



To: Commission on the State of U.S. Olympics and Paralympics  
From: Intercollegiate Coach Association Coalition  
Date: February 14, 2024  
Subject: Protections for collegiate Olympic sports

The current push by the National Collegiate Athletic Association (NCAA) for an exemption from the restrictions of the Sherman Antitrust Act presents an opportunity for Congress to assist the United States Olympic Association (USOA)<sup>1</sup> which it chartered in 1950. Since 1950, Congress has had significant involvement in the governance of amateur athletics and in supporting the USOPC's missions and goals of encouraging participation in athletics at all levels, supporting athletes, and regulating the national governing bodies that organize individual sports. This ongoing commitment was made evident with the passage of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 (P.L. 116-189) on October 30, 2020 which created the Commission on the State of U.S. Olympics and Paralympics and mandated, among other things: 1) an assessment of United States athlete participation levels in the Olympic and Paralympic Games; 2) an analysis of the participation in amateur athletics; and 3) an evaluation of the functions of the national governing bodies (as defined in section 220501 of title 36) and an analysis of the responsiveness of the national governing bodies to athletes. These mandates compel protection of Olympic sports in any recommendation regarding legislation designed to provide the relief sought by the NCAA and its member schools.

An exemption from the restrictions of federal antitrust laws or any other preemptive remedy should be considered if Congress requires certain protections for Olympic sports as part of the equation. Simply put, if the NCAA and its member schools are provided an antitrust exemption without considering the effect on Olympic sports, the result will likely be as catastrophic to those Olympic sports as providing no exemption at all.

The connection between the Olympics and college athletics is undeniable. Of the 626 members of Team USA that competed in the 2020 Olympics, 76% of them were current or former student athletes from 171 different colleges or universities with 82% of the medals coming from athletes that were trained in 86 unique schools. In track and field 95% of the 128 members competed collegiately representing more than 50 conferences.

Without the support of college and university athletic programs, the performance of athletes representing the United States on the world stage will suffer. It will take our country back to the eras of the 60's and 70's when the differences between the AAU and the NCAA caused such lackluster performances that intervention by Presidents Kennedy and Ford was necessitated. Ultimately, Congress passed the Amateur Sports Act of 1978 which stabilized the platform for the development of Olympic athletes and paved the way for the successes we see today.

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<sup>1</sup> Now known as the United States Olympics and Paralympic Committee (USOPC).

Relief from antitrust laws and regulations appears to be desired by the NCAA. Almost every attempt by the NCAA to regulate in the area of revenue and competition has been met with litigation and much of it has been successful. This has caused financial strain that threatens to bankrupt the NCAA and destroy the relatively level playing field collegiate sports have enjoyed. By the same token, conversations about a “football super conference” that might exist if antitrust protections are afforded are every bit as detrimental to the Olympic sports as no relief at all. Granting the exemption without concomitant protections for Olympic sports will only result in more money pouring into the revenue sports and a proverbial arms race that will force many universities to choose between cutting Olympic sports in an attempt to “keep up” with the schools that have greater resources. Relatively speaking, it won’t take much of the additional revenue to keep Olympic sports alive but it will likely mean the difference between continued success on the world stage and the relative mediocrity that plagued so many of our Olympic teams only a few decades ago.

The undersigned are deeply invested in the Olympic sports at colleges and universities around the country. We implore you to consider the effect on Olympic sports when making a recommendation about the NCAA’s request and, if the much needed exemption is recommended, provide protections to the Olympic sports by requiring a level of funding and participation by the colleges and universities that will allow our Olympic sports to continue to flourish.<sup>2</sup> This is a small price for the colleges and universities to pay in exchange for the huge benefit that will come from an exemption.



cc: Charlie Baker, President, National Collegiate Athletic Association  
 Sarah Hirshland, Chief Executive Officer, U.S. Olympic and Paralympic Committee  
 Amy Perko, Chief Executive Officer, Knight Commission on Intercollegiate Athletics

<sup>2</sup> Current NCAA regulations require that Football Championship Subdivision (FCS) and Football Bowl Subdivision (FBS) schools offer a minimum of 14 and 16 sports, respectively. Minimum requirements such as these need to be a component of any recommended exemption or those current requirements may well disappear as soon as the pressure associated with paying athletes in a revenue sport “super conference” begins to take a toll on budgets.