

United States Senate

WASHINGTON, DC 20510

February 2, 2018

Mr. Rod Menzer
Interim Chief Executive Officer
USA Archery
4065 Sinton Rd
Colorado Springs, CO 80907

Dear Mr. Menzer,

As the Chairman and Ranking Member of the U.S. Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security with jurisdiction over the health and safety of amateur athletes participating in US Olympic Committee (USOC) activities and events pursuant to Article XXV paragraph(f)(1), line 16 of the Standing Rules of the Senate, we requested specific information from USOC, USA Gymnastics (USAG), and Michigan State University (MSU) on January 25, 2018, regarding the systemic failures to protect athletes from sexual abuse and the reported filing of a non-disclosure agreement (NDA) to silence Olympic gymnast McKayla Maroney¹. Ms. Maroney was one of more than 150 young women sexually abused by former USAG team doctor Larry Nassar who has been sentenced to up to 175 years in prison for decades of sexual abuse on January 24, 2017².

More recently, reports indicate that two USOC executives were alerted of possible sexual misconduct about a year before the initial allegations against Dr. Nassar became public in September 2016³. This alarming development requires a broader inquiry on the systemic reporting mechanisms in place throughout USOC and associated National Governing Bodies (NGB).

Protecting athletes remains a key priority of this Committee. Its jurisdiction includes the Ted Stevens Act⁴, which established USOC and the current NGB structure for individual sports. A key aim of that law is to protect the health and safety of athletes throughout this organizational structure. As so, it is critical for the Committee to maintain detailed oversight related to the reporting protocols for allegations of sexual abuse and other criminal activities.

While we appreciate the efforts by USOC to establish the U.S. Center for Safe Sport, which is focused on protecting the well-being of athletes on and off the field, it is obvious that additional measures need to be taken in order to prevent similarly heinous crimes from occurring in the future while ensuring appropriate reporting in the unfortunate event that they do. Accordingly, we were pleased to see S. 534, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, as amended by the House of Representatives, pass the Senate this past week. This legislation would alleviate any confusion or uncertainty surrounding the responsibility of NGBs and associated volunteers to report child and sexual abuse to law enforcement by making it a federal crime to fail to do so.

¹ See, e.g. Richard Winton, David Wharton and Gus Garcia-Roberts, *McKayla Maroney accuses USOC and USA Gymnastics of Covering up Sexual Abuse with Secret Settlement*, LA TIMES, Dec. 21, 2017.

² Steve Friess, *More Victims of ex-USA Gymnastics Doctor to Testify as Scandal Widens*, REUTERS, Feb. 2, 2018.

³ Rebecca Davis O'Brien, *Olympics Committee Failed to Act on Nassar's Alleged Abuse for a Full Year*, THE WALL STREET JOURNAL, Feb. 1, 2018.

⁴ Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220512, 220521-220529.

In light of serious allegations against USOC's treatment of past reports, and pursuant to this Committee's oversight responsibilities, please answer the following questions:

1. What reporting protocols for child and sexual abuse allegations are currently in place to ensure that all reports receive fair, timely, and thorough review by all appropriate parties, including law enforcement?
2. Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like the case of Dr. Nassar who was employed by MSU, in these reporting practices?
3. Has your organization ever utilized an NDA to enforce confidentiality against any athlete, volunteer, or employee in the past? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual NDA used by your organization.
4. Has your organization ever utilized additional binding agreements other than NDAs with athletes under your purview? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual agreement used by your organization.
5. Since the recent lawsuits filed against USOC, USAG, and MSU for organizational failures to investigate, discipline, or remove Dr. Nassar after complaints of sexual abuse, has your organization taken any additional steps to improve the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms?
6. Please identify any circumstance in which USOC did not take any action following a report of criminal behavior from your organization. To the extent possible, please provide all details regarding the justification and circumstances involved in USOC's decision to not act.
7. In 2017, USOC engaged with a third-party consultant to assess compliance with SafeSport policies and procedures within USOC and all of its NGBs and High Performance Management Organizations (HPMO)⁵. Please describe the report issued for your organization, including any recommendations necessary for full compliance. If additional recommendations were issued, what actions were taken by your organization? Are there any remaining recommendations that your organization has yet to fully implement?

Please provide the requested information as soon as possible, but by no later than February 16, 2018. If you have any questions, please contact our staff. Thank you for your prompt attention to this important matter.

Sincerely,



JERRY MORAN
Chairman
Subcommittee on Consumer Protection,
Product Safety, Insurance, and Data Security



RICHARD BLUMENTHAL
Ranking Member
Subcommittee on Consumer Protection,
Product Safety, Insurance, and Data Security

⁵ "About SafeSport: 2017 Audit Reports," TEAM USA, <https://www.teamusa.org/Footer/Legal/Safe-Sport>, (Feb. 1, 2018)