

# EXAMINING THE OLYMPIC COMMUNITY'S ABILITY TO PROTECT ATHLETES FROM SEXUAL ABUSE

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## HEARING BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS SECOND SESSION

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MAY 23, 2018

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## **EXAMINING THE OLYMPIC COMMUNITY'S ABILITY TO PROTECT ATHLETES FROM SEXUAL ABUSE**

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**WEDNESDAY, MAY 23, 2018**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:00 a.m., in room 2123, Rayburn House Office Building, Hon. Gregg Harper (chairman of the subcommittee) presiding.

Members present: Representatives Harper, Griffith, Burgess, Brooks, Collins, Barton, Walberg, Walters, Costello, Carter, Walden (ex officio), DeGette, Schakowsky, Castor, Tonko, Clarke, Ruiz, Peters, and Pallone (ex officio).

Also present: Representatives Bilirakis and Dingell.

Staff present: Jennifer Barblan, Chief Counsel, Oversight and Investigations; Mike Bloomquist, Staff Director; Kelly Collins, Legislative Clerk, Energy/Environment; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight and Investigations, Digital Commerce and Consumer Protection; Brighton Haslett, Counsel, Oversight and Investigations; Brittany Havens, Professional Staff Member, Oversight and Investigations; Elena Hernandez, Press Secretary; Zach Hunter, Communications Director; Austin Stonebraker, Press Assistant; Natalie Turner, Counsel, Oversight and Investigations; Hamlin Wade, Special Advisor for External Affairs; Julie Babayan, Minority Counsel; Christina Calce, Minority Counsel; Jeff Carroll, Minority Staff Director; Zach Kahan, Minority Outreach and Members Services Coordinator; Chris Knauer, Minority Oversight Staff Director; Miles Lichtman, Minority Policy Analyst; Perry Lusk, Minority GAO Detailee; Tim Robinson, Minority Chief Counsel; Andrew Souvall, Minority Director of Communications, Member Services, and Outreach; and C.J. Young, Minority Press Secretary.

### **OPENING STATEMENT OF HON. GREGG HARPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI**

Mr. HARPER. The hearing will come to order.

Today, the Subcommittee on Oversight and Investigations is holding a hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

We are here because recent events have highlighted a very troubling and concerning pattern of sexual misconduct within the U.S. Olympic community. There's been a systemic failure in the system to protect athletes, including in how allegations of sexual misconduct have been handled—or should I say not handled—by the national governing bodies, the groups that run individual sports, and the U.S. Olympic Committee.

And let me be clear: One case of sexual abuse is one case too many, and it will take a Herculean effort to regain the trust of prospective athletes, their families, and the American people. The USOC and NGBs play a role in keeping millions of American athletes safe from harm.

The vast majority of the athletes involved in NGBs will never compete in Olympics. They are on teams affiliated with an NGB or play at an NGB-sponsored event. This can include little league teams, local tennis tournaments, or gymnastics competitions. They are, in many instances, children, but they still fall within the parameters of organized sport.

So when we talk about athletes' safety, we aren't just talking about elite athletes representing their country at the highest level of their competition, we are also talking about our friends, our neighbors, and, yes, our children.

This is why athlete safety must be the top priority of the USOC and NGBs, and why they should have robust policies and procedures in place that reflect this priority.

More importantly, these policies and procedures must be followed, otherwise they aren't worth the paper that they're written on, and the culture must be such that our athletes feel safe and protected.

Sadly, we've seen what can happen when athlete safety is not a priority. Too often it seems that the USOC and NGBs haven't acted until they are publicly pressured to do so. When you have survivors saying that they were asked to stay silent, felt that they weren't heard, and didn't feel safe, there's something horribly wrong with the system.

Sexual abuse is a problem that our society must confront. According to the CDC's statistics on sexual violence, one in three women and one in six men experience sexual violence involving physical contact during their lifetimes.

While such focus has been on USA Gymnastics team doctor Larry Nassar, gymnastics is not the only NGB that has had its challenges. Recent public reports also include the Lopez brothers in Taekwondo, Rick Butler in Volleyball, and the multiple accusations that have come from the swimming community, as well as reports in many other NGBs not before us today.

Historically, each NGB and the USOC were responsible for directly handling any complaints, allegations, or reports of sexual abuse within their respective sport. However, policies, procedures, and bylaws weren't consistent across all NGBs, and it's unclear whether there was adequate oversight to ensure that the applicable policies and procedures were even followed.

There have been some recent changes to improve how allegations of sexual misconduct are handled in the Olympic community. The

USOC has used working groups to make recommendations for promoting and protecting athletes.

Through these working groups, new policies and procedures were developed and the U.S. Center for SafeSport was created by the USOC and launched in March of 2017. Now all NGBs and the USOC are required to report all complaints or allegations that involve sexual misconduct to the Center for investigation.

Over the course of this investigation, the committee has spoken with many survivors, and their experiences have informed and shaped our work. These conversations and the many thousands of pages of documents provided to the committee by survivors and whistleblowers helped shed light on the pervasive problem of sexual abuse in organized sport and prompted the committee to request documents from all 48 national governing bodies and the USOC.

We greatly appreciate all the assistance that the survivors have provided and our hearts do go out to them. Our job now is to do everything we can to protect our athletes, many of whom are children.

This hearing will serve as an opportunity to review whether the USOC and NGBs have adequate policies and procedures in place to protect athletes from sexual abuse. It is of the utmost importance to hold them accountable for their past failures and ensure that safety is their top priority going forward. It is time to change the culture, once and for all.

I'd like to welcome all of our witnesses, and I do thank you for being here today. And I know this isn't an easy topic, but it is one that we need to address to keep our Nation's athletes safe. And we do look forward to hearing your testimony.

I would also like to thank the ranking member of the subcommittee, Ms. DeGette, and other minority members and staff for their bipartisan hard work and assistance that we've seen during this investigation.

[The prepared statement of Mr. Harper follows:]

#### PREPARED STATEMENT OF HON. GREGG HARPER

Today, the Subcommittee on Oversight and Investigations is holding a hearing entitled, "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse." We are here because recent events have highlighted a very troubling and concerning pattern of sexual misconduct within the U.S. Olympic Community. There have been breakdowns and failures in the system to protect athletes, including in how allegations of sexual misconduct have been handled by the National Governing Bodies-the groups that run individual sports-and the U.S. Olympic Committee.

The USOC and NGBs play a role in keeping millions of American athletes safe from harm. The vast majority of the athletes involved in NGBs will never compete in the Olympics. They're on teams affiliated with an NGB, or play in NGB-sponsored events. This can include little league teams, local tennis tournaments or gymnastics competitions. They are, in many instances, children. But they still fall within the parameters of "organized sport." So when we talk about athlete safety, we aren't just talking about elite athletes representing their country at the highest levels of their competition. We are also talking about our friends, our neighbors, our kids.

This is why athlete safety must be the top priority of the USOC and NGBs, and why they should have robust policies and procedures in place that reflect this priority. More importantly, these policies and procedures must be followed-otherwise they aren't worth the paper they are written on-and the culture must be such that our athletes feel safe and protected. Sadly, we've seen what can happen when athlete safety is not a priority.

Too often it seems that the USOC and NGBs haven't acted until they are publicly pressured to do so. When you have survivors saying that they were asked to stay silent, felt like they weren't heard, and didn't feel safe—there is something wrong with the system.

Sexual abuse is a problem our society must confront. According to the CDC's statistics on sexual violence, one in three women and one in six men experience sexual violence involving physical contact during their lifetimes. While much focus has been on USA Gymnastics team doctor Larry Nassar, gymnastics is not the only NGB that has had its challenges. Recent public reports also include the Lopez brothers in Taekwondo, Rick Butler in Volleyball, and the multiple accusations that have come from the Swimming community, as well as reports in many other NGBs not before us today.

Historically, each NGB and the USOC were responsible for directly handling any complaints, allegations, or reports of sexual abuse within their respective sport. However, policies, procedures, and bylaws weren't consistent across all NGBs and it's unclear whether there was adequate oversight to ensure that the applicable policies and procedures were followed.

There have been some recent changes to improve how allegations of sexual misconduct are handled in the Olympic community. The USOC has used working groups to make recommendations for promoting and protecting athletes. Through these working groups, new policies and procedures were developed, and the U.S. Center for SafeSport (Center) was created by the USOC and launched in March 2017. Now all NGBs and the USOC are required to report all complaints or allegations that involve sexual misconduct to the Center for investigation.

Over the course of this investigation, the committee has spoken with many survivors, and their experiences have informed and shaped our work. These conversations and the thousands of pages of documents provided to the committee by survivors and whistleblowers helped shed light on the pervasive problem of sexual abuse in organized sport, and prompted the committee to request documents from all 48 national governing bodies and the USOC.

We greatly appreciate all the assistance that the survivors have provided. Our job, now, is to do everything we can to protect our athletes. This hearing will serve as an opportunity to review whether the USOC and NGBs have adequate policies and procedures in place to protect athletes from sexual abuse. These organizations are directly responsible for the safety of athletes. It is of the utmost importance to hold them accountable for their past failings and ensure that safety is their top priority going forward. It is time to change the culture, once and for all.

I'd like to welcome all of our witnesses and thank you for being here today. I know that this isn't an easy topic, but it's one that we need to address to keep our Nation's athletes safe. We look forward to hearing your testimony.

I would also like to thank the ranking member of subcommittee, Ms. DeGette, and other minority members and staff for their hard work and assistance on this bipartisan investigation.

Mr. HARPER. And I'll now recognize the ranking member of the subcommittee, Ms. DeGette.

**OPENING STATEMENT OF HON. DIANA DEGETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Ms. DEGETTE. Thank you so much, Mr. Chairman.

There were warning signs about sexual misconduct in amateur sports for decades. And yet, the systems that were supposed to protect our athletes failed. That's why we're here today.

As the chairman noted, these systems failed to stop Larry Nassar from harming more than 250 individuals. They failed to stop a taekwondo coach from abusing three athletes over 7 years for which he was later convicted of multiple felonies. And they failed to stop a swim coach from abusing more than a dozen athletes over 30 years.

That coach was eventually sentenced to 40 years in prison, but even a lifetime in jail cannot erase the damage that he has done.



These cases, unfortunately, are not anomalies. Far too many athletes, from far too many sports, have come forward stating that they had been traumatized by the very people they trusted to help them achieve their dreams.

Today we are here because we need to know that the Olympic sport community has learned from these survivors and is using that knowledge to develop and implement a new system run by the U.S. Center for SafeSport.

We need to be convinced that this new Center has a robust system to investigate and stop bad actors so that situations like this never happen again. And we need to make sure that the Center has adequate funding going forward into the future.

I understand that the U.S. Olympic Committee and the national governing bodies are engaging in their own internal investigations into what went wrong. I hope everyone today is prepared to explain exactly what they're doing to investigate and learn from past failures so that they can build a system that works.

I also hope the Center for SafeSport, which is located right in the heart of my congressional district, can help us explain how the past failures inform its work. Because the Center doesn't just investigate misconduct allegations, although that's an important part of their job, it also has the extraordinarily important task of developing anti-abuse policies and providing education and outreach to promote safe environments for athletes.

I hope the Center will be able to make real, verifiable progress in creating a national culture of safety in sport.

But I've got to say that I have concerns about whether SafeSport has sufficient resources and whether it truly has the independence it needs from the organizations it oversees.

I spoke yesterday with SafeSport, and I want to make sure that we have formal outside assessments of SafeSport's needs and operations. And I want to make sure that the Olympic community and the sporting community also are committed to giving them the resources that they need.

In case you didn't know this, the Olympic Committee is not operating on a shoestring. Its annual revenue is hundreds of millions of dollars. I hope we will hear today that if SafeSport needs more money, the U.S. Olympic Committee and the other governing bodies are prepared to increase substantially the support that they provide to this much-needed watchdog.

I also want to know how the Center for SafeSport and national governing bodies will ensure that the independent systems that they've designed is working as intended and its meeting its goals of protecting the people that it is supposed to.

For example, will there be ongoing and periodic performance audits to ensure that the complaints are properly investigated, the SafeSport's educational component is being implemented, and that its standards are being adopted by the many sports organizations under its jurisdiction?

Ongoing audits are going to be critical to evaluating this new system, and I want to know that this will happen and that we have appropriate resources to do that work.

I also want to understand that the U.S. Olympic Committee is prepared to enforce consistent anti-abuse policies and procedures across all governing bodies.

For example, some governing bodies post public lists of banned athletes and coaches, while others do not. Some governing bodies require SafeSport training for all affiliated individuals, and others only require it for their members.

I know that various affiliates are concerned about this and are trying to develop consistent policies. This is going to be critical and the leadership of the U.S. Olympic Committee will be critical.

Look, we're not here today to tear down the sporting world. American performances at the Olympics are a source of national pride, and sports in general benefit children and adults at all levels. But it does no good for our athletes to stand on a podium if they've been harmed by the people and organizations that help get them there.

I hope that we're on the road to real change. Today, I want to hear from every witness how we truly are and that the steps that we are taken to date are not just window dressing, because every athlete, no matter what sport they play, no matter what level they're playing it, deserves to compete in a heavy and a safe environment.

Thank you.

[The prepared statement of Ms. DeGette follows:]

#### PREPARED STATEMENT OF HON. DIANA DEGETTE

Thank you, Mr. Chairman.

We are here today because there have been warning signs about sexual misconduct in sports for decades. And yet, the systems that were supposed to protect athletes failed.

They failed to stop Larry Nassar from harming more than 250 individuals. They failed to stop a taekwondo coach from abusing three athletes over 7 years, a crime for which he eventually was convicted of multiple felonies. And they failed to stop a swim coach from abusing more than a dozen athletes over 30 years. That coach was eventually sentenced to 40 years in prison, but even a lifetime in jail would not erase the damage he has done.

These cases are not anomalies. Far too many athletes from far too many sports have come forward stating that they have been harmed by the very people they trusted to help them achieve their dreams.

Today, I need to know that the Olympic sport community has learned from these survivors, and is using this knowledge to design and implement the new system run by the U.S. Center for SafeSport. I need to be convinced that this new Center has a robust system to investigate and stop bad actors so that situations like these never happen again.

I understand that the U.S. Olympic Committee and the national governing bodies are engaging in their own internal investigations into what went wrong. I hope they are all prepared to explain exactly what they are doing to investigate and learn from past failures so that they can build a system that works.

I also hope that the Center for SafeSport is prepared to explain how these past failures inform its work. This Center does not just investigate misconduct allegations. It also has the extraordinarily important tasks of developing anti-abuse policies and providing education and outreach to promote safe environments for athletes.

I hope that this Center will make real, verifiable progress in creating a culture of safety in sport.

But I must say that I still have considerable concerns about whether SafeSport has sufficient tools and resources and operates with enough independence from the organizations it oversees. I want to know that there are formal ongoing assessments of SafeSport's needs and operations to ensure that it can handle its workload effectively.

The Olympic Committee is not operating on a shoestring. Its annual revenue is in the hundreds of millions. I hope we will hear today that if SafeSport needs more money, the U.S. Olympic Committee and governing bodies are prepared to increase substantially the support they provide to the Center.

Similarly, I would like to know how the Center for SafeSport and national governing bodies will ensure that the independent system they have designed is working as intended and meeting the needs of those it is charged with protecting.

For example, will there be ongoing and periodic performance audits to ensure that complaints are properly investigated, that SafeSport's educational component is being implemented, and that its standards are being adopted by the many sports organizations under its jurisdiction? Ongoing audits are critical to evaluating this new system, and I want to know that they will happen and that there are appropriate resources already set aside to make them happen.

I also want to understand that the U.S. Olympic Committee is prepared to enforce consistent anti-abuse policies and procedures across all governing bodies.

For example, some governing bodies post public lists of banned athletes and coaches while others do not. Some governing bodies require SafeSport training for all affiliated individuals, and others only require it for members.

There must be consistency in these policies, and the U.S. Olympic Committee must require the national governing bodies to adopt all changes needed.

Let me conclude by saying that we are not here today to tear down sport. American performances at the Olympics are a source of national pride, and sports benefit children and adults at all levels. But it does us no good for our athletes to stand on a podium if those same athletes have been harmed by the individuals and organizations that helped them get there.

I hope that we are on the road to real change. Today, I want every witness here to convince me that we are, and that the steps taken to date are not just "window dressing." Because every athlete, no matter what sport they play or at what level, deserves to compete in a healthy and safe environment.

Thank you, and I yield back.

Mr. HARPER. The Chair will now recognize the ranking member, Mr. Pallone, for an opening statement.

**OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PALLONE. Thank you, Mr. Chairman.

Today leaders of the Olympic community will tell us that they failed the people they were supposed to protect. We must examine those failures and understand whether the organizations before us today have learned from them.

Reports of sexual abuse in organized sports have been in the press for decades, years before the world known of Larry Nassar's horrific crimes. It's shameful that many organizations share the blame for failing these survivors.

The problem of sexual abuse in organized sports is bigger than Larry Nassar and it's bigger than any single organization. Today we'll hear from the national governing bodies of several sports, and each one has to address sexual abuse of their athletes.

Unfortunately, we have seen that these cases are not rare. Too many athletes have come forward with accounts of abuse.

These athletes come from different sports, but often we hear the same themes when we listen to them. Frequently their abusers held positions of power, sometimes controlling whether an athlete could train or compete, and frequently their abusers had powerful friends in their respective organizations.

And up until recently, each sports' governing body addressed sexual abuse allegations internally, and that system failed to protect athletes.

There was a great need for an independent organization, and last March the U.S. Center for SafeSport opened its doors with a mission to prevent abuse and foster a culture of safety in sports.

Now sport governing bodies can and must report allegations of sexual misconduct to the Center for SafeSport. And the Center continues to receive new cases, as well as cases from athletes who had reported sexual misconduct in the past.

On top of that, it offers education and training for sports governing bodies and athletes, and already the organization has provided training to more than 300,000 and has received more than 500 reports.

And clearly all of this takes resources, and we need to make sure that the Center for SafeSport has the resources and personnel it needs to do its work.

I also want to hear what the U.S. Olympic Committee is doing to support the Center for SafeSport. Special language in the Tax Code designates the U.S. Olympic Committee as a tax-exempt, nonprofit organization, but few nonprofit organizations can report revenues in the hundreds of millions of dollars as the U.S. Olympic Committee did in its most recent tax filing.

The U.S. Center for SafeSport gets its funding from diverse sources, including fundraising and government grants. It also gets a portion of its funding from the U.S. Olympic Committee.

So I hope we'll hear today that the U.S. Olympic Committee and the sports governing bodies are prepared to provide consistent and continuing support to the Center for SafeSport. It is critical for the Center for SafeSport to have a permanent and dedicated source of funding, and these sports organizations should make sure that that happens.

I also hope we will hear that the U.S. Olympic Committee will use its position of leadership and authority to require sports governing bodies to adopt reforms as needed to reduce the risk of harm to athletes.

For example, questions such as, who is subject to background checks, how these checks are done, and whether lists of individuals banned from the sport are made public, are all important safety standards that should be applied consistently across all sports.

I also want to hear that the Center for SafeSport, the Olympic Committee, and all governing bodies are committed to completing ongoing formal assessments and evaluations to determine what is working and what needs additional improvement or additional resources.

Before we leave today, I want to hear from all of our witnesses about the reforms they've implemented to keep athletes safe. I want you to convince me that you're thoroughly examining how you failed athletes in the past and that those lessons are shaping the reforms you're putting in place.

And I need to be convinced that you are building a system with the right people, structure, and resources to protect athletes under your leadership. I also want to hear that there will be zero tolerance for the kinds of abuses that brought us here today.

With that, Mr. Chairman, unless someone wants my minute, I will yield back.

[The prepared statement of Mr. Pallone follows:]

## PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

Today leaders of the Olympic community will tell us that they failed the people they were supposed to protect. We must examine those failures, and understand whether the organizations before us today have learned from them.

Reports of sexual abuse in organized sports have been in the press for decades—years before the world learned of Larry Nassar’s horrific crimes. It is shameful that many organizations share the blame for failing these survivors.

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Up until recently, each sports’ governing body addressed sexual abuse allegations internally.

That system failed to protect athletes.

There was a great need for an independent organization. Last March, the U.S. Center for SafeSport opened its doors, with a mission to prevent abuse and foster a culture of safety in sports. Now sports governing bodies can—and must—report allegations of sexual misconduct to the Center for SafeSport.

The Center continues to receive new cases, as well as cases from athletes who had reported sexual misconduct in the past. On top of that, it offers education and training for sports governing bodies and athletes. Already, the organization has provided training to more than 300,000 people, and has received more than 500 reports.

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Thank you, and I yield back.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the chairman of the full committee, Mr. Walden, for an opening.

**OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. Thank you very much, Mr. Chairman, for leading this investigation and holding this very important hearing today.

Every one of us in this room has an Olympic memory. For a select few, it is actually competing in the Olympic Games on behalf of our great country. For the vast majority of us, it is watching our athletes compete.

The Olympics inspire, they unite us, as we cheer them on to victory with great pride. Our children watch the Olympics with their own dream that one day they, too, may compete at the most elite level and represent our country.

But the system of organized sport headed by the United States Olympic Committee and 48 national governing bodies, or NGBs, is much bigger than the Olympics and includes millions of athletes who don't necessarily compete at the highest levels.

The four NGBs before us today—Gymnastics, Taekwondo, Volleyball and Swimming—collectively represent some 979,000 members. USA Swimming includes everyone from Michael Phelps—who, by the way, testified before this committee last year—to children competing in a local recreational league.

And the same is true not for the three other NGBs at the table today, but for all the other NGBs in existence.

In pursuit of their dreams, athletes of all levels have frequent contact with coaches and doctors and trainers and volunteers, who are given responsibility beyond simply enabling these young athletes to achieve excellence in their chosen sport. We entrust them with athletes' safety and their well-being.

These individuals often hold positions of great power and authority over the athletes. Not only can they control an athlete's training schedule or medical treatment, those very individuals often have a direct say in that athlete's career, such as deciding who competes in an upcoming event.

As has become abundantly clear, too many authority figures have abused their power and influenced and harmed the very athletes that were trusted to them. Athletes have very little power, by comparison, and too many have been failed by the system that purports to protect them.

Much attention has been paid to the case of Larry Nassar, in part because of the sickening number of athletes he abused. To date, hundreds of women and girls have come forward as victims of Nassar's abuse that spanned two decades.

But the sad truth is, that abuse in the Olympic community extends well beyond Larry Nassar and USA Gymnastics. The U.S. Center for SafeSport, established in March of 2017, has already received 488 reports regarding sexual abuse involving 35 of the 48 total NGBs.

The committee has spoken with numerous survivors in the course of this investigation. And we thank all of them for their assistance in this work, and we know that their stories are not easy to tell.

There were far too many similarities in what we heard. Individuals in positions of power not only abused their trust, but physically abused their persons. And when survivors sought help, far too many felt the system protected not them, but their abusers. They felt silenced.

In the eyes of many survivors, the culture of medals and money won out over athlete safety and protection.

Changes have been made in the Olympic community over the past decade, in particular within the last year, that show how things are moving in the right direction. However, many questions remain about whether the community has come far enough and moved fast enough. More must be done to ensure that athlete safety is the top priority of the USOC and the NGBs.

Today this committee will examine how to protect young athletes now and in the future. Among our concerns are:

Whether the culture within the Olympic community fosters a safe environment for victims to come forward;

Whether the policies and procedures that have been put in place over the past several years are enforced in a way that promotes transparency and accountability;

Whether the Center for SafeSport is the most effective organization it can be;

And, whether the USOC has exercised its full authorities over the Olympic community when it comes to creating and enforcing policies that protect our athletes from sexual abuse and misconduct.

So I look forward to hearing about what Congress can do further to improve and strengthen the system so we're actually protecting athletes at all levels, and all ages, in all sports.

Thank you for being here as part of this discussion.

[The prepared statement of Mr. Walden follows:]

#### PREPARED STATEMENT OF HON. GREG WALDEN

Thank you, Mr. Chairman, for leading this investigation and holding this important hearing today.

Every one of us in this room has an Olympic memory. For a select few, it is competing in the Olympic games on behalf of our Nation. For the vast majority of us, it is watching our athletes compete. The Olympics inspire and unite us as we cheer on our athletes with great pride. Our children watch the Olympics with the dream that one day they will get to compete at the most elite level and represent our country.

But the system of "organized sport" headed by the USOC and 48 National Governing Bodies, or NGBs, is much bigger than the Olympics, and includes millions of athletes who don't compete at the highest levels of organized sport. The four NGBs before us today—Gymnastics, Taekwondo, Volleyball, and Swimming—collectively represent nearly 979,000 members. USA Swimming includes everyone from Michael Phelps to children competing in a local recreational league. And the same is true not just for the three other NGBs at the table today, but for all of the other NGBs in existence.

In pursuit of their dreams, athletes of all levels have frequent contact with coaches, doctors, trainers, and volunteers who are given responsibility beyond simply enabling these young athletes to achieve excellence in their chosen sport; we entrust them with athletes' safety and well-being. These individuals often hold positions of great power and authority over the athletes. Not only can they control an athlete's training schedule or medical treatment, those very individuals often have a direct say in that athlete's career, such as deciding who competes in an upcoming event. As has become abundantly clear, too many authority figures have abused their power and influence and harmed the very athletes that trusted them. Athletes have

very little power by comparison, and too many athletes have been failed by the system that purports to protect them.

Much attention has been paid to the case of Larry Nassar, in part because of the stunning number of athletes abused by Nassar. To date, hundreds of women and girls have come forward as victims of Nassar's abuse that spanned two decades. But the sad truth is that abuse in the Olympic community extends well beyond Larry Nassar and USA Gymnastics. The U.S. Center for SafeSport, established in March of 2017, has already received 488 reports regarding sexual abuse, involving 35 of the 48 total NGBs.

The committee has spoken with numerous survivors in the course of this investigation, and we thank all of them for their assistance in this work. We know that their stories are not easy to tell.

There were far too many similarities in what we heard. Individuals in positions of power not only abused their trust, but physically abused their persons. And when survivors sought help, far too many felt that the system protected not them, but their abusers. They felt silenced. In the eyes of many survivors, the culture of "medals and money" won out over athlete safety and protection.

Changes have been made in the Olympic community over the past decade, in particular in 2017, that show that the way these cases are handled is changing for the better. However, many questions remain about whether the community has come far enough and moved fast enough. More must be done to ensure that athlete safety is the top priority of the USOC and NGBs.

Today this committee will examine the progress that has been made. Among our concerns are whether the culture within the Olympic community fosters a safe environment for victims to come forward; whether the policies and procedures that have been put in place over the past several years are enforced in a way that promotes transparency and accountability; whether the Center for SafeSport is the most effective organization it can be; and whether the USOC has exercised its full authorities over the Olympic community when it comes to creating and enforcing policies that protect our athletes from sexual abuse and misconduct. I also look forward to hearing about what the Congress can further do to help improve and strengthen the systems that protect athletes of all levels, and all ages.

I thank our witnesses for being here today, and being part of this important discussion. I yield back.

Mr. WALDEN. With that, I yield the balance of my time to the gentlelady from Indiana, Mrs. Brooks.

Mrs. BROOKS. Thank you, Mr. Chairman. And I want to thank you for holding this hearing today.

Abuse of all kinds has come under close scrutiny across the country this past year. Sexual abuse in particular has shown itself to be far more pervasive and insidious that many would have imagined.

Thanks to the diligent work of my hometown newspaper, the Indianapolis Star, we've learned about the revelations about Dr. Nassar and his systemic abuse of U.S. gymnasts, but also more about our Nation's Olympic athletes and what they've had to endure for so many years in their Olympic quest, and this is unacceptable.

I'm proud that I led, along with a colleague, Lois Frankel from Florida. We saw the passage of the bill Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017.

Our President signed into law in February of 2018 this bipartisan, game-changing bill that prioritizes the safety and well-being of our Nation's athletes, because we must ensure that our youth are safety when they go to the gym, when they take the ice, when they go out onto the field to practice their sport.

Young athletes look to their coaches, their instructors, their trainers as role models. And our bill, now law, works to ensure that our athletic national governing bodies will support a culture within their organizations to foster safe and healthy relationships between



coaches, instructors, trainers, and athletes, through their policies and procedures that will prevent, detect, and report allegations of abuse to law enforcement in an appropriate and timely manner.

And I'm proud that this was signed into law, because our past, our present, and our future athletes, who are dedicating their lives to perfect their sport, the dream of the Olympic stage, need to be protected. They need to be safe and free from sexual abuse.

And I thank you all for being here today. I look forward to your testimony.

Mr. HARPER. I ask unanimous consent that the Members' written opening statements be made part of the record. Without objection, they will be entered into the record.

Additionally, I ask unanimous consent that Energy and Commerce members not on the Subcommittee on Oversight and Investigations be permitted to participate in today's hearing. Without objection, so ordered.

I would now like to introduce our witnesses for today's hearing.

First, we have Ms. Susanne Lyons, acting chief executive officer at the United States Olympic Committee.

Next is Ms. Kerry Perry, president and chief executive officer at USA Gymnastics.

Mr. Tim Hinchey, president and chief executive officer at USA Swimming.

Mr. Steve McNally, executive director at USA Taekwondo.

Then we have Mr. Jamie Davis, chief executive officer at USA Volleyball.

And finally, Ms. Shellie Pfohl, president and chief executive officer at the U.S. Center for SafeSport.

You're aware that the committee is holding an investigative hearing, and when doing so has had the practice of taking testimony under oath. Do you have any objection to testifying under oath?

Let the record reflect that all witnesses have responded no.

The Chair then advises you that under the rules of the House and the rules of the committee, you're entitled to be accompanied by counsel. Do any of you desire to be accompanied by counsel during your testimony today?

Let the record reflect that all witnesses have responded no.

In that case, if you would please rise. I ask you to raise your right hand, and I will swear you in.

Do you swear that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

Thank you. You may be seated.

You're now under oath and subject to the penalties set forth in Title 18, Section 1001 of the United States Code.

You may now give a 5-minute summary of your written statement.

And we will begin with you, Ms. Lyons. You have a light system that's there that should turn yellow when you have a minute left and red when your 5 minutes are up.

So, Ms. Lyons, welcome.

**STATEMENTS OF SUSANNE LYONS, ACTING CHIEF EXECUTIVE OFFICER, UNITED STATES OLYMPIC COMMITTEE; KERRY PERRY, PRESIDENT AND CHIEF EXECUTIVE OFFICER, USA GYMNASTICS; TIMOTHY HINCHEY III, PRESIDENT AND CHIEF EXECUTIVE OFFICER, USA SWIMMING; STEPHEN MCNALLY, EXECUTIVE DIRECTOR, USA TAEKWONDO; JAMIE DAVIS, CHIEF EXECUTIVE OFFICER, USA VOLLEYBALL; AND SHELLIE PFOHL, PRESIDENT AND CHIEF EXECUTIVE OFFICER, U.S. CENTER FOR SAFESPORT**

**STATEMENT OF SUSANNE LYONS**

Ms. LYONS. Thank you. Good morning, Chairman Harper, Ranking Member DeGette, and members of the subcommittee.

Three months ago, I agreed to serve as the acting CEO of the U.S. Olympic Committee because I felt an obligation to help address the significant and important issues that bring us here today.

Like you, I was deeply saddened and also angry to hear the statements of the girls and women who were the victims of Larry Nassar. I heard the powerful and compelling stories of victims and survivors, including those that had sought help from people in the Olympic community. They found the system unresponsive, needlessly complex, and fraught with risks to their Olympic dreams. This is appalling and unacceptable.

The Olympic community failed the people it was supposed to protect. And I would like to apologize once again to those individuals and to their families, some of whom I believe are with us today. I know we can do better, and we will do better.

When I accepted this role, I announced a series of initiatives to address issues of abuse and other structural weaknesses. We committed to providing funding for gymnastics and athletes from other sports affected by abuse. We committed to doubling our funding for the Center for SafeSport.

We announced a governance review. And we committed to strengthen the voices of the athletes, both young and adult, in our community. And importantly, we reiterated our commitment to reform USA Gymnastics.

Last year, we demanded the resignation of the USA Gymnastics CEO, and this year we required a complete turnover of the USA Gymnastics board, along with several additional reforms.

Mr. Chairman, we are already making progress, but we have a long way to go. I would like to update the subcommittee on our efforts.

First, we are redoubling our efforts with the Center for SafeSport. After only 1 year it is already clear that the Center is serving an essential role in protecting athletes.

The Center has experienced a significant increase in the number of reports of abuse. And although any report is disheartening, that's the reason we need the Center. It provides a safe and independent path for athletes to report these concerns.

We doubled our grant to the Center to \$3.1 million this year to enable it to hire more investigators and to resolve cases more quickly. We are also working with the Center to identify potential improvements in their policies and procedures.

Second, we are listening to and enhancing the voices of athletes in the community through athlete surveys and through a series of athlete working sessions.

Third, we announced a governance review to inform our engagement with the national governing bodies and athletes and our oversight of the Olympic movement in the United States. We need to make sure that we are organized and empowered to take appropriate steps to protect athletes.

Rebuilding gymnastics is the fourth category. We committed to a \$1.3 million grant to the National Gymnastics Foundation entirely for athlete assistance programs, medical support, and counseling.

We are in nearly constant contact with CEO Kerry Perry, the Gymnastics interim board, and others at Gymnastics. Recently, we supported Gymnastics as they established that interim board, and we supported them as they made governance reforms to implement best practices.

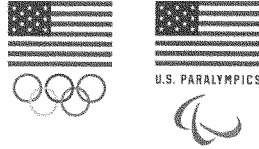
Even as we move ahead, a fifth category of effort will develop in the coming months when we receive the report of the independent investigation of Nassar's abuse.

The investigation covers both the Olympic Committee and USA Gymnastics, as well as any other relevant information on abuse that the investigation reveals. We will make that report public in its complete and unabridged form, and we will take whatever actions are appropriate based on the report's findings.

We have made significant progress in strengthening protections for athletes over the last few years, but our collective efforts must not cease. We must support the victims and survivors and honor those who have stood up against abuse. We promise to lead the Olympic community to bring real and lasting change.

I would be happy to answer your questions.

[The prepared statement of Ms. Lyons follows:]



Statement of

Susanne Lyons  
Acting Chief Executive Officer  
United States Olympic Committee

before the

Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
U.S. House of Representatives

May 23, 2018

Good morning Chairman Harper, Ranking Member DeGette, and Members of the Subcommittee. Three months ago, I agreed to serve as the acting CEO of the U.S. Olympic Committee because I felt an obligation to help address the significant and important issues that bring us here today. Like all of you, I was deeply saddened to hear the statements of the girls and women who were the victims of Larry Nassar. I was devastated to find that he was able to perpetuate his abuse for so long.

I heard the powerful and compelling stories of victims and survivors in court and in testimony before Congress, including those that had sought help from people in the Olympic community. They said that they found the system unresponsive, needlessly complex, or fraught with risks to their Olympic dreams. This is appalling and unacceptable. The Olympic community failed the people it was supposed to protect.

I know that we can do better. We will do better.

When I accepted this role, I announced a series of initiatives to strengthen our handling and response to issues of abuse and address other structural weaknesses. We committed to providing funding and resources for gymnasts, and athletes from other sports, affected by abuse. We committed to doubling the Olympic Committee's funding for the Center for SafeSport, enabling it to hire more investigators and resolve cases more quickly, while also supporting its important efforts to educate athletes and deter abuse before it occurs.

We announced a review of our governance structures and SafeSport procedures to ensure we have the ability to act quickly and decisively when necessary to protect athletes. We committed to strengthening the voices of the athletes in our community, including in the operations of the Olympic Committee.

And importantly, we reiterated our commitment to ensuring the reform of USA Gymnastics. Last year we demanded the resignation of the USA Gymnastics CEO, and earlier this year we required a complete turnover of the USA Gymnastics board of directors, along with several additional reforms, as a condition of its continued recognition as a national governing body. This includes full cooperation with the independent investigation we commissioned from the law firm Ropes & Gray.

Mr. Chairman, we are already making progress. Our longer term reform efforts fall generally into four categories, and I would like to update the Subcommittee on each of them.

First, we are redoubling our efforts with the Center for SafeSport. Although it launched just last year as an independent entity, culminating the Olympic Committee's eight-year effort to strengthen protections for athletes, it is already clear that the Center is serving an essential role in protecting athletes. The Center has experienced a significant increase in the number of reports of abuse. Although any report is disheartening, this is precisely the reason that we need the Center: It provides a safe and independent path for athletes to report concerns so that the Olympic and Paralympic community can address them. We fulfilled our commitment to double the Olympic Committee's funding of the Center, adding \$1.55 million to our existing annual grant to enable the Center to hire more staff, conduct more investigations, and undertake additional educational activities. At its launch, the Center focused on sexual abuse cases, as that was the most pressing need. Now we are supporting their work to find ways to investigate other abuses such as bullying and hazing in appropriate cases. Additionally, after one year of experience, the Center is working hard on its policies and procedures to identify potential improvements, and we are working hard to support that effort as well.

Second, we are listening to and enhancing the voices of athletes in the Olympic Committee and the Olympic and Paralympic community. The Ted Stevens Act already requires all Olympic governing bodies to include a significant number of athletes in their governance, and we want to increase the involvement of the broader community of athletes in providing feedback and assistance in strengthening our policies and procedures. The cornerstones of this effort are a number of athlete surveys, one of which we recently completed, and a series of athlete working sessions that we have begun and will continue this year. We are also launching leadership training for athletes who are part of the governance process at the Olympic and Paralympic Assembly.

Third, we announced a governance review to inform our engagement with national governing bodies and athletes, and our oversight of the Olympic and Paralympic movements in the United States. In recent years, the relationship between the Olympic Committee and the national governing bodies has evolved, particularly with respect to the Center, which removed the national governing bodies' authority to investigate and resolve issues of sexual abuse. More recently, the Olympic Committee took a very active role in the reform of USA Gymnastics. We need to make sure we are organized and empowered to take appropriate steps like this especially where needed to protect athletes.

Rebuilding USA Gymnastics is the fourth category of our ongoing focus. We committed to a \$1.3 million grant to the National Gymnastics Foundation, entirely for athlete assistance programs, medical support, and counseling, matching USA Gymnastics' commitment to that

effort. The Olympic Committee's leadership is in nearly constant contact with CEO Kerry Perry, the USA Gymnastics interim board, and others at USA Gymnastics. After we insisted that the CEO and then the entire board resign, we worked closely to advise USA Gymnastics on seating the interim board composed of new voices with more independence. Recently, we supported the interim board as they implemented governance reforms consistent with best practices. We provided financial assistance for USA Gymnastics to engage outside assistance in the seating of a new board and training in board best practices.

Even as we push forward on these four categories, there is an important fifth category of effort that will develop in the coming months when we receive Ropes & Gray's report. The Olympic Committee's board of directors retained Ropes & Gray to conduct a fully independent investigation into Nassar's abuse. We instructed the investigators to identify who knew about the abuse, what they knew and when, and what they did or did not do with this information. Importantly, Ropes & Gray will also investigate the circumstances that allowed the abuse to continue for so long. They are authorized to report on any other findings on abuse in other sports or related information that they deem important. The investigation covers both the Olympic Committee and USA Gymnastics. We have committed to taking any necessary step to ensure that Ropes & Gray has independence in the conduct of the investigation and the resources needed to carry it out fully and effectively. We will make the report public in its complete and unabridged form. The Olympic Committee's board has committed to taking whatever actions are appropriate based on the facts that emerge from the investigation and the report.

The Olympic Committee and the broader Olympic and Paralympic community have made significant progress in strengthening protections for athletes, but our collective efforts must never cease. We must support the victims and survivors, and honor those who have stood up against abuse. We promise to lead the Olympic community to bring real and lasting change.

#### **U.S. Olympic Committee and National Governing Bodies**

The Olympic Committee was founded in 1894. It serves as both the National Olympic Committee and National Paralympic Committee for the United States. The Olympic Committee is responsible for the training and funding of the United States' teams for the Olympic, Paralympic, Youth Olympic, Pan American, and Parapan American Games, and serving as a steward of the Olympic movement throughout the country.

In 1978, the Amateur Sports Act (now called the Ted Stevens Olympic and Amateur Sports Act) appointed the Olympic Committee as the coordinating body for all Olympic athletic activity in the United States. Pursuant to the statute, the Olympic Committee supports athletes through funding, health insurance, tuition grants, marketing opportunities, and career services. The Olympic Committee supports the Olympic Training Centers and Olympic Training Sites for athletic training, conditioning, sports medicine, and nutrition assistance. The Olympic Committee also oversees the process by which U.S. cities bid to host the Olympic and Paralympic Games, the Youth Olympic Games, and the Pan/Parapan American Games.

The Ted Stevens Act also authorizes the Olympic Committee to recognize a national governing body for any sport that is included in the various Olympic Games. The Olympic Committee may recognize only one such governing body for each sport (except as it may relate

to the Paralympics). Once selected, that organization takes on a number of obligations related to amateur athletic activity in that sport in the United States, including sanctioning and conducting competitions, and recommending teams to represent the United States in the Olympic Games. The national governing bodies also oversee the training and development of athletes in their respective sports.

Today, there are 49 organizations that have been recognized by the Olympic Committee as a national governing body. There is a large degree of variation among these organizations. For example, U.S. Soccer manages national soccer activities that range from local recreational soccer programs for children to the U.S. National Men's and Women's soccer teams. These diverse soccer programs include thousands of coaches and officials and hundreds of thousands of athletes. Olympic activity, therefore, is a small part of U.S. Soccer's focus and activities. Conversely, USA Pentathlon is a smaller organization and Olympic activities are a primary focus of the organization.

Because each national governing body is the primary organization that manages and oversees the activities of coaches and athletes, each organization has its own rules and procedures related to athletes and coaches. On key areas of governance, however, the Olympic Committee uses its designation authority under the Ted Stevens Act to require each national governing body to adopt certain standards. And in challenging areas that affect the entire Olympic and Paralympic community, we have gone even further to establish entities that are independent of any individual national governing body and dedicated to addressing specific challenging topics. This is the approach that we took in response to doping issues in the late 1990s, and it is the approach we have taken with the Center for SafeSport.

#### **U.S. Center for SafeSport**

The Olympic Committee has long worked with the national governing bodies on efforts to protect athletes from sexual and other abuses. In 2010, the Olympic Committee determined that the issue warranted renewed attention following public reports of sexual abuse cases concerning swimmers. The Olympic Committee convened a working group to study the problem and make specific recommendations for improvements to the Olympic Committee board. Nina Kemppel, a four-time Olympic skier and current board member of the Olympic Committee, chaired the working group. The working group produced six comprehensive recommendations for action by the Olympic Committee: Increase its leadership role; lead by example; develop training materials; develop resources for use by local clubs and organizations; standardize services that promote safe training environments; and encourage national governing bodies to adopt policies to address sexual and physical misconduct.

Since then, the Olympic Committee has implemented each of the working group's recommendations. As it was implementing the working group's recommendations, the Olympic Committee concluded that the Olympic sports program would benefit from an independent entity dedicated to protecting youth athletes' safety. In June 2014, the Olympic Committee's board approved the creation of an independent SafeSport entity and began the process of establishing the Center for SafeSport. In September 2015, the Olympic Committee established the Center's nominating and governance committee. In January 2016, the first board of the Center was seated and held its first meeting. In June 2016, the Olympic Committee's board approved the launch of

the Center. In November 2016, the Center selected its first chief executive officer, Shellie Pfohl, who previously served as the executive director of the President's Council on Fitness, Sports, and Nutrition. In March 2017, the Center officially opened.

The Center's activities are guided by a SafeSport Code that covers everything from harassment and hazing to physical and sexual misconduct. In addition to the Code, the Center for SafeSport has adopted practices and procedures and procedural rules for arbitration that govern its investigation and resolution of alleged violations. These important procedural improvements centralize and clarify the process by which allegations of abuse are investigated and resolved. By adopting clear procedures that apply to all investigations by the Center, we seek to ensure a fair process that permits swift actions to protect children.

The Olympic Committee requires each national governing body to participate in the Center for SafeSport as a condition of being recognized by the Olympic Committee. Specifically, under section 8.7(l) of the Olympic Committee's bylaws, each national governing body must comply with the Olympic Committee's policies related to SafeSport and, additionally, the policies and procedures of the Center for SafeSport. These provisions require all national governing bodies and their personnel to report suspected sexual abuse to the Center and to law enforcement. The Center has exclusive authority within the Olympic and Paralympic community to investigate and resolve violations involving sexual misconduct. Additionally, the Center has discretionary authority to assume responsibility for the investigation and resolution of other violations of the Code; if not exercised, the applicable governing body retains the authority and obligation to investigate and resolve the allegation.

The Olympic Committee's regular and periodic audits of the independent national governing bodies include auditing of the organizations' compliance with the requirements of SafeSport. In 2017, the Olympic Committee engaged a third-party auditor, Baker Tilly Virchow Krause, to audit the compliance of the Olympic Committee and all the national governing bodies with SafeSport policies and procedures. The audit focused on compliance with the Athlete Safety Policy and the policies associated with the then-new Center for SafeSport. After the initial audit, each organization (including the Olympic Committee) was required to address deficiencies, and the Olympic Committee is monitoring and reviewing follow up. The audit results are available on our website. The Olympic Committee is now undertaking rolling audits of national governing bodies throughout the year, using its internal audit division supplemented by outside assistance.

The Center for SafeSport seeks to address the barriers and disincentives that victims may face when seeking to report abuse. The Center creates an independent path for reporting and an independent system for investigating and resolving cases of sexual abuse. With the Center, we have created a system that removes the investigation and resolution of allegations of sexual abuse from the control of any national governing body, including USA Gymnastics, and a resource dedicated to education and awareness of the importance of reporting abuse. We believe that these changes will significantly improve the protection of youth athletes from sexual and other abuses.

The approach that we have taken with the Center for SafeSport is similar to the approach that we previously adopted in establishing the U.S. Anti-Doping Agency in 1999. The U.S.



Anti-Doping Agency has been very successful at concentrating expertise and ensuring independence in investigations of doping issues. By following this model in the creation of the Center for SafeSport, we will also bring expertise and independence to our efforts to prevent abuse of youth athletes.

Recently, Congress and the President enacted the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, which complements and further strengthens the reporting requirements of the Olympic Committee and the Center. The law imposes a mandatory reporting requirement on any adult authorized by a national governing body or member to interact with a minor or amateur athlete at an amateur sports organization facility or at an event sanctioned by a national governing body or member. The legislation also provides federal authorization for the Center. The Olympic Committee supported this legislation and worked with Congress on its passage. The legislation helpfully brings the force of federal law behind the mandatory reporting requirements of the Center's rules.

#### **USA Gymnastics**

Over the months since the launch of the Center in March 2017, we have unfortunately continued to see new and concerning revelations about the Olympic community's failure to protect athletes, particularly with respect to USA Gymnastics, and in other sports as well. In June 2017, Deborah Daniels issued a report that examined USA Gymnastics' bylaws, policies, procedures, and practices related to handling sexual misconduct matters. After conducting more than 160 interviews, Ms. Daniels recommended a number of structural and policy changes within USA Gymnastics. The USA Gymnastics board voted unanimously to accept her recommendations.

Most significantly, in January 2018, the entire Olympic community was shocked and horrified to hear the powerful statements from the victims of Larry Nassar. On January 24, 2018, the Olympic Committee issued an open letter to all Olympic athletes announcing that it would launch an independent investigation into the detection and reporting of Nassar within both USA Gymnastics and the Olympic Committee. On January 25, 2018, the Olympic Committee issued a letter to the board of USA Gymnastics outlining six specific steps that the Olympic Committee is requiring of USA Gymnastics. In the letter to USA Gymnastics, the Olympic Committee specifically indicated that completion of these actions was necessary for USA Gymnastics to retain its recognition as the national governing body for Olympic gymnastics.

First, the Olympic Committee required all members of the USA Gymnastics board to resign. That process was completed on January 30, 2018. Second, the Olympic Committee required USA Gymnastics to seat an interim board, consistent with its current bylaws, with all new membership (except that the athletes may reelect their representatives) by February 28, 2018. That process was completed on February 27, 2018. Third, USA Gymnastics must create a new permanent board within one year. We now expect that will be completed this summer. Fourth, for the next year, an Olympic Committee representative must participate in each board meeting of USA Gymnastics, the USA Gymnastics board must discuss and report on progress instituting reforms, and USA Gymnastics must cooperate with the independent investigation, among other requirements. Fifth, all USA Gymnastics staff and board members were required to

complete SafeSport training within three months, which they have now completed. And, sixth, all USA Gymnastics staff and board members must complete ethics training within six months.

The Olympic Committee took these unprecedented actions because it concluded that an entirely new leadership structure was needed to rebuild USA Gymnastics. The Olympic Committee offered to assist USA Gymnastics with its rebuilding effort. Indeed, officials of the Olympic Committee have been working closely with USA Gymnastics' new CEO, Kerry Perry, on supporting the selection and seating of new board members, the other reforms required by the Olympic Committee, and revisions to USA Gymnastics' bylaws to provide a more independent board. Again, the Olympic Committee explicitly stated that if USA Gymnastics fails to implement these reforms, the Olympic Committee will pursue termination of USA Gymnastics' designation as a national governing body.

On February 2, 2018, a special committee of the board of the Olympic Committee announced that it had hired the law firm Ropes & Gray to conduct the independent investigation announced on January 24. The investigation is now examining the decades-long abuse by Nassar to determine when individuals affiliated with USA Gymnastics or the Olympic Committee first became aware of any evidence of Nassar's abuse of athletes, what that evidence was, and what they did with it. Joan McPhee and James Dowden, both former federal prosecutors, are leading the investigation. The investigators have full discretion to carry out the investigation and make findings as they deem appropriate. The Olympic Committee directed Ropes & Gray to prepare and issue a public written report at the conclusion of the investigation. The Olympic Committee pledged its full support to the investigation, including access to relevant documents and witnesses. USA Gymnastics has also confirmed its cooperation.

\* \* \*

Thank you for the opportunity to address these critically important issues. We owe it to the victims and survivors of abuse in sports to ensure that our efforts to improve the safety and security of Olympic athletes never cease. I would be happy to answer your questions.

Mr. HARPER. Thank you, Ms. Lyons.

The Chair will now recognize Ms. Perry for 5 minutes for the purposes of your opening statement.

#### **STATEMENT OF KERRY PERRY**

Ms. PERRY. Chairman Harper, Ranking Member DeGette, members of the Oversight and Investigations Subcommittee, thank you for inviting me to testify today at this very important hearing.

For more than 50 years, USA Gymnastics has served as the national governing body for the sport in the United States. We have many responsibilities to the gymnastics community. None are more important than the safety and well-being of our athletes.

Like all of you, I was appalled and sickened by the despicable crimes of Larry Nassar. We must do better.

I came on board at USA Gymnastics in December from outside the sport and the Olympic movement. My singular goal and the reason I accepted this mission is to create a supportive and empowering culture that helps our athletes achieve their gymnastics dreams in an empowering culture.

First, I want to apologize to all who were harmed by the horrific acts of Larry Nassar. I was in the courtroom to listen to the incredibly courageous women explain in vivid and painful detail the damage he did to their lives. Their voices will not be forgotten.

I commit to you that I will keep their words and experiences at the core of every decision I make, every day, as the leader of this organization. Their stories have broken my heart, but they've also strengthened my resolve.

Let there be no mistake, those days are over. USA Gymnastics is on a new path, with new leadership and a commitment to ensure this never happens again.

Since December 2017, we have embarked on a mission to implement a culture that puts athletes first. To that end, we are working hard to regain the trust and confidence of our athletes, their families, and all who are a part of our gymnastics community.

In the past 5 months, here are just a few of the bold decisions to put USA Gymnastics on a new course:

We closed the National Training Center at the Karolyi Ranch.

We made difficult personnel decisions to ensure that USA Gymnastics has a fresh start.

We fully support the U.S. Olympic Committee and congressional investigations that we hope will shed light on how Nassar was able to commit these horrific crimes.

We fully support Federal legislation, now a law, that will help safeguard amateur athletes.

We expanded our SafeSport department to include five new positions, four of which will live in the regions that they cover throughout the United States, to better support, train, educate, and serve our members.

We created an Athlete Task Force where our athletes will help shape our organization's future and its strategic and operating decisions.

We continue to implement the Deborah Daniels recommendations stemming from an independent evaluation of USA Gymnastics policies.

We are strongly enforcing the USA Gymnastics SafeSport Policy that requires mandatory reporting to find specific types of misconduct, set standards for grooming behavior, and establish greater accountability.

We made reporting of abuse easier with a dedicated toll-free number and online reporting.

We are amending our bylaws to support the cultural commitment to athlete safety and to help enforce SafeSport policies.

We are educating and training our staff, our board, and our members on the new SafeSport Policy. I am pleased to report that our staff and our board are 100 percent SafeSport compliant.

Beginning in 2018, all professional and club members must be SafeSport certified as a condition of membership.

We are participating in mediation in order to resolve the athletes' claims fairly and expeditiously.

And we created an Athlete Assistance Fund, in cooperation with the National Gymnastics Foundation, to provide survivors of abuse with the needed financial resources for counseling and medical services.

These necessary changes are not just amendments to our policies, they are part of a cultural shift that reflects our commitment to prioritize the safety of our athletes and members. We will hold our organization to the highest standards of care in order to become the standard bearer of change.

I am testifying today on behalf of the new USA Gymnastics, because right now there's a parent driving their child to gymnastics class. I want that parent to know that we are doing everything we can every day to protect your child.

Athlete safety must be at the forefront of everything we do. We have taken decisive action to grow into a more athlete-centered organization, committed to helping our athletes fulfill their dreams in a safe and supportive environment.

Out of respect for those who have stood on the podium under the United States flag, and out of devotion to the aspiring young athletes who set foot in gyms every day, we must and we will emerge stronger and safer.

Thank you. And I'm happy to answer your questions.

[The prepared statement of Ms. Perry follows:]



Statement of Kerry Perry  
President and Chief Executive Officer, USA Gymnastics

*Hearing before the  
House Committee on Energy and Commerce,  
Subcommittee on Oversight & Investigations*  
“Examining the Olympic Community’s Ability to Protect Athletes from Sexual Abuse”

May 23, 2018

Chairman Harper, Ranking Member DeGette, members of the Oversight & Investigations Subcommittee, thank you for inviting me to testify today at this very important hearing. For more than fifty years, USA Gymnastics has served as the national governing body for the sport in the United States. We have many responsibilities to the gymnastics community—NONE more important than the safety and well-being of our athletes. Like all of you, I was appalled and sickened by the despicable crimes of Larry Nassar. We must do better.

I came on board at USA Gymnastics in December from outside the sport and the Olympic movement. My singular goal—and the reason I accepted this mission—is to create a supportive and empowering culture that helps our athletes achieve their gymnastics dreams in a safe environment.

First, I want to apologize to all who were harmed by the horrific acts of Larry Nassar. I was in the courtroom to listen to the incredibly courageous women explain in vivid and painful detail the damage he did to their lives. Their powerful voices will not be forgotten. I commit to you that I will keep their words and experiences at the core of

every decision I make, every day, as the leader of this organization. Their stories have broken my heart, but also strengthened my resolve.

Let there be no mistake; those days are over. USA Gymnastics is on a new path, with new leadership, and a commitment to ensure this never happens again.

Since December 2017, we have embarked on a mission to implement a culture that puts athletes first. To that end, we are working hard to regain the trust and confidence of our athletes, their families, and all who are a part of the gymnastics community.

In the past five months, here are just a few of our decisive actions to put USA Gymnastics on a new course:

- **We closed the National Team Training Center** at the Karolyi Ranch.
- **We made difficult personnel decisions** to ensure that USA Gymnastics has a fresh start.
- **We fully support both the U.S. Olympic Committee and Congressional independent investigations** that we hope will shed light on how Nassar was able to commit these horrific crimes.
- **We fully support federal legislation**—now a law—that will help safeguard amateur athletes.
- **We expanded our Safe Sport department** to include five new positions; four of which will live in the regions they cover throughout the United States to better support, train, educate and serve members.
- **We created an Athlete Task Force** where our athletes will help shape our organization's future in its strategic and operating decisions.
- **We continue to implement the Deborah Daniels recommendations** stemming from an independent evaluation of USA

Gymnastics' policies. As of today, we have implemented eighty percent of the policies—and we intend to implement all of them.

- **We are strongly enforcing the USA Gymnastics Safe Sport Policy** that:
  - Requires mandatory reporting;
  - Defines specific types of misconduct;
  - Sets standards to prohibit grooming behavior and prevent inappropriate interaction; and
  - Establishes greater accountability.
- **We made reporting of abuse easier** with a dedicated toll-free number (833-844-SAFE), email address ([safesport@usagym.org](mailto:safesport@usagym.org)) and online reporting.
- **We are amending the bylaws** to support the cultural commitment to athlete safety and provide a basis for further developing our safe sport programs and governance, including by:
  - Mandating compliance with the policies and procedures of the U.S. Center for SafeSport;
  - Granting exclusive jurisdiction to the U.S. Center for SafeSport over all complaints of sexual misconduct;
  - Instituting interim measures to protect the community during ongoing investigations; and
  - The establishment of a standing Safe Sport Committee.
- **We are continuing our Listening Forums and outreach** to as many of our survivors, athletes and member clubs as possible to help guide USA Gymnastics policies and procedures.

- **We are incorporating expert ideas and strategies** to enhance our safe sport education and create a best-in-class curriculum customized to fit the varying member groups.
- **We are educating and training our staff, Board, and members on the new Safe Sport Policy.** I am pleased to report that our staff and Board are 100 percent Safe Sport compliant. Beginning in 2018, all professional and club members must be Safe Sport certified as a condition of membership.
- **We reorganized the Board of Directors** in order to have a smaller, more active group of leaders aligned with USA Gymnastics' cultural transformation.
- **We are participating in mediation** in order to resolve the athletes' claims fairly and expeditiously. We hope to participate in further mediation in August and that the U.S. Olympic Committee will join us.
- **We created an Athlete Assistance Fund**, in cooperation with the National Gymnastics Foundation, that provides the survivors of abuse with the needed financial resources for counseling and medical services.

These necessary changes are not just amendments to our policies and procedures; they are part of a cultural shift that reflects our commitment to prioritize the safety of all our athletes and members. We will hold our organization to the highest standards of care, and I am committed to making bold decisions in order to become the standard-bearer for change. We are at a very important crossroads for our sport. We have the opportunity to further build an environment that empowers and supports our athletes as they develop the confidence, character and life skills that will allow them to succeed in this amazing sport.

Our incredible athletes have always been, and will continue to be, a great source of national pride. USA Gymnastics is committed to our athletes and to investing in making gymnastics a sport where gymnasts of all abilities can train and compete without



fear of abuse of any sort. Right now, there is a parent driving their child to a gymnastics class. I want that parent to know that we are doing everything we can to protect their child. We need our member clubs and their coaches, the athletes and their parents, and the entire gymnastics community to join with us. Athlete safety must be at the forefront of everything we do, every day.

### **CONCLUSION**

I am testifying today, for the first time, on behalf of the new USA Gymnastics. We have taken decisive action to grow into a more athlete-centered organization, committed to helping our athletes fulfill their dreams. We will be there for them to help them realize their potential in a safe and supportive environment. Out of respect for those who have stood on the podium under the United States flag, and out of devotion to the aspiring young athletes who set foot in gyms every day, we must, and we will, emerge stronger and safer.

Thank you, and I am happy to answer your questions.

Mr. HARPER. Thank you, Ms. Perry.  
The Chair will now recognize Mr. Hinchey for 5 minutes.

#### **STATEMENT OF TIMOTHY HINCHEY III**

Mr. HINCHEY. Chairman Harper, Ranking Member DeGette, and the members of the subcommittee, thank you for the opportunity to testify today.

In 2010, USA Swimming faced its own reality that children and swimmers were being sexually abused in sport.

USA Swimming apologizes, acknowledges and deeply regrets the abuse suffered by children, athletes, and other participants in swimming programs.

Participation in sport should offer physical, social, and emotional benefits, but for some it has resulted in abuse and trauma that will negatively impact the rest of their lives. That is inexcusable. And like those who sit before me today, I am deeply committed to providing a safe and healthy environment for children to grow, play, and compete.

While recognizing that much work remains to be done, let me describe the steps USA Swimming has taken.

In 2010, USA Swimming established a comprehensive abuse prevention and response program called SafeSport.

USA Swimming hired an athlete protection officer, the first position of its kind in the Olympic movement, and established a national SafeSport Committee.

Over the past 8 years, the SafeSport program has evolved. Over 90 individuals have been banned from membership for sexual misconduct, and it is published on USA Swimming's ban list.

Criminal background checks have been enhanced. Currently, we conduct monthly recurring reports on our 50,000 nonathlete members, resulting in approximately 600,000 annual background checks of adults who have access to children.

We have over 80 individuals dedicated to championing SafeSport athletes and efforts at the local, regional, and national level.

Educational initiatives have also increased. Over 10,000 individuals have received SafeSport training in in-person workshops or conferences.

Finally, a victims assistance fund called SwimAssist has been established.

However, I regret we continue to receive reports of child sexual abuse in swimming. The organization can, should, and will do more, and I will lead that effort.

I'm the father of six, three girls and three boys, ages 30 to 11, and I'm a swimmer. Upon assuming the role of president of USA Swimming in July of 2017, I recognized SafeSport's significance to the organization. And the opportunity to work with the subcommittee in this investigation has only intensified my commitment to make protecting children and athletes USA Swimming's absolute top priority.

To that end, we have a number of new initiatives under way and we are vetting even more. The SafeSport-recognized club program will enhance athlete protection efforts at all levels, especially the local level. The "Training the Trainers" program will increase the

number of advocates spreading the SafeSport message throughout our organization.

I have and will continue to meet with and engage with survivors of abuse to ensure that we hear their voices and we learn from their experiences.

In addition to its own efforts, USA Swimming will continue to be a responsible leader, steward, and member of the Olympic sport community.

USA Swimming embraces its obligations under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act and already has policies in place that require reporting, prohibit retaliation, and limit one-on-one interactions between adults and children.

Further, USA Swimming supports the U.S. Center for SafeSport and is fully committed to its success.

While we cannot change the past, we will learn from it and we will do better. Our commitment to preventing child sexual abuse and providing a safe and healthy environment for our athletes is constant and long-lasting.

Thank you, and I look forward to answering your questions.

[The prepared statement of Mr. Hinchey follows:]

**Prepared Testimony of Timothy Hinchey III  
Before the U.S. House Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations  
May 23, 2018**

Chairman Harper, Ranking Member DeGette, and Members of the Subcommittee, thank you for the opportunity to testify today.

In 2010, long before Larry Nassar's prolific sexual abuse of minor gymnasts became known, USA Swimming faced its own reality that children and swimmers were being sexually abused in sport.

First and foremost, USA Swimming acknowledges and deeply regrets the abuse suffered by children, athletes, and other participants in swimming programs. Participation in sport should offer physical, social and emotional benefits, but for some, it has resulted in abuse and trauma that will negatively impact the rest of their lives. That is inexcusable, and like those of you who sit before me, I am deeply committed to providing a safe and healthy environment for children to grow, play and compete.

While recognizing that much work remains to be done, as this Subcommittee examines *the Olympic Community's Ability to Protect Athletes from Sexual Abuse*, let me describe steps that USA Swimming has taken.

In 2010, USA Swimming established a comprehensive abuse prevention and response program called Safe Sport. However, USA Swimming's Safe Sport is not a novel program. It is based on six well-established pillars of youth-serving abuse prevention programs, including: (i) Policies & Guidelines; (ii) Screening & Selection; (iii) Training & Education; (iv) Monitoring & Supervision; (v) Recognizing, Responding & Reporting; and (vi) Grassroots Engagement &

Feedback. USA Swimming partnered with the Child Welfare League of America and received guidance from the Centers for Disease Control and Prevention and the National Center for Missing and Exploited Children in its creation.

In 2010, USA Swimming also hired an Athlete Protection Officer, the first position of its kind in the Olympic movement, and established a national Safe Sport Committee, charged with review of the organization's athlete protection policies, guidelines, educational programs, and reporting and adjudication procedures.

Over the past eight years, the Safe Sport program has evolved:

- USA Swimming's Code of Conduct has been updated numerous times to enhance athlete protection.
- Reporting policies and procedures have been broadened.
- Over ninety individuals have been banned from membership for sexual misconduct and published on USA Swimming's banned list.
- Criminal background checks have been enhanced. Currently, we conduct monthly recurring reports on our 50,000 non-athlete members, resulting in approximately 600,000 annual checks of the adults who have access to children.
- USA Swimming's Safe Sport champions have grown to two full-time staff, four additional support staff, a twelve-member Safe Sport Committee, four national Zone Safe Sport Coordinators, 59 Local Swim Committee Safe Sport Coordinators, and twelve Safe Sport Athlete Fellows, in addition to the organization's Board of Directors.
- Educational initiatives have increased. Athlete Protection Training is required for all non-athlete members and must be renewed every other year, free Safe Sport training is available to parents and athletes, and over 10,000 individuals have received Safe Sport training in in-person workshops or conferences.
- Finally, a victim's assistance fund, *SwimAssist*, was established following the 2014 assessment of USA Swimming's Safe Sport program by the Gundersen National Child Protection Training Center.

However, child sexual abuse still occurs in swimming. The organization can, should and will do more, and I will lead that effort. I am a father of six; three girls and three boys; ages 30 to 11, and I am a swimmer. I swam at the University of California - Irvine and I still participate in a Master's Swimming program. Upon assuming the role of President & CEO of USA Swimming in July 2017, I recognized Safe Sport's significance to the organization, and the opportunity to work with the Subcommittee in this investigation has only intensified my commitment to make protecting children and athletes USA Swimming's top priority. There will be no complacency on my watch.

To that end, we have a number of new initiatives underway and are vetting even more. The Safe Sport recognized club program will enhance athlete protection efforts at the local level. The "Training the Trainers" program will increase the number of advocates spreading the Safe Sport message throughout the organization. And I have and will continue to meet and engage with survivors of abuse to ensure that we hear their voices and learn from their experiences.

In addition to its own efforts, USA Swimming will continue to be a responsible leader, steward and member of the Olympic sport community. USA Swimming embraces its obligations under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act and already has policies in place which require reporting, prohibit retaliation, and limit one-on-one interactions between adults and children. Further, USA Swimming supports the U.S. Center for Safe Sport and is fully committed to its success. We will provide meaningful engagement and support to it in any way we can.

While we cannot change the past, we will learn from it and do better. Our commitment to preventing child sexual abuse and providing a safe and healthy environment for our athletes is constant and long-lasting.

Mr. HARPER. Thank you, Mr. Hinchey.  
The Chair now recognizes Mr. McNally for 5 minutes.

#### STATEMENT OF STEPHEN MCNALLY

Mr. MCNALLY. Mr. Chairman, Ranking Member DeGette, and members of the subcommittee, for just under 8 months I have served as executive director of USA Taekwondo.

I thank the committee for the opportunity to express my personal commitment, and the commitment of USA Taekwondo under my leadership, to ensuring that athletes are protected from sexual misconduct within the U.S. Olympic community, as well as all those participating in sports outside the Olympic movement.

For the purposes of background, USA Taekwondo was formed in 2004 to assume responsibility as the national governing body for Taekwondo after the dissolution of the previous governing body, the United States Taekwondo Union.

Very few records exist from the USTU era, and no continuity exists between USTU and USAT with regard to the organization's board of directors, leadership, or senior staff.

From the information and documents that I have accumulated since becoming executive director in September of last year, I have concluded that the organization's response to complaints prior to 2015 varied as administrations, boards, and ethics committees changed personnel.

USA Taekwondo has always sought to balance its obligation to protect members from misconduct, while also abiding by the requirements to protecting the rights of the accused.

In 2015, following allegations by an athlete of sexual assault at the hands of USAT coaches, USA Taekwondo immediately retained Denver attorney Donald Alperstein from a firm specializing in amateur sports law since 1985 to serve as an independent outside counsel.

From this point forward, USA Taekwondo has relied on its outside counsel to investigate all of USAT history in an effort to uncover any previously unreported incidents of sexual assault and misconduct, and to pursue sanctions against defendants.

Outside counsel operated without any limitation on its budget, with no control by USA Taekwondo as to whom he should or should not pursue, and with only rudimentary intermittent reporting requirements to USA Taekwondo.

At the direction of outside counsel, in conjunction with the support of USA Taekwondo leadership, a number of measures were implemented immediately following its engagement to address pending allegations of misconduct, discover additional claims, and execute remedies to ensure the safety and security of USA Taekwondo athletes.

The investigation was conducted by outside counsel hired at the direction of USA Taekwondo and succeeded in exposing evidence of misconduct within USA Taekwondo and USTU as early as 1994.

However, as one might imagine, the pursuit of sanctions against defendants proved to be somewhat elusive, with many victims hesitant to reopen old wounds and reluctant to discuss matters about which their families, friends, or employers were unaware. Some

victims could not be located, and some were unavailable for a variety of other reasons, including incarceration.

Several victims eventually disclosed information to outside counsel but only on the condition that they could do so confidentially and would not be compelled to testify without further discussion. And to this day, outside counsel has raised some concern over sharing information he received only through providing these promises.

The committee has expressed an interest in Steven and Jean Lopez. To summarize, a lifetime ban has been imposed on Jean Lopez, and Steven Lopez is under a temporary suspension pending disposition of his case by SafeSport.

I do want to emphasize USA Taekwondo submitted evidence gathered concerning these allegations to the FBI, the Sugarland, Texas, Police Department, the Fort Bend County, Texas, Sheriff's Office, and the Colorado Springs Police Department.

With the creation of SafeSport in March 2017, all cases still pending in outside counsel's investigation were transferred.

Personally, it is my strong commitment to be part of the solution. And under my leadership, USA Taekwondo has already taken additional efforts to become more proactive in the area of athlete protection.

These include the immediate referral of any and all sexual abuse allegations to SafeSport, and the referral of any allegations involving a potential crime to relevant law enforcement agencies.

We immediately suspend an individual upon receipt of a direct allegation if we believe there is a threat to athletes currently, or clear evidence of an allegation being true.

We now ensure leadership on any official trip contains both genders. We require SafeSport training now for all referees. We've introduced mandatory background checks and SafeSport training for vendors even who are working at our events.

And we have just engaged a group called Fighting Spirit, which provides education on sexual misconduct. All minor national teams athletes will be required to take this training in the future.

Finally, next month USA Taekwondo will launch the #notinmysport education campaign, with the goal of informing participants throughout the sport as to what is acceptable behavior and what constitutes a violation, and also to empower our athletes to stand up and make their statement on social media channels.

There is no doubt more work to be done. The entire Olympic family must ensure that funding and resources remain available to SafeSport.

Thank you, and I'm ready to answer your questions.

[The prepared statement of Mr. McNally follows:]



**USA Taekwondo – May 21, 2018****SUMMARY**

USA Taekwondo is pleased to have the opportunity to appear before Congress to share its experience and plans in protecting the youth of sport from abuse at the hands of the very people in whom we entrust their care. In advance of this hearing, you asked us to address two specific areas.

The first area, which has drawn national attention, is the management of complaints involving Steven Lopez and Jean Lopez. USA Taekwondo first received allegations against Jean Lopez in 2006, and USA Taekwondo's CEO and outside counsel were unable to find supporting evidence of the charges. They declined to proceed further, in part because of the complainant's settlement of the accusation in a manner that permitted her – at her request – to continue training with Jean Lopez. USA Taekwondo did not receive further complaints until another athlete revealed further claims through social media in 2015. Almost immediately, USA Taekwondo retained both a respected attorney and a private investigator and gave the attorney an unlimited budget and complete independence to discover any sexual abuse in USA Taekwondo's history, including anything that occurred involving the Lopezes, the settlement agreement notwithstanding. Ultimately, Mr. Alperstein developed substantial evidence that he turned over to the U.S. Center for Safe Sport in March 2017, and the Center was finally able to impose sanctions just recently.

We learned during the investigation that there are numerous inherent challenges in pursuing claims against offenders that need to be addressed as our sports movements move forward. National Governing Bodies are not the police or criminal prosecutors, and we do not have the standing or protection of law enforcement to elicit testimony, nor can our sanctions extend beyond terminating membership in our organizations and posting lists of offending members.

What we can do, however, is something that the police cannot: we can insist that everyone who is associated with children on our behalf is trained to understand grooming behaviors, to recognize the subtle signs of abuse, and to ensure that abusers find no quarter in unregulated programs.

We believe that national licensing is necessary to achieve these goals. We are also here to tell you that the creation of the U.S. Center for Safe Sport is a substantial step toward making sports safer. The Center promises the independence, expertise, and efficiency in concentrating educational resources that no individual NGB can promise. But we have learned painfully that the Center's resources are being taxed well beyond its capacity. If the Center cannot ensure that investigations are thorough and that adjudications are timely and fair, the Center will ultimately not be respected, and the Center's exclusive jurisdiction over sexual assaults will have effectively deprived Olympic sports of any meaningful mechanism to ensure that offenders are ousted forever.

Everything we need to come into play to give youth sports freedom from the scourge of abuse is in our hands – a better environment for reporting, a stronger enforcement mechanism, and overwhelming attention that should lead to solutions. We look for Congress's guidance and support in this endeavor.

**WRITTEN TESTIMONY**

USA Taekwondo submits this testimony on the basis of the questions provided by Congress in letters dated January 26, 2018 and March 7, 2018. The topics that Congress indicated it was investigating included USA Taekwondo's handling of complaints involving Steven and Jean Lopez, together with USA Taekwondo's historical and current approach to the management of sexual abuse complaints. Congressional staff recently indicated that two additional areas of inquiry might evolve during the hearing, but in the absence of specific inquiries, USA Taekwondo will defer presenting substantial information.

**I. Steven and Jean Lopez**

Steven Lopez and his brother (and coach) Jean Lopez are the focus of Congress's first inquiry. USA Taekwondo will provide a summary of its actions involving the Lopez brothers to the extent it has been able to assemble reliable information from its records. In this regard, we note that USA Taekwondo was formed in 2004 to assume responsibility as the NGB for Taekwondo after the collapse of the previous governing body, United States Taekwondo Union (USTU). Very few records exist from the USTU era concerning either the Lopez brothers or disciplinary cases in general. Our responses in this testimony are based on what records are available for all periods.

In 2006, USA Taekwondo received complaints concerning sexual abuse at the hands of Jean Lopez from an elite athlete. The allegations appear to have been investigated by then USA Taekwondo CEO David Askinas and Counsel John Collins, with the involvement of USOC Athlete Ombudsman John Ruger. After the investigation had been completed and USA Taekwondo had

found no credible claims against Jean Lopez, Mr. Askinas confirmed in a letter that the complainant had resolved matters with Mr. Lopez privately. His conclusions were also reported to have been discussed with and confirmed by Mr. Collins and then USA Taekwondo Board Chairman Harvey Berkey, who agreed that no further action was necessary. USA Taekwondo notes that a separate disciplinary matter was heard by a USA Taekwondo Hearing Panel, and the matter was resolved against the complainant by the Panel, whose chair was a sitting federal district court judge from California. The latter action is not particularly relevant to these proceedings and USA Taekwondo will not detail the issue but notes this proceeding to show the independence and quality of judicial resources to which complainants had access at that point.

Congress has requested information concerning settlements with accompanying confidentiality agreements. USA Taekwondo and Mr. Lopez entered into an agreement with the complainant to allow her to continue training with Mr. Lopez at her request in 2007, which agreement did not bind her to any confidentiality obligation.

USA Taekwondo did not receive any further direct complaints about sexual misconduct by the Lopez brothers until March 2015, at which point an athlete reported on social media that she knew several other athletes who had been victims of assaults by two USA Taekwondo coaches, one of whom was Jean Lopez. USA Taekwondo initiated its own comprehensive investigation at this time, immediately engaging Denver attorney Donald Alperstein to assume responsibility for investigating all of USA Taekwondo's history in an effort to uncover any previously unreported incidents of sexual assault or other sexual misconduct, and to pursue

sanctions against any offenders. USA Taekwondo authorized Mr. Alperstein to retain an experienced private investigator, Leah Wickes, to help in this endeavor, and USA Taekwondo did not restrict his mission in any manner. Mr. Alperstein's mandate was broad and he operated without any limitation on his budget, with no control by USA Taekwondo as to whom he should (or should not) pursue. That investigation reopened the inquiry into the 2006 allegations by the prior complainant, as she claimed she had been pressured into accepting the settlement so as to promote her athletic career. In light of her assertion, USA Taekwondo did not treat the settlement agreement as binding in 2015, but instead investigated the claims anew without any presumption that the 2006 investigation or the 2007 settlement agreement were dispositive.

On April 23<sup>rd</sup>, 2015 USA Taekwondo posted the following notice on the front page of its website in order to solicit further information about any claims:

**"APRIL 23, 2015, 7:42 P.M. (ET)**

USA Taekwondo maintains a Safe Sport policy that encourages the reporting of any alleged Safe Sport violations: *"It is of fundamental importance to USA Taekwondo that individuals feel able to come forward and report abuse, or suspected abuse in a safe and, if requested, anonymous manner. All stakeholders in USA Taekwondo should be aware of how to report abuse and USA Taekwondo is committed to removing any and all barriers to the safe and effective reporting of abuse within USA Taekwondo."* USA Taekwondo Safe Sport Strategy, Section 13.

The Safe Sport Strategy specifically directs individuals to report Safe Sport to the CEO or to their local leaders for transmission to the CEO, and both paths are still proper means of making reports.

In addition, USA Taekwondo has appointed outside counsel and has retained an independent investigator to manage disputes involving USA Taekwondo members, coaches, officials, or employees. If you desire to report information concerning Safe Sport violations, you may do so either through the CEO, your local officials, or through USA Taekwondo's independent counsel, Donald Alperstein, who can be contacted as follows:

**Donald W. Alperstein**  
**Alperstein & Covell, P.C.**  
 1600 Broadway, Suite 900  
 Denver, CO 80202  
[dwa@alpersteincovell.com](mailto:dwa@alpersteincovell.com)  
**Phone:**  
 303-894-8191  
**Fax:**  
 303-861-0420

Individuals contacting Mr. Alperstein may be put in touch with the independent investigator, Leah Wickes, who will assist Mr. Alperstein in investigations. Both of these individuals have authority to collect information concerning Safe Sport violations.

Athletes who are concerned about their rights with respect to such investigations can also contact the USOC Athlete Ombudsman's office (Kacie Wallace or Sara Clark) at 1-888-ATHLETE."

The responsibilities that Mr. Alperstein was assigned were subsequently assumed by the United States Center for Safe Sport in March 2017 as part of its exclusive jurisdiction, and USA Taekwondo therefore no longer investigates specific allegations of sexual misconduct, except to the extent necessary to determine whether an immediate suspension should be imposed pending Safe Sport's exercise of jurisdiction and determination of interim measures. During the period in which Mr. Alperstein was active, USA Taekwondo spent nearly \$200,000 for the services provided by Mr. Alperstein and Ms. Wickes.

Mr. Alperstein's investigation succeeded in bringing out evidence of misconduct within USA Taekwondo and USTU as early as 1994. However, pursuit of sanctions against offenders proved to be somewhat elusive. Several victims did not approach Mr. Alperstein or Ms. Wickes directly, but instead had been identified by other athletes and had to be approached by Mr. Alperstein or Ms. Wickes first. Some victims did not wish to open old wounds, some were reluctant to discuss matters about which their families, friends or employers were unaware, some could not be located, and some were unavailable for a variety of other reasons, including incarceration. With respect to those who were initially unwilling to talk, Mr. Alperstein and Ms. Wickes were able to persuade them to disclose information only on the condition that they could

do so confidentially and would not be compelled to testify without further discussion. Mr. Alperstein reports that to this day he retains some concern over sharing information he received only through providing these promises.

Two of the people whom Mr. Alperstein and Ms. Wickes were investigating were Steven and Jean Lopez. Mr. Alperstein filed a detailed ethics complaint against Steven Lopez in 2015 and was in the process of preparing a similarly detailed complaint against Jean Lopez when it became apparent in 2016 that Safe Sport would be taking cases in the near future.

One question that has appeared frequently is why the Lopez brothers were not suspended prior to the 2016 Olympic Games in Rio. The limitations noted above help explain USA Taekwondo's position. Mr. Alperstein had filed a substantial ethics complaint against Steven Lopez the previous year and was well on his way toward filing against Jean Lopez around the time of the Olympics. Unfortunately, one of the key witnesses who was actually willing to testify at that point was unavailable, and many of the other witnesses were unprepared to testify at that point. As a consequence, Mr. Alperstein was concerned that he could not present compelling cases against the Lopez brothers at the point at which a decision had to be made.

This decision, it must be emphasized, was not as simple as suspending the brothers or not. Under the Ted Steven Olympic and Amateur Sports Act, as implemented through Section 9 of the United States Olympic Committee Bylaws, an athlete who is denied an opportunity to compete in the Olympics or any other sanctioned event has the right to challenge the denial on



as little as 48 hours' notice, and the appeal is heard by an independent Arbitrator. In light of witness reluctance and unavailability, Mr. Alperstein was concerned that a hastily-compiled hearing would expose the complainants in circumstances in which the most compelling case had yet to be prepared. That raised the very strong possibility that any discipline would be unenforceable, and even worse, that an unsuccessful result after exposing the victims to a rigorous hearing would chase them away from the process forever and effectively preclude USA Taekwondo from pursuing charges.

At this point, incidentally, it is worth noting that law enforcement agencies – who should be the primary source for enforcing laws against sexual abuse – routinely decline to provide information to USA Taekwondo or other NGBs, and sometimes specifically tell USA Taekwondo that they do not want to encourage inquiries by civil authorities such as USA Taekwondo when the mere act of inquiring could jeopardize their investigations. Indeed, on some occasions they explain that they do not even want the target of an investigation to know he is being investigated.

As between police officials pursuing criminal charges and a National Governing Body contemplating suspending a member, the extent to which an NGB should have been acting on its own was quite difficult a balance to pursue. USA Taekwondo is hopeful that the SafeSport Center's emergence as the independent agency that has exclusive jurisdiction over these reprehensible assaults will allow establishment of closer ties with law enforcement agencies so as to permit simultaneous investigations.

Returning to the Lopez matters, by Autumn of 2016 the Center for SafeSport's operations had begun taking final form and the opening of the Center was imminent. At this point, Alperstein began preparing the evidence for transfer to the Center's jurisdiction, as these were cases that were obviously suited for the Center's immediate expertise. In March 2017, all cases still pending in Mr. Alperstein's investigation were transferred to the U.S. Center for SafeSport.

Alperstein remains in contact with the SafeSport Center and is assisting them with their own investigations, not yet concluded in the case of either Lopez brother.

It should also be pointed out that evidence gathered on both Lopez brothers was submitted to four law enforcement agencies - namely the FBI, which we believe still has an open case file, the Sugarland Texas police department, the Fort Bend County Texas Sheriff's office and the Colorado Springs Police Department. So far as USA Taekwondo has been apprised, none of those agencies has yet brought a case against either Steven or Jean Lopez.

On a final note with respect to the Lopezes, Congress is certainly aware that a recent action filed in federal court in Denver alleges that USA Taekwondo intentionally disregarded evidence that the Lopezes engaged in sexual misconduct. USA Taekwondo categorically denies those allegations, and as noted above, USA Taekwondo was active in soliciting information concerning the Lopezes even in the absence of direct complaints to USA Taekwondo by victims or contemporaneous reports to the police concerning the underlying misconduct.

Indeed, the narrative that many media have been quick to propagate is the sensational allegation that USA Taekwondo has subordinated the safety of its athletes to broader goals of success in international competition. The facts simply do not support that narrative. Indeed, USA Taekwondo has endeavored to impose sanctions against Jean Lopez on a number of occasions for rules violations that did not include sexual assault and achieved only minor success in those efforts in light of adverse arbitration decisions or outside advice concerning the unenforceability of sanctions. USA Taekwondo's efforts actually led Steven Lopez to complain bitterly to USOC Chief Executive Officer Scott Blackmun, on June 8, 2017:

*"It is with great disappointment, and after careful consideration, that I write to inform you of the systemic and increasing attempts of USAT to allocate time, energy, and resources, to undermine the foundations of my success.*

*To those who know me, or to anyone that's followed my career, it has always been apparent that I accept the inherent challenges that come with competitive sports and have overcome them time and time again through my performance. However, I now face unprecedented attacks off the mat, and not from foreign competitors, but from the one body whose sole purpose is to provide me with the environment and means to perform at the highest level of our sport. The attempts have become so frequent and so unfounded that they have metastasized into a form of institutionalized witch hunts.*

*The method of attack has been quite simple; use any and all means necessary to undermine my preparation and competitive processes so as to create the best possible conditions for my failure.*

*The strategy began being implemented immediately following the 2012 London Olympic Games with the attempt to impose a life-long ban on my coach and most decorated coach in the history of our sport, Jean Lopez. The attempt to ban Coach Lopez from coaching me or any of his athletes repeated itself numerous times throughout the quadrennium; with some of the heights being the day of my competition at the 2015 US National Team Trials, the 2015 World Championships, the 2015 Pan Am Games, at the Grand Prix series, and these upcoming 2017 World Championships...*

In the same email, Steven Lopez continues:

*"However, that was not enough. After failing to win even one arbitration versus Coach Lopez, USAT decided to try a different approach. In addition to attacking my coach, they began focusing their efforts at me directly. The objective; find or create, some infringement that could facilitate my removal from the national team. When these attempts didn't keep me off the team, they went so far as to tamper with my training process at the Olympic Games, removing one of my*

*USOC/USAT approved Olympic training partners from my staff just two weeks prior to my competition date.*

*With all of the above failing to produce the intended result of impeding my performance, USAT has evolved its strategy one more time adding a new component to the equation; keep Coach Lopez off the team entirely and interfere with my training process.”*

The “method of attack” to which Steven Lopez referred included the following:

- In 2013, USA Taekwondo suspended Jean Lopez for two years, after originally proposing a lifelong ban, on the basis that he had impermissibly coached foreign athletes. That suspension was overturned out of apparent concerns about the legality of the sanctions.
- In 2015 USA Taekwondo suspended Jean Lopez for three months for crass behavior at a taekwondo tournament, which suspension would have barred him from international competitions referred to in the Steven Lopez letter. On Jean Lopez’s appeal, an independent Arbitrator agreed that Mr. Lopez had engaged in misconduct but reduced the sanction to probation. In addition, the decision barred USA Taekwondo from using this misbehavior in considering Jean Lopez for participation in international competitions.

- At the arbitration hearing noted above, Steven Lopez tried to assert his own interests in having Jean remain as his coach. USA Taekwondo fought against Steven Lopez's permission, and the Arbitrator, while reducing Jean Lopez's suspension to probation, sided with USA Taekwondo in part by ruling that Steven Lopez's interests as a competitor were irrelevant.
- Later in 2015, USA Taekwondo attempted to ban Mr. Lopez from coaching at the Pan American Games in light of his having received a "yellow card" for misconduct during a match at which he was coaching his brother Mark Lopez. Mr. Lopez appealed the decision to an independent Arbitrator, who vacated the punishment on the basis that the "yellow card" had not properly been issued.

It is true that none of these attempts to ban Jean Lopez were for sexual misconduct, but there were no pending complaints against Jean for sexual misconduct during that period and USA Taekwondo's actions wholly undercut the outrageous suggestion that USA Taekwondo knowingly looked the other way so as to avoid pursuit of any actions that might interfere with Steven or Jean Lopez's ability to participate in international competitions.

Also note that the period during which Steven Lopez complains of interference by USA Taekwondo (2012-2017) covers the time in charge of successive CEOs Eric Parthen, Bruce Harris, Keith Ferguson and interim CEO John Long. (David Askinas left USA Taekwondo in 2011). Steven

Lopez claims that each of those individuals participated in this 'witch hunt' against the brothers. This would mean that every USA Taekwondo CEO following Askinas (who himself had publicly dismissed the only official complaint as 'not credible') overtly interfered with the Lopez Brothers. As this should make clear, the purported "protective treatment" the Lopez brothers received which creates understandable outrage in the public's eye, is absolutely and unequivocally false.

USA Taekwondo's interest in the fair and thorough investigation and pursuit of claims against the Lopezes did not end when the Center for Safe Sport opened. Because the investigation against the Lopez brothers was well underway in early 2017, USA Taekwondo assumed that the Center would continue the prosecution of any claims. If USA Taekwondo had been intent on protecting the Lopezes, of course, it would not have hired independent counsel to pursue charges. As important, USA Taekwondo actively sought to have the cases transferred to the Center for Safe Sport precisely because the Center would be in a better position to pursue claims in an environment that was more conducive to protecting the reluctant complainants.

Thus, in a letter to SafeSport COO Malia Arrington, dated March 2, 2017 USA Taekwondo's outside counsel wrote:

*"It is USA Taekwondo's belief that only the U.S. Center for Safe Sport can complete an investigation of these matters and adjudicate them in a manner in which both the process and the results will be accorded respect."*

The letter continued: *"If an internal USA Taekwondo panel imposes discipline, there will be a certain demand for arbitration by Steven or Jean Lopez (or both, as the case may be). USA Taekwondo has adjudicated prior cases involving Jean Lopez and another Lopez (unrelated, but a friend of the family), and there is no chance that an internal USA Taekwondo hearing will be more than a dress rehearsal for binding arbitration. In most cases, USA Taekwondo is unconcerned about the fact that disciplinary disputes can reach arbitration, and in fact has arbitrated several disputes (including disputes with Jean Lopez) that began with internal USA Taekwondo proceedings. In this case, however, the promise of multiple levels of adjudication endangers the prospects of ultimate success for the reasons set out in the following paragraph.*

*As reflected in Mr. Alperstein's report, witness cooperation has been extremely difficult to come by. These allegations are painful for many of the victims to discuss, some have done so only under promises of anonymity (at least initially), and Mr. Alperstein has substantial concerns that the proliferation of different adjudications will effectively chase witnesses away. This concern is especially heightened because the complainants did not initially come to USA Taekwondo — rather, they were identified only in response (and often with substantial reluctance) to direct inquiries from Mr. Alperstein and our private investigator. Indeed, with the reporting of some of the incidents to local law enforcement agencies in different jurisdictions, as well as the FBI, USA Taekwondo has already*



*begun the laborious process of working with victims to ensure that their stories are heard now that they have come forward.*

*USA Taekwondo faces a unique procedural challenge with respect to adjudication of the Lopez cases. The Lopezes have been active and successful in international competitions for two decades. Every person who has been involved in Taekwondo at the elite level has some connection with the Lopez's, direct or indirect, and it has become nearly impossible mission to seat Taekwondo athletes on ethics panels who are not conflicted for one reason or another. The Chair of USA Taekwondo's Ethics Committee has considered nearly three dozen individuals, all of whom turned out to be objectionable for one reason or another. The Safe Sport adjudication will not face this issue.<sup>1</sup>*

*At the end of the day, the Center for Safe Sport was built largely on the promise of being able to handle high-profile cases effectively and with some measure of expertise. The Center for Safe Sport brings with it a measure of respect and authority that USA Taekwondo's administrative processes cannot assure on the face of these extremely high-profile cases. And as noted above, it also avoids the inherent procedural problems that will attend any USA Taekwondo adjudication.*

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<sup>1</sup>This section refers to the requirement of Section 220504(b)(2)(B) of the Ted Steven Olympic and Amateur Sports Act that at least twenty percent of members of certain bodies (including disciplinary panels) be made up of elite athletes. The Center for Safe Sport is not bound by this mandate.

*In short, if the Center for Safe Sport declines to adjudicate the cases assembled by USA Taekwondo, it will not really be avoiding an ultimate adjudication of the charges. Rather, it will merely be postponing and delaying some portion of the adjudication (any portion that the USOC declines to pursue) in circumstances in which any missteps will have potentially tragic ripple effects, and the naysayers who believe that the Lopezes are untouchable by Olympic authorities will have demonstrated their case.*

*For all these reasons, USA Taekwondo believes that the Center for Safe Sport should accept exclusive jurisdiction over these cases immediately. I am happy to answer any questions you may have, and of course USA Taekwondo will turn over its investigative files to the Center upon acceptance of jurisdiction.”*

In April 2018, the Center issued a permanent ban on Jean Lopez (which we understand he has appealed) that prohibits him from participating in any sanctioned Taekwondo activities. In late April 2018 USA Taekwondo became aware of direct allegations against Steven Lopez of which it had not previously been apprised. In light of those allegations, USA Taekwondo communicated to the Center for SafeSport its intention to impose an immediate suspension of Mr. Steven Lopez from all activities, pending SafeSport acceptance of jurisdiction over these new complaints. SafeSport informed us that it had been apprised of these allegations as well and intended to

exercise jurisdiction immediately. As the Center for SafeSport site reflects, the Center imposed an immediate suspension, which USA Taekwondo is enforcing.

## **II. Safe Sport History and Practices**

In addition to inquiries about the Lopez brothers, the letters from Congress requested information about USA Taekwondo's present and historical disciplinary policies.

### **A. The Data**

Since 2005 USA Taekwondo has revised its policies and bylaws numerous times, most significantly in 2013 when the U.S. Olympic Committee implemented the SafeSport initiative, and again in 2017 with the incorporation of the U.S. Center for SafeSport and the transfer of exclusive jurisdiction over sexual misconduct cases. USA Taekwondo has provided all of its prior policies to Committee staff. Prior to 2013 and the advent of SafeSport, USA Taekwondo was one a small handful of NGBs that began publishing its suspension list, which currently contains 27 names. The additions to the list breakdown as follows:

2010: 1 lifetime ban

2011: 1 lifetime ban

2012: 2 lifetime bans

2013: 3 lifetime bans

2014: 2 lifetime bans

2015: 5 lifetime bans

2016: 2 lifetime bans & 1 five-year suspension

2017: 1 lifetime ban, 1 2-year suspension

2018: 6 lifetime bans, 2 currently temporary suspensions

The majority of these suspensions (but not all) relate to sexual misconduct. As you can see, since the implementation of SafeSport by the USOC the number of sanctions has increased significantly, with a dramatic increase following the incorporation of the U.S. Center for SafeSport in 2017, with 8 of 27 suspensions issued between 2010 and 2018 coming under the Center's watch. The list is updated immediately that a sanction is in place, whether that be a USA Taekwondo imposed suspension, or notification from the SafeSport Center of a decision they have handed down. USA Taekwondo attributes the increase in suspensions in large part to the groundswell of reporting that has been occasioned by public attention on sexual misconduct in all segments of society, and USA Taekwondo believes that this new environment will contribute greatly to the punishment of sexual misconduct and help foster stronger protection for athletes.

In addition to those names published on the suspension list, USA Taekwondo has also deemed 35 individuals ineligible for membership since 2013 due to issues that were flagged on their mandatory background check report (required for all staff, board members, coaches, referees and now vendor/sponsor staff who require access to the competition areas for technical reasons). Due to the federal statutory restrictions on publicly disclosing information acquired through a voluntary background check, these names cannot be included on the suspension list.

**B. USA Taekwondo Efforts**

USA Taekwondo is very proactive in the area of athlete protection, a move that started with the appointment of Mr. Alperstein as independent counsel in 2015 and the publication of a national request for information to root out sexual abuse coinciding with the beginning of his work.

- Next month, USA Taekwondo will launch the “#notinmysport” education campaign, with the goal of informing participants throughout the sport as to what is acceptable behavior and what constitutes a violation, and also to empower athletes to stand up and ‘make their statement’ on social media channels.
- Any and all sexual abuse allegations are immediately forwarded to the Center now, with no investigatory efforts by USA Taekwondo staff in light of the Center’s exclusive jurisdiction.
- Any allegations involving a potential crime are also forwarded to the relevant law enforcement agencies. Of course, we hope the new enforcement mechanisms will encourage victims to report offenders directly to law enforcement officials in the first instance. We also send any online reports of possible misconduct to the Center so that they may investigate, even if they are not submitted to us as formal complaints.
- USA Taekwondo immediately notifies an individual upon receipt of a direct allegation if we believe there is a threat to athletes currently, or clear evidence of an allegation being true (for example an admission of guilt to police or in a recorded conversation).

- We ensure leadership on any official trip contains both genders – our two senior high-performance staff are both female also.
- We extended mandatory SafeSport training to referees.
- We introduced mandatory background checks and SafeSport training for any vendors working at one of our events.
- We have just engaged a group called Fighting Spirit, which educates on sexual misconduct, bullying etc. and all minor National Team athletes will take this training seminar, along with provision at all of our training/talent ID camps.

These steps, along with SafeSport's increasing education efforts, followed up by effective response and resolution, means that significant strides are now being made in all of these important areas. In addition, USA Taekwondo is strongly in favor of national amateur athletic coach licensing, as discussed below, in light of USA Taekwondo's inherent limitations with respect to rooting out sexual abuse and punishing it.

### **C. The Center for Safe Sport**

USA Taekwondo welcomed the opening of the Center for Safe Sport and is strongly behind the Center's mission, as evidenced by USA Taekwondo's having entrusted its most important cases to the care of the Center's investigative and adjudicatory mechanisms. That is why the independence of the U.S. Center for SafeSport, and the changes in the federal laws have been so important – the Center has the knowledge and expertise needed to carry out a detailed and thorough investigation into allegations that very often have no physical evidence, while being unimpeachable in terms of independence, making it much more difficult if not impossible for the

accused to credibly claim they didn't get a fair hearing. While this hasn't been tested significantly in arbitrations to this date, we believe that their rulings have a much greater chance of being upheld than any sanction handed down by an NGB ever could.

USA Taekwondo is enthused and encouraged by the progress made since March 2017 and has hopes that the solution to these problems is largely already in place for the Olympic NGBs in regard to resolution and response, and now we just need to refine the process through learning and experience.

Nonetheless, it is quite clear to USA Taekwondo that the recent legislation and the continuing development of Safe Sport are excellent developments, but there is work to be done. From our own experience with the Center, we know that victims are coming forward in numbers nobody anticipated, and we are all holding our breath hoping that appropriate funding and support for the Center comes though before it is crushed by its own success in being left without the resources it needs to fulfill its mission, which could have the adverse effect of suppressing future complaints out of a feeling of futility.

In addition, Congress is presently and quite properly focusing its attention on the USOC and its National Governing Bodies. At the same time, there are millions of youths who participate in sports outside the Olympic movement, either because their sports are not Olympic sports, or because their constituents are not members of National Governing Bodies. USA Taekwondo

supports measures to ensure that all of these participants are governed equally by SafeSport rules.

As but one example of the present limitations inherent in the system, we must report that offenders who are the subject of complaints and subsequent sanctions have passed (and would still pass) background checks. Similarly, the Lopez brothers have both been suspended by the Center for Safe Sport and USA Taekwondo, nonetheless, they would both pass background checks today, and nothing stops them from opening a Taekwondo school anywhere they wish, so long as the school is not affiliated with USA Taekwondo. Outside its ability to terminate membership in USA Taekwondo and to publish lists of banned former members, USA Taekwondo is powerless to effect change. Taekwondo is an extreme example of this lack of influence, as Olympic Taekwondo is not the form of Taekwondo in which the vast majority of practitioners engage (and thus USA Taekwondo membership is only a modest fraction of all Taekwondo athletes, coaches, referees, etc.) but it is clear that none of our NGBs has full coverage over their sports within the United States.

For that reason, among others, USA Taekwondo would like to see and take part in discussions on a National Amateur Athletic Coach License and believes that this would be an important step forward. This would remove the problem of abuse tourism, where the predator simply moves to a school, gym, club or organization outside the sphere of influence, perhaps even in a different sport, undetected, and continues to operate and commit new offenses. This would provide an effective deterrent and sanction, as the abuser who loses his or her license



would also lose his or her livelihood completely, not just in their current sport, but in any other sport too.

USA Taekwondo appreciates and welcomes your Committee's dedication to this difficult and vital endeavor.

Mr. HARPER. Thank you, Mr. McNally.  
The Chair will now recognize Mr. Davis for 5 minutes.

#### STATEMENT OF JAMIE DAVIS

Mr. DAVIS. Chairman Harper, Ranking Member DeGette, members of the subcommittee, I want to thank you for affording me an opportunity to speak with you today and to share with you USA Volleyball's commitment to the safety of our athletes.

I joined USA Volleyball as its CEO in January of 2017, and in that timeframe I have been proud to lead an organization that respects all of our participants and places the highest value on personal safety before medal counts.

USA Volleyball actively encourages our members to report any and all incidents regarding sexual misconduct or abuse, and we provide them a safe environment to express their concerns. We report and investigate any allegation brought forward, and we have the obligation to take appropriate action, if necessary. This is the core of our values.

USA Volleyball has long championed a culture of protection of all participants. We were one of the first NGBs to implement a robust background screening policy. Beginning in the 2004–2005 volleyball season, USA Volleyball started working with nationally respected background screening company SSCI and implemented a policy requiring individuals who participate with junior volleyball clubs to submit to a background screening.

Recognizing a need to do more to protect athletes of all ages, USA Volleyball formed a commission in 2010 to address participant safety, named the Special Commission on Athlete Safeguards. This commission set out to review the current trends and best practices in athlete safety and produce recommendations for USA Volleyball to implement.

The recommendations of the commission were extensive, but included: one, developing a procedure for reporting sexual harassment or abuse allegations; two, formulating written policies that define inappropriate behavior; and three, providing continual education on these kinds of topics to USA Volleyball participants and parents.

The commission's work paved the way for USA Volleyball to establish early SafeSport policies and procedures before it was even called SafeSport. We are proud to have been a very early endorser of a SafeSport program and supporter of the U.S. Center for SafeSport.

As I hope is evident, USA Volleyball has long considered the safety of our athletes to be a top priority. This priority was not suddenly created in response to recent headlines or as a result of mounting public scrutiny, but done so because many years ago we recognized protecting our athletes and members as the right thing to do.

I would like to address the case of Mr. Rick Butler, who has made headlines in the volleyball world. Mr. Butler is a well-known private volleyball club owner and coach in the Chicagoland suburb of Aurora, Illinois.

His club, Sports Performance Volleyball, is not owned or operated by USA Volleyball; however, its athletes and coaches are required

to be members of USA Volleyball if they wish to participate in USA Volleyball-sanctioned events.

In 1995, allegations of sexual misconduct were brought forth by three women that took place while they were members and played at his privately owned club. The women claimed that Mr. Butler had a sexual relationship with them in the 1980s while he was their coach and while they were under the age of 18.

As a result of those allegations, in 1995 USA Volleyball found that Mr. Butler had violated our rules, and as a result, they voted to ban him for life.

After 5 years passed and upon Mr. Butler's request for reinstatement, USA Volleyball voted to conditionally reinstate Mr. Butler's membership in the year 2000 under the limitation of Mr. Butler's inability to ever coach junior girls in USA Volleyball-sanctioned events.

To be clear, regardless of all the headlines surrounding this matter, and since the year 1995, Mr. Butler has been banned from coaching junior girls under USA Volleyball, a condition of his lifetime ban that never changed.

Furthermore, these allegations are a result of Mr. Butler's activities as a club director and coach for his privately owned club and not a part of USA Volleyball national team programs.

In late 2016, several brave women came forward to USA Volleyball to provide new allegations against Mr. Butler for sexual misconduct dating back to the 1980s. Based on these women's claims, USA Volleyball filed new charges against Mr. Butler. And in January of 2018, USA Volleyball's Ethics and Eligibility Committee held a hearing regarding these allegations.

Mr. Butler was once again found to have violated our rules, and as a result, Mr. Butler was banned from total participation in USA Volleyball for life without the possibility of reinstatement.

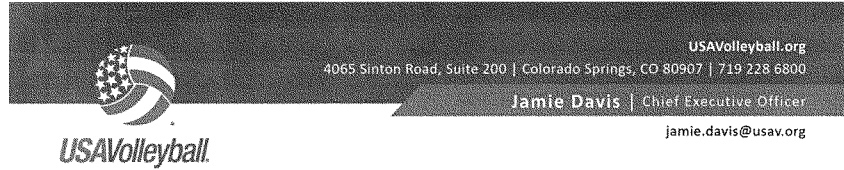
Our efforts were recently applauded by the CEO of Champion Women, Ms. Nancy Hogshead-Makar, one of the Nation's most vocal advocates for women's rights in sports. In her letter addressed to me on April 2, 2018, Ms. Hogshead-Makar wrote in part, quote:

"We are reaching out today to thank you for banning Rick Butler from volleyball for his sexual predation of young girls. It took a lot to be the first organization to ban him, and we are grateful for your strong commitment to the victims and safety of all athletes. We are optimistic that these efforts will make a difference the next time any sports organization has to make a call to investigate, hold a hearing, or ban a member, if necessary," end quote.

I do not pretend that we have been perfect, nor do I ignore the fact that there have been some offenders in our midst. I encourage anyone listening to me today that if you have information of any misconduct within our organization, past or present, please contact our offices or the U.S. Center for SafeSport. We will listen, and we will act.

We want to create the most safest, most enjoyable atmosphere for volleyball players of all ages and look forward to a day when there is no sexual abuse or misconduct in volleyball. We will do everything we can to make this a reality, and we look forward to working with others to do so.

Thank you, and I look forward to your questions.  
[The prepared statement of Mr. Davis follows:]



May 21, 2018

U.S. House of Representatives  
Energy and Commerce Committee  
Subcommittee on Oversight and Investigation

Dear Members of the Subcommittee:

On behalf of USA Volleyball, I want to thank this Committee for affording me an opportunity to speak with you today and to share with you our organization's commitment to the safety of our athletes. I joined USA Volleyball as its CEO in January 2017 and in that timeframe, I have been proud to lead an organization that respects all of our participants and places the highest value on the personal safety before medal counts. Even prior to my arrival, USA Volleyball has long championed a protective culture for its participants. In fact, USA Volleyball was at the forefront of athlete safety as one of the first NGBs to implement a robust background screening policy. Beginning in the 2004/2005 volleyball season, USA Volleyball started working with the nationally respected background screening company Southeastern Security Consultants, Inc. or SSCI to conduct background screens at a national level and across our regions. At that time, any individual who served in the roles of club director, club administrator, team rep, coach, chaperone, and trainer, and/or who intended to register, affiliate and/or participate with a junior volleyball club or team was required to submit to a background screen.

Not unlike the background screen policy used today, the policy of 2004 worked on a series of automatic disqualifiers. Anyone submitting to the background screen policy who was found to have convictions based on being found guilty, pled guilty or pled nolo contendere for sexual abuse, molestation, physical abuse, aggravated assault or assault of a minor, murder, manslaughter, kidnapping, and corruption of the morals of a minor were automatically disqualified for participation. In addition to the automatic disqualifiers, anyone found to have

Proud Member



falsified information on any membership application or the consent/release form, would be subject to membership revocation or denial of membership. This background screening policy was strict, well-defined, and broad, covering more than what was expected by any other organization, or what was required from any insurance carrier.

Since that time, we have maintained our relationship with SSCI and evolved our background screening policy to be even more robust. By reviewing best practices and processes used by other organizations, and through constant evaluation and consultation with SSCI and insurance representatives, USA Volleyball has strived to stay on the leading edge of background screening policies. Today's background screening policy includes an array of automatic disqualifiers. Anyone will be automatically disqualified if found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication or received court directed programs and/or other sentencing directives in lieu of a finding of guilt, for the following criminal offenses; All Sex offenses, Murder, and Homicide regardless of time limit; Felony Violence and Felony Drug offenses in the past 10 years; any misdemeanor violence offenses in the past 7 years; any multiple misdemeanor drug and alcohol offenses within the past 7 years; or any other crimes (not listed) against children in the past 7 years (the time frames associated with the categories of crime listed above are calculated based on the date of the offense). Also included is the disqualifier that any individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual will be cleared and reinstated. As with previous iterations of the policy, falsification of information on any membership application or the consent/release form is grounds for membership revocation or restriction of membership.

While our background screening policy is robust and has been in place for a long time, there was a recognition that even more needed to be done to protect athletes of all ages, both on and off the court. In 2010, USA Volleyball formed a commission to address participant safety, named the Special Commission on Athlete Safeguards. This commission of athletic directors, insurance representatives, coaches, coaching educators, sports professionals and USA Volleyball Board members and employees, set out to review the current trends and best practices in athlete safety and produce further recommendations for USA Volleyball to implement. The commissions' research and recommendations were provided by way of a report dated September 2010. The commission weighed in on topics such as: preventing sexual abuse, providing education to coaches and players on sexual abuse, and early recognition of behaviors leading to perceived positions of power, influence, and dependence—what we would call “grooming” today. The recommendations of the commission were extensive and included: developing a procedure for reporting sexual harassment or abuse allegations, formulating written policies that define inappropriate behavior, and providing continual education on these kinds of topics to USA Volleyball participants and parents.

In October 2010, the USA Volleyball Board fully supported the recommendations and findings of the special commission and recognized that with these recommendations, we were looking to set high standards and practices beyond the minimum requirements for athlete safety. This commission's work paved the way for USA Volleyball to establish early SafeSport policies and procedures before it was ever called “SafeSport.” Being at the forefront of athlete safety lead USA Volleyball to working internally and with the USOC towards creation and implementation of a SafeSport program. USA Volleyball fully embraced the SafeSport program and its creators from its earliest inception. In 2011, the USA Volleyball Board reviewed and discussed the latest developments with the SafeSport program at virtually every Board meeting. It was and remains to be very

important to USA Volleyball that we show our commitment to SafeSport from the very top levels of the organization down to the contributions of the seasonal intern. What follows is a brief summary of past Board action related to SafeSport.

**October 2011:** The USOC/USA Volleyball ("USAV") Safe Athlete Initiative begins to develop. Discussion ensued regarding the programs coming out of such initiative and how that information will be disseminated to volleyball clubs.

**January 2012:** Now called the Safe Sport Initiative, the Board is assured that the SafeSport Initiative, or SSI, is a significant focus of the USOC and USAV. The USOC is developing a document called the Safe Sport Handbook for the NGBs to use as a resource. The Board learns for the first time about the idea of an independent agency or "center," much like USADA. That agency would handle complaints and reports of abusive behavior of unsafe sport environment, etc.

**May 2012:** The USOC launched a new SafeSport website where information was available. The website contained toolkits for many audiences, including players, parents, coaches, and clubs to use for education.

**October 2012:** The Board is advised regarding training under the SafeSport Initiative and that the course would be free on the SafeSport website.



**January 2013:** The SafeSport Initiative and the program is planned for full implementation by September 1, 2013. The Board moved to approve the concept of the implementation of the SafeSport Initiative as presented by the USOC.

**May 2013:** USAV is putting SafeSport programs and processes in place, and USAV is creating a SafeSport handbook and website. USAV is discussing the different levels of staff and communication contact points within each region who would be committed to implementing the SafeSport program. The Board moved to endorse the SafeSport Mission Statement and establishment of a National SafeSport Program. The Board also directed that adequate budget support be provided to the SafeSport program. The Board moved on a timeline for implementation of various levels of the SafeSport program including the designation of a SafeSport Officer for each Regional Volleyball Association by September 1, 2013.

**October 2013:** The Board notes that the SafeSport program is now required to be implemented by all NGBs according to the USOC. The discussion continued regarding an independent agency to receive reports but at this time, the agency is still in the development stage. In fully committing to the SafeSport program, the Board believes that changes should be made to USAV's mission statement reflecting our commitment to this program.

**May 2014:** USAV hired its first National SafeSport Coordinator who will be responsible for heading up USAV implementation of the SafeSport program.

**October 2014:** The Board recognizes that the new, independent agency for SafeSport was expected to be in place by the end of the 2014 calendar year, but no later than the second quarter of 2015. A funding request was made of NGB's based on the size of their annual budget and USAV was going to be asked to contribute \$55,000 per year to support the establishment of the agency. USAV was supportive of providing such funding for this important initiative. Also discussed by the Board was the continued topic of implementation timelines. USAV's commitment was for by December 31, 2014 to have all staff, the Board members and other major leadership entities to complete the SafeSport training course.

**January 2015:** USAV had over 7,000 USAV people take the SafeSport training course. The USOC is working on creating the US Center for SafeSport with a targeted opening of within 6-9 months. USAV budgeted \$55,000 as its contribution towards the U.S. Center for SafeSport in 2015.

**May 2015:** The Board was formally introduced to Malia Arrington, the Senior Director, Ethics and SafeSport with the USOC.

**January 2016:** SafeSport training requirements were reviewed in depth, and also discussed were the number of people already certified. In addition, the Board continued to review implementation timelines. USAV staff are directed for the 2016-17 season to encourage all regions to require all adults associated with the junior programs to be Safe Sport certified under the USOC program. Effective with the 2017-18 season all registered adults associated with junior programming (who are required to have a background screening) are required to be SafeSport certified.

**January 2017:** Shellie Pfohl and Malia Arrington from the U.S. Center for SafeSport attended the USAV Board of Directors meeting and the Board confirmed that USAV is 100 percent behind the SafeSport program and the U.S. Center for SafeSport. The Board learned of the vision and focus of the Center which had an expected opening date of the first quarter of 2017. The Center suggested adding language to USAV's Bylaws recognizing the Center.

**March 2017:** The Board discussed at length the changes that should be made to the USAV Bylaws adopting proposed changes to policies and procedures that reflected USA Volleyball's commitment to the SafeSport program. In addition, the Board discussed the process for submitting matters to SafeSport.

**April 2017:** The Board voted to officially adopt the following changes to its Bylaws: Add Article IV. SAFESPORT. As a member National Governing Body of the United States Olympic Committee, USA Volleyball is required to adhere to the safe sport rules and regulations of the USOC. Additionally, USOC Bylaw Section 8.7(l) provides that, as a condition of membership in the USOC, each NGB shall comply with the policies and procedures of the independent safe sport organization designated by the USOC to investigate and resolve safe sport violations. The USOC has designated the U.S. Center for Safe Sport as that organization. The current safe sport rules are available at the offices of USA Volleyball or on-line at the following website: <https://safesport.org>.

As a condition of membership in USA Volleyball and a condition for participation in any competition or event sanctioned by USA Volleyball or its Regions, each NGB member and each athlete, coach, trainer, agent, athlete support personnel, medical or para-medical personnel, team staff, official and other person who participates in USA Volleyball or USA Volleyball events (whether or not a USA Volleyball member), agrees to comply with and be bound by the safe sport rules of the U.S. Center for Safe Sport and to submit, without reservation or condition, to the jurisdiction and rules of the U.S. Center for Safe Sport for the resolution of any alleged violations of those rules, as such rules may be amended from time to time. To the extent any USA Volleyball rule is inconsistent with the rules of the U.S. Center for Safe Sport, such rule is hereby superseded.

This brief summary of the SafeSport program evolution at the USA Volleyball Board level reflects the priority that our organization has placed on athlete safety for years. This priority was not suddenly created in response to recent headlines or as a result of mounting public scrutiny. USA Volleyball has valued the safety and well-being of all USA Volleyball participants for years and will continue to do so diligently.

As is evident, the implementation of SafeSport is an ever-continuing process. We will never stop striving for ways to do more to protect participants. For example, for many years we have utilized an electronic, internal system that precluded anyone banned or suspended for some period of time from being able to obtain membership with USA Volleyball or participate in USA Volleyball sanctioned events. The information was never secret, and anyone could make an inquiry to USA Volleyball regarding any current or prior participant. Furthermore, the system was kept up-to-date in real time insuring that it contained the latest information. Following the USA Gymnastics Dr. Larry Nassar situation, however, and in keeping with current best practices,

USA Volleyball began posting a public list of suspended members on our website. I believe this adds value to the process and is important for all our participants and the public to see.

There is no doubt that the events of recent headlines have shaken the Olympic movement. USA Volleyball garnered its own media headlines a few months ago. A hearing panel of our Ethics and Eligibility Committee found that volleyball club owner, Rick Butler, violated USA Volleyball's code of conduct and rules by committing acts of sexual misconduct with minors in the past. The panel voted unanimously to ban Mr. Butler from USA Volleyball for life.

There are many reasons the Butler matter received a lot of media attention. Mr. Butler is a well-known private volleyball club owner and coach in the Chicagoland suburb of Aurora, IL. This club, Sports Performance Volleyball Club, is not owned or operated by USA Volleyball however it's athletes and coaches are required to be members of USA Volleyball if they wish to participate in USA Volleyball sanctioned events. In 1995, allegations of sexual misconduct were brought forth by three women that took place while they were members and players at his privately-owned club. The women claimed that Mr. Butler had a sexual relationship with them in the 1980's while he was their coach and while they were under the age of 18. As a result of those allegations, USA Volleyball's Ethics and Eligibility Committee (the "Committee") held a hearing and found that Mr. Butler had violated our rules and the Committee voted to ban him for life. There was a provision in such ban allowing him to apply for reinstatement after five years, provided he could never coach junior girls as part of USA Volleyball.

After the five years passed, and upon Mr. Butler's request for reinstatement, USA Volleyball voted to conditionally reinstate Mr. Butler's membership in the year 2000 under the limitation of Mr. Butler's inability to ever coach junior girls in USA Volleyball sanctioned events. To be clear, regardless of all the headlines surrounding this matter, since the year 1995, Mr. Butler has been banned from coaching junior girls under USA

Volleyball, a condition of his lifetime ban that has never changed. Furthermore, these allegations are a result of Mr. Butler's activities as a club director and coach for his privately-owned club and not a part of the USA Volleyball national team programs.

As I was not with the organization at the time, I cannot speak to the decisions of the past and as to why Mr. Butler was allowed to be conditionally reinstated in 2000. However, I can say with all certainty that today, this would never have been allowed.

The story of Rick Butler did not end there. In late 2016, several brave women came forward to USA Volleyball to provide new allegations against Mr. Butler for sexual misconduct dating back to the 1980's. Based on these brave women's claims, USA Volleyball filed new charges against Mr. Butler in December 2016. Mr. Butler, through legal counsel, fought vehemently to derail the adjudication process.

In January 2018, USA Volleyball's Ethics and Eligibility Committee held a hearing regarding these allegations and based on the new information, Mr. Butler was once again found to have violated our rules. As a result, Mr. Butler was banned from total participation in USA Volleyball for life without the possibility of reinstatement.

While Mr. Butler had been banned for life from membership with USA Volleyball, he continued to receive membership and support from the Junior Volleyball Association ("JVA") and the American Athletics Union ("AAU") – organizations that do not fall under the jurisdiction of USA Volleyball. Following the 2018 ban, I felt an obligation to send communications on behalf of USA Volleyball to both the JVA and AAU denouncing their continued affiliation with Rick Butler. Since sending those communications, I am happy to say that both the AAU has permanently suspended Mr. Butler from membership and the JVA has done so indefinitely.

Mr. Butler's history with USA Volleyball has been highlighted here for several reasons. First, the eventual outcome of his lifetime ban emphasizes USA Volleyball's commitment to protect all of our participants. Although the process was not easy, the outcome was right and our efforts were recently applauded by the CEO of Champion Women, Ms. Nancy Hogshead-Makar, one of the nation's most vocal advocates for women's rights in the Olympic movement. In a letter to addressed to me on April 2, 2018, Ms. Hogshead-Makar wrote in part, "we are reaching out to you today to thank you banning Rick Butler from volleyball for his sexual predation of young girls. It took a lot to be the first organization to ban him, and we are grateful for your strong commitment to the victims and the safety of all athletes . . . We are optimistic that these efforts will make a difference the next time a sports organization has to make the call to investigate, hold a hearing and ban a member if necessary." A copy of this letter in its entirety has been provided to you for your reference.

The second reason I highlighted this history is because during this process, we learned a lot of important things that I believe are important to share:

1. The women who came forward are incredibly brave. They endured terrible things and it must be very difficult for them to have to relive their past. Yet USA Volleyball fosters a culture that encourages any victim to come forward and know that they will have a voice, they will be heard, it will be a safe environment and that USA Volleyball will act if necessary.
2. Based on my observations, for the women who came forward, the process served as a sense of healing for them. By testifying and seeing that the resulting lifetime ban, they know that they have made a difference. We need to continue strongly encourage other victims to share their instances so

that we can continue to eradicate our organization of any predators. USA Volleyball prominently displays messaging on our website and our digital platforms to report and stop abuse (see attached messaging on [www.USAVolleyball.org](http://www.USAVolleyball.org)). These links take members directly to a site where they can:

- a) File a report of sexual misconduct or abuse,
- b) Easily obtain Safesport resources
- c) View the current list of suspended members from USA Volleyball
- d) Link directly to the homepage for the U.S. Center for SafeSport

In addition, SafeSport messaging is displayed at all of our major events.

3. Abuse of athletes, and especially minor athletes, is a critical problem, and we must work together to stop this. No one organization can do this alone, and the NGBs themselves face limits. For example, USA Volleyball does not control all volleyball in the U.S., rather, we only control those activities that are organized or sanctioned by USA Volleyball. So, unfortunately, if we ban someone for life, that person can join another organization and continue to coach, officiate, or whatever other activity he or she was involved in previously. We need to work together to stop perpetrators throughout all sports at all levels.

4. USA Volleyball fully supports the U.S. Center for SafeSport. The Center officially opened about a year ago, and we feel that having a professional, independent organization dedicated to SafeSport is a huge step forward. We at USA Volleyball are prepared to help the Center any way we can.



5. We are grateful to our law enforcement professionals, who work tirelessly to protect us. USA Volleyball has fully embraced the mandatory reporting rules for any claim of sexual misconduct and hope that we can continue to support law enforcement in their quest for timely investigations and rulings. Our priority it to make volleyball safe for all of our members.

We at USA Volleyball take our obligations to protect our participants very seriously. We feel that the policies that we began instigating in our program years ago put us in a prominent position to take decisive action and convey our culture of safety, care, trust and transparency. At USA Volleyball, we want to create the safest and most enjoyable atmosphere for volleyball players of all ages and I look forward to a day when there is no sexual abuse or other misconduct in sport. I will do everything I can to make this a reality, and I look forward to working with others to bring this goal closer.

Sincerely,



Jamie Davis

CEO

# **Special Commission on Athlete Safeguards Recommendations**



**USA Volleyball  
September, 2010**

### Special Commission Members

**Chair, Dr. Cecile Reynaud** – former women’s collegiate coach, former USA Volleyball Board of Directors and Executive Committee Member, CAP clinician, Past President of Refuge House (local domestic and sexual violence center), Sport Management faculty member at Florida State University, 850-644-4298 (office ) 850-212-4646 (cell) [reynaud@fsu.edu](mailto:reynaud@fsu.edu)

**Judy Sweet** – former NCAA President, former Director of Athletics at UC San Diego, consultant for Alden & Associates, Inc., [jmssd@san.rr.com](mailto:jmssd@san.rr.com)

**Kim Oden** – former club player, former high school coach, former collegiate athlete, former USA National Team player, [kioden@sfhs.com](mailto:kioden@sfhs.com)

**Jon Lee** – USAV Board member, former regional commissioner, attorney, 509-326-1800, [JLee@leeisserlis.com](mailto:JLee@leeisserlis.com)

**Mike Price** - ESIX insurance broker for USA Volleyball, 678-324-3333, [mprice@esixglobal.com](mailto:mprice@esixglobal.com)

**Jennifer Waller** – ESIX, 678-324-3333, [jwaller@esixglobal.com](mailto:jwaller@esixglobal.com),

**Randy Rodebaugh** - SSCI background screening for USA Volleyball, 866-996-7412, [rrodebaugh@ssci2000.com](mailto:rrodebaugh@ssci2000.com)

**Dr. Kristen Dieffenbach**- Assistant Professor in Athletic Coaching Education, West Virginia University, 304-293-0847, [Kristen.dieffenbach@mail.wvu.edu](mailto:Kristen.dieffenbach@mail.wvu.edu),

**Dr. Larry Lauer** - The Institute for the Study of Youth Sport – Michigan State University, [lauerl@msu.edu](mailto:lauerl@msu.edu)

**Marge Mara** – Senior Director, USA Volleyball, 719-228-6800, [Margie.mara@usav.org](mailto:Margie.mara@usav.org)

**Susan Barkley** – Manager, National Database Development, 719-228-6800, [susan.barkley@usav.org](mailto:susan.barkley@usav.org)

## USA Volleyball Vision

USA Volleyball (USAV) is the National Governing Body (NGB) for the sport of volleyball in the United States and is recognized as such by the Federation International de Volleyball (FIVB) and the United States Olympic Committee (USOC). The vision of USA Volleyball is to be acknowledged as the world leader in volleyball. In order to accomplish this mission, the following goals are to be achieved:

- **Competitive Success:** To win gold medals in every international competition;
- **Sport Growth:** To achieve full participation in volleyball at all levels and in all geographical areas;
- **Sport Enhancement:** To improve support services necessary for the quality and conduct of programs to ensure recognition as the authority and expert for volleyball;
- **International Representation:** To have influential positions on all international boards and commissions;
- **Recognition:** To receive consistent recognition of volleyball coaches and athletes as top world performers;
- **Administration:** To develop and maintain a structure which will effectively and efficiently assist in achieving the vision and mission of the Corporation; and
- **Finances:** To develop, implement and maintain a financial plan to achieve the vision and mission of the Corporation.

USA Volleyball is committed to and works toward opportunity for all to participate. It is an advocate for all Americans-endeavoring to assure universal access to opportunities at all levels of the game.

Thus USA Volleyball will diligently:

- Work toward provision of ample opportunity, quality opportunity and equality of access for every resident of this diverse nation.
- Act to expand opportunity for under-represented groups and aggressively recruit participation from those groups.
- Make its daily decisions concerning resources, players, coaches, officials, administrators, and employees on the basis of individual merit and excellence of performance regardless of age, class, ancestry, color, national origin, race, religious creed, disability or handicap, gender, or sexual orientation.
- Exercise its corporate will to encourage constituent organizations to act in accordance with the foregoing principles.

USA Volleyball believes that volleyball has so many positive things to offer those who participate. First, and most importantly, whether one is a gifted athlete or a recreational player, volleyball is FUN! It is a lifetime sport enjoyed by players from 8 to 80. Participation in volleyball is not only good exercise, but also involves team cooperation and spirit. We are committed to introducing our sport to all of America.

### PROPOSED RECOMMENDATIONS

Over 10 years ago USA Volleyball recognized the importance of instituting safe conduct practices for its sanctioned events, activities and most importantly its youth membership. USAV embarked on a mission to develop a background screening process that would be mandatory for ALL members that have contact with junior participants. This program is now recognized as one of the top background screening programs for amateur sports organizations. In a continuing effort to set the standard for the protection of its members and athletes, USAV has established a new commission for athlete safeguards.

This commission was established to provide recommendations to USA Volleyball on Athlete Safeguards. These recommendations are intended to give USA Volleyball as well as the Regions, Clubs & Leadership additional tools which should help to protect their athletes and coaches. The Commission recommends USA Volleyball consider adding a statement in their vision and goals to reflect their commitment to the safety of their members. The recommendations include a responsible hiring process for coaches, continual age appropriate education for athletes as well as coaches dealing with a variety of issues which impact participants, reporting of unacceptable behavior by those involved with USAV sponsored activities as well as encouraging everyone to be vigilant about protecting USAV members. Information should be posted on the USA Volleyball, Region and Club websites. Additional links can be provided for more information and additional resources (i.e., hiring a new coach, educational material for athletes, stepping up to help others, etc.) This educational effort should be an ongoing process by USA Volleyball through various forms of communication with the membership.

#### 1. SCREENING & ACKNOWLEDGEMENT OF RESPONSIBILITIES

- a. Conduct responsible hiring procedures
  - i. Define/write positions descriptions including functions & qualification (provide template as an example if needed)
  - ii. Obtain written application with signature of completion which includes a request for employment history and 3 reference sources
  - iii. Conduct face-to-face interviews where applicable for potential employees and volunteers working with junior members (see Screening Volunteers to Prevent Child Abuse publication for questions – link below p. 11 / 6)  
<http://www.cdc.gov/ncipc/dvp/preventingchildsexualabuse.pdf>
- b. Review USAV sexual abuse and sexual harassment policy by the club director with potential applicant in the pre-employment interview.

- c. Conduct periodic background screenings (including criminal & sex offender registry) as required by the USAV background screening policy or as mandated by each state for anyone associated with a junior team.
- d. Require IMPACT certification prior to beginning the season or as early as possible (online course & exam)
- e. All staff and volunteers associated with USA Volleyball should sign a statement agreeing not to engage in any physical, psychological or sexual abuse or harassment **AND** to accept responsibility to report any suspicion of violations of other personnel (Include this statement in the USA Volleyball membership application form, employee handbook & coaches code of conduct.)

## 2. EDUCATION & AWARENESS

- a. Continually provide educational materials (via USA publications, electronic newsletters & websites) for administrators, coaches, staff, athletes and parents regarding inappropriate behavior, alcohol and drug abuse, proper athlete conduct including dating/relationship rules, hazing, bullying and other topics of importance in protecting the youth in our organization. (See STEP UP! Program link in resources.)
- b. Provide administrators, coaches, athletes and other personnel with continuing education about how power, dependence, “love” and sexual attraction can influence coach-athlete relationships.
- c. Provide a educational toolkit for administrators, staff, coaches and volunteers on how to respond when an athlete discloses abuse as well as the correct procedure for filing a complaint.
- d. Distribute & discuss age appropriate educational material for all athletes and their parents at the beginning of the season.
  - i. Public service video (use high profile individuals such as current/past national team members or coaches)
  - ii. Power Point presentations on USA Volleyball/Region/Club websites
  - iii. Written material, brochures, etc.
  - iv. Include touching policy guidelines (p. 48, *Risk Management Guide*)
  - v. How to say “no” comfortably (p. 49, *Risk Management Guide*)
- e. Develop and distribute clear rules to coaches, officials and athletes that prohibit coach-athlete dating and/or sexual relationships.
- f. Review resources provided and educate coaches and parents on emotional development of young females and how coach’s actions and behaviors can affect young women both positively & negatively.

### 3. **INAPPROPRIATE BEHAVIOR**

- a. Formulate a written policy that details inappropriate behavior.  
<http://www.cdc.gov/ncipc/dvp/preventingchildsexualabuse.pdf> (p. 15/10)
  - i. The policy should clearly define sexual abuse and harassment and explain the sanctions for sexual harassment including reporting procedures.
  - ii. The policy should include rules that prohibit coach-athlete dating and/or sexual relationships. Specify the length of time that should pass after the cessation of a coach-athlete relationship.
  - iii. Require “two deep” adult involvement in all activities with athletes. This calls for at least two screened adults to be present with athletes and discourage individual contact with athletes such as rides home from practice or competition, practices, meetings held in private rooms, etc. Private lessons may be conducted if a parent is present or another screened adult. This is meant to protect the coach or administrator as well as the athlete.
  - iv. Include disciplinary action and consequences associated with inappropriate behavior.

### 4. **REPORT OF COMPLAINTS**

- a. Develop a procedure for reporting sexual harassment or abuse allegations.
  - i. Offer athletes, parents, coaches and other personnel multiple avenues to report cases
  - ii. Designate point person(s) for reporting (neutral person outside the team setting), club directors, regional commissioners, or USA Volleyball National Office. Be aware of Child Protective Services mandates in your specific state.
  - iii. Confirm confidentiality & privacy protection of all parties including complainant, witnesses, or those confirming evidence.
  - iv. Explain how informal/formal complaint procedures work
    1. Consider resolution or alternatives to formal hearings and investigations
  - v. Suggest personal counseling (not a substitute for complaint process)
  - vi. Establish time frames for reporting and for complaint procedure
    1. Take immediate action
    2. Timely notifications, advisement, investigation, resolution
  - vii. Assign investigators (outside consultants or law enforcement officials) & provide training with guidelines to ensure proper procedures for a fair and effective investigation.
  - viii. Confirm protection against retaliation

- ix. Refer to legal counsel as necessary (if a claim is made with the insurance company is established, an attorney may be assigned)
  - 1. Involved local authorizes when obligated

**5. PRIVACY PROTECTION AND LEGAL RIGHTS**

- a. Ensure that procedures for reporting sexual harassment or abuse protect the privacy of all parties involved as much as possible until litigation or administrative hearings have been completed.
  - i. Informal procedures may involve initial discussion of alleged incidents with athletes, clarification of circumstances and perceptions, counseling and resolution accepted by the harassed person without formal hearings and investigations. (This point strengthens the position to have a written reporting procedure which reports directly to the national office and to train ONE individual on how to handle reports with may include law enforcement intervention. Another alternative would be to hire an independent counseling firm to handle reported claims & ESIX would favor this approach)
  - ii. Procedures must protect against retaliation before, during and after a hearing or appeals process. (USAV's policy requires a coach to be made "inactive" until the allegation has been reconciled. ESIX would not suggest the inclusion of an appeal committee, but rather follow the current USAV/SSCI appeal process.)
- b. Coaches or athletes cannot be denied their right to pursue legal redress in a court of law. There are federal and state statutes of limitations involving these rights that might apply.
- c. Keep all information confidential, secure and unbiased.
- d. Refer to legal counsel when necessary



### **References**

- *The Season of Hope – A Risk Management Guide for Youth-Serving Nonprofits* (2004). Patterson, John B. & Oliver, Barbara B.; Nonprofit Risk Management Center, Washington, D.C.
- Preventing Sexual Abuse Within Youth-Serving Organizations: Getting Started on Policies and Procedures <http://www.cdc.gov/ncipc/dvp/preventingchildsexualabuse.pdf>
- Staff Screening Tool Kit: Building a Strong Foundation Through Careful Staffing [http://nationalserviceresources.org/files/legacy/filemanager/download/ProgramMgmt/Staff\\_Screen\\_tool.pdf](http://nationalserviceresources.org/files/legacy/filemanager/download/ProgramMgmt/Staff_Screen_tool.pdf)
- Little League Baseball Child Protection Program <http://www.littleleague.org/learn/programs/childprotection.htm>

### **Educational Links**

- STEP UP! <http://www.stepupprogram.org/>
- Respect in Sport <http://www.respectinsport.com>
- Safe2Tell <http://www.safe2tell.org>
- Rape, Abuse & Incest National Network (RAINN) <http://www.rainn.org>
- Mom's Team <http://www.momsteam.com/team-of-experts/parents-can-protect-their-children-against-sexual-abuse-in-sports>
- Women's Sports Foundation <http://www.womenssportsfoundation.org/Content/Articles/Issues/Coaching/S/Sexual-Harassment--Sexual-Harassment-and-Sexual-Relationships-Between-Coaches-Other-Athletic-Personn.aspx>
- WomenSport International [http://www.sportsbiz.bz/womensportinternational/taskforces/harassment\\_brochure.htm](http://www.sportsbiz.bz/womensportinternational/taskforces/harassment_brochure.htm)

# CHAMPIONWOMEN

Advocacy for Girls &  
Women in Sports

April 2, 2018

Mr. Jamie Davis  
CEO USA Volleyball  
4065 Sinton Road, Suite 200  
Colorado Springs, CO 80907

Nancy Hogshead-Makar  
904-394-9484  
Internet Address:  
Hogshead@ChampionWomen.org

*Re: Thank You for Banning Rick Butler from USAV*

Dear Mr. Davis,

You may recall hearing from us at Champion Women last year regarding Rick Butler. *Champion Women* has now written 135 letters with supporting materials to as many relevant members of the volleyball community we could muster, to ensure the safety of club, high school, and college athletes.

We are reaching out to you today to thank you for banning Rick Butler from volleyball for his sexual predation of young girls. It took a lot to be the first organization to ban him, and we are grateful for your strong commitment to the victims and the safety of all athletes. Thanks to your actions, he is no longer a member of the AAU or the JVA. (Yay!)

We especially appreciate how you disassociated with the AAU and JVA, when their reasons for banning him Rick Butler, and their status conferred upon him, did not signify their serious commitment to the safety of athletes.

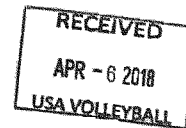
We are optimistic that these efforts will make a difference the next time a sports organization has to make the call to investigate, hold a hearing and ban a member if necessary.

If you need any help with taking further action, please do not hesitate to reach out to us.

Sincerely,



Nancy Hogshead-Makar, J.D.  
CEO, Champion Women



Secure | <https://www.teamusa.org/usa-volleyball>

[USIS from FIVB in Tlapacoma and AVF in Austin plus what's next](#)

Mr. HARPER. Thank you, Mr. Davis.

The Chair will now recognize Ms. Pfohl, the president and CEO of the U.S. Center for SafeSport.

#### **STATEMENT OF SHELLIE PFOHL**

Ms. PFOHL. Thank you, Chairman Harper, Ranking Member DeGette, and members of the committee.

It is my privilege to serve as president and CEO of the United States Center for SafeSport, an independent, nonprofit organization in Denver, Colorado.

The Center is dedicated to making athlete well-being a centerpiece of our Nation's sports culture. Let me say that again. Our Center is dedicated to making athlete well-being the centerpiece of our Nation's sports culture through abuse prevention, education, and accountability.

Far too many of our Nation's athletes have suffered abuse at the hands of perpetrators who take advantage of a sports environment where athletes form bonds with their coaches, trusted adults, and teammates. As you said, Mr. Chairman, if one athlete is abused, it's one too many.

I know from experience that sport at its core builds character, promotes healthy lifestyles, and develops self-confidence. We are here today because we never want to lose sight of those values.

Our March 3, 2017, we opened our doors as an independent entity and started taking reports on day one. Today our operations include a 9-member board and 14 full-time employees.

Thanks to the support from Congress and the leadership of Representative Brooks, we were recognized in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, which became law in February.

Among the many safeguards it put in place, the law requires that anyone working in amateur sports must immediately report the suspected abuse of minors to law enforcement and prohibits retaliation against those who choose to come forward.

Adults who have regular contact with minors in Olympic and Paralympic sports must now complete mandatory SafeSport training, adhere to best practices, policies, and procedures, like the SafeSport code.

The code specifically outlines and prohibits forms of abuse and misconduct and defines the processes surrounding reporting. Reports can be made through the Center's Web site or by calling our office.

I want to stress that anyone who is listening, reports can be made anonymously and there is no statute of limitation.

The safety and well-being of those we serve is our priority. Our qualified investigators are trained to handle each report with care through the industry best practice of trauma-informed response.

Before I go into the numbers, I want to underscore that we never lose sight of the fact that behind these numbers are people, men, women, boys, and girls, dealing with the lingering effects of abuse.

In our first year, we responded to more than 500 reports and inquiries. This year, we expect that number to more than double.

Let me put it into perspective for you. This time last year, we were getting 20 to 30 reports per month. Now we're getting 20 to 30 reports per week.

So far, we have issued 169 sanctions, including sanctioning 142 individuals with permanent ineligibility. That's no small detail, 142 individuals are permanently unable to coach or participate in Olympic and Paralympic sports. These adults are listed in our on-line searchable database, which is available to anyone who wants to use it.

The volume of reports speaks to the critical need of the Center. We know how hard it is for victims to come forward. Our goal is to continue building trust while establishing a culture where everyone feels safe, supported, and empowered to report, with the ultimate objective to end all forms of abuse.

In addition to investigating reports, we also provide outreach, education, and training, not only for athletes and coaches, but for parents and youth sport organizations at all levels. In our first year, almost 400,000 people completed our online training and hundreds more have expressed interest in accessing it.

This past year was a step in the right direction, and I know we have a lot more work to do.

In closing, sport has the power to be an incredibly positive influence on participants, communities, and our Nation. I thank you for helping us to prioritize our important mission to champion respect and end abuse.

Thank you.

[The prepared statement of Ms. Pfohl follows:]

**Written Statement of Shellie Pfohl**

**Before the House Committee on Energy & Commerce: Subcommittee on Oversight and Investigations  
Wednesday, May 23, 2018**

**I. The State of Play**

Chairman Harper, Ranking Member DeGette, and other members of this Committee:

Thank you for shedding light on this important topic and for recognizing the U.S. Center for SafeSport's role in protecting athletes from all forms of abuse.

It is my privilege to serve as the President and CEO of the U.S. Center for SafeSport ("the Center"), an independent non-profit in Denver, Colorado dedicated to making athlete well-being the centerpiece of our nation's sports culture through abuse prevention, education and accountability.

Far too many of our nation's athletes have suffered abuse at the hands of perpetrators who take advantage of a sports environment where athletes form an important bond with their coaches, trusting that they have their best interest at heart. Most of the time those relationships prove to be hugely beneficial, as sport at its core builds character, promotes healthy lifestyles and pushes participants in ways that help them develop self-confidence.

We are here today to discuss when sport, and those entrusted to uphold all that's good about participating in organized athletics, betrays its values and causes harm to its participants by exploiting the power imbalances that exist, especially as it pertains to elite sports such as national and international competition. Imagine a scenario where an athlete's dream was to represent Team USA. Thousands of hours of training, blood, sweat and tears invested in his or her sport, only to run across an abusive coach or person in authority who has the power to turn that dream into a nightmare.

That is why the U.S. Center for SafeSport's work is so critical. We believe athletes of all levels deserve to participate in sports that are free from bullying, hazing, sexual misconduct or any form of emotional or physical abuse. Anything less is unacceptable.

Last year, the Center was established as an entity independent from the United States Olympic Committee (USOC) to address these issues with a full solution that includes education, training and professional response and resolution.

We execute our work through a two-pronged approach:

- 1) By providing training and educational services on abuse prevention and policies to sport entities and participants (Education & Outreach Office), and,

2) By serving as the designated organization for individuals to report sexual abuse within the U.S. Olympic and Paralympic Movements and its 49 National Governing Bodies (NGBs) (Response & Resolution Office).

## **II. Where we started**

On March 3, 2017, we opened our doors as an independent entity, complete with a nine-member board and four full-time employees. The Center started receiving cases on day one.

The SafeSport Code establishes the rules that govern conduct and recognizes the Center's exclusive authority to investigate and resolve allegations of sexual abuse and misconduct within the Olympic and Paralympic Movements, including its 49 national governing bodies. The Center also has discretionary authority over prohibited conduct such as forms of emotional abuse.

The Code specifically outlines and prohibits forms of abuse and misconduct, including sexual, emotional, physical, bullying, harassment and hazing and defines the processes surrounding who must report, how to report and the procedures for investigating and resolving allegations of sexual misconduct under the Response and Resolution Office. Reports can be made through the Center's downloadable app, our website or by calling our hotline. There is no statute of limitations and reports can be made anonymously.

The Center is empowered to issue sanctions for policy violations ranging from a warning to permanent ineligibility i.e. a lifetime ban. Sanctions issued against adults are posted in a publicly searchable database, allowing anyone to find out if a coach, athlete, trainer or other adult within the Movements is sanctioned.

When the Office receives a report that falls within our exclusive authority, or accepts a matter within its discretionary authority, the investigation process is as follows:

Our response and resolution team undertakes a preliminary inquiry to determine if there is (a) reason to believe (b) a Covered Individual (c) violated the Code.

If, after a preliminary inquiry, the Office concludes there is reason to believe a Covered Individual has violated the Code, an investigation is initiated.

## **III. One Year Update**

Congress recently passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. The law, signed in February, expands the list of people who are required to report abuse of a minor to law enforcement and adds tougher penalties for not reporting. The Center was fully supportive of the law and grateful for the bipartisan recognition of our work and the importance of our mission.

Specifically, the section of the bill that amended the Amateur Sports Act of 1978, designates the Center to serve as the independent national safe sport organization, with the responsibility to

develop policies and procedures to prevent the emotional, physical and sexual abuse of amateur athletes. It outlines that the policies and procedures we develop must include:

- A requirement that (a) all adult members of a national governing body or a facility under the jurisdiction of a national governing body or at any event sanctioned by a national governing body, and (b) all adults authorized by such members to interact with an amateur athlete, immediately report an allegation of child abuse of an amateur athlete who is a minor to: (i) the Center, and (ii) to law enforcement
- A mechanism that allows a complainant to easily report child abuse
- Reasonable procedures to limit one-on-one interactions between a minor and an adult
- Procedures to prohibit retaliation
- Oversight procedures, including:
  - Audits, to ensure the policies and procedures are followed correctly
  - Consistent training is offered
- A mechanism for national governing bodies to share reports of suspected child abuse

Today, we are rapidly expanding our team to accommodate for the growing demand and use of our services.

We increased our team from four to 14 full-time employees which includes nine full-time staff supporting response and resolution, including five staff investigators. We plan on bringing on an additional 4-5 investigators this year to accommodate for the increase in reports.

Caseloads vary depending on the complexity and scope of the matter, but on average our staff investigators currently handle around 18 cases each.

We also utilize contract investigators, with approximately 19% of our work outsourced to seven contractors.

This year we brought on a Director of Education and Outreach, who is leading our efforts to provide consultation and educational services on abuse-prevention strategies and policies to our country's sport entities and participants.

We integrate trauma-informed communication into all aspects of our work. This is one of the reasons why we try not to take on previously adjudicated or open matters from the USOC or NGBs, as preventing the re-traumatization of victims is vitally important. The safety and well-being of victims and athletes are our priorities.

Just last month we issued data from our first year that outlines some of the Center's organizational benchmarks.

These metrics from our Response and Resolution Office are critical to establishing a gold standard, monitoring progress, spotting trends, and ensuring our ability to refine best practices and strengthen our prevention efforts.



Know that we never lose sight of the fact that behind these statistics are people – hundreds of men, women, boys and girls dealing with the lingering impacts of abuse.

In our first year, we responded to more than 500 reports and inquiries spanning 38 of the 49 national governing bodies, 70% of which fell into our exclusive authority. As of last week, our total number of reports since March 3, 2017 exceeded 840.

To date, we have issued more than 169 sanctions, including 142 “lifetime bans.”

These numbers indicate the importance of our mission and highlight the need for a trusted place to report sexual misconduct within the U.S. Olympic and Paralympic Movements.

We know we still have a long way to go. Our data shows that the third most common reason cases are closed is because victims are reluctant to come forward.

It is vitally important to continue building a national sports culture where victims feel safe, supported and empowered to report. Our work will not be done until we prevent misconduct from happening in the first place.

#### **Education and Awareness**

One way we can create such a culture is through education and training, which are at the heart of the Center’s abuse-prevention efforts.

In our first year, more than 367,000 people completed our online training, with more coaches, officials and administrators projected to finish it in 2018. Recently, we made our training available to individuals and organizations outside the Olympic and Paralympic Movements. More than 250 sport organizations have expressed interest in accessing this training for their constituents and we heard directly from parents requesting resources and support on how to prevent and respond to abuse.

Part of our comprehensive prevention efforts is to make sure parents and children have the tools they need to identify appropriate and inappropriate behavior from their coaches and trainers.

Parents should be empowered to ask 3 simple questions of sport organizations:

- Do you provide quality training for your coaches, managers, trainers and volunteers to protect the well-being of athletes?
- What policies and best practices do you employ to protect my child and how do you enforce them?
- If there is a concern, where do I report an issue?

Coaches and organizations must be able to answer these questions. If not, the Center can help by offering consultation services. To address this need, we developed a parent toolkit and training to

equip parents with resources. And, in July, the Center will publish sample policies to begin helping sport organizations implement policies and procedures to address topics like: limiting one-on-one interactions, electronic communications, travel, locker room safety and other important, organization-level prevention strategies to safeguard athletes.

We are also proud to announce our Champions Program, which will seek out advocates and ambassadors for our organization. Our “champions” will have the opportunity to become engaged with sports communities by sharing their story, volunteering their time or getting involved in other ways. This will create a network of those in the community – whether they are a current or former athlete or coach, trainer or public figure committed to ending abuse in sports. The more people we involve in creating a culture of transparency, safety and awareness, the closer we are to our goal.

#### **IV. In summary**

Promoting the safety and well-being of athletes is at the core of everything we do. And for the Center’s work to be effective, it is imperative that moving forward we keep talking about accountability, education and prevention.

Sports have the power to be an incredibly positive influence on the lives of participants. Our job is to ensure that athletes can enjoy the many benefits of sport, free from all forms of abuse, including sexual misconduct -- it is important work.

I look forward to continuing the discussion on how we can work together to strengthen abuse-prevention efforts through education, training and awareness.

Mr. HARPER. Thank you, Ms. Pfohl.

The Chair will now begin the questioning by the Members. And we are going to ask unanimous consent that the contents of the document binder be introduced into the record and to authorize staff to make any appropriate redactions.

Without objection, the documents will be entered into the record with any redactions that staff determines are appropriate.<sup>1</sup>

Mr. HARPER. Ms. Lyons, if I may ask you some questions.

Does the USOC see itself as responsible for overseeing and enforcing policies that keep athletes safe?

Ms. LYONS. Yes, I think that we do view ourselves as responsible. And I think if we have had a failing, it is that we have not adequately exercised our authority in that manner.

Mr. HARPER. My question was, is that your responsibility? And you've answered yes.

Ms. LYONS. Yes, I believe it is.

Mr. HARPER. Is it a top priority for the USOC?

Ms. LYONS. It is a top priority.

Mr. HARPER. And I'm glad you said that and view it that way, but we're all worried that it hasn't always been the case.

If you could look at the document binder that's before you there and turn to Tab 1.

In Tab 1 you're going to see a Washington Post article dated February the 23rd of 2018. Do you see that?

Ms. LYONS. Yes, I do.

Mr. HARPER. The article references a deposition in a 2016 lawsuit in which a Taekwondo athlete alleged that she was raped by her coach at the USOC's Olympic Training Center.

USOC's lawyer, Gary Johansen, was asked whether protecting athletes from abuse was a top priority for the USOC. His response: "The USOC does not have athletes."

Does the USOC believe that it has the authority to require NGBs to implement policies and procedures?

Ms. LYONS. Yes, I believe the act does grant us that authority. And I think a change we need to make is for us to exercise that authority more thoroughly.

Mr. HARPER. The USOC provides NGBs with governance support, and in some instances the USOC has required changes to an NGB's bylaws related to the act or the USOC's bylaws. Is that correct?

Ms. LYONS. That's correct.

Mr. HARPER. However, each NGB has their own governance structure and applicable bylaws and policies. Is that true?

Ms. LYONS. Yes, that is true.

Mr. HARPER. As I mentioned in my opening statement, you can have all of the policies and procedures in the world, but if they're not properly implemented, followed, or enforced, they're not doing much good.

The USOC engaged Baker Tilly to conduct audits of the USOC in all of the NGBs and high performance management organizations to assess their compliance with SafeSport policies and proce-

<sup>1</sup>The information has been retained in committee files and also is available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=108356>.

dures. The audit reports for each organization were issued last year in October 2017. Some of the organizations were found to be in compliance with the SafeSport policies and procedures and didn't have any observations, but many were found to have deficiencies.

Do you know how many audits found deficiencies?

Ms. LYONS. Yes. In fact at that time the majority had deficiencies. However, I am pleased to say that virtually all are now in compliance.

Mr. HARPER. Would it be fair to say that 43 NGBs had deficiencies?

Ms. LYONS. That's correct.

Mr. HARPER. The audit of the USOC itself also found a number of deficiencies for USOC. If you could turn to Tab 2 in your notebook there.

In Tab 2, you'll see that audit. And these included a lack of guidance and specific requirements on anonymous or confidential reporting by survivors, training, and background checks, to name a few.

Unlike the NGBs with deficiencies, however, there doesn't appear to have been a follow-up audit of the USOC. Do you plan to conduct a follow-up audit?

Ms. LYONS. Let me just have a moment to review this.

Mr. HARPER. Yes, ma'am.

Ms. LYONS. Yes. Having looked at this, I think to any extent where we have deficiencies it is required that we should do exactly the same thing that we expect of the NGBs, we should have a follow-up audit and ensure that we are, ourselves, in compliance.

Mr. HARPER. What ability does the USOC have to enforce policies and procedures?

Ms. LYONS. I think the act grants us a great deal of authority.

I think one of the areas that we most need to look at—and this is why we have introduced a governance review—is that we have two main levers, we can take away funding or we can decertify. Our main activity is to decide if an NGB is certified.

Mr. HARPER. So you can decertify, you can put them on probation or you can withhold funds.

Ms. LYONS. Correct.

Mr. HARPER. Is that correct?

Ms. LYONS. That is correct.

Mr. HARPER. So you have a number of tools at your disposal.

What circumstances would it take to warrant that the USOC take such action? What do you have to see? What would you have to see in behavior by an NGB to decertify or to withhold funds? What are you looking for?

Ms. LYONS. We look for a number of things. They include the ability to manage effectively; and administratively we look for them to have appropriate financial controls.

And in the recent years we have also added a very incredibly important requirement that they meet all of the SafeSport standards, that they have just implemented all the new language that is in the new legislation.

So we have increasingly added to our list of compliance that they must have these SafeSport protections, and we audit against that on a regular basis now.

Mr. HARPER. My time has expired.

The Chair will now recognize the ranking member of the subcommittee, Ms. DeGette, for 5 minutes.

Ms. DEGETTE. Thank you so much, Mr. Chairman. I would like to follow up on your questioning.

Ms. LYONS, I think that you testified there's roughly 49 of these NGBs. And as we heard today, just from a representative sample, every group has their own governing principles. Is that correct?

Ms. LYONS. That is correct.

Ms. DEGETTE. And that's probably why it is really important that we have an organization like the Center for SafeSport so they can have an overriding protocol for complaints of this nature. Isn't that correct?

Ms. LYONS. Yes, I totally agree.

Ms. DEGETTE. And that's, in fact, one reason why the Center for SafeSport was founded in March of 2017, just a little over a year ago. Is that right?

Ms. LYONS. That's correct.

Ms. DEGETTE. Now, I want to turn to you, Ms. Pfohl, because you testified that last year the Center for SafeSport had about 20 to 30 complaints per month. This year it is 20 to 30 per week. And you have got about 800 reports pending right now. Is that right?

Ms. PFOHL. No, ma'am. Thank you for the question. We have had over 800 total reports—

Ms. DEGETTE. I see.

Ms. PFOHL [continuing]. To come in since we opened our doors.

Ms. DEGETTE. In the roughly 14 months, you have had 800 reports.

Ms. PFOHL. Correct, correct.

Ms. DEGETTE. Now, in a May 17 submission to this committee SafeSport reported that the U.S. Olympic Committee provided \$2.7 million in 2017 and is going to provide roughly \$3.1 million for 2018 and \$3.1 million for 2019, the same amount for 2019. Is that right?

Ms. PFOHL. Yes, ma'am.

Ms. DEGETTE. Now, getting back to your testimony, I think you had said, ever since the #MeToo movement—you told me this yesterday—ever since the #MeToo movement, the Center for SafeSport has seen the number of complaints skyrocket. Is that right?

Ms. PFOHL. Definitely, between the #MeToo movement and the Nassar trial.

Ms. DEGETTE. And the Nassar trial.

Ms. PFOHL. We really saw an uptick.

Ms. DEGETTE. It has really gone up this year. Is that right?

Ms. PFOHL. Uh-huh.

Ms. DEGETTE. And that's probably a good thing, because people realize they can report and what you're doing. Is that right?

Ms. PFOHL. Yes, ma'am.

Ms. DEGETTE. So you get money from the U.S. Olympic Committee for your funding. You also get money from the different

NGBs according to a schedule for how much they're giving. Is that right?

Ms. PFOHL. Yes. Each national governing body gives us an annual fee based on their size.

Ms. DEGETTE. Now, what is your budget right now?

Ms. PFOHL. Right now it is a little over \$4.6 million.

Ms. DEGETTE. And how many investigators do you have on staff.

Ms. PFOHL. Internally we have five full-time investigators plus three additional support staff. We have seven external contracted investigators, as well.

Ms. DEGETTE. So you have roughly 13.

Ms. PFOHL. Twelve or 13.

Ms. DEGETTE. Twelve or 13 people. Do you believe that's sufficient with the increase in complaints to thoroughly investigate every complaint?

Ms. PFOHL. No.

Ms. DEGETTE. Mr. Hinchey, I want to talk to you for a minute, because I also spoke with you yesterday. Do you believe the Center for SafeSport has sufficient funding to be able to investigate all of these complaints that they're getting?

Mr. HINCHEY. I'm not familiar with their entire budget, but I think based on our experience right now they can certainly use more resources.

Ms. DEGETTE. Now, over at your organization you give \$50,000 a year to Center for SafeSport, is that right, as part of your—

Mr. HINCHEY. Just under that, about 43,000.

Ms. DEGETTE. And you would be willing to give more. Is that correct?

Mr. HINCHEY. Absolutely. I think as one of the larger NGBs, and based on who we are, if we can provide more resources we absolutely will.

Ms. DEGETTE. Now, Ms. Lyons, the U.S. Olympic Committee, according to the most recent tax filing, the organization's revenues are in the hundreds of millions of dollars. Is that correct, Ms. Lyons?

Ms. LYONS. That's correct.

Ms. DEGETTE. And so I want to ask you, are you committed to giving the full funding that SafeSport needs to be able to conduct thoroughly all the investigations of the many complaints they're receiving?

Ms. LYONS. Yes. And our board has said if they express additional need, we will certainly revisit that.

Ms. DEGETTE. And, Ms. Pfohl, are you engaging outside evaluators to determine what kind of a budget that you really need to do a thorough investigation?

Ms. PFOHL. Yes, we are.

Ms. DEGETTE. And when do you expect that information?

Ms. PFOHL. I would hope that we would, in the next 6 weeks, we would be able to come back and provide an estimate based on what we're seeing now.

Ms. DEGETTE. OK. Let me just say this committee is fully supportive of what your organization was established to do, and it appears that the entire community, athletic community is.

And so whatever money you need to actually do your work, please let us know and we will work with you and the USOC and all of the different organizations to make sure you get that. Because that's really going to be critical to resolving all of the issues relating to these victims, and that's what we want to do.

Ms. PFOHL. Yes, ma'am.

Ms. DEGETTE. Thank you very much, Mr. Chairman.

Mr. HARPER. The Chair now recognizes Chairman Walden, the chair of the full Committee on Energy and Commerce, for 5 minutes.

Mr. WALDEN. Thank you, Mr. Chairman.

Ms. Lyons, there appears to be a history of the USOC knowing about allegations of sexual abuse and doing nothing.

Over the years, the USOC has taken a number of positions on how much authority it has to protect athletes. USOC officials have said they, quote, "don't have athletes," close quote, that the Ted Stevens Act doesn't you the authority to mandate that the NGBs take action on this issue.

As recently as 2016, USOC officials said in a deposition that they don't have the authority to, quote, "do anything," close quote, if the USOC was concerned about the safety of athletes.

So I want to ask you a simple question: What precisely is the authority of the USOC when it comes to protecting athletes?

Ms. LYONS. I think the act gives us a much broader authority than we have exercised in the past.

Mr. WALDEN. So one of the concerns that the committee has heard repeatedly from survivors is that the USOC is more concerned about its own reputation, about medals and money, than it is about athlete safety.

If you would please turn to Tab 3 in the binder, the exhibit binder. As you're finding that, I'll just mention this is a USOC policy document on athlete safety issued just last month. Tab 3.

If you'll turn to page 7 of Tab 3, there is a list of six items that a review panel of USOC officials will consider, quote/unquote, in deciding a complaint and imposing a sanction.

Can you explain why one of the factors to consider is, and I quote, "the effect on the USOC's reputation"?

Ms. LYONS. I have to admit to not having seen that before. And I have to say it does not belong on that list.

Mr. WALDEN. OK. I appreciate that candor.

This was not the only document produced to the committee that referenced the effect on the USOC's reputation. There's also similar language in the USOC SafeSport policy from June of 2017—that would be on Tab 4—and in the USOC's training access protocol from 2011—Tab 5—when the USOC and NGBs would have still been responsible for handling complaints of sexual abuse.

So I would encourage you to review those and act appropriately.

Ms. LYONS. Thank you. We will.

Mr. WALDEN. Ms. Pfohl, I'm heartened by the progress that's been made since the creation of SafeSport last year, but I want to make sure that the reputation of the USOC or an NGB does not play a role in SafeSport decisions.

According to SafeSport policies a factor, quote/unquote, relevant to determining an appropriate sanction is the, and I quote, "real or

perceived impact of the incident on the reporting party, NGBs, or USOC.” Tab 30, page 9.

Again, why is the impact on the NGB or the USOC a factor in considering whether a SafeSport violation has occurred and whether to issue a sanction? That would be Tab 30 on page 9.

Ms. PFOHL. Thank you, sir. Thank you for the question.

I believe what this is referencing is that if conduct is such that it reflects poorly on the sport and those that support the sport, then that can be used in terms of making an appropriate sanction. Meaning that conduct, poor conduct—

Mr. WALDEN. I understand.

Ms. PFOHL [continuing]. And its poor reflection on the sport matters.

Mr. WALDEN. I would just say that, you know, we do a lot of legislating around here, and words matter. And what you think they are and what I think they are, 2 or 3 or 4 or 5 years from now somebody may go, “Oh, well, if we do that, that might reflect poorly on the organization if word gets out.”

And I would just caution all of you that, I understand what you may think it is, but you better be darn well clear that the patient’s safety comes first. And I think that’s where you’re headed. I respect that. But it clearly was not where we were in the past.

Ms. PFOHL. Yes, absolutely. We will absolutely look at that verbiage. And make no mistake, we work for athletes. That’s who we work for.

Mr. WALDEN. Thank you.

With that, Mr. Chairman, I’ll yield back.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the gentlewoman from Florida, Ms. Castor, for 5 minutes.

Ms. CASTOR. Thank you, Chairman Harper.

I want to focus on whether the culture of winning above all else increases the risk of athlete abuse. But first let me say, it is horrendous that it has taken a scandal of such epic proportions where hundreds of girls in U.S. Gymnastics were abused by a doctor to get to this point.

Ms. Lyons, according to The Washington Post, a U.S. Olympic Committee attorney was deposed in 2016. When asked about the Olympic Committee’s priorities, he stated, “The USOC has a lot of priorities. Chief among them is sending athletes to the Olympic, Pan American, and Paralympic Games, and doing well at those games.”

When asked whether protecting athletes was also a priority, this lawyer reportedly said, “The USOC doesn’t have athletes,” implying that the Olympic Committee is not responsible for athlete welfare.

You’re familiar with these remarks, correct?

Ms. LYONS. I am familiar with them.

Ms. CASTOR. So I firmly believe, as many do, that the Olympic Committee has a responsibility to protect the health and welfare of athletes.

In February you released a statement outlining seven steps you intend to take to ensure a safe sports environment, including an effort to, quote, “implement a culture change at USA Gymnastics.”



What do you mean by this culture change? You have given us some specifics, but tell us really what you see, what does the future hold.

Ms. LYONS. Well, first I would like to say that, you know, in terms of performance, we believe that performance and safety go hand-in-hand. We don't believe that athletes can perform at their best unless they are in a safe, respectful, and supportive training environment and competitive environment.

In terms of what we need to change in the culture—and I think it is across the entire movement, not just within gymnastics, and Ms. Perry is doing a lot of work within her own organization—we have to, first of all, put that safety much more front and center.

Ms. CASTOR. Because it seems like in the past it has been a culture of protect the coach and not protect the athlete. For example, why hasn't it been the policy and will it be the policy of actually referring these cases and complaints to local law enforcement when they happen?

Ms. LYONS. Well, it is now the law that those types of cases must be remanded to local law enforcement, and anyone who does not do so is violating Federal law. It is critically important that—

Ms. CASTOR. How have you communicated that to all of the organizations?

Ms. LYONS. All of the organizations have received that. They have all made the changes within their own bylaws and other materials. They now are all required to be under the jurisdiction of the Center and also to report to law enforcement.

Ms. CASTOR. Ms. Pfohl, this culture change is a key part of SafeSport's mission. You outlined specific steps that SafeSport is taking to make this happen. It is clearly needed.

Much of what we're hearing today sounds good, but I'm worried that we do not have a way to know whether things will actually get better.

One of the concerns is whether or not SafeSport is actually independent. What can you tell us to assure us that you're acting independently and moving away from the culture of protect the coach, protect the organization, to a protect the athlete.

Ms. PFOHL. Thank you for the question, Representative.

We have an independent, nine-person board of directors that need meet a high standard of independence. They have subject matter expertise. They come from an ethics compliance world, some of them, and the like. So they hold us to a high standard.

I can tell you that our investigators are the same. When we take on a case in a report we do that in an independent, confidential, and professional manner, and we act accordingly.

Ms. CASTOR. So one of the issues in the workplace, but I'm sure it applies here, is retaliation, that you'll have an athlete that will come forward with a complaint but the organization or the coach then may hear about it some way or there might be rumors and then they don't get to compete.

What is being done to address retaliation and make sure that the athletes are protected from it?

Ms. PFOHL. Again, thank you for the question.

Retaliation is a violation of the SafeSport code and is subject to sanction. And the new law, the Protecting Young Victims and Safe

Sport Authorization Act, puts some teeth into that and provides further protections for those coming forward, both reporting parties or the victims themselves, the survivors, as well as witnesses.

Ms. CASTOR. And then what do you say about referrals to local law enforcement? What are you saying when a parent or an athlete comes forward with a very serious complaint? Are you referring those to local law enforcement immediately?

Ms. PFOHL. Absolutely. We are mandatory reporters, so we immediately call law enforcement if they haven't already been called. We are double checking to make sure that they are called.

And of course, we let the law enforcement process play out. We work collaboratively at all levels, if you will, with law enforcement, from the FBI to local law enforcement. And then we look at whether a breach of the SafeSport code took place.

Ms. CASTOR. Thank you very much.

You all set the standard for youth sports and development across the country, and we have high expectations for you to implement this culture change. And we're going to get back to you and keep an eye, as well.

And I yield back. Thank you.

Mr. HARPER. The gentlewoman yields back.

The Chair will now recognize the gentleman from Texas, the chairman emeritus, Mr. Barton, 5 minutes.

Mr. BARTON. Thank you, Mr. Chairman.

I want to thank each of you for participating voluntarily in this hearing. We have lots of hearings, but not many are as sensitive and important as this one.

Normally I just ask questions extemporaneously, but because of the gravity of the situation I'm actually going to basically read from some prepared questions because it is so important. And I'm going to basically ask the same question to three of you.

The first question is to Susanne Lyons. The committee has asked all 48 NGBs to provide, and I quote, "detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to the NGB and the handling of that information," end quote.

Almost every NGB has responded in some fashion that they have not always tracked such information, the report, complaint, or allegations.

Ms. Lyons, does it concern you that the NGBs apparently have not always tracked such information about complaints of sexual abuse?

Ms. LYONS. Yes, that's a concern. And I will point out that there was no rule and is no rule at the moment that they have to report it to us, as well. They do have to report it to the Center, and we are now getting reports from the Center.

Mr. BARTON. Why does not or did not the USOC require such information, each NGB to track and monitor this type of information?

Ms. LYONS. I think the way we operated with the NGBs in the past was different. There was much more autonomy, and we did not exercise the authority that I think the act gives us. I think that's one of the reasons we're putting together a governance review that I am sure will result in us having a much better feedback loop and us following up on those things.

Mr. BARTON. Are you now requiring that such information be tracked?

Ms. LYONS. We will be. We are not yet, but we will be.

Mr. BARTON. When is your timetable to do that?

Ms. LYONS. Our governance review is in the process of getting rolling, and I am absolutely certain that's one of the very first things that will occur.

Mr. BARTON. Next question is to Kerry Perry—which, by the way, that's a nice name, Kerry Perry.

I understand that you are still trying to compile data so you can provide the committee with the aggregate number of reports, complaints, or allegations made to USA Gymnastics.

Can you please explain why it is taking so long to provide the committee with the aggregate number of complaints that USA Gymnastics has received regarding sexual misconduct?

Ms. PERRY. Yes, sir.

So since I started in December one of the first things I looked at—and to your point, it is very concerning—what type of reports have been made, looking at a history. And, unfortunately, what I have discovered was that there wasn't a lot of great data.

I can't answer to that. But what I can tell you is, since the last several months, we have embarked on a journey to really find a really good database for tracking and really keeping internally records of everything that is either investigated by the Center, sent to the Center, or going through the process at USA Gymnastics.

What I can tell you is that, as of January of this year through April, USA Gymnastics had approximately 275 cases. Of that 275, about 78 went to the Center for sexual abuse.

I can also tell you that we have recently signed a contract with a vendor, in fact, the same that the Center is using, because for me it was needed information, and I wanted to make sure that we took care of that immediately.

Mr. BARTON. When do you think your new system is going to be fully implemented?

Ms. PERRY. We are in the implementation phase right now, and so we believe in the next 2 months. But in the meantime we are tracking all of the allegations that are coming through in a database that has been created internally.

Mr. BARTON. My last question is for Mr. McNally.

In your response letter your organization has admitted it has failed to fully comply with track information about allegations of sexual abuse, including oral reports. What type of complaints, if any, did Taekwondo track?

Mr. McNALLY. So the reports that I found are the ones that generally went through the hearing process. There's very little information of anything that didn't proceed to that stage.

Mr. BARTON. So what's Taekwondo's effort right now to compile this information, to track it, and to follow up on it?

Mr. McNALLY. So since I took over we're keeping our own internal database. But we also were proactively reached out to the USOC to see if they were interested in working with us to develop a more centralized case tracking. We spoke to that chief information officer, and one of their analysts is working on—

Mr. BARTON. So it is an active item?

Mr. McNALLY. Yes, very much so, yes. We really need more historical information, but we also need to make sure that nothing ever slips through the cracks again.

Mr. BARTON. Thank you for your discretion, Mr. Chairman. I yield back.

Mr. HARPER. The Chair will now recognize the ranking member of the full committee, Mr. Pallone, for 5 minutes.

Mr. PALLONE. Thank you, Mr. Chairman.

All my questions are of Ms. Pfohl, and I'm going to try to get through them quickly, if I can.

I understand that since 2017 the U.S. Center for SafeSport has been responsible for investigating all complaints involving sexual misconduct. So, Ms. Pfohl, I'm glad that you're here today so we can learn exactly how SafeSport operates.

My first question is, if you would briefly walk me through what happens when SafeSport receives a complaint from an athlete. I know this probably varies based on the type of complaint. But generally speaking, what takes place?

Ms. PFOHL. Thank you for the question, Representative Pallone.

So when a call or if a report comes in through our Web site, however it comes in, it can be an email, it can be anonymously, it could be a third party, we are immediately triaging those reports. Obviously what we look for is, do we need to call law enforcement? So is sexual abuse of a minor part of that report? We immediately call law enforcement if that's the case.

At the same time we are also looking at, is someone in harm's way? And if we feel like that's the case, then we will immediately impose an interim measure or an interim suspension.

From there, the investigation continues with a qualified investigator that is versed in trauma-informed investigations. And we are of course talking to the reporting party as well as the responding party or the alleged individual for which the report is on.

From there, again, collecting information from them, collecting information from witnesses. Sometimes there are a lot of witnesses. Sometimes not. So that impacts the length of the investigation.

Mr. PALLONE. How long does it take for you to complete an investigation typically?

Ms. PFOHL. It depends. It depends on all of those factors. How many investigations? Are there more than one reporting party? How far back does it go? All of those things weigh in.

We're averaging 63 days right now from start to finishing, average. Some are much longer, some are shorter.

Mr. PALLONE. Now, who has the final say on how case is resolved?

Ms. PFOHL. We have a director or of investigations and decisions, that once our investigators do their work—and by the way, we deal in facts, so we have a fair process whereby the facts are gathered. Those facts go in the form of a report to the director of investigations. He is determining whether a breach of the SafeSport code took place.

If a breach took place, then a sanction is administered. And that sanction could be anything from a warning to a permanent ineligibility. And there are options for hearings and arbitration both at the interim measure as well as the sanctioning stage.

Mr. PALLONE. I don't know if I'm going to get through all this, but you mentioned referral to law enforcement. For example, Mr. McNally's written testimony describes challenges that U.S. Taekwondo faced when it reported cases to law enforcement, such as being told that law enforcement does not even want a target to know that he or she is being investigated.

So let me ask you, what steps can SafeSport take to protect athletes while law enforcement is investigating a case? And does SafeSport take steps to keep athletes informed of the status of an investigation when law enforcement is involved?

Ms. PFOHL. Thank you. That's an important question.

Absolutely. So we would work with law enforcement. And it is true, depending on the case, the law enforcement agent or agency may want us to not work on the investigation formally.

However, we have the obligation to protect athletes, so we would work with them, let them know that, look, we need to put in an interim measure so that athletes are protected. And athlete safety comes first.

Mr. PALLONE. All right. Let me just skip over, because I wanted to ask one more thing, and probably all I have time for.

I understand the type of complaints that SafeSport manages requires a complete investigative process, but the concern is that some people might not understand how this process works and that this lack of understanding may keep some individuals from coming forward.

So what steps has SafeSport taken to explain to athletes how this process works? And do you believe that all the sports governing bodies and athletes have a complete understanding of your authority and how your investigative process works so that they would actually not hesitate to come forward?

Ms. PFOHL. Right. I think we're still in the stage of getting the word out and building trust among really the 13 million individuals that are part of the Olympic and Paralympic movements, absolutely.

But we're doing that through our prevention work as well, the online training, our education. I'll say the USOC has helped us with a couple of PSAs that are now being shown on national television and at events.

So we're looking to continue these sorts of partnerships with all of the national governing bodies and the USOC because they have direct access to all of their members. So we're working on information that's on their Web site. We have got to make that consistent across all of the NGBs. And that's being worked out right now.

Mr. PALLONE. Thank you.

Thank you, Mr. Chairman.

Mr. HARPER. The gentleman yields back.

The Chair would like to welcome to the dais Congressman Doug Lamborn, who is from Colorado Springs, Colorado.

Glad to have you.

And the Chair will recognize the vice chairman—

Ms. DEGETTE. His district includes the U.S. Olympic Committee.

Mr. HARPER. In Colorado Springs, absolutely.

And so the Chair will recognize the vice chairman of the subcommittee, Mr. Griffith, for 5 minutes.

Mr. GRIFFITH. Thank you very much, Mr. Chairman.

Ms. Lyons, if you'll turn to Tab 7, you will see the recommendations from the United States Olympic Committee's 2010 Working Group for Safe Training Environments.

What specific events led to the creation of the working group in 2010?

Ms. LYONS. The working group really was created in the aftermath of many of the swimming allegations that came out in 2010. And while that NGB began to work on their own issues, we developed a working group to look more broadly across the whole system.

Mr. GRIFFITH. Thank you.

And in response to the 2010 working group's recommendations, the USOC launched SafeSport in 2012. Then in 2013 the USOC established a SafeSport Working Group, and the 2013 working group recommended that case management for sexual misconduct cases should be consolidated under a new independent entity with an independent board of directors.

As you will see in Tab 8, the USOC approved the creation of the U.S. Center for SafeSport in 2014. The Center, however, was not launched until March 3, 2017.

Tell me why it took 7 years since the working group was created and nearly 3 years from the USOC approving the U.S. Center for SafeSport until that Center was launched.

Ms. LYONS. First, let me say it did take too long. There are some reasons why it took a while, funding being one, insurance issues being another, very complicated, and trying to get all of the national governing bodies to do the earlier steps that preceded the Center, which was to put in some mandatory requirements and to get them in compliance.

But, frankly, it took too long, and we regret that it did not open sooner. It may have saved some of the tragedy that occurred.

Mr. GRIFFITH. Given that it took so long to get the Center started, did the USOC handle any cases of sexual misconduct for the national governing bodies or assist those NGBs prior to the Center's launch in March of 2017?

Ms. LYONS. There is a sort of an escalation process, and at times if an issue could not be resolved within a national governing body it can then come be escalated up to the USOC. And there were a number of cases that we would become involved in during that time, as well. It is far superior for it to go to an independent body as it does today.

Mr. GRIFFITH. All right. So let me ask you this. Would those cases, if something happened and somebody was banned or there was disciplinary action, show up on the Center's Web site where you can go check to see if somebody has been disciplined?

Ms. LYONS. I think that our banned lists are very incomplete today. And I'm very glad you brought it up, because it is one of the first things we need to do. We have to have consistency against the NGBs collecting that information. To the extent that we have cases, we have to collect it. It all needs to be ultimately put together in one database where everyone will have transparency to it. That does not exist today.

Mr. GRIFFITH. All right.

Keeping with that, Mr. Hinchey, the work that you all did, you all actually started in 2010 and worked with SafeSport before the Center was opened up. Are your cases in a database where people can go search? If so, they can see who has been banned? Or have you given that information to the Center and you can search it there?

Mr. HINCHEY. We have a banned list that is published on our Web site.

Mr. GRIFFITH. OK. I appreciate that.

Back to you, Ms. Lyons. I just wanted to get that one in. Is the U.S. Center for SafeSport now functional as a completely independent entity or does the U.S. Center for SafeSport rely on the USOC and/or the NGBs for any investigational purposes?

Ms. LYONS. The Center is not relying on us for investigational purposes. We are assisting with the funding, as you know, but they are indeed an independent body.

Mr. GRIFFITH. So your role at this point is just funding?

Ms. LYONS. Funding, and also help and advise on broader issues. They are in their growth stage, just as when we started USADA—

Mr. GRIFFITH. But not investigative?

Ms. LYONS. Not investigating. We have no role in that.

Mr. GRIFFITH. Mr. Hinchey, I'm going to shift to you. You indicated in your oral statement that 90-plus individuals have been banned from USA Swimming for sexual misconduct-related violations since the inception of your SafeSport program in the fall of 2010. Is that accurate? Did I understand that correctly?

Mr. HINCHEY. Yes, that's correct.

Mr. GRIFFITH. All right. And how have USA Swimming's policies and procedures changed regarding how you handle sexual misconduct claims since the U.S. Center for SafeSport was launched in 2017?

Mr. HINCHEY. Over the course of that transition, which started July 1 of last year, there have been 75 complaints that have gone straight to the U.S. Center for SafeSport from our governing body. But they now handle the adjudication, they handle the initial complaints, but we're here to support it in any way we can.

Mr. GRIFFITH. All right. You have heard concerns from Ms. Lyons in how long it took since you all were involved at USA Swimming in the creation of the U.S. Center for SafeSport and started your own program in 2010. Were you all concerned about the amount of time it took to launch the U.S. Center for SafeSport?

Mr. HINCHEY. Clearly it should have been started earlier. Having said that, we also take responsibility for our own problems. And, you know, regardless of whatever time it took it to get the independent group going, which we do think is great and we want to support it, these are still our problems, and we need to step up and take responsibility.

Mr. GRIFFITH. I appreciate that. Both you and I are swimmers and we love the sport, and there's a lot of positives we're not going over today. And I wish I could tell countless stories of people who have benefited from these programs, but we have got to take care of the problems, too.

With that, Mr. Chairman, I yield back.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize Mr. Tonko for 5 minutes.

Mr. TONKO. Thank you, Mr. Chair.

And thank you to our witnesses for joining us today.

Routine audits are essential to promote athlete safety and to ensure that athlete safety policies are implemented correctly.

Last year the Olympic Committee retained consulting firm Baker Tilly to conduct an audit of the U.S. Olympic Committee and all national governing bodies to assess their implementation of the new SafeSport requirements. Rick Adams, the committee's chief of Paralympic sports and national governing body organizational development, told the Senate judiciary committee last year that they were unique one-time audits.

Ms. Lyons, the October 2017 audit recommended that the Olympic Committee address 10 areas in need of improvement. I believe they're referenced in exhibit 2. Very briefly, what did you learn from having those audits conducted and implementing these recommendations? Was it a useful process?

Ms. LYONS. Yes, it's a very useful process, and I think audits will be a bigger part of what we do going forward.

What we learned—and part of this was as we were putting in new processes and procedures—is that it is—all NGBs are different. Some have better capabilities to very quickly adopt change, others require more help.

I am glad to say that all of the NGBs that had deficiencies through that audit process have now come up to standard. And we will be repeating that audit process on a rotating basis to ensure that we continue compliance.

Mr. TONKO. OK. And as part of this audit work they found that two of our witnesses today, USA Volleyball and USA Taekwondo, had areas where they needed to enhance the design of their systems and make recommendations on how they could do so. So the value of these audits is clear.

Going forward, I believe it is important to regularly assess SafeSport policies and their implementation to ensure that they are effective in their protecting of the athletes.

So I want to ask you, Ms. Pfohl, if her organization plans to undertake regular performance audits to ensure it is meeting the needs of the massive sporting organizing it is now charged with protecting.

Ms. PFOHL. Thank you for the question.

The new legislation, the Protecting Young Victims and Safe Sport Authorization Act, calls on the Center to perform regular and random audits of the NGBs. And so, yes, we intend to do that, resources permitting.

Mr. TONKO. And, Ms. Pfohl, again, what is the Center for SafeSport doing to assess how effective SafeSport policies are in reducing the likelihood of abuse?

Ms. PFOHL. Thank you for that question, as well.

We actually have now an outside consultant, a firm coming in actually to go through the cases that we have already closed to determine if there's something that we missed, is there something that we could have done better.



So already in our—just over our first year we’re already doing a look back and saying, “OK, how did we do?”

So we’ll continue to do that. We’ll continue to look at policies. We are always looking for best practices, and when we see best practices and new policies that need to be put into place we will do so.

Mr. TONKO. And do you plan to have regular performance audits of SafeSport’s performance?

Ms. PFOHL. Absolutely.

Mr. TONKO. OK. And do you believe that you have sufficient resources to periodically audit how well the SafeSport system is performing?

Ms. PFOHL. I would say that our resources are limited in that area in terms of self-audits, if you will. But our goal, and I know it is a high priority for our board, we will find the resources to be able to do it.

Mr. TONKO. Thank you.

And finally, do you plan to have regular audits done of the sports governing bodies to ensure that they are implementing their SafeSport policies going forward?

Ms. PFOHL. Yes, sir. As I mentioned, that is called for in the Safe Sport Authorization Act.

Mr. TONKO. And then to any of the panel, beyond audits, what can be done to protect the athlete?

Mr. HINCHEY. I think from my perspective, Congressman, that we need to empower the athletes. We need to hear their voices. We need to get them involved in the process. And that’s something we hadn’t done at the start of our process, but something we’ve learned over the last 8 years, and we intend to do that coming forward.

Mr. TONKO. Mr. Hinchey, that’s a good point, and thank you. And how would we do that? What’s the structure by which to empower their voices?

Mr. HINCHEY. We need to invite them to be part of the process. And right now, as an example, for us, we started a working group that’s a combination of some athletes, Olympic athletes, local coaches, board members, six women and five men, to start to really vet where we have been and where we need to go.

Mr. TONKO. Does anyone else want to add to that statement?

Ms. LYONS. I would like to add that I think we’re focusing a lot on the aftermath of abuse. I think one of the most important things we can do is education that prevents abuse.

And much of the Centers’ charge going forward is that education, which goes beyond the NGBs and their members. It goes down to every gym and every dojo in America where a 6-year-old is training.

We need to enlist the Boys and Girls Clubs and all the other organizations and get parents educated so that people know earlier how to spot these signs of grooming and signs that may lead to abuse so that we can stop these cases before they occur.

Mr. TONKO. Thank you so much.

And with that, Mr. Chair, I yield back.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize Dr. Burgess for 5 minutes.

Mr. BURGESS. Thank you, Mr. Chairman. And, Mr. Chairman, let me just say I have been on this subcommittee for a long time, along with a couple of other members, and this has been one of the most difficult hearings to research and prepare for. And I appreciate so much everyone participating today, because it's so important that we get it right.

Mr. Griffith referenced the positive aspects that, unfortunately, we're not really able to spotlight today because of the nature of the hearing. I have a university in my district, Texas Woman's University, my staff handed me a newspaper article from last month, April 16: Texas Woman's University secured the program's 11th USA Gymnastics Collegiate national title on Saturday and registered the highest score ever seen in the championship.

Clearly, you all are in this for the athletes, and that's for the right reason, because the benefits returned from these programs are significant for the athletes themselves, their families, clearly their colleges, their universities, and the communities where they reside. So I don't want to lose sight of that fact even though what we're looking into is just astonishing in how difficult it is.

So as someone with a medical background one of the things that has just been very difficult for me is how a medical professional has caused all of this damage. And this individual was licensed in the State of Michigan, but not in the State of Texas. And under our current laws, States are responsible for licensing the people who provide medical care within their borders.

So, Ms. Lyons and Ms. Perry, I guess my question is to you. And I'll ask you, Ms. Pfohl, the same thing.

This individual, not licensed in Texas, was providing services, care, whatever he did, at the Karolyi Ranch in Texas, not licensed by the State of Texas. So how do you go about ensuring that physicians that are taking care of your athletes are compliant with licensing obligations?

And, Ms. Lyons, I guess we'll start with you and then we'll go to Ms. Perry.

Ms. LYONS. Well, I think that's one reason we want to embark upon our— why we have our independent investigation from Ropes & Gray underway, to find out actually how some of these gaps in the systems occurred.

There are supposed to be background checks. There's supposed to be medical certification checks. I may have to defer to my colleague. The national governing bodies are responsible for the licensing of their own physicians, but those checks are meant to happen. And I think the investigation will help us understand if they did or did not and why.

Mr. BURGESS. And we see what a serious breach this was when this didn't happen in this case.

And, Ms. Perry, I guess that when an individual signs on to a training program at a ranch like this, I mean, presumably there's some type of consent that is entered into. Is that not correct?

Ms. PERRY. First, I want to say it is horrific. And, you know, every day that I wake up I think about how do we make sure as an entity that we are doing everything we can to protect our athletes. That's why I took this position in December.

And so one of the things that we are looking at, as Ms. Lyons talked about, was finding out the facts that could have led up to such a horrible situation.

And so having the Ropes & Gray independent investigation is very important to us, and it is very important to me, to learn, so that we can make sure that we go down the right path.

One of the things that I looked at immediately was that I did not want our athletes to ever return to a place where they had abuse. So as you all know, we closed the ranch.

Mr. BURGESS. Thank you.

Ms. PERRY. That was very important.

But on a go-forward, I think it really does make a big difference that as a national governing body we look at everything—we look at our structure, we look at our policies, we look at our systems, we look at our medical—and we hold ourselves to the highest standard. Because, ultimately, we represent and we advocate our athletes, and I am committed to that every day.

Mr. BURGESS. So, I mean, just to point out the obvious here, though, you had an unlicensed physician taking care of people. I don't know if the parents of these children were apprised of the fact: Here's a physician who is not licensed in the State of Texas who is going to be participating in the training program. It is wrong on so many levels, and, unfortunately, now we see the consequences of that.

And I guess I just have to ask, I mean, who paid for this doctor? Was it something the parents had to pay for? Did the ranch pay for it? Who was responsible for paying for this?

Ms. PERRY. From my understanding, he was a volunteer, but he was paid expenses. I believe everybody knows he was an employee of Michigan State, but he was a volunteer for USA Gymnastics.

Mr. BURGESS. OK. All right.

Well, Mr. Chairman, I have got so many more questions, and I will submit them for the record.

Mr. Davis, I really thank you for your testimony today. It underscores the point of how important it is that we get this right. We can think we have got it right, and then it turns out we didn't get it right, and then years later you have to continue to deal with the problems from not getting it right. It is important that we be right on this.

Thank you, Mr. Chairman. I'll yield back.

Mr. DAVIS. Thank you, sir.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the gentlewoman from Illinois, Ms. Schakowsky, for 5 minutes.

Ms. SCHAKOWSKY. Thank you.

I just want to begin with a statement about your testimony, Mr. Davis. I'm from the Chicago area. And I think it is just shocking that Rick Butler, after being banned for abusing underage girls, appealed that lifetime ban and was reinstated. It is just incredible. And that it wasn't until January of 2018, this year, that there is a lifetime ban. This really underscores the problem that has occurred over so many years.

Anyone in this room, I think, certainly the women know, if someone has abused underage girls, reinstating him is so unacceptable.

He should have been in jail. And now, in today's, world I think he would have. I hope he would have.

Let me just turn to—I would like to recognize Arlene Limas in the audience.

If you would stand, Arlene, if she is still here.

Arlene is an Olympic athlete and taekwondo coach, and we met about 2 months ago and she shared with me chilling stories about sexual abuse at training camps and competitions.

Mr. McNally, last year three of your athletes were awarded \$60 million in damages—a total of—after a judge found that a coach sexually abused them. You're familiar with that, correct?

Could you say into the mike?

Mr. McNALLY. Yes, I am.

Ms. SCHAKOWSKY. Thank you.

Taekwondo also allegedly permitted an athlete and a coach to participate in the 2016 Olympics even though there were unresolved sexual misconduct allegations against them. SafeSport finally recommended an interim ban against those individuals just this year.

Are you familiar with this matter, as well?

Mr. McNALLY. Yes, I am.

Ms. SCHAKOWSKY. In the case of John Lopez, you mentioned multiple investigations and attempts to ban Mr. Lopez in 2013 and 2015. But my understanding is that these efforts were unrelated to sexual abuse. Is that true?

Mr. McNALLY. Yes. That's correct.

Ms. SCHAKOWSKY. And the topic of this hearing, by the way, is about sexual abuse. And isn't it also true that it wasn't until 2018 that Mr. Lopez was sanctioned for sexual misconduct?

Mr. McNALLY. Yes. That's correct.

Ms. SCHAKOWSKY. OK. I think that identifies a problem here.

Your March 21, 2018, letter to this committee indicated that there are roughly two dozen individuals facing suspensions or lifetime bans from your sport. Were any of these reported to law enforcement?

Mr. McNALLY. I believe yes. Some of them actually came from law enforcement through cases where they were charged. As soon as they were charged they were suspended. Some of them went to prison and were added through there.

I don't know about every case historically, but since I took over, and even earlier than that, since the incorporation of the SafeSport Center, every case has been—with a criminal element—has been turned over to law enforcement.

Ms. SCHAKOWSKY. I would like to know how many of the roughly two dozen have been referred to law enforcement?

Mr. McNALLY. So that's something—

Ms. SCHAKOWSKY. You'll get that to me, right?

Mr. McNALLY. Yes, I will.

Ms. SCHAKOWSKY. OK.

Mr. McKinley, how is it that U.S. Taekwondo addressing—how is Taekwondo addressing the assistant coaches and team managers that may have had a role in covering up sexual abuse in your sport?

Mr. McNALLY. Every report that we get, every report that is submitted to us, is immediately submitted to the U.S. Center for SafeSports.

Ms. SCHAKOWSKY. I'm asking a different question. If there are individuals within the sport that are silent, that are covering up, that don't tell you. Because I think probably for every one of these cases of sexual abuse someone knew about it and didn't say anything.

So what is the process there?

Mr. McNALLY. So we are looking to, as Mr. Hinchey said, to empower the athletes. We're launching our #notinmysport campaign to encourage athletes to come forward. We are much more open, I believe, at regaining the trust of the athlete community. They know that I will deal with this if it comes to me. And I would encourage anybody with one of those stories who has been silent up until now——

Ms. SCHAKOWSKY. What about the coach community, too? There's assistant coaches, there's all kind of staff.

Mr. McNALLY. Anybody who has knowledge of anything, however small, however serious, I encourage them to bring it to me.

Ms. SCHAKOWSKY. I'm still asking a different question. What if you know that there have been people that have been silent that knew of these abuses, is there any sanction at all?

Mr. McNALLY. We deal with every report that comes to us. That is why in 2015 USA Taekwondo preceded the independent body of the SafeSport Center by appointing our——

Ms. SCHAKOWSKY. I guess I'll have to ask the question more precisely in writing, because my time is up. But it seems to me that whether it's reported or not, that you ought to do inquiries to find out who has stood by and watched sexual abuse occur.

And I have to yield back. Thank you.

Mr. HARPER. The gentlewoman yields back.

The Chair will now recognize the gentlewoman from Indiana, Mrs. Brooks, who is also the chair of the Ethics Committee in the House.

Mrs. Brooks.

Mrs. BROOKS. Thank you, Mr. Chairman.

Ms. Pfohl, I'd like to focus a number of my questions on you.

If you would turn to Tab 9, it talks about the Center receiving 488 written and oral reports, complaints, and allegations regarding sexual abuse since the Center launched until April 13, 2018.

Now, this is a significant number of cases. I'm also a former U.S. Attorney, Federal prosecutor involved in child exploitation cases and so forth.

Given the significant number of cases that your Center has received, how is the Center prioritizing cases in any way, if you are?

And I have a number of questions, and so if we could be brief, and we may ask for more answers in written form.

Ms. PFOHL. Thank you, Congresswoman.

We triage the cases as they come in. Again, if they need to go to law enforcement, that happens. We're inputting interim measures. If individuals are active, if it involves a minor, those are prioritized.

Mrs. BROOKS. And can you please share with us in Tab 9 that, as we have already heard, the allegations come from 35 of the 48 NGBs, and how are you working with the NGBs to make sure—and athletes, as we have talked about, the priority in athletes—to make sure that they are familiar that SafeSport—that the Center exists and the policies and procedures? I know the NGBs do, but how do we make sure that athletes know you exist?

Ms. PFOHL. Great question. Thank you again.

By the way, I think we're up to 38 of the sports now, the NGBs sports.

So how we do that—

Mrs. BROOKS. Thirty-eight of the 48 have allegations?

Ms. PFOHL. Thirty-eight, correct, have at least one report that we have received, at least one report.

So, again, we work with the NGBs. We have now a full-time NGB resources manager, and her job, every day, all day, is to communicate back and forth with the NGBs to give them consistent information.

To listen to them also, for them to tell us what they need. For example, we heard they needed parent toolkits. We have a parent toolkit now on our Web site that anyone can access.

Mrs. BROOKS. Are any of the NGBs not cooperating with you?

Ms. PFOHL. No, ma'am.

Mrs. BROOKS. And I understand NGBs are various sizes and have various—

Ms. PFOHL. Resources, yes.

Mrs. BROOKS. And various resources. But it is fair to say that all NGBs today are cooperating with you?

Ms. PFOHL. To the best of my knowledge, every NGB is cooperating.

Mrs. BROOKS. In the 2018 omnibus Congress established a grant program to help keep our young athletes safe. Have the Attorney General and the Justice Department, to your knowledge, set up the grant program yet and established the timing and content of the application of that grant?

Ms. PFOHL. Ma'am, we have not seen the RFP come out, the guidance come out yet regarding that grant program, but we look forward to it.

Mrs. BROOKS. And it was a \$2.5 million grant program, is my understanding?

Ms. PFOHL. Yes. Yes, ma'am.

Mrs. BROOKS. If the Center for SafeSport were to apply for this grant, and we will be making inquiries as to what is taking time to establish this grant program authorized by Congress and passed in the omnibus, how would those grant funds be used if Center for SafeSport were to receive those funds?

Ms. PFOHL. Thank you for the question.

Absolutely. To expand our response, meaning our response and resolution. To be able to add more investigators. Also remember, the bill did call for us to do regular and random audits of the NGBs, again, so that we can further work and get the word out through them to the athletes, directly to athletes.

Mrs. BROOKS. Have the audits begun yet?

Ms. PFOHL. No.

Mrs. BROOKS. And why is that?

Ms. PFOHL. We don't have the resources to do the audits yet.

Mrs. BROOKS. And have you made any requests yet of the USOC or of the NGBs for more resources?

Ms. PFOHL. Not—no, ma'am, not since the doubling of the support from the USOC. We are, of course, now looking to 2019 and looking at the contributions from all of the national governing bodies.

And thanks, Tim, for stepping up and saying you could do more.

Mrs. BROOKS. There is no statute of limitations. I want to get that out, as well.

Ms. PFOHL. Correct, correct.

Mrs. BROOKS. You mentioned there are no statute of limitations with regard to the reporting.

Ms. PFOHL. Correct.

Mrs. BROOKS. Or with regard to your investigations.

Ms. PFOHL. Correct.

Mrs. BROOKS. And there has been some criticism with respect to the independence. I would like for you to tell us what is the Center doing to ensure athletes can trust the Center's independence and reporting of these allegations.

Ms. PFOHL. Absolutely. So thank you again.

I don't answer to anyone at the USOC or any of the national governing bodies, nor does anyone on my team.

Mrs. BROOKS. Do you expect the funding to always come from the USOC?

Ms. PFOHL. Our goal, ma'am, is to diversify that funding. We are looking at foundation funds, and some of that is starting to come in now. Certainly if the Federal—if we are able to receive some Federal dollars that will help diversify, as well.

I can't imagine a time where the USOC and the NGBs would not be investing in this space. I think they should be and will continue to be. But I also think that we can diversify that, especially in the area of prevention.

Mrs. BROOKS. Thank you.

And for the record, I'll be submitting a record for all of the panelists and commending USA Gymnastics for beginning the Athlete Task Force and will be asking—my time is up—as to whether or not each of the NGBs are creating an Athlete Task Force, which will shape your organization's future in their decisions and their operating decisions.

With that, I yield back.

Mr. HARPER. The gentlewoman yields back.

The Chair will now recognize Ms. Clarke for 5 minutes.

Ms. CLARKE. I thank you, Chairman Harper and Ranking Member DeGette, for holding this hearing today on this important topic of how we must protect our Nation's most elite club of athletes.

Being an Olympian is a coveted title not easily given, and is not limited by age, with the youngest at only 13 years old. This protected class of youth, who display exceptional ability, should not have to worry if they will be violated by a trusted coach or any adult in the room.

Given what we have learned through the sentencing of Dr. Larry Nassar, it is Congress' responsibility and obligation to ensure that

strong and appropriate measures are put in place so that trusted personnel are held accountable to the highest standard of conduct.

Having said that, Ms. Lyons, earlier this year the U.S. Olympic Committee threatened USA Gymnastics with decertification. The U.S. Olympic Committee demanded that all members of the USA Gymnastics board resign, which they did. Is that correct?

Ms. LYONS. That's correct.

Ms. CLARKE. So the U.S. Olympic Committee can use its authority to require sports governing bodies to adopt certain standards. It can demand changes, as it did with USA Gymnastics.

Documents provided to the committee show that sports governing bodies have different policies on key safety issues. For example, some sports' governing bodies make lists of banned coaches and other members make it publicly available, others do not.

Ms. Lyons, why do some governing bodies post public lists while others do not?

Ms. LYONS. I think that consistency is an incredibly important part of what we need to achieve going forward.

To date, as you mentioned, they're very different. Keeping banned lists is a complicated issue.

At the same time, we need to figure it out and we need to ensure that centralized information is provided by every single NGB and that it's accessible to the public.

It has not happened to date, and I regret that we did not exercise more of our authority to enforce that as a standard for the NGBs prior to this.

Ms. CLARKE. So will you be doing that? Is that something that you will enforce?

Ms. LYONS. That has been added to my to-do list this very week.

Ms. CLARKE. Absolutely.

Ms. Lyons, your May 16, 2018, letter to us states that the U.S. Olympic Committee recognizes the need for greater transparency and uniformity with respect to sexual assault.

Shouldn't there be uniformity regarding public lists? You stated that that's on your to-do list. And in this area, where the Olympic Committee could demand that governing bodies make these changes, what is your timetable?

Ms. LYONS. We do need to confer with all of our NGB partners because, as you know, they are very different in size and they are very different in their technological capabilities. I'm guessing that we may need to help provide a technology tool that can be used by those that don't have their own tool.

So I couldn't yet speculate on the timeframe, but we will put that on an urgent path because I can't see how that's not an important part of our——

Ms. CLARKE. Yes. And where there's need for support, I think, you know, this is a valuable use of resource. It's important that we standardize this.

And I understand that sports governing bodies are now required to report all new cases to the Center for SafeSport. But nationally, governing bodies are not required to submit pre-March 2017 cases to the Center for SafeSport.

A recent headline in USA Today on March 16, 2018, reads: "USA Gymnastics makes puzzling decision to keep sexual abuse case."



Ms. Lyons, how do we know that cases predating SafeSport's opening are being addressed appropriately?

Ms. LYONS. The Center has the option to take some of the pre-existing cases if it chooses. There is a sensitivity that if a victim has already been through a good part of the investigatory process, that perhaps it may not be beneficial to them to go through it again. So in some of those cases, the NGBs have opted to keep a case that's already in progress. But the Center can choose to take that if it wishes to.

Ms. CLARKE. Who is examining that to make sure that there's transparency and that there's a coherence to a standard and that there's no short shrifting in terms of determining what rises to the occasion of a crime and what doesn't?

Ms. LYONS. I would have to say when I read the article I had the same question. And I'm not certain of the answer. But I will be looking into that. But clearly, we should make sure that the Center is aware of all these cases and has the option to take them if they feel it's appropriate. I'm not sure that it is currently the standard.

Ms. CLARKE. Well, I hope you will give scrutiny to that.

And I yield back, Mr. Chairman. Thank you.

Mr. HARPER. The gentlewoman yields back.

The Chair will now recognize the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman.

And thanks to the panel for being here today.

Coming from Michigan, this issue hits especially close to home, sadly. What happened at USAG and MSU under Larry Nassar is terrible, unacceptable, unexplainable.

Thankfully, hundreds of brave young women came forward to tell their stories, helped put the predatory, Dr. Nassar—I guess I would change that—put the predator, Nassar, behind bars and close the chapter on just one of many incidents that we have heard about.

As an aside, Ms. Pfohl, thank you for stating the U.S. Center for SafeSport's mission statement and restating it as well. It is good to hear.

The mission statement for the U.S. Olympic Committee states it this way: Its mission is to support U.S. Olympic and Paralympic competitive excellence while demonstrating the values of the Olympic movement, thereby inspiring all Americans.

Ms. Lyons, did this incident even remotely follow the mission of the USOC?

Ms. LYONS. First, I would say that I think the athletes do continue to inspire all Americans. And I think, sadly, the institutions that support those athletes have not inspired confidence, trust, or have lived up to our mission and values, and we deeply regret that that has occurred.

And that is one reason why we are embarking upon all of the action plans that we've discussed, because the athletes deserve to have everyone believe that the work that they do and what the Olympics stands for should be held in highest esteem, and we have let them down.

Mr. WALBERG. I appreciate you stating that, knowing you weren't there in this position at the time all of this went down. But I think

it is important that the commitment to that mission statement is affirmed and affirmed and affirmed still further.

And so, Ms. Perry, I would also ask similarly, did what happened in Michigan with the predator, Mr. Nassar, and USA Gymnastics even remotely resemble the mission statement I just read?

Ms. PERRY. I was there at the hearings. And I want to say, first, that every moment that I think about what our athletes went through it energizes me and gives me a sense of resolve every single day to make sure that we're focusing every part of our organization on athlete safety.

And as an organization, one of the first things that I did in December was to look at the mission statement of USA Gymnastics, and we changed that mission statement. And our mission statement now focuses on empowering our athletes and focusing on athlete safety and making sure that we educate our members to that extent.

And I will tell you that it's something every single day I think about. And so we want to do whatever we have to do as an organization to make sure that we prevent. As you all mentioned, one case of sexual abuse is one too many.

Mr. WALBERG. I appreciate that. Then let's continue to look back a bit.

Public reports indicate that USAG officials knew about Nassar in the summer of 2015, and USAG officials notified USOC officials shortly thereafter, in July 2015.

In addition to notifying the FBI, did USAG implement any formal and public interim measures on Dr. Nassar while the FBI conducted its investigation to ensure that athletes did not continue to be at risk while the investigation was under way?

Ms. PERRY. I don't have firsthand knowledge, but it is my understanding that Mr. Nassar was asked to step away.

There is a really important investigation going on right now, as you mentioned, the Ropes & Gray, which I think is critically important for all of us so that we can shed light on what happened.

Mr. WALBERG. But did he step away?

Ms. PERRY. I would—did he step away at that point?

Mr. WALBERG. At that point.

Ms. PERRY. It is my understanding that he did, but I would need to see all the facts around that.

Mr. WALBERG. I encourage you to check those facts out.

Ms. PERRY. Yes.

Mr. WALBERG. Because it appears that there was still involvement that went on. And at the very least there was a coverup. Things weren't transparent or clear. And I think that added to the frustration of athletes and parents, and the general public as well.

So I would encourage you to continue looking for those questions—

Ms. PERRY. I understand.

Mr. WALBERG [continuing]. To make sure it never happens again.

Ms. PERRY. I understand. And I will be relentless in my efforts every day. And I believe that the Ropes & Gray investigation is going to really provide a lot of information that I think I and many others would like to see.

Mr. WALBERG. Thanks. And I wish you well.

Ms. PERRY. Thank you.

Mr. WALBERG. I yield back.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the gentlewoman from California, Mrs. Walters, for 5 minutes.

Mrs. WALTERS.. Thank you, Mr. Chairman.

First of all, I would like to start off by saying that as a mother of four whose kids played local organized sports growing up, this is a difficult hearing topic.

It is really upsetting to think that my kids and their teammates could have been coached by someone who had a history of misconduct, and even more disturbing to think that I and the rest of the parents would not have known if that was the case because, as we've recently learned, in most cases lists containing the names of banned or suspended coaches isn't public information.

NGBs have different policies regarding whether they maintain a list of banned coaches, and if they do, whether they publicize the list.

The committee asked all 48 NGBs and the USOC whether or not they maintained a list of individuals banned or suspended from participation with the NGB, and if so, whether the list was publicly available.

Only 18 NGBs have a banned or suspended list that is available to the general public. Other NGBs reported to the committee that they shared banned or suspended lists with their members but do not publicly post those lists, have banned lists but only share it with certain officials, maintain a searchable database of members in good standing, or have not been banned or suspended any individuals but would make a list public if they were to do so.

As you can see, there's a wide variation in whether and how the NGBs and USOC make their banned or suspended list publicly available. There are clear benefits to having a publicly available list.

Ms. Lyons, why hasn't it the USOC mandated that all NGBs maintain a list, and, further, that they make this list publicly available?

Ms. LYONS. We will be working with our NGB partners. I think that we will probably all be in agreement that we need to find a good way to do this so that that information is available, transparent, and all in one centralized place where people can find it. It doesn't exist today, but we will make that a priority for us all to make that happen.

Mrs. WALTERS.. So then you will consider mandating that all NGBs publish a public list of all banned or suspended individuals?

Ms. LYONS. Yes, I think there's a number of things that will end up getting on the new compliance list that have not been there before as we exercise some more authority in this area.

Mrs. WALTERS.. OK. And this question is for you also.

If an NGB puts an individual on a banned or suspended list, would the USOC grant that person access to an Olympic center or event?

Ms. LYONS. That should not occur. If that information is visible to us, then we have processes and procedures that would ensure that a person could not get on to an Olympic training site or an

Olympic training center, that they would not be certified to go to games that we were supervising.

So to your point earlier, the availability of that information is critical. I think the right procedures are in place to keep them from entering a location, but you have to know that they're banned.

Mrs. WALTERS.. OK. Because the production that the USOC made to the committee last week included an email from 2016 regarding someone who had been recently suspended by USA Taekwondo for 5 years due to serious SafeSport violations.

According to the email, notwithstanding the suspension, this individual was issued a day pass for the High Performance Center in Rio by the USOC. It states, and I quote: "This pass was not officially requested by USA Taekwondo and this individual is not someone we would grant access to." And it continues: "It appears one of our coaches went directly to USOC staff with the request without our approval and somehow obtained the pass directly." And that's an end quote.

Another coach complained about this person being around female athletes. USA Taekwondo's banned or suspended list is public. USA Taekwondo banned this individual for 5 years and the USOC granted him access to an official center at the Rio Olympics.

How do you explain this?

Ms. LYONS. It certainly should not have happened. And it does point to one of the reasons we're putting together an athlete safety commission to look at where these gaps in the system are.

It shouldn't occur. That type of information needs to be available so that people in those venues would immediately know to check that list. It should have happened in any case. It did not.

Mrs. WALTERS.. Well, I want to highlight what the email also said, because it went on to say: "Please help me understand how this could have happened, as these things have happened consistently in the past, so this is not an isolated incident. Neither is it something we can just ignore given the seriousness of the adjudicated complaints."

So my point is that this is something that consistently had happened. And how did that possibly consistently happen?

Ms. LYONS. Clearly, there was not an appropriate policy or check in place, a check and balance there was a policy to ensure it was being followed. So we have to do better, and we have to find out why that happen and make sure it does not happen in the future.

Mrs. WALTERS.. OK. I'm out of time. I yield back.

Mr. GRIFFITH [presiding]. I now recognize the gentleman from Georgia for 5 minutes, Mr. Carter.

Mr. CARTER. Thank you, Mr. Chairman.

Ms. Perry, I'll start with you.

Ms. Perry, I have the honor and privilege of representing the First Congressional District of Georgia, which includes Effingham County, Georgia, Rincon, Georgia. You ever heard of it?

Ms. PERRY. Yes.

Mr. CARTER. You have?

Ms. PERRY. Of Effingham—

Mr. CARTER. Rincon, Georgia. Effingham County, Georgia.

Ms. PERRY. I have.

Mr. CARTER. Yes, I'm sure you have.

You're aware of a lawsuit, Jane Does v. USA Gymnastics?

Ms. PERRY. I am.

Mr. CARTER. You are. And that lawsuit was settled just last month, I believe.

Ms. PERRY. Recently.

Mr. CARTER. Recently. Beginning of April it was. That is correct.

Let me ask you something. Just to give you an idea of what happened here, there was a gentleman, a gymnast, who opened up a gym in 2002 in Effingham County. He opened up a gym. And in a newspaper story, it stated that McCabe—his name is Bill McCabe, by the way—he's in prison for 30 years, right?

Ms. PERRY. Yes.

Mr. CARTER. But in 2002 he opened up a gym. A newspaper article said, "McCabe and a new partner/girlfriend opened Savannah Metro Gymnastics in Rincon, Georgia. ... Both are USA Gymnastics Professional members and USA Gymnastics safety-certified. Bill is also a USA Gymnastics Skill Evaluator. Bill has been teaching since 1991."

Of course, what happened is that the mother of an 8-year-old enrolled her daughter there. And then what happened was that for 3 years, until the middle of 2005, that daughter was in classes there with this sexual predator, is essentially what he was.

And then what happened was that she went out to her car one day and she found an envelope on her car, and it had all these details about what previous problems that Bill McCabe had had.

She took and she called USA Gymnastics. And this is what she said: "I spoke to a woman there, and I told her that I had this packet of complaints against Bill McCabe. And I asked whether she had any complaints against him. And she said no." She said no.

Yet, if you look back on his record, you'll find that in October of 1996, he was fired from Gymnastics World in Fort Myers, Florida, because he was bragging to a colleague about his efforts to coerce a 15-year-old cheerleader to have sex with him.

And then, in July of 1997, he was fired from Five Star Gymnastics in Erlanger, Kentucky, following an incident in which gymnasts he had taken to a camp in Pennsylvania. Parents had also complained that McCabe exposed his genitals to some gymnasts.

And then it goes on and on to tell about all these things before 2002 that this gentleman had done. And in fact, he had been fired also from another area. And they actually sent a packet to USA Gymnastics detailing all of these situations that he had been involved in. And yet, no response whatsoever.

Do you ever do background checks on any of your coaches like this?

Ms. PERRY. First of all, let me state that—

Mr. CARTER. Do you ever do background checks on any of your coaches like this?

Ms. PERRY. So—

Mr. CARTER. It's a yes-or-no question.

Ms. PERRY. There are background checks that are being done currently.

Mr. CARTER. Did you do background checks on him, this sexual predator who is in jail, in prison for 30 years? Did you do background checks on him?

Ms. PERRY. I was not there. I can't answer that question.

Mr. CARTER. Well, find out who was there, because I need an answer to it.

Ms. PERRY. Yes, sir.

Mr. CARTER. OK?

Ms. PERRY. Yes, sir.

Mr. CARTER. Now, you know, it gets better, if there's such a thing, because after he was sentenced to jail, after he was in prison, a civil lawsuit was filed. And for 5 years—until it was just recently settled out of court last month—for 5 years you argued that you had no responsibility to protect these children training under your organization?

Ms. PERRY. I did not argue that. That's unacceptable. I did not argue that.

Mr. CARTER. Who argued it then?

Ms. PERRY. I started in December of 2017.

But let me say this—

Mr. CARTER. Now, you know, let me say this: This is ridiculous.

Ms. PERRY. I agree.

Mr. CARTER. And how you can work for an organization like this that let this happen.

You know, I've sat here throughout this whole hearing, and there's one thing I haven't heard from any of you—from any of you—and that is, "I'm sorry." I haven't heard from any one of you say to the parents, to the children, to the grandparents, "I'm sorry." And that's despicable.

Ms. PERRY. Let me answer if I can, please.

Mr. CARTER. Answer what?

Ms. PERRY. I've said I'm sorry.

Mr. CARTER. If you don't want to say you're sorry, I don't want to talk to you.

And I'm reclaiming my time, ma'am, and I'm going to tell you, this cannot be tolerated.

Ms. PERRY. Right.

Mr. CARTER. Ms. Lyons, it's my understanding that you wrote in an email about a former USA Taekwondo athlete who sent information—who filed an ethics complaint—you wrote an email that "this sounds like the same old BS." Did you write that in an email?

Ms. LYONS. I did.

Mr. CARTER. You did? And are you currently the Acting Director, the acting CEO of the USOC?

Ms. LYONS. I am.

Mr. CARTER. You should resign your position now. That insensitivity tells me that you are not fit to serve in that position.

Ms. DEGETTE. Oh, my God.

Mr. HARPER [presiding]. The gentleman's time has expired. Let the record—

Ms. DEGETTE. Mr. Chairman, I'd like to take a moment of personal privilege.

Mr. HARPER. Just let me say something first.

Let the record reflect that during opening statements the U.S. Olympic Committee and the NGBs represented here all acknowledged responsibility for previous actions.

With that, I'll recognize Mr. DeGette for a point of personal privilege.

Mr. DEGETTE. Not only that, Mr. Chairman, they all apologized to the victims, to their parents.

And furthermore, Ms. Perry, who was just relentlessly badgered by Mr. Carter, was brought in in December to fix this.

Now, I hope she does fix it. But to badger her is inappropriate, Mr. Carter.

Mr. CARTER. Ma'am, she was on the board of directors when this happened. She was on the board when this happened.

Mr. HARPER. The gentleman is no longer recognized. And we're going to proceed with our questioning.

Mrs. BROOKS. Mr. Chairman.

Mr. HARPER. So at this time—yes.

Mrs. BROOKS. I believe it is important for us to clarify.

I do not believe that Ms. Perry was on the board of directors, Mr. Carter. I have met with Ms. Perry after she began——

Mr. CARTER. Not Ms. Perry. Ms. Lyons is who I'm talking before.

Mrs. BROOKS. OK. But for the record, Ms. Perry, who is now leading USA Gymnastics, was not on the board of directors, was new to the organization.

Mr. HARPER. Let's stay on—thank you for that clarification.

Mrs. BROOKS. Thank you.

Mr. HARPER. Let's stay on track. This is an important hearing and the process of what we're trying to do. And we're going to stay on message here.

The Chair will now recognize Mr. Costello for 5 minutes.

Mr. COSTELLO. Thank you, Mr. Chairman.

If we could have everyone turn to Tab 20. I have a question for Ms. Lyons and then a question for Ms. Perry.

The memo referenced, 2012 memo in Tab 20, discusses a requests that NGBs provide feedback to the USOC on the community's reaction should the USOC insist on criminal background checks. Ten NGBs apparently never responded. Thirty-five of the 37 did respond, but required some—that some form of background check at the time was required.

The two most recently cited obstacles to requiring criminal background checks: one, costs; two, resistance from the NGB constituency.

Ms. Lyons, how much resistance did the USOC receive from the NGB community on requiring background checks?

Ms. LYONS. Well, I was not part of this program. I don't know precisely.

There was some resistance, and I think for the reasons put there, people were not, perhaps, putting this at the highest part of their priority list. And there was some pushback.

Mr. COSTELLO. And so the fact that the USOC did not begin requiring NGBs to conduct background checks until 2014, 2 years after this memo, why was there a delay? Would your answer be that they didn't place a priority on it?

Ms. LYONS. I think the reality would be that putting in the actual practical applications of doing the background checks did take some time.

Mr. COSTELLO. Any other reasons why it took 2 years?

Ms. LYONS. It takes a long time to get 49 organizations to all consistently adhere to a new change.

Mr. COSTELLO. Ms. Perry, USA Gymnastics practice in 2005 was to allow professional members to self-certify as to their criminal background. When did USAG begin to require an actual background check instead of the self-certification.

Ms. PERRY. I don't—I'm not clear on that date. But I will tell you right now, for the last several years USA Gymnastics has required background checks for hiring of professionals, and in addition to that has other kinds of requirements as club owners and others are looking to hire individuals. And one of those is to make sure that they consult with our public-facing ineligible list and our suspended list online.

Mr. COSTELLO. Would you kindly provide an answer in writing as to when that did——

Ms. PERRY. Yes.

Mr. COSTELLO [continuing]. Take place. Thank you.

To all NGBs, what results might show up on a background check that would lead your NGB to deny or terminate an individual's membership? Try and be brief, because I do have a followup on that.

Mr. HINCHEY. Any criminal activity or charges.

Mr. COSTELLO. Any? Shoplifting?

Mr. HINCHEY. Anything.

Mr. COSTELLO. OK. Anything else?

OK. If an individual who is already a member fails a routine followup background check, what action would your NGB take?

Mr. McNALLY. So anybody with a felony or a pending felony charge would be immediately suspended and given the opportunity for a hearing in front of our Ethics Committee.

Mr. COSTELLO. How about a misdemeanor? Would that be overlooked or would that also prompt the same level of scrutiny?

Mr. McNALLY. A misdemeanor is not an automatic referral to the Ethics Committee. It would depend on the seriousness.

Mr. COSTELLO. It would depend upon the nature of the misdemeanor?

Mr. McNALLY. Yes, it would, yes.

Mr. COSTELLO. Any misdemeanor that involved any physical altercation, assault, or anything of a sexual nature would prompt it?

Mr. McNALLY. Yes, it would. Anything, including violence, sexual or otherwise.

Mr. COSTELLO. OK. If a failing background check doesn't lead to terminating someone's membership, what would? I don't like that question, because I don't think it's very clear.

Let me ask you this. Do your policies require background checks on athletes in addition to coaches, employees, doctors, volunteers, and the like? Background checks on athletes.

Mr. McNALLY. USA Taekwondo doesn't require background checks on athletes, no.

Mr. HINCHEY. USA Swimming, no.

Ms. PERRY. USA Gymnastics, no.

Mr. DAVIS. USA Volleyball, no.

Mr. COSTELLO. OK. Mr. McNally, as other NGBs began implementing these background checks requirement, and the issue of



sexual abuse in sports rose in prominence, especially after USA Swimming's 2010 revelations, why didn't USA Taekwondo act faster in implementing this requirement?

Mr. MCNALLY. I'll have to supply that as an answer following the hearing, because I wasn't there. I believe they were implemented in late 2013.

Mr. COSTELLO. And for all NGBs, how far into the past do the background checks go?

Mr. DAVIS. USA Volleyball started in the 2004–2005 season.

Mr. MCNALLY. I'm not entirely sure. I believe it's as far back as the records. If there's a felony from 2000, it will show up.

Mr. COSTELLO. Yes, that was my question, Mr. Davis. The background check on a particular individual goes back to when? To the date that they turn 18?

Mr. DAVIS. I'm sorry. I have to give it to you in writing exactly on how that process works.

Mr. COSTELLO. Very good.

Mr. DAVIS. But I believe it goes back to as far as they turn 18, yes.

Mr. COSTELLO. OK. I would kindly request of all the NGBs, if you could provide that answer in writing.

Thank you. I yield back, Mr. Chairman.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the gentleman from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it very much. Thanks for allowing me to sit in on the hearing.

This issue came to national attention because survivors were willing to speak up about their experiences with abuse. It was their bravery that shined a light on the many problems within the national sports organizations and how the systems previously in place had failed them.

For the panel, and let's start with Ms. Lyons, how are you involving survivors and other athletes in your decisionmaking process and policy changes moving forward?

Ms. LYONS. We think that the voice of the athletes is critically important in forming any of the changes that we make.

I wish that many of the survivors would come and contact us. We actually are prevented due to some of the litigation from reaching out to them directly, but we would welcome their voices.

We are setting up—we've just done a thousand-athlete survey, we received a thousand responses on the survey, to get our broader athlete population helping us to understand what their concerns are about SafeSport.

We have been meeting with our Athletes' Advisory Council. And they will be—and other athletes of course—will be part of our athlete safety panel that's going to go forward and help us make the policy changes going forward.

Mr. BILIRAKIS. Ms. Perry.

Ms. PERRY. Thank you.

This is something that I think about every day. And one of the first things that I did when I became president and CEO was I started flying everywhere and talking to athletes, and some of those are survivors. And their voice is incredibly important to me.

And what I have found is that there is just so much love of this sport, but there's a desire to have an impact on the organization and its strategic direction. And one of the things that I created was an Athlete Task Force to have that happen. I think it's a very important first step.

Ms. Lyons talked about the advisory committee. That's important.

But for me it is really about getting in front of as many athletes as I can and making sure that their voice is heard and that they feel empowered. And I will tell you that that is something I focus on every day.

Mr. BILIRAKIS. OK. Please continue. Thank you.

Mr. HINCHEY. Congressman, we sent out—I sent out a letter to our membership encouraging and inviting any survivors to contact us for a chance to meet, and I would be happy to meet with them personally.

I've had the opportunity to meet with one survivor thus far. I've had contact with two others and plan to have two other meetings.

Aside from that, as I said previously, we need to engage and empower athletes to be part of our solutions going forward, and that will happen immediately.

Mr. BILIRAKIS. Mr. McNally.

Mr. McNALLY. So USA Taekwondo is one of, I believe, three NGBs participating in the SafeSport athlete climate survey, which is going to reach out to a select number of athletes and get them involved.

We're also working with Fighting Spirit, which is a group that educates on sexual misconduct and bullying, to make sure that those athletes learn about this before they become victims.

Mr. BILIRAKIS. Mr. Davis.

Mr. DAVIS. We also engage our athletes and have an athlete council that we are engaging with to be able to talk to them about trying to make sure that everything is made transparent to us.

In addition to that, we have been in constant contact with past victims, which were part of the reason of how we were able to be able to go and continue with the Mr. Butler case that we were able to do.

Mr. BILIRAKIS. Ms. Pfohl.

Ms. PFOHL. Yes. We actually have two athletes on our governing board, and we are also establishing a SafeSport Champions Program where we will be able to cut across all of the sports to engage survivors, as well as those that are passionate about preventing bullying, harassment, hazing, and all forms of physical, emotional, and sexual abuse.

Mr. BILIRAKIS. OK. Thank you.

Next question. These horrific events occurred for years without repercussions. Unacceptable, as far as I'm concerned.

Given this sad reality, what changes has your organization made to encourage athletes to come forward with any complaints of abuse they have made, or they may have some complaints. What changes have you made to encourage them to come forward?

Let's start from here.

Ms. Lyons.

Ms. LYONS. I think, first and foremost, we have to make sure that the information on how they can come forward is made better available. So we've made a lot of Web site and other communications changes so that people are aware of the Center, its role, and that it is a clear path to safe reporting. That's item one.

We also need to ensure that the athletes can, you know, reach out to anyone that they feel safe to discuss, and all of us need to make ourselves more visibly available to them.

And I think that everyone on this panel believes that those voices need to be heard and is trying to build the mechanisms in place through either councils, working groups, surveys, whatever it takes to get those voices better heard.

Mr. BILIRAKIS. How do we ensure that their actions, again, the allegations, the victims' allegations are acted on quickly?

Quickly, if you could respond, because I don't have a lot of time.

Ms. PERRY. I think that it is really a cultural change. And that's something that I've embarked on from day one.

And the culture has to be one where athletes feel they can speak up. And you accomplish that through a lot of different ways—through your structure, through your policies, through your personnel.

But nothing replaces being there in front of the athletes. Nothing replaces being their advocate. And as an organization, that is something that I've dedicated my time, and, quite frankly, the reason I took this job, so that they would know their voice not only matters, but it's going to make a difference in our organization going forward, a very impactful difference.

Mr. BILIRAKIS. OK. And it is important, again, I'm sure you know this, that these allegations are acted on quickly so that we can encourage others to come forward.

So, unfortunately, I don't have a lot of time, so I have to yield back. Thank you.

Mr. HARPER. The gentleman yields back.

The Chair will now recognize the gentlewoman from Michigan, Mrs. Dingell, for 5 minutes.

Mrs. DINGELL. Thank you, Chairman Harper and Ranking Member DeGette.

Thank you for all of you being here today.

Like many of my colleagues, the Olympians represent courage, dedication, hard work, and patriotism of our young people, and we're not getting to talk about that today, and they give us reason to celebrate and to support.

But Team USA is more than a competitive team. It's 13 million young athletes across our country. And like my colleague, Mr. Walberg from Michigan, I've stood witness to the irresponsible, despicable, unexcusable, abusive behavior that has caused catastrophic damage to these young people in Michigan. I've met them, these young girls.

I'm sorry, I still get upset.

I'm saddened. I'm disgusted. And I think all of us here in a very bipartisan way want to make sure it does not happen again.

But what's bothering me today about this hearing, and what's bothered me about all of the studying that we've done to date, is

that it's clear that the systems designed to protect athletes from the abusers failed.

And by the way, my colleague, Mr. Walberg, was correct that the doctor was asked to step away, and he was very quickly back in the room. He was told that there should be someone in the room chaperoning him, and it didn't happen. And that is what is just so unforgivable. Or that there were no systems in place to begin with.

There have been far too many incidences and allegations of sexual misconduct in sports, including allegations involving the individuals associated with each of the national governing bodies before us today.

And honestly, I'm not reassured by your testimony, because I don't hear a sense of urgency. I keep hearing: Well, we're going to do it, we're going to get to this, we're going to do it. What is out there? Well, who are these young people that need help that aren't getting there?

So I have some questions here. We've heard today that the U.S. Center for SafeSport plays a key role in protecting the athletes from abuse. Given how important this mission is, I find it deeply concerning that apparently it took 7 years for the U.S. Olympic Committee to get SafeSport off the ground.

In fact, as early as 2010 the U.S. Olympic Committee Working Group for Safe Training Environments found that the Olympic Committee must do more to take a leadership role in protecting the athletes from abuse.

By the way, that's what you're all saying today, but you all are "working on it." And I hope that as you're working on it, you're going to be transparent, too.

Ms. Perry, I'm glad that you're here today, but a lot of people have been wanting to hear from you since you took the job. You've got to be transparent with everybody.

But by 2013, the working group had concluded that the authority to address SafeSport cases should be centralized with the new independent entity, referring to the U.S. Center for SafeSports.

In 2014 SafeSport was created, but was still functionally a part of the U.S. Olympic Committee. Documents from that year indicate that this Olympics Committee board anticipated launching SafeSport in 2015.

In 2015 SafeSport still was not functioning as it was intended. In fact, it was not fully operational in 2017.

Ms. Lyons, are you familiar with this timeline?

Ms. LYONS. Yes, ma'am, I am.

Mrs. DINGELL. Documents provided to the committee today suggest that a lack of funding was a major reason for the delay in opening SafeSport. For example, a September 2015 presentation to the U.S. Olympic Committee board of directors stated that the launch of the U.S. Center for SafeSport is contingent on raising 5 years' worth of funding.

Ms. Lyons, is it accurate that funding prevented the USOC from launching SafeSport sooner?

Ms. LYONS. I think the answer is there was a delay. And as we look back, that was a mistake.

We did hope for the Center, in order to be totally independent, we had hoped very much that other sports organizations outside of

the Olympic movement would participate. We spent a fair amount of time trying to make that happen. It did not. In retrospect, of course, we should have funded it sooner and got it going.

Mrs. DINGELL. Why should I take confidence from what you're saying today when you look at this timeline. And I do want to ask questions about—there are only 14 people working there now, with some outside consultants, and the volume of work has got me worried, too. But you keep telling me: We're working on it, we're setting up a study.

Is it going to take another 5 years or what we doing to protect these young people right now so this never happens again?

Ms. LYONS. Well, first, I appreciate your anger and concern. And I share it. And I understand how frustrating it must seem and how incompetent it must seem that—

Mrs. DINGELL. Yes.

Ms. LYONS [continuing]. We haven't made this happen sooner. I will tell you that at 27 out of the last 29 board meetings, SafeSport was a topic of conversation. There was a steady march of increasing new procedures, putting those in place, getting all the NGBs to suddenly be required to do certain things they had not done before. Those things all preceded the opening of the Center.

There were many new controls that were put in place that were progress, but not enough, albeit not enough and not fast enough. And if we could turn back the hands of time, as the chairman said, I certainly wish we could and make it move faster.

Mrs. DINGELL. I just hope that everybody here realizes the time for talk is over and you need to walk your talk.

Thank you.

Mr. HARPER. I want to thank each of you for being here today. We're almost done, but I do have just in response to some of these a little followup.

And, Ms. Perry, Dr. Burgess asked a few questions about the abuse that had occurred at the hands of Nassar at the Karolyi Ranch. And you stated you did not want the athletes to have to return to such an emotionally painful place where they were abused. And so USA Gymnastics terminated its agreement with the Karolyi Ranch on January 18 of this year. I believe that was definitely the right decision to make.

However, USA Gymnastics was aware of allegations against Nassar in 2015 and made the decision to renew its contract with the Karolyi Ranch in spring of 2017. Why was this agreement renewed in April of 2017 despite knowing about his abuse, sexual abuse, for years?

Ms. PERRY. Chairman Harper, I can't answer that question. It's a very important question. And, again, I think that many of these questions hopefully will be answered through the independent investigation with Ropes & Gray.

But what I can tell you is that that and many things that I've done in the last 5 months have been about the athletes. Making sure that the ranch was closed. Making sure that we set up an athlete assistance fund for counseling and medical services. Making sure that we had an Athlete Task Force. And making sure they knew they had a voice with our organization and restructuring to

make sure that we had the adequate SafeSport personnel to handle the kinds of volume that we have.

Mr. HARPER. Thank you, Ms. Perry.

Ms. Lyons, was the U.S. Olympic Committee involved in the decision to renew the contract for the Karolyi Ranch in April of 2017?

Ms. LYONS. No. There actually are two different contracts. The USOC had what I would call a marketing license with the Karolyi Ranch that allows them to be designated as a training site with the Olympic rings upon it. The actual lease of the property was a separate agreement to the USAG.

Mr. HARPER. OK. So my question was, was the USOC involved in the decision? Was the USOC even aware of the decision to open it back up?

Ms. LYONS. I don't know the answer to that. I would guess they probably would have known, at least the lease was coming due and that it might be under consideration.

We do know that they were considering buying the ranch.

Mr. HARPER. And we will ask that in writing to give you an opportunity to respond in more detail.

And then my final point is, just curious, are routine drug screens done on the coaches? And just yes or no from each of you.

I'll start with you, Ms. Perry.

Do you do routine—I know athletes are, you know, drug tested. Are the coaches? Are there drug screens done on the coaches?

Ms. PERRY. I don't know the random nature of that, but I'll find that out.

Mr. HINCHEY. Not to my knowledge, but I'll find out.

Mr. MCNALLY. I don't believe so, no.

Mr. DAVIS. I don't believe so, but we'll find out.

Mr. HARPER. OK. You're going to find out. But just curious, is that a problem? Would that help? Wouldn't that be a good thing to probably do? And I would encourage you to do so.

And I'll recognize Ranking Member DeGette for her followup.

Ms. DEGETTE. Thank you, Mr. Chairman.

I just want to clarify a couple of things.

The first thing is, Ms. Lyons, Mr. Carter asked you about an article from The Washington Post quoting an email by you. And I wanted to give you the opportunity to respond to what your entire email was, not just what Mr. Carter was badgering you about.

Because the Washington Post story says, quote, "Lyons wrote a heated email to three other USOC execs, including the then-CEO Scott Blackmun." Quote: "This sounds like the same old BS," she wrote." Quote: "Allowing a potential sexual predator to continue to coach without having an appropriate investigation and conclusion is unacceptable," end quote.

Was that the full content of your email?

Ms. LYONS. No, there actually was more.

Ms. DEGETTE. There was more?

Ms. LYONS. Yes.

Ms. DEGETTE. Could you provide us a copy of that email if you still have it?

Ms. LYONS. I have not been able to find it.

Ms. DEGETTE. OK. But do you agree that you wrote those words?

Ms. LYONS. Yes, I absolutely did.

Ms. DEGETTE. Now, one other question. Actually, I wanted to ask Ms. Pfohl about what Mr. McNally was talking about, which is that, as I understand it, Mr. McNally, you said that there are only certain types of misdemeanors that your organization investigates. It would be violent ones or sexual or something like that. Is that right?

Mr. McNALLY. Yes, that's correct.

Ms. DEGETTE. So, as a former criminal defense lawyer myself, I will say that oftentimes more serious offenses, like felonies, get pled down to misdemeanors, and even misdemeanors that don't appear to be involving violence or sexual assault or things like that.

So what I wanted to ask you, Ms. Pfohl, is does your organization make a distinction if a complaint comes in and it is a misdemeanor level or a felony level? Or would you investigate the misdemeanor ones as well?

Ms. PFOHL. Thank you, ma'am.

What we're looking at is, did someone breach the SafeSport code of conduct, which is much broader than the law.

So we let law enforcement handle law enforcement issues, absolutely. Certainly, if someone has a criminal disposition that plays into our investigation, obviously that would be a breach of the SafeSport code. But what we're looking at is, did someone breach the SafeSport code.

Ms. DEGETTE. So you're looking at the conduct, not necessarily the legal disposition.

Ms. PFOHL. Correct.

Ms. DEGETTE. So, Mr. Chairman, I just want to make one final statement, and that's this. I think that everybody in this room agrees this is a terrible tragedy that happened and we can't let it linger along—we can't let it drift along. The organization themselves, the USOC, can't let it drift along.

We need to make sure that we actually have adequate funding so that the Center for SafeSport can do its job. And as of today, I have concerns about whether they have that amount of funding given the way the number of complaints has escalated.

And so I would ask if you would consider—we'll continue to have conversations with everybody, but if you would consider scheduling a followup hearing, like 6 months from now, so we can see if these things are actually being implemented.

Mr. HARPER. I can assure you that the subcommittee will stay on this issue.

Thank you, Ms. DeGette.

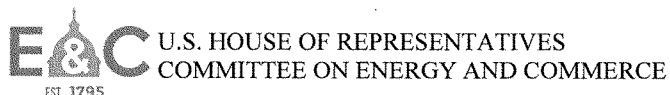
To those individuals in the room or who may be watching who have been victims, I want to thank you for having the courage to stand up and for the role that you're playing in preventing future cases of sexual assault. We will continue this fight on your behalf.

In conclusion, I'd like to thank our witnesses and the Members that have participated in today's hearing. And I'll remind Members that they have 10 business days to submit questions for the record. And I would ask the witnesses to promptly respond to those, if you so receive those questions.

With that, the subcommittee is adjourned.

[Whereupon, at 12:46 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]



May 21, 2018

TO: Members, Subcommittee on Oversight and Investigations

FROM: Committee Majority Staff

RE: Hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

The Subcommittee on Oversight and Investigations will hold a hearing on Wednesday, May 23, 2018, at 10:00 a.m. in 2123 Rayburn House Office Building, entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse." The purpose of the hearing is to examine the pervasiveness of sexual misconduct within the U.S. Olympic community and whether there are adequate policies and procedures in place to protect athletes at all levels of sport.

#### **I. WITNESSES**

- Susanne Lyons, Acting Chief Executive Officer, United States Olympic Committee (USOC);
- Kerry Perry, President and Chief Executive Officer, USA Gymnastics (USAG);
- Tim Hinchey, President and Chief Executive Officer, USA Swimming (USA-S);
- Steve McNally, Executive Director, USA Taekwondo (USAT);
- Jamie Davis, Chief Executive Officer, USA Volleyball (USAV); and
- Shellie Pfohl, President and Chief Executive Officer, U.S. Center for SafeSport (USCSS).

#### **II. BACKGROUND**

##### **a. The United States Olympic Committee and the Ted Stevens Olympic and Amateur Sports Act**

The International Olympic Committee (IOC), which was founded in 1894 and is headquartered in Lausanne, Switzerland, is responsible for protecting and promoting the Olympic Movement.<sup>1</sup> When the IOC was established, the two constituent American members of the IOC formed a committee to organize the participation of U.S. athletes in the first modern

<sup>1</sup> Team USA, *Structure* (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/Olympic-Movement/Structure>.



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Olympic Games in Athens, Greece.<sup>2</sup> The formal committee was then established in 1921 as the American Olympic Association.<sup>3</sup> In 1961, the name of the Committee was changed to the United States Olympic Committee (USOC).<sup>4</sup>

The USOC was reorganized by the Ted Stevens Olympic and Amateur Sports Act (the Act), originally enacted in 1978 and amended as recently as 2018.<sup>5</sup> The Act establishes the USOC as the coordinating body for all Olympic-related activity in the U.S. and gives the USOC exclusive jurisdiction, directly or through constituent members or committees, over “all matters pertaining to United States participation in the Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games.”<sup>6</sup> Under the Act, the USOC is responsible for, among other things, promoting amateur athletic activities<sup>7</sup> and providing swift resolution of conflicts and disputes involving amateur athletes, National Governing Bodies (NGBs), and amateur sports organizations.<sup>8</sup>

The Act establishes NGBs for each Olympic sport and gives the USOC the general authority to review matters related to the recognition of NGBs.<sup>9</sup> An amateur sports organization can be recognized as a NGB if, among other things, it is incorporated under the laws of a State of the United States or the District of Columbia as a non-profit corporation having as its purpose the advancement of amateur athletic competition, it submits an application to the USOC for recognition as a NGB, it agrees to submit to binding arbitration in certain controversies, and it demonstrates that it is autonomous in the governance of its sport.<sup>10</sup> The USOC may “only recognize one national governing body for each sport for which an application is made and approved,” except there are some exceptions for Paralympic sports organizations.<sup>11</sup> The Act provides for additional requirements and responsibilities of NGBs.<sup>12</sup>

The mission of the USOC is to “support U.S. Olympic and Paralympic athletes in achieving sustained competitive excellence while demonstrating the values of the Olympic

<sup>2</sup> Team USA, *History* (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/History>; Olympics.org, *Athens 1896 – Highlights of the Games* (last visited May 16, 2018), available at <https://www.olympic.org/athens-1896>.

<sup>3</sup> Team USA, *History* (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/History>.

<sup>4</sup> *Id.*

<sup>5</sup> The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act is discussed in Section II.d of this memorandum.

<sup>6</sup> 36 U.S.C. § 220501-3; See also Team USA, *About the USOC – Inside the USOC – History* (last visited May 16, 2018), available at <https://www.teamusa.org/about-the-usoc/inside-the-usoc/history>.

<sup>7</sup> Under the Ted Stevens Olympic and Amateur Sports Act, an “amateur athlete” is defined as “an athlete who meets the eligibility standards established by the national governing body or Paralympic sports organization for the sport in which the athlete competes.” 36 U.S.C. § 220501(b).

<sup>8</sup> 36 U.S.C. § 220503. Under the Ted Stevens Olympic and Amateur Sports Act, an “amateur sports organization” is defined as a “non-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).

<sup>9</sup> 36 U.S.C. § 220521-29.

<sup>10</sup> 36 U.S.C. § 220522.

<sup>11</sup> 36 U.S.C. § 220521(a).

<sup>12</sup> See generally 36 U.S.C. § 220521-29.

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Movement, thereby inspiring all Americans.”<sup>13</sup> The USOC is a 501(c)(3) non-profit organization and does not receive federal financial support, except for select Paralympic military programs.<sup>14</sup> According to the USOC’s 2016 tax disclosures, the USOC had about \$336 million in revenue in 2016.<sup>15</sup> In the organization’s 2016 annual report, the USOC reported that it provided a total of \$84.7 million in grants to NGBs, Paralympic Organizations, and Athletes.<sup>16</sup>

Each NGB has their own governance structure and applicable bylaws and policies.<sup>17</sup> The USOC provides NGBs with governance support, and in some instances, the USOC has required changes to a NGBs bylaws related to the Act or the USOC’s bylaws.<sup>18</sup> Over ten years ago, the USOC engaged in a governance reform effort and approved governance guidelines for NGBs.<sup>19</sup> More recently, the USOC has engaged in a number of additional efforts to increase the requirements for NGBs.<sup>20</sup> In 2010, the USOC formed a Working Group for Safe Training Environments to develop a set of recommendations for consideration by the USOC Board of Directors.<sup>21</sup> The Working Group presented its recommendations to the USOC Board in September 2010.<sup>22</sup> As a result, the USOC adopted a SafeSport Handbook in 2012, created a minimum standards policy, and required each NGB to adopt an athlete safety program by December 31, 2013.<sup>23</sup> In December 2015, the USOC amended its own bylaws to require that all NGBs participated in the U.S. Center for SafeSport (USCSS), and, in 2017, the USOC replaced the minimum standards with the NGB Athlete Safety Policy.<sup>24</sup> The results of the 2010 Working Group and the USSCS are discussed in more detail in Section II(d.)

The USOC can decertify an NGB, and the USOC decertified the U.S. Team Handball Federation in 2006 and the National Rifle Association in 1994. Additionally, the USOC has placed NGBs on probation and/or discussed decertification with other NGBs.<sup>25</sup>

<sup>13</sup> Team USA, *Mission and Culture* (last visited May 16, 2018), available at <https://www.teamusa.org/careers/mission-and-culture>.

<sup>14</sup> Team USA, *Inside the USOC* (last visited May 16, 2018), available at <https://www.teamusa.org/about-the-usoc/inside-the-usoc>.

<sup>15</sup> Team USA, *Finance – USOC Tax Disclosures (Form 990)* (last visited May 16, 2018), available at <https://www.teamusa.org/Footer/Finance>.

<sup>16</sup> United States Olympic Committee, *2016 Annual Report* (2016), <http://2016annualreport.teamusa.org/>.

<sup>17</sup> See, e.g., USA Gymnastics, *Bylaws* (last revised December 2017), available at <https://usagym.org/PDFs/About%20USA%20Gymnastics/Governance/usag-bylaws.pdf>; See also USA Taekwondo, *Bylaws of USA Taekwondo, Inc.* (last amended Jan. 24, 2017), available at <https://www.teamusa.org/usa-taekwondo/v2-resources/bylaws>.

<sup>18</sup> Information provided to the Committee on Energy and Commerce, from the United States Olympic Committee (May 16, 2018) on file with the committee.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Team USA, *About the USOC - SafeSport - Key Actions*, (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Safe-Sport/Key-Actions>.

<sup>22</sup> Working Group for Safe Training Environments, *Recommendations to the USOC Board of Directors*, (Sept. 28, 2010), available at [http://assets.teamusa.org/assets/documents/attached\\_file/filename/31249/092810\\_USOC\\_Working\\_Group\\_Final\\_Recommendations\\_to\\_the\\_Board\\_of\\_Directors.pdf](http://assets.teamusa.org/assets/documents/attached_file/filename/31249/092810_USOC_Working_Group_Final_Recommendations_to_the_Board_of_Directors.pdf).

<sup>23</sup> Government Accountability Office, *Youth Athletes: Sports Programs’ Guidance, Practices and Policies to Help Prevent and Respond to Sexual Abuse*, GAO-15-418 (May 2015).

<sup>24</sup> Information provided to the Committee on Energy and Commerce, from the United States Olympic Committee (May 16, 2018) on file with the committee.

<sup>25</sup> *Id.*

**b. Sexual Assault**

Sexual violence is a social and public health problem in the United States that affects millions each year. The Centers for Disease Control and Prevention's (CDC) statistics on sexual violence note that about one in three women experienced sexual violence involving physical contact during her lifetime and about one in six men experienced sexual violence involving physical contact during his lifetime.<sup>26</sup> Further, the CDC notes that sexual violence starts at an early age. One in three female rape victims experienced it for the first time between 11-17 years old and one in nine reported that it occurred before age ten.<sup>27</sup> The person responsible for the violence is usually someone known to the victim.<sup>28</sup>

**c. Sexual Assault in the Olympic Movement**

Unfortunately, there have been widespread instances of sexual abuse within the Olympic movement. Indeed, from the USSCS' launch in 2017 to April 13, 2018, the Center received written and oral reports, complaints, and allegations regarding sexual abuse from 35 of the 48 NGBs.<sup>29</sup> Although allegations of sexual abuse are generally kept confidential, in recent years, many NGBs have been at the center of public sexual abuse scandals. These scandals have raised concerns about the USOC and NGBs' ability to adequately oversee the safety of athletes in organized sport. Below is a non-exhaustive list of some of the recent controversies regarding sexual assault in the Olympic movement and the associated concerns with the USOC and NGB's ability to protect the well-being of athletes. As discussed in the next two sections of this memorandum, the USOC and NGBs have taken steps to address some of the concerns that surfaced during these scandals.

USA Gymnastics

In September 2015, a former USA Gymnastics team doctor of over 20 years, Larry Nassar, announced via Facebook that he was going to retire from his position at USA Gymnastics.<sup>30\*</sup> About a year later, a media outlet published a lengthy report detailing how USA Gymnastics had failed to protect athletes from sexual abuse and seldom referred allegations of child abuse to law enforcement or child protective services.<sup>31</sup> In 2016, former gymnasts filed

<sup>26</sup> Centers for Disease Control and Prevention, *National Center for Injury Prevention and Control, Division of Violence Prevention, Preventing Sexual Violence* (2017), available at <https://www.cdc.gov/violenceprevention/pdf/sv-factsheet.pdf>.

<sup>27</sup> *Id.*

<sup>28</sup> Centers for Disease Control and Prevention, *Violence Prevention, Sexual Violence* (last updated May 1, 2018), available at <https://www.cdc.gov/violenceprevention/sexualviolence/index.html>.

<sup>29</sup> Information provided to the Committee on Energy and Commerce, from the U.S. Center for SafeSport (Apr. 13, 2018) on file with the committee.

<sup>30</sup> Mark Alesia, M. Kwiatkowski, and T. Evans, *Timeline: Former USA Gymnastics doctor Larry Nassar*, INDYSTAR (Sept. 20, 2016), available at <https://www.indystar.com/story/news/2016/09/20/larry-nassar-timeline/90733320/>.

\* In an earlier version of this memorandum Larry Nassar was incorrectly listed as a coach.

<sup>31</sup> Marisa Kwiatkowski, M. Alesia, and T. Evans, *A blind eye to sex abuse: How USA Gymnastics failed to report cases*, INDYSTAR (Aug. 4, 2016), available at <https://www.indystar.com/story/news/investigations/2016/08/04/usa-gymnastics-sex-abuse-protected-coaches/85829732/>.

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criminal complaints against Nassar accusing him of sexually abusing young athletes.<sup>32</sup> In January 2018, Larry Nassar was sentenced to 40 to 175 years in prison for sexual abuse after more than 150 women and girls confronted him in court for having sexually abused them over the past two decades.<sup>33</sup> On May 16, 2018, Michigan State University agreed to a \$500 million settlement with 332 of Larry Nassar's victims.<sup>34</sup>

Questions have surfaced about when USA Gymnastics and the USOC learned of Nassar's sexual abuse of young athletes and whether they adequately responded to the allegations.<sup>35</sup> Some lawsuits have alleged that USA Gymnastics and the USOC failed to protect young athletes. For example, recently, gymnasts have sued the USOC alleging that the "organization failed to protect athletes and that top USOC officials lied about when they first learned of the matter."<sup>36</sup> Recent reports indicate that there are plans to continue settlement talks with USA Gymnastics and the USOC.<sup>37</sup> Similarly, concerns have been raised about the Federal Bureau of Investigation's response to the reports it received about sexual abuse allegations against Nassar.<sup>38</sup>

In response to the scandal, USA Gymnastics hired an investigator, former federal prosecutor Deborah Daniels, to conduct an independent investigation of USA Gymnastics' bylaws, policies, procedures, and practices related to handling sexual misconduct matters.<sup>39</sup> Daniels released her extensive report in June 2017.<sup>40</sup> In February 2018, USA Gymnastics announced that the law firm Ropes & Gray is also conducting an independent investigation of the sexual abuse by Nassar and is charged with determining when USA Gymnastics and USOC first became aware of any evidence relating to Nassar's sexual abuse of athletes.<sup>41</sup>

<sup>32</sup> Tim Evans, M. Alesia, and M. Kwiatkowski, *Former USA Gymnastics doctor accused of abuse*, INDYSTAR (Sept. 12, 2016), available at <https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>; USA Today Network, *Who is Larry Nassar?* (last visited May 16, 2018), available at <https://www.cincinnati.com/pages/interactives/larry-nassar-timeline/>.

<sup>33</sup> Eric Levenson, *Larry Nassar sentenced to up to 175 years in prison for decades of sexual abuse*, CNN (Jan. 24, 2018), available at <https://www.cnn.com/2018/01/24/us/larry-nassar-sentencing/index.html>.

<sup>34</sup> Matt Mencarini and Justin A. Hinkley, *Lansing State Journal*, *Michigan State and 332 of Larry Nassar's victims reach 'historic' \$500 million settlement*, (last visited May 17, 2018), available at <https://www.lansingstatejournal.com/story/news/local/2018/05/16/larry-nassar-michigan-state-settlement-lawsuit/614502002/>.

<sup>35</sup> See, e.g., Rebecca Davis O'Brien, *Gymnast Aly Raisman Sues U.S. Olympic Committee Over Nassar Scandal*, THE WALL STREET JOURNAL (Mar. 2, 2018), available at <https://www.wsj.com/articles/gymnast-aly-raisman-sues-u-s-olympic-committee-over-nassar-scandal-1520027047>.

<sup>36</sup> Rebecca Davis O'Brien, *Olympics Committee Failed to Act on Nassar's Alleged Abuse for a Full Year*, THE WALL STREET JOURNAL (Feb. 1, 2018), available at <https://www.wsj.com/articles/olympics-officials-didnt-act-on-gymnasts-abuse-allegations-in-2015-1517484720>.

<sup>37</sup> See, *Supra* note 41.

<sup>38</sup> Scooby Axson, *Report: FBI Opens Internal Review Into Handling of Larry Nassar Allegations*, SPORTS ILLUSTRATED (Mar. 1, 2018), available at <https://www.si.com/olympics/2018/03/01/fbi-larry-nassar-internal-probe>.

<sup>39</sup> Deborah J. Daniels, J.D., *Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes*, KRIEG DEVAULT (Jun. 26, 2017).

<sup>40</sup> *Id.*

<sup>41</sup> Team USA, *USOC Announces Selection of Independent Investigator to Examine Larry Nassar's Abuse of Athletes* (Feb. 2, 2018), available at <https://www.teamusa.org/Media/News/USOC/USOC-ANNOUNCES-SELECTION-OF-INDEPENDENT-INVIGATOR-TO-EXAMINE-LARRY-NASSAR'S-ABUSE-OF-ATHLETES>.

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#### USA Swimming

In 2010, a 20/20 investigation detailed inappropriate relationships between USA Swimming coaches and minor athletes.<sup>42</sup> The report revealed that, as of 2010, USA Swimming had imposed a lifetime ban on 36 coaches due to instances of sexual misconduct or inappropriate sexual behavior and kept the list of banned coaches confidential.<sup>43</sup> Following the 2010 sexual abuse scandal, the USOC created a Working Group in 2010 to develop a set of recommendations for promoting safe training environments and addressing misconduct in sport<sup>44</sup> and, in 2013, USA Swimming contracted with a program of Gunderson Health System to conduct an independent assessment of USA Swimming's Safe Sport Program.<sup>45</sup>

Since the 2010 sexual abuse scandal within USA Swimming, additional instances of sexual assault within the NGB have been revealed. As of February 15, 2018, USA Swimming had banned 89 individuals for sexual misconduct-related violations since Fall 2010 and USA Swimming now releases the names of banned coaches through a publicly accessible list.<sup>46</sup> This year, the Southern California News Group published a report indicating that USA Swimming may have ignored or covered up hundreds of sexual abuses cases over several decades.<sup>47</sup> Moreover, as recently as a few months ago, two top USA Swimming officials resigned following reports indicating that the organization had ignored sexual misconduct by coaches.<sup>48</sup>

#### USA Taekwondo

Earlier this year, an Olympic taekwondo coach, Jean Lopez, was banned from USA Taekwondo after the USCSS found him guilty of sexual misconduct with a minor.<sup>49</sup> According to press articles, USA Taekwondo initiated the investigation into Jean Lopez about three years ago and the investigation was referred to the USCSS after it opened in March 2017.<sup>50</sup> Jean Lopez's brother, Taekwondo Olympian Steven Lopez, is also under investigation by the USCSS

<sup>42</sup> Megan Chuchmach and Avni Patel, *ABC News Investigation: USA Swimming Coaches Molested, Secretly Taped Dozens of Teen Swimmers*, ABC NEWS (Apr. 9, 2010), available at <https://abcnews.go.com/Blotter/abc-news-investigation-usa-swimming-coaches-raped-molested/story?id=10322469>.

<sup>43</sup> ESPN, *46 coaches on banned list*, ESPN.COM NEWS SERVICES (May 26, 2010), available at <http://www.espn.com/olympics/swimming/news/story?id=5220940>.

<sup>44</sup> The U.S. Center for SafeSport is discussed in Section II.d of this memorandum.

<sup>45</sup> Gunderson National Child Protection Training Center, *USA Swimming Report* (Jan. 27, 2014), available at <http://www.gundersenhealth.org/ncptc/trainings-education/publications/usa-swimming-report/>.

<sup>46</sup> Information provided to the Committee on Energy and Commerce, from USA Swimming (Feb. 15, 2018), on file with the committee; USA Swimming, *List of Individuals Permanently Suspended or Ineligible for Membership* (updated May 9, 2018), available at <https://www.usaswimming.org/utility/landing-pages/safe-sport/banned-member-list---perm>.

<sup>47</sup> Scott M. Reid, *100s of USA swimmers were sexually abused for decades and the people in charge knew and ignored it, investigation finds*, THE ORANGE COUNTY REGISTER (Feb. 16, 2018), available at <https://www.ocregister.com/2018/02/16/investigation-usa-swimming-ignored-sexual-abuse-for-decades/>.

<sup>48</sup> Matt Stevens, *2 U.S.A. Swimming Officials Resign Amid Accusations of Ignored Abuse*, THE NEW YORK TIMES (Feb. 24, 2018), available at <https://www.nytimes.com/2018/02/24/sports/usa-swimming-resignations.html>.

<sup>49</sup> Nancy Armour and Rachel Axon, *Olympic taekwondo coach Jean Lopez banned for sexual misconduct with a minor*, USA TODAY (Apr. 4, 2018), available at <https://www.usatoday.com/story/sports/olympics/2018/04/04/olympic-taekwondo-coach-jean-lopez-banned-sexual-misconduct-minor/485501002/>.

<sup>50</sup> *Id.*

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and he has been placed under an “interim measure-restriction” for sexual misconduct.<sup>51</sup> Although there were ongoing year-long active investigations into the brothers at the time, both attended the 2016 Rio Olympic Games.<sup>52</sup> Filings in a recent lawsuit accuse both Jean Lopez and Steven Lopez of sexually assaulting minors for years.<sup>53</sup>

In addition to the ongoing controversy regarding the Lopez brothers, USA Taekwondo has been involved in other public sexual abuse scandals. For example, in 2015, a USA Taekwondo coach, Marc Gitelman, was convicted of sexually abusing a minor athlete and another girl.<sup>54</sup> Prior to this conviction, both USA Taekwondo and the USOC had been aware of the sexual assault allegations yet failed to protect the athletes from the abuse. In a March 10, 2014 email regarding the allegations, then-USOC board member Susanne Lyons wrote: “Here we go again. This sounds like the same old BS.... Allowing a potential sexual predator to continue to coach without having an appropriate investigation and conclusion is unacceptable.”<sup>55</sup>

#### USA Volleyball

In 1995, USA Volleyball banned one of its coaches, Rick Butler, due to claims that the coach had sexual relationships with underage athletes.<sup>56</sup> USA Volleyball partially lifted the ban just five years later in 2000. In January 2018, however, USA Volleyball permanently banned Rick Butler from coaching again.<sup>57</sup> Additionally, recent lawsuits have been filed related to claims that Rick Butler sexually abused and raped minor athletes in the 1980s.<sup>58</sup>

In addition, multiple other NGBs have been involved with public sexual abuse scandals, including but not limited to U.S. Figure Skating, U.S. Speedskating, and USA Water Polo. As mentioned at the start of this section, USCSS has received written and oral reports, complaints, and allegations regarding sexual abuse from 35 of the 48 NGBs between its launch in March 2017 and April 13, 2018.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Jacey Fortin, *Lawsuit Accuses Taekwondo Olympian and His Coach, Who Are Brothers, of Sexual Abuse*, THE NEW YORK TIMES (May 6, 2018), <https://www.nytimes.com/2018/05/06/sports/lopez-taekwondo-sex-abuse.html>.

<sup>54</sup> Will Hobson and Steven Rich, *An athlete accused her coach of sex abuse. Olympic officials stayed on the sideline*, THE WASHINGTON POST (Feb. 14, 2017), available at [https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd\\_story.html?utm\\_term=.23e890c8fdac](https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd_story.html?utm_term=.23e890c8fdac).

<sup>55</sup> *Id.*

<sup>56</sup> Jon Seidel and Michael O'Brien, *A Sun-Times Investigation – Net Pains: Volleyball Coach Rick Butler, His Players – and the Damage That's Been Done*, CHICAGO SUN-TIMES (Nov. 24, 2017), available at <https://chicago.suntimes.com/feature/coach-rick-butler-volleyball-players-damage-done/>.

<sup>57</sup> Christian Red, *Rick Butler officially receives lifetime ban from USA Volleyball for violating protective order*, NY DAILY NEWS (Jan. 10, 2018), available at <http://www.nydailynews.com/sports/more-sports/rick-butler-receives-lifetime-ban-usa-volleyball-article-1.3750125>.

<sup>58</sup> Christine Hauser, *Top Volleyball Coach Raped Teenage Athletes, Lawsuit Alleges*, THE NEW YORK TIMES (Mar. 2, 2018), available at <https://www.nytimes.com/2018/03/02/sports/volleyball-coach-rape-rick-butler.html>.

**d. U.S. Center for SafeSport**

The 2010 sexual abuse controversy in USA Swimming was exposed with a two-part 20/20 report in April 2010. A few months later, Scott Blackmun, who stepped down as CEO of the USOC in February 2018, informed the Board at the USOC's June 28, 2010 Board Meeting<sup>59</sup> that the USOC had established a Working Group for Safe Training Environments to develop a set of recommendations for promoting safe training environments and addressing misconduct in sport.<sup>60</sup> After a five month review of sexual and physical misconduct, the Working Group released a report to the USOC Board of Directors on September 28, 2010, detailing six key recommendations.<sup>61</sup> The Working Group recommended that: (1) "the USOC should play a leadership role in promoting safe training environments;" (2) "the USOC should lead by example in promoting safe training environments;" (3) "the USOC should develop and provide a centralized set of training and education materials focused on sexual and physical misconduct that can be adopted by NGBs, clubs and grassroots sports organizations;" (4) "the USOC should develop a centralized online toolkit that provides a set of resources addressing various issues pertaining to sexual and physical misconduct in sport that can be used by NGBs, clubs and grassroots sports organizations;" (5) "the USOC should work with NGBs to centralize and standardize the delivery of services designed to promote safe training environments;" and (6) "the USOC should encourage NGBs to adopt policies, practices, programs and tools to address sexual and physical misconduct, and NGBs should, in turn, encourage clubs and other grassroots organizations in its sport to adopt similar measures."<sup>62</sup>

Following the Working Group's recommendations, the USOC launched its SafeSport initiative in 2012.<sup>63</sup> The program was designed to improve the safety of athletes by providing information, training, and resources.<sup>64</sup> In 2013, USOC established a SafeSport Working Group on Investigation, Adjudication, and Sanctions. The purpose of the working group was to "survey the resources currently available to NGBs, look at various models for investigating and enforcing misconduct in sport, and make a recommendation to the USOC on a clear way forward."<sup>65</sup> In October 2013, Malia Arrington, the then-Director of Ethics and Safe Sport, presented the Board

<sup>59</sup> Team USA, *About the USOC – Inside the USOC – Meetings – Board of Directors – 2010 – June 28, 2010 – Approved Minutes* (June 28, 2010), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/Meetings/Board-of-Directors/2010>.

<sup>60</sup> Team USA, *About the USOC – SafeSport – Key Actions* (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Safe-Sport/Key-Actions>.

<sup>61</sup> Team USA, *Safe Training Environments Working Group Issues Report* (Sept. 28, 2010), available at <https://www.teamusa.org/News/2010/September/28/Safe-Training-Environments-Working-Group-Issues-Report>.

<sup>62</sup> The U.S. Olympic Committee, *Working Group for Safe Training Environments – Recommendations to the USOC Board of Directors* (Sept. 28, 2010), available at [http://assets.teamusa.org/assets/documents/attached\\_file/filename/31249/092810\\_USOC\\_Working\\_Group\\_Final\\_Recommendations\\_to\\_the\\_Board\\_of\\_Directors.pdf](http://assets.teamusa.org/assets/documents/attached_file/filename/31249/092810_USOC_Working_Group_Final_Recommendations_to_the_Board_of_Directors.pdf).

<sup>63</sup> Team USA, *U.S. Olympic Committee launches Safe Sport program* (Mar. 16, 2012), available at <https://www.teamusa.org/Media/News/USOC/US-Olympic-Committee-launches-Safe-Sport-program>.

<sup>64</sup> Team USA, USA Weight Lifting, *CEO Appointed to Safe Sport Working Group* (Aug. 1, 2013), available at <https://www.teamusa.org/USA-Weightlifting/Features/2013/August/01/CEO-Appointed-to-Safe-Sport>.

<sup>65</sup> *Id.*

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with the recommendations of the Safe Sport Working Group on investigations and adjudications.<sup>66</sup> According to the approved Board minutes, the Working Group recommended:

[T]hat case management for sexual misconduct cases should be consolidated under a new, independent entity with an independent board of directors. The new entity would focus on sexual misconduct (and any related behaviors) and have the authority to investigate, make findings and issue disciplinary measures. The entity would be focused on an investigation-based procedure rather than a criminal type process.... Further, as Ms. Arrington explained, in order to ensure consistency and efficiency, the Group believes that NGB participation should be required through the USOC's Bylaws.<sup>67</sup>

The USOC approved the creation of the USCSS in June 2014 and USCSS launched on March 3, 2017.<sup>68</sup> USCSS was established as a wholly independent entity designed to oversee education programs for safe sport and investigate and adjudicate claims of sexual misconduct in the U.S. Olympic and Paralympic Movements' 47-member NGBs. Participation in USCSS is a condition of continued membership in the USOC.<sup>69</sup> USCSS has exclusive authority to investigate and resolve alleged violations of the SafeSport Code for the U.S. Olympic and Paralympic Movement (the Code) involving sexual misconduct by a Covered Individual and misconduct that is reasonably related to an underlying allegation of sexual misconduct.<sup>70</sup> Moreover, at the request of an NGB or the USOC, USCSS may accept discretionary authority over alleged violations involving any form of misconduct as set forth in the Code.<sup>71</sup>

USCSS' board consists of nine independent board members that meet four times per year.<sup>72</sup> Most of the funding for USCSS comes directly from the USOC and the NGBs.<sup>73</sup> On February 28, 2018, the USOC announced that it planned to double the amount of funding it provides to USCSS, and in March 2018, it was reported that the USCSS had an annual budget of \$4.3 million and employed nine full time staff and several contract investigators.<sup>74</sup> According to

<sup>66</sup> Team USA, *About the USOC – Inside the USOC – Meetings – Board of Directors – 2013 – October 10, 2013 – Approved Minutes* (Oct. 10, 2013), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/Meetings/Board-of-Directors/2013>.

<sup>67</sup> *Id.*

<sup>68</sup> Team USA, *U.S. Olympic Committee Announces Formation of U.S. Center for Safe Sport Advisory Council* (Feb. 9, 2015), available at <https://www.teamusa.org/News/2015/February/09/US-Olympic-Committee-Announces-Formation-Of-US-Center-For-Safe-Sport-Advisory-Council>; Team USA, *About the USOC – Inside the USOC – Meetings – Board of Directors – 2014 – June 10, 2014 – Approved Minutes* (Jun. 10, 2014), available at <https://www.teamusa.org/About-the-USOC/Inside-the-USOC/Meetings/Board-of-Directors/2014>.

<sup>69</sup> Team USA, *Safe Sport* (last visited May 16, 2018), available at <https://www.teamusa.org/about-the-usoc/safe-sport>.

<sup>70</sup> U.S. Center for SafeSport, *Policies & Procedures* (last visited May 16, 2018), available at <https://safesport.org/files/index/tag/policies-procedures>.

<sup>71</sup> *Id.*

<sup>72</sup> U.S. Center for SafeSport, *Who We Are* (last visited May 16, 2018), available at <https://safesport.org/who-we-are>; U.S. Center for SafeSport, *Bylaws* (last visited May 16, 2018), available at <https://safesport.org/files/index/tag/bylaws>.

<sup>73</sup> Cecelia Townes, *Q&A with Shelli Pfohl, CEO of the U.S. Center for SafeSport*, ESPN (Apr. 6, 2017), available at <http://www.espn.com/espnw/voices/article/19082380/qa-shellie-pfohl-ceo-us-center-safesport>.

<sup>74</sup> Team USA, *U.S. Olympic Committee announces significant changes to further protect athletes* (Feb. 28, 2018), available at <https://www.teamusa.org/Media/News/USOC/022818-USOC-announces-significant-changes-to>



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information provided to the Committee by USCSS, USCSS projects it will have 26 staff by July 1, 2018. There have been a significant number of reports to USCSS since it opened last year. Data received by the Committee indicates that, in 2017, USCSS received 227 written and oral reports, complaints, and allegations regarding sexual abuses.<sup>75</sup> As of April 13, 2018, USCSS received 261 written and oral reports, complaints, and allegations regarding sexual abuses in 2018. Moreover, between March 2017 and April 13, 2018, USCSS resolved 156 cases and investigations.<sup>76</sup> In 120 of these 156 instances the individual became permanently ineligible to participate in the organization.<sup>77</sup>

Congress recently designated the USCSS to serve as the independent national safe sport organization and exercise jurisdiction over the USOC, each NGB, and each Paralympic sports organization with regard to safeguarding amateur athletes against abuse through enactment of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act.<sup>78</sup> This act provides that, among other things, adults authorized to interact with certain minors and amateur athletes must report evidence of child abuse and the USCSS is the independent national safe sport organization and is responsible for developing training, oversight practices, policies, and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes participating in amateur activities through NGBs and Paralympic sports organizations.<sup>79</sup> Shortly after the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act was signed into law, Congress passed additional legislation that created a \$2.5 million grant program to protect young athletes from emotional, physical, and sexual abuse in sports.<sup>80</sup>

#### **e. Additional Recent Actions to Address Allegations of Sexual Abuse and Remaining Challenges**

While the USOC and NGBs have made efforts to improve their policies and procedures, challenges remain. The USOC engaged Baker Tilly Virchow Krause to conduct audits of the USOC and all of the NGBs and High-Performance Management Organizations to assess their compliance with safe sport policies and procedures. These audits began in April 2017, which included reviews and testing and the reports for each organization were issued in October 2017.<sup>81</sup> Some of the organizations were found to be in compliance with the SafeSport policies and

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further-protect-athletes; Brian Murphy, *As scandals rock youth sports, this group has taken hundreds of calls in its first year*, THE NEWS & OBSERVER (Mar. 5, 2018), available at <http://www.newsobserver.com/sports/article203579369.html>.

<sup>75</sup> Information provided to the Committee on Energy and Commerce, from the U.S. Center for SafeSport (Apr. 13, 2018) on file with the committee.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> S. 534 Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (enacted Feb. 14, 2018), available at <https://www.congress.gov/bill/115th-congress/senate-bill/534/text?format=txt>.

<sup>79</sup> *Id.*

<sup>80</sup> H.R. 1625 Consolidated Appropriations Act, 2018 (enacted Mar. 23, 2018), available at <https://www.congress.gov/bill/115th-congress/house-bill/1625/text>; Melissa Nann Burke, *Spending bill funds program to fight abuse in sports*, THE DETROIT NEWS (Mar. 22, 2018), available at <https://www.detroitnews.com/story/news/politics/2018/03/22/spending-bill-funds-program-fight-abuse-youth-sports/33180301/>.

<sup>81</sup> Team USA, *About the USOC – Safe Sport – Safe Sport Audit Reports*, (last visited May 16, 2018), available at <https://www.teamusa.org/About-the-USOC/Safe-Sport/Safe-Sport-Audit-Reports>.

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procedures and didn't have any observations, but 43 organizations had deficiencies including, but not limited to, the application of policies being inconsistent with the requirements listed in the Athlete Safety Standards; inconsistent enforcement of requiring criminal background checks; inconsistencies in tracking education and training requirements; and a lack of guidance and/or requirements from the USOC, which leads to inconsistencies with how each NGB chooses to implement a requirement. Each organization was given 90 days to correct any deficiencies while the USOC's Audit Division monitored and reviewed the corrective actions and issued SafeSport follow-up reports to the NGBs that were found to have deficiencies. Some organizations required a second follow-up report, the most recent of which was only issued in April 2018. The findings in the Baker Tilly Audits suggest that challenges remain with respect to the USOC and NGBs implementation of the Athlete Safety Policy, which could put athletes at SafeSport-related misconduct risk.

NGBs have different policies regarding whether they maintain lists of banned coaches, and if they do, whether they publicize the list. In the March 7, 2018 letter that the Committee on Energy and Commerce (the committee) sent to all 48 NGBs, the committee asked each NGB whether or not the NGB maintained a list of individuals banned or suspended from participation with the NGB, and if so, whether the list was publicly available.<sup>82</sup> In response to the question, the committee received a variety of responses including, but not limited to, that: (1) the NGB does not maintain a suspension/ban list; (2) there are no individuals who are banned from the NGB and the NGB therefore does not currently have a list of such persons; (3) the NGB does have a list of banned individuals, but does not make the list publicly available; and (4) the NGB does have a list of banned individuals and does make the list publicly available.<sup>83</sup> The USCSS maintains a searchable database and a website that links to the NGB lists of banned and/or suspended coaches that are publicly available.<sup>84</sup> Currently, 18 NGBs have a banned or suspended list that is available to the general public.<sup>85</sup> Other NGBs reported to the committee that they share banned or suspended lists with their members, but do not publicly post those lists; have banned lists, but only share it with certain officials; maintain a searchable database of members in good standing; or have not banned or suspended any individuals, but would make a list public if they were to do so.<sup>86</sup>

Although the Olympic community continues to examine vulnerabilities for athlete safety and adopt reforms to improve the community's responsiveness to allegations of sexual abuse, it remains unclear whether these reforms will adequately protect athletes. According to a February 2018 statement from USOC's interim CEO, Susanne Lyons, the organization is currently "evaluating the USOC's role and oversight of all the National Governing Bodies, considering potential changes to the Olympic structure and aggressively exploring new ways to enhance

<sup>82</sup> See Individuals Letters from the Committee on Energy and Commerce to each of the 48 NGBs (March 7, 2018), available at <https://energycommerce.house.gov/news/letter/letters-u-s-olympic-committee-48-national-governing-bodies-michigan-state-university-sexual-abuse-organized-sports/>.

<sup>83</sup> Information provided to the Committee on Energy and Commerce, from recipients of the Committee on Energy and Commerce's March 7, 2018 letter to NGBs (2018) on file with the committee.

<sup>84</sup> U.S. Center for Safe Sport, Disciplinary Records (last visited May 17, 2018), available at <https://safesport.org/userviolations/search>.

<sup>85</sup> See *supra*, note 83.

<sup>86</sup> These are examples of disclaimers provided by NGBs, but it is not an exhaustive list.

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athlete safety and help prevent and respond to abuse.”<sup>87</sup> The actions that the USOC plans to adopt include, but are not limited to: (1) “Launching a review of the USOC and NGB governance structure as defined by the Ted Stevens Amateur Sports Act, including seeking input from safe sport advocacy groups, the NGB Council, the Athletes’ Advisory Council, current athletes and policymakers to consider clarifications and changes to this structure;” (2) “Revisiting USOC SafeSport procedures to determine what measures are necessary to ensure allegations of abuse are reported to the USCSS, in addition to law enforcement, and that necessary follow-ups occur;” and (3) “Forming an advisory group to bring together survivors, advocates, child psychologists and other medical professionals to guide the USOC on stronger safeguards against abuse throughout the Olympic community, and effective support for victims.”<sup>88</sup>

### III. ISSUES

The following issues will be examined at the hearing:

- How we can learn from the past and examine opportunities to reform the system to ensure the investigation process is thorough, unbiased, and effective;
- Whether existing policies and procedures are adequate to ensure the safety of athletes;
- The challenges currently facing the Olympic community regarding how to properly and effectively handle cases of sexual misconduct; and
- How to ensure better oversight, accountability, and restore public confidence within the US Olympic community.

### IV. STAFF CONTACTS

If you have any questions regarding the hearing, please contact Brittany Havens, Brighton Haslett, or Natalie Turner at (202) 225-2927.

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<sup>87</sup> Team USA, *U.S. Olympic Committee Announces Significant Changes to Further Protect Athletes* (Feb. 28, 2018), available at <https://www.teamusa.org/News/2018/February/28/US-Olympic-Committee-Announces-Significant-Changes-To-Further-Protect-Athletes>.

<sup>88</sup> *Id.*

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

July 13, 2018

Ms. Susanne Lyons  
Acting CEO  
United States Olympic Committee  
One Olympic Plaza  
Colorado Springs, CO 80909

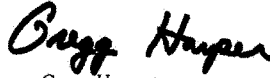
Dear Ms. Lyons:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

Responses of Ms. Susanne Lyons, Acting CEO of the U.S. Olympic Committee,  
to the Questions for the Record in the May 23, 2018, Hearing of the  
Subcommittee on Oversight and Investigations, Committee on Energy and Commerce

July 27, 2018

**The Honorable Michael C. Burgess**

*“Larry Nassar was licensed in the state of Michigan, but treated gymnasts at the Karolyi Ranch in Texas without a Texas medical license. He also treated gymnasts during competitions abroad, including at the World Championships and Olympics.*

*“How does the United States Olympic Committee and its National Governing Bodies ensure that its physicians are compliant with licensing obligations?”*

Health care providers that are credentialed by the Olympic Committee (i.e., as part of a U.S. Delegation to an Olympic or Pan-American Games or for services provided at an Olympic Committee sports medicine clinic) undergo a criminal background check and a medical credential review. The medical credential review includes a review of the provider’s professional credentials and materials from the American Medical Association, the Drug Enforcement Administration, and licensing boards. The four sports medicine clinics operated by the Olympic Committee operate pursuant to the licensure requirements of the states in which they are located. The Olympic Committee requires that health care providers traveling abroad comply with international licensing obligations. This typically requires obtaining temporary licensure from the relevant host country. Most recently, for the 2018 Winter Olympic Games, the Olympic Committee required each national governing body to certify that its healthcare providers would follow the Olympic Committee’s standards of care regardless of the location or setting of the services provided.

*“Is parental consent required for amateur athletes to be treated by a team doctor? Are parents provided with information, such as status of medical license, for these providers?”*

The Olympic Committee obtains parental consent for medical care of a minor athlete who is part of a U.S. Delegation to an Olympic or Pan-American Games. As described above, the Olympic Committee conducts a medical credentials review for health care providers. This information is available to athletes or parents of minor athletes.

*“Many athletes begin training when they are very young and often do so outside of parental supervision.*

*“Do athletes and/or parents receive training and education when a child joins a sport organization governed by a United States Olympic Committee National Governing Body?”*

The U.S. Center for SafeSport makes available a number of resources and training materials, and national governing bodies may supplement that information with their own training. Under the rules associated with the Center, anyone that the Olympic Committee or a national governing body authorizes, approves, or appoints to a position of authority over athletes, or to have frequent contact with athletes, is required to complete the SafeSport training.

*“Are athletes and parents made aware of SafeSport and how to get in contact?”*

Yes, the Olympic Committee’s NGB Athlete Safety Policy requires each national governing body to publish SafeSport materials to its members, including in online resources. Information concerning SafeSport is also available on the Olympic Committee’s and the Center’s websites.

*“According to audit reports issued in October 2017, 43 organizations under the United States Olympic Committee had deficiencies in their compliance of safe sport policies and procedures. Congress recently passed a \$2.5 million grant program to help fund the U.S. Center for SafeSport, which I understand currently has 9 employees and will have approximately 26 by July 2018.*

*“How do you plan to remedy these deficiencies and continue to evaluate these organizations for future compliance?”*

The Olympic Committee expects that all recommendations identified in the 2017 SafeSport audits conducted by Baker Tilly will be implemented by September 1, 2018. (There is currently only one outstanding issue related to Team Handball’s background checks and training requirements.) The Olympic Committee is currently auditing the national governing bodies, on a rolling basis through the year, to assess continuing compliance. Under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, the Center for SafeSport will conduct future regular and random audits of national governing bodies.

#### **The Honorable Chris Collins**

*Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature – protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source – stopping sexual abuse.*

*“How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?”*

The Olympic Committee has not been a party to a nondisclosure agreement regarding sexual abuse, to the best of my knowledge after diligent inquiry by counsel. (As noted in the question, the Olympic Committee may use nondisclosure agreements in commercial matters.)

*"As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?"*

[Not applicable.]

**The Honorable Frank Pallone, Jr.**

*"The U.S. Olympic Committee is in a position to make sure that all sports are conducting the strongest background and reference checks on those who have contact with young athletes. The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who either is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. Has the U.S. Olympic Committee developed a "best practices" for background checks and reference checks? Does it intend to provide further guidance to the sports governing bodies on how to conduct background and reference checks?"*

As noted in the question, the Olympic Committee's NGB Athlete Safety Policy requires each national governing body to conduct a criminal background check, at least every two years, on anyone that a national governing body authorizes, approves, or appoints to a position of authority over athletes, or to have frequent contact with athletes. In addition, the Olympic Committee's SafeSport Handbook provides guidance for creating policies and procedures for screening and criminal background checks. (See pages 5 to 13 of the SafeSport Handbook.) The Olympic Committee's background check policy is currently undergoing a review in an effort to standardize and strengthen background checks across the Olympic community. The Olympic Committee expects to have the results reviewed by outside experts.

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3841

July 13, 2018

Ms. Kerry Perry  
President and CEO  
USA Gymnastics  
130 E. Washington Street, Suite 700  
Indianapolis, IN 46204

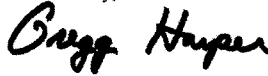
Dear Ms. Perry:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment



RESPONSES OF KERRY PERRY  
CEO AND PRESIDENT, USA GYMNASTICS

TO QUESTIONS FOR THE RECORD

MAY 23, 2018 HEARING BEFORE  
HOUSE ENERGY AND COMMERCE COMMITTEE  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
*EXAMINING THE OLYMPIC COMMUNITY'S ABILITY TO PROTECT ATHLETES FROM SEXUAL ABUSE*

August 31, 2018

**The Honorable Gregg Harper**

**1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?**

*Response:* According to the SafeSport Code for the U.S. Olympic and Paralympic Movement, the U.S. Center for SafeSport (the "Center") maintains exclusive jurisdiction over the investigation and resolution of all matters involving allegations of sexual misconduct and/or abuse. The Center's authority to impose interim measures, however, is not exclusive. The SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (the "SafeSport Procedures") state that National Governing Bodies ("NGBs"), which include USA Gymnastics, are not prohibited by the SafeSport Procedures from taking appropriate interim measures upon notice of an imminent threat of harm. It is USA Gymnastics' policy to assess each case and impose interim measures, such as suspension, when the Gymnastics community may be at risk. In the case of complaints originating with the Center, however, USA Gymnastics has limited information on which to assess the case and may have to rely on the Center's notification as the basis for taking an interim measure.

**a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?**

*Response:* Interim measures may include, but are not limited to, altering training schedules, providing chaperones, implementing contact limitations, imposing restrictions on a member club, or suspensions. In cases where USA Gymnastics recognizes a threat of imminent harm, USA Gymnastics will issue an immediate suspension, effectuating total prohibition from any contact with members, member clubs, or sanctioned events.

- b. If an allegation is turned over to the U.S. Center for SafeSport, what authority does USA Gymnastics have to implement interim measures while the Center investigates?**

*Response:* Please refer to the answer to Question 1 above.

- i. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?**

*Response:* The Center has exclusive jurisdiction over investigations of sexual abuse and/or misconduct.

- c. Is some measure taken in every case, or is this determined on a case-by-case basis? If a measure is not taken in some cases, why not?**

*Response:* USA Gymnastics assumes that “measure” as used in Question 1(c) is intended to refer only to interim measures. Interim measures imposed by USA Gymnastics are decided on a case-by-case basis. USA Gymnastics may impose interim measures to ensure the safety and well-being of the gymnastics community or where an allegation is sufficiently serious that the accused individual’s continued participation could be detrimental to the sport or its reputation. USA Gymnastics cannot answer on behalf of the Center.

- d. If an interim measure is imposed, how quickly are such interim measures implemented?**

*Response:* In emergency circumstances, an interim measure can be imposed immediately—even prior to notice from the Center. Absent emergency circumstances, the accused party may request a hearing, which is conducted on an expedited basis. USA Gymnastics cannot answer on behalf of the Center regarding its process and timeline for implementing interim measures.

- e. Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?**

*Response:* It is the responsibility of USA Gymnastics to notify the relevant or affiliated member club of imposed interim measures. These members are expected to ensure that the imposed interim measures are followed. Notice is also provided to the general public via the USA Gymnastics website. USA Gymnastics may revoke a club’s member status for disregarding interim measures if certain criteria are met.

**2. Recently, USA Gymnastics terminated its agreement with Karolyi Ranch. During the hearing, you stated that you did not want the athletes to have to return to such an emotionally painful place where they were abused. I then asked you why USA Gymnastics renewed its contract with Karolyi Ranch in Spring of 2017 even though USA Gymnastics was aware of the allegations against Nassar in 2015. You indicated that you could not answer the question and you hoped that it was one of the questions that will be answered through the independent investigation with Ropes & Gray. Can you answer this question today? If not, when do you believe you will be able to answer the question?**

*Response:* My tenure at USA Gymnastics began on December 1, 2017. I was not with the organization in the spring of 2017 when it renewed the Karolyi Ranch lease; thus, I do not have personal knowledge about why that decision was made. The Ropes & Gray independent investigation remains ongoing, and we anticipate reviewing the findings—including those related to the renewal of the Karolyi Ranch lease—when the investigation is complete.

**3. During the hearing, Representative Costello asked you what types of background check results would lead USA Gymnastics to deny or terminate an individual's membership. Can you please clarify the types of background check results that would lead USA Gymnastics to deny or terminate an individual's membership?**

*Response:* USA Gymnastics has partnered with the National Center for Safety Initiatives (“NCSI”) to perform background screening for members of USA Gymnastics. NCSI will issue results to the applicant and USA Gymnastics based upon a “Red Light”/“Green Light” system. A Red Light finding results from reportable convictions, pending dispositions or registrations, or disclosures of convictions of any of the following offenses or registrations:

- Any felony (any crime punishable by confinement of greater than one year);
- Any lesser crime involving force or threat of force against a person;
- Any lesser crime in which sexual relations is an element, including “victimless” crimes of a sexual nature (including pornography, indecent exposure, or lewd behavior);
- Any lesser crime involving controlled substances (not paraphernalia or alcohol);
- Any lesser crime involving cruelty to animals;
- Any sex offender registrant; or
- Any lesser crime involving harm to a minor.

Additionally, a Red Light finding also results from any charge involving a sexual offense or harm to minors, even if it resulted in a disposition favorable to the applicant, including but not limited to, pardons or dismissals after deferred adjudication. These criteria are contained within the guidelines developed by the National Council on Youth Sports (“NCYS”) and have been adopted by USA Gymnastics. We understand and believe that the NCYS considers this criteria for a Red Light finding to be consistent with the principles of the federal PROTECT Act of 2003.

Once informed of an applicant’s Red Light finding, a USA Gymnastics review panel will evaluate the Red Light status. Absent evidence of a pardon, mistaken identify, or an overturned conviction on merit by a court of law, the review panel will uphold the NCSI’s Red Light determination for the following offenses: offenses involving an element of control; stalking; voyeurism; public indecency involving sexual activity; invasion of privacy or violation of a restraining, protective, or similar judicial order; or any category of “special misconduct” as defined in the Bylaws. Similarly, and also absent evidence of a pardon, mistaken identity, or an overturned conviction

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<sup>1</sup> Article 9 of the Bylaws defines Special Categories of Misconduct to include (i) listings on any state or federal sex offender list or registry; (ii) status as a sex offender in any applicable state or federal jurisdiction; or (iii) convictions of or guilty pleas, statements of no contest, or sentencing to any affirmative terms related to a criminal charge or indictment issued by an applicable city, county, state, or federal jurisdiction, and such charge or indictment directly or indirectly involved or related to sexual misconduct, child abuse, or conduct that is a violation of any law or regulation that is specifically designed to protect minors.

on merit by a court of law, the review panel will uphold NCSI's Red Light determination for felony drug offenses; violent offenses; offenses causing bodily injury; or operating while intoxicated felonies that include prior convictions and/or serious bodily injury or death, unless exceptional circumstances are shown and the applicant can meet his or her burden of proof beyond a reasonable doubt. For offenses other than those described above, the review panel may consider criteria including, but not limited to: the age of the individual at the time the offense occurred; the amount of time that has lapsed since the offense occurred; the severity of the offense (misdemeanor or felony); crime classifications that are inconsistent from state to state; criminal history or pattern of offenses; status of the case; evaluation of appeal request, including recommendation letters and support documentation; evaluation of whether an individual may pose a threat to athlete welfare; and consistent policy application.

**The Honorable Michael C. Burgess**

**1. Larry Nassar was licensed in the state of Michigan, but treated gymnasts at the Karolyi Ranch in Texas without a Texas medical license. He also treated gymnasts during competitions abroad, including at the World Championships and Olympics.**

- a. How does the United States Olympic Committee and its National Governing Bodies ensure that its physicians are compliant with licensing obligations?**

*Response:* USA Gymnastics guidelines require that all National Medical Staff members meet current regulatory, licensing, insurance, and other requirements to practice and be in good standing with the appropriate state and/or national Boards. Potential USA Gymnastics National Medical Staff professionals must submit a resume or curriculum vitae, which the Athlete Care Coordinator or designated member of the USA Gymnastics Medical Task Force will review to verify that the applicant has the appropriate medical certifications, licenses, and experience. USA Gymnastics cannot answer on behalf of the United States Olympic Committee or other National Governing Bodies.

- b. Is parental consent required for amateur athletes to be treated by a team doctor? Are parents provided with information, such as status of medical license, for these providers?**

*Response:* A Consent to Treat form must be completed by participating gymnasts or parents or guardians of minors. USA Gymnastics will provide information about the National Medical Staff, such as the status of a physician's medical license, upon the request of an athlete, parent, or guardian.

**2. Some victims of Larry Nassar have expressed concern that USA Gymnastics personnel who knew about the abuse may still be actively involved in the sport. Were all individuals involved in the Junior and Senior level national teams investigated following allegations of misconduct?**

- a. If not, why not? If so, do you plan to follow up on the continuing concerns of these athlete victims?**

*Response:* Over the last several months, USA Gymnastics has undergone a leadership transformation, removing and replacing the entire Board of Directors and the CEO and President. USA Gymnastics also underwent a reorganization that resulted in staff changes in May 2018. It is the intent of USA Gymnastics to ensure that, going forward, the leadership reflects the organization's mission, protecting athletes and creating a culture of empowerment.

USA Gymnastics will take swift and decisive action if it becomes aware, via the ongoing Ropes & Gray independent investigation or otherwise, that any USA Gymnastics member who works with the Women's National Team or otherwise was involved in sexual misconduct and/or abuse, or failed to report the same.

**The Honorable Chris Collins**

1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature — protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instances is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source — stopping sexual abuse.

- a. How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?

*Response:* While USA Gymnastics has entered into a small number of settlements that contain confidentiality agreements, we are aware of only one NDA entered into since 2005. The NDA was executed in 2016 as part of a mutual settlement agreement ("the 2016 Agreement"). The other party to the 2016 Agreement was not a minor. USA Gymnastics has since released the other party from provisions of the 2016 Agreement that would prohibit the athlete's ability to speak publicly about the abuse.

- b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement — such as the amount of any financial award — or do they prohibit the victim from speaking about the details of the case — such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?

*Response:* USA Gymnastics released the other party from provisions of the 2016 Agreement that would prohibit the athlete from speaking publicly about the abuse. The 2016 Agreement's nondisclosure provisions remain enforceable as to the details of the settlement, such as the amount of any financial award. The 2016 Agreement was not executed in lieu of sanctions against Larry Nassar, including permanently banning Nassar from USA Gymnastics.

Similarly, the confidentiality clauses of the settlement agreements referenced above related to the details of the settlement; these clauses are not intended to prohibit the athlete from speaking publicly about the abuse.

USA Gymnastics will not enter into, or enforce, nondisclosure agreements that prevent or prohibit victims of sexual abuse from speaking publicly about their experiences.

**The Honorable Frank Pallone, Jr.**

**1. The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. What does USA Gymnastics do beyond the minimum requirements of the Athlete Safety Policy when conducting criminal background checks and reference checks?**

*Response:* As a condition to being granted the privilege of membership in USA Gymnastics, individuals over the age of 18 applying for professional or instructor memberships<sup>2</sup> must submit to criminal background screening. USA Gymnastics also checks at least two references for each applicant. Background checks are also required for all directors and officers, board members, members of standing committees and special committees, individuals serving in any elected capacity on a national, regional, or state-level USA Gymnastics committee, or any individual representing USA Gymnastics in a leadership capacity including, but not limited to, international representatives, national coaching staff members/clinicians, medical staff members, meet directors or referees, presenters at national or regional congresses, instructors for USA Gymnastics University, and staff members. USA Gymnastics, in its sole discretion, may require other members or individuals to complete background checks.

USA Gymnastics continually monitors and reviews individuals subject to criminal background searches, with the primary goal of safeguarding gymnasts and other participants through proactive measures while conforming to legal norms and industry best practices. Background screening must be performed upon application and every two years thereafter.

The background screens performed by USA Gymnastics, in connection with NCSI, check two independent national databases, the sex offender registries of all available states, the federal

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<sup>2</sup> Personal coaches of athletes participating in USA Gymnastics sanctioned events, designated training camps, and domestic/international competitions must be members of USA Gymnastics.

terrorist database, and county criminal records of all jurisdictions of residence in the past seven years, as well as validate the individual's social security number, name, and address.

NCSI will issue results to the applicant and USA Gymnastics based upon a "Red Light"/"Green Light" system. A Red Light finding results from reportable convictions, pending dispositions or registrations, or disclosures of convictions of any of the following offenses or registrations:

- Any felony (any crime punishable by confinement of greater than one year);
- Any lesser crime involving force or threat of force against a person;
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Additionally, a Red Light finding results from any charge for a sexual offense or involving harm to minors, even if it resulted in a disposition favorable to the applicant, including but not limited to, pardons or dismissals after deferred adjudication. These criteria are contained within the guidelines developed by NCYS and have been adopted by USA Gymnastics. We understand and believe that the NCYS considers this criteria for a Red Light finding to be consistent with the principles of the federal PROTECT Act of 2003.

Once informed of an applicant's Red Light finding, a USA Gymnastics review panel evaluates the Red Light status. Absent evidence of a pardon, mistaken identify, or an overturned conviction on merit by a court of law, the review panel will uphold the NCSI's Red Light determination for the following offenses: offenses involving an element of control; stalking; voyeurism; public indecency involving sexual activity; invasion of privacy or violation of a restraining, protective, or similar judicial order; or any category of "special misconduct"<sup>3</sup> as defined in the Bylaws. Similarly, and also absent evidence of a pardon, mistaken identity, or an overturned conviction on merit by a court of law, the review panel will uphold NCSI's Red Light determination for felony drug offenses; violent offenses; offenses causing bodily injury; or operating while intoxicated felonies that include prior convictions and/or serious bodily injury or death, unless exceptional circumstances are shown and the applicant can meet his or her burden of proof beyond a reasonable doubt. For offenses other than those described above, the review panel may consider criteria including, but not limited to: the age of the individual at the time the offense occurred; the amount of time that has lapsed since the offense occurred; the severity of the offense (misdemeanor or felony); crime classifications that are inconsistent from state to state; criminal history or pattern of offenses; status of the case; evaluation of appeal request, including

<sup>3</sup> Article 9 of the Bylaws defines Special Categories of Misconduct to include (i) listings on any state or federal sex offender list or registry; (ii) status as a sex offender in any applicable state or federal jurisdiction; or (iii) convictions of or guilty pleas, statements of no contest, or sentencing to any affirmative terms related to a criminal charge or indictment issued by an applicable city, county, state, or federal jurisdiction, and such charge or indictment directly or indirectly involved or related to sexual misconduct, child abuse, or conduct that is a violation of any law or regulation that is specifically designed to protect minors.

recommendation letters and support documentation; evaluation of whether an individual may pose a threat to athlete welfare; and consistent policy application.

In addition, USA Gymnastics has suggested that each Member club should adopt its own background check policies, in addition to the requirements of USA Gymnastics.



GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

July 13, 2018

Mr. Tim Hinchey  
President and CEO  
USA Swimming  
One Olympic Plaza  
Colorado Springs, CO 80909

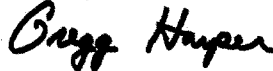
Dear Mr. Hinchey:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment



One Olympic Plaza  
Colorado Springs, CO  
80909-5770  
o 719.866.4578  
f 719.866.4669  
usaswimming.org

VIA EMAIL

July 30, 2018

The Honorable Greg Walden  
Chairman  
Subcommittee on Oversight & Investigations  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Chairman Harper:

I am writing on behalf of USA Swimming in response to your July 13, 2018 letter requesting responses to questions from the Subcommittee following the Subcommittee's May 23, 2018 hearing entitled, "*Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse*." The enclosed information, attached as Appendix A to this letter, contains USA Swimming's written responses to the Subcommittee's questions for the record.

In responding to the Subcommittee's questions at the May 23 hearing, I used my best efforts to be as accurate and responsive as possible based on my knowledge and recollection of the facts. Similarly, in responding to the Subcommittee's questions for the record, USA Swimming has used its best efforts to be as accurate and responsive as possible based on its understanding of the terms used in your letter. The representations herein are based on reasonably available information and are not intended to, and do not, capture every event related to the Subcommittee's questions for the record, nor are they an exhaustive description of the events discussed.

Thank you for your consideration of this submission, as well as the opportunity to testify before the Subcommittee on these issues.

Best regards,

Tim Hinchey III  
USA Swimming Chief Executive Officer

cc: The Honorable Diana DeGette

Enclosure

Appendix A

**USA SWIMMING'S RESPONSE TO THE SUBCOMMITTEE'S REQUESTS  
DATED JULY 13, 2018**

USA Swimming submits the following in response to the Subcommittee's Questions for the Record.

**The Honorable Gregg Harper**

1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?

USA Swimming has taken interim measures based on allegations of child sexual abuse.

- a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?

USA Swimming's rules permit an emergency hearing to be held after an initial investigation has been completed to determine if a member should be suspended pending the outcome of a full hearing. This type of temporary suspension is the most common interim measure employed by USA Swimming, as well as the most effective way the organization can ensure that an individual who has been accused of sexual abuse cannot continue participating. However, the Center now has exclusive authority to investigate sexual abuse allegations, so the circumstances in which USA Swimming would conduct an initial investigation and emergency hearing are limited.

- b. If an allegation is turned over to the U.S. Center for SafeSport (the Center), what authority does USA Swimming have to implement interim measures while the Center investigates?

According to the Center's current SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement, "Nothing in these *Procedures* prevents the Office, LAO, NGB or USOC from taking appropriate interim measures upon notice of an imminent threat of harm. In such emergency circumstances, it may be appropriate to immediately remove a Covered Individual to address such a threat."

It is our understanding that the Center is considering updating those Procedures to prevent an NGB from imposing an interim suspension once the Center has provided notice to an NGB that it is exercising jurisdiction over the matter.

- i. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?

USA Swimming no longer investigates allegations of child sexual abuse, as they fall under the exclusive authority of the Center. To the extent that USA Swimming may investigate another type of abuse or misconduct (e.g., physical abuse, bullying, harassment, hazing, etc.), the interim measure adopted may differ. For example, USA Swimming has worked with its member clubs to impose safety planning in instances of peer-to-peer bullying that did not involve a suspension of membership.

**c. Is some measure taken in every case, or is this determined on a case by case basis? If a measure is not taken in some cases, why not?**

Whether or not to take an interim measure is determined on a case by case basis. Like the Center, USA Swimming will consider whether an interim measure would help ensure the safety and well-being of the victim(s) or other athletes. The decision is also impacted by a number of other factors, including available information and the action (or inaction) by the Center. For example, if an allegation has been reported directly to the Center, USA Swimming may not immediately be privy to the identity of the alleged offender, whether or not he/she is still participating in sport, the nature of the allegations, etc. and therefore unable to assess whether or not an interim measure is appropriate. In those circumstances, the NGB must defer to the judgment of the Center and whether or not it has taken an interim measure.

**d. If an interim measure is imposed, how quickly are such interim measures implemented?**

USA Swimming's rules require that an emergency hearing be conducted to determine whether an interim suspension should be imposed on a member and that the hearing results be issued within 21 days of when the hearing was ordered. If an emergency hearing results in an interim suspension, the suspension takes effect immediately.

**e. Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?**

USA Swimming provides notice of an interim measure, including a suspension of membership, to the applicable local level entities (the member club, the regional organization responsible for member registration, etc.). Those entities then share USA Swimming's responsibility to ensure interim measures are being enforced. USA Swimming's Code of Conduct prohibits a member club or coach to knowingly: (i) allow any person who has been sanctioned with a membership suspension by the Center or USA Swimming to coach or instruct any of its athlete members; (ii) aid or abet coaching or instruction of athletes by any person who has been sanctioned with a membership suspension by the Center or USA Swimming; or (iii) allow any person who has been sanctioned with a membership suspension by the Center or USA Swimming to have an ownership interest in such member club or its related entities, so a failure of applicable local level entities to enforce the interim measure (i.e., suspension) may result in a suspension of their own respective memberships.

**2. During the hearing, Representative Costello asked you what types of background check results would lead USA Swimming to deny or terminate an individual's membership. Can you please clarify any policies or procedures that USA Swimming**

**has regarding background checks on any individuals associated with USA Swimming (e.g., athletes, coaches, volunteers, etc.)?**

USA Swimming's criminal background check program identifies all criminal activity reportable under applicable state and federal law and available through relevant databases. However, only certain offenses result in automatic or potential disqualification, and they are set forth in the USA Swimming Criminal Background Check Policy<sup>1</sup>.

Automatic disqualifiers include the following offenses:

- (1) Any felony involving:
  - a. Violence against a person;
  - b. Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon);
  - c. Animal abuse or animal neglect
- (2) Any felony or misdemeanor involving:
  - a. All sexual crimes (excluding only those potential disqualifiers provided in 3c below);
  - b. Drug use or possession, (including the use of drug paraphernalia) within the previous 3 years;
  - c. Other drug related crimes including drug distribution, intent to distribute, manufacturing, trafficking;
  - d. Child endangerment, neglect or abuse.

Potential disqualifiers include the following offenses:

- (1) Other felonies not included in Automatic Disqualifiers above;
- (2) Crimes involving vehicular bodily harm;
- (3) Other misdemeanors for:
  - a. Drug related crimes which are not covered in Automatic Disqualifiers above;
  - b. Violence against a person (including crimes involving firearms);
  - c. Prostitution, indecent exposure, and public indecency;
  - d. Stalking or harassment;
  - e. Destruction of property, including arson, vandalism, and criminal mischief;
  - f. Animal abuse or neglect.

All non-athlete members of USA Swimming (e.g., coaches, officials, those having frequent and direct contact with athletes) must complete a criminal background check.

USA Swimming also conducts criminal background checks on athletes in limited circumstances. Pursuant to the USA Swimming National Office Athlete Protection Policy, "All athlete representatives assigned or appointed by USA Swimming to serve as an athlete representative on a USA Swimming-selected team, training camp, or other similar activity shall be subject to social network and Google media searches, and in the event the athlete representative is 18 years of age or older, a criminal background check. For the avoidance of doubt, athletes

<sup>1</sup> This policy is publicly available at: <https://www.usaswimming.org/docs/default-source/safe-sportdocuments/3.-complete-requirements/a.-initiate-a-background-check/usa-swimming-background-check-program-summary.pdf?sfvrsn=3>.

competing on behalf of USA Swimming in international or protected competition do not constitute 'athlete representatives' for purposes of this section.<sup>22</sup> For example, a current adult National Team member may be invited to speak with athletes at a National Junior Team camp. The National Team member constitutes an athlete representative and would be subject to a criminal background check; however, the National Team member is not a camp participant (i.e., not training in the pool).

#### The Honorable Chris Collins

1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature -protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source - stopping sexual abuse.
  - a. How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?
  - b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?

USA Swimming has been a defendant in civil litigation relating to allegations of abuse made by athletes. Some of those matters were resolved through agreements between or among the parties. Those agreements typically contain confidentiality provisions that apply to the terms of the agreement (or often just the settlement amount); however, such confidentiality provisions typically do not apply to the athletes' abilities to discuss publicly their experiences.

<sup>22</sup> This policy is publicly available at: <https://www.usaswimming.org/docs/default-source/policy-manual-public/section-20-safe-sport-athlete-protection-post.pdf?sfvrsn=7>.

Upon current information and belief, since 2005, USA Swimming was a party to or was made aware of one such agreement in 2010, two in 2011, four in 2012, one in 2013, seven in 2014, one in 2015, two in 2016, none in 2017, and most recently one in 2018. Of those, six agreements were entered into with the swimmer's parent(s) because the swimmer was a minor at the time of the agreement. One such agreement (2010) includes a provision restricting the swimmer's ability to discuss publicly the details of the case. These agreements were not entered into in lieu of the responding party being given appropriate sanctions.<sup>3</sup>

**The Honorable Frank Pallone, Jr.**

1. USA Swimming created its own SafeSport program in 2010 to foster "a healthy, safe and inclusive environment." Still, in each year since 2010, USA Swimming has received multiple reports of sexual misconduct. For example, the documents you submitted to the committee indicate that there were 18 reports in 2015; 12 reports in 2016; and 16 reports in 2017. Has USA Swimming conducted a thorough examination to understand why the number of reports of abuse has not declined since 2010? If so, what has USA Swimming learned?

USA Swimming has not conducted an examination regarding the number of reports of abuse it has received since 2010.

2. USA Swimming commissioned the Gundersen National Child Protection Training Center to review the USA Swimming SafeSport program in 2013. You received a report from Gunderson on 2014, and follow-up Progress Updates in 2015 and 2017. The 2017 Progress Update included several recommendations that had not yet been implemented, such as requiring all children and parents to take Safe Sport training, placing a Safe Sport coordinator in every club, and developing a pool of medical and mental health treatment experts. Has USA Swimming implemented these recommendations? If not, why not, and what is the timetable for full implementation?

USA Swimming continues to make progress implementing the 52 recommendations contained in the Gunderson report. In particular, requiring all children and parents to take Safe Sport training and having a Safe Sport coordinator in every club fall under the Safe Sport Recognized Club program, which is set to launch by October 2018. Many children and parents already have received Safe Sport training and many clubs already have a Safe Sport coordinator, but the Safe Sport Recognized Club program will track and standardize these expectations. Initially, certain Safe Sport Recognized Club criteria will be optional (except for those components already required by USA Swimming Rules) before ultimately becoming mandatory.

USA Swimming has not yet developed a pool of medical and mental health treatment experts to use as a resource and is instead identifying those individuals on a case by case basis. However,

<sup>3</sup> USA Swimming considers the information contained in this response to be highly confidential and sensitive in nature and respectfully requests advance notice of any contemplated disclosure of this information, as well as a reasonable opportunity to raise any concerns or objections.

USA Swimming is exploring various athlete wellness initiatives and will likely incorporate this recommendation into a broader initiative that extends beyond Safe Sport.

- 3. Before USA Swimming commissioned the Gundersen National Child Protection Training Center, USA Swimming requested that Praesidium and Child Welfare League to produce comprehensive athlete protection education programming. How many studies were conducted on sexual misconduct previous to Gunderson? Please summarize the findings of those studies.**

USA Swimming created its Safe Sport program in 2010. In the program's inception and development, USA Swimming consulted a number of leading subject matter experts and resources, including Praesidium and the Child Welfare League. However, the Gundersen report commissioned in 2013 and completed in 2014 was the first comprehensive assessment of USA Swimming's Safe Sport program. We are currently initiating a review and assessment of our Safe Sport educational content, which we anticipated will be completed in the next three to six months.



GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

July 13, 2018

Mr. Steve McNally  
Executive Director  
USA Taekwondo  
One Olympic Plaza  
Colorado Springs, CO 80909

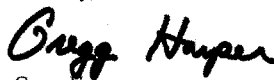
Dear Mr. McNally:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

**The Honorable Gregg Harper**

**1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?**

Yes. If USA Taekwondo receives a direct report of sexual abuse, in contravention of the SafeSport policy, then it will suspend the individual pending the result of the investigation by the U.S. Center for SafeSport and add their name to the Suspended List until a final determination is reached.

Should the Center for SafeSport issue an interim measure in a case reported to them, USA Taekwondo will enforce that measure without question.

**a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?**

Interim measures can range from full temporary suspension of membership and all activity with the organization for the duration of the investigation, to special measures such as removal from a team as a coach or a no-contact order. If the interim measure is imposed by USA Taekwondo then the determination of which type of measure is used is made based on the seriousness of the allegation. In cases where the interim measure is being imposed by the U.S. Center for SafeSport, USA Taekwondo will follow their instructions on what actions to take.

**b. If an allegation is turned over to the U.S. Center for SafeSport, what authority does USA Taekwondo have to implement interim measures while the Center investigates?**

USA Taekwondo turns ALL reports that contain any trace of sexual misconduct over to the U.S. Center for SafeSport. Until the Center for SafeSport exercises jurisdiction over a matter USA Taekwondo has full authority to implement an interim measure. Once the Center exercises jurisdiction USA Taekwondo will typically follow their instructions on whether an interim measure is necessary and appropriate, or not.

**1. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?**

No, it does not. USA Taekwondo no longer conducts any investigation into sexual misconduct. Any and all sexual misconduct investigations are conducted by the U.S. Center for SafeSport.

**c. Is some measure taken in every case, or is this determined on a case by case**

**basis? If a measure is not taken in some cases, why not?**

In every case that contains an element of sexual misconduct USA Taekwondo will submit it to the U.S. Center for SafeSport, and to the appropriate law enforcement agencies. Interim measures imposed by USA Taekwondo independent of a ruling by the Center are taken on a case by case basis, determined by the seriousness and source of the allegations. If a report is made directly by a potential victim (or their guardian) USA Taekwondo will implement an interim measure appropriate to the seriousness of the allegation. In the case of third party reports, hearsay or rumor USA Taekwondo will file these with the Center for investigation and implement their ruling on either interim or final measures.

**d. If an interim measure is imposed, how quickly are such interim measures implemented?**

Interim measures are implemented immediately.

**e. Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?**

It is USA Taekwondo's responsibility to enforce interim measures, whether they have been determined by USA Taekwondo or the Center for SafeSport. Potential consequences of not adequately enforcing interim measures might include placing the athlete or others at further risk of abuse, or mental distress at having to be in close proximity to their alleged abuser at, for example, an event hosted by USA Taekwondo.

**2. During the hearing, Representative Costello asked why USA Taekwondo delayed its decision to impose background check requirements. Can you please clarify any policies or procedures that USA Taekwondo has regarding background checks on any individuals associated with USA Taekwondo (e.g., athletes, coaches, volunteers, etc.) and describe why USA Taekwondo delayed its decision to impose background check requirements?**

USA Taekwondo requires all staff, board members, coaches, referees, vendors and technicians with competition floor access to take a background check at the time of appointment, and every two years subsequently. Any individual who 'fails' a background check (for example, for having a felony conviction on their record) will receive immediate notice of denial/suspension of membership and be offered a hearing with USA Taekwondo's independent Ethics Committee to petition the decision. If a hearing is requested the membership remains suspended/denied until the conclusion of that process. If a hearing is not requested, the suspension/denial is made permanent.

USA Taekwondo began working on implementing background checks in 2012. The process of acquiring a provider and integrating the checks into the database system took over a year and the system was ready for use in mid 2013. The organization faced difficulties with the integration project at the time, due to the nature of the software used for membership, but did

manage to implement a solid system on completion of the project. There are no details on file as to why it wasn't implemented faster, but equally, I cannot find any evidence of an intentional delay to the beginning of the project.

**3. In your March 21, 2018 letter to the Committee, USA Taekwondo indicated that there are roughly two dozen individuals facing suspensions or lifetime bans from your sport. Can you please clarify the answer you provided during the hearing to the question regarding whether any of these individuals have been reported to law enforcement?**

22 of the 29 people on the suspended list are for incidents that involved law enforcement. There are 4 of 29 where, following a diligent search of the records, I have not been able to uncover whether or not law enforcement was involved.

Only 3 of 29 people on the list were not referred to law enforcement.

- a. If some of the individuals were not referred to law enforcement, can you please describe why they were not referred to law enforcement?**

It depends on the seriousness of the allegations – not all suspensions are for sexual misconduct. Some allegations are clearly violations of the SafeSport policy or Code of Ethics but do not rise to the level of a criminal act. USA Taekwondo is committed to reporting all allegations of sexual misconduct to both law enforcement and the Center for SafeSport for investigation.

**The Honorable Chris Collins**

**1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature -protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source -stopping sexual abuse.**

- a. How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?**

USA Taekwondo has no records of any NDAs being entered into with athletes since 2005. This is not something we have done or intend to do in the future. NDAs are not used with athletes in any circumstance.

**b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement such as the amount of any financial award -or do they prohibit the victim from speaking about the details of the case such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?**

See answer above. USA Taekwondo does not enter into NDAs with athletes, and will not do so in the future.

**The Honorable Frank Pallone, Jr.**

**1. The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who either is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. What does USA Taekwondo do beyond the minimum requirements of the Athlete Safety Policy when conducting criminal background checks and reference checks?**

USA Taekwondo requires all staff, board members, coaches, referees, vendors and technicians with competition floor access to take a background check at the time of appointment, and every two years subsequently. Any individual who 'fails' a background check (for example, for having a felony conviction on their record) will receive immediate notice of denial/suspension of membership and be offered a hearing with USA Taekwondo's independent Ethics Committee to petition the decision. If a hearing is requested the membership remains suspended/denied until the conclusion of that process. If a hearing is not requested, the suspension/denial is made permanent.

USA Taekwondo uses a company called Verified Volunteers as its background check supplier but would support an initiative to utilize a common background check provider.

**The Honorable Jan Schakowsky**

**1. Following up on my last question in the hearing, what steps - if any - is USA Taekwondo taking to hold to account those not only abusers but also those who helped cover up for abusers?**

USA Taekwondo works with the Center for SafeSport and law enforcement to hold abusers to account. USA Taekwondo has received no reports against anyone currently involved with the organization, accusing them of such behaviors as covering up for abusers. If we were to receive such reports they would be investigated with through the Center, or USA Taekwondo's independent ethics processes.

**2. USA Taekwondo arranges training camps and exchanges for its athletes. It is my understanding that, in at least one instance, one of those events involved a coach with a pattern of inappropriate relationships with young athletes. How does USA Taekwondo vet the coaches and other staff with whom athletes will come into contact at camps and exchanges that it arranges?**

All coaches and staff (administrative, referee or medical) must pass a background check, complete the SafeSport training and have no current SafeSport sanctions in place against them before they will be allowed to attend a training camp or athlete exchange.

**3. How does USA Taekwondo vet referees and vendors at its events? Are banned coaches allowed to return to USAT events in non-coach roles?**

Referees and vendors must pass a background in order to be granted access to USA Taekwondo events. Bans issued are from any participation in a USA Taekwondo event, so banned coaches would not be allowed to take any non-coaching role at a USA Taekwondo event.

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2827  
Minority (202) 225-3641

July 13, 2018

Mr. Jamie Davis  
CEO  
USA Volleyball  
4065 Sinton Road, Suite 200  
Colorado Springs, CO 80907

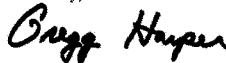
Dear Mr. Davis:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment



July 26, 2018

The Honorable Gregg Harper, Chairman  
Subcommittee on Oversight and Investigations

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

Attn: Ali Fulling, Legislative Clerk  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515  
[Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov)

**RE: Supplemental Questions of Committee on Energy and Commerce dated July 13, 2018**

Dear Chairman Harper and Ranking Member DeGette:

Please allow this correspondence to serve as USA Volleyball's response to the House of Representatives Committee on Energy and Commerce's communication dated July 13, 2018. USA Volleyball respectfully reserves the right to amend its responses should further information be discovered at a later date.

**The Honorable Gregg Harper**

1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?

USA Volleyball employs an interim measure suspension as a protective measure for all involved.

- a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?

Proud Member





USA Volleyball is committed to ensuring the safety of all its participants. Therefore, the interim measure of suspension is used for all individuals under investigation.

- b. If an allegation is turned over to the U.S. Center for SafeSport, what authority does USA Volleyball have to implement interim measures while the Center investigates?**

USA Volleyball has been instructed by the U.S. Center for SafeSport that once the U.S. Center for SafeSport assumes jurisdiction of a matter, USA Volleyball may implement interim measures short of suspension of participation, as such interim measure is reserved exclusively for the U.S. Center for SafeSport at that point. Any interim measures placed by USA Volleyball after the U.S. Center for SafeSport assumes jurisdiction are to be coordinated through and approved by the U.S. Center for SafeSport.

- i. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?**

As discussed above, USA Volleyball always places the individual on an interim suspension, which occurs prior to the U.S. Center for SafeSport assuming jurisdiction. The U.S. Center for SafeSport may accept jurisdiction in a matter of a day, or it may take several weeks to make a jurisdiction determination.

Once the U.S. Center for SafeSport has assumed jurisdiction, it may enforce the interim measure suspension placed by USA Volleyball, or it may assume or enforce a different interim measure(s). Should the U.S. Center for SafeSport assume a different interim measure, it falls to the responsibility of USA Volleyball to enforce.

USA Volleyball reports all matters involving sexual misconduct to the U.S. Center for SafeSport since it has exclusive jurisdiction over such matters. USA Volleyball only investigates those matters not involving sexual misconduct.

- c. Is some measure taken in every case, or is this determined on a case by case basis? If a measure is not taken in some case, why not?**

USA Volleyball almost always takes an interim measure suspension. In those rare instances when USA Volleyball does not take an interim measure, one of two things occurred: (1) the U.S. Center for SafeSport was notified of the matter first and is preparing its own interim measure, or (2) the nature of the circumstances did not present a danger to our participants (for example, the nature of the complaint is against a foreign participant who has returned to his/her home country with no possibility of return).

- d. **If an interim measure is imposed, how quickly are such interim measures implemented?**

When USA Volleyball imposes an interim measure, the interim measure goes into effect immediately and the individual is sent a notification by electronic communication.

As discussed above, the U.S. Center for SafeSport may impose a sanction in one day or several weeks. Once imposed, notification is sent to the individual with a copy to USA Volleyball.

- e. **Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?**

The responsibility to enforce any interim measure falls upon USA Volleyball. USA Volleyball has been diligent in enforcing interim measures and is, therefore, unaware of the consequences of not adequately enforcing an interim measure since this situation has not occurred.

#### The Honorable Chris Collins

1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature - protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source - stopping sexual abuse.

- a. **How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?**

USA Volleyball does not currently utilize NDAs, and to the best of our knowledge, has never utilized NDAs for purposes of settlement agreements. To that end, no minor has ever executed an NDA with USA Volleyball.

Within the past few years, members of the USA Volleyball Board of Directors have executed NDAs for purposes of reviewing financial records and other tax documents. None of the NDAs executed in those instances related to settlement agreements.

- b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?

As discussed above, USA Volleyball does not utilize NDAs for purposes of settlement agreements.

**The Honorable Frank Pallone, Jr.**

1. In USA Volleyball's March 20th letter to the Committee, USA Volleyball reported receiving 14 complaints in 2017, and 30 in 2018. There are also allegations that your organization banned a coach in 1995 after receiving reports that he abused athletes. USA Volleyball then reportedly reinstated him in 2000, after which he had contact with nearly 20,000 athletes before USA Volleyball banned him again earlier this year. Has USA Volleyball conducted a thorough examination of the reports of abuse made to your organization? If not, why not? If so, have you learned anything that has changed the way USA Volleyball will handle similar cases in the future?

USA Volleyball has long championed a culture of protection for all its participants. We were one of the first NGB's to implement a robust background screening policy. Beginning in the 2004/2005 volleyball season, USA Volleyball started working with the nationally respected background screening company SSCI and implemented a policy requiring individuals who participate with junior volleyball clubs to submit to a background screen.

Recognizing a need to do more to protect athletes of all ages, USA Volleyball formed a commission in 2010 to address participant safety, named the Special Commission on Athlete Safeguards. This commission set out to review the current trends and best practices in athlete safety and produced recommendations for USA Volleyball to implement.

The recommendations of the commission were extensive, but included:

- 1) developing a procedure for reporting sexual harassment or abuse allegations,
- 2) formulating written policies that define inappropriate behavior, and
- 3) providing continual education on these kinds of topics to USA Volleyball participants and parents.

This commission's work paved the way for USA Volleyball to establish early SafeSport policies and procedures before it was ever called "SafeSport." We are proud to have been a very early endorser of a SafeSport program and the U.S. Center for SafeSport and we take seriously examining all reports of alleged abuse made to our organization.

In addition, USA Volleyball continues to look for ways to further protect our members. Starting in 2014, USA Volleyball added the position of SafeSport Coordinator. The primary job duties of that position include, but are not limited to: relaying reports of abuse made to USA Volleyball to the U.S. Center for SafeSport, acting as a liaison of information between USA Volleyball and the U.S. Center for SafeSport, tracking matters and following-up with the U.S. Center for SafeSport on the status of those matters, communicating with victims about their rights and our reporting obligations, reporting alleged misconduct to law enforcement, and tracking data on the matters that are filed with the U.S. Center for SafeSport.

Additionally, USA Volleyball has simplified its reporting system, and made it easier for victims to report allegations to the U.S. Center for SafeSport. On USA Volleyball's website, we have included an easily identifiable graphic regarding SafeSport and reporting. Also, we began using a centralized reporting form that links to the U.S. Center for SafeSport and includes all necessary, pertinent information.

In regard to your question concerning the coach banned in 1995, Mr. Rick Butler is a well-known private volleyball club owner and coach in the Chicagoland suburb of Aurora, IL. His club, Sports Performance Volleyball, is not owned or operated by USA Volleyball however it's athletes and coaches are required to be members of USA Volleyball if they wish to participate in USA Volleyball sanctioned events. In 1995, allegations of sexual misconduct were brought forth by three women that took place while they were members and players at his privately-owned club. The women claimed that Mr. Butler had a sexual relationship with them in the 1980's while he was their coach and while they were under the age of 18. As a result of those allegations, USA Volleyball found that Mr. Butler had violated our rules and voted to ban him for life.

After five years passed, and upon Mr. Butler's request for reinstatement, USA Volleyball voted to conditionally reinstate Mr. Butler's membership in the year 2000 under the limitation of Mr. Butler's inability to ever coach junior girls in USA Volleyball sanctioned events. To be clear, regardless of all the headlines surrounding this matter, since the year 1995, Mr. Butler has been banned from coaching junior girls under USA Volleyball, a condition of his lifetime ban that has

never changed. Furthermore, these allegations are a result of Mr. Butler's activities as a club director and coach for his privately-owned club and not a part of the USA Volleyball national team programs.

In late 2016, several brave women came forward to USA Volleyball to provide new allegations against Mr. Butler for sexual misconduct dating back to the 1980's. Based on these women's claims, USA Volleyball filed new charges against Mr. Butler and in January 2018, USA Volleyball's Ethics and Eligibility Committee held a hearing regarding these allegations and Mr. Butler was once again found to have violated our rules and as a result, Mr. Butler was banned from total participation in USA Volleyball for life without the possibility of reinstatement. The current ban against Mr. Butler prohibits him from ever being reinstated as member of USA Volleyball, insuring the protection of our members in perpetuity.

2. **The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. What does USA Volleyball do beyond the minimum requirements of the Athlete Safety Policy when conducting criminal background checks and reference checks?**

In the 2004/2005 volleyball season, USA Volleyball started working with the nationally respected background screening company Southeastern Security Consultants, Inc. or SSCI to conduct background screens. We have maintained that relationship to this day.

While there are no specified standards for what information should be reviewed, USA Volleyball has worked with SSCI to determine parameters set by state and federal laws (for example, the Fair Credit Reporting Act) as to how far back we, as a vendor, may review information in an individual's background screen.

In accordance with the Athlete Safety Policy, USA Volleyball's background screens are extended to anyone having frequent contact or authority over athletes. For USA Volleyball, this includes, but is not limited to: coaches, officials, chaperones, applicable volunteers, medical professionals, independent contractors, all USA Volleyball Board of Directors, and all USA Volleyball staff.

Up through this last season, USA Volleyball employed automatic disqualifiers to prohibit membership to an individual whose background screen revealed such a disqualifier. Per USA Volleyball's background screen policy, those disqualifiers are:

*Anyone found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication or received court directed programs and/or other sentencing directives in lieu of a finding of guilt, for the following criminal offenses; All Sex offenses, Murder, and Homicide regardless of time limit; Felony Violence and Felony Drug offenses in the past 10 years; any misdemeanor violence offenses in the past 7 years; any multiple misdemeanor drug and alcohol offenses within the past 7 year; or any other crimes (not listed) against children in the past 7 years (the time frames associated with the categories of crime listed above are calculated based on the date of the offense). Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated. Falsification of information on any membership application or the consent/release form is grounds for membership revocation or restriction of membership.*

For the start of the 2018/2019 season, USA Volleyball has been directed by the United States Olympic Committee that we can no longer utilize a system of "automatic" disqualifiers, but instead, must offer a hearing to individuals found to have met one of the disqualifiers above. To be clear, these hearings are to be extended to individuals that would have otherwise been disqualified from membership with USA Volleyball.

While USA Volleyball's background screening is robust, and has been for some time, we view the background screen as an initial filtering process for USA Volleyball membership eligibility. After the background screen, USA Volleyball maintains additional safety measures.

We believe this communication has effectively and transparently responded to the supplemental questions. Please do not hesitate to contact the undersigned should you have any other questions or comments.



Jamie Davis  
CEO  
USA Volleyball

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641

July 13, 2018

Ms. Shellie Pfohl  
President and CEO  
U.S. Center for SafeSport  
1385 S. Colorado Boulevard, Suite A-706  
Denver, CO 80222

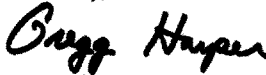
Dear Ms. Pfohl:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Ali.Fulling@mail.house.gov](mailto:Ali.Fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations  
Attachment



**Attachment-Additional Questions for the Record**

*Responses from the U.S. Center for SafeSport  
July 30, 2018*

**The Honorable Gregg Harper**

1. During the May 23 hearing, you testified that the U.S. Center for SafeSport (the Center) had received reports, complaints, and allegations regarding sexual abuse that related to 38 of the National Governing Bodies (NGBs). Can you please provide a list of these 38 NGBs that have been associated with reports, complaints, and allegations received by the Center regarding sexual abuse?

Please see Appendix B to April 2018 responses.

- a. Have you received reports, complaints, or allegations regarding sexual assault from additional NGBs since the hearing? If so, from which NGBs?

No, there have not been reports, complaints, or allegations regarding sexual assault received from additional NGBs since the hearing.

2. During the May 23 hearing, you testified that the Center had received over 800 reports regarding sexual abuse since the Center opened in March 2017. Please provide an update on the total number of reports regarding sexual abuse that the Center has received since it opened in March 2017 and the date associated with this updated count.

As of July 27, 2018, the Center has received 975 reports involving some form of sexual misconduct.

- a. How many reports have been resolved since the Center opened in March 2017?

There are currently 398 open matters. 223 of the reports have been resolved (i.e., investigated and adjudicated) through the Center's process since it opened in March 2017.

- b. On average, how long does it take the Center to resolve a case relating to sexual abuse?

63 days.

- c. Of the NGBs that are associated with these reports of sexual abuse, how many NGBs have over 100 complaints associated with them, over 50 complaints associated with them, and over 25 complaints associated with them?

- Over 100 complaints: 3 NGBs
- Over 50 complaints: 2 NGBs
- Over 25 complaints: 5 NGBs



3. From the documents we received during our investigation, the Committee learned that the Center requested the historical codes of conduct from each NGB on March 14, 2018 to create a comprehensive database of policies.

- a. Based on SafeSport's Code of Conduct, there is no statute of limitations that prevents the Center from investigating, assessing, or considering relevant conduct under its provisions, correct?

Correct – there is no statute of limitations.

- b. Was the March 14, 2018 request the first time that the Center requested that the NGBs provide the Center with all of their historical codes of conduct?

March 14, 2018, was the first time the Center requested that the NGBs provide the Center with all historical codes of conduct to create a database of historical policies. But it was not the first time Center requested the applicable policy or policies from an NGB if and when it received allegations of sexual misconduct that pre-dated the SafeSport Code. Rather, if the Center did not have a policy in its database, it would request applicable documentation from the relevant NGB on a case-by-case basis.

- c. The Center indicated that it was requesting the historical codes of conduct because, if a report is made regarding conduct that occurred before the effective date of the SafeSport's Code, the Office will apply the relevant NGB's substantive rules and regulations and/or other standards applicable at the time of the alleged conduct. Do you now have a database of historical policies from each NGB?

No. The Center anticipates completing the process of creating a database of historical policies by August 31, 2018. Because there is no statute of limitations, matters may date back as far as the 1960s.

- d. What did the Center do when investigating historical cases during the first year of its operation?

During its first year of operations, the Center requested applicable policies from the NGB as needed and on a case-by-case basis. In addition, if policies were not (or are not) available, the Center identifies community standards in effect at the time.

- e. As you have worked through the first year, how else have you changed or adapted your operating procedures to more efficiently handle your caseload?

- Criminal dispositions
  - Broadened the definition of criminal disposition
- Modified process for temporary suspensions
  - Clarified notice provisions and the time within which a hearing must be provided (72 hours from the request for a hearing)
  - Added requirement that Responding Party share in the costs of an interim measures hearing
  - Created a rebuttable presumption that allegations are true for purposes of interim measures hearing
- Removed the option for a three-judge panel for merits hearing (now all panels will be one judge)
- Removed an ex-parte communication provision during hearings
- Added provision making willful tolerance of a violation an independent violation

4. Does the Center have a standard process for investigating reports regarding sexual abuse? If so, please describe this process, including the parties that generally are involved in the process, their roles, and how the parties are updated on the status of the investigation.

Yes, the Center has a standard process for investigating reports regarding sexual misconduct.

When the Center receives notice of a matter within its exclusive authority, or accepts a matter within its discretionary authority, it undertakes a preliminary inquiry to determine if there is reason to believe an individual within its jurisdiction violated the SafeSport Code. If, after a preliminary inquiry, the Center concludes there is reason to believe an individual within its jurisdiction has violated the Code, it will initiate proceedings, which may include an informal or formal resolution.

The Center may initiate proceedings without a formal report and reserves the right to initiate proceedings without a report from, or participation by, a complainant (reporting party). The Center may, at any point before a matter is final, seek interim measures.

#### The parties

There are two parties to the process: the reporting party (often referred historically to as the victim) and the responding party (often referred historically to as the perpetrator).

#### The parties' roles

During an investigation, both the Reporting Party and the Responding Party are permitted to provide evidence, including written statements, lists of potential witnesses, and other physical or documentary evidence.

Full cooperation and participation in the investigation process is important to ensure that all relevant facts and evidence are presented to the Center so it can determine whether a violation of the SafeSport Code occurred. If a party declines to cooperate or participate in an investigation, the Center will make its decision based on the available evidence.

Other individuals who may have a role in the process include witnesses and the parties' advisor (who may be an attorney).

#### Formal investigation

If the Center determines that a full investigation is necessary, it will appoint trained investigators. The number of investigators assigned and the length of the investigation will depend on the nature and/or complexity of the matter.

The investigator may take the following steps:

- Seek to notify the Reporting Party that the Center is conducting an investigation into a possible SafeSport Code violation and inform the Reporting Party of the right to meet with the investigator and present evidence in support of the complaint along with the names and/or contact information of any potential witnesses with direct knowledge of the allegations.
- Seek to interview the Responding Party and advise the Responding Party of the nature of the allegations before making a determination. The Responding Party will be provided the opportunity to present a response to the allegations, including evidence and the names and/or contact information of potential witnesses with direct knowledge of the allegations.
- Seek to interview witnesses with direct knowledge of the allegations.
- Seek evidence and take any other action as the investigator may deem relevant to the

investigation.

- Review the evidence provided by a third-party reporter, the Reporting Party, the Responding Party, or any other source
- Document all investigative efforts, including but not limited to interviews, receipt of relevant documentation, database searches, and review and collection of other publicly-available information (e.g., social media, public records).

At any point before the final resolution the Center may close the investigation if (a) the investigator could not conduct or complete the investigation, (b) it is determined the Center does not have authority or jurisdiction over the alleged violation, or (c) it is determined there is no reason to believe there has been a violation. The Center may, at its discretion, reopen any case it has closed.

#### Investigative Report

Upon completing the investigation, the investigator prepares a report that, based on the preponderance of the evidence, sets forth findings of fact and references disputed facts and any credibility assessments. The investigator's report will also state whether the Responding Party violated the Code.

#### The Director's Decision

The Director of Investigations and Outcomes will consider the investigative report and any other relevant information. If the Director decides no further investigation is necessary, the Director will issue a Decision that (a) states whether a violation of the Code occurred, and (b) the code Violation, and (c) the sanction to be imposed (if any), consistent with the sanctioning guidelines. The Decision will incorporate the investigator's report, include a summary of the relevant standards, facts and evidence relied upon in reaching the Decision.

The Director will provide written notice and a copy of the Decision to the Responding Party and the Reporting Party. The written notice states the Responding Party's opportunity to request a hearing to challenge all or part of the Decision. The Decision also includes notice of the Reporting Party's right (as applicable) to request a hearing to challenge a determination that the Responding Party did not violate the Code.

- If the Director decides there was no violation of the Code by the Responding Party, the matter will be closed. However, the Reporting Party may initiate arbitration to request a finding that the Responding Party did violate the Code.
- If a violation of the Code is found, the Responding Party may request a hearing concerning the finding that there was a violation of the Code, the sanction, or both.

All materials created during an investigation are deemed confidential as is the identity of the Reporting Party(ies) (i.e., victim(s)).

- After the Center launches an investigation, what information do all parties have access to during and after the investigation? If access to information is different for the various parties involved in the investigation, please describe what information each party can access at the different stages of the investigation.

All parties have access to the same information, including the nature of the allegations (including date and location), relevant policies, the involved individuals, information provided by witnesses – however, that information may be shared at different times with the parties and may be redacted to protect the integrity of the ongoing investigation or the identities of parties or witnesses. After the investigation is complete, the parties both have access to the investigation report, which includes any exhibits and documentary evidence relied upon in reaching the decision, and the Director's Decision.

- b. During an investigation, how does the Center typically work with the USOC or NGBs?

The Center's Response and Resolution Office shares information with NGBs as necessary to resolve an allegation and enforce disciplinary action. At a minimum, the Center must always initially determine whether it has personal and subject matter jurisdiction over the individual who allegedly violated relevant policy (i.e., the Responding Party) – information that the NGB must provide as they have exclusive control over their current and historical membership rolls. In addition, the Center shares information with NGBs necessary to enforce a sanction as NGBs are required to and have the ability to enforce sanctions. To this end, the policies and procedures state:

It will be necessary for the Center to:

- a) notify the NGB of an allegation involving a Covered Individual [Responding Party] from that NGB;
- b) if the Office seeks an interim measure (e.g., a no-contact measure, safety planning, or a suspension);
- c) if the Office proceeds to a full investigation, and
- d) any final decision regarding whether a violation occurred and what sanctions, if any, must be enforced.

However, the Center will not disclose the identity of a Reporting Party to the NGB unless necessary to the case.

- Example 1 – The Reporting Party requests a no-contact order be implemented between them and the Responding Party. The Reporting Party and Responding Party are scheduled to compete at an event sanctioned and staffed by an NGB. The two parties compete at different times, but there is a possibility that the two schedules may overlap. To both implement and monitor the no-contact order during the sanctioned event, the NGB must be aware of both the Reporting and Responding parties' identities.
- Example 2 – A Reporting Party notifies the Center of allegations that were previously addressed and resolved by the NGB prior to the opening of the Center in March 2017. This is, in essence, requesting an appeal or a re-review of the previous NGB adjudication. To determine whether such review is appropriate, the Center must obtain any historical files from the NGB.

#### Interim (Temporary) Measures by an NGB

Under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, the Center must develop a mechanism by which an NGB can “withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation.” Under certain circumstances, this may require that the NGB be aware of information concerning the identity of both parties.

#### Reporting obligations and abuse of process

The Center's rules are designed to maximize the disclosure of any and all relevant information to both the Center and any other appropriate agencies (e.g., law enforcement, child protective services, etc.) – through ongoing reporting obligations, a prohibition on the destruction or concealment of evidence, and privacy rules.

Covered Adults<sup>1</sup>, such as NGB staff, are mandatory reporters of child abuse. The obligation to report is an ongoing one and is not satisfied simply by making an initial report. The obligation

<sup>1</sup> A Covered Adult is a Covered Individual, who is 18 years of age or older. A Covered Individual is an individual who is within the Center's jurisdiction, i.e., any individual who currently is, or was at the time of a possible violation of the SafeSport Code, within the governance or disciplinary jurisdiction of an NGB or who is seeking to be within the governance or disciplinary jurisdiction of an NGB. This includes NGB staff.

includes reporting, on a timely basis, all information about which a Covered Adult becomes aware. If the Covered Adult learns additional information, including information regarding the nature of an incident, the identity of witnesses, statements regarding the incident including statements by the Reporting Party (the person(s) who may be the victim of the alleged behavior), Responding Party (the person(s) accused of the alleged behaviors), or a third-party Reporter (e.g., a friend, parent, coach, teammate, etc.), or the existence of evidentiary material (including any documents, electronic communications, emails, text messages, medical reports, photographs, audio or video recordings, or social media activity), it must be reported promptly to the Center. See SafeSport Practice and Procedures for the U.S. Olympic and Paralympic Movement at Part II (Reporting, Confidentiality, and Privacy).

The Center prohibits NGBs from and may sanction staff for: (a) **falsifying, distorting, or misrepresenting** information, and (b) **destroying or concealing information** prior to or during an investigation. See SafeSport Practice and Procedures for the U.S. Olympic and Paralympic Movement at Part IV (Misconduct Related to the Office's Proceedings) (prohibiting abuse of process).

- c. What information does a party have access to during and after a SafeSport investigation?

Please see 4(a), above.

The Honorable Michael C. Burgess

1. Larry Nassar was licensed in the state of Michigan, but treated gymnasts at the Karolyi Ranch in Texas without a Texas medical license. He also treated gymnasts during competitions abroad, including at the World Championships and Olympics.

- a. How does the United States Olympic Committee and its National Governing Bodies ensure that its physicians are compliant with licensing obligations?

The Center refers questions concerning how the United States Olympic Committee and the National Governing Bodies ensures that its physicians are compliant with licensing obligations to those organizations.

However, when the Center is confronted with such issues, the Center attempts to coordinate with the governing medical boards in the relevant jurisdictions.

- b. Is parental consent required for amateur athletes to be treated by a team doctor? Are parents provided with information, such as status of medical license, for these providers?

The Center refers questions concerning how the United States Olympic Committee and the National Governing Bodies addresses parental consent for treatment by a team doctor to those organizations.

2. Many athletes begin training when they are very young and often do so outside of parental supervision.

- a. Do athletes and/or parents receive training and education when a child joins a sport organization governed by a United States Olympic Committee National Governing Body?

The U.S. Center for SafeSport disseminates all education materials through its website and directly to National Governing Bodies to distribute to their membership, including athletes and parents. In May 2018 the Center published a parent toolkit and a free online parent training. The Center's core SafeSport training covers the topics addressing sexual, physical

and emotional abuse set forth in Attachment A.

In the Education policies that the U.S. Center for SafeSport will be issuing soon to NGBs, per the requirement under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, all NGBs will be required to offer and provide training annually to minor athletes with parent/legal guardian consent. The Center is currently developing minor athlete training resources, which will be launched and made available to NGBs in October 2018.

b. Are athletes and parents made aware of SafeSport and how to get in contact?

The U.S. Center for SafeSport is planning to disseminate parent education resources this fall, as part of a back to school awareness campaign. This will include sending NGBs sample communications and resources to distribute to parents, as well as the contact information for the Center. Additionally, the Center has been in communication with the Athletes Advisory Council over the last several months, working to identify a date to meet with and provide training with the AAC.

3. According to audit reports issued in October 2017, 43 organizations under the United State Olympic Committee had deficiencies in their compliance of safe sport policies and procedures. Congress recently passed a \$2.5 million grant program to help fund the U.S. Center for SafeSport, which I understand currently has 9 employees and will have approximately 16 by July 2018.

a. How do you plan to remedy these deficiencies and continue to evaluate these organizations for future compliance?

The USOC Audit

The audit reports referenced in question 3 were conducted by the USOC to audit NGBs concerning compliance with USOC's NGB Athlete Safety Policy (first effective 2013), an historical USOC policy that predates the Center's 2017 opening and the 2018 federal legislation. The USOC policy will be largely, if not entirely, supplanted by new Center education policies (effective August 2018), which include policies for education requirements and minimizing one-on-one interactions.

Per the information made publicly-available on the USOC website, it "engaged Baker Tilly Virchow Krause, a full-service advisory firm that offers industry-specialized services in audit, to assist the USOC in the completion of audits to assess compliance with safe sport policies and procedures at the USOC and all of its National Governing Bodies and High Performance Management Organizations. The audit focused on compliance with the USOC's NGB Athlete Safety Policy. During the audit, many organizations were in the process of updating their athlete safety policies to identify those individuals who come within the jurisdiction of the newly formed U.S. Center for SafeSport and to comply with the updated NGB Athlete Safety Policy approved in June 2017. Following the initial audit, each organization, the USOC included, was given 90 days to correct remaining deficiencies. Corrective actions are being monitored and reviewed, and follow-up reports" are published and available through teamusa.org.

U.S. Center for SafeSport

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 requires the Center to include in its policies and procedures "oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body or a Paralympic sports organization of each national governing body and Paralympic sports organization to ensure that policies and procedures developed . . . are followed correctly."

To this end, the Center is currently creating a compliance department, which will have the

responsibility for developing, implementing, and executing on the audit requirement. The Director of Compliance position is currently posted, and we anticipate filling that role by September. The Director will, in turn, hire two additional compliance staff. The Director of Compliance will work to monitor historical remediation as it prepares to evaluate the NGBs for compliance with Center policies on a moving forward basis.

The Honorable Chris Collins

1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature - protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source - stopping sexual abuse.

- a. How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?

The Center has not entered into any NDAs.

- b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?

Not applicable.

- c. Would Safe Sport consider using an NDA in the case of sexual abuse where the NDA would require the victim to not discuss the assault?

The U.S. Center for SafeSport would not consider using an NDA to resolve an allegation of sexual abuse where the NDA would require the victim to not discuss the assault.

The Honorable Diana DeGette

1. How do criminal convictions impact SafeSport's investigation of a misconduct allegation?

It is a violation of the SafeSport Code for a person within the Center's jurisdiction to be convicted of, or subject to, a Criminal Disposition. A "Criminal Disposition" is any disposition of a criminal proceeding, other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding through a diversionary

program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of a warrant for arrest or any pending charges.”

SafeSport Code at Parts II.G. and III.

Because the standards for finding a violation of criminal law are different (e.g., reasonable doubt) from the standards for finding a violation of the Code (preponderance of the evidence), the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a violation of the Code has occurred, regardless of the outcome of any criminal process. Conduct may constitute sexual misconduct under the Code even if the Responding Party is not charged, prosecuted or convicted for the behavior that constitutes a potential violation of the Code, is acquitted of a criminal charge, or legal authorities decline to prosecute.

The Center’s resolution will not typically be altered or precluded on the grounds that (a) a civil case or criminal charges involving the same incident or conduct has been filed, or (b) that charges have been dismissed or reduced; or (c) a lawsuit has been settled or dismissed.

SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement at Part VII (Effect of Criminal or Civil Proceedings).

- a. Are there any differences in how cases involving felony and misdemeanor charges are handled?

Both felonies and misdemeanors are considered Criminal Dispositions. Whether a Criminal Disposition is a felony or misdemeanor may – but will not necessarily – affect a sanction or disciplinary action.

- b. What would happen in a situation in which a prosecutor permitted an individual charged with felony level offense to plea down to a misdemeanor?

Criminal Dispositions include a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement. The Center may include the original charge in determining a sanction.

2. What happens to a misconduct allegation if there is civil litigation involved where the defendant has been found at fault and damages may have been assigned?

The Center may utilize the civil litigation as evidence in its proceedings.

#### The Honorable Jan Schakowsky

1. For each of your current board members, please list what prior associations they have with the U.S. Olympic Committee or individual National Governing Bodies.



#### Summary of Governance Structure

The U.S. Center for SafeSport's Board of Directors is comprised of nine individuals, all of whom must meet the independence requirement (as described below). Of those nine individuals, five are at-large directors, two are recommended by the National Governing Body Council and two are recommended by the Athlete's Advisory Council. (Under the Ted Stevens Olympic and Amateur Sports Act, §220504, the U.S. Olympic Committee is required "to establish and maintain provisions with respect to its governance for reasonable representation of— (1) amateur sports organizations recognized as national governing bodies and Paralympic sports organizations in accordance with section 220521 of this title, **including through provisions which establish and maintain a National Governing Bodies' Council** composed of representatives of the national governing bodies and any Paralympic sports organizations" (emphasis supplied)).

#### Qualifications – Independence

Each director for the U.S. Center for SafeSport's board of directors shall be "independent". A person is "independent" under the Center's Bylaws if he or she has no material affiliation or relationship, directly or indirectly, with any National Governing Body, any Paralympic Sports Organization, the Athletes Advisory Council of the USOC, or the United States Olympic Committee and such person is free of any other direct or indirect relationships that could reasonably be expected to interfere with the exercise of independent judgment of such person. The Nominating and Governance Committee may determine that while a prospective candidate does not strictly meet all of the criteria for independence, such person nonetheless, under all the facts and circumstances, does not have any relationship that would interfere with, or appear to interfere with such person's independent judgment, and thus such person may be deemed independent. The Nominating and Governance Committee will only nominate candidates it determines to be independent for election by the Board of Directors.

By way of comparison, the U.S. Olympic Committee's directors need not all be considered an "independent director" – and three individuals are recommended by the NGB Council and three from the Athlete Advisory Counsel. In this regard, the USOC Bylaws provide that a director will not be considered an "independent director" if, at any time during the two years preceding commencement of or during his or her term as position as a director:

- a) the director was employed by or held any paid position or any volunteer governance position with the corporation, a corporation-member sports governing body, the IOC, the IPC, an OCOG, PASO or ANOC;
- b) an immediate family member of the director was employed by or held any paid position or any volunteer governance position with the corporation, a corporation-member sports governing body, the IOC, the IPC, an OCOG, PASO or ANOC;
- c) the director was affiliated with or employed by the corporation's outside auditor or outside counsel;
- d) an immediate family member of the director was affiliated with or employed by the corporation's outside auditor or outside counsel as a partner, principle or manager; or
- e) the director held a paid position or any volunteer governance or leadership position with, the ACC, NGB Council, or the Multisport Organization Council.

#### Election

- At-Large Directors (4): At each annual meeting of the Board of Directors, the Nominating and Governance Committee will recommend a nominee for each at-large director position to be filled.
- Athlete Directors (2): Consistent with the independence requirement, athlete directors must be independent. No later than 60 days prior to each annual meeting of the Board of Directors where an athlete director position is to be filled, the AAC shall submit a list of at least two recommendations for each

position to the Nominating and Governance Committee. If the NGC does not wish to submit for election any of the recommended persons, it may request new recommendations for such position from the AAC or nominate a candidate of its own choosing for election by the Board of Directors.

- **NGB Directors (2):** Consistent with the independence requirement, NGB directors must be independent. No later than 60 days prior to each annual meeting of the Board of Directors where an NGB director position is to be filled, the NGB Council shall submit a list of at least two recommendations for each position to the Nominating and Governance Committee. If the NGC does not wish to submit for election any of the recommended persons, it may request new recommendations for such position from the NGB Council or nominate a candidate of its own choosing for election by the Board of Directors.

**Current Board of Directors (9)**

The first Board of Directors was seated in January 2016.

- **Becker, Regis**  
**Former Chief Ethics & Compliance Officer, Pennsylvania State University**  
*Recommended by the NGB Council* – Regis Becker was hired in 2013 as Pennsylvania State University’s first director of university ethics and compliance. In this role, he oversaw compliance issues, chaired the university’s Ethics and Compliance Council and developed the university’s first comprehensive program of institutional ethics. Becker was also directly responsible for athletic compliance, youth protection, privacy, export control, investigations and training. Becker has been a member of USA Weightlifting since 1994, served on USA Weightlifting’s Board of Directors and its foundation board from 2008-2012, and its Nominating and Governance Committee from 2012-2014. As of today’s date, it has been more than four years since Becker has had an association with the NGB.
- **Giardino, Angelo**  
**Chair, Department of Pediatrics, University of Utah, Chief Medical Officer, Primary Children’s Hospital in Salt Lake City**  
*At-Large* – Dr. Angelo Giardino currently chairs the Department of Pediatrics at the University of Utah. Previously, Giardino was with the Texas Children’s Hospital, and served as a professor of pediatrics and section chief of academic general pediatrics at the Baylor College of Medicine in Houston. Giardino is a distinguished fellow of the American College of Medical Quality and is sub-boarded in child abuse pediatrics by the American Board of Pediatrics. Giardino has published several textbooks on child abuse and neglect and frequently presents on these and other pediatric topics at conferences around the country. In 2015, Dr. Giardino served as a member of the U.S. Center for SafeSport’s independent Advisory Council (unpaid volunteer), comprised of subject matter experts and thought leaders in abuse prevention. During the Center’s start-up phase, the Advisory Council was responsible for delivering an understanding of industry trends and best practices at the intersection of abuse and sport. Giardino has no prior association with the U.S. Olympic Committee or National Governing Bodies.
- **Herrera-Flanigan, Jessica**  
**Executive Vice President, Government & Corporate Affairs, Univision Communications, Inc.**  
*At-Large* – Jessica Herrera-Flanigan oversees the Univision Communications, Inc. Washington, D.C., office, where she leads the company’s federal and state government relations efforts, coordinates the company’s corporate social responsibility, social impact, and philanthropic efforts, and serves as the President of the Univision Foundation. From 2008 to June 2015, Herrera-Flanigan was a partner at Monument Policy Group, where she advised clients on media, technology, sports/outdoors, and national security policy and communications management. The Monument Policy

Group is currently and has been for the past ten years a registered lobbying firm of the U.S. Olympic Committee. She holds a bachelor's degree in American studies from Yale University and a law degree from Harvard Law School. As of today's date, it has been more than three years since Herrera-Flanigan has had any association with the U.S. Olympic Committee.

- **Harned, Patricia**  
**Chief Executive Officer, Ethics & Compliance Initiative**  
*Recommended by the NGB Council* – Patricia Harned is chief executive officer of the nonprofit Ethics & Compliance Initiative (ECI). The mission of the ECI is to empower organizations across the globe to operate with the highest levels of integrity. As CEO, Dr. Harned oversees all of ECI's strategy and operations. She also directs educational outreach efforts to policymakers and federal enforcement agencies worldwide, and she speaks and writes frequently as an expert on ethical leadership, ethics in the workplace, corporate governance, and global integrity. Dr. Harned chaired the ECI's Blue Ribbon Panel on High-Quality Ethics & Compliance Programs, which established a new industry standard for effective ethics and compliance efforts in organizations. Harned has no prior association with the U.S. Olympic Committee or National Governing Bodies.
- **Jones, Reuben**  
**Executive Director, Kentucky Workers' Compensation Funding Commission**  
*At-Large* – Reuben Jones currently serves as the executive director of the Kentucky Workers' Compensation Funding Commission. Jones previously served as a major general in the U.S. Army where he commanded the Army Family and Morale, Welfare and Recreation Command and oversaw a \$3.5 billion non-appropriated funds program. The Army's World Class Athletes Program was a subordinate organization of his command. Jones has no prior association with the U.S. Olympic Committee or National Governing Bodies.
- **Marshall, Frank**  
**Principal, The Kennedy/Marshall Company**  
*At-Large* – Frank Marshall is an American film producer and director with a career spanning almost 50 years and 80 films. In 1981, Marshall formed Amblin Entertainment with his wife, Kathleen Kennedy, and acclaimed director Steven Spielberg. In 1991, Marshall and Kennedy launched The Kennedy/Marshall Company of which Marshall has been the sole proprietor since 2012. Marshall served on the U.S. Olympic Committee Board of Directors from 1992-2004, as a public sector member on the USA Gymnastics Board of Directors from 2009-2013, and the USAT&F Foundation Board between 2004 and March 2018. As of today's date, it has been more than five years since Marshall has had an association with the U.S. Olympic Committee or a National Governing Body.
- **Novak, Julie**  
**Vice President of Child Safety, Big Brothers Big Sisters of America**  
*At-Large – At-Large* – Prior to her current role with Big Brothers Big Sisters of America (BBBSA), Julie Novak held the positions of Associate Vice President and National Director of Child Safety and Quality Assurance for BBBSA and served as Chief Executive Officer of the organization's northwestern Wisconsin affiliate. She is BBBSA's leading national expert and spokesperson on child safety and youth protection matters. During her time with the organization, Novak has developed nationwide child abuse, violence prevention and crisis management training. Between August, 2013 and February 2014, Novak served as an independent volunteer member (unpaid) of the 2013 SafeSport Working Group for Case Management Models, which recommended externalizing sexual misconduct matters to an independent entity. As of today's date, it has been approximately four years since Novak had any association with the U.S. Olympic Committee or a National Governing Body.

- **Ryther, Megan**

- Associate Attorney, Ice Miller**

- Recommended by the AAC* – Megan Ryther is an attorney at Ice Miller in Indianapolis and previously worked as an attorney at Baker & McKenzie and Quarles & Brady and for the NCAA where, she oversaw student-athlete eligibility cases. Nominated by the Athlete's Advisory Council, Ryther competed as part of the USA Open Water Swimming World Championship Team in 1998, 2000 and 2003, earned a gold medal at the 1998 World Championships and served as Team Captain in 2003. Ryther also served as an athlete representative on the following: United States Sports Insurance Company LLC Board of Directors (2015); USA Swimming Board of Directors (2010-2014); USA Swimming Background Screen Appeals Panel, Vice Chair (2011-2015); USA Swimming Olympic and International Operations Committee (2003-2014); USA Swimming Steering Committee (2012-2014); USA Swimming Rules and Regulations Committee (2010-2011); USA Swimming Audit Committee (2009-2010). As of today's date, it has been over three years since Ryther had any association with the NGB.

- **Smotek, Connie**

- Office Manager, Texas A&M University AgriLife Extension**

- Recommended by the AAC* – Nominated by the Athlete's Advisory Council (AAC), Connie Smotek is a two-time Olympian in the sport of shooting. Smotek currently is an Extension Program Specialist for Texas A&M AgriLife Extension Service where she oversees continuing education activities for tax practitioners and assists with development of risk management materials. Smotek served on the Athlete Advisory Council for the 2005-2008 and 2009-2012 terms. The U.S.A. Shooting Bylaws place the Athlete Advisory Council representative for U.S.A. Shooting on the U.S.A. Shooting Board of Directors Executive Committee. She was also a member of the U.S.A. Shooting Board of Directors as the elected athlete representative from 1995-2001. As of today's date, it has been over six years since Smotek has had an association with the NGB as a board member and more than six years since Smotek had an affiliation with the AAC.

ATTACHMENT A



## Online Training Course Outline

### 1. Mandatory Reporting: Understanding Your Responsibilities

- Barriers to reporting
- Legal Requirements
- Suspicion of abuse
- Reporting process

### 2. Sexual Misconduct Awareness Education

- Creating a safe and respectful environment
- Relationship dynamics
  - Coach-athlete relationship
  - Power dynamics and imbalances
- Understanding the differences between laws and policies
  - Criminal laws
  - U.S. Center for SafeSport policies
  - Organizational policies
- What is sexual misconduct?
  - Definition
  - Types of sexual misconduct
- Understanding consent
  - Definition of consent
  - Age of consent
  - Capacity to consent
  - Consent and power imbalances
- Child sexual abuse
  - Legal definitions
  - SafeSport policy definitions
  - Grooming
  - The victim's perspective
    - How victims respond
    - Why they don't report
  - Signs and symptoms of abuse
  - Prevention and response
    - Managing high risk situations (travel, social media and electronic communications, etc.)
    - Do's and don'ts

**3. Emotional and Physical Misconduct**

- Bullying
  - Definition of bullying
  - Cyberbullying
  - Effects of bullying
  - Preventing bullying behaviors
- Hazing
  - Definition of hazing
  - Preventing hazing
- Harassment
  - Definition
  - Creating a safe environment for all athletes
- Emotional misconduct
  - Definition
  - Types of emotional misconduct
  - Effects of emotional misconduct
- Physical misconduct
  - Definition
  - Types of physical misconduct

*\*\*Each module includes a pre- and post-testing component and points users to additional resources.*

