

**PROMOTING A SAFE ENVIRONMENT
IN U.S. ATHLETICS**

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, AND DATA SECURITY

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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CONTENTS

Hearing held on March 20, 2024	Page 1
Statement of Senator Hickenlooper	1
Statement of Senator Cruz	3
Statement of Senator Blackburn	4
Statement of Senator Moran	48
Statement of Senator Peters	51
Statement of Senator Klobuchar	56

WITNESSES

Ju'Riese Colón, Chief Executive Officer, U.S. Center for SafeSport	5
Prepared statement	7
Dionne Koller, Co-Chair, Commission on the State of the United States Olympic and Paralympic Committee, and Professor of Law and Director, Center for Sport and the Law at the University of Baltimore School of Law	9
Prepared statement	10
Grace French, President and Founder, The Army of Survivors	29
Prepared statement	30
Pat Kelleher, Executive Director, USA Hockey	34
Prepared statement	36

APPENDIX

Article dated April 23, 2024 entitled, “DOJ Settles with Nassar Survivors, Concluding Final Legal Case Over FBI Misconduct” by The Army of Survivors	61
Response to written questions submitted by Hon. Gary Peters to:	
Ju'Riese Colón	61
Dionne Koller	62
Grace French	63
Pat Kelleher	64

PROMOTING A SAFE ENVIRONMENT IN U.S. ATHLETICS

WEDNESDAY, MARCH 20, 2024

U.S. SENATE,
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT
SAFETY, AND DATA SECURITY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:38 p.m., in room SR-253, Russell Senate Office Building, Hon. John Hickenlooper, Chairman of the Subcommittee, presiding.

Present: Senators Hickenlooper [presiding], Cantwell, Klobuchar, Peters, Blackburn, Cruz, and Moran.

OPENING STATEMENT OF HON. JOHN HICKENLOOPER, U.S. SENATOR FROM COLORADO

Senator HICKENLOOPER. Welcome. The Subcommittee on Consumer Protection, Product Safety, and Data Security will come to order.

I want to thank all of our witnesses for offering their insights at today's hearing, and making the effort, and taking the time to join us. This hearing is entitled, "Promoting a Safe Environment in U.S. Athletics". We are going to look at it from a number of different perspectives.

The Olympics and Paralympics bring Americans together, bring really the world together to support our athletes who compete on a global stage. And from the U.S. perspective, if you go back to the Miracle on Ice in 1980, the hockey match against the Soviets, the Dream Team Basketball triumph in 1992, our Women's Soccer Championship title, I guess you say gold medal in Women's Soccer in 1996. I could go down this list, I could make a long list of this.

Simone Biles making history in gymnastics in 2016. Team USA has so much to be proud of, and I think every country in the world has their Olympic stories to tell. All of Team USA's historic successes are collected and memorialized at the U.S. Olympic and Paralympics Museum in Colorado Springs which, having been there a number of times, I can tell you, it is an inspirational place to visit, and to see, and feel our Olympic spirit in the moment. The Olympic and Paralympic Movement is made up of individuals dedicated to excellence, teamwork, and setting the gold standard for competition.

But success is not always a given; it is not only solely achieved through rigorous preparation, success is also fostered through an environment where athletes are empowered to thrive and make

sure that they reach their maximum potential. Years ago, our Nation was shaken, shaken to its core when revelations were made about horrific cases going on in USA in gymnastics. Law enforcement and the courts have acted diligently to bring justice to victims who were harmed.

Through the work by leaders of this committee, Congress then resolved to help prevent these types of injustices from ever happening again. We passed the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act”, and created the U.S. Center for SafeSport, located in Denver, Colorado. This Center is responsible for keeping every Olympic and Paralympic athlete safe from all forms of abuse. They are in charge of investigating cases of misconduct, holding bad actors accountable, and bringing justice for victims.

Our athletes make many sacrifices to represent our country on the global stage; it is up to us to make sure that our athletes are protected from any form of abuse. The Commission on the State of the U.S. Olympics and Paralympics recently submitted a report to Congress after its two-year investigation.

The report’s findings show that we all have work to do to truly maintain a safe, transparent, and accountable environment where athletes can reach their ultimate potential. Among the report’s findings, we need to carefully examine the increasing case load being directed to the Center for SafeSport. It is stretching the Center’s bandwidth to conduct timely investigations.

We have got to carefully examine the underlying reasons for why cases brought to the Center for SafeSport are “administratively closed” without judgment or further investigation. And then, finally, why fewer than half of Olympic and Paralympic athletes trust the Center for SafeSport to maintain an abuse-free environment.

Our Olympic and Paralympic athletes deserve a system that lets them focus on their goals and achievements without having to worry about, again, any form of abuse. A system that brings swift, fair, and transparent justice to every victim should be the base expectation.

Today’s hearing marks an opportunity for leaders across the Movement to share ideas, to chart that path forward. I want to welcome our witnesses today. Again, thank you. And I will try to thank you repeatedly throughout the process.

First, let me recognize Ms. Ju’Riese Colón, CEO of the U.S. Center for SafeSport; Ms. Dionne Koller, I almost pronounced that wrong, I think Koller is right, Director of the Center for Sport and Law, University of Baltimore School of Law, served as a Commissioner on the Commission for the State of the U.S. Olympics and Paralympics; Ms. Grace French—I don’t know, I am having a hard time with the words today, the names. Grace French is the President and Founder of The Army of Survivors; and then Mr. Pat Kelleher, Executive Director, USA Hockey, and also Co-Chair of the National Governing Body Council, the NGB.

I don’t see Senator Blackburn quite here yet.

But we are fortunate to be joined by the Ranking Member, Senator Cruz, from Texas. And why don’t I turn it over to you for an opening statement.

**STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Mr. Chairman.

In 2017, in the aftermath of the USA Gymnastics scandal, Congress established the U.S. Center for SafeSport to safeguard amateur athletes against abuse.

Few can forget Larry Nassar, the former gymnastics team physician who committed heinous acts against innocent young women. Today, the Center must remain true to its mission by speedily investigating and adjudicating all such cases of physical and sexual abuse. I hope that today's conversation will recognize the important progress that the Center, National Governing Bodies, and the U.S. Olympic and Paralympic Committee have made in protecting athletes since Nassar's crimes.

But there are, nonetheless, serious challenges that we will discuss today. Recent public reports, as well as testimony from athletes, advocates, and NGBs, have raised questions as to whether the Center is successfully carrying out its mission. Hearing these concerns, I recently led an oversight letter to the Center with Chairwoman Cantwell, as well as Senators Blackburn and Peters, to request information regarding the Center's processes and procedures.

I am pleased that the Center has complied with this committee's request for information, but after reviewing the data, I have several concerns. First, I am concerned about the scope of the Center's jurisdiction, particularly when it invokes its discretionary jurisdiction to take minor cases that could be handled by a national governing body. I am worried that distracts from more serious abuse cases.

I am also concerned about the percentage of cases the Center administratively closes. Based on a preliminary analysis by my staff, it appears that the Center has administratively closed four out of every five sexual misconduct cases where it found jurisdiction; nearly half of those cases were closed because of a reluctant claimant. This creates doubt and ambiguity, particularly within NGBs, which are precluded by the Center from taking further action after a case has been administratively closed.

Next, I am concerned about how long cases remain open. According to our preliminary analysis, out of 940 open cases at the Center, more than one-quarter have been pending for more than a year.

Finally, I am concerned about the lack of transparency with NGBs, witnesses, and those who have come forward to expose wrongdoing. While I recognize the importance of confidentiality, I hope that we can instill cooperation, not hostility, between the Center, NGBs, and USOPC to better protect athletes.

As I conclude, I would like to say a few brief words regarding the recent report released by the Commission on the state of U.S. Olympics and Paralympics, which was supposed to look into the overall effectiveness of the Olympic structure, perhaps unsurprisingly, this Commission, which was a Democrat-led effort, as several Republican-appointed Commissioners were unable to participate, called for dramatically more government to address imaginary problems.

To improve the Olympic structure, the Commission recommended creating new government sports offices, higher taxes, and more Federal regulators, as well as regulating little league. Let me repeat that, the Commission suggested that the Federal Government regulate little league.

This Government Commission was suggesting not just “mission creep” but “mission gallop”. To give you a flavor of the report, the word “baseball” appears 17 times in the report; the words “diversity, equity, and inclusion”, 170 times. It is not complicated what the Commission was focused on.

If the goal is to have fewer kids participating in sports and fewer parents volunteering to help, I can think of no more effective idea than having youth leagues micromanaged by virtue signaling bureaucrats. By arguing for the centralization of the U.S. athletic structure, the Commission has done nothing less than proposed a shift to the sports models of China and Russia.

This is highly disturbing, particularly for U.S. taxpayers who funded this report, and it must be rejected. It is precisely the United States’ rejection of centralized government, and the embrace of freedom and localism that has produced the greatest athletes in the world, athletes who have been able to pursue their dreams rather than have their athletic futures determined by a centralized regime. Team USA’s athletic successes will continue if we reject the centralized Government recommendations of the Commission.

I look forward to hearing from our witnesses today. I hope that we can have a productive discussion about the current problems within the Center, and what can be done by the Center, NGBs, and USOPC to protect athletes from abuse.

Senator HICKENLOOPER. Thank you, Senator Cruz.

Now, we will hear from Ranking Member Blackburn.

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

Senator BLACKBURN. Thank you so much, Mr. Chairman. And I want to thank each of you for taking your time and for being here today. I think that each of us share the same goal, it is to support and protect amateur athletes as they compete and represent America on the international stage. These athletes carry Americans’ hopes, dreams, and ideals; they shouldn’t also be forced to carry the burden and the pain of abuse.

This all started with the revelations of Larry Nassar’s horrific abuse of the gymnasts that he was supposed to be caring for. The stories that his survivors describe are absolutely heartbreaking.

We learned that some of his survivors had been abused by him for years. The description of his tactics that included sexually assaulting children with their parent in the room while he strategically blocked the parents’ view, just so that the child would think this was normal, that it was all OK. So think about that. And the admission of cover-ups by the very people whose job it was to champion these little girls. That is really disturbing.

After the horrors of Larry Nassar’s abuse were revealed, this Body rightly jumped into action and demanded better. Over 8 years later, we have to keep working to improve the environment that

our athletes compete in. We don't have the luxury of inaction; we have never needed a well-functioning, independent safe sport organization more than we do right now.

The mental health epidemic in this country, coupled with the increasing reports of abuse of athletes, demands that SafeSport get busy, get your act together, and live up to your mission.

The truth of the matter is this; disgusting predators like Larry Nassar are still lurking in the shadows of our locker rooms, our ball courts, our gymnasiums. SafeSport was designed to root out those predators and make sure they never get within a hundred yards of our young girls and boys. But instead, the reports coming from the athletes and the NGBs tell a story that is far from the standards that these young athletes deserve.

Reports of investigating for years without coming to a resolution, of retraumatizing survivors of sexual assault, and conducting back-room inquiries without any transparency have become synonymous with U.S. Center for SafeSport. Can you imagine being an athlete, training your whole life to stand on the world stage and represent the United States only to be abused by your coach, your teammate, or your doctor? Can you imagine being a parent, trusting your precious child to the care of a coach just to discover that they have been assaulted in a place that should have been safe? And then can you imagine the very organization designed, purposefully, intentionally designed to protect your child, failing over and over again?

That is the sad reality of what we were facing. For decades, the Olympics have provided some of America's most memorable sports moments. We have triumphed over the communists, we have dominated the competition, we have championed American ideals on the global stage, at the heart of all that, of all that we are talking about today are the athletes. We have a duty to protect them. And so we all want SafeSport to succeed. We all want more cases to come to a resolution in a timely manner, better collaboration between NGBs, athletes, in the Center, and more bad actors rooted out of our locker rooms and gymnasiums.

That is why I am looking forward to having a very robust conversation today.

Thank you, Mr. Chairman.

Senator HICKENLOOPER. Thank you Senator Blackburn.

Now, we will hear, five minutes each, from our witnesses. We will move from left to right. We will start with Ms. Colón.

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

Ms. COLÓN. Thank you, Chair Hickenlooper, Ranking Member Blackburn, Ranking Member Cruz, and Chair Cantwell for inviting the U.S. Center for SafeSport to discuss the progress that we were making toward changing sport culture as well as the work ahead of us.

When the Center opened our doors seven years ago, we were faced with a daunting task, to undo years of inaction, restore faith in a Movement that had failed too many, and finally, hold abusers and the organizations that enabled them, accountable. Our work has been a catalyst for culture change. Reports of abuse and misconduct have increased by more than 2,000 percent since opening.

People are coming forward with their stories because they know the Center is a resource to them. In our first year, we received roughly 300 reports; last year, we received 7,500, and to date, the Center has received more than 25,000 reports of abuse and misconduct.

The names of more than 2,000 individuals are now listed on our centralized disciplinary database. It is a first-of-its-kind resource listing individuals who have been restricted or banned from sport, which any parent, local sports league, youth-serving organization, or employer can easily access from our website. And we have delivered more than five million trainings to nearly two-and-a-half million participants in the U.S. Olympic and Paralympic Movement to prepare them to recognize, prevent, and ultimately respond to abuse and misconduct.

The Center has also established policies to prevent abuse and create safe spaces for athletes across the Movement. We audit every single NGB to ensure adherence to these rules, and this year have expanded audits to reach deeper into grassroots sports. There was no blueprint on how to begin this work; there was simply a critical mission and a strong will to show up for America's athletes. And that is what we have done.

We continue to hear from athletes who are thankful to have had us in their court, whether we have banned an abusive coach when law enforcement declined to prosecute, collaborated with law enforcement to bring an abuser to justice, acted on allegations of abuse disclosed decades later, sanctioned individuals, even leaders in sport who failed to report abuse, or stepped in to seek accountability in countless other situations. We are working every day to keep athletes safe, and we have made great strides. But we are also very clear-eyed about why we are here today.

We have heard the voices of participants in our process who said they were let down. We know change is necessary and are ready to make improvements, particularly as it relates to timeliness of investigations, communication, and trauma sensitivity.

Eight months ago, we embarked on a deliberate top-to-bottom review of our response and resolution process, as well as other aspects of our work, seeking input from athletes and other stakeholders in the movement along the way. And we have identified an initial set of changes, which included a departmental restructure and realignment, redefining the use of administrative closures, enforcing policies around consistent communication, assigning staff and resources to improve process navigation, trauma sensitivity training, and data collection.

Even with the significant process changes, we acknowledge that we must continue to listen and to evolve. We pledge to continue to seek athlete input and keep Congress and the public informed.

This is an inflection point for the Center, and for the entire U.S. Olympic and Paralympic Movement. Changes must be made to ensure America's athletes can thrive from practice fields in our neighborhoods, to the podium in Paris this summer. We thank the Commission on the State of the U.S. Olympics and Paralympics for their focus on athlete safety, and we agree that improvements must be made to ensure their protection. We also appreciate the Commission's recognition of the Center's essential role in the Movement

and the progress that we have made in standing up a model that has never existed before.

We share the belief that every athlete, regardless of their level of play, deserves to be safe. Our cases involving high-profile athletes and coaches may grab headlines, but most revolve around grassroots athletes playing for local affiliated organizations, and a quick scroll of our CDD shows the impact that we were making in small towns and big cities throughout the country.

The Commission aptly pointed out that the fractured youth and grassroots sports landscape leaves athletes vulnerable to abuse. And we agree. That is why the Center is requesting legislative change to establish a definition for National Governing Bodies that is inclusive of local affiliated organizations, and makes clear that NGBs have oversight over them.

We also strongly support requiring youth sports organizations to consider the CDD when making hiring and volunteering decisions. Expediting case resolutions while ensuring thoroughness, fairness, and trauma sensitivity remains our top priority, but increased resources are necessary to these efforts. We expect reports to continue to grow exponentially, especially as new sports, such as flag football and lacrosse have the potential to add more than a million individuals to the Movement.

With additional resources, the Center will move forward with setting maximum ceilings on timeframes for case resolutions, as well as add additional investigative staff to meet the growing demand.

I thank the Committee and my fellow witnesses for the opportunity to shed light on the progress we were making, as well as the ways we are showing up to change for the better. Thank you.

[The prepared statement of Ms. Colón follows:]

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

Thank you, Chair Cantwell, Ranking Member Cruz, Chair Hickenlooper, and Ranking Member Blackburn, for inviting the U.S. Center for SafeSport (the Center) to discuss the progress we're making toward changing sport culture as well as the work ahead of us.

When the Center opened our doors seven years ago, we were faced with a daunting task—to undo years of inaction, restore faith in a movement that had failed too many, and finally hold abusers and the organizations that enabled them accountable.

Our work has been a catalyst for culture change:

- Reports of abuse and misconduct have increased by more than 2000 percent since opening. People are coming forward with their stories because they know the Center is a resource to them. In our first year, we received roughly 300 reports, and last year we received 7,500. To date, the Center has received more than 25,000 reports.
- The names of more than 2,000 individuals are now listed on our Centralized Disciplinary Database (CDD). It is a first-of-its-kind public resource listing individuals who have been restricted or banned from sport, which any parent, local sports league, youth-serving organization, or employer can easily access on the Center's website.
- We've delivered more than 5 million trainings to nearly 2.5 million participants in the U.S. Olympic and Paralympic Movement to prepare the sport community to recognize, prevent, and respond to abuse and misconduct.
- The Center has also established policies to prevent abuse and create safe spaces for athletes across the movement. We audit every single NGB to ensure adher-

ence to these rules and this year have expanded audits to reach deeper into grassroots sports.

There was no blueprint on how to begin this work. There was simply a critical mission and a strong will to show up for America's athletes.

And that's what we've done. We continue to hear from athletes who are grateful to have had us in their court.

Whether we:

- banned an abusive coach when law enforcement declined to prosecute;
- collaborated with law enforcement to bring an abuser to justice;
- acted on allegations of abuse disclosed decades later;
- sanctioned individuals, even leaders in sport, who failed to report abuse; or
- stepped in to seek accountability in countless other situations, we are working every day to keep athletes safe.

We've made great strides, but we are also clear-eyed about why we are here today.

We have heard the voices of participants in our process who said they were let down. We know change is necessary and are ready to make improvements, particularly as it relates to timeliness of investigations, communication, and trauma sensitivity.

Eight months ago, we embarked on a deliberate top-to-bottom review of our Response and Resolution process as well as other aspects of our work, seeking input from athletes and other stakeholders in the movement along the way.

We've identified an initial set of changes, which included a departmental restructuring and realignment; redefining the use of Administrative Closures; enforcing policies around consistent communication; assigning staff and resources to improve process navigation, trauma-sensitivity training, and data collection; as well as other process refinements.

Even with these significant process changes, we acknowledge that we must continue to listen and evolve. We pledge to continue to seek athlete input and keep Congress and the public informed.

This is an inflection point for the Center and for the entire U.S. Olympic and Paralympic Movement. Changes must be made to ensure America's athletes can thrive, from the practice fields in our neighborhoods to the podium in Paris.

We thank the Commission on the State of the U.S. Olympics and Paralympics for their focus on athlete safety, and we agree that improvements must be made to ensure their protection. We also appreciate the Commission's recognition of the Center's essential role in the movement and the progress we've made in standing up a model that has never existed before.

We share the belief that every athlete, regardless of their level of play, deserves to be safe. Our cases involving high profile athletes and coaches grab headlines, but most revolve around grassroots athletes playing for local affiliated organizations (LAOs). A quick scroll of our CDD shows the impact we're making in small towns and big cities throughout the country.

The Commission aptly points out that the fractured youth and grassroots sports landscape leaves athletes vulnerable to abuse, and we agree. That's why the Center is requesting legislative change to establish a definition for national governing bodies that's inclusive of local affiliated organizations and makes clear that NGBs (and thereby the Center) have oversight over such organizations. We also strongly support requiring youth sports organizations to consider the CDD when making hiring and volunteer decisions.

Expediting cases resolutions, while ensuring thoroughness, fairness, and trauma-sensitivity remains a top priority. Increased resources are necessary to our efforts.

We expect reports to continue to grow exponentially, especially as new sports such as flag football and lacrosse have the potential to add more than a million more individuals to the movement. With additional resources, the Center will move forward with setting maximum ceilings on timeframes for case resolution as well as add additional investigative staff to meet the growing demand.

I thank the committee and my fellow witnesses for the opportunity to shed light on the progress we are making as well as the ways we are showing up to change for the better.

Senator HICKENLOOPER. Thank you, Ms. Colón.
Ms. Koller.

**STATEMENT OF DIONNE KOLLER, CO-CHAIR, COMMISSION
ON THE STATE OF THE UNITED STATES OLYMPIC
AND PARALYMPIC COMMITTEE, AND PROFESSOR OF LAW
AND DIRECTOR, CENTER FOR SPORT AND THE LAW
AT THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

Ms. KOLLER. Thank you, Chairman Hickenlooper, and Ranking Member Blackburn. I appreciate the opportunity to testify today in the capacity as Co-Chair of the recent bipartisan Commission on the State of U.S. Olympics and Paralympics.

As the Subcommittee is aware, our Commission delivered its final report to Congress on March 1, completing a year-long intensive study and having developed a set of policy recommendations to Congress, the states, and stakeholders in the U.S. Olympic and Paralympic Movement.

I was proud to lead this Commission with my Co-Chair, Han Xiao, and work closely with commissioners appointed by the Chair, and Ranking Member of the Senate Commerce Committee, as well as the Chair and Ranking Member of the House Committee on Energy and Commerce.

These commissioners included both Olympians and Paralympians, experts on sports oversight and governance, and those with a long history of engagement on issues such as athlete safety.

During the course of our study, our Commission requested and reviewed tens of thousands of documents from the U.S. Olympic and Paralympic Committee, the U.S. Center for SafeSport, and governing bodies. We interviewed hundreds of individual participants in the U.S. Olympic and Paralympic Movement, a Movement that includes millions of Americans who participate every day in youth and grassroots sports in their communities.

Our Commission also conducted surveys and convened focus groups, and we held a public hearing with expert witnesses and Movement leaders here on Capitol Hill in September, including Ms. Colón, Ms. French, and Mr. Kelleher. In short, our Commission carried out the most comprehensive analysis of the U.S. Olympic and Paralympic Movement and its governance, ever undertaken. Ours was the first independent, governmental, and bipartisan Commission tasked with evaluating this Movement broadly in over four decades. I am proud that we delivered fully on the mission with which Congress entrusted us.

I urge all members of this committee, and indeed, every Legislator in Congress, to read through our final report. The findings we share demonstrate the urgent need for systemic reforms if our Nation is to make Movement Sports safer, more equitably accessible, and better accountable to the public it serves.

Our recommendations were the product of consensus among both Republican and Democratic appointees, and I am encouraged by the very positive feedback we have received from Members of Congress, on both sides of the aisle, since the report's release. Sports continue to bring Americans of all ages together, and it is gratifying to see a concern for athletes' safety, access, and well-being reflected in true bipartisanship here on Capitol Hill.

One of the key takeaways from our report, which I will highlight today, is that addressing just one challenge alone has proven to be a losing strategy when it comes to reforming this Movement and

making it safer for athletes. Broad systemic change is needed, not piecemeal adjustments that do not address the root causes of the issues we see coming up over and over again.

Much of the attention, understandably, has been on changes needed to the structure and practices of the U.S. Center for SafeSport. However, addressing SafeSport by itself without adopting other major recommendations in our final report is a recipe for further problems. That is because safety and athlete well-being, within the Movement, depend on more than just SafeSport.

I hope all of you will read carefully through all of our recommendations, particularly ending the U.S. Olympic and Paralympic Committee's unworkable dual mandate, which has exacerbated athlete safety concerns. Also central to this effort must be the creation of an independent body representing high-performance athletes within the system, with its own source of funding and a statutory mission to advocate solely on these athletes' behalf.

We must do more to ensure that Paralympians and those participating in Para Sports at all levels are treated equally, and we identified ways to improve the Olympic and Paralympic host-city bid process to advantage the United States.

Additionally, it will be critical for Congress to establish a stronger method of public oversight so problems do not fester, and movement institutions are more accountable to Congress and the American people.

I have included a copy of our report's Summary of Findings and Recommendations along with my prepared testimony for the hearing record.

Again, I want to thank the Subcommittee for its attention to these important issues. I appreciated the opportunity to serve as the Commission's Co-Chair, and one of the Senate Commerce Committee's appointees.

I look forward to answering any questions you might have about our final report, our findings, and our recommendations. Thank you.

[The prepared statement of Ms. Koller follows:]

PREPARED STATEMENT OF DIONNE KOLLER, CO-CHAIR, COMMISSION ON THE STATE OF U.S. OLYMPICS AND PARALYMPICS

Thank you, Chairman Hickenlooper and Ranking Member Blackburn. I appreciate the opportunity to testify today in the capacity as Co-Chair of the recent bipartisan Commission on the State of U.S. Olympics and Paralympics.

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leaders here on Capitol Hill in September, including Ms. Colón, Ms. French, and Mr. Kelleher.

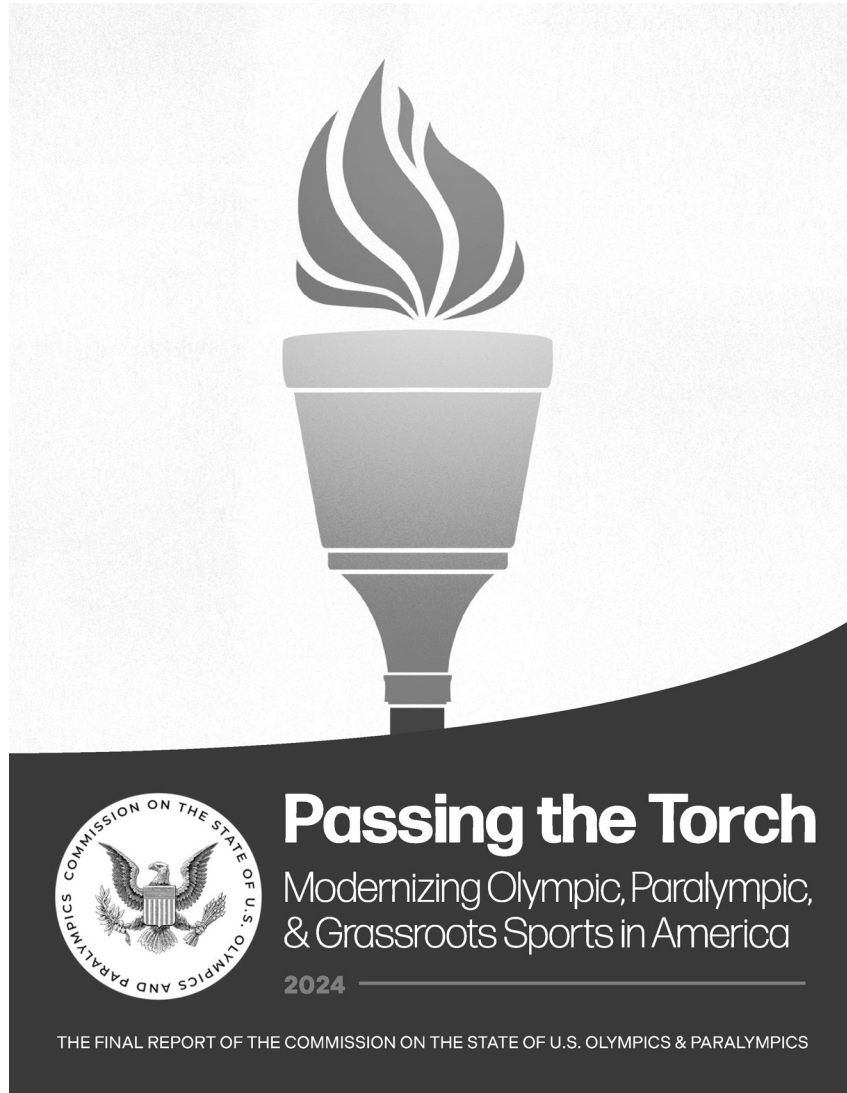
In short, our Commission carried out the most comprehensive analysis of the U.S. Olympic and Paralympic movement and its governance ever undertaken. Ours was the first independent, governmental, and bipartisan commission tasked with evaluating this movement broadly in over four decades. I'm proud that we delivered fully on the mission with which Congress entrusted us.

I urge all of the members of this Committee—and, indeed, every legislator in Congress—to read through our final report. The findings we share demonstrate the urgent need for systemic reforms if our Nation is to make movement sports safer, more equitably accessible, and better accountable to the public it serves. Our recommendations were the product of consensus among both Republican and Democratic appointees, and I am encouraged by the very positive feedback we've received from members of Congress on both sides of the aisle since the report's release. Sports continue to bring Americans of all ages together, and it is gratifying to see a concern for athletes' safety, access, and well-being reflected in true bipartisanship here on Capitol Hill.

One of the key takeaways from our report, which I'll highlight today, is that addressing just one challenge alone has proven to be a losing strategy when it comes to reforming this movement and making it safer for athletes. Broad, systemic change is needed, not piecemeal adjustments that do not address the root causes of the issues we see coming up over and over again. Much of the attention, understandably, has been on changes needed to the structure and practices of the U.S. Center for SafeSport. However, addressing SafeSport by itself—without adopting other major recommendations in our final report—is a recipe for further problems. That's because safety and athletes' well-being within the movement depend on more than just SafeSport.

I hope all of you will read carefully through all our recommendations, particularly ending the U.S. Olympic and Paralympic Committee's unworkable dual mandate, which has exacerbated athlete-safety concerns. Also central to this effort must be the creation of an independent body representing high-performance athletes within the system, with its own source of funding and a statutory mission to advocate solely on these athletes' behalf. We must do more to ensure that Paralympians and those participating in para sports at all levels are treated equally, and we identified ways to improve the Olympic and Paralympic host-city bid process to advantage the United States. Additionally, it will be critical for Congress to establish a stronger method of public oversight, so problems do not fester and so movement institutions are more accountable to Congress and the American people.

I am including a copy of our report's Summary of Findings and Recommendations along with my testimony and ask that it be included in the hearing record. Again, I want to thank the Subcommittee for its attention to these important issues. I appreciated the opportunity to serve as the Commission's Co-Chair and one of the Senate Commerce Committee's appointees. I look forward to answering any questions you might have about our final report, our findings, and our recommendations.



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Dionne Koller
Han Xiao

Commissioners

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

Commission Staff

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DEPUTY EXECUTIVE DIRECTORS
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DIRECTORS OF POLICY & RESEARCH
Hannah Bodily
Adam Osborne
Logan Ridgeway

DIRECTOR OF PUBLIC ENGAGEMENT
Jenna Hudak

CHIEF WRITER
Adam Weissmann

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

Acknowledgements



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

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

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

Dionne Koller Han Xiao

Dionne Koller & Han Xiao
CO-CHAIRS

Summary of Findings & Recommendations

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹ Pub. L. 116-189.

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

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

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

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

THE COMMISSION'S FINDINGS

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

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

² Pub. L. 95-606.

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

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

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

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

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

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

"The net cost to athletes, on average, to participate at the highest levels of our Olympic and Paralympic sports pipeline and pursue international competition is \$12,000 a year. This means that our top athletes must pay for the privilege of competing under our flag."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE COMMISSION'S RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation #5: USOPC governance processes must be improved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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

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

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

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

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

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

Senator HICKENLOOPER. Thank you, Ms. Koller.
Ms. French.

**STATEMENT OF GRACE FRENCH, PRESIDENT AND FOUNDER,
THE ARMY OF SURVIVORS**

Ms. FRENCH. Thank you to Subcommittee Chairman Hickenlooper, Ranking Member Blackburn, and the esteemed Subcommittee Members for the opportunity to speak today on sports safety from the perspective as an athlete and a survivor. I appreciate the Committee's dedication to supporting all athletes and addressing this crucial issue.

I am Grace French, the Founder and President of the nonprofit organization, The Army of Survivors, or TAOS. We promote awareness, accountability, and transparency on abuse in Sport through advocacy, education, and resources. In 2018, I spoke up about the abuse I endured from the now infamous USA gymnastics and Michigan State University doctor.

The abuse occurred from ages 12 to 19. Only when I came forward did I learn that the initial report of his abuse to the University was in 1997 when I was 2 years old. As a young athlete, I was unaware of my vulnerability to abuse. Athletes are at a high risk due to their demanding schedules, their close relationship with coaches, physical care, competitive pressures, and limited career window.

I focused on excelling in my sport and trusted the institutions and authority figures to protect me. In the summer of 2018, 40 survivors united to envision a future where athletes can train and compete free from violence. Recognizing we weren't alone in our sport experiences. The Army of Survivors emerged to transform pain to power.

Since then, our organization has grown quickly, connecting with numerous abused survivors in sports globally. Congress has responded with new laws after the abuse among athletes came to light, but we have continued to hear from many athlete survivors that more needs to be done.

Starting in May 2022, TAOS interviewed dozens of athletes in various sports, genders, ages, and competition levels about reporting sexual assault experiences through the U.S. Center for SafeSport's process. Their testimonies highlight disturbing common themes. A full report of our findings is available and will be submitted with my comments.

The bottom line is SafeSport does not have the trust and respect of athletes, coaches, families, or sports communities. For some athletes, reporting to SafeSport can be a first step in their journey to healing and accountability, but from our experience, no athlete has seen the Center that way.

If SafeSport is truly too important to fail, it needs to commit to systemic changes in how it functions. Our primary concern lies in the retraumatization of survivors of sexual abuse within the SafeSport process. These survivors have been disregarded, hushed through non-disclosure agreements, and subjected to excessively lengthy investigations, some lasting years.

Second, SafeSport must increase transparency of its process and improve communication. SafeSport arbitrarily closes cases without

providing details to survivors and retaining jurisdiction even after closure. This hinders external investigations and accountability.

For example, at the end of 2022, SafeSport suddenly administratively closed what appeared to be hundreds of cases. TAOS was flooded with calls from survivors because of the sudden closures, and no one was staffing SafeSport during winter break to answer their questions. This could have been a life-threatening situation for those athletes.

Third, SafeSport must connect survivors to mental health resources and allow for support from victim's advocates. One male survivor shared that when he mentioned suicidal ideation to his investigator, and in response, they gave a hotline number, and on the same day closed his case.

Additionally, investigators themselves seem to lack an understanding of sports operations. A survivor had to explain their sports operations to investigators and the conflict and safety concerns to get the safety measures they needed.

Fourth, SafeSport should collaborate with survivors and experts. SafeSport hasn't partnered with survivor organizations like TAOS to adopt a trauma-informed approach, and despite attempts to communicate, there has been limited response. Only in the last few weeks did SafeSport reach out for TAOS's expertise without addressing concerns that we sent more than a year and a half ago.

Last, but not least, SafeSport must prioritize the prevention of abuse by centering prevention strategies we can make sure these abuses don't happen in the first place. As an athlete-founded and led organization, TAOS stands ready to work with you on bipartisan, no- to low-cost solutions so that we can set a global example for other nations.

As one example, TAOS supports Representative Deborah Ross' Draft Bill, the Safer Sports for Athletes Act of 2024, which is expected to be introduced shortly in the House. The bill aims to enhance athlete safety, streamline the reporting process, and aligns with the Commission's recommended reforms for a more cooperative and trauma-informed approach.

SafeSport has confused their priorities, like many institutions, including the ones that failed me. They are prioritizing their brand and reputation over the safety of athletes. All the children in sport are watching, and all the survivors of abuse in sport are waiting for meaningful change.

Now is the time for that change.

Thank you for listening.

[The prepared statement of Ms. French follows:]

PREPARED STATEMENT OF GRACE FRENCH, FOUNDER AND PRESIDENT,
THE ARMY OF SURVIVORS

Thank you to Chairman Hickenlooper, Ranking Member Blackburn, and the other Subcommittee Members for inviting me to speak today to offer my perspective on safety in sports as an athlete and survivor, and specifically, the effectiveness of the U.S. Center on SafeSport. I deeply appreciate the Committee's time. My name is Grace French, and I am the Founder and President of The Army of Survivors (TAOS), a nonprofit focused on creating awareness, accountability, and transparency around the issue of abuse in sport through our pillars of advocacy, education, and resources.

I began doing this work in 2018 when I came forward about the abuse I had experienced at the hands of the now infamous and imprisoned U.S. Gymnastics and

Michigan State University doctor. I was abused from the ages of 12–19. It was only after I came forward that I found out that the first report to the University of his abuse was in 1997 when I was two years old.

Another report to the University happened in 2014, as I was being abused. In 2015, USA Gymnastics, the USOPC, Michigan State University, and the FBI knew he was sexually assaulting people, but failed to stop him or tell his patients. So, I continued to see him for my injuries. I faced abuse even after it had been reported because the institutions that were put in place to protect me failed to do so.

I did not know as a young athlete how vulnerable I was to abuse. Athletes face extreme vulnerability to sexual abuse because of their complex and sometimes isolating schedules, the intimate nature of coaching and development of sporting skills, the increased physical care and scrutiny, the pressures, and stressors of athletic competition, as well as concerns about career opportunities in a finite timeframe. I was focused on being the best athlete I could be and trusting the coaches, doctors, and staff that supported me.

What I failed to predict when becoming public with my story was that the institutions that I had trusted with my safety wouldn't listen to us, believe us, nor make necessary changes to prevent this from happening again. Instead of doing the right thing, they prioritized their brand, image, and dollars over the victims of their failures who had given so much to speak out in the hope of change. The institutions failed to be transparent or trauma-informed. And there was no support from my sport or sports-connected organizations.

Through all of this trauma, and re-traumatization through the failures of the institutions to respond in a trauma-informed way, the silver lining was that I became a part of a group of like-minded people. The community that was formed through abuse found healing in advocating for change, centering and leading with our lived experience, and creating a world where no one would have to experience what we did. In the summer of 2018, 40 of us came together to create a shared vision for the future because we knew that we were not alone in our experience. And from that, The Army of Survivors was formed to turn our pain to power.

Since then, our organization has expanded rapidly, and we have met countless survivors of abuse in sport from across the Nation and the world. We are in the process of piloting a curriculum for coaches, Compassionate Coach™. To support national advocacy efforts, we have developed a trauma-informed survivor policy advocacy training to empower survivors to use their voices to influence change. We've worked every day since our founding to realize our shared vision: a world where athletes can train and compete without violence.

Congress has responded with new laws after the abuse among athletes came to light, but we have continued to hear from many athlete survivors of all ages, genders, and sports over the past two years that more needs to be done. It is clear to me that SafeSport needs further reforms and support to fulfill its mandate to create lasting change to prevent and address sexual, physical, and emotional abuse of athletes.

Starting in May 2022, TAOS conducted a series of interviews with a diverse group of athletes across several different sports, genders, ages, and levels of competition regarding their experiences with reporting sexual assault. All of these survivors tried to work through SafeSport's process. Since the initial research and listening sessions, TAOS has remained an informal watchdog for SafeSport, and we still receive calls on a weekly, if not daily basis, from survivors who are struggling or have been harmed by the SafeSport process. Survivors trust us with their stories, and they are trusting us to help shepherd reforms.

We've gathered their testimony and found some common disturbing themes. A full report of our findings is available and will be submitted with my comments. Of most concern to me is the re-traumatization that survivors of sexual abuse have been subject to in SafeSport's process. Survivors have been ignored, silenced through do not disclose agreements, had investigations that lingered for years, had no notice of actions taken by SafeSport that could put them at risk, have little to no confidence in the SafeSport investigation process, are subject to unchecked or interrupted retaliation, and have not been supported through a trauma-informed approach.

Through these discussions with athlete survivors and witnesses of sexual abuse in sports regarding how their cases were handled, it is clear more reforms and oversight are needed to ensure accountability of individuals and institutions, best practices on trauma-informed training and support are used, and more transparency is created. There is no excuse for the victim-blaming, and minimizing statements that SafeSport staff continue to make to survivors and witnesses. SafeSport will never gain public trust if its processes and staff are belittling and retraumatizing athletes.

The report of the Commission on the State of the U.S. Olympics and Paralympics also spells out there is a need for systemic reforms in SafeSport and Congressional action is needed to steward these changes. SafeSport needs direction to incorporate more collaborative and trauma-informed practices and needs to build transparency, trust, and accountability in the field of ending abuse in sports.

SafeSport does not have the trust and respect of athletes, coaches, families, and other stakeholders in sport. For some athletes, reporting to the U.S. Center for SafeSport can be a first step in their journey to healing and accountability, but from our experience, no athlete has seen the Center that way. If SafeSport is truly too important to fail, it needs to commit to systemic changes in how it functions and how it sees its work.

SafeSport must increase the transparency of its processes and improve communication. The survivors we talked to were all frustrated with SafeSport's process and felt there was no transparency of process nor was there good communication about their cases and investigations. Survivors have no information as to how SafeSport applies the preponderance of the evidence standard and are left in the dark when cases are delayed due to criminal legal cases or defensive legal strategies. One survivor shared a long history of consistent miscommunication from SafeSport about her case. She requested advanced notice about when a decision was going to be made because she knew that decision would have mental health impacts on her and her family. She also was planning a major vacation and wanted to avoid the negative impact of inevitable re-traumatization brought on by having to read the entirety of a 600-page report in one sitting. A warning by the center would give her enough time to mentally process before leaving for time with her loved ones. Not only did SafeSport fail to provide any warning that the case was being closed, but they did not take into account her requests for notice or consider the impact on her life and her family. Another example is at the end of 2022, SafeSport suddenly administratively closed what appeared to be hundreds of cases. TAOS was flooded with calls from survivors because of the sudden closures and the fact that SafeSport closed these cases before shutting down for a winter break, leaving no one available to respond to survivor concerns or questions. These survivor accounts demonstrate an unknown and arbitrary process at SafeSport that does not consider the traumatic impact the Center itself has on survivors. There is no need for arbitrary timelines and secrecy in the SafeSport process.

A trauma-informed systems approach is needed within SafeSport. SafeSport must understand that a trauma-informed approach is not biased; it is simply an approach that recognizes the impact of trauma and takes steps to mitigate the impact of re-traumatization. The impact of trauma on a person's body, mind, and mental health is widely scientifically researched.¹ Any organization working with people who have been traumatized needs to center this approach and acknowledge this interconnection. The role of SafeSport is too important to fail in its intended mission to address sexual, physical, and emotional abuse of athletes—it cannot fulfill its mission without being trauma-informed, much like law enforcement and education systems. SafeSport needs to understand that a trauma-informed systems approach is bigger than who is hired as an investigator—it goes to the heart and founding principles of how the Center functions and establishes its protocols. SafeSport needs a higher level and more comprehensive understanding of the impact of trauma and trauma-informed principles. All SafeSport staff should understand trauma-informed care and approaches. Staff also must understand the nuance and special vulnerabilities for abuse in sport—such as athlete isolation from friends and family, the stress and competitive nature of elite sports, and the coercive power and control tactics those in power use to gain and sustain abuse. SafeSport must build meaningful relationships with others in the work to end sexual violence in sport and needs a better understanding of the advocacy work and research that already exists to guide best practices.

Require SafeSport to prioritize prevention of abuse. We need to also center strategies to prevent these abuses in the first place. We should support innovative prevention programs and community-level prevention strategies that consider the complex and intersectional lens of abuse in sports and sexual abuse specifically. The U.S. Center on SafeSport has not been supportive or a place of trust for athletes up to this point. SafeSport must rebuild trust with athletes and invest in prevention. Again, collaboration with outside expertise, which TAOS has offered, and which others stand ready to provide, is central to long-lasting improvements.

Further, the final report of the Commission on the State of U.S. Olympics and Paralympics released earlier this month highlighted the need to change the culture of coaching in sports. To this end TAOS is launching a coaching curriculum, Com-

¹ See <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

passionate Coach™, that was developed by TAOS in partnership with athletes and athlete survivors of abuse as well as leading experts in institutional courage, trauma-informed care, and player-centered coaching. This 8-week virtual interactive course educates coaches on understanding trauma, how it affects child athletes, how to recognize it, and how to appropriately adjust their coaching style to create a safe and secure sporting environment. By coaching in a trauma-informed way, coaches can provide a safe and secure environment for athletes who have experienced trauma to continue training without the risk of re-traumatization. Coaches will also be able to more easily identify athletes who may have experienced trauma and learn how to respond if they see abuse themselves.

Training provided by SafeSport must be impactful. These examples of frustration extend to the Center's reputation in the sports world. We have heard that coaches, athletes, and families/parents are concerned that the training they provide is not tailored to sports and does not include a prevention approach or trauma-informed lens. General education is not enough. Trainings must be relevant to their audiences, accessible, and engage participants in critical thinking about what is acceptable behavior in sports. Several participants of our coaching curriculum, Compassionate Coach™, have shared that they have no trust in SafeSport's training materials and that SafeSport trainings are not impactful nor informed by the experiences of survivors of abuse in sport. Many coaches shared with us that SafeSport trainings are seen as a joke. The virtual training is ineffectual. It allows users to multi-task and simply click through the slides to receive the 'checkbox certification.' The lack of accountability within this model encourages no self-reflection and leads to well-intended coaches reporting to us that they struggle to have thoughtful conversations about how athletes are treated in their sport because SafeSport's trainings are "unhelpful, ineffective, and a waste of time."

SafeSport should collaborate with survivors and experts. The U.S. Center for SafeSport has not engaged with organizations, like The Army of Survivors or others as far as we know, to bring a meaningful trauma-informed approach to their work and philosophy. We have tried to open channels of communication several times, only to be largely ignored. After a year and a half of silence, only in the last few weeks has SafeSport reached back out for TAOS expertise without meaningfully responding to our brief of concerns and recommendations from survivors. While we understand the overwhelming number of cases coming to SafeSport and are not advocating for abolishing the Center, serious reforms enforced by Congress seem necessary at this point. The outreach by SafeSport has been too little and too late for the survivors harmed through the SafeSport process.

SafeSport must connect survivors to mental health resources and allow for support from victims' advocates. The Center has also failed to connect survivors with meaningful mental health/suicide prevention support and resources. It seems that the Center does not have a working network of crisis support beyond reaching out to national hotlines. We have stories of athletes being directed by the Center to just call 1-800 suicide prevention hotline numbers and have no follow-up to their case. One male survivor shared on a call with a SafeSport investigator that they were suicidal. On the same day, his case was closed and the only follow-up that was given was an e-mail with a website and suicide hotline. Other survivors have shared that case management is failing or non-existent, with lengthy delays in communication and little to no understanding of how the sport subject to investigation functions. Another burden is on the survivor to explain the workings and conflicts of interest within their sport to SafeSport investigators and case managers. A survivor shared that they were expected to teach the investigator how their sport worked and that if they had not proactively brought up conflicts and safety issues, they would have been missed or ignored.

SafeSport should improve communication and understanding of administrative closing of cases. Further, the Center's arbitrary closing of cases with no further information given to survivors, and their holding jurisdiction of cases they administratively close—which prevents non-governmental sports organizations from investigating and providing accountability and intervention—are just further examples of how SafeSport's systems re-traumatize and harm. Again, the lack of transparency and clarity breaks trust and has created a system that is not taken seriously.

TAOS's mission is to prevent what happened to me from happening to others. To support the healing of survivors like me. To hold the institutions that fail children accountable. We see the U.S. Center for SafeSport as one of those institutions that is critical in responding to and preventing abuse. And we know there are necessary changes that the Center must make.

TAOS encourages the Committee to support legislation to make these reforms modeled after The Safer Sports for Athletes Act of 2024, expected to be introduced shortly in the House. The bill is intended to create safer sports for athletes through

key revisions that would improve the reporting process for athlete survivors and revise training guidelines at SafeSport.

Also, and importantly, this new legislation starts to focus some efforts and resources on prevention strategies—something that appears to be woefully ignored by the Center. We need to center strategies to prevent these abuses in the first place. We should consider the unique vulnerabilities of athletes. I would ask that the Committee consider supporting legislative action of the principles included in The Safer Sports for Athletes Act for this reform.

TAOS' work has an international reach within the field of athlete safeguarding and as a result, we are often called upon by colleagues outside of the U.S. to ask about the U.S. Center for SafeSport's effectiveness as their country considers a similar system. Sadly, we are unable to recommend the system and in turn, have concerns for others that are not aware of the Center's weaknesses. We wish the U.S. model were the model for the world, but sadly we are not and instead, our system is creating harm and should not be replicated worldwide.

Recently, a survivor reached out to TAOS about an ongoing investigation where widespread and unchecked retaliation had isolated and alienated the survivor from her personal and professional community. She reported a long history of sexual abuse in sport by a peer. The investigation process was grueling, and she felt that no one believed her. When ultimately the abuser was held accountable and banned from the sport, she was surprised because she felt so unseen and unheard by the investigation process. When a survivor comes forward, SafeSport must be able to respond in a respectful and trauma-informed way. If the Center is not required to make changes, there is little hope that people experiencing abuse will feel safe reporting.

As an athlete and athlete-survivor founded and led organization that implements trauma-informed practices, The Army of Survivors will continue to work toward a safer future for athletes. We hope that through your leadership, policy change can become trauma-informed, survivor-centered, and timely. All the children in sports are watching and all the survivors of abuse in sport are waiting. Thank you for your time.

Senator HICKENLOOPER. Thank you, Ms. French.
Mr. Kelleher.

**STATEMENT OF PAT KELLEHER, EXECUTIVE DIRECTOR,
USA HOCKEY**

Mr. KELLEHER. Thank you, Chairman Hickenlooper, Ranking Member Blackburn, and distinguished Members of the Subcommittee. It is a privilege to be here with you today to discuss athlete safety, an issue that is a top priority every day at USA Hockey, both on and off the ice.

While the focus today is on the effectiveness of the U.S. Center for SafeSport, it is important to highlight the significant role our National Governing Bodies, or NGBs, play in both grassroots and elite athletics in our country.

In my role as Executive Director of USA Hockey, and also for nearly 4 years now as the Chair of the NGB Council within the U.S. Olympic and Paralympic Committee, I have firsthand knowledge of the essential role NGBs play in providing infrastructure and opportunities for our youth through sport.

We know there is always room for improvement, but the importance of the NGBs, in positively contributing to the overall health and well-being of children and adults throughout sport cannot be overstated. While we have seen conduct that is deplorable in both sport and across society, NGBs have worked diligently in concert with the U.S. Olympic and Paralympic Committee, the U.S. Center for SafeSport, and others, to improve the landscape for everyone involved, particularly related to athlete safety.

So while it is important to learn from the past, it is also important to recognize the great good NGBs contribute to in our overall society.

Related to the U.S. Center for SafeSport, I would like to first share the unequivocal support for the concept of the Center and its mission, from the NGB Community. The U.S. Center for SafeSport is a necessary, valuable, and important part of the landscape of youth and elite sports within the U.S. Olympic and Paralympic Movement. And we believe that all youth sporting organizations should be subject to the same standards NGBs are required to have in place, including background screens, SafeSport training, mandatory reporting, and monitoring, and auditing of their programs to ensure compliance.

There are, however, substantial changes needed, and needed now to restore faith and confidence in the Center, to appropriately reflect why it was created. We need the Center to be effective in performing its mission.

The reason we are all here is because our greater sporting community, including the NGBs, have lost faith that the Center will timely, properly, and fairly resolve cases of misconduct.

At USA Hockey, I am proud to say that we have been a leader and a champion of SafeSport since its introduction, and our General Counsel, Casey Jorgenson, who is here with me today, has played an important role in working with others to bring positive and productive changes for change—excuse me—positive, productive concepts for change forward to improve the deficiencies in the system.

We also appreciate the recent work of the Commission on the State of the U.S. Olympics and Paralympics on the topic of athlete safety.

While we have shared our concerns with the Center, we haven't seen substantial change yet, and as we sit here today, significant and meaningful progress is still needed. I would like to share the areas we feel are most significant that need to be addressed to help restore the faith and confidence in the Center.

First, to improve operational effectiveness of the Center, including exercising jurisdiction only over the most egregious cases that require Center involvement, significant changes to the response and resolution process to increase communication with and transparency to the involved parties, and reaching a decision on the merits of every case for which it accepts jurisdiction, which would reduce the number of administrative closures and free up the Center's resources to address the most serious cases.

Second, oversight of the Center, which could include requiring the Center to appear before congressional committees to report each year on its operations, and also having NGB and athlete representatives who serve on the Center's Board of Directors elected by those bodies, rather than selected by the Center.

And third, funding; as the Federal Government has mandated the operation of the Center, we firmly believe the Center should be federally funded and subject to congressional oversight. These issues are central in our collective efforts to help restore the trust and credibility in the Center that is so essential.

In addition to my opening remarks, I have also submitted two other documents, one from the NGB Council that details requests for change to the Center, dated December 4, 2023. And another from USA Hockey in response to the Center's request for feedback on its resolution process, dated December 8, 2023.

I also believe you have our response to Senators Blackburn and Peters, dated February 21, 2024, addressing their request to USA Hockey for feedback on the U.S. Center for SafeSport.

Thank you again for the invitation to be here today. On behalf of USA Hockey, we look forward to supporting collaborative efforts needed between NGBs and the U.S. Center for SafeSport, among others, to find common-sense solutions that make a positive difference in keeping our sports landscape as safe as possible.

Thank you.

[The prepared statement of Mr. Kelleher follows:]

PREPARED STATEMENT OF PAT KELLEHER, EXECUTIVE DIRECTOR, USA HOCKEY

Thank you Chairman Hickenlooper, Ranking Member Blackburn and distinguished members of the sub-committee. It is a privilege to be here with you today to discuss athlete safety, an issue that is the top priority every day at USA Hockey both on and off the ice.

While the focus today is on the effectiveness of the U.S. Center for SafeSport, it's important to highlight the significant role our National Governing Bodies, or NGBs, play in both grassroots and elite athletics in our country.

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We know there is always room for improvement—but the importance of the NGBs in positively contributing to the overall health and well-being of children and adults through sport cannot be overstated.

While we have seen conduct that is deplorable in both sport and across society, NGBs have worked diligently, in concert with the U.S. Olympic and Paralympic Committee, the U.S. Center for SafeSport, and others, to improve the landscape for everyone involved, particularly related to athlete safety.

So while it's important to learn from the past, it is also important to recognize the great good NGBs contribute to in our overall society.

Related to the U.S. Center for SafeSport, I'd like to first share the unequivocal support for the concept of the Center and its mission from the NGB community.

The U.S. Center for SafeSport is a necessary, valuable and important part of the landscape of youth and elite sports within the U.S. Olympic and Paralympic Movement, and we believe that all youth sporting organizations should be subject to the same standards NGBs are required to have in place, including background screens, SafeSport training, mandatory reporting, and monitoring and auditing of their programs to ensure compliance.

There are, however, substantial changes needed—and needed now—to restore the faith and confidence in the Center to appropriately reflect why it was created.

We need the Center to be effective in performing its mission. The reason we are all here is because our greater sporting community, including the NGBs, have lost faith that the Center will timely, properly and fairly resolve cases of misconduct.

At USA Hockey, I'm proud to say we've been a leader and champion of SafeSport since its introduction, and our general counsel, Casey Jorgensen, who is here with me today, has played an important role in working with others to bring positive and productive concepts for change forward to improve the deficiencies in the system.

We also appreciate the recent work of the Commission on the State of the U.S. Olympics & Paralympics on the topic of athlete safety.

While we've shared our concerns with the Center, we've haven't seen substantial change yet, and as we sit here today, significant and meaningful progress is still needed.

I'd like to share the areas we feel are most significant that need to be addressed to help restore the faith and confidence in the Center.

1. *Improving operational effectiveness of the Center*, including:

- a. Exercising jurisdiction only over the most egregious cases that require Center involvement;
 - b. Significant changes to the response and resolution process to increase communications with—and transparency to—the involved parties;
 - c. Reaching a decision on the merits of every case for which it accepts jurisdiction, which would reduce the number of administrative closures and free up the Center's resources to address the most serious cases.
2. *Oversight of the Center*, which could include requiring the Center to appear before congressional committees to report each year on its operations, and also having NGB and athlete representatives who serve on the Center's Board of Directors elected by those bodies rather than selected by the Center.
3. *Funding*—As the Federal government has mandated the operation of the Center, we firmly believe the Center should be federally funded and subject to Congressional oversight.

These issues are central in our collective efforts to help restore the trust and credibility in the Center that is so essential.

In addition to my opening remarks, I've also submitted two other documents—one from the NGB Council that details requests for change to the Center dated December 4, 2023, and another from USA Hockey in response to the Center's request for feedback on its resolution process dated December 8, 2023. I also believe you have our response to Senators Blackburn and Peters dated Feb. 21, 2024, addressing their request to USA Hockey for feedback on the U.S. Center for SafeSport.

Thank you again for the invitation to be here today. On behalf of USA Hockey, we look forward to supporting collaborative efforts needed between NGBs and the U.S. Center for SafeSport, among others, to find common sense solutions that make a positive difference in keeping our sports landscape as safe as possible.

ATTACHMENT

NGB COUNCIL
December 4, 2023

April Holmes
Board Chair
U.S. Center for SafeSport
1385 S. Colorado Blvd., Suite A-706
Denver, CO 80222

Re: National Governing Bodies Council Concerns Related to U.S. Center for SafeSport

Dear April,

We write on behalf of the U.S. Olympic and Paralympic National Governing Bodies Council (NGBC). Several representatives were pleased to have the opportunity to meet you at the U.S. Olympic & Paralympic Assembly in Los Angeles and at the U.S. Center for SafeSport NGB Summit. We hope you will share this letter with the Center's Board of Directors for its discussion and oversight of the Center.

The U.S. Olympic and Paralympic National Governing Bodies (NGBs) began working with the USOPC more than 10 years ago to identify the need for an organization like the Center to handle reports of sexual abuse within Olympic sports. Although there has been significant frustration with the Center's operations since its opening in 2017, we have been unwavering in our support and need for the Center to perform this critical work to keep our sports and athletes safe from abuse. All NGBs share the same aim with the Center in seeking a safe environment for our members to participate in sport.

As you have no doubt seen in media reports, the Center has lost significant credibility in the eyes of claimants, respondents, NGBs, and the public at large. In its current state, we do not believe the Center can effectively perform its responsibility if those participating in the process do not have confidence that it will investigate and adjudicate cases in a fair, transparent, and effective manner, with consideration and respect for the rights and concerns of all involved. The NGBs believe that the Center has strayed from its original purpose of providing independent expertise in investigating and resolving cases of sexual abuse and misconduct in the Olympic movement.

We have sought to work with the Center to address our concerns as well as those brought forward by members of our community (the athletes, coaches, officials, and administrators that are involved in SafeSport cases) but have repeatedly been

turned away by the Center's operational leadership. Too often, we have had verbal commitments from the Center to address our concerns but without any follow up action. With the Center approaching its seventh anniversary, we strongly believe that significant changes are necessary and ask that the Center's Board of Directors become directly involved to address these issues for the benefit of all participants in the Olympic movement.

Below is a summary of the priorities put forward by the NGBs to address our concerns with the Center and its operations.

Oversight of the Center for SafeSport and NGB Representation

There has been no oversight of the Center's operations and no channel through or by which NGBs may share concerns about the Center's operations or handling of cases. Until recently we do not recall ever having members of the Center's Board attend any functions or have any interactions with the NGBs. The NGBs have had a minimal role in recommending the NGB representatives to the Center's Board, and no connection with those Center representatives to raise issues.

While other forms of oversight have been raised, we believe that providing NGBs with meaningful representation on the Center's Board would provide a means for NGBs to bring their issues and concerns to the Center. Like the representatives on the USOPC Board of Directors, the NGB representatives on the Center's Board should be elected by the NGB Council. The athlete representatives on the Center's Board should be similarly elected by the Team USA Athletes' Commission.

Investigation and Resolution of Cases—Administrative Closures.

The lack of trust in the Center to properly investigate and resolve cases is due largely to the extensive use of administrative closures to resolve cases. Reports from NGBs, which come directly from statistics provided by the Center, show that the Center administratively closes nearly 80 percent or more of the cases of which it accepts jurisdiction. The Center has reported that it administratively closes only 38 percent of its cases, but based on the Center's own statistics (through 12/31/22), this appears to be accurate only when including the 42 percent of the reports to the Center where there is no jurisdiction or where jurisdiction is declined. Through December 2022, of the 7,421 cases for which the Center accepted jurisdiction, 4,800 cases were administratively closed.

When the Center administratively closes a case, it retains exclusive jurisdiction over the matter and NGBs are then prohibited from taking any action affecting the respondent's eligibility to participate in sport. The NGBs and local grassroots programs are left without any substantive information about the case, the investigation or why the case was closed—yet they are required to permit the respondent to participate in their program and left to guess whether that person's participation is a safety risk for the rest of their members. The claimant's only choice is to move to a different program or sport or continue to participate in the presence of a person they claim abused them. The respondent also is often not satisfied with the administrative closure as the rumors and allegations remain without any resolution.

While there are many different opinions on what should happen with the Center's handling of administrative closures, the NGBs all believe that there must be a full review of the Center's process for resolution of cases, which review must include the real opportunity for meaningful input from NGBs, their members and other stakeholders to reach a consensus on appropriate changes needed to the Center's response and resolution procedures.

Lack of Communication to the Parties.

The distrust of the Center's response and resolution process is also a result of the Center's failure to communicate with claimants, respondents, NGBs, and local programs. Claimants and respondents often wait months without any communication from the Center about their case. We have knowledge of numerous cases where the Center fails to advise a respondent of the nature of the allegations or even that a case has been opened. The Center does not share adequate information with the NGBs that govern the sport, who are then placed in the untenable position of responding to the concerns of their members and providing a safe environment without visibility into the facts uncovered by the Center's investigation. At a minimum, NGBs should possess a reasonable understanding of the nature of the allegations and status of the case.

Center's Expansive Scope of Jurisdiction.

The NGBs also believe that the Center's expansive scope of jurisdiction has substantially contributed to its inability to investigate and resolve the most important cases. While most of the cases accepted by the Center appear to fall within the definition of sexual misconduct, that definition is wide-ranging and includes incidents

of minors using harassing language or other behavior that the NGBs and local programs are very capable of handling and do not require the time and expertise of the Center. Further, according to the Center's statistics, during the three years from 2020 to 2022, only 23.8 percent of the cases reported to the Center included allegations of sexual misconduct, but the Center allocates significant resources to address those cases at the jurisdictional stage and preliminary inquiry. The Center was created with the intent that it handle the investigation and resolution of the most egregious sexual abuse cases, but it unnecessarily spends a great deal of time, energy and resources on addressing the more minor cases that are most often resolved either by administrative closure, a warning, or a short probation. On the other hand, NGBs are very capable of addressing these less challenging cases in a prompt and efficient manner that will ultimately be more satisfactory to all parties. Indeed, as expected by their members, NGBs and their programs address very similar disciplinary situations every day that do not involve sexual connotations.

We believe that the Center's assessment of and changes to its response and resolution process should include consideration of narrowing the scope of cases that it considers are within its jurisdiction, which would then allow the Center to focus its resources on the cases where its independence and expertise are necessary.

Unreasonable Requirements.

In its policy-making process, the Center is often unwilling to listen and respond to NGB input on the impracticality of the requirements it places on NGBs and local programs. For instance, the Center's Minor Athlete Abuse Prevention Policies (MAAPP) require that all local programs must have all board members and employees complete SafeSport Training. NGBs have pointed out that this includes programs that serve only adult athletes who have no interaction or contact with minor athletes, and also includes employees of entities who have no connection to minor athletes (*e.g.*, housekeepers in a ski resort, bartenders in a country or sailing club, etc.). Forcing those organizations to require training that has very little, if any, prevention impact in their organization more likely causes those organizations to go outside of NGB governance to avoid the unnecessary and unreasonable requirements.

The Center should give due consideration to the practical effect of its policies that also negatively impact the business of NGBs and the resources available to their members.

Areas of Necessary Government Action.

There are two areas of change needed that are not within the Center's control but which we ask the Center to join the NGBs in asking that the Federal government enact legislation to amend the applicable statutory requirements.

First, we ask that the Federal government adopt legislation to more fully and specifically require sports organizations outside of NGBs to institute and comply with the same SafeSport policies with which NGBs and their programs and members must comply. This must also include an effective and commensurate enforcement mechanism for those organizations who do not comply. NGBs have seen numerous instances of large and small organizations that leave NGBs or compete with NGBs on the basis that they do not need to comply with the same training, background check or other SafeSport requirements of NGBs.

Second, we ask that the Federal government provide funding to the Center for SafeSport instead of the now required \$20MM that must be contributed annually by the USOPC (with NGB contributions). Having government funding to support the government mandate would help address the perception that the Center lacks independence because it is funded by the USOPC and NGBs. This would also allow for those funds now paid to the Center to be returned to the USOPC and NGB budgets and provide further support for their athletes.

Relationship between NGBs and Center.

It is the collective desire of NGBs to continue our work with the Center to create safe environments for our athletes, coaches, officials, and administrators. We have steadfastly attempted to work with the Center to address these many concerns. Unfortunately, the Center has assumed an adversarial position with NGBs, wrongly advocating that NGBs cannot be trusted and do not care about the safety of their members. While we recognize that the Center was created in response to failures to protect athletes in the past, that is no longer the case. The results of the Center's audits of and interactions with NGBs demonstrate that NGBs are dedicated to the safety of all athletes. In order to continue our work to truly create safer sports, it will require everyone working together toward that mission critical goal. The Center's recent encouraging statements is a good start, but we need action to fulfill those plans. We ask that the Center's Board of Directors take an enhanced role in

ensuring that the Center listens to and works collaboratively with the NGBs and their members in making the necessary changes to achieve our common goal.

Sincerely yours,

PAT KELLEHER,
NGBC Chair.
 LI LI LEUNG
NGBC Vice-Chair.

cc: Ju'Riese Colón
 NGBC Advisory Council

December 8, 2023

Via e-mail

U.S. Center for SafeSport
policy@safesport.org

Re: USA Hockey Response and Resolution Feedback

Dear U.S. Center for SafeSport Response and Resolution Team,

USA Hockey appreciates the U.S. Center for SafeSport providing an opportunity for feedback on the Center's Response and Resolution processes. USA Hockey has been extensively involved in working with the Center on its resolution processes, as well as other policies and procedures, since well before the Center opened. And over the past several years, USA Hockey has had far more cases with the Center than any other national governing body—so we have significant experience in areas that raise concerns about the Center's R&R process for USA Hockey and our 650,000 participant members and 500,000 additional volunteers. It is critical that the Center's R&R processes are viewed as trusted and credible by the participants in our sports. Without credibility, victims and witnesses will not be willing to report misconduct or engage in the process, and the Center's purpose will be unfulfilled. We strongly believe in the necessity of the Center's work in the Olympic movement, and hope that we can work together with the Center to address problems that have become very evident and have impacted the confidence in the Center.

Outlined below are several specific practices of the Center and provisions of the Code that impact the R&R process along with suggested changes. However, more than looking at surgical or specific changes to the Code, we believe the Center should undertake a full review and overhaul of the R&R process to adopt a system that will be more efficient, transparent, and fair, and will consider and respect the rights and concerns of all involved. The Center's current system of investigation and resolution is akin to the Title IX model, but that model has shown to be unsuccessful in its application to the Olympic movement. We believe that the key parties addressing safety in the Olympic movement—the Center, USOPC, NGBs and the athlete community—should join together to collaboratively design a better system that addresses the many problems raised and more effectively imposes appropriate sanctions in response to misconduct.

We apologize in advance for the length of this letter but feel it is important to provide examples to help explain our reasons for the recommendations. We would welcome a follow-up meeting or call to further discuss or explain any of the feedback offered below.

Scope of Jurisdiction and Cases Accepted

The Center was created by the USOPC and NGBs with original purpose of providing independent expertise in investigating and resolving serious cases of sexual abuse and misconduct in the Olympic movement. Over time, however, the Center has expanded its focus and accepted and pursued cases that are not within its original mission, which impairs its ability to address the more critical cases. These cases are well within the NGBs' capability to investigate and resolve promptly and fairly, in many cases at the local or regional level, without the need for the Center to expend its valuable resources. More often than not, these cases are administratively closed by the Center with little or no repercussions. This rate of closure demonstrates that having these cases addressed by the Center is not appropriate or effective. These cases can and should be addressed more immediately and by those persons directly overseeing the programs to ensure they are resolved in a prompt and efficient manner that will ultimately be more satisfactory to all parties. Indeed, as expected by their members, NGBs and their programs investigate and resolve very similar disciplinary situations every day that do not involve sexual connota-

tions. Below are some examples of areas where the Center's scope of jurisdiction should be narrowed.

i. *Harassing Language by Minor Athletes.* USA Hockey sees a substantial number of reports arising from minor athletes using sexually harassing language, especially in locker rooms and over social media. Oftentimes these reports include a single incident of inappropriate name calling, which we believe should be explicitly removed from the definition of sexual misconduct as it does not meet the elements for Sexual Harassment in Code Section IX.C.1 (submission to the conduct is not a condition for participation and no hostile environment is created) or Sexual Bullying Behavior in Section IX.C.6 (not repeated or severe). This conduct is not acceptable but should not require a "federal case" and should instead be addressed promptly by those at the program closest to the issue.¹ When those programs do not do so, the NGBs should hold the program accountable. The Center's time, energy and resources should not be spent on these more minor cases that are most often resolved by administrative closure, a warning or probation. The Center could still require that the NGBs and local programs track all such matters and provide reports on them and their resolution to the Center.

ii. *In-Game Conduct.* The Center was never intended to address in-competition conduct occurring between opponents, which is why the Center's definition of emotional and physical misconduct excludes conduct that is "reasonably accepted as part of sport or conduct accepted as part of Participant's participation." USA Hockey's playing rules, and likely those of all other NGBs, have long had specific provisions to address misconduct occurring during competitions. The Center's involvement in addressing allegations arising from in-game conduct results in the Center improperly involving itself in the competitive aspects of sport and creates at least two other problems.

First, the Center often accepts cases that involve any type of sexualized language (usually harassment based on gender or sexual orientation). However, USA Hockey has specific playing rules and a process that requires reporting to the regional affiliate and swift investigation and resolution of allegations of offensive or discriminatory conduct with sanctioning guidelines (a minimum 3 game suspension) designed to discourage future instances of similar conduct. The Center's process in accepting, triaging, investigating, and resolving these cases takes weeks or months and are typically resolved more leniently than USA Hockey's playing rules require. Moreover, similar misconduct is then addressed inconsistently—for example, a participant's use of racial, religious or other discriminatory language or conduct is addressed promptly by USA Hockey with application of its mandatory minimum suspensions, while a participant's use of similar language or conduct having sexual connotations is addressed by the Center over a longer period of time and with less or no discipline imposed. We have seen cases where USA Hockey's mandatory penalty was applied and participant suspended by the hockey governing authority, but the Center accepted jurisdiction and immediately removed the suspension, making the athlete immediately eligible to participate in violation of USA Hockey rules.

The second significant issue related to in-game conduct is the Center's consideration of cases involving alleged physical misconduct during a game as within the Center's "discretionary" authority. The sport of hockey has an extensive rule book prohibiting infractions that violate its rules. Most of these incidents are penalized by the officials on the ice and when egregious involve a mandatory hearing to determine the appropriate discipline. When not penalized on the ice but later reported, USA Hockey's rules require the regional affiliate to investigate and apply the appropriate discipline through its hearing process. The Center's consideration of on-ice infractions as discretionary cases is contrary to the Code language excluding conduct that is "reasonably accepted as part of sport or conduct accepted as part of Participant's participation." It is very unclear how the Center defines this, but for civil and criminal evaluation, even infractions that are penalized heavily are considered within the conduct reasonably accepted as part of the sport. While there are certainly some incidents that go beyond what is reasonably accepted, we have concerns with the Center making this determination when they are not experts in doing so. From our review, it does not appear that the Center distinguishes these cases at all and considers them all to be discretionary regardless of the severity of the conduct. We believe that if the matter does not fit within the subject matter jurisdiction (*i.e.*, it is not physical misconduct), then that should be stated and then not considered a SafeSport matter at all (instead of considering it physical misconduct and declining for discretionary jurisdiction).

¹In comparison, when that conduct occurs in schools, it is addressed at the school and not by the district or at the state or Federal level.

We believe that all in-competition incidents² should be immediately referred by the Center to the NGB to be penalized under the sport's playing rules and addressed by the NGB through its processes. If those matters involved any sexual misconduct, the NGB could still notify the Center of its result. These types of cases have long been handled by the NGBs through longstanding processes and governance of the sport—they are not within the conduct that the Center was ever intended to regulate.

iii. *Background Screens/Criminal Dispositions.* USA Hockey processes approximately 75,000 background screens each season and makes decisions on the eligibility of numerous applicants with past criminal convictions. The review process involves preliminary evaluation of each flagged conviction by a panel of three experienced and independent persons, and if the applicant is initially denied eligibility or conditionally approved (*e.g.*, no driving minor athletes), the applicant is entitled to a hearing before three other experienced and independent persons, and if still denied they have a right to a final appeal. USA Hockey annually sends 60 or more background screens to the Center because they include an allegation that could potentially be construed as child abuse or sexual misconduct. These include many old cases of a DUI with a minor in the car, providing alcohol or tobacco to a minor,³ public urination (indecent exposure) and similar cases that are well within the capability of USA Hockey's background screen program to address (*e.g.*, dozens of cases of domestic violence, assault and other violent crimes are handled through our system). The majority of the cases accepted by the Center are eventually administratively closed or result in a warning or period of probation. Rather than have the Center expend its resources on matters within the NGB's capability and expertise, USA Hockey and the Center should work together to eliminate certain charges or dispositions that could be effectively and efficiently addressed by the NGB and do not warrant a report to the Center.

In addition to the specific reasons the above types of cases should be addressed by NGBs, removing these cases from the Center's focus would allow the Center to devote its resources to the more serious sexual abuse cases, and other serious emotional or physical abuse cases, for which it was created. This would likely also result in a significant reduction of the cases that are administratively closed.

Lack of Information to NGBs about Pending Cases and Evaluation of Measures at Beginning of a Case

In order to protect the Center's independence in investigations, the Center provides very limited information to NGBs about the nature or seriousness of allegations it receives, but it is ultimately the NGBs' responsibility to provide a safe environment. At the outset of a matter, the Center's membership inquiries provide no information about the case to allow the NGB to assess the need for immediate suspension or other temporary measures to protect its members. The respondent is often allowed to participate alongside the claimant and others without any restrictions despite the possibility of significant safety concerns. The Center later provides limited information about the allegations at the time it exercises jurisdiction, but it is very vague and then too late for the NGB to impose a suspension due to the Center's exclusive jurisdiction. Without sufficient information, the NGB is left in a tenuous position of trying to implement safety measures that will protect the other participants.

We believe Section V of the Code should be modified to provide the NGBs more information and allow the NGBs more ability to impose measures at the outset of the case. If the Center provided NGBs with more information at the inquiry stage, the NGBs could better protect their members by assessing the need for an immediate suspension or temporary measures. At the time jurisdiction is exercised, NGBs should be provided with a more detailed summary of the allegations (similar to what is now in a Notice of Allegations).

Another concern arising from the process in Code Section V is the length of time it takes for the Center to impose temporary measures or adopt or modify those imposed by the NGB. The Code's restrictions on NGB investigations force NGBs to make immediate decisions on temporary measures regarding exclusive allegations first raised to the NGB but are prohibited from investigating allegations to make that decision. USA Hockey must often decide to suspend a respondent based solely on the nature of the allegation it receives, which is often with very little information to go on. Then, when the Center exercises jurisdiction, those measures are automati-

²There is very little to no risk of sexual abuse occurring in the field of play during a sanctioned event between opponents.

³These often involve several-years old cases when the respondent was just over 21.

cally adopted by the Center and that respondent is often forced to wait weeks or months for the Center to either modify or formally adopt them.

The Center should dramatically decrease the amount of time it takes to make a temporary measures determination. This will also alert the respondent to his/her right to challenge temporary measures much earlier in the process. We strongly encourage the Center to consider collaborating with the NGBs at this stage to determine any appropriate measures. Doing so would not interfere with the investigation as the issue at hand is the respondent's immediate participation in sport based on the allegations and information then available.⁴ This would also prevent the NGBs from being forced into a position where it imposes a suspension or measures where the respondent's continued participation does not pose harm to others. Further, past concerns about confidentiality should not restrict the Center from sharing important information with the NGBs who are also trying to protect their sport. Indeed, since the creation of the "Summary of Decision" documents that the NGBs are permitted to share at the conclusion of a case, we are not aware of any significant cases where the more confidential information in a Notice of Decision has been shared by an NGB.

Inconsistency of Suspension/Rostering Decisions

Recently, we had a case where the Center concluded that an LAO's decision to suspend a participant was determined to be a "leave, as it was just from the club and not applicable to the entire USAH movement." The Center therefore called such a suspension a "rostering decision" and concluded that it was "outside the scope of SafeSport." We understand that the Center's policies must fit within a multitude of different NGBs, but USA Hockey's bylaws and rules would categorize this as a suspension entitling the respondent to a hearing, and we have always operated under the assumption that an LAO telling an athlete or a coach they can no longer participate in the LAO's activities constitutes a suspension "or other restriction that may deny or threaten to deny a respondent's opportunity to participate in sport." Indeed, many USA Hockey playing classifications prohibit a player from being rostered on more than one team. The effect of not considering a rostering decision within the scope of SafeSport provides the LAO the authority to make these decisions at any point in the process, but the LAO is prohibited from holding a hearing due to the Center's exclusive jurisdiction, thereby leaving the athlete with no avenue to seek re-entry to the team. Therefore, because the Center's interpretation of a rostering decision effectively results in a suspension of the athlete, the Code should allow LAOs to hold hearings on that decision in order to provide the athlete with a means of re-entering participation.

Misconduct Related to Reporting

In the last two years USA Hockey has seen a large increase in cases involving procedural reporting violations, many of which appear to target local program volunteers and administrators for hyper-technical reporting violations rather than the underlying conduct itself. While we recognize that the failure to report serious sexual abuse has resulted in many cases where the abuse continued with multiple victims, the cases we are seeing opened do not rise to that level.

In one such case in 2022, the Center opened individual cases against multiple members of a volunteer board of a local non-profit hockey club for "failure to report" despite the fact that upon notice of the allegations the board suspended the individual respondent and advised the claimant to report the allegations to the Center (the claimant reported to USA Hockey a day or two later). The Center administratively closed each case a few months later. In another recent case involving a young special needs athlete respondent who behaved inappropriately with her teammates, local volunteer administrators were initially also concerned about the respondent's protections under the Americans with Disabilities Act. The administrators made a report to the Center within 5–10 days of the issues arising and the Center thereafter opened cases against all of the volunteers for failure to report. The Center initially imposed a temporary measure chaperone requirement on the respondent⁵ but later administratively closed the case against her and closed the cases against each of the administrators with admonishments. Each of these cases involved volunteer local hockey administrators trying to do the right thing by addressing difficult

⁴ Along these lines, because so much sporting activity occurs on weekends, we have suggested that the Center have designated R&R staff available on weekends for NGB consultation on temporary measures.

⁵ We believe the administrators were wise to consider the ADA concerns, as the respondent's parents apparently refused to serve as chaperones and later threatened legal action against the program for not providing/paying for the chaperone as a reasonable accommodation under the ADA.

issues within their programs. They were not trying to cover up sexual abuse or misconduct.

As an NGB governing large grassroots programs, USA Hockey and its athlete participants require the help and support of local volunteers to conduct and oversee their hockey programs and events (*e.g.*, board members, team managers, locker room monitors, etc.). Along with so many other barriers to volunteering, or participation in general, volunteers are becoming concerned about the risk of failing to adhere to the Center's technical reporting requirements and facing sanctions even if they operate in good faith. We of course recognize the importance of reporting, but there is no need to open cases against individual respondents in situations similar to the one we've highlighted above, which should be very easy to distinguish from the failure to report cases the Center was designed to address. The Center could instead simply use the opportunity to educate or remind these volunteers on their reporting obligations through a simple letter.

Procedural Rights of Respondents

We believe a significant amount of dissatisfaction with the Center's R&R processes arises from its failure to provide reasonable or *required* procedural rights to respondents, including its failure to provide notice to respondents of an investigation as required by the Code and the Amateur Sports Act. Article XI of the Code requires that the Center provide the respondent with a notice of an investigation:

J. Procedural Rights of Respondents

Federal law provides Respondents with certain procedural rights. 36 USC § 220541(a)(1)(H). ***For any action taken against a Respondent, including an investigation***, the imposition of sanctions, or any other disciplinary action, *the Center must provide procedural due process to the Respondent, which includes:*

1. *The provision of written notice of allegations against the Respondent;*

See, SafeSport Code, § XI.J (*emphasis added*). The Amateur Sports Act contains a similar requirement:

- (1) IN GENERAL—The United States ***Center for SafeSport shall—*** . . .

(H) *ensure that any action taken by the Center against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, and any other disciplinary action, is carried out in a manner that provides procedural due process to the individual, including, at a minimum—*

- (i) *the provision of written notice of the allegations against the individual;*

See, 36 USC § 220541(a)(1)(H) (*emphasis added*).

Center staff have indicated in the past that the Center interprets this language to require notice only when the Center feels it is necessary. We have seen numerous instances where the Center opened a case without notice to the respondent and later administratively closed the case without ever speaking to the respondent or notifying them that an investigation was ongoing. In at least one case, when the respondent asked the Center about the allegations against him, the Center refused to provide that information. The Center's failure to provide written notice of a Center investigation violates the Code and the Amateur Sports Act.

In another recent case, a program administrator was called by the Center out of the blue and told that the Center will be imposing an "admonishment" for an alleged failure to report. To that point, the administrator had no idea there was a case opened against her, or any details of the incident she allegedly failed to report. This respondent never had the opportunity to be heard on the allegations before the Center determined to admonish her.⁶

In yet a different case for failure to report (involving the special needs hockey player referenced above), we understand that one administrator was contacted and discussed the technical failure to report with the investigator and then agreed to accept an admonishment. Later, that admonishment was apparently used in convincing other involved administrators to also accept an admonishment rather than be under investigation. While we understand we are only aware of one side of the story, we hope the Center can realize how these practices create distrust in the Center's R&R procedures.

⁶While an admonishment is not a finding of wrongdoing, the Code itself allows the Center to consider prior conduct "for any purpose," which would allow the Center to use this prior matter against her should a similar situation arise.

In the case where USA Hockey was reported to Congress for allegedly interfering with an investigation, the Center investigators contacted USA Hockey staff for interviews under the guise that they sought to discuss the underlying case (which involved a volunteer's failure to report sexual harassment occurring in a hockey game). The Center's investigators did not disclose that the purpose of their interview request was to investigate USA Hockey's alleged attempts to interfere with or influence an investigation. It was not until we informed the investigators that we were aware of a potential investigation into USA Hockey and inquired about the specific scope and purpose of the interview that the investigator admitted that the interview's purpose was related to that investigation. Even then, the investigators refused to acknowledge that a case had been opened against USA Hockey, despite the Center having reported to Congress that it was investigating the matter.

For the Center's R&R procedures to be credible, it must follow the Code and statutory requirements to give proper notice and an opportunity to be heard on the allegations being investigated.

Administrative Closures

Similar to issues raised by other NGBs, USA Hockey finds managing the Center's extensive use of Administrative Closures challenging for a number of reasons. When the Center issues an Administrative Closure, the Center retains jurisdiction over the matter, yet provides no information regarding the allegations it received, the investigation it conducted, its findings, or even the basis for the Administrative Closure. Upon an Administrative Closure, any safety measures that were adopted or implemented by the Center are removed and the NGB must allow the respondent to participate despite the lack of any information about the alleged misconduct, investigation, or reason for the closure.

This results in a risk of abusers slipping through the cracks without providing the NGBs any means of protecting the athletes with whom the abusers interact. While an NGB may issue safety plans on matters within the Center's jurisdiction (which cannot include a suspension), the lack of any useful information about that matter, or the respondent's alleged conduct, renders the use of safety plans wholly inadequate.

Exacerbating the challenges with Administrative Closures is the incredible rate upon which they are utilized. In the eighteen months from January 1, 2022 through June 30, 2023, the Center received 1,617 allegations of misconduct involving USA Hockey respondents. Of those, the Center accepted jurisdiction of 832 allegations (51 percent) and 628 of those cases (75 percent) were administratively closed. Of the sexual misconduct cases during that period, the Center administratively closed 330 of the 402 cases over which it exercised jurisdiction (82 percent).

Compounding the concern for USA Hockey is the basis for which the Center issues Administrative Closures. For example, according to the Center's statistics, of the Administrative Closures in 2022 and first half of 2023, 366 (58 percent) were due to "insufficient information" or a "reluctant claimant." Those bases do not necessarily absolve a respondent of the alleged misconduct, yet USA Hockey has no information about the seriousness of the allegations upon which to consider or protect the safety of other participants with whom the respondent will interact after they are deemed eligible to participate.

Finally, USA Hockey is of the opinion that administrative closures are being used too frequently to wrap up a case up rather than making a decision on the merits. Our data shows that in 2022 and first half of 2023, the Center resolved only 8 percent of the allegations it received with a finding (Formal/Informal Resolution), and less than 1 percent were resolved with a finding of No Violation. A great number of those formal resolutions involve criminal dispositions, which are usually without any dispute.

USA Hockey firmly believes, at a minimum, that the Center needs to share additional information with the NGBs upon administrative closures so that the NGBs can make educated decisions on the need for additional safety measures when the Center allows a respondent back into the sport.

We believe that addressing the issues raised above would—

- reduce the cases handled by the Center;
- allow minor cases to be resolved at the local or regional level where they can be timely and appropriately resolved by local officials;
- free up resources so the Center is more able to focus on the more egregious cases;
- provide the NGBs with more information during the pendency of a case to allow them to protect their members from further abuse;

- provide required and appropriate procedural rights to respondents to allow a fair investigation and resolution;
- avoid the unnecessary use of Center resources to pursue cases against volunteer administrators who, despite good faith, fail to report less egregious misconduct; and
- ultimately reduce the percentage of cases resolved through administrative closure.

All of the above would result in the Center operating more efficiently and effectively and would enhance the trust in the Center in the eyes of the claimants, respondents, NGBs, grassroots programs and everyone in the Olympic movement as to its handling of sexual abuse cases and everyone's ability to participate in a safe environment.

We look forward to talking with you more about these issues and our recommendations.

Best Regards,

CASEY JORGENSEN

Senator HICKENLOOPER. Great. Thank you, Mr. Kelleher. Thank all of you. Appreciate you. Again, I will keep thanking you, both for making the time and coming. Your participation in this is very important.

Ms. Colón, let me start with you. And we are all going to just get five minutes of questions. Thank you for your testimony and all your work leading the Center. As you know, in your testimony, the Center aims to improve its investigated processes, and reduce the number of administratively closed cases.

Some of the athletes have expressed concerns about the increasing rates of cases that have been closed without resolution. And I guess the question is: Do you believe the scope of the Center's exclusive and discretionary jurisdiction does that impact the caseload, and lead to the high rate of administrative closures? So how can we make sure that athletes are getting the resolution that they need, and that they deserve, and is there a way to, you know, prioritize based on the type of risk presented to an athlete?

Ms. COLÓN. Thanks for your question, Senator. I hope I get all. I think I jotted down all of them, so if I missed one, please let me know.

Senator HICKENLOOPER. Just two. It is just two.

Ms. COLÓN. I think I will first start with jurisdiction of the Center for SafeSport. As you know, the Center has exclusive jurisdiction over sexual misconduct and discretionary jurisdiction over emotional and physical abuse misconduct, and volume. It certainly plays a large role in the number of cases that we receive and, of course, how we close those.

When we think about jurisdiction and how it impacts the Center's operations, particularly as how we close cases, how we process through cases, I do think that the jurisdiction certainly impacts that because we are drawing from more than 50 sports across a very vast and very unique sporting environment. And so we do get a considerable amount of allegations of abuse, sexual abuse misconduct, and emotional and physical abuse.

What I think is important to note is that while the Center for SafeSport keeps all of the sexual abuse allegations, no matter how minor, we do typically decline jurisdiction of emotional and physical abuse misconduct cases back to NGBs for them to handle. We, of course, keep some of those, particularly if they present a conflict of interest, or if it is particularly egregious.

I would say that jurisdiction alone impacts the timeliness and our ability to close, but it is also volume and scope. As I noted in my opening statement, you know, we received 300 reports the first year, 7,500 last year, and right now we are averaging about 184 cases a week. And we have, you know, certainly taken a top-to-bottom approach and look at everything that we are doing as far as reviewing allegations of abuse, and reviewing how we process those.

But as the Center continues to receive more reports, as more sports continue to come into the Movement; that volume will certainly rise, particularly for the time being. I do think the Center, you know, as far as reporting or providing more closure and answers to athletes, which we certainly owe them, we do have a lot of work to do when it comes to communication. And we certainly have a lot of work on how to process those, and then sharing those, not only with NGBs, but also with survivor groups, athletes, and other stakeholders.

Senator HICKENLOOPER. And the athletes especially?

Ms. COLÓN. Absolutely.

Senator HICKENLOOPER. Great. Ms. French, thank you for your work on advocating on behalf of the safety of our athletes across the entire spectrum of the Olympic and Paralympic Movement. I think your work is instrumental in making sure that this harm doesn't continue. We certainly here, want to make sure that we do everything we can to create reforms that prevent this kind of abuse, and that they are effective and actually improve the lives of athletes.

Among the many recommendations discussed to reform the environment in the Olympic and Paralympic Movement, which do you look at as most essential? What should be our highest priorities?

Ms. FRENCH. Thank you so much for your question. It is an incredibly important one, and I will pull from the Commission's Report. I think changing the culture within the sporting environment will allow us to better create systemic change from the bottom up. If we are giving safe spaces to athletes in the beginning, we allow them to better understand what they can and should expect from safe adults, and we get rid of the "no pain, no gain" culture that exists today, and allows perpetrators and abusers to thrive.

The Army of Survivors, and others, are working in the space in prevention, and there is a lot of promising strategies around best practices with prevention in this space.

Senator HICKENLOOPER. Thank you, Mr. Kelleher, thank you for all your work you do for USA Hockey, and as Co-Chair of the National Governing Body, the NGB Council. Your work is essential to gathering feedback, collecting it from all these different sports, you know, across the entire Movement. You discussed why NGBs need more transparency, in your testimony, from the Center for SafeSport to prevent abuse. How could the NGBs work cooperatively with the Center for SafeSport and still preserve their right to exclusive jurisdiction over cases of misconduct?

Mr. KELLEHER. We certainly believe in independence and investigations. We feel we need to be more collaborative with the Center in policymaking. I think that is really crucial. The NGBs, as Ms. Colón stated, there is an incredible workload. We recognize that.

However, we do think the operational effectiveness continues to need to be improved.

Taking on more cases makes it harder to close cases, just obvious, with the numbers that have been shared this morning. So how are there ways that the cases that could go back to the National Governing Bodies to handle, could be addressed? We think that is very critical.

Administrative closures, obviously, is another one where the NGBs have limited knowledge of what happens, and we don't know that it makes sports safer sometimes. Ultimately, the NGBs believe we are great teammates, and want to be great teammates with the U.S. Center for SafeSport and the USOPC, because all of us have the same goals, to rid all of these bad actors, all of these situations from sports.

So the more collaborative approach, input from NGBs into policy-making we think will be helpful, and avoid any unintended consequences, and ultimately make sure that we continue our work to provide the safest environment for every participant in sport.

Senator HICKENLOOPER. Great, I appreciate that. And so I will come back to you. I am going to yield now to Senator—

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. I will help you. Senator Moran.

Senator HICKENLOOPER. Yes. Senator Moran from the great state of Kansas; I was just—had that moment.

Senator MORAN. I understand. Thank you very much, Mr. Chairman. I am glad we were here, but I am sad we were here with, yet, concerns about the safety of U.S. Olympic athletes. Senator Blumenthal and I led the effort in regard to sexual abuse among the gymnasts, the passage of Empowering Olympic, Paralympic, and Amateur Athletes Act occurred in 2020. It included the Commission that now reports to us. I guess I would start with asking is, are Olympic athletes safer today than they were before the enactment of 2020?

Maybe that is a question for, I don't know, Ms. French?

Ms. FRENCH. I think there have been many measures put in place that have allowed safety to become more of a priority. I still believe there is a lot of work to do, and there are ways that we can create more culture change, and more trauma-informed, systemic change that will allow us to create safer environments for athletes.

Senator MORAN. I think—I mean, that is clear. I do want to hear that it is safer today, that progress is being made.

Mr. Kelleher, perhaps you could address that in hockey or other NGB athletes; are things better today?

Mr. KELLEHER. Things are better today, recognize that. And again, as you mentioned Olympic athletes, we were also, within all of our scope, we are talking Olympic athletes, Paralympic athletes, we were also talking grassroots sport participants. At USA Hockey, we have members as young as 5 years old that get on the ice to play our sport, so it is protecting, making sure they are in the safest environment possible.

And frankly, at the highest level there are certainly concerns to still be addressed by the grassroots level where some of these

delays, and/or cases that take too long really have an impact on the local level that we feel could be addressed by the local programs, or by the NGBs to help resolve some of these things that are not, you know, Federal cases, let us say.

Senator MORAN. You indicated that the NGBs would like to play a greater role. Ms. Colón indicates that money and volume are problems, and you, one of your solutions I think, as I understood, was that you could do more of the cases that were nonsexual allegations. Do the NGBs; are they equal in that capability?

Mr. KELLEHER. They are not.

Senator MORAN. And there would be a difference, I assume. We saw this in what we investigated a number of years ago. Would you describe that problem or challenge to me?

Mr. KELLEHER. You are correct. I mean we have over 50 National Governing Bodies. All different shapes and sizes, we have many that are under—their overall operating budget is under—I think we have 19 NGBs that operate in a budget of less than \$5 million annually. So they are limited. However, some of those smaller NGBs have less participants, right, they have less people to cover. They certainly have issues. And all of us, collectively, anything sexual in nature we need to go to the Center, everybody, across the board, NGBs are 100 percent on that.

Some of these issues, however, that can come back, that a larger NGB, such as USA Hockey deals with, we have people in place. We have a volunteer structure. We have 34 affiliate organizations that have people in place dedicated to the work of fulfilling what we need to keep athletes safe at the grassroots level, through SafeSport.

So there are ways to do that, and hopefully that would help lessen the load, and allow the Center to pursue more of the—we would term, as egregious cases.

Senator MORAN. Ms. Colón, does that appeal to you? The ability to have the NGBs take care of cases if you have a challenge with volume? Is this a solution to that problem?

Ms. COLÓN. I think that that could be one of the solutions to the problem, right. I agree with Ms. French that this is a systemic culture shift that is needed, and in order for abuse to really be rooted out, and to be handled, it takes a really proactive approach, right, and a collaborative approach across all the organizations. I don't think that handing over all the allegation of sexual abuse misconduct for all NGBs to handle is the right move. I also don't think that all NGBs are prepared, as Pat said, you know that most—a majority of the NGBs are small, and they don't have the resources to be able to handle dozens, hundreds, thousands, of emotional and physical abuses, misconduct cases.

And what we know is that the numbers of reports are going up. They will continue to go up, and if they are not ready right now to handle those cases, you know, if those numbers—if history shows us anything, if those numbers, you know, double or triple over the next several years, I think we could be in a very similar situation. So I think it is part of the solution, but I do think that there are more things that need to be done, you know, including efficiencies and investigations, proper funding, that could really

help support that, so that we don't have people who are waiting for resolution, particularly on the emotional and physical abuse side.

Senator MORAN. If the Congress, I mean one of the recommendations of the Commission is more Federal dollars, more than the \$10 million that was appropriated. I am also an appropriator that deals with this number. If that money was available, how would it change the outcome of your work?

Ms. COLÓN. You know, money doesn't solve everything, I am aware of that. I am forever grateful, as the Center is, that we were able to get funding through the Empowering Olympic, Paralympic and Amateur Athlete Act that was passed in 2020, and that really helped the organization become what it is today. If we think back to 2019 when we were struggling and negotiating for funding, it was not a great place for the Center, and the backlog was tremendous.

And so, similar to 2020, I would expect 2024, if additional funding came in 2024 or 2025, that funding would not only go toward increasing investigators, so we have more people to actually handle these cases, but also make significant investments in technology, so that we can start to streamline more, and have more efficiencies throughout the entire process.

Senator MORAN. Mr. Chairman, this is my last question.

So the thing that stood out to me, and then that stays with me from the investigation and the results of our efforts a number of years ago, was the question by traumatized victims—traumatized athletes and who are victims, and their question was: Why was there more than one? Why was there more than one athlete that was sexually abused? And I mean, we have—we need reporting, we need response, law enforcement, time and time again these ladies were failed by a system that should have protected them and it didn't.

I just want to know, and I don't know that any of you are the people that can answer this question, but I want to know for my own wellbeing, and understanding, and what responsibilities we have here on this committee; is there anything out there that we ought to be aware of that is worthy of further investigation, anything?

Or let me put the question this way. Part of what we want to do is prevent; in fact, rather than investigate cases, we want to prevent cases. Is there anything that this Congress, this committee should be doing that would prevent additional, so there is not one more?

Ms. COLÓN. Can I answer that? I think there is a lot of things that can happen, right. I think we will all agree that what happened in gymnastics, what has happened in other sports, is one too many, and it is certainly—it is certainly what keeps me, my team, I am sure many people on this panel, up at night. And we know that throwing more investigators at a problem after the fact is only helping to solve one part of the problem.

At the end of the day, what we want is prevention. We don't want to have to do this in the first place. And so, I think what we have done so far, and there has been great strides and great progress made, but what we have done so far is set a baseline for what is acceptable and what is not within the Olympic and

Paralympic Movement. We have required education, we have required policies, required adults who work with children to understand and recognize and report rules.

And if that was extended to others throughout youth sport, because there is a considerable amount of overlap, and people who jump from Olympic sport, to NCAA, to youth—to local youth sports organizations, to a local high school. If that was in some way streamlined, if they also had the requirement to at least check the centralized disciplinary database to make sure that who they were putting in front of their youths, weren't barred or suspended from the Center for SafeSport, that could be one piece.

If those people were required to take prevention education that was quality that really focused on prevention annually, year after year, that would also help. So I think there are a lot of things that we can do collectively that would really help to stem and curb abuse, because all of us in this room, wherever you are sitting, we don't want to have hearings like this. We don't want to have conversations like this, because we don't want to have to be in this situation in the first place.

Senator MORAN. And we had hoped that that—what you just described would have been accomplished by now. Thank you.

Senator HICKENLOOPER. Senator Peters.

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

Senator PETERS. Thank you, Chair Hickenlooper, and Ranking Member Blackburn; first off, thank you for holding this hearing here today. And thank you for allowing me to be a part of the Subcommittee for this one hearing. I am not a normal member, but an issue that both of you know I care deeply about. And Senator Moran, I want to thank you again for your leadership, as we were dealing with an incredibly egregious, just a horrible abuse situation in Michigan, and your leadership during those days, and passing the legislation. Thank you for doing that.

And I want to thank all of our witnesses here. You are right, none of you want to be here, we don't want to be here, but we have to be because we were dealing with a very, very serious issue that continues to be incredibly challenging.

And I would like, just to take a moment to especially thank, Grace French. Grace, thank you. Thank you for not just being here, but for all of your work that you do as an advocate for athletes, and survivors of abuse. You are a big reason why we are here today talking about this very important issue. And so now, I am proud to be your Senator, and proud to see you leading this effort, it is courageous, and is appreciated by so many people.

I have been concerned about this issue for a long time, and that is why, in 2020, working with Senator Moran, then Chair, as part of the Empowering Olympic, Paralympic, and Amateur Athletes Act, I was able to secure an amendment that established an annual survey of athletes, and asked their thoughts on how matters of abuse and sexual harassment are being handled in their respective sport.

In the most recent survey only about a third of the athletes were satisfied with the support that they were receiving. That finding

should be a signal to all of us that we need to do more. In today's hearing, and the Commission's recent report, I think will hopefully get us to continue, that we get down the road to meaningful reform.

So Ms. French, my first question is for you. According to the Commission's Report, SafeSport, "Does not adequately employ trauma-informed practices", in many cases, victims are hesitant to file claims because they think SafeSport's process will actually traumatize them. Many also perceive that the system is, quite frankly, just stacked against them. So why bother?

So my question for you is: How can Congress and SafeSport, itself, act to lessen the burden on victims, and coming forward, and actually seek resolutions that we so desperately need?

Ms. FRENCH. Thank you, Senator Peters, and thank you for your question. Our main concern has been transparency and communication from SafeSport on how the investigation process is going and coming to decisions, to the extent allowed by law. The lack of clarity leaves athletes unsure of whether their concerns will be investigated thoroughly. SafeSport needs to make sure that those communications are trauma-informed and are not retraumatizing through that process.

And we also believe that with the appeals process, there is another option for preventing retraumatization by allowing there to be a different process. Right now what seems to be happening, and what we were hearing from victims, is that it is basically a retrial as they are going through that appeals process, that ends, often-times, with that athlete dropping because they don't want to be retraumatized through that process. And that can sometimes lead to the respondent's advantage in that moment.

I will say that if SafeSport interacts with survivors in a more trauma-informed way, I think there will be increased trust from those people, and we will get more resolution faster, and those abusers who are allowed to thrive currently, because those survivors are scared to come forward, will then be taken out of the system, and we can start preventing abuse that way as well.

Senator PETERS. If I could follow up, a question on that, one of the proposed reforms was a victim advocate to improve SafeSport experience for athletes. What are your thoughts about that proposed reform?

Ms. FRENCH. I think it is incredibly important that victim advocates are a part of the process. One of the main things I do want to stress there is that they are completely independent from the U.S. Center for SafeSport. They are not employed by them, because within that becomes a conflict of interest and a lack of trust from the athletes' perspective, that they may not have always the best intention of the athlete when they are going through that process. And making sure that that advocate is trained, is trauma-informed, and it really is making sure that the athlete is at the center of all that they are doing.

Senator PETERS. Well, thank you. Again, thank you Ms. French, for being such a powerful advocate. I appreciate it.

Ms. FRENCH. Thank you, Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

Senator HICKENLOOPER. Now, I will turn it over to the Ranking Member who is far more than a Ranking Member, Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman.

And Ms. French, thank you so much. I think you are the reason we were here, and we appreciate your willingness to speak up. One question for the entire panel, and I know we have interested parties in the audience. So I am going to open this to everyone in the room. How many of you think SafeSport needs reform, raise your hand?

I would say that is, that is a majority, it certainly is of people that are here.

So, Ms. Colón, let me come to you, because I appreciate your testimony today. I appreciate the phone call that we had earlier, and I know that you are working to make some changes. We have heard such troubling reports that during a SafeSport investigation communication with the NGBs and the claimant is almost non-existent. Ms. French just mentioned that in her response to Senator Peters.

And I really feel that this could end up being a dangerous situation for these athletes. They are young, they are training. I am a mother and a grandmother, I think many times it is so important to have that communication to truly work through an issue. And when you don't share any information with the NGBs, then it really hampers their ability to keep bad actors away from the kids.

Mr. Kelleher referred to this in his testimony, and particularly in instances where you used administrative closure, that leaves the claimant without a resolution, the NGB is left in the dark. And the sad thing about this; is when you approach it that way, the abuse can continue, because the abuser feels as if they got by with this, and they beat the system.

And on top of that, when you also keep information from survivors of sexual abuse that is something that risk retraumatizing them. And Ms. French mentioned the Act, as something that is in need. So let us talk first about what are you going to do, what is the plan to improve the communication with the athletes, the claimants, the NGBs, so that we really go after ridding sports of these abusers? So very quickly.

Ms. COLÓN. Sure. Thanks for the question, Senator. You know, there are a number of things that we were doing in order to increase transparency and communication, not only with athletes, claimants, respondents, NGBs, and others throughout the process, because we have recognized that over the years the communication has not been exactly what people have wanted, particularly on the NGB side, and it has made things difficult for them.

And so you know, about 9 months ago we started a top-to-bottom review of our entire investigative process because we wanted to, one, understand what—

Senator BLACKBURN. And when will that be completed?

Ms. COLÓN. We are actually making some announcements on April 1—well, actually we were making announcements tomorrow to some NGBs, but some of these changes are actually going into effect on April 1.

Senator BLACKBURN. OK. That is a positive step. I know John Manley who represented some of the survivors of the Nassar abuse, has said that he recommends his clients not to go through you all, because your process can go for 497 days. He has said, his quote here, "That they are slow, cumbersome, biased, and often handled incompetently."

So getting some communication, and then addressing the speed, what are you doing about timely manner?

Ms. COLÓN. So first, I would disagree with Mr. Manley's statements—

Senator BLACKBURN. Well, those are his opinions.

Ms. COLÓN. Right.

Senator BLACKBURN. And he has been in this process.

Ms. COLÓN. Yes. I understand. As far as timeliness goes, you know, part of the changes that we have made, that I mentioned earlier will go to improve the efficiencies and timeliness of our investigation.

Senator BLACKBURN. Did you need a shot clock put on SafeSport?

Ms. COLÓN. A shot clock?

Senator BLACKBURN. A shot clock, that you have got maybe a certain period of time that you have to address this. You know, as we have worked on issues with the NCAA, one of the things Senator Booker, and I have a bill. I mean you get that, you have got to take an action, and if you don't maybe after a year, you consider this revolved—resolved in the claimant's favor.

Ms. COLÓN. Where our goal is to not have any case go longer than a year, like that is our own internal personal shot clock.

Senator BLACKBURN. Let me ask you one more thing then. You had an \$11 million surplus in 2022, in your budget. So what exactly did you use that money for? And why did you not go hire more investigators and pick up the pace on these investigations?

Ms. COLÓN. We did. We did. In fact, we reduced the number of cases that were open in 2020, 2021, and 2022, we do have a reserve rather than a surplus in the budget, and that is going to be used to carry us through the next several years because next year we anticipate a \$1.5 million deficit.

Senator BLACKBURN. OK. Thank you.

Senator HICKENLOOPER. Great. Thank you. And before I come back to Ms. Koller, Senator Moran I will never—I just wanted to make sure I appreciate your tenacity to be here after all the work you did previously.

So now you are going to get—I am going to ask a question of Ms. Koller, Senator Klobuchar, is on her way, so you will be grilled relentlessly.

Ms. Koller, the Commission on the United States Olympic and Paralympic spent months looking at every aspect of Olympic and Paralympic ecosystem, many findings and recommendations for Congress to consider, all around, improving safety of athletes. Can you kind of underscore the areas you believe Congress could specifically support Center for SafeSport, but also which areas you think SafeSport could offer reforms on their own?

Ms. KOLLER. Thank you, Senator. Our top line recommendation after studying this was that the funding for SafeSport must be delinked from the USOPC, that that was a credibility problem in

terms of encouraging survivors, encouraging victims to come forward, that that link to the USOPC was something that was a disincentive.

So without an independent funding source, SafeSport will continue to be seen by victims as an arm of the USOPC, we heard it over, and over, and over again, or governing bodies making folks less likely to come forward. What we did is we highlighted the United States Anti-Doping Agency as a success story. Their funding comes through Congressional appropriations, and they are, sort of universally respected as independent, fair, by athletes, coaches, and others within the Movement.

So that was our top recommendation for Congress, is to essentially put SafeSport on the USADA model with direct Congressional appropriations.

In terms of what SafeSport can do on its own, I think Ms. Colón, has talked about those things, and they are quite open to doing it, as we noted in our report, hiring more staff who are trained in trauma-informed practices, using arbitrators with a background in handling trauma cases, closing fewer cases administratively, and jurisdictionally, improving the way SafeSport conducts event audits and education, et cetera.

So I think all the things that Ms. Colón has talked about, that they are aware of, clearing out those backlogs, are things that we have recommended and our report, that SafeSport undertake.

Senator HICKENLOOPER. Great. Thank you.

Ms. French, we have heard a number of times at the hearing today on the importance of trauma-informed best practices. You talked about that, and pretty much everyone has touched on that. Have we missed anything on that? In other words, are there other recommendations so that we can avoid recreating the trauma as several people have described, and make sure that we can still protect athletes without forcing them to relive some of the worst moments of their life?

Ms. FRENCH. Thank you for your question. I think for us it always goes back to the principles of what being trauma-informed means. It is understanding the pervasiveness and impact of trauma, mitigating and transforming those effects, minimizing retraumatization, supporting healing, resilience, and well-being, and then attending to the impact of trauma organizationally.

I think within SafeSport, it starts with a staff; why training, on its impacts, and then proceeds with the examination of policies and procedures of SafeSport across the board, to see how they can make more trauma-informed adjustments based on those above principles. SafeSport needs to review their trainings, their processes, and practices, and the handling of cases so they can minimize that retraumatization.

It is a systemic and thoughtful approach that takes into account every step, and every process within SafeSport, rather than just hiring social workers, who may or may not have a trauma-informed background, and for the investigation. I think it is a systems change. It is not just one solution.

Senator HICKENLOOPER. All right. I completely agree. And I think there is—at some point we get further into that, and this is something that is kind of application far beyond the work you are

just doing here, in terms of how this country deals with trauma and assault.

Ms. Colón, and I am not trying to—I don't expect you to be on top of every single case, but Colorado Public Radio reported on the story of a 13-year-old swimmer who was reported to the Center of SafeSport for an alleged incidence of—or instance of misconduct. It took the 13-year-old three months to learn what the accusations were for an event that occurred 10 months earlier, in 2021. As of January, it is still an open case.

The athlete is now in high school and still under temporary sanctions imposed by SafeSport. The local police have investigated the case; and they had already investigated and dismissed the incident within weeks. I mean, is this indicative? What is the average length that a case stays open?

Ms. COLÓN. Thanks for the question. And I actually stayed on top of this one. In fact, this case has been resolved, and I, personally, spoke to some of the parents that were involved in this, just to, one, express my apologies for this taking so long. As I mentioned earlier, the sheer volume of cases sometimes puts cases that aren't that serious on a longer waiting list, and so we wanted to make sure that we address that for sure.

I think when you think about how we can increase the timeliness to make sure that we don't have cases that sit this long as well, I think we have covered a little bit of that here, particularly with process changes, and how we are going to be adapting some of the actual investigative process, along with additional staffing.

Senator HICKENLOOPER. Appreciate that. And we do have Senator Klobuchar on remotely, just to show you our technological capacities here. Why don't I turn it over to Senator Klobuchar for some questions?

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. OK. Thank you so much, Chair. Thank you for just allowing me to get some questions in here at the end.

Ms. Colón, we are going to be excited to be hosting the Olympics Gymnastics Women's Finals in Minnesota, and so many of those athletes have shown such incredible courage in coming forward about their own experiences of abuse at the hands of Larry Nassar. And I know my colleagues have asked a lot of questions on these grounds, but could you just, generally, talk about what SafeSport is doing to ensure that the types of abuse that Larry Nassar perpetrated can never happen again? And how you are coordinating with law enforcement?

Ms. COLÓN. Sure. Thank you for the question Senator. I think there are a couple of things that the Center for SafeSport is doing, particularly in relation to our work with law enforcement. First and foremost, every staff member at the Center for SafeSport is a mandatory reporter, and so when we receive an allegation of abuse or misconduct—of sexual abuse misconduct, we report that immediately to law enforcement in respective states.

So I think that is key. Also, you know because of what we deal with each and every day we often bring in law enforcement, and they bring them to the Center for SafeSport to either investigate

or implement certain things when they are—throughout an investigation. So I think that close alignment with law enforcement throughout the process is really critical to our success, in our ability to actually handle cases.

When we think about keeping athletes safe though, before abuse happens, and I think one of the things that we have done since opening our doors is really put together comprehensive policies to really dictate how adults interact with children, how coaches interact with athletes.

And so, one, making sure that every one of these—or every one of the NGBs, and every one at these events understands what those sports—what those policies look like. But also knowing that the Center for SafeSport actively and annually audits against every one of those policies, and so—

Senator KLOBUCHAR. OK.

Ms. COLÓN. Sure.

Senator KLOBUCHAR. OK. Thank you. And do you want to finish? I am sorry. I was trying to think how to go about—

Ms. COLÓN. Oh. No. I just—I have lots to say.

Senator KLOBUCHAR. OK. Good. Well, I can also get more in writing, and I wanted to just ask Professor Koller, since you know and work with my husband, what is a way we can ensure victims have the support they need? I know that your testimony highlighted that systemic change is needed even outside of—beyond SafeSport.

Ms. KOLLER. Thank you for that question Senator Klobuchar. I defer to, of course, Ms. French to talk about specifically what survivors need, and what would be best for them, but in terms of what our Commission reported, we believe that a solution that ensures that athletes are not vulnerable, sort of in a holistic way, is really the answer.

And so we have, in addition to the SafeSport recommendations, decoupling the funding from the USOPC, we have made a proposal, a recommendation, that the Team USA Athlete Commission be established as an independent entity, an independent, a truly independent voice for athletes. If athletes feel that they have a voice in the Movement, if they are not vulnerable, they will be much, much safer.

In addition, we have proposed that Congress take away, at the USOPC's suggestion, which they have talked about for decades, their dual mandate, to both coordinate and develop grassroots, and youth sports, and sort of cultivate the high-performance pipeline.

So many children participate in youth sports, as Ms. Colón has said. They sit outside the jurisdiction of SafeSport. These are children who are not within the safety provisions that Congress has provided through SafeSport. And so we have proposed that when, for instance, the Federal Government makes grants, which it often does to youth sport programs, we believe those grants should be increased, those grants should be run through a Clearing House, in the Office of the Department of Health and Human Services, which we proposed in the report.

And that as part of that, youth sport providers, that grant money that supports youth sport be conditioned on signing on to SafeSport jurisdiction, and the protection that SafeSport provides.

Senator KLOBUCHAR. OK.

Ms. COLÓN. So I recommend our report to you. I think we have lots of recommendations that would keep athletes safe beyond SafeSport.

Senator KLOBUCHAR. OK. Very good. Thanks.

The last, kind of, ending on an upbeat here: Mr. Kelleher, I recently met with leaders from the recently formed Professional Women's Hockey League. We are very excited that of the six teams, one is from Minnesota. We actually had 13,000 fans for the opening game against Montreal. I am going to an event tonight again with the Canadians to celebrate this. And in 2017, I was one of the leaders in Efforts to Resolve Wage Disputes.

And I want to thank Senator Cantwell for her leadership on that.

But could you talk about what USA Hockey is doing to foster a safe environment for women players?

Mr. KELLEHER. Thank you, Senator Klobuchar. Yes, we look at all of our participants, male, female. We have six different disciplines of disabled sport under USA Hockey, and we have to provide a safe environment for every athlete, from national team players, from players in, you know, the highest levels of our sport, down to the grassroots community.

So we had our own Safe Sport Program started in 2012. We have been leaders within the space, within the Movement, and also working with the U.S. Center for SafeSport to protect every participant in the sport of ice hockey in the U.S. that is related to USA Hockey.

I think a point, should be expanded upon, is that the National Governing Bodies take that responsibility very seriously. We recognize we came here from a bad place several years ago, and why we were here in a lot of cases. But the National Governing Bodies do a lot of this work across the board for youth sports throughout our country. And we believe that we follow the strongest guidelines, through the Center for SafeSport, through background screens, through everything we do to provide—to be proactive, to provide education that we do through the Center.

USA Hockey alone does 140,000 adults through our SafeSport training on an annual basis. We run 70,000 background checks on an annual basis. We are trying to set the environment to be as safe as possible, and then recognizing that if something happens, we have to take action. And we do that at the grassroots level all the way to the national level.

Senator KLOBUCHAR. OK.

Mr. KELLEHER. So we recognize that safety is the number one priority across the board, Senator.

Senator KLOBUCHAR. Thank you. Thank all of you very much. And thank you, too, Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Senator Klobuchar. Thank all of you. Again, this is the last time I will thank you, because we were at the end.

And you know, the revelations that came about with Larry Nassar's despicable actions, the world will never be the same after that. But you all are working diligently. I think we are seeing great progress toward making sure we work our way back toward a sense of security and safety where our athletes can feel they can work with their coaches, and their teammates, the other athletes

that they train with, in an environment where they can grow, and not feel the anxiety and fear, that really the whole world felt, after the revelations about Larry Nassar.

And he may be serving a hundred years in jail, but his impact is still there. And you are doing, I think, great work to really push back against that.

This does conclude the hearing for today. Again, thank you, each, and all of you for your efforts, not just today but leading up to today. I mean, this is one of the most important discussions we can have. And team sports, and individual sports are something that have always brought this country together. And we have to make sure that we can continue to move back into that in that direction.

The hearing record will remain open for Senators to submit additional questions. You will be surprised, you will get additional questions, I promise, questions for the record for two weeks, until April 3, 2024. Any Senator can submit questions for the record, and they may do so until then.

We ask witnesses to submit responses to those questions by April 17, a quick turnaround. But again, we appreciate all your time in this.

With that, the Committee is now adjourned.

[Whereupon, at 12:16 p.m., the hearing was adjourned.]

A P P E N D I X

The Army of Survivors

TRAUMA WARNING

FOR IMMEDIATE RELEASE

DOJ SETTLES WITH NASSAR SURVIVORS, CONCLUDING FINAL LEGAL CASE OVER FBI MISCONDUCT

MICHIGAN (April 23, 2024)—In a culmination of a two-year-long lawsuit, the U.S. Department of Justice (DOJ) finalized an agreement on April 23 to settle with the 100 athletes who survived unspeakable abuse at the hands of the now-defamed and imprisoned former USA Gymnastics sports medicine physician, Larry Nassar, due to the Federal Bureau of Investigation's (FBI) initial failings to investigate reports of criminal abuse by the doctor.

No amount of money can truly compensate for the pain and suffering endured by the athlete-survivors, a direct result of negligence and institutional betrayal by the very systems designed to safeguard them. However, the acceptance of this settlement brings a semblance of closure, marking the resolution of the last remaining legal battle against the network of institutions that failed in their response to the allegations against Nassar.

At this delicate juncture, The Army of Survivors (TAOS) stands in solidarity with the athlete-survivors who have persisted in bravely sharing their stories to create enduring change. Their unwavering voices have been pivotal in shedding light on systemic failures and have spurred a movement demanding accountability and reform. After the announcement of the settlement, TAOS Co-Founder and President Grace French said, "This settlement marks not just a chapter's close, but the start of a new narrative in sports—one where the voices of survivors catalyze the transformation towards an era of transparency, accountability, and safety for all athletes."

As we turn this page, our collective efforts must focus on ensuring that the lessons learned are embedded into the fabric of athletic institutions through systemic change, leaving an indelible mark that honors the courage of these athlete-survivors. TAOS reaffirms its commitment to this cause and calls on sports entities at every level to uphold the highest standards of conduct so that such failures are never repeated. With this settlement, we do not seek to end the conversation; instead, we seek to amplify it, encouraging ongoing dialogue and action to safeguard the dignity and well-being of every athlete stepping into the arena of competition.

About The Army of Survivors

The Army of Survivors is a designated 501(C)3 non-profit organization whose mission is to bring awareness, accountability, and transparency to sexual violence against athletes. Created by a group of more than 40 athlete survivors of sexual violence, The Army of Survivors is the only national organization advocating for and supporting athlete survivors of sexual violence through resources, advocacy, and education. For more information, visit TheArmyofSurvivors.org and follow The Army of Survivors on *Twitter*, *Instagram*, *Facebook*, and *LinkedIn*.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO JU'RIESE COLÓN

Among other concerns, we have heard from National Governing Bodies ("NGBs"), athletes, and advocates who have cited delays in SafeSport's processing of allegations. The Commission acknowledged this burden, referring to SafeSport as both "overwhelmed and under-resourced." I know that the top legislative request you have made is for additional funding.

Question 1. Can you address how increased funding would specifically help this issue of delays and case backlog? Are there straightforward ways, in your view, to expedite these processes?

Answer. Since the passage of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, the U.S. Center for SafeSport has invested in its infrastructure and increased its staff by 230 percent. Since that time, reports have also increased more than 2,000 percent. While the Center has focused on internal alignment and increasing efficiencies throughout the investigative process, we need additional funds to continue investing in technology and hire more investigative staff to manage case volume and reduce investigation times. With additional resources, the Center could implement maximum timeframes on investigations. This is particularly important as new sports such as flag football and lacrosse may add more than a million individuals to the movement, and the 2024 Olympic and Paralympic Games in Paris are expected to drive up reporting this summer.

In your testimony before the Commission, you stated that you are actively reviewing how SafeSport can provide more information to NGBs, particularly around administrative closures.

Question 2. Can you elaborate on what enhanced information sharing processes you are considering? Does SafeSport need Congressional action to achieve this enhanced information sharing, or can it act on its own to do so?

Answer. The Center announced on April 1, 2024 that it is redefining and recategorizing Administrative Closures and Holds to provide more clarity and understanding. As a part of this change, the Center will provide to participants in its process and NGBs specific categories that explain the reason for these outcomes, without compromising Claimant confidentiality. The Center believes Congressional action is necessary to allow the sharing of additional case information with relevant parties and agencies. Enclosed you will find a list of legislative changes the Center would like Congress to consider. Please see #7 regarding specific language around information sharing. Please note that the Center has heard concerns from survivors about providing more information to NGBs about their cases, so the Center encourages consultation with survivor organizations before any such changes are made.

One of the Commission's findings was a substantial misunderstanding regarding the standard of evidence required for SafeSport to prove a claim. Specifically, the Commission encountered a misperception that evidence "beyond a reasonable doubt" was required, rather than the actual, lower standard of "preponderance of the evidence."

Question 3. What more can SafeSport—or Congress—do to make clear the actual standard?

Answer. The Center was surprised to learn of this finding as it is not a common concern we hear from athletes. Whenever possible, we highlight the fact that the Center has a lower burden of proof than criminal law, as we are able to act on cases—and often do—that do not result in a conviction. Since the Commission did not share detailed findings, it is difficult to understand the scale of this concern. Our burden of proof is explained in the FAQ section of our website. We will however, review our website and update to further clarify components of our process, including evidentiary standards. Additionally, we have expanded our Process Navigator team to provide more support for those going through our process. The Center does not believe Congressional action is necessary to address this issue.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. GARY PETERS TO
DIONNE KOLLER

One of the Commission's findings was a substantial misunderstanding regarding the standard of evidence required for SafeSport to prove a claim. Specifically, the Commission encountered a misperception that evidence "beyond a reasonable doubt" was required, rather than the actual, lower standard of "preponderance of the evidence."

Question. To what do you attribute this frequent misperception, and how could that misperception discourage individuals from coming forward?

Answer. We found that this misperception relates to the general lack of widespread understanding of the status of the quasi-governmental institutions that direct our Olympic and Paralympic movement. For instance, many individuals both within and outside the movement do not understand that the United States Olympic and Paralympic Committee is a private corporation and not a government agency or government funded. Similarly, there were gaps in understanding SafeSport's role

as being limited to determining whether an individual found in violation of the SafeSport Code may continue to participate in movement sports.

This misperception of the nature of the institutions and role they play in governing the Olympic and Paralympic movement contributes to a lack of understanding related to the standard of proof required to establish a SafeSport claim. Many individuals within the movement assumed that the standard for criminal proceedings, “beyond a reasonable doubt,” applied to determinations of whether an individual violated the SafeSport Code. This discourages individual from coming forward for two reasons.

First, it may lead victims to conclude that SafeSport processes are similar to criminal proceedings, including with respect to the standard required to determine a violation has occurred, and this along with other concerns about SafeSport processes may lead victims to conclude that they will be re-traumatized if they come forward to report. Second, the Commission found that the belief that SafeSport proceedings will be conducted in a manner similar to a criminal justice proceeding, and then the realization that it is not, has engendered mistrust among athletes, coaches, and other stakeholders who believe SafeSport either has been too aggressive or from those who believe SafeSport has not been aggressive enough. In both cases, individuals believe SafeSport should provide Constitutional-level Due Process, which would be required of a government entity, and instead SafeSport provides only the level of process that is promised by their Code.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. GARY PETERS TO
GRACE FRENCH

I have heard troubling reports that SafeSport’s appeals process is not transparent, may be overly deferential to respondents, and can force victims to repeatedly deliver the same testimony. Indeed, where respondents appeal SafeSport decisions, nearly half of the arbitrations have been decided in favor of respondents. Athlete survivors attribute this to the arbitration process being re-traumatizing, leading to survivors declining to participate.

Question. How can we reform this appeals process, not only to add clarity and transparency but to prevent athletes from being unnecessarily compelled to testify a second time?

Answer. As a survivor, again the need for transparency is critical. The current arbitration process presents as one-sided and arbitrary. It becomes a second hearing—with forced face-to-face testimony being re-collected. We urge changes to the arbitration process to an appeals panel of experts with both trauma-informed awareness and understanding of the nuances and complexities of abuse in sport.

I feel that victims should not be compelled to testify a second time—they should be able to opt into the appeal for participation. But if they do not participate the case should still be examined, not immediately administratively closed. Examining the case should be on the record established during the investigation with some clear understanding of the preponderance of the evidence standard to be applied. If new evidence is sought to be added to the record, it should be re-investigated. There should be no new statements or new examination of witnesses. As a review process on the record, there should not be face-to-face examination of witnesses, especially in the case of a minor. As we have seen in the current arbitration system, many survivors will not want to engage in any second review process that forces them to face-to-face testimony with the respondent/perpetrator. If there is new material information that comes to light in the appeals process, it should be returned to the investigation stage.

The expert panel we suggest should have the training and expertise to be trauma-informed and sports context aware to make a reasoned review of the investigation. There is a need to balance the expertise around the sport while protecting against conflicts of interest and bias (such as an NGB safety officer being on the panel making a decision in cases where they had direct contact or there might be actual or perceived bias). It would be important for the experts on the appeals panel to be able to recuse/remove themselves or be removed from review of cases where there is an actual or perceived conflict of interest. Survivors should be able to know who is on the panel of experts or pool of experts so that bias and conflicts of interest can be addressed.

We are not sure if the appeals panel is the correct place, but there is a need to have some sort of check on the decision making and investigative techniques used by SafeSport. The panel could also be able to reflect on the appropriateness of the investigation and review whether the investigation was conducted in good faith by

SafeSport. This would be a way to have internal protections against inappropriate or ineffective investigations by SafeSport from an outside perspective.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO
PAT KELLEHER

We have heard that once the Center receives an allegation, it provides very limited information to NGBs about the nature or seriousness of the allegation. Once SafeSport exercises jurisdiction over a case, it retains jurisdiction—with very limited information sharing—over the entirety of the investigation until resolution. During an investigation, NGBs are not permitted to act against a Respondent, including firing or suspending the individual in order to keep athletes safe.

Question 1. In what ways would enhanced information sharing by SafeSport at the *outset* of a case benefit your NGB? Could reforming the process to give NGBs the authority to take interim action enhance the safety of athletes?

Answer. The Center's initial membership inquiries provide no information about the case to allow the NGB to assess the need for immediate suspension or other temporary measures to protect its members. The first communication received by an NGB is a "Confidential Request for Member Information" in which the Center requests membership and other background information about the respondent but provides no information other than that the Center "has received allegations of misconduct involving" the respondent. Without any substantive information about the allegations, NGBs have no means to assess the need for immediate suspension or other temporary measures to protect its members. Despite the possibility of significant safety concerns, the respondent is often allowed to participate alongside the claimant and others without any restrictions.

When the Center accepts jurisdiction, the next communication is a Notice of Exercise of Jurisdiction which provides only limited, general information about the nature of the allegations. Below are some examples of typical descriptions from recent Notices of Exercise of Jurisdiction:

The U.S. Center for SafeSport received a report alleging that, between April 2023 and December 2023, Respondent [name redacted] engaged in sexual misconduct and other inappropriate conduct of a sexual nature, including bullying of a sexual nature involving a minor male athlete and attempting to establish an intimate relationship with an adult female parent wherein there was an imbalance of power.

The U.S. Center for SafeSport received a report alleging that, in or around September 2023, Respondent [name redacted], a minor, engaged in sexual misconduct involving minor male teammates, including nonconsensual sexual intercourse.

The U.S. Center for SafeSport received a report alleging that, in or around February 2024, Respondent [name redacted], likely a minor at the time, engaged in sexual misconduct involving a minor female teammate, including sexual harassment and nonconsensual sexual contact and/or intercourse.

Despite receiving this limited information, the Center's exclusive jurisdiction makes it too late for the NGB to impose a suspension and leaves NGBs in a tenuous position of trying to implement safety measures to protect the other participants, but without sufficient information to understand the risks. The Center then provides no other information to NGBs during the pendency of any case unless it takes some action to impose or modify temporary measures. At that time, it provides a Notice of Allegations with only a short summary of the allegations that support the temporary measures being imposed by the Center. Thereafter, no other substantive information is shared with the NGB about the status of the case until the case is resolved.

USA Hockey believes that the requirements on the Center, whether in Federal statute or the Center's SafeSport Code, should be modified to provide the NGBs more information and more flexibility to impose measures at the outset of the case. Ideally, the Center would provide the NGB, on a confidential basis, with a copy of the submitted report and evidence (with appropriate redaction if necessary) to allow the NGBs to make an independent decision on the respondents' continued participation and for the protection of all other participants. At a minimum, the Center should provide NGBs with more detailed information about the nature of the allegations and evidence it has received from the reporting party.

NGB officials have raised concerns that when cases are closed administratively, due to the lack of information sharing between SafeSport and NGBs, their ability to protect athletes is limited.

Question 2. How does SafeSport’s practice of administratively closing many matters impact the ability of NGBs to act on allegations of abuse? Are there instances where you have been unable to take action to protect athletes following the administrative closure of a matter?

Answer. With respect to this question, USA Hockey notes that the Center has made some recent adjustments to its nomenclature for cases formerly known as “Administrative Closures” (splitting them into two categories: “Administrative Holds” and “Administrative Closures”) and also now identifies the general basis for why it administratively closed the case. However, these recent changes do very little to assist the NGB in addressing the risks of the respondent returning to participation with other members.

It is also important to understand how the Center’s extensive use of Administrative Closures/Holds exacerbates the issues faced by NGBs. While the Center claims it administratively closes only 38 percent of its cases, this figure includes the nearly 50 percent of the reports over which the Center declined jurisdiction or determined it had no jurisdiction at all. The Center’s statistics for USA Hockey in the eighteen months from January 1, 2022 through June 30 2023 indicate that the Center accepted jurisdiction of 51 percent of the reports it received, and of those cases, 75 percent were administratively closed. Of the sexual misconduct cases during that period, the Center administratively closed 82 percent of the cases over which it exercised jurisdiction. Of all administratively closed cases, 58 percent were due to “insufficient information” or a “reluctant claimant,” which do not necessarily absolve a respondent of the alleged misconduct.

The concern from these cases arises because after an Administrative Closure, the Center retains jurisdiction over the allegations reported to it yet provides no information to the NGB regarding those allegations, the investigation it conducted, or its findings. The NGB is required to allow the respondent to participate, yet the NGB has no information about the seriousness of or evidence supporting the allegations to assess whether measures are necessary to protect the safety of other participants with whom the respondent will interact after they are deemed eligible to participate.

One recent case illustrates the difficult position NGBs are placed following an Administrative Closure/Hold. USA Hockey received an anonymous letter alleging that the reporter’s daughter had:

“complained to me more than once regarding unwanted sexual advances made by [coach name redacted]. Based on my daughter’s allegations, I began speaking with other parents, and found they had similar complaints from their daughter, and they have similar experiences and concerns.”

The reporter went on to indicate that the girls and their families have been afraid to come forward out of fear of retribution, of being kicked off the team or having hopes destroyed of playing competitively at higher levels.

USA Hockey reported this matter to the Center, which accepted jurisdiction of the case but simultaneously issued an Administrative Hold based on “Insufficient Information” (defined generally as a lack of evidence or information to proceed with or continue the investigation, or when a claimant does not participate) and an “Unidentified Claimant” (in which, notably, the Center claims it has exhausted all means to obtain information).

USA Hockey provided the Center with rosters for the teams coached by the respondent and indicated that we believed it was important for the Center to conduct some investigation into these allegations. However, the Center indicated it was “not inclined to cold-call athletes on the roster without corroborative information. Taking such action may cause unintentional but additional harm to witnesses and greater community.”

While we understand the Center’s reasoning in this case, USA Hockey is left in a very difficult position of allowing this coach to remain eligible while also protecting its athletes from potentially significant harm. Although the Center has indicated we are permitted to implement our own safety measures, we are prohibited from conducting any investigation into this case to support those measures.

USA Hockey believes that the Center should be required to provide the full investigatory file on Administrative Closed/Held cases so that NGBs are sufficiently equipped to assess the risks of a respondent’s return to sport and to implement safety plans or other measures to protect its members from possible harm.

As we’ve shown above, the Center does not share adequate information with the NGBs whether at the beginning, during or at the conclusion of a case. NGBs are then placed in the untenable position of responding to the concerns of their members and providing a safe environment without visibility into the allegations or facts determined. USA Hockey firmly believes, at a minimum, that the Center needs to

share additional information with the NGBs (i) at the commencement of a case to address the safety of its participants during the Center's investigation and (ii) upon Administrative Closures/Holds so that the NGBs can make educated decisions on the need for additional safety measures when the Center allows a respondent back into the sport.

