in high school players, the rate of a sport-related concussions sustained by male and female players wearing specific headgear models varied a great deal. The authors found that the rate of these injuries ranged from 2.7 percent to 5.9 percent depending on the type of headgear worn by the players.

Head-to-player contact results in more concussions

Most previous studies that examined the efficacy of soccer headgear were carried out in laboratory settings, during which researchers used the impact of a soccer ball to the head as the possible injury-causing mechanism. But McGuine says that study design may not accurately capture what actually happens on the soccer field. During the UW study, only 35 percent of the sport-related concussions recorded were a result of a player heading a soccer ball, while head-to-player contact was by far the most common mechanism of the injuries.

“Our results are noteworthy not just because of the large sample size and the multiple styles of headgear we used, but also because we used licensed medical professionals in the field to record the onset, duration and resolution of each of the concussions sustained by study participants,” McGuine says. “This gave us the most realistic data possible, which will also give parents and coaches the info they need to make the most responsible and well-informed decisions before sending their kids out onto the pitch.”

A concern for many soccer purists is that wearing headgear would change the game and cause players to sustain other injuries because they take more risks than if they were not protecting their head. The authors did not find any difference in the frequency and severity of other soccer injuries between the players in the two groups.

Concussions more frequent among females

An important finding that was not part of the study’s initial focus is that sports-related concussions occurred at more than twice the rate among females than males. McGuine says he hopes this study will inform future research efforts that examine this topic in greater detail.

“The soccer community needs to fully recognize the high rate of these concussions in female players and take steps to address this issue. If headgear isn’t the answer, then the soccer community needs to examine whether rule changes, stricter penalty enforcement, fewer matches or specific player training can reduce the high number of [sports-related concussions] that occur in female players.”

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Other researchers in the study include:

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- Alison Brooks, MD, MPH, Stephanie A. Kliethermes, PhD, Adam Pfaller and Allison Schwarz, Department of Orthopedics and Rehabilitation, University of Wisconsin-Madison
- Scott Hetzel, Department of Biostatistics and Medical Informatics, University of Wisconsin-Madison.

Original article



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Does soccer headgear reduce the incidence of sport-related concussion? A cluster, randomised controlled trial of adolescent athletes

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ABSTRACT

Background There have been no large randomised controlled trials to determine whether soccer headgear reduces the incidence or severity of sport-related concussion (SRC) in US high school athletes.

Objective We aimed to determine whether headgear reduces the incidence or severity (days out from soccer) of SRCs in soccer players.

Methods 2766 participants (67% female, age 15.6±1.2) (who undertook 3050 participant years) participated in this cluster randomised trial. Athletes in the headgear (HG) group wore headgear during the season, while those in the no headgear (NoHG) group did not. Staff recorded SRC and non-SRC injuries and soccer exposures. Multivariate Cox proportional hazards models were used to examine time-to-SRC between groups, while severity was compared with a Wilcoxon rank-sum test.

Results 130 participants (5.3% female, 2.2% male) sustained an SRC. The incidence of SRC was not different between the HG and NoHG groups for males (HR: 2.00 (0.63–6.43) $p=0.242$) and females (HR: 0.86 (0.54–1.36) $p=0.520$). Days lost from SRC were not different ($p=0.583$) between the HG group (13.5 (11.0–18.8) days) and the NoHG group (13.0 (9.0–18.8) days).

Conclusions Soccer headgear did not reduce the incidence or severity of SRC in high school soccer players.

Trial registration number NCT02850926.

INTRODUCTION

Sport-related concussion (SRC) injuries in adolescent athletes can cause significant short-term disability, and if left untreated pose significant health risks to these athletes.^{1–3} SRCs are a particular concern in soccer and comprise 8%–13% of all sport injuries in high school.^{4–6}

The high numbers of SRCs sustained by soccer players beg the question of whether protective headgear can reduce these injuries.^{7–8} Laboratory studies have produced conflicting data as to whether headgear would reduce the impact of a blow sufficiently to reduce the likelihood of an SRC.^{9–12} Concussion consensus statements indicate that protective headgear has not been appropriately tested to see whether they reduce the risk of sustaining SRC in soccer.^{13–15} Currently, the National Federation of State High School Associations (www.nfhs.org/WorkArea/DownloadAsset.aspx?id=6760; revised and approved January 2012) and the US Soccer Federation (<https://www.ussoccer.com/stories/2014/03/17/11/21/>

u-s-soccer-on-head-injuries-and-padded-headgear) permit players to wear headgear that meets the American Society for Testing Materials International testing standards (www.astm.org/Standards/F2439.htm).

The primary aim of this study was to determine if the number of SRC injuries in soccer players wearing HG is lower than soccer players who did not wear headgear (NoHG). A secondary aim was to determine if the median number of days of soccer participation lost post-SRC injury is different between soccer players in the HG group compared with players in the NoHG group.

METHODS

This was a randomised controlled trial that used stratified cluster (school) randomisation.

Team randomisation

High school soccer teams were contacted for participation during the 2016/2017 and/or 2017/2018 school years. Prior to randomisation schools agreed to take part in the study. Schools were then randomly assigned to be in the HG (headgear group) or the NoHG (control) group based on a stratified randomisation. School enrolment size (small: <400 students; medium: 400–800; or large: >800) was the stratification variable. If a team participated in both years of the study, their group assignment remained the same for both years.

Participants

Potential participants included all interscholastic soccer players (age 14–18, grades 9–12) and were recruited prior to the start of the soccer season. Injury and exposures were recorded for each participant for a single season. If the player wanted to enrol during the second year of the study, they signed an additional consent and completed an updated baseline form.

Headgear

Participants in the HG group were allowed to individually choose which headgear model to wear for the season. Each of the headgear models met the ASTM testing standards in tests conducted by the manufacturer and were approved for use by the National Federation of State High School Associations.



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Data collection

Participants completed a self-report questionnaire prior to the season to collect information regarding their sex, date of birth, grade in school, history of SRCs and the Sport Concussion Assessment Tool 3rd edition (SCAT3) Concussion Symptom and Symptom Severity Scale. Licensed athletic trainers (ATs) working with each team were responsible for inseason data collection and reported the type of headgear worn for each practice and competition as well as the onset of all SRC and non-SRC injuries electronically through REDCap. ATs and the coaching staffs recorded the number of soccer practice and competition athletic exposures (AEs) for each participant for the entire season.

ATs determined the onset, mechanism, injury characteristics and diagnosis of all SRC and non-SRC injuries by taking a history of the injured participant and performing the appropriate physical examination no later than 72 hours post injury. ATs recorded the incidence of any suspected SRC using the definition provided by the National Athletic Trainers' Association Position Statement: Management of Sport Concussion¹⁶ of an SRC as a 'trauma induced alteration in mental status that may or may not involve loss of consciousness'. When appropriate, injured participants were referred to their primary care physician for further evaluation and treatment.

Participants recovering from an SRC were allowed to return to full unrestricted participation in accordance with consensus-based guidelines.¹⁶ ATs (who were not blinded to group) monitored all participants who sustained an SRC, from the date of the onset of the injury, and recorded all missed exposures. Injured participants had to be cleared by a licensed medical provider (AT or physician) before being allowed to return to soccer. This clinician either was or may have been aware of the player's helmet use/non-use status.

Participant compliance and dropout

Enrolled participants (n=94 males and n=17 females) who decided to drop out prior to the start of the regular season were not included in the analyses. For participants who remained in the study, protocol compliance was monitored by the school AT. If a participant in the HG group did not wear their headgear for an Soccer Athletic Exposure (SAE), their participation was recorded as taking place without headgear. If a NoHG participant wanted to start wearing headgear on their own, they were allowed to do so and the AT recorded the type of headgear worn for each practice and game during the season. Participants were clearly aware of whether they were in the headgear or no headgear group.

Statistical analysis

The two groups of players (HG and NoHG) were summarised using means (SD), medians (IQR) and frequencies (%) of baseline characteristics, when appropriate. SRC rates were summarised as both the percentage of soccer players injured as well as injuries per 1000 AEs.

Our primary analysis examined whether randomised group was associated with time-to-first SRC using a Cox proportional hazards model controlling for school as a cluster effect, and additionally controlling for sex, age, year cohort, SCAT3 symptom severity group and concussion history as fixed effects. This was an a priori set of confounders selected based on previously published research regarding sports-related concussions (sex, age, SCAT3 symptom severity at baseline and concussion history) and to control for possible secular changes in soccer rules or equipment (cohort year).

Strata (school size) was considered as a covariate to account for in all models, but having school identification as a random effect and school size as a fixed effect caused models to not converge. Strata was therefore not included as a covariate. Models accounting for the correlation among individuals in both years (n=284, 10.3% of the total enrolment) were assessed but did not differ statistically from results treating them as independent; thus for model parsimony only school identification was adjusted for as a random effect. Risk ratios were estimated by mixed-effects Poisson regression models with the number of athlete exposures as an offset, similar covariates as above and school as a random effect. Secondly, we repeated the primary analysis for other baseline characteristics variables to see whether they were associated with time-to-first SRC. Differences in severity of SRCs between groups were tested using a Wilcoxon rank-sum test. Finally the incidence of acute-onset, contact-related, non-SRC injuries was compared between the HG and NoHG groups.

All analyses were initially run following the intent-to-treat principle with all participants other than those who had dropped out before the start of the season. An exploratory secondary set of analyses for males and females as well as headgear model was conducted 'as treated' to account for participants who were non-compliant at the time of their SRC rather than their group assignment. All analyses were done using R V3.3 and were conducted at the 0.05 significance level.¹⁷

Sample size calculation

This sample size was calculated based on the reported national rates of SRC as reported by the High School RIO of 5.66/10 000 AEs. It was expected that an average of 35 participants per school

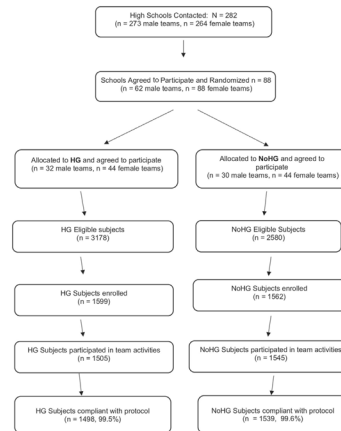


Figure 1 Subject randomisation flow chart. HG, headgear group; NoHG, no headgear group.

Table 1 Participant demographics

Characteristics	NoHG (n=1545)	HG (n=1505)
Age, years*	15.7 (1.2)	15.6 (1.2)
Sex†		
Female	999 (64.7)	1031 (68.5)
Male	546 (35.3)	474 (31.5)
Grade‡		
9th	443 (28.7)	487 (32.4)
10th	424 (27.4)	421 (28.0)
11th	398 (25.8)	358 (23.8)
12th	280 (18.1)	238 (15.8)
Previous SRC (within 12 months), yes†	124 (8.0)	147 (9.8)
Previous SRC (ever), yes†	266 (17.2)	295 (19.6)
Total SCAT3 symptom score‡	0.0 (0.0–2.0)	0.0 (0.0–3.0)
Total SCAT3 symptom score groups‡		
0	929 (60.1)	879 (58.4)
1–5	428 (27.7)	415 (27.6)
>5	188 (12.2)	211 (14.0)
SCAT3 symptom severity score‡	0.0 (0.0–3.0)	0.0 (0.0–4.0)
SCAT3 symptom severity score groups‡		
0	929 (60.1)	879 (58.4)
1–7	445 (28.8)	407 (27.0)
>7	171 (11.1)	219 (14.6)

*Reported as mean (SD).

†Sex, grade, previous SRC, SCAT3 symptom and severity reported as frequency and (%).

‡Total SCAT3 symptom and severity scores reported as median (IQR: 25th–75th).

HG, headgear group; NoHG, no headgear group; SRC, sport-related concussion.

would participate in 60 AEs per athlete per season. We assumed a 1% within-cluster (school) correlation. Based on these assumptions, we would expect an approximate rate of 3.4% SRC in the control group. We hypothesised a 50% reduction in the rate of SRC in the HG group (1.7%). To achieve 80% power to detect this difference in SRC rates with a test of proportions controlling for a clustered random effect and a two-sided 5% significance level, we would need to enrol a minimum of N=2800 participants. We planned to enrol four additional schools in each group to ensure sufficient sample size to detect the hypothesised difference.

RESULTS

Participant allocation

Participant allocation is shown in figure 1. A total of 2766 unique participants (66% female, age 16.0±1.1, grades 9–12) participated in a total of 3050 player seasons and 151 157 soccer exposures (34% competitions) during the study. Baseline participant characteristics are found in table 1. The HG group had a greater percentage of females and higher percentage with greater SCAT3 severity total scores. Each of these variables, in addition to age, cohort year and SRC within the last year, was controlled for in the analyses of SRC rates between groups. The headgear models worn by participants in the HG group are shown in table 2.

SRC characteristics

A total of 130 SRCs (females: n=108, 5.3%, 1.10/1000 exposures; males: n=22, 2.2%, 0.42/1000 exposures) were sustained by the participants during the study. None of the participants sustained more than one SRC. The onset characteristics of the SRCs are shown in table 3.

Table 2 Headgear models worn for the study

Manufacturer, model	Females (n)	Males (n)	Total (n)
Full90 Sports, Premier (Full90, San Diego, California)	230	155	385
Forcefield, Ultra Forcefield Sweatband (Forcefield Protective Headgear, Great Neck, New York) http://www.forcefieldheadbands.com	364	136	500
LDK Headgear, Soccer Headband (Leader Headgear, Fond du Lac, Wisconsin) www.leaderheadgear.com	2	1	3
Storelli ExoShield (Brooklyn, New York) www.storelli.com/exoshield-soccer-headguard.html	363	159	522
Unequal Technologies Halo 10 mm (Unequal Technologies, Glen Mills, Pennsylvania) www.unequal.com	72	23	95

When evaluated by their AT, participants reported a median total SCAT3 symptom score of 9.0 (5.0, 14.0) and total SCAT3 severity score of 20 (13.0, 41.0). Injured participants reported a median of 6.0 (4.0, 10.0) days until they were asymptomatic. Twelve (9.2%) participants (n=11 females, n=1 male) were medically disqualified from soccer participation for the rest of the season. The remaining participants spent 5.5 (5.0, 7.0) days in a return-to-play protocol and missed a total of 13.0 (10.0, 19.0) days from soccer.

Compliance summary and missing outcome data

Of the 1545 athletes assigned to the control arm, only 6 (0.39%) used headgear for the majority of AEs or had an SRC while wearing headgear, while 7 (0.47%) of the 1505 athletes assigned to wear headgear did not wear headgear for the majority of AEs or had an SRC while not wearing headgear. This is an athlete compliance rate of 99.6%. At the AE level there were only a total of 711 (0.47%) non-compliant AEs out of the 151 157 AEs for the entire study.

The primary outcome of SRC occurrence for each athlete during the duration of the study had 0 missing data points. Each individual exposure for each athlete had non-missing data for SRC status (yes/no). There was no need to impute missing outcome data.

Primary results

The univariable results did not differ appreciably from multivariable results, and so only results adjusted for all the covariables are presented. There was no difference (HR (95% CI): 0.98 (0.64 to 1.51), p=0.935) in the rate of SRCs between the HG group (n=68, 4.4%) and the NoHG group (n=62, 4.1%) (table 4) after adjusting for age, sex, year, concussion in the last 12 months and symptom severity. Seven participants in the HG group sustained SRCs while not wearing headgear.

A second set of analyses (as treated) did not reveal a difference (HR: 0.78 (0.48 to 1.25) p=0.303) in the rate of SRCs between the participants who did not wear headgear (n=75, 4.9%) and the players who wore headgear (n=55, 3.7%). Females in the HG group had an SRC rate of 4.2% (n=43), and females in the NoHG group had a rate of 6.5% (n=65). These rates represent a non-significant HR of 0.70 (0.43–1.15) (p=0.154).

Additional as-treated analyses were carried out for the whole cohort and separately for both males and females and showed a great deal of variability in the rate of SRCs sustained while wearing different headgear models. Overall, the SRC incidence ranged from 2.5% (HR: 0.54 (0.20–1.43), p=0.213) for players wearing the *Storelli ExoShield* to 5.4% (HR: 1.09 (0.62–1.91), p=0.765) for players wearing the *Ultra Forcefield Sweatband*.

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Table 3 Sport-related concussion onset characteristics

Variables	n (%)
Session	
Competition	103 (79.2)
Practice	27 (20.8)
Position	
Mid-field	49 (37.7)
Defence	37 (28.5)
Forward	25 (19.2)
Goalie	19 (14.6)
Mechanism	
Contact with player (other than slide tackle)	72 (55.4)
Contact with ball	46 (35.4)
Stepped/fell on or kicked	6 (4.6)
Slide tackle	4 (3.3)
Other	2 (1.6)
Activity	
Defending	34 (26.2)
Chasing loose ball	17 (13.1)
Goal tending	17 (13.1)
Heading ball with contact	13 (10.0)
Blocking shot or pass	12 (9.2)
General play	10 (7.7)
Heading ball without contact	8 (6.2)
Ball handling—dribbling	7 (5.4)
Other	15 (12.1)
Head contact with	
Other player	53 (40.7)
Head	18 (13.8)
Upper extremity	22 (16.9)
Lower extremity	13 (10.0)
Ball	46 (35.4)
Surface	27 (20.8)
Other	4 (3.0)
Head location of blow	
Side	41 (31.5)
Back	29 (22.3)
Front	29 (22.3)
Face	23 (17.7)
Top	8 (6.2)
Player see the blow coming?	
No	72 (56.2)
Yes	46 (35.4)
Unknown	11 (8.5)
Foul called on play (competition only)	
No	80 (77.7)
Yes	11 (10.7)
Unknown	5 (4.9)
Not available	7 (6.8)

As-treated analyses for each sex and headgear model are found in online supplementary table 1.

Secondary results

SRC severity

No difference ($p=0.831$) was observed in the number of days participants reported concussion symptoms between the two groups (median (IQR): HG: 6.5 (4.0–10.8), NoHG: 6.0 (4.0–10.0)) and no difference ($p=0.075$) in the number of days

participants spent in a return-to-play protocol between the two groups (HG: 6.0 (5.0–7.0), NoHG: 6.5 (4.0–10.8)). The total days out from soccer due to SRC did not significantly differ ($p=0.583$) between the HG group (13.5 (11.0, 18.8)) and the NoHG group (13.0 (9.0, 18.8)).

Non-SRC acute-onset injuries

A total of 253 (8.2%) participants sustained a total of 276 non-SRC acute-onset injuries causing them to miss a median of 6.0 (2.0, 13.0) days from soccer. The majority of acute non-SRC injuries were to the ankle and knee, and were predominantly ligament sprains, contusions or muscle strains (table 5). No difference was detected (RR: 0.91 (0.64–1.29), $p=0.584$) in the risk of non-SRC acute-onset injuries between the HG group (8.0%) and the NoHG group (8.6%). No difference was observed in the number of days out from soccer as the result of their non-SRC acute-onset injuries between the HG group (6.0 (2.0, 14.0)) and the NoHG group (5.0 (2.0, 11.5)) ($p=0.498$).

DISCUSSION

This is the first large-scale study to examine whether adolescent soccer players wearing protective headgear sustained fewer SRCs than players without headgear. Notably, our results show that the incidence of SRCs was similar in both the HG and NoHG groups. These results are also noteworthy since licensed medical professionals recorded the onset, duration and resolution of each of the SRCs sustained by participants in this study. These results differ from a retrospective study by Delaney *et al*¹⁹, who reported that a single brand of soccer headgear was effective in reducing the self-reported incidence of concussions in a convenience sample of players aged 5–17. This may be due in part to the prospective design of our study, the use of multiple headgear models, the large sample size and the fact that we had ATIs reporting the actual occurrence of the injuries. Our study is the first to report that there was no difference in the severity of SRCs for players wearing or not wearing headgear.

Post-hoc, we examined data separately for males and females. It is important to note that SRCs occurred at twice the rate among females than males. Further among males, there was no difference in SRCs between the two groups. Among females there was no difference in SRCs between groups, but some may infer that there was trend efficacy in females. This 'trend' should be interpreted with caution since we were underpowered to show the same trends as the female participants in this subgroup analysis. We do feel, however, that the reported data could be used in future research endeavours to calculate appropriate sample size estimates for future randomised controlled trials in female soccer players.

Most previous studies on soccer headgear efficacy were carried out in laboratory settings. While several studies reported^{9–10} that various protective headbands attenuated the peak force, to a limited degree, of a soccer ball, other studies by Withnall *et al*^{11–12} reported that the impact of a soccer ball will not be decreased to a sufficient degree to prevent an SRC. These studies each used the impact of a soccer ball to the head as the possible injury-causing mechanism, which may not reflect what actually occurs on the soccer field. We found that only 35% of the SRCs were sustained by head contact with a soccer ball, while head-to-player contact resulted in the most SRCs.

An ancillary finding of our study is that players wearing certain soccer headgear models experienced various rates of

Table 4 Cluster adjusted risk ratios and Cox proportional hazard ratios comparing the incidence of SRC between the HG and NoHG groups

	n	SRC	% SRC	Multivariate risk ratio		Multivariate HR	
				95% CI	P value	95% CI	P value
Intent to treat							
Overall	3050	130	4.3				
All no headgear	1545	68	4.4	Reference	—	Reference	—
All headgear	1505	62	4.1	0.98 (0.62 to 1.56)	0.946	0.98 (0.64 to 1.51)	0.935
Males—no headgear	546	8	1.5	Reference	—	Reference	—
Males—headgear	474	14	3.0	1.83 (0.60 to 5.53)	0.286	2.00 (0.63 to 6.43)	0.242
Females—no headgear	999	60	6.0	Reference	—	Reference	—
Females—headgear	1031	48	4.7	0.90 (0.55 to 1.48)	0.683	0.86 (0.54 to 1.36)	0.520
As treated							
All no headgear	1546	75	4.9	Reference	—	Reference	—
All headgear	1504	55	3.7	0.63 (0.37 to 1.08)	0.091	0.78 (0.48 to 1.25)	0.303
Males—no headgear	548	10	1.8	Reference	—	Reference	—
Males—headgear	472	12	2.5	0.93 (0.27 to 3.20)	0.909	1.33 (0.43 to 4.11)	0.623
Females—no headgear	998	65	6.5	Reference	—	Reference	—
Females—headgear	1032	43	4.2	0.64 (0.38–1.08)	0.094	0.70 (0.43 to 1.15)	0.154

Multivariable analysis consisted of Poisson regression and Cox proportional hazards survival analysis controlling for age, sex, year, concussion in the last year and symptom severity group as covariates and school cluster effect.

As treated designation is based on majority headgear use (yes/no) for those without an SRC, and whether they were wearing headgear when SRC occurred for those with SRC. HG, headgear group; NoHG, no headgear group; SRC, sport-related concussion.

SRCs. Each of the models used for this study met the same ASTM testing standard in tests conducted and self-reported by the individual manufacturers. Independent biomechanics lab testing has sought to duplicate injury-causing mechanisms such as player-to-player contact rather than just head-to-ball contact.¹⁹ The authors concluded that various headgear models had different force attenuation capabilities and characteristics and that we anticipate would offer differing levels of protection from an SRC.

Our results show that players wearing *Forcefield*, which had a lower lab-based impact attenuation, had an SRC incidence of 5.4%, whereas players using Storelli had an SRC incidence of 2.5%. Once again, these are not 'different' in the context of our study since our study was not powered to examine differences between headgear types.

The risk compensation theory suggests that players wearing headgear may play more aggressively due to the feeling that the

added head protection limits risk of injury. Our data do not support this theory as both the incidence and severity of acute contact-related injuries—those injuries to other body parts, not the head—did not differ between the participants in both groups.

Limitations

This study has several potential limitations. First is the risk for selection bias with regard to both the teams that agreed to allow data collection as well as the individual players who enrolled in the study, where players with a history of SRCs would be more likely to enrol and/or remain in the study as part of the HG group. However, the proportion of players with a history of SRCs was similar for both the HG and NoHG groups. Second, participants were not instrumented with accelerometers and we had no video of the concussive injuries. Therefore, we cannot comment on whether players' headgear reduced impact forces. Finally, it would have been beneficial to have used a single headgear model in the HG group. However, the parameters of the study required that each approved headgear model was made available for use by study participants.

Table 5 Non-SRC acute-onset injury characteristics

Variables	n (%)
Body area	
Ankle	95 (34.4)
Knee	49 (17.8)
Foot	26 (9.4)
Lower leg	26 (9.4)
Upper leg	23 (8.3)
Head (non-SRC)	14 (5.1)
Other	66 (23.9)
Injury type	
Ligament sprain	129 (46.7)
Contusion	80 (29.0)
Muscle/tendon strain	41 (14.9)
Fracture (acute)	18 (6.9)
Dislocation	4 (1.4)
Other	4 (1.4)

SRC, sport-related concussion.

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5

What are the findings?

- Protective headgear did not reduce the rates of concussion in high school soccer players.

How might it impact on clinical practice in the future?

- This study extends the conclusion from the 2017 Concussion in Sport Group consensus statement that found there is limited evidence supporting the use of protective equipment to reduce the risk of sport-related concussion in many sports including soccer.

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Future directions

This study highlights the need for additional headgear efficacy research, with particular focus on female players. Future protocols should include validated accelerometer instrumentation in conjunction with headgear use to better understand the role that headgear plays with regard to possible reduction in the impact forces that may cause SRCs in soccer players. Future researchers should also consider using the headgear models that showed higher levels of impact resistance in independent lab tests as well as a lower rate of SRC reported in this study.

CONCLUSION

Soccer headgear did not reduce the incidence of SRCs in the overall sample of high school soccer players.

Patient involvement

All participants (and their parents if they were under 18 years old) were required to sign a consent/assent document to participate in this trial. No identifiable patient or personal medical information is included in this manuscript.

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Senator UDALL. Thank you.
The CHAIRMAN. Senator Thune.

**STATEMENT OF HON. JOHN THUNE,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman.

And thank you all for being here to give us an update on a subject that is very important to many people on this Committee and many people across the country.

Mr. Tygart, could you speak to the ways the U.S. Anti-Doping Agency has modernized and expanded its drug testing efforts since the last reauthorization in 2014 and perhaps comment on how effective these changes have been?

Mr. TYGART. Thanks, Senator Thune, for your question.

So putting education and prevention aside, just focused on the testing aspect, what I would say is since 2014 we have, obviously, had to stay abreast of the new designer drugs that might be coming out and doing everything we can. Whether it is a SARMS, whether it is a peptide, growth hormone-releasing factor, a lot of substances that are coming in, unfortunately, from China and India that are not for human consumption here in the United States, we have got to stay ahead of that and ensure that our labs have testing for it.

I would say, number two, we have been able to really refine and hone in what is known as our athlete biological passport, looking at an individual's testing over time, looking at their blood and urine markers and how that may be influenced by doping. A great common example is our cholesterol, and you monitor it over time to see what is affecting your body and you can make changes to ensure that you are staying healthy, but in our world, you can see results of whether someone is doping or not. And that is a powerful tool looking at the person's own individual testing history.

And then third and final I think is the ability to have whistleblowers come forward and the amount of information. Not unlike the Center for SafeSport, we in 2018 had over 700 tips come in to us. And I think that is a direct result of the efforts in BALCO, Russia, and the Lance Armstrong case where it was information and those who wanted to take control and ownership of their culture in the sporting environment to come forward. And they trust now that there are independent organizations like us who are going to act responsibly and get to the bottom and hold those accountable who break the rules.

Senator THUNE. Thank you.

Ms. Colón, as I say, over the past several years, there has been a lot of—already been mentioned—sexual misconduct and abuse in the U.S. Olympic communities, and it surfaces a very serious problem perhaps most notably within USA gymnastics but also in other Olympic communities such as swimming and Tae Kwon Do, which is why I was proud to be part of passing legislation authorizing the United States Center for SafeSport back in 2018.

With the Tokyo Olympics set for this summer, what is your overall assessment of where things stand in terms of the problem of sexual misconduct and abuse in the U.S. Olympic and Paralympic

Committees? And do you think that we are making headway in dealing with this problem?

Ms. COLÓN. Thank you for your continued support, Senator Thune. It is much appreciated.

Yes, I think that we are making some progress, but there is certainly a long way for us to go. You know, again in 3 years, we have seen a 500 percent increase in reports. Our assumption is that the more people understand what the center does, the more people understand what we do, and how successful we have been in doing it, we will start to see even more reports come through each and every year. We do not anticipate the number of reports to go down, unfortunately, any time soon.

However, we have invested a considerable amount of time and energy and resources in developing educational and outreach materials so that people can understand what grooming looks like, what inappropriate boundaries look like, and what potential predatory behavior looks like. And all of that I think will ultimately get us to this place where we will start to see true change. But there is a long way and a long road for all of us to go in this movement.

Senator THUNE. And as you know, the Empowering Olympic and Amateur Athletes Act, which passed out of this Committee last fall, includes an amendment that I offered which seeks to ensure the independence of SafeSport from the USOPC by having the GAO annually certify SafeSport's independence.

At the same time, that amendment also seeks to ensure that SafeSport continues to share certain aggregate data with the USOPC.

What information do you currently share with the USOPC, and do you think it will be important for SafeSport to continue to share this information even after this bill is enacted into law?

Ms. COLÓN. Absolutely. The information that we gather—it does not just help the Center for SafeSport, it helps each and every NGB. It helps the USOPC in making decisions.

Currently we share a number of resources, a number of data points with the center quarterly and annually, including but not limited to our reports, the number of open cases by sport, the number of people who have gone through our educational programs, and the number of organizations that we have audited through our audit and compliance program, including the USOPC.

Senator THUNE. How would you in your tenure as CEO of SafeSport over the past 6 months assess SafeSport's independence from the USOPC?

Ms. COLÓN. We are an independent organization. I report to an independent board. We do not have any employees who have worked for the USOPC, and we pride ourselves on that. And in fact, we have taken some of the language that is in the pending legislation and applied it now where we will not hire anyone who has worked inside the USOPC or an NGB for the last 2 years. Independence is very important to us, and it is certainly something that has been called into question before. But we have done everything that we can, I think, to ensure that independence from our governance and our rules and our structure but also to our investigations, ensuring that no one within the USOPC or the NGB can interfere.

Senator THUNE. Thank you and thanks for your work there.

Mr. Chairman, I have some other questions I will submit for the record. My time has expired. Thank you.

The CHAIRMAN. Thank you, Senator Thune.
Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman. And I want to take this opportunity to thank you, Mr. Chairman, for your help on the Empowering Olympic and Amateur Athletics Act which Senator Moran and I have spearheaded. Senator Moran is at another hearing right now, the Veterans Affairs Committee which he chairs. I just left there. I am a member of it, but I want to thank him as well because this effort has really been very much a partnership and a bipartisan work.

As you well know, it followed the review of more than 70,000 pages of documents, four subcommittee hearings, numerous interviews with Olympic athletes. And Senator Moran and I eventually produced a 235-page report which showed not just isolated abuses like Larry Nasser's, horrific as it was, but really a culture and a pattern of enabling that we have sought to confront in this Act. It is more than just a few outliers. It is really a system that has to be reformed, and it begins with sufficient resources and independence for the SafeSport work that you do, Ms. Colón. And I appreciate your emphasis on independence as an important feature of your work.

Our bill would require that USOPC provide SafeSport with \$20 million annually to ensure that SafeSport is auditing USOPC itself with independence, as well as individual national governing boards. And I agree with Senator Thune that information is vital, but most important, providing the conflicts of interest protections to ensure that your work is independent.

So I thank you very much for your help in that effort. I know you worked with my staff very closely, and we appreciate it.

Is \$20 million enough?

Ms. COLÓN. \$20 million will be an incredible resource to the center. Again, when we opened, we had one investigator. I think we had a \$4 million budget. It was quite low. And over the years, we have been able to grow that budget, and we have been able to grow the staff that is needed to run the Center for SafeSport. But over time, we will continue to need funding. I think that the funding—and I am so very grateful that it is included in this pending legislation because it is going to be a game-changer for the center.

But the center will continue to look for additional funding sources. We are thankful also for the funding that we received from the Department of Justice SMART Office. We also will look to diversify our funding through other sources as well.

Senator BLUMENTHAL. Is there any reason to wait to pass this legislation for the next Olympics?

Ms. COLÓN. Absolutely not. This should be passed swiftly.

Senator BLUMENTHAL. Great because I have heard some sentiment that maybe we should wait until after the next Olympics. I see no reason to wait.

Ms. COLÓN. I think that we have waited for a lot of things for a long time, and now is certainly the time.

Senator BLUMENTHAL. Mr. Tygart, I am pleased that Senator Moran and I have introduced the reauthorization of the USADA legislation recognizing the essential work that you and your organization do. And I am very pleased that this funding hopefully will be made available.

How important is that funding to your work?

Mr. TYGART. It is critical to what we do and to our athletes to ensure that their rights are upheld.

Senator BLUMENTHAL. Are you satisfied that athletes and trainers and the community recognize the importance of countering doping, substance abuse, and so forth?

Mr. TYGART. I think so. I think we have a little bit in society where those who follow the rules are the suckers, to put it bluntly, but our Olympic athletes want to follow the rules and they will follow the rules and they have followed the rules because they know if they do not, they are going to be held accountable. And the only way to be a true winner is to play by the rules.

Senator BLUMENTHAL. I have been interested, as Senator Udall expressed, in the problems in horseracing, and I understand, although I was not here for it—I apologize—that you spoke favorably about extending the jurisdiction of your agency to include horseracing to prevent doping and substance abuse in that sport.

Mr. TYGART. I think his question was just about the independent model, and we certainly support, whether it is horseracing, whether it is college sports, an independent model where anti-doping can be handled by a group that does not have pecuniary interests or otherwise in the outcome of the decisions that it has to make because that is not an effective way to handle it.

Senator BLUMENTHAL. Are you satisfied that college athletes are aware and that colleges are taking sufficient action in this area?

Mr. TYGART. I am not and it is for the precise reason of the lack of independence. We have the fox guarding the henhouse, unfortunately, in the NCAA system. Now some of our athletes wear two hats. They are an Olympic athlete and also compete for their college. So they are subject to our testing program.

The other issue that we have with the NCAA program is there are a number of foreign athletes, and what we do not want is for the U.S. college system—and you can look at swimming, tennis, sometimes golf, track and field—for Olympic athletes to come to the U.S. and have a doping vacation where they are subject to I think a pretty weak anti-doping program in the NCAA.

Senator BLUMENTHAL. Have you been in touch with the NCAA about strengthening—

Mr. TYGART. We have and we have had good conversations I would say, but time is of the essence and our athletes want it changed as quickly as possible.

Senator BLUMENTHAL. And they have not acted sufficiently so far in your view?

Mr. TYGART. No.

Senator BLUMENTHAL. I would like to follow up on this issue, the NCAA issue. My time has expired.

I have one last question if the Chairman would permit me.

The CHAIRMAN. Certainly.

Senator BLUMENTHAL. And thank you to my colleagues for their patience.

It is a quick question to Mr. Lindley. Do you support the Empowering Olympic and Amateur Athletes Act?

Mr. LINDLEY. Absolutely. It is important that we have frontline health care providers, including athletic trainers, to be able to have that same access to athletes across their entire lifespan and athletes with different opportunities and challenges. So ATs are uniquely qualified, and we would certainly support that.

Senator BLUMENTHAL. Thank you.

Thanks, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Blumenthal. You and Senator Moran have provided such great leadership on this topic that you are entitled to a little leeway at this hearing.

Before I recognize Senator Blackburn, since we are on this, Mr. Tygart, what is the current protocol for NCAA athletes, if you can tell us in a nutshell?

Mr. TYGART. In a nutshell, they are subject to urine testing only from my understanding, so no blood testing. So there is a whole host of drugs, human growth hormone being the most potent, that are not even detectable in their system. I would call it a license to use human growth hormone if you are in that system and they do not test for it. There is no true no notice out of competition testing from what we understand.

They asked us a decade or so to bid on running their program, and after we reviewed the policy, we asked them if they would change this, this, this, and this. They said, no, they cannot do that, and we refused to bid on it because it was not a program that we would put our gold standard behind.

The CHAIRMAN. Thank you.

Senator Blackburn.

STATEMENT OF HON. MARSHA BLACKBURN, U.S. SENATOR FROM TENNESSEE

Senator BLACKBURN. All right. Thank you, Mr. Chairman.

And thank you all for letting us run back and forth. Senator Blumenthal and I have had a veterans hearing that we have been in and out of trying to take care of some of our veterans.

Ms. Colón, I want to come to you first. And first of all, thank you for your time and attention to the issues around the health and wellbeing of athletes, not only physically but mentally and emotionally. So I thank you for that.

I want to go back to something. You mentioned your three priorities: prevention, accountability, and transparency, and then individual accountability, which we all know is so vitally important to not corrupting the entire system.

You mentioned that there are 5,000 reports that have been made to you all. Correct?

Ms. COLÓN. Yes.

Senator BLACKBURN. And then you have sanctioned 600 of those individuals or organizations involved in those reports.

Ms. COLÓN. Yes, that is correct.

Senator BLACKBURN. And that includes everybody from the individual, the athlete, the trainer, the provider, everyone involved. Correct?

Ms. COLÓN. Yes.

Senator BLACKBURN. OK.

Talk to me a little bit then about how—into this reporting system that you all have built, how you bring transparency and enforcement. Who is the body that is making that decision? What is the due diligence that they walk through in deciding? Because if you are only ending up sanctioning 10 percent of the reports that come to you or a little more than 10 percent, 12 percent, talk to me about that.

Ms. COLÓN. Sure. So it is important to note that out of the 5,000 reports that we receive, sometimes we do not necessarily have jurisdiction over some of those matters. So, for example, someone might call us and say that their coach has embezzled funds. So those are looped into there as well.

Senator BLACKBURN. So then what percentage would you be referring to someone else for action?

Ms. COLÓN. I would have to get back to you on the exact number.

Senator BLACKBURN. I think that is important to see because when you say we have had this number of reports and this is the action we have taken—and those of us who are parents and grandparents and have children that are playing on sports teams and we say, well, you know, why is the number as low as it is and why is there not an action taken on a larger number, is this misappropriation of an accusation or is it something else. So some more clarity around that number I think would be very helpful to this process because we join you wholeheartedly in making certain that there is action taken.

And, Mr. Lindley, I appreciate what you had to say about concussions. Some of us who are mammas who have watched this happen have many times thought that a child needed to be removed from play or a coach needed to be removed from instruction to children. So having that measure of accountability I think is vitally important for this, and we appreciate what you have done there.

Mr. LINDLEY. Yes. The front-end part, of course, is that we still have a 34 percent gap in secondary schools where there is no health care provider available to protect that student athlete independently to help them to be removed from play and to get them the appropriate medical care.

Senator BLACKBURN. Right, but I think our States are going to end up taking the lead with that from what I am hearing back in Tennessee. I think more school districts and at the State level, they are putting a greater emphasis on that, and it is appropriate and it is welcomed. So we appreciate the good work there.

Mr. Tygart, let us talk a little bit about WADA and your comment about this being a devastating blow to clean athletes and the integrity of the spirit and the integrity of the sport and the rule of law. What I have not heard you say concisely in this hearing is what you think is the appropriate action and then also I have not heard you say how other nations view what would be a weak punishment. What is the message that is sent to them? And my time has expired, so quickly.

Mr. TYGART. Yes. So, number one, make WADA independent. And I suggested at one of the questions they have a report due to the President's office, ONDCP.

Senator BLACKBURN. So do you think that is the fix?

Mr. TYGART. I think that is the silver bullet to all these integrity issues in sport. The rule enforcer has to be sacrosanct, cannot have an interest, pecuniary or otherwise, in the outcome of their enforcement. And that is straightforward.

I think on Russia, it is too little too late. It first arose on WADA's desk in 2010. It was exposed by the media not by WADA in 2014. Here we are X number of years later still dealing with it. A decision that was not conflicted at the very beginning in 2014, this would have been long gone and way behind us. We are still dealing with it unfortunately because—

Senator BLACKBURN. What does it say to other countries?

Mr. TYGART.—other countries agree. We have a coalition of 37 national anti-doping organizations from around the world who all supported the Copenhagen Declaration, which was also echoed by the White House who hosted a meeting in 2018 with governments, democratic governments, from around the world but also athletes from around the world. And we supported a strong WADA, a conflict-free WADA to make good decisive decisions in accordance with the rules. No one is asking for anything other than decisions in accordance with the rules.

Senator BLACKBURN. Thank you.

I yield back.

The CHAIRMAN. Does it say to other countries I might be able to get away with this?

Mr. TYGART. That is the biggest fear.

The CHAIRMAN. I think that is what you were getting at.

Mr. TYGART. I am sorry. It absolutely emboldens other countries who might be tempted or individual athletes who might be tempted to break the rules to see, even if you get caught with the depths of intentional fraud that we have caught the Russians by attempting to get away with, you are not going to be held accountable. So why not take the risk?

Senator BLACKBURN. Roll the dice and take the risk.

The CHAIRMAN. Well, help us out because I am glad Senator Blackburn got into this. How has cheating changed over time? If you are a Russian Olympian, an official in their organization, what has happened to make this more sophisticated, harder to detect? You mentioned in your testimony shadow laboratories. If you could describe that, I would appreciate it. Samples swapped and passed through walls, those sorts of things. If you could elaborate on that, I think people listening not only in the audience but out there around the country would be interested in hearing some specifics.

Mr. TYGART. It is shocking. It is someone who plays clean, wants the rule of law enforced—it is their worst nightmare realized. I am not here promoting any movie, but if anyone has not seen the documentary *Icarus* that won the Oscar for the best documentary—*Icarus*, the boy who flew too close to the sun—I would strongly encourage folks to see it and get a real glimpse of what was happening. I cannot possibly describe it all, but we literally are talking about military level services in Russia setting up—you know, allowing

and knowing that athletes were doping and using designer cocktails, allowing those athletes, even with positive tests. The sports minister's office was determining who to save or who not to save and allowing to go to international competition. So the government making decisions on known doped athletes being allowed to compete around the world. The FSB, the military intelligence group, literally figuring out a way to take the cap off of bottles that hold the urine, and during the Sochi Winter Olympic Games having a shadow laboratory on the other side of the main laboratory where they would replace known dirty urine so athletes on the program that they know were cheating during the games who would test positive if they went through the normal procedures—dumping out the dirty urine and filling it up with that athlete's clean urine.

The CHAIRMAN. They would have to have the cooperation of the Olympic Committee—

Mr. TYGART. It is beyond question I think, Senator, that it was orchestrated by the highest levels of the Russian Government who oversee and legislate and finance the entire Russian sports system. And the powers that be within that system have not changed since 2010 when this first started.

The CHAIRMAN. Have the chemicals become harder to detect in recent years?

Mr. TYGART. They are hard to detect, and you have to stay abreast. It is why research, 12 percent roughly of our budget, is so critically important to ensure we stay ahead of the substances that are coming onto the market whether legally through the pharma process here or illegally through China and India who are flooding our markets with some of these substances that are not allowed for human consumption. We have to stay ahead and be able to test for those products.

The CHAIRMAN. So the documentary is *Icarus*?

Mr. TYGART. It is *Icarus*. And to be clear, I have no financial interest in the movie *Icarus*.

[Laughter.]

The CHAIRMAN. And neither do I. I have not heard of it, but I might want to go look at it.

Let me end my line with Mr. Lindley. You are a certified athletic trainer.

Mr. LINDLEY. Correct.

The CHAIRMAN. Now, your organization has 46,000 members. How many of them are certified athletic trainers?

Mr. LINDLEY. The majority are, over 41,000. The rest would be comprised of athletic training students and other health care professionals.

The CHAIRMAN. Students and health care professionals.

Now, a certified athletic trainer is a health care professional.

Mr. LINDLEY. That is correct.

The CHAIRMAN. And 76 percent of them have a master's degree. Is that correct?

Mr. LINDLEY. Yes. And by 2022, the professional degree will be a master's degree.

The CHAIRMAN. And did I understand that some 65 percent of high schools do have an athletic trainer in the United States? Is that your testimony?

Mr. LINDLEY. The testimony is that we have 37 percent of high schools who have a full-time athletic trainer. So a third have a full-time, a third have no athletic training services, no health care provider at all, and another third have part-time services.

The CHAIRMAN. But in order to be a certified athletic trainer, one not only has to be accredited by a commission but then there is a board certification process?

Mr. LINDLEY. Correct, an independent board exam.

The CHAIRMAN. What information are you and your organization able to provide to those high schools that do not have the professionals, particularly to look for—to help recognize the opioid problem? Your testimony mentioned that, and I think we have had some questions about it. But on page 4, the athletic trainer's involvement is also related to the opioid and prescription drug abuse. So how can you help those schools that do not have the resources to hire a professional like you?

Mr. LINDLEY. Sure. It is really challenging, Senator, and that is why we are, as an organization NATA, working with a number of parent advocacy groups, and we work directly with superintendents and school boards to understand how important it is that if a school is choosing to fund an athletic program, choosing to pay for coaches, uniforms, alternate uniforms, buses, how can you not pay for health care and an athletic trainer? And that frontline provider, certainly from a number of different perspectives, works in prevention, education, and then treatment including alternatives for pain like rehabilitation to avoid some of the pathways toward opioid addiction.

The CHAIRMAN. What about a half-day seminar for schools that are not able to afford this type of professional or a two-day seminar? It seems to me a good bit of information could be imparted in that way. At least every school would have the ability to have some expertise in this regard.

Mr. LINDLEY. Yes, I appreciate that comment. We have ATs that spend time in the communities doing education for parents and students alike, as well as teachers, to understand some of the dangers and risks around this issue but also talking to them about injury prevention methods and concussion and the importance of reporting all injury.

The CHAIRMAN. Are there any other questions?

Senator Blumenthal.

Senator BLUMENTHAL. Just to follow that line of questioning. But the role of the athletic trainer is to deal with individual athletes as well, and a seminar really cannot provide that kind of service. Correct?

Mr. LINDLEY. Correct. It would purely be from a general educational standpoint to understand the importance.

Senator BLUMENTHAL. And to what extent is that kind of service important, for example, in preventing concussions which obviously is a growing part of the injury issue?

Mr. LINDLEY. Sure. As I mentioned before, the concussion legislation that we have in all 50 states is an excellent start, but where the gap that really exists now is better education for everyone to understand. It is unique that athletic trainers find—sometimes we are protecting athletes from themselves who do not understand the

significance of the symptoms they are experiencing. We are also protecting athletes from their own parents in the cases where parents have an external drive of some sort to have their daughter or son returning to play long before they should or not reporting their injuries. And certainly we understand the challenges of coaches who should not be involved in medical decisionmaking. And that is where the AT provides that level of autonomy and medical decision-making that every high school must have.

Senator BLUMENTHAL. Just a last couple of questions. Mr. Tygart, you mentioned that you were thinking about bidding on the NCAA contract and you did not after going down a list of conditions. What were those boxes or conditions that they failed to check or that were inadequate?

Mr. TYGART. And they asked us to bid, but when we looked at the policy—so a top-of-head recollection—it was about a decade ago. There was no out-of-season testing. There was no blood testing. There was no non-analytical positives. So in the event you did not have a positive test, you cannot move forward. The sanctions were way out of line with the WADA code. That point has been changed within their policy now. Those were the main gaps that we saw I think, just top of the head.

Senator BLUMENTHAL. A number of those gaps still exist?

Mr. TYGART. Yes.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you. And thank you to our witnesses, as well as to the Senators who participated.

This hearing has been a real education to me, and I know some members have delved very deeply into this subject. But this has been most helpful and I think the public benefits also.

I need to close the hearing at this point by noting that the hearing record will remain open for two weeks. During this time, Senators are asked to submit any questions for the record. Upon receipt, the witnesses are requested to submit their written answers to the Committee as soon as possible. Do you all swear that you will do that?

[Laughter.]

The CHAIRMAN. And so we thank you very much for being here, and at this point the hearing is now adjourned.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO JU'RIESE COLÓN

Question 1. As you are aware, I chair the Commerce Subcommittee which exercises jurisdiction over amateur sports, and in partnership with Ranking Member Blumenthal, my office conducted an in-depth, 18-month investigation to examine cultural and systemic issues regarding abuse in the Olympic movement that culminated with the bipartisan Empowering Olympic and Amateur Athletes Act of 2019 along with an investigative report, findings, and recommendations. A significant component of this legislation is ensuring that the U.S. Center for SafeSport has adequate and dependable resources to carry out its critical mission of “making athlete well-being the centerpiece of our Nation’s sports culture through abuse prevention, education, and accountability” while also distinctly preserving the independence of the Center as an investigative body. If this legislation is enacted, how do you envision the expected increase of resources to impact the capacity and efficiency of the work done by the U.S. Center for SafeSport?

Answer. These new resources will substantially improve the Center’s capacity and efficiency. This legislation would allow us not only to make immediate improvements, such as hiring and training new investigators, but allow us to plan for future years so that we have the staff and resources we need to handle the significant increase in reports.

a. Does the legislation effectively account for the future budgetary needs of the Center?

Answer. \$20 million will be an incredible resource for the Center. It will allow us to plan for how to meet our mandate not only this year, but in future years. We are also thankful for the grant funding we receive from the U.S. Department of Justice SMART Office that supports our Education and Audit & Compliance teams. Over time, however, we will need additional funding to meet the growing demands and to continue fulfilling our mission. We will continue looking for additional external funding sources to do so.

b. Do you think the legislation effectively preserves the independence of the Center from other existing entities like the USOPC and the National Governing Bodies?

Answer. Yes. In fact, it increases our independence from the USOPC and the National Governing Bodies.

The perception exists that the USCSS cannot be independent if we are funded through negotiations with the USOPC and the NGBs. While anyone who works closely with the Center knows that our staff is entirely independent despite the current funding mechanism, this permanent revenue stream would eliminate this perception and strengthen our independence.

Question 2. During the full committee’s markup of the Empowering Olympic and Amateur Athletes Act of 2019 on November 13th, there was an amendment offered to “ensure that any action taken by the Center to enforce any policy or procedure of the Center related to criminal conduct against an amateur athlete or personnel of the Center, the [USOPC], or a national governing body, including any investigation, disciplinary action, sanction, or other administrative action, is carried out in a manner that provides due process protection to such athlete or personnel.” This amendment was not agreed to in the committee markup. While I certainly understand the concerns of my colleagues related to the protection of due process in issues as serious as abuse, I also have strong concerns that this legislative language would dramatically impact the Center’s current practices and procedures as it relates to their ability to immediately remove athletes from dangerous situations, including the issuance of temporary or interim measures. How would you expect the protocols of the Center to be affected if an outright due process requirement was applied to all of the Center’s investigations, disciplinary actions, sanctions, or other administrative actions?

Answer. As written in the amendment offered before the Committee, the Center is concerned that the language of this amendment could be used to challenge when the Center needs to take immediate action to keep athletes safe—like the minor athlete who was about to travel to a foreign country with a coach that we had credible allegations against. The Center believes our ability to act fast to protect athletes when we have credible allegations is critical.

But we also agree for the need for a fair process. That's why we already allow those who believe we got it wrong to challenge our temporary suspensions within 72 hours. During the investigative process, respondents receive notice of the allegations against them, can be represented by counsel, have an opportunity to be heard during the investigation, are issued a reasoned decision with the Center's findings, and can challenge those findings before an independent arbitrator.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
TORY LINDLEY

Question 1. Do students understand that headbands and other such equipment will not prevent concussions?

Answer. Senator Udall, I cannot accurately speak to the knowledge and understanding of all students on this issue. However, when ATs are appropriately positioned in organized youth sports, they can be an educational resource and a resource for referrals to other experts for parents and other stakeholders.

Question 2. Who is educating students in light of misleading claims in the marketplace?

Answer. Senator Udall, I don't know who is educating our children about misleading claims in the marketplace.

Question 3. Can you explain how you approve equipment for athletes' use, including what role clinical or medical information plays in that process?

Answer. Senator Udall, I cannot speak to how all sports equipment manufacturers utilize clinical and medical information.

Question 4. Should there be a Federal role and should more Federal resources be dedicated to investigating and testing sports equipment manufacturers' claims?

Answer. Senator Udall, I believe there exist Federal mechanisms for investigating claims made by manufacturers, but I do not know if more resources should be dedicated to it.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO
TRAVIS T. TYGART

Question 1. As you know, I introduced the U.S. Anti-Doping Agency Reauthorization Act of 2020 this week with Senator Blumenthal. USADA's current authorization is set to expire at the end of this Fiscal Year, and the legislation is intended to extend Federal financial support for the national organization charged with managing the anti-doping program through FY2029 including preparation for the 2028 Olympics in Los Angeles. As it relates to USADA's current responsibilities of athlete testing, results management processes, drug reference resources, and athlete education among other things, how would the increased authorization levels included in the reauthorization assist USADA in fulfilling its mission?

Answer. We thank both you and Senator Blumenthal for your leadership in the sports world and the introduction of the reauthorization. The increased authorization levels in the reauthorization are essential for USADA to keep up with the ever-changing world of performance enhancing substances and methods.

While we are extremely appreciative of our government funding and hold ourselves to the highest level of fiscal responsibility, the reality is that we have been under-resourced based on the apparent misperception that there have been no changes in the anti-doping movement since 2010. In 2010, we received \$10 million in funding from the government, then considerably less for many years, until the current Fiscal Year we got back up to \$10 million. Based on the Consumer Price Index increases over the last ten years, \$10 million would be \$11.9 million today.

As we know, those who want to break the rules are not using the same techniques that were used in 2010, and the number of sports (and therefore the number of athletes) entering the Olympics has only grown (*e.g.*, surfing, skateboarding).

Additionally, there are increasingly new and dangerous substances entering the market from China, India, and Eastern European countries, including anabolic agents (testosterone, nandrolone, methandienone, stanozolol, and SARMs), peptide hormones (human growth hormone (hGH), human chorionic gonadotropin (hCG),

and insulin-like growth factor 1 (IGF-1)), and hormone and metabolic modulators (aromatase inhibitors), which has only increased demand within sport. In the United States, due to the post-market regulation of dietary supplements, many with raw ingredients originating in China, India or other off-shore producers, USADA has identified more than 600 dietary supplement products to-date which contain a prohibited performance-enhancing drug (PED) or list one on the label. The main PEDs contained in these products include anabolic agents (*e.g.*, non-FDA approved SARMS such as ostarine and ligandrol) as well as stimulants and hormone and metabolic modulators.

Finally, the Armstrong case has demonstrated to athletes and others in sport that USADA is independent and acts responsibly with information provided to it. This has resulted in a significant increase in the number of tips—more than 700 in 2018—and whistleblowers coming forward, which USADA diligently assesses for potential action. In order to adequately investigate and respond to this growing number of tips, more resources are needed.

Question 1 (a). Do the bill's authorization levels effectively account for the increased resource needs that are likely to arise in the years immediately preceding the 2028 Olympic Games?

Answer. Yes. The built-in increases in funding leading up to the 2028 Olympic Games in Los Angeles account for the increased number of Doping Control Officers necessary to implement an effective test distribution plan. This testing is designed to lead to a pageantry of clean sport during the 2028 Olympics that demonstrates to the world that the United States lives up to the ideals it espouses throughout the world to promote clean sport and the integrity of competition.

In 1999, the Senate Committee on Commerce, Science and Transportation conceived the idea of USADA as a public-private partnership. This model has proven extremely effective in ensuring perceived and actual independence from government and sport. As a private, independent not-for-profit organization, we have taken a conservative approach to budgeting, given the potential variability of our public-private funding model. And anything less than the amounts currently authorized would be a serious setback to what this public-private partnership has achieved since its inception.

Question 1 (b). The legislation also includes a provision related to the information sharing arrangements between USADA and the relevant Federal agencies like DOJ, DHS, and FDA. Would you please speak to the importance of allowing relevant information relating to the prevention of the use of performance-enhancing drugs to be shared among these entities?

Answer. One of the important roles of the World Anti-Doping Agency is to publish, after extensive consultation, the World Anti-Doping Code, which establishes a common set of anti-doping rules applicable to sport worldwide. The Code was first published in 2003 and was revised in 2009 and 2015. The U.S. has committed to support the Code through its ratification of a UNESCO Convention entitled the International Convention Against Doping in Sport on August 4, 2008 and by signing the Copenhagen Declaration on Anti-Doping in Sport in March 2003. The U.S. government has fulfilled these commitments through not only the funding of USADA, but also through law enforcement sharing information with USADA. Highlights of USADA's collaboration with law enforcement in the past include:

- Serving as an important technical resource for the government in the BALCO cases, USADA's Chief Science Officer, Dr. Larry Bowers (who has a PhD in analytical chemistry and more than 20 years of experience in clinical chemistry, toxicology, and drug analysis) was asked by the BALCO prosecution team to participate in the September 3, 2003 search of BALCO offices. During the search, Dr. Bowers assisted the prosecution team in examining documents and substances to determine which ones were relevant to the investigation. Dr. Bowers testified as an expert before the BALCO Grand Jury, testified in the prosecution of Trevor Graham (a coach convicted of lying to Federal investigators and subsequently received a lifetime ban from sport), and was listed as an expert in the Barry Bonds case.
- In a reciprocal act of cooperation, Agent Jeff Novitzky testified for USADA in its anti-doping case against sprint champion, Tim Montgomery (who at the time was the world's fastest man). The Assistant United States Attorneys also brought with them to the hearing the original BALCO doping calendars seized during the search.
- We were actively involved in Operation Raw Deal, an international steroid investigation. During this investigation, we were in close contact with the DEA and the United States Attorney's Office in the Southern District of California.

- Operation Raw Deal led to the disclosure of evidence obtained by the Western District of Pennsylvania, which substantiated anti-doping charges against a cyclist, Joe Papp, who subsequently accepted a sanction related to distribution of various performance enhancing drugs including EPO and hGH within the sport of cycling. Joe Papp also pled guilty to two felony charges.

Although the sharing of information between USADA and law enforcement agency happens legally with great effect, as the few examples above demonstrate, this legislation ensures the sharing of information is consistent across departments, agencies, and localities. The legislation will also assure maximum collaboration between law enforcement and USADA in the lead up to the 2028 Olympic Games, helping protect the integrity of the Olympic events.

Question 2. USADA's mission is to preserve the integrity of competition in athletics. Having said that, it is well known that bad actors exist in the international athletic community and hold themselves to different a set of standards than the United States. We need to look to the World Anti-Doping Agency (WADA) to uphold these principles of clean competition. Does WADA have both the resources and time to adequately address bad actors in the international athletic community, ahead of the July 2020 Summer Olympics in Tokyo? Should other National Anti-Doping agencies be doing more to address bad actors in their country?

Answer. WADA's primary area of responsibility is making sure the highest anti-doping standards are being employed uniformly around the world. However, WADA's governance structure and lack of independence from sport cripples it from attaining this objective.

With respect to resources, WADA does not conduct testing of athletes, which is delegated to other anti-doping organizations like USADA where testing is the single largest expense. WADA, therefore, has resources available to make an impact in the fight against doping. Yet WADA's lack of independence coupled with no formal oversight has permitted WADA to stagnate in the fight against doping.

For example, we learned from the Independent Observer Report after the Rio Olympic Games that 1,913 athletes competing in ten of the most high-risk sports had no anti-doping tests in the year prior to those Olympic Games. This marks a failure at multiple levels of the international anti-doping system. WADA is the entity responsible for making certain that athletes are not subject to disparate treatment within the anti-doping system. But, as this statistic clearly demonstrates, currently U.S. athletes are held to a higher standard than the athletes against whom they compete. This is unacceptable. And USADA is doing everything in its power to level the playing field and appreciates the support of this Committee in this noble effort.

Although the United States does not have a seat on WADA's Executive Committee, the United States is WADA's largest government funder and should play a larger oversight role to WADA's conflicted and ineffectual decision-making process. We applaud the Senate Appropriations Committee for including report language in the Fiscal Year 2020 spending bill to require the Office of National Drug Control Policy (ONDCP) to report on this very issue, and we look forward to reviewing the report.

Question 2 (a). Should WADA consider a suspension of Russian athletes in the Tokyo Olympics in light of recent reports of altered doping data?

Answer. WADA failed to expeditiously investigate the Russian doping scandal when it was brought to their attention ten years ago. If investigated properly, WADA could have prevented the scandal-ridden Olympics in Sochi in 2014. Once the full scale of doping activity became known, WADA along with the International Olympic Committee dragged out the process that eventually led to a secretly-managed process permitting most Russian athletes to compete at both the Rio and Pyeongchang Olympic Games, thus escaping all meaningful consequences.

USADA is concerned that the mishandling of the Russia state-sponsored doping scheme has created a divide between countries that believe in the rule of law on the one hand and a small number of countries that will win-at-all costs on the other. While there are very effective Anti-Doping Organizations (ADOs), there are also ADOs that may be corrupt, not transparent, and more troubling still, emboldened because of the ineffective consequences in the wake of the Russian-doping scheme.

Individual athletes have been continually harmed by the poor handling of the Russian doping investigation. Although WADA can make the right decision to protect clean athletes in the Tokyo Olympic Games, in many respects it is too little too late. But to be clear, USADA supports an effective punishment and deterrent that results in the ban of Russian athletes from the Tokyo Olympic Games, which is allowed for under the rules. Such a result would be a fair and proportional con-

sequence to the Russian state-sponsored doping scheme and subsequent destruction and manipulation of evidence.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
TRAVIS T. TYGART

During the hearing, you testified that USADA had declined to serve as the anti-doping enforcement body for the NCAA due to concerns that its policies were insufficiently rigorous.

Question 1. Can you elaborate on what those concerns were?

Answer. To clarify, the NCAA asked USADA to submit a bid to administer its anti-doping program. After receiving this request, USADA reviewed the NCAA's anti-doping policy and asked the NCAA to make changes to the policy to make it effective. The NCAA declined to make any changes, so USADA, necessarily, declined to submit a bid.

In previous congressional hearings, I have testified about a matrix of effectiveness by which anti-doping programs should be evaluated. This matrix is made up of the following components.

- Independence from sport such that the entity handling the creation and implementation of testing plans, as well as managing the results of those tests and investigations, is separate from the entity managing and/or promoting the sport.
- Transparency with respect to rules, process, testing numbers, and established violations/sanctions.
- Effective out of season and out-of-competition no advance notice testing.
- A full list of prohibited substances and methods that would capture new, designer drugs as they are developed.
- Implementation of the best legal and scientific policies and practices as they evolve, which must include adequate sanctions and due process protections for those accused of doping violations.
- Significant investments in education to change the hearts and minds of would be cheaters and to teach the life lessons that can be learned only through ethical competition.
- Significant investments in scientific research for the detection of new doping substances and techniques and the pursuit of scientific excellence.
- Partnerships with government, particularly law enforcement, to ensure that in addition to holding athletes accountable, those who illegally manufacture, traffic and distribute these dangerous drugs and who are typically outside sports jurisdiction are also held accountable for their illegal behavior.

As I understand it, the NCAA's anti-doping program falls significantly short when evaluated under these criteria, which are in addition to the significant shortcomings of no blood testing and a lack of non-analytical cases (*i.e.*, cases based on witness testimony as opposed to a positive test) mentioned during my testimony.

To highlight two examples of how the NCAA's anti-doping program fails clean athletes, it is widely accepted throughout the world that the test for testosterone should use a testosterone/epitestosterone ratio of 4:1. The NCAA, however, uses a ratio of 10:1 and does not employ the test to detect testosterone in a strategic manner, creating a large loophole for athletes to abuse one of the most powerful and well-known anabolic agents available. In addition, the NCAA does not test for human growth hormone or Peptides, which are well known and potentially dangerous performance enhancing drugs.

Although the issues with the NCAA's anti-doping program are many, USADA has recently been in touch with NCAA personnel and hopes to have a positive influence on changes to its policy.

Question 2. Do you maintain those concerns today?

Answer. Yes, as described above, the current NCAA anti-doping policy has significant deficiencies.

Question 3. If the NCAA made the changes that you recommend, do you believe that USADA would be the appropriate entity to oversee their anti-doping program?

Answer. Due to the significant shortcomings described above, USADA would not be willing to run the NCAA's current anti-doping program. But USADA stands ready and willing to assist any organization wanting to have an effective anti-doping program. Unlike many other organizations, the NCAA has under its jurisdiction a large number of Olympians and future Olympians from the U.S. and from other countries competing against the U.S. The NCAA is, therefore, uniquely posi-

tioned to protect the health and safety of the non-professional student athletes under its jurisdiction and preserve the integrity of sport at the highest levels by implementing an effective, independent anti-doping program. The NCAA should be doing more for its student athletes, and given the overlap with the Olympic and Paralympic movements, USADA welcomes any opportunity to engage on this issue.

The United States is one of the few developed countries that lacks uniform rules, regulations, and enforcement of the use of performance-enhancing drugs in this horseracing. Additionally, the horseracing industry has failed as a self-regulator, while others have routinely turned a blind eye, resulting in almost every horse being injected with dangerous race day drugs, with little consequence.

Question 4. Do you believe that USADA is a suitable independent, oversight authority to implement nationwide anti-doping rules for horseracing?

Answer. Yes. USADA's involvement in horseracing, through the Horseracing Anti-Doping Authority (HADA) in the Horseracing Integrity Act (S.1820), would bring to the sport independence and credibility. Under the Horseracing Integrity Act, the HADA board would be comprised of USADA representatives and non-conflicted representatives from the horseracing industry, and their collective expertise and experience will enable the creation and maintenance of a robust anti-doping program that is based on established science and best practices, ensuring the highest levels of integrity.

Question 5. What role would USADA play in the development of a new standard for the regulation and enforcement of drug and medication rules in horseracing?

Answer. As mentioned above, under the Horseracing Integrity Act, HADA's board would be made up of USADA and non-conflicted industry representatives, benefiting from the experience of independent enforcement officials and individuals currently tasked with addressing the challenges presented in horseracing today. USADA would hold a majority of the board seats on the HADA board, and USADA would play a role in the selection of the remainder of the seats as well. HADA would be solely focused on anti-doping in horseracing supported by committees staffed by equine subject matter experts to advise on anti-doping matters. USADA, in turn, will provide expertise in the process of creating and implementing an effective, independent, and comprehensive state-of-the-art anti-doping program that the industry has thus far struggled to implement on its own.

Question 6. Is the use of race-day drugs and medications in horses a contributing factor to "breakdowns"?

Answer. USADA is a not-for-profit organization with limited resources. USADA has used those limited resources to fulfill, as effectively and efficiently as possible, the congressionally authorized anti-doping responsibilities within the Olympic and Paralympic movements and in additional sports when contracted to do so. USADA has, therefore, not had the opportunity to study the specific issue identified in your question. But published reports indicate that there is a higher fatality rate among racehorses in the United States than anywhere else in the world. We also know that the United States and Canada allow Lasix to be administered on race day. Determining the therapeutic and performance enhancing value of medications will be one of the first objectives for HADA under the Horseracing Integrity Act, but clearly, the culture of permissive medication use for performance enhancement in or near competition needs to end.

Question 7. Do you support banning the use of race day medication within this industry? Do you support strict doping penalties for violators and cheating?

Answer. As mentioned above, determining the therapeutic and performance enhancing value of medications will be an issue of primary importance for HADA under the Horseracing Integrity Act, but USADA certainly supports the Horseracing Integrity Act, including its ban on race-day medications.

We believe that strict penalties for doping violations are an essential part of any effective anti-doping program. Along with a robust out-of-competition testing program, which is currently lacking across all horseracing jurisdictions, strict penalties are the most effective mechanism to deter potential violators from cheating.

Question 8. Do you agree that Federal legislation is essential to ensuring adequate oversight of this industry?

Answer. A successful anti-doping program requires independence, uniformity, and no conflicts of interests. As a whole, the current state-based horseracing anti-doping program in the U.S. cannot claim to have these attributes. USADA fully supports Federal legislation to ensure independent oversight of the industry.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
TRAVIS T. TYGART

Question 1. Has USADA partnered with a sport's previous anti-doping authorities then share authority over drug regulation and enforcement? If no, why not?

Answer. Typically, USADA does not partner with any sport's prior anti-doping authorities. However, when USADA is approached by a non-Olympic sport to assist with their anti-doping program, we ultimately have to make an assessment about how to create the most effective program and we consider all potential options. The unnegotiable part of any program is the complete independence of the organization (with strong conflict-of-interest rules), which includes the ability to operate and apply penalties without any interference from the sport.

Question 2. Does USADA allow individuals who previously or recently had significant financial interests in a sport to join its board?

Answer. USADA has a robust conflict of interest policy to safeguard its independence. And USADA would not permit a Board or staff member to have an actual or perceived conflict of interest that undermines USADA's independence. One of the requirements under USADA's policy is that Board members not have any financial interest in a sport under USADA's jurisdiction. Because athletes' voices are critical to fulfilling our mission, former athletes/coaches add significant value to USADA's Board, as long as there are no current conflicts of interest.

Question 3. Will USADA allow board membership for individuals who have family members, former business partners or other close associates who have ongoing business interests in any sport regulated by USADA?

Answer. As stated above, USADA would not permit a Board or staff member to have an actual or perceived conflict of interest that undermines USADA's independence. As stressed during the hearing testimony, independence—perceived or actual—is the cornerstone of an effective anti-doping program. USADA's current policy does not allow any Board or staff member or an immediate family member of a Board or staff member to have a business, commercial, governance or even volunteer interest in any sport under USADA's jurisdiction. USADA is always willing to consider recommendations to ensure its independence.

Question 4. Have USADA ever allowed sports associations and competition sponsors to decide how much funding USADA will be allotted to conduct effective anti-doping regulation?

Answer. USADA typically negotiates a budget for any sports association, including with USOPC, that it provides anti-doping services. For our contract with the UFC, for example, we negotiate a budget up front on what we believe will be the cost of the program. As we would for any anti-doping program, if we think the amount will not be sufficient to operate an effective program, then we will no longer participate and remove any USADA involvement.

Question 5. Can you imagine a scenario where USADA agree in advance to turn over anti-doping regulation for an Olympic sport to others or self-regulation after five years? Is the role USADA plays one that it sees as temporary?

Answer. USADA does not enter in any agreement where we envision exiting after five years. In the Horseracing Integrity Act (HIA), we supported mechanisms that allow the HIA-designated regulator to be replaced after five years in very limited circumstances and with extensive protections towards ensuring the integrity of competition. We did so since our participation was mandated by law. Another provision in the HIA allows USADA to withdraw from board participation if USADA ultimately determines that the industry is just too fractious and intransigent to operate a successful program, as we feel the need to have an escape clause. Having said that, if HIA were to pass, we would devote significant energies to establishing the program, running it efficiently and effectively, and maintaining our involvement for a very long time.