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## Analysis

# Olympic Oversight Bill Lacks Muscle To Achieve Grand Goals

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Law360 (August 5, 2019, 9:28 PM EDT) -- A wave of sexual assault scandals has spurred bipartisan legislation to increase congressional oversight of the committee that governs U.S. Olympics teams, but

experts say an even greater federal role may be necessary to protect athletes, considering U.S. Olympics' unique, privatized model.

The Empowering Olympic and Amateur Athletes Act of 2019 would allow Congress to pass a "joint resolution" to dissolve the board of directors of the U.S. Olympic & Paralympic Committee and revoke the certification of an individual Olympic sport national governing body if lawmakers believe they are not upholding duties to promote Olympic sports and the safety of athletes.

The law would further require the USOPC to provide \$20 million in annual funding to the U.S. Center for SafeSport, an independent organization tasked with stopping abuse in Olympic sports. Since being officially authorized by Congress in 2017, the organization has complained that it has been overwhelmed with abuse allegations.

Yet international sports legal experts say that while the new bill, introduced by U.S. Sens. Jerry Moran, R-Kan., and Richard Blumenthal, D-Conn., includes some long-overdue reforms, it does not go far enough with oversight of the U.S. Olympic sports organizations and fails to provide adequate funding for the Center for SafeSport.

"It is a very, very good first step; it addresses some of the core issues that are so endemic with these athletic organizations," said Mark Conrad, a law and ethics professor at [Fordham University](#). "Ideally, it could go further in terms of transparency requirements and independent ethics watchdogs. But I think it is certainly a long-delayed step in the right direction."

The bill comes after former USA Gymnastics and Michigan State University sports doctor Larry Nassar was [sentenced](#) to up to 175 years in prison for sexually abusing young athletes, a scandal that shocked the sports world but is only one of several allegations across Olympic sports, including taekwondo, swimming and figure skating.

A 235-page report released with the proposed bill blamed the [U.S. Olympic Committee](#), USA Gymnastics, MSU and federal law enforcement for "fundamentally fail[ing] to uphold their purposes and duties to protect amateur athletes and other young women and girls from sexual abuse."

The legislation also seeks to increase athlete representation on the boards of sport governing bodies and prevent people from going back and forth between roles at the USOPC and SafeSport, in order to promote independence.

The bill would also codify specific duties of care to prevent abuse and report allegations to the Center for SafeSport, and to law enforcement when the allegation involves abuse of a minor. It also specifies that a bankruptcy proceeding cannot halt the decertification process of a sport governing body, reforms praised by some of the attorneys representing Nassar victims in litigation against the USOPC and USA Gymnastics.

But as far as effecting lasting change, the big oversight tool — the power to dissolve boards of directors — does not go far enough, some experts said.

Conrad said there needs to be more emphasis on overall ethics and conflicts of interest rules for the

USOPC, or the promotion of an independent ethics watchdog.

Further, the bill requires the USOPC, which receives no federal funding, to provide additional funding to the Center for SafeSport, meaning it will have to divert money from other sports programs, increasing pressure on the private organization to raise funds.

“If they think that SafeSport needs more money, then [Congress] should give them the money,” said attorney Howard L. Jacobs, who represents Olympic athletes and amateur athletes. “I can’t think of a less appropriate organization to micromanage the USOPC than the United States Congress.”

Still, others say there needs to be even greater government oversight over the USOPC and sport governing bodies as in much of the rest of the world, where Olympic sports are controlled by a government agency or ministry.

“It is not just some other countries — every other country does this,” said sports attorney Ronald S. Katz, of counsel at [GCA Law Partners LLP](#). “It is hard to say that we are right and what they are doing is wrong, particularly in the light of things like the Nassar scandal.”

In the U.S., Congress has designated the committee with authority to control the U.S.’s participation in the Olympics under the Amateur Sports Act and later the Ted Stevens Olympic and Amateur Sports Act.

Katz said the situation creates some conflict of interest, as the USOPC is forced to go out and raise funds on its own to distribute to the various sports governing bodies and other organizations like the Center for SafeSport. The primary way for it to accomplish this is by using the Olympics and Team USA marks, which Congress has given the committee a monopoly over.

“I think the problem is that they are forced to go out and get these sponsorships, and once they get them, they have to avoid bad news or else the sponsors will flee so they cover up,” Katz said. “But eventually, it comes out.”

Regardless, the issue could come down to funding, particularly for the Center for SafeSport.

“You know what else those countries do — they actually pay for it,” Jacobs said. “You cannot borrow the other parts and then say we are going to demand that you provide X dollars to SafeSport but you have to figure out how to get the money. And then say if we don’t like where you are getting it from — in other words, if we think you were wrong to take it from one area and give it to SafeSport — then we will just fire the whole board. To me, it is just a ludicrous proposal.”

--Editing by Philip Shea and Alanna Weissman.

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