

**PROTECTING U.S. AMATEUR ATHLETES:  
EXAMINING ABUSE PREVENTION EFFORTS  
ACROSS THE OLYMPIC MOVEMENT**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,  
PRODUCT SAFETY, INSURANCE,  
AND DATA SECURITY

OF THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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OCTOBER 3, 2018  
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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## CONTENTS

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	Page
Hearing held on October 3, 2018 .....	1
Statement of Senator Moran .....	1
Statement of Senator Blumenthal .....	3
Statement of Senator Nelson .....	5
Prepared statement .....	5
Statement of Senator Cortez Masto .....	30
Statement of Senator Capito .....	33
Statement of Senator Hassan .....	37
WITNESSES	
Phil Andrews, Chief Executive Officer and General Secretary, USA Weightlifting .....	6
Prepared statement .....	8
Anne Cammett, President, U.S. Figure Skating .....	12
Prepared statement .....	14
Timothy Hinchey III, President and Chief Executive Officer, USA Swimming .	15
Prepared statement .....	16
Darrin Steele, Chief Executive Officer, USA Bobsled and Skeleton .....	28
Prepared statement .....	29
APPENDIX	
Stephen McNally, Executive Director, USA Taekwondo, prepared statement ...	49
Report dated September 19, 2018 entitled “Recommendations to Congress: Reforming the U.S. Olympic Committee to Ensure Health and Livelihood of Athletes” by Olympians Rising .....	50
Response to written questions submitted to Phil Andrews by:	
Hon. Jerry Moran .....	58
Hon. Dean Heller .....	61
Hon. Richard Blumenthal .....	61
Hon. Catherine Cortez Masto .....	70
Response to written questions submitted to Anne Cammett by:	
Hon. Jerry Moran .....	75
Hon. Dean Heller .....	76
Hon. Richard Blumenthal .....	77
Hon. Tammy Duckworth .....	85
Hon. Catherine Cortez Masto .....	85
Response to written questions submitted to Timothy Hinchey III by:	
Hon. Jerry Moran .....	89
Hon. Dean Heller .....	90
Hon. Richard Blumenthal .....	91
Hon. Catherine Cortez Masto .....	104
Response to written questions submitted to Darrin Steele by:	
Hon. Jerry Moran .....	108
Hon. Dean Heller .....	109
Hon. Richard Blumenthal .....	109
Hon. Catherine Cortez Masto .....	121
Response to written questions submitted to Stephen McNally by:	
Hon. Jerry Moran .....	123
Hon. Dean Heller .....	124
Hon. Catherine Cortez Masto .....	125



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**WEDNESDAY, OCTOBER 3, 2018**

U.S. SENATE,  
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY,  
INSURANCE, AND DATA SECURITY,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 2:34 p.m. in room SR-253, Russell Senate Office Building, Hon. Jerry Moran, Chairman of the Subcommittee, presiding.

Present: Senators Moran [presiding], Fischer, Capito, Young, Blumenthal, Nelson, Duckworth, Hassan, and Cortez Masto.

**OPENING STATEMENT OF HON. JERRY MORAN,  
U.S. SENATOR FROM KANSAS**

Senator MORAN. Our Subcommittee will come to order.

Thank you to my colleagues for joining us. I know we have others who will later.

I have two apologies to express at the moment. One is that we are a few minutes late in starting, and I apologize for that.

The second is that my opening statement is longer than usual, but I think it is useful for us to put a bit of story behind how we got to the point we are today.

So I will begin with my opening statement. We will recognize the Ranking Member, and then we will turn to our witnesses.

This Subcommittee, which exercises jurisdiction over the U.S. Olympic Committee and amateur sports at large, is fully committed to ensuring the health and safety of all American athletes, and today marks our fourth hearing in our ongoing investigation.

In January, this Subcommittee launched an investigation to examine cultural and systemic issues regarding abuse in the Olympics brought on by horrific revelations that former USA Gymnastics team doctor Larry Nassar sexually abused and assaulted hundreds of athletes over a span of two decades, well after numerous survivors alerted authorities about his actions. We are proud of the courage and bravery demonstrated by the many current and former athletes we have listened to and spoken with over the past 10 months as they have shared their stories with this Committee.

The Subcommittee's investigation has expanded to include all national governing bodies which govern each of the Olympic sports

and the role of the U.S. Olympic Committee in providing guidance and oversight to better protect athletes.

Our conversations with leaders of these organizations have focused on reforms that were part of the recently enacted Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act and how each of their organizations have implemented these important protections. I am grateful for the leadership demonstrated by Commerce Committee Chairman Thune and Senator Feinstein during our work to pass this bipartisan law. Through this, we have provided tools to help protect amateur athletes, and this Committee will continue our bipartisan effort to bolster this work.

I speak for the entire Subcommittee when I say that the brave actions and testimonies of our young athletes have inspired and motivated us. This Committee is committed to making positive change for these and all athletes, and the survivors we have been working with over the past several months are truly drivers of this much needed cultural change.

I apologize. My third apology of the afternoon. I apologize I was unable to attend the event earlier today with survivors from a number of sports sharing their stories and ideas for improvements. There are a number of those survivors with us at this hearing today, and I join Senator Blumenthal in asking that you please stand and be recognized.

[Applause.]

Senator MORAN. Thank you very much. We are honored and pleased by your presence.

Since initiating our bipartisan investigation—and I appreciate the working relationship that Senator Blumenthal and I have—this Subcommittee has held three hearings in which members of the Committee and the American public heard from distinct witness panels on their experiences related to procedural missteps and collective inaction experienced within these misled Olympic organizations.

Additionally, we have heard from current executive leadership within the Olympic movement on steps they are taking to address concerns that were identified by the Subcommittee and highlighted by numerous survivors.

In the first hearing, we heard testimony from four survivors of abuse across different Olympic sports who shared personal experiences about the systemic practices that have safeguarded perpetrators—not victims, perpetrators—inhibited victims from coming forward and prevented victims' reports from coming to light.

In the second hearing, we brought in leaders from USA Gymnastics and Michigan State University to provide testimony and answer questions as to how the rampant abuse by Dr. Nassar was able to perpetuate for as long as it did. Scott Blackmun, the former President of the U.S. Olympic Committee, and Martha Karolyi, the former National Team Coordinator for USA Gymnastics, were invited to attend but declined for medical reasons.

Critical topics were covered in that hearing, including USA Gymnastics' mishandling of critical medical records, failed communications to and within Michigan State University related to sexual abuse reports against their employee, and most important, the

complete lack of cooperation demonstrated by Mr. Penny in his refusal to answer questions.

In the third hearing, we heard from current leaders of the same troubled organizations regarding which aspects of their systems and culture had changed and how they planned to implement serious reforms moving forward.

Specifically, we were joined by Mr. John Engler, Interim President of Michigan State University; Ms. Susanne Lyons, Acting CEO of the U.S. Olympic Committee; Ms. Kerry Perry, recently the former President and CEO of USA Gymnastics; and Mr. Han Xiao, Chairman of the U.S. Olympic Committee's Athlete Advisory Council. I appreciated their updates in the hearing and continue to monitor the work that their organizations are doing to empower amateur athletes and prevent abuse.

It is my belief that hearing from a variety of national governing bodies of different sizes, resources, and challenges is necessary to make policy recommendations as we move forward.

As such, joining us today is Mr. Phil Andrews, the CEO of USA Weightlifting; Ms. Anne Cammett, President of USA Figure Skating; Mr. Tim Hinchey III, President and CEO of USA Swimming; and Mr. Darrin Steele, CEO of USA Bobsled & Skeleton.

We have also received written testimony and expect responses to questions from Mr. Steve McNally, the Executive Director of USA Taekwondo.

I will conclude my opening remarks by reiterating the bipartisan approach that this Subcommittee has taken in its comprehensive investigation. We are in consultation with law enforcement, with survivors and advocates. We have worked closely together to identify meaningful reforms in the best interests of athletes and their families.

With that, I will turn the Ranking Member, Senator Blumenthal, for his opening statement.

Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. And I too have an apology which is, I think, at 3:15 we are going to have a vote. So we will have to interrupt at that point.

Senator MORAN. True.

Senator BLUMENTHAL. But I am glad that we are beginning, and I want to thank everyone for being here, our witnesses and most especially the courageous and strong survivors who are with us in the hearing room. I am grateful to Senator Moran for his leadership and our partnership in these hearings and this effort to really achieve systemic change, not just awareness and education but real change. And I want to join in thanking Chairman Thune and Ranking Member Nelson for their support in this effort.

The survivors are really the heroes here. They are the profiles in courage that inspire us to move forward. In the last couple of weeks, we have seen many come forward and demonstrate the bravery that it has taken for men and women to brave the nightmare of public shaming and character assassination and threats, potential retaliation, all of the deterrents that cause only a fraction

of the survivors to report sexual abuse. So my thanks to them again, and we will be thanking you repeatedly I am sure.

But let us remember that Larry Nassar's image in an orange jumpsuit followed years, literally years, when his crimes were disregarded or ignored. Predators succeed with their crimes because they are skilled at grooming, and they are masters of deception. Monsters are often hiding in plain sight, and they are often aided and abetted by people who turn the other way, who fail to report or take action in the face of this criminal action.

I have lengthy remarks, which I am going to put in the record, but I want to say that today we are going to hear from leadership at NGBs, some large and others small, winter, summer, outdoor and indoor, team and individual, emphasizing that the predatory crimes here go well beyond just gymnastics. That is point number one.

Present here today are heads of the national team for swimming, figure skating, weightlifting, bobsled and skeleton. Some of the NGBs have to answer for their own troubling malfeasance in resolving sexual misconduct cases. Others are currently struggling to find the finances to make the systemic changes needed.

The head of USA Taekwondo and the Multi-Sport Organization Council, MSOC, have also agreed to respond to written questions. I look forward to asking Steve McNally at USA Taekwondo what courage was needed to ban Gene Lopez despite the Center for SafeSport lifting its permanent ban on him because his accusers, understandably overwhelmed emotionally by depositions needing to be taken at the same time, asked that arbitration proceedings be postponed.

With respect to MSOC, I look forward to examining the partnership between the USOC and a number of community-based organizations like the YMCA, the Police Athletic League, the Boys and Girls Club, the pipeline for many young athletes into Olympic sports.

The feedback we receive today from the witnesses who are here will enable us to craft bipartisan legislation to amend the Ted Stevens Olympic and Amateur Sports Act to better safeguard athletes.

Much of the work needs to be done to address the gaping failures at the USOC, the Center for SafeSport and the NGBs to protect athletes. If these hearings and the events of last week when we saw some of those survivors come forward taught us anything, it is the desperate need for a complete cultural shift, a real teaching moment for America on how we view sexual abuse in this country and more than just a cultural shift, more than just a focus of rhetoric, specific action.

And a couple ideas that I think have to be on the table: an athlete advocate within the USOC, an inspector general in that same organization, possible revision, even revocation of tax exemptions and antitrust exemptions in the event the USOC fails to be responsive, athlete representatives on NGB boards and on the USOC boards, and improved transparency on NGB banned list reporting so that there are more thorough background checks to stop predators from relocating and harming new athletes, and finally, making sure that the USOC itself is held to a higher standard of accountability.

Those ideas are suggestions for a beginning not an end, and I hope that we will, in fact, move forward against misconduct to honor the survivors and all who have been affected, their families as well, by this scourge in our Olympic sports community and beyond.

Thank you, Mr. Chairman.

Senator MORAN. Senator Blumenthal, thank you very much for your opening statement.

And I would like to recognize the Senator from Florida, the Ranking Member of the Full Committee. Senator Nelson, thank you for your leadership in conjunction with Chairman Thune. The Full Committee has given us a great opportunity to pursue these issues, and we are grateful for that. And you have been an active participant in this Subcommittee, and we appreciate your presence.

Senator Nelson.

**STATEMENT OF HON. BILL NELSON,  
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Well, Mr. Chairman, I think it is worth noting this is the fourth hearing on this subject between the Subcommittee and the Full Committee. And it bears repeating what has been said. We failed the athletes. The system failed them. Responsible adults turned a blind eye and allowed predators to commit unspeakable crimes. And it was not just gymnastics, as Senator Blumenthal has just said. Everything from swimming to taekwondo; the whole range suffered terrible abuse at the hands of trusted coaches.

Last January, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, and it will go a long way toward preventing similar abuse from happening in the future. Chairman Thune of the full committee and I authored the provisions in the new law that formally authorizes the creation of the U.S. Center for SafeSport. And that center in the law is tasked with investigating allegations of abuse and developing policies and safeguards that youth sports organizations must adopt to protect young athletes. For instance, sports organizations must enforce policies that minimize one-on-one interactions between adults and children.

And the new law also makes clear the core mission of the U.S. Olympic Committee is to prioritize the safety and welfare of the youth athletes in Olympic sports. And the idea of this law is to try to make a positive difference in the lives of young athletes all across this country.

I want to thank the Chairman of the Full Committee, Chairman Thune, as well as Senator Feinstein, as well as the leadership of this subcommittee for working, all of us together, on this important law.

But there is more that can be done. I am looking forward to the witnesses so that we can keep on top of this issue.

[The prepared statement of Senator Nelson follows:]

PREPARED STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA

Thank you, Mr. Chairman. I will keep my remarks brief so that we can get to our witnesses.

Today is the fourth hearing that we have conducted on this matter, and I will repeat what I said at previous hearings: We failed the athletes who were abused. The system failed them. Responsible adults turned a blind eye and allowed predators to commit unspeakable crimes. And it wasn't just gymnastics. As we will discuss today, athletes in sports as diverse as swimming and ty-kwon-do also suffered terrible abuse at the hands of trusted coaches.

Last January, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, which will go a long way towards preventing similar abuse from happening again. Chairman Thune and I authored the provisions in the new law that formally authorizes the creation of the U.S. Center for Safe Sport. The center is tasked with investigating allegations of abuse and developing policies and safeguards that youth sports organizations must adopt to protect youth athletes. For instance, sports organizations must enforce policies that minimize one-on-one interactions between adults and children.

The new law also makes clear that a core mission of the United States Olympics Committee is to prioritize the safety and welfare of youth athletes in Olympic sports. Together, these provisions will make a huge, positive difference in the lives of young athletes across this Nation. I want to thank Chairman Thune, as well as Senator Feinstein, for working with me on this important law.

Having said that, we know more can be done. I look forward to hearing from our witnesses today and working with all of the members of this committee on continuing efforts to protect youth athletes from unnecessary harm.

Senator MORAN. Thank you, Ranking Member.

We will now hear from those witnesses. My expectation is that we will hear from all four witnesses. We will break, be on the floor in time to cast a 3:15 vote, and then return immediately to pursue questions and discussion.

I have already introduced the members of the panelists. We will begin with Mr. Andrews and take testimony across the table. Mr. Andrews, you are recognized.

**STATEMENT OF PHIL ANDREWS, CHIEF EXECUTIVE OFFICER  
AND GENERAL SECRETARY, USA WEIGHTLIFTING**

Mr. ANDREWS. Thank you, Chairman Moran, Ranking Member Blumenthal, and members of the Subcommittee. Good afternoon. Thank you for the opportunity to speak today and thank you for your action to assist the Olympic and Paralympic movement during this time, particularly in the passage of the Protection of Young Athletes Act.

I would like to open with an unreserved apology to anyone who suffered at the hands of abuse within the course of their sport participation. I agree with the Senators who have spoken today when they say the system failed them. We must do more to protect those athletes in the future. Sport is about enjoyment. I am so sorry especially to those here in the room but to those who have faced abuse in sport everywhere for what they have faced.

My full written testimony is available on the Subcommittee's website, but I will address some key issues here.

In common with some of my Olympic and Paralympic colleagues, our NGB has taken significant steps in the athlete protection area in recent times. Our NGB also features participation from many athletes who had previous participation in another sport. To that end, we have made available counseling and mental health tools to anyone who has faced abuse in any sport that is now participating in weightlifting, whether that be physical, emotional, or sexual abuse. That action came out directly from the feedback of a survivor of abuse in sport. By the end of 2018, we are working cur-

rently with individuals to make pro bono facilities available to all members who are athletes within USA Weightlifting.

The rest of my testimony—I will briefly address one of the issues raised by members of this committee with me previously. Creating an athlete-focused culture should be at the heart of every NGB. We are not alone in our desire to create an athlete-focused culture. I would like to recognize USA Swimming whose national team and the members of their athletic community spoke to all NGBs about their positive culture just two days ago.

Culture is complex, but its heart is about listening and creating trust. I was pleased to hear, in common with USA Swimming, we make nothing mandatory for our athletes. And in our case, our athletes have the final say on things like selection procedures, making the athletes truly at the heart of what we do.

Since 2016, we have tried to make incremental changes and build opportunities for listening and learning from our athletes, both elite and non-elite, to implement further changes, to which I can go into further detail if wished.

Some practical measures that we have also introduced. We have an independent ethics and judicial committee, including Federal prosecutors, former inspector generals, and former State-level judges.

We have implemented sport-specific measures, including the removal of the need to weigh in the nude. Weigh-in in our sport can now be done within a singlet, therefore fully clothed. That has also been suggested to our international federation who will be discussing that in less than one month.

We have made our reporting easier: by having up our telephone tree when you call USA Weightlifting, by having links immediately on the front page of our website, and making, again at the suggestion of former survivors, immediate information available very clearly and very prominently at each and every one of our events. We are open to further improvement and we are open to further ideas.

The U.S. Center for SafeSport is a key measure that was taken by the Olympic movement and the Paralympic movement and together with the acts aforementioned to create a new and independent body to investigate the area of sexual abuse. While the center is in the need for more resources, to that end, the USA Weightlifting quadrupled our funding in common with our NGBs as a whole doubling our funding for the center to meet the needs of investigations across the country.

We have developed a great and independent relationship with the U.S. Anti-Doping Agency which benefits from significant Federal funding to support its independent work. I call upon Members of Congress to support the center likewise and further the independent nature of the center by giving it the support it truly needs to do the job that we all would like it to do.

Moving on to our leadership with a new Olympic movement, the U.S. Olympic Committee, I would like to say that winning is not a bad thing. America's public, when we go to the games, expects us to win. We all cheer when we see the heroes of the Olympic movement who are there and speak to the need to participate in sport and speak to athletes and inspire other athletes to participate

in sport. That might be just at the local level, but it is about doing it the right way. And I think that that is where we are moving toward now, winning in the right way, winning in an athlete-focused manner.

I commend the appointment of Susanne Lyons to be the President of the U.S. Olympic Committee. Susanne has shown a commitment to our athletes, a willingness to listen to both national governing bodies, athletes most importantly, and other stakeholders in the Olympic movement.

I applaud the USOC for raising expectations of the U.S. national governing bodies. Doing so will allow us and, in turn, encourage us to have raised the expectations of those that we endorse as clubs.

I also commend the USOC for bringing into place an athlete services division and diverting money toward that need within the Olympic movement.

Looking for ideas on how Congress might best support us and look for areas of improvement, I have already mentioned funding of the center. I have already mentioned the need for support of that center in both non-financial and financial senses, in common with the action the Federal Government has around USADA. Continued interest and attention to this matter I think would best allow the Olympic movement to further improve.

Oversight of youth sport—it is important to recognize that individuals participate in youth sport inside and outside of the Olympic and Paralympic movement, and it is equally important that they are supported and protected outside of the Paralympic movement, as well as within that movement.

And finally, in cooperation with law enforcement to ensure that no matter where an issue comes up, be that domestic or abroad, that issue can be dealt with in the right and proper manner by law enforcement.

Thank you for your time, and I am happy to take any questions you may have.

[The prepared statement of Mr. Andrews follows:]

PREPARED STATEMENT OF PHIL ANDREWS, CHIEF EXECUTIVE OFFICER AND GENERAL SECRETARY, USA WEIGHTLIFTING

Good afternoon Chairman Moran, Ranking Member Blumenthal, and Senators of the Subcommittee.

Thank you for the opportunity to give evidence before this Subcommittee, and for the action and interest you are taking in the Olympic & Paralympic movement.

By way of introduction, USA Weightlifting is the National Governing Body (NGB), responsible for the Olympic Sport of Weightlifting. We have approximately 27,000 members and an annual budget in the region of \$6m, as of today 2.9 percent of that funding is derived from U.S. Olympic Committee funds while the remainder is derived from USA Weightlifting generated funding. Of our athlete membership, our gender split is 53 percent/47 percent towards the male population.

I would like to open with an apology. To those athletes within our sport—including those who came to Weightlifting from somewhere else—that suffered at the hands of sexual, emotional or physical abuse—I am sorry. We, as the U.S. Olympic and Paralympic movement have failed you. This should not have happened, and when it did, the response should have been immediate and impactful. If this did not happen, I am sorry. We, as the Olympic and Paralympic movement, *can* and *will* do better.

At its very core, before a medal is won or the Olympic flame is lit, sport is about right to enjoyment. No athlete should have that right taken away.

Our NGB (National Governing Body), along with others in the Olympic movement, has taken significant steps to deter abuse, and will continue to look for more

ways to improve. While we can never guarantee abuse will not happen in Olympic & Paralympic Sport, we can do more to protect our athletes, and that is exceptionally important.

To that end, our NGB has made confidential mental health and recovery tools available to our athletes who suffered abuse, including those who suffered abuse in another sport. By the end of 2018, that counselling and mental health network, dealing not only with abuse and trauma but with other areas of mental health relevant to our athlete population, will be made available to our entire athlete population within the sport of Weightlifting.

In the rest of my testimony, I have tried to cover several subjects raised over the last year with us by either members of the Committee, or their staff.

#### **Pro-active measures taken by USA Weightlifting**

USA Weightlifting has tried to take pro-active measures to remain at the forefront of integrity issues, covering Abuse, Ethics and Doping issues in sport.

As part of a governance review of the organization in 2017, USA Weightlifting implemented the first and only independent Ethics and Judicial Committees among the Olympic & Paralympic NGBs. This group of volunteer individuals is selected from outside of the sport with relevant expertise in the space including a former Inspector General, Federal Prosecutors, Title IX Investigators and those serving in Fortune 500 Chief of Ethics positions. Our athlete population is represented on these committees by Elite Athletes both within and outside of our sport.

Having this independent model allows us to deal appropriately with cases that fall under our Code of Ethics, which is reviewed annually by the same group, as well as outside counsel, our Athlete Advisory Council and Board of Directors. This model also gives our organization the ability to adjudicate fairly, cases the U.S. Center for SafeSport chose not to take, including claims in the areas of Emotional and Physical Abuse.

USA Weightlifting, in partnership with the U.S. Center for SafeSport has made changes to how abuse is able to be reported. We now have buttons right on the front of our website to report abuse, ethical issues as well as doping offences. These methods to report are also repeated on social media and during our national events across the country. A full list of measures can be found via our website, under the SafeSport tab.

Our organization has taken proactive measures to ensure that any individual with direct athlete contact must pass a comprehensive criminal background check and complete education provided by the U.S. Center for SafeSport before contact with an athlete. This is in line with other National Governing Bodies.

Within our sport, we are the only Weightlifting federation worldwide to allow the weigh-in within the singlet. This sport specific measure allows athletes over 18 to choose to wear the singlet rather than strip down during the weigh in process. Athletes under the age 18 are required to weigh-in wearing a singlet. We have also offered sport specific guidance to the appropriate way to coach an athlete, especially about the appropriate way to coach an athlete while minimizing touch during competition.

In the area of Sports Medicine, USA Weightlifting has a specific Sports Medicine policy including a process to sign off on an individual before the opportunity arises to work with our athletes. This policy includes the rotation of professionals to balance the need for familiarity with athletes and the protection of athletes by rotating medical professionals to reduce the opportunity for abuse. All USA Weightlifting Sports Medicine members are reviewed and recommended by their peers ensuring there is a level of accountability to the Sports Medicine area. At all times, Sports Medicine treatment must be given in the most public forum possible.

But our work is not done. USA Weightlifting is keen to continue to learn and put in place proactive measures to ensure athletes can participate in our sport with as little risk as possible.

#### **Building an athlete-centric culture**

There is a strong need to have an athlete-centric culture within the U.S. Olympic & Paralympic Movement, and perhaps in the wider International Olympic Movement too. We set out to create this within USA Weightlifting in 2016. Through feedback from our athletes, we are seeing some success, but our work cannot stop.

Culture is made up of a great deal of areas, and the work to create a positive and athlete-focused culture continues. But at its core, our culture is built by proactive collaboration and communication within the athlete population. Since the service of athletes is at our core, listening intently to them is how we changed our culture at its heart. For example, we handed power to our athletes regarding selection procedures giving our Athlete Advisory Council the right to approve, disapprove

or amend our process as they as athletes believe it ought to be. We have also involved directly our athlete population, often beyond our elite athletes, in designing our athlete remuneration program, and in designing our anti-doping program.

Proactive communication with athletes means two-way focused communication with elite, emerging and non-elite athletes alike. Those are different audiences with different needs. But by putting our own biases aside, and actually hearing athletes' concerns and what they wanted from us, we were able to transform our organization.

Recently, along with other National Governing Bodies, we had the opportunity to attend the Olympic & Paralympic Assembly. It was clear that the U.S. Olympic Committee has taken and continues to take proactive steps towards a focus on putting athletes first. In the words of our own athlete representative at the Assembly, there is reason for optimism towards the steps being taken by the U.S. Olympic Committee, including a new Athlete Services division, a renewed focus on winning in the right way, and an increased commitment to the ACE program.

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

The U.S. Center for SafeSport opened in 2017 with a mission to educate and investigate items related to abuse in sport.

The concept of the U.S. Center for SafeSport closely resembles that of the United States Anti-Doping Agency, set up in 2001. The U.S. Anti-Doping Agency is recognized worldwide as among the leading National Anti-Doping Organizations (NADOs) on the planet.

Both of these agencies stand independent of the National Governing Bodies, and both were started by the U.S. Olympic Committee in response to a significant issue of the day.

One strong difference between the U.S. Center for SafeSport and the U.S. Anti-Doping Agency is the amount of funding from the Federal Government.

This, in turn, leads the Center to have a need for fundraising from private donors. While this theoretically makes sense, many of the traditional fundraising sources are not available to the center. For example, while organizations in the Olympic movement typically have membership income, event income, sponsorships and corporate partners, experience has shown that corporations are not terribly anxious to become sponsors of the Center, and the Center does not have the ability to provide significant exposure to a sponsor, which is a key element of a corporate partnership. Additionally, donor income is a typical resource generation tool for Olympic & Paralympic movement organizations, and similarly experience has shown this type of organization not only will struggle to attract funds to support these initiatives in this manner but this distracts from the core mission of the Center.

By contrast, the U.S. Anti-Doping Agency receives more than \$10 million in Federal funding on an annual basis. The U.S. Government is also the leading contributor to the World Anti-Doping Agency.

This funding allows the U.S. Anti-Doping Agency to concentrate on its task of leading the charge for Clean Sport within our borders while providing a strong and independent voice abroad.

In many nations, an inherent conflict is created when a Federal Government financially supports and endorses a Ministry of Sport. In turn that Ministry funds both an Olympic and/or Paralympic Committee tasked with winning medals as its' primary goal while the very same ministry supports a National Anti-Doping Agency to police the Nation's sporting culture.

Therefore, the Federal funding given to the U.S. Anti-Doping Agency fundamentally upholds its ability to hold the U.S. Olympic Committee, U.S. National Governing Bodies and even International Federations to account while at the same time working proactively on additional doping control projects with those same organizations. It also provides for an ultimate accountability to the Federal Government.

I believe additional funding from the Federal Government, like what has happened with the U.S. Anti-Doping Agency, will allow the Center to better carry out its goals of eliminating abuse in sport, while acting independently and holding the entire Olympic and Paralympic movement to account.

For the part of the Olympic & Paralympic movement, the National Governing Body Council committed to double the amount of funding for the Center in 2019 compared to 2018 and have showed a willingness to do so again. So too, the U.S. Olympic Committee has committed over \$6 million in funding to the Center for the calendar year in 2019, while the NGBs are providing a combined \$2 million, including a commitment from our National Governing Body to quadruple our commitment.

With that said, the headcount and quality of investigative team is still insufficient at the Center. It is clear the Center requires additional human and financial resources to ensure its operation processes capability are equal of that of a much more

mature organization such as the U.S. Anti-Doping Agency, and that its independence is unquestioned.

The addition of further resources from the Federal Government would thus assist the Center in a number of ways to truly serve the athlete population in the way that is desired by all. One thing that I am confident we all agree on—the Center MUST succeed. We need a strong and vibrant Center that can take predatory individuals out of our sports for good, serve as a deterrent for those who might commit heinous acts, and to educate the sports community and the general public.

I do want to commend the Center for the outstanding job that the Center is doing in the area of Education. The challenge of managing a mass education program across a diverse community like the Olympic and Paralympic movement is indeed a large one. While there is space for specialist education tools which the Center are currently developing which specifically face athletes and parents, the overall collaboration and educational partnership with the Center has been outstanding.

### **3. The USA Weightlifting collaboration with the U.S. Anti-Doping Agency.**

In order that we protect the rights of the clean athlete, USA Weightlifting has developed a proactive relationship with the U.S. Anti-Doping Agency (USADA) which respects the independence of the organization. We also participate in additional partnership opportunities to protect clean athletes on the podium. Some of these initiatives may provide some practices that could be applied in the area of athlete safety, and to a degree supports how we have designed our athlete safety programs within USA Weightlifting.

In 2017, USA Weightlifting had 21 domestic positive tests, in 2018 we have realized a much lower number so far.

Some proactive measures we have taken include a collaboration with USADA to ensure that important information on anti-doping is easy to obtain, easy to report and easy to use. We have also strategically collaborated with USADA to provide anti-doping education as a required element to all of our members before they are able to take part in an event. I believe we are the only National Sporting Federation worldwide to do so. More recently, we've worked with USADA and the International Weightlifting Federation to take this approach to the World level.

We also implemented the Lift Clean program, where we fund USADA to test additional USA Weightlifting athletes in and out of competition with no notice to the athlete. This ensures that the anti-doping culture is implemented at the local level. It is critically important to note, USA Weightlifting does not have final say on who is tested, and we have no involvement in the results management of cases, therefore maintaining the independence of the process despite USA Weightlifting acting as a funding partner. USA Cycling has a similar program with similar degrees of success.

Our exceptional work with USADA shows that it is possible for an agency to work as an independent enforcement body while strategically collaborating with the National Governing Bodies and to be regarded as the Gold Standards by our athletes.

### **4. Cultural Changes within the U.S. Olympic Committee & U.S. Olympic Movement**

The recent news that Susanne Lyons will become the President of the U.S. Olympic Committee is outstanding. Ms. Lyons has shown to me personally that she is not afraid of the difficult conversations, she thinks of the athlete and ultimately that she is a good person. This need for a culture change at the USOC was clear when I was told by an Associate Director of the U.S. Olympic Committee with responsibility for National Governing Body relations that within the last three years that sponsor needs came before athlete needs. With Ms. Lyons at the helm, and the hiring of Sarah Hirshland as CEO, this directional leadership change is exceptional news.

I want to be clear that winning is not a bad thing, but as a Movement, we need to win the *right way*. When Team USA shows up at the Olympic Games, we are expected by the American public to win, our athletes want to win, we want to support them to that winning position.. A comfortable, well served, confident athlete will ultimately perform better.

I also want to be clear that there are many individuals within the U.S. Olympic Committee who work exceptionally hard to put athletes first, and at the heart of what they do.

The U.S. Olympic Committee remains amongst the most respected and leading Olympic Committees worldwide, the only major Olympic Committee to be non-government funded and the only major Olympic Committee to be integrated with the National Paralympic Committee.

There has been clear changes in the culture of the U.S. Olympic Committee over the last few months and while cultural work can never cease, it is clear to see that there is not only substantive changes occurring within the U.S. Olympic Committee but a strong desire to return to the core value of putting athletes at the heart of the movement.

It is also clear that the U.S. Olympic Committee is raising the expectation upon National Governing Bodies in matters related both to athlete safety, athlete advocacy and culture. In turn, this leadership position has led to the National Governing Bodies taking a role in changing this at the state and local level.

**The Role of Congress in improving the Olympic and Paralympic Movement and Youth Sport**

USA Weightlifting appreciates the proactive role Congress and this subcommittee in particular has taken in helping the Olympic and Paralympic Movement move forward with the issues we have faced in recent times.

With that said, Congress could take a more proactive approach in supporting the work of the U.S. Center of SafeSport especially in the area of funding. As I previously testified, currently, the funding for the Center is predominately coming from within the Olympic and Paralympic movement itself.

Similarly, it is vital to recognize the risks that exist outside of the Olympic and Paralympic movement. While USA Weightlifting and our movement colleagues still have work to do, there is a concern that private sector and other organizations running Youth Sport activities in the United States are not necessarily holding themselves to as high a standard as we are striving to do so.

Ultimately, we believe it is the goal of Congress to protect the youth athletes of the United States. To do so, the protections that have been put into place during this period in the Olympic & Paralympic Movement must be implemented in other youth sports organizations. Similarly, where best practices exist in the other organizations, we must ensure we learn from them.

Thank you for your time, and I am happy to take any questions you might have.

Senator MORAN. Mr. Andrews, thank you. Thank you for your testimony and thank you for the conversation that we have had previously.

Ms. Cammett.

**STATEMENT OF ANNE CAMMETT, PRESIDENT,  
U.S. FIGURE SKATING**

Ms. CAMMETT. Subcommittee Chairman Moran, Ranking Member Blumenthal, and distinguished members of the Subcommittee, my name is Anne Cammett and I am President of U.S. Figure Skating. I have been involved with figure skating since I was six years old, first as an athlete, then a volunteer official, committee member and committee chair. I have been a member of U.S. Figure Skating's board of directors since 2015. In May of this year, I was elected the President.

With me today is our 2010 Olympian and U.S. Figure Skating Athlete Advisory Committee Chair, Mark Ladwig.

U.S. Figure Skating is fully committed to providing a safe, healthy, and positive environment for all athletes, members, and volunteers. We strongly support the protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. Like social welfare experts, we believe the best practices for protecting minor athletes from abuse are education and awareness training, required background checks for people who have frequent contact with minor athletes, and mandatory reporting requirements for alleged and suspected child abuse. U.S. Figure Skating incorporated these practices well before the passage of this Act.

In April, this Committee heard testimony from Mr. Craig Maurizi, a U.S. Figure Skating member. During his testimony, Mr.

Maurizi referred to his 1999 allegations of sexual misconduct against a former coach. It is true that Mr. Maurizi's complaint was time-barred under the organization's reporting rules in effect at that time. However, Mr. Maurizi's case prompted U.S. Figure Skating to examine its rules and procedures in the area of athlete safety. As a result, just months later, U.S. Figure Skating instituted its first ever harassment and abuse policy and mandatory reporting requirement for all its members.

The following year, another new rule mandated publishing the identity of any banned or suspended members in SKATING magazine, later moving a detailed list to U.S. Figure Skating's official website where it still resides today. Since May 2000, U.S. Figure Skating has banned 16 members for sexual misconduct, six for financial irregularities, and two for ethical violations.

U.S. Figure Skating has worked to strengthen its athlete protection rules and policies for the past two decades. In 2008, U.S. Figure Skating mandated criminal background checks for all coaches requesting a credential for any U.S. Figure Skating-sanctioned event or activity. In 2011, that mandate was expanded to require a coach's continuing education component that included child protection education and awareness. In 2013, as required by the U.S. Olympic Committee, we officially launched our SafeSport program, consolidating all athlete protection rules and policies into one place.

When the U.S. Center for SafeSport opened in March 2017, U.S. Figure Skating aligned its programs with the center's requirements.

We strongly support the U.S. Center for SafeSport, its mission, and all who are dedicated to doing everything possible to end abuse in sport. In order for the center and the national governing bodies to reach their potential in doing so, we respectfully suggest the following going forward.

So number one, increase funding for the U.S. Center for SafeSport to provide more personnel in the areas of education, investigation, and adjudication. Fulfilling the center's role effectively during these formative years is the key to establishing credibility and long-term viability.

Number two, create a coordinate SafeSport public awareness campaign that all national governing bodies can use and support in solidarity. This campaign should be created by experienced child welfare professionals with a goal to educate athletes, parents, coaches, and all who work with young athletes to be vigilant, informed, and reactive to all forms of abuse.

Number three, provide a national database of banned and suspended persons, searchable by name, sport, State and region.

Number four, amend the Protecting Young Victims from Sexual Abuse Act to give subpoena power to the U.S. Center for SafeSport to provide more effective investigations and enforcement.

And number five, finally, at some point in the near future, expand the reach of the U.S. Center for SafeSport. Athletes within the jurisdiction of national governing bodies represent a small segment of youth sports participants in the U.S. A full commitment to ending abuse in sports must include children that participate outside the auspices of the U.S. Olympic movement.

Thank you for the opportunity to speak here today.

[The prepared statement of Ms. Cammett follows:]

PREPARED STATEMENT OF ANNE CAMMETT, PRESIDENT, U.S. FIGURE SKATING

Chairman Thune, Subcommittee Chairman Moran, Ranking Member Blumenthal, and distinguished members of the Subcommittee.

My name is Anne Cammett and I am the President of U.S. Figure Skating. I have been involved with figure skating since I was six years old, first as an athlete, then a volunteer official, committee member and committee chair. I have been a member of U.S. Figure Skating's Board of Directors since 2015. In May of this year, I was elected President.

U.S. Figure Skating is the national governing body for the sport of figure skating in the United States. U.S. Figure Skating is comprised of approximately 700 member clubs and 1000 Learn to Skate USA programs, representing more than 192,000 members nationwide. The mission of U.S. Figure Skating is to provide programs to encourage participation and achievement in the sport of figure skating. We are charged with the development of the sport on all levels, from those learning to skate through the athletes representing the United States on the World and Olympic teams. As the national governing body for the sport of figure skating, we have the jurisdiction to sanction competitions, test sessions and exhibitions; to establish the rules and guidelines by which the sport is governed; and to name and nominate the athletes who represent the United States in international competition.

U.S. Figure Skating is fully committed to providing a safe, healthy and positive environment for all athletes, members and volunteers. We strongly support the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. Like social welfare experts, we believe the best practices for protecting minor athletes from abuse are education and awareness training, requiring background checks for people who have frequent contact with minor athletes, and mandatory reporting requirements for alleged and suspected child abuse. U.S. Figure Skating incorporated these practices well before the passage of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017.

In April, this committee heard testimony from Mr. Craig Maurizi, a U.S. Figure Skating member. During his testimony, Mr. Maurizi referred to his 1999 allegations of sexual misconduct against a former coach. It is true that Mr. Maurizi's complaint was time-barred under the organization's reporting rules in effect at that time. However, Mr. Maurizi's case prompted U.S. Figure Skating to examine its rules and procedures in the area of Athlete Safety. As a result, just months later, U.S. Figure Skating instituted its first ever Harassment and Abuse Policy and a mandatory reporting requirement for all its members. In May of 2000, U.S. Figure Skating added to its official Rulebook that if any form of child abuse is observed or suspected by a member, the member must immediately contact local law enforcement or a public child welfare agency and make a report. In addition, the member must also make a report to U.S. Figure Skating's Ethics Chair. The following year, another new rule mandated publishing the identity of any banned or suspended members in SKATING magazine, later moving a detailed list to U.S. Figure Skating's official website, where it still resides today. U.S. Figure Skating has acted promptly on every incident reported to it of suspected sexual abuse or misconduct since the new policy was enacted in May 2000. Since May 2000, U.S. Figure Skating has banned 16 members for sexual misconduct, six for financial irregularities, and two for ethical violations.

U.S. Figure Skating has worked to strengthen its Athlete Protection rules and policies for the past two decades. In 2008, U.S. Figure Skating mandated criminal background checks for all coaches requesting a credential for any U.S. Figure Skating-sanctioned event or activity. In 2011, that mandate was expanded to require a coaches' Continuing Education component that included child protection education and awareness. In 2013, as required by the U.S. Olympic Committee, U.S. Figure Skating officially launched its SafeSport Program, consolidating all Athlete Protection rules and policies into one place.

When the U.S. Center for SafeSport opened in March 2017, U.S. Figure Skating aligned its program with the Center's requirements, including expanding the policy for those required to submit to background checks and mandated the SafeSport Training Program for required adults.

U.S. Figure Skating strongly supports the U.S. Center for SafeSport, its mission and all who are dedicated to do everything possible to end abuse in sport. In order for the Center and national governing bodies to reach their potential in doing so, U.S. Figure Skating respectfully suggests the following going forward:

1. Increase funding for the U.S. Center for SafeSport to provide more personnel in the areas of education, investigation and adjudication. Fulfilling the Center's

role effectively during these formative years is the key to establishing credibility and long-term viability.

2. Create a coordinated SafeSport public awareness campaign that all national governing bodies can use and support in solidarity. This campaign should be created by experienced child-welfare professionals with a goal to educate athletes, parents, coaches and all who work with young athletes to be vigilant, informed and reactive to all forms of abuse.
3. Provide a national database of banned and suspended persons, searchable by name, sport, state and region.
4. Amend the Protecting Young Victims from Sexual Abuse Act to give subpoena power to the U.S. Center for SafeSport to provide more effective investigations and enforcement.
5. Finally, at some point in the near future, expand the reach of the U.S. Center for SafeSport. Athletes within the jurisdiction of national governing bodies represent only a small segment of youth sports participants in the United States. A full commitment to ending abuse in sports must include children who participate outside the auspices of the U.S. Olympic movement.

Thank you for the opportunity to speak on this topic. I am happy to respond to any questions members of the Subcommittee may have.

Senator MORAN. Thank you for your testimony.  
Mr. Hinchey.

**STATEMENT OF TIMOTHY HINCHEY III, PRESIDENT AND  
CHIEF EXECUTIVE OFFICER, USA SWIMMING**

Mr. HINCHEY. Chairman Moran, Ranking Member Blumenthal, and members of the Subcommittee, thank you for the opportunity to testify today.

I would like to begin by acknowledging and apologizing for the abuse suffered by children, athletes, other participants in swimming programs. The organization as a whole and I personally deeply regret the experiences of some of our members that have included sexual, physical, or emotional misconduct. I am personally committed to doing whatever I can to prevent such abuse from happening in the future.

On May 23 this year, I testified before the House of Representatives about the comprehensive abuse prevention and response program that USA Swimming has worked to create and develop since 2010. Today, I would like to describe more recent efforts that USA Swimming has made to demonstrate our continued commitment to providing safe and healthy environments for our swimmers.

Over the past five months, efforts have included the USA Swimming board of directors voted to set aside \$1.5 million to fund a reserve for SwimAssist costs. Established in 2014, SwimAssist is USA Swimming's survivor assistance fund. This approval will ensure that resources are available to meet the needs of those who suffered abuse in swimming.

The SafeSport Committee, which is made up of a group of dedicated volunteers, including athletes, coaches, and parents, met and discussed various ways to enhance the organization's athlete protection efforts. I have also personally met with several survivors. Their input has been among the most powerful, compelling, and effective I have received.

USA Swimming debuted its new Club Recognition Program. This program encourages local clubs to implement additional athlete protection education, policies, and practices.

USA Swimming national team members and alums, including a survivor, created a public service announcement to take a stand against athlete abuse.

Additionally, we are in preliminary discussions with our largest team management platform to push SafeSport content through local team websites to administrators and parents. Team websites help parents stay up to date for practices and meet information, and this is a tremendous opportunity to reach out to our parents.

USA Swimming also recognizes the value in taking the smaller routine steps day in and day out, as well as partnering with other organizations that are experts and leaders in this space, both of which are further detailed in my written testimony.

USA Swimming sits before you today as one member of the Olympic sports community. The United States Olympic Committee has indicated that there will be heightened expectations and greater oversight over national governing bodies with respect to abuse prevention and response, and we welcome that.

The U.S. Center for SafeSport has indicated that national governing bodies must adopt the center's policies and use their education and training. We also welcome that.

There is no pride of ownership when it comes to athlete protection. U.S. Swimming will lead in this space, but we will do so humbly, learning from those who are willing to teach.

As we gather to discuss abuse prevention efforts across the Olympic movement, we acknowledge there is no simple solution. It will take Congress, the United States Olympic Committee, the U.S. Center for SafeSport, U.S. Swimming, and all 49 national governing bodies to work together to put together a comprehensive framework in place that creates safe environments, prevents abuse, responds effectively when it occurs, and achieves systemic change. There must be a comprehensive approach because anything else will be inadequate.

As that collective effort progresses, USA Swimming is committed to the continued development of our own program. We have been busy enhancing our athlete protection efforts since I first testified five months ago, and we will stay busy. I have said before and I say it today and I will forever say that providing a safe and healthy environment to our children, athletes, and members is our top priority.

I look forward to sharing our experiences, learning from our peers, and working with you to prevent abuse, including child sexual abuse, in sport.

And I very much look forward to answering your questions today.  
[The prepared statement of Mr. Hinchey follows:]

PREPARED STATEMENT OF TIMOTHY HINCHEY III, PRESIDENT AND CEO,  
USA SWIMMING

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

Earlier this year, I testified before the U.S. House Committee on Energy and Commerce Subcommittee on Oversight and Investigations regarding *The Olympic Community's Ability to Protect Athletes from Sexual Abuse*. Today, as then, I begin by acknowledging and apologizing for the abuse suffered by children, athletes, and other participants in swimming programs. The organization as a whole, and I personally, deeply regret the experiences of some of our members that included sexual, physical, or emotional misconduct.

On May 23, I testified about the comprehensive abuse prevention and response program that USA Swimming has worked to create and develop since 2010. I have included for your reference a copy of my prepared testimony to the House of Representatives. Today, I would like to describe the efforts that USA Swimming has made over the past five months to highlight our continued commitment to providing safe and healthy environments to our swimmers and other members.

From an employment perspective, immediately following my prior testimony, I held an all-staff meeting and reiterated the organization's commitment to athlete protection as its top priority. Anyone uncomfortable with that reality was advised to develop an exit strategy. USA Swimming then hired a Safe Sport Coordinator and Associate Counsel to enhance our operational capabilities. Their respective backgrounds include serving as a Sexual Assault Response Coordinator in the United States Army and a Deputy Prosecuting Attorney in the special victim's team sex crimes and child abuse unit, and their skill sets complement the other members of the Safe Sport staff, which now totals eight—four core and four support. These staff members work with countless other Safe Sport Champions, including a twelve-member Safe Sport Committee, four national Zone Safe Sport Coordinators, 59 Local Swim Committee Safe Sport Coordinators, twelve Safe Sport Athlete Fellows, hundreds of Safe Sport Club Coordinators, and the organization's Board of Directors to foster a culture of athlete protection throughout the organization.

Last week, USA Swimming participated in the U.S. Aquatics Sports Convention—a gathering of aquatics National Governing Bodies. I have included for your reference my 2018 State of the Sport report, which was distributed to all Convention attendees and published on USA Swimming's website.

The Convention began with a USA Swimming Board of Directors meeting where the Board voted to designate \$1.5 million dollars of reserves to fund *SwimAssist* costs that may exceed the operating budget. Established in 2014, *SwimAssist* is USA Swimming's victim assistance fund, and this approval will ensure that resources are available to meet the needs of those who suffered abuse in connection with their participation in swimming.

I also attended a Safe Sport Committee meeting, where a group of dedicated volunteers, representing all facets of the organization, addressed various ways to enhance the organization's athlete protection efforts. They discussed, among others, the development of USA Swimming's Training the Trainers program, athlete-to-coach transition resources, communications strategies, and case trends. Immediately following the Committee meeting, USA Swimming Safe Sport staff previewed its new Club Recognition Program, which incentivizes member clubs to exceed the organization's Safe Sport minimum requirements by promoting additional athlete protection education, policies, and best practices.

Also at the Convention, the One Love Foundation offered two in-person training opportunities on healthy and unhealthy behaviors within power-based and peer relationships, after previously co-hosting a webinar with USA Swimming. According to its website, "One Love is the national leader in educating young people about healthy and unhealthy relationships and galvanizing them as leaders of change."

USA Swimming recognizes the tremendous value in partnering with other organizations that are experts and leaders in this space and that can add a voice and perspective to what we develop and promote internally.

To that end, USA Swimming has engaged Praesidium to review its Safe Sport educational content and provide feedback. Praesidium is a national leader in preventing sexual abuse within organizations. For over two decades, they have worked with 4,000 youth and vulnerable adult serving organizations and have a wealth of knowledge and experience to share. Moreover, this initiative was undertaken in direct response to feedback we received regarding our educational materials, including by survivors of sexual abuse within the sport. The input several survivors have provided over the past five months has been among the most powerful, compelling and effective I've received, and I will continue to solicit, listen to, and implement it.

We are also in preliminary stages of discussions with one of our largest team management platforms to push Safe Sport content through team websites to team administrators and parents. This is a watershed opportunity for our athlete protection program, whose key audience is swim parents, even though parents are not typically members and therefore more challenging to reach.

Finally, USA Swimming recognizes the value of its own athlete leaders and role models and has worked with a number of its National Team members and alums to create a public service announcement for national television and digital media distribution to take a stand against athlete abuse.

These are some of the bigger initiatives that the organization has undertaken over the past five months, but there is also considerable value in taking the smaller, more routine steps, day-in and day-out.

Such steps have included USA Swimming:

- Working with the U.S. Center for SafeSport to vet all of its Board of Director candidates, Pan Pacific and Junior Pan Pacific Championship coaches, and 2019 medical staff and managers prior to nomination or appointment.
- Strengthening its internal policy regarding independent contractors to ensure that those with direct contact with athletes are subject to a criminal background check and complete Safe Sport training.
- Updating its membership registration form to acknowledge the mandatory reporting requirements of the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*.
- Distributing an all member communication regarding its *SwimAssist* program as an initial step to ensure that this resource is well known and utilized.
- Continuing to meet and engage with survivors and taking preliminary steps to develop a survivor support network for those who are interested.
- And, since May 28, 2018, USA Swimming has trained over 400 individuals—including coaches, athletes, and parents—in in-person workshops offered at member club visits to the Olympic Training Center, Regional Coaches Clinics, and national programs.

USA Swimming sits before you today as one member of the U.S. Olympic sport community. The United States Olympic Committee has indicated that there will be heightened expectations and greater oversight over all National Governing Bodies with respect to abuse prevention and response. We welcome that. The U.S. Center for SafeSport has indicated that National Governing Bodies must adopt the Center's policies and utilize their education and training. We welcome that, too. There is no pride of ownership in athlete protection; USA Swimming will lead in this space, but we will do so humbly, learning from those who are willing and able to teach.

Finally, USA Swimming recognizes that we are a member of a youth serving organizations community broader than just the Olympic Movement, and, as such, we have an obligation to learn from and to share with our peers. Since May 23, 2018, USA Swimming has attended the National Sexual Assault Conference co-hosted by the Pennsylvania Coalition Against Rape and the National Sexual Violence Resource Center. USA Swimming also contributed to programming at the Beyond Sport Summit put on as part of the International Safeguards for Children in Sport. USA Swimming staff serves as a working group lead within the International Safeguards for Children in Sport Initiative, organized through UNICEF. Later this year, USA Swimming will attend the 2018 International Youth Protection Symposium hosted by the Boy Scouts of America; abuse prevention programming related to aquatic facilities conducted during the World Aquatic Health Conference; and the Praesidium Guardian Program. Finally, USA Swimming will host its own Safe Sport Leadership Conference on January 31–February 1, 2019 and each of you are invited and encouraged to attend.

As we gather to discuss *Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, we acknowledge there is no simple solution. Even within one organization, there are different audiences that require different content through different medium and different factual circumstances that require different responses and different outcomes.

It will take Congress, the United States Olympic Committee, the U.S. Center for SafeSport, USA Swimming, and the other forty-nine National Governing Bodies to work together to put a comprehensive framework in place that creates safe environments, prevents abuse, and responds effectively when it occurs. There must be a comprehensive approach because anything else would be inadequate.

And as that collective effort progresses, USA Swimming is committed to the continued development of its own abuse prevention and response program. We have been busy enhancing our athlete protection efforts since I last testified five months ago, and we will stay busy. I have said before, I say today, and I will say forever, providing a safe and healthy environment to our children, athletes and members is my and the organization's top priority.

I look forward to sharing our experiences, learning from our peers, and assisting you in any way we can to prevent abuse, including child sexual abuse, in sport.

## ATTACHMENT

## 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.

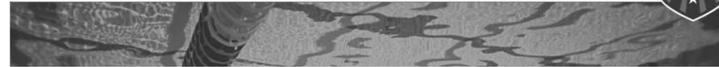
STATE OF THE SPORT 2018 • STATE OF THE SPORT 2018



STATE OF THE SPORT • 2018

STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018

## STATE OF THE SPORT • 2018



The year 2018 has been a transformative one for every major industry, including sports. It has created awareness and urgency of important issues and required everyone to reassess and refocus their priorities. At USA Swimming we have embraced this wholeheartedly, knowing that our memberships' positive experiences are the lifeblood of our organization.

I feel confident in telling you that USA Swimming's position has been, and will continue to be, "what else can we do to keep our members safe?" More than anything, this last year has shown us that better education continues to be necessary both to raise awareness of current programs and services and create more abuse prevention champions within every rank of our membership. Our goal is to provide the best possible experience for our members, in the safest possible environment, and we will continue to be leaders in this movement across all national governing bodies and the Olympic community.

In what was a new experience for me this year, I have faced these same realities and had these same discussions with members of Congress. I endeavored to share one important thing – USA Swimming is active in this space; adapting and evolving its abuse prevention program to meet the demands of our current environment. We will continue to do better.

As I shared with Congress, in 2010, USA Swimming established a comprehensive abuse prevention and response program called Safe Sport. 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
- (vi) Grassroots Engagement & Feedback

In Safe Sport's earliest days, 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. We have conducted third-party reviews and continue to scrutinize our own work internally, with voices from outside the sport, and, most importantly, with survivors. And today, we continue to reach out to other specialists in the field of abuse prevention to

review our content and materials and help guide us to create the most effective resources.

Additionally, we have made great strides in furthering our abuse prevention outreach and the creation of new initiatives. These include: personal face-to-face meetings with survivors of abuse, the development and implementation of the Safe Sport Recognized Club program, which will be previewed at Convention and launched shortly thereafter, the engagement of outside content and training expert Praesidium to evaluate our content, the additional promotion and access to the SwimAssist funding program, the creation of a PSA with National Team athletes taking a stand against athlete abuse that aired on national television, and much more.

This will be an on-going, daily challenge, that we are fully committed to, which is just as important as any other facet of our business.

#### LEADERSHIP

In taking this on, I will be supported by an incredible leadership team, following the reorganization at the management levels of USA Swimming. The Strategy Team helps guide every team and employee within the organization. Together they oversee these respective Business Units:

- **Mike Unger** – Chief Operating Officer, Head of the Technical/Sport Business Unit
- **Matt Farrell** – Chief Marketing Officer, Head of the Commercial Business Unit
- **Jim Harvey** – Chief Financial Officer, Head of the Finance Business Unit
- **Lucinda McRoberts** – General Counsel & Vice President of Business Affairs, Head of the Business Affairs Unit

The Strategy Team continues to work with the Executive Leadership Team (ELT), which increased in size following the addition of new Division/Department Directors to gain greater input and leadership buy-in towards our organizational Quad Plan and annual Key Performance Indicators (KPIs).

These changes were broken into a four-phased approach and a 10-year strategy leading into the 2028 Olympic Games in Los Angeles:

STATE OF THE SPORT 2016 - STATE OF THE SPORT 2016 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018

- **Phase 1:** initial announcement and leadership organization (completed in early 2018)
- **Phase 2:** evaluation of all personnel in each business unit to ensure we have the right roles and talent for the job (ongoing)
- **Phase 3:** October 2018 – 2020 Tokyo Olympic Games - focus on long-term succession planning and the development of a 10-year LA 2028 plan to increase success in all areas of the business
- **Phase 4:** Post-2020 Tokyo – LA 2028 - executing at a high-performance level in all areas of the organization as part of the LA 2028 “10-Year Plan”

In addition to our staff-level changes, we are also eager to welcome our new Board of Directors as it transitions to its reorganized size and structure. In an organization of USA Swimming's size and scope, the integral “products” of successful Board leadership include:

- Effective Board-to-CEO delegation, with “one-voice” clarity of expectation about results to be produced, authority delegated and criteria by which performance will be evaluated
- A sense of partnership in which the Board expects and values the executive/management team's role in conversations about future results and needs, accompanied by well-founded confidence that priorities are being addressed and expectations met

With the change in our governance structure and a new board being seated at Convention, the board and staff believed it was also a time to revisit the organization's strategic plan. This re-envisioned plan includes expanded Key Performance Indicator (KPI) measurements and a tracking and reporting schedule for progress. This was an extremely collaborative process with the USA Swimming Board of Directors, and therefore I would like to thank it for its dedication and service to this important step in the future of the organization.

USA Swimming's culture of and commitment to volunteer engagement is extraordinary and is reflected by the passionate commitment exhibited by our volunteer leaders. We look forward to working alongside this new strategic-focused Board, which we expect will repeatedly challenge us to find new ways to grow our membership, improve the welfare of our athletes and expand our fanbase.

#### EVENTS

One such route taken in 2018, was the growth and “Trial-ization” of our domestically-owned events. This is an internal mantra that we have adopted to raise the level of our national events to be closer to the presentation and pageantry of the U.S. Olympic Trials.

Anyone who has ever attended a major swimming competition such as the U.S. Olympic Trials will understand the unparalleled in-venue entertainment and excitement of watching incredible athletes push themselves to the limit and lay everything on the line. Creating additional Trials-like events elevates the experience for both the athletes and the spectators. Our strategy is to enhance existing USA Swimming events and offer greater fan experiences, elevated viewing opportunities, increased promotion, increased grassroots initiatives, and more, similar to what people experienced and enjoyed throughout the spring and summer.

The domestic event highlight of the year was the Phillips 66 National Championships in Irvine. There were many additions to the overall presentation to elevate this experience and make it our domestic crown jewel. We expanded the Aqua Zone, added a Speedo VIP deck and enhanced the venue with electronic signage. Attendance reached capacity highs and presented an enhanced look for our NBC audience. The digital presence was also expanded with additional shoulder programming from USA Swimming Productions and increased social media.

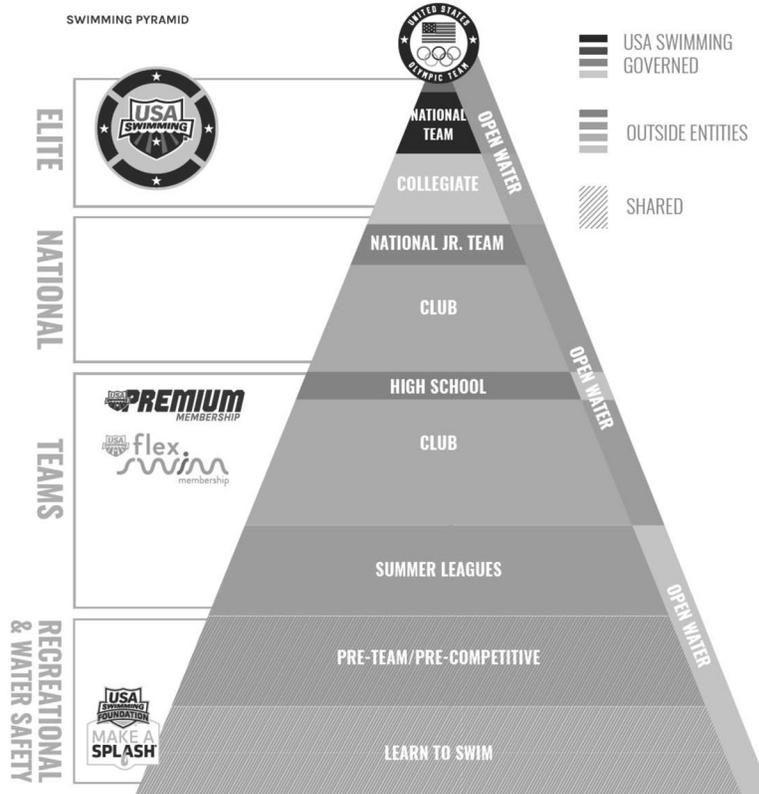
This was the catalyst to bid out our TYR Pro Swim Series events in 2019 via a request for proposal process. We are pleased to report that there was tremendous interest from teams, convention and visitors bureaus and sports commissions across the country, wanting to bring a high-level swimming event to their community. The first stop in January has been confirmed for Knoxville, TN, while the full slate of events will be announced in October.

Internationally, the Pan Pacific Championships in Tokyo proved to be an exciting and successful performance for our National Team both in the pool and in open water. The competition was strong, the times were fast, and our athletes gained valuable racing experience. We are proud of each of the swimmers who represented our country.

It is the midpoint in the quadrennium and a pivotal time for the sport and organization. Two years down. Two years to go.

As we continue to ready our elite swimmers for the world stage of the Olympic Games, we also continue to look for ways to bring new swimmers into our membership and to grow the base. We have strategically divided this into the five levels of our swimming pyramid: water safety, recreational, teams, national and elite.

STATE OF THE SPORT 2016 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018



The USA Swimming pyramid is a visual manifestation of my CEO Ends Strategy: Recognizing USA Swimming as a best in class NGB. I firmly believe that not only should we be best in class for our own members, but we should also be a positive influence and make significant contributions to the sport of swimming across the entire country. As the national governing body, we have the opportunity

to influence and architect the development of the sport for all swimmers. We should, and we will, embrace the responsibility to grow the sport in the U.S.

While our governance most directly affects the top of the pyramid, we are only as strong at the tip as we are at the base.

STATE OF THE SPORT 2016 - STATE OF THE SPORT 2016 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018

#### SPORT DEVELOPMENT

As a way to reach younger swimmers, to introduce the sport to a larger audience and to allow young children to create a healthy sport experience, we created the new Flex Swim membership.

Launched earlier this month, the Flex Swim membership allows USA Swimming member clubs across the country to begin offering a new level of membership. This is the most progressive new membership category developed in years and is designed to make entering the sport more attractive for today's busy families. As of September, 48 Local Swim Committees (LSC) are offering the new membership.

The Flex Swim membership also provides children the opportunity to make swimming one of the many athletic endeavors they undertake growing up, embracing the benefits for children of being multi-sport athletes. Flex Swim is a long-term investment to grow the USA Swimming membership in the current youth sports environment

While we continue to focus on bringing in new USA Swimming members, we will look to identify ways to better work with other swimming leaders across the country to increasingly grow the sport as a whole and keep our retention rates of 71.5% among the highest in youth sports. As they say, a rising tide lifts all boats.

Beyond my review, I would also like to share updates from around the organization. These are outlined within our corporate initiatives, and National Team and competitions.

#### CORPORATE INITIATIVES

##### Membership Numbers

Once again, we are pleased to report another strong year for USA Swimming memberships. This was our second highest membership year ever behind 2017's record-breaking year. Overall athlete retention remains above 70% (71.5% this past year). This year marked the highest ever number of officials (16,806) and coaches (19,524). Coach representation was made up of 50.3% female and 49.7% male. The number of clubs remained virtually unchanged (2017 had 2,913 and 2018 had 2,907).

Athlete memberships present our greatest area of improvement as overall numbers were down 2.2% from last year, with the lowest number of new 8-and-unders joining USA Swimming in seven years. A real-life illustration of the need for the new Flex Swim membership.

##### Diversity & Inclusion

Every year, the USOC recognizes the need to achieve increased diversity. USA Swimming believes and recognizes our continued

success depends on ensuring the inclusion of all Americans and making sure our sport looks like the rest of America. All NGBs are required to provide membership demographics information that the USOC uses to create the Diversity & Inclusion scorecard. The scorecard is designed for the USOC and NGBs to easily identify opportunities to become more diverse and inclusive as it relates to athletes, coaches, staff, board of directors and membership.

Since 2014, USA Swimming's membership has made significant strides on becoming more ethnically diverse. Based on the scorecard's benchmarks, specifically formulated for our NGB, steady progress has been made. In 2014, we were nine percentage points from reaching our USOC D&I scorecard benchmark and in 2018 we have moved to within half a percentage point.

One major initiative helping to increase multicultural participation continues to be our partnership with the Chicago Parks District (CPD).

The Chicago Park District Community Swim Team is a partnership between the Chicago Park District, Illinois Swimming and USA Swimming to develop a quality, multi-level swimming program that provides enhanced competitive opportunities and services to Outreach athletes, their coaches and teams. This year marked the second year of the partnership. The Chicago Park District Community Swim Team is the first USA Swimming Team with 3,000-plus members, and more than 100 coaches are involved in the partnership.

Since the start of the partnership Illinois Swimming has hosted an annual swim meet that introduces CPD swimmers and coaches to USA Swimming meet structure, highlights the competitive progress of Chicago Parks District swimmers and promotes the partnership among a diverse audience.

##### Education

In February, USA Swimming created its new online education portal called LEARN – Leadership Education & Resource Network. This also became a KPI of the organization to improve and grow this initiative. LEARN houses online courses and continues to undergo active development of additional features that will allow us to create more dynamic opportunities. Concurrently, the LEARN team is assessing current educational resources, programs, services, and staff roles to determine both short-term and long-term goals. Our first priority focuses on coach education with a revision of the foundations of coaching 101 course that will move to the LEARN platform.

In addition to the online LEARN platform, we continue to host dozens of conferences, clinics and workshops. These services include #SwimBiz, Swimposiums, She Leads, Women in

STATE OF THE SPORT 2016 - STATE OF THE SPORT 2016 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018

Leadership, Build-a-Pool Conferences, Club President Summit, Club Leadership & Business Management School, and many examples of ongoing education offered annually.

#### **NATIONAL TEAM AND COMPETITIONS**

We are incredibly proud to share that the U.S. finished the summer with 40 unique athletes ranked in the top-8 in the world, which is the most-ever in USA Swimming history. There were an additional 24 athletes ranked in the top-16.

#### **2018 TYR Pro Swim Series**

The 2018 season was the first year to be sponsored by TYR, and the first to utilize the new fantasy sport-like program named Swim Squads. The latter allowed USA Swimming National Team members to compete for team points and a grand prize throughout the year's events. The end-of-season winners, which included points captured at the Phillips 66 National Championships, were Katie Ledecky and Chase Kallis. The six meets, held in Austin, Texas, Atlanta, Ga., Mesa, Ariz., Indianapolis, Ind., Santa Clara, Calif. and Columbus, Ohio, recorded higher than average tickets sales and attendance compared to 2017. Segments of each event aired on NBCSN, the Olympic Channel and USASwimming.org.

Following the completion of the series, USA Swimming and TYR recognized the top performers age 18 and under in each Olympic event as members of the inaugural TYR Next Gen Team. USA Swimming considered all the finishes from across the series to determine the top 18-and-under male and female performer in each Olympic event for the full series. A list of the team can be found here: <https://www.usaswimming.org/news-landing-page/2018/07/31/tyr-next-gen-team-announced-in-irvine>

#### **2018 Pan Pacific Championships**

The 2018 Operation Gold competition was the 2018 Pan Pacific Championships in August. The event provided our athletes, coaches and staff with an incredible opportunity to travel to the Olympic city two years before the Olympic Games. While the meet provided challenges, both in and out of the water, the athletes rose to the occasion winning 45 medals (20 gold, 14 silver, 11 bronze). The U.S. team also topped the medals table and won the Pan Pacific Championships team title, while posting 10 Pan Pacific Championships record swims.

#### **2018 Junior Pan Pacific Championships**

The 2018 Junior Pan Pacific Championships, which took place in Suva, Fiji, saw the U.S. team win the medal count with 27 golds, 19 silver and 8 bronze for a total of 54 medals. The next closest nation was Japan with 23 medals. The 2018 medal haul represented six more medals than those won by the 2016 Junior Pan Pacs team. The U.S. team successfully captured gold in each and every relay. The team consisted of 30 rookies, none of whom had previous Junior Pan Pacs or Junior World Championships

experience. Over 90% of the athletes posted a season or lifetime best swim. Including swims from Nationals, the team had seven athletes make an all age FINA top 25 world ranking. Nine Junior Pan Pacs records were broken. Next up on the international stage for USA's Junior team will be the 2019 World Junior Championships in Budapest, Hungary.

#### **New National Team Technical Advisor**

In June, Jon Urbanek was named to the newly appointed position of National Team Technical Advisor. The six-time U.S. Olympic Swimming Team coach is working alongside Lindsay Mintenko, USA Swimming's National Team Managing Director, to provide vision and leadership for America's top coaches and elite athletes, with the focus on performance. He supports the U.S. National Team at international events and consults on coaching decisions with the ultimate aim of delivering optimum performance and continuing to build upon the positive camaraderie ingrained with the National Team culture.

#### **2018/19 National Team**

One hundred and eleven (111) of the nation's top swimmers were announced as members of the 2018-19 National Team. The team features the top six athletes in each individual Olympic event based off the combined results of the 2018 Phillips 66 National Championships, 2018 Pan Pacific Championships and 2018 Junior Pan Pacific Championships.

#### **The 2018-19 USA Swimming National Team by the Numbers:**

- 111 National Team members (57 men; 54 women)
- 29 states represented; California leads the way with 19 National Team members
- 70-plus USA Swimming clubs represented; California Aquatics is tops with 13 National Teamers
- 32 medalists from the 2018 Pan Pacific Championships
- 15 swimmers qualified for the National Team in three-plus events
- 26 first-time National Team members

#### **U.S. Olympic Trials - Swimming**

The U.S. Olympic Team Trials - Swimming will be held at the newly named CHI Health Center in Omaha (formerly the CenturyLink Center). This will be the fourth consecutive time the Trials have been in Omaha, and we fully expect a wonderful event for athletes, coaches, officials, sponsors, volunteers and spectators. We will be formally announcing the time standards for the competition on Thursday, September 27, as part of a webcast at the USAS Convention in Jacksonville, Fla. We expect between 1200-1400 athletes to take part. The 2020 U.S. Olympic Trials - Swimming will select the team for the Tokyo Olympic Games and will have full coverage of Finals and Prelims on both NBC, NBCSN, the Olympic Channel and [usaswimming.org](http://usaswimming.org). Dates of the event will be announced soon.

STATE OF THE SPORT 2018 - STATE OF THE SPORT 2018

**USA Swimming Foundation**

This marks one of the most successful years for the USA Swimming Foundation to date. USA Swimming's philanthropic arm increased its outreach and capitalized on engagement and function opportunities surrounding USA Swimming's slate of competitive events. Last month, The Foundation announced that it had surpassed \$700,000 in 2018 grant funding for Make a Splash Local Partners - learn-to-swim providers, community-based water safety advocates, and national organizations who provide swimming lessons and educate children and their families on the importance of learning how to swim. Additionally, the Foundation will provide U.S. National Team swimmers and coaches with over \$750,000, providing them with funding that is critical to their pursuit of success in the water.

Given the wealth of information shared and the expert team of executives who work alongside me day in and day out, I will invite this group of executives to join me for this year's State of the Sport presentation. I, along with the Strategy Team and USA Swimming Managing Director Lindsay Mintenko, will participate in a moderated State of the Sport question and answer panel. Ahead of next week's Convention, we invite members to submit any questions they may have regarding this content for consideration during the panel's discussion. Questions can be submitted to: [convention2018@usaswimming.org](mailto:convention2018@usaswimming.org).

To say the last year has been a transformative one for USA Swimming would be an understatement. The organization has been challenged, has grown and is poised for the road ahead. There is a positive tailwind in the sponsorship market, which is generating significant new activity and helping to bolster key renewals. I have high optimism on the future of corporate investment in the sport. There are also exciting technological and digital initiatives underway to help us communicate with membership more efficiently, communicate with donors more effectively and even help us identify potential new people to engage with the sport.

We have a busy summer coming up in the water, as our athletes head to international competitions in Italy, Korea, Peru and Hungary. We will continue to find creative ways, new partners, and the best possible services to set them up for success. Because after all, all of this is for them.

Sincerely yours,



**Tim Hincley III**  
USA Swimming President & CEO

Senator MORAN. Mr. Hinchey, thank you for your testimony today and our conversations previously.

Mr. Steele.

**STATEMENT OF DARRIN STEELE, CHIEF EXECUTIVE OFFICER,  
USA BOBSLED AND SKELETON**

Mr. STEELE. Good afternoon, Chairman Moran, Ranking Member Blumenthal, Senators of the Subcommittee.

In 2007, I accepted the position of CEO of the U.S. Bobsled and Skeleton Federation, now USA Bobsled & Skeleton. And I still had fond memories of competing in the 1998 and 2002 Winter Olympic Games in bobsled. So I was excited about returning to that. But I also knew it would not be an easy role. The organization had just been restructured by the USOC due to a series of leadership mishaps, including mismanagement of sexual harassment allegations against one of the coaches in 2005.

That issue had been resolved by the time the new board hired me, but we still needed to establish a professional, performance-based culture. So through the USOC, I set up mandatory training for all staff and coaches on EEOC protections and workplace standards to ensure our people were trained and expectations were clear from the very start. But policies can only be effective if the leadership sets the example. This is part of our culture at USABS and we never compromise those values, particularly with the leadership team.

Much has happened since then, including the creation of the U.S. Center for SafeSport. Although we have not needed to utilize the center for investigating claims, they have been incredibly valuable for offering training, awareness, policy guidance, and education to our athletes, coaches, and staff. We have adopted a SafeSport policy and updated our bylaws to reflect our commitment to protecting athletes.

The recent abuses of our young athletes at the hands of those they trusted is beyond deplorable and we must do everything in our power to identify the root causes for why each and every abuse happened and what it will take to make sure similar abuses are not repeated in the future. USA Bobsled & Skeleton is fortunate. We have been able to protect our athletes thus far, but no organization is immune to the threat and we can never be complacent in our policies, rules, or standards of conduct. I say "our athletes" because collectively we all represent Olympic sport and when one organization fails to protect an athlete, we all have failed that athlete.

We are not a large NGB and we have unique challenges. And that was one of the topics, the uniqueness of the NGB, so I am going to speak a little bit to that.

Kids do not compete in bobsled and skeleton in high school and college. So we are responsible for finding them, introducing them to the sport, training all levels from beginner to Olympic medalist. We have to hire foreign coaches or develop coaches on our own. Our costs are high due to the importance of technology and high cost of shipping that technology around the world. We do not raise money from events or membership. So we rely on sponsors, donors,

and the USOC for funding. And the USOC is the largest contributor to that funding.

There are three key factors necessary to win a race in bobsled and skeleton: competitive pushing at the start, competitive driving down the hill, and a competitive sled. Between 1960 and 1998, the USA only had two of those three, and we experienced a 46-year medal drought.

Prior to 1998, bobsled pilots were responsible for buying or building their own sleds, while other nations invested millions on sled technology. That changed when NASCAR driver Geoff Bodine came forward, and we began a partnership to build American sleds and provide them to the national team. We started a similar project with BMW North America in 2010. And because of those two programs, every single bobsled medal that has been earned by the U.S. after 1956 was either in a Bo-Dyn or BMW bobsled. In the past five winter games, 30 American athletes were standing on the medal podium at the Olympic Games thanks to our investment in technology. And without the modest but critical funding provided by the USOC, it simply would not be possible.

The first part of our mission statement is to enable United States athletes to achieve sustained competitive excellence in Olympic competition. If we fail to protect athletes, that mission is not possible.

And as we explore strategies for improving athlete protection, the uniqueness of the NGBs must be considered. We should also exercise caution when considering the massive changes that have been talked about within the USOC that will impact NGBs in drastically different ways, and we want to make sure those changes are actually improving the protection of athletes. We owe it to our athletes to both ensure they are protected and help them achieve their dreams of representing the United States in the Olympic Games.

Thank you for the opportunity to address the important issues facing the Olympic family. And I will be happy to answer questions.

[The prepared statement of Mr. Steele follows:]

PREPARED STATEMENT OF DARRIN STEELE, CHIEF EXECUTIVE OFFICER,  
USA BOBSLED & SKELETON

Good afternoon Chairman Moran, Ranking Member Blumenthal, and Senators of the Subcommittee. In 2007, I accepted the position of CEO of the U.S. Bobsled and Skeleton Federation (USBSF), now called USA Bobsled & Skeleton (USABS). I still had fond memories from competing in the 1998 and 2002 Winter Olympic Games in the sport of bobsled, and I was excited to return. But, I also knew it would not be an easy role. There had been a revolving door at the Executive Director level and the organization was being restructured by the USOC due to a series of missteps, including mismanagement of sexual harassment allegations against one of the coaches in 2005.

Those issues had been resolved when I began my CEO role and a new board had been named. We needed to establish a professional, performance-based culture, so through the USOC, I set up mandatory training for all staff and coaches on EEOC protections and workplace standards to ensure our people were trained and expectations were clear from the very start. Policies are only effective if they are backed up with demonstrated behaviors of the leadership. This is part of our culture at USABS and we never compromise those values, particularly with the leadership team.

The recent abuses of our young athletes that have been uncovered at the hands of those they trusted is beyond deplorable and we must do everything in our power to identify the root causes for why each and every abuse happened, and what it will

take to make sure similar abuses do not happen to others in the future. USA Bobsled & Skeleton is fortunate to have been able to protect our athletes thus far, but no organization is immune to this threat and we can never be complacent in our policies, rules, or standards of conduct. I say, “our young athletes” because collectively, we all represent Olympic sport and when one organization fails to protect an athlete, we all have failed that athlete.

We are not a large NGB and we have unique challenges. Our membership is small and although we have not needed to utilize the SafeSport organization for investigating claims, they have been incredibly valuable for offering training, awareness, policy guidance and education to our athletes, coaches, and staff. We have adopted a SafeSport policy and updated our bylaws to reflect our commitment to protecting athletes and supporting the SafeSport organization.

Another way our NGB is unique is that we do not have a direct athlete pipeline from the university system, so we are responsible for finding athletes, introducing them to the sports, and training all levels from beginners to Olympic medalists. We are also responsible for developing coaches or hiring them away from our competitors. We do not generate revenue from events or membership, so we rely on sponsors, donors and the USOC for funding. The largest portion of that funding comes from the USOC. This is largely due to the importance technology plays in our sports and the high cost of shipping that technology around the world for international competitions.

Prior to 1998, bobsled pilots were responsible for purchasing their own sleds and the U.S. fell far behind our competitors around the world. That is the single largest contributor to the 46-year medal drought we experienced prior to 2002. Geoff Bodine came forward after the 1992 Olympic Games and we began a partnership with the Bo-Dyn Bobsled Project to build American bobsleds that were owned by USBSF and provided to the National Team. We started a similar technology program focused on the 2-Man bobsled discipline in 2010 with our partners at BMW North America. Every bobsled medal that has been earned by the USA after 1956 was earned in either a Bo-Dyn bobsled or BMW bobsled. To put that in perspective, in the past five Winter Olympic Games, 30 American athletes were standing on a medal podium at the Olympic Games thanks to our investment in technology. Six of those thirty got to watch the American flag rise to the playing of the National Anthem. Our coaches and athletes were a big part of those programs, but without our technology partners and the modest, but critical funding provided by the USOC, it simply would not have been possible. That is the reality of our sport.

The first part of our mission statement is to “. . . enable United States athletes to achieve sustained competitive excellence in Olympic competition.” That is only possible if we begin with, and maintain as our highest priority, their protection. The uniqueness of the NGBs must be considered as we explore strategies for improving athlete protection. Therefore, we must exercise caution against the temptation to paint well-run NGBs who are effectively protecting their athletes with the same broad brush used for NGBs that have failed to do the same. The same caution should be used when considering massive structural changes within the USOC that will impact the NGBs in drastically different ways. We owe it to our athletes to both ensure they are protected and help them to achieve their dreams of representing the United States in the Olympic Games.

Thank you for the opportunity to address the important issues facing the Olympic family. We can never stop looking for gaps in the system or for ways to make our sports safer for athletes. I would be happy to answer your questions.

Senator MORAN. Mr. Steele, thank you very much.

I am going to depart to go cast a vote, and I am going to ask Senator Capito to chair the hearing. I will be back in time to relieve her of those duties so that she can go vote. But that way we will continue our hearing without a pause or a recess. So I will return shortly. And thank you, Shelly.

Senator CAPITO [presiding]. Thank you all very much. And we will start the questioning with Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,  
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you. Thank you all for being here. I know this is the fourth hearing, and I so appreciate the

chair and Ranking Member in continuing down this important discussion.

And, Mr. Hinchey, I want to thank you for sitting down with me yesterday and talking with me.

So the question I want to start for the panel that I have is to what extent are you personally and your leadership and staff actively engaging with both the Athletes Advisory Council, as well as victims of sexual abuse, to help direct your programming to stamp out the culture of abuse that has enabled what we have seen these predators to target athletes. Can you talk a little bit about that, what you are doing individually or within your organization? Mr. Andrews, please.

Mr. ANDREWS. Thank you, Senator.

We have tried to create a culture since 2016 of really putting athletes at the heart of everything we do. Ultimately athletes are who we serve first and foremost. They are the people who step on the platform and lift the heavy weights in our case, literally.

To your questions, we have on our board a USOC Athlete Advisory Council representative who has an alternate. We have a second athlete on our board. We also have in common with, I suspect, every national governing body our own athlete advisory council, which we work with directly. As I mentioned in my opening remarks, that is the body that actually has the final approval as a whole on our selection procedures, for example.

To your point, I mentioned in my opening remarks our specific actions that we have taken as a result of the feedback of victims of abuse, not just in our sport but in others. Plus, I make myself personally, as do my staff, available by phone, e-mail, and at events.

Senator CORTEZ MASTO. So let me make it a little easier because I appreciate that. And let me be more specific because this is an area I have worked in.

Now we need to change the culture, and we need experts to come in and help. Normally I do. I think we all do when we are trying to address this issue.

So what are you doing in general to change this culture? What have you put in place? What experts have you relied upon to come in to help with education, to help with training, to help with understanding how we change this culture? Is there anybody that you have reached out to in the professional field to address this issue?

And I have only five minutes. So I am going to ask if you do not have anything like that, just please say so, then we can move on.

Mr. ANDREWS. No. Our biggest experts on athletes are athletes.

Senator CORTEZ MASTO. OK. Thank you.

Ms. Cammett.

Ms. CAMMETT. Thank you. I appreciate the direction.

What we have done in the fall last year, we hired a SafeSport counsel who is in-taking all the information and has that expertise. We currently are looking for another position to hire which will address specifically education and training.

Our AAC is very involved. Mark Ladwig, our AAC Chair, is here today with us. And we really have engaged our athletes to speak up and have a voice. We have a new campaign, if you will, called Your Voice, and it is the better known skaters more public facing

to come into communities and work with children in that community to help them understand that they do have a voice and they can speak up. And then we have also worked on education and training after speaking to survivors so we could make it more focused.

Senator CORTEZ MASTO. OK. Thank you.

Mr. Hinchey.

Mr. HINCHEY. We have several different—in the last 6 months or so, we have had an opportunity to have several different groups of national team athletes that are at the Olympic Training Center. So we have invited them to lunch to speak to them directly and getting their feedback and asking them what they need more from us and how we can further engage.

We are a large organization that has 3,000 member clubs. So our SafeSport department has an ability to get out to as many zone meetings, regional meetings, or invite ourselves to talk about curriculum and engage those athletes. Most recently, we started our first ever athlete leadership conference last April in Houston that I attended. I spoke to these athletes. These athletes are the 13 to 17-year-olds that are not necessarily going to be Olympic athletes but those that are at their local clubs that have an opportunity influence a greater number of their teammates than we can. So we have met with them and talked to them.

And then from a content perspective, we have taken some criticism based on meeting with some survivors on our content. So we have halted that distribution. We have hired Praesidium to come in and audit that fully. We look forward to having that content improved and then listening to the athletes on the best possible methods to distribute that.

And even last week at our convention, we met with some of our SafeSport fellows, which are again local club athletes, and they were very critical of the fact that we are not helping them with the right tools and specifically with social media communication. So that will be the next expertise we hire outside.

Senator CORTEZ MASTO. Thank you.

Mr. Steele.

Mr. STEELE. Our AAC members are part of the board. We have regular communication with them. Getting feedback from the athletes is one of the most important things in identifying maybe some unknown issues that are out there. And so that is one of things that we do pretty much on an annual basis. I do a post-season survey for the athletes, and they are very candid about what they are happy about, what they are not happy about.

In addition to that, we are doing culture training with the entire organization. It is not necessarily related to Safe Sport because that is not the primary issue or an issue that we have experienced really in quite a while. But culture training is important and that involves engaging with the athletes and finding out what gaps they see. So People Academy is the group that we are working with on that. And that is pretty much it.

Senator CORTEZ MASTO. Thank you.

I noticed my time is up. Thank you

**STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Thank you.

I thank all of you for being here today and thank you for working to enact the Sexual Abuse and Safe Sport Authorization Act that we passed here in the Congress.

When we had the athletes in front of us two panels ago I believe, the question I asked was about mental health and sports psychologists. I was kind of surprised at the answer that I got, realizing these are elite athletes at the top of their sport and at the same time young, still formulating minds at the same time. I was surprised that none of them, as I recall, expressed the accessibility to any kind of mental health professional or sports counseling because a lot of sports have a very big mental aspect to them as well.

So I am interested in knowing, how the NGB is maintaining mental health options for the young athletes? Are you providing those? How is that being provided for? Are you aware that there is any kind of professional, and are they aware of it? Is there something like that?

I will start with you, Ms. Cammett, at figure skating.

Ms. CAMMETT. Thank you.

Yes, we do provide it for our lead athletes, and they are made aware of it. We have what is called an International Selection Pool (ISP), which includes top athletes from which we draw the names of kids or athletes that we send internationally. We then have Team USA, once you get to travel. Those individuals that are on our ISP they have these services available to them.

Senator CAPITO. Are they using them, or do you know?

Ms. CAMMETT. They are using them. Especially, when we get to the Olympic level. We definitely have ongoing providers that we use. Sometimes what happens is they start while they are in Colorado Springs. They meet with a USOC psychologist or mental health service provider. Then when they go back to their home, we follow up and make sure that there is a provider there. But even right after I became President, there was a request for it, and so I got to see firsthand what we do. We take it very seriously because as you mentioned, it is a huge component when you get to the elite level.

Senator CAPITO. Does anybody else want to comment? Mr. Hinchey?

Mr. HINCHEY. Yes. Our national team services director, who manages our, currently, 60 athletes in our national team program, is in contact with the athletes individually and collectively about resources that we have at USA Swimming to provide mental health care in addition to other medical services. Our sports medicine director is also interacting with medical services people at the Olympic Training Center, as well as, other places that we travel. So we try to travel with somebody that has the ability to be supportive. We have a sports psychologist that also travels with us to our most important Olympic Gold level meets, which are international meets. It is something we are hearing a lot about from some of our most famous athletes and current national teamers. It is something that our national team director wants to do more.

Senator CAPITO. Yes. I just saw actually a billboard with Michael Phelps talking about mental health.

And I see it too not just to help them reach maximum performance, but also if there is a situation where a coach or a trusted individual in their life is abusing them in any way, that is another outlet for that person in the privacy of a medical professional to be able to speak more freely and more openly. So I am glad to know that that is going on.

The other question I asked was about their medical records. Obviously, this involved the doctor in Michigan. It seemed that there again was a lot of, "I do not really know where my medical records are." "He gave me prescriptions." "I do not know who kept track of all this."

What kind of things are you all doing? Do you all have access to medical records, or is that kept within the privacy of the individual? Do athletes and guardians have access to this when it is necessary? How do you work those kinds of privacy issues, along with oversight issues? Anybody want to start with that? Ms. Cammett?

Ms. CAMMETT. Yes, I can.

The skaters in our situation are trained individually. They decide who their coach should be and things like that. So they are distributed throughout the country. And so they have their own personal care provider, regular doctor they would see, or if they are training perhaps in Colorado Springs, then they would have a provider there.

As officials and as President of U.S. Figure Skating, I do not have access to those records. They are HIPAA. We do have a centralized people group that, I should say, can have that knowledge when we are deciding to send our athletes because athletes do agree, when they are going to travel, that they are healthy.

So does that address your question?

Senator CAPITO. It does. It does. I just think, as anybody knows, if you have your own home provider and let us say you are over in Europe competing with your team and you are a young man or woman and you have a headache or something or you hurt yourself, you are administered some kind of prescription medication. You can see how the records could maybe not be updated as things happen such as in regular medical care. Even if you are staying in the same community, you might go to a specialist and a general practitioner. Getting your records centralized I think is important to better health care, but also to more transparency where young athletes might be more vulnerable to accepting medical advice. Nobody is really looking at what might be conflicting with other things and things of that nature.

Ms. CAMMETT. But it is a good point. If I can also add, when the athlete is traveling and there is a medical professional, they fill out any prescription information that they are taking at the time when they go, and the doctor has that information. The doctor does fill out if anything was prescribed. We also have medical staff at our nationals, and that is always detailed in a report.

Senator CAPITO. Well, since it is just the two of us and the Chairman is coming back, we could keep on. Did you have any additional question?

Senator CORTEZ MASTO. I do. Thank you. Thank you, Madam Chair.

I have heard from a couple of you. And maybe this is to all of you right now, just a, Yes, question. Do you all agree that we should be adequately funding the U.S. Center for SafeSport to address education, investigation, and adjudication? And, Mr. Andrews, if you can just say, yes or no. Yes?

Mr. ANDREWS. Yes.

Ms. CAMMETT. Yes.

Mr. HINCHEY. Yes.

Mr. STEELE. Yes.

Senator CORTEZ MASTO. Thank you.

And one of the recommendations, which you, Ms. Cammett, talked about was needing a national data base of banned people. Would you all agree that that is something that is necessary? Starting with Mr. Andrews, yes or no.

Mr. ANDREWS. Yes.

Ms. CAMMETT. Yes.

Mr. HINCHEY. Yes.

Mr. STEELE. Yes.

Senator CORTEZ MASTO. I am going to ask Mr. Hinchey, I do not want to put you on the spot, but I know we talked about this, and I agree we need to do something. What should we know about, or what should be addressed when we are talking about banning people? What have you learned? Is there anything that you have learned from that that we need to take into consideration?

Mr. HINCHEY. Well, I think right now for us with the change as it relates to initial reporting and adjudication of the Center for SafeSport, is our responses, unfortunately, are not as fast as they were when we were first handling it. So it goes back to your question as it relates to funding. Funding is significant, but at the same time, we need to hire the right amount of people that can be responsive to the needs of our athletes. Right now, we are finding the feedback for us, and what we are learning is that we are not getting to these as fast as we need to.

Senator CORTEZ MASTO. Let me also just put this out there. I hope this is not the case, but I hope you are not waiting for Congress to act to stand this up before we make the necessary changes to protect our athletes. Please tell me that you are still going to move forward to change that culture, to protect our athletes, to do what is necessary within your organizations, no matter what happens here. Is that correct? And can I start with Mr. Andrews?

Mr. ANDREWS. Yes, absolutely.

Ms. CAMMETT. Yes.

Mr. HINCHEY. Yes, and just further, we need to absolutely have a culture of reporting that is safe for everyone.

Mr. STEELE. Yes.

Senator CORTEZ MASTO. And then you talked a little bit about a campaign. I know we have talked to others, but tell me what kind of campaign are we talking about that would be necessary, Ms. Cammett?

Ms. CAMMETT. So in this case, we are also working on educational materials that are age-adequate and all. We are waiting for the USOC to develop that.

We have a campaign called Your Voice. Part of the problem when there is abuse, especially with young children, they do not know how to express that. They do not know what to say. I do not have any background in this, but my observation and experience is that there is a lot involved with being afraid to talk to someone about it. So this campaign is really to say you have a voice, and you need to express it and let people know when there is something not right either with you or if you observe it.

Senator CORTEZ MASTO. And is that a campaign that you are taking on through your organization, or you are hoping that U.S. SafeSport will take this on?

Ms. CAMMETT. It is something that U.S. Figure Skating has done already. We have a T-shirt back here too.

Senator Cortez Masto: OK. Thank you. I see it. Your Voice is Powerful. That is great. Thank you.

Let me ask the dynamic now between the NGBs and the U.S. Olympic Committee. What is it that we need to know that is happening within that relationship? In other words, are they dictating, mandating certain things that can or should be done with the NGBs to address this culture? Is there more work that needs to be done? Is the interaction between the two working how it should? And I will leave that open to the Committee. Can you please address that for me?

Mr. ANDREWS. I think yes, they are. They are mandating certain elements, especially with regard to our adherence to the U.S. Center for SafeSport. But ultimately it comes down to the NGB first to take the action to protect their own athletes, listen to their own athletes, and put into place actions that specifically protect athletes within that sport, and that is what we have done.

Ms. CAMMETT. Well, I will just speak quickly that they are developing. It is continuing. It is evolving, and meanwhile we are also going ahead and doing it. But we do feel that it is important that if the USOC would have a collective program, then all the NGBs can benefit from it and have the same message and information getting out to all NGBs.

Mr. HINCHEY. It is absolutely a priority that is clear to them today and has been communicated to us.

Having said that, and I have said this previously, we look at this as our problem. Although we have invested in a program that we think has been very strong over the past 8 years, it absolutely needs to get better for the survivors and the abuse that has occurred in swimming. I do not think we can rely upon anybody else. We owe this to our athletes. Therefore, I see this as our number one priority and for us to continue to be a priority, and if the USOC can help, we are willing to do that. We are willing to share and learn. But we feel like this is on us.

Senator CORTEZ MASTO. Anything to add, Mr. Steele?

Mr. STEELE. Just that that partnership has been crucial for our organization. We are smaller and so the resources that they have been able to offer up as far as helping us with guidance on the implementation, changes. And to circle back about the mental health question that was asked, that is something that is important to us. It does not come up that often, but when it does, you really need to have a resource for an athlete. Just recently it was announced

to all of us that the USOC is going to be adding this as a resource for our athletes, and we were very excited to hear that.

Senator CORTEZ MASTO. Thank you.

Senator CAPITO. Thank you.

I am going to ask one more question before I go to Senator Hassan.

Senator Cortez Masto mentioned the banned list, and you all seemed to be very much in support of that. I saw on the coaching and I know it could be something other than a coach, a physical therapist or something like that. Is that envisioned to be a public document? Yes, yes?

Mr. ANDREWS. Yes.

Mr. HINCHEY. Yes.

Senator CAPITO. And those names are gathered. How would you as an organization be forwarding these names to the Olympic Committee? Do they do an investigation, or how is that going to work? Does anybody know? Have they figured that out yet?

Mr. HINCHEY. Not to my knowledge. Our banned list is public. We are responsible for that. Now that the U.S. Center for SafeSport provides that adjudication, they would give us notice. We would take care of that list, and we would also contact the club.

Senator CAPITO. So you all formulate your own list and then that becomes part of the U.S. Olympic Committee? That is the U.S. Olympic Committee list unless they have a list of their own they add on, which I guess is possible?

I am just curious to know. How many individuals are on the banned list for U.S. Swimming?

Mr. HINCHEY. 163.

Senator CAPITO. Wow. That is a lot.

And how is that information disseminated to all of your member clubs and member organizations?

Mr. HINCHEY. It is public on our website, and on the individual occasion, someone is banned, we then communicate to that club.

Senator CAPITO. Thank you.

Senator Hassan.

**STATEMENT OF HON. MAGGIE HASSAN,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Thank you very much, Senator Capito.

And good afternoon to all of you, and thank you for tolerating our in and out as we go vote.

I do want to thank, not only the witnesses for being here, but for all of the survivors who are here today as well, we are grateful for your voices and for your strength. And we are working to make sure that, obviously, the personal safety and autonomy of athletes is just always paramount. So, again, I appreciate your willingness to be here.

I wanted everybody on the panel to have a chance to answer a question that I think U.S. Swimming answered earlier. But as we have heard here today, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act. The goal of the legislation is to protect athletes, facilitate reporting of suspected or alleged incidence of abuse, and ensure that a robust, impartial, and independent system exists to do just that.

Obviously, an important part of this process is speaking with and really listening to survivors of sexual abuse and misconduct. And I think, Mr. Hinchey, you indicated that U.S. Swimming has. But for the other witnesses here, have your organizations met with survivors? Have you been talking with them to get their input about how to bring about lasting change? And why do we not start with you, Mr. Andrews?

Mr. ANDREWS. Yes, we have both those who have suffered within our sport and those coming to our sport having previously suffered. We have put into place specific recommendations based off their feedback.

Senator HASSAN. Thank you.

Ms. Cammett.

Ms. CAMMETT. Yes, we also have, and we have incorporated information from them to make our training and education programs stronger.

Senator HASSAN. And Mr. Steele?

Mr. STEELE. Survivors, no, but we did have the SafeSport individuals come and speak with the athletes to make sure that they were aware of the policies and available resources.

Senator HASSAN. I would suggest that, as you have heard from your colleagues, it is a very important thing to do. And obviously, every situation is different, and survivors will make their own judgments about when and how they want to engage. But I think it is incredibly important that we do that as part of this process and make sure their voices are heard. So I hope very much you will consider it.

Mr. Hinchey, I wanted to go back to USA Swimming a little bit. When we talk about sexual abuse in athletes, we typically think of the horrible abuses committed in USA Gymnastics at the hands of Larry Nassar, who has finally been brought to justice. But as you have acknowledged, USA Swimming has a particularly bad record as well.

Among the allegations of USA Swimming is the failure to complete background checks for coaches which resulted in dozens of coaches being able to commit sexual abuse and engage in misconduct against their swimmers. In 2010, ABC News revealed that 36 coaches were banned for life by USA Swimming because of sexual misconduct. In a July 2018 report, NPR revealed that the banned list has grown, and it reported 150. You just said 163.

It has also been reported that USA Swimming knew about sexual misconduct from its coaches but did nothing to protect its athletes. And as recently as last February, the Orange County Register reported that top USA Swimming officials covered up hundreds of sexual abuse cases spanning decades.

This is in so many ways falling short of how we expect athletes in the United States of America to be treated.

One of the concerns I have is that it appears that in some of the cases where coaches were not banned, it was because USA Swimming believed the coaches' contention that the relationship was consensual. And I just want to say it is not possible to have a truly consensual relationship given the power dynamics and the fact that coaches literally hold the key to an athlete's Olympic dream and their future.

So I understand that USA Swimming now bans so-called consensual relationships. But given that, will you commit to revisiting the previous complaints of athletes who said they were sexually abused in a relationship the coach claims was consensual?

Mr. HINCHEY. Absolutely. This is my top priority since I have been at USA Swimming. We will continue to do that. There is nothing more important than the safety of our athletes. At the same time, we will also need to be working in conjunction with any new complaints because those will go to the U.S. Center for SafeSport. So again, we will need to be working together in order for us to make that happen. But I am certainly more than welcome to meet with any survivor.

Senator HASSAN. Thank you. The request is really for a commitment to revisit those cases where consideration of a coach's position that it was consensual kept the coach from being banned. So I would look forward to continuing to hear more about that.

I see that the Chair and Ranking Member are back. I just wanted to close.

Mr. Andrews, I appreciated your saying that it is possible to win and still keep athletes safe. And obviously, the two are not mutually exclusive, but obviously, an athlete's autonomy and safety comes first. And I think it is really important in this day and age that we acknowledge we can do both. Thank you very much.

Senator MORAN [presiding]. Senator Hassan, thank you very much.

Let me ask a couple of questions and then we will turn to the Ranking Member.

One of the things I am told I should be concerned about is with the U.S. Center for SafeSport. It is beginning to be up and running in a sense, but there is a slowness in the response? I would like to know whether that is true and what your experience has been. It is important for victims, for survivors to have the reality, as well as the impression, that they are being listened to. And that is one of the things we have heard from those survivors in numerous conversations. It was as if no one cared. So if we are going to create a culture in which athletes feel comfortable in reporting, in this case to the U.S. Center for SafeSport, they need to know there is a prompt and real interest in their wellbeing, that their story can be told and actions will follow.

What is the experience that you have had in the timeliness of the U.S. Center for SafeSport responding to your athletes, or would you not know that because only the athletes know that? Mr. Andrews?

Mr. ANDREWS. There are some for which we would not know because the report is made directly to the center, but I would say that your comments are accurate. The center has been overwhelmed with a volume of investigations it has been required to carry out and, as a result, does require more support from all of us financially and non-financially to both improve its processes and critically its timelines. In the case of emotional or physical abuse complaints, they are still dealt with at the national governing body level and are certainly able to be dealt with more quickly because simply we are less overwhelmed than the center is at this time.

Senator MORAN. Ms. Cammett, you were ready to speak. My question would be is that the experience, or does anyone have any

specifics which they can provide today for our hearing record? Ms. Cammett?

Ms. CAMMETT. We do not have specifics. I mean, similar to Mr. Andrews with weightlifting, we sometimes make the complaint for someone or we could tell something is going on because we have been asked if someone is a member. But bottom line, it does take a while, and again, I think it is because they are overwhelmed.

Senator MORAN. Anyone else?

Mr. HINCHEY. As recent as last week at our United States Aquatic Convention in Jacksonville, I sat in our SafeSport Committee meeting and we heard loud and clear that the responsiveness is taking too long. They are concerned because they are not getting any calls back regardless of what the complaint is.

Senator MORAN. That is a useful thing to know. A number of you have testified about additional taxpayer resources. You indicate that they are overwhelmed. I understand there is a volume in complaints, but overwhelmed because of process and procedure or overwhelmed because there are just not enough people to do the work? Or both?

Mr. ANDREWS. I would say there is a degree of both. They are still new. They are still learning. And if you look at the history of the U.S. Anti-Doping Agency, now recognized as the gold standard around the world, they suffered from similar issues at the start of their life.

We have a specific issue you asked for, Senator Moran. We had a sexual harassment of a child complaint, which we heard nothing for several months from the center, resulting in us taking a last minute interim measure against that individual as a national governing body.

But I do believe it is both of the items that you said. It is both the need to employ even more investigators to ensure that the timeline is reduced and also additional expertise to continue to improve their processes as they become a more mature organization.

Senator MORAN. One of the processes that we could perhaps do is just the acknowledgement of the complaint of something being filed so that, again, there is knowledge that someone is paying attention.

Let me ask this question. A number of you indicated, in particular, Mr. Steele, the importance of financial support from the USOC. Describe to me, all four of you have different NGB resources, different magnitude of your programs. What is it that the U.S. Olympic Committee does for you financially? By that, I in part mean, what kind of dollars are we talking about?

Mr. STEELE. It depends on the year of the quad because the percentage does change. But I would say on average probably 65, sometimes up to 70 percent of the total revenue that comes in is from the USOC. And we are talking about roughly \$2 million a year.

Senator MORAN. And are those numbers that you indicated, change from year to year, but have they changed as a result of the new attention, focus on sexual abuse? You are talking about money that is utilized across the board, not just related to this issue. This \$2 million is money that supports your governing body broadly?

Mr. STEELE. It is very specific to athlete programming. That is the only thing it is used for.

Senator MORAN. What does that mean?

Mr. STEELE. That means coaches, taking care of the team, traveling around the world, fielding teams, buying equipment. It has to be related to a sports program for the athletes.

Senator MORAN. And has that increased as a result of an effort by the USOC to deal with the issue that is the topic of this hearing?

Mr. STEELE. I do not believe so.

Senator MORAN. Anyone else?

Mr. HINCHEY. I would echo Darrin's statement. We get about 15 percent, and it is direct athlete funding to our national team athletes so they have a chance to live and compete at the highest levels.

Ms. CAMMETT. It is the same. It is not for this initiative.

Mr. ANDREWS. We are at 2.7 percent, and again, it has not increased due to this initiative.

Senator MORAN. Thank you.

Senator Blumenthal is recognized.

Senator BLUMENTHAL. Thank you. I have another meeting, so I am going to have to depart fairly soon, but I want to ask a few questions here.

First of all, do any of you use what are called flagged lists? There was an AP report in 2010 that USA Swimming has a secret, in quotes, flagged list in addition to the public banned list. Do any of your organizations use a flagged list in addition to the banned list?

Mr. HINCHEY. We do not call it a flagged list. For those that have a criminal charge that we get to know about, then we certainly would flag their entry to membership, request for membership, and we would deny that membership at headquarters.

Senator BLUMENTHAL. Do others have the same practice?

Ms. CAMMETT. No, we do not have that practice. And then also, we do the background checks on all coaches. It is required, and people that are in a position of power would have incidents flagged there too.

Senator BLUMENTHAL. So your practice is, Mr. Hinchey, that you use the flagged list relating to charges but a ban as to convictions. Is that correct?

Mr. HINCHEY. Could you restate your question? Sorry.

Senator BLUMENTHAL. I am sorry?

Mr. HINCHEY. Could you repeat your question? Sorry.

Senator BLUMENTHAL. You use the flagged list to include individuals who have been charged, but not convicted.

Mr. HINCHEY. So if they are currently not a member of our organization and they have a criminal charge, then we will denote that so that if there is a request for membership, we can deny that.

Senator BLUMENTHAL. And you ban individuals who are convicted. Is that the distinction?

Mr. HINCHEY. Anyone that has been a member first that goes through the process of a hearing or gets convicted, then we would ban them at that point.

Senator BLUMENTHAL. Have you taken action against Norm Havercroft, one of the individuals who sexually abused Jancy Thompson, who is in the audience today?

Mr. HINCHEY. I am not familiar with that case prior to my arrival at the USA Swimming, but I know that he is not a member of USA Swimming.

Senator BLUMENTHAL. Could you verify whether he has been banned?

Mr. HINCHEY. Not to my knowledge.

Senator BLUMENTHAL. What about Paul Bergen? He is a swimming coach who is not banned apparently but believed to be on the flagged list and who allegedly sexually abused Olympic swimmer Deena Dearth beginning when she was 11 years old.

Mr. HINCHEY. I am not familiar with that case.

Senator BLUMENTHAL. Could you get back to me about this?

Mr. Steele, my office has been told that a female athlete on the USA Bobsled & Skeleton team was exposed to the sexually explicit content of a male coach's photographs or other material. Subsequently, other athletes were exposed too. Could you tell me whether you were informed by the United States Olympic Committee AAC representative of these sexually explicit content incidents?

Mr. STEELE. I was not informed by the USOC about this, but I did hear about this.

Senator BLUMENTHAL. And what were you told?

Mr. STEELE. I was told basically what you just said occurred. And so immediately I started asking questions to find out what happened.

Senator BLUMENTHAL. Was disciplinary action taken?

Mr. STEELE. To the extent of a warning. It was a warning about procedure. The situation was not as it had first been described.

Senator BLUMENTHAL. There was more than one person in my understanding.

Mr. STEELE. Yes, because multiple athletes had the electronic device that had access to those images.

Senator BLUMENTHAL. So the athlete complaint procedures worked or not?

Mr. STEELE. Yes, they worked. It was dealt with.

Senator BLUMENTHAL. No action was taken.

Mr. STEELE. No, because of the circumstances.

Senator BLUMENTHAL. I do not have time to completely explore all the details, but I would appreciate a written account.

Mr. STEELE. I will provide that.

Senator BLUMENTHAL. Thank you.

Would anyone here oppose establishing an Inspector General within the U.S. Olympic Committee?

Mr. ANDREWS. No. I would encourage it.

Senator BLUMENTHAL. Well, let me ask the question a different way. Would you in fact encourage it?

Mr. ANDREWS. Absolutely.

Ms. CAMMETT. Yes.

Mr. HINCHEY. Yes.

Senator BLUMENTHAL. Thank you.

Mr. STEELE. Yes.

Senator BLUMENTHAL. Would you encourage establishing an athlete advocate within the U.S. Olympic Committee? All of you agree?

Mr. ANDREWS. Yes.

Mr. HINCHEY. Yes.

Senator BLUMENTHAL. And would you voluntarily commit to increasing athlete representation to a majority on your boards and committees to ensure their voices and concerns are heard?

Mr. ANDREWS. I would be happy to do that.

Ms. CAMMETT. I think we would want to research so that it is not the majority. We could increase the minority.

Senator BLUMENTHAL. Well, it is 20 percent now. I am asking that you commit to increasing it to a majority.

Ms. CAMMETT. We would not be able to do that at this time, a majority.

Senator BLUMENTHAL. Why?

Ms. CAMMETT. I think part of what you have to look at—and this is some of my opinion, but also the learning and life experiences that come with developing from a young person to an adult. And we have many people that skated at a high level that are involved in that administration, but they have timed out for the 10-year maximum. And I think you need a good balance. You need that life experience, the knowledge that comes from—

Senator BLUMENTHAL. Well, how about 50 percent?

Ms. CAMMETT. We can explore that, yes.

Senator BLUMENTHAL. I would like to hear back from you about that.

Ms. CAMMETT. OK. Thank you, Senator.

Senator BLUMENTHAL. Others?

Mr. HINCHEY. Our board is made up of a house of delegates throughout the entire organization, the volunteer organizations. We need to work with those bylaws to do so, but we would be in favor in having more athletes.

Mr. STEELE. I would not be in favor of that.

Senator BLUMENTHAL. Why?

Mr. STEELE. Well, because it comes down to the competence of the board. We certainly want the athletes' voice. That is crucial but if athletes have not completed education. Our board members have to be successful in some other aspect of life, hopefully some specialty that we can use as almost a consulting situation.

One of the issues that we do see with competing athletes that are on the board is the board has to look at long-term strategy for the organization. A competing athlete is looking at four-year increments, and it is difficult to think about long-term strategy when you are actually in the midst of competition. So the voice is important, but to the extent that they would be dictating the direction of the organization when they have got short-term strategies and not life experience—

Senator BLUMENTHAL. Well, let me make a suggestion. If you increase the age eligibility for athletes, you could include older athletes and maybe that would satisfy the concern that you have raised.

I know this conversation is going to continue. I am going to be submitting a number of additional questions in writing, and I appreciate your being here today. And again, my thanks to the sur-

vivors who have been here and whose ideas and inspiration are very, very important, in fact, the most important factor. I hope to continue this conversation. And again, my thanks.

Thank you, Mr. Chairman.

Senator MORAN. Senator Blumenthal, thank you very much. We will continue to work to see that we get a good result from this investigation and our series of hearings.

I do have a few more questions before we conclude.

Well, first of all, Senator Blumenthal raised the topic of lists, banned lists. Certainly who is on that list is important and how it is used within the NGB and within the Olympic community. But it seems to me one of the most difficult challenges we face is the club level. How we get that information to them, and whether or not they utilize that information in a way that protects the athletes. And at least in conversations that I have had, my understanding is that there are coaches and other professionals who are on the list, on a banned list, but still employed at the club level. Help me understand this problem, if it exists, and what a potential solution would look like?

Mr. Andrews, we may have had a conversation like this. It seems to me we did.

Mr. ANDREWS. We did. We spoke briefly on this subject.

That problem does exist. There is a number of ways in which it exists. There is a responsibility of the NGB, and my colleagues and I here have outlined some of the ways in which we inform local level participants and local level clubs of those bans. For example, ourselves—each time we sanction an event, we send that banned list directly to that sanctioning individual in order to ensure it is enforced. That is just one example.

I think the biggest issue is the fact at the club level, physically we are not in all these cities ourselves. Physically we are not there to investigate and to enforce these bans. And on occasion, we may share that building, in our case as an indoor sport, with more than one sport. In our case it could be crossfit. It could be gymnastics. It could be taekwondo, wrestling, or many non-Olympic sports. And there is an issue about whether they are banned from not just our sport but others.

That carries with the SafeSport Center where a ban is recognized across the Olympic movement. Occasionally there is an issue where that is not recognized in other sports.

We have been fortunate enough to work with two key non-Olympic sports with whom we have a close relationship to recognize those bans, which has helped in that. But there remain issues to be worked on on the local level to ensure that an individual banned in one sport cannot participate in youth sport in either another organization that sanctions that sport or in another sport.

Senator MORAN. Others?

Mr. HINCHEY. I am currently not aware of any of our banned coaches that are still employed at a club.

Senator MORAN. What is your tool to make sure that is true or remains true?

Mr. HINCHEY. Again, we certainly obviously have this list up publicly on our website, but once a coach is banned, we do contact the club directly.

Senator MORAN. And your impression, your testimony is that then clubs honor that ban and would not hire or would then discharge one of those individuals?

Mr. HINCHEY. In order for them to be a head coach or a coach at one of these clubs, they have to be a member of USA Swimming. So once they are banned from membership, that club is prohibited from hiring them.

Senator MORAN. And the consequence to the club if they do not follow the ban that has to do with what? What is the result?

Mr. HINCHEY. I do not have the exact answer to that, so I would like to get back to you.

Having said that, my speculation would be that we have the ability to throw them out as members of USA Swimming.

Senator MORAN. One of the questions that was suggested to me by my staff is related to this topic, and part of that question is if the club relinquishes or has their sponsorship removed, can they still operate without further repercussions?

Mr. HINCHEY. Not to my knowledge in USA Swimming. I am not sure if they can join a different swimming organization across the country, but certainly not USA Swimming.

Senator MORAN. Mr. Steele or Ms. Cammett?

Ms. CAMMETT. We would have a similar process where they would be sanctioned from our official grievance process and would not be able to hold any events, U.S. Figure Skating events.

Mr. STEELE. We do not really have clubs that relate to this.

Senator MORAN. In talking about the banned employee coach/trainer list, tell me how your NGB maintains that list, and how does it interact with the list at the Center for U.S. SafeSport?

Mr. ANDREWS. In our case, we display it in our website and within e-mails to our membership. That covers not just SafeSport but also Anti-Doping and ethical violations, and it has a direct link to the center as well to view bans in other sports.

Ms. CAMMETT. And we are similar. We have it on display on our website, and we have actually details of what rules were violated. And then we do have a connection to SafeSport to be able to look at the list there.

Mr. HINCHEY. Similar. We display it publicly and it is connected to the U.S. Center for SafeSport.

Mr. STEELE. In the event that we get a banned individual, we will do the same.

Senator MORAN. Tell me about any efforts to implement complete background checks. What is going on in your world in that regard?

Mr. HINCHEY. From the U.S. swimming perspective, we do monthly recurring background checks on all 50,000 non-athlete members. So that is roughly 600,000 checks a year.

Ms. CAMMETT. And then all our professionals, those that each skating at our rinks and all—they undergo a yearly background check, and then also anyone that is in a position of authority, which could be our board, the staff at U.S. Figure Skating, our team leaders, our medical, our officials.

Mr. ANDREWS. Very similar. We take a yearly recurring background check. You must have that background check before contact with athletes in our case, and that goes up to the board, the staff,

the Committees, but also technical officials, as Ms. Cammett has orated.

Mr. STEELE. All new hires go through the background check and then on an annual basis, all employees.

Senator MORAN. In response to my questions, we have talked about the banned list and we have talked about background checks. How recent a development is those procedures in relationship to the Larry Nassar case? Are these things that have transpired since then?

Mr. ANDREWS. In our case, no. We have had wide background checks—and I apologize since I was not here at the time—since either 2010 or 2011. We did expand them to include board members, committee members, staff, and other people in 2017. But at the sports medicine and coach level, they have been mandatory since that time.

Ms. CAMMETT. And since 2008, we have required the professionals to have a background check, and just recently, we have expanded it to, as Mr. Andrews mentioned as well, the board, the staff, and other officials.

Mr. HINCHEY. This has all been in place at USA Swimming. SafeSport started in 2010, and then after a Victor Vieth independent report, many of these took place starting from 2014.

Mr. STEELE. And we introduced just the annual recurring background checks as it related to the implementation of SafeSport.

Senator MORAN. How frequently does a background check result in the termination of an employee or a member of your board?

Mr. STEELE. It has not happened to us yet.

Mr. HINCHEY. I do not have the information, but I can get it for you, Senator.

Senator MORAN. Thank you.

Ms. CAMMETT. I do not believe we have had any terminated, but I will get that information for you.

Mr. ANDREWS. We have had one that failed a background check prior to employment who is no longer employed.

Senator MORAN. I think this may be my final question. I will see if there are suggestions from staff of something we need to cover before we conclude the hearing. But I have always made it a practice of asking the witnesses in front of our subcommittee if they have anything they want to relay to us that has not been asked or something they would like to further explain or correct, anything you want to make sure that we hear or that is included in the Committee's record.

Mr. HINCHEY. I would certainly echo the statements I think that Mr. Andrews discussed about is there an opportunity for us, as we gather everyone together, to make sure that our athletes are safe. Again, Congress to the national governing bodies, the USOC, the U.S. Center for SafeSport, is there an opportunity to look at a model like you saw that has made a real difference, and I know it took some years to get organized. And I can tell you we use USADA. They have been a fantastic, best-in-class organization for us to utilize for another important matter, which is anti-doping. So if there is a chance for us to work along those lines, I think that would be very useful.

Mr. ANDREWS. I would just like to add and echo Mr. Hinchey's comments, but additionally the factor of looking at the way that law enforcement works with the particular challenges that come with Olympic sport. We compete all over the world. Incidents may happen, both interstate but also internationally. And it is important that law enforcement, as well as the U.S. Center for SafeSport, is able to respond to that.

I think proactive measures—none of us in this room—we can never promise that sexual abuse will never happen again. It is impossible to promise that. What is critical is how we respond, how we respond to our athletes and how we respond to an individual coming forward with a report, and I think not only how we respond to that from an investigation standpoint but how we respond to that for the care of the athlete, namely what has already been mentioned by Senator Capito around mental health and counseling. Rather than sport psychology, counseling for those athletes is a very vital service that many NGBs and the U.S. Olympic Committee are now looking to implement.

Senator MORAN. Is it your belief that if an athlete reported to someone in authority, a coach, a trainer, a member of your board, to you, are you with a great deal of certainty convinced that it would result in further investigation and not be treated the way that the reports of victims or survivors had in regard to Dr. Nassar?

Mr. ANDREWS. Yes, but I believe it is that we have to create a culture where they are willing to come forward to one, if not more than one, person within each of those organizations and take steps to ensure that more than one person is available to that individual.

Senator MORAN. Are you comfortable that that would be the truth in your case, Ms. Cammett?

Ms. CAMMETT. Yes.

Senator MORAN. Mr. Hinchey?

Mr. HINCHEY. I would certainly speak yes to myself and members of—I would like to think most of the members of our board. Clearly having said that, it has not worked with coaches, clearly. So the center has to work. We need to have a culture of reporting. We need to find a place that people feel comfortable, and it does not have to be their coach. It needs to be an independent opportunity where they feel safe.

Mr. STEELE. Yes.

Senator MORAN. Has your world changed since the Nassar allegations and conviction?

Ms. CAMMETT. Yes, it has. I mean, I think a lot of it is the awareness that this has brought and the ability to talk about it. You know, when I was young, it is not something you would talk about, and now the climate has changed and we have the ability to educate and let people know that they can come forward.

Mr. HINCHEY. It has changed for the better. We need to get on this.

Senator MORAN. I have said this in other hearings, but it is the most discouraging thing to me. I have always said I do not think I know anyone that if someone brought them an allegation, a report of sexual abuse who would not do something with that, even

if they did not know the victim. And I am still trying to figure out how that occurred in so many instances in the Olympic community.

I believe we are done with this hearing. I appreciate the testimony that you have provided today and the response to our questions. A number of committee members asked for a written response, and we will pursue that.

I appreciate what was said about the courage, the awareness, the indication that there is a different awareness in today's world. That is only a result of the individuals in this room who are survivors who have been willing to report. And we have met a lot of those young men and women over the last 10 months. And I again appreciate their willingness to do what they did in order to protect others.

I think the most compelling question that I have heard in my conversations and in these hearings is the question of why was there more than one, and that to me is the goal that we have in trying to change the culture, as you describe it, but also making certain that the laws that we create are appropriate and useful that prevent this behavior.

This hearing record will remain open for two weeks. During the time, Senators are asked to submit any questions for the record. Upon receipt, the witnesses are requested to submit their written answers to the Committee.

I conclude the hearing by once again thanking the witnesses for their appearance today, and I appreciate the cooperation of all my Committee members in today's hearing. And the hearing is now adjourned.

[Whereupon, at 4:08 p.m., the hearing was adjourned.]

## A P P E N D I X

### PREPARED STATEMENT OF STEPHEN McNALLY, EXECUTIVE DIRECTOR, USA TAEKWONDO

Chairman Thune, Subcommittee Chairman Moran, Ranking Member Blumenthal, Members of the Committee. My name is Stephen McNally. I am the Executive Director of USA Taekwondo, a member of the United States Olympic Committee. Thank you for the opportunity to provide written testimony to the Committee.

It has been exactly a year since I was appointed as the new leader of USA Taekwondo, and I think it's fair to say that it has been perhaps the organization's toughest year since its incorporation in 2004. While we have faced fierce criticism, we have tried to be forthcoming, cooperative, and as transparent as possible regarding ongoing investigations and legal proceedings into historical allegations of abuse involving our team members.

Today's testimony will outline the steps we have taken over the past twelve months, and the steps we intend to take in the near future. We will also propose solutions in areas where we think we need help from, and collaboration with outside bodies if we are to be successful in this endeavor to protect the Nation's amateur athletes from the devastating effects of abuse at the hands of their coaches and peers.

I was fortunate that by the time of my appointment the U.S. Center for SafeSport was already in existence, and I am grateful to the U.S. Olympic Committee and the U.S. Senate for their work in making that happen. Where investigations are concerned, USA Taekwondo defers to the Center for SafeSport's expertise and exclusive jurisdiction. If we receive information regarding an allegation involving potential sexual misconduct, we do the following:

- (1) Report the allegation to the U.S. Center for SafeSport for response and resolution.
- (2) If there is an allegation of criminal activity, report to the relevant law enforcement agencies.
- (3) If the alleged actions could place our community in danger we immediately issue an interim suspension without presumption of guilt, barring any further participation by the accused in USA Taekwondo events or activities until such time as the U.S. Center for SafeSport concludes its work.

We follow this process in *every case* regardless of the amount of evidence—reporting everything from a complete, detailed and documented statement to the most general of third party reports—to the Center.

USA Taekwondo is also working hard to educate and empower our community through our “#notinmysport” initiative, which continues to build momentum. Our hope is to see it evolve into an independent non-profit organization of its own in the near future and be embraced by other NGBs and even other sporting organizations. Our partnership with the Fighting Spirit Safety group provides personal empowerment, safety information and training to athletes to help them build confidence and awareness of situations that could become dangerous—now mandatory training for all National Team members. Shortly we will create a new position of Head of Athlete Safety and take another important step forward. The position will be filled by a high-quality individual with a reputation for her no-nonsense attitude and passion for the wellbeing of athletes of all ages.

We have increased the number of people who must undergo SafeSport training in order to be eligible to even attend our events, let alone participate, and we will shortly begin to make easily available the details of those coaches who have passed a background check and completed the SafeSport training through our CoachSafe initiative. This will be accompanied by a wide-ranging awareness campaign within taekwondo designed to educate parents on the importance of making sure that the coaches in their children's school are trained and cleared to coach. Although USA Taekwondo has no authority over non-member coaches, our hope is that this new

program will nevertheless increase the number of SafeSport-trained coaches who have had their backgrounds checked.

These initiatives should send a clear message to our community—misconduct will simply not be tolerated within USA Taekwondo, and perpetrators will be removed without hesitation. For an NGB of our size these investments of time and resources demonstrate our strong commitment to community safety.

While I am proud of the work the team at USA Taekwondo is undertaking in the area of athlete protection, our authority is limited to the removal of membership privileges within our own organization. I submit to you that where our authority ends is where the Committee can have the greatest impact.

Taekwondo is a community of small business owners, and with just 15,000 members USA Taekwondo has a sphere of influence that affects only a small percentage of the taekwondo practitioners in the United States.

In prior testimony to Congress USA Taekwondo called for consideration of a National Amateur Athletic Coach licensing program and repeats that call again in this testimony to the Senate. If we are serious about protecting all athletes there must be an effective sanction to deter and punish sexual predators. As we are learning, the standard of proof required to remove an individual's right to membership is significantly lower (although still too high) than it is for a criminal prosecution. There is nothing to prevent someone who has had their USA Taekwondo membership removed because of sexual misconduct from going on to work with children whose parents may be completely unaware of their history.

If licensing or certification was required for *all* amateur athletic coaches and administrators, anyone who was the subject of a license revocation or suspension would have a record that could make them ineligible to work with amateur athletes in any sport. This is a meaningful consequence. Potential loss of livelihood can and would be a powerful deterrent.

Via licensing fees, this system could also provide vital financial resources and accompanying independence for the U.S. Center for SafeSport.

Subjecting a business to any level of regulation is not to be undertaken lightly. However, the Nation abounds with professions that require practitioners to be licensed. Governments have already recognized the vital importance of child welfare where licensing or certifying daycare providers, physical education teachers, and school social workers is concerned. Coaches should be no different. Even a funeral director requires a license to care for the dead. Surely the dead are not more important than children.

USA Taekwondo would very much like to be involved in the discussions around such a system. To be clear, we are not asking for any additional authority or opportunities to generate revenue. We envision a Federal effort to create a model system of licensing that could be adopted by states. With adequate information-sharing with the Center for SafeSport and other NGBs like USA Taekwondo, a better network of protection for athletes can emerge.

While it is unlikely that any solution will be perfect, we believe such a system would be a truly effective response to the problem of sexual abuse of athletes. Licensing is a proven method that provides transparency, accountability, and community protection. We have reached a point in our national discussion about sexual abuse where we have to do more than express outrage and fire everyone who is in a leadership position.

We would welcome the opportunity to answer any further questions for the record, and again thank the Committee for the opportunity to provide this written testimony.

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Olympians Rising—September 19, 2018

RECOMMENDATIONS TO CONGRESS: REFORMING THE U.S. OLYMPIC COMMITTEE TO ENSURE HEALTH AND LIVELIHOOD OF ATHLETES

EXECUTIVE SUMMARY

OlympiansRising is a non-profit organization founded by August Wolf, OLY. Our mission is to reform the United States Olympic Committee (USOC), the coordinating body for all Olympic sports in the U.S., to ensure that the health and livelihood of athletes are its top priority. Several Olympians actively support our work and mission including: Bode Miller, six-time Olympic Medalist in skiing; Caroline Lind, two-time Olympic Gold Medalist in rowing, 2008 and 2012; Kayla Harrison, two-time Olympic Gold Medalist in Judo, 2012-2016; and Jimmy Pedro, two-time Olympic Medalist in Judo, 1996 and 2004.

In the wake of revelations about the sexual abuse of Olympic athletes, most notably by former USA Gymnastics team doctor Larry Nassar, it is essential to examine ways to reform the governance of Olympic sports, beginning with the USOC. Specifically, the lack of an external reviewing authority; insufficient athlete representation; and lax reporting requirements, all mean that the interests of athletes are not put first. This lack of accountability impacts athletes in all Olympic sports and directly affects their health, funding, and success.

As a first step in addressing these underlying issues, we offer the following set of recommendations. As is the case with how regulators have tackled sexual assault in the military, we believe the culture of sexual abuse illustrates larger systemic problems within the organization. While there are additional issues not addressed here, we nonetheless believe these reforms would significantly improve athletes' lives and move to a system that prioritizes the interests of athletes. Our recommendations cover the following categories and are presented in an Issue:Solution format to maximize clarity:

### **I. Athlete Protection, Representation, and Funding**

### **II. Corporate Governance of the USOC**

### **III. Giving SafeSport the Necessary Tools to be Effective**

Our recommendations related to sexual assault are derived in part from the June 2014 report of the *Response Systems to Adult Sexual Assault Crimes Panel* (“the Military Panel”), the Federal advisory committee within the Department of Defense (DoD) commissioned by Congress. Borrowing from the Military Panel’s recommendations, we suggest the creation of a Special Victim Counsel program that would provide specially-trained legal advocates for athletes throughout the process of filing and litigating a claim. We also make recommendations for oversight of USOC based on the internal structure of executive agencies. Specifically, we recommend adopting term limits for members of the Board of directors and the creation of an Office of Inspector General with investigative and subpoena powers to augment board oversight. Additionally, we offer solutions to increase direct funding to athletes, ensuring they are treated equitably and able to pursue their dreams.

OlympiansRising hopes to serve as a resource to Federal officials and to provide the perspective of athletes on these crucial topics. We urge Congress to continue holding hearings to review these findings and explore ways to improve USOC operations.

## OLYMPIANSRISING RECOMMENDATIONS

### **I. Athlete Protection, Representation, and Funding**

a. *Provide Robust Health Insurance:* USOC should provide robust health insurance—physical and mental—to all athletes.

i. *Issue:*

1. Olympians currently are forced to patch together a variety of health care insurance options to meet their needs. The plan benefits of USOC’s much-touted “Elite Athlete Health Insurance Program” (EAHI) are opaque and only appear to provide Affordable Care Act (ACA)-required coverage to select, “high-tier” athletes, leaving many with very high deductible plans.<sup>1,2</sup> As of February 2018, about 925 elite athletes were covered by EAHI. To put that in perspective, around 1,000 athletes compete in the Olympic trials for Track and Field alone.<sup>3</sup> Limited EAHI slots for athletes are distributed unevenly among the National Governing Boards (NGBs), with eligibility and criteria for insurance coverage varying by sport.<sup>4,5,6,7</sup>

<sup>1</sup> See: “Olympic Athletes Patch Together Elite Health Coverage,” Bloomberg Law, February 9, 2018, *here*

<sup>2</sup> “United States Olympic Committee: Elite Athlete Health Insurance Program and The Affordable Care Act—5/17/2015” at Slide 4, <https://assets.usarugby.org/docs/usoc/EAHI-Update-Pam-Sawyer.pdf>

<sup>3</sup> See: <https://goducks.com/news/2018/8/2/track-and-field-eugene-to-host-2020-us-olympic-team-trials.aspx?path=track>

<sup>4</sup> [http://www.usashooting.org/library/Policies\\_and\\_Procedures/Updates\\_12013/Direct\\_Athlete\\_Support\\_DAS\\_Paralympic\\_Stipends\\_EAHI\\_Medal\\_Incentives\\_01-30-13.pdf](http://www.usashooting.org/library/Policies_and_Procedures/Updates_12013/Direct_Athlete_Support_DAS_Paralympic_Stipends_EAHI_Medal_Incentives_01-30-13.pdf)

<sup>5</sup> [https://cdn.ymaaws.com/www.americancanoe.org/resource/resmgr/competition-documents/ACA\\_2018\\_Athlete\\_Criteria\\_Li.pdf](https://cdn.ymaaws.com/www.americancanoe.org/resource/resmgr/competition-documents/ACA_2018_Athlete_Criteria_Li.pdf)

<sup>6</sup> <http://www.usatf.org/usatf/files/1b/1b707878-346d-4aaa-aac3-3268d77210cb.pdf>

<sup>7</sup> <http://www.usrowing.org/wp-content/uploads/2017/01/2017-2018-EAHI-Criteria-2.pdf>

- a. Jill Pilgrim, executive director and general counsel for the Track & Field Athletes Association, a trade association representing track and field athletes, argues that even successful athletes, albeit ones who are not podium contenders, “fall off a cliff” when they age out of their parents’ health plans or graduate college. This is particularly harmful for injured athletes who may be prevented from competing since their medical bills may reach tens of thousands of dollars.<sup>8</sup>
2. USOC must also provide robust services for all athletes’ mental health, whether currently competing or retired, as “[a]thletes may be more predisposed [ . . . ] to depression. . . .”<sup>9</sup> Michael Phelps has stated that 75–90 percent of Olympic athletes experience “post-Games depression” but that very few are willing to talk about it openly, possibly due to fear of the associated stigma of weakness.<sup>10</sup> USOC’s Pivot Program offers services such as a one-and-a-half day workshop to retiring athletes to assist their transition to post-elite competition careers; however, the program materials do not mention “mental health” a single time.
- ii. *Solution:*
  1. Provide guaranteed, comprehensive health services to Olympic athletes, and ensure mental health is integrated in athletes’ coaching and training. Other countries or sports entities have taken a variety of approaches to providing comprehensive health care to their athletes. We recommend consideration of these and other models to ensure robust coverage.
    - a. At a minimum, expand the Elite Athlete Health Insurance plan to cover all athletes in each sport. Explore additional options to offer comprehensive health care to all Olympic and aspiring Olympic athletes. NCAA athletic directors have discussed an interesting solution where they would pool their athletes in order to bargain for better insurance policies and rates.<sup>11</sup> This is a concept similar to state health insurance purchasing cooperatives (HIPCs); while traditional HIPCs have struggled to succeed, the model could be more successful in this setting.<sup>12</sup>
    - b. British scientists proposed a particularly innovative model: an “integrated performance health management and coaching model” where health care and specifically mental health services are integrated directly in NGBs and athlete management.<sup>13</sup>
    - c. Another example comes from the Canadian Centre for Mental Health and Sport, a project undertaken by University of Ottawa psychologists described as “a not-for-profit organization supporting the mental health and performance of competitive and high-performance athletes and coaches. The CCMHS is the first Centre in Canada to offer collaborative sport-focused mental health care services designed to help athletes and coaches achieve their performance goals while preserving their mental health and well-being.”<sup>14</sup>
    - d. Programs in both the UK and Canada to address mental health, like those described above, are recent phenomena and signal the beginning of broader efforts in both countries.<sup>15</sup> If the U.S. moves to improve access to mental health services for its Olympic athletes, it could act as a model and inspiration for other countries seeking to adopt more comprehensive programs.
  - b. *Make the Athlete Ombudsman Independent and Accountable:* Ensure that the Athlete Ombudsman independently represents athletes’ interests and promotes transparency in the USOC.

<sup>8</sup>Bloomberg Law, Id.

<sup>9</sup>Mummery K. (2005). Essay: depression in sport. *Lancet* 366 S36–S37. 10.1016/S0140-6736(05)67840-3.

<sup>10</sup>Boren, Cindy. “‘I straight wanted to die’: Michael Phelps wants USOC to help athletes cope with depression.” *Washington Post*, March 28, [https://www.washingtonpost.com/news/early-lead/wp/2018/03/28/i-straight-wanted-to-die-michael-phelps-wants-usoc-to-help-athletes-cope-with-depression/?utm\\_term=.0e65d65e1511](https://www.washingtonpost.com/news/early-lead/wp/2018/03/28/i-straight-wanted-to-die-michael-phelps-wants-usoc-to-help-athletes-cope-with-depression/?utm_term=.0e65d65e1511)

<sup>11</sup>See: <https://www.cbssports.com/college-football/news/ncaa-ads-consider-pooling-athletes-for-cheaper-better-health-insurance/>

<sup>12</sup><https://pdfs.semanticscholar.org/fde0/5f05e6e620f0d10d4b5b3fa511babdd77b8f.pdf>

<sup>13</sup>Dijkstra, Paul *et al.*, “Managing the health of the elite athlete: a new integrated performance health management and coaching model.” *Br J Sports Med*. 2014 Apr; 48(7): 523–531

<sup>14</sup>See: <https://www.ccmhs-csms.ca/>

<sup>15</sup>See: <https://www.outsideonline.com/2306711/american-athletes-need-better-mental-health-care>

- i. *Issue:* The Athlete Ombudsman is not able to advocate for athletes, and the person holding the position is accountable to the USOC.
1. The Athlete Ombudsman role is limited to “offering advice,” yet as stated on the USOC website, the Ombudsman is *only* independent with respect to the advice it gives.<sup>16</sup> The Ombudsman does not act as an advocate for athletes in any proceedings, and since the position is funded by and housed within the USOC executive committee, the Ombudsman’s ability to effectively address concerns about retribution or resources is undermined.<sup>17</sup>
  2. The lack of access to advocacy and counsel can have serious consequences. Gymnast McKayla Maroney testified that she was made to sign a non-disclosure and non-disparagement agreement in a confidential settlement regarding the sexual abuse she suffered from Larry Nassar.<sup>18</sup> The presence of an effective Athlete Ombudsman might have been able to intervene in this process and more effectively advocate for athletes’ rights.
- ii. *Solution:* The Ombudsman should be housed within an external body. Some have argued that the Ombudsman should be made accountable only to the Athlete Council.<sup>19</sup> The position could be strengthened by placing it within the office of an Inspector General, which we recommend creating at “II.a.” below. Additionally, Congress should consider recommending that athlete advocates be assigned to every NGB. A similar version of this last proposal was a key recommendation of the *Response Systems to Adult Sexual Assault Crimes Panel* (“the Military Panel”), which sought to ensure victims’ rights by urging the establishment of an Ombudsman, mirroring how the Department of Justice handles complaints against employees.
1. Han Xiao, Chair of the Athlete Advisory Council, argues such a position could “directly represent the athletes involved, or [ . . . ] assist the athletes in hiring competent representation.”<sup>20</sup>
- c. *Establish a Special Victim Counsel Program:* Create protections for athletes suffering from damage to their careers based on being a victim of sexual assault.
- i. *Issue:* Sexual assault is destructive to athletes’ careers and lives. This is particularly true for young athletes who experience abuse throughout their childhood/young adult life. Many have suffered depression, PTSD, and panic attacks, and many have had suicidal thoughts.<sup>21</sup>
  - ii. *Solution:* Establish a Special Victim Counsel Program. This is based on a recommendation of the Military Panel and has been adopted by the military. The Military Special Victim Counsel (SVC) program assigns a specially-trained attorney to represent officers throughout the process of creating and litigating a sexual assault claim. Importantly, an SVC’s duty is only to the client and to no other person or entity. This would provide a unique service not currently available to athletes: a legally-trained advocate with no ties to other interests or organizations. The program was found to be successful when studied in the Air Force; testimonials and survey results lead DoD to expand the program to all five services.<sup>22</sup>
- d. *Provide Athlete Stipends and Profit Sharing:* Provide direct, monthly stipends to athletes.
- i. *Issue:* USOC spends very little on direct athlete support. According to 2016 IRS disclosure (the most recent available), while just over \$80 million, or 30 percent of USOC expenditures, went to “member support.” Of the 30 percent that went to member support, the vast majority of that funding, 84 percent, came in the

<sup>16</sup> See: <https://www.teamusa.org/Athlete-Resources/Athlete-Ombudsman>

<sup>17</sup> Sexton, Steve. “The U.S. Olympic Monopoly Needs Accountability.” Wall Street Journal, March 29, 2018.

<sup>18</sup> See: <https://www.satrib.com/news/nation-world/2017/12/20/gymnast-mckayla-maroney-says-settlement-covered-up-sex-abuse/>

<sup>19</sup> Id.

<sup>20</sup> See: [https://insurancenewsnet.com/oarticle/senate-commerce-subcommittee-issues-testimony-from-athletes-advisory-council#.W5\\_mLOhKiUk](https://insurancenewsnet.com/oarticle/senate-commerce-subcommittee-issues-testimony-from-athletes-advisory-council#.W5_mLOhKiUk)

<sup>21</sup> Hobson, Will. “At Larry Nassar sentencing hearing, a parade of horror and catharsis.” Washington Post, January 18, 2018. Online at: [https://www.washingtonpost.com/sports/olympics/at-larry-nassar-sentencing-hearing-a-parade-of-horror-and-catharsis/2018/01/18/19bed832-fc55-11e7-8f66-2df0b94bb98a\\_story.html?utm\\_term=.5f58fdeb313e](https://www.washingtonpost.com/sports/olympics/at-larry-nassar-sentencing-hearing-a-parade-of-horror-and-catharsis/2018/01/18/19bed832-fc55-11e7-8f66-2df0b94bb98a_story.html?utm_term=.5f58fdeb313e)

<sup>22</sup> See: <https://www.stripes.com/news/air-force-program-a-rare-bright-spot-in-military-s-sex-assault-fight-1.269628>

form of grants to NGBs.<sup>23</sup> Grant funding feeds directly into the operating budget of NGBs and is not earmarked for direct athlete support. Although it is hard to determine exactly how many “member support” dollars are passed through to athletes, available stipend figures are discouraging. Most stipends range from \$400 to \$2,000 per month, barely equivalent to minimum wage, and many athletes receive nothing at all.<sup>24</sup> Even medal winners face insufficient resources: Caroline Lind, a two-time gold medalist in rowing, received just over \$2,000 per month this past year.<sup>25</sup> Additionally, a Tax Policy Foundation estimate found, using optimistic assumptions, that the funds USOC puts towards direct athlete contributions would come to \$14,000 per-athlete per-year, well below minimum wage.<sup>26</sup> In 2016, *The Washington Post* reported that over 100 U.S. athletes created GoFundMe pages to cover training expenses and travel for their families prior to the Rio Olympics.<sup>27</sup>

Even the bonuses USOC has paid to Olympic medalists through Operation Gold have increased slowly since 2002: \$37,500 for gold, \$22,000 for silver, and \$15,000 for bronze. This figure is low in absolute terms but also in relative terms when compared to what other countries allot for their medalists. For example, France provides gold medalists \$55,000, and Russia provides \$61,000.<sup>28</sup>

Meanwhile, USOC executives are compensated handsomely. According to the same 2016 IRS disclosure, former CEO Scott Blackburn earned over \$1 million annually, and eight other executives earned over \$250,000.<sup>29</sup> USOC also appears to spend irresponsibly in other areas; for example, it spent \$1,600 and \$1,800 per athlete on clothing for the 2012 Olympic opening and closing ceremonies respectively.<sup>30</sup>

ii. *Solution:*

1. USOC should determine the cost of fully supporting amateur athletes from ages eight until retirement in all Olympic disciplines. This assessment should be sent to Congress within six months.
2. USOC should increase direct funding to athletes. At a minimum, USOC should increase athlete stipends to ensure full-time athletes are able to earn a living wage.<sup>31</sup> In addition, USOC should explore a profit-sharing agreement with Olympic athletes. This would ensure that sufficient funds are directed to athletes each year and establish a more equitable distribution of funds between USOC and Olympic athletes.
  - a. The closest analogue for Olympic profit sharing would be proposals for profit sharing in NCAA sports. These proposals would pool athletes in a particular school sport program or, for our purposes, athletes within an NGB, and allocate a portion of total profits to be distributed amongst the pool. Some proposals would allocate a certain percentage of profit to each athlete, rather than treating them collectively. Under either system, NGBs would retain a sufficient amount of money to spend on employee compensation and other activities.<sup>32</sup>
  - b. Another option for direct support, adopted by Canada and many European Countries, is a sports lottery. In these countries, a certain percentage of na-

<sup>23</sup> See: <https://www.teamusa.org/footer/finance>

<sup>24</sup> Gleckman, Howard. “Why is the U.S. Olympic Committee Tax Exempt?” Tax Policy Center, February 13, 2014. Online at: <https://www.taxpolicycenter.org/taxvox/why-us-olympic-committee-tax-exempt-0>; also: [https://www.washingtonpost.com/sports/olympics/the-usoc-needs-a-leader-who-cares-about-athletes-more-than-expense-accounts/2018/07/03/9554ded8-7ae5-11e8-80be-6d32e182a3bc\\_story.html?utm\\_term=.4fbd23ab01b8](https://www.washingtonpost.com/sports/olympics/the-usoc-needs-a-leader-who-cares-about-athletes-more-than-expense-accounts/2018/07/03/9554ded8-7ae5-11e8-80be-6d32e182a3bc_story.html?utm_term=.4fbd23ab01b8)

<sup>25</sup> See: <https://www.npr.org/2018/08/17/639407681/calls-for-widespread-change-challenge-incoming-head-of-u-s-olympic-committee>

<sup>26</sup> See: <https://www.taxpolicycenter.org/taxvox/why-us-olympic-committee-tax-exempt-1>

<sup>27</sup> See: [https://www.washingtonpost.com/news/inspired-life/wp/2016/07/06/the-hardest-part-about-making-the-olympics-for-these-americans-affording-it/?utm\\_term=.45d96e3d2311](https://www.washingtonpost.com/news/inspired-life/wp/2016/07/06/the-hardest-part-about-making-the-olympics-for-these-americans-affording-it/?utm_term=.45d96e3d2311)

<sup>28</sup> See: <https://www.cbc.com/2018/02/16/how-much-olympic-athletes-get-paid.html>

<sup>29</sup> Id., this is justified via “market-based pay,” see: <https://www.forbes.com/sites/johnclarke/2012/05/22/guess-how-much-u-s-olympic-committee-execs-make/#68d1d1c84539>

<sup>30</sup> See: <https://greatnonprofits.org/whitelabel/reviews/united-states-olympic-committee>

<sup>31</sup> According to MIT estimates, a living wage in the U.S. is \$15.12 per hour, see: <http://livingwage.mit.edu/articles/19-new-data-calculating-the-living-wage-for-u-s-states-counties-and-metro-areas>

<sup>32</sup> For a detailed discussion of such a proposal, see, Michael P. Acain, *Revenue Sharing: A Simple Cure for the Exploitation of College Athletes*, 18 Loy. L.A. Ent. L. Rev. 307 (1998).

tional lottery revenues are earmarked for sports and distributed directly to athletes.<sup>33</sup>

## II. Corporate Governance: Addressing USOC Systemic Issues

OlympiansRising has identified systemic issues in the governance of USOC owing in part to a lack of accountability and insufficient attention to the concerns of athletes. USOC's well-documented mismanagement harms the interests of both current and aspiring Olympic athletes and must be addressed. Specifically, the USOC Board lacks sufficient representation from current and recently retired athletes and is required to report to Congress only once every four years. This creates little incentive to be responsive to athletes' concerns, and results in funds being focused on promotions and advertising rather than direct athlete support.

Recent revelations about the well-documented history of athlete sexual abuse provide some of the most compelling evidence yet of likely corporate governance problems within USOC. Despite being the organization responsible for overseeing all U.S. Olympic and Paralympic teams, USOC has deferred responsibility for the failure to respond to sexual assault. In a deposition over what he did and did not know about sexual assault in USA Taekwondo, USOC Associate General Counsel refused to refer to "sexual abuse," "sexual assault," or "rape" and merely stated "USOC is concerned about SafeSport issues."<sup>34</sup> USOC's apparent failure to sufficiently address sexual abuse has contributed to a perception among athletes that USOC is not serving their interests. 2012 Olympic Gold Medalist Jordan Wieber testified before the Senate Commerce Committee that:

Nobody was protecting us from being taken advantage of. Nobody was even concerned whether or not we were being sexually abused. I was not protected. My teammates were not protected. My parents trusted USA gymnastics and Larry Nassar to take care of me and we were betrayed by both. And now, the lack of accountability from USAG, USOC, and Michigan State University, have caused me and many other girls to remain shameful, confused, and disappointed.<sup>35</sup>

In order to help remedy these issues, OlympiansRising proposes the following recommendations to improve the corporate governance of USOC:

### a. Establish an Inspector General for USOC

i. *Issue:* The USOC operates as a monopoly in the U.S., without competition from other organizations and without regular independent oversight.

ii. *Solution:* An independent oversight body should be established to routinely investigate claims of problems within the organization. In the U.S. government, an Inspector General (IG) leads an office charged with examining the actions of a government agency or military organization. IGs ensure their respective organizations adhere to established government policies, undertake audits, and monitor for misconduct, waste, and fraud. There is precedent for IGs in Congressionally-chartered not-for-profits. For example, the Legal Services Corporation, a Congressionally-established 501(c)(3), has an Office of Inspector General.<sup>36</sup>

1. Han Xiao, Chair of the Athlete Advisory Council, stated in testimony to the Senate that an IG would "preserve the anonymity of athletes, providing protection for whistleblowers," allow for proactive investigations, and reduce legal costs to all parties. Xiao stated:

One potential model, for example, would have the Inspector General appointed and removed by the Chair of a separate Senate committee, most likely the Senate Judiciary Committee, and require the Inspector General to report on its operations to the Senate Commerce Committee on an annual basis.<sup>37</sup>

<sup>33</sup> See: <https://www.thisismoney.co.uk/money/news/article-2187052/How-National-Lottery-tickets-funded-Britains-Olympics-success-Dianne-Thompson-interview.html>

<sup>34</sup> Deposition of Gary Johansen, Superior Court of California, September 27th, 2016, pg. 51.

<sup>35</sup> Testimony of Jordan Wieber before the Senate Commerce Committee hearing: "Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes," April 18, 2018. Online at: <https://www.commerce.senate.gov/public/index.cfm/hearings?ID=B5D59828-1535-498F-A429-A6F6CEDFD066>

<sup>36</sup> See: <https://www.oig.lsc.gov/>

<sup>37</sup> Xiao, Han. Testimony before the U.S. Senate Commerce Committee Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, ON THE FUTURE OF ATHLETE SAFETY: "Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions" July 24, 2018.

iii. This sort of oversight by Congress is not unprecedented and would be similar to the creation of the United States Anti-Doping Agency (USADA), which was created at the behest of Congress and the Executive Branch to work alongside USOC.<sup>38</sup>

b. *Manage Board Composition*: Ensure athletes are sufficiently represented on the USOC Board.

i. *Issue*: The current Board lacks sufficient athlete representation and only has two members who were active athletes in the past ten years.

ii. *Solution*:

1. Establish a streamlined role of Congress in nominating or/ratifying nominations.

a. One way for Congress to have a role could be to create an application process for Board membership similar to the Air Force Academy where an applicant needs a Congressional or Vice-Presidential nomination for consideration.

b. This should apply to all Board seats, including the chair.

2. Establish a requirement for a minimum percentage of retired athletes on the Board who are within ten years out of retirement, as well as including athletes' parents on the Board.

3. Other reforms could include a dual Board system, which has been extensively studied, where one Board handles oversight and conflict of interest issues and the other Board handling business matters.<sup>39</sup>

c. *Strengthen Board Accountability*: Currently, the USOC Board has no ultimate accountability.<sup>40</sup>

i. *Issue*: Board members stay on the Board. This can produce intense status-quo bias in the face of reforms or new opportunities; it does not allow for constant integration of different perspectives; it can lead to general apathy on the part of Board members; and it prevents the removal of members who are detrimental to the Board's interests.<sup>41</sup>

ii. *Solution*: Adopt term limits. This approach has been proven by the Federal Energy Regulatory Commission (FERC), the Commodity Futures Trading Commission (CFTC), the Federal Trade Commission (FTC), and others. One of the traditional markers of an independent government agency is leadership with a limited number of fixed terms. These agencies are able to apply incredible focus to their specific duties.<sup>42</sup>

1. USOC reform legislation sponsored by Senator John McCain (R-AZ) in 2003 would have created staggered, four-year terms, and limit directors to six consecutive years of service.

2. Other federally-chartered entities, including the Tennessee Valley Authority, require Board members to be confirmed by the U.S. Senate, and limit terms to five years. Additionally, all proceedings of their meetings are open to the public.<sup>43</sup>

d. *Evaluate Executive Compensation*

i. *Issue*: USOC executive compensation is disproportionately high in relation to the funds that go to direct athlete support.<sup>44</sup>

<sup>38</sup> See: <https://www.usada.org/usada-recognized-as-official-anti-doping-agency-by-u-s-congress/>

<sup>39</sup> Blair, Margaret M. "Reforming Corporate Governance: What History Can Teach Us." 1 Berkeley Bus. L.J. 1 (2004). Online at: <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1000&context=bblj>

<sup>40</sup> See: <https://www.nytimes.com/2018/02/09/sports/scott-blackmun-usoc.html>

<sup>41</sup> See: <https://trust.guidestar.org/blog/2014/05/23/5-reasons-why-every-npo-board-should-have-term-limits/>

<sup>42</sup> Selin, Jennifer L. "What Makes an Agency Independent?" Vanderbilt University Working Paper, 2013. Online at: [https://www.vanderbilt.edu/csdi/research/CSDI\\_WP\\_08-2013.pdf](https://www.vanderbilt.edu/csdi/research/CSDI_WP_08-2013.pdf)

<sup>43</sup> See: <https://www.tva.gov/About-TVA/Our-Leadership/Board-of-Directors>

<sup>44</sup> Jenkins Sally. "Congress must fix the USOC, and that includes exorbitant executive spending." Washington Post, March 27, 2018. Online at: [https://www.washingtonpost.com/sports/olympics/congress-must-fix-the-usoc-and-that-includes-exorbitant-executive-spending/2018/03/26/a051c898-3128-11e8-94fa-32d48460b955\\_story.html?utm\\_term=.348eedb08dc](https://www.washingtonpost.com/sports/olympics/congress-must-fix-the-usoc-and-that-includes-exorbitant-executive-spending/2018/03/26/a051c898-3128-11e8-94fa-32d48460b955_story.html?utm_term=.348eedb08dc)

ii. *Solution*: Undertake a review of USOC executive compensation. Ensure that Board review of executive compensation is required and undertaken by Board members with no conflicts of interest related to the compensation decision.<sup>45</sup>

c. *Enhanced Congressional Oversight and Reports to Congress*

i. Currently, USOC must submit a report of its receipts and expenditures, a description of activities and accomplishments of the Committee, data concerning diversity in Olympic sports, and a description of steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur activities to Congress *every four years*.<sup>46</sup>

1. Congress should require that reports be more frequent and consider adding criteria such as efforts to ensure the livelihood of amateur athletes. These reports should be publicly available.
2. In testimony before the Senate Commerce Committee, Xiao recommended the following:

I recommend one of two potential solutions: the first would be for Congress to establish an oversight committee in the same model as the U.S. Service Academies. An independent USOC Oversight Committee should consist of well-respected non-profit or civic leaders with the requisite expertise to evaluate the business practices of the USOC, provide recommendations to the USOC Board of Directors, and report directly back to Congress periodically. Alternatively, Congress could appoint several members of the USOC Board of Directors in a bi-partisan manner. Both models would provide more outside perspective to the USOC's governance structure without significantly impacting the stability of the organization.<sup>47</sup>

f. *Conduct Sexual Assault Climate Survey*: This idea is modeled on the Military Panel recommendations and would help USOC and Congress understand the prevalence and attitude towards sexual assault among athletes. Additionally, it would create an accountability mechanism, enabling outside observers to monitor the success of efforts to create a healthier environment for athletes. Sexual assault climate surveys ask participants to respond anonymously about perceptions of their institutions' climate for unwanted sexual assault, perceptions of how their institution responds to sexual assault, and whether and how often they have experienced sexual assault. The Department of Justice is a strong proponent of climate surveys and described the surveys as "essential" resources for addressing sexual assault on college campuses.<sup>48</sup>

i. In the military, the survey has been useful in understanding the scope of sexual assault and evaluating solutions implemented by service branches and the DoD. For example, recent survey results found the rate of sexual assault was declining but that a majority of victims who report cases of sexual assault experience some sort of backlash in their unit. The results, particularly reports of retaliation, elicited statements from Defense Department officials recognizing retaliation as a "crucial" problem and one that must be addressed. In this respect, the survey provided clear evidence that could be used to compel action.<sup>49</sup>

ii. Sexual assault climate surveys are also used widely by colleges and universities to gather data on campus sexual assault and to guide strategic initiatives.<sup>50</sup>

### III. Giving SafeSport the Necessary Tools to be Effective

a. *Determine the Comprehensive Human and Financial Resource Needs of SafeSport*

<sup>45</sup> Blackwood, Amy. "The State of Nonprofit Governance." September, 2014. Online at: <https://www.urban.org/sites/default/files/publication/22951/413229-the-state-of-nonprofit-governance.pdf>

<sup>46</sup> 36 U.S.C. § 220511

<sup>47</sup> Xiao, Han. Testimony before the U.S. Senate Commerce Committee Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, ON THE FUTURE OF ATHLETE SAFETY: "Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions" July 24, 2018.

<sup>48</sup> See: <https://www.justice.gov/ovw/protecting-students-sexual-assault#campusclimate>

<sup>49</sup> See: "Sexual assault on both men and women in the military is declining, Pentagon survey finds." Washington Post, May 1, 2017. [https://www.washingtonpost.com/news/checkpoint/wp/2017/05/01/sexual-assault-on-both-men-and-women-in-the-military-is-declining-pentagon-survey-finds/?utm\\_term=.74122efd81ed](https://www.washingtonpost.com/news/checkpoint/wp/2017/05/01/sexual-assault-on-both-men-and-women-in-the-military-is-declining-pentagon-survey-finds/?utm_term=.74122efd81ed)

<sup>50</sup> Lebiada, Kati. "State Policy Proposals to Combat Campus Sexual Assault." Policy Matters, December 2015. Online at: <https://www.aascu.org/policy/publications/policy-matters/campus-sexualassault.pdf>

i. *Issue:* SafeSport may lack the financial and human capital necessary to fully address the problem of Olympic sexual assault. As an example, the U.S. Anti-Doping Agency, USADA, had total expenses of \$20 million in 2016. SafeSport's budget was \$4.6 million, with just \$1.5 million going to prevention efforts.

ii. *Solution:* Ask SafeSport to undertake a thorough assessment of the scope of the sexual abuse problem throughout all Olympic disciplines and develop a needs assessment that includes a sufficient financial and human resources budget. This assessment should be provided to Congress within six months.

b. *Create Independence from the USOC*

i. *Issue:* SafeSport should be independent from USOC. Concerns have been raised about SafeSport's hiring of USOC staff and the fact that it is funded directly by USOC and NGBs.<sup>51</sup> There have been instances in which SafeSport reported evidence of sexual assault-related code violations that did not ultimately result in meaningful sanctions. For example, USA Diving recently lifted the suspension of John Appleman, an Ohio State Diving Coach who SafeSport reported may have committed a code violation for failing to act on reports of sexual assault by his colleague Will Bohonyi. USA Diving chose not to pursue SafeSport's investigation.<sup>52</sup> Similar instances have occurred in USA Swimming, as the organization never reported a signal sexual-abuse case to the authorities despite its National Team director admitting to have sex with a minor.<sup>53</sup>

ii. *Solution:* SafeSport should be encouraged to reconfigure its Board with people who have no current or historical affiliation with the USOC, including ensuring that a significant percent of its Board is comprised of athletes, parents of athletes, and people with expertise in preventing sexual abuse. Moreover, SafeSport needs its own funding, independent of the USOC.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
PHIL ANDREWS

*Question 1.* How have the recent reforms provided by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act impacted your National Governing Body (NGB) from a structural and resource perspective?

*Answer.* USA Weightlifting is very supportive indeed of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, and although the mandates that were imposed on NGBs were primarily already addressed in existing policy and procedures enacted by USA Weightlifting, the act has given new reporting requirements to members of USA Weightlifting. The requirements of the act fit reasonably well with the existing structures within USA Weightlifting and therefore did require vast changes in our particular NGB.

Enforcing requirements of those policies, now re-enforced by the act, do put a strain (albeit a necessary one) on human resources in a smaller organization such as ourselves. However, as we are able to automate some of the enforcement of, for example, training requirements, this will reduce the human time necessary to ensure compliance with these policies and procedures.

*Question 2.* Have you hired additional personnel to help review cases, implement training, education and outreach? Please elaborate on how this is being implemented.

*Answer.* As an NGB with a small staff of 12, we are unable to financially hire an individual purely to work on this area. With that said, we have appointed a member of our staff to lead on this project and much like our partnership with USADA (U.S. Anti-Doping Agency) in the area of anti-doping education. This covers the area of education and outreach.

We require electronic training to be taken by all staff, coaches, board and committee members, technical officials, administrators, national team athletes and any other individual within our membership who exposed to contact with minor athletes or occupies a position of power over any athlete, regardless of age.

<sup>51</sup> See: <https://www.indystar.com/story/news/2017/03/08/safesport-center-answer-athlete-sex-abuse/98775554/>

<sup>52</sup> See: [https://tucson.com/sports/arizonawildcats/usa-diving-clears-coach-who-arizona-hired-then-dumped/article\\_5614141a-ac8f-11e8-8440-2f89b596eee7.html](https://tucson.com/sports/arizonawildcats/usa-diving-clears-coach-who-arizona-hired-then-dumped/article_5614141a-ac8f-11e8-8440-2f89b596eee7.html)

<sup>53</sup> See: <https://www.outsideonline.com/2162781/unprotected>. SafeSport has broad discretion over how to end its investigations. SafeSport can pursue sanctions, make recommendations to NGBs on how to proceed, or decide that no further action is necessary. See SafeSport's code: <https://safesport.org/what-we-do>

Regarding investigation and review. With regard to sexual cases our protocol is to report these immediately and without hesitation to the U.S. Center for SafeSport (and to law enforcement) which has exclusive jurisdiction in this area.

*Question 3.* Does your NGB have internal protocols/procedures to investigate allegations that are not sexual abuse (*i.e.*, drug use, bullying, fraud, etc.)? Do you refer cases that are not sexual abuse to the Center for SafeSport?

Answer. Yes, USA Weightlifting in 2017 implemented an independent model for its' Ethics & Judicial Committees.

This means that no elected or employed official in USA Weightlifting has the power to dismiss a complaint, the only bodies with this power are the Ethics & Judicial Committee. The Ethics Committee acts as the investigatory house, whereas the Judicial Committee's primary role is to hold hearings in cases. Individuals may also invoke a right to a hearing before the American Arbitration Association.

With the help of the professionals on the Ethics & Judicial Committees, the organization also implemented a significantly Code of Conduct & Ethics in September 2018. Those professionals include a former inspector general, those who work in professional ethics, attorneys, Federal prosecutors and judges. This code, as required by our bylaws, will be reviewed by these two Committees each year.

We refer and report, as is required, any sexual case to the U.S. Center for SafeSport. We also refer any case, as is required, any anti-doping case to the U.S. Anti-Doping Agency.

In the area of Emotional & Physical Abuse, USA Weightlifting has accepted in full the U.S. Center for SafeSport Code. At this time, despite its' name, the U.S. Center for SafeSport does not accept cases in the area of Emotional & Physical Abuse and these cases are adjudicated at the NGB level.

Further independent investigator resources are made available to the Ethics and Judicial Committees in the instance that they need to call on further human resources to carry out an investigation. In the event of an Emotional or Physical Abuse allegation, USA Weightlifting uses an independent investigator as a matter of routine.

A full copy of our updated Code of Conduct & Ethics is available on our website, this document fully describes the different processes for an allegation of Emotional & Physical Abuse, Ethical violation or administrative grievance.

*Question 4.* How does the total revenue of your NGB compare to the others? What portion of your revenue comes from the U.S. Olympic Committee (USOC)?

Answer. Our NGB has an operating budget (total revenue) of approximately \$5.2m per annum. Approximately 2 percent of these funds are provided by the U.S. Olympic Committee, with a slight rise in funding anticipated in 2019. The primary driver of that amount is the digital media agreement between USA Weightlifting and the U.S. Olympic Committee.

Based upon studying IRS 990 forms published for the year 2016, the last year for which all 990 forms are published, USA Weightlifting was the 28th (of 47) NGBs in terms of revenue. This is reasonably similar level of income to USA Squash, USA Shooting or USA Boxing.

The largest revenue driver for USA Weightlifting is Coaching Education, followed by membership revenue. Our largest expense is participating in international competitions, followed by direct cash support to athletes, event hosting expenses and coaching education rebates.

*Question 5.* Based on your NGB's experiences in handling abuse allegations, did the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act provide the necessary authorities to the Center for SafeSport and NGBs to address abuse allegations? If there are shortcomings, please identify them.

Answer. The 2017 Act did address many needs in the area of protecting our young athletes from sexual abuse in Sport—inclusive of a critical update to the 1990 Victims of Child Abuse Act to extend mandatory reporting requirements in the area of sexual abuse to both law enforcement and the U.S. Center for SafeSport. It was an important step forward in addressing the issue of sexual abuse in sport.

The 2017 Act also recognized the jurisdiction of the U.S. Center for SafeSport, however the Center faces significant operational and funding issues which must continue to be addressed in order for the Center to be able to address each and every abuse allegations in a way in which victims of abuse, and alleged offenders, may be able to trust truly in the quality of the process.

Finally, the 2017 Act did give a requirement for NGBs to put into place due procedures to reduce or prevent one on one interactions between covered individuals and athletes and especially to ensure an ease of reporting. These requirements put additional reasonable pressure on NGBs to act.

NGBs, together with all parties involved, must continue to monitor and review their approach to preventing sexual abuse in their sport over time, over and above of the legal requirement to do so.

However, the act does not address the need for similar oversight, policies and reporting mechanisms for those sporting organizations not affiliated with a National Governing Body. This remains a loophole in the sport world, wider than the NGBs, which needs to be addressed for the Nation to truly do everything possible to discourage and prevent abuse in sport.

The major shortcoming of the act is the failure to provide Federal funding for the enforcement side of the U.S. Center for SafeSport. At this moment in time, the funding for the Center is simply insufficient and coming from interest sources such as NGBs and the U.S. Olympic Committee. While taxpayer resources ought to be treated with the utmost respect, the U.S. Anti-Doping agency model has proved that to have true independence, Federal funding independent of the U.S. Olympic Committee and NGB funding stream is necessary. Notwithstanding the source, and the NGBs and U.S. Olympic Committee have doubled their respective funding amounts for 2018, the funding at the moment from all sources simply does not scratch the surface of being able to address the outstanding level of complaints received by the U.S. Center for SafeSport. We all need the Center to be effective, to have truly independent power, to work—at the moment this is not the case and funding to acquire the number of qualified investigators and legal staff is a reason why.

Another area that ought to be addressed by the act in any revision is penalties for misuse of reporting activities. Unfortunately, there is some evidence to show that some allegations are being made in either a timed fashion or alternatively in a malicious fashion for maximum impact on sporting decisions, for example to harm a particular coach or athlete in their selection process. While it is clear these are an exceptionally small amount of cases and in no manner should the ability to report be rolled-back, in a competitive environment such as sport the penalty for clear and deliberate mis-use of the systems put in place ought to carry significant sanction.

*Question 6.* Our subcommittee has heard from many survivors regarding Larry Nassar's sexual abuse under the guise of medical treatment. It is clear that centralizing all of the medical oversight, expertise and access in one individual for a lengthy period of time was a major factor that helped facilitate the abuse by Nassar. Has your NGB updated its medical policies and procedures to prevent this from happening? If so, how have you implemented these safeguards and how has the structure of your medical staff changed?

Answer. The Nasser case, and especially considering that we have direct victims of Dr. Larry Nasser in our sport certainly increases the spotlight on the area of Sports Medicine. Our Sports Medicine Society has taken a Committee led approach for over a decade, chaired by Dr. Mark Lavallee.

USA Weightlifting has long had in place a rotational scheme of Sports Medicine professionals, ensuring a balance between knowledge of our sport and athletes together with the lack of the ability for an individual practitioner to become seen as the one and only person capable of treating an athlete or to become so familiar with an athlete or set of athletes, especially amongst youth athletes, that they may be able to engage in grooming behavior. This rotational approach in particular has been praised by direct Nasser survivors as an item that would have, likely, gone some way to preventing the level of widespread abuse.

With that said, since the Nasser case USA Weightlifting has implemented a yearly review of its' Sports Medicine policies which is conducted across medical, legal and administrative professionals with the goal of ensuring athlete safety, athlete care is paramount in both our domestic and international event provision for our athletes.

A full version of our Sports Medicine policy is available on our website, inclusive of the requirements imposed upon an individual in order to serve as part of USA Weightlifting's Sports Medicine team.

I was also able to attend the USOC Conference on Sexual Abuse in Sports Medicine recently in Pittsburgh. It was refreshing to hear the best practices of a number of sports in this area, and a determined approach to getting this right across not only the USOC and NGBs but also the American College of Sports Medicine. In particular, it was important to discuss the specific challenges that are faced at the elite sport level in Olympic Sport, for example the treatment of athletes in remote and unusual locations, *e.g.*, Turkmenistan.

*Question 7.* In the wake of the Larry Nassar sexual abuse scandal, what policies and procedures have you put in place regarding access, retention and preservation of athlete's medical records? Have you provided those policies to USOC?

Answer. No Response.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO  
PHIL ANDREWS

*Question 1.* Have you engaged with sexual assault survivor advocacy organizations to have them review and suggest improvements to your policies and procedures to ensure with certainty that your athletes are protected from abuse?

Answer. We have proactively engaged directly with survivors of sexual abuse in sport, including those who joined me at the Senate in Washington DC this October. We have made proactive changes and programs based upon direct feedback from those who have survived abuse and are within our sport. We have not, however, reached out to advocacy groups outside of those directly affected by abuse in sport.

*Question 2.* What surveys or other tools have you implemented to determine and measure whether your athletes feel empowered to report abuse? How recently were these surveys conducted?

Answer. Our approach to this area has been direct conversations with those who have suffered from abuse in sport, and to find out what might have helped them to come forward during the time they were suffering. Each and every suggestion made has been implemented. With that said, we will be adding a question to our annual membership survey in early 2019 to measure this item with our wider membership.

*Question 3.* How are your organizations ensuring young athletes understand what type of behavior from coaches or other adults is inappropriate and should be reported?

Answer. Our NGB, like others, is taking a proactive approach to education in this area, both as an organization and in partnership with the U.S. Center for SafeSport. One key item is that we insist that even our youth athletes have education from the U.S. Center for SafeSport for national team or national camp participation, where they might be exposed to less familiar individuals.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
PHIL ANDREWS

*Question 1.* Currently, amateur athletes are only eligible for up to 10 years after their last qualifying international competition to represent athletes on NGB or USOC boards. Athlete advocates have called for this 10-year requirement to be relaxed, so that older, possibly retired athletes who have more professional experience, time, and resources, may contribute their expertise. Would you support expanding the eligibility?

Answer. With careful thought and implementation, this is something that ought to be supported. There are former athletes who can bring significant value to the work of a Board or Committee. With that said, there are also non-athlete areas of boards that can also bring this same value. For example, of our 10-member board, 50 percent have experience as high-level athletes within our sport, while only two of them are specifically an athlete representative (for clarity, the remainder would not qualify for the 10-year rule).

*Question 2.* Provided that eligibility for athlete representation is expanded, would you support ensuring that the membership and voting power held by such amateur athletes is not less than 50 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation?

Answer. USA Weightlifting is already in this position at the Board level, which reflects my answer at the Committee hearing at the Senate. Our board has the good fortune to include 50 percent or more of those with experience as a high-level athlete in our sport. Added to this they bring their post-athletic experience as a coach, technical official or as a professional to the current board make up.

As I reflected in my above answer, the idea of expanding those on the board who have experience as an elite athlete should be encouraged. However, the structure of that ought to be considered very carefully in order to ensure the goals of this idea is realized.

*Question 3.* Please explain any factors preventing you from changing your NGB's bylaws to (1) increase the percent of athlete representation on your board, and (2) allow for older former amateur athletes who may have more professional experience to serve on boards. If there are no factors preventing you from making these changes, please explain why you have not or will not in the near future.

Answer. Although there are no obvious barriers, and as already noted we are already in a position where 50 percent or more of our Board have experience as a high-level athlete in our sport, a change in the voting rights of our members would

require approval by the membership of USA Weightlifting. There would be the issue to consider of representation of those current constituencies on the Board of Directors. At this time, those seats occupied by those with former participation as high-level athletes might be in a technical area, at-large area or grassroots area. If these were changed to have a pure qualification to be a former athlete, it would take a great deal of thought around the technical and grassroots areas and how these members ought to be represented at the board level.

*Question 4.* Please explain your NGB's process for changing bylaws, ethical codes, and any other policies or procedures.

Answer. Our bylaws contain an amendment clause that broadly dictates that if a voting right is changed, an item must be approved by our wider membership while non-voting updates may be voted upon by our Board of Directors. Our Code of Ethics is reviewed annually by our Ethics & Judicial Committees, with the amendment being signed off by our Board of Directors. Generally for a substantive policy, the policy would be looked at by staff, by a committee or task force appropriate to a given policy and finally by our Board of Directors.

*Question 5.* Are you committed to making sure half of coaches at protected competitions are women? If yes, how do you plan to accomplish that?

Answer. Our coach selection procedures for personal coaches present and funded by USA Weightlifting at protected competitions follow an objective process, regardless of gender. It is fair to say the majority of our coaches selected in this process are male. In our 5-tier coach ranking system, 4 individuals have reached International Coach level who are female, and one has reached the pinnacle Snr International Coach level.

USA Weightlifting has recently seen a large expansion in the number of Women participating in the sport since approximately 2010, and this is beginning to start to translate into the number of Women in Coaching and technical official positions. USA Weightlifting is making significant efforts to encourage female coaches. This has included the recent implementation of a specific Women's Camp, a specific Women's Coaching Education Weekend, and a Women's Coach Mentorship program with the goal of generating more elite level female coaches.

Our bylaws also specifies a goal of 50-50 gender representation, and in the context of our administrative structure requires gender representation within that set up.

It is worth noting the Chair of USA Weightlifting is female and represents coaches on that body. She is also chair of the IWF Women's Commission.

One of our two Coaching Education Managers on staff is female, our National Team Manager is female, while our contracted team nutritionist is also female.

With all that said, we cannot at this point guarantee that 50 percent of coaches attending these competitions be female since it is dependent on the objective selection process for coaches. With that said, while it is not a written requirement (save for teams involving minor female athletes) a U.S. female official accompanies the vast majority of teams that we send to international competitions, including protected competitions.

*Question 6.* Given USOC's oversight relationship with NGBs and since NGBs are required to follow guidelines and requirements set forth by USOC, would you agree that USOC is liable for its oversight of NGBs and how effectively they promote athlete safety? Why or why not?

Answer. Absolutely, it has always been my understanding and reading of the Ted Stevens' Act 1978 that the U.S. Olympic Committee has oversight responsibilities of the NGBs. This is a challenging, but vital and important, role.

*Question 7.* Would you support the Athletes' Advisory Council having a vote on USOC's Board?

Answer. The AAC current occupies three (3) seats on the USOC Board, under Section 3.2 (c) of the U.S. Olympic Committee Bylaws.

*Question 8.* Would you support the Multi-Sport Organization Council having a vote on USOC's Board?

Answer. I would only support this provision if the MSOC members submit to the same requirements, specifically regarding Anti-Doping, SafeSport and Athlete Safety matters, and if the vote (members) of the USOC board is equally or lower to the number of Athlete (AAC) Representatives, and equal or lower to the number of National Governing Body (NGBC) Representatives.

*Question 9.* If the U.S. Center for SafeSport declines to add an individual to its banned or temporarily suspended lists, what authority does your NGB have to independently take such action?

Answer. The U.S. Center for SafeSport does have exclusive jurisdiction in the area of sexual abuse, however, the NGBs are still charged with the ethical and good running of their individual sport. There may also be occasions in which jurisdiction is returned to the NGB, or that the matter is determined by the Center to be best adjudicated at the NGB level, for example where the offence considers a sport-specific rule. In these cases, yes, the NGB may implement a suspension with attention to due process for both the alleged victim and alleged offender.

*Question 10.* Is it true that if NGB membership is given up before disciplinary action is taken, you can escape being placed on your NGB's disciplinary records?

Answer. No.

*Question 11.* How can banned lists—whether on NGBs sites or the Center for SafeSport's records—be made more useful for athletes, parents, clubs? How in sync are the Center for SafeSport and NGB's lists?

Answer. USA Weightlifting has provided by the U.S. Center for SafeSport and U.S. Olympic Committee a copy of our banned list, updated as and when an individual is added (except where added by the Center or U.S. Anti-Doping Agency). Note our centralized banned list includes those under sanction for ethical reasons. The next logical step is a centralized database searchable by location and sport available on a centralized basis.

*Question 12.* Where should individuals go for the most comprehensive list and information regarding banned or temporarily suspended members for your NGB? Does the Center for SafeSport's website have a comprehensive list? Does your NGB's website have a comprehensive list? Please explain.

Answer. A full list of banned members (inclusive of those under temporary sanction) can be found under the member tab at our website. It is also linked for those hosting any USA Weightlifting activity for the purpose of enforcement. The U.S. Center for SafeSport has been provided with a regularly updated copy of this list.

*Question 13.* If you become aware that a coach has been engaged in sexual misconduct, for example, would your first call be to law enforcement or to the Center for SafeSport?

Answer. Law Enforcement, then the U.S. Center for SafeSport. This also covers when a non-coach may have been alleged to have engaged in this conduct.

*Question 14.* Do you ever rely on the Center for SafeSport for required reporting to law enforcement? Under what circumstances would you not call law enforcement at all, but only inform the Center for SafeSport?

Answer. No.

*Question 15.* If you witness or receive complaints regarding *grooming behaviors* by a member, would you report that to law enforcement, or only to the Center for SafeSport?

Answer. Both.

*Question 16.* Under what circumstances would or have you hired an *independent investigator* to investigate a complaint?

Answer. USA Weightlifting utilizes independent investigators when investigating allegations of Emotional and Physical Abuse as a matter of routine. USA Weightlifting also makes this resource available to our Ethics Committee in the course of ethical investigations.

*Question 17.* How many times have you personally called law enforcement, pursuant to your mandatory reporting requirements?

Answer. I am happy to say, I have not yet had the occasion.

*Question 18.* What specific *penalties* are in place for members in your NGB who fail to report suspected child abuse to law enforcement? How many times have you imposed such penalties?

Answer. Failure to report child abuse is a crime and therefore would be required to be reported in the same way as above for the child abuse itself. However, we have not yet had this instance in our sport where we have had to pursue an individual for failure to report.

*Question 19.* Has your NGB developed explicit rules that reinforce the ethical line between coaches and athletes (*i.e.*, no texting, including parents or guardians on correspondence)?

Answer. Yes, since July 2017, USA Weightlifting has had specific policies on the interaction between adults and minors in regard to electronic communication as well as other sport specific areas such as appropriate touching of an athlete.

*Question 20.* Have you developed sport-specific educational or training materials to complement the more generic U.S. Center for SafeSport training materials? Who have you worked with in developing such materials?

Answer. We have not yet developed specific materials regarding our sport, however we have put into place specific policies to our sport addressing specific areas in our sport, for example, the requirement to wear the singlet during the weigh in for minors (and the choice for adults), as well as appropriate communication and touching of the athlete. These policies are available to athletes and coaches alike.

*Question 21.* Do you think it might be confusing to athletes for NGBs to have internal “SafeSport” programs and for there to also be a “U.S. Center for SafeSport” that is actually in charge of handling sexual misconduct? Can you commit today to changing the name of any existing internal “SafeSport” programs to make the distinction clear for athletes?

Answer. This issue warrants wider discussion. I would be happy to commit to whatever name makes the “Who, What, Where, When” of Athlete Safety & SafeSport issues clear to the Athlete, Coaches and other stakeholders. This requires us to decide for example if the term, “SafeSport” applies simply to sexual abuse or also to emotional and physical abuse. It also means that we need to establish if it is confusing that, for example, NGB policies related to sexual abuse are not called “SafeSport” but the investigatory body for those policies is called “SafeSport”. USA Weightlifting is happy to participate in that conversation, and will commit to the appropriate naming term agreed upon by any working group on the matter that includes representation from the NGB, U.S. Olympic Committee, U.S. Center for SafeSport as well as views from athletes, coaches, survivor advocate groups and other relevant stakeholders.

*Question 22.* At this Subcommittee’s last hearing on amateur athletes, Mr. Han Xiao, Chair of the Athletes’ Advisory Council testified that NGBs would intentionally circumvent athlete representatives. He recounted a variety of tactics including:

- Appointing rather than electing athlete representatives to sign documents;
- Keeping an electronic signature of the AAC representative on file to sign documents;
- Giving an AAC representative a document with very little time before a submission deadline and asking for a signature;
- And scheduling meetings such that competing athlete reps cannot attend, or removing what the NGB perceives to a problematic athlete representative and then failing to refill the position.

Some of these tactics were employed by USA Taekwondo and documented in a 2012 Section 10 Complaint against the NGB.<sup>1</sup>

Have you ever employed any of the above listed tactics to undermine the authority and responsibilities of your NGB’s athlete representatives? Will you commit to ensuring these tactics are never used again in the future? How will you ensure this?

Answer. In my tenure, and to the best of my knowledge, USA Weightlifting has never engaged in these tactics. USA Weightlifting will never engage in the above mentioned tactics, and calls on our fellow NGBs to ensure that these tactics are never employed as well as the U.S. Olympic Committee to ensure that no NGB is able to use these tactics at any time without consequence from the U.S. Olympic Committee.

*Question 23.* The USOC has argued, time and again, to be dismissed from lawsuits because it has “no control” over NGBs. In fact, the evidence shows that USOC actually exercises a significant amount of control over NGBs, like your own. Please describe what policies, procedures, or guidelines are provided to NGBs through USOC. Please also describe any financial support, staffing, or legal support received from or funded by USOC.

Answer. USA Weightlifting generates 98 percent of its budget independently of the U.S. Olympic Committee, including the costs of protected competitions. USA Weightlifting receives a small amount of support in the high performance area covering one member of staff and some small ancillary costs, in 2018 received small grants for the areas of fundraising, international relations and web streaming. The vast majority of funding from the U.S. Olympic Committee arises from the Digital Marketing Agreement between USA Weightlifting and the U.S. Olympic Committee.

Since the creation of the USOC’s NGB Services department, led by former USA Archery CEO Denise Parker and overseen by former USA Weightlifting CEO Rick Adams, the USOC has vastly ramped up its’ oversight and compliance capabilities

<sup>1</sup> <https://www.teamusa.org/-/media/TeamUSA/Documents/Legal/Arbitration—Hearing-Panel-Cases/Section-10/2011/Robinson-v-USA-Taekwondo-22712.pdf?la=en&hash=31C1EF0B6376CA5D5C73BEF0598708EA9A9040F1>

and enforcement, its' communication of best practices and, together with the Athlete Safety department, have also provided much higher levels of expectation regarding policies and procedures and good governance.

The U.S. Olympic Committee has been particularly focused on revising and enforcing athlete safety requirements on NGBs, using the USOC Athlete Safety Policy, although this is not the only example. The U.S. Olympic Committee has also used the new compliance checklists and audits as a tool to evaluate NGBs areas of weaknesses in governance, athlete safety, athlete representation and other key areas of ethical operation.

USA Weightlifting encourages the USOC to continue to grow in this area so we may continue to recover as a movement.

*Question 24.* Before the U.S. Center for SafeSport was established, did your NGB have the authority to suspend or ban a coach?

Answer. Yes.

*Question 25.* After the U.S. Center for SafeSport's establishment in March 2017, does your NGB still have the authority to independently suspend or ban a coach, even if the U.S. Center for SafeSport declines to do so?

Answer. Yes.

*Question 26.* In August, the Center for SafeSport declined to defend its ban of Jean Lopez, a taekwondo coach it had determined, months earlier, was engaged in a "decades long pattern of sexual misconduct." The Center then removed him from its database of sanctioned individuals. Despite this, Steve McNally, the President and CEO of USA Taekwondo, has kept Jean Lopez on USA Taekwondo's suspension list.<sup>2</sup> Do you think Mr. McNally's decision was appropriate? Would you have made the same decision? Why or why not?

Answer. Since my wife is a former employee of USA Taekwondo, I will declare a conflict of interest in answering this question as I have some knowledge of the behavior of Mr. Lopez and therefore a pre-conceived perception of Mr. Lopez.

I will, however, express significant concern that the U.S. Center for SafeSport declined to defend its' finding in this case. This suggests significant process and investigatory issues which ought to be of concern for all of us with the goal of having a robust way to keep young athletes safe.

*Question 27.* What consequences have and will you impose on member clubs that do not take your NGB's banned and suspended lists seriously? Please explain what enforcement mechanisms you have. How often have you exercised such enforcement mechanisms? Please detail.

Answer. A member club who employs a banned individual, very simply is no longer a sanctioned member club. IF the Head Coach (designated coach) or any other affiliated individual becomes ineligible, either that individual is removed from involvement from the club or the club is no longer a member club.

In one case, the club coach and club president were suspended. In this case, the club therefore became a non-member club and immediately the athlete members were notified and became unattached.

*Question 28.* How regularly on background checks conducted on your members?

Answer. Yearly. An individual pays and submits their data every 2 (two) years, and a supplementary screen is carried out in the intervening year.

*Question 29.* There are criticisms that the term "SafeSport," according to a Deadspin article, was developed and trademarked by the USOC to serve as "a pleasant-sounding euphemism for a horrible set of acts."<sup>3</sup> How you lead by example, when it comes to making sure sexual abuse is not merely swept under the rug as "SafeSport" issues?

Answer. Respectfully, I'm not sure that our organization, certainly not our current leadership, has ever considered the word "just" immediately before any word that means or refers to sexual abuse.

*Question 30.* What does a pedophile or sexual predator look like?

Answer. There is no generic look, age, gender, race, orientation or otherwise of a sexual offender.

*Question 31.* In your experience investigating sexual misconduct complaints, I'm sure you often receive character witness statements from parents and athletes themselves. Have you found that there's any correlation between such statements and whether the individual is actually guilty? How much weight should be placed in such character witness statements? Can you commit to reducing the weight—if any—that your NGB currently places on such statements during an investigation?

<sup>2</sup> <https://www.teamusa.org/usa-taekwondo/v2-resources/legal/usat-suspension-list>

<sup>3</sup> <https://deadspin.com/safesport-the-usocs-attempt-to-stop-child-abuse-is-se-1826279217>

Answer. Fortunately, I have not personally had to engage in investigation. Since the U.S. Center for SafeSport have the exclusive jurisdiction in this area, this question ought to be directed to their team of investigators. I would generally be of the opinion to seek input from experts in the investigation of sexual crimes, together with academic researchers in this area if a determination is yet to be made by the Center.

*Question 32.* Do you agree that it is possible for an individual to be respectful to certain individuals, and abusive toward others?

Answer. Yes.

*Question 33.* What is the process in which your NGB keeps its respective website and other publications up to date listing banned or temporarily suspended individuals by the Center for SafeSport? Does your NGB have a dedicated staff member update these lists? If so, what is the position title of said staffer? How often are these lists checked to keep current? On a daily basis?

Answer. Once a sanction is finalized by the Center, and information is made available to the NGB, the website is updated by our Director of Engagement (who has responsibility for our website), or in his absence our Marketing & Content Manager, within 1 business day. This also occurs for other sanctions imposed by our Ethics & Judicial Committee or by the U.S. Anti-Doping Agency. Our Membership Manager will make a similar update in our membership system, again within 1 business day.

*Question 34.* I understand that arbitration is the general process used by the Center for SafeSport to address disputes.

Answer. This matches my understanding, the U.S. Center for SafeSport submits to arbitration hearings (at the cost of the individual wishing to appeal), if there is a dispute of its' investigatory finding.

*Question 35.* Who pays for your NGB's attorney fees in arbitration? Is it supported in any way by USOC?

Answer. In my six (6) years with USA Weightlifting, we have not had an arbitration hearing (though, there we have had arbitration hearings involving our sport at the U.S. Anti-Doping Agency and U.S. Center for SafeSport).

*Question 36.* Who pays for athletes' attorney fees in arbitration? Do you provide any assistance for athlete's attorney fees?

Answer. At the time of writing, athletes are responsible for their attorney's fees.

*Question 37.* What assistance do you receive from the USOC when in arbitration? What kind of legal guidance does the USOC provide in such cases?

Answer. We have never been provided, nor have we sought, legal advice from the U.S. Olympic Committee to the best of my knowledge.

*Question 38.* Arbitration proceedings can be re-victimizing for survivors, who must relive their most painful memories under a grueling cross-examination. Questions asked by the opposing side have reportedly included intimate questions about an individual's personal sexual history. Do you believe such questions about an individual's sexual history relevant? How so? Can you commit to barring any such questions from further arbitration or legal proceedings?

Answer. Since our NGB should not be considering cases of sexual misconduct at the NGB level, these should be dealt with at the U.S. Center for SafeSport level then we, as staff, do not have any experience of this line of questioning. As a staff, we no longer control these hearings and therefore have no influence or control over the line of questioning given in a sexual misconduct case. I would respectfully advise the Senator to raise this question with the U.S. Center for SafeSport.

*Question 39.* Former USA Swimmer and Olympic Gold medalist Nancy Hogshead-Makar has noted that women are largely missing from leadership positions throughout swimming's more competitive levels. While women represent just over 50 percent of coaches in the sport nationwide, a meager fraction of women comprise the elite ranks of the sport. As recently as 2016, the U.S. Olympic swim team had no female coaches. What, in your opinion, is the reason for the dearth of women coaching at Olympic levels, and other elite coaching levels in the sport?

Answer. We agree with Ms. Hogshead-Makar that would like to see an increase in Women's Coaches in the Sport of Weightlifting.

*Question 40.* Do you believe that a lack of female coaches is problematic?

Answer. (No answer provided)

*Question 41.* Do you believe that holding a Women in Coaching Task Force, or other coaching summits aimed at female coaches is sufficient to actually reduce gender disparity at elite levels? Beyond these leadership resources, what is your NGB doing to change the culture that currently stifles women leaders within sport?

Answer. (No answer provided)

*Question 42.* Do you agree that more female coaches at an elite level would make athletes safer?

Answer. (No answer provided)

*Question 43.* The AAC has reported concerns that the Athlete Ombudsman does not act independently of the USOC leadership. Would you agree that the Athlete Ombudsman should be moved outside the USOC structure to an Office of Inspector General or another external office? Do you believe that the U.S. Center for Safe Sport is sufficiently independent from the USOC? What conflicts of interest currently exist that prevent the Center from achieving true independence?

Answer. (No answer provided)

*Question 44.* Do you think former employees of the USOC should be working at the U.S. Center for SafeSport? Do you understand how this would compromise the Center's independence?

Answer. (No answer provided)

*Question 45.* Would you support the creation of an Office of Inspector General office—like the oversight branches of Federal or state agencies—to independently investigate internal abuse, mismanagement or misconduct and promote efficiency and effectiveness at the USOC, U.S. Center for Safe Sport, and National Governing Bodies?

Answer. (No answer provided)

*Question 46.* Regarding health insurance for athletes, what criteria does your NGB use to determine which athletes receive paid health insurance coverage either through the NGB or USOC? What percentage of the cost of this health insurance coverage are your respective athletes or their families responsible for?

Answer. (No answer provided)

*Question 47.* What percentage of your athletes receive health insurance through the Elite Health Insurance Plan (EHIP)? Does this program cover sports-or competition-related injuries? Does this program cover non-competition-related injuries?

Answer. (No answer provided)

*Question 48.* Does your NGB terminate the insurance of athletes whose injuries may impact their competition status? If so, how much notice is provided to the athlete? Please describe any other NGB-or USOC-sanctioned health insurance programs available to member athletes and whether those programs are paid for by the NGB or USOC.

Answer. (No answer provided)

*Question 49.* Does this health insurance program provide coverage for mental health services? Do you believe that mental health services are important for athletes? Do you believe that it is or should be your NGB's responsibility to provide mental health services and coverage for athletes? Beyond insurance coverage, what mental health services does your respective NGB currently provide for athletes? Are these services available to all athletes under the NGB's purview, or just athletes at elite levels? What can your NGB specifically do to improve your athlete wellness and mental health support services for athletes?

Answer. (No answer provided)

*Question 50.* What is the process for an athlete at your NGB to take advantage of these mental health services—for example, do they have to first notify their coach or an executive at your NGB? Do you think that in cases regarding mental health services, it is appropriate to require an athlete to first notify their coach or NGB leadership of a potential mental health problem before receiving treatment or assistance? Do you agree that such a policy places athletes in a position where they can potentially be retaliated against, or further abused? Do you agree that at the very least, such a policy could prevent athletes from coming forward to take advantage of critical mental health services?

Answer. (No answer provided)

*Question 51.* What was your NGB's total budget in Fiscal Year 2017?

Answer. \$5.2m

*Question 52.* How much (dollar amount or percentage) of the budget came from the USOC either directly or in the form of grants?

Answer. Approximately 2 percent of our budget is provided by the U.S. Olympic Committee.

*Question 53.* What percentage of your budget goes to direct athlete support in the form of a stipend? How many athletes receive a stipend?

Answer. I interpret the question here to mean direct cash to athletes, rather than support for athletes otherwise than in cash. 15.2 percent of our total operating

budget was spent in this manner. This excludes direct athlete support in cash to the athlete which is provided by the U.S. Olympic Committee.

If we include items spent on athlete support otherwise than in cash, 33 percent of our budget goes to directly supporting athletes. This does not include any staff salaries but does include international event travel and support, recovery support funding, sports medicine funding, camp support and other forms of athlete support.

While explaining those numbers, I would wish to point out that the manner in which USA Weightlifting makes its' revenue is via Coaching Education, where we expend 53 percent of income back to the instructors and hosts of our coaching courses, which therefore takes a significant percent of our revenue. This is unique to our National Governing Body (NGB), as we are the only NGB to derive our largest revenue source from this area.

Additionally, USA Weightlifting provides 8 National Events per annum which approximately \$880,000 worth of business, which is an approximate break even.

Removing those areas of operation, the percent of "available" funds that is spent on athlete support rises significantly. Finally, our budget for direct cash to athletes has risen over 900 percent since 2012.

*Question 54.* Does USOC have any role in budgeting decisions within your NGB?

Answer. None whatsoever.

*Question 55.* Does your current NGB budget limit your ability to provide services to athletes? Does it limit your ability to implement and adhere to Center for Safe Sport policy, or to conduct thorough internal investigations on complaints of misconduct?

Answer. Yes, of course with additional funding it would be possible to make available additional services to athletes especially in regard to performance services and in respect to additional funding that can be dedicated to competition funding for both athletes and for personal coaches of an athlete.

I do not believe that our budget limits our ability to adhere to SafeSport policy or investigate complaints that arise.

*Question 56.* Does USOC have the ability to direct your NGB in making decisions related to Olympic competition?

Answer. Yes, the Olympic Games is the exclusive jurisdiction of the U.S. Olympic Committee, and therefore specifically in Olympic Games competition, the USOC can direct the NGB in our decision making. The USOC has a general oversight role as we compete elsewhere within our Olympic sport.

*Question 57.* Does your NGB have a "two-deep" policy, so that an adult is never alone with an athlete? Why or why not? Have you considered such a policy?

Answer. Yes, to ensure the safety of the athlete.

*Question 58.* Has USOC ever asked NGBs to consider a "two-deep" policy?

Answer. USA Weightlifting implemented the two-deep policy for Sports Medicine at least 6 years ago and in 2017 in other areas, such as weigh-in. Therefore, while I do not specifically remember the USOC asking our NGB to implement a two-deep policy, it is entirely possible that the USOC did ask for us to do so, but since we had already done so, it was not noted as an action for our particular NGB.

*Question 59.* Most child-safety experts recommend a policy of not texting a minor individually. In other words, coaches can text others in a group, or can include parents on the text, but should not text athletes individually. Why hasn't your NGB adopted such a policy to ensure inappropriate conversations are not taking place?

Answer. Our NGB has adopted a policy in this matter, which was adopted in July of 2017. This policy requires that electronic interaction include the parent or guardian except with specific written permission of the parent or guardian and where a copy must be available to the parent or guardian.

*Question 60.* On October 10, 2018, USA Weightlifting launched a new athlete wellness program that makes available pro-bono resources to support the mental health and wellness of athletes.<sup>4</sup>

Who did you consult before establishing such a program? Did you get input from USOC? Did you get input from the U.S. Center for SafeSport?

Answer. This program was designed based off of the direct feedback of survivors of sexual abuse in sport. The program serves those who are participating in the sport of Weightlifting (though this is primarily athletes, it covers any member).

The primary people that I consulted before rolling this program out were those holding LCSW and LPC qualifications, as well as educators in this area, who are those with primary expertise in the recovery from trauma.

<sup>4</sup> <https://www.teamusa.org/USA-Weightlifting/Features/2018/October/10/USA-Weightlifting-Launches-Athlete-Wellness-Program>

I did not consult the U.S. Olympic Committee or U.S. Center for SafeSport on the matter, though I have made the resource available to them to offer to those members or athletes they come into contact with.

This program does not deal with the response from an investigation and enforcement standpoint, it deals with recovery from trauma, and the mental wellness of our members and athletes. That trauma may or may not arise specifically from sexual abuse in sport. There is also no obligation that the athlete or member has arrived at this resource via the U.S. Center for SafeSport or via the U.S. Olympic Committee

*Question 61.* Have you heard any feedback about the program? What have you heard? How will you implement this feedback?

Answer. The program is very new, at the time of writing just a shade short of 6 weeks old. Therefore, feedback is reasonably limited at this moment. I would be more than happy to follow up with Senator Blumenthal and/or the Committee as appropriate in a few months' time to further evaluate what feedback has been received.

However, I will pull out that I heard from one particular recipient of this program to the extent that it had been tremendously impactful to them and assisted them considerably.

We have 23 members who have reached out participating in this program, this ranges from elite athletes on our national team to non-elite athletes to former athletes who are now coaches. We expect these numbers to grow in the coming months. To be clear, we do not hold these members to account on the amount of therapeutic intervention they go through, so it is possible some may have stopped participating without that knowledge.

*Question 62.* Instead of having to go through you or Suzy Sanchez to take advantage of these new services, would you consider making it possible for athletes to anonymously take advantage of such services? When will you do so?

Answer. We would like to do so, the challenge is while we can keep the names confidential of the athletes (and/or members, since the program is not limited simply to athletes), the challenge with this approach is the anonymity. In order to build a worthwhile therapeutic relationship, it is necessary for us to connect an individual with therapeutic resources that are local to them and appropriate to their needs. In this wide-ranging area it is almost impossible to do that without some degree of interaction.

The idea of making both a male and female contact available is to allow the athlete (or member) to go to the individual that makes them feel most comfortable. Additionally, Suzy does not have a direct input to selection matters so therefore it allows for an individual to contact someone who does not have any influence over selection policy.

I do want to make it clear that this program is for the benefit of all athletes (members) participating in Weightlifting, regardless of their age and regardless of the origin of their trauma. Anything shared, as is required by the American Counselling Association Code of Ethics, and typically by state law, there is privilege between the therapist and the athlete/member. This is not fed back to USA Weightlifting. The names and locations of those within the program is not shared internally. If there is a manner in which we can make it possible for an individual to come forward for support in a totally anonymous way we are absolutely supportive of that.

*Question 63.* What percentage of the 2018–19 operating budget is earmarked for direct athlete support?

Answer. I interpret the question here to mean direct cash to athletes, rather than support for athletes otherwise than in cash. 15.2 percent of our total operating budget was spent in this manner. This excludes direct athlete support in cash to the athlete which is provided by the U.S. Olympic Committee.

If we include items spent on athlete support otherwise than in cash, 33 percent of our budget goes to directly supporting athletes. This does not include any staff salaries but does include international event travel and support, recovery support funding, sports medicine funding, camp support and other forms of athlete support.

While explaining those numbers, I would wish to point out that the manner in which USA Weightlifting makes its' revenue is via Coaching Education, where we expend 53 percent of income back to the instructors and hosts of our coaching courses, which therefore takes a significant percent of our revenue. This is unique to our National Governing Body (NGB), as we are the only NGB to derive our largest revenue source from this area.

Additionally, USA Weightlifting provides 8 National Events per annum which approximately \$880,000 worth of business, which is an approximate break even.

Removing those areas of operation, the percent of “available” funds that is spent on athlete support rises significantly. Finally, our budget for direct cash to athletes has risen over 900 percent since 2012.

*Question 64.* What is your current salary? And by contrast, how much money has the USAW committed to national team athlete support for the 2018–19 season?

Answer. In 2018, my annual salary is \$110,000. To compare, this is the lowest salary of comparable National Governing Bodies by revenue.

By the end of 2018 in just a few short weeks, we will have spent approximately \$836,000 on direct cash to athletes, excluding any non-cash services such as travel to international competitions, travel to camps, recovery services, performance services which are also funded by USA Weightlifting. The top stipend for a Weightlifting athlete is \$4,500 per month (or \$63,000 per year), plus any performance bonuses earned at competition.

Athletes in USA Weightlifting can earn a monthly stipend, which we understand to be a leading amount within U.S. Olympic Sport, as well as bonus payments for medals and placement, additional to the Operation Gold payments available.

Separately, USA Weightlifting offers an amount of funding for each funded athlete to use with.

The above figures reflect items funded by USA Weightlifting and not those funded by the U.S. Olympic Committee. The U.S. Olympic Committee contributed a further \$1000 per athlete finishing in the top 8 in the World across Dec 2017 to Nov 2017 in direct cash support.

*Question 65.* Can you provide further information about specific policy changes USAW has made to prevent sexual abuse and protect athletes at all levels of competition?

Answer. (No answer provided)

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO PHIL ANDREWS

*Question 1.* To what extent are you personally—and your leadership and staff—actively engaging with both the Athletes’ Advisory Council and victims of sexual abuse to help direct your programming to stamp out a culture of abuse that enabled predators to target athletes?

Answer. While CEOs and NGB Staff are not invited to engage with the U.S. Olympic Committee’s Athlete Advisory Council, we are active with our own 7-member elected Athlete Advisory Council within USA Weightlifting. This 7-member council includes both our USOC Athlete Advisory Council elected representative and our alternate representative. I personally attend every meeting of the AAC to interact with our athletes.

While the majority of conversations and issues that we speak about at the USAW AAC level tend to focus on sport related items, particularly due to the large amount of technical change (*e.g.*, body weight category changes), that has occurred in Weightlifting in the last calendar year, the AAC is empowered to comment and give feedback on any issue it so pleases inclusive of Athlete Safety.

Regular contact with the athlete population, especially its’ elected leadership, is essential to creating a culture which is inclusive of the athlete, and gives the athlete the power to act in all areas of the NGB. For example, our AAC has a sign off on our selection procedure and any amendment must pass the vote of the entire AAC not simply one signature.

*Question 2.* Are you engaging with elite-level athletes who are victims of sexual abuse to help direct your programs away from this widely reported culture of abuse that enabled predators?

Answer. We are very fortunate in USA Weightlifting that, to the best of our knowledge, there is no athlete who qualifies for the Ted Stevens Act definition of “elite athlete” who has suffered sexual abuse. However, there are members of our NGB with high levels of achievement who have. I have personally engaged with these individuals, both in person and electronically, in working through how we might put in place programs for the benefit of survivors and how we might take steps to stop sexual abuse in the future.

In particular, we have implemented the Athlete Wellness Program as a direct result of feedback from survivors of sexual abuse present in our membership. Survivors have also given feedback on reporting mechanisms and publicity features of our website and communications.

*Question 3.* How do you empower athlete voices in your NGB?

Answer. USA Weightlifting attempts to put the athlete at the heart of everything we do, while also being mindful of our other constituencies such as coaches and technical officials. Many items that can be done to empower the athlete also empower the remainder of the membership.

USA Weightlifting, as required, has 20 percent representation on Board and Committees and also has former athletes on staff at the organization. This helps to focus the mind on the needs of the athlete in decision making.

Athletes are encouraged to reach out to staff, to AAC members, to Board and other decision-making powers to give their feedback and views. Our task is to ensure that decisions made are in the best interests of the organization, that means considering the view of the primary constituent of the sport, which is the athlete.

We also hold regular open sessions with all athletes, including a once a month call for all-comers (Athletes, Coaches, Technical Officials), sessions at events, and even via social media where athletes, coaches and any other member can ask questions or make suggestions directly to the NGB leadership, specifically the CEO.

Athletes (and other membership groups such as coaches or technical officials), must be able to give their view without fear of retribution or a negative effect on their career. Creating such a culture is challenging and is not made overnight, at its' core it requires open, honest, communication.

*Question 4.* What changes are you implementing internally to ensure that you are using athlete perspectives to drive some of your decision making?

Answer. USA Weightlifting already detailed some of these items in the above answer, in addition with 50 percent of more of our Board having experience as a high-level athlete in our sport, it helps consider the opinion of athletes in making major decisions. It is also important that the voices of our elected athlete representatives are turned to regularly during those discussions.

On the staff side, we employ former athletes (and former coaches) on our staff which together with their professional performance provides valuable insight when designing programs or making decisions which impact an athlete, coach or technical official.

Finally, and perhaps most importantly, constant and open communication with athletes (and also with coaches and technical officials) is vital to understand the views, desires and wishes of those groups and how to balance those needs when those needs diverge—and ultimately to keep the athlete need front and center.

*Question 5.* Do you think that there are trust issues between athletes and administrators?

Answer. Trust issues have historically arisen between athletes, their coaches and the administration of a sport. This was certainly an issue in our sport, and one which we have taken great pains to try to address—some of the methods we have used have been detailed above.

Our sport also utilizes objective procedures not only in selection to our national team but in every area possible. This allows us to build trust because it means that it is not possible for there to be a personal bias reason for an athlete not to be selected for a team, for participation in a program, or for their remuneration as an athlete. The same applies to coaches where it is again an objective program.

At its' core, as I've previously mentioned, is open and honest communication as regularly as possible with the different areas of a membership of the NGB, especially with the athlete population.

*Question 6.* How do you prevent retaliation against athletes who provide their opinions?

Answer. Due to the fact that we utilize objective procedures in almost every area, it is almost impossible for there to be retaliation against an athlete. With that said, we do provide all members (including athletes), the ability to anonymously submit suggestions to USA Weightlifting through our website. We also provide anonymous surveys to our athletes (and to other member types) to provide opinions.

*Question 7.* Do you feel the USOC has equally encouraged or created partnerships with survivors and advocates? If so, please provide examples.

Answer. I am not currently privy to the partnerships created by the U.S. Olympic Committee, and therefore cannot comment in detail on this matter.

*Question 8.* Do you currently employ a full-time staff member with sufficient professional knowledge and experience with victims of severe emotional, physical and sexual abuse? If so, please identify that person and their role.

Answer. No, we do not.

*Question 9.* Do you agree with Mr. Adam's assessment of the culture within your organization prior to your tenure?

Answer. I would firstly point out that Mr. Adams' testimony did not specifically refer to USA Weightlifting, though Mr. Adams is a former CEO of our organization, he was referring to all of the now 50 NGBs rather than one in particular.

My tenure as CEO started in the last few days of December 2015, and I am not sure I would either agree or disagree with that assessment in the case of USA Weightlifting. While I am not certain that victims of abuse were actively discouraged from reporting abuse in any conscious fashion, it is fair to say that the NGB could have done more to make reporting mechanisms available to victims of sexual abuse and to raise the profile of sexual abuse issues in sport.

*Question 10.* Since taking over, have you implemented any specific changes to address this "environment" that "discouraged victims from reporting abuse"?

Answer. Yes, we have implemented a significant amount of policies and procedures to provide an environment that firstly goes to lengths to prevent abuse occurring but encourages reporting of abuse.

We have implemented reporting buttons on our website and made sure these are well communicated to our membership. We have also implemented an independent model for adjudication of ethics cases as well as non-sexual abuse cases in our sport. This unique approach means that in a smaller sport like ours there is no fear that favoritism or prior knowledge of the alleged victim or alleged abuser will have an effect on the outcome.

USA Weightlifting also implemented a specific number on our phone tree to directly report abuse (and indeed, anti-doping violations). USA Weightlifting already had existing codes of ethics and anti-retaliation policies though these have been strengthened recently.

*Question 11.* What are you doing to change the culture within your sport and community?

Answer. USA Weightlifting has engaged in a cultural change program since 2015, to a culture that puts the athlete at the center of what we do. To be clear, that is not at the cost of either coaches or technical officials. The culture we seek to create at USA Weightlifting is one of servant leadership of our sport to serve our athletes, their personal coaches, our hard-working technical officials in a positive fashion.

The biggest single item in that is constant open, honest and transparent communication with membership of all levels, but especially the high level athletes, larger club coaches and the personal coaches of those high level athletes.

This includes everything from regular Q&As, to answering any question no matter how small, to giving full and frank explanations of a decision (even when that decision might not be popular, people will usually be much more positive with a degree of understanding), to publishing as much as you are able. For example, every quarter we publish our operating budget to our membership.

Anything that can be seen by us at the National Office ought to be able to be shared with membership, short of any personal, confidential information such as information about an athlete's medical or mental health care for example.

*Question 12.* What are you doing to make sure that coaches and other staff members do not have unhealthy levels of power, authority or influence over athletes and their families?

Answer. Repeating many of the items I have already highlighted above, the objective style of selection within USA Weightlifting does not give rise to a great deal of undue power of a coach or staff member over an athlete.

Similarly, our national team programs are entirely optional. An athlete, using the unanimous vote of a committee, may be removed from a national team if they are no longer in the shape that selected them, but they cannot be removed for attitude or obedience. This also applies to personal coaches, who likewise cannot be eliminated for attitude or obedience reasons.

These items put the pressure on the NGB and its' staff to have positive interactions with our athletes and coaches, as oppose to commanding interactions with athletes and coaches.

*Question 13.* What are you doing to educate parents and family of members of your membership to take athlete abuse issues seriously and teach them the value of SafeSport programs?

Answer. USA Weightlifting is proactively publicizing SafeSport information to our membership, and where we have information, to parents. We have also voluntarily participated in each and every one of the programs made available by the U.S. Center for SafeSport's education department.

As well as mandatory education requirements for covered individuals within our membership, education is made available to athletes and parents.

USA Weightlifting, in common with other NGBs, has requested our membership system vendor to begin to collect parent-specific information in order that we can

better communicate directly with the parents of each athlete rather than sending information to the coach or the contact details of the minor athlete.

*Question 14.* Does SafeSport recommend the most direct way for the USOC to communicate their material to all of their NGB's and on to the member clubs?

Answer. No, they do not.

*Question 15.* What have you found is the best way to share, post, or disseminate SafeSport information?

Answer. A blended approach is necessary—utilizing website, social media and e-mail communication tools to ensure that information is available to all areas of the membership.

*Question 16.* When SafeSport recommends an interim suspension, what steps does your organization take to enforce that interim measure with limited information?

Answer. The U.S. Center for SafeSport imposes, does not recommend, interim suspensions, and delegates to the NGB to enforce those interim suspensions, this provides a challenge to the NGB since the process is not yet completed.

In our case, since we are generally speaking about a limited number at a time, we can disseminate this information on a need-to-know basis (as at this time guilt is not yet established).

USA Weightlifting has taken action where the Center has declined to taken an interim measure short of suspension. For example, we have taken action to prohibit a technical official from participation in Weigh-in while under investigation by the U.S. Center for SafeSport. This does not fully prohibit the individual from participation while under investigation for the alleged offence.

*Question 17.* What are the access points in your organization for athletes to report misconduct—either physical, emotional, or financial?

Answer. You can report abuse via buttons on the front page of our website, by phone, or in person. You may do so anonymously though in order for an effective investigation, we do request that anonymous reporters give as much detail as possible including any possible witnesses to said misconduct.

*Question 18.* How do you minimize conflicts of interest within those reporting channels?

Answer. Our independent model of investigation means that conflict of interest is generally removed from the outset. In the case of Emotional & Physical Abuse we always use an outside independent investigator to further remove conflict of interest from either the alleged victim or alleged offender.

*Question 19.* What direct action is your organization taking not only to identify, but also to remove coaches, athlete directors, employees, and officials who witnessed either emotional or physical abuse of athletes and did nothing to stop it or report it to authorities?

Answer. Our primary focus at this time is to investigate and eliminate perpetrators of emotional and physical abuse of athletes. Seeking to identify and remove athletes, coaches or others who have witnessed and not reported this type of abuse has not been a focus of our NGB thus far.

*Question 20.* What are the biggest challenges for your member clubs to be able to adhere to the SafeSport minimum requirements?

Answer. A major challenge for many clubs in our sport is that a building may be shared with many different sports, including non-Olympic governed sports. Therefore defining where requirements cover clubs, and individuals, and where they do not is not as clear as it would first appear.

With that said, policies have clarified if you are a member of USA Weightlifting with exposure to coaching at the club level then these policies apply to you under the definition of "covered individual".

*Question 21.* What do you believe are the explicit protections you are directed to uphold and where do they apply to?

Answer. Yes, we have specific requirements under the 1978 Ted Stevens Act, 1990 Victims of Child Abuse Act and the modifications to those acts as per the 2017 SafeSport Act.

*Question 22.* Does that duty cover only Olympic events and training centers?

Answer. No, it covers any and all USA Weightlifting sanctioned activities, operations and clubs. For the benefit of the Committee, USA Weightlifting is not present at the Olympic Training Center.

*Question 23.* Does that duty extend to off-site venues? Member clubs? Member events?

Answer. Yes.

*Question 24.* What individual is most responsible for that protection?

Answer. As the leader of the organization, the CEO.

*Question 25.* What are your challenges, if any, to hiring additional staff that are experts with survivors of sexual abuse?

Answer. As a small organization, this is headcount and budget. However, a way to address in our size of organization is to give preference in hiring decisions to those who do have experience in dealing with those who are survivors of sexual abuse.

*Question 26.* Has the USOC made any such requirements of your organization?

Answer. USA Weightlifting has made our “banned list” public since early 2016, before any public calls for a list to be made public.

*Question 27.* What direct requirements or requests have come from the USOC since the May testimony with regard to the NGB’s publishing accessible lists of all banned individuals?

Answer. The U.S. Olympic Committee has requested data from our NGB regarding banned individuals, inclusive of those banned for reasons otherwise than SafeSport. For clarity, they excluded bans for field of play reasons (though USA Weightlifting does not have any field of play sanctions).

*Question 28.* Do these ban list’s work? What could be done to best disseminate this information?

Answer. USA Weightlifting makes these lists available publicly and specifically sends these lists to those who are sanctioning an event or club endorsed by USA Weightlifting. The banned list is easily accessible through the member tab of our website and includes those who are suspended for Anti-Doping or Ethical reasons in a central location.

This could be further enhanced by a centralized banned list, which has been discussed at the U.S. Olympic Committee level, searchable by location, offence and sport. This database then ought to be searched by background checks inside and outside of Olympic sport.

It is vital however, that those listed are those who are facing sanction at the end of the process, where guilt has been established for an individual. The best example that exists of practice in this area is the U.S. Anti-Doping Agency who have a long and well-established process for publication of sanctions.

So far as the question of effectiveness, the issue is that a banned list requires an individual person to look at the banned list. Though our NGB, and others, take a proactive approach to inform gatekeepers of those who are suspended as well as sharing with key adjacent sports, fundamentally it requires a parent, club owner or other decision maker regarding an interaction to view the list.

The single largest deficiency in banned lists is that they are generally not recognized by non-Olympic and Paralympic organizations. This potentially allows an individual who is banned in one sporting organization to simply participate through another sport organization that is not governed by an Olympic or Paralympic organization.

*Question 29.* What are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list?

Answer. I am not aware of any specific consequences that the U.S. Olympic Committee would impose on a member club since that is a member club of the NGB, not of the U.S. Olympic Committee.

However, such an NGB that allowed that to continue may face compliance issues with respect to their NGB obligations to the U.S. Olympic Committee and at the absolute worst, therefore, decertification under Section 8 of the Ted Stevens Act.

At the USA Weightlifting level, the club would not be considered any longer a USA Weightlifting sanctioned club and would be removed from our sanctioned club list. Any athlete members would be moved to unattached.

This also occurs if the head coach, or administrator, of a club becomes a sanctioned member, it will automatically invalidate and suspend the membership of the club also.

*Question 30.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB’s?

Answer. This has been a constant narrative within the Olympic & Paralympic movement since the emergence of the Nasser case and the subsequent focus on this area. The USOC has made great pains to implore the NGBs to act to enforce sanctions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
ANNE CAMMETT

*Question 1.* How have the recent reforms provided by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act impacted your National Governing Body (NGB) from a structural and resource perspective?

Answer. U.S. Figure Skating contributes money to support the U.S. Center for SafeSport and has allocated additional resources for U.S. Figure Skating SafeSport education. U.S. Figure Skating's Staff Counsel is spending full time on SafeSport matters (education, case management and compliance). U.S. Figure Skating is in the process of hiring a full-time SafeSport Education Outreach Director as well as an administrative assistant to support the SafeSport program. In the meantime, two other senior staff members have added SafeSport educational duties to their responsibilities until the Education Outreach Director is hired.

*Question 2.* Have you hired additional personnel to help review cases, implement training, education and outreach? Please elaborate on how this is being implemented.

Answer. See answer to Question 1 above.

*Question 3.* Does your NGB have internal protocols/procedures to investigate allegations that are not sexual abuse (*i.e.*, drug use, bullying, fraud, etc.)? Do you refer cases that are not sexual abuse to the Center for SafeSport?

Answer. Only cases of suspected or alleged sexual misconduct are reported to the Center. All other types of abuse (physical abuse, emotional abuse, bullying, threats, harassment, hazing and willfully tolerating misconduct) are reported to U.S. Figure Skating in a number of available medias (telephone, online form, e-mail). Once an allegation of misconduct is received, it is forwarded and resolved by U.S. Figure Skating's Ethics, Grievance and SafeSport committees depending on the nature of the alleged abuse.

*Question 4.* How does the total revenue of your NGB compare to the others? What portion of your revenue comes from the U.S. Olympic Committee (USOC)?

Answer. I'm not sure how U.S. Figure Skating's total revenue compares to other NGBs. In 2017-18, approximately 6 percent of U.S. Figure Skating's revenue came from the USOC.

*Question 5.* Based on your NGB's experiences in handling abuse allegations, did the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act provide the necessary authorities to the Center for SafeSport and NGBs to address abuse allegations? If there are shortcomings, please identify them.

Answer. As I stated during my opening statement at the October 3 hearing, I believe that the following measures are necessary for the Center to reach its full potential:

Increase funding for the U.S. Center for SafeSport to provide more personnel in the areas of education, investigation and adjudication. Fulfilling the Center's role effectively during these formative years is the key to establishing credibility and long-term viability.

Create a coordinated SafeSport public awareness campaign that all national governing bodies can use and support in solidarity. This campaign should be created by experienced child-welfare professionals with a goal to educate athletes, parents, coaches and all who work with young athletes to be vigilant, informed and reactive to all forms of abuse.

Provide a national database of banned and suspended persons, searchable by name, sport, state and region.

Amend the Protecting Young Victims from Sexual Abuse Act to give subpoena power to the U.S. Center for SafeSport to provide more effective investigations and enforcement.

Finally, at some point in the near future, expand the reach of the U.S. Center for SafeSport. Athletes within the jurisdiction of national governing bodies represent a small segment of youth sports participants in the U.S. A full commitment to ending abuse in sports must include children that participate outside the auspices of the U.S. Olympic movement.

*Question 6.* Our subcommittee has heard from many survivors regarding Larry Nassar's sexual abuse under the guise of medical treatment. It is clear that centralizing all of the medical oversight, expertise and access in one individual for a lengthy period of time was a major factor that helped facilitate the abuse by Nassar. Has your NGB updated its medical policies and procedures to prevent this from happening? If so, how have you implemented these safeguards and how has the structure of your medical staff changed?

Answer. While this question relates to circumstances involving gymnastics, U.S. Figure Skating does not have centralized medical providers. With regard to medical and sports science professionals who travel to competitions or participate in camps to provide medical support and/or education to U.S. Figure Skating team members, U.S. Figure Skating requires they meet the following standards prior to being assigned:

- (1) Must hold relevant license in good standing with the appropriate board certification for his/her specialty; (2) must submit licensing to U.S. Figure Skating; (3) must submit to a criminal background check; (4) must join the U.S. Figure Skating National Network and travel pool of medical providers; and (5) must be a member in good standing with U.S. Figure Skating, which subjects them to the jurisdiction of U.S. Figure Skating rules and policies. In addition, U.S. Figure Skating's Sports Sciences and Medical Committee conducts an evaluation of all medical professionals after each event to which they are assigned. In addition, there is no single doctor or medical provider who is the U.S. Figure Skating "Team Doctor" or medical provider.

*Question 7.* In the wake of the Larry Nassar sexual abuse scandal, what policies and procedures have you put in place regarding access, retention and preservation of athlete's medical records? Have you provided those policies to USOC?

Answer. Since 2011, U.S. Figure Skating athlete medical records and other performance-related data is housed on an encrypted, digital platform. The athlete and only authorized individuals have access to an athlete's account. The USOC is not involved in this process and therefore no such policy has been provided.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO  
ANNE CAMMETT

*Question 1.* First, I want to start off by saying I admire the bravery of the athletes who have come before this Committee previously to share their story. As a father and grandfather, I know that what happened to them is every parent's worst nightmare. We live to protect our children, and it is disgusting to me that the individuals that they reported abuse to didn't protect them.

Have you engaged with sexual assault survivor advocacy organizations to have them review and suggest improvements to your policies and procedures to ensure with certainty that your athletes are protected from abuse?

Answer. No other organizations except the U.S. Center for SafeSport. U.S. Figure Skating recognizes the need for expertise in addressing survivor advocacy and is in the process of hiring a SafeSport Education Outreach Director with a degree in psychology or social work and measurable experience regarding emotional, physical and sexual abuse.

*Question 2.* What surveys or other tools have you implemented to determine and measure whether your athletes feel empowered to report abuse? How recently were these surveys conducted?

Answer. Since 2001, U.S. Figure Skating athletes competing in international events have received post-event surveys that ask them to anonymously evaluate Team Leaders, medical providers and officials. The comment section allows for elaboration. This communication tool allows honest feedback and a vehicle to express any issues involving mistrust.

*Question 3.* How are your organizations ensuring young athletes understand what type of behavior from coaches or other adults is inappropriate and should be reported?

Answer. U.S. Figure Skating conducts SafeSport webinars, in-person presentations and requires a SafeSport Compliance Chair for each member club. Monthly SafeSport articles are featured in SKATING magazine and the Professional Skaters Association magazine. In addition, the Center is currently developing age appropriate training for younger athletes that U.S. Figure Skating is committed to promote to its membership.

U.S. Figure Skating has also launched a new awareness campaign made to empower our young athletes (some who begin skating at age 3). The goal of the campaign is to empower and encourage young athletes to speak up when they suspect something wrong.

The result is the U.S. Figure Skating "Your Voice" campaign, currently in Phase II. The campaign's tagline: Your Voice is Powerful . . . Say Something. To a parent. To a friend. To a trusted adult. The campaign will be rolled out in 3 Phases.

Phase I: In their own words (video and print), Olympic athletes shared stories and gave advice regarding the six types of abuse and misconduct (physical, emotional, sexual; bullying, threats and harassment; hazing; willfully tolerating misconduct).

Phase II: Athlete members of Team USA, the ISP, synchro's DREAM program and the Athletes Advisory Committee agreed to be the first Athlete Ambassadors of the "Your Voice" program.

Each Athlete Ambassador selects two young skaters at their training rink for their positive leadership skills. After explaining the tenets of the campaign, the young skaters also become Athlete Ambassadors and are presented with "Your Voice" T-shirts. The young athletes also receive material to share with parents.

Phase III (December): Club members are encouraged to become Athlete Ambassadors, showing their support by adhering free "Your Voice" stickers on their water bottles, phones, laptops, etc. For a minimal cost, customizable "Your Voice" T-shirts will be available for members to personalize and let everyone know their Club supports the power of Athletes voices.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO ANNE CAMMETT

*Question 1.* Currently, amateur athletes are only eligible for up to 10 years after their last qualifying international competition to represent athletes on NGB or USOC boards. Athlete advocates have called for this 10-year requirement to be relaxed, so that older, possibly retired athletes who have more professional experience, time, and resources, may contribute their expertise. Would you support expanding the eligibility?

Answer. Yes

*Question 2.* Provided that eligibility for athlete representation is expanded, would you support ensuring that the membership and voting power held by such amateur athletes is not less than 50 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation?

Answer. It would depend on the definition of an athlete representative. Currently, 14 of 15 U.S. Figure Skating voting board members are athletes or former athletes.

*Question 3.* Please explain any factors preventing you from changing your NGB's bylaws to (1) increase the percent of athlete representation on your board, and (2) allow for older former amateur athletes who may have more professional experience to serve on boards. If there are no factors preventing you from making these changes, please explain why you have not or will not in the near future?

Answer. U.S. Figure Skating bylaws can be changed by a vote of two-thirds of the votes cast of the Governing Council delegates present in person or by proxy at the annual meeting of the Governing Council in early May.

*Question 4.* Please explain your NGB's process for changing bylaws, ethical codes, and any other policies or procedures.

Answer. U.S. Figure Skating bylaws can be changed by a vote of two-thirds of the votes cast of the Governing Council delegates present in person or by proxy at the annual meeting of the Governing Council in early May. U.S. Figure Skating's board of directors can make rules or change ethical codes and any other policies and procedures by a majority vote of the board throughout the year. The Governing Council may also change rules at the annual meeting of the Governing Council in early May.

*Question 5.* Are you committed to making sure half of coaches at protected competitions are women? If yes, how do you plan to accomplish that?

Answer. U.S. Figure Skating's membership is majority female and the majority of coaches are female.

*Question 6.* Given USOC's oversight relationship with NGBs and since NGBs are required to follow guidelines and requirements set forth by USOC, would you agree that USOC is liable for its oversight of NGBs and how effectively they promote athlete safety? Why or why not?

Answer. The USOC is responsible for monitoring NGB compliance with the NGB's obligations as a member of the USOC, and has the authority to address noncompliance.

*Question 7.* Would you support the Athletes' Advisory Council having a vote on USOC's Board?

Answer. The AAC currently has three voting representatives on the USOC board.

*Question 8.* Would you support the Multi-Sport Organization Council having a vote on USOC's Board?

Answer. U.S. Figure Skating would not object.

*Question 9.* If the U.S. Center for SafeSport declines to add an individual to its banned or temporarily suspended lists, what authority does your NGB have to independently take such action?

Answer. U.S. Figure Skating bylaws and rules allow for members to be suspended or banned independent of other entities' actions or inactions.

*Question 10.* Is it true that if NGB membership is given up before disciplinary action is taken, you can escape being placed on your NGB's disciplinary records?

Answer. No.

*Question 11.* How can banned lists—whether on NGBs sites or the Center for SafeSport's records—be made more useful for athletes, parents, clubs? How in sync are the Center for SafeSport and NGB's lists?

Answer. Clear links to such lists must be available on each website. U.S. Figure Skating's banned list contains a complete list of all U.S. Figure Skating members banned by U.S. Figure Skating or the U.S. Center for SafeSport; the Center's list only lists those members banned since the opening of the Center in March 2017.

*Question 12.* Where should individuals go for the most comprehensive list and information regarding banned or temporarily suspended members for your NGB?

Answer. U.S. Figure Skating's website—[www.usfigureskating.org](http://www.usfigureskating.org)

*Question 13.* Does the Center for SafeSport's website have a comprehensive list?

Answer. The Center's list reflects only those U.S. Figure Skating members who have been banned or suspended for sexual misconduct since the Center's launch in March 2017.

*Question 14.* Does your NGB's website have a comprehensive list? Please explain.

Answer. Yes. The list has been published on U.S. Figure Skating's website since 2005.

*Question 15.* If you become aware that a coach has been engaged in sexual misconduct, for example, would your first call be to law enforcement or to the Center for SafeSport?

Answer. Law Enforcement

*Question 16.* Do you ever rely on the Center for SafeSport for required reporting to law enforcement?

Answer. No

*Question 17.* Under what circumstances would you not call law enforcement at all, but only inform the Center for SafeSport?

Answer. Non-sexual and non-criminal matters would not be reported to law enforcement.

*Question 18.* If you witness or receive complaints regarding *grooming behaviors* by a member, would you report that to law enforcement or only to the Center for SafeSport?

Answer. All reports that allege behavior that could be construed as grooming would be reported to the Center. Law enforcement is also contacted depending on the nature of the alleged behavior.

*Question 19.* Under what circumstances would or have you hired an *independent investigator* to investigate a complaint?

Answer. An independent investigator would be retained if necessary to avoid a conflict of interest.

*Question 20.* How many times have you personally called law enforcement, pursuant to your mandatory reporting requirements?

Answer. None. I have not personally witnessed misconduct that would mandate that I report to law enforcement.

*Question 21.* What specific *penalties* are in place for members in your NGB who fail to report suspected child abuse to law enforcement? How many times have you imposed such penalties?

Answer. Members are subject to disciplinary action up to and including revocation of membership. In one case, a member was suspended for failing to report suspected child abuse.

*Question 22.* Has your NGB developed explicit rules that reinforce the ethical line between coaches and athletes (*i.e.*, no texting, including parents or guardians on correspondence)?

Answer. Yes.

*Question 23.* Have you developed sport-specific educational or training materials to complement the more generic U.S. Center for SafeSport training materials? Who have you worked with in developing such materials?

Answer. Yes. Child welfare and counseling experts were involved in formulating U.S. Figure Skating's Harassment and Abuse policy which was approved in May 2000. In addition, U.S. Figure Skating's Board of Directors, SafeSport Committee and Athlete Advisory Committee (AAC)—which include child welfare experts and athlete representatives—have reviewed and provided input on U.S. Figure Skating's SafeSport Handbook.

*Question 24.* Do you think it might be confusing to athletes for NGBs to have internal "SafeSport" programs and for there to also be a "U.S. Center for SafeSport" that is actually in charge of handling sexual misconduct? Can you commit today to changing the name of any existing internal "SafeSport" programs to make the distinction clear for athletes?

Answer. While some might think it is confusing, SafeSport is not just "sexual misconduct" but also includes physical misconduct, emotional misconduct, bullying, threats and harassment, hazing and willful toleration. U.S. Figure Skating would not be in favor of changing the name of its SafeSport program.

*Question 25.* At this Subcommittee's last hearing on amateur athletes, Mr. Han Xiao, Chair of the Athletes' Advisory Council testified that NGBs would intentionally circumvent athlete representatives. He recounted a variety of tactics including:

- Appointing rather than electing athlete representatives to sign documents;
- Keeping an electronic signature of the AAC representative on file to sign documents;
- Giving an AAC representative a document with very little time before a submission deadline and asking for a signature;
- And scheduling meetings such that competing athlete reps cannot attend, or removing what the NGB perceives to be a problematic athlete representative and then failing to refill the position.

Some of these tactics were employed by USA Taekwondo and documented in a 2012 Section 10 Complaint against the NGB.<sup>5</sup>

Have you ever employed any of the above listed tactics to undermine the authority and responsibilities of your NGB's athlete representatives? Will you commit to ensuring these tactics are never used again in the future? How will you ensure this?

Answer. To my knowledge, U.S. Figure Skating has never engaged in such tactics and our athlete board representatives and Athletes Advisory Committee would not tolerate such tactics. In addition, such tactics would be against U.S. Figure Skating's Code of Ethics and Code of Conduct and would be subject to disciplinary action.

*Question 26.* The USOC has argued, time and again, to be dismissed from lawsuits because it has "no control" over NGBs. In fact, the evidence shows that USOC actually exercises a significant amount of control over NGBs, like your own. Please describe what policies, procedures, or guidelines are provided to NGBs through USOC. Please also describe any financial support, staffing, or legal support received from or funded by USOC.

Answer. U.S. Figure Skating is governed by and receives its authority from the Ted Stevens Amateur Sports Act and USOC bylaws. In addition, the USOC outlines its various policies and procedures to be followed by U.S. Figure Skating in an annual "Performance Partnership Agreement" that also includes details of any funding received by U.S. Figure Skating from the USOC. Since 2005, USOC's financial contribution to U.S. Figure Skating has amounted to between 2 percent and 8 percent of U.S. Figure Skating's annual budget. Such financial contribution is earmarked solely for athlete support, either in direct payments to athletes or for programs and staff that support athletes. No funds are provided for legal support.

*Question 27.* Before the U.S. Center for SafeSport was established, did your NGB have the authority to suspend or ban a coach?

Answer. Yes.

*Question 28.* After the U.S. Center for SafeSport's establishment in March 2017, does your NGB still have the authority to independently suspend or ban a coach, even if the U.S. Center for SafeSport declines to do so?

Answer. Yes.

<sup>5</sup> <https://www.teamusa.org/-/media/TeamUSA/Documents/Legal/Arbitration—Hearing-Panel-Cases/Section-10/2011/Robinson-v-USA-Taekwondo-22712.pdf?la=en&hash=31C1EF0B6376CA5D5C73BEF0598708EA9A9040F1>

*Question 29.* In August, the Center for SafeSport declined to defend its ban of Jean Lopez, a taekwondo coach it had determined, months earlier, was engaged in a “decades long pattern of sexual misconduct.” The Center then removed him from its database of sanctioned individuals. Despite this, Steve McNally, the President and CEO of USA Taekwondo, has kept Jean Lopez on USA Taekwondo’s suspension list.<sup>6</sup> Do you think Mr. McNally’s decision was appropriate? Would you have made the same decision? Why or why not?

Answer. I cannot cast an opinion without complete information, however, Mr. McNally appears to have acted on behalf of the athlete’s safety pending full results. U.S. Figure Skating has the authority to suspend or ban a member on its own accord. U.S. Figure Skating has never reversed a ban imposed on a member.

*Question 30.* What consequences have and will you impose on member clubs that do not take your NGB’s banned and suspended lists seriously? Please explain what enforcement mechanisms you have. How often have you exercised such enforcement mechanisms? Please detail.

Answer. U.S. Figure Skating membership rules provide that any club can be placed on inactive or suspended status if it does not comply with all U.S. Figure Skating rules. Such inactive or suspended status means a club cannot host test sessions, obtain performance sanctions, obtain competition sanctions and loses its voting rights at U.S. Figure Skating’s annual Governing Council meeting. To U.S. Figure Skating’s knowledge, no banned or suspended member has been hired by a member club and therefore, no action has been taken against a club for this reason.

*Question 31.* How regularly are background checks conducted on your members?

Answer. Annual background checks are conducted on adult members in a position of authority over athletes or who have frequent contact with athletes.

*Question 32.* There are criticisms that the term “SafeSport,” according to a *Deadspin* article, was developed and trademarked by the USOC to serve as “a pleasant-sounding euphemism for a horrible set of acts.”<sup>7</sup> How you lead by example, when it comes to making sure sexual abuse is not merely swept under the rug as “SafeSport” issues?

Answer. As stated in my testimony to Congress, in May 2000, U.S. Figure Skating instituted its first ever Harassment and Abuse Policy and a mandatory reporting requirement for all its members. This requirement stated that if any form of child abuse is observed or suspected by a member, the member must immediately contact local law enforcement or a public child welfare agency and make a report. In addition, the member must also make a report to U.S. Figure Skating’s Ethics Chair. The following year, another new rule mandated publishing the identity of any banned or suspended members in *SKATING* magazine, later moving a detailed list to U.S. Figure Skating’s official website (in 2005), where it still resides today. U.S. Figure Skating has acted promptly on every incident reported to it of suspected sexual abuse or misconduct since the new policy was enacted in May 2000. Since May 2000, U.S. Figure Skating has banned 16 members for sexual misconduct, six for financial irregularities and two for ethical violations.

*Question 33.* What does a pedophile or sexual predator look like?

Answer. A pedophile or sexual predator could be anyone, anywhere.

*Question 34.* In your experience investigating sexual misconduct complaints, I’m sure you often receive character witness statements from parents and athletes themselves. Have you found that there’s any correlation between such statements and whether the individual is actually guilty? How much weight should be placed in such character witness statements? Can you commit to reducing the weight—if any—that your NGB currently places on such statements during an investigation?

Answer. Since March of 2017, the U.S. Center for SafeSport has exclusive jurisdiction for the investigation and adjudication of sexual misconduct cases, and therefore, U.S. Figure Skating has not been involved in such cases.

*Question 35.* Do you agree that it is possible for an individual to be respectful to certain individuals, and abusive toward others?

Answer. Yes.

*Question 36.* What is the process in which your NGB keeps its respective website and other publications up to date listing banned or temporarily suspended individuals by the Center for SafeSport? Does your NGB have a dedicated staff member update these lists? If so, what is the position title of said staffer? How often are these lists checked to keep current? On a daily basis?

<sup>6</sup><https://www.teamusa.org/usa-taekwondo/v2-resources/legal/usat-suspension-list>

<sup>7</sup><https://deadspin.com/safesport-the-usocs-attempt-to-stop-child-abuse-is-se-1826279217>

Answer. U.S. Figure Skating updates its suspended and banned list immediately after notice of a sanction is issued by the U.S. Center for SafeSport for cases involving sexual misconduct. U.S. Figure Skating has jurisdiction for all types of misconduct other than sexual misconduct. In situations where the sanction in other types of misconduct results in a finding by U.S. Figure Skating's Grievance Committee that a suspension or ban is warranted, the finding is written by the Grievance chair and posted by U.S. Figure Skating's Director of Communications.

*Question 37.* I understand that arbitration is the general process used by the Center for SafeSport to address disputes.

Answer. As I understand, according to the Center's rules, arbitration is used only if an appeal is made of a decision imposed by the Center.

*Question 38.* Who pays for your NGB's attorney fees in arbitration? Is it supported in any way by USOC?

Answer. U.S. Figure Skating would pay for any attorney fees, with no involvement by the USOC.

*Question 39.* Who pays for athletes' attorney fees in arbitration? Do you provide any assistance for athlete's attorney fees?

Answer. Unknown. No.

*Question 40.* What assistance do you receive from the USOC when in arbitration? What kind of legal guidance does the USOC provide in such cases?

Answer. None. None.

*Question 41.* Arbitration proceedings can be re-victimizing for survivors, who must relive their most painful memories under a grueling cross-examination. Questions asked by the opposing side have reportedly included intimate questions about an individual's personal sexual history. Do you believe such questions about an individual's sexual history relevant? How so? Can you commit to barring any such questions from further arbitration or legal proceedings?

Answer. U.S. Figure Skating has not been involved in any arbitration proceedings and cannot speculate on what is relevant or not.

*Question 42.* Former USA Swimmer and Olympic Gold medalist Nancy Hogshead-Makar has noted that women are largely missing from leadership positions throughout swimming's more competitive levels. While women represent just over 50 percent of coaches in the sport nationwide, a meager fraction of women comprise the elite ranks of the sport. As recently as 2016, the U.S. Olympic swim team had no female coaches. What, in your opinion, is the reason for the dearth of women coaching at Olympic levels, and other elite coaching levels in the sport?

Answer. U.S. Figure Skating has no knowledge of U.S. Swimming's membership. A majority of coaches in figure skating are women, and half the coaches of U.S. Figure Skating's 2018 national champions were women.

*Question 43.* Do you believe that a lack of female coaches is problematic?

Answer. U.S. Figure Skating does not have a lack of female coaches. I would not want to speculate on other sports.

*Question 44.* Do you believe that holding a Women in Coaching Task Force, or other coaching summits aimed at female coaches is sufficient to actually reduce gender disparity at elite levels? Beyond these leadership resources, what is your NGB doing to change the culture that currently stifles women leaders within sport?

Answer. U.S. Figure Skating is 73 percent female. This is not an issue in our sport.

*Question 45.* Do you agree that more female coaches at an elite level would make athletes safer?

Answer. I would not want to speculate on that.

*Question 46.* The AAC has reported concerns that the Athlete Ombudsman does not act independently of the USOC leadership. Would you agree that the Athlete Ombudsman should be moved outside the USOC structure to an Office of Inspector General or another external office?

Answer. In principle, yes, but I would want to first understand the structure of any external office.

*Question 47.* Do you believe that the U.S. Center for Safe Sport is sufficiently independent from the USOC? What conflicts of interest currently exist that prevent the Center from achieving true independence?

Answer. While the Center is independent of the USOC in its investigation and education functions, a perception will continue to exist that the Center is not fully independent from the USOC until the USOC ends its funding or is not the Center's principal funding mechanism.

*Question 48.* Do you think former employees of the USOC should be working at the U.S. Center for SafeSport? Do you understand how this would compromise the Center's independence?

Answer. In principle, I do not object, but I recognize the optics of a conflict of interest.

*Question 49.* Would you support the creation of an Office of Inspector General of office—like the oversight branches of Federal or state agencies—to independently investigate internal abuse, mismanagement or misconduct and promote efficiency and effectiveness at the USOC, U.S. Center for Safe Sport, and National Governing Bodies?

Answer. In principle, yes, but would want to understand its authority and scope of powers before fully supporting.

*Question 50.* Regarding health insurance for athletes, what criteria does your NGB use to determine which athletes receive paid health insurance coverage either through the NGB or USOC?

Answer. U.S. Figure Skating determines which athletes receive USOC paid health insurance coverage based on the following prioritized criteria:

- (1) Team members from the 2018 Olympic Winter Games, February 9–25, 2018
- (2) Team members from the 2018 World Championships, March 19–25, 2018
- (3) Medalists at the 2017 Grand Prix Final, December 7–10, 2017 (highest ranked, by medal, athlete(s) receives the slot(s))

*Question 51.* What percentage of the cost of this health insurance coverage are your respective athletes or their families responsible for?

Answer. In most cases, between 0 percent—10 percent with a minimal co-pay.

*Question 52.* What percentage of your athletes receive health insurance through the Elite Athlete Health Insurance (EAHI) plan ("EAHI" is the correct term, not "EHIP")? Does this program cover sports-or competition-related injuries? Does this program cover non-competition-related injuries?

Answer. Approximately 17 percent of U.S. Figure Skating's international pool of athletes are eligible for EAHI.

EAHI covers non-competition related medical needs, but U.S. Figure Skating provides secondary accident insurance for most sports-related injuries.

*Question 53.* Does your NGB terminate the insurance of athletes whose injuries may impact their competition status? If so, how much notice is provided to the athlete?

Answer. U.S. Figure Skating does not terminate EAHI coverage of an eligible athlete during a season. Eligibility for EAHI is determined each season by written criteria.

*Question 54.* Please describe any other NGB-or USOC-sanctioned health insurance programs available to member athletes and whether those programs are paid for by the NGB or USOC.

Answer. U.S. Figure Skating provides at its expense excess medical coverage for participants in figure skating events and practices sponsored, sanctioned and supervised by U.S. Figure Skating and U.S. Figure Skating member clubs. Select elite athletes also have access to USOC clinics and providers, based on a minimal copay. In addition, U.S. Figure Skating provides for accident and sickness coverage at its expense (including competition related injuries) for all athletes and delegation members while representing Team USA at international competitions.

*Question 55.* Does this health insurance program provide coverage for mental health services? Do you believe that mental health services are important for athletes? Do you believe that it is or should be your NGB's responsibility to provide mental health services and coverage for athletes?

Answer. EAHI includes mental health coverage. Yes, mental health services are important to athletes. An NGB should use its best efforts to include mental health coverage within any coverage it provides.

*Question 56.* Beyond insurance coverage, what mental health services does your respective NGB currently provide for athletes? Are these services available to all athletes under the NGB's purview, or just athletes at elite levels? What can your NGB specifically do to improve your athlete wellness and mental health support services for athletes?

Answer. Currently, for U.S. Figure Skating's international pool of athletes, the following are available:

- One-on-one consultations and ongoing access for identified athletes as named in the USOC approved high performance plan (typically Grand Prix competitors).

- One-on-one consultations at several high level summer competitions for athletes competing internationally.
- Educational presentations for International athletes at summer camps and U.S. Championships
- Ongoing discussion with professionals and coaches at various seminars

All NGBs can promote athlete wellness and mental health support services for athletes by promoting existing educational programs such as those provided by the Centers for Disease Control and the American College of Sports Medicine.

*Question 57.* What is the process for an athlete at your NGB to take advantage of these mental health services—for example, do they have to first notify their coach or an executive at your NGB? Do you think that in cases regarding mental health services, it is appropriate to require an athlete to first notify their coach or NGB leadership of a potential mental health problem before receiving treatment or assistance? Do you agree that such a policy places athletes in a position where they can potentially be retaliated against, or further abused? Do you agree that at the very least, such a policy could prevent athletes from coming forward to take advantage of critical mental health services?

Answer. Identified athletes are assigned a USOC-contracted or USOC professional at the beginning of each season or may choose their own. Once introduced, they do not need to notify their coach or NGB.

I personally do not believe it would be appropriate to have an athlete be required to notify a person in authority to receive any appropriate mental health care.

*Question 58.* What was your NGB's total budget in Fiscal Year 2017?

Answer. Approximately \$18 million.

*Question 59.* How much (dollar amount or percentage) of the budget came from the USOC either directly or in the form of grants?

Answer. Approximately 6 percent.

*Question 60.* What percentage of your budget goes to direct athlete support in the form of a stipend? How many athletes receive a stipend?

Answer. Approximately 6 percent. Approximately 60 athletes.

*Question 61.* Does USOC have any role in budgeting decisions within your NGB?

Answer. No.

*Question 62.* Does your current NGB budget limit your ability to provide services to athletes? Does it limit your ability to implement and adhere to Center for Safe Sport policy, or to conduct thorough internal investigations on complaints of misconduct?

Answer. No. No.

*Question 63.* Does USOC have the ability to direct your NGB in making decisions related to Olympic competition?

Answer. The USOC approves the criteria for the athlete selection process for the Olympic Games and subsequently those athletes nominated by U.S. Figure Skating to compete in the Olympic Games. The USOC has no other involvement with U.S. Figure Skating's decisions related to the Olympic Games.

*Question 64.* Does your NGB have a "two-deep" policy, so that an adult is never alone with an athlete? Why or why not? Have you considered such a policy?

Answer. Yes, to safeguard the athlete.

*Question 65.* Has USOC ever asked NGBs to consider a "two-deep" policy?

Answer. I have been told by U.S. Figure Skating staff that the USOC first recommended a "two-deep" policy in a SafeSport handbook template distributed by the USOC to NGBs in the fall of 2012.

*Question 66.* Most child-safety experts recommend a policy of not texting a minor individually. In other words, coaches can text others in a group, or can include parents on the text, but should not text athletes individually. Why hasn't your NGB adopted such a policy to ensure inappropriate conversations are not taking place?

Answer. U.S. Figure Skating has such a policy as part of its "Two-Deep Leadership" policy.

*Question 67.* One problem that I have continually witnessed during this investigation is that the USOC, the Center for SafeSport and NGBs have a tendency to put a fresh coat of paint on something, without actually resolving the problem at hand. We've seen this in new branding initiatives, which sometimes have euphemistic names to make it seem like an organization is tackling a problem.

During your testimony, you mentioned a program U.S. Figure Skating has started, called "Your Voice." You displayed a T-Shirt with the slogan during the hearing.

Is Your Voice just another way to put a fresh coat of paint on a problem with flashy branding to give the impression that USFSA is addressing abuse?

Answer. No. The “Your Voice” awareness campaign is designed to empower the athletes themselves. One of the overriding issues in reporting sexual misconduct and/or abuse is the silence of the victim. The “Your Voice” campaign is designed to empower victims to report any sexual misconduct and/or abuse.

*Question 68.* How specifically is the Your Voice campaign attempting to prevent abuse, or provide an avenue for reporting abuse?

Answer. The very essence of the “Your Voice” Campaign is to empower athletes to use their voice to report abuse or suspected abuse.

*Question 69.* How much is this new campaign costing USFSA?

Answer. Although the dollar amount of the campaign is irrelevant to its effectiveness because of the use of volunteers and Olympic athletes to promote the “Your Voice” campaign, currently, about \$14,000 has been spent on the campaign for the purchase of tangible products to be given out by volunteers to further promote the campaign: 300 T-shirts, 50,000 stickers and 1,500 posters.

*Question 70.* Is USFSA changing any specific policy, or providing any financial resources to local clubs or elite levels to support this campaign?

Answer. The goal of the “Your Voice” campaign is to empower and encourage young athletes to speak up when they suspect something wrong. The “Your Voice” campaign is currently in Phase II. The campaign’s tagline: *Your Voice is Powerful. . . Say Something. To a parent. To a friend. To a trusted adult.* A brief description of each phase of the campaign follows:

- Phase I: In their own words (video and print), Olympic athletes shared stories and gave advice regarding the six types of abuse and misconduct (physical, emotional, sexual; bullying, threats and harassment; hazing; willfully tolerating misconduct).
- Phase II: Athlete members of Team USA, the ISP, synchro’s DREAM program and the Athletes Advisory Committee agreed to be the first Athlete Ambassadors of the “Your Voice” program. Each Athlete Ambassador selects two young skaters at their training rink for their positive leadership skills. After explaining the tenets of the campaign, the young skaters also become Athlete Ambassadors and are presented with “Your Voice” T-shirts. The young athletes also receive material to share with parents.
- Phase III (December): Club members are encouraged to become Athlete Ambassadors, showing their support by adhering free “Your Voice” stickers on their water bottles, phones, laptops, etc. For a minimal cost, customizable “Your Voice” T-shirts will be available for members to personalize and let everyone know their Club supports the power of Athlete’s voices.

*Question 71.* Can you provide further information about specific policy changes USFSA has made to prevent sexual abuse and protect athletes at all levels of competition?

Answer. My written testimony outlines what U.S. Figure Skating has done since 2000. In addition, since the Center began in 2017, U.S. Figure Skating has:

- Expanded required background checks to include all who come in frequent contact with athletes, such as U.S. Figure Skating employees, Board of Directors, medical providers, camp faculty, etc. This season, also included all volunteer officials, such as judges.
- Hired Staff Counsel to administer SafeSport program, manage SafeSport reports and cases, and to act as U.S. Figure Skating liaison to U.S. Center for SafeSport.
- Approved an annual minimum of \$100,000 for additional SafeSport initiatives and education
- With athlete guidance, launched grassroots awareness campaign (“Your Voice”) inspired and supported by the AAC and Team USA athletes
- Implemented an online reporting form as a third mechanism to report abuse or harassment.
- Automated SafeSport compliance reporting for those roles required to pass background check and complete SafeSport Training.
- Updated U.S. Figure Skating’s SafeSport Program Handbook, emphasizing “Two-Deep Leadership,” locker room and travel policies

*Question 72.* During the hearing, when I asked whether you would voluntarily commit to increasing athlete representation to a majority on your boards and com-

mittees to ensure that their voices and concerns are heard, you answered that you would want to research the idea further. Two weeks later, can you now commit to increasing athlete representation to 51 percent on the USFSA Board and its committees? Do you believe that increasing the age eligibility for athletes, allowing older athletes to participate on the Board would satisfy your concerns with athlete experience?

Answer. I stand by my testimony. With respect to athlete experience, currently, 14 of 15 U.S. Figure Skating voting board members are athletes or former athletes. Changing the definition of an athlete would need thorough review.

*Question 73.* What percentage of the 2018–19 operating budget is earmarked for direct athlete support?

Answer. More than 80 percent of U.S. Figure Skating’s 2018–19 operating budget supports athlete programs. Regarding U.S. Figure Skating’s international pool of athletes and national team, approximately 17 percent of the annual budget is earmarked specifically for these elite athletes.

*Question 74.* What is your current salary? And by contrast, how much money has the USFSA committed to national team athlete support for the 2018–19 season?

Answer. I receive no salary as president of U.S. Figure Skating. As president, I volunteer an average of 30–40 hours per week to the organization. Athlete support is answered above.

*Question 75.* Is U.S. Figure Skating currently spending money on any lobbying, or government affairs work? If yes, what are they advocating on behalf of?

Answer. No.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO ANNE CAMMETT

*Question.* Included in your written testimony is a policy suggestion for creating a national database of banned and suspended persons. In your view, what entity or individual is best positioned to develop, administer and enforce such a database? In your opinion, should such a database be shared with law enforcement, school districts or State governments?

Answer. The U.S. Center for SafeSport is the entity best positioned to develop and administer a national database of banned and suspended persons. Any such national database of banned and suspended persons should be shared with as many entities as possible and available to the public.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO TO ANNE CAMMETT

*Question 1.* Athlete and Community Engagement: To what extent are you personally—and your leadership and staff—actively engaging with both the Athletes’ Advisory Council and victims of sexual abuse to help direct your programming to stamp out a culture of abuse that enabled predators to target athletes?

Answer. There are four members of U.S. Figure Skating’s Athlete Advisory Committee (AAC) on U.S. Figure Skating’s 15-member board of directors, which I chair as president. This ensures the AAC is actively involved in developing Athlete Protection policies.

Most recently, the entire 50-member AAC was involved in the revision and updating of the U.S. Figure Skating SafeSport Handbook. Individual input and discussion were key in the process and resulted in a unanimous approval by the AAC, SafeSport Committee and board of directors.

The AAC also has been an active participant in the U.S. Figure Skating SafeSport awareness campaign, “Your Voice.” In addition, the 50-member AAC (along with other U.S. Figure Skating athlete groups) is participating in Phase II of the Your Voice program, which has these role-model athletes selecting young “Athlete Ambassadors” at their own rinks to bring the message of the campaign to the grassroots level. (More on the awareness campaign in Question 3.)

*Question 2.* Are you engaging with elite-level athletes who are victims of sexual abuse to help direct your programs away from this widely reported culture of abuse that enabled predators?

Answer. U.S. Figure Skating has an open dialogue with all athlete survivors.

*Question 3.* How do you empower athlete voices in your NGB?

Answer. As stated in the answer to Question 1, the AAC has four seats on U.S. Figure Skating’s 15-member board of directors and is very active in committees and

working groups. In addition, the AAC is actively engaged in the U.S. Figure Skating SafeSport awareness campaign, “Your Voice.” The goal of the “Your Voice” campaign is to empower and encourage young athletes to speak up when they suspect something wrong. The “Your Voice” campaign is currently in Phase II. The campaign’s tagline: *Your Voice is Powerful. . . Say Something. To a parent. To a friend. To a trusted adult.* A brief description of each phase of the campaign follows:

- Phase I: In their own words (video and print), Olympic athletes shared stories and gave advice regarding the six types of abuse and misconduct (physical, emotional, sexual; bullying, threats and harassment; hazing; willfully tolerating misconduct).
- Phase II: Athlete members of Team USA, the ISP, synchro’s DREAM program and the Athletes Advisory Committee agreed to be the first Athlete Ambassadors of the “Your Voice” program. Each Athlete Ambassador selects two young skaters at their training rink for their positive leadership skills. After explaining the tenets of the campaign, the young skaters also become Athlete Ambassadors and are presented with “Your Voice” T-shirts. The young athletes also receive material to share with parents.
- Phase III (December): Club members are encouraged to become Athlete Ambassadors, showing their support by adhering free “Your Voice” stickers on their water bottles, phones, laptops, etc. For a minimal cost, customizable “Your Voice” T-shirts will be available for members to personalize and let everyone know their Club supports the power of Athlete’s voices.

*Question 4.* What changes are you implementing internally to ensure that you are using athlete perspectives to drive some of your decision making?

Answer. Since 1983, U.S. Figure Skating has had strong athlete representation through its AAC. In addition, (as previously stated) there are four members of U.S. Figure Skating’s AAC on U.S. Figure Skating’s 15-member board of directors. Most recently, the entire 50-member AAC was involved in the revision and updating of the U.S. Figure Skating SafeSport Handbook. Athletes have had and continue to have a strong voice in U.S. Figure Skating decision-making.

*Question 5.* Do you think that there are trust issues between athletes and administrators?

Answer. I don’t believe there are trust issues at U.S. Figure Skating between athletes and administrators. In my experience, our high-performance athletes are unabashed in sharing their views and directly offer opinions and suggestions.

In addition, U.S. Figure Skating athletes competing in international events have received post-event surveys that ask them to anonymously evaluate Team Leaders, medical providers and officials since 2001. The comment section allows for elaboration. This communication tool allows honest feedback and a vehicle to express and communicate any issues.

*Question 6.* How do you prevent retaliation against athletes who provide their opinions?

Answer. U.S. Figure Skating has a policy prohibiting retaliation for reporting misconduct issues and for filing grievance complaints.

*Question 7.* Do you feel the USOC has equally encouraged or created partnerships with survivors and advocates? If so, please provide examples.

Answer. I am unaware of any partnerships.

*Question 8.* Do you currently employ a full-time staff member with sufficient professional knowledge and experience with victims of severe emotional, physical and sexual abuse? If so, please identify that person and their role.

Answer. U.S. Figure Skating dedicates its Staff Counsel with assistance from two senior directors to our SafeSport program. In addition, U.S. Figure Skating is in the process of hiring a SafeSport Education Outreach Director. The ideal candidate will have a psychology or social work degree and clinical experience with victims of emotional, physical and sexual abuse.

*Question 9.* Safesport: The Center for SafeSport must succeed. I think from all the testimony we have received during these hearings, and in many of my private meetings with survivors, advocates, leadership in sport including NGB’s, the USOC, and Safe Sport, we know that we must stimulate a culture of reporting. In 2017 testimony offered by Mr. Rick Adams, of the USOC, he said there was an “. . . environment that discouraged victims from reporting abuse. . .” at NGBs.

Do you agree with Mr. Adams’ assessment of the culture within your organization prior to your tenure?

Answer. I do not believe that U.S. Figure Skating has had an environment that discourages victims from reporting abuse. U.S. Figure Skating has mandated report-

ing since May 2000 when it promulgated General Rule 1.03, which mandates members to report suspected child abuse to local law enforcement or a public child welfare agency. Anyone under the jurisdiction of U.S. Figure Skating who fails to report is subject to disciplinary action. In addition, U.S. Figure Skating has a policy prohibiting retaliation for reporting misconduct.

*Question 10.* Since taking over, have you implemented any specific changes to address this “environment” that “discouraged victims from reporting abuse”?

Answer. See answer to Question 9 above.

*Question 11.* What are you doing to change the culture within your sport and community?

Answer. U.S. Figure Skating believes strongly in empowering the athletes themselves to protect against abuse and sexual misconduct. Our “Your Voice” campaign is reaching our youngest athletes, empowering them to speak up.

*Question 12.* What are you doing to make sure that coaches and other staff members do not have unhealthy levels of power, authority or influence over athletes and their families?

Answer. U.S. Figure Skating has a decentralized training system. Athletes (and their families) select the coaches who train them. I believe this decentralized system diminishes the unhealthy levels of power that other sports face with a centralized training system and/or a national team coaching staff.

*Question 13.* What are you doing to educate parents and family of members of your membership to take athlete abuse issues seriously and teach them the value of SafeSport programs?

Answer. U.S. Figure Skating conducts SafeSport webinars, in-person presentations and requires a SafeSport Compliance Chair for each member club. Monthly SafeSport articles are featured in SKATING magazine and the Professional Skaters Association magazine. Every member (and the public) has access to the SafeSport Handbook. Lastly, there is parent-specific training provided by the U.S. Center for SafeSport that U.S. Figure Skating promotes to its members.

*Question 14.* Does SafeSport recommend the most direct way for the USOC to communicate their material to all of their NGB’s and on to the member clubs?

Answer. At this time, I am unaware of any such recommendations.

*Question 15.* What have you found is the best way to share, post, or disseminate SafeSport information?

Answer. With such a diverse membership, ranging from age 3 to 93, U.S. Figure Skating uses a variety of means to share SafeSport information: Social media platforms; organizational website; e-blasts; SKATING magazine; in-person presentations; webinars; in-arena announcements, public service announcements and rink boards (signs along the internal walls of ice skating rinks).

*Question 16.* When SafeSport recommends an interim suspension, what steps does your organization take to enforce that interim measure with limited information?

Answer. U.S. Figure Skating immediately suspends the membership of the individual. In addition, we post the suspension on our public website, and we contact the member clubs in the region where the individual resides.

*Question 17.* What are the access points in your organization for athletes to report misconduct—either physical, emotional, or financial?

Answer. *U.S. Figure Skating*

- Direct phone call to U.S. Figure Skating SafeSport Staff Counsel: 719.635.5200
- Online reporting form: [www.USFigureSkating.org/SafeSport](http://www.USFigureSkating.org/SafeSport)
- E-mail: [SafeSport@USFigureSkating.org](mailto:SafeSport@USFigureSkating.org)

*U.S. Center for SafeSport*

- Online reporting form: [safesport.org](http://safesport.org)
- Phone: 720.524.5640

All reports may be anonymous.

*Question 18.* How do you minimize conflicts of interest within those reporting channels?

Answer. U.S. Figure Skating has a rule and a process for members, leadership and staff to follow in the event of a real or perceived conflict of interest. In addition, U.S. Figure Skating’s staff counsel is the case manager for all reports. Staff counsel does not have any personal involvement in the sport and has no overlap with the competition or participation side of the organization.

U.S. Figure Skating’s Ethics, Grievance and SafeSport committees are comprised of working professionals from the fields of law, medicine and child welfare. Each

sign a conflict-of-interest agreement that requires disclosure and recusal upon the majority vote of disinterested committee members.

*Question 19.* Protection and Removal: What direct action is your organization taking not only to identify, but also to remove coaches, athlete directors, employees, and officials who witnessed either emotional or physical abuse of athletes and did nothing to stop it or report it to authorities?

Answer. U.S. Figure Skating's mandatory reporting rule, in place since 2000, and code of conduct hold all accountable. Failure to report subjects a member to sanction up to, and including, membership suspension.

*Question 20.* What are the biggest challenges for your member clubs to be able to adhere to the SafeSport minimum requirements?

Answer. U.S. Figure Skating clubs are led by volunteers. Sanctioned events are, for the most part, staffed by volunteers who serve a variety of roles with respect to the conduct of events. Compliance with all SafeSport requirements at all local levels, particularly with volunteer turnover and some volunteers only working single events, can create challenges.

Also, the vast majority of ice rinks are private businesses that are not owned or operated by U.S. Figure Skating and its member clubs.

*Question 21.* What do you believe are the explicit protections you are directed to uphold and where do they apply to?

Answer. U.S. Figure Skating adheres to USOC-directed Athlete Protection policies, the U.S. Center for SafeSport's Code and policies and procedures as well as federal, state and local laws.

*Question 22.* Does that duty cover only Olympic events and training centers?

Answer. U.S. Figure Skating's Athlete Protection policies apply at all U.S. Figure Skating-sanctioned events and activities.

*Question 23.* Does that duty extend to off-site venues? Member clubs? Member events?

Answer. See the answer to Question 22 above.

*Question 24.* What individual is most responsible for that protection?

Answer. All U.S. Figure Skating members are responsible for protecting our athletes. From a staff standpoint, U.S. Figure Skating's Staff Counsel oversees U.S. Figure Skating's SafeSport program, with oversight by U.S. Figure Skating's SafeSport Committee and Board of Directors.

*Question 25.* What are your challenges, if any, to hiring additional staff that are experts with survivors of sexual abuse?

Answer. None. U.S. Figure Skating is in the process of hiring a full-time SafeSport Education Outreach Director who ideally will have a psychology or social work degree and clinical experience with victims of emotional, physical and sexual abuse.

*Question 26.* Ban Lists: Susanne Lyons, former Acting CEO and upcoming Board Chair of the USOC, said in her hearing testimony before the House Commerce Committee in May, that she committed to looking into creating and enforcement requirements that "ban lists" be made publicly available. I know a number of your organizations do post those lists.

Has the USOC made any such requirements of your organization?

Answer. No. U.S. Figure Skating has published its suspended and banned list since 2001.

*Question 27.* What direct requirements or requests have come from the USOC since the May testimony with regard to the NGB's publishing accessible lists of all banned individuals?

Answer. We have been responsive to all requests for information from the USOC but no requirements have come from the USOC regarding the publishing of accessible lists of all banned individuals.

*Question 28.* Do these ban list's work? What could be done to best disseminate this information?

Answer. Banned lists prohibit membership from U.S. Figure Skating, so it has been effective keeping those who are banned from participating in U.S. Figure Skating-sanctioned events. The U.S. Center for SafeSport is the entity best positioned to develop and administer a national database of banned and suspended persons. Any such national database of banned and suspended persons should be shared with as many entities as possible and available to the public.

*Question 29.* What are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list?

Answer. I am unaware of any consequence based on a USOC directive. However, hiring a banned or suspended coach is prohibited under U.S. Figure Skating rules. The consequences are up to and including revocation of membership or suspension of a Club from participating in U.S. Figure Skating-sanctioned events and activities.

*Question 30.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB's?

Answer. I am unaware of any demand from the USOC, but USOC bylaws require an NGB to follow all rules and requirements of the U.S. Center for SafeSport. If a member is banned by the Center or U.S. Figure Skating, that member cannot participate in any U.S. Figure Skating-sanctioned event or activity and U.S. Figure Skating strictly enforces such ban.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
TIMOTHY HINCHEY III

*Question 1.* How have the recent reforms provided by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act impacted your National Governing Body (NGB) from a structural and resource perspective?

Answer. Prior to the passage of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act ("Act"), USA Swimming had policies and procedures in place now required by the Act for: reporting allegations of child sexual abuse to law enforcement, adhering to the U.S. Center for SafeSport's Code, reasonably limiting one-on-one interactions between minor athletes and adults, prohibiting retaliation, and notifying local swim clubs of any alleged Code of Conduct violations by a swim club member, among other things.

*Question 2.* Have you hired additional personnel to help review cases, implement training, education and outreach? Please elaborate on how this is being implemented.

Answer. Since the passage of the Act, USA Swimming has hired a Safe Sport Coordinator, who shares certain responsibilities with the Safe Sport Senior Manager, including case review, training, education and outreach. However, USA Swimming generally has maintained two full-time professionals dedicated to these efforts since late 2011 (See USA Swimming Safe Sport Team Bios: <https://www.usaswimming.org/articles-landing-page/2017/02/10/protect>).

USA Swimming also employs two lawyers, an education specialist, risk manager, background check program coordinator, and administrative assistant who dedicate a portion of their time to the organization's Safe Sport program, including in the areas of case review, training, education and outreach.

*Question 3.* Does your NGB have internal protocols/procedures to investigate allegations that are not sexual abuse (*i.e.*, drug use, bullying, fraud, etc.)? Do you refer cases that are not sexual abuse to the Center for SafeSport?

Answer. Yes, Articles 3 and 4 in USA Swimming's Rulebook address the internal protocols and procedures used to investigate allegations that do not involve sexual abuse. USA Swimming has referred a limited number of cases that are not sexual in nature to the U.S. Center for SafeSport, including, for example, where there may be an existing or perceived conflict of interest.

*Question 4.* How does the total revenue of your NGB compare to the others? What portion of your revenue comes from the U.S. Olympic Committee (USOC)?

Answer. USA Swimming is among the top revenue-generating National Governing Bodies. In Fiscal Year 2017, approximately 13.1 percent of our revenue (\$5,259,700 of \$40,074,817) came from the USOC.

*Question 5.* Based on your NGB's experiences in handling abuse allegations, did the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act provide the necessary authorities to the Center for SafeSport and NGBs to address abuse allegations? If there are shortcomings, please identify them.

Answer. USA Swimming embraces its obligations under the Act, and I am not familiar with any deficiency in the authority granted by the Act to the U.S. Center for SafeSport and NGBs to address abuse allegations. While USA Swimming supports the U.S. Center for Safe Sport and is fully committed to its success, we believe that the Center and NGBs must have sufficient resources in order to effectively exercise such authority.

*Question 6.* Our subcommittee has heard from many survivors regarding Larry Nassar's sexual abuse under the guise of medical treatment. It is clear that centralizing all of the medical oversight, expertise and access in one individual for a lengthy period of time was a major factor that helped facilitate the abuse by Nassar.

Has your NGB updated its medical policies and procedures to prevent this from happening? If so, how have you implemented these safeguards and how has the structure of your medical staff changed?

Answer. USA Swimming does not allow one individual to make all medical decisions regarding an athlete; instead, there is collaboration among the USA Swimming Director of Sports Medicine, the United States Olympic Committee Sports Medicine Network, and the volunteer USA Swimming Sport Medicine Network to assess each case and provide relevant options for medical treatment. Athletes (and their parents) then make their own medical decisions and proceed in the manner they feel most comfortable.

In addition, there is a rotation of volunteer medical providers from the USA Swimming Network that travels or provides coverage at our USA Swimming sanctioned events. This allows USA Swimming to have a diverse network of providers.

*Question 7.* In the wake of the Larry Nassar sexual abuse scandal, what policies and procedures have you put in place regarding access, retention and preservation of athlete's medical records? Have you provided those policies to USOC?

Answer. All USA Swimming medical records are housed in the USOC electronic medical records system ("EMR") and have been since the USOC created EMR. For USOC sanctioned events, all medical documentation and medical care provisions must be documented in EMR. Access to these records are open to the health care providers who are providing coverage for that specific event.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO  
TIMOTHY HINCHEY III

*Question 1.* First, I want to start off by saying I admire the bravery of the athletes who have come before this Committee previously to share their story. As a father and grandfather, I know that what happened to them is every parent's worst nightmare. We live to protect our children, and it is disgusting to me that the individuals that they reported abuse to didn't protect them.

Have you engaged with sexual assault survivor advocacy organizations to have them review and suggest improvements to your policies and procedures to ensure with certainty that your athletes are protected from abuse?

Answer. Yes, USA Swimming has retained Praesidium, a national leader in preventing sexual abuse within organizations (<https://praesidiuminc.com>), to review and evaluate the substance of our policies and procedures to ensure they are as effective as possible. This initiative was undertaken in direct response to feedback we received regarding our educational materials, including by survivors of sexual abuse within the sport. Our policies and procedures were also developed based on resources and feedback provided by the Child Welfare League of America, Centers for Disease Control and Prevention, and the National Center for Missing and Exploited Children.

*Question 2.* What surveys or other tools have you implemented to determine and measure whether your athletes feel empowered to report abuse? How recently were these surveys conducted?

Answer. USA Swimming has not conducted formal surveys to determine whether athletes feel empowered to report abuse, but we have engaged with athletes on this topic through in-person meetings. For example, in April, I addressed our athlete protection program at the Athlete Leadership Summit, which was attended by 120 swimmers aged 15–18. In September, I attended a Safe Sport Committee meeting, where a group of dedicated volunteers, including athletes, addressed various ways to enhance the organization's athlete protection efforts and promote reporting. I have also had a number of face-to-face meetings with survivors of abuse and with our elite level athletes to receive feedback and share ideas. USA Swimming recognizes the value of expanding the sample size and demographics of those from whom it solicits feedback and will be pursuing additional opportunities to do so going forward.

*Question 3.* How are your organizations ensuring young athletes understand what type of behavior from coaches or other adults is inappropriate and should be reported?

Answer. Since 2013, USA Swimming has offered free Safe Sport athlete education. USA Swimming has also developed supplemental resources, including, for example, scenario-based trainings and activity books, to educate athletes on the types of behavior that are inappropriate and should be reported. Since May 28, 2018, USA Swimming has trained over 400 individuals—including coaches, athletes, and par-

ents—in in-person workshops offered at member club visits to the Olympic Training Center, Regional Coaches Clinics, and national programs.

USA Swimming is also in preliminary discussions with one of our largest team management platforms to push Safe Sport content through team websites to team administrators and parents. This is a watershed opportunity for our athlete protection program, whose key audience is swim parents, even though parents are not typically members and therefore more challenging to reach.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
TIMOTHY HINCHEY III

*Question 1.* Currently, amateur athletes are only eligible for up to 10 years after their last qualifying international competition to represent athletes on NGB or USOC boards. Athlete advocates have called for this 10-year requirement to be relaxed, so that older, possibly retired athletes who have more professional experience, time, and resources, may contribute their expertise. Would you support expanding the eligibility?

Answer. Yes.

*Question 2.* Provided that eligibility for athlete representation is expanded, would you support ensuring that the membership and voting power held by such amateur athletes is not less than 50 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation?

Answer. It would depend on how the eligibility for athlete representation is expanded, but there are circumstances in which I would support athletes holding at least 50 percent of Board and committee membership and voting power.

*Question 3.* Please explain any factors preventing you from changing your NGB's bylaws to 1) increase the percent of athlete representation on your board, and 2) allow for older former amateur athletes who may have more professional experience to serve on boards. If there are no factors preventing you from making these changes, please explain why you have not or will not in the near future.

Answer. There is nothing that prohibits more than 20 percent athlete representation on our Board of Directors or older former amateur athletes who may have more professional experience to serve on boards. In fact, a number of our newly-elected Board members are exactly that.

*Question 4.* Please explain your NGB's process for changing bylaws, ethical codes, and any other policies or procedures.

Answer. The majority of bylaw changes are determined by a majority vote of the Board of Directors. Board policies are determined by a majority vote of the Board of Directors. Other organizational rules (including its Code of Conduct) generally are determined by a majority vote of the House of Delegates. Operational policies are determined by a majority vote of the staff Strategy Team (CEO, COO, CMO, CFO and General Counsel/VP of Business Affairs).

*Question 5.* Are you committed to making sure half of coaches at protected competitions are women? If yes, how do you plan to accomplish that?

Answer. We cannot guarantee that half of coaches at protected competitions are women; however, we are committed to putting resources and a framework in place to ensure that all women coaches can have the level of career development they so desire.

*Question 6.* Given USOC's oversight relationship with NGBs and since NGBs are required to follow guidelines and requirements set forth by USOC, would you agree that USOC is liable for its oversight of NGBs and how effectively they promote athlete safety? Why or why not?

Answer. Yes, if the USOC is going to impose requirements on the NGBs, it has a responsibility to ensure those requirements are effective and are being met.

*Question 7.* Would you support the Athletes' Advisory Council having a vote on USOC's Board?

Answer. Yes.

*Question 8.* Would you support the Multi-Sport Organization Council having a vote on USOC's Board?

Answer. I am not sufficiently familiar with the Multi-Sport Organization Council to know whether or not it would be appropriate for the Multi-Sport Organization Council to have a seat on the USOC's Board.

*Question 9.* If the U.S. Center for SafeSport declines to add an individual to its banned or temporarily suspended lists, what authority does your NGB have to independently take such action?

Answer. It is my understanding that once the U.S. Center for SafeSport (the “Center”) assumes jurisdiction over an individual or matter, the NGB is not permitted to take independent action. So, the NGB’s authority to independently act is somewhat contingent upon whether or not the Center has exercised its exclusive jurisdiction over a matter.

*Question 10.* Is it true that if NGB membership is given up before disciplinary action is taken, you can escape being placed on your NGB’s disciplinary records?

Answer. No. USA Swimming has routinely pursued disciplinary action against former members.

*Question 11.* How can banned lists—whether on NGBs sites or the Center for SafeSport’s records—be made more useful for athletes, parents, clubs? How in sync are the Center for SafeSport and NGB’s lists?

Answer. Banned lists can be made more useful by improving accessibility, searchability, and providing specific, consolidated information (*i.e.*, one list for all sports). Currently, USA Swimming is working with the U.S. Center for SafeSport to align differing practices<sup>8</sup> and ensure that our lists are in sync.

*Question 12.* Where should individuals go for the most comprehensive list and information regarding banned or temporarily suspended members for your NGB? Does the Center for SafeSport’s website have a comprehensive list? Does your NGB’s website have a comprehensive list? Please explain.

Answer. Individuals should reference USA Swimming’s published lists of suspended individuals for the most comprehensive list and information regarding banned or temporarily suspended members. The U.S. Center for SafeSport’s (the “Center”) list only contains the names of those suspended by the Center (dates back to July 1, 2017). There are currently some names of USA Swimming members published on the Center’s list but not USA Swimming’s due to USA Swimming’s practice of waiting for a decision to be final before posting and the Center’s practice of posting immediately upon imposition of a suspension.<sup>9</sup> We are working with the Center to align these practices and anticipate that it will be accomplished shortly.

*Question 13.* If you become aware that a coach has been engaged in sexual misconduct, for example, would your first call be to law enforcement or to the Center for SafeSport?

Answer. It is USA Swimming’s practice to first contact law enforcement, then the U.S. Center for SafeSport.

*Question 14.* Do you ever rely on the Center for SafeSport for required reporting to law enforcement? Under what circumstances would you not call law enforcement at all, but only inform the Center for SafeSport?

Answer. Because USA Swimming’s first call is to law enforcement and not the U.S. Center for SafeSport (the “Center”), we do not rely on the Center for reporting to law enforcement. However, where a matter is first reported to the Center and not USA Swimming, USA Swimming will rely on the Center’s representation that the matter has already been referred to law enforcement.

*Question 15.* If you witness or receive complaints regarding grooming behaviors by a member, would you report that to law enforcement, or only to the Center for SafeSport?

Answer. It would depend on the specific allegations. If the specific allegations involve possible criminal conduct or any obvious step towards criminal conduct, we would report that to law enforcement.

*Question 16.* Under what circumstances would or have you hired an independent investigator to investigate a complaint?

Answer. USA Swimming would likely hire an independent investigator to investigate a complaint of an alleged Code of Conduct violation under certain circumstances in which there wasn’t a clear, *per se* violation (*e.g.*, the existence of criminal charges).

<sup>8</sup> Although USA Swimming waits for a decision to be final before posting (*e.g.*, the opportunity to appeal has expired), it immediately notifies the relevant club and Local Swim Committee and updates its online member database in order to ensure the suspension can be enforced while the appeal process runs.

<sup>9</sup> Although USA Swimming waits for a decision to be final before posting (*e.g.*, the opportunity to appeal has expired), it immediately notifies the relevant club and Local Swim Committee and updates its online member database in order to ensure the suspension can be enforced while the appeal process runs.

*Question 17.* How many times have you personally called law enforcement, pursuant to your mandatory reporting requirements?

Answer. I personally have not reported to law enforcement, as complaints come in to our Safe Sport staff.

*Question 18.* What specific penalties are in place for members in your NGB who fail to report suspected child abuse to law enforcement? How many times have you imposed such penalties?

Answer. USA Swimming has had a mandatory reporting requirement since 2010 (see Article 306 of USA Swimming's Rules). There has been a circumstance where USA Swimming could demonstrate that two individuals affiliated with a USA Swimming member club knew of the alleged abuse and failed to report it. Based on the factual circumstances of that situation, both were subject to fine and an education requirement. In other circumstances, USA Swimming could reasonably foresee requesting a suspension or ban from membership. Further, now that the Protecting Young Children from Sexual Abuse and Safe Sport Authorization Act requires USA Swimming members to report suspected child abuse to law enforcement within 24 hours (regardless of state law), we will work with law enforcement to ensure appropriate enforcement of the law, in addition to our rules.

*Question 19.* Has your NGB developed explicit rules that reinforce the ethical line between coaches and athletes (*i.e.*, no texting, including parents or guardians on correspondence)?

Answer. Yes.

*Question 20.* Have you developed sport-specific educational or training materials to complement the more generic U.S. Center for SafeSport training materials? Who have you worked with in developing such materials?

Answer. Yes, USA Swimming has retained Praesidium, a national leader in preventing sexual abuse within organizations (<https://praesidiuminc.com>), to review and evaluate the substance of our educational and training materials. Our policies and procedures were also developed based on resources and feedback provided by the Child Welfare League of America, Centers for Disease Control and Prevention, and the National Center for Missing and Exploited Children.

*Question 21.* Do you think it might be confusing to athletes for NGBs to have internal "SafeSport" programs and for there to also be a "U.S. Center for SafeSport" that is actually in charge of handling sexual misconduct? Can you commit today to changing the name of any existing internal "SafeSport" programs to make the distinction clear for athletes?

Answer. It may be confusing to some athletes for NGBs to have internal "Safe Sport" programs and for there also to be a U.S. Center for SafeSport; however, USA Swimming is not able to commit today to changing the name of our existing Safe Sport program. USA Swimming's Safe Sport program has existed for the past eight years and has developed considerable recognition among its membership. To change the name would likely result in greater confusion than what may presently exist. Further, Safe Sport includes abuse and misconduct beyond what is sexual in nature. Instead of making name changes, USA Swimming would support greater efforts to educate on and distinguish between the two programs.

*Question 22.* At this Subcommittee's last hearing on amateur athletes, Mr. Han Xiao, Chair of the Athletes' Advisory Council testified that NGBs would intentionally circumvent athlete representatives. He recounted a variety of tactics including:

- Appointing rather than electing athlete representatives to sign documents;
- Keeping an electronic signature of the AAC representative on file to sign documents;
- Giving an AAC representative a document with very little time before a submission deadline and asking for a signature;
- And scheduling meetings such that competing athlete reps cannot attend, or removing what the NGB perceives to a problematic athlete representative and then failing to refill the position.

Some of these tactics were employed by USA Taekwondo and documented in a 2012 Section 10 Complaint against the NGB.<sup>10</sup>

<sup>10</sup><https://www.teamusa.org/-/media/TeamUSA/Documents/Legal/Arbitration—Hearing-Panel-Cases/Section-10/2011/Robinson-v-USA-Taekwondo-22712.pdf?la=en&hash=31C1EF0B6376CA5D5C73BEF0598708EA9A9040F1>

Have you ever employed any of the above listed tactics to undermine the authority and responsibilities of your NGB's athlete representatives? Will you commit to ensuring these tactics are never used again in the future? How will you ensure this?

Answer. Disenfranchising athletes in the manners outlined above is inexcusable, and they are not practices employed by USA Swimming.

*Question 23.* The USOC has argued, time and again, to be dismissed from lawsuits because it has “no control” over NGBs. In fact, the evidence shows that USOC actually exercises a significant amount of control over NGBs, like your own. Please describe what policies, procedures, or guidelines are provided to NGBs through USOC. Please also describe any financial support, staffing, or legal support received from or funded by USOC.

Answer. Expectations and responsibilities of National Governing Bodies are addressed in the USOC Bylaws. Additionally, there is a sport partnership manual that addresses a variety of considerations most applicable to elite athletes. About half of the USA Swimming National Team budget is provided by the USOC, and the USOC also provides significant human resources (e.g., trainers, nutritionist, etc.) for our National Team coaches and athletes, including on international team trips. The USOC does not provide legal support to USA Swimming.

*Question 24.* Before the U.S. Center for SafeSport was established, did your NGB have the authority to suspend or ban a coach?

Answer. Yes.

*Question 25.* After the U.S. Center for SafeSport's establishment in March 2017, does your NGB still have the authority to independently suspend or ban a coach, even if the U.S. Center for SafeSport declines to do so?

Answer. Yes. USA Swimming has the authority to independently suspend or ban a coach for reasons outside the jurisdiction of the U.S. Center for SafeSport (the “Center”) or if the Center declines to assert its jurisdiction. However, it is my understanding that once the Center asserts jurisdiction, an NGB is no longer permitted to independently suspend or ban the relevant individual if the Center declines to do so.

*Question 26.* In August, the Center for SafeSport declined to defend its ban of Jean Lopez, a taekwondo coach it had determined, months earlier, was engaged in a “decades long pattern of sexual misconduct.” The Center then removed him from its database of sanctioned individuals. Despite this, Steve McNally, the President and CEO of USA Taekwondo, has kept Jean Lopez on USA Taekwondo's suspension list.<sup>11</sup> Do you think Mr. McNally's decision was appropriate? Would you have made the same decision? Why or why not?

Answer. I am not familiar enough with the facts, circumstances, and processes at issue in this scenario to draw conclusions of its appropriateness and whether or not I would do the same thing.

*Question 27.* What consequences have and will you impose on member clubs that do not take your NGB's banned and suspended lists seriously? Please explain what enforcement mechanisms you have. How often have you exercised such enforcement mechanisms? Please detail.

Answer. USA Swimming's rules explicitly prohibit member clubs and coaches from allowing any suspended individual to coach or instruct athletes, from aiding or abetting the coaching or instruction of athletes, or for allowing such individuals to have an ownership interest in a USA Swimming club (See Article 304.3.10 of USA Swimming's Rules). To date, we have been able to clearly communicate our expectations to affected member clubs and have not had to enforce these provisions.

*Question 28.* How regularly on background checks conducted on your members?

Answer. Monthly background checks are conducted on non-athlete members.

*Question 29.* There are criticisms that the term “SafeSport,” according to a Deadspin article, was developed and trademarked by the USOC to serve as “a pleasant-sounding euphemism for a horrible set of acts.”<sup>12</sup> How you lead by example, when it comes to making sure sexual abuse is not merely swept under the rug as “SafeSport” issues?

Answer. During a meeting with a survivor, she brought this same issue to my attention and underscored the need to call it what it was—child sexual abuse. Since that time, I have made a conscientious effort to use those words as often as possible and have encouraged my staff to do the same.

*Question 30.* What does a pedophile or sexual predator look like?

<sup>11</sup> <https://www.teamusa.org/usa-taekwondo/v2-resources/legal/usat-suspension-list>

<sup>12</sup> <https://deadspin.com/safesport-the-usocs-attempt-to-stop-child-abuse-is-se-1826279217>

Answer. As I'm sure you know, you can't identify a pedophile or sexual predator by the way they look. They are young and old, men and women, of all ethnic groups and backgrounds, and often look like a "normal" or "nice" person.

*Question 31.* In your experience investigating sexual misconduct complaints, I'm sure you often receive character witness statements from parents and athletes themselves. Have you found that there's any correlation between such statements and whether the individual is actually guilty? How much weight should be placed in such character witness statements? Can you commit to reducing the weight—if any—that your NGB currently places on such statements during an investigation?

Answer. USA Swimming has not found that there is any correlation between character statements and whether the individual has engaged in the alleged misconduct. USA Swimming has regularly and effectively argued that such statements should be given limited, if any, weight.

*Question 32.* Do you agree that it is possible for an individual to be respectful to certain individuals, and abusive toward others?

Answer. Yes.

*Question 33.* What is the process in which your NGB keeps its respective website and other publications up to date listing banned or temporarily suspended individuals by the Center for SafeSport? Does your NGB have a dedicated staff member update these lists? If so, what is the position title of said staffer? How often are these lists checked to keep current? On a daily basis?

Answer. Once USA Swimming receives information from the U.S. Center for Safe Sport (the "Center") regarding an individual's ban or suspension, USA Swimming's Safe Sport Coordinator updates USA Swimming's list. The lists are updated in real time; however, there are currently some names of USA Swimming members published on the Center's list but not USA Swimming's due to USA Swimming's practice of waiting for a decision to be final before posting<sup>13</sup> and the Center's practice of posting immediately upon imposition of a suspension. We are working with the Center to align these practices and anticipate that it will be accomplished shortly.

*Question 34.* Who pays for your NGB's attorney fees in arbitration? Is it supported in any way by USOC?

Answer. USA Swimming pays for its attorney fees in arbitration and does not receive any financial support from the USOC in connection therewith.

*Question 35.* Who pays for athletes' attorney fees in arbitration? Do you provide any assistance for athlete's attorney fees?

Answer. Athletes are not a party to Safe Sport-related arbitrations. Instead, USA Swimming acts as the complaining party against the accused respondent.

*Question 36.* What assistance do you receive from the USOC when in arbitration? What kind of legal guidance does the USOC provide in such cases?

Answer. None.

*Question 37.* Arbitration proceedings can be re-victimizing for survivors, who must relive their most painful memories under a grueling cross-examination. Questions asked by the opposing side have reportedly included intimate questions about an individual's personal sexual history. Do you believe such questions about an individual's sexual history relevant? How so? Can you commit to barring any such questions from further arbitration or legal proceedings?

Answer. I do not believe such questions about an individual's sexual history are relevant, and that line of questioning has been objected to and disallowed in USA Swimming hearing proceedings.

*Question 38.* Former USA Swimmer and Olympic Gold medalist Nancy Hogshead-Makar has noted that women are largely missing from leadership positions throughout swimming's more competitive levels. While women represent just over 50 percent of coaches in the sport nationwide, a meager fraction of women comprise the elite ranks of the sport. As recently as 2016, the U.S. Olympic swim team had no female coaches. What, in your opinion, is the reason for the dearth of women coaching at Olympic levels, and other elite coaching levels in the sport?

Answer. USA Swimming has over 50 percent female coaches in its membership; however, the percentage is far lower at the elite level. Like a number of other industries and professions, the culture and lifestyle of elite level coaching does not always lend itself to balance, and many women opt out to pursue other opportunities, including raising a family. Additionally, it seems that even the best female coaches

<sup>13</sup>Although USA Swimming waits for a decision to be final before posting (*e.g.*, the opportunity to appeal has expired), it immediately notifies the relevant club and Local Swim Committee and updates its online member database in order to ensure the suspension can be enforced while the appeal process runs.

in the country have to work harder to earn the respect of others. Therefore, we are working to change the culture of elite level coaching and provide opportunities and support to female coaches who want to pursue that opportunity.

*Question 39.* Do you believe that a lack of female coaches is problematic?

Answer. Yes.

*Question 40.* Do you believe that holding a Women in Coaching Task Force, or other coaching summits aimed at female coaches is sufficient to actually reduce gender disparity at elite levels? Beyond these leadership resources, what is your NGB doing to change the culture that currently stifles women leaders within sport?

Answer. I do not believe that holding a Women in Coaching Task Force or similar summit is sufficient to reduce gender disparity at elite levels, but it is a start and it gives female coaches a support system. We have also recently brought on a consultant in this area, Susan Teeter, who was the women's swimming coach at Princeton for over 30 years, in order to help develop programs to improve in this area. USA recognizes the need to do more in this space and we will continue to look for ways to progress.

*Question 41.* Do you agree that more female coaches at an elite level would make athletes safer?

Answer. More female coaches at an elite level may positively change the training and competing environments and/or encourage some athletes to raise concerns they have.

*Question 42.* The AAC has reported concerns that the Athlete Ombudsman does not act independently of the USOC leadership. Would you agree that the Athlete Ombudsman should be moved outside the USOC structure to an Office of Inspector General or another external office?

Answer. Although I am not familiar with the specifics of these concerns, I can appreciate how they could arise and would support a change in structure that enabled the Athlete Ombudsman to do her/his job as effectively as possible.

*Question 43.* Do you believe that the U.S. Center for Safe Sport is sufficiently independent from the USOC? What conflicts of interest currently exist that prevent the Center from achieving true independence?

Answer. No, I don't believe that the U.S. Center for SafeSport (the "Center") is completely independent from the USOC due in large part to the Center receiving the majority of its funding from the USOC. However, in the absence of other meaningful funding sources, I think it is more important that the Center has the resources to exist and operate effectively.

*Question 44.* Do you think former employees of the USOC should be working at the U.S. Center for SafeSport? Do you understand how this would compromise the Center's independence?

Answer. I appreciate the concerns regarding employees of the USOC working at the U.S. Center for SafeSport; however, I support putting the most effective staff in place, regardless of whether or not that includes prior employment at the USOC.

*Question 45.* Would you support the creation of an Office of Inspector General office—like the oversight branches of Federal or state agencies—to independently investigate internal abuse, mismanagement or misconduct and promote efficiency and effectiveness at the USOC, U.S. Center for Safe Sport, and National Governing Bodies?

Answer. Yes.

*Question 46.* Regarding health insurance for athletes, what criteria does your NGB use to determine which athletes receive paid health insurance coverage either through the NGB or USOC? What percentage of the cost of this health insurance coverage are your respective athletes or their families responsible for?

Answer. USA Swimming and the USOC provide the Elite Athlete Health Insurance ("EAHI") program opportunity to all National Team athletes. This enables all National Team athletes to have access to health, vision, and dental coverage and access to a nationwide database of providers to aid in their health care. In addition, EAHI enables access to the USOC National Medical Network (NMN), which provides flights and accommodations to any of the USOC Olympic Training Centers for evaluation and treatment for any illness or injury. If additional subspecialty evaluation/treatment is needed, athletes will be referred to those providers at no cost.

Within the last two years, the USOC and USA Swimming has agreed to extend this service to former Olympians and National Team athletes who incurred an injury and are not training and those who are training through an injury but fell out of the "National Team" category due to the injury. In a few cases, we have also extended the program to Junior Team athletes who incurred unique injuries, so that

they did not have to search for medical specialist on their own to receive a proper diagnosis and treatment.

Finally, beginning with the 2016 Olympic Team, we offer the Olympic team insurance for a year after each Games regardless of whether or not they are training or competing.

Athletes are only responsible for paying taxes on the USOC EAHI.

*Question 47.* What percentage of your athletes receive health insurance through the Elite Health Insurance Plan (EHIP)? Does this program cover sports-or competition-related injuries? Does this program cover non-competition-related injuries?

*Answer.* The majority of USA Swimming's National Team and professional athletes receive Elite Athlete Health Insurance (EAHI) through the USOC and USA Swimming. Although EAHI does not cover all sports-or competition-related injuries, supplemental coverage is provided by USA Swimming. The EAHI program covers non-competition-related injuries.

*Question 48.* Does your NGB terminate the insurance of athletes whose injuries may impact their competition status? If so, how much notice is provided to the athlete?

*Answer.* If USA Swimming is aware of an athlete's injury, we try to keep them on EAHI as long as possible; however, if an athlete's insurance is terminated, they are given at least one month's notice.

*Question 49.* Please describe any other NGB-or USOC-sanctioned health insurance programs available to member athletes and whether those programs are paid for by the NGB or USOC.

*Answer.* In addition to EAHI, USA Swimming's Injury Claims Insurance has allowed member athletes who have been injured while training or competing to use its services to cover doctors' visits, physical therapy, and/or medical imaging that, without this service, they would have had to pay for or claim under personal policies.

In addition, in these types of cases we can refer members to our "Senior Physician Network," which is a small group of Primary Care, Orthopedic, Cardiology, Neurology, Physical Medicine & Rehabilitation, and Pulmonology physicians who have been subject to a background check and had their medical credentials reviewed and verified. These physicians are then able to review cases and refer them to regional colleagues, as appropriate. This senior group of physicians are recognized by their peers as experts in their respective fields of medicine and are a tremendous asset to USA Swimming.

Both of these programs have greatly benefited USA Swimming members, especially those families who don't have medical insurance and older athletes who are no longer covered under their undergraduate institutions' or parents' coverage.

*Question 50.* Does this health insurance program provide coverage for mental health services? Do you believe that mental health services are important for athletes? Do you believe that it is or should be your NGB's responsibility to provide mental health services and coverage for athletes?

*Answer.* Yes, EAHI provides coverage for mental health services. USA Swimming recognizes that mental health services are critically important for athletes and that it is our responsibility to provide such services for athletes.

*Question 51.* Beyond insurance coverage, what mental health services does your respective NGB currently provide for athletes? Are these services available to all athletes under the NGB's purview, or just athletes at elite levels? What can your NGB specifically do to improve your athlete wellness and mental health support services for athletes?

*Answer.* Mental health services was the number one request from our 2016 Olympic Team, as well as the membership as a whole at the 2016 annual U.S. Aquatics Sports Conference. As a result, USA Swimming has developed a three-pronged approach:

- a. Provide a licensed psychologist at all Gold Medal Meets and any training camp hosted at an Olympic training center. Ideally, we would like to expand this service to more international meets and are in the process of creating a network of providers that have passed both the USA Swimming background screen and the USOC medical credential/background screen to aid.
- b. Create a Task Force, consisting of a sport psychologist, social workers, medical providers, and three former National team athletes to create the best services and resources for all registered members. Two of the former National Team athletes on the Task Force have either received or are in the process of completing their post graduate degrees in the field of mental health.

- c. Continue to engage with our membership on the topic. For the past two years we have presented at the annual convention on our current efforts and solicited feedback from all attendees on how we can structure mental health services to address the needs of our registered members and improve/enhance or create resources requested.

USA Swimming will also be hiring a full-time dedicated staff member in 2019 to focus exclusively on athlete and coach mental health.

*Question 52.* What is the process for an athlete at your NGB to take advantage of these mental health services—for example, do they have to first notify their coach or an executive at your NGB? Do you think that in cases regarding mental health services, it is appropriate to require an athlete to first notify their coach or NGB leadership of a potential mental health problem before receiving treatment or assistance? Do you agree that such a policy places athletes in a position where they can potentially be retaliated against, or further abused? Do you agree that at the very least, such a policy could prevent athletes from coming forward to take advantage of critical mental health services?

*Answer.* An athlete's ability to take advantage of mental health services is not conditioned upon them notifying their coach or anyone at USA Swimming. Such a requirement would be inappropriate.

*Question 53.* What was your NGB's total budget in Fiscal Year 2017?

*Answer.* In Fiscal Year 2017, USA Swimming's total revenue was \$40,074,817 and expenses were \$38,006,170

*Question 54.* How much (dollar amount or percentage) of the budget came from the USOC either directly or in the form of grants?

*Answer.* In Fiscal Year 2017, \$5,259,700 or 13.1 percent of total revenue came from the USOC.

*Question 55.* What percentage of your budget goes to direct athlete support in the form of a stipend? How many athletes receive a stipend?

*Answer.* In Fiscal Year 2017, direct athlete support (including stipends) totaled \$2,897,000 or 36.3 percent of National Team expenses (\$7,983,203). Seventy-nine athletes received stipends totaling \$1,307,524, which is 3.4 percent of the organization's total expenses and 16.4 percent of the National Team's total expenses.

*Question 56.* Does USOC have any role in budgeting decisions within your NGB?

*Answer.* The USOC does not have a formal role in budgeting decisions within USA Swimming.

*Question 57.* Does your current NGB budget limit your ability to provide services to athletes? Does it limit your ability to implement and adhere to Center for Safe Sport policy, or to conduct thorough internal investigations on complaints of misconduct?

*Answer.* Although USA Swimming could always do more with a larger budget, our current budget does not limit our ability to provide services to athletes or implement and adhere to U.S. Center for SafeSport policy or conduct thorough investigations on complaints of misconduct.

*Question 58.* Does USOC have the ability to direct your NGB in making decisions related to Olympic competition?

*Answer.* With respect to Olympic Team selection, the USOC approves team selection procedures, but USA Swimming conducts the U.S. Olympic Team Trials and selects the Olympic team. When we are on the ground at the Olympic Games, the USOC coordinates much of the logistical planning, and we take advantage of the services they are uniquely able to provide as a National Olympic Committee.

*Question 59.* Does your NGB have a "two-deep" policy, so that an adult is never alone with an athlete? Why or why not? Have you considered such a policy?

*Answer.* Yes, this policy, in addition to a policy addressing open and observable environments is included in USA Swimming's Best Practice Guidelines, which were developed in 2010 and are publicly available at [https://www.usaswimming.org/docs/default-source/safe-sportdocuments/club-toolkit/1.-policies-and-guidelines/best-practices\\_general-safe-sport.pdf](https://www.usaswimming.org/docs/default-source/safe-sportdocuments/club-toolkit/1.-policies-and-guidelines/best-practices_general-safe-sport.pdf).

*Question 60.* Has USOC ever asked NGBs to consider a "two-deep" policy?

*Answer.* Not to my knowledge.

*Question 61.* Most child-safety experts recommend a policy of not texting a minor individually. In other words, coaches can text others in a group, or can include parents on the text, but should not text athletes individually. Why hasn't your NGB adopted such a policy to ensure inappropriate conversations are not taking place?

*Answer.* USA Swimming's Model Policy: Electronic Communication was created as a resource for clubs in 2012 and addresses this concern. USA Swimming's Rules re-

quire member clubs to have an electronic communications policy and provide that in the absence of one, USA Swimming's model policy is the default. The policy is publicly available at [https://www.usaswimming.org/docs/default-source/temp/safe-sport/reporting/model-policy\\_electronic-communication.pdf](https://www.usaswimming.org/docs/default-source/temp/safe-sport/reporting/model-policy_electronic-communication.pdf).

*Question 62.* To the best of your knowledge, does the U.S. Center for SafeSport operate a "flagged list" of individuals that is aware of that have committed sexual misconduct, but not have been members at the time? Has USA Swimming ever operated such a list? How is this list operated and updated?

Answer. USA Swimming does not maintain a "flagged list" of individuals. Rather, USA Swimming has an established practice of creating non-member records to include in its member database for certain people who should be ineligible for membership. USA Swimming has approximately 300 of such non-member records that have blocks to prevent the individual from registering with USA Swimming without a review by headquarters. A block is placed on a non-member record due to (1) international doping control violation; (2) failure to pass a background check; or (3) report made to USA Swimming that would constitute a Code of Conduct violation if the individual were under the jurisdiction of USA Swimming.

USA Swimming retains jurisdiction over individuals who violated its rules while members, so whether or not an individual is a member at the time the organization learns of the misconduct is irrelevant.

The U.S. Center for SafeSport has a similar process for those circumstances involving sexual misconduct, which it refers to as an "administrative hold."

*Question 63.* If a USA Swimming member were to resign or otherwise give up membership before it is found out that he or she is guilty of sexual misconduct, would that former member be added to the USA Swimming's banned or suspended list? Why or why not? Or would that member just be added to USA Swimming's "flagged list"?

Answer. USA Swimming retains jurisdiction over individuals who violated its rules while members, so whether or not an individual is a member at the time the organization learns of the misconduct is irrelevant.

*Question 64.* What is the purpose for not publishing the names of individuals on USA Swimming's "flagged list"? Can you commit to publishing these names moving forward on your website, as you do individuals on your or the Center for SafeSport's banned or temporarily suspended list?

Answer. USA Swimming publishes the names of individuals who have been banned or suspended for violating the organization's rules. There has been no finding of a USA Swimming rule violation (nor could there be based on jurisdictional issues) for those who have had non-member records created in order to prevent them from subsequently joining the organization. Further, the information USA Swimming receives in order to create and block a non-member record is already publicly available.

*Question 65.* If a USA Swimming member were to resign or otherwise give up membership before it is found out that he or she is guilty of sexual misconduct, could that former member be added to the U.S. Center for SafeSport's banned or temporarily suspended list?

Answer. Yes, like USA Swimming, the U.S. Center for SafeSport (the "Center") retains jurisdiction over individuals who violated USA Swimming's rules while members, so whether or not an individual is a member at the time the Center learns of the misconduct is irrelevant.

*Question 66.* During the hearing, you committed to following up on the cases regarding former USA Swimming coaches Paul Bergen and Norm Havercroft. Please provide any update you have on their case. Please explain any disciplinary action taken against members on this list.

Answer. The information USA Swimming possesses regarding these cases is being shared with the U.S. Center for SafeSport now that it has exclusive jurisdiction over allegations of sexual abuse.

*Question 67.* Are there any individuals on your flagged list whom you've received complaints about, but that you have not acted on because they are not currently USA Swimming members?

Although USA Swimming does not maintain a "flagged list," the very purpose of creating and blocking a non-member record is to identify individuals outside the jurisdiction of USA Swimming who have engaged in misconduct and ensure they are

not able to join the organization in the future.<sup>14</sup> Again, USA Swimming retains jurisdiction over individuals who violated USA Swimming's rules while members, so whether or not an individual is a member at the time the organization learns of the misconduct is irrelevant.

*Question 68.* Does USA Swimming notify local clubs and communities, or any other national team—i.e. Team Canada—if individuals on this flagged list relocate and coach in locations that are not under USA Swimming's jurisdiction? Are you aware that reports indicate that members on this very list have simply relocated and easily found new positions? Will you commit to doing the right thing, and notifying other clubs or countries that employ, perhaps unwittingly, individuals on your flagged list who are guilty of sexual misconduct?

Answer. We do not track individuals who are outside the jurisdiction of USA Swimming; however, the scenario you describe underscores the value of pre-employment screening, which USA Swimming requires its member clubs to do before hiring a coach. Additionally, the information which we rely upon to create a non-member record is already publicly available.

*Question 69.* Do you feel responsible for any abuse that occurs at the hands of these flagged individuals?

Answer. These are individuals unaffiliated with USA Swimming who have already been publicly identified (including criminally charged) for misconduct that occurred unrelated to USA Swimming. Our intent in recording this information is to ensure they never become members of USA Swimming.

*Question 70.* Following the hearing, video footage was captured where your legal counsel appears to represent that USA Swimming's database should represent the complete list of disciplined members—not the Center for SafeSport's database. There appears to be at least thirteen individuals who are currently suspended or banned by the U.S. Center for SafeSport, but whose names do not appear on any of USA Swimming's public database of disciplined members. One individual left off of USA Swimming's database is Sean Hutchinson, whom we know sexually abused Olympic swimmer Ariana Kukors. There's also swimming coach Steven Lochte, who quietly resigned this past summer—just before he was given an interim suspension by the Center for SafeSport in September. The lack of an accurate centralized database to verify membership underscores USA Swimming's complicity in “passing the garbage”—passing sexual predators from one club to another. Why are so many individuals listed on the Center for SafeSport's disciplinary records missing from the permanent and temporary banned lists on the USA Swimming site? If this was simply a mistake, have you rectified it?

Answer. USA Swimming and the U.S. Center for SafeSport (the “Center”) have different practices regarding the publication of names, which we are currently working to address. USA Swimming does not publish names until the hearing process has come to a final resolution, whereas the Center publishes upon the imposition of a suspension. As a result, the Center's list includes certain names of individuals whose cases remain pending, including Sean Hutchison and Steven Lochte. However, in those cases, USA Swimming still notifies the relevant member club and Local Swimming Committee and updates its online member database to avoid “passing the garbage.”

*Question 71.* Mr. Hinchey, if these lists are not kept up to date, how can you expect athletes, clubs, and communities to accurately verify membership and prevent predators from abusing athletes?

Answer. Though the lists are kept up to date, USA Swimming recognizes the confusion caused by the different publication practices by the U.S. Center for SafeSport (the “Center”) and USA Swimming, and we are working with the Center to remedy it.

*Question 72.* Former USA Swimming coach Michael McCorvy was deemed permanently ineligible by Magnolia Aquatic Club this past April. While no recent charges have been filed against McCorvy, his ban was likely due to his 1992 charge of criminal trespassing and sexual assault. If USA Swimming is actually requiring their

<sup>14</sup>For example, a non-member record may be created for a swim coach criminally charged with sexual misconduct who is not and was never a member of USA Swimming. We typically receive notification of the misconduct allegations via a Google alert highlighting a local news story. If the criminal charge ultimately is dropped, the coach would be able to pass a criminal background check and join USA Swimming. Based on the creation of a non-member record and designating it to require headquarters clearance, we are notified of the application, able to check our records, and intervene in the membership application process, as appropriate. It has not happened with any frequency, but it is critically important that we are aware if and when it does.

coaches to pass background checks, how did McCorvy—with his sexual assault crimes that were pled down to a misdemeanor—pass his checks from 1992 on? Why isn't he on USA Swimming's list of disciplined individuals?

Answer. USA Swimming's criminal background check is premised on the vendor's ability to obtain criminal records under applicable state and Federal law. McCorvy's 1992 charges of criminal trespassing and sexual assault were not reported on his criminal background report. He is not on USA Swimming's list of disciplined individuals because his case remains pending. As previously described, USA Swimming does not publish the names of individuals whose cases remain pending (though it does notify the applicable member club and Local Swimming Committee and updates its online member database).

*Question 73.* Do USA Swimming background checks flag both felonies and misdemeanors—especially if the misdemeanors are sexual in nature? Do background checks that are currently being administered now flag those with misdemeanors of a sexual nature? How so?

Answer. Yes, USA Swimming's Background Check Policy is publicly available at <https://www.usaswimming.org/background-checks>.

*Question 74.* In January 2018, three USA Swimming members were added to its banned list. All had committed sexually-related crimes that are being investigated or adjudicated by legal authorities.<sup>15</sup> One individual, Nathan Weddle, was arrested in December on allegations that he had sex with a 15-year old swimmer that he coached. The other two, James Cutrone and Christian Valcarce, were arrested on charges of child pornography. However, on USA Swimming's website, they are just banned under "Violation of the SafeSport Code." None of the reasons included their sexual crimes, diminishing the list's value to non-USA Swimming organizations that might attempt to hire the three individuals. What are you doing to make your banned and suspended lists more informative?

Answer. Presently, USA Swimming's banned and suspended lists cite to the rule violation that resulted in the sanction. Based on the applicable rule and year, it is clearer in some instances more than others what was the underlying conduct resulting in the sanction. USA Swimming recognizes that the basis for the ban or suspension is relevant and important and is working to address this while still maintaining the accuracy and integrity of the publication.

*Question 75.* Local swim clubs that are members of USA Swimming were insured until 2014 by U.S. Sports Insurance Company Inc., a company originally based in Barbados created and solely owned by USA Swimming and governed by former and current USA Swimming officials. The company provided general liability coverage for sexual abuse to local clubs, and also was responsible for underwriting USA Swimming's scorched earth, plaintiff-draining legal defense strategy against sexual abuse claims. Is it true that U.S. Sports Insurance Company Inc. was partially paid for by the fees of amateur swimmers at the club level?

Answer. Prior to 2014, and as far back as 1980, Lexington Insurance Company provided yearly insurance policies to USA Swimming and member clubs. USSIC (referred to as U.S. Sports Insurance Company, Inc.) provided some level of reinsurance to Lexington Insurance Company beginning in 1988. Insurance is a benefit of membership, so that member clubs can lease or rent pool time. Membership fees are one category of USA Swimming's revenue; insurance is one category of USA Swimming's expenses.

The defense strategy of each case is and was determined by the facts of the case and applicable law. Settlement demands were evaluated by Lexington Insurance Company and the individual defendants' attorneys, rather than a "scorched earth, plaintiff-draining legal defense strategy."

USSIC also had two independent board members as part of the governance structure that were not affiliated with USA Swimming.

*Question 76.* Do you find anything disturbing about swimmers paying the fees of lawyers who might fight against them in court someday regarding sexual abuse litigation?

Answer. Swimmers do not pay the fees of lawyers. Swimmers generally pay monthly dues to their club, which covers a membership fee, cost of pool time, and club expenses such as coaching salaries. A small part of the dues is passed along to USA Swimming. Insurance is a benefit of membership in USA Swimming since practice facilities and meet facilities require clubs to provide evidence of insurance. The facts of each case are evaluated by the insurer's claim adjusters and defense

<sup>15</sup> <https://swimswam.com/usa-swimmings-list-banned-members-brings-confusion/>

counsel representing each individual defendant, who make the decision on the nature and extent of the defense and respond to settlement demands.

*Question 77.* While the U.S. Sports Insurance Company Inc. provides \$2 million worth of liability insurance for sexual abuse civil cases, until recently the company provided local clubs just \$100,000 in coverage in sexual abuse cases. Do you think that \$100,000 is “enough” coverage to protect individuals at local swim coverage, given the massive scope of sexual abuse in the sport?

*Answer.* Effective January 1, 2014, and due to the improving risk profile of USA Swimming and its member clubs, the insurance marketplace increased the limits available to USA Swimming clubs to \$1,000,000 per occurrence and \$5,000,000 aggregate and provided additional limits where required by written contract. From a practical standpoint, the question is not what is “enough” coverage, but what is available in the marketplace to purchase during any given year.

*Question 78.* There was a real purpose for reducing the financial exposure of the U.S. Sports Insurance Company, and it wasn’t a good one. According to the OC Register, the lower liability coverage for local clubs was a factor in generating millions of dollars in “safety rebates” from the company back to USA Swimming. Do you know what the term “self-dealing” means? Are you aware that this arrangement between USA Swimming and the insurance company is a prime example of this practice?

*Answer.* USSIC was owned by USA Swimming; it was not an independent insurance company. Safety Rebates (or dividends) from USSIC were paid from 1999 to 2006 and were paid based on improving loss experience and lower insurance premiums. The improved experience was due to lower frequency and severity of injuries due to racing starts. It is not uncommon for a subsidiary to pay a dividend to a parent company. USA Swimming capitalized USSIC in 1988 and subsequent years with over \$5 million and paid additional capital to USSIC of \$1.7 million in 2011. Prior to 2006, there were very few claims of sexual misconduct filed against USA Swimming member clubs.

*Question 79.* This arrangement also signals that USA Swimming was aware that there was a sexual abuse problem in swimming. Do you recognize that USA Swimming was essentially betting on the rate of sexual abuse that would occur under its very watch?

*Answer.* USSIC was established 1988 due to injuries from racing starts. There was a significant improvement in injuries from racing starts due to USA Swimming’s racing start certification program and adoption of minimum pool depths for racing starts. The captive insurer did not tie safety rebates to sexual abuse; rather, the safety rebates were paid before an increase in sexual misconduct claims and due to a decrease in racing start injuries.

*Question 80.* I know that this arrangement occurred before you took the reins as the leader of USA Swimming, but I want you to take a moment and reflect. Do you think that betting a financial windfall on the backs of sexual abuse survivors is morally reprehensible?

*Answer.* I don’t believe USA Swimming bet a financial windfall on the backs of sexual abuse survivors.

*Question 81.* How much money has USA Swimming spent on legal fees? How much has USA Swimming spent in the voluntary compensation for abuse—not including settlements or lawsuits?

*Answer.* In Fiscal Year 2017, USA Swimming spent approximately \$300,000 on legal fees, which included business operations expenses, in addition to Safe Sport-related disciplinary matters. In Fiscal Year 2017, USA Swimming paid approximately \$23,000 through its survivors’ assistance fund, SwimAssist. We recognize that SwimAssist is underutilized and have taken a number of steps to increase awareness of it among our membership. In 2019, SwimAssist is currently budgeted at \$100,000 with \$1.5 million in reserves.

*Question 82.* Has USA Swimming set up, or attempted to set up a victim’s defense fund? Looking back in retrospect as the organization’s current leader, do you believe that the cost of such a fund would have been less than the cumulative amount that USA Swimming has spent on litigation with abuse survivors?

*Answer.* To my knowledge, USA Swimming has not attempted to set up a victim’s defense fund, and I am unable to speculate whether the cost of such a fund would have been less than the cumulative amount that USA Swimming has spent on civil litigation involving claims of sexual misconduct.

*Question 83.* Is it USA Swimming’s policy to automatically deny responsibility in civil lawsuits regarding their role in sexual abuse? What type of message do you believe that USA Swimming’s litigation sends to survivors?

Answer. USA Swimming's legal strategy is largely developed by local counsel based on the relevant facts and in accordance with applicable law. USA Swimming does not have a policy to automatically deny responsibility in civil lawsuits.

*Question 84.* It is my understanding that the U.S. Sports Insurance Company Inc. was sold in 2014. Does USA Swimming currently have an insurance company that provides coverage for sexual abuse? Which company? Is it run in-house by former and current USA Swimming officials, like the last company?

Answer. USA Swimming started purchasing insurance from K&K Insurance Company in 2014, who provides the insurance through National Casualty. Commercial insurance became available to USA Swimming due to our improving risk profile and a strong Safe Sport program. USSIC was sold to R&Q Insurance in 2016. Neither entity is run by former members or officials; both are public companies unrelated to USA Swimming.

*Question 85.* Has USA Swimming encountered difficulty in maintaining an insurance plan after the scope of the sexual abuse scandal has become clear?

Answer. No. Besides K&K Insurance/National Casualty, other insurers have submitted insurance proposals to USA Swimming due to our improving risk profile. USA Swimming has not encountered difficulty in maintaining an insurance plan, and the current insurance plan is in place through 2019. USA Swimming was able to obtain increased insurance limits for clubs in 2014 due to our improving risk profile from our Safe Sport program.

*Question 86.* Does USA Swimming still require athletes to contribute to its insurance plan with an athlete fee of any sort? Do these fees still underwrite USA Swimming's litigation against sexual abuse claimants?

Answer. USA Swimming has a membership fee which is one source of revenue. Insurance is a benefit of membership. We do not initiate litigation against sexual abuse victims, but our insurer may pay defense costs for legal cases filed against individual defendants in line with the insurance contract. We also maintain a survivors' assistance fund, SwimAssist, and provide Participant Accident Insurance to members.

*Question 87.* Do you have any comment on how your predecessor handled the U.S. Sports Insurance Company Inc. in regards to collecting funds from amateur club swimmers to combat athlete sexual abuse civil suits? Do you have comment regarding USA Swimming's tactics of litigation against abuse victims?

Answer. It is my understanding that USSIC was set up in 1988, prior to any sexual abuse litigation filed against USA Swimming, and sold in 2014. Membership dues have been part of USA Swimming since 1980 and are one source of the organization's annual revenue. USA Swimming's litigation strategies are largely developed by counsel in line with the facts alleged and applicable law. Any comment about my predecessor, who I never met, would be inappropriate, but under my leadership, USA Swimming is committed to an improved Safe Sport program and relationships with survivors of abuse in the sport.

*Question 88.* In 2013, USA Swimming paid Nielsen Merksamer, a Sacramento lobbying firm, \$77,627 to lobby against SB 131, California legislation that would have given childhood sexual abuse victims more time to file civil suits and recover damages against organizations that employed sexual predators. Why do you think that USA Swimming was interested in lobbying against legislation that would have helped sexual abuse victims? Do you believe that this expenditure represents an appropriate use of funds for USA Swimming?

Answer. Although I was not here in 2013, my understanding is that USA Swimming's objections to the legislation were similar in nature to what Governor Brown cited in his veto of the legislation [https://www.gov.ca.gov/wp-content/uploads/2017/09/SB\\_131\\_2013\\_Veto\\_Message.pdf](https://www.gov.ca.gov/wp-content/uploads/2017/09/SB_131_2013_Veto_Message.pdf). However, I do not envision USA Swimming lobbying against state law under my leadership.

*Question 89.* Do you believe that USA Swimming's liability against sexual abuse litigation should be protected more than athletes' safety? Do you believe that advocating for legislation that would reduce your organization's legal risk at the expense of survivors sends the right message after hundreds were abused over decades under USA Swimming's watch?

Answer. Although I was not here in 2013, my understanding is that USA Swimming's objections to the legislation were similar in nature to what Governor Brown cited in his veto of the legislation [https://www.gov.ca.gov/wp-content/uploads/2017/09/SB\\_131\\_2013\\_Veto\\_Message.pdf](https://www.gov.ca.gov/wp-content/uploads/2017/09/SB_131_2013_Veto_Message.pdf). However, I do not envision USA Swimming lobbying against state law under my leadership.

*Question 90.* Is USA Swimming currently using funds to lobby against child or sexual abuse legislation? Is USA Swimming currently spending money on any lobbying, or government affairs work? If yes, what are they advocating on behalf of?

Answer. USA Swimming is not currently using funds for lobbying activities, including child or sexual abuse legislation. In 2019, we anticipate getting more involved in other legislative matters, including, for example, water safety and anti-doping initiatives.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO TIMOTHY HINCHEY III

*Question 1.* Athlete and Community Engagement: To what extent are you personally—and your leadership and staff—actively engaging with both the Athletes' Advisory Council and victims of sexual abuse to help direct your programming to stamp out a culture of abuse that enabled predators to target athletes?

Answer. USA Swimming's representative on the Athletes' Advisory Council is Natalie Coughlin Hall. Natalie also serves on USA Swimming's Board of Directors and is a member of the Board Task Force that works with USA Swimming leadership on Safe Sport-related issues. In this regard, we have worked closely with our AAC representative, although USA Swimming has not engaged with the broader AAC directly (on this issue or any other).

My staff and I have also personally met with a number of survivors of sexual abuse—young and old, male and female, current members and former, from recreational to elite level swimmers. As I mentioned in my testimony, the input several survivors have provided over the past months has been among the most powerful, compelling and effective I've received and has directly resulted in positive change. I will continue to solicit, listen to, and implement it.

*Question 2.* Are you engaging with elite-level athletes who are victims of sexual abuse to help direct your programs away from this widely reported culture of abuse that enabled predators?

Answer. Yes, some of whom have publicly acknowledged their experience and others who have not.

*Question 3.* How do you empower athlete voices in your NGB?

Answer. USA Swimming empowers athlete voices in our organization through a variety of ways, including representation on our Board of Directors and all committees. USA Swimming also has created a number of educational and training programs to engage and empower athletes, including the athlete-led Athlete Leadership Summit, She LEADs and the Athlete Fellow program. USA Swimming further engages with athletes on an informal basis through regular meetings and conversations.

*Question 4.* What changes are you implementing internally to ensure that you are using athlete perspectives to drive some of your decision making?

Answer. Internally, we are working to incorporate athlete perspectives into everything that we do. In addition to the formal channels mentioned above, we have increased our outreach to athletes on relevant topics and are building a bigger network of those to consult with on the decisions being made by staff that impact their experience with the organization.

*Question 5.* Do you think that there are trust issues between athletes and administrators?

Answer. Yes, in certain circumstances and among certain athletes and administrators.

*Question 6.* How do you prevent retaliation against athletes who provide their opinions?

Answer. In addition to having a rule that prohibits retaliation against individuals who have made good faith reports of abuse (see Article 307 of USA Swimming's Rules), we also have a demonstrated practice of encouraging reporting and sharing opinions without retaliation. As the President & CEO of the organization, I have made clear to my staff that this type of behavior will not be tolerated, and that sentiment has been echoed by our Board Chair.

*Question 7.* Do you feel the USOC has equally encouraged or created partnerships with survivors and advocates? If so, please provide examples.

Answer. I am not familiar enough with the USOC's efforts in this regard to draw a conclusion. But like USA Swimming, the USOC can always do more.

*Question 8.* Do you currently employ a full time staff member with sufficient professional knowledge and experience with victims of severe emotional, physical and sexual abuse? If so, please identify that person and their role.

Answer. The full-time staff members that engage most frequently with victims of emotional, physical and sexual abuse are Tiffany Midkiff, Safe Sport Coordinator, and Liz Hahn, Safe Sport Senior Manager. Tiffany joined USA Swimming in 2018 after a distinguished career in the United States Army, which included serving as a Sexual Assault Response Coordinator (SARC) for the Department of Defense Sexual Harassment/Assault Response and Prevention Program (SHARP) from October 2012 to March 2018. Liz joined USA Swimming in 2011 after serving as a caseworker in the SAIFE Unit (Sexual Abuse Intervention and Family Education) for the El Paso County Department of Human Services.

Additional members of our Safe Sport staff include a social worker, a former Deputy Prosecuting Attorney in the special victim's team sex crimes and child abuse unit, and a former guardian ad litem.

*Question 9.* Safesport: The Center for SafeSport must succeed. I think from all the testimony we have received during these hearings, and in many of my private meetings with survivors, advocates, leadership in sport including NGB's, the USOC, and Safe Sport, we know that we must stimulate a culture of reporting. In 2017 testimony offered by Mr. Rick Adams, of the USOC, he said there was an ". . . environment that discouraged victims from reporting abuse. . ." at NGBs.

Do you agree with Mr. Adam's assessment of the culture within your organization prior to your tenure?

Answer. Many survivors felt very comfortable reporting and working with USA Swimming, but others obviously did not. It is critically important that USA Swimming create and promote an environment where all survivors feel safe to report abuse without fear of retaliation and confident that allegations will be taken seriously, and we are working to instill that.

*Question 10.* Since taking over, have you implemented any specific changes to address this "environment" that "discouraged victims from reporting abuse"?

Answer. Our reporting process and procedures have not changed, but I have sought to demonstrate an unwavering commitment to providing a safe and healthy environment for all members and to responding appropriately when reports are received in order to ensure that survivors are willing to come forward.

*Question 11.* What are you doing to change the culture within your sport and community?

Answer. When I started with USA Swimming in July 2017, it was clear that the organization had a robust Safe Sport framework and program in place. However, it also became clear that there was still considerable organizational culture change that needed to occur to be as successful as possible in preventing and responding to abuse.

Over the past 16 months, I have pursued such organizational culture change through four main approaches. First, I have adopted a "zero tolerance" approach to abuse and harassment within swimming. This has resulted in both suspensions of membership and terminations of employment. Second, I have proactively sought opportunities to meet with survivors of sexual abuse within our sport to listen and to learn. Third, I have engaged our athletes—from grassroots to elite—in shaping and directing our program. And finally, I have transitioned the organization from asking, "Why would we?" to "Why wouldn't we?" Why wouldn't we pursue whatever opportunities possible to protect our children and athletes, even if they may fall outside the traditional scope and responsibility of a National Governing Body.

*Question 12.* What are you doing to make sure that coaches and other staff members do not have unhealthy levels of power, authority or influence over athletes and their families?

Answer. USA Swimming recognizes that there is an inherent power imbalance between coaches and athletes. However, based on that recognition and understanding, we have taken steps to mitigate its effects and unintended consequences. For example, among other things, USA Swimming's Best Practice Guidelines encourage parents to support and be involved in their children's swimming experience and discourage coaches from initiating contact with athletes outside of club activities or developing peer-to-peer relationships with athletes.

*Question 13.* What are you doing to educate parents and family of members of your membership to take athlete abuse issues seriously and teach them the value of SafeSport programs?

Since 2012, USA Swimming has offered free Safe Sport parent education. USA Swimming also promotes the U.S. Center for Safe Sport's parent education through our social media and communication channels. Additionally, USA Swimming is

working with its largest online team management platform, TeamUnify, to distribute Safe Sport messaging and education to parents through team websites. Finally, USA Swimming encourages its member clubs to include Safe Sport content in their communications with parents, such as during parent meetings and in team handbooks.

*Question 14.* Does SafeSport recommend the most direct way for the USOC to communicate their material to all of their NGB's and on to the member clubs?

Answer. I am not aware of any such recommendations.

*Question 15.* What have you found is the best way to share, post, or disseminate SafeSport information?

Answer. We have found that different audiences (*e.g.*, athletes, coaches, parents, clubs, officials, Local Swim Committees (LSCs), etc.) receive and share information differently. We are working to enhance our communication through social media, as that seems to resonate most effectively with athletes. USA Swimming publishes a monthly coach newsletter via e-mail through which we distribute resources and opportunities unique to coaches. At the local swim club level, we are leveraging one of our largest team management platforms (TeamUnify) to push Safe Sport content through team websites to team administrators and parents. This is a watershed opportunity for our athlete protection program, whose key audience is swim parents, even though parents are not typically members and therefore more challenging to reach. Finally, we send out a Safe Sport bi-monthly newsletter to over 500 individuals, including LSC Safe Sport Chairs, LSC General Chairs, LSC permanent office staff, LSC Registration Chairs, the Safe Sport Committee, our NGB Safe Sport counterparts, and additional members who have signed up to receive it, who subsequently pass it on to additional members and constituents.

*Question 16.* When SafeSport recommends an interim suspension, what steps does your organization take to enforce that interim measure with limited information?

Answer. When the U.S. Center for Safe Sport imposes an interim suspension on a USA Swimming member, we notify the member's club and Local Swimming Committee, in addition to making a notation in our online member database. USA Swimming's rules also prohibit member clubs and coaches from allowing any suspended individual to coach or instruct athletes, from aiding or abetting the coaching or instruction of athletes, or for allowing such individuals to have an ownership interest in a USA Swimming club (See Article 304.3.10 of USA Swimming's Rules).

*Question 17.* What are the access points in your organization for athletes to report misconduct—either physical, emotional, or financial?

Answer. Individuals may report violations of USA Swimming rules (including physical, emotional or financial misconduct) via our online reporting form, phone, e-mail, text, or any other available communication channel (*e.g.*, Facebook or other social media). Anonymous reporting is permitted in all circumstances. Additionally, individuals may report to the U.S. Center for SafeSport, which will refer to us any allegations of misconduct outside of its jurisdiction.

*Question 18.* How do you minimize conflicts of interest within those reporting channels?

Answer. Historically, few conflicts of interest have arisen within USA Swimming's reporting, investigatory and hearing processes; however, when they have, the affected staff members and volunteers have recused themselves and been shielded from the processes. Additionally, since 2017, USA Swimming has requested the U.S. Center for Safe Sport address matters that involve an actual or perceived conflict of interest with a USA Swimming staff member or volunteer.

### **Protection and Removal**

*Question 19.* What direct action is your organization taking not only to identify, but also to remove coaches, athlete directors, employees, and officials who witnessed either emotional or physical abuse of athletes and did nothing to stop it or report it to authorities?

Answer. USA Swimming has had a mandatory reporting requirement since 2010 (see Article 306 of USA Swimming's Rules). In circumstances where a member knew of the abuse (regardless of whether or not they witnessed it) and failed to report it, we have imposed sanctions. Now that the Protecting Young Children from Sexual Abuse and Safe Sport Authorization Act requires USA Swimming members to report suspected child abuse to law enforcement within 24 hours (regardless of state law), we will work with law enforcement to ensure appropriate enforcement of the law, in addition to our rules.

*Question 20.* What are the biggest challenges for your member clubs to be able to adhere to the SafeSport minimum requirements?

Answer. The biggest challenges for USA Swimming member clubs to be able to adhere to the SafeSport minimum requirements are a lack of clarity regarding the requirements themselves, limited time and resources available in volunteer, parent-run organizations, and restricted oversight of coach-run organizations.

*Question 21.* What do you believe are the explicit protections you are directed to uphold and where do they apply to?

Answer. USA Swimming is directed to uphold explicit protections, including:

- Complying with the reporting requirements set forth in section 226 of the Victims of Child Abuse Act of 1990;
- Establishing reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of USA Swimming without being in an observable and interruptible distance from another adult, except under emergency circumstances;
- Offering and providing consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parent consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons;

Further, all adult members of USA Swimming and all adults authorized by such members to interact with amateur athletes must report immediately any allegation of child abuse to the Center and to law enforcement.

*Question 22.* Does that duty cover only Olympic events and training centers?

Answer. No, the duty covers facilities under the jurisdiction of USA Swimming.

*Question 23.* Does that duty extend to off-site venues? Member clubs? Member events?

Answer. Yes, the duty covers facilities under the jurisdiction of USA Swimming.

*Question 24.* What individual is most responsible for that protection?

Answer. Every covered individual is responsible for the protection of athletes in our sport; as the President & Chief Executive Officer, I am the most responsible.

*Question 25.* What are your challenges, if any, to hiring additional staff that are experts with survivors of sexual abuse?

Answer. Since I joined the organization in July 2017, USA Swimming has hired two new employees to work with our Safe Sport program, and based on those experiences, I feel very comfortable with our ability to hire staff with relevant and appropriate expertise. As I noted in my October 3 testimony, USA Swimming recently hired a Safe Sport Coordinator and Associate Counsel to enhance our operational capabilities. Their respective backgrounds include serving as a Sexual Assault Response Coordinator in the United States Army and a Deputy Prosecuting Attorney in the special victim's team sex crimes and child abuse unit, and their skill sets complement the other members of the Safe Sport staff, which now totals eight—four core and four support. These staff members work with countless other Safe Sport Champions, including a twelve-member Safe Sport Committee, four national Zone Safe Sport Coordinators, 59 Local Swim Committee Safe Sport Coordinators, twelve Safe Sport Athlete Fellows, hundreds of Safe Sport Club Coordinators, and the organization's Board of Directors to foster a culture of athlete protection throughout the organization.

*Question 26.* Ban Lists: Susanne Lyons, former Acting CEO and upcoming Board Chair of the USOC, said in her hearing testimony before the House Commerce Committee in May, that she committed to looking into creating and enforcement requirements that "ban lists" be made publicly available. I know a number of your organizations do post those lists.

Has the USOC made any such requirements of your organization?

Answer. No.

*Question 27.* What direct requirements or requests have come from the USOC since the May testimony with regard to the NGB's publishing accessible lists of all banned individuals?

Answer. None to my knowledge.

*Question 28.* Do these ban lists work? What could be done to best disseminate this information?

Answer. Anecdotally, we know that USA Swimming's published list of banned individuals has prevented certain hiring decisions outside of our membership; however, we don't have a good sense of how frequently and effectively it is being used.

It is my understanding that the U.S. Center for Safe Sport is looking further into this issue.

In addition to the publication of names on its website, USA Swimming also proactively notifies the impacted club and Local Swimming Committee when an individual is banned or suspended from membership and makes the appropriate designation in its online member database.

*Question 29.* What are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list?

Answer. I am not aware of any USOC-imposed consequences for NGB member clubs that hire a coach or other individual on an NGB's or the U.S. Center for Safe Sport's banned list; however, USA Swimming rules prohibit member clubs and coaches from allowing any suspended individual to coach or instruct athletes, from aiding or abetting the coaching or instruction of athletes, or for allowing such individuals to have an ownership interest in a USA Swimming club (See Article 304.3.10 of USA Swimming's Rules). Those rules would be enforced by USA Swimming via membership bans or suspensions for the individual(s) and/or member club(s) in violation.

*Question 30.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB's?

Answer. Not to my knowledge.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
DARRIN STEELE

*Question 1.* How have the recent reforms provided by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act impacted your National Governing Body (NGB) from a structural and resource perspective?

Answer. USABS has complied with all necessary requirements of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act with the support of outside legal consultation.

*Question 2.* Have you hired additional personnel to help review cases, implement training, education and outreach? Please elaborate on how this is being implemented.

Answer. Temporary outside legal support was employed to ensure compliance, and current employees were tasked with the implementation of policies and procedures as well as the monitoring of training and education for the organization. We hired no additional personnel.

*Question 3.* Does your NGB have internal protocols/procedures to investigate allegations that are not sexual abuse (*i.e.*, drug use, bullying, fraud, etc.)? Do you refer cases that are not sexual abuse to the Center for SafeSport?

Answer. USABS does not have formal protocols/procedures for investigating allegations not involving sexual abuse. We will refer those allegations that fall under the authority of the U.S. Center for SafeSport to the Center.

*Question 4.* How does the total revenue of your NGB compare to the others? What portion of your revenue comes from the U.S. Olympic Committee (USOC)?

Answer. In the 2016/17 Fiscal Year, total revenue for the eight winter NGBs ranged between \$2.3M—\$42.2M. The total revenue of USABS ranked 5th at 3.7M. USOC revenue makes up approximately 60 percent of total revenue for USABS.

*Question 5.* Based on your NGB's experiences in handling abuse allegations, did the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act provide the necessary authorities to the Center for SafeSport and NGBs to address abuse allegations? If there are shortcomings, please identify them.

Answer. To date, we have not identified any shortcomings in the authorities for the U.S. Center for SafeSport.

*Question 6.* Our subcommittee has heard from many survivors regarding Larry Nassar's sexual abuse under the guise of medical treatment. It is clear that centralizing all of the medical oversight, expertise and access in one individual for a lengthy period of time was a major factor that helped facilitate the abuse by Nassar. Has your NGB updated its medical policies and procedures to prevent this from happening? If so, how have you implemented these safeguards and how has the structure of your medical staff changed?

Answer. Although USABS does not have a structure where medical oversight, expertise and access lies with one individual, we have three notable policies to reduce the risk of abuse.

A new policy was created requiring all athletes to see a physician outside the USABS and USOC medical system every four years for a comprehensive medical physical exam.

A new policy was created requiring all medical and massage treatments to be performed in Sports Medicine at Olympic Training Center or in a separate, designated room at a hotel when traveling, with SafeSport information prominently displayed. No treatments or evaluations are authorized in bedrooms.

All athletes are given a post-season survey on all medical providers and that information is used to determine if any issues have occurred. Changes to medical staff are based on these evaluations.

*Question 7.* In the wake of the Larry Nassar sexual abuse scandal, what policies and procedures have you put in place regarding access, retention and preservation of athlete's medical records? Have you provided those policies to USOC?

Answer. All athlete medical records are to be entered into the USOC electronic medical record system.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO  
DARRIN STEELE

*Question 1.* First, I want to start off by saying I admire the bravery of the athletes who have come before this Committee previously to share their story. As a father and grandfather, I know that what happened to them is every parent's worst nightmare. We live to protect our children, and it is disgusting to me that the individuals that they reported abuse to didn't protect them.

Have you engaged with sexual assault survivor advocacy organizations to have them review and suggest improvements to your policies and procedures to ensure with certainty that your athletes are protected from abuse?

Answer. We have not yet done this, but we agree with the suggestion and are committed to completing it within the current Fiscal Year.

*Question 2.* What surveys or other tools have you implemented to determine and measure whether your athletes feel empowered to report abuse? How recently were these surveys conducted?

Answer. We regularly conduct surveys with our athletes that allow anonymous responses and ensure confidentiality. The most recent surveys took place after the 2018 Olympic Games.

*Question 3.* How are your organizations ensuring young athletes understand what type of behavior from coaches or other adults is inappropriate and should be reported?

Answer. Each youth membership prompts a notification to parents or guardians that directs them to SafeSport information and educational material about appropriate behavior from coaches or other adults.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
DARRIN STEELE

*Question 1.* Currently, amateur athletes are only eligible for up to 10 years after their last qualifying international competition to represent athletes on NGB or USOC boards. Athlete advocates have called for this 10-year requirement to be relaxed, so that older, possibly retired athletes who have more professional experience, time, and resources, may contribute their expertise. Would you support expanding the eligibility?

Answer. Yes.

*Question 2.* Provided that eligibility for athlete representation is expanded, would you support ensuring that the membership and voting power held by such amateur athletes is not less than 50 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation?

Answer. No.

*Question 3.* Please explain any factors preventing you from changing your NGB's bylaws to 1) increase the percent of athlete representation on your board, and 2) allow for older former amateur athletes who may have more professional experience to serve on boards. If there are no factors preventing you from making these changes, please explain why you have not or will not in the near future.

Answer. The USABS bylaws specify the requirements for amending the bylaws, including changes that impact voting power of any board director category. The by-

laws do not give USABS the authority to redefine the eligibility requirements for athlete representatives. Those eligibility requirements are defined by the Amateur Sports Act.

It is important that athlete representation does not fall below 20 percent in either members or voting power because the athlete voice is crucial to the board and ensures that athlete interests and perspectives are always considered. I do not oppose an increase in athlete representation provided that the increase is due to the rigorous vetting process that the rest of the board members go through prior to joining the board.

The current process for athlete representatives being named to the board is through direct appointment through an election of the athletes. That process is appropriate for 20 percent representation, but not for a greater than 50 percent representation, as suggested in the hearing.

The standards for non-athlete board members are very high and those nominees are vetted by a committee to ensure competence and the presence of any specific backgrounds desired by the board (ie, law, fundraising, marketing, human resources, strategic planning, etc.).

While it is not possible to change the requirement for athlete representatives, it should be noted it should be noted that older former amateur athletes are allowed to participate on the Board today. In addition to the three athlete representatives on our board, the USABS has two additional board directors who are Olympians, but do not count as athlete representatives. One of which has BS and MS degrees in Public Health and Health Care Administration, and the other is a graduate of West Point with an MBA from Columbia. Their education, professional experience, AND athletic backgrounds make them incredibly valuable and competent board members.

A point that is too often lost in this conversation is the need for diversity within an organization. Diverse ideas, points of view and perspectives allow us to more effectively achieve our mission and serve a wider population of stakeholders. USABS supports that concept and Section 6.3 of the USABS bylaws, 'Diversity of Discussion' states; "USABS's Board shall develop norms that favor open discussion and favor the presentation of different views."

Increasing by mandate, representation of any contingency group—including athletes, to a majority reduces diversity and stands in opposition to the teachings and best practices for effective nonprofit boards.

*Question 4.* Please explain your NGB's process for changing bylaws, ethical codes, and any other policies or procedures.

Answer. Section 21.1 of the USABS Bylaws states the following:

Any amendment or repeal of these Bylaws that increases or decreases the number of directors, changes the membership categories, or changes membership voting rights, may only be voted on and approved by the members of the membership category or categories whose number of directors, category, or voting rights are affected.

Otherwise, these Bylaws may only be amended, repealed, or substituted at any duly-noticed meeting of the Board or at a special meeting of the Board, at which a quorum is present, upon the affirmative vote of at least two-thirds (2/3) of the members of the Board entitled to vote.

The Code of Ethics is written and approved annually by the Ethics Committee. Policies and procedures are under the purview of the management and may require proper notice and/or AAC approval.

*Question 5.* Are you committed to making sure half of coaches at protected competitions are women? If yes, how do you plan to accomplish that?

Answer. No. We recognize the importance of developing and hiring female coaches, but we oppose quotas. Women's bobsled and skeleton disciplines were not Olympic until 2002 and the vast majority of coaches were former competitors. That is one reason the development of female coaches has not yet caught up to the development of male coaches. As more female coaches develop, we expect the percentage of female coaches to increase. While we ideally prefer gender balance, we are concerned first and foremost with the quality of the coach.

*Question 6.* Given USOC's oversight relationship with NGBs and since NGBs are required to follow guidelines and requirements set forth by USOC, would you agree that USOC is liable for its oversight of NGBs and how effectively they promote athlete safety? Why or why not?

Answer. Yes, I agree the USOC is liable for its oversight of NGBs and how effectively they promote athlete safety. That oversight is defined by the Amateur Sports Act.

*Question 7.* Would you support the Athletes' Advisory Council having a vote on USOC's Board?

Answer. Yes. The Athletes' Advisory Council currently has three votes on the USOC's Board. Those three USOC Board members were elected by the AAC and nominated to the USOC Board.

*Question 8.* Would you support the Multi-Sport Organization Council having a vote on USOC's Board?

Answer. No.

*Question 9.* If the U.S. Center for SafeSport declines to add an individual to its banned or temporarily suspended lists, what authority does your NGB have to independently take such action?

Answer. The Amateur Sports Act requires that we ensure due process, which includes a hearing prior to banning or suspending individuals. Once that happens, we have the authority to ban or suspend individuals.

*Question 10.* Is it true that if NGB membership is given up before disciplinary action is taken, you can escape being placed on your NGB's disciplinary records?

Answer. No.

*Question 11.* How can banned lists—whether on NGBs sites or the Center for SafeSport's records—be made more useful for athletes, parents, clubs? How in sync are the Center for SafeSport and NGB's lists?

Answer. I am of the opinion that the best way to make banned lists more useful for athletes, parents, and clubs is by ensuring that those stakeholders are aware of the lists and know where to find them. The banned list for USABS is in sync with the list maintained by the Center for SafeSport.

*Question 12.* Where should individuals go for the most comprehensive list and information regarding banned or temporarily suspended members for your NGB? Does the Center for SafeSport's website have a comprehensive list? Does your NGB's website have a comprehensive list? Please explain.

Answer. We do not currently have any banned or suspended members, but if that changes, we will have the information available on our website and the Center for SafeSport will have that information on their website as well.

*Question 13.* If you become aware that a coach has been engaged in sexual misconduct, for example, would your first call be to law enforcement or to the Center for SafeSport?

Answer. If an allegation of sexual misconduct toward a minor is made, the first call will be to law enforcement. If an allegation of sexual misconduct toward an adult is made, and that conduct is described as sexual abuse or misconduct under Federal or state law, the first call will be to law enforcement. If the allegation of sexual misconduct toward an adult is made, and that conduct is not described as sexual abuse or misconduct under Federal or state law, the first call will be to the Center for SafeSport.

*Question 14.* Do you ever rely on the Center for SafeSport for required reporting to law enforcement? Under what circumstances would you not call law enforcement at all, but only inform the Center for SafeSport?

Answer. Any circumstances requiring a call to law enforcement will be made by the NGB and we will not rely on the Center for SafeSport to report it to law enforcement. Allegations of bullying, hazing, or sexual harassment will not necessitate a call to law enforcement in most cases, but would be reported to the Center for SafeSport.

*Question 15.* If you witness or receive complaints regarding grooming behaviors by a member, would you report that to law enforcement, or only to the Center for SafeSport?

Answer. Grooming behaviors that do not include violations of the law would be reported to the CEO of USABS and the U.S. Center for SafeSport.

*Question 16.* Under what circumstances would or have you hired an independent investigator to investigate a complaint?

Answer. USABS would hire an independent investigator in the event that the U.S. Center for SafeSport rejected a claim, but significant questions remained unanswered in the view of the Board.

*Question 17.* How many times have you personally called law enforcement, pursuant to your mandatory reporting requirements?

Answer. To date, we have not had any mandatory reporting requirements to fulfill.

*Question 18.* What specific penalties are in place for members in your NGB who fail to report suspected child abuse to law enforcement?

Answer. Failure to report suspected child abuse to law enforcement is a violation of the USABS Athlete Safety Policy and grounds for termination of a staff member and dismissal of a volunteer.

*Question 19.* How many times have you imposed such penalties?

Answer. To date, no member of USABS has been found in violation of the reporting requirements.

*Question 20.* Has your NGB developed explicit rules that reinforce the ethical line between coaches and athletes (*i.e.*, no texting, including parents or guardians on correspondence)?

Answer. Yes.

*Question 21.* Have you developed sport-specific educational or training materials to complement the more generic U.S. Center for SafeSport training materials? Who have you worked with in developing such materials?

Answer. To date, USABS has not developed educational or training materials independent of the U.S. Center for SafeSport.

*Question 22.* Do you think it might be confusing to athletes for NGBs to have internal “SafeSport” programs and for there to also be a “U.S. Center for SafeSport” that is actually in charge of handling sexual misconduct?

Answer. The USABS has changed its SafeSport Policy to the Athlete Safety Policy, although we have not experienced confusion to date.

*Question 23.* Can you commit today to changing the name of any existing internal “SafeSport” programs to make the distinction clear for athletes?

Answer. This distinction is currently being addressed by the U.S. Center for SafeSport and USABS will comply with the resulting guidance.

*Question 24.* At this Subcommittee’s last hearing on amateur athletes, Mr. Han Xiao, Chair of the Athletes’ Advisory Council testified that NGBs would intentionally circumvent athlete representatives. He recounted a variety of tactics including:

- Appointing rather than electing athlete representatives to sign documents;
- Keeping an electronic signature of the AAC representative on file to sign documents;
- Giving an AAC representative a document with very little time before a submission deadline and asking for a signature;
- And scheduling meetings such that competing athlete reps cannot attend, or removing what the NGB perceives to a problematic athlete representative and then failing to refill the position.

Some of these tactics were employed by USA Taekwondo and documented in a 2012 Section 10 Complaint against the NGB.<sup>16</sup>

Have you ever employed any of the above listed tactics to undermine the authority and responsibilities of your NGB’s athlete representatives? Will you commit to ensuring these tactics are never used again in the future? How will you ensure this?

Answer. USABS has not employed any of the above listed tactics to undermine the authority and responsibilities of our NGB athlete representatives and we will commit to ensuring that those tactics are not used in the future.

*Question 25.* The USOC has argued, time and again, to be dismissed from lawsuits because it has “no control” over NGBs. In fact, the evidence shows that USOC actually exercises a significant amount of control over NGBs, like your own. Please describe what policies, procedures, or guidelines are provided to NGBs through USOC. Please also describe any financial support, staffing, or legal support received from or funded by USOC.

Answer. The USOC provides support and approval for athlete selection criteria, high performance plans, and Olympic-related procedures. They audit the USABS for compliance with the Amateur Sports Act and they provide non-discretionary grants for athlete support and programs. USOC personnel is available as needed for advice to NGB personnel.

*Question 26.* Before the U.S. Center for SafeSport was established, did your NGB have the authority to suspend or ban a coach?

Answer. Yes.

<sup>16</sup><https://www.teamusa.org/-/media/TeamUSA/Documents/Legal/Arbitration—Hearing-Panel-Cases/Section-10/2011/Robinson-v-USA-Taekwondo-22712.pdf?la=en&hash=31C1EF0B6376CA5D5C73BEF0598708EA9A9040F1>

*Question 27.* After the U.S. Center for SafeSport’s establishment in March 2017, does your NGB still have the authority to independently suspend or ban a coach, even if the U.S. Center for SafeSport declines to do so?

Answer. Yes.

*Question 28.* In August, the Center for SafeSport declined to defend its ban of Jean Lopez, a taekwondo coach it had determined, months earlier, was engaged in a “decades long pattern of sexual misconduct.” The Center then removed him from its database of sanctioned individuals. Despite this, Steve McNally, the President and CEO of USA Taekwondo, has kept Jean Lopez on USA Taekwondo’s suspension list.<sup>17</sup> Do you think Mr. McNally’s decision was appropriate? Would you have made the same decision? Why or why not?

Answer. I do not feel that I have enough information about the situation to determine if the U.S. Center for SafeSport was right or wrong in their actions, or that Steve McNally was right or wrong in his actions.

*Question 29.* What consequences have and will you impose on member clubs that do not take your NGB’s banned and suspended lists seriously? Please explain what enforcement mechanisms you have. How often have you exercised such enforcement mechanisms? Please detail.

Answer. Member clubs that choose to work with individuals on the banned or suspended list will immediately forfeit their membership with USABS and that decision will be announced on the USABS website. To date, no clubs have been found in violation of this.

*Question 30.* How regularly on background checks conducted on your members?

Answer. Athlete members do not go through background checks. All employees and individuals who interact with athletes beyond an officiating capacity or public interaction capacity go through biennial background screenings.

*Question 31.* There are criticisms that the term “SafeSport,” according to a Deadspin article, was developed and trademarked by the USOC to serve as “a pleasant-sounding euphemism for a horrible set of acts.”<sup>18</sup> How you lead by example, when it comes to making sure sexual abuse is not merely swept under the rug as “SafeSport” issues?

Answer. The term “SafeSport” is understood by NGBs as representing a multitude of athlete-protection infractions, ranging from encouraging an injured athlete to return to play pre-maturely to sexual assault or rape. My experience has been that SafeSport issues are taken very seriously and I have not seen or heard of any getting swept under the rug.

*Question 32.* What does a pedophile or sexual predator look like?

Answer. My understanding is that a pedophile or sexual predator could look like anyone.

*Question 33.* In your experience investigating sexual misconduct complaints, I’m sure you often receive character witness statements from parents and athletes themselves. Have you found that there’s any correlation between such statements and whether the individual is actually guilty? How much weight should be placed in such character witness statements? Can you commit to reducing the weight—if any—that your NGB currently places on such statements during an investigation?

Answer. We currently have no experience using character witnesses for investigating sexual misconduct claims and I have no reason to believe that will change in the future.

*Question 34.* Do you agree that it is possible for an individual to be respectful to certain individuals, and abusive toward others?

Answer. Yes.

*Question 35.* What is the process in which your NGB keeps its respective website and other publications up to date listing banned or temporarily suspended individuals by the Center for SafeSport?

Answer. If the Center for SafeSport bans or suspends an individual from USABS, the website will be updated immediately upon notification of the ban or suspension.

*Question 36.* Does your NGB have a dedicated staff member update these lists? If so, what is the position title of said staffer?

Answer. The current responsibility for updating the website, including these lists, is the Director of Marketing and Communications.

*Question 37.* How often are these lists checked to keep current? On a daily basis?

<sup>17</sup> <https://www.teamusa.org/usa-taekwondo/v2-resources/legal/usat-suspension-list>

<sup>18</sup> <https://deadspin.com/safesport-the-usocs-attempt-to-stop-child-abuse-is-se-1826279217>

Answer. These lists will be current because they will be updated upon each notification of a ban or suspension from the U.S. Center for SafeSport.

*Question 38.* I understand that arbitration is the general process used by the Center for SafeSport to address disputes.

Answer. That is my understanding as well.

*Question 39.* Who pays for your NGB's attorney fees in arbitration? Is it supported in any way by USOC?

Answer. Our NGB is responsible for attorney fees in arbitration. It is my understanding that the USOC does not fund arbitration expenses for NGBs.

*Question 40.* Who pays for athletes' attorney fees in arbitration? Do you provide any assistance for athlete's attorney fees?

Answer. It is my understanding that athletes are responsible for paying their attorney fees in arbitration.

*Question 41.* What assistance do you receive from the USOC when in arbitration? What kind of legal guidance does the USOC provide in such cases?

Answer. It is my understanding that the USOC limits legal guidance on arbitration to explaining the correct AAA process.

*Question 42.* Arbitration proceedings can be re-victimizing for survivors, who must relive their most painful memories under a grueling cross-examination. Questions asked by the opposing side have reportedly included intimate questions about an individual's personal sexual history.

Do you believe such questions about an individual's sexual history relevant? How so? Can you commit to barring any such questions from further arbitration or legal proceedings?

Answer. I do not have legal expertise, experience or training, so I do not feel qualified to answer that question.

*Question 43.* Former USA Swimmer and Olympic Gold medalist Nancy Hogshead-Makar has noted that women are largely missing from leadership positions throughout swimming's more competitive levels. While women represent just over 50 percent of coaches in the sport nationwide, a meager fraction of women comprise the elite ranks of the sport. As recently as 2016, the U.S. Olympic swim team had no female coaches. What, in your opinion, is the reason for the dearth of women coaching at Olympic levels, and other elite coaching levels in the sport?

Answer. I am not informed enough about USA Swimming to speculate on that situation.

*Question 44.* Do you believe that a lack of female coaches is problematic?

Answer. Yes. There are differences in male and female athletes so it is important to have perspectives from male and female coaches.

*Question 45.* Do you believe that holding a Women in Coaching Task Force, or other coaching summits aimed at female coaches is sufficient to actually reduce gender disparity at elite levels?

Answer. I am not informed enough about the Women in Coaching Task Force to have an opinion on its effectiveness.

*Question 46.* Beyond these leadership resources, what is your NGB doing to change the culture that currently stifles women leaders within sport?

Answer. It is crucial to identify and remove obstacles that deny interested women the opportunity to become sport leaders. USABS has a strong female leadership presence at the staff level and has actively developed high-potential female coaches.

*Question 47.* Do you agree that more female coaches at an elite level would make athletes safer?

Answer. Yes.

*Question 48.* The AAC has reported concerns that the Athlete Ombudsman does not act independently of the USOC leadership. Would you agree that the Athlete Ombudsman should be moved outside the USOC structure to an Office of Inspector General or another external office?

Answer. If that change resulted in an improvement over the current structure, I would support it.

*Question 49.* Do you believe that the U.S. Center for Safe Sport is sufficiently independent from the USOC?

Answer. Yes.

*Question 50.* What conflicts of interest currently exist that prevent the Center from achieving true independence?

Answer. I am not aware of any conflicts of interest that keep the Center from achieving true independence.

*Question 51.* Do you think former employees of the USOC should be working at the U.S. Center for SafeSport?

Answer. I don't have an opinion on whether former employees of the USOC should or should not be working at the U.S. Center for SafeSport.

*Question 52.* Do you understand how this would compromise the Center's independence?

Answer. If an employee of the U.S. Center for SafeSport is not independent of the USOC, then I understand how this would compromise the Center's independence.

*Question 53.* Would you support the creation of an Office of Inspector General office—like the oversight branches of Federal or state agencies—to independently investigate internal abuse, mismanagement or misconduct and promote efficiency and effectiveness at the USOC, U.S. Center for Safe Sport, and National Governing Bodies?

Answer. If the creation of an Office of Inspector General office resulted in an improvement over the current structure, I would support it.

*Question 54.* Regarding health insurance for athletes, what criteria does your NGB use to determine which athletes receive paid health insurance coverage either through the NGB or USOC? What percentage of the cost of this health insurance coverage are your respective athletes or their families responsible for?

Answer. All National Team athletes who compete at the World Cup level are offered Elite Athlete Health Insurance (EAHI). This insurance covers non-sport related injuries and illnesses and 100 percent of the premiums are covered by the USABS.

*Question 55.* What percentage of your athletes receive health insurance through the Elite Health Insurance Plan (EHIP)? Does this program cover sports-or competition-related injuries? Does this program cover non-competition-related injuries?

Answer. All National Team athletes who compete at the World Cup level are offered Elite Athlete Health Insurance (EAHI). This insurance covers non-sport related injuries and illnesses.

*Question 56.* Does your NGB terminate the insurance of athletes whose injuries may impact their competition status? If so, how much notice is provided to the athlete?

Answer. No.

*Question 57.* Please describe any other NGB-or USOC-sanctioned health insurance programs available to member athletes and whether those programs are paid for by the NGB or USOC.

Answer. All athlete members receive sport-accident insurance. The premiums are 100 percent paid by USABS. This insurance covers sport-related injuries.

*Question 58.* Does this health insurance program provide coverage for mental health services?

Answer. EAHI does cover mental health services.

*Question 59.* Do you believe that mental health services are important for athletes?

Answer. Yes.

*Question 60.* Do you believe that it is or should be your NGB's responsibility to provide mental health services and coverage for athletes?

Answer. If not covered by EAHI, yes.

*Question 61.* Beyond insurance coverage, what mental health services does your respective NGB currently provide for athletes? Are these services available to all athletes under the NGB's purview, or just athletes at elite levels? What can your NGB specifically do to improve your athlete wellness and mental health support services for athletes?

Answer. We support athletes who seek support outside of the insurance coverage on a case-by-case basis. We recently supported an athlete through leveraging our partnership with the USOC and accommodated her treatment needs.

*Question 62.* What is the process for an athlete at your NGB to take advantage of these mental health services—for example, do they have to first notify their coach or an executive at your NGB?

Answer. We do not currently have a clearly defined process, but are committed to creating one.

*Question 63.* Do you think that in cases regarding mental health services, it is appropriate to require an athlete to first notify their coach or NGB leadership of a potential mental health problem before receiving treatment or assistance?

Answer. It should not be required as a condition for receiving treatment or assistance.

*Question 64.* Do you agree that such a policy places athletes in a position where they can potentially be retaliated against, or further abused?

Answer. If an athlete is being abused or an NGB has a culture where retaliation is permitted, then yes.

*Question 65.* Do you agree that at the very least, such a policy could prevent athletes from coming forward to take advantage of critical mental health services?

Answer. Yes.

*Question 66.* What was your NGB's total budget in Fiscal Year 2017?

Answer. \$3,813,031

*Question 67.* How much (dollar amount or percentage) of the budget came from the USOC either directly or in the form of grants?

Answer. \$2,287,033, 60 percent

*Question 68.* What percentage of your budget goes to direct athlete support in the form of a stipend? How many athletes receive a stipend?

Answer. In Fiscal Year 2017 it was \$264,000, 12 percent. In the current Fiscal Year, all National Team athletes competing at the World Cup level will receive a stipend.

*Question 69.* Does USOC have any role in budgeting decisions within your NGB?

Answer. No, but the USOC does have a role in how USOC grants are utilized.

*Question 70.* Does your current NGB budget limit your ability to provide services to athletes?

Answer. Yes.

*Question 71.* Does it limit your ability to implement and adhere to Center for Safe Sport policy, or to conduct thorough internal investigations on complaints of misconduct?

Answer. No.

*Question 72.* Does USOC have the ability to direct your NGB in making decisions related to Olympic competition?

Answer. No.

*Question 73.* Does your NGB have a "two-deep" policy, so that an adult is never alone with an athlete? Why or why not? Have you considered such a policy?

Answer. If the athlete is a minor, yes.

*Question 74.* Has USOC ever asked NGBs to consider a "two-deep" policy?

Answer. I am not aware of that specific request being made.

*Question 75.* Most child-safety experts recommend a policy of not texting a minor individually. In other words, coaches can text others in a group, or can include parents on the text, but should not text athletes individually. Why hasn't your NGB adopted such a policy to ensure inappropriate conversations are not taking place?

Answer. We have adopted such a policy.

*Question 76.* I have specifically heard multiple accounts that you sought to silence Mr. Han Xiao, Chair of the AAC, at the recent USOC Assembly.

Answer. The Senator was misinformed.

*Question 77.* During a breakfast meeting with the AAC and NGB Council, you aggressively spoke to him for voicing concerns regarding the very athletes he was elected to represent.

Answer. The Senator was misinformed.

*Question 78.* According to reports, you chastised Mr. Xiao for discussing his concerns with USOC and NGBs and suggestions for reform with this Subcommittee.

Answer. The Senator was misinformed. The topic of Mr. Xiao's discussions of his concerns with the USOC and NGB's were never mentioned. Mr. Xiao's suggestions for reform with the Subcommittee were never mentioned. I never addressed Mr. Xiao separately from the overall AAC.

*Question 79.* What type of signal do you think that sends to the athletes in your sport?

Answer. Had the fictional accounts of that meeting been accurate, the signal it would send to the athletes in my sport would have been a negative one. If the athletes in my sport had an accurate account of that meeting, the signal it would send is that honesty, integrity and bold leadership are the way we live our values in the USABS. We speak the truth and expect integrity from others.

*Question 80.* Do you believe that publicly attacking Mr. Xiao for his suggestions to this Subcommittee is the appropriate way to vent your frustrations?

Answer. The Senator was misinformed. I do not believe that publicly attacking Mr. Xiao for his suggestions to this Subcommittee is the appropriate way to vent my frustrations, which is one reason I did not do it.

*Question 81.* Why do you believe that it was inappropriate for Mr. Xiao to make recommendations to this Subcommittee?

Answer. I do not believe that it was inappropriate for Mr. Xiao to make recommendations to this Subcommittee. On the contrary, as Chair of the USOC AAC, it was Mr. Xiao's duty to make recommendations to this Subcommittee.

*Question 82.* Do you want to apologize to Mr. Xiao or the athletes you represent for this behavior?

Answer. If the reports provided to the Senator had been true, I would owe Mr. Xiao an apology. In this meeting, I reminded the members of the AAC that when one of them speaks, that person represents all of them. Therefore, when inaccurate or misleading information is provided to the media by a member of the AAC, they have an ethical responsibility to correct the record. I also told them that the NGBs would love to join forces in their fight for making positive changes in the Olympic movement, but I cannot do that if their tactics are unethical.

The vast majority of the AAC and Olympic athletes are highly ethical, and that is one of the reasons that I raised this particular issue. A very small minority of athletes is taking advantage of the media attention available to them right now to push their own agenda. Those individuals do not represent the majority of the athletes.

*Question 83.* In your opinion, is your organization living up to its mission of being "responsible for fielding teams for national and international competition"?

Answer. Our organization does field teams for international competition, but that quote is not from our mission statement. In 2007 our current mission statement was established and the only change was an update to the initials from USBSF to USABS: The mission of USABS shall be to enable United States athletes to achieve sustained competitive excellence in Olympic competition and to promote and grow the sports of bobsled and skeleton in the United States.

*Question 84.* Do you believe that fielding a team requires a financial commitment by your organization?

Answer. It is desired, but not required. Our goal is to one day be able to fund 100 percent of the expenses for all teams/athletes at all levels, but that has never been achieved in our organization's history. We have published criteria for how we field teams at all levels, but full-funding is only provided to the top-ranked teams/athletes in the highest race series.

*Question 85.* What percentage of the USA National Team are you funding?

Answer. We are fully funding 91 percent of the 2018–2019 U.S. National Teams on the World Cup tour.

*Question 86.* What is your current salary? And by contrast, how much money has the USABS committed to national team athlete support for the 2018–19 season?

Answer. My current salary is \$180,000. National team athlete support for 2018–19 is \$2,103,265.

*Question 87.* What percentage of the 2018–19 operating budget is earmarked for direct athlete support?

Answer. Direct Athlete Support is defined as money given to athletes in the form of a cash stipend, which is intended to assist athletes in covering expenses while they are training and competing. The percentage of the 2018–19 operating budget committed to Direct Athlete Support (stipends) is 7 percent.

This metric has been inaccurately interpreted as the only representation of athlete support. Stipends allow athletes to pay their bills without having to get jobs that distract from their training or competing. Direct Athlete Support does not include the technology and equipment provided by the NGBs, the coaches, or the travel expenses provided on the competitive tour. When those additional athlete benefits are included with the cash to athletes, the percentage increases to 72 percent. Also not included in Direct Athlete Support is free lodging, meals, and sports medicine provided at the Olympic Training Centers, although those expenses are incurred by the USOC rather than the NGBs.

*Question 88.* And what percentage of the 2018–19 budget is slated for administrative/coaching salaries?

Answer. The 2018–19 budget includes administrative/coaching salaries of 39 percent. I would like to remind the Senator and the Subcommittee that sports like bobsled and skeleton do not have the benefit of high school or college feeder programs, so we are 100 percent responsible for developing and hiring all the coaches for our programs.

*Question 89.* During the hearing, you said that "getting feedback from the athletes is one of the most important things in identifying maybe some unknown issues that are out there." A number of Skeleton athletes recently wrote you a petition outlying

a number of their grievances. Do you think that that 21 members—a significant percentage—of the USABS team writing a letter expressing its concerns with the financial management of USABS represents that the NGB is headed in the right direction?

Answer. The short answer is that 21 (anonymous) athlete members of USABS writing a letter expressing their concerns with the financial management of USABS does not signal that an NGB is—or is not headed in the right direction. The USABS Board and leadership present the financials to the members annually and invite them to ask questions. Had the concerns raised in the petition been asked at the Annual Meeting when the budget and financial statements were presented, we would have gladly answered the questions, explained the statements and addressed concerns.

*Question 90.* Did you take this letter seriously? Do you believe that any of the concerns mentioned in the letter are valid? Have you attempted to engage with the athlete activists that helped write the letter beyond your written reply?

Answer. I did take the letter seriously, as did my board of directors. All athlete concerns are valid. In addition to the written reply, I have spoken with Athlete Representatives on the Board. Although I don't know which athletes helped write the letter, I offered the opportunity for any athletes to pose questions at a recent all-athlete meeting. I have also engaged two members of the USOC AAC leadership team, including the Chair, Han Xiao for their feedback.

*Question 91.* Are you willing to restore funds to athletes?

Answer. The hard truth about Olympic sports is that funding is based on performance. The performances went down and the funding went down with it. When performance goes back up, funding will increase.

*Question 92.* Are you willing to withhold a percentage of your salary to help reinstate a basic level of funding for National Team Athletes?

Answer. The majority of National Team athletes competing on the World Cup level still receive a basic level of funding, but no, I will not withhold a percentage of my salary to increase funding to athletes.

*Question 93.* Why or why not?

Answer. I have voluntarily given up bonuses and perks valued at more than \$75,000 over the past two seasons—not because I wanted to fund particular programs, but because I didn't think I earned them. If I were to give up more of my salary, I would put that money into those athletes with the highest potential to fight for medals at the Olympic Games. I will not support the demand to withhold a percentage of my salary to fund athletes for the same reason senators will not withhold a percentage of their salary to fund causes and programs they believe in.

*Question 94.* Do you believe it's possible to financially abuse athletes?

Answer. Yes.

*Question 95.* Would you say your athletes have been financially abused? How would you describe their grievances?

Answer. No, our athletes have not been financially abused by the organization. It is common for athletes to be frustrated by the lack of financial support available to those who are not ranked at the top of the sport. The top-ranked athletes do get financial support and they did not support the petition.

*Question 96.* Are you aware that financial abuse and mismanagement are often factors that can breed a culture of further abuse, particularly sexual abuse?

Answer. I'm aware of financial abuse as it relates to domestic and elder abuse by individuals who control the spending and finances of the victims. It's a subject that should be taken seriously. I have never seen the concept applied to organizations.

*Question 97.* In a letter responding to the skeleton athlete petition, you wrote that the "USABS' financial condition is misstated and often misunderstood." Is it true that Ashley Walden said "we've been operating in the red" on a conference call that included athletes?

Answer. I was not on the call at that time, but I confirmed with Mrs. Walden that she did express that sentiment. She's the Director of Sport and she was under the mistaken impression that USABS finished the year in the red. It was an honest mistake and I educated her.

*Question 98.* Is it also true that USABS' IRS 990 tax forms reveal that you have been operating in a surplus in recent years? How do you explain this variance in financial reality?

Answer. Fiscal responsibility is very important to USABS. While we establish a challenging budget each year, our collective fiscal discipline allows us to satisfy those challenges and we finish in the black the vast majority of the time.

*Question 99.* Upon reviewing the USA Bobsled & Skeleton website, it is not immediately clear where, if at all, the information regarding athlete misconduct, or a list of banned or temporarily suspended individuals is located.

Answer. The USABS does not have any individuals banned or suspended for athlete misconduct. If that changes, we will prominently display a list.

*Question 100.* Does any information regarding these topics exist on your website or other publications? Can you commit to improving the visibility of this information on your site, for clubs and members of the sport to easily find it?

Answer. The assumption that all NGBs have a list of banned and suspended athletes to display is inaccurate. USABS will commit to continuing our same high standards of transparency so that if a USABS individual is banned or suspended, we will prominently display a list.

*Question 101.* During the hearing, when I asked whether you would voluntarily commit to increasing athlete representation to a majority on your boards and committees to ensure that their voices and concerns are heard, you answered “no” because you were concerned that doing so would undermine the competence of the board. You further added that many athletes “have not completed education.” Do you see how these statements can potentially come off as insulting to athletes?

Answer. It is difficult to understand how athletes who have not completed education would be insulted by revealing that fact. It is difficult to understand how athletes who have completed their education would be insulted by revealing that many of their peers have not. There is no doubt that I could have been more clear in my response and I was surprised by how many athletes were insulted by my comments.

*Question 102.* In your opinion, what are the educational requirements for members of the USABS Board?

Answer. There are no educational requirements for members of the USABS Board.

*Question 103.* Do you believe that increasing the age eligibility for athletes, allowing older athletes to participate on the Board would satisfy your concerns with athlete experience?

Answer. I do support the idea of increasing the age eligibility for athletes representatives, but that is defined by the Amateur Sports Act and not within the authority of NGBs to change it. Nonetheless, it should be noted that older athletes are allowed to participate on the Board today. In addition to the three athlete representatives on our board, the USABS has two board members who are Olympians, but do not count as athlete representatives. One of which has BS and MS degrees in Public Health and Health Care Administration, and the other is a graduate of West Point with an MBA from Columbia. Their education, professional experience, and athletic backgrounds make them incredibly valuable and competent board members.

*Question 104.* You also mentioned that you have been conducting a culture training with the entire USABS organization, though not necessarily related to SafeSport issues, because your organization has not experienced in “quite a while.” Do you believe that since your organization has had fewer cases of sexual misconduct than other NGBs, that frequent SafeSport training is not necessary?

Answer. No, SafeSport training is very necessary and I would never suggest otherwise. We cannot get complacent or naïve to the potential risks and we must always look for ways to reduce them.

*Question 105.* What do you mean by a “culture training” if it is not related to training and policy regarding sexual misconduct?

Answer. USABS has partnered with People Academy to help develop a culture that reinforces our values of Teamwork, Commitment, and Integrity. Through a hands-on process with athletes, staff and coaches, we identified the following areas of focus: communication growth mindset, enjoy the journey, accountability, grit & family. We recently had additional training with staff, coaches and athletes and it was wildly successful.

*Question 106.* As we discussed in the hearing, a member of the Skeleton Team was recently exposed to the sexually explicit content of a male coach.

Answer. This situation was investigated and it was found that a male coach used his personal Apple Id to upgrade an app used for video review on a USABS iPad. He did not realize that his personal iCloud account would be available on that device as a result. A skeleton athlete found the personal iCloud account of the coach and found the personal content on that account.

*Question 107.* Subsequently, other athletes were exposed too.

Answer. After finding the inappropriate content on the iPad, the athlete shared it with other athletes.

*Question 108.* Athletes took the correct protocol in reporting the situation, and a trusted athlete representative was brought in to handle the situation. Safe Sport was contacted, and the USOC–AAC representative was brought in to help resolve the matter. Athletes were told through representatives that appropriate disciplinary action would take place. However, nothing was done, and the scandal was seemingly ignored.

*Answer.* We treat code of conduct violations like HR issues and we do not make them public. The fact that athletes were not informed of any disciplinary action does not mean disciplinary action did not take place or that the issue was ignored. It's unfortunate that so many people, including Senators, are reluctant to educate athletes on the realities of such things.

*Question 109.* Can you please provide a written account of how this case was handled further, as you promised in the hearing? Were you informed by the USOC–AAC representative of these explicitly sexual content?

*Answer.* Appropriate disciplinary action did take place and the situation was handled. The coach in question updated a video analysis app by using his Apple ID and unintentionally exposed his personal iCloud account. Athletes realized this and reviewed the content on the personal file and shared it without the coach's consent.

After learning of the situation, the USABS Board immediately brought the case to the U.S. Center for SafeSport for an investigation into the original situation and the way it was handled. The goal of USABS is to ensure it was handled correctly and to learn from any aspect that was not handled correctly. It is currently an active investigation and I do not believe it is appropriate to discuss any additional details.

*Question 110.* Do you think it's appropriate or professional that a coach would expose himself to athletes in this manner?

*Answer.* The exposure was unintentional as the coach did not realize that the iPad was connected to his personal iCloud account. Nonetheless, it was unprofessional and the coach is responsible for any loss of coaching effectiveness he experienced as a result.

*Question 111.* Was any disciplinary action taken? Why not?

*Answer.* The coach was counseled on his responsibility to keep this type of thing from happening and if the situation impacted his ability to lead his athletes, it would be considered a performance issue.

*Question 112.* Did you tell the representative that you would take disciplinary action on the coach?

*Answer.* Yes, and the original plan was to keep the coach from attending the World Championships and I shared that with the representative. That decision was not due to disciplinary action and was later changed.

*Question 113.* Why was this case not published on your website to warn members of USABS of this coach's behavior?

*Answer.* The exposure was not found to be a violation of SafeSport because it was unintentional and did not involve minors.

*Question 114.* When said coach then made light of the situation on social what action was taken? If no action was taken, why not?

*Answer.* The coach was embarrassed to have his private pictures shared among athletes and this approach was seen to be a way to help all involved move forward.

*Question 115.* Can you see how this case demonstrated to athletes that the established channels for athlete grievances apparently do not work?

*Answer.* No, I can see how this case demonstrated to athletes that sometimes their expectations are not met. It is a mistake to tell athletes that they should define the effectiveness of going through the established channels by whether or not their expectations are met.

*Question 116.* Can you see how inaction in this case has created a culture of fear among athletes, as they risk retribution for speaking up?

*Answer.* No. The retaliation or retribution from athletes speaking up has never been alleged and perceived inaction does not create a culture of fear.

*Question 117.* How do you plan to repair and strengthen the damaged relationship you have with USABS athletes?

*Answer.* This situation has been unfortunate, but represents the valid right of athletes to challenge the leadership on decisions made in the organization. The way to strengthen the relationship with athletes is to acknowledge the issues raised, clarify the strategies that are misunderstood, and fix the issues that need to be fixed. That is happening now and the improvement has already been evident.

*Question 118.* Given USABS' financial difficulties and inadequate fundraising, along with the seemingly confrontational relationship you have with USABS athletes and the AAC, do you believe that you are the right choice to lead USABS into the future?

Answer. I disagree with the premise, but I do believe I am the right choice to lead USABS into the future.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO DARRIN STEELE

*Question 1.* Athlete and Community Engagement: To what extent are you personally—and your leadership and staff—actively engaging with both the Athletes' Advisory Council and victims of sexual abuse to help direct your programming to stamp out a culture of abuse that enabled predators to target athletes?

Answer. My staff and I have been personally involved with the implementation of SafeSport policies and have invited any victims of abuse to come forward and report claims. During Board meetings, AAC members have been asked to provide their perspectives on potential areas of risk that need to be examined. Although a culture of abuse inside the USABS has never been alleged, we continue to monitor our programming and will make changes where necessary.

*Question 2.* Are you engaging with elite-level athletes who are victims of sexual abuse to help direct your programs away from this widely reported culture of abuse that enabled predators?

Answer. We are not aware of any elite-level athletes from USABS, who have been victims of sexual abuse at the hands of predators inside USABS. If we become aware, we will engage them and ask for their perspective. We have committed to engaging with a sexual assault survivor advocacy organization, to have them review our policies and procedures and suggest improvements.

*Question 3.* How do you empower athlete voices in your NGB?

Answer. We have an open-door policy, a policy of non-retaliation, and conduct post-season athlete surveys that promise confidentiality to respondents.

*Question 4.* What changes are you implementing internally to ensure that you are using athlete perspectives to drive some of your decision making?

Answer. Internally, we have increased the decision-making ability of the athletes by leaning on the AAC for some policies that directly impact the athletes. The latest example was regarding the fee required when an athlete files a waiver request. Some athletes communicated to us that they did not think the fee was fair, so we asked the AAC to review the policy and recommend a better one. We plan to change the policy based on the AAC recommendation.

*Question 5.* Do you think that there are trust issues between athletes and administrators?

Answer. I don't know that it will be possible to eliminate all trust issues between athletes and administrators, but they should be minimized to the extent possible.

*Question 6.* How do you prevent retaliation against athletes who provide their opinions?

Answer. We have a non-retaliation policy and we will consistently enforce it.

*Question 7.* Do you feel the USOC has equally encouraged or created partnerships with survivors and advocates? If so, please provide examples.

Answer. I don't have enough information to have an opinion on that topic.

*Question 8.* Do you currently employ a full-time staff member with sufficient professional knowledge and experience with victims of severe emotional, physical and sexual abuse? If so, please identify that person and their role.

Answer. No.

*Question 9.* Safesport: The Center for SafeSport must succeed. I think from all the testimony we have received during these hearings, and in many of my private meetings with survivors, advocates, leadership in sport including NGB's, the USOC, and Safe Sport, we know that we must stimulate a culture of reporting. In 2017 testimony offered by Mr. Rick Adams, of the USOC, he said there was an ". . . environment that discouraged victims from reporting abuse. . ." at NGBs.

Do you agree with Mr. Adam's assessment of the culture within your organization prior to your tenure?

Answer. It's difficult to determine if that specific issue was part of the culture prior to my tenure, but it's possible.

*Question 10.* Since taking over, have you implemented any specific changes to address this "environment" that "discouraged victims from reporting abuse"?

Answer. An environment that discourages victims from reporting abuse is likely a symptom of a much larger issue in the organization. Setting expectations of professionalism and ethical behavior for the staff and coaches is critical for establishing an environment where athletes do not feel discouraged from reporting abuse or raising other issues in the organization. I think we have done that in USABS.

*Question 11.* What are you doing to change the culture within your sport and community?

Answer. USABS aspires to serve as an example to other National Federations within the sport. As a member of the Executive Committee of the International Federation, I am also able to help create an environment that changes the international culture where it needs to be changed.

*Question 12.* What are you doing to make sure that coaches and other staff members do not have unhealthy levels of power, authority or influence over athletes and their families?

Answer. Our coaches and staff operate within a system of collaboration and selection of athletes to National Teams is based on written criteria which is used by selection committees. If the written criteria is violated, athletes may file a claim with an independent Judicial Committee for investigation. If a coach or staff member makes unethical decisions, athletes can file a claim with the independent Ethics Committee for investigation.

The structure of the organization greatly reduces the risk of a coach or staff member abusing their power and there are remedies available if that is suspected of happening.

*Question 13.* What are you doing to educate parents and family of members of your membership to take athlete abuse issues seriously and teach them the value of SafeSport programs?

Answer. Each youth membership prompts a notification to parents or guardians that directs them to SafeSport information and educational material about appropriate behavior from coaches and other adults.

*Question 14.* Does SafeSport recommend the most direct way for the USOC to communicate their material to all of their NGB's and on to the member clubs?

Answer. I do not have knowledge of what SafeSport has recommended to the USOC.

*Question 15.* What have you found is the best way to share, post, or disseminate SafeSport information?

Answer. We have found that the best way to disseminate SafeSport information is through in-person presentations. If that is not possible, e-mailing the information is the next best method. Having prominent links on the website and posted information in sports medicine facilities are important as well.

*Question 16.* When SafeSport recommends an interim suspension, what steps does your organization take to enforce that interim measure with limited information?

Answer. We have not yet faced that situation, but it is understood that the Center has the authority to impose suspensions and bans, so we would enforce any recommendations regardless of having limited information.

*Question 17.* What are the access points in your organization for athletes to report misconduct—either physical, emotional, or financial?

Answer. Being a smaller NGB in terms of staff, coaches, and athletes, we are able to utilize multiple access points for athletes. In addition to being able to make a claim with the Center, athletes may go through their AAC representatives, coaches, staff or Board members.

*Question 18.* How do you minimize conflicts of interest within those reporting channels?

Answer. By not requiring athletes to use limited reporting channels, they have the ability to avoid reporting to someone who may be perceived to have a conflict of interest.

*Question 19.* Protection and Removal: What direct action is your organization taking not only to identify, but also to remove coaches, athlete directors, employees, and officials who witnessed either emotional or physical abuse of athletes and did nothing to stop it or report it to authorities?

Answer. If we become aware of it, we will investigate and take appropriate action.

*Question 20.* What are the biggest challenges for your member clubs to be able to adhere to the SafeSport minimum requirements?

Answer. We currently have only one member club and that club has not expressed any challenges to adhering to the SafeSport minimum requirements.

*Question 21.* What do you believe are the explicit protections you are directed to uphold and where do they apply to?

Answer. We have a duty to protect athlete members from abuse.

*Question 22.* Does that duty cover only Olympic events and training centers?

Answer. This duty covers all programs and events in which the NGB participates and/or manages.

*Question 23.* Does that duty extend to off-site venues? Member clubs? Member events?

Answer. This duty extends to off-site venues, member clubs and member events.

*Question 24.* What individual is most responsible for that protection?

Answer. All covered individuals are responsible for that protection.

*Question 25.* What are your challenges, if any, to hiring additional staff that are experts with survivors of sexual abuse?

Answer. The only challenge to hiring additional staff would be financial, but if that resource was needed, that challenge would be overcome.

*Question 26.* Ban Lists: Susanne Lyons, former Acting CEO and upcoming Board Chair of the USOC, said in her hearing testimony before the House Commerce Committee in May, that she committed to looking into creating and enforcement requirements that “ban lists” be made publicly available. I know a number of your organizations do post those lists.

Has the USOC made any such requirements of your organization?

Answer. It is my understanding that all banned individuals need to be posted on NGB websites in the form of a list.

*Question 27.* What direct requirements or requests have come from the USOC since the May testimony with regard to the NGB’s publishing accessible lists of all banned individuals?

Answer. Each NGB is required to provide a banned or suspended list to the USOC.

*Question 28.* Do these ban list’s work? What could be done to best disseminate this information?

Answer. The USABS does not have any individuals currently suspended or banned, so I do not have an opinion of whether or not the lists work.

*Question 29.* What are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list?

Answer. It is my understanding that NGB member clubs would lose their membership status with the NGB if they hired someone on the banned list.

*Question 30.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB’s?

Answer. I am not aware of that demand, but it is possible that such a demand has been made to NGBs that have banned members.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
STEPHEN McNALLY

*Question 1.* How have the recent reforms provided by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act impacted your National Governing Body (NGB) from a structural and resource perspective?

Answer. As a smaller NGB with limited staffing resources, the changes to the process have been helpful. The contribution of the Center’s expertise, in terms of both education and investigation (and subsequently, resolution) better enables USA Taekwondo to protect athletes.

*Question 2.* Have you hired additional personnel to help review cases, implement training, education and outreach? Please elaborate on how this is being implemented.

Answer. USA Taekwondo will shortly fill a new position to be announced imminently, of “Head of Athlete Protection.” This role will ensure all policies are robust and implemented fully, develop the educational tools and programs, and will work with the Executive Director on the handling of any cases that come to us in future.

*Question 3.* Does your NGB have internal protocols/procedures to investigate allegations that are not sexual abuse (*i.e.*, drug use, bullying, fraud, etc.)? Do you refer cases that are not sexual abuse to the Center for SafeSport?

Answer. Yes, USA Taekwondo handles non-sexual abuse allegations through its Ethics Committee. Depending on the nature of the allegations, USA Taekwondo may refer non-sexual abuse cases to the Center for SafeSport.

*Question 4.* How does the total revenue of your NGB compare to the others? What portion of your revenue comes from the U.S. Olympic Committee (USOC)?

Answer. USA Taekwondo is a smaller NGB. Our typical total revenue is somewhere between \$3m and \$3.5m per year and our funding from the USOC ranges typically between \$250k and \$500k per year depending on how close we are to an Olympic Games.

*Question 5.* Based on your NGB's experiences in handling abuse allegations, did the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act provide the necessary authorities to the Center for SafeSport and NGBs to address abuse allegations? If there are shortcomings, please identify them.

Answer. One shortcoming is how long it can take to resolve an allegation. Specifically, it took several months for the Center to investigate and sanction both Steven Lopez and Jean Lopez. Another shortcoming relates to what record is required in order to make a decision. While the Center concluded that it had credible evidence that the Lopez brothers had committed egregious SafeSport violations as evidenced by the lifetime bans the Center imposed, when the Lopezes appealed, the alleged victims declined to participate due to ongoing civil litigation. As a consequence, both lifetime bans were ultimately overturned because the arbitrators had no live victim testimony against the Lopezes.

While we support due process for the accused, these are not criminal proceedings and we question the apparent point of view among arbitrators that live victim testimony is a requirement. USA Taekwondo cannot fairly be asked to allow those facing egregious and unresolved allegations back into our community and our events.

*Question 6.* Our subcommittee has heard from many survivors regarding Larry Nassar's sexual abuse under the guise of medical treatment. It is clear that centralizing all of the medical oversight, expertise and access in one individual for a lengthy period of time was a major factor that helped facilitate the abuse by Nassar. Has your NGB updated its medical policies and procedures to prevent this from happening? If so, how have you implemented these safeguards and how has the structure of your medical staff changed?

Answer. USA Taekwondo does not have a centralized system for appointing medical staff. Instead, medical staff are appointed from a pool. We have also implemented a two-deep leadership policy for medical staff, meaning that no athlete is treated in a room without another responsible adult being present.

*Question 7.* In the wake of the Larry Nassar sexual abuse scandal, what policies and procedures have you put in place regarding access, retention and preservation of athlete's medical records? Have you provided those policies to USOC?

Answer. [See our answer to Question 6 above. Yes, we have provided those policies to the USOC.]

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO  
STEPHEN MCNALLY

*Question 1.* First, I want to start off by saying I admire the bravery of the athletes who have come before this Committee previously to share their story. As a father and grandfather, I know that what happened to them is every parent's worst nightmare. We live to protect our children, and it is disgusting to me that the individuals that they reported abuse to didn't protect them. Have you engaged with sexual assault survivor advocacy organizations to have them review and suggest improvements to your policies and procedures to ensure with certainty that your athletes are protected from abuse?

Answer. We are working closely with the Fighting Spirit group out of Michigan which educates young athletes on abuse prevention strategies, and plan to strengthen those ties still further in 2019. In addition, in 2018 we launched #Notinmysport, an education and athlete empowerment program that focuses on awareness of the many types of possible abuse and calls on athletes to 'make their statement' on the kinds of behavior they will not tolerate in their sport.

*Question 2.* What surveys or other tools have you implemented to determine and measure whether your athletes feel empowered to report abuse? How recently were these surveys conducted?

Answer. USA Taekwondo was one of three NGBs that participated in the U.S. Center for SafeSport's Climate Survey in 2018, which covered this subject. The sur-

vey was drafted and administered by the Center and distributed to all athletes in the required demographic by USA Taekwondo.

*Question 3.* How are your organizations ensuring young athletes understand what type of behavior from coaches or other adults is inappropriate and should be reported?

Answer. In addition to the SafeSport policy and education requirements, as mentioned above, USA Taekwondo has engaged the Fighting Spirit group to work with us on this very important subject. All athletes who make the National Team in future will have to take the Fighting Spirit training, which is specifically designed to educate young athletes not just on the signs of potentially inappropriate conduct, but also how to protect themselves from such abuses.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO STEPHEN MCNALLY

*Question 1.* Athlete and Community Engagement: To what extent are you personally—and your leadership and staff—actively engaging with both the Athletes' Advisory Council and victims of sexual abuse to help direct your programming to stamp out a culture of abuse that enabled predators to target athletes?

Answer. USA Taekwondo worked very closely with the AAC last year to revise and strengthen both our travel and medical policies prior to a team trip to Taipei. This work led to the implementation of two deep leadership methodologies on that trip, that have now become official policy for all USA Taekwondo activities. We have engaged Fighting Spirit out of Michigan—an education and empowerment group led by a victim of sexual abuse—to deliver programming to all of our National Team and Academy athletes related to spotting the signs of abuse (or potential abuse) along with techniques to get yourself out of danger and safely report to the correct authorities. This is in addition to the SafeSport policies themselves, and our new social media #notinmysport campaign, which both educates and empowers athletes to speak out again all forms of abuse in sport.

*Question 2.* Are you engaging with elite-level athletes who are victims of sexual abuse to help direct your programs away from this widely reported culture of abuse that enabled predators?

Answer. This is not something USA Taekwondo has done yet but would very much like to do. Pending class action litigation against USA Taekwondo prevents direct victim communication at this time. Nonetheless, our new Head of Athlete Safety will be tasked with working with victims from other sports to gain key perspectives and advice from them once appointed early in 2019.

*Question 3.* How do you empower athlete voices in your NGB?

Answer. USA Taekwondo launched the #notinmysport social media campaign in 2018, empowering athletes to demand the healthy, safe, competitive and successful environment they deserve from their sports. The campaign encourages athletes to 'make their statement' on the issues that matter most to them, to encourage voices to speak up without fear of repercussions.

*Question 4.* What changes are you implementing internally to ensure that you are using athlete perspectives to drive some of your decision making?

Answer. We have begun to engage much more frequently and deeply with the AAC, including on the aforementioned policy work and our Board SafeSport working group, through to giving the AAC an opportunity to vote on proposed selection procedures.

*Question 5.* Do you think that there are trust issues between athletes and administrators?

Answer. Sadly, yes. I believe USA Taekwondo has made significant progress in this area, but it will take time to truly build. A big problem with that has been our historically frequent turnover of leadership, and that needs to be fixed as it takes time to build a truly trusting relationship, even with the right people in charge.

*Question 6.* How do you prevent retaliation against athletes who provide their opinions?

Answer. USA Taekwondo under my leadership will simply not tolerate any acts of retaliation. I have not seen this happen under my administration. Our small size and the infusion of people like me into the organization who do not have a history with the sport are positive factors where an anti-retaliation stance is concerned.

*Question 7.* Do you feel the USOC has equally encouraged or created partnerships with survivors and advocates? If so, please provide examples.

Answer. Beyond the Center for SafeSport I have not experienced this, although I know that the new USOC CEO, Sarah Hirshland, is very focused on these matters.

*Question 8.* Do you currently employ a full-time staff member with sufficient professional knowledge and experience with victims of severe emotional, physical and sexual abuse? If so, please identify that person and their role.

Answer. We intend to appoint a Head of Athlete Safety in the very near future and are committed to ensuring excellent qualifications and providing training for that person.

*Question 9.* Safesport: The Center for SafeSport must succeed. I think from all the testimony we have received during these hearings, and in many of my private meetings with survivors, advocates, leadership in sport including NGB's, the USOC, and Safe Sport, we know that we must stimulate a culture of reporting. In 2017 testimony offered by Mr. Rick Adams, of the USOC, he said there was an ". . . environment that discouraged victims from reporting abuse. . ." at NGBs.

Do you agree with Mr. Adam's assessment of the culture within your organization prior to your tenure?

Answer. I do not believe Mr. Adams was speaking of our NGB specifically. Because I was not a part of the organization at the time, it is difficult for me to agree or disagree with Mr. Adams' assessment. However, the current combination of the SafeSport policy, Center for SafeSport and a new administration ensures that USA Taekwondo does more to proactively encourage reporting today than at any time previously.

*Question 10.* Since taking over, have you implemented any specific changes to address this "environment" that "discouraged victims from reporting abuse"?

Answer. The #notinmysport campaign described above, rapid responses to abuse reports including SafeSport reporting, law enforcement reporting, and the use of interim and permanent suspensions, and open communication with the membership.

*Question 11.* What are you doing to change the culture within your sport and community?

Answer. USA Taekwondo is making sure no one individual who has authority over athletes within our organization is all powerful, and we are encouraging the wider community to be educated and vigilant in relation to spotting and reporting abuse. We will continue to encourage member coaches to not make their students call them "master" or "sir," rather "coach" or, even better, use their actual name—athletes are told to call our National Coaching Directors simply Paul and Gareth. Taekwondo in particular is a sport with long held traditions of not questioning your instructor and reversing that will be a long (and much objected to) task, but one that USA Taekwondo will continue to pursue.

*Question 12.* What are you doing to make sure that coaches and other staff members do not have unhealthy levels of power, authority or influence over athletes and their families?

Answer. USA Taekwondo has employed two coaches who do not, and will not be allowed to run their own schools—they will simply train the athletes. We have employed two deep leadership policies to any and all athlete interactions, to ensure that no athlete is ever completely alone with a coach.

*Question 13.* What are you doing to educate parents and family of members of your membership to take athlete abuse issues seriously and teach them the value of SafeSport programs?

Answer. USA Taekwondo is currently rolling out the new SafeSport training for athletes and parents and will continue to develop and grow the #notinmysport campaign to educate and empower everyone to be vigilant and aware. In addition, all National Team athletes will now take the Fighting Spirit training.

*Question 14.* Does SafeSport recommend the most direct way for the USOC to communicate their material to all of their NGB's and on to the member clubs?

Answer. We have a direct relationship with the SafeSport Center, so material comes from them, not from the USOC. The USOC does audit USA Taekwondo though to ensure we are complying with any and all requirements.

*Question 15.* What have you found is the best way to share, post, or disseminate SafeSport information?

Answer. USA Taekwondo extensively uses social media to communicate with its members, and this has definitely been the most successful method, both for communication and stimulation of debate. We also use our website, and e-mail for messaging purposes.

*Question 16.* When SafeSport recommends an interim suspension, what steps does your organization take to enforce that interim measure with limited information?

Answer. USA Taekwondo enforces the suspension completely, immediately making the member ineligible to participate in any way within the organization.

*Question 17.* What are the access points in your organization for athletes to report misconduct—either physical, emotional, or financial?

Answer. We have a reporting form on our website, including the ability to report anonymously. Reports also come in direct to the SafeSport Center, via e-mail and by telephone.

*Question 18.* How do you minimize conflicts of interest within those reporting channels?

Answer. All reports are handled the same way if directed to USA Taekwondo. The Executive Director will decide whether to file the complaint with either the Ethics Committee or the SafeSport Center. All complaints will be referred to one or the other.

*Question 19.* Protection and Removal: What direct action is your organization taking not only to identify, but also to remove coaches, athlete directors, employees, and officials who witnessed either emotional or physical abuse of athletes and did nothing to stop it or report it to authorities?

Answer. We are not aware of any such allegations against current employees or coaches. USA Taekwondo hired two coaches from overseas who are completely new to the organization with no history in the U.S. as National Coaching Directors.

*Question 20.* What are the biggest challenges for your member clubs to be able to adhere to the SafeSport minimum requirements?

Answer. We do not believe there are any major challenges for our clubs to adhere to the SafeSport minimum requirements.

*Question 21.* What do you believe are the explicit protections you are directed to uphold and where do they apply to?

Answer. USA Taekwondo must adhere to all applicable SafeSport requirements and carry out its mandatory reporting duties. We also use interim and permanent suspensions where appropriate, regardless of whether this is a minimum requirement. USA Taekwondo must also lead efforts to educate its community *e.g.*, how to spot the signs of abuse early and the importance of reporting.

*Question 22.* Does that duty cover only Olympic events and training centers?

Answer. USA Taekwondo is committed to carrying out the duties described in Questions 3, above, in all aspects of its daily operations and events.

*Question 23.* Does that duty extend to off-site venues? Member clubs? Member events?

Answer. We provide mandatory background checks and SafeSport training to all members who may have authority over athletes, including clubs, etc., which broadens the protection and education to improve safety for all. We are best able to protect athletes in environments that we can control such as our own events.

*Question 24.* What individual is most responsible for that protection?

Answer. This would largely depend on the circumstance. As the Executive Director, I am responsible for implementing policies and procedures to protect athletes. On National Team trips, the most senior staff member or coach would be the most responsible for protecting the athletes. Within a member club, the club owner would be the most responsible for protecting the athletes.

*Question 25.* What are your challenges, if any, to hiring additional staff that are experts with survivors of sexual abuse?

Answer. In order to meet the needs of the entire athlete population, we are committed to hiring a Head of Athlete Protection who has the qualifications and will be provided with the training to further our effort to protect athletes from all kinds of abuse. However, we have limited financial resources. This is why we are so supportive of the Center for SafeSport and want to see it succeed.

*Question 26.* Ban Lists: Susanne Lyons, former Acting CEO and upcoming Board Chair of the USOC, said in her hearing testimony before the House Commerce Committee in May, that she committed to looking into creating and enforcement requirements that “ban lists” be made publicly available. I know a number of your organizations do post those lists.

Has the USOC made any such requirements of your organization?

Answer. No, but USA Taekwondo has published its suspension list publicly for many years, so there has been no need to request this of USA Taekwondo.

*Question 27.* What direct requirements or requests have come from the USOC since the May testimony with regard to the NGB’s publishing accessible lists of all banned individuals?

Answer. See answer above.

*Question 28.* Do these ban list's work? What could be done to best disseminate this information?

Answer. It depends on what is meant by "work." If a parent were to check the list before allowing their child to participate at a member club and decided against their child's participation based on the club owner's name being on the list, then the list works. But this depends on a parent taking this step. Moreover, the vast majority of taekwondo practitioners, probably around 90 percent, never have any contact with USA Taekwondo so may not even know it exists. If information about all coaches involved in youth sports, regardless of their membership status with an NGB, were to be centralized, *e.g.*, via a licensing system, then this would be a better way to notify the public of a sanction against the individual.

*Question 29.* What are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list?

Answer. If a member club hires a coach on the banned list USA Taekwondo will write to that member club immediately upon learning of this and inform them that we have information that this is happening, and request confirmation that the coach has been terminated. If the club does not confirm that the coach in question has been removed the club itself will be banned from any involvement with the NGB.

*Question 30.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB's?

Answer. USOC continues to work collaboratively with NGB's in this area but I have not received a "demand" of this nature. USA Taekwondo enforces its policy that banned individuals cannot participate in or even enter events sanctioned by the NGB.

