

# The United States Olympic and Paralympic Committee: A Primer

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# The United States Olympic and Paralympic Committee: A Primer

The organization now known as the United States Olympic and Paralympic Committee (USOPC) has organized U.S. participation in the Olympic Games since the early 20<sup>th</sup> century and serves a leading role representing the United States in international athletics as both the national Olympic committee and national Paralympic committee for the United States. Its role has been formally recognized by Congress, which made USOPC a federally chartered corporation in 1950.

Unlike most other nations, the United States has chosen not to bring Olympic and non-professional athletics under the day-to-day management and policy guidance of a government agency, instead relying on USOPC and other nongovernmental bodies to fill that role. Nonetheless, since the passage of the Amateur Sports Act (ASA) of 1978 (P.L. 95-606; 36 U.S.C. ch. 2205), Congress has laid out many of the terms regarding USOPC's authority and operations and has defined the general purposes and mission of the organization to include goals such as encouraging participation in athletics at all levels, supporting athletes, and regulating the national governing bodies that organize individual sports. A complex arrangement of stakeholder organizations and policies has developed around these purposes.

In the decades since the passage of the ASA, there have been significant changes in the international landscape for elite and Olympic competition. The Olympic Games now generate significant revenue for organizers and athletes, and the notion that elite athletes in Olympic sports are amateurs rather than professionals compensated for their skills and success has all but disappeared. There has also been growing emphasis on the proper role for athletes as decisionmakers in their sporting careers and the obligations of the government and athletic organizations to protect participants, especially young athletes, from abuse and other mistreatment. These concerns, in particular, have led to a renewed focus in Congress on how the United States manages athletics and whether USOPC has been effective in implementing the purposes of the Amateur Sports Act.

USOPC performs specific duties related to American participation in the Olympics and other international athletic events. A major component of USOPC's work, especially to athletes and the general public, is the organization's leadership on the selection and promotion of Team USA. Congress has also empowered USOPC to certify national governing bodies for individual sports and requires USOPC to oversee those bodies. This oversight duty also means that USOPC has significant responsibilities regarding issues including athlete safety and abuse. USOPC funds these activities and supports national governing bodies largely through congressionally granted control over Olympic trademarks, which generate substantial sponsorship and broadcast revenue.

As Los Angeles prepares to host the 2028 Summer Olympic Games, the first Games in the United States since the 2020 Salt Lake City Winter Games, and Congress considers potential reforms to the Amateur Sports Act, Members of Congress may be interested in examining how USOPC is organized and operates and Congress's role in amateur and Olympic sports in America.

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The United States Olympic and Paralympic Committee (USOPC) is the congressionally chartered corporation that organizes Olympic and amateur athletics in the United States. It governs American participation in international competitions as both the national Olympic committee (NOC) and national Paralympic committee for the United States.<sup>1</sup> Additionally, USOPC oversees and certifies the national governing bodies (NGBs) that organize individual sports in the United States and is a leading decisionmaker on issues that affect athletes on and off the field of play.

USOPC's membership is composed of other stakeholder organizations, including NGBs and the National Collegiate Athletic Association (NCAA), and has been a major actor in American athletics for over a century.<sup>2</sup> It also participates in the international system of sports governance under the International Olympic Committee (IOC). USOPC is led by a Board of Directors whose appointments are based on selections by constituencies including NGBs and athletes. Unlike most countries, the United States develops elite athletes with relatively little government involvement or funding, and Congress has empowered USOPC to support and regulate these activities.

This report provides an overview of USOPC's organization and key activities and select issues that may be of interest to Congress. The report begins with a brief history of the organization's development since the early 20<sup>th</sup> century, which provides context both for the current organization of USOPC and many of the current policy issues related to the Olympic Movement. The report then analyzes the role of USOPC in American athletics, focusing on its administrative and athlete support functions, and discusses USOPC's organization and operations, including funding. Finally, the report discusses the role Congress has taken regarding USOPC.

## Development of USOPC<sup>3</sup>

This section provides a brief history of the development USOPC as an organization. This development has had a significant impact on how sports are managed in the United States and helps to explain key aspects of current law and practice. A timeline summary of these major events can be found in **Figure 1** at the end of this section.

### Early History

American athletes have been competing in the modern Olympic Games since the first Games in 1896. U.S. participation was supported and loosely organized by a group of leading figures in the Amateur Athletic Union (AAU), an early promoter of international competition based in New York City. Initially this largely meant raising funds and organizing athlete travel to and from Europe. These boosters formed another organization, the American Olympic Committee (AOC), in 1906. The AOC, which retained its close association with AAU, became the primary organizer for the U.S. delegation, even taking an active role in the selection process.<sup>4</sup>

Through the end of World War I, the AOC remained a loose organization that was active only in the lead-up to each Olympic Games. (At the time there were only summer Olympic Games, and

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<sup>1</sup> See 36 U.S.C. ch. 2205 (The Ted Stevens Olympic and Amateur Sports Act). For more information on congressional charters see CRS Report R47236, *Title 36 Charters: The History and Evolution of Congressional Practices*, by Henry B. Hogue; and CRS In Focus IF11972, *Title 36 Congressional Charters*, by Henry B. Hogue.

<sup>2</sup> 36 U.S.C. §220504(a).

<sup>3</sup> Throughout this report, the current name of the organization, the United States Olympic and Paralympic Committee, is generally used. However, where contextually appropriate, historical names for the organization may be used.

<sup>4</sup> See John A. Lucas, "A Recapitulation of the United States Olympic Committee's Very Earliest Years 1906-1922," *Journal of Olympic History*, vol. 15, no. 1 (March 2007), pp. 22-26. The AAU still exists and has become particularly involved in youth sports. See <https://aausports.org/index.php>.

they were held every four years from 1896 to 1912.)<sup>5</sup> Between 1918 and 1920, the AOC's leadership determined that a more organized body should be created to manage ongoing activities, and they established the American Olympic Association (AOA) in 1921. The AOC continued to support athletes at the Olympic Games, and the two entities operated jointly.

With the collective activities of the AOA and AOC, the modern system for organizing U.S. Olympic participation began to take shape.<sup>6</sup> During this period, coordination and oversight of the organizations that would eventually be organized and regulated as NGBs also emerged as a key function of the organization.

While the AAU continued to play a leading role in the AOA and AOC, membership also included organizations representing different disciplines and groups of athletes.<sup>7</sup> This included the NCAA and the service branches of the U.S. military, which had an increased interest in physical fitness as a readiness issue after World War I.<sup>8</sup>

### What Is Olympism?

The founder of the modern *Olympic Movement*, Pierre de Coubertin, espoused lofty ideals for the Olympic Games and amateur and international sports in general. While the Olympic Games have evolved significantly since the 1890s, the Olympic Movement has continued to promote "Olympism" as its overarching purpose and ideal. The principles of Olympism blend philosophical intentions with the practical considerations that go into managing an organization with international scope and membership.

The Olympic Charter states that Olympism:

- is a "philosophy of life" that seeks to blend "sport with culture and education" to foster a "way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles;"
- seeks to use sport to promote "harmonious development of humankind" toward a "peaceful society concerned with the preservation of human dignity;"
- is an international movement that is enacted by conducting Olympic Games;
- believes that "the practice of sport is a human right;"
- operates with "political neutrality;"
- operates free from discrimination; and
- requires compliance with the Olympic Charter and that participation will be governed by the International Olympic Committee.

**Source:** IOC, "The Olympic Charter," August 8, 2021, <https://olympics.com/ioc/olympic-charter>.

## United States Olympic Association

In 1950, Congress formally recognized the AOA, by then known as United States Olympic Association (USOA), by granting the organization a congressional charter.<sup>9</sup> This charter formalized the USOA's authority to "organize, select, finance and control the representation of

<sup>5</sup> Robert Edward Lehr, "The American Olympic Committee, 1896-1940: From Chaos to Order" (PhD diss., Pennsylvania State University, 1986), pp. 44-79.

<sup>6</sup> USOPC considers the 1921 creation of the AOA to be the birth of the organization. See USOPC, "History," <https://www.teamusa.org/about-the-usopc/history>.

<sup>7</sup> Lehr, "The American Olympic Committee, 1896-1940," p. 94.

<sup>8</sup> AOC, *Report of the American Olympic Committee: Seventh Olympic Games: Antwerp, Belgium* (Greenwich, CT: The Conde Nast Press, 1920), pp. 6-13.

<sup>9</sup> P.L. 81-805 (An Act to Incorporate the United States Olympic Association). For more information on federal charters, see CRS Report R47236, *Title 36 Charters: The History and Evolution of Congressional Practices*, by Henry B. Hogue.

the United States” in the Olympic and Pan-American Games.<sup>10</sup> The law also gave the USOA the exclusive right to use and profit from the use of certain marks associated with the U.S. Olympic teams.<sup>11</sup> In 1961, the USOA became the United States Olympic Committee (USOC).<sup>12</sup>

## **Creation of USOPC**

While sports generally thrived in the United States in the post-war era, the nation’s performance in the Olympic Games began to stagnate. This was particularly apparent in comparison to the Soviet Union, which began to spend heavily on sports programs following its first Olympic Games appearance in 1952.<sup>13</sup> Not only was international competition becoming tougher, but many parts of the U.S. amateur sports system were being affected by dysfunctional organizations at home.

The AAU, which continued to exercise substantial control over the USOC because of its historical role and because it was the organizing body for several major sports, and the NCAA had co-existed uncomfortably since the 1920s. By the 1960s, tensions were particularly high in track and field, where many elite competitors were college athletes, who wanted to compete in both NCAA- and AAU-sanctioned events. Both organizations tried to control when and where these athletes could compete and under what terms. The AAU largely controlled participation in international competitions, including Olympic team selection, while the NCAA was the primary organization where athletes could receive elite-level coaching. In disagreements between the organizations, both sides used athletes as leverage.<sup>14</sup>

## **Early Federal Intervention in the AAU-NCAA Dispute**

By the early 1960s, concern that top athletes might be deemed ineligible for the Olympic Games as they navigated contradictory requirements from the NCAA and AAU had reached the White House and leaders in Congress. In the lead up to the 1964 Tokyo Games, President John F. Kennedy first asked Attorney General Robert F. Kennedy and then General Douglas MacArthur to mediate between the parties.<sup>15</sup> General MacArthur’s efforts helped the United States get through the Tokyo Games without incident, but it did not create a lasting agreement. This fragile state of affairs worsened in the early 1970s and was compounded by relatively poor showings by American athletes on the medal table, especially in the 1972 Munich Games.<sup>16</sup> While congressional engagement with the stakeholder organizations and athletes increased through the 1960s and early 1970s, Congress did not pass legislation to address the shortcomings of the existing system.

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<sup>10</sup> P.L. 81-805, §4(1).

<sup>11</sup> P.L. 81-805, §9. This grant has grown more significant than initially imagined in recent decades, as discussed in “Trademarks” below.

<sup>12</sup> The name change was formalized in statute by P.L. 88-407 in 1964.

<sup>13</sup> President’s Commission on Olympic Sports, *Final Report*, January 1977, p. 11.

<sup>14</sup> See generally Joseph Turrini, *The End of Amateurism in American Track and Field* (Urbana, IL: University of Illinois Press, 2010).

<sup>15</sup> Turrini, *The End of Amateurism in American Track and Field*, pp. 69-73. One reason President Kennedy asked for General MacArthur’s assistance was because MacArthur had been president of the AOA in the late 1920s.

<sup>16</sup> After the United States secured the most gold and total medals in 1968, the Soviet Union surpassed it on both counts in 1972. See IOC, “Munich 1972 Medal Table,” <https://olympics.com/en/olympic-games/munich-1972/medals>.

## **President's Commission on Olympic Sports**

President Gerald Ford established the President's Commission on Olympic Sports (PCOS) by executive order in June 1975.<sup>17</sup> He observed that the array of amateur sports associations in the country had become a “quagmire” that was holding back athletes and directed the PCOS to make recommendations on the resolution of those issues.<sup>18</sup> In addition to leaders in athletics and business, the PCOS included eight Members of Congress, including Senator Ted Stevens of Alaska, who would become a congressional leader on amateur athletics throughout his long senatorial career.<sup>19</sup>

The principal finding of the PCOS was that U.S. athletes were being held back by the patchwork of competing sports organizations. According to the PCOS the system created infighting among those organizations and an uneven distribution of resources among athletes, especially women and those with disabilities.<sup>20</sup>

The PCOS's recommendations included a more empowered USOC. While the USOC had been federally chartered since 1950, it did not have authority to lead the other stakeholder organizations, including the NCAA and AAU. Specifically, the PCOS recommended an amendment to the USOC's federal charter that included:

- membership composed of national governing bodies with more balanced representation among stakeholders,
- direct athlete representation on the USOC board,
- directing the organization to lead on issues such as sports medicine,
- empowering the organization to resolve disputes among NGBs, and
- creation of rules for the certification and oversight of NGBs.

These recommendations constituted significant changes to the administration of amateur athletics, particularly by proposing both that USOC certify and exercise authority over NGBs and by preventing any particular organization, such as the AAU, from accumulating controlling power within the USOC. One long-standing principle that the PCOS endorsed and remains essential to this day is that the government does not directly manage most amateur athletics programs in the United States.

## **Amateur Sports Act of 1978**

After the PCOS issued its final report in January 1977, momentum grew for related legislation, and Congress passed the Amateur Sports Act of 1978 (ASA) in November 1978.<sup>21</sup> The act generally followed the course suggested by the PCOS for the USOC<sup>22</sup> and similar reforms that the

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<sup>17</sup> Executive Order 11868, “President's Commission on Olympic Sports,” *Weekly Compilation of Presidential Documents*, vol. 11, no. 25 (June 23, 1975), pp. 648-649.

<sup>18</sup> “President's Commission on Olympic Sports: Statement by the President on the Establishment of the Commission,” *Weekly Compilation of Presidential Documents*, vol. 11, no. 25 (June 23, 1975), pp. 647-648.

<sup>19</sup> In addition to leadership on the ASA, Senator Stevens also sponsored major amendments to the statute in 1998.

<sup>20</sup> President's Commission on Olympic Sports, *Final Report*, pp. 1-2.

<sup>21</sup> P.L. 95-606.

<sup>22</sup> Senator Ted Stevens sponsored the legislation, and Senators John Culver and Richard Stone joined as cosponsors. All three served on the PCOS.



stakeholders were developing internally.<sup>23</sup> The largest change included in the ASA was the empowerment of the USOC to become the lead organization in amateur athletics in the United States. While NGBs maintain a significant role in the governance of individual sports, for international competitions (including the Olympic Games), Congress placed the USOC in charge of the American participation.

Another significant change was the new requirement that each NGB be affiliated with no more than one international federation. This limited each NGB to one sporting discipline and limited the ability of NGBs to directly control large blocs of representation within the USOC.<sup>24</sup>

Historically, the AAU had used its status as the organizing body for multiple sports to influence policy and decisions across the stakeholder community and exercise authority within USOC.<sup>25</sup>

While the ASA has been amended since its original passage, the general model laid out in 1978 is still used today.

In 1998, after 20 years of development in international sports, Senator Stevens introduced the Olympic and Amateur Sports Act Amendments of 1998.<sup>26</sup> Significant additions to the ASA included increased authority for USOC to resolve disputes, full integration of parasports into the ASA and recognition of USOC as the national Paralympic committee for the United States, and the creation of the athlete ombuds and other athlete rights provisions.<sup>27</sup>

## **United States Olympic and Paralympic Committee**

One of the most significant developments for USOPC's structure since the passage of the ASA has been the elevation of parathletes and parasports within the organization. The Paralympic Movement, organized around sporting disciplines and classes of parathletes, has increased its collaboration with the Olympic Movement in recent decades, including co-location of host cities for the Olympic and Paralympic Games.<sup>28</sup>

As noted above, the 1998 amendments to the ASA officially integrated parasports into the ASA framework. Under the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020, Congress took this development a step further by renaming USOC to USOPC to reflect the role of parathletes and parasports in the organization and increasing recognition of parathletes in the Olympic Movement.

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<sup>23</sup> See U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *Amateur Sports Act of 1978*, Report on S. 2727, 95<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 27, 1978, S. Rpt. 95-770 (Washington: GPO, 1978), p. 3.

<sup>24</sup> See 36 U.S.C. §220522(6).

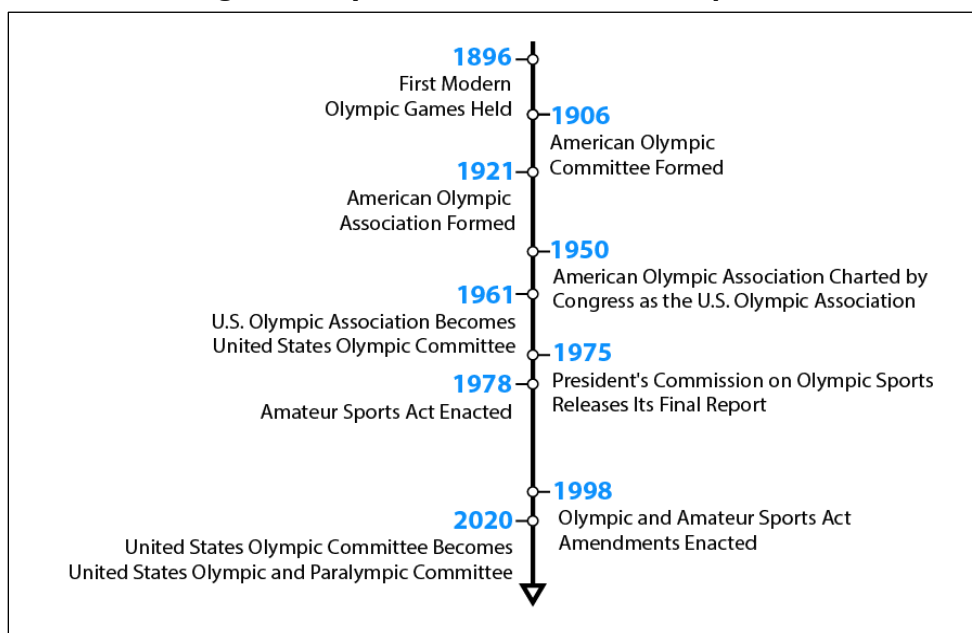
<sup>25</sup> Following the enactment of the ASA, the AAU largely stepped away from elite competitions and is known today largely for its role in youth sports, especially basketball. See AAU, "About the Amateur Athletic Union," [https://aausports.org/page.php?page\\_id=99844](https://aausports.org/page.php?page_id=99844).

<sup>26</sup> P.L. 105-277, Div. C, §141. Senator Stevens was, once again, the sponsor and driving force behind the legislation.

<sup>27</sup> See generally U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *Olympic and Amateur Sports Act of 1998*, Report on S. 2119, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., September 10, 1998, S.Rept. 105-325 (Washington: GPO, 1998).

<sup>28</sup> See Steve Bailey, *Athlete First: A History of the Paralympic Movement* (Chichester, UK: Wiley, 2008).

**Figure I. Key Points in USOPC Development**



Source: CRS.

## Sources of USOPC Authority

USOPC activities are governed by three principal sources of authority:

1. The ASA;
2. The Olympic Charter; and
3. The USOPC bylaws.

### Amateur Sports Act (36 U.S.C. ch. 2205)

The ASA designates USOPC as the body that organizes U.S. participation in the Olympic Games, Paralympic Games, and other international competitions and provides the governance structure of USOPC and many requirements for its operations.

The key powers of USOPC provided by the ASA pertain to control over U.S. participation at international sporting events, certification and oversight of NGBs for individual sporting disciplines, and exclusive right to use and profit from the use of Olympic mottos and symbols in the United States.

In other nations, the government performs many of the roles fulfilled by USOPC, including management of elite athletic programs and support for youth and other amateur athletics. USOPC's federal charter and the public flavor of the role it fills have led some observers to call it a "quasi-governmental" entity.<sup>29</sup> There is no single definition or authoritative listing of what entities are and are not quasi-governmental. Nonetheless, this framework may help to describe USOPC, which operates as a private entity but has been provided a functional monopoly related

<sup>29</sup> This includes the Congressional Research Service. See CRS Report R47236, *Title 36 Charters: The History and Evolution of Congressional Practices*, by Henry B. Hogue. See also Dionne Koller, "Amateur Regulation and the Unmoored United States Olympic and Paralympic Committee," *Wake Forest Law Review Online*, vol. 9 (2019).

to American representation at many major international sporting events and has functions that many observers might consider governmental.

## **Olympic Charter**

USOPC also operates as part of the IOC's system of sports governance under the Olympic Charter. The IOC is a private organization based in Switzerland.<sup>30</sup> As the national Olympic committee for the United States, USOPC is obliged to follow the Olympic Charter, which lays out the roles of the stakeholders, including NOCs.<sup>31</sup>

Under USOPC's bylaws, it will “seek to enforce and comply with all rules and regulations” of the IOC as well as the International Paralympic Committee (IPC) and Panam Sports (which organizes the Pan-American Games).

The Olympic Charter states that NOCs are to “develop, promote, and protect the Olympic Movement” in their countries. This includes encouraging athletic participation in their countries and supporting athletes as well as adhering to rules against doping, other cheating in competition, and discrimination. NOCs must be recognized by IOC, and recognition gives NOCs the exclusive right to select athletes for Olympic competition and to make decisions regarding national bids for the Olympic Games.<sup>32</sup>

## **USOPC Bylaws**

Under both the ASA and the Olympic Charter, USOPC has authority regarding its operations and administrative duties. The USOPC board adopts and amends bylaws to guide the organization's day-to-day activities, set board procedures, provide rules for dispute resolution, and establish the roles and authorities of associated organizations.

## **Role of USOPC in American Athletics**

Collectively, these authorities empower USOPC to perform its principal functions: the coordination of organized amateur sports in the United States and the participation of the United States at elite international sporting events.<sup>33</sup> The ASA provides that USOPC is to

exercise exclusive jurisdiction ... over all matters pertaining to United States in the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games, including representation of the United States in the games; and the organization of the Olympic Games, the Paralympic Games, the Pan-American Games, and the Parapan American Games when held in the United States.<sup>34</sup>

To fulfill that purpose, USOPC is designated as the NOC for the United States.<sup>35</sup> Under the ASA it is more generally the “coordinating body for amateur athletic activity in the United States

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<sup>30</sup> IOC, *Olympic Charter*, August 8, 2021, §15, <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>.

<sup>31</sup> This section focuses on the IOC and Olympic Charter, but the International Paralympic Committee and Panam Sports, which are also part of the Olympic Movement, have bylaws as well.

<sup>32</sup> IOC, *Olympic Charter*, §§27-31.

<sup>33</sup> USOPC's mission statement is as follows: “Empower Team USA athletes to achieve sustained competitive excellence and well-being.” See USOPC, “Strategic Foundations,” <https://www.usopc.org/strategic-foundations>.

<sup>34</sup> 36 U.S.C. §220503(3).

<sup>35</sup> 36 U.S.C. §220505(c)(2).

directly related to international amateur athletic competition.”<sup>36</sup> Specific USOPC duties based on these roles include organizing and financing Team USA participation at international competitions,<sup>37</sup> certification of NGBs,<sup>38</sup> and the resolution of disputes within the amateur sports community.<sup>39</sup>

USOPC has also adopted a set of six “core principles” laid out in the organization’s bylaws. These principles reflect the breadth of duties the modern USOPC undertakes, including leadership in amateur athletics in the United States and globally.<sup>40</sup> These principles are closely aligned with:

1. protection of the rights, safety, and wellness of athletes;
2. championing the integrity of sport;
3. respect and support for member organizations;
4. excellence and accountability as an organization;
5. advancement of the global Olympic and Paralympic Movements; and
6. honoring the legacy of athletes.

## **Leadership in Olympic and Amateur Athletic Administration**

International sports bodies are largely organized into two interrelated classes of organizations. First, there are bodies such as the IOC and USOPC, which work across sporting disciplines to organize events such as the Olympic Games and address issues that affect the entire community.

Second, there are organizations that govern individual sporting disciplines, including both NGBs, which organize a sport within a particular country, and international federations, which govern those sports globally. These bodies organize events and establish rules, scoring and judging systems, and eligibility requirements within their areas. NGBs may also provide coaching, other training, and support for their athletes.

There are also a variety of other amateur athletic organizations in the United States that play a significant role in amateur sports. Perhaps the most significant is the NCAA, which hosts a wide range of competitions and whose member schools play a significant role in training emerging elite competitors and other athletes.

## **National Governing Bodies**

Under the ASA, for each sport on the program of the Olympic Games, Paralympic Games, Pan-American Games or Parapan American Games, USOPC may certify one “amateur sports organization, high performance management organization, or Paralympic sports organization” as the NGB.<sup>41</sup> In practice, this means that each sport will typically have a certified NGB organizing grassroots and elite activities and competitions, providing guidance on rules and officiating, and running the selection process for Team USA.

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<sup>36</sup> 36 U.S.C. §220505(c)(1).

<sup>37</sup> 36 U.S.C. §220505(c)(3). Some of these functions are delegated to NGBs.

<sup>38</sup> 36 U.S.C. §220505(c)(4).

<sup>39</sup> 36 U.S.C. §220505(c)(5).

<sup>40</sup> See USOPC, *Bylaws of the United States Olympic and Paralympic Committee*, April 1, 2023, §2.1.

<sup>41</sup> 36 U.S.C. §220521(a).

In order to become (and remain) a certified NGB, an organization must meet 19 eligibility criteria, including athlete representation and support, appropriate dispute resolution processes, demonstrated financial capacity and ability to organize its sport and implement a fair Team USA selection process, and adherence to nondiscrimination policies.<sup>42</sup>

### ***Role of the NGBs***

NGBs are authorized to be the official coordinating bodies within their sports in the United States and to represent the United States in their respective international federations.<sup>43</sup> These duties also extend to the development of grassroots participation in their sports.

Additionally, the NGBs sanction many domestic and international competitions held in the United States, such as national championships and Olympic trials.<sup>44</sup>

#### **Selection of Team USA**

Perhaps the most high-profile activity of amateur sports organizations in the United States is the selection of Team USA athletes. Under the ASA, one purpose of USOPC is to “obtain for the United States ... the most competent amateur representation in each of event” for major international competitions.<sup>45</sup> The statute specifically provides that USOPC accomplish this directly or “by delegation to the appropriate” NGB. Both the ASA and USOPC’s bylaws make this capacity to select athletes to represent the United States a key eligibility criterion for NGBs.

This division of responsibility is also required by the Olympic Charter, which provides that NOCs offer entries for their national teams to the IOC. It also requires all entrants to have been recommended for selection by their NGBs.<sup>46</sup>

Each NGB operates its own selection process, which may include trial competitions for individual sports and tryouts and coach review for team sports. The process for selection of parathletes is similar but may also include classification of athlete impairments, which are an additional eligibility factor for participation in specific events. Procedures and planning for these activities are subject to USOPC approval.

Given the importance of these selections and the potential that athletes who do not make the team may wish to challenge those decisions, the ASA and USOPC bylaws provide dispute resolution procedures and establish limits designed to ensure that such challenges do not interfere with U.S. participation in events.

### ***NGB Certifications, Audits, and Complaints***

The ASA provides several avenues for oversight of NGBs. These include certification, recertification, and audit requirements; opportunities for stakeholders to make complaints and even seek to replace an NGB; and procedures under which USOPC or Congress can decertify an NGB. USOPC has also established more detailed procedures regarding its governance authority pertaining to NGBs.

There are two primary avenues by which other amateur sports organizations can raise concerns regarding an NGB and push for a response from USOPC. First, organizations may make complaints to USOPC if they believe that an NGB is not fulfilling its duties under the ASA. USOPC is required to “consider” such a complaint and inform the complainant whether it will pursue compliance action.<sup>47</sup>

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<sup>42</sup> 36 U.S.C. §220522.

<sup>43</sup> 36 U.S.C. §220523(a).

<sup>44</sup> 36 U.S.C. §220523(a).

<sup>45</sup> 36 U.S.C. §220503(4).

<sup>46</sup> Olympic Charter, §44.

<sup>47</sup> USOPC, *Bylaws*, §10.

Additionally, during certain periods following major international competitions, an organization may apply with USOPC to replace an incumbent NGB in its sport.<sup>48</sup> If USOPC determines that the NGB is out of compliance, it may decertify that organization and either declare a vacancy or certify the organization making the challenge as the sport's NGB.<sup>49</sup>

The Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020<sup>50</sup> also requires USOPC to review each incumbent NGB's certification by 2028 and then at least once every four years thereafter.<sup>51</sup> USOPC's Ethics and Compliance department conducts these certification audits. If an NGB is found not to be in compliance, USOPC has authority to place the NGB on probation while it remediates issues rather than moving to immediate decertification.<sup>52</sup>

### ***Financial Support***

USOPC also provides substantial financial support to NGBs as part of its mission to develop amateur athletics. According to USOPC's most recent impact report, 83% of the organization's FY2022 expenditures (\$288 million) went to activities that it classifies as direct support for athlete excellence, sports advancement, and community growth.<sup>53</sup> Much of this funding flows to the NGBs. USOPC issues annual "Sport Benefit Statements" that detail the funds provided to each NGB.<sup>54</sup>

### **USOPC and the NCAA**

Educational institutions play a major role in the development of athletes in the United States and are responsible for much of the athlete development in the country up to the elite level. For many Americans, the highest level of organized sports they will participate in occurs during either high school or college and is organized within those educational communities.

While these organizations, especially the NCAA, are key participants in the amateur athletics system headed by USOPC, their unique history and structure has led Congress to place certain activities and competitions outside the purview of USOPC. Under the ASA, "amateur sports organizations"<sup>55</sup> have "exclusive jurisdiction over that competition if participation is restricted to a specific class of amateur athletes, such as high school students, college students, members of the Armed Forces, or similar groups or categories."<sup>56</sup> This carveout allows organizations such as

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<sup>48</sup> USOPC, *Bylaws*, §11.

<sup>49</sup> The procedures pertaining to these actions are specified in USOPC's *Dispute Resolution Policy*, which is available at [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/bltaa19089c33b6fddd/64371b4b6c90a412014015d1/USOPC\\_Dispute\\_Resolution\\_Policy\\_040123.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/bltaa19089c33b6fddd/64371b4b6c90a412014015d1/USOPC_Dispute_Resolution_Policy_040123.pdf).

<sup>50</sup> P.L. 116-189.

<sup>51</sup> 36 U.S.C. §220521(d).

<sup>52</sup> 36 U.S.C. §220527(c). For more information on certification and compliance audits, see USOPC, "National Governing Body Audit," <https://www.usopc.org/ngb-audit>.

<sup>53</sup> See USOPC, "Consolidated Financial Statements and Reports of Independent Certified Public Accountants: December 31, 2022 and 2021," June 22, 2023, p. 7, [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022\\_United\\_States\\_Olympic\\_and\\_Paralympic\\_Committee\\_FS\\_-\\_FINAL\\_6.22\\_FINAL-ua.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022_United_States_Olympic_and_Paralympic_Committee_FS_-_FINAL_6.22_FINAL-ua.pdf).

<sup>54</sup> These statements are available at <https://www.usopc.org/sport-benefits-statements>.

<sup>55</sup> The ASA defines *amateur sports organization* as "a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition" (36 U.S.C. §220501(b)(3)).

<sup>56</sup> 36 U.S.C. §220526(a).



the NCAA (and their athletes) to participate in USOPC and NGB competitions while still operating the distinct intercollegiate system.<sup>57</sup>

## **Bidding for and Hosting the Olympic Games**

Another major activity within the Olympic Movement is bidding for, organizing, and hosting the Olympic Games. While local officials and organizers decide whether to initiate a hosting bid for a particular city, USOPC determines which American bid will be offered to the IOC (if there is more than one) and promoting that bid during the selection process.<sup>58</sup>

When a U.S. city is selected to host the Olympic Games, the bidding committee for the host city is designated as the Organizing Committee for the Olympic Games (OCOG). OCOGs are to enter into agreements with other key Olympic and governmental stakeholders that lay out financial terms and planning obligations.<sup>59</sup>

While OCOGs perform much of the work that goes into hosting the Olympic Games in the United States, USOPC is also deeply involved in the process and shares a variety of responsibilities with the OCOG and host city. For the 2028 Los Angeles Games, for instance, USOPC and the OCOG have formed a joint venture, United States Olympic and Paralympic Properties, to manage marketing and sponsorships and distribute revenues to the organizations.<sup>60</sup>

## **Supporting Athletes**

### **Athletes' Advisory Council**

The Athletes' Advisory Council (AAC, also known more recently as the Team USA Athletes' Commission<sup>61</sup>) is a representative body for active athletes within USOPC whose mission is to "ensure communication" between those athletes and USOPC.<sup>62</sup> The AAC traces its origins to the early 1970s, when athletes began to organize for discussions with the USOC. This activity was then reinforced by athlete representation requirements in the ASA.<sup>63</sup> The AAC itself was recognized by statute as part of the Olympic and Amateur Sports Act Amendments of 1998,

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<sup>57</sup> High school athletics are organized in a similar manner.

<sup>58</sup> USOPC performs this function for Pan-American Games as well.

<sup>59</sup> Notably, the host city contract between the OCOG and the IOC also includes the relevant NOC as a party. See, for example, IOC, "Host City Contract Principles: Games of the XXXIV Olympiad in 2028," September 2017, <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXXIV-Olympiad-2028/Host-City-Contract-2028-Principles.pdf>; and City of Los Angeles, "Games Agreement of the 2028 Olympic and Paralympic Games," November 17, 2021, [https://clkrep.lacity.org/online/docs/2015/15-0989\\_rpt\\_cao\\_11-17-21.pdf](https://clkrep.lacity.org/online/docs/2015/15-0989_rpt_cao_11-17-21.pdf).

<sup>60</sup> See USOPC, "Consolidated Financial Statements and Report of Independent Certified Public Accountants: December 31, 2022 and 2021," p. 13, available at [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022\\_United\\_States\\_Olympic\\_and\\_Paralympic\\_Committee\\_FS\\_-\\_FINAL\\_6.22\\_FINAL-ua.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022_United_States_Olympic_and_Paralympic_Committee_FS_-_FINAL_6.22_FINAL-ua.pdf). USOPC also received over \$12 million in donations during 2022.

<sup>61</sup> This report refers to the organization as the AAC because both the ASA and USOPC bylaws continue to do so.

<sup>62</sup> See AAC, *Bylaws of the USOPC Athletes' Advisory Council*, May 17, 2023, [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt76a37120f358f38e/6494897ce1e2cd9c1e3105a7/AAC\\_BYLAWS\\_May\\_2023-\\_FINAL\\_ACCESSIBLE.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt76a37120f358f38e/6494897ce1e2cd9c1e3105a7/AAC_BYLAWS_May_2023-_FINAL_ACCESSIBLE.pdf).

<sup>63</sup> See Team USA Athletes' Commission, *History of the Commission*, <https://www.usopc.org/teamusa-athletes-commission>.

which directed that USOPC bylaws “establish and maintain” the AAC and that the AAC have a voting seat on the USOPC board.<sup>64</sup>

The USOPC bylaws and the ASA both integrate the AAC into USOPC policymaking and dispute resolution processes. One ongoing concern for the AAC is funding. Since January 2020 the AAC has been funded under an agreement with USOPC that provides for a full-time director.<sup>65</sup> However, as the AAC works to become more professionalized and expand its activities, the organization may seek additional resources from USOPC or even increased independence.<sup>66</sup>

## **Dispute Resolution**

USOPC is also the main dispute resolution body in U.S. amateur athletics. Earning a spot on Team USA for an international competition is often a pinnacle achievement in an American athlete’s career. For many athletes, competing and succeeding on the international stage allows them to pursue their sports full-time and substantially increases their earning potential. The stakes, therefore, are great and the competition for spots is intense. In such an environment, disputes can arise regarding how NGBs run their competitions and engage with athletes as well as the fairness of the athlete selection process.

Under the ASA, USOPC is required to provide for the “swift and equitable resolution of disputes.”<sup>67</sup> USOPC maintains a dispute resolution policy and employs a dispute resolution unit. The policy sets out procedures for a variety of disputes involving NGBs, athletes, and competitions.<sup>68</sup>

When disputes involve selection to Team USA, Congress has provided that USOPC decisions may not be challenged in court in the 21 days prior to those major international competitions.<sup>69</sup> This provision ensures that disputes over selection are decided within the stakeholder community and finalized in time for events.

## **Office of the Athlete Ombuds**

In 1998, Congress established the position of the athlete ombuds within USOPC to “provide independent advice to athletes at no cost” regarding the ASA and the USOPC bylaws, the Center for SafeSport, and other Olympic Movement organizations and to “assist in the resolution of

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<sup>64</sup> 36 U.S.C. §220504(b)(2). Under Section 3.2(c) of the USOPC bylaws, the AAC currently selects three athletes who are AAC members to serve on the board.

<sup>65</sup> See USOPC, “U.S. Olympic and Paralympic Committee Athlete’s Advisory Council Sign Historic Agreement to Aide Athletes,” press release, January 23, 2020, reproduced at <https://www.sportsintegrityinitiative.com/u-s-olympic-paralympic-committee-athletes-advisory-council-sign-historic-agreement-to-aide-athletes>.

<sup>66</sup> See testimony of Elizabeth Ramsey, Commission on the State of U.S. Olympics and Paralympics, “The Future of Olympic and Paralympic Sports in America,” hearing transcript, September 6, 2023, pp. 14-16, <https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/651da5c8d57249349c57a868/1696441802143/Final+Transcript+-+CSUSOP+Public+Hearing+9-6-23.pdf>.

<sup>67</sup> 36 U.S.C. §220509(a).

<sup>68</sup> See USOPC, “USOPC Dispute Resolution Policy,” April 1, 2023, [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/bltaa19089c33b6fddd/64371b4b6c90a412014015d1/USOPC\\_Dispute\\_Resolution\\_Policy\\_040123.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/bltaa19089c33b6fddd/64371b4b6c90a412014015d1/USOPC_Dispute_Resolution_Policy_040123.pdf).

<sup>69</sup> 36 U.S.C. §220509(a). This provision does allow for court involvement in circumstances in which both USOPC and the AAC affirmatively agree that USOPC cannot resolve a dispute itself.



athlete concerns.”<sup>70</sup> The ASA provides that USOPC officials “shall not prevent or prohibit the Office of the Athlete Ombuds from carrying out any [statutory] duty or responsibility.”<sup>71</sup>

The ASA also requires that the athlete ombuds maintain confidentiality in most circumstances and shields staff from being required to testify or provide evidence in judicial and administrative proceedings.<sup>72</sup> The athlete ombuds is appointed and removable by the board. However, the AAC plays a significant role in these decisions. When there is a vacancy in the athlete ombuds position, the AAC puts forward one qualified individual for the position, and the board must either hire or not hire that individual. The board may not consider candidates other than those provided by the AAC. Further, the board may terminate the athlete ombuds only upon the recommendation of either the USOPC CEO or the AAC and after “fully consider[ing] the advice and counsel” of the AAC.<sup>73</sup>

### **Recent Congressional Actions That Support Athlete Empowerment**

In recent years, Congress has been active in conducting oversight and passing legislation intended to support athletes under the jurisdiction of USOPC and the NGBs. Specifically, since the 115<sup>th</sup> Congress, there have been three laws enacted that pertain specifically to USOPC and athletes.

#### ***Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017***

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act<sup>74</sup> was Congress’s first legislative response to the disclosure of sexual abuse in amateur athletics, such as the actions of former USA Gymnastics team physician Larry Nassar.<sup>75</sup> Among other things, the act brought mandatory reporting under the Victims of Child Abuse Act of 1990<sup>76</sup> to amateur sports organizations.<sup>77</sup>

The act also recognized the United States Center for Safe Sport as “the independent national safe sport organization” for the United States and authorized it to receive complaints regarding abuse of athletes and to investigate and impose sanctions as warranted.<sup>78</sup>

#### ***Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020***

The Empowering Olympic, Paralympic, and Amateur Athletes Act (Empowering Athletes Act)<sup>79</sup> altered the authority and duties of the Center for Safe Sport and established more detailed

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<sup>70</sup> 36 U.S.C. §220509(b).

<sup>71</sup> 36 U.S.C. §220509(b)(6).

<sup>72</sup> 36 U.S.C. §220509(d).

<sup>73</sup> 36 U.S.C. §220509(b)(3)(C).

<sup>74</sup> P.L. 115-126. The act made changes across Title 36, chapter 2205, of the *U.S. Code*, including the addition of subchapters III and IV.

<sup>75</sup> See Rep. Ted Poe, “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017,” House debate, *Congressional Record*, daily edition, vol. 164 (January 29, 2018), p. H635.

<sup>76</sup> 34 U.S.C. §20301 et seq.

<sup>77</sup> P.L. 115-126, §101.

<sup>78</sup> P.L. 115-126, §202. For more information on the U.S. Center for Safe Sport, see CRS In Focus IF12467, *U.S. Center for SafeSport: A Primer*, by Ben Wilhelm.

<sup>79</sup> P.L. 116-189. The Empowering Athletes Act made a number of changes throughout 36 U.S.C. ch. 2205.

procedural requirements for some activities.<sup>80</sup> It also required USOPC to provide \$20 million per year to the Center for Safe Sport.<sup>81</sup>

The act also included greater recognition of parasports and parathletes (including changing the organization's name from USOC to USOPC),<sup>82</sup> increased USOPC's requirements for oversight of NGBs, and required the organization to recertify NGBs every four years.<sup>83</sup> Additionally, the act strengthened the athlete ombuds position, increased reporting, and required USOPC to survey athletes annually regarding the organization's effectiveness.<sup>84</sup>

Congress also empowered itself to dissolve the USOPC board and establish a procedure for selecting a new board by joint resolution.<sup>85</sup>

### ***Equal Pay for Team USA Act of 2022***

The Equal Pay for Team USA Act of 2022 required USOPC and NGBs to provide equivalent operating resources and athlete compensation to male and female teams and competitors in the same sports and advocated for equalized funding and prize pools for international competitions.<sup>86</sup>

## **Governance and Funding of USOPC**

USOPC has its headquarters and training center in Colorado Springs, CO. It has an additional training center at Lake Placid, NY, and it affiliates with other training sites around the country.<sup>87</sup>

This section discusses the authority, composition, and voting practices of the USOPC Board of Directors; USOPC executive officers, and public and private funding.

### **USOPC Board of Directors and Executive Leadership**

The USOPC Board of Directors is ultimately responsible for USOPC's activities and policies.<sup>88</sup> The general authority of the board to operate is provided by the federal charter in the ASA.<sup>89</sup> The board is responsible for oversight of NGBs and other organizations, monitoring the activities and performance of executives and staff, reviewing and amending the bylaws, and providing general direction on policy and other matters.<sup>90</sup>

The USOPC bylaws lay out specific rules regarding the board's composition; the selection process and qualifications for prospective members; terms, term limits, and removal procedures; the role and authorities of the board chair; and voting and other board procedures.<sup>91</sup>

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<sup>80</sup> P.L. 116-189, §8.

<sup>81</sup> P.L. 116-189, §8.

<sup>82</sup> P.L. 116-189, §4.

<sup>83</sup> P.L. 116-189, §7.

<sup>84</sup> P.L. 116-189, §6.

<sup>85</sup> P.L. 116-189, §5. See "Dissolution of the Board" below.

<sup>86</sup> P.L. 117-340.

<sup>87</sup> See USOPC. "Training Centers," <https://www.usopc.org/training-centers>.

<sup>88</sup> See USOPC, *Bylaws*, §3.

<sup>89</sup> 36 U.S.C. §220502.

<sup>90</sup> USOPC, *Bylaws*, §3.1.

<sup>91</sup> See generally, USOPC, *Bylaws* §3.

## Composition of the Board

The number of directors of the board can vary but is typically 15-20 total voting and nonvoting members.<sup>92</sup> The membership of the board is composed of the following:

- Five independent directors recommended by USOPC’s Nominating and Governance Committee and elected by the board;
- Three directors elected by the National Governing Bodies Council;
- Three directors elected by the AAC;
- Two retired, at-large athletes;
- All U.S. members of the IOC;
- All U.S. members of the IPC;
- The chair of the U.S. Olympic and Paralympic Foundation (USOPF); and
- The CEO of USOPC.<sup>93</sup>

The U.S. members of the IOC and IPC, the chair of USOPF, and the CEO of USOPC are *ex officio* members who serve on the board for the length of their tenures in the qualifying positions. Other members may serve up to two consecutive four-year terms.<sup>94</sup> The board conducts many of its ongoing functions through six standing committees (Athlete and NGB Services; Compensation; Ethics and Compliance; Finance, Audit, and Risk; NGB Oversight and Compliance; and Nominations and Elections).<sup>95</sup> Each standing committee has its own rules, and some include members who are not USOPC directors.

## Voting

The Board of Directors operates under a three-tier voting system based on the appointment method for the director, with *ex officio* members having less voting power. Specifically:

1. The CEO of USOPC and the chair of USOPF are non-voting members;
2. The directors who are members of the IOC and IPC each have one vote; and
3. All other directors “have a vote equal to the number of IOC *ex officio* members who are at that time” on the board.<sup>96</sup>

Additionally, in total, athletes must have at least one-third of the total voting power of the board.<sup>97</sup> The board operates under a simple majority quorum requirement.<sup>98</sup>

### Athlete Representation Requirements

<sup>92</sup> For a list of current directors, see USOPC, “USOPC Board of Directors,” <https://www.usopc.org/about-the-usopc/leadership/board-of-directors>.

<sup>93</sup> USOPC, *Bylaws*, §3.2. See also §§3.4 and 3.5.

<sup>94</sup> USOPC, *Bylaws*, §3.6. A director may serve as the chair of the board (also referred to as the president of USOPC) for up to two four-year terms. In this case, the chair may serve a total of three terms on the board (e.g., one term as a director and two terms as chair). USOPC, *Bylaws*, §3.9.2.

<sup>95</sup> See generally USOPC, *Bylaws*, §5.

<sup>96</sup> USOPC, *Bylaws*, §3.2. For example, if three directors are on the USOPC board because they are also IOC members, then they would each receive one vote share, and the non-*ex-officio* members would each receive three votes shares.

<sup>97</sup> 36 U.S.C. §220504(b)(2)(D). Athletes must also have at least one-third of the voting power and membership on “committees and entities” of USOPC.

<sup>98</sup> USOPC, *Bylaws*, §3.16.

One focus of Congress and other stakeholders in U.S. amateur athletics has been to provide direct representation for athletes in USOPC and in NGBs. Collectively, the ASA and USOPC's bylaws provide several avenues for athlete involvement in these organizations. Congress initially introduced athlete empowerment requirements in the Olympic and Amateur Sports Act Amendments of 1998 and expanded those requirements to their current level in the Empowering Athletes Act. The mechanisms for athlete participation include the following:

- A requirement that one-third of voting power for the USOPC and NGB boards be held by athletes;
- A further requirement that one-fifth of voting power for the USOPC and NGBs boards be "10 Year Athletes" (defined as current competitors or those who have competed within the past 10 years);
- The Team USA Athletes' Commission (previously known as the Athletes' Advisory Council), which is composed entirely of 10-year athletes and advises USOPC on behalf of current athletes;
- The United States Olympians and Paralympians Association, which is composed of former U.S. Olympic and Paralympic athletes acting to support Olympic Movement values and provide representation of retired athletes; and
- The United States Olympic and Paralympic Assembly, an annual gathering hosted by USOPC to facilitate communication among USOPC staff, the board, and members and constituents, including athletes.

These requirements and other ways that athletes may engage with USOPC and their NGBs are discussed throughout this report.

**Sources:** 36 U.S.C. §220504 and USOPC, *Bylaws of the United States Olympic and Paralympic Committee*, April 1, 2023, §§1.3, 3.2, 7, and 14.

## Executive Officers

The USOPC executive leadership team consists of the CEO, secretary, and treasurer.<sup>99</sup> The board selects and oversees the CEO and may remove him or her at any time with or without cause.<sup>100</sup> The CEO manages USOPC's staff, leads revenue generation and allocation, and develops and implements policies to fulfill USOPC's mission.<sup>101</sup>

The general counsel of USOPC serves as secretary and the chief financial officer as treasurer.<sup>102</sup> The CEO selects both the secretary and the treasurer, and other staff may be appointed to fill either role during a vacancy.<sup>103</sup> Each officer has specific corporate governance duties generally associated with these roles.<sup>104</sup>

## Funding

USOPC's primary sources of revenue are sponsorship and licensing agreements and the sale of broadcast rights for sporting events.<sup>105</sup> For example, for calendar year 2022, USOPC reported \$172 million in sponsor revenue and \$127 million in broadcast revenue.<sup>106</sup> Revenues and

<sup>99</sup> USOPC, *Bylaws*, §6.

<sup>100</sup> USOPC, *Bylaws*, §6.1. The CEO may also be referred to as the Secretary General of USOPC.

<sup>101</sup> USOPC, *Bylaws*, §6.2.

<sup>102</sup> USOPC, *Bylaws*, §4.2.2.

<sup>103</sup> USOPC, *Bylaws*, §4.3.

<sup>104</sup> See USOPC, *Bylaws*, §§4.4.2 and 4.4.3.

<sup>105</sup> See USOPC, "Financial Summary," <https://www.usopc.org/2022-impact-report/financial-summary>.

<sup>106</sup> USOPC, "Consolidated Financial Statements and Report of Independent Certified Public Accountants: December 31, 2022 and 2021, available at [https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022\\_United\\_States\\_Olympic\\_and\\_Paralympic\\_Committee\\_FS\\_-\\_FINAL\\_6.22\\_FINAL-ua.pdf](https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blt485a2356b354dbe1/649ba421463b5ccc592d3db7/2022_United_States_Olympic_and_Paralympic_Committee_FS_-_FINAL_6.22_FINAL-ua.pdf). USOPC also received over \$12 million in donations during 2022.

expenditures for USOPC fluctuate year to year with the quadrennial Olympic Games cycle. USOPC may have years where expenditures exceed revenues and vice versa.<sup>107</sup>

Under the ASA, USOPC is required to undergo annual, independent audits of its financial statements. The independent auditor must report the results of these audits to the Senate Committee on Commerce, Science, and Transportation, the House Committee on the Judiciary, and the AAC. The results must also be made available to the public.<sup>108</sup>

## **Government Funding and Support**

USOPC does not usually receive federal funding to support its operations. Instead, Congress has enabled it to generate revenue from other sources. Funding USOPC mostly through self-generated revenue, rather than government appropriations, has historically set the United States apart from many other countries, particularly before the Olympic Games generated substantial broadcast and sponsor revenue.

Nonetheless, the government has occasionally supported USOPC financially. Perhaps the most notable example is \$16 million provided following the Carter Administration's decision to boycott the 1980 Moscow Games. USOPC's support of the boycott led to a significant financial loss that jeopardized the future of the organization.<sup>109</sup> While Congress had authorized up to \$16 million in grants for USOPC in 1978 contemporary with the passage of the ASA, no funds were appropriated for USOPC until after the boycott decision in 1980.<sup>110</sup> This funding helped the organization recover leading up to the 1984 Los Angeles Games.

When the United States hosts the Olympic Games, federal funds may be directed to transportation, housing, and other needs in and around host cities. Such projects may provide benefits to the local community that last for decades.<sup>111</sup> There is also precedent for federal funding for Olympic venues. For the 1996 Atlanta Games, the U.S. Forest Service and Tennessee Valley Authority provided \$22 million to build and operate the Ocoee Whitewater Center, which is within Cherokee National Forest in Tennessee and is now operated by the U.S. Forest Service.<sup>112</sup>

## **Security Support**

One area in which the U.S. government does provide substantial direct support for international sporting competitions is security. Security at the Olympic Games became a subject of intensified scrutiny following the 1972 Munich Games, during which the terrorist organization Black September killed 12 people, including 11 members of Israel's Olympic delegation.<sup>113</sup> Security

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<sup>107</sup> USOPC, "Consolidated Financial Statements and Report of Independent Certified Public Accountants: December 31, 2022 and 2021," p. 12.

<sup>108</sup> 36 U.S.C. §220511(b). Reporting on USOPC's finances is available at <https://www.usopc.org/finance>.

<sup>109</sup> Stephen R. Wenn and Robert K. Barney, *The Gold in the Rings: The People and Events That Transformed the Olympic Games* (Champaign-Urbana, IL: University of Illinois Press, 2020), p. 98.

<sup>110</sup> See 94 Stat. 898 (Supplemental Appropriations and Recission Act of 1980, under the heading Department of Commerce—General Expenses).

<sup>111</sup> See U.S. Government Accountability Office, *Olympic Games: Federal Government Provides Significant Funding and Support*, GAO/GGD-00-183, September 2000, <https://www.gao.gov/assets/ggd-00-183.pdf>.

<sup>112</sup> *Ibid.*, p. 32.

<sup>113</sup> See Simon Reeve, *One Day in September: The Full Story of the 1972 Munich Olympics Massacre and the Israeli Revenge Operation "Wrath of God"* (New York: Arcade, 2000).

considerations have resurfaced since that time, particularly when Eric Rudolph successfully detonated a pipe bomb in Centennial Olympic Park during the 1996 Games in Atlanta.<sup>114</sup>

The first (and so far only) Olympic Games to be hosted in the United States since the increased emphasis on security planning following the September 11, 2001, terrorist attacks were the 2002 Salt Lake City Games. The government declared these Games a National Special Security Event (NSSE) and developed a \$300 million security plan.<sup>115</sup> Organizers for the 2028 Los Angeles Games are already working with state and local officials on security planning and intend to seek federal support, including an NSSE designation and funding.<sup>116</sup>

## Trademarks

The ASA grants USOPC the “exclusive right to use” the following symbols and terms in the United States for commercial purposes:

- The USOPC name itself;
- The symbols of the IOC, IPC, and Pan-American Sports Organization (e.g., the “five-ring” Olympic Games logo);
- The USOPC emblem; and
- The words *Olympic*, *Olympiad*, *Citius Altius Fortius* (the Olympic motto), *Paralympic*, *Paralympiad*, *Pan-American*, *Parapan American*, and *America Espirito Sport Fraternite* (the Pan-American Games motto).<sup>117</sup>

Congress included this exclusive right to use the Olympic trademarks in its original federal charter for USOC in 1950.<sup>118</sup> While these trademarks were important to leaders within the Olympic Movement, they were not yet as valuable as they are today. In the 1980s, the IOC under President Juan Samaranch began to better utilize the Olympic brand to raise its own revenue.<sup>119</sup> This campaign has made these trademarks in the United States an extremely valuable asset for USOPC.

For instance, in 1985, IOC created The Olympic Partners (TOP) Programme,<sup>120</sup> under which IOC enters into sponsorship agreements with corporations that pay substantial fees to be associated with the Olympic Games and license Olympic symbols for marketing.<sup>121</sup> From 2017 to 2021, TOP generated \$2.3 billion in revenue.<sup>122</sup> IOC keeps 10% of these funds for its own activities, and the

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<sup>114</sup> See Federal Bureau of Investigation, “History: Eric Rudolph,” <https://www.fbi.gov/history/famous-cases/eric-rudolph>.

<sup>115</sup> See U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Competition, Foreign Commerce, and Infrastructure, *Lessons Learned from Security at Past Olympic Games*, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 4, 2004, S. Hrg. 108-1004 (Washington: GPO, 2016). For more information on NSSEs, see CRS Report RS22754, *National Special Security Events*, by Shawn Reese.

<sup>116</sup> See City of Los Angeles, *Memorandum of Understanding Regarding the California Olympic and Paralympic Safety Command (Cooperative)*, February 18, 2021, [https://clkrep.lacity.org/onlinedocs/2015/15-0989-S9\\_rpt\\_CAO\\_02-18-2021.pdf](https://clkrep.lacity.org/onlinedocs/2015/15-0989-S9_rpt_CAO_02-18-2021.pdf).

<sup>117</sup> 36 U.S.C. §220506(a).

<sup>118</sup> P.L. 81, 805, 64 Stat. 899, 901-902.

<sup>119</sup> See Wenn and Barney, *The Gold in the Rings*.

<sup>120</sup> IOC, “The Olympic Partner Programme,” <https://olympics.com/ioc/partners>.

<sup>121</sup> See IOC, “Olympic Marketing Fact File,” April 2023, pp. 10-17, <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/IOC-Marketing-And-Broadcasting/IOC-Marketing-Fact-File.pdf>.

<sup>122</sup> IOC, “Olympic Marketing Fact File,” p. 12.



remainder is distributed to NOCs (including USOPC) and international federations to be used to support the Olympic Games.<sup>123</sup>

Most of the companies participating in TOP have been based in or had the United States as a major market. Therefore, the anticipated value of these agreements comes largely from use of the Olympic symbols in the United States. As a result, USOPC has been able to negotiate favorable terms with the IOC regarding the share of TOP revenue that it receives. By the early 2000s, 20% of total TOP revenue went to USOPC.<sup>124</sup>

### **Olympic Dough and Olympic Bread**

Today, the Olympic brand is highly valued and closely protected by the Olympic Movement. Early in the modern Olympic era, though, licensing and other commercial use of Olympic symbols were deemed to be inconsistent with notions of amateurism and were not carefully managed. In 1932, when the Olympic Games were held in Los Angeles, Paul Helms, a bakery owner and amateur sports booster, saw an opportunity. For decades after his bakery fed athletes competing in the Games, “Olympic Bread” was a popular staple across Southern California.

While many amateur sports leaders grew increasingly unhappy with Helms’s prominent use of Olympic symbols on his products, their options were limited. Loosely drafted contracts and poor management of the Olympic marks in the 1930s prevented aggressive legal action. It was not until 1950, when Congress granted USOPC its first charter, that USOPC had control over Olympic marks and barred others from profiting from their use in the future. While the 1950 act allowed existing uses of the marks to continue, Helms, still a strong supporter of the movement, agreed to phase out Olympic Bread.

**Source:** Stephen R. Wenn and Robert K. Barney, *The Gold in the Rings: The People and Events That Transformed the Olympic Movement* (Urbana, IL: University of Illinois Press, 2020), pp. 7-30.

## **Broadcast Rights**

Historically the United States has been the most valuable market for the sale of rights to broadcast the Olympic Games. The games have been a popular television draw internationally since advances in satellite technology in the 1970s allowed live events to be broadcast around the world.<sup>125</sup> Historically, because of the way television business was organized in the United States and other parts of the world at that time, most of the revenue that the IOC and Olympic host committees could raise from television rights came from the United States.<sup>126</sup> While the IOC controls negotiations for those rights worldwide, including in the United States, networks also need to use Olympic symbols in their coverage. That means that USOPC’s control over Olympic trademarks in the United States is also a major factor during negotiations regarding distribution of broadcast revenue.

Since the late 1980s, therefore, USOPC has received a substantial share of global Olympic Movement revenue. This was a source of contention between USOPC and the IOC, and disputes regarding broadcast money may have undermined multiple hosting bids by U.S. cities.<sup>127</sup> In 2012, the two organizations reached an agreement covering 2020-2040 that addresses both broadcast and sponsorship revenue.<sup>128</sup>

<sup>123</sup> IOC, “Olympic Marketing Fact File,” p. 7.

<sup>124</sup> See Amy Shipley, “USOC, IOC Reach Deal That Will Pave the Way for Future Olympics in United States,” *Washington Post*, May 23, 2012.

<sup>125</sup> See Wenn and Barney, *The Gold in the Rings*, pp. 54-55.

<sup>126</sup> Wenn and Barney, *The Gold in the Rings*, pp. 197-218. While the U.S. share of total broadcast rights revenue has declined in recent decades, it is still the centerpiece of Olympic coverage globally.

<sup>127</sup> See CBS News New York, “US Pulls Plug on Bid for 2020 Summer Olympics; NYC Misses Out Again,” August 23, 2011, <https://www.cbsnews.com/newyork/news/us-pulls-bid-for-2020-summer-olympics-nyc-misses-out-again/>.

<sup>128</sup> See Shipley, “USOC, IOC Reach Deal.”

## Fundraising

USOPC engages in direct fundraising to support its activities. USOPF, the fundraising arm of USOPC, is a registered 501(c)(3) that manages giving through the “Team USA Fund.” USOPF reports that it has raised “more than \$125 million” in direct contributions in the past decade.<sup>129</sup> Additionally, as part of the 2028 Los Angeles Games, USOPF has launched a \$500 million capital campaign.<sup>130</sup>

## The Role of Congress

While the U.S. government’s role in amateur athletics is generally considered to be more limited than that of most other national governments, Congress is an important stakeholder and has been increasingly willing to establish standards and conduct oversight pertaining to USOPC.

## Statutory Role

Since 1950, Congress has enabled the Olympic Movement in the United States. While maintaining the long-standing line between the government and the administration of amateur sports, Congress has used its authority to both encourage internal reforms in the stakeholder community and make changes to USOPC’s statutory charter to address specific issues. This report has already discussed the central role of the ASA and Congress’s actions pertaining to amateur sports.<sup>131</sup> In addition to future potential legislative action, Congress has at least two mechanisms in current law that facilitate direct engagement with USOPC.

## Reporting to Congress and the Public

USOPC is required to provide several periodic reports to Congress:

- An annual report on USOPC operations submitted to Congress and the President,<sup>132</sup>
- An annual audit report submitted to certain committees by USOPC’s independent auditor,<sup>133</sup>
- An annual independent survey of athletes on their satisfaction with USOPC and NGBs that must be made available to the public,<sup>134</sup>
- An annual report on prevention of sexual abuse and equal compensation for male and female athletes competing in the same sport,<sup>135</sup> and

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<sup>129</sup> See USOPC, “About the Foundation,” <https://www.usopc.org/about-the-foundation>.

<sup>130</sup> See Rich Perelman, “TSX REPORT: USOPC Formally Blesses SLC-Utah 2034 Winter Bid, and Starts \$500 Million Funding Campaign; Kuss Still Leads at La Vuelta,” *The Sports Examiner*, September 15, 2023, <https://www.thesportsexaminer.com/tsx-report-usopc-formally-blesses-slc-utah-2034-winter-bid-and-starts-500-million-funding-campaign-kuss-still-leads-at-la-vuelta/>.

<sup>131</sup> See “Sources of USOPC Authority” above.

<sup>132</sup> 36 U.S.C. §220511(a). This report is required to include a variety of information pertaining to both the operations of USOPC and data on athlete participation.

<sup>133</sup> 36 U.S.C. §220511(b).

<sup>134</sup> 36 U.S.C. §220514.

<sup>135</sup> 36 U.S.C. §220551. NGBs are also required to annually report to Congress and USOPC on their compliance with requirements pertaining to equal treatment of male and female athletes.



- Summary reports on USOPC's NGB certification reviews.<sup>136</sup>

## **Dissolution of the Board**

The Empowering Athletes Act provides that Congress may, by joint resolution, dissolve the USOPC board or terminate the recognition of an NGB.<sup>137</sup> To dissolve the USOPC board, the joint resolution must include a finding that the action “would not unduly interfere with the operations of” the ASA, and it must replace the board in a way that is consistent with the ASA's athlete representation requirements.<sup>138</sup> Decertification of an NGB would trigger the USOPC process to designate a new NGB.

Congress has never exercised this authority. However, following disclosure of the acts of sexual abuse committed by Larry Nassar, USOPC nearly decertified USA Gymnastics, and current and former USA Gymnastics athletes have called on Congress to dissolve the USOPC board, citing failures in its response and support of Nassar's victims.<sup>139</sup>

## **Potential Future Legislative and Oversight Issues**

Since the NCAA-AAU disputes of the 1960s and 1970s, Congress has been willing to use its authority to conduct oversight of the Olympic movement in the United States and to encourage (and sometimes compel) stakeholders to address immediate issues and adopt reforms.<sup>140</sup> Much of Congress's oversight has focused on ensuring effective administration by USOPC and promoting athlete involvement in decisionmaking. Moving forward, Congress could use these two areas of focus as a means to address other ongoing issues.

## **Continuing to Combat Sexual Abuse**

More than five years after the initial creation of the Center for SafeSport, many stakeholders have continued to express concerns about the organization's effectiveness and the impact of its processes on victims. Some of these stakeholders have asked Congress to address the administrative closure of cases, the potential burdens of the appeal process for victims, and the boundaries of the center's jurisdiction.<sup>141</sup> Congress might continue to conduct oversight to ensure that the center is effectively serving athletes and whether changes to the current SafeSport statute are appropriate.

## **Preparation for Los Angeles 2028 and Future Bids**

For the first time since the 2002 Salt Lake City Winter Games, the United States is scheduled to host the Olympic Games in 2028 in Los Angeles, and preparations are underway. Additionally,

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<sup>136</sup> 36 U.S.C. §220521(d)(3).

<sup>137</sup> 36 U.S.C. §§220551 and 220552.

<sup>138</sup> 36 U.S.C. §220551(2)(A). A resolution decertifying an NGB would create a vacancy that could be filled under the procedure described in Title 36, Section 220528.

<sup>139</sup> U.S. Congress, Senate Committee on the Judiciary, *Dereliction of Duty: Examining the Inspector General's Report on the FBI's Handling of the Larry Nassar Investigation*, 117<sup>th</sup> Cong., September 15, 2021.

<sup>140</sup> See U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *United States Olympic Committee (USOC) Reform*, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., February 13, 2003, S. Hrg. 108-895 (Washington: GPO, 2006).

<sup>141</sup> See U.S. Women's National Soccer Team, letter to Members of the U.S. Senate and House of Representatives, July 19, 2023, [https://ayso.org/wp-content/uploads/2023/07/USSF-Athletes-Letter-re-SafeSport\\_vSIGNED1.pdf](https://ayso.org/wp-content/uploads/2023/07/USSF-Athletes-Letter-re-SafeSport_vSIGNED1.pdf).

Salt Lake City is generally considered to be a potential candidate to host the Winter Olympic Games again in either 2030 or 2034.<sup>142</sup>

In addition to potential appropriations for security measures and other purposes, Congress might consider additional legislation to support the 2028 Los Angeles Games and future hosting opportunities. For instance, during the 117<sup>th</sup> and 118<sup>th</sup> Congresses, legislation has been introduced that would provide for the issuance of commemorative coins<sup>143</sup> and allow transportation funding to be used for projects related to the Games.<sup>144</sup>

## **The Commission on the State of U.S. Olympics and Paralympics**

The Empowering Athletes Act established the Commission on the State of U.S. Olympic and Paralympics, which is tasked with studying the current USOPC and recent reform efforts and issuing a report on its findings, including potential reform recommendations.<sup>145</sup> Under the statute, the commission's deadline to issue this report was in 2021, however it took longer than anticipated for members to be appointed and funding to be provided. Therefore, much of the commission's work has been undertaken in 2023, including a public hearing with stakeholders in September 2023.<sup>146</sup>

The commission plans to release its final report and findings early in 2024, and co-chair Dionne Koller has stated that it will include reform recommendations.<sup>147</sup> Some stakeholders have called for the most significant changes to amateur sports in the United States since the enactment of the ASA in 1978.<sup>148</sup> Major recommendations regarding the organization, purposes, and priorities of USOPC may include suggestions for further reforms to the ASA that Congress might consider.

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<sup>142</sup> The IOC plans to make this decision during 2024. See Robert Livingston, "IOC Proposes Double Award of 2030 and 2034 Winter Olympic Games Among Changes to Address 'Very Concerning Situation,'" *GameBids*, October 13, 2023, <https://gamesbids.com/eng/winter-olympic-bids/ioc-proposes-double-award-of-2030-and-2034-winter-olympics-among-changes-to-address-very-concerning-situation/>.

<sup>143</sup> S. 2311 and H.R. 1794 (118<sup>th</sup> Congress), The LA28 Olympic and Paralympic Games Commemorative Coin Act.

<sup>144</sup> S. 4383 and H.R. 7542 (117<sup>th</sup> Congress), The Transportation Assistance for Olympic Cities Act.

<sup>145</sup> P.L. 116-189, §11.

<sup>146</sup> Video and a transcript of the hearing are available at <https://www.csusop.org/hearing>.

<sup>147</sup> See Commission on the State of U.S. Olympics and Paralympics, "The Future of Olympic and Paralympic Sports in America," hearing transcript, September 6, 2023, p. 2, <https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/651da5c8d57249349c57a868/1696441802143/Final+Transcript+-+CSUSOP+Public+Hearing+9-6-23.pdf>.

<sup>148</sup> See Rich Perelmen, "TSX Report: USOPC Review Commission Asked to Change Stevens Act on Grass-Roots; Macron Says No Russian Flags at Paris 2024," *The Sports Examiner*, September 8, 2023, <https://www.thesportsexaminer.com/tsx-report-usopc-review-commission-asked-to-change-stevens-act-on-grass-roots-macron-says-no-russian-flags-at-paris-2024/>.

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