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February 4, 2019

The Honorable Charles E. Grassley
Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley:

On behalf of our client, the United States Olympic Committee, thank you for the opportunity to respond to your January 22, 2019, letter to Sarah Hirshland, the CEO of the United States Olympic Committee. The Olympic Committee appreciates the opportunity to respond to your questions about the significant reforms and initiatives that the Olympic Committee has already taken and continues to have underway. The Olympic Committee also appreciates the opportunity to provide further information regarding the issues raised in the recently released report of the independent investigators retained by the board of the Olympic Committee to examine the serious and troubling issues related to sexual abuse of gymnasts.

Fundamentally, the Olympic Committee's highest priority is working with the Olympic and Paralympic community to make the changes necessary to create safe environments, empower athletes, and provide the funding and services that athletes need to perform at the highest level. The Olympic Committee is bringing renewed focus on empowering, protecting, and supporting athletes. It has evaluated and refined its mission and core principles, defined organizational priorities and aligned staff incentives accordingly, changed human resources allocations to better align with its core principles and priorities, and balanced Olympic and Paralympic experience and knowledge with new energy and fresh perspectives, among both the board and the staff.

Additionally, the Olympic Committee is strengthening the athletes' voice within the Olympic community and leading a change of culture. The Olympic Committee is working to create a culture free from abuse. It has instituted new leadership and stronger accountability measures, both internally and within our network of national governing bodies. It is committed to helping create an elite sports ecosystem where athletes feel supported, can raise issues without fear, and can thrive both personally and professionally.

The following addresses the questions in your letter and provides a summary and update of the actions the Olympic Committee has taken on these important issues over the past two years. Additional information is contained in the attached Athlete Safety Commitment Summary.

In 2017, when you served as Chairman of the Judiciary Committee, the Olympic Committee worked with you and your staff to support passage of the Protecting Young Victims

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from Sexual Abuse Act. Rick Adams, then the Olympic Committee's chief of Paralympic sport and national governing body organizational development, testified before the Judiciary Committee in March 2017 in support of the legislation. At that time, the Olympic Committee was also completing the launch of the U.S. Center for SafeSport. The Olympic Committee created and launched the Center to provide an independent path for reporting issues of sexual abuse, and establish an independent authority for investigating and resolving cases of abuse. In his testimony, Mr. Adams noted that the mandatory reporting requirements in the Protecting Young Victims from Sexual Abuse Act serve to complement the mandatory reporting requirements that the Olympic Committee had implemented through the SafeSport Code.

In the months following the Judiciary Committee hearing, the Olympic community unfortunately continued to see new and deeply troubling revelations about longstanding failures to protect athletes, particularly with respect to USA Gymnastics. Most significantly, in January 2018, the entire Olympic community was, like the rest of the country, shocked and horrified to hear the powerful statements from victims during the sentencing of Larry Nassar.

At that time, the Olympic Committee took a number of immediate actions. On January 24, 2018, the Olympic Committee announced that it would launch an independent investigation into the detection and reporting of Nassar's abuse. Shortly thereafter, a special committee of the board of the Olympic Committee engaged the law firm Ropes & Gray LLP to conduct the independent investigation. The investigators were directed to determine when individuals affiliated with USA Gymnastics or the Olympic Committee first became aware of any evidence of Nassar's abuse of athletes, what that evidence was, and what they did with it. The Olympic Committee provided the investigators with full discretion to conduct the investigation and make any findings the investigators would deem appropriate. The Olympic Committee pledged its full support to the investigation, including access to relevant documents and witnesses, and it required USA Gymnastics to cooperate with the investigation. The Olympic Committee committed to making the report public and to taking all appropriate actions at the conclusion of the investigation.

Even as it commissioned the independent investigation in early 2018, the Olympic Committee determined to undertake additional actions even before receiving the results of the investigation. For example, and related to your question about assistance for survivors of Nassar's abuse, the Olympic Committee committed in January 2018 to a \$1.3 million grant to an athlete assistance fund to be established by the National Gymnastics Foundation. That fund has been implemented and the Olympic Committee is honoring its grant commitment, which will provide resources for survivors of sexual abuse.

In late February 2018, the Olympic Committee announced a change in leadership and appointed Susanne Lyons as acting CEO. Ms. Lyons had formerly served on the board, including on the special committee of the board focusing on issues related to USA Gymnastics, which also engaged the independent investigators. Upon becoming acting CEO, Ms. Lyons announced a series of reforms and initiatives. In July 2018, the Olympic Committee announced the selection of Sarah Hirshland as the new permanent CEO, and Ms. Hirshland began her service in August 2018. Ms. Hirshland has led implementation and expansion of the reforms and initiatives begun by Ms. Lyons. Ms. Hirshland and the Olympic Committee continuously refined the Olympic Committee's plans, including developing and implementing new initiatives

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and efforts as additional areas of focus emerged, including most recently through the findings of the independent investigation released in December.

The Olympic Committee's reforms and initiatives generally fall into the four following categories:

- 1. Center for SafeSport and Athlete Safety Programs*

The Olympic Committee has increased its efforts to support of the Center for SafeSport and athlete safety programs. In 2018, the Olympic Committee doubled its prior funding of the Center, increasing its support to \$3.1 million. In response to the questions in your letter, the Olympic Committee believes that the Center needs additional funding. On that basis and in accordance with a request from the Center's leadership, it is again doubling its funding of the Center to \$6.2 million in 2019. The Olympic Committee is dedicated to ensuring that the Center has the resources that it needs to be successful, and the Olympic Committee looks to the Center's leadership for guidance as it pursues this objective, including speaking regularly with the Center's leadership about the Center's resource needs. The Center also receives funding from the national governing bodies in the form of a contribution based on each national governing body's revenues, and an additional allocation based on the national governing body's anticipated use of the Center's investigation and adjudication resources.¹

Since the Center's launch in early 2017, it has served an essential role in the Olympic community. During 2018, for example, the Center indicated that it experienced a significant increase in the number of reports of sexual abuse. Although the additional reports of abuse are disheartening, it is clear that the Center is serving exactly the role it was intended to perform: It provides athletes with a safe and independent path for reporting concerns and a resource dedicated to investigating and resolving such cases. The increased funding provided by the Olympic Committee will enable the Center to hire more investigators and staff (as it has been doing throughout 2018), improve the speed of resolution of cases, enhance ongoing communication for survivors and their families, provide age-appropriate training on recognizing and preventing abuse, and offer improved and more accessible resources via SafeSport.org.

The Olympic Committee is also working with the Center on initiatives to increase the scope of its activities for the protection of athletes in the Olympic community. For example, your letter asked about banned and suspended lists. The Olympic Committee has on its website a comprehensive list of personnel it has banned or suspended, and the same is true for some but not all national governing bodies. Therefore, in 2018, the Olympic Committee identified a need for a more comprehensive, uniform, and accessible resource regarding individuals banned from Olympic or Paralympic sports for SafeSport violations or other infractions. The Olympic Committee has worked with and supported such a tool for implementation across the Olympic and Paralympic community by the Center. As of today, the Center's website includes a

¹ The Center also receives federal support in the form of a grant. This grant, however, may not be used for the Center's investigative purposes.

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searchable database of persons who have been subject to sanctions by the Center, and it also provides links to the publicly available lists of individual national governing bodies that make such lists available. We understand that during the first quarter of this year, the Center will launch its publicly available resource consolidating information on banned individuals across the entire Olympic community, including the Olympic Committee, national governing bodies, and the Center.²

The Olympic Committee is working with the Center on other operational improvements. For example, the Olympic Committee is supporting the Center's work to build its capacity to investigate other abuses, such as bullying and hazing in appropriate cases, and working with the Center to explore efficiency improvements that can come from a case management system to track grievances that is accessible and integrated with data from the Olympic Committee, national governing bodies, and the Center.

Your letter asked about structural changes within the Olympic Committee. In addition to the personnel changes noted above, the Olympic Committee has implemented internal reforms to improve the support and protection of athletes. In May 2018, the Olympic Committee hired Wendy Guthrie in a newly created position of vice president of athlete safety. Ms. Guthrie joined the Olympic Committee after serving as a federal law enforcement executive. The Olympic Committee expanded its athlete safety office, which serves as a coordinating resource for athlete safety activities across the Olympic community. The Olympic Committee is developing an athlete safety advisory group to bring together survivors, advocates, child psychologists, and other medical professionals to guide stronger safeguards against abuse throughout the Olympic and Paralympic communities and enhance effective support for victims.

The Olympic Committee is reassessing and changing its relationship with Olympic training sites.³ Your letter asks whether the Olympic Committee has in place a protocol to physically inspect these locations, and notes the need for reforms reaffirmed by the findings of the independent investigation's report released in December. In general, while the Olympic Committee has direct control over the Olympic Training Centers in Colorado Springs and Lake Placid, its relationships with Olympic and Paralympic training sites are governed by individual marks licensing agreements. Thus, while the Olympic Committee plays a direct and physical role in the operation of the Olympic Training Centers, the same is not true of the training sites. Site operator agreements currently require operators to adhere to certain standards designed to promote a safe environment for athletes. The Olympic Committee is heightening and augmenting these requirements in areas such as criminal background checks, education and training, and procedures for reporting misconduct. Site operators unable or unwilling to meet

² The Olympic Committee has requested that Congress support this initiative by amending the Protecting Young Victims from Sexual Abuse Act to clarify that the statute's liability protections extend to the consolidation and publication of such lists by all organizations involved.

³ Your letter also referenced national team training centers. National team training centers are operated by national governing bodies rather than the Olympic Committee. The Olympic Committee's oversight of national governing bodies' activities, including with respect to athlete training, is being examined by the Borders Commission, as discussed below.

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these heightened standards will not be permitted to continue operating as an Olympic or Paralympic training site. The Olympic Committee may implement additional changes to the training sites structure in light of the findings of the independent investigation.

The Olympic Committee is also strengthening its background check policies, about which your letter inquired. The Olympic Committee has required background checks in various forms for a number of years, and it implemented a background check policy for national governing bodies in 2014, in connection with the adoption of minimum standards for athlete safety. Today, the Olympic Committee's NGB Athlete Safety Policy requires that each national governing body adopt a policy requiring criminal background checks, at least every two years, for an individual that the national governing body authorizes, approves, or appoints to a position of authority over an athlete, or to have frequent contact with an athlete. Importantly, these requirements do not depend on any individual's employment status or other formal relationship with the national governing body. Further, the Olympic Committee is currently finalizing revisions to its background check policy to strengthen the existing procedures by identifying the search components that background checks must include; enumerating the specific offenses that have the potential to disqualify an individual from being involved in Olympic and Paralympic activities; and establishing guidelines for background checks relating to members of the media, third-party contractors, and partner programs. Once approved, the revised policy will apply to the Olympic Committee immediately and across the board, and be implemented by national governing bodies based on their membership renewal dates.

Your letter asked whether fingerprints are used in background checks. The Olympic Committee's background check policy does not require fingerprints because fingerprint-based background checks for employment are not allowed in every state and, because they are based on arrest records, do not provide a full picture of an individual's criminal history. To provide a more comprehensive check, the Olympic Committee uses a background check that compares an individual's personal identifiers to available criminal records. This type of search uses name, birth date, social security number, and other personal identifiers to search federal, state, and county criminal records. Using an individual's personal identifiers provides information on criminal charges from arrests to the final disposition, such as whether the charges resulted in a conviction or were dismissed. This search also provides additional information such as driving records and past employment, offering a more complete picture of the individual's background.

Your letter also asked about training related to preventing sexual abuse. The Olympic Committee imposes a variety of training requirements. All Olympic Committee board members and staff are required to complete a SafeSport training and education program at least every two years. Along the same lines, the Olympic Committee's NGB Athlete Safety Policy requires national governing bodies to implement an athlete safety program that includes education and training requirements. This education and training policy must cover individuals the national governing body authorizes, approves, or appoints to a position of authority over, or to have frequent contact with athletes, and national governing body staff.

2. Athlete Advocacy

The Olympic Committee is undertaking numerous efforts, both formal and informal, to increase the voices of the athletes within the Olympic and Paralympic communities. Most

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significantly, Ms. Hirshland has engaged in numerous and repeated discussions with the athletes' elected representatives, the Athletes' Advisory Council, and other athletes to identify the top issues of concern to athletes.

In addition, the Olympic Committee conducted a survey of more than 900 athletes to gain insights into the athletes' views on policies, programs and services, and on athletes' priorities. The Olympic Committee is planning to host an Athlete Town Hall to encourage greater and more direct athlete dialog within the Olympic Committee.

The Olympic Committee is realigning its internal organization to create a new athlete and sport services division to consolidate resources related to athlete safety, services, engagement, and communication. This new division operates separately from the division supporting sport performance initiatives. The Olympic Committee significantly expanded the office of the Athlete Ombudsman, a statutorily created position that is tasked with providing confidential, independent advice to athletes.

More recently, Ms. Hirshland and the Olympic Committee's board of directors are engaged with the Athletes' Advisory Council concerning potential changes to the appointment and reappointing of athlete representatives to the Olympic Committee's board and related governance entities.

3. Olympic Committee Engagement with National Governing Bodies and Athletes

The Olympic Committee is undertaking a thorough governance review to inform its engagement with national governing bodies and athletes, and its oversight of the Olympic and Paralympic movements in the United States. In recent years, the relationship between the Olympic Committee and the various national governing bodies has evolved. Moreover, the independent investigation identified the structure of the Olympic community as a significant factor in the community's failure to identify issues of abuse in Olympic sports. Because of the critical importance of this issue, as well as the need to seek input from independent sources, the Olympic Committee elected to create a formal and independent commission to study and report on the manner in which the Olympic Committee engages with national governing bodies and athletes.

The Olympic Committee created the Athlete and NGB Engagement Commission and selected Lisa Borders, the CEO of Time's Up and former president of the Women's National Basketball Association, as its chair. The commission includes four athletes with a range of perspectives, two representatives of national governing bodies, and three individuals with governance expertise in organizations outside the Olympic community. The commission is tasked with reviewing the Olympic Committee's interaction with and oversight of the fifty national governing bodies and its engagement with athletes. The commission will also provide recommendations, including whether changes are needed to the Ted Stevens Act, the bylaws of the Olympic Committee or national governing bodies, and other policies and procedures. The commission's work is ongoing and it expects to provide its recommendations in the coming months.

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Concurrently, the Olympic Committee formed a new committee of its board of directors – the Athlete and NGB Engagement Committee – dedicated to athlete and national governing body engagement, which includes the chairs of the Athlete Advisory Council and the National Governing Bodies Council.

4. USA Gymnastics

The Olympic Committee and Ms. Hirshland continue to focus on the significant challenges facing USA Gymnastics. In January 2018, at the same time that the Olympic Committee launched the independent investigation that led to the report released in December, the Olympic Committee required the entire board of USA Gymnastics to resign and identified a number of specific steps that USA Gymnastics needed to take in order to retain its recognition as a national governing body, including full cooperation with the independent investigation.

Throughout much of 2018, the Olympic Committee's leadership worked with USA Gymnastics' leadership in an effort to rebuild the organization, including seating a new board with a new governance structure. Despite these efforts and the significant progress they made, in November 2018, Ms. Hirshland concluded that the challenges facing the organization were more than it was capable of overcoming in its current form. On November 5, 2018, Ms. Hirshland filed a complaint under section 8 of the Olympic Committee's bylaws seeking to revoke USA Gymnastics' recognition as the national governing body for gymnastics. The complaint identified four factors underlying her conclusion that USA Gymnastics failed to meet its responsibilities and obligations as a national governing body: First, the complaint noted USA Gymnastics' incomplete efforts to implement the recommendations of a report issued by Deborah Daniels in June 2017. Second, the complaint referenced USA Gymnastics' challenges related to organizational management, including problems in identifying, hiring, and retaining critical talent; failures to develop a strategic plan that provided a strong training infrastructure and addressed managerial and financial issues; and struggles to respond to investigations and inquiries. Third, the complaint noted USA Gymnastics' considerable financial uncertainty. In particular, the complaint noted that recent information indicated that USA Gymnastics' financial uncertainty would further distract and detract from the organization's ability to continue to operate in the best interests of the athletes. Fourth, the complaint indicated that USA Gymnastics had been unable to regain public trust and athlete trust, which hampered its ability to implement an athlete safety program that protects the wellbeing of the athletes. There was no single event or individual factor that was pivotal in Ms. Hirshland's decision to seek revocation. Rather, it was the cumulative effect of the factors identified in the complaint as they developed over time.

The revocation proceeding is governed by section 8 of the Olympic Committee's bylaws. Under these provisions, the Olympic Committee established an independent hearing panel to consider the issues raised in the complaint. The bylaws require that the hearing panel be independent and composed of a member of the Olympic Committee's board, who also serves as chair of the panel; a member of the National Governing Bodies Council; and a member of the Athletes' Advisory Council. To serve on the hearing panel, Ms. Hirshland selected Dr. Cheri Blauwet, an Olympic Committee board member and seven-time Paralympic medalist, as chair of the panel; Dexter Paine, chair of U.S. Ski & Snowboard, and member of the NGB Council; and Sara Studebaker-Hall, an Olympic biathlete, and member of the AAC.

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On December 5, 2018, USA Gymnastics filed for bankruptcy protection, and it subsequently notified the hearing panel of the automatic stay provisions of the Bankruptcy Code. On January 10, 2019, the hearing panel informed the parties, through its own independent counsel, that it would not proceed with the hearing due to the automatic stay.

Your letter asked about the effect of bankruptcy on the revocation proceedings. The Olympic Committee has not taken a position regarding the application of the Bankruptcy Code's automatic stay to the section 8 proceeding. Out of respect for the independence of the hearing panel and in deference to the bankruptcy court handling that proceeding, the Olympic Committee is not asking the panel to take an action at this time, but the Olympic Committee continues to monitor developments with respect to USA Gymnastics and reserved the right to request that the bankruptcy court permit the hearing panel to resume its work. With the revocation proceeding currently stayed, the Olympic Committee continues to work with USA Gymnastics to support the protection of athletes and the athletes' training for the 2020 Tokyo Olympics.

Independent Investigation

Your letter asked about the Olympic Committee's investigations of individual awareness of abuse allegations. As noted above, a special committee of the board of the Olympic Committee engaged the law firm Ropes & Gray LLP to conduct the independent investigation. Joan McPhee and James Dowden, both former federal prosecutors, led the investigation. The Olympic Committee instructed the investigators to identify who knew about the abuse, what they knew and when, and what they did or did not do with this information. The investigators also were charged with assessing the circumstances that allowed the abuse to persist, and they were authorized to report on any other findings on abuse in other sports or related information that they deemed important. The investigation covered both the Olympic Committee and USA Gymnastics.

As detailed in the report, the investigators interviewed more than 100 witnesses and had access to more than 1.3 million documents, including information from the Olympic Committee, USA Gymnastics, survivors, and others. The Olympic Committee funded all aspects of the investigation, granted Ropes & Gray access to all requested documents, witnesses, and other information under its control, and required that USA Gymnastics cooperate with the investigation.

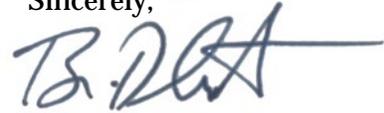
The report, which was released on December 10, 2018, provided a significant and important contribution to understanding the factors that contributed to the Olympic community's failure to protect its athletes. Consistent with its commitment in January 2018, the Olympic Committee is taking action based on the findings of the report. Some of the actions were immediate, including the termination of Alan Ashley, the former chief of sport performance, upon the publication of the report. Other actions are being incorporated into the ongoing reforms and initiatives. For example, the Borders Commission is closely reviewing the report's findings regarding the structure of the Olympic organizations and the Olympic Committee's ability to oversee the activities of the national governing bodies. The report's observations about athlete engagement are significantly informing the Olympic Committee's ongoing activities related to athlete advocacy.

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The comprehensive findings of the report will enable the Olympic Committee to take additional action to protect athletes. Through the efforts outlined above, the Olympic Committee has made significant progress to strengthen the protections of athletes, but our collective efforts to improve athlete safety must never cease.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. Smith", with a long horizontal line extending to the right.

Brian D. Smith

cc: The Honorable Ron Wyden