

After two previous special meetings of the USBA Board of Directors called by Bob Hall, in his failed attempts to gain approval of a merger, a third has now been announced for September 9th. The objectives of these meetings have been to present a proposal for approval by the USBA Board of Directors of an unconventional USBA–USSS relationship in which the USBA cedes governance responsibilities to USSS in return for the promise of greater fundraising ability. At first called a “merger” it evolved into a “Strategic Alliance” after facing significant challenges by the athletes and the biathlon community, and most importantly, non-compliance with the Ted Stevens Sports Act.

As the biathlon community now awaits further information on a proposal “Strategic Alliance”; no information about the status of this proposal has been forthcoming from the Board of Directors on the feedback of three-person working group that was appointed to draft a definitive operating agreement that allegedly would preserve U.S. Biathlon's governance autonomy under the Ted Stevens Act. This group was appointed after the special meeting of June 29th, which was held in executive session for 3 hours after which the Board of Directors voted to support in principle the terms outlined in a non-binding Strategic Operating Alliance term sheet that has not provided outside of the Board of Directors. The special meeting of August 27th was then canceled because the working group could not find a solution to the non-negotiable demands of the athletes’ representatives on the Board of Directors or the requirements of the Ted Stevens Sports Act.

A reasonable assumption may be that the working group was having difficulty in “getting around” the legal requirements of Sections 220522(a)(5) and (6) of the Ted Stevens Sports Act that requires a National Governing Body to *be autonomous in the governance of its sport and that it a) independently decides and controls all matters central to governance; b) does not delegate decision making and control matters central to governance and, c) is free from outside restraint. And that (6) it must demonstrate that it is not a member of more than one International Federation.* In addition to ignoring those sections there now appears to be the willingness to ignore an additional important element of the Ted Stevens Sports Act that should have significant relevance to the issue. Section 220524(3) of the Sports Act provides that “*an NGB shall... reasonably reflect the views of the athletes in its policy decisions.*” The important word here is *shall*.

The big question is; “Are they listening”? There are many indicators that reveal opposition to ceding control of biathlon to another non-certified IBU NGB with no experience in biathlon. The 10-year athletes’ rejection of Rachel Steer for re-election to position the BOD as an Athletes’ Representative who promoted the idea was the first exposure. There have

now been four surveys provided to the Board of Directors that expose strong opposition to the proposed USBA–USSS Relationship. Data released in the most recent survey, *Perspectives from Friends on the Snow* by current Coach or Official/Referee/TD members strongly supports the previous two surveys of athlete feedback that are also overwhelmingly against any arrangement with USSS. A poll taken by the Team Independent Biathlon website, [Team Independent Biathlon](#) also exposes strong opposition against any arrangement.

While there are a few who are excited about the potential collaboration, the vast majority of the biathlon community is concerned about giving governance authority to an alpine oriented NGB that spends 60% of its \$100+ million total budget supporting alpine disciplines and 30% to snowboarding disciplines but provides only minimal support for the Nordic disciplines that must find its own revenues to adequately support those disciplines. Many wonder why would USBA want to agree to conditions that could put itself in a similar situation? Also, there are important questions as to how a merger would affect athletic outcomes, and what would be the benefits of the suggested collaboration? These are among the many unanswered questions that raise concerns among the biathlon community. A list of these questions has been submitted to the USBA Board by Team Independent Biathlon with the hope that they will be considered prior to an announced September 9th special meeting.

Although the Executive Summary posted on the USBA website lists the intended purposes and aspects of the Strategic Alliance, it fails to articulate how the USBA will retain sole authority over all matters central to governance required by the Ted Stevens Act. Failing to allow those directly affected by the proposed change to have a say in the process; failing to be sufficiently specific about the changes; failing to clearly define the “purpose” of why USSS wants to absorb biathlon is not good governance. The important questions of how a merger would affect athletic outcomes, and what would be the benefits of the suggested collaboration need to be clearly explained. These are among the many concerns among the biathlon community.

The upcoming annual U.S. Biathlon Annual Awards ceremony has been announced for October 10th. It is usually timed with a “regular meeting” of the Board of Directors. Why could that October meeting have not been the occasion to discuss and vote on a proposal rather than hiding behind the limitations of a special meeting on September 9th. If the BOD truly cared about biathlon, the Sports Act and respected its members and athletes, it would discourage “Special Meetings” and encourage a thoughtful discussion at the in-person BOD meeting in October. The September 9th meeting should be cancelled in favor of a regular meeting of the Board in October.

