

# Senate Olympics Investigation

Senator Jerry Moran & Senator Richard Blumenthal



# THE COURAGE OF SURVIVORS

A Call to Action

July 30, 2019



# CONTENT

<b>EXECUTIVE SUMMARY</b>	1
.....	
<b>FINDINGS</b>	4
.....	
<b>RECOMMENDATIONS</b>	18
.....	
<b>BACKGROUND</b>	26
.....	
APPLICABLE LAW AND SUBCOMMITTEE INVESTIGATION AUTHORITY	26
.....	
STANDING RULES OF THE SENATE	26
.....	
TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT	26
.....	
PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE AND SAFE SPORT AUTHORIZATION ACT	27
.....	
HISTORY	28
.....	
LARRY NASSAR CASE	29
.....	
REFORMS MADE DURING INVESTIGATION	31
.....	
<b>INVESTIGATION SUMMARY AND METHODOLOGY</b>	34
.....	
DOCUMENT REQUESTS	34
.....	
INITIAL INQUIRIES FROM SUBCOMMITTEE	35
.....	
INQUIRIES TO ALL NGBS	38
.....	
SENATE HEARINGS	39

OLYMPIC ABUSE: THE ROLE OF NATIONAL GOVERNING BODIES IN PROTECTING OUR ATHLETES	40
.....	
PREVENTING ABUSE IN OLYMPIC AND AMATEUR ATHLETICS: ENSURING A SAFE AND SECURE ENVIRONMENT FOR OUR ATHLETES	40
.....	
STRENGTHENING AND EMPOWERING U.S. AMATEUR ATHLETES: MOVING FORWARD WITH SOLUTIONS	41
.....	
PROTECTING U.S. AMATEUR ATHLETES: EXAMINING ABUSE PREVENTION EFFORTS ACROSS THE OLYMPIC MOVEMENT	43
.....	
<b>INVESTIGATION DETAILS</b>	45
.....	
SURVIVORS AND ATHLETES	45
.....	
ADVOCATES	47
.....	
USAG AND OTHER NGBS	48
.....	
USOC EMPLOYEES AND EXECUTIVES	48
.....	
MICHIGAN STATE UNIVERSITY	50
.....	
U.S. CENTER FOR SAFESPORT	50
.....	
LAW ENFORCEMENT	50
.....	
ADDITIONAL MEETINGS	51
.....	
INITIAL REPORT TO USAG	51

USAG INTERNAL INVESTIGATION	52
.....	
FBI INVESTIGATION	52
.....	
STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES	54
.....	
RELATED REPORTS, AUDITS & REVIEWS CONDUCTED	54
.....	
AUDITS OF NGBS BY BAKER TILLY VIRCHOW KRAUSE, LLP	55
.....	
“YOUTH ATHLETES: SPORTS PROGRAMS’ GUIDANCE, PRACTICES AND POLICIES TO HELP PREVENT AND RESPOND TO SEXUAL ABUSE” BY THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE (GAO)	55
.....	
“REPORT TO USA GYMNASTICS ON PROPOSED POLICY AND PROCEDURAL CHANGES FOR THE PROTECTION OF YOUNG ATHLETES” BY DEBORAH DANIELS OF KRIEG DEVAULT LLP	57
.....	
“REPORT OF THE INDEPENDENT INVESTIGATION: THE CONSTELLATION OF FACTORS UNDERLYING LARRY NASSAR’S ABUSE OF ATHLETES” BY ROPES & GRAY LLP	58
.....	
“NASSAR AND BEYOND: A REVIEW OF THE OLYMPIC COMMUNITY’S EFFORTS TO PROTECT ATHLETES FROM SEXUAL ABUSE” BY THE HOUSE OF REPRESENTATIVES ENERGY AND COMMITTEE COMMITTEE, MAJORITY STAFF	59
.....	
MSU 2014 TITLE IX REPORT	60
.....	
MICHIGAN HOUSE OF REPRESENTATIVES REPORT	60
.....	
MICHIGAN AG INDEPENDENT SPECIAL COUNSEL STATUS REPORT	61
.....	
30TH ANNUAL CRIMES AGAINST CHILDREN CONFERENCE (DALLAS, TEXAS)	61
.....	
ATHLETE & NGB ENGAGEMENT COMMISSION (BORDERS COMMISSION)	62



# EXECUTIVE SUMMARY

## SUBSECTIONS

- The Subcommittee's Investigation
- The Investigation's Scope & Goals: Understanding Systemic Failures & Preventing Abuse
- Conclusion

In September 2016, two brave and courageous former amateur gymnasts came forward with credible accounts of sexual abuse perpetrated by Larry Nassar, while Nassar had been the USA Gymnastics (USAG) team doctor and a faculty member at Michigan State University (MSU). Their accounts, first reported by the Indianapolis Star, followed a chilling investigative report published by the same newspaper in August 2016 that detailed a culture of sexual abuse and lack of accountability in USAG.

Over the course of the next several months, more than

300 other brave amateur athletes came forward with credible accounts of sexual abuse perpetrated by Nassar. Their courage and strength led to real accountability for Nassar, in the form of criminal charges and conviction. After nine days of over 200 powerful survivors delivering

searing and emotional impact statements, Nassar was sentenced to 175 years of prison on January 24, 2018, having pleaded guilty and been convicted of several charges of criminal sexual conduct and other crimes.

Nassar committed his criminal sexual conduct by himself, but multiple institutions responsible for keeping amateur athletes safe—including the U.S. Olympic Committee (USOC)<sup>1</sup> and USAG, the National Governing Body (NGB) designated by USOC to administer amateur gymnastics—failed to adequately respond to credible allegations against Nassar. At the same time, even as Nassar’s case captured the headlines, it was hardly the only case of unchecked criminal behavior in amateur Olympic sports. His case underscored serious allegations of sexual abuse made in USA Taekwondo, USA Swimming, U.S. Figure Skating, and other sports—and the failure on the part of those NGBs to ensure the health and safety of their athletes.

Repeatedly, institutions failed to act aggressively to report wrongdoing to proper law enforcement agencies. Repeatedly, men and women entrusted with positions of power prioritized their own reputation or the reputation of an NGB over the health and safety of the athletes. Repeatedly, USOC, USAG, and other NGBs took actions to conceal their negligence and failed to enact serious reforms, even after they were faced with the courageous accounts of survivors.

## **The Subcommittee’s Investigation**

Like so many across the nation, U.S. Senators Jerry Moran (R-Kansas) and Richard Blumenthal (D-Connecticut) were shocked by the Nassar case—and moved to turn their shock into meaningful action.

The current structure of Olympic sports—including USOC and NGBs—was established by and is governed by the *Amateur Sports Act of 1978* and the *Ted Stevens Olympic and Amateur Sports Act of 1998*. The U.S. Senate Committee on Commerce, Science and Transportation, Subcommittee on Manufacturing, Trade and Consumer Protection, Senators Moran and Blumenthal has oversight authority over amateur sports, including USOC and its affiliated NGBs.<sup>2</sup>

Just a day after Nassar was sentenced, the Subcommittee initiated an investigation to understand the systemic failures that allowed Nassar to commit his horrific sexual abuse unchecked.

In January and February 2018, the Subcommittee submitted initial inquiries to USOC, USAG, and MSU, as well as remaining NGBs, seeking the production of documents pertaining to the Nassar case, as well as existing policies and procedures related to the reporting of sexual abuse. In September 2018, the Subcommittee also requested documents from USAG related to communication between the NGB and law enforcement agencies.

These document requests resulted in thousands of documents submitted to the Subcommittee for review. In addition to its document requests, the Subcommittee held four hearings on sexual abuse in amateur sports, and interviewed more than dozens of athletes and survivors, coaches, parents, advocates, USOC, USAG and NGB officials, SafeSport officials, law enforcement, and others.

## **The Investigation’s Scope & Goals: Understanding Systemic Failures & Preventing Abuse**

Over the past year-and-a-half, the Subcommittee engaged with athletes and sexual abuse survivors in a wide range of sports, met repeatedly with the USOC and NGBs, and reviewed and analyzed tens of thousands of pages of documentary evidence. Subcommittee staff also completed training by the Center for SafeSport to better understand the educational resources provided to sports communities. With the full support of the current and former U.S. Senate Commerce Committee Chairman and Ranking Member Commerce Committee,<sup>3</sup> the Subcommittee requested and received key evidence and compelled the attendance and cooperation of important witnesses.

---

1 USOC changed its name to the United States Olympic and Paralympic Committee (USOPC) on June 20, 2019. This report refers to USOPC as USOC, as it was titled during the course of the investigation.

2 Pursuant to Article XXV, Paragraph(f)(1), Line 16 of the Standing Rules of the U.S. Senate

3 U.S. Senators Robert Thune (D-ND) and Bill Nelson (D-FL), 114<sup>th</sup> Congress; U.S. Senators Roger Wicker (D-MS) and Maria Cantwell (D-WA), 115<sup>th</sup> Congress.

The Subcommittee strived to understand the alarming and dysfunctional systems that allowed a monster like Larry Nassar to thrive—and continued to put athletes at risk. This included uncovering how and why officials at USOC, USAG, MSU, and even the FBI, sat on evidence of his sexual misconduct for over a year—allowing for the additional sexual abuse of dozens of other girls.<sup>4</sup>

As part of its investigation, the Subcommittee sought to gauge and understand the prevalence of sexual abuse across sports at different levels. The investigation examined policies, procedures, and past incidents across a range of NGBs. Through hearings and the wider investigation, the Subcommittee heard from gymnasts abused by Nassar, as well as survivors in a range of other sports to know who else was at risk, and how the Subcommittee could act to prevent such risk.

The goal of the investigation was to identify and enumerate what additional legislative and oversight actions Congress should consider to protect amateur athletes from this kind of sexual abuse and ensure perpetrators are held accountable and prevented from harming others.

This report is the culmination of the Subcommittee's investigation and contains findings and recommendations. In addition to this report, Senators Moran and Blumenthal are introducing the *Empowering Olympic and Amateur Athletes Act of 2019* to implement these recommendations and protect amateur athletes.

## Conclusion

The Subcommittee has been moved by the incredible courage of the survivors of abuse who have shared their stories with us and the world. These brave men and women have educated Congress, and supported each other and others who have suffered similarly. The Subcommittee draw strength and motivation from survivors' unwavering commitment to work with Congress to prevent the abuse of any young athlete in the future. The Subcommittee thanks them for putting their trust in us. We hope this report and the *Empowering Olympic and Amateur Athletes Act of 2019* honors their courage in coming forward, their sacrifice, and their dedication to the safety of the athletes of today and tomorrow. We cannot go back in time and prevent Nassar's crimes, but we can promote a safer environment in sports free from abuse.

---

4 Rebecca Davis O'Brien, "Olympics Committee Failed to Act on Nassar's Alleged Abuse for a Full Year," *The Wall Street Journal*, February, 1, 2018, <https://www.wsj.com/articles/olympics-officials-didnt-act-on-gymnasts-abuse-allegations-in-2015-1517484720>.



# FINDINGS

## SUBSECTIONS

- Summary
- Finding Highlights
- Key Findings

### Summary

The Subcommittee’s investigation, including interviews and statements from survivors, former and current organizations officials, law enforcement, and advocates, found that USOC, USAG, MSU, and federal law enforcement fundamentally failed to uphold their purposes and duties to protect amateur athletes and other young women and girls from sexual abuse. The Subcommittee found that the Olympic-related organizations’ ability to identify and prevent abuse was inadequate. As a result, hundreds of women and girls were

sexually abused by Larry Nassar.

As detailed in this findings section, the Olympic-related organizations’ reaction to credible accusations of Nassar’s crimes failed to protect women and girls in harm’s way.

Despite USAG's receipt of a report that included an explicit description of sexual assault in July 2015, Nassar was not stopped until he was publicly accused in September 2016. USOC and USAG concealed the extent of Nassar's crimes from the public and athletic community, to the detriment of dozens of women and girls who were sexually abused during this period of concealment.

## Findings Highlights

- Nassar was able to abuse over 300 athletes over two decades because of ineffective oversight by USAG and USOC.
- USAG and USOC failed to uphold their statutory purposes and duties to protect amateur athletes from sexual, emotional, or physical abuse.
- USOC, USAG, MSU, and the FBI had opportunities to stop Nassar but failed to do so.
- USAG and USOC knowingly concealed abuse by Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning the summer of 2015 and ending in September 2016.

## Key Findings

*Key Finding: USOC and USAG lacked adequate policies to protect athletes from sexual abuse.*

Neither the USOC nor USAG had adequate policies and procedures in place to stop Nassar or other offenders from committing sexual crimes, even after survivors spoke out. Coaches and other adults assisting athletes spoke to the Subcommittee about a lack of education and resources necessary to ensure individuals could identify and properly report abuse. At the same time, USOC failed to have an enforceable policy that required USAG personnel, volunteers, and club members to report abuse to law enforcement and respective organizations.

The USOC's own independent investigation conducted by the law firm, Ropes & Gray LLP, reached similar conclusions, stating:

“[t]he USOC, despite having been directly informed by NGBs of the threat of sexual misconduct in elite sports, failed to address the risk until 2010, and then failed to take effective action for many years, permitting NGBs to continue adhering to inadequate and harmful policies and practices.”<sup>5</sup>

Athletes interviewed by the Subcommittee cited confusion over how to file complaints of sexual abuse and misconduct as a barrier to coming forward after being harmed. Others discussed the lack of clear penalties for wrongdoing that gave them pause before taking a courageous step in making a formal complaint. USOC's ombudsman, in particular, fell short in providing athletes with effective guidance.

The organizations also failed to foster an environment that encouraged reporting or alleviated fear of retaliation. Athletes shared information with the Subcommittee articulating the perceived threat of losing progress towards their athletic goals if they spoke out against coaches, officials, or other adult individuals associated with their sport. This apprehension led some athletes to avoid dispute resolution procedures outlined in the *Ted Stevens Olympic and Amateur Sports Act (ASA)*, communicating with the USOC ombudsman, and utilizing SafeSport after its creation.

*Key Finding: USAG and USOC failed to uphold their statutory purposes and duties to protect amateur athletes from sexual, emotional, or physical abuse.*

USOC and the NGBs obligation to protect athletes was not born out of Nassar's crimes. It is engrained in the nature of sport and outlined in the ASA. Appearing before the Subcommittee at a hearing on July 24, 2018, Susanne Lyons, then-acting CEO of USOC, testified that, “The Olympic community failed the people it was supposed to protect, and I apologize again to each and every one of them and their families.”<sup>6</sup> At the same hearing, then-CEO of USAG, Kerry Perry acknowledged that, “Athlete safety

5 Ropes & Gray, Joan McPhee and James P. Dowden, “Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes,” 5, December 10, 2018, <https://www.nassarinvestigation.com>

6 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions*, July 24, 2018.

must be at the forefront of everything we do every day.”<sup>7</sup>

Congress amended the ASA on February 14, 2018, through the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, clarifying that one of USOC’s purposes is to “promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.”<sup>8</sup> Similarly, the amended law clarified the NGBs’ duty to implement and abide by sanctions related to the abuse of athletes.<sup>9</sup>

However, these concepts were not novel. USOC has always been required to “support amateur athletic activities,” “promote and encourage physical fitness and public participation in amateur athletic activities,” “provide swift resolution of conflicts of interest and disputes,” and support “sports medicine and sports safety”<sup>10</sup> through the ASA as it existed prior to the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*. The NGBs were then, and remain now, duty bound by statute to promote amateur athletics and support sports safety.”

*Key Finding: After opening an investigation into Nassar, the FBI did not stop Nassar from seeing patients or protect those in harm’s way.*<sup>12</sup>

Nassar remained employed by MSU for 420 days after the FBI received a report from USAG of credible allegations against Nassar on July 27, 2015. The FBI failed to pursue a course of action that would have immediately protected victims in harm’s way. Instead, the FBI’s investigation dragged on and was shuffled between field offices while Nassar continued to see patients at MSU until August 20, 2016, a day after gymnast Rachael Denhollander filed a complaint against Nassar with the MSU police regarding sexual abuse suffered in 2000.

This inadequate response from the FBI came despite USAG’s early efforts to assist the investigation. Emails reviewed by the Subcommittee reveal that USAG attempted to arrange interviews and connect victims and their families with FBI investigators. Based on these efforts, the FBI eventually interviewed Maroney over the phone sometime between September 1, 2015 and September 4, 2015.<sup>13</sup> On September 4, 2015, SAC Abbott emailed Penny to tell him that it was his understanding “that the pertinent interviews have been completed and the results have been provided to the FBI and [United States Attorney’s Office] in Michigan (Detroit) for appropriate action if any.”<sup>14</sup>

The Subcommittee interviewed Maroney over the phone on May 6, 2018. Maroney recalled arranging the September 4, 2015, phone interview with the FBI where she described Nassar’s explicit criminal conduct. Maroney does not recall further communication with the FBI until she was interviewed again, this time in person in California where she described the same conduct as she did in 2015. According to Maroney’s recollection, during the 2016 interview, the FBI did not acknowledge the 2015 interview or explain why they had not yet acted on the information provided in the 2015 interview.

7 Ibid.

8 36 U.S.C. § 220503(15)

9 36 U.S.C. § 220524(b)(4)(G)

10 36 U.S.C. § 220503

11 36 U.S.C. § 220524

12 The FBI, through Director Christopher Wray, acknowledged issues related to the FBI’s Nassar investigation during questioning in a May 16, 2018, Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies (CJS) hearing on the FBI’s fiscal year 2019 budget. Director Wray testified that he first learned that “there were questions about the FBI’s response to allegation” when newspapers started reporting the issue in February, 2017. He told the panel that he “immediately commissioned [the FBI’s] inspection division to do a deep dive, an after-action report to look at what was done, what wasn’t done, what lessons we can learn from that, and how we can make sure that we’re doing things appropriately.” Rachel Axon and Nancy Armour, “USA Gymnastics ousts women’s program director amid Nassar scandal,” *USA Today*, May 18, 2018, <https://www.usatoday.com/story/sports/olympics/2018/05/18/usa-gymnastics-ousts-leader-amid-larry-nassar-abuse-scandal/623210002/>. Director Wray testified again before CJS on May 7, 2019. In the intervening time period between the two hearings, the DOJ Office of Inspector General (OIG) began its own probe of the FBI’s Nassar investigation. During the hearing, Director Wray confirmed the existence of the probe, and stated that it is “very much still and ongoing review.” U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, Hearing on FBI Office of Inspector General’s (OIG) ongoing investigation into the Larry Nassar case, Testimony of Christopher Wray, May 7, 2019.

13 Exhibits E,F,G,H,I

14 Exhibits J,K

The Subcommittee also took an interest in the FBI's interaction with local law enforcement. The Subcommittee conducted a phone interview with Lieutenant Andrea Mumford of the MSU Police Department on October 2, 2018. Mumford was the lead investigator in the Michigan case which eventually led to the sentencing of Nassar for sexual assault. Mumford's first interaction with FBI personnel regarding Nassar was a phone call with Agent Michael Hess on September 12, 2016. Agent Hess revealed to Mumford that the FBI was investigating Nassar for federal sex crimes involving interstate travel.

After a criminal report was filed against Nassar on September 20, 2016, local police executed a search warrant at Nassar's house, which turned up computer devices containing child pornography. This evidence was turned over to the FBI in Lansing due to stricter federal sentences for child pornography. Mumford's understanding was that the FBI in Lansing had no prior knowledge of Nassar.

Mumford and an attorney in the MI Attorney General's office requested FBI reports on the Nassar investigation. Assistant United States Attorney Sean Lewis denied the request due to "FOIA laws," but allowed Mumford and the attorney to view the FBI's reports and take notes.

*Key Finding: The FBI advised USAG on communications to Nassar*

USAG sought assistance from the FBI in its communications with Nassar following USAG's internal investigation. Nassar sought specifics on the issues that gave rise to USAG's direction that he not attend an event due to an ongoing review of his conduct. On July 30, 2015, Penny emailed Abbott informing him that his "biggest concern is how we contain [Nassar] from sending shockwaves through the community." Penny wanted to ensure that any correspondence with Nassar was "consistent with FBI protocol." Abbott responded, "You are certainly able to advise Dr. Nasser [sic] as you deem appropriate and we in no way want to hinder that or lead you to believe you must follow an 'FBI Protocol' though the FBI will not confirm or deny any ongoing investigation OR assessment."<sup>15</sup>

*Key Finding: USAG hid the truth about Nassar and prioritized its image.*

The Subcommittee did not find any evidence that USAG informed Nassar's employer, MSU, or other members of the gymnastics community who interacted with Nassar of the explicit allegations of abuse reported by gymnasts in the summer of 2015. Nassar was allowed to quietly step down from his duties and later retire via post on Facebook without any indication of misconduct.<sup>16</sup> USAG's actions indicate that the organization prioritized its image above the health and safety of the athlete community.

On July 30, 2015, two days after reporting Nassar to the FBI for sexual abuse, Penny emailed SAC Abbott seeking assistance with USAG's communication with Nassar. In that email, Penny wrote, "Our biggest concern is how we contain him from sending shockwaves through the community."<sup>17</sup>

After USAG reported additional concerns to the FBI in the summer of 2016, Penny emailed SA Hess requesting that the FBI not share that it was USAG that made the report against Nassar. He wrote, "If there is any way you can not [sic] identify that USA gymnastics has filed the complaint against Nassar when you talk to people, but just generally suggest that "a complaint has been filed", I would greatly appreciate it. It will keep things on a much more level playing field if no one can point in any one direction."<sup>18</sup>

On September 7, 2016, Penny expressed to the FBI his desire to "body-slam" reporters investigating the Nassar situation.<sup>19</sup>

*Key Finding: Former USOC CEO, Scott Blackmun may have made a material misrepresentation to the Subcommittee.*

Blackmun was invited to testify before the Subcommittee's June 5, 2018 hearing. Although Mr. Blackmun declined to participate

---

<sup>15</sup> Ropes & Gray, "Report," 89.

<sup>16</sup> Ibid, 92.

<sup>17</sup> Ibid, 101.

<sup>18</sup> Ibid, 99.

<sup>19</sup> Exhibit N

due to health concerns, he submitted a statement for the record and answered subsequent questions for the record. In his testimony, he highlighted the actions he took as CEO of USOC regarding the response to accusations against Nassar (emphasis added):

The Nassar situation was first brought to my attention in July 2015, through a phone call from Steve Penny, who was then the CEO of USA Gymnastics. I cannot recall whether Mr. Penny told me Nassar’s name during that call, or whether he just referred to him as the team doctor. Mr. Penny told me that after interviewing three athletes and the team doctor, they were concerned the doctor’s “treatments” were not legitimate. Mr. Penny said that he was going to report this to law enforcement, a decision I fully supported. Mr. Penny also told me that the doctor would no longer have contact with athletes. **I spoke to the USOC’s safe sport staff after talking to Mr. Penny.** My understanding was that reporting the doctor to law enforcement was the most aggressive thing that could be done. I also understood that once it was reported, the issue should be left in the hands of law enforcement—we did not want to interfere with their investigation in any way.<sup>20</sup>

The Ropes & Gray investigation contradicted this account. According to the report, Mr. Blackmun told the independent investigators that, in or about September 2015, he engaged a group of USOC staff, possibly including the USOC Director of Ethics and SafeSport because he “wanted to make sure that we were doing everything that we should be doing in response and that our response was appropriate.”<sup>21</sup> However, independent investigators found no supporting evidence of this follow-up meeting. After being confronted with this information, Mr. Blackmun “subsequently acknowledged through counsel that he was mistaken in his recollection that he had initiated such an internal review.”<sup>22</sup> From the report:

At no point did Mr. Blackmun or Mr. Ashley provide USOC personnel, including those with relevant expertise in SafeSport matters, with any of the information from Mr. Penny regarding the alleged sexual misconduct or the referral to law enforcement. By way of example, Malia Arrington, then USOC’s Director of Ethics and SafeSport, did not learn of the sexual misconduct allegations, or more specifically that a USAG team doctor was alleged to have sexually abused one or more athletes, until the allegations were made public in the Indianapolis Star approximately one year later. Nor did Mr. Blackmun notify the USOC’s Board of Directors, notwithstanding that SafeSport issues were a continuing subject of discussion at board meetings during this time. According to witness interviews, USOC board members remained unaware of the allegations and the potential ongoing threat to athletes until the Indianapolis Star published its account of Nassar’s abuse in September 2016.<sup>23</sup>

The results of the independent investigation and Blackmun’s own statements to the independent investigators clearly appear to contradict his statement to the Subcommittee that he “spoke to the USOC’s SafeSport staff after talking to Mr. Penny.” According to the independent investigators, Blackmun did not speak with SafeSport staff or any other USOC personnel outside of former chief of sport performance, Alan Ashley, after being informed by Penny of the reports against Nassar and the subsequent report to the FBI.

*Key Finding: USAG’s bankruptcy has prevented USOC from taking action against the NGB.*

USOC issued a statement on November 5, 2018, to the Olympic community and public that it planned to begin proceedings to strip USAG from its designation as the NGB for gymnastics. USOC assured the gymnastics community that USOC would be able to support gymnasts to be successful despite the turmoil at the NGB level.

Regarding the timing of the decertification process, USOC CEO, Sarah Hirshland stated:

---

20 U.S. Congress, Senate, Senate Commerce Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*, Statement of Scott Blackmun, June 5, 2018.

21 Ropes & Gray, “Report,” 71.

22 Ibid.

23 Ibid, 76

“You might be asking why now? The short answer is that we believe the challenges facing the organization are simply more than it is capable of overcoming in its current form. We have worked closely with the new USAG board over recent months to support them, but despite diligent effort, the NGB continues to struggle. And that’s not fair to gymnasts around the country. Even weeks ago, I hoped there was a different way forward. But we now believe that is no longer possible.”<sup>24</sup>

In response, USAG filed for Chapter 11 bankruptcy on December 5, 2019. According to a “frequently asked questions” page on the USAG website, USAG claimed the purpose behind filing for bankruptcy was to “expedite an equitable resolution of the claims made by the survivors of sexual abuse perpetrated by Larry Nassar.”<sup>25</sup> On the same page, USAG mentioned twice that USOC’s process to decertify USAG would be put on hold as a result of filing Chapter 11 Bankruptcy.

The decertification was later put on hold subject to the automatic stay allowed for in Chapter 11 proceedings. Despite empaneling a decertification hearing panel, USOC has yet to seek relief from the stay.

*Key Finding: USAG and USOC have been unable to locate documents removed from the former USAG training center at the Karolyi Ranch.*

A series of Subcommittee hearings and witness interviews in June and July of 2018, brought forth credible information that Penny directed USAG employee Amy White to move documents from USAG training center at the Karolyi Ranch to USAG headquarters in Indianapolis, Indiana in November 2016. The Subcommittee conducted a telephone interview with White on July 20, 2018. White recalled Penny’s direction and collecting and transporting the documents that included athlete medical waivers and items containing Nassar’s name. This information is supported by USOC’s independent Ropes & Gray report and Faehn’s testimony at the June 5, 2018 hearing.

The Subcommittee was unable to locate the documents described by White that were removed from the Karolyi Ranch. Former USAG CEO Kerry Perry testified on July 24, 2018, that she was unaware of the location of the removed documents, and that to her knowledge, “they do not exist in our custody.” She further testified that she was told that the documents were given to Penny. On October 18, 2018, a grand jury in Texas indicted Penny for alleged evidence tampering in relation to the documents removed from the Ranch.

On November 7, 2018, USAG informed the Subcommittee that it had notified prosecutors in Texas that it possessed “documents that may have come from the [Karolyi] Ranch that may be applicable to the [Penny] investigation.” The statement also noted that the new USAG board had “no way of knowing if the documents are relevant to the case or if they had originated at the ranch,” and that “none of these documents contained Nassar’s name.”

The Ropes & Gray report released on December 10, 2018 supports USAG’s statement that the documents possessed by USAG do not match the description of those removed from the Karolyi Ranch in November 2016. The report states that USAG “represented that it had produced all documents in its possession that had been collected from the Karolyi Ranch,” but of that production, there “are no emails or other documents that match the description of ‘anything to do with Larry [Nassar]’ or any documents that include Nassar’s name or otherwise reference Nassar.”<sup>26</sup>

The Report did not specify whether the investigators examined the documents referred to by USAG on November 7, 2018. However, at a briefing with the Ropes & Gray lead investigators on January 29, 2019, the Subcommittee learned that these documents were provided to the investigators for review.

---

24 Team USA, *USOC Statement Regarding Action To Revoke USA Gymnastics’ Recognition As Member National Governing Body*, Accessed on July 26, 2019, <https://www.teamusa.org/News/2018/November/05/USOC-Statement-Revoke-USA-Gymnastics-Recognition-As-Member-National-Governing-Body>.

25 USA Gymnastics, *Frequently Asked Questions about USA Gymnastics filing of a petition for protection under Chapter 11 of the Bankruptcy Code*, Accessed on July 26, 2019, <https://usagym.org/pages/post.html?PostID=23015>.

26 Ropes & Gray, “Report,” 108.

The Subcommittee sought assistance from USOC to locate these documents via letter in March 2019.<sup>27</sup> However, neither the USOC nor USAG have been able to locate the documents.

*Key Finding: After receiving credible claims of abuse by survivors, individuals representing USOC, USAG, and MSU had opportunities to stop Nassar but failed to do so.*

### **Michigan State University**<sup>28</sup>

Attorney General for the State of Michigan appointed an independent special counsel to investigate MSU's handling of the Nassar matter on January 27, 2018. The special counsel found 13 instances, dating back to 1997, where individuals reported Nassar to MSU employees. Only one of the 13 instances were formally investigated by MSU.<sup>29</sup>

#### *Larissa Boyce*

During Nassar's sentencing for sexual abuse in the Ingram County Circuit Court on January 19, 2019, Larissa Boyce delivered a victim impact statement to the court stating that she had told an MSU gymnastics coach, Kathie Klages that Nassar abused her in 1997, while she participated in a junior gymnastics program run by Klages. At the sentencing, Boyce stated that "[T]his could have stopped in 1997, but instead of notifying authorities or even my parents, we were interrogated. We were led to believe we were misunderstanding a medical technique."<sup>30</sup> Boyce detailed her experience to the Subcommittee in a telephone interview on March 1, 2018.

The Subcommittee conducted a telephone interview with Klages on August 2, 2018 and asked her about Boyce's victim impact statement. Klages stated that she did not recall having any conversations with Boyce including a conversation involving an allegation of abuse.

#### *Amanda Thomashow*

In 2014, MSU opened a formal investigation of Nassar in its Title IX office following a complaint made by Amanda Thomashow, a patient at the Sports Medicine Clinic. After a brief investigation spanning two months, the investigation was concluded with no finding of abuse. MSU investigators spoke with several physicians about Nassar and his treatment technique all of whom knew Nassar and some of whom worked with Nassar, including Dr. Brooke Lemmen.

The Subcommittee conducted a telephone interview with Lemmen on August 21, 2018 regarding her work with Nassar at the MSU Sports Medicine Clinic and the Title IX investigation. Lemmen told the Subcommittee that the information she was given by the MSU investigator did not raise concerns of abuse and seemed consistent with what was in medical textbooks. It was only after public accusations against Nassar that Lemmen realized that Nassar's treatment was abuse.

At the conclusion of the investigation, MSU shared different versions of the report with Thomashow and MSU employees and officials, including Nassar. Lemmen told the Subcommittee that she had not received a copy of the report from MSU, but eventually received a copy from a reporter.

In the version of the report provided to Thomashow, the conclusion section stated:

We cannot find that the conduct was of a sexual nature. Thus, it did not violate the Sexual Harassment Policy. However, we find the claim helpful in that it allows us to examine certain practices at the MSU Sports Medicine

---

27 Exhibits AA, BB

28 See Michigan Department of Attorney General, Independent Special Counsel William Forsyth, *Status of the Independent Special Counsel's Investigation into Michigan State University's Handling of the Larry Nassar Matter*, page 1 note 1, December 21, 2018, [http://media.graytvinc.com/documents/MSU\\_Investigation\\_Status\\_Update\\_641680\\_7.pdf](http://media.graytvinc.com/documents/MSU_Investigation_Status_Update_641680_7.pdf).

29 Ibid, 7.

30 Julie Mack, "Nassar victim describes telling MSU coach in 1997 about abuse," *MLive*, January 19, 2018, [https://www.mlive.com/news/2018/01/nassar\\_victim\\_describes\\_tellin.html](https://www.mlive.com/news/2018/01/nassar_victim_describes_tellin.html).

Clinic.<sup>31</sup>

In the version of the report provided to MSU's Office of General Counsel, MSU's College of Osteopathic Medicine, and Nassar, the conclusion section stated:

We cannot find that the conduct was of a sexual nature. Thus, it did not violate the Sexual Harassment Policy. However, we find the claim helpful in that it brought to light some significant problems that the practice will want to address.

We find that whether medically sound or not, the failure to adequately explain procedures such as these invasive, sensitive procedures, is opening the practice up to liability and is exposing patients to unnecessary trauma based on the possibility of perceived inappropriate sexual misconduct. In addition, we find that the failure to obtain consent from patients prior to the procedure is likewise exposing the practice to liability. If procedures can be performed skin-on-skin or over clothes in the breast or pelvic floor area, it would seem patients should have the choice between the two. Having a resident, nurse or someone in the room during a sensitive procedure protects doctors and provides patients with peace of mind. If 'touching is what DO's do' and that is not commonly known, perhaps the practice will want to consider a disclaimer or information sheet with that information provided to the patient up front.

Finally, we believe the practice should consider whether its procedure for intake of complaints about physicians' behavior is adequate. Ms. Thomashow claims she tried to file a complaint with the front desk receptionist, telling her that she was cancelling her appointment because she felt 'violated.' Whether this triggers a reporting protocol should be examined by the practice.<sup>32</sup>

## USA Gymnastics

Nassar continued to see and harm patients for 461 days after USAG leadership was made aware of his conduct. USAG leadership was made explicitly aware of Nassar's conduct on June 17, 2015, and following an internal investigation, was counseled to contact the FBI, which occurred on July 27, 2015. Although Nassar was allowed to step down from his position at USAG due to his misconduct, USAG failed to warn MSU, where Nassar remained employed, or any USAG member organizations.

Over the course of the Subcommittee's investigation, this time period remains the most troubling. Nassar duped a myriad of people over his career, including, patients, athletes, parents, coaches, and officials, but until he was arrested, no one had come as close to understanding the true nature of Nassar's crime as USAG in the summer of 2015. The Subcommittee did not find any evidence that USAG informed Nassar's employer, MSU, or other members of the gymnastics community who interacted with Nassar of the explicit allegations of abuse reported by gymnasts in the summer of 2015. Due to the organization's silence, at least 40 more women and children were placed in harm's way and suffered as a result.<sup>33</sup>

### *Initial Report*

In June of 2015, Maggie Nichols courageously spoke to her coach at Twin City Twisters, Sarah Jantzi about her discomfort with Nassar and his treatment. On June 17, 2015 Jantzi reported her conversation with Nichols to then-Senior Vice President of USAG, Rhonda Faehn. Faehn in turn called then-President and CEO of USAG, Steve Penny.

On June 26, 2018, the Subcommittee conducted a telephone interview with Jantzi regarding her role in reporting Nichols's

---

31 Matt Mencarini, "MSU hid full conclusions of 2014 Nassar report from victim," *Lansing State Journal*, January 26, 2018, <https://www.lansingstatejournal.com/story/news/local/2018/01/26/michigan-state-larry-nassar-title-ix/1069493001/>.

32 Ibid.

33 At least 40 women and girls have reported being abused by Nassar after July 2015. Dan Barry, Serge F. Kovaleski and Juliet Macur, "As F.B.I. Took a Year to Pursue the Nassar Case, Dozens Say They Were Molested," *New York Times*, February 3, 2018, <https://www.nytimes.com/2018/02/03/sports/nassar-fbi.html>

discomfort and concerns.<sup>34</sup> Jantzi recalled talking with Nichols in the gym after practice. Nichols expressed concern with comments Nassar made on her Facebook page. The conversation between Jantzi and Nichols ended due to the presence of other children in the room, but they continued the conversation over the next two days. Jantzi learned from Nichols that Nassar massaged her too close to her groin leading Jantzi to suspect that Nassar's conduct was sexual abuse. After speaking with Nichols's mother, Jantzi sent a text message from her mobile phone to Faehn on June 17, 2015 to report her findings.

Faehn testified before the Subcommittee on June 5, 2018 regarding her role in the Nassar matter and conduct she observed from USAG officials and employees following the initial report of abuse.<sup>35</sup> Faehn's recollection of events closely matches Jantzi's. In her written statement, Faehn recalled her conversation with Jantzi regarding Nichols's discomfort with Nassar and his treatment and that these encounters took place at the 2013 World selection camp and at the 2015 Italy selection camp. Faehn also received from Jantzi the names of two other gymnasts that had similar experiences with Nassar.

Following her conversation with Jantzi, Faehn called Penny who told her that he would call Jantzi and the parent of the gymnast right away and report the concerns to the proper authorities. Based on this conversation, Faehn assumed Penny was planning to alert law enforcement.<sup>36</sup> Unknown to Faehn at the time, Penny did not immediately contact law enforcement. USAG did not contact law enforcement until July 27, 2015, over a month after Faehn and Penny's conversation.

Penny followed up with Jantzi later on June 17<sup>th</sup>. Jantzi recalled that Penny left the impression that an investigation was underway and that law enforcement was included. Penny told her that there was no need for her to report Nassar's conduct to anyone else in order to preserve the ongoing investigation. Faehn recalled also following up with Jantzi that night to confirm that Penny had reached out to Jantzi.

#### *Internal Investigation*

Instead of contacting law enforcement, USAG conducted an internal investigation of Nassar. Through outside counsel, USAG hired Fran Sepler of Sepler & Associates to interview Nichols. Sepler was hired based on her background as a Child Sexual Abuse Specialist and Head of Victim Services for the State of Minnesota. Penny did not inform USAG's Board of Directors of the complaint against Nassar or that USAG retained Sepler to conduct an internal interview.

The Subcommittee conducted a telephone interview with former-Vice-Chair of USAG, Paul Parilla on July 12, 2018. Parilla recalled attending a USAG board meeting in North Carolina on June 28, 2015. At the board meeting, Penny did not disclose Nichols's complaint or the intent to conduct an internal investigation. However, during a break in the board meeting, Penny, Parilla, then-Board Chair Peter Vidmar, and then-Director Jay Binder met in a separate room. Penny informed them that an athlete who had expressed a concern with one of Nassar's procedures and that, after engaging counsel, USAG would be hiring an experienced interviewer to gather more details. Penny told the group that Nassar did not have any prior complaints filed against him and assured the group that Nassar would not be utilized as a team doctor again. He also told the group that Nassar was uninvited from an upcoming gymnastics event in Chicago.

The Subcommittee conducted a telephone interview with Sepler on July 20, 2018. Sepler was sent a retainer agreement on July 3, 2015 based on a request letter sent July 2, 2015, to "acquire a fuller view of the material facts" regarding an athlete who "made allegations of improper conduct in her medical treatment by a team physician." In that letter, USAG, through counsel, directed

---

34 Sarah Jantzi, interview by Subcommittee, July 26, 2018.

35 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*, Testimony of Rhonda Faehn, June 5, 2018.

36 Steve Penny did not participate in the Subcommittee's investigation. Penny was invited to provide testimony to the Subcommittee during the June 5, 2018 hearing on *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*. He declined, but attended the hearing after being issued a Congressional subpoena. Penny did not give a substantive statement and did not answer questions from the panel. After asserting his rights under the Fifth Amendment, he was dismissed.

her to provide her factual findings but did not request for her to make any conclusions.<sup>37</sup> Sepler recalled being assured by USAG outside counsel that there was currently no contact between the physician and any athlete.

Sepler interviewed Nichols when she was first available on July 11, 2015, in a privately-reserved community room at a condominium building. Sepler recalled that Nichols described Nassar's treatment and told her that she had never been alone with Nassar. Sepler recalled being concerned about the unconventional nature of Nassar's manipulation of the groin area, but Nichols denied genital contact. Nichols told her another gymnast, Aly Raisman, also had concerns.

USAG and Sepler then arranged for her to meet Raisman at Raisman's home on July 17, 2015. Sepler recalls Raisman telling her that there was never anything sexual about the way Nassar touched her. Raisman suggested that Sepler talk with McKayla Maroney, who had expressed discomfort with Nassar.

The Subcommittee interviewed Maroney on May 6, 2018. Maroney recalled being contacted by Raisman, before Maroney's meeting with Sepler. Raisman told Maroney to tell Sepler about Maroney's interactions with Nassar. On July 24, 2015, Sepler interviewed Maroney in a hotel. In the interview, Sepler recalls Maroney providing specific and explicit descriptions of sexual assault committed by Nassar, including details from assault taking place outside of the United States.

Sepler recalls obtaining the signatures of all three athletes and Nichols's mother on notices prior to the interviews. Sepler provided the Subcommittee with the Nichols and Raisman notices, but could not locate the Maroney notice. The notices contain the Sepler & Associate's logo and is titled "Notices." The text of the notice says:

Fran Sepler has reviewed the following topics with me. I have had the opportunity to discuss them. I understand them.

- You are being spoken to because USA Gymnastics requires a fuller understanding of your experiences while under their supervision.
- Sepler & Associates has been retained by USA Gymnastics to ensure that this interview is neutral and objective.
- Fran Sepler is not an attorney nor a law enforcement officer. This is an internal inquiry to determine if a fuller investigation is needed.
- Your communication with Fran Sepler will be kept as private as reasonable possible. She will explain the limits on that privacy.
- Fran Sepler will be taking notes, which she will retain unless legally required to provide them to others.
- The fact finder will make a report which will be reviewed by USA Gymnastics and their legal counsel.
- You are agreeing to participate in the interview by US [sic] Gymnastics.
- Retaliation of any kind against you or others for truthfully explaining your experiences is prohibited. If you feel you are being retaliated against, please report it immediately.

The notices are signed and dated at the bottom.

Within two hours after Sepler's Maroney interview, Sepler spoke with USAG's counsel and Penny by phone informing them that Maroney was assaulted by Nassar and instructed them to contact law enforcement. Sepler delivered her findings verbally and did not provide a written report to USAG.

## *Report to Law Enforcement*

USAG reported Nassar to the FBI on July 27, 2015, 40 days after Jantzi reported Nichols's concerns. Penny, Parilla, and outside counsel, Scott Himsel met with FBI agents in person to disclose the Sepler findings. The meeting took place with then-FBI Special Agent in Charge (SAC) of the Indianapolis field office, Jay Abbott, Assistant SAC Gregory Massa, and Supervisory Special Agent (SA) Michael Langeman.<sup>38</sup> According to Parilla, USAG chose to report to the FBI because some of the abuse uncovered by Sepler took place overseas.

Based on Parilla's recollection, SAC Abbott mentioned on several occasions throughout the meeting that USAG should not take actions that would interfere with the FBI's investigation, but Parilla did not recall any specific conversation relating to a prohibition on sharing information with Nassar's employer, MSU.

## **United States Olympic Committee**

Penny informed USOC of the Nassar situation through a phone call from Penny to former USOC Chief of Sport Performance, Alan Ashley on July 25, 2015, two days before USAG reported Nassar to the FBI. Penny talked with former USOC CEO, Scott Blackmun on the phone later that same day.<sup>39</sup> In a written statement to the Subcommittee, Blackmun recalled learning about the situation:

The Nassar situation was first brought to my attention July 2015, through a phone call from Steve Penny, who was then CEO of USA Gymnastics. I cannot recall whether Mr. Penny told me Nassar's name during that call, or whether he just referred to him as the team doctor. Mr. Penny told me that after interviewing three athletes and the team doctor, they were concerned the doctor's 'treatments' were not legitimate. Mr. Penny said that he was going to report this to law enforcement, a decision I fully supported.<sup>40</sup>

On September 25, 2015, Penny emailed the former USOC Chief Security Officer, Larry Buendorf providing him with a detailed timeline on USAG's actions regarding Nassar, including the internal investigation, the report to the FBI, and the attempts to arrange witness interviews with the FBI.<sup>41</sup>

The Subcommittee did not find any evidence that USOC informed Nassar's employer, MSU, or other members of the gymnastics community who interacted with Nassar of the explicit allegations of abuse reported by gymnasts in the summer of 2015.

The Subcommittee also did not find any evidence that Blackmun, Ashley, or Buendorf shared any information regarding Nassar to anyone else within USOC.<sup>42</sup>

## *Key Finding: Nassar was clearly an agent of USOC.*

Nassar served as the national team doctor for USAG – an arrangement blessed by the USOC. In our review of the document production, we found USOC sent Nassar an official welcome letter on USOC letterhead, establishing his position as a member of the USOC Sports Medicine Team and the provider for USAG.<sup>43</sup> The letter in part said:

- “On behalf of the United States Olympic Committee (USOC) Sports Medicine Division, I am honored to inform you that you have been nominated by USA Gymnastics and selected [emphasis added] by the USOC as a member of the Medical Staff for the Games of the XXX Olympiad in London, England.”

38 Parilla recalled meeting with three FBI agents, including SAC Abbott. Massa and Langeman were the other two agents. See Ropes & Gray, “Report,” 77.

39 Ropes & Gray, “Report,” 68.

40 U.S. Congress, Senate, Senate Commerce Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*, Statement of Scott Blackmun, June 5, 2018.

41 Exhibit D

42 See finding on possible misrepresentations made by Blackmun

43 Exhibit O

- “It is important to realize you are more than a member of a single sport’s medical team; first, you are a member of the overall USOC Sports Medicine Team.”
- “the 2012 Olympic Games Sports Medicine Staff is an exceptional team of healthcare providers and you will do a great job as part of the Game staff.”
- “You are part of a special team carefully selected to produce great results.”
- “USOC Sports Medicine will provide several online education programs to help you prepare for your assignment. These programs and materials will include staffing plans, Games policies and procedures, job descriptions, communications processes, doping control, and injury/illness documentation.”

*Key Finding: USOC and NGBs unseemly executive compensation reinforces a perception amongst athletes that leadership is not serving them.*

USOC’s bloated and top-heavy organizational structure has created significant angst and anger by the athletes that support executives’ exorbitant salaries and excessive perks. The Subcommittee spoke with athletes frustrated by the fact that despite their high salaries, executives seemed to actually be doing little to put athletes first and implement necessary and overdue reforms. Among their concerns were first-class travel and fine dining afforded to top officials and executives, while athletes have few benefits, including no health insurance or coverage that is contingent on performance in competitions.

*Key Finding: The USOC Office of the Ombudsman fell short for athletes far too often, and is not seen as an independent or trustworthy resource by athletes.*

The Subcommittee has been made aware of at least one instance in which the ombudsman provided confidential information concerning a dispute related to sexual abuse to NGBs and respondents. Although the description of the ombudsman reads: “When offering advice, the Athlete Ombudsman Office is bound by its duty of confidentiality to athletes. Athletes should feel free to contact the office in order to talk through concerns and questions candidly, and seek independent and confidential advice,”<sup>44</sup> it appears at times the Ombudsman distributed information brought to them in confidence. As a result, many athletes feel the office is not trustworthy, thereby undermining the role of the Ombudsman to be provide confidential counsel to survivors of abuse. Additionally, athletes who did have their confidentiality compromised by the Ombudsman feared retaliation being taken against them by their coaches that would prevent them from competing.

*Key Finding: No sport is immune from sexual abuse and sexual misconduct.*

Based on the Subcommittee’s conversations with athletes, it was apparent that certain sports had especially bad reputations with respect to sexual abuse, but no sport is immune from abuse and misconduct.

*Key Finding: Nassar found powerful allies in the USAG Women’s Program and had strong support there.*

The Subcommittee’s investigation uncovered new details about the relationship Nassar and other USAG officials. In addition to being beloved by gymnasts—he was the friend they needed in the harsh world of elite gymnastics—Nassar also cultivated a coterie of USAG officials that catapulted him to a cult-like status in the community.

In one e-mail we reviewed, VP of the Women’s Program Luan Peszek wrote to Nassar, “I just wanted to let you know the value you bring to the women’s program. Martha and I communicated with Steve Penny that we want YOU as the women’s program doc and we were assured this had not changed.” Upon learning that Nassar had announced his retirement, she heaped praises on him: “Having been a mom of a national team member I know the inside scoop of ALL you do for the women’s team... I have so many memories of all you have done to help our gymnasts and these are just my personal experiences.”

Nassar explained in another e-mail, “I plan on keeping you [Luan Peszek] and Martha [Karolyi] informed of everything as is appropriate and needed for the success of our program. I do not feel I need to inform Steve of anything. That is how I have been trained. David has been instructed by Steve to keep him informed of everything. I refuse to do this. If Steve wants to know

44 Team USA, Athlete Ombudsman, accessed on July 26, 2019, <https://www.teamusa.org/Athlete-Resources/Athlete-Ombudsman>.

anything he can talk to you or Martha.”<sup>45</sup>

As a result, Nassar created an “us versus them” sort of environment. Nassar had powerful allies with each successive head of the USAG Women’s Program – first with Kathy Kelly, then with Luan Peszek, and then to some degree with Rhonda Faehn. He considered only them his supervisors: “I have always listened to my supervisors (Kathy and Martha) which now includes you.”<sup>46</sup>

*Key Finding: Coaches liked Larry Nassar because he wouldn’t ask for gymnasts to rest.*

McKayla Maroney revealed in her sit-down interview with NBC in April 2018 that Nassar had allowed her to continue training despite a serious injury. Based on this and other reporting, the Subcommittee believed that it must have been widely known that Nassar rarely prescribed rest for gymnasts. Gymnasts have reported training and competing on a broken leg.

E-mail correspondence the Subcommittee reviewed confirmed that Nassar would deliberately withhold information from USAG officials to protect athletes. In one e-mail, he wrote regarding another athlete, “I worked hard at keeping [REDACTED] on the team with her hurt knee and pushed the envelope with Martha. I knew if I could buy enough time I could get her knee feeling well enough for her to be able to compete.”<sup>47</sup> This created an interdependence between Nassar, coaches, and athletes, whereby athletes feared losing their position on the team if they got a second opinion on an injury.

*Key Finding: Larry Nassar predicted his own demise as team doctor, but not because he thought he would get caught for sexual abuse.*

The Subcommittee was surprised to learn that Nassar had predicted his demise as team doctor for USAG, but not for the reason we expected. Nassar explained in one e-mail: “Steve has been unhappy with me since the 2008 Olympics. I worked hard at keeping [REDACTED] on the team with her hurt knee and pushed the envelope with Martha. I knew if I could buy enough time I could get her knee feeling well enough for her to be able to compete. Then [REDACTED] goes down with a broken ankle. I was told by Kathy Kellie to avoid Steve Penny and not to tell him anything about injuries. The concern was that Steve would create pressure to replace the injured gymnasts with the alternates.”<sup>48</sup>

Nassar nearly submitted a letter of resignation to USAG in July 2014 but was kept on as the team doctor of USAG’s Women’s Program.<sup>49</sup>

*Key Finding: Larry Nassar had an official role as team doctor of USAG.*

In documents produced by USAG, the Subcommittee found evidence that Nassar was not just the team doctor, but the “USA Gymnastics Medical Director.” For example, in a release issued after McKayla Maroney was injured in at the 2012 Visa Championships, a press release was issued, which stated, “McKayla Maroney has been monitored and evaluated on a daily basis by the USAG medical staff for concussion and nasal fracture that she sustained at Visa Championships. The medical care has been under the direction of Dr. Larry Nassar (USA Gymnastics Medical Director)...”<sup>50</sup>

*Key Finding: In May 2019, the Center for SafeSport abruptly changed its policy on individuals published in its Centralized Disciplinary Database, while failing to consider the consequences—especially on victims—of its actions.*

On May 21, 2019, the Center for SafeSport took down records on its public disciplinary database related to temporary and interim measures imposed on respondents. SafeSport did not immediately provide notice to victims, NGBs, the public, or responding parties, creating some confusion on SafeSport policy, the status of those measures, and overall case outcomes.

After the Subcommittee submitted an inquiry to SafeSport regarding this change, the Center sent out personal notifications to

---

45 Exhibit CC  
46 Ibid.  
47 Ibid.  
48 Ibid.  
49 Ibid.  
50 Exhibit DD

victims affected.<sup>51</sup> The Center explained to individual claimants affected, as well as to the Subcommittee<sup>52</sup>, that the Center had just implemented a new policy to only publish temporary restrictions if they are intended to mitigate potential risks to the larger sport community, as opposed to those that relate to a particular party.

While the Subcommittee respects the Center’s need to continue to refine its policies over time, we believe it must do so in a transparent way and make sure the public is notified immediately of any such significant policy changes.

*Key Finding: The Center for SafeSport needs additional resources to conduct modern day investigations.*

SafeSport’s caseload has continued to grow since its authorization in 2018. It needs additional resources to hire investigative personnel, intake personnel, and case managers. Additional funds and training are also necessary to conduct modern investigations, including social media monitoring.

*Key Finding: The Center for SafeSport’s Centralized Disciplinary Database for the U.S. Olympic and Paralympic Movement has significant usability issues.*

The Center for SafeSport’s disciplinary database (available here: <https://safesport.org/userviolations/search>) has significant usability issues. It is difficult to search by first name only or last name only and the system is not forgiving of misspellings or if you fail to capitalize the individual’s name exactly as it is found in the database. For example, a search for “john smith” would not return the entry for “John Smith.” You would need to know to wait for search results to populate below the text entry box, which is not how users generally understand a search to work. When search results are populated—for all of the entries including “John” for example—they are not in any discernible order, such as alphabetical—making it even more difficult to find a particular entry.

In addition, users that want to view all disciplined individuals in a certain sport must know the exact name of that sport in the database. For example, entering “skating” in the Sports search box will yield zero results. You would also get zero results if you put in “figure skating.” You would need to enter “Figure Skating” or “Speed Skating” and with this capitalization.

*Key Finding: An Arbitration panel utilized by the Center for SafeSport asked inappropriate questions to a victim who came forward with a report of sexual assault.*

The Subcommittee found that questioning during SafeSport’s arbitration hearing have involved inappropriate questions directed at victims of sexual assault. For example, the Center investigated and banned Colin Burns, a U.S. and Pan American weightlifter, for ten years for committing “non-consensual sexual acts” in April 2016 against Jennyfer Roberts, another U.S. weightlifter, while she was incapacitated in her Rio de Janeiro hotel room. An arbitration panel made up of three former federal judges then overturned the Center’s ruling. The panel asked the victim questions that elicited evidence of her prior sexual behavior and sexual predisposition, including whether she was a virgin or had ever performed oral or anal sex. Although this evidence is disallowed under Rule 421 of the Federal Rules of Evidence, it is currently allowable under SafeSport’s supplemental rules of arbitration. These questions unnecessarily intimidate and threaten victims who come forward with reports of sexual assault and harassment.

---

51 Exhibit EE

52 Exhibit FF



# RECOMMENDATIONS

## **Congressional Oversight**

*Provide Congress with a tool to dissolve the board of directors of the U.S. Olympic and Paralympic Committee and decertify National Governing Bodies if necessary*

*Problem:* Congress chartered the USOPC to fulfill specific purposes enumerated in statute (36 U.S.C. §220503), and accompanying these responsibilities are competitive advantages to continue serving as the designated “corporation,” including exclusive right to use of the symbol of the International Olympic Committee

(five interlocking rings), the emblem of the corporation, and specific privileged terms and phrases for the lawful business use of goods or services. These advantages are coupled with the courts’ interpretation of the *Ted Stevens Olympic and Amateur Sports Act (ASA)* to provide an implied antitrust immunity that shield the USOPC and affiliated NGBs from allegations of anticompetitive behavior. Should the USOPC be found to not be upholding its statutory purposes and duties, Congress requires reasonable and deliberative mechanisms to hold the leadership of the USOPC accountable.

*Legislative Change:* Congress should have specific authority to file a “joint resolution” to dissolve the board of the USOPC should it find the corporation is failing to fulfill its purposes as described in the ASA. The “joint resolution” must also prescribe adequate procedures for forming a new Board of Directors with reasonable expediency and in a manner that safeguards the voting power of the representatives of amateur athletes.

In addition to USOPC’s existing NGB decertification process, Congress should also exercise the authority to file a “joint resolution” to decertify a national governing body, should it be found to have failed to fulfill its duties.

## **USOPC Oversight of NGBs**

*Require the U.S. Olympic and Paralympic Committee to uphold direct oversight responsibility of National Governing Bodies to establish a safe environment for amateur athletes*

*Problem:* On July 24, 2018, the Subcommittee received testimony from the Athletes’ Advisory Council (AAC) Chairman Han Xiao on behalf of elite athletes under the USOPC umbrella, including U.S. Olympians and Paralympians. One of his recommendations to the Subcommittee was to improve USOPC’s oversight of NGBs. He noted that the USOPC historically treated NGBs as independent organizations and rarely, if ever, used its limited leverage to affect the behavior of NGBs. He emphasized, “Congress should leave no doubt that the [USOPC] must proactively provide NGB oversight and serve as the main point of adjudication for NGB compliance with the [*Amateur*] *Sports Act*. This can be done by giving [USOPC] the tools and authority to provide NGB oversight as the [*Amateur*] *Sports Act* currently does, and probably more importantly, also holding the [USOPC] responsible within the [*Amateur*] *Sports Act* for continuing to recognize NGBs that are not appropriately fulfilling their requirements under the law or are failing to protect and support athletes.”

It is clear USOPC’s refusal to proactively affect change in NGB practices translated to its general view that the protection of the safety and health of amateur athletes was not the USOPC’s organizational responsibility. In a deposition from a 2016 lawsuit regarding a taekwondo athlete alleging sexual abuse by her coach at USOC’s Olympic Training Center in Colorado Springs, Colorado. USOC lawyer Gary Johansen was asked whether protecting athletes from abuse was a top priority for the USOC. He responded, “The USOC does not have athletes.”<sup>53</sup>

### *Legislative Change:*

- The statutory purposes of the USOPC should be amended to require the corporation to specifically exercise oversight of all NGBs with respect to the establishment of a safe environment in sport that is free from abuse—including emotional, physical and sexual abuse – of any amateur athlete.
- Congress should require the USOPC to review at least every four years all matters related to the recognition of an organization as an NGB and renew such recognition based on the outcomes of the review.
- Congress should clarify that a National Governing Body must perform the following duties:
  - Develop one or more policies that prohibit any individual who is an employee, a contractor, or an agent of the National Governing Body from assisting a member or former member in obtaining a new job, except from the routine transmission of administrative and personnel files, if the individual knows that such member or former member engaged in sexual misconduct regarding a minor in violation of the law;
  - Promote a safe environment in sport that is free from abuse of any amateur athlete, including emotional, physical and sexual abuse;
  - Take care to promote a safe environment in sport using information relating to any temporary measure or sanction issued pursuant to the authority of the U.S. Center for SafeSport; and

---

<sup>53</sup> Will Hobson, “Victims say the USOC deserves blame for America’s Olympic sex abuse problem,” *The Washington Post*, February 23, 2018, [https://www.washingtonpost.com/sports/olympics/victims-say-the-usoc-deserves-blame-for-americas-olympic-sex-abuse-problem/2018/02/23/b5afe70a-1270-11e8-9065-e55346f6de81\\_story.html?utm\\_term=.fb4b7162bb53](https://www.washingtonpost.com/sports/olympics/victims-say-the-usoc-deserves-blame-for-americas-olympic-sex-abuse-problem/2018/02/23/b5afe70a-1270-11e8-9065-e55346f6de81_story.html?utm_term=.fb4b7162bb53).

- Immediately report an allegation of child abuse of an amateur athlete to law enforcement and have policies and procedures to make such reports.

## **Bolster Athlete Representation**

*Increase and improve amateur athletes' representation within the U.S. Olympic and Paralympic Committee and National Governing Bodies while prohibiting structural conflicts of interest that interfere with the protection of athletes*

*Problem:* Athlete advocates and investigative third parties have similarly pointed out significant concerns with the structural issues preventing abuse reporting and other effective mechanisms to promote athlete safety. These issues evolved over time and were likely guided by alternative motives. In their report, investigators from Ropes & Gray LLP stated,

In general terms, the USOC's approach evolved from a governance structure with diffused decision-making across a large 'House of Delegates' and various committees to a model akin to a modern, professional non-profit. With this governance change, the USOC places a heightened emphasis on earning medals and generating revenue. These goals are necessarily connected as athletic success attracts sponsors, who in turn provide the private funding necessary to support the athletes of Team USA. Alongside these developments, however, the USOC did not incorporate effective policies and structures to provide athletes with either a strong role in governance or an effective avenue for raising complaints."<sup>54</sup>

Specifically, the ASA requires that the Boards of Directors for the USOPC and NGBs include no less than 20 percent voting power to amateur athletes. Additionally, the law also requires that these athletes need to have engaged in amateur athletic competition within the preceding 10 years. Athlete advocates have suggested that increased, yet flexible, athlete representation on governing boards and other committees and panels within these larger organizations would improve the capabilities of these entities to identify problematic policies and practices faster, while prioritizing athlete-centric solutions.

### *Legislative Change:*

- Congress should increase the minimum threshold for membership and voting power held by amateur athletes from 20 percent to one-third (or 33.3 percent) of the entire membership and voting power held by the Board of Directors for USOPC and NGBs and other committees, entities, and panels within the organization.
- Congress should also eliminate the requirement that amateur athletes need to have participated in international amateur athletic competition within the preceding 10 years in order to be considered for an amateur athlete representative in such capacities.
- Congress should prohibit amateur athletes who represent other amateur athletes on USOPC's Board of Directors and other committees, entities, and panels within the organization from being employed by the SafeSport for two years following the end of their representation.
- Congress should require USOPC, NGBs and SafeSport to each develop one or more policies that prohibit any of their employees, contractors, or agents from assisting a member or former member in obtaining a new job outside of routine transmission of administrative and personnel files, if the individual knows that member or former member engaged in sexual misconduct regarding a minor in violation of the law.

## **Restructure the Office of the Athlete Ombudsman**

*Amend the statutory structures and requirements of the Office of the Athlete Ombudsman to increase the independence and effectiveness of the entity in advising athletes.*

---

54 Ropes & Gray LLP, "Report," Page 133.

*Problem:* The Athlete Ombudsman’s office was established as part of the ASA. “Like many other provisions of the Ted Stevens Act, however, the section concerning the role and responsibilities of the Athlete Ombudsman is capable of multiple interpretations. Due to the current structure of the position, the Athlete Ombudsman’s office has been an insufficient resource for athletes to voice their complaints or to engage in governance,” according to the investigators of Ropes & Gray LLP.<sup>55</sup>

Many athlete advocates, including the Athletes Advisory Council, have supported proposals to expand the duties of the Athlete Ombudsman’s office to include athlete-centric advisement in respect to reporting abuse to SafeSport. These increased authorities would need to specify the advisement role of the office without inappropriately altering the intended purposes of the entity.

*Legislative Change:*

- Congress should standardize specific hiring and firing procedures for the Office of the Ombudsman, while bolstering the office’s duties to include: providing independent advice to reporting parties with respect to the role, responsibility and authority of SafeSport; the relative merits of engaging legal counsel; and the factual allegations that may support the ability of the Center to pursue a claim of abuse.
- The law should expressly require all information communicated to the Office to be confidential with limited exceptions.
- Congress should specifically prohibit retaliation measures taken or threatened against any employee or member for disclosing information to the Office that requires independence from the USOPC in carrying out its duties.

## **Bolster USOPC Auditing and Reporting Requirements**

*Improve the existing reporting and audit requirements of the USOPC*

*Problem:* In terms of transparency, many stakeholders, including athlete advocates, have actively called for increased and improved reporting and auditing requirements for the USOPC. The receipts and expenditures of the organization have come into question on a number of occasions related to the prioritization of athlete interests and the protections and benefits provided to them. The advocacy organization Olympians Rising specifically stated in its report to Congress that, “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.”<sup>56</sup>

*Legislative Change:*

- Congress should increase and improve the existing reporting and audit requirements of the USOPC to Congress and the president, including requiring such reporting to take place annually as opposed to every four years.
- Reports should be required to include additional information about lawsuits and grievances filed against the USOPC and relevant materials from Board of Directors meetings.
- Separately, independent third-party audits should include detailed information related to the assets, liabilities, income and expenses of the USOPC, including information on amounts spent on stipends and services for athletes and amounts allocated to National Governing Bodies.

## **Clarify Communications Limitations Between Minors and Adults**

*Clarify procedural limitations on interactions between amateur athletes that are minors and adults*

*Problem:* The Subcommittee heard from several athletes and reviewed a number of documents that highlighted concerns around

---

55 Ibid, Page 146.

56 Olympians Rising, “Recommendation to Congress: Reforming the U.S. Olympic Committee to Ensure Health and Livelihood of Athletes,” September 19, 2019, Page 12.

communications, including text messaging, between Nassar and athletes, even in situations in which formal temporary measures were placed on him to not be in contact with athletes. While current law (36 U.S.C. §220530) establishes reasonable procedures to limit one-on-one interactions between a minor athlete and an adult, communications between minor athletes and adults is not clear.

*Legislative Change:* Congress should clarify that reasonable procedures to limit one-on-one interactions between amateur athletes that are minors and adults (besides their guardians) should also apply to “communications” between athletes and adults.

## **Retaliation Protection for those who Report**

*Expand statutory retaliation protection against reporting parties to apply to reports of emotional, physical and sexual abuse*

*Problem:* While existing federal statute prohibits retaliation by an NGB against any reporting party of child abuse as defined by section 226 of the Victims of Child Abuse Act of 1990, the Subcommittee heard many concerns of retaliation related to a variety of abuse that stemmed from the culture within each sport. Findings from other investigative reports aligned with this change. Ropes and Gray LLP stated in their report, “Patterns of inadequate policies and practices emerged across the NGBs, including... inadequate attention to the risk of retaliation against athletes and others for raising complaints.”<sup>57</sup>

*Legislative Change:* Congress should require that existing statutory prohibitions on retaliation against reporting parties apply to reports of emotional, physical and sexual abuse.

## **Implement Public Barred List**

*Require the U.S. Center for SafeSport to publish and maintain a public list of barred individuals*

*Problem:* Throughout the investigation, the Subcommittee has been made aware of instances in which a coach was found to have committed a crime and/or was barred from participation within a particular NGB, yet was able to continue coaching by simply switching teams, or even sports. A USA Today report found at least six cases in which a coach had been banned but was still participating in the sport in some fashion.<sup>58</sup>

*Legislative Change:* Congress should require SafeSport to publish and maintain a publicly available website that contains at least a comprehensive list of individuals who are barred from the USOPC or an NGB.

## **Apply Statutory Limitations**

*Provide statutory liability limitation for damages associated with duties of communications of the U.S. Center for SafeSport*

*Problem:* SafeSport, the USOPC and NGBs would be better enabled to take effective and immediate action to eliminate threats of abuse, especially interim measures, if they are protected from legal risks associated with civil actions related to defamation, libel, or reputational harm. There are instances in which the immediacy of the threat of abuse outpaces the final determination of a legal process, and appropriate liability protections allow for organizations to take measured, interim steps when absolutely necessary.

*Legislative Change:* Congress should apply the existing statutory liability limitations for damages in civil action for defamation, libel, or damage to reputation related to the duties of communicating such information to the USOPC.

## **Targeted and Relevant SafeSport Training**

57 Ropes & Gray, “Report,” Page 139.

58 Nancy Armour, Rachel Axon and Brent Schrottenboer, “Was your child’s coach banned for sexual misconduct? Better check,” *USA Today*, December 13, 2018, <https://www.usatoday.com/story/sports/2018/12/13/olympic-sports-scandal-coaching-kids-after-sexual-misconduct-ban/2196969002/>.

*Mandate targeted and updated education outreach to parties required to receive SafeSport training*

**Problem:** Nassar was able to abuse hundreds of young athletes – at times, even with parents or other adults in the room – for decades, partially due to the fact that most athletes and parents alike did not recognize the grooming techniques he employed. Oftentimes, survivors, particularly minors, do not understand that what is occurring is inappropriate.

In the Subcommittee’s April 2018 hearing, former Speedskater Bridie Farrell testified, “For many children it is impossible to disclose molestation or rape, because we did not and they do not have the vocabulary. I did not learn that being molested by a 33 year old man was a crime until I was at Cornell University; I was 27 years old.”<sup>59</sup>

In that same hearing, former Olympic gymnast and gold medalist Jordyn Wieber shared the same sentiment, saying, “The worst part was that I had no idea that he was sexually abusing me for his own benefit. I knew it felt strange, but he was the national team doctor.”<sup>60</sup> It is cases like these that emphasize the importance of properly educating members of the sports community regarding warning signs of a predator and grooming behavior.

**Legislative Change:** Congress should require the Office for Education and Outreach at SafeSport to develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults and mentally disabled individuals, and update these materials not less frequently than every three years.

## **Exercise Independence of SafeSport**

*Ensure the independence of the U.S. Center for SafeSport from influence of USOPC, NGBs, or other entities*

**Problem:** SafeSport was established to be an independent agency free from influence or interference by the USOPC and NGBs. When the Center first began operations, the employment of a former USOPC employee brought the Center’s independence into question. While the Subcommittee found no specific evidence of interference on behalf of USOPC, the mere presence of the employee or any other former USOPC or NGB employee provides for an avoidable opportunity for conflicts of interests.

Currently, the Center and USOPC negotiate the USOPC’s financial contribution to the Center on an annual basis, allowing USOPC the flexibility to use withholding financial support as a bargaining chip. This runs counterproductive to the goal of creating an organization in the Center that is completely free from influence.

**Legislative Change:**

- Congress should specifically prohibit former employees or board members of USOPC or NGBs from working or volunteering at SafeSport during the two-period after their employment.
- Congress should prohibit conflicts of interest in representing SafeSport.
- Congress should require USOPC and NGBs to not interfere in or attempt to influence the outcome of any investigation conducted by SafeSport.
- Congress should require SafeSport to report any attempts to interfere in or influence the outcome of an investigation to the congressional committees of jurisdiction within 72 hours of such an attempt.
- Congress should mandate USOPC to contribute \$20 million annually to SafeSport for operating costs, without

---

59 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes*, Testimony of Bridie Farrell, April 18, 2018.

60 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes*, Testimony of Jordyn Wieber, April 18, 2018.

providing the USOPC any discretion over the amount, frequency, or use of such payments.

- Congress should authorize SafeSport to recover penalties from USOPC in the instance of late or incomplete mandatory payments.

## **Codify Reporting Requirements**

*Codify requirements of the U.S. Center for SafeSport to immediately report allegations of child abuse to law enforcement*

*Problem:* Federal law (36 U.S.C. §220542) already requires all adult members of an NGB, a Paralympic sports organization, or a facility under the jurisdiction of such an entity to report immediately any allegation of child abuse of an amateur athlete who is a minor. However, there is no statutory requirement for SafeSport or its staff to do so in accordance with section 226 of the *Victims of Child Abuse Act of 1990* (34 U.S.C. §20341).

*Legislative Change:* Congress should clarify that SafeSport shall immediately report any allegations of child abuse to law enforcement consistent with section 226 of the *Victims of Child Abuse Act of 1990*.

## **Clarify Notification Requirements and Establish Procedures to Prohibit Retaliation**

*Clarify notification requirements to alleged perpetrators of abuse and procedures to prohibit retaliation*

*Problem:* During the course of the Subcommittee's investigation, documents obtained from USA Gymnastics showed that the NGB directed outside attorneys to contact Nassar and discuss the allegations against him. This contact was made far enough in advance that Nassar could have destroyed the evidence that played a key role in his conviction. Premature contact with an alleged perpetrator, without the input of law enforcement, may hinder both criminal and other investigations into an allegation and should be prohibited.

*Legislative Change:*

- Congress should statutorily require SafeSport and its staff to not take any action to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless law enforcement authorized them to do so, or unless the Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator.
- Congress should also require SafeSport to establish procedures to prohibit retaliation by a NGB or Paralympic sports organization for making a report related to abuse of any amateur athlete, including emotional, physical, or sexual abuse.

## **Annual Reports**

*Improve existing annual reports from the U.S. Center for SafeSport to Congress*

*Problem:* Ongoing oversight of government-established entities is a principal responsibility of Congress and one that should be exercised often, particularly when it comes to protecting children from abuse. As a federally mandated organization, SafeSport has an obligation to report to Congress.

*Legislative Change:* Congress should require SafeSport to improve its current annual reports to Congress to include information related to a strategic plan of the Center to fulfill its duties, financial statements of the Center, reports received and investigations conducted, and the education and training efforts of the Center over the previous year.

## **Bankruptcy**

*Amend federal bankruptcy statute to make clear that decertification proceedings of USOPC are not subject to an automatic stay in the event of an NGB filing for bankruptcy*

*Problem:* USOPC has determined that decertification proceedings against a National Governing Body are subject to an automatic stay during bankruptcy proceedings.

*Legislative Change:* Congress should make clear that decertification proceedings initiated by USOC are not subject to the automatic stay in the event that the national governing body considered for decertification files for bankruptcy.



# BACKGROUND

## SUBSECTIONS

- Applicable Law & Subcommittee Investigation Authority
- History
- Larry Nassar Case
- Abuse In Other Sports
- Reforms Made During Investigation

### Applicable Law and Subcommittee Investigation Authority

#### *Standing Rules of the Senate*

The Senate Committee on Commerce, Science, and Transportation is responsible for overseeing sports, including the USOC and affiliated NGBs, pursuant to Article XXV paragraph(f)(1), line 16 of the Standing Rules of the Senate.<sup>61</sup>

<sup>61</sup> U.S. Congress, Senate, Standing Committees, *Rules of the Senate*, <https://www.rules.senate.gov/rules-of-the-senate>.

#### *Ted Stevens Olympic and Amateur Sports Act*

The *Amateur Sports Act*, which became law in 1978, was sponsored by Senator Ted Stevens (R-Alaska) and cosponsored by Senators John Culver (D-Iowa) and

Richard Stone (D-Fla.).<sup>62</sup> The law amended the corporate charter of the United States Olympic Committee (USOC) to designate a principal place of business for the USOC; set objectives, purposes and powers of USOC; provide copyright protections for USOC logos and designations; institute annual congressional and presidential reporting requirements; and mandate that USOC establish a constitution and bylaws for dispute resolution involving those participating in sanctioned amateur athletic competition and events. The *Amateur Sports Act* allows USOC to recognize one national governing body (NGB) per sport. Eligibility occurs through application for recognition and compliance with NGB requirements set forth in the law. Athlete eligibility and selection criteria for competitions are delegated to NGBs, but the law provides USOC with review power over NGB actions and status.

The *Amateur Sports Act* was amended in 1998 by the *Ted Stevens Olympic and Amateur Sports Act*, sponsored by Senator Stevens and cosponsored by Senator Ben Campbell (R-Colo.) and Senator John Chafee (R-R.I.).<sup>63</sup> The updated law was revised to give USOC authority over Paralympic sports organizations; require the creation of an Athletes' Advisory Council (AAC); mandate that the USOC board of directors must be comprised of at least 20 percent amateur athletes; provide USOC with the power to remove state-based suits to federal court; eliminate injunctive relief related to competition participation when claims are brought within 21 days of a competition; update reporting requirements from annual to every four years; and allow USOC and NGBs to send incomplete teams if there were not enough athletes.

### *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*

In 2010, following the sexual abuse scandal within USA Swimming, the USOC launched an initiative to stem misconduct. Although USOC filed for a trademark of "SAFESPORT" in November 2011<sup>64</sup> and launched the SafeSport program on March 16, 2012<sup>65</sup>, the U.S. Center for SafeSport did not officially launch as a separate 501(c)(3) corporation tasked with investigating abuse allegations raised within all NGBs until March 23, 2017.<sup>66</sup>

On February 14, 2018, President Trump signed the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act* (also known as the *Safe Sport Act*) into law.<sup>67</sup> This legislation, sponsored by Judiciary Committee Ranking Member Dianne Feinstein (D-Calif.), Judiciary Committee Chairman Chuck Grassley (R-Iowa), Commerce Committee Chairman John Thune and cosponsored by 27 other senators, including Senator Blumenthal, was amended on the floor to include the Committee-passed legislation, the *U. S. Center for Safe Sport Authorization Act of 2017*. This law authorized an independent entity, the U.S. Center for Safe Sport (the Center), to investigate and enforce against abuse in amateur sports and to clarify the USOC's role in protecting athletes, including through NGB oversight.

### *Specific improvements provided by the Safe Sport Act in reporting, investigating, and enforcement*

The *Safe Sport Act* requires that adults report suspected abuse of amateur athletes to local law enforcement, imposes penalties for failure to do so, and bolsters the civil remedy provisions of *The Child Abuse Victims' Rights Act of 1986*<sup>68</sup> to allow minor victims to sue their perpetrators. The law also requires the Center to develop training, oversight practices, policies, and procedures for NGBs and Paralympic sports organizations (PSOs) to prevent abuse of amateur athletes.

---

62 *Ted Stevens Olympic and Amateur Sports Act*, Pub. L. 105-225, 112 Stat. 1253, 1466-78 (1998) (codified as amended at 36 U.S.C. §§ 220501-29 (2012)).

63 *Ted Stevens Olympic and Amateur Sports Act*, Pub. L. 105-225, 112 Stat. 1253, 1466-78 (1998) (codified as amended at 36 U.S.C. §§ 220501-29 (2012)).

64 Diana Moskovitz, "SafeSport, The USOC's Attempt To Stop Child Abuse, Is Set Up To Fail-Just Like It Was Supposed To," *Deadspin*, July 24, 2018, <https://deadspin.com/safesport-the-usocs-attempt-to-stop-child-abuse-is-se-1826279217>; United States Patent and Trademark Office, *Trademark Status & Document Retrieval (TSDR)*, U.S. Serial 85475739, [https://tsdr.uspto.gov/#caseNumber=85475739&caseType=SERIAL\\_NO&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=85475739&caseType=SERIAL_NO&searchType=statusSearch) (Accessed July 3, 2019).

65 Team USA, *U.S. Olympic Committee Launches Safe Sport Program*, March 16, 2012, <https://www.teamusa.org/media/news/usopc/US-Olympic-Committee-launches-Safe-Sport-program>.

66 Team USA, *The U.S. Center for SafeSport Opens*, March 24, 2017, <https://www.teamusa.org/USA-Taekwondo/Features/2017/March/24/The-US-Center-for-SafeSport-Opens>.

67 *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*, Pub. L. 115-126, 132 Stat. 318 (2018) (codified at 36 U.S.C. 101).

68 *Child Abuse Victims' Rights Act of 1986*, Pub. L. 99-500, 100 Stat. 1783 (codified as 18 U.S.C. 2251).

These policies and procedures include:

- mandatory reporting by adult members to the Center and law enforcement;
- a mechanism to allow a complainant to easily report an incident of child abuse to appropriate authorities;
- reasonable procedures to limit one-on-one interactions between minors and adults without being in an observable and interruptible distance from another adult;
- procedures to prohibit retaliatory action by NGBs or PSOs against any individual who reports abuse;
- oversight procedures, including regular and random audits, to make sure that these policies and procedures are followed correctly; and
- the ability to share information about suspected child abuse confidentially with NGBs, PSOs, and other organizations, such as local gyms.

Updated authorities of the Center and evaluation of updated NGB policies also resulted from the *Safe Sport Act*. The *Safe Sport Act* ensures that all policies applicable to NGBs also apply to those organizations “sanctioned” by NGBs or the USOC to host international athletic competitions. The law also requires that all amateur sports organizations must:

- comply with mandatory reporting laws;
- establish reasonable procedures to limit one-on-one interactions between adults and minors;
- offer and provide consistent training regarding child abuse prevention and reporting of child abuse, including reporting by complainants to appropriate authorities; and
- prohibit retaliation against those who report child abuse, including sexual abuse, to law enforcement.

In an effort to help ensure the Center’s independence from USOC, the Senate version of this legislation<sup>69</sup> included an authorization of appropriations for the Center (at a level of \$1 million per year over five years). However, the House of Representatives stripped out this provision over concerns that it constituted an earmark. Nevertheless, the House agreed to include (and ultimately did include) language in the *2018 Omnibus Appropriations Bill* authorizing and funding a new \$2.5 million-over-five-years competitive grant program to safeguard athletes against abuse in sports.<sup>70</sup> This program is administered by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) within the Department of Justice. This grant program stipulates that funds received by the Center may only be used for: (1) developing and testing new training materials for emotional, physical, and sexual abuse prevention and identification education in youth athletic programs, (2) staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to the USOC, NGBs, PSOs, and other sports organizations about safeguarding amateur athletes against abuse, and (3) administrative expenses. However, these funds cannot be used to investigate allegations of sexual abuse or misconduct.

## History

On August 4, 2016, the *Indianapolis Star* (*IndyStar*) [published an investigative report](#) detailing sexual abuse within USA Gymnastics (USAG).<sup>71</sup> In a September 12, 2016 follow-on story, *IndyStar* [reported the first public allegations of sexual abuse](#) against Larry Nassar.<sup>72</sup> Larry Nassar was convicted on seven state criminal sexual assault charges, and federal child pornography possession and receipt of child pornography. As a sports medicine professional at MSU and as USAG’s national team doctor, Nassar abused his victims under the guise of medical treatment. Over 300 women and girls have come forward with credible

69 *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*, S. 534, 115th Cong. § 202 (2017).

70 *Consolidated Appropriations Act of 2018*, Pub. L. 115-141 (2018) (codified as 36 U.S.C. § 220531).

71 Marisa Kwiatkowski, Mark Alesia, and Tim Evans, “A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases,” *Indianapolis Star*, January 31, 2018, <https://www.indystar.com/story/news/investigations/2016/08/04/usa-gymnastics-sex-abuse-protected-coaches/85829732/>.

72 Evans, “Former USA Gymnastics doctor accused of abuse.”

accounts of being abused by Nassar. While the Nassar case is breathtaking in scale, athletes from a range of Olympic sports have similarly suffered abuse at the hands of officials, coaches, fellow athletes, and others connected to their sports. The egregious nature of this and past instances of abuse – combined with the number of victims – required Congressional attention and action.

## Larry Nassar Case

On June 17, 2015, gymnast Maggie Nichols expressed discomfort with Nassar’s treatments and other social interactions to her coach, Sarah Jantzi. Jantzi reported this information to then-head of USAG’s women’s program, Rhonda Faehn, who in turn disclosed this information to then-USAG President and Chief Executive Officer Steve Penny. Instead of reporting this sexual abuse allegation directly to law enforcement, USAG retained Fran Sepler, a human resources consultant, to investigate the allegations. Sepler was connected with and met with gymnasts between the dates of July 3, 2015 and July 24, 2015. Sepler ultimately recommended that USAG notify law enforcement and report Nassar. USAG reported the allegations to the FBI on July 27, 2015 – well over a month after Nichols first brought these allegation to the organization’s attention.

After reporting Nassar to the FBI, USAG removed Nassar as a USAG doctor but did not inform MSU or other potentially affected parties of the allegations or tip sent to the FBI. Publicly, Nassar “retired” from national team duties via a Facebook post on his personal page on September 27, 2015, yet remained on the faculty of MSU’s sports medicine department.

On August 29, 2016, former gymnast Rachael Denhollander filed a criminal complaint against Nassar with the MSU Police, alleging sexual abuse. The *IndyStar* ran an investigative report detailing Denhollander’s allegations against Nassar on September 12, 2016, making her the first survivor of Nassar’s abuse to publicly discuss her abuse perpetuated by Nassar.<sup>73</sup> The article also discussed a California woman who had filed a civil lawsuit in California. The *IndyStar* did not name the California woman, at her request. As a result, she was identified only as “Jane Doe” in the lawsuit, but she later came out publicly and testified before the Senate Judiciary Committee on March 28, 2017.<sup>74</sup>

Eight days after the *IndyStar* article’s publication, Nassar was fired by MSU. On November 21, 2016, according to public records, Nassar was arrested on three counts of first-degree criminal sexual conduct with a person under the age of 13, and was later indicted on federal child pornography charges on December 16, 2016.<sup>75</sup>

## Abuse in Other Olympic Sports

Allegations of sexual abuse in the Olympic movement extend beyond Larry Nassar and into several other NGBs.

### USA Taekwondo

In February 2017, reports detailed serious allegations of sexual abuse which resulted in the criminal conviction of a USA Taekwondo coach, Marc Gitelman.<sup>76</sup> Additionally, USA Taekwondo coach Jean Lopez was declared permanently ineligible to participate in sanctioned events on April 4, 2018, after the U.S. Center for SafeSport found him guilty of sexual misconduct and sexual misconduct involving a minor; however, the ban was lifted in August 2018 and replaced with an “interim measure-restriction” due to procedural requirements by the U.S. Center for SafeSport that were unable to be adjudicated during the investigation. Lopez’s brother, Steven, a two-time Olympic taekwondo champion, was declared permanently ineligible on September 8, 2018, after the U.S. Center for SafeSport found him in violation of its code for sexual misconduct involving a

73 Ibid.

74 U.S. Congress, Senate, Committee on the Judiciary, *Protecting Young Athletes from Sexual Abuse*, March 28, 2017, 115<sup>th</sup> Congress, <https://www.judiciary.senate.gov/imo/media/doc/03-28-17%20Dantzscher%20Testimony.pdf>

75 Matt Mencarini and Christopher Haxel, “Ex-MSU doctor Larry Nassar charged with sexual assault,” *Lansing State Journal*, November 22, 2016, <https://www.lansingstatejournal.com/story/news/local/2016/11/21/ex-msu-doctor-larry-nassar-charged-sexual-assault/94223746/>; Matt Mencarini, “Larry Nassar indicted on federal child pornography charges,” *Lansing State Journal*, December 16, 2016, <https://www.lansingstatejournal.com/story/news/local/2016/12/16/attorney-larry-nassar-arrested-federal-officials/95529364/>.

76 Will Hobson and Steven Rich, “An Athlete Accused Her Coach of Sex Abuse, Olympic Officials Stayed on the Sideline,” *The Washington Post*, February 14, 2017, [https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd\\_story.html?utm\\_term=.d34c91cdde1a](https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd_story.html?utm_term=.d34c91cdde1a).

minor.<sup>77</sup>

On December 10, 2018, an arbitrator vacated the Center for SafeSport's decision to permanently ban against Steven Lopez, finding that "the Center has failed to prove by a preponderance of the evidence that Lopez violated the SafeSport code by grooming NZ, touching her vaginal area and breasts and receiving oral sex from her in 2000."<sup>78</sup> Less than a month later, in January 2019, an arbitration panel lifted Jean Lopez's lifetime ban, finding insufficient evidence to uphold the ban without testimony of the three survivors of his alleged abuse and because Safe Sport officials did not provide the panel with sworn deposition transcripts or affidavits supporting the women's allegations.

USA Taekwondo and U.S. Center for SafeSport public records indicate that there are at least 30 individuals on USA Taekwondo's Suspension List dating back to August 2010.<sup>79</sup>

### USA Swimming

USA Swimming has experienced its own systemic issues of sexual abuse and reporting flaws that were particularly pronounced under the leadership of former Executive Director Chuck Wielgus. An investigation by the Southern California News Group discovered that at least 252 swim coaches and officials were arrested, charged, and disciplined by USA Swimming for sexual abuse or misconduct against individuals under the age of 18 since July 1997.<sup>80</sup> There have also been reports that local swim clubs, operating as members of USA Swimming, received liability insurance coverage for sexual abuse cases until recently.

Current USA Swimming CEO and President Tim Hinchey III testified before House and Senate jurisdictional committees regarding comprehensive abuse prevention and responses that the organization developed, while emphasizing recent steps taken to bolster athlete safety, including: hiring a Safe Sport Coordinator and Associate Counsel to enhance operational capabilities; participating in multiple NGB events intended to coordinate abuse prevention efforts and establishing best practices; and improving day-to-day education and awareness practices that keep their membership, staff, and volunteers trained and compliant with the *Safe Sport Act*.<sup>81</sup>

### U.S. Figure Skating

On April, 18, 2018, Craig Maurizi, a former figure skater who competed during the 1980s and 1990s, provided testimony to the Subcommittee<sup>82</sup> regarding his 1999 allegation of sexual misconduct against former coach Richard Callaghan. Despite filing a sexual misconduct complaint against Callaghan in 1999, U.S. Figure Skating ruled that the complaint was not made against him within the NGB's allotted time period of 60 days of the alleged misconduct. Upon the formation of the U.S. Center for SafeSport, Maurizi reported his allegations to the Center, which suspended Richard Callaghan on March 6, 2018.

---

77 Nancy Armour and Rachel Axon, "Two-time Olympic taekwondo champ Steven Lopez banned by SafeSport for sexual misconduct," *USA Today*, September 8, 2018, <https://www.usatoday.com/story/sports/olympics/2018/09/07/steven-lopez-olympic-taekwondo-champion-banned-safesport/1235794002/>.

78 Rachel Axon and Nancy Armour, "Arbitrator overturns taekwondo star Steven Lopez's permanent ban handed out by SafeSport," *USA Today*, December 10, 2018, <https://www.usatoday.com/story/sports/olympics/2018/12/10/steven-lopez-permanent-ban-vacated-arbitrator/2273644002/>.

79 Team USA, *USA Taekwondo Suspension List*, Accessed on July 9, 2019, <https://www.teamusa.org/USA-Taekwondo/V2-Resources/Legal/USAT-Suspension-List>.

80 Scott M. Reid, "100s of USA Swimmers were Sexually Abused for Decades and the People in Charge Knew and Ignored It, Investigation Finds," *The Orange County Register*, July 30, 2018, <https://www.ocregister.com/2018/02/16/investigation-usa-swimming-ignored-sexual-abuse-for-decades/>.

81 U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, 115th Cong., 2nd sess., October 3, 2018; *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*, Pub. L. 115-126, 132 Stat. 318 (2018) (codified at 36 U.S.C. 101).

82 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes*, 115th Cong., 2nd sess., Testimony of Craig Maurizi, April 18, 2018,

Maurizi's case prompted U.S. Figure Skating to examine its rules and procedures in the area of athlete safety prior to the authorization of the U.S. Center for SafeSport. In May of 2000, U.S. Figure Skating adopted and began implementing mandatory reporting policies regarding abuse and harassment, which mandated members to report suspected child abuse to law enforcement. Anyone under the jurisdiction of U.S. Figure Skating who failed to report would be subject to disciplinary action, according to the policy.<sup>83</sup>

In 2001, U.S. Figure Skating further implemented policies that required persons suspended or banned to be published in *SKATING* magazine. Additionally, a composite list of suspended and banned persons have been posted on U.S. Figure Skating's public website since 2005. In July of 2008, U.S. Figure Skating instituted mandatory criminal background screening of all coaches through the National Center for Safety Initiatives (NCSI) as a condition to be a compliant member. In July of 2011, mandatory annual Continuing Education Requirements (CERs) for all U.S. Figure Skating member coaches were adopted and made mandatory for all coaches before they are allowed to participate in sanctioned events and activities.

On October 3, 2018, Anne Cammett, President of U.S. Figure Skating, testified before the Subcommittee. Her testimony indicated that the NGB officially launched its own SafeSport Program in 2013 and later aligned its current program with the U.S. Center for SafeSport's policies, which include background checks and mandatory training.

Credible allegations of misconduct have reportedly occurred under other sports' NGBs, including: speed skating, figure skating, cycling, bobsled and skeleton. The implication that such conduct may be systemic across NGBs raises serious concerns about USOC's ability to fulfill its obligation to protect the health and safety of athletes.

## Reforms Made During Investigation

### *Recent Changes at USOC*

As the sole authorizing organization to designate an NGB for each sport in the U.S. Olympic and Pan American events, USOC maintains sole authority to establish responsibilities and obligations to retain NGB designation. While each NGB is an independent entity with unique governing structures, USOC is tasked with holding these organizations responsible for core missions of U.S. amateur sports, including ensuring the health and safety of athletes.

On February 28, 2018, USOC announced the resignation of Scott Blackmun as CEO and the installation of Susanne Lyons as Acting CEO.<sup>84</sup> At this time, the organization also announced reforms and new initiatives designed to protect athletes. These included: new funding and resources for support and counseling of gymnasts impacted by Nassar's crimes; a new advisory group consisting of survivors, child psychologists, and other medical professionals to improve USOC's safeguards against abuse; a review of the USOC and NGBs' governance structure; an evaluation of USOC SafeSport procedures and athletes' participation in decision-making processes; and effectively doubling USOC's funding support to the U.S. Center for SafeSport.

On March 1, 2018, leaders of the USOC Athletes' Advisory Council – an entity charged with broadening communication between USOC and active athletes, while serving as a source of input and advice to the USOC's board of directors – proposed additional reforms designed to transfer further USOC governance power to athletes. The proposal included revising the *Ted Stevens Olympic and Amateur Sports Act* to expand the role of Athlete Ombudsman, restructure the USOC Board of Directors, and create a new Board of Visitors.<sup>85</sup>

On July 12, 2018, USOC announced that Sarah Hirshland, former Chief Commercial Officer for the U.S. Golf Association, would serve as USOC's permanent President and CEO by the end of August 2018. On September 10, 2018, the organization

---

83 US Figure Skating, *Summary of U.S. Figure Skating's SafeSport policy*, 2018, <https://usfigureskating.org/content/safesport%20summary%202018.pdf>.

84 Team USA, *U.S. Olympic Committee Announces Significant Changes to Further Protect Athletes*, February 28, 2018, <https://www.teamusa.org/News/2018/February/28/US-Olympic-Committee-Announces-Significant-Changes-To-Further-Protect-Athletes>.

85 Memorandum from the U.S. Olympic Committee Athletes' Advisory Council Leadership (March 1, 2018) (on file with committee staff).

announced that former USOC Acting CEO Susanne Lyons would transition to Chair of the USOC Board of Directors on January 1, 2019, to replace Larry Probst, who had previously served in the role since October of 2008.<sup>86</sup>

On February 21, 2019, USOC announced former Paralympic executive Rick Adams would serve as the new Chief of Sport Performance and NGB Services. This new department was intended to provide solutions to athletes with off-the-field needs, including health care and reporting inappropriate conduct.

On June 20, 2019, USOC announced its formal name change to the United States Olympic and Paralympic Committee (USOPC) in an effort to represent the Paralympic athletes that the organization represents. The organization's Board of Directors unanimously approved the change in its quarterly meeting.

### *Recent Changes at USAG*

At the NGB level, former USAG President and CEO Steve Penny resigned on March 16, 2017, as the organization and Penny were subject to a number of pending civil lawsuits.<sup>87</sup> The USAG board of directors resigned in its entirety on January 26, 2018, after a decertification threat was made by USOC. Kerry Perry replaced Steve Penny as President and CEO of USAG in December 2017 but resigned after less than 10 months in the role, amid continued criticisms of slow and inadequate reforms to the organization. Former Congresswoman Mary Bono was hired as Interim President and CEO on October 12, 2018, but resigned after just four days, based on public concerns expressed by some in the gymnastics community regarding Bono's employment at the law firm hired by USAG to handle the Nassar case, as well as some of her social media posts. On February 19, 2019, USAG announced that it hired National Basketball Association Vice President for Global Partnerships Li Li Leung to serve as new president and CEO.

On November 5, 2018, USOC CEO Sarah Hirshland publicly announced the organization's decision to pursue decertification of USAG as an official NGB. On December 5, 2018, USAG filed a voluntary petition for protection under Chapter 11 of the Bankruptcy Code in the U.S. Bankruptcy Court for the Southern District of Indiana. USOC put a hold on the decertification process due to USAG's bankruptcy proceedings. On May 20, 2019, a judge in the Southern District of Indiana granted USAG's request to have a bankruptcy judge in Nevada mediate claims against the organization related to sexual abuse by Nassar.

### *Recent Changes at Michigan State University (MSU)*

USOC and USAG are not the only organizations to undergo scrutiny as it pertains to handling of sexual abuse claims. In January 2018, the Michigan House of Representatives launched inquiries into MSU's handling of the Nassar case, with the goal of identifying policy and budget solutions to prevent the occurrence of similar issues. Their investigation, recounted in an April 2018 report, flagged needed changes within the educational institution, including: improving medical recordkeeping, increasing treatment oversight, and addressing concerns stemming from materially different versions of a Title IX report provided to the survivor and Nassar in a specific case.<sup>88</sup>

The report highlighted "institutional defects" within MSU that facilitated Nassar's criminal behavior. At the time of report publication, there were at least 243 survivors of alleged abuse by Nassar, and separately received 92 Title IX complaints against Nassar. According to the report, these years of silence allowed Nassar to develop an abuse method for patients by "identifying and exploiting loopholes in the policies that governed his professional conduct and patient relationships."<sup>89</sup> Institutional failures by MSU resulted in serious changes and consequences, including the forced resignation of Dr. Lou Anna Simon as the MSU president on January 24, 2018, following passage of a Michigan House of Representatives resolution calling on the MSU Board of

86 Team USA, *U.S. Olympic Committee Board of Directors Announces Leadership Changes*, September 10, 2018, <https://www.teamusa.org/News/2018/September/10/US-Olympic-Committee-Board-Of-Directors-Announces-Leadership-Changes>.

87 John Branch, "Steve Penny Resigns as U.S.A. Gymnastics President," *The New York Times*, March 16, 2017, <https://www.nytimes.com/2017/03/16/sports/steve-penny-resigns-as-usa-gymnastics-president.html>.

88 Michigan House of Representatives, Letter from the Law and Justice Committee and the Appropriations Subcommittee on Higher Education to Speaker Tom Leonard, April 5, 2018, <http://gophouse.org/wp-content/uploads/2018/04/MSU-Inquiry-Letter-to-Speaker-FINAL.pdf>.

89 Ibid.

Trustees to fire Simon.<sup>90</sup>

On May 16, 2018, MSU announced a settlement agreement in which the University would pay \$500 million to victims of Nassar, who was employed as an osteopathic physician at the university between 1997 and 2015. The announcement stated that MSU will pay \$425 million to the 332 girls and women who have come forward to date, and will set aside \$75 million for future claims.<sup>91</sup> While university trustees reportedly approved the settlement via conference call on May 15, 2018, details about the settlement fund and victim payment remain unclear due to ongoing litigation and leadership changes at MSU.

On January 17, 2019, MSU's Board of Trustees pressured Interim President John Engler – who stepped into the Interim role after Simon's ousting – to resign from his position following allegations of offered payoffs to silence survivors<sup>92</sup> and troublesome remarks made to The Detroit News editorial board. On May 28, 2019, the Board of Trustees publicly announced its selection of Dr. Samuel Stanley to serve as the institution's permanent president.

On November 20, 2018, Dr. Lou Anna Simon was charged in Eaton County District Court with four counts of false or misleading statements to police. These charges are related to statements she made about the 2014 Title IX investigation stemming from Amanda Thomashow's complaint at MSU. Separately, on June 12, 2019, former dean of MSU's College of Osteopathic Medicine William Strampel was found guilty of misconduct in office and two counts of willful neglect of duty. The charges stemmed from his capacity as the dean from 2002 to 2018 in failing to oversee Nassar as his supervisor.

---

90 Letter from Lou Anna Simon, President, Mich. St. Univ., to Members of the Mich. St. Univ. Board of Trustees January 24, 2018, <https://cabs.msu.edu/news/key-issues/issue-docs/simon-resigns.html>.

91 Mitch Smith and Anemona Hartocollis, "Michigan State Agrees to Pay \$500 Million to Sex Abuse Victims," *The New York Times*, May 17, 2018.

92 Sarah Brown and Brock Read, "Nassar Victim Says Michigan State's Interim President Pressured Her to Accept a Cash Payoff," *The Chronicle*, April 13, 2018, <https://www.chronicle.com/article/Nassar-Victim-Says-Michigan/243128>.



# INVESTIGATION METHODOLOGY

## SUBSECTIONS

- Document Requests
- Initial Subcommittee Inquiries
- Inquiries to all NGBS
- Senate Hearings

### Document Requests

Following the Subcommittee's initial inquiries to the USAG, USOC, and MSU on January 25, 2018,<sup>93</sup> and the broader request of information from the remaining

---

93 U.S. Senator Jerry Moran for Kansas, *Senators Moran, Blumenthal Demand Answers from USA Gymnastics, US Olympic Committee & Michigan State University Regarding Systemic Failures to Protect Athletes from Sexual Abuse*, January 25, 2018, <https://www.moran.senate.gov/public/index.cfm/news-releases?id=C5406CB7-E849-455B-B9A7-C7FE0236A447>.

NGBs on February 2, 2018,<sup>94</sup> and their responses, the

---

94 U.S. Senator Jerry Moran for Kansas, *Senators Moran, Blumenthal Broaden Ongoing Sexual Abuse Investigation, Hearings To Follow*, February 2, 2018, <https://www.moran.senate.gov/public/index.cfm/news-releases?ID=130B5222->

Subcommittee sent letters to then-USAG President and CEO Kerry Perry, then-USOC CEO Susanne Lyons, and then-MSU Interim President John Engler on March 30, 2018, seeking a production of documents pertaining to the Nassar case and existing policies and procedures related to reporting of abuse. The organizations provided multiple document productions in response to these requests, and copies of the Subcommittee's letters can be found in the appendix.<sup>95</sup>

On September 5, 2018, the Subcommittee requested an additional production of documents from USAG relating to the communications between the organization and law enforcement agencies, including the Federal Bureau of Investigation (FBI). USAG provided a document production in response to this request, and a copy of the Subcommittee's letter can be found in the appendix.<sup>96</sup>

### **Initial Subcommittee Inquiries**

On December 20, 2017, Olympic gymnast McKayla Maroney filed a lawsuit against the USOC, USAG, and MSU alleging multiple organizational failures to "properly investigate, discipline, or remove" Nassar after claims of sexual abuse suffered under his care. Media sources indicated that USAG actively sought to include a non-disclosure agreement (NDA) in a settlement with Maroney that would impose a \$100,000 fine if she were to violate the confidentiality clause.<sup>97</sup>

On January 25, 2018, Senators Moran Blumenthal probed USAG, USOC, and MSU on their organizational oversight.<sup>98</sup>

#### *The questions posed to USAG included:*

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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. Is it common practice by USOC and NGBs to utilize NDAs during investigations involving their organizations?
5. Is your organization aware of other such settlements between NGBs and Olympic athletes?
6. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?
7. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.

On February 9, 2018, then-USAG President and CEO Kerry Perry responded to the Subcommittee's letter.<sup>99</sup> The response outlined specific steps taken to "address what has occurred and to prevent the possibility of it occurring again in the future,"

---

3AFD-4FFB-9510-7923224753BA.

95 Exhibits P,Q,R,S,T,U,V,W,X,Y.

96 Exhibit Z.

97 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*, December 21, 2017, <https://www.latimes.com/local/lanow/la-me-maroney-gymnastics-settlement-20171220-story.html>.

98 Exhibit P.

99 Exhibit Q.

which included: implementing recommendations from U.S. Attorney Deborah Daniels' Report (further explained in the "Related Reports, Audits, or Reviews Conducted" section); adopting a SafeSport policy in June 2017; supporting USOC's decision to undertake organizational changes addressing the issue of athlete safety and security; establishing dedicated lines of communication for reporting; terminating the lease of the Karolyi Ranch; and establishing an athlete assistance fund with the National Gymnastics Foundation to support gymnasts who have been sexually abused.

While emphasizing that she had, at the time, had only held the leadership role for "less than 70 days," Perry pointed to the organization's SafeSport policy while answering questions on reporting protocol and preventative measures. In response to a specific question regarding McKayla Maroney and the NDA described as part of her settlement with USAG, Perry stated:

*"The parties resolved Ms. Maroney's claim on November 29, 2016, by agreement, with terms that included a mutual confidentiality provision. USA Gymnastics is limited in what it can disclose with respect to the mediation due to the mediation privilege, but at all times Ms. Maroney had her counsel available to her. USA Gymnastics did not "coerce" Ms. Maroney into settlement. Rather USA Gymnastics worked diligently with its insurer to resolve Ms. Maroney's claim expeditiously without the need for litigation."*

However, Perry claimed that the use of an NDA was rare and that USAG "has not used NDAs in conjunction with any investigation." Finally, USAG provided the requested timeline of reports and actions taken related to Nassar, which was consistent with the Subcommittee's timeline resulting from information gathered in document requests.<sup>100</sup>

Similar but appropriately altered questions were posed to USOC and MSU regarding their organizational role and level of involvement in preventing and stopping sexual abuse within USAG and knowledge of the NDA in Maroney's settlement agreement.<sup>101102</sup>

*The questions posed to USOC on January 25, 2018, included:*

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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. Was USOC aware of the NDA? If so, did it play a role in its inclusion in Ms. Maroney's settlement agreement?
5. Is it common practice by USOC and NGBs to utilize NDAs during investigations involving their organizations?
6. Does USOC plan to take punitive action against USAG regarding its negligence to protect athletes from sexual abuse?

---

<sup>100</sup> Letter from USA Gymnastics President and CEO Kerry Perry to Chairman Jerry Moran and Ranking Member Richard Blumenthal of the Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, February 9, 2018, [https://www.moran.senate.gov/public/\\_cache/files/8/f/8f2be140-a2a4-4b35-b099-74244e13b1f2/9DC9CF885A21F017D5BCC02B0308BB48.2-9-18-letter-from-usa-gymnastics-to-sen.-moran-and-sen.-blumenthal.pdf](https://www.moran.senate.gov/public/_cache/files/8/f/8f2be140-a2a4-4b35-b099-74244e13b1f2/9DC9CF885A21F017D5BCC02B0308BB48.2-9-18-letter-from-usa-gymnastics-to-sen.-moran-and-sen.-blumenthal.pdf).

<sup>101</sup> U.S. Senator for Kansas Jerry Moran, *Senators Moran, Blumenthal Demand Answers from USA Gymnastics, US Olympic Committee & Michigan State University Regarding Systemic Failures to Protect Athletes from Sexual Abuse*, January 25, 2018, <https://www.moran.senate.gov/public/index.cfm/news-releases?id=C5406CB7-E849-455B-B9A7-C7FE0236A447>.

<sup>102</sup> Exhibit R.

7. Are your organizations aware of other such settlements between NGBs and Olympic athletes?
8. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any other Olympic sport?
9. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organizations related to Dr. Nassar's criminal conduct.

On February 9, 2018, USOC, through counsel, responded to the Subcommittee.<sup>103</sup> The response recounted past meetings and document productions provided to the Senate Commerce Committee and highlighted the open letter to Olympic athletes from then-USOC CEO Scott Blackmun on January 24, 2018. The open letter announced that USOC would launch an independent investigation into the detection and reporting of Nassar. The letter also referenced the letter from Blackmun dated January 25, 2018, to the USAG Board outlining six specific steps that USAG must comply with to retain NGB status.

The letter further emphasized the exclusive authority of the U.S. Center for SafeSport to investigate and resolve issues involving sexual misconduct. In addition, USOC reiterated USAG's efforts to amend bylaws to provide jurisdiction to the Center and USOC's oversight role pertaining to compliance with the SafeSport code. USOC claimed its leadership was not aware of the confidentiality provisions or the settlement agreement between Maroney and USAG, but would have more information after the independent investigation conducted by Ropes and Gray, LLP (further explained in the "Related Reports, Audits, or Reviews Conducted" section).

Additionally, the letter stated that USOC first learned of the allegations against Nassar in late July 2015 when then-USAG President and CEO Steve Penny informed Blackmun, and Blackmun "agreed that the matter needed to be reported immediately to law enforcement, which was consistent with the Olympic Committee's policies and guidance at the time."<sup>104</sup>

*The questions posed to MSU on January 25, 2018, included:<sup>105</sup>*

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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. When exactly did MSU become aware of sexual misconduct allegations against their employee Dr. Nassar? How many criminal complaint reports were filed against Dr. Nassar during his time of employment? Did MSU share these reports with law enforcement, USOC, USAG, or the NCAA?
5. Is your organization aware of other such settlements between NGBs and Olympic athletes?

<sup>103</sup> Exhibit S.

<sup>104</sup> Letter from Brian D. Smith of Covington & Burling, on behalf of the United States Olympic Committee, to Chairman Jerry Moran and Ranking Member Richard Blumenthal of the Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, February 9, 2018, [https://www.moran.senate.gov/public/\\_cache/files/2/d/d2d94ccet-4f42-4f14-a3ff-cbf42c74a243/6ED1E145036DABE5FFEAE4B7A40F4005.2018-02-09-letter-to-senator-moran-and-senator-blumenthal.pdf](https://www.moran.senate.gov/public/_cache/files/2/d/d2d94ccet-4f42-4f14-a3ff-cbf42c74a243/6ED1E145036DABE5FFEAE4B7A40F4005.2018-02-09-letter-to-senator-moran-and-senator-blumenthal.pdf).

<sup>105</sup> Exhibit T.

6. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?

7. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.

On February 12, 2018, MSU responded to the Subcommittee's inquiry by citing its Relationship Violence and Sexual Misconduct Policy, which applies to all university employees.<sup>106</sup><sup>107</sup> MSU emphasized that it "mandates that employees report sexual misconduct and relationship violence to both the MSU Police Department and the Office of Institutional Equity (OIE)."

MSU listed a number of other reporting resources and guidance documents for victims of sexual assault, including Title IX policies and procedures. MSU also explained that it "does not have information regarding any non-disclosure agreement between Maroney and USAG." In its response, MSU described the complaint received by its Office of Inclusion and Intercultural Initiatives, or "I3," on April 21, 2014, regarding Nassar. The ensuing investigation found no violation of MSU's sexual harassment policy had occurred, and the MSU Police Department was notified of the report in May 2014.

The letter detailed a criminal complaint made to MSU Police Department in 2016 and Nassar's firing from MSU almost a month later. Noting the increased media attention to the Nassar case, MSU claimed that it had not been previously advised by USAG, USOC, or law enforcement of the allegations of abuse against Nassar in 2015. The institution stated, "To date, there has been no indication that any MSU employee understood at any time prior to September 2016 that Nassar engaged in sexual misconduct." MSU provided a timeline of reports and institutional actions taken related to Nassar's criminal conduct and stressed that the institution has "cooperated with all efforts by law enforcement agencies seeking to investigate and convict Nassar."<sup>108</sup>

## Inquiries to All NGBs

Following reports that two USOC executives were alerted of possible sexual misconduct by Nassar a year before he was suspended from treating athletes,<sup>109</sup> The Subcommittee sent letters on February 2, 2018, to the remaining 53 NGBs and High Performance Management Organizations (HPMOs) to broaden their ongoing investigation into exploring the relevant organizations' abuse prevention measures and reporting mechanisms, and prepare for hearings regarding these systemic reporting failures.<sup>110</sup>

While citing the mission of the Center and the enacted *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, the letters to the NGBs sought answers to 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

106 Michigan State University, Human Resources, *University Policy on Relationship Violence & Sexual Misconduct*, Revised on February 8, 2019, [https://www.hr.msu.edu/policies-procedures/university-wide/RVSM\\_policy.html](https://www.hr.msu.edu/policies-procedures/university-wide/RVSM_policy.html).

107 Exhibit U.

108 Letter from William H. Minor of DLA Piper LLP, on behalf of the Michigan State University, to Chairman Jerry Moran and Ranking Member Richard Blumenthal of the Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, February 12, 2018, [https://www.moran.senate.gov/public/\\_cache/files/2/4/2486c6cb-624c-4c2d-9495-d4906ed162cb/25E3221FA529B48683126A7BBF14863C.cover-letter-to-msu-submission-senate-consumer-protection-subcommittee-12feb2018.pdf](https://www.moran.senate.gov/public/_cache/files/2/4/2486c6cb-624c-4c2d-9495-d4906ed162cb/25E3221FA529B48683126A7BBF14863C.cover-letter-to-msu-submission-senate-consumer-protection-subcommittee-12feb2018.pdf).

109 Tracy Connor, Sarah Fitzpatrick and Kate Snow, "Olympic Committee was told in 2015 of suspected abuse of gymnasts by Larry Nassar," *NBC News*, February 1, 2018, <https://www.nbcnews.com/news/us-news/olympic-committee-was-told-2015-suspected-abuse-nassar-n843786>.

110 Exhibit V. (This letter is illustrative of the letters sent to all NGBs.)

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). 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?

There were a number of shared themes, ideas, and policies shared by several NGB and HPMO organizations. First, most organizations noted a comprehensive SafeSport policy they individually implemented while taking efforts to work with the Center and law enforcement to abide by the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*.

With the exception of protecting trade secrets, confidential business-related information, and employee separation agreements, most organizations claimed they did not utilize NDAs in situations where there was misconduct, or a violation of applicable laws or the Center's rules. Each organization provided a description and status update of the report and recommendations associated with the 2017 third party audit conducted by Baker Tilly Virchow Krause LLP, which evaluated individual NGBs' compliance with SafeSport policies and procedures (further explained in the "Related Reports, Audits, or Reviews Conducted" section). A few recently formed NGBs did not participate in this audit.

A comprehensive list of the audits is publicly available.<sup>111</sup>

The vast majority of the responses to the Subcommittee's questions fall within the shared themes outlined above. Although most of the responses were similar in nature, a few unique responses emerged.

At the time of response, organizations such as USA Boxing and USA Water Ski did not cover coaches under their Safe Sport policy because each individual athlete hired their own independent coach who may not be a member of the NGB. USA Hockey's reporting protocols also included whistleblower protections for those who are worried about repercussions for reporting a claim that turns out to be false. Some organizations said they have never utilized NDAs, but cannot be certain because of inefficient or non-existent recordkeeping from previous decades. Two organizations expressed they had utilized NDAs in the past. Yet, in each of these circumstances, the case involved a terminated employee or was used to resolve an athlete-on-athlete complaint.

## U.S. Senate Commerce Subcommittee Hearings

### Hearing 1

---

111 Team USA, *Safe Sport Audit Reports*, <https://www.teamusa.org/Team-USA-Athlete-Services/Safe-Sport/Safe-Sport-Audit-Reports>.

## **Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes**

On April 18, 2018, the Senate Commerce Subcommittee on Consumer Protection convened a hearing entitled “**Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes**” to provide a forum for survivors of abuse to discuss specific concerns and challenges in preventing abuse within their respective sports.

Athletes provided members of the Subcommittee with opinions on how to best oversee implementation of the recently-enacted *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, which authorized the U.S. Center for SafeSport to investigate and prevent abuse of athletes.

Witnesses for this hearing included Gymnast and Olympic Gold Medalist **Jordyn Wieber**, Gymnast and Olympic Bronze Medalist **Jamie Dantzcher**, Speedskater and Olympic hopeful **Bridie Farrell**, and Figureskater **Craig Maurizi**.

**Jordyn Wieber** is a retired American gymnast, was a member of the U.S. Women’s Olympic Gymnastics team and was the team competition gold medal winner at the 2012 Summer Olympics in London. On January 19, 2018, Wieber made a victim impact statement during Nassar’s sentencing hearing.

**Jamie Dantzcher** is a retired American gymnast and was a member of the U.S. Women’s Gymnastics team and was the team competition bronze medal winner at the 2000 Summer Olympics in Sydney. On January 18, 2018, Dantzcher made a victim impact statement during Nassar’s sentencing hearing. Previously, testified before the Senate Judiciary Committee regarding her abuse by Nassar.

In this hearing, Wieber’s and Dantzcher’s testimonies focused on the culture of USAG and the abuse they suffered under the guise of medical treatment by Nassar.

**Bridie Farrell** is a retired American speedskater and a 2014 Olympic hopeful. In 2013, Farrell alleged that she was sexually abused by her mentor and teammate Andrew Gabel in the late 1990s when she was 15 and he was 33. Following this allegation, Gabel resigned from U.S. Speedskating. Farrell’s testimony focused on the failed reporting of past offenses by Gabel, along with the failures of USOC to take punitive action against Gabel. Her testimony also provided recommendations to the Senate Commerce Subcommittee on Consumer Protection to reform the Olympic movement.<sup>112</sup>

**Craig Maurizi** is a retired American figure skater who, in 1999, reported to the *New York Times* that his coach had engaged in sexually inappropriate behavior with him. Despite filing a sexual misconduct complaint against the coach in 1999, U.S. Figure Skating ruled that the grievance was not made within the NGB’s allotted time period of 60 days of the alleged wrongdoing. Upon the formation of the Center, Maurizi reported his allegations to the Center which suspended the coach in March 2018. His testimony focused on the unique nature of his situation in that the abuse he suffered began nearly 40 years ago, and he also described lacking response from the U.S. Figure Skating Association at the time and the recently opened investigation into his case by the Center.<sup>113</sup>

### *Hearing 2*

## **Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes**

On June 5, 2018, the Senate Commerce Subcommittee on Consumer Protection convened a hearing entitled “**Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes**,” to focus on how past processes to protect our Olympic and amateur athletes from abuse have failed to keep athletes safe, specifically in the case of

112 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes*, Testimony of Bridie Farrell, April 18, 2018.

113 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes*, Testimony of Craig Maurizi, April 18, 2018.

Nassar, and explored current efforts to foster a safe environment for athletes. The witness panel consisted of former leadership of the involved organizations and was meant to highlight systemic failures to protect athletes from sexual abuse.

Witnesses for this hearing included former USAG Women's Program Director **Rhonda Faehn**, former MSU President **Dr. Lou Anna Simon** and former USAG President and CEO **Steve Penny**. Simon and Penny were both compelled to attend the hearing by subpoena. Penny exercised his Fifth Amendment rights and was subsequently dismissed from the hearing. Written testimonies were submitted by former USOC President **Scott Blackmun** and the **Martha Karolyi**, former USAG national team coordinator, due to health issues that prevented travel.

**Rhonda Faehn** served as Senior Vice President of USAG between 2015 and May 18, 2018. In that role, Faehn was director for the women's program but was terminated in May 2018. Prior to her work at USAG, Faehn served as head coach of women's gymnastics at the University of Florida. Faehn was the first USAG official to receive a report of abuse against Nassar. In her testimony, she named USAG employee Amy White as the individual who took documents related to Nassar from the Karolyi Ranch.<sup>14</sup> Faehn was fired on May 18, 2018 – just days after she was invited to testify before the Subcommittee. Faehn's testimony suggests that she was fired because she agreed to testify before the Subcommittee. As she wrote in her testimony, "During an otherwise uneventful call, I told Perry that I was invited to speak to members of the US Senate about USAG and safety issues for gymnasts. I advised Perry that Chris Tebo (the newly appointed chief legal officer of USAG) had suggested I decline the invitation. Perry acted like she was surprised to hear that if I declined the invitation, I would be subpoenaed ...Tebo then got on the phone and told me I was asked to resign."

**Steve Penny** served as President and CEO of USAG between 2005 and 2017. Beginning in 1999, Penny previously served as a USAG senior vice president where he oversaw business development, marketing, sponsorship, event operations, television and communications. Penny is seen as a key figure in the Nassar sexual abuse scandal given his USAG leadership role at the time. Again, Penny exercised his Fifth Amendment rights and was dismissed from the hearing.

**Dr. Lou Anna Simon** served as President of Michigan State University between 2005 and 2018. During her tenure, a number of MSU officials, including Dr. Simon herself, were accused of improperly handling or ignoring multiple reports of sexual abuse from student athletes who were abused by Nassar during treatments. Appearing under subpoena, her testimony described MSU's cooperation with authorities' investigations into the Nassar case, the comprehensive independent review of their Title IX program, and the settlement agreement of \$500 million to the survivors of Nassar's abuse.<sup>15</sup>

As previously noted, former USOC President **Scott Blackmun** submitted written testimony to the Subcommittee, due to health concerns that made him unable to travel. Following the release of the Ropes & Gray LLP report (further explained in the "Findings" section) on December 10, 2018, the Subcommittee referred Blackmun to then-Acting Attorney General Matthew Whitaker and Federal Bureau of Investigation Director Christopher Wray, citing potential "materially false statement contained in his written testimony to the Subcommittee during the course of the Subcommittee's investigation."

### Hearing 3

#### **Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions**

On July 24, 2018, the Senate Commerce Subcommittee on Consumer Protection convened a hearing entitled "**Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions**" to focus on changes made by the USOC, USAG and MSU to protect Olympic and amateur athletes from abuse. It examined recent reforms to provide safe environments for athletes and how these reforms are being implemented.

114 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*, Testimony of Rhonda Faehn, June 5, 2018.

115 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes*, Testimony of Dr. Lou Anna Simon, June 5, 2018.

Witnesses for this hearing included then-MSU Interim President **John Engler**, then-USOC Acting CEO **Susanne Lyons**, then-USAG President and CEO **Kerry Perry** and Athletes' Advisory Council Chairman **Han Xiao**.

**The Honorable John Engler** was serving as interim President of MSU at the time of hearing, a position he held from January 31, 2018 through January 17, 2019. Engler is a former three-term governor of Michigan, who served between 1991 and 2003. His testimony focused on steps MSU had taken up to the hearing to correct concerns related to their lacking abuse reporting structure, including the \$500 million settlement between MSU and survivors of Nassar's abuse; staffing changes within the institution (including the removal of Nassar's supervisor William Strampel, the former Dean of MSU's College of Osteopathic Medicine); implementation of patient care protocols; strengthened counseling and psychiatric services; creation of the MSU Relationship Violence and Sexual Misconduct Expert Advisory Group to formulate recommendations; formation of an Office for Civil Rights and Title IX Education and Compliance; improvement of assault reporting processes; and the establishment of an Office of Enterprise Risk Management, Ethics and Compliance, among other items.<sup>116</sup>

**Susanne Lyons** was the acting CEO of USOC at the time of the hearing, and held this position from March to August 2018. Previously, Lyons served as an independent member of USOC's board of directors, and she currently serves as the Chairman. In January 2018, she was selected as Chair of the USA Gymnastics Working Group and led USOC's efforts towards an independent investigation into the abuse by Nassar. Her testimony covered USOC's continued support of the Center, their organization's work with the Athletes' Advisory Council to train athletes to be part of the NGB governance process, and increase overall athlete representation, governance reviews and USOC-specific efforts to reform USAG.<sup>117</sup>

**Kerry Perry** was the President and CEO of USAG at the time of the hearing, a position she had taken over from Steve Penny in December 2017. In this role, Perry was responsible for the strategic direction of the organization, including safety initiatives and athlete and competitive programs. Her testimony highlighted several actions taken by USAG to "regain the trust and confidence of [their] athletes," including closing the National Team Training Center at Karolyi Ranch, hiring a new High Performance Coordinator for the Women's Program, creating an Athlete Task Force, expanding their SafeSport department, implementing recommendations provided by Deborah Daniels' Report, participating in mediation with athletes, creating an Athlete Assistance Fund to provide counseling and medical services to survivors of abuse, and other internal reforms.<sup>118</sup>

**Han Xiao** is the Chairman of the USOC Athletes' Advisory Council and has served as an Athletes' Advisory Council member since 2013. He was a member of the USA Table Tennis Board of Directors from 2008 to 2016 and represented Team USA in four world championships and at the 2007 Pan American Games. The AAC itself is authorized by the *Ted Stevens Olympic and Amateur Sports Act* and is responsible for facilitating communication between athletes and USOC, as well as advising the USOC board of directors on athlete matters. His testimony included recommendations for the Subcommittee, including more federal resources to the Center, improved protections for whistleblowers in reporting abuse within NGBs, institution of an Office of the Inspector General for USOC, NGBs, and other actors in the Olympic and Paralympic movement, establishing an Athlete Advocate office, improved oversight of NGBs and the entire Olympic and Paralympic system, and establishment of an "Athlete-First" culture within USOC.<sup>119</sup>

---

116 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions*, Testimony of the Honorable John Engler, July 24, 2018.

117 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions*, Testimony of Susanne Lyons, July 24, 2018.

118 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions*, Testimony of Kerry Perry, July 24, 2018.

119 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Strengthening and Empowering U.S. Amateur Athletes: Moving Forward with Solutions*, Testimony of Han Xiao, July 24, 2018.

## Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement

On October 3, 2018, the Senate Commerce Subcommittee on Consumer Protection convened a hearing entitled “**Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement,**” to examine the processes used by the USOC and NGBs for individual Olympic sports to protect Olympic athletes from abuse.

Witnesses for this hearing included USA Weightlifting CEO **Phil Andrews**, U.S. Figure Skating President **Anne Cammett**, USA Swimming President and CEO **Tim Hinchey III** and USA Bobsled and Skeleton CEO **Darrin Steele**. USA Taekwondo Executive Director **Steve McNally** provided written testimony and written responses to questions.

**Phil Andrews** was promoted to be USA Weightlifting’s Chief Executive Officer on April 21, 2016. Andrews was the Director of Events and Programs for the previous three years. His testimony covered a number of measures that the NGB had taken up to that point pertaining to protecting the health and safety of athletes, including a governance overview of the organization, reporting and background check reforms implemented in partnership with the Center, their collaboration with the U.S. Anti-Doping Agency, and cultural changes within the U.S. Olympic and Paralympic movement. Specifically, his testimony called on Congress to provide more funding support for the Center.<sup>120</sup>

**Anne Cammett** was elected President of U.S. Figure Skating on May 5, 2018. Cammett served as eastern Vice President of U.S. Figure Skating prior to being elected as president and has been a member of the organization’s board of directors since 2015. She also worked on multiple U.S. Figure Skating committees for nearly three decades. Her testimony discussed U.S. Figure Skating’s commitment to fully implementing the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, the NGB’s 2013 launch of its SafeSport program and alignment of its program with the Center since its March 2017 inception. Her recommendations to the Subcommittee were to increase federal funding to the Center, coordination of a SafeSport public awareness campaign, establishment of a national database of banned and suspended persons, authorizing the Center to issue subpoenas for investigations and enforcement, and expanding the jurisdiction of the Center to include youth athletic organizations that are not certified NGBs.<sup>121</sup>

**Tim Hinchey III** became the CEO of USA Swimming in July of 2017 and was a witness in a May 23, 2018, hearing held by the House Energy and Commerce Subcommittee on Oversight and Investigations. His testimony before the Subcommittee focused on the efforts of USA Swimming in the previous five months to provide safe and healthy environments for their members. He described USA Swimming’s decision to hire a Safe Sport Coordinator and Associate Counsel to enhance their operational capabilities in protecting athletes. His testimony also explained USA Swimming’s efforts to educate and train their clubs, members, and independent contractors of their updated policies, while emphasizing the importance of the coordination and communications among NGBs in working together to establish a comprehensive framework that “creates safe environments, prevents abuse, and responds effectively when it occurs.”<sup>122</sup>

**Darrin Steele** became the chief executive officer of USA Bobsled and Skeleton in 2007. He competed in the sport before becoming the chief executive officer of the NGB. His testimony described the unique challenges experienced by USA Bobsled and Skeleton, including a lacking pipeline of athletes entering the sport, its responsibility to develop coaches or hire them away

---

120 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Protecting U.S. Amateur athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, Testimony of Phil Andrews, October 3, 2018.

121 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Protecting U.S. Amateur athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, Testimony of Anne Cammett, October 3, 2018.

122 U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Protecting U.S. Amateur athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, Testimony of Tim Hinchey, October 3, 2018.

from competitors, and its reliance on USOC for revenue. He also emphasized the high costs associated with shipping athletic equipment, specific to bobsledding and skeleton, between training and competitions.<sup>123</sup>

---

<sup>123</sup> U.S. Congress, Senate, Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Protecting U.S. Amateur athletes: Examining Abuse Prevention Efforts Across the Olympic Movement*, Testimony of Darrin Steele, October 3, 2018.



# INVESTIGATION DETAILS

Select Interviews:

## **Survivors and Athletes**

*Larissa Boyce:*

Boyce is a former member of the MSU Gymnastics Team and one of the first survivors to report improper conduct by Dr. Nassar. Boyce briefly detailed her experience as a sexual abuse survivor.

*Ariana Kukors:*

Kukors is a former World Champion and Olympic swimmer who competed in the 2012 Summer Olympics in

London, England. Kukors discussed her background as a competitive swimmer and briefly detailed her experience as a sexual abuse survivor. Staff also discussed her interview with *The Washington Post* in February 2018.<sup>124</sup>

---

124 Will Hobson, "Ariana Kukors, Olympic Swimmer, Accuses Coach Sean Hutchison of Sexual Abuse," *The Washington Post*, February 8, 2018, [https://www.washingtonpost.com/sports/ariana-kukors-olympic-swimmer-accuses-coach-sean-hutchison-of-sexual-abuse/2018/02/08/446a3fc6-0cd2-11e8-8bod-891602206fb7\\_story.html?utm\\_term=.17531a42e92b](https://www.washingtonpost.com/sports/ariana-kukors-olympic-swimmer-accuses-coach-sean-hutchison-of-sexual-abuse/2018/02/08/446a3fc6-0cd2-11e8-8bod-891602206fb7_story.html?utm_term=.17531a42e92b).

*Deena Schmidt:*

Schmidt is a former World Champion and Olympic swimmer who competed in the 1972 Summer Olympics in Munich, Germany. Schmidt discussed her background as a competitive swimmer and briefly detailed her experience as a sexual abuse survivor. Schmidt provided an overview of what amateur athletes experienced from the club level through Olympic competition during the late 1960s through the 1970s. Schmidt provided recommendations for reforms within USA Swimming.

*Danielle Bostick:*

Bostick is a former competitive swimmer who competed with several club teams in the Washington, D.C. area. Bostick discussed her background as a competitive swimmer and briefly detailed her experience as a sexual abuse survivor. Bostick provided an overview of what amateur athletes experienced at the club level during the 1980s. Bostick provided recommendations for reforms within USA Swimming.

*Aly Raisman:*

Raisman is an Olympic gold medal gymnast. Raisman expressed her concerns about the current leadership at USAG and USOC. She stated that she was also concerned that some employees who were involved in the Nassar sexual abuse scandal were still employed by these organizations. Raisman advised that she had concerns about the U.S. Center for SafeSport maintaining full independence from the USOC.

Raisman provided staff with an overview of her reporting of sexual abuse to USAG officials in 2015. Specifically, Raisman discussed her contacts with former USAG President Steve Penny, former USAG Women's Program Director Rhonda Faehn and USAG's outside counsel from Faegre, Baker, Daniels LLP.

She expressed her concern that policies and procedures at USAG have not changed since Nassar's arrest and prosecution. Raisman discussed how reporting procedures for sexual abuse should be strengthened. Raisman advised that Congress should do more to ensure that the U.S. Center for SafeSport has the adequate resources and independence to train staff to identify abuse, investigate abuse and support sexual abuse survivors.

Raisman provided background information regarding her attempts to obtain copies of her medical records from USAG. She provided staff with additional background information about her contacts with law enforcement, specifically Texas Rangers and the FBI.

Raisman advised that she was also concerned that the Ropes & Gray LLP investigation was not independent because it was commissioned by a Special Committee of the Board of the USOC.

*Gina Nichols:*

Nichols is the mother of gymnast Maggie Nichols. Nichols provided an overview of the events that occurred in 2015 and her conversations with USAG senior management. Specifically, Nichols provided a timeline of events to include a conversation with gymnastics coach Sarah Jantzi, a discussion with her daughter regarding the incidents of sexual abuse that occurred at the Karolyi Ranch and Jantzi's reporting of the incident to Rhonda Faehn. Nichols also discussed her contacts with former USAG President Steve Penny, FBI special agents and USAG's hired human resources consultant Fran Sepler.

*McKayla Maroney:*

An Olympic gold medalist gymnast, Maroney discussed the sexual abuse and assault she suffered from Nassar while at the Karolyi Ranch and in Tokyo, Japan. Maroney also described her interviews with the FBI and Michigan U.S. Attorney's office, as well as her contact with Fran Sepler, the independent investigator hired by USAG in July 2015.

In Maroney's interview with the Subcommittee, she recalled that she told Sepler that she was sexually abused by Nassar "hundreds of times," and witnessed him take inappropriate pictures of female gymnasts, some of whom were minors.

After Maroney interviewed with Sepler, Penny attempted to arrange an in-person interview with Maroney and FBI Indianapolis for some time around the end of July 2015. Maroney requested a phone call instead and spoke with the FBI on the phone around August 2015. Penny asked Maroney to keep quiet about the investigation.

Maroney met with the FBI again, this time in Los Angeles in May 2016. The meeting lasted three hours. The FBI agent conducting the interview did not reference the August 2015 phone interview. FBI Agent Hess visited Maroney's home "several times" to discuss the case with Maroney and her mother. Maroney and her family were consulted as to Nassar's federal plea deal.

Maroney told the Subcommittee about her most recent conversation with the FBI Inspector General reviewing the FBI's handling of the Nassar case. She told the Subcommittee that the FBI appeared to have an inaccurate and false record of what she had told the FBI during her call with them in August 2015 and her meeting with them in May 2016.

#### *Jordyn Wieber:*

Wieber is an Olympic gold medal gymnast and member of the US women's gymnastics team dubbed the Fierce Five. Wieber expressed their continued interest in seeing Congress take action to protect athletes from sexual abuse. She expressed interest in finding the trove of missing documents that former USAG President and CEO Steve Penny had directed a USAG employee remove from the Karolyi Ranch and transport back to USAG headquarters in Indianapolis.

#### *Anonymous Survivors*

The Subcommittee was also in regular communication with survivors representing different sports, including figure skating, diving, track and field, and more, but who did not want their names made public. The Subcommittee is grateful for their time and support of our investigation.

## **Advocates**

#### *Nancy Hogshead-Makar:*

Hogshead-Makar is CEO of Champion Women and co-Chair of the Committee to Restore Integrity to the USOC. Hogshead-Makar is a former Olympic Gold Medalist swimmer who competed at the 1984 Summer Olympics in Los Angeles, California. During the course of the interview, Hogshead-Makar described her previous and current advocacy work on abuse within Olympic movement. Staff also discussed with Hogshead-Makar her recommendations on how to mitigate abuse in a variety of Olympic and Paralympic sports, inclusive of reforms to the Center.

#### *Han Xiao:*

Xiao is Chairman of the Athletes Advisory Council (AAC). Xiao is a former Olympic table tennis athlete who represented Team USA in four world championships and the 2007 Pan American Games. Prior to being elected Chairman of AAC in 2017, Xiao served on the board of directors of USA Table Tennis from 2008-2016. During the course of the interview, Xiao discussed his thoughts on the culture within the United States Olympic Committee and why it is not athlete-centric. Staff also discussed with Xiao his recommendations on how to create a more athlete-centric culture.

#### *Rex Sharp:*

**Sharp** is an attorney whose practice is based in Prairie Village, Kan. Sharp described his background as an attorney who has represented survivors of sexual assault. Sharp also provided recommendations to mitigate sexual assault within sports.

#### *Olympians Rising:*

Olympians Rising is a non-profit founded by former Olympic athletes to reform USOC. During the interview, Olympians Rising discussed with staff personal stories of former athletes and how the group was formed. They also provided recommendations to improve the culture and mitigate sexual abuse within the Olympic movement.

## USOC Employees and Executives

*Sarah Hirshland:*

CEO of USOC, Hirshland discussed new reforms and initiatives USOC planned to implement.

*Carol Brown:*

Vice President of the U.S. Olympians and Paralympians Association and former Olympic rower. During the course of the interview, Brown provided staff with the perspective of a former Olympic athlete. Brown also provided staff with details on former structures of USOC and recommendations for changes to the *Ted Stevens Olympic and Amateur Sports Act*.

## USAG and other NGBs

*Phil Andrews:*

Phil Andrews is the CEO for USA Weightlifting. Andrews provided staff an overview of USA Weightlifting's policies, internal protocols and reporting procedures regarding incidents of sexual abuse. Andrews also provided an overview of club membership and the financial assistance they receive from USOC on an annual basis.

*Tim Hinchey, III:*

Tim Hinchey is the CEO of USA Swimming. Hinchey was accompanied by Attorney Ted Hester and USA Swimming Chief Counsel Lucinda McRoberts. Hinchey provided an overview of current activities and programs at USA Swimming. Staff discussed a wide range of issues to include USA Swimming's reform efforts, relationship with USOC, and the Center. Hinchey gave recommendations for better communication with athletes and athlete wellness. He also outlined training and outreach efforts for club teams.

*Sarah Jantzi:*

Jantzi is a gymnastics coach who provided an overview of the events that occurred in 2015 regarding sexual abuse of gymnasts and her reporting to USAG senior management. Specifically, Jantzi provided a timeline of events to include a conversation between Olympic gymnasts Maggie Nichols and Aly Raisman that was overheard, her discussion with Maggie's mother Gina Nichols, and her reporting of the incident to Rhonda Faehn. Jantzi also gave information regarding her contacts with former USAG President Steve Penny and the FBI.

*Paul Parilla:*

Parilla provided staff with an overview of his duties and job descriptions while at USAG and also provided a timeline of events in 2015 regarding the reporting of sexual abuse to USAG, the hiring of Fran Sepler by USAG counsel Faegre, Baker, Daniels LLP and their meeting at the FBI office in Indianapolis. Parilla advised that Steve Penny scheduled the meeting with the FBI on July 28, 2015 at the conclusion of the internal investigation conducted by Fran Sepler. Parilla stated that Sepler completed her interviews with USAG gymnasts and determined that one of the athletes was sexually abused while overseas. Parilla attended the meeting at the FBI Indianapolis office along with Penny, USAG Counsel Scott Himsel, and FBI Indianapolis Special Agent in Charge (SAC) Jay Abbott. Parilla stated that FBI SAC Abbott told them not to have contact with Nassar despite Penny's concerns with Nassar wanting to attend events. Parilla advised that Himsel drafted a communication to Nassar which first had to be cleared with FBI SAC Abbott. Parilla stated that nothing was discussed at the meeting regarding notifications to MSU, club teams, or other related entities. Parilla provided staff with an overview of how the Deborah Daniels Report was initiated and what recommendations were adopted and implemented.

*Steve McNally:*

McNally is the Executive Director of USA Taekwondo. McNally provided staff an overview of USA Taekwondo's policies, training, internal protocols and reporting procedures regarding incidents of sexual abuse. McNally provided an overview of club membership and competing organizations such as the American Athletic Union (AAU) and American Taekwondo United (ATU). Staff discussed a wide range of issues to include USA Taekwondo's reform efforts, interaction with the Center, communication with athletes and athlete wellness. McNally also outlined training and outreach efforts for club teams.

*David Raith:*

Raith is the Executive Director of USA Figure Skating. Raith provided staff an overview of USA Figure Skating's policies, training, internal protocols and reporting procedures regarding incidents of sexual abuse. Raith also provided an overview of club membership and staff discussed a wide range of issues to include USA Figure Skating's reform efforts to better interact and comply with USOC and SafeSport policies.

*Rich Bender:*

Bender is the Executive Director of USA Wrestling. Bender provided staff an overview of USA Wrestling's policies, training, internal protocols and reporting procedures regarding incidents of sexual abuse. Bender also provided an overview of how USA Wrestling is complying with newly implemented sexual abuse and non-sexual abuse reporting policies from the USOC and the Center. Bender stated that USA Wrestling is the only NGB that requires background checks and SafeSport training for media personnel who attend and cover events.

*Jim Leahy:*

Leahy is the CEO of USA Luge. Staff provided an overview of the Senate Subcommittee investigation, to include its congressional authority under the *Ted Stevens Olympic and Amateur Sports Act*. Leahy provided an overview of current activities and programs at USA Luge. Leahy discussed his efforts to implement SafeSport policies and noted that there have been no reported incidents of sexual abuse at USA Luge. He advised that USA Luge has referred incidents of online/cyber bullying to SafeSport. Leahy provided an overview of how smaller NGB's function with limited resources and without an established club team system.

*Ron Galimore:*

Galimore is former USAG COO and he provided an overview of his duties at USAG to include his work with the men's program since 2005. Galimore discussed his recollection of how USAG handled reports of sexual abuse and Larry Nassar's status as national team doctor. Galimore advised that he did not supervise Nassar and had no involvement with the women's program. When asked about reforms at USAG, Galimore provided an overview of the 2014 Medical Task Force which tried to standardize medical care for athletes over several disciplines. Galimore further advised that he participated in the implementation of USAG's SafeSport policies, to include the hiring of a SafeSport Director, SafeSport attorneys and changes to athlete safety.

*Amy White:*

White is USAG Travel Program Manager. White advised that she started her employment with USAG as a Travel Program Manager in 2007. She advised that her primary duties consisted of arranging travel for USAG athletes and staff. When asked about recent Subcommittee hearing testimony from Rhonda Faehn regarding her involvement in the removal of documents from the Karolyi Ranch in 2016, White advised that she did remove the documents in late October or early November of 2016. She stated that she did this at the request Steve Penny. He instructed her to remove the documents and bring them to him at USAG Headquarters in Indianapolis.

When asked about what documents she took from the Karolyi ranch, White advised that she was instructed by Penny to take anything with Nassar's name on it. She stated that she took waiver forms, medical forms, emails, flash drives and event documents. White advised that she packed everything into boxes and a suitcase and brought them to USAG's headquarters. White stated that she does not know what happened to the documents once they were delivered to USAG headquarters or their current whereabouts.

*Darrin Steele:*

Steele is the CEO of USA Bobsled and Skeleton. During the interview, Steel provided staff with relevant details on USA Bobsled and Skeleton. Staff made Steele aware of their interest in his participation in a future Subcommittee hearing.

*NGB Task Force:*

Subcommittee staff met with the recently-formed NGB Task Force, led by Max Cobb, Chair, and Dexter Paine, Vice Chair. The

Task Force provided the Subcommittee recommended legislative changes to the *Ted Stevens Amateur Sports Act* as well as a list of recommended administrative changes at the corporate and NGB level.

## **Michigan State University**

### *Kathy Klages:*

Klages is the former Michigan State University (MSU) Head Gymnastics Coach. Klages provided an overview of her duties as head gymnastics coach at MSU. She provided background information regarding her interactions with Larry Nassar before and during her tenure at MSU. Klages stated that she was interviewed by MSU police but was never contacted by the FBI.

### *Brooke Lemmen:*

Lemmen is the former doctor at Michigan State University Sports Medicine Department. Lemmen provided staff details on when she first met Nassar, her working relationship with him, when she became aware of complaints about Nassar, and her involvement in both the Title IX investigation and the criminal investigation. Lemmen stated that she has never been interviewed or contacted by the FBI. Lemmen further advised that she was only interviewed by the Michigan Attorney General's Office.

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

### *Shellie Pfohl:*

Pfohl was CEO of the U.S. Center for SafeSport. During the course of the interview, Pfohl described the responsibilities of the Center as well as the day-to-day operations. Pfohl also provided relevant information pertaining to on caseload, personnel, and budget issues.

Pfohl provided staff with relevant updates on case load, personnel, and budget. Pfohl discussed with staff issues SafeSport faced with misinformation and branding.

Pfohl provided updates to staff regarding SafeSport's website, updates to the organization's ban list, licensing and trademark agreements with the NGB's and a centralized database for case management.

Pfohl provided staff with relevant updates on case load, personnel, and budget. Pfohl also provided an update on how the Center is addressing the aforementioned issue of misinformation and branding.

Pfohl stepped down January 2019.

### *Regis Becker:*

Becker is interim CEO and Board Member of the U.S. Center for SafeSport. During the interview Becker provided staff with relevant updates on the resignation of former CEO of the Center, Shellie Pfohl and the process of hiring a permanent CEO. Becker also provided staff with the Center's budget and expense projections.

## **Law Enforcement**

### *Assistant Attorney General Christina Grossi and Supervisory Special Agent David Dwyre:*

Grossi and Dwyre are the lead prosecutor and investigator assigned to conduct a formal inquiry of the Larry Nassar sexual abuse scandal, Michigan State University's (MSU) handling of the events and potential criminal acts committed by current and former MSU employees. Staff provided Grossi and Dwyre an overview of the Subcommittee investigation, to include its congressional authority under the *Ted Stevens Olympic and Amateur Sports Act*. Staff was provided a copy of the Michigan House of Representatives Official Report of Findings regarding MSU's handling of the Larry Nassar sexual abuse scandal.

### *Assistant Attorney General Christina Grossi, Supervisory Special Agent David and First Assistant District Attorney Stephanie Stroud:*

Stroud is the lead attorney assigned to conduct a formal investigation into the acts of sexual abuse that occurred at the USA Gymnastics National Training Center (known as the Karolyi Ranch) by Larry Nassar. Stroud advised that her office, along with the

Texas Rangers and the Walker County Sheriff's Office, initiated their investigation in October of 2016. Their investigation began as a result of two gymnasts filing civil actions with the Walker County Sheriff's Office alleging that Larry Nassar sexually abused them while conducting medical treatments at the Karolyi Ranch. Stroud also stated that Texas Governor Greg Abbott ordered the Texas Rangers to initiate an investigation into the Karolyi Ranch and coordinate with the Walker County authorities.

*Assistant United States Attorney (AUSA) Sean Lewis:*

Lewis is assigned to the United States Attorney's Office for the Western District of Michigan. Lewis was the lead federal prosecutor who was assigned to the Larry Nassar child pornography investigation in September of 2016. Staff provided AUSA Lewis an overview of the Subcommittee investigation, to include its congressional authority under the *Ted Stevens Olympic and Amateur Sports Act*. He advised verbally and in email correspondence that he could not discuss the Larry Nassar investigation and therefore referred all future communications to the Executive Office for United States Attorneys, U.S. Department of Justice.

*Office of Indiana Attorney General Curtis T. Hill, Jr.:*

The Indiana Office of the Attorney General is conducting an ongoing investigation of USA Gymnastics (USAG) which is headquartered in Indianapolis, Indiana. Indiana Attorney General Curtis Hill announced in December 2019 that his office had been investigating USA Gymnastics (USAG) since early 2018 and that their investigation was initiated pursuant to Indiana state law which provides statutory authority over all non-profit organizations in the State. Staff provided an overview of the Subcommittee investigation, to include its congressional authority under the Ted Stevens Olympic and Amateur Sports Act, to Deputy Attorney General Vanessa Voigt Gould.

*Officer from the Texas Rangers:*

During this interview, the Rangers provided details relevant to their investigation into the allegation against Dr. Nassar and the Karolyi Ranch. The ranger also provided recommendation on who the Subcommittee should interview.

*Andrea Munford:*

Munford is the MSU police lieutenant. Lt. Munford was the lead investigator on the Nassar state prosecution in Michigan. During the interview, Munford provided an overview of the Nassar investigation including her interactions with the FBI and U.S. Attorney's Office in Michigan. Munford provided a timeline of events including the release of the *Indianapolis Star* article in September 2016. Her interview of Larry Nassar and the MSU police search warrant that was conducted at his residence. Munford provided background information regarding the evidence recovered at Nassar's residence pursuant to the search warrant.

## **Additional Meetings**

*30th Annual Crimes Against Children (CACC) Conference:*

Staff attended the CACC Conference to review the Larry Nassar prosecution seminars for both Federal and state prosecutions. Assistant U.S. Attorney (AUSA) Sean Lewis provided a presentation on Nassar's Federal prosecution for child pornography charges in the western judicial district of Michigan. Assistant Attorney General Angela Povilaitis from the Michigan Attorney General's Office and Michigan State University Police Lt. Andrea Munford provided a presentation on Nassar's state prosecution for sexual assault and abuse charges in Michigan. Both presentations were provided to a large audience of law enforcement officials, academic researchers, social scientists and child sex abuse specialists.

*Joan McPhee and James P. Dowden:*

McPhee and Dowden are the lead investigator and authors of the **Ropes and Gray** Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes. They provided a briefing on their report to Senators Moran, Blumenthal, Shelley Moore-Capito (R-W.Va.) and Tom Udall (D-N.M.), as well as their staff and staff from multiple other offices. McPhee and Dowden provided an overview of their report, and, more specifically, their methodology, independence and findings. McPhee and Dowden also provided feedback on possible recommendations based on the findings from their investigation.

## **Initial Report to USAG**

In June of 2015, gymnast Maggie Nichols expressed discomfort with Nassar's treatments and other social interactions to her coach, Sarah Jantzi, who reported this to Rhonda Faehn, then head of USAG's women's program. Faehn disclosed this information to then-USAG President Steve Penny, which led to the following actions on the approximate dates listed below. These dates are based on an internal timeline of events that the Subcommittee received through the document production:<sup>125</sup>

- **July 2, 2015:** USAG, through its legal counsel, hires a human resources specialist, Fran Sepler, to interview gymnasts regarding Jantzi's disclosure.
- **July 3 – July 24, 2015:** Sepler interviews gymnasts Nichols, Aly Raisman, and McKayla Maroney. On July 24, 2015, Sepler reported to USAG that it would be appropriate to notify law enforcement.
- **July 27, 2015:** USAG reports Nassar to the Indianapolis FBI based on information Sepler obtained from gymnasts, including Maroney, who alleged she was abused by Nassar while competing abroad.
- **July 28, 2015:** Penny, USAG Vice-Chairman Paul Parilla, and USAG Legal Counsel Scott Himsel met with FBI Special Agent in Charge, Jay Abbott, and two other agents in the FBI field office in Indianapolis, Ind.

### **USAG Internal Investigation**

On June 28, 2015, 11 days after Jantzi initially made contact with Faehn, USAG held a board meeting in Greensborough, North Carolina. According to the former USAG Board Chairman Paul Parilla, at this meeting Penny told a small group of board members including himself (in the capacity of then Vice-Chairman of the Board), then Board Chairman Peter Vidmar, and then Director Jay Binder—in a room aside from the larger group—that a concern was raised with Nassar's medical procedures. Penny characterized Nassar as a volunteer trainer who had a few interactions with athletes per year and never had a complaint filed against him. Penny told the group that he engaged outside counsel to hire an experienced interviewer to obtain details regarding the alleged conduct. Penny also told the group that he believed Nassar may try to attend the upcoming gymnastics competition in Chicago despite being uninvited by USAG.

### **FBI Investigation**

On July 27, 2015, USAG reported Nassar to the Indianapolis FBI based on information Sepler obtained from gymnasts, including Maroney, who alleged she was abused by Nassar while competing abroad. On July 28, 2015, Penny, then-USAG Vice-Chairman Paul Parilla, and then-USAG Legal Counsel Scott Himsel met with FBI Special Agent in Charge (SAC), Jay Abbott and two other agents at the FBI field office in Indianapolis, Ind. On July 29, 2015, after reporting Nassar to the FBI, USAG relieved Nassar from his responsibilities as doctor for the national team. USAG did not inform MSU or other gymnastics gyms associated with Nassar of the alleged abuse or of USAG's report to the FBI.

USAG officials were in contact with FBI personnel regarding the Nassar investigation after the initial report and through the time period when the allegations became public. USAG assisted the FBI with arranging witness interviews, and USAG officials periodically checked in with the FBI on the status of the investigation.

#### *Subcommittee Investigation's Findings Relating to the DOJ*

Over the course of the investigation, the Subcommittee requested and received thousands of pages of documents from USOC, USAG, MSU, and other NGBs. These documents include emails and text messages between USAG and FBI personnel. In addition, the Subcommittee conducted numerous interviews with victims, coaches, officials, and other witnesses.

#### *Document Review*

USAG made initial contact with the FBI on July 27, 2015 to report an allegation of abuse made by Maroney against Nassar. Following the report, USAG officials Penny, Parilla and Himsel met with FBI SAC Abbott and two other agents in the Indianapolis field office. The Subcommittee interviewed Parilla, who stated that Abbott told the USAG officials present in the meeting not to

---

125 USOC-SenComm-004019

take actions that would interfere with the FBI's investigation.<sup>126</sup>

Penny followed up with Abbott on July 29, 2015, seeking advice on communications with Nassar as well as on a proposed media statement in order to accurately address USAG's cooperation with the FBI.

On August 7, 2015, USAG officials also attempted to coordinate interviews between FBI Agent Michael Langeman and gymnasts Maroney and Raisman. On August 9, 2015, Penny emailed Langeman to inform him that "the thought of the interview is just a little too overwhelming for [Raisman] right now as we head into the event. For now, we postponed."

On August 12, 2015 Penny emailed Langeman asking when the interview with Maroney would take place. FBI Agent Gregory Massa replied that Langeman was working a violent crime initiative, and "we could have sent a lead to our LA office and had them conduct the interview. However, given the sensitivities of this matter, and Mike's experience, we reached a consensus Mike and his agent with this specialty should be the ones to conduct the interview in the near future. We've made it a priority and will ensure the interview gets scheduled and conducted."

On September 4, 2015, Abbott emailed Penny relaying his understanding that "pertinent interviews have been completed and the results have been provided to the FBI and the USAO in Michigan (Detroit) for appropriate action if any."

USAG officials connected with FBI officials in September 2016, around the time that the Nassar allegations were publicly reported by the *IndyStar*, regarding a media request to USAG. Around the same time, USAG provided information on a new potential witness and Nassar's travel records to the FBI and Agent Michael Hess.

In February 2017, Penny communicated with FBI officials, including Abbott and Laura Eimiller, in the LA Field Office, seeking the FBI's assistance with what he described as "concern and disbelief that USA Gymnastics reported the matter to the FBI in July of 2015." The Subcommittee does not have documentation of a substantive response from FBI.

#### *Witness Interaction with DOJ*

Several of the individuals that the Subcommittee interviewed also had interactions with Department of Justice (DOJ) officials, and below are brief summaries of those discussions.

#### *Sarah Jantzi, Maggie Nichols's Former Coach (June 26, 2018):*

Jantzi interviewed with the FBI Agent Michael Hess "sometime after the Olympic trials." This would likely be late summer 2016. Agent Hess took notes and recorded the conversation. She relayed that she reported Nichols's discomfort with Nassar to USAG. She was told by someone at USAG that the FBI wanted to interview Nichols around the time of the Olympic trials in 2016, but Jantzi advised that this could result in Nichols "getting hurt." She did not know if the interview took place.

#### *Paul Parilla, USAG Board Chairman (July 12, 2018):*

Parilla attended the meeting with FBI Abbott and other personnel in Indianapolis on July 28, 2015. Penny spoke on behalf of USAG in the meeting and detailed the situation, including describing Nassar's conduct towards Maroney as reported to USAG by Sepler. Abbott said on several occasions to not take actions that would interfere with the FBI investigation.

#### *Lieutenant Andrea Munford, MSU Police (October 1, 2018):*

Munford was the lead investigator in the Michigan case which eventually led to the sentencing of Nassar for sexual assault. Munford's first interaction with FBI personnel regarding Nassar was a phone call with Agent Hess on September 12, 2016. Hess revealed to Munford that the FBI was investigating Nassar for federal sex crimes involving interstate travel.

After Denhollander's criminal report on August 29, 2016, MSU police executed a search warrant at Nassar's home on September 20, 2016, which turned up computer hard drives containing child pornography. The evidence was later analyzed by MSU

<sup>126</sup> Paul Parilla, interview by the Subcommittee, July 12, 2018.

police and turned over to the FBI office in Lansing due to stricter federal sentencing guidelines for child pornography. Munford's understanding was that the FBI office in Lansing had no prior knowledge of Nassar.

Munford and an attorney in the Michigan Attorney General's office requested FBI reports on the Nassar investigation. ASUA Sean Lewis denied the request due to "FOIA [*Freedom of Information Act*] laws," but allowed Munford and the attorney to view the FBI's reports and take notes.

Munford stated that the footage obtained by the FBI from Nassar's Go-Pro camera consisting of Nassar playing in a pool with children was used as evidence against Nassar at a bond hearing. However, Munford stated that Nassar's actions as recorded by the Go-Pro were not categorized as sexual assault.

*Stephanie Stroud, Assistant District Attorney, Walker County, Texas (May 14, 2018):*

The Walker County District Attorney's (DA) office and the Texas Rangers began an investigation into Nassar and sexual abuse that took place at the USAG National Training Center at the Karolyi Ranch in Walker County, Texas. The case was opened after a gymnast filed a police report alleging that Nassar sexually abused her at the Karolyi Ranch. This was shortly before Rachael Denhollander's complaint was made public in September 2016. The FBI had not reached out to the DA's office or the Rangers. However, the FBI did reach out to the Walker County Sheriff leading up to Nassar's federal sentencing.

*USOC Vice President/Chief Security Job Posting*

The Subcommittee received a tip from a source that Penny had actively tried to help Abbott obtain employment with USAG or USOC. Supporting this tip, the *New York Times* also published an article in which Penny's lawyer acknowledges, but discounts Penny's recruitment of Abbott to a possible USOC position.<sup>127</sup> The Subcommittee has reviewed documentation confirming that Penny and Abbott had a separate personal relationship. Abbott sent an e-mail to Penny dated October 20, 2015, which says, "Also, just another quick 'thank you' for the beer and conversation a few weeks ago. I very much appreciate what you did. Though I realize there would be any qualified applicants, the position with the USOC is truly a tantalizing and interesting possible opportunity post-Bureau that I continue to think about."<sup>128</sup> In a later e-mail, Abbott forwards a local news clip featuring himself titled, "13 Investigates: FBI joins IMPD, State Police to combat violent crime."<sup>129</sup> Following up on those exchanges, Penny sent Abbott a text message on February 17, 2017 containing a link to a website advertising a position with USOC.

## **State and Local Law Enforcement Activities**

The Subcommittee monitored several ongoing criminal investigations into Larry Nassar and the organizations that employed or partnered with him. The Michigan Attorney General's Office, the Indiana Attorney General's Office and the Walker County District Attorney's Office (Texas) continue to make progress on potential civil and criminal violations that fall within their respective jurisdictions.

The Michigan Attorney General's Office and the Walker County District Attorney's Office have brought criminal charges against several current and former officials from USA Gymnastics and Michigan State University. Most notably, former USAG CEO Steve Penny and former MSU President Dr. Lou Anna Simon. The Subcommittee commends the efforts of law enforcement to pursue the facts, and their desire to seek justice in the case of any criminal liability. During the course of the investigation, the Subcommittee welcomed law enforcement's input and recommendations, which have and will help staff make informed policy decisions moving forward.

## **Related Reports, Audits & Reviews Conducted**

The Subcommittee used various reports, audits and reviews that were authorized by USOC, various NGBs and other entities

127 Serge Kovaleski and Juliet Macur, "Steve Penny Asked F.B.I. to Help Protect U.S.A. Gymnastics' Image During Sex Abuse Case," *The New York Times*, October 18, 2018, <https://www.nytimes.com/2018/10/18/sports/steve-penny-usa-gymnastics-fbi.html>.

128 Exhibit GG

129 Exhibit HH

to bolster the findings of its own investigation. This section provides a comprehensive list of such efforts while detailing who initiated these reviews, why they were authorized, what information each investigation sought and discovered, and notable recommendations.

### **Audits of NGBs by Baker Tilly Virchow Krause, LLP**

USOC hired a full-service advisory firm, Baker Tilly Virchow Krause, LLP (Baker Tilly), to evaluate the then-official NGBs, HPMOs and its own organization to identify deficiencies within each organization, with the goal of fully adopting a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013. According to USOC, these audits were the first of their kind, and the outcomes would be used to guide the formulation of the U.S. Center for SafeSport.

There were several opportunities that Baker Tilly identified for USOC to “enhance the design and effectiveness of USOC compliance with the Athlete Safety Standards,” including: improved education and training testing, ensuring the timely completion of criminal background checks, creation of specific guidance and requirements for the format and structure of an athlete safety program, and SafeSport compliance monitoring, among other items.<sup>130</sup>

These audits also highlighted various forms of interpretation and adoption of Athlete Safety Standards across the various NGBs. According to USOC, many NGBs were “in the process of updating their athlete safety policies to identify those individuals who come within the jurisdiction of the newly formed U.S. Center for SafeSport and to comply with the updated USOC’s Athlete Safety Standards approved in June of 2017.” As a result, they claim that “many issues identified through the audit process have been addressed.”<sup>131</sup>

The policy shortcomings and recommended improvements identified for each of the organizations are explained in length in the publicly available reports. After the initial audits conducted by Baker Tilly were complete, USOC and the NGBs were given 90 days to correct the deficiencies identified, and follow-up reports were issued by the firm. The follow-up reports are also publicly available.<sup>132</sup>

### **“Youth Athletes: Sports Programs’ Guidance, Practices and Policies to Help Prevent and Respond to Sexual Abuse” by the U.S. Government Accountability Office (GAO)**

In June 2013, following a series of news reports detailing abuse in elite swimming, former U.S. Representative George Miller requested a report from the U.S. Government Accountability Office (GAO) about the scope of sexual abuse in youth sports in America.

On May 29, 2015, the GAO issued a report requested by U.S. Representative Jackie Speier. The report was not investigative in nature, nor did it provide recommendations or assess the effectiveness of any of the athletic programs’ policies studied. The report did, however, examine: (1) the role of federal agencies in preventing and responding to sexual abuse of youth athletes, and (2) steps taken by select athletic programs aimed at high performance to prevent and respond to such abuse.

From February 2014 to May 2015, GAO reviewed relevant federal laws, regulations, guidance and literature; and interviewed multiple federal agencies, relevant organizations and individuals with expertise on coaching, athletics administration and sexual abuse. Additionally, GAO conducted 11 site visits in three different states to gather information on the policies and practices private athletic clubs and university sports camps use to protect youth athletes from sexual abuse.

The GAO report details the various federal agencies that engage in activities that prevent and respond to child sexual abuse that

---

130 Team USA, *United States Olympic Committee SafeSport Audit of USA Field Hockey*, October 2017, <https://www.teamusa.org/-/media/Safe-Sport/NEW-Safe-Sport/USA-Field-Hockey-Report.pdf?la=en&hash=9A06FDo7EB3168EE26CE91B109C9A2CBDFf038AA>.

131 Ibid.

132 Ibid.

could apply to the prevention and response of sexual abuse of youth athletes. The report includes activities, examples and/or resources provided from the Department of Justice, Department of Education, Department of Health and Human Services and the FBI.

In particular, the report highlights resources published by the Centers for Disease Control and Prevention (CDC) and the National Center for Missing and Exploited Children (NCMEC). Both the CDC and the NCMEC's resources highlight similar categories of suggested practices:

1. Conducting an organizational self-assessment;
2. Screening staff and volunteers for risk factors;
3. Defining behavioral guidelines and creating safe environments;
4. Training staff on sexual abuse and misconduct;
5. Monitoring behavior;
6. Developing reporting and response strategies when complaints or allegations are made.<sup>133</sup>

The NCMEC resource also includes information on how to address the unique interactions that occur between coaches and young athletes. These examples include: providing references to sexual abuse prevention and response programs, online training available through selected athletic organizations and an article on developing appropriate relationships between coaches and athletes. NCMEC's resource also offers youth-serving organizations some considerations regarding background checks to screen applicants, which could be beneficial to youth organizations when developing best practices.

Additionally, the report details the variety of actions athletic programs utilize to prevent and address the sexual abuse of youth athletes. These tools include:

1. Criminal Background Checks;
2. Interviews and Reference Checks;
3. Policies Governing Behavior between Coaches and Athletes;
4. Training;
5. Monitoring for Compliance with Policies;
6. Reporting;
7. Response.

Key takeaways from this section closely aligned with improvements recommended by Representative Jackie Speier (CA-14) following the release of the GAO report:

1. Requiring fingerprint-based nationwide checks instead of the current, common, and ineffective named-based criminal background checks;
2. Implementing reference checks during a more thorough interview process of coaching applicants;

---

<sup>133</sup> U.S. Government Accountability Office, *Sports Programs' Guidance, Practices, and Policies to Help Prevent and Respond to Sexual Abuse*, May 2015, <https://www.gao.gov/assets/680/670543.pdf>.

3. Developing a clear and consistent procedure for reporting and responding to incidents of sexual abuse.<sup>134</sup>

Two of the three NGB's included in the report said they would prefer to use fingerprint-based checks due to the high level of accuracy they provide. Officials at both private athletic clubs and university sports camps, however, detailed that the cost of utilizing fingerprint-based checks was of concern. Additionally, the lack of personal interviews and reference checks was an identified weakness in screening policies for clubs. One NGB official reportedly explained it is not necessary to ask for references, because in local programs there is a feeling that "everybody knows everybody."

### **"Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes" by Deborah Daniels of Krieg DeVault LLP**

In 2016, former U.S. Attorney and U.S. Assistant Attorney General Deborah Daniels of Krieg DeVault LLP was retained by USAG to review the bylaws, policies, procedures and practices of USAG as it related to matters of sexual misconduct. Daniels was also tasked to propose recommendations on how to improve USAG's handling of sexual misconduct and create a culture that prioritizes athlete safety. To conduct this review, Daniels worked with Praesidium, "a company that specializes in preventing sexual abuse in organizations that serve youth and vulnerable adults."<sup>135</sup>

During the course of the review, Daniels and Praesidium conducted more than 160 interviews with relevant personnel, including USAG leadership, individual club owners and representatives from the Center. They also performed multiple on-site visits to locations such as USAG Headquarters, the National Team Training Center at the Karolyi Ranch and gymnastic competitions.

After completing their review, Daniels and Praesidium concluded that while USAG had once taken strong steps to combat abuse and create a safe environment for athletes, "the practices of USA Gymnastics have not kept up with best practices in the field of child abuse protection, allowing for significant gaps and exposures regarding the prevention and reporting of child sexual abuse within the sport."<sup>136</sup>

Daniels and Praesidium concluded that a culture change was needed in order for "USAG to improve its ability to protect the young competitors in its charge, and other young aspiring athletes, from harm."<sup>137</sup> Therefore, Daniels and Praesidium offered extensive recommendations to institute this culture change. These recommendations were broken down into nine categories:

1. Board Structure and Duties
2. Administrative Management of USA Gymnastics
3. Member Requirements and Enforcement
4. Screening and Selection of Coaches, Volunteers and Other Adults with Access to Athletes
5. Process for Filing Reports of Misconduct
6. Education, Training and Athlete Support
7. Encouraging Reporting of Suspected Violations

---

134 Congresswoman Jackie Speier, *Speier, Scott Statement on Release of GAO Report on Sexual Abuse in Youth Sports*, June 29, 2015, <https://speier.house.gov/media-center/press-releases/speier-scott-statement-release-gao-report-sexual-abuse-youth-sports>.

135 Deborah J. Daniels and Praesidium, *Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes*, June 26, 2017, [https://usagym.org/PDFs/About%20USA%20Gymnastics/ddreport\\_062617.pdf](https://usagym.org/PDFs/About%20USA%20Gymnastics/ddreport_062617.pdf).

136 Ibid.

137 Ibid.

## 8. National Team Training Center

## 9. National Team Selection Process

Since the publication of the Deborah Daniels report, USAG has made an effort to implement the recommendations offered by Daniels and Praesidium. According to the most recent data, USAG has implemented 67 percent of the recommendations and is in the progress of implementing another 22 percent as of July 9, 2019.<sup>138</sup>

### **“Report of the Independent Investigation: The Constellation of Factors Underlying Larry Nassar’s Abuse of Athletes” by Ropes & Gray LLP**

On December 10, 2018, investigators from the global law firm Ropes & Gray LLP released a report that details the findings of their investigation into Nassar’s abuse of hundreds of elite and amateur athletes over several decades. The law firm was commissioned in February 2018 by the USOC to investigate when USAG and USOC officials first became aware of evidence of Nassar’s abuse and what they did with that information. The report details the firm’s investigation which reviewed more than 1.3 million documents and interviewed more than 100 people, including gymnasts, employees and board members of the USOC, USAG and the U.S. Center for SafeSport.

The Ropes and Gray LLP investigation highlighted the systemic failures at both USAG and USOC to include the lack of oversight and transparency, which led to years of abuse and sexual assault by Nassar. The report concluded that Nassar’s ability to abuse athletes for nearly 30 years “is a manifestation of the broader failures at USAG and the USOC to adopt appropriate child-protective policies and procedures to ensure a culture of safety for young athletes.” The report further stated that both USAG and USOC had governance structures in place that “had the effect of allowing abuse to occur and continue without effective intervention.”

Ropes and Gray LLP investigators stated that Steve Penny and Scott Blackmun, who were then serving as chief executives of USAG and USOC “engaged in affirmative efforts to protect and preserve their institutional interests – even as Nassar retired from the sport with his reputation intact and continued to access to girls and young women at the college, club and high school levels.” The report concluded that Penny made a request for USOC to get involved and help with the reporting to law enforcement of Nassar’s sexual abuse. Investigators determined that Blackmun declined to act on behalf of the USOC.

As part of its investigation, Ropes and Gray LLP requested USOC hire an independent forensics firm to review USOC’s electronic database. This forensic analysis discovered that Blackmun acknowledged receiving and deleting a September 8, 2015, email from Penny identifying Nassar by name as the team doctor accused by USAG athletes of sexual abuse. Investigators also interviewed USOC Chief of Sport Performance Alan Ashley who stated that he had no recollection of ever receiving or deleting the September 8, 2015 email.

In addition to the document review process, investigators stated that Blackmun claimed that he “initiated an internal effort at the USOC to alert the SafeSport team to the allegations and to confirm that the USOC was taking all appropriate steps to respond to the allegations and ensure athlete safety,” within weeks of learning about the allegations against Nassar. However, Ropes and Gray LLP investigators concluded that “no such conversations were had and no such steps to respond to the allegations were taken.” The report stated that legal counsel to the USOC “found no documentary support in the form of an email, calendar entry or other record at the USOC that reflects any internal project or working group or other efforts to address the Nassar allegations until after the *Indianapolis Star* broke the story about Nassar’s abuse in September 2016.” They also determined that no one at USOC remembers any conversation or meetings about those concerns. Based on these findings, the Subcommittee referred Blackmun to the Department of Justice for investigation of potential violations of 18 U.S.C. §§ 1001 and 1505.

---

<sup>138</sup> USA Gymnastics, *Progress Report*, Accessed on July 9, 2019, <http://www.usagymprogressreport.com/recommendations/>.

The report identified concerns over the FBI's handling of the Larry Nassar investigation. Specifically, the report highlighted that "the factual record raises concerns about the length of time it took and the manner in which the FBI conducted its investigation into Nassar's abuse."

### **"Nassar and Beyond: A Review of the Olympic Community's Efforts to Protect Athletes from Sexual Abuse" by the House of Representatives Energy and Commerce Committee, Majority Staff**

On December 20, 2018, The U.S. House of Representatives Energy and Commerce Committee released a report entitled, "Nassar and Beyond: A Review of the Olympic Community's Efforts To Protect Athletes from Sexual Abuse." The report summarizes the committee's findings after concluding its year-long investigation into sexual abuse within USOC and the NGBs. The Energy and Commerce Committee report concluded that the USOC and the National Governing Bodies it oversees have inconsistently applied policies and have been slow to take action, despite broad knowledge of abuse complaints. The report criticized a culture in the movement that focuses on reputation and the USOC's long-held belief that it lacks authority over the NGBs, which "contributed to a systemic failure" to protect athletes.

The House report made several recommendations, including that the USOC should develop additional, less-severe sanctions in addition to being able to decertify or defund an NGB; that it should create a consistent definition of covered individual for all NGBs to use; that NGBs have consistent policies regarding background checks; that all NGBs maintain and publish their banned lists; and that the USOC and the governing bodies undergo regular audits.

The committee report was based on a review of 152,000 pages of documents over the past year and a May 23, 2018 congressional hearing. U.S. Representative Greg Walden (R-Oregon) who then chaired the committee stated that, "After a year-long investigation, the Committee is both encouraged and discouraged by its findings. There is no doubt that the Olympic community has made great strides when it comes to athlete safety and protecting athletes from sexual abuse and misconduct . . . However, the community still has a long way to go. For too long, the policies and procedures adopted and implemented by NGBs have fallen short."

Chairman Walden stated that the Committee's report highlighted a number of breakdowns and failures in the system to protect athletes.

The report noted several key findings to include the following:

- USOC policies as recently as April 2018 included "the effect on the USOC's reputation" as a factor to be considered when imposing sanctions. It removed that language a month after the committee's May 2018 hearing.
- An audit the USOC commissioned in 2017 by Baker Tilly Virchow Krause found 43 organizations were not in compliance with athlete safety standards. That included the USOC and many NGBs. The audit also found 27 of 48 NGBs were not properly conducting background checks.
- The committee report found "inconsistent application of background check policies across the NGBs." Baker Tilly also found that the minimum standards that required background checks went into place in 2014 but the USOC didn't verify they were being done until April 2017.
- The Baker Tilly audit found that 47 of 48 NGBs do not do background checks of athletes.
- The U.S. Center for SafeSport provided information to the committee that athlete-on-athlete abuse is the second most frequent type of abuse reported. The information also showed that the most frequent type of abuse reported is coach-on-athlete abuse.
- The committee report stated that a consistent definition of who is considered a covered individual needs to exist across the NGBs, leaving gaps in who is subject to athlete protection policies.

- The committee report noted that 11 NGBs, including U.S. Soccer, USA Boxing and USA Cycling have no consistent policy about how to approach lists of banned individuals and several NGBs have lists that they do not publish.
- The committee also noted several concerns about the U.S. Center for SafeSport, including lack of funding and anecdotal accounts of contract investigators not always identifying themselves as working for the center while others reported that they do not feel that SafeSport can adequately and appropriately handle their case.
- The committee report identified concerns over the FBI's handling of the Larry Nassar investigation. Specifically, the report highlighted the length of time it took and the manner in which the FBI conducted its investigation.

## **MSU 2014 Title IX Report**

In April of 2014, Michigan State University (MSU) graduate Amanda Thomashow reported to Dr. Jeff Kovan of the MSU Sports Medicine Clinic that she was sexually assaulted by Larry Nassar during a March 2014 medical examination to treat a hip injury she sustained in high school. Thomashow subsequently filed a complaint that was handled by Kristine Moore, the school's Title IX coordinator and a full-time MSU employee. During that time, Nassar continued to treat patients for 16 months during the investigation. The university investigation did not pass any information to prosecutors until July 2015. In December 2015, a state prosecutor advised local police that Nassar would not be charged criminally.

The university concluded that Nassar's behavior was "medically appropriate," a judgment reached based on interviews with three medical specialists and an athletic trainer. All four had ties to Nassar, and all four were employed by MSU. A 2016 investigation revealed that the Title IX office provided Thomashow with a materially different version of the report than the one delivered to Nassar and MSU officials. The report to MSU, which, until now, had remained internal, also cleared Nassar of harassment but included the assessment that his methods were inflicting "unnecessary trauma" on his patients and putting the university at risk of liability. Thomashow never saw that version of the document.

## **Michigan House of Representatives Report**

In January of 2018, the Michigan House of Representatives launched an official inquiry concerning Michigan State University's (MSU) handling of the Larry Nassar investigation. The primary purpose of the inquiry was to identify policy and budget solutions to prevent such a tragedy from happening again. The inquiry requested and reviewed thousands of pages of documents from MSU as well as written answers to approximately 50 detailed questions were posed by House committee members. In April of 2018, the inquiry produced a report of findings that also incorporated meetings with survivors and members of the MSU community.

The report detailed several key findings, some of which were referred to law enforcement for further investigation. The key findings highlighted in the report are as follows:

- Nassar spent decades developing his ability to abuse patients without detection, exploiting loopholes in the policies that governed his conduct;
- MSU did not have an adequate informed consent policy during much of Nassar's tenure which he methodically exploited;
- MSU policies did not require a chaperone or other person to be present in the exam room during sensitive examinations or treatments. Nassar took full advantage of this on multiple occasions;
- MSU did not adequately track Nassar's activities regarding payments from patients or their insurers for treatment performed at his home and at Twistars;
- MSU Title IX Office failed to properly investigate Nassar in response to the Title IX complaint filed by Amanda Thomashow in 2014. In addition, the MSU Title IX Office provided Thomashow a materially different version of its

report than what was given to Nassar and other MSU officials. Specifically, Thomashow was given an incomplete version of the “Conclusion” section.

### **Michigan AG Independent Special Counsel Status Report**

In January of 2018, the Michigan Department of the Attorney General initiated an investigation into the systemic issues of sexual misconduct at Michigan State University (MSU). The investigation was opened as a result of the Larry Nassar prosecution and sentencing, which had occurred earlier that month. The Michigan Attorney General’s Office appointed independent special counsel William Forsyth, staff from the attorney general’s office and the Michigan State Police (MSP) to lead the investigation. The investigative team reviewed hundreds of thousands of documents, contacted more than 500 people, and interviewed more than 280 survivors and 105 university officials. The Michigan Attorney General’s Office also set up a confidential tip line, which received more than 100 calls.

On December 21, 2018, the independent special counsel released a status report regarding the investigation into Michigan State University’s handling of Larry Nassar’s sexual abuse. The report stated that the investigation was limited in scope to MSU. The independent special counsel stated that they did not investigate USA Gymnastics, Twistars or any other local gymnastics teams that were affiliated with Nassar.

The status report highlights a year-long investigation which uncovered evidence that led to the filing of criminal charges by the Michigan Attorney General’s Office against three individuals at MSU: former head gymnastics coach Kathie Klages, former Dean of the College of Osteopathic Medicine William Strampel, and former University President Lou Anna K. Simon. The report focuses on the independent special counsel’s findings that multiple university employees failed to report concerns about Nassar and concluded that MSU suffers from a “culture of indifference.” Specifically, the independent special counsel’s investigation centered on who at MSU may have been aware of Nassar’s abuse and failed to act. The report listed 13 women who from 1997 to 2015 reported Nassar’s abuse to 11 different MSU employees – each of these employees failed to report that abuse to authorities.

The independent special counsel concluded that the 2014 Title IX investigation had multiple shortcomings which substantially influenced MSU’s conclusion that Nassar did not violate its sexual misconduct policy. The report also identified that the MSU Title IX Office provided Thomashow with a materially different version of its report than what was given to Nassar and other MSU officials. Specifically, Thomashow was given an incomplete version of the “Conclusion” section.

The status report concluded that the MSU employees who allegedly received reports of Nassar’s sexual assault or improper medical treatment downplayed its seriousness or discouraged the survivors from proceeding with their allegation. The report also discussed MSU’s lack of cooperation with the investigation. The independent special counsel determined that MSU issued false public statements, drowned the investigative team with irrelevant documents, fought the release of relevant documents and wrongly asserted attorney-client privilege.

### **30<sup>th</sup> Annual Crimes Against Children Conference (Dallas, Texas)**

On August 15, 2018, staff from Senator Jerry Moran’s office attended the 30<sup>th</sup> Annual Crimes Against Children Conference in Dallas, Texas. Attendees included law enforcement professionals, prosecutors, social welfare advocates, academic researchers, scientists and public safety officials. Staff attended two presentations involving the Larry Nassar investigation and prosecution. One of the presentations was put on by the U.S. Attorney’s Office for the Western District of Michigan. Their office, along with the FBI, prosecuted Nassar in Federal court for obtaining/possessing child pornography in 2016. The presentation highlighted their involvement after the MSU Police Department executed a state search warrant at Nassar’s residence and contacted them regarding child pornography that was recovered from his computer hard drives. This was the basis of the Federal prosecution which Nassar pled guilty to in December 2017. The other presentation was put on by the Michigan Attorney General’s Office and the MSU Police Department. Their office prosecuted Nassar in state court for the sexual abuse cases involving MSU students,

athletes and USAG gymnasts. Their involvement started as a result of Rachael Denhollander's official police report on August 29, 2016, detailing sexual abuse by Larry Nassar.

### **Athlete & NGB Engagement Commission (Borders Commission)**

On June 14, 2018, the USOC announced the formation of the Athlete & NGB Engagement Commission, chaired by former WNBA President Lisa Borders, who has also previously served as Atlanta, Georgia's vice mayor. Known as the "Borders Commission," the group will be evaluating the structure of the U.S. Olympic and Paralympic community, specifically reviewing how the USOC interacts with and oversees the NGBs, as well as how it can better engage with the athletes it serves. The Borders Commission has also been tasked with reviewing athlete safety and providing USOC with important analysis of current governance in an effort to improve safeguards and enhance athlete protection policies.

The Borders Commission consists of members from the athlete community, NGBs, independent board representation and individuals with governance expertise in these Olympic organizations.

The Borders Commission conducted its review for approximately nine months and completed the process on July 17, 2019. The Commission released a report of findings and provided a series of recommendations aimed to address athlete safety and engagement.



# Exhibit A

**Written Testimony and Exhibits of Rhonda Faehn for the Senate Subcommittee on  
Consumer Protection, Product Safety, Insurance and Data Security**

**Introduction.**

My name is Rhonda Faehn. I was the Senior Vice President of USA Gymnastics ("USAG") for only 37 days when I received a phone call from a coach about the concerns of a gymnast she was coaching. The gymnast had experienced what the coach described as "uncomfortable encounters of therapy" with Dr. Larry Nassar ("Nassar"), a member of the USAG national team medical staff. After my further inquiry, this coach also disclosed that she had heard that two other gymnasts (that she did not coach) may have been uncomfortable with Nassar. I immediately phoned and reported the concerns to the President of USAG, Steve Penny ("Penny"), who assured me that he would contact the coach, the parents of the gymnasts and the proper authorities.

Within one month from receiving that initial call, I received two additional reports of gymnasts expressing concern about Nassar's therapy. I again followed the same protocol and immediately notified Penny each time, who again assured me that he was contacting the parents of the gymnasts involved and the proper authorities.

Each time I immediately reported these incidents, I was told by Penny not to say anything to anyone for fear of possibly impeding any investigation of Nassar. I was not aware of any delay in contacting authorities or of any efforts to misinform anyone of the reasons for Nassar's departure from USAG. I tried to protect the gymnasts involved by making sure I immediately reported what I had learned from those who contacted me.

There is no question that better systems of reporting and addressing abuse need to be in place, and I truly hope this occurs going forward, and that I can still find a place to make a positive contribution towards it, but my goal in immediately reporting complaints to my superior at USAG was and always has been to protect and care for the athletes I served.

After being summarily fired from my dream job, without warning or explanation, I am left surprised, hurt, confused and feel I am being falsely blamed for the alleged deficiencies of USAG. But much more importantly, I feel a deep sense of loss, sympathy, sadness and compassion for the victims of Nassar, on whom my most sincere loyalties have always been focused, and whose concerns should have been reported to law enforcement authorities at the earliest possible moment, as I assumed was being done at the time, and as I would have done, had I known then what I know now.

## **My Background.**

Gymnastics has been my life's passion since I was eight years old. That is the age when I started gymnastics at a small club in Minnetonka, Minnesota. At age 14, I moved away from my family to Texas to train with Bela Karolyi. I progressed rapidly through the ranks—becoming a world-class, elite gymnast for Team USA, competing for our country at international competitions, including the Pan American Games, World Championships and as an alternate for the 1988 Olympic Games in Seoul, South Korea.

After my years on the U.S. national team, I earned a gymnastics scholarship to UCLA. It was there, under the guidance of coach Valorie Kondos-Field, I began to realize I wanted to make a positive impact on the lives of athletes. After competing for UCLA, I worked as a student-assistant coach for UCLA two years--and that's when my "lightbulb" moment occurred. My purpose came into focus---I wanted to help young women achieve their goals and dreams.

I spent 19 years coaching NCAA Division I gymnastics. Thirteen of those years were spent as the head coach of the University of Florida, where I led teams to three back-to-back NCAA Championship titles.

When I was coaching at the collegiate level, I was fortunate enough to work with Olympians, World and Pan Am champions, elite national team members and Junior Olympic champions. I believed with honesty, integrity, hard work and encouragement, the amazing athletes will shine, and they did. During this time, I also realized the greatest gift I could give any athlete was compassion and understanding. I was able to relate to and understand what the athletes were going through, because I had lived it.

The primary reason I decided to accept a position with USAG was to recommit my heart, energy and passion to elite gymnastics. I felt the time was right to take everything I had learned and experienced during my gymnastics life to help guide and care for our U.S. athletes. I determined that my life had come full circle and I was being called to USA Gymnastics to be an advocate-- a compassionate voice to make an impact and help bring positivity to what is often times a very tense and stressful environment. Many throughout the gymnastics community, including those who have written character and reference letters to the Senate Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security, which letters are attached to this Written Testimony as Appendix 1, strongly believe I was successful in my endeavors.

## **Statement of Events and Circumstances.**

I was hired by USAG as Senior Vice President of the Women's Program on May 11, 2015. My duties were to focus on the elite program consisting of gymnasts attempting to make the United States national team as well as representing the USA in international competitions, and also to develop young and junior Olympic athletes. I was to report directly to Penny. I was provided with the assistance of a women's programs coordinator, a junior Olympic program director, and a director of athlete and coaches programs, but I was not provided assistance with

communications, which I had to do myself while traveling extensively and focusing heavily on the competitions and training camps I attended.

I had never met Nassar, although because he was known for being very knowledgeable of the treatment of gymnastics injuries, I had reached out to him to provide consultation on the treatment of one of the athletes I coached at the University of Florida. Shortly after I arrived at USAG, Nassar contacted me to explain his role as a member of the medical staff of the national team.

Within two weeks of accepting employment with USAG, I attended the American Classic competition and my first national team training camp at the Karolyi Ranch in Texas from May 28, 2015 to June 7, 2015. I returned to Indianapolis, where, on June 17, 2015, I received a text message from Sarah Jantzi ("Jantzi"). It should be noted that I no longer have the phone I used in 2015, and I currently do not have access to or copies of the texts or phone logs from that phone; however, I still have copies of some of the written notes I made contemporaneously during certain events described herein, and I still have some of the emails I reference in this Written Testimony, and when pertinent, I make reference to and attach to this Written Testimony copies of such notes and emails.

Jantzi texted me that she had a concern and wanted me to call her, which I did right away on June 17, 2015. Jantzi told me during the call that the gymnast she coaches had told her of three uncomfortable encounters of therapy with Nassar. Those encounters involved the gymnast being massaged in her groin area and too close to her vagina for the knee injury treatment she was supposed to be receiving. According to Jantzi, the encounters took place at the 2013 World selection camp and the 2015 Italy selection camp. Additionally, the gymnast had reported that Nassar sent her a private message through a social media application that said the gymnast looked beautiful in her prom dress, which made the gymnast uncomfortable.

I asked Jantzi during this call if she had heard of any other gymnasts with similar experiences, and although she was initially reluctant to tell me of any others, I pressed her for additional information and she ultimately told me that two other gymnasts may have felt uncomfortable. As reflected in the notes I took at the time of our conversation, which are attached as Exhibit A, Jantzi described the feelings of the gymnasts as "the uncomfortable factor."

I told Jantzi I would report these concerns to Penny. I immediately called Penny and told him in detail about the concerns Jantzi shared with me. Penny told me he would call Jantzi and the parents of the gymnasts right away. He told me not to say anything or do anything because he was going to handle everything going forward and he told me he was going to report the concerns to the proper authorities, which I assumed included law enforcement.

I followed up the same night, June 17, 2015, with Jantzi to make sure that Penny had called her. She confirmed he had, and that he had told her that he would handle everything and

would report the concerns to the authorities, as she indicates in her statement of her recollection, attached hereto as Exhibit B.

I was in Gainesville, Florida from June 21, 2015 through June 28, 2015. On June 24, 2015, Taylor Rathke (the former USGA Women's Program Coordinator) and I received an email from Nassar concerning his travel arrangements to the World Championship selection camp. I forwarded the email to Penny and asked him how to respond. Penny responded that I should let Nassar know that I would get back to him after the Pan Am Games. I assumed this was because he had been reported to authorities or may not be traveling based on the concerns that I had raised with Penny.

I traveled to the National team camp at the Karolyi Ranch in Texas on June 29, 2015. I was approached by Jantzi, who said she believed from her conversation with Penny that she was not to talk about Nassar, but that Jantzi had heard about another gymnast that had been massaged oddly by Nassar. I immediately emailed Penny to tell him of this additional report from Jantzi (Exhibit B-1, which has been redacted only to hide the name of the gymnast who wished to remain anonymous). Penny called me after training was over for the day and said he would make contact with the gymnast or her parents and would handle everything. Penny said I was not to discuss this and instructed me to focus only on the Pan Am selection camp and the upcoming competition.

I next traveled to the Pan Am Games in Toronto, Canada, where I stayed from July 5, 2015 through July 16, 2015. Unknown to me at the time, on July 11, 2015, a private investigator hired by USAG interviewed the gymnast coached by Jantzi. According to statements later revealed by USAG, the investigator did not determine sexual abuse could be definitively established.

On July 13, 2015, while still at the Pan Am Games, I received an email from Penny informing me that an interviewer was interviewing three athletes about Nassar, whom he described in the email as Athletes A, B and C. He did not identify the athletes, but I knew who they were because he indicated the cities where they were being interviewed, and I recognized those as the cities where the athletes lived. Penny wanted me to reach out to Athletes B and C to line up interviews without involving their parents or coaches because they were "adults." He told me in the email, a copy of which is attached as Exhibit C, "if they had to involve someone, the preference would be parents." He instructed me not to tell them the subject of the interviews and to exclude parents and coaches. At the time, I was still under the impression that there was a law enforcement investigation.

I was upset and confused by the email. I did not want to ask the Athletes to be interviewed while excluding their parents and coaches. I therefore refused to contact the Athletes as instructed by Penny. I later made a note at the bottom of the email from Penny

(Exhibit C) that summarizes what I said to Penny at the time we discussed the email on July 14, 2015.

I flew back to Indianapolis on July 16, 2015, and then flew to Orlando, Florida to visit my family from July 17, 2015 through July 20, 2015.

On or about July 18, 2015, I received a call from Aly Raisman ("Raisman"). Raisman told me she had been interviewed by an investigator. She said she was rattled by the interview and forgot to tell the investigator about McKayla Maroney ("Maroney"). I asked Raisman what she knew about Maroney. Raisman said that Maroney had been penetrated by Nassar's fingers during a therapy while she was at World Championships in Japan in 2011. Raisman told me that Nassar would text Maroney to come to his hotel room for private treatments. Raisman also told me that she felt bad that she didn't speak about this earlier, but Maroney didn't want anyone to know. Raisman wanted to share the additional information with an investigator, but only told me about Maroney's experience with Nassar—she did not tell me of any experience she herself had with Nassar, other than that he was "creepy" or made her feel uncomfortable. I told Raisman I would report Maroney's experience to Penny right away, which I immediately did. I told her Maroney's experience would be added to the investigation.

Penny asked me to text Raisman to ask if Maroney would talk to an investigator. I texted Raisman, and Raisman indicated Maroney would be willing to talk to an investigator. Penny indicated he would talk to Maroney and handle all communications to coordinate the interview.

Raisman has recently said that she told me in detail about her own experiences with Nassar, but that is not accurate. Based on my own clear memory and the notes I took contemporaneously with our conversation, a copy of which is attached as Exhibit D, Raisman only mentioned Maroney's experience with Nassar, not Raisman's.

I was invited in an email from Penny dated July 19, 2015 to attend a July 20, 2015 meeting at Baker and Daniels [sic] law firm in Indianapolis (attached as Exhibit E). I flew to Indianapolis from Orlando and went straight to the meeting from the airport. Scott Himsel, an attorney from Faegre Baker and Daniels was present. There may have been another attorney there, but I don't know for sure. I know Penny was there. It was determined that Nassar should not attend the upcoming Classic meet.

The next day, July 21, 2015, Penny and I called Martha Karolyi and Penny told her that Nassar was not going to be at the Classic Meet on July 23, 2015. Penny also told Karolyi that Larry won't be there because he is being investigated for his treatment techniques. Penny told Karolyi that we are not telling anyone why Nassar will not be attending. Martha responded with shock and wanted assurance that there would be a doctor on site for the meet.

Later on July 21, 2015, I received an email from Penny addressed to Peter Vidmar, Jay Binder, Paul Parilla, Ron Galimore, Renee Jamison and me, with copies to Scott Himsel and

Daniel Connolly, a copy of which is attached as Exhibit F. In the email, Penny instructs us that we are not to have any further communication or discussion about Nassar until further notice. The email summarized the points that Faegre Baker and Daniels would have with Nassar, and it contained a directive to be delivered to Nassar not to attend the Classic meet. The email indicated the attorneys would be handling everything.

I have no idea what was actually said to Nassar. I had no involvement in the contact with him.

On July 22, 2015, Penny forwarded me an email (attached as Exhibit G) that Nassar had sent to Himsel. The email contained a link to a Dropbox account that contained a video demonstration of a technique used by Nassar to treat gymnasts. My impression is that Nassar was sending the video to show that Nassar's techniques were not improper and were helpful and accepted. I was shocked that Nassar would present an "educational video" of a partially naked gymnast being touched in very intimate areas. I did not, however, witness any penetration or obvious sexual acts.

I attended the US Classic meet from July 23, 2015 through July 26, 2015. Penny was not there. Gina Nichols approached me in the hotel after the competition was over and asked me to please not let Karolyi know that it was Gina's daughter who reported concerns over Nassar's treatment. In order to respect Gina's request of anonymity, I didn't disclose such information to Karolyi.

Unknown to me at the time, an investigator met with Maroney on July 23, 2015. The investigator reported to Penny (unknown to me at the time) that Maroney presented a clear sexual assault claim. As a result of this report to Penny (and again, unknown to me at the time), Penny reported Nassar to the FBI on July 27, 2015. It is now my understanding that the FBI took over from there, relieved Nassar of his duties and handled all aspects of the investigation from that point forward.

I was not privy to anything concerning the FBI investigation. Lynn Raisman, Raisman's mother, emailed Penny and me on August 20, 2015, seeking an update on the investigation. Her email is attached as Exhibit H. Lynn mentions that Nassar sent a congratulatory text to Raisman and that Raisman had responded, "thanks." Penny said that he would respond to Lynn. I do not know how he responded since I was not copied on any response.

On August 27, 2015, Lynn Raisman again emailed Penny and me seeking an update. She mentioned that her daughter would be willing to speak to the FBI but suggested that the meeting take place in Massachusetts so it wouldn't affect her daughter's training schedule. A copy of the email is attached as Exhibit I. Penny responded to Lynn, saying he was reconnecting with the FBI and would keep her posted.

Lynn emailed again on September 4, 2015, requesting an update (email is attached as Exhibit J). I don't know if Penny responded to her, but I was instructed by Penny not to have any contact or to discuss Nassar, even internally among USAG staff. I would often ask Penny what was going on with the Nassar investigation, but he would tell me he couldn't talk about it.

On September 28, 2015, Penny emailed me (copy attached as Exhibit K) and told me to monitor Nassar's Facebook page. He gave no explanation for this request. I did this only on September 28, 2015, saw nothing remarkable, and advised Penny of such.

On February 28, 2016, I was told by Karolyi that Nassar was requested by USAG to be a guest lecturer at a gymnastics Congress. I immediately inquired with Cheryl Jarrett, Vice President of USAG Member Services, who confirmed this was true via email (copy attached as Exhibit L). I told Jarrett that Nassar had been dismissed and to call Penny. I assume that Penny was contacted and handled it.

On November 21, 2016, I received text messages from Gina Nichols, questioning me about not reporting her daughter's incidents with Nassar. I replied via text that I had notified Penny immediately. I then texted Penny and he replied to me that he notified the FBI and put them in touch with Gina. I have attached screenshots of the referenced texts as Exhibit M, but they are not all chronological and are hard to read.

### **My Firing.**

Kerry Perry ("Perry"), current President of USAG, having replaced Penny in December, 2017, called me on May 17, 2018, while I was attending a national team training camp in Tennessee. During an otherwise uneventful call, I told Perry that I was invited to speak to members of the US Senate about USAG and safety issues for gymnasts. I advised Perry that Chris Tebo (the newly appointed chief legal officer of USAG) had suggested I decline the invitation. Perry acted like she was surprised to hear that if I declined the invitation, I would be subpoenaed. She put me on hold, then came back to the phone and told me to immediately return to Indianapolis. I told her I was in the middle of a national team training camp and could not abandon the gymnasts. Tebo then got on the phone and told me I was being asked to resign. I refused to resign.

On May 18, 2018, USAG published a public statement that I was no longer employed with USAG. Their publication said only that it was a personnel issue they wouldn't discuss. I received no warning and no explanation for my firing.

Up to the last minute of my job at USAG, I was doing everything in my power to provide guidance, care and concern for the gymnasts and coaches that comprise USAG. Every action I did take was intended to benefit the athletes and coaches and was done in reliance on the representations that were made to me that the incidents I immediately reported to my superior were being properly acted on and were being promptly passed along to the proper authorities.

### **Where Do We go From Here?**

Not only would I like to be a part of a solution that prevents the tragic harm that has occurred, but I was in the process of implementing new policies intended to protect our gymnasts at the time of my firing. For example, in late 2016 or early 2017, I implemented a chaperone program at USAG that required young female gymnasts who travel abroad to be accompanied by a chaperone vetted and hired by USAG. I also suggested that USAG pay for the parents of minor female gymnasts to accompany them abroad, when under prior policies, credentials and access was not even permitted for chaperones at the Olympics or World Championships and gymnasts may have only been accompanied by their coach. It surprised me to have received resistance to these common sense ideas from USAG, but eventually I did see some success with this plan. I would strongly suggest going forward that a chaperone program be developed and regulated, including the development of written materials and guidelines for the chaperones.

Additionally, I would strongly recommend that parents of the gymnasts be provided more direct involvement and a presence at gymnastic meets and functions. This would not only help assure protection to the gymnasts, but also help to develop a stronger support network for them.

I also began the implementation and even began site planning for a facility that could safely serve the gymnasts as an alternative to the Karolyi Training Ranch. Obviously, there was going to be a high cost and other factors to consider, but I strongly believed and continue to strongly believe that it is essential to plan a national training facility that can integrate safety and security, proper health and medical care and nutritional and wellness development.

I would very much appreciate the opportunity to discuss these and other ideas I have to help promote the safety and security of our gymnasts.

Thank you very much for your attention, and for working toward finding solutions to prevent similar tragedies from ever arising again and for helping the innocent survivors to heal.

***[Exhibits and Character and Reference Letters to Follow]***

# Exhibit B

July 2, 2015

Ms. Fran A. Sepler  
Sepler & Associates  
[REDACTED]  
Minneapolis, MN 55416

Re:

Dear Fran:

An athlete has made allegations of improper conduct in her medical treatment by a team physician. We would like to retain you to acquire a fuller view of the material facts than we presently have. Accordingly, I would appreciate your agreeing to investigate the situation consistent with the terms outlined below.

You agree to provide a neutral and impartial investigation into the complainant's allegations and other matters reasonably necessary in order for you to provide factual findings. You will make appropriate independent decisions about the conduct of your investigation. You will conduct the investigation in conformance with USA Gymnastics Bylaws applicable to the conduct of investigations. You agree to provide factual findings that are sufficient for USA Gymnastics to assess the nature of any risk of liability and on the nature of any conduct that could benefit from training or other remedial attention. We are not asking you to make any conclusions. Your role is exclusively in the area of finding facts and making findings as to what has occurred. You agree to avoid any instructions to non-managerial employees to refrain from discussion of the matter under investigation with other non-managerial employees, although you may inform them of the possible consequences of doing so with regards to the integrity of the investigation. You have also agreed to keep the subject of the investigation confidential as to third parties, but will provide a report of your investigation to Faegre Baker Daniels, counsel for USA Gymnastics.

Although you are not being asked to make any conclusions as to the legality of the conduct under investigation any sort of recommendation, it is conceivable that you might form mental impressions that are distinct from the facts you obtain. Please keep any notes relating to factual matters physically separate from any notes of your mental impressions.

You agree to provide the services covered by this letter at a rate of \$ 275.00 per hour. You will be reimbursed for expenses that are not ordinary and regular expenses in your business. You will be paid at your hourly rate for services provided to us, and agree to be reimbursed only for travel expenses, not for travel time. You agree to keep all information relating to clients and client projects secure and confidential, including but not limited to the identities of clients and other persons and organizations involved in client matters, legal or factual issues, and data involved in projects on which you are working. You agree that, as part of maintaining security and confidentiality, you will work on this matter only on computer system(s) having up-to-date protection—such as anti-virus programs and firewalls—against malicious code and other unwanted intrusions.

You will exercise your best efforts and judgment in the performance of work covered by this Agreement, but you are responsible only for the delivering an end-product in a professional and timely manner. You are an independent contractor, not an employee; you are free to take on,

Ms. Fran A. Sepler  
July 2, 2015  
Page 2

and have in fact taken on, other projects or employment of a similar or dissimilar nature. You, not we, have responsibility for all insurance coverage, tax payments, and regulatory compliance related to your labor.

You agree to invoice Faegre Baker Daniels every thirty days or, if it is sooner, upon completion of the investigation. Your terms are 30 days net, and finances accrue to unpaid balances. I understand that there may be subsequent charges related to obligations related to this investigation, such as testimony or additional report writing. Should this be the case, invoices will be submitted to me on a monthly basis.

We will endeavor not to interfere with your investigation, but it will continue to operate in a normal manner as much as reasonably possible. If a conflict develops between ongoing operations and your investigation, you will advise me of the problem and your recommended solution.

You will be provided with a confidential contact within the organization, which will assist at your direction in making arrangements for interviewees, interviewing space, and other logistical support.

Sincerely,

Daniel J. Connolly

# Exhibit C

**HEARING BEFORE THE UNITED STATES SENATE COMMITTEE  
ON COMMERCE, SCIENCE AND TRANSPORTATION  
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY,  
INSURANCE AND DATA SECURITY**

June 5, 2018

**STATEMENT OF SCOTT BLACKMUN**  
Former CEO, United States Olympic Committee

**I. INTRODUCTION**

Chairman Thune, Subcommittee Chairman Moran, Ranking Member Blumenthal, and distinguished members of the Subcommittee, thank you for the opportunity to submit this written testimony for the Subcommittee's hearing on "Preventing Abuse in Olympic and Amateur Athletics: Ensuring a Safe and Secure Environment for Our Athletes." Unfortunately, because of circumstances related to my health, I will not be appearing to testify in person.

I served as the CEO of the United States Olympic Committee (the "USOC") from January 2010 through February 2018. In addition to my eight years as CEO, from 1999 through late 2001 I was employed by the USOC in a variety of capacities, including general counsel, deputy executive director, chief of sport and acting executive director. From 1992 to 1998, I represented the USOC on commercial matters as a lawyer in private practice.

As human beings, we should all be ashamed of the existence of sexual abuse. It is abhorrent in any setting. But the case of Larry Nassar is especially abhorrent. He had hundreds of victims and his victims included children. His abuse went undetected not just for years, but for decades. The abuse happened in sports, which are meant to bring out the best in us, not the worst. And perhaps most abhorrent, within the community of his victims, he occupied a position of the highest possible trust. He wore a badge of trust given to him by everyone who licensed him, hired him or credentialed him.

I am deeply sorry for those who were harmed and horrified that this happened on my watch. The suffering and brave testimony of the victims and their families will be a painful memory for the rest of my days. Like millions of others, I applaud the courage of the athletes who have come forward. I believe the USOC is responsible for leading the efforts of our National Governing Bodies (“NGBs”) to protect their athletes from abuse, efforts which failed in this case. I am profoundly sorry for this failure, and I am grateful to the Committee for addressing this problem and considering additional steps that can be taken to ensure the safety of America’s Olympic and Paralympic athletes and hopefuls.

In this testimony, I would like to address three issues. First, I believe it is important to understand the relationship between the USOC and its NGBs, which oversee each sport and have direct relationships with the athletes and coaches. Second, I will discuss the significant programmatic changes that the USOC made both before and after anyone was made aware of the extent of Nassar’s crimes. Third, I will address questions that have been raised regarding the USOC’s knowledge and actions relating to USA Gymnastics and Nassar.

## **II. THE USOC AND THE NGBs**

Under the Ted Stevens Olympic and Amateur Sports Act (the “Act”), the U.S. Olympic Committee is tasked with overall governance and coordination of Olympic sports in the United States. As part of its responsibilities, the USOC is authorized to designate a National Governing Body for each sport on the program of the Olympic and Pan American Games. The USOC is also one of only four National Olympic Committees in the world that oversees Paralympic sport in its country. The USOC takes that role very seriously and extends the same safe sport protections to Olympic and Paralympic athletes alike.

The USOC also has the authority to establish responsibilities and obligations that must be met by an NGB as a condition of being designated as an NGB. The NGBs are independent entities with their own missions and their own governance and management structures. They not only need to satisfy requirements established by the USOC, but they need to abide by responsibilities and obligations established by the respective international federations that oversee each sport. The USOC does not have the right to direct or control the day-to-day management and affairs of an NGB. Although the USOC can exert influence on NGB decisions, it does not have the legal authority to fire the CEO of an NGB or to require an NGB to fire or suspend a coach. Unlike professional leagues and the NCAA, it does not have the authority to suspend coaches, teams or athletes and does not have the authority to fine wrongdoers. Unlike teams in professional leagues, which exist only in order to compete in the league, NGBs have a reason for being that is completely independent of the USOC, and their priorities may have nothing to do with the Olympic games or the Olympic movement.

Both in the United States and in the rest of the world, NGBs exist to oversee and grow their sports in their countries. In the United States, there are currently 49 separate NGBs, for sports ranging from gymnastics, swimming and skiing to curling and team handball. Seven of the NGBs are responsible for sports that are part of the Pan American Games but not the Olympic Games. Each NGB is an independent non-profit organization established under state law. The resources and capabilities of the NGBs vary significantly. Some have budgets of less than \$1 million; others have budgets that exceed the USOC's. Some NGBs have more than a million members who participate in their sport; others have fewer than 1000. Some NGBs care deeply about the Olympic Games and regard it as their most important competition; others regard the Olympic Games as less important and not of competitive or strategic importance.

Each NGB seeks to promote participation in its sport and is responsible for selecting and training national teams which compete in international competition. Some of those teams train at the two USOC-controlled facilities (Colorado Springs and Lake Placid), but most do not. Olympic athletes in each sport are chosen based upon criteria established by the individual NGB and approved by the USOC. The U.S. Olympic Committee has a role in credentialing NGB athletes and coaches who are members of the Olympic Team, but only during the two-week period of the Olympic Games every four years. The U.S. Olympic Committee does not employ individual-sport coaches or physicians. But at its training centers it does have multi-sport coaches and physicians on its staff (strength and conditioning experts, nutrition experts, etc.), who are made available to NGBs.

Unlike most countries, the United States does not have a sports ministry that provides financial and other support for elite sport. The USOC's budget of approximately \$250 million per year is funded privately from broadcast rights income, sponsorship income and philanthropy. A substantial majority of the USOC's expense budget is dedicated to direct financial support of NGBs and American athletes (grants) and to sports programming for the benefit of American athletes (Olympic training centers, sports medicine resources, sport science resources, nutrition resources, strength and conditioning resources). One of the USOC's priorities is to help American athletes win medals at the Olympic and Paralympic Games, and its sports performance resources are allocated with that in mind. But the USOC also invests substantially in programs that are not related to medal counts, but instead exist to protect and support athletes (e.g., safe sport, athlete career and education services, and media). The administration costs of the USOC are less than 7% of its budget.

The USOC has gone back and forth for years over how to balance its oversight and support of the 49 NGBs. The USOC regularly conducts audits of NGBs to ensure compliance with the requirements of the Act and the USOC's bylaws, including requirements related to programs to combat sex abuse. When the USOC becomes aware of noncompliance, whether through the audits or otherwise, it does not have the statutory or other authority to mandate operational changes. Other than its powers of influence and persuasion, it has only two levers: take away an NGB's designation as an NGB or, for those NGB's that receive USOC funding, withhold funding. Both options have potentially serious negative consequences for the athletes participating in the sport, and for that reason the USOC has exercised those options only rarely. Specifically, decertification could leave a successor NGB with no sponsors, no donors, no member database, no volunteer database, and no membership in the applicable International Federation, yet with no assurance that the same coaches and administrators would not inhabit the new organization. Decertification does not generally fix problems. There is not a bullpen of qualified organizations waiting to take over the responsibilities of a National Governing Body. Finally, I should note that it is not only the USOC that has the right to bring an action for decertification. Under the USOC's bylaws, third parties have the right to initiate those proceedings as well.

The bottom line is that, because of the structure of the Olympic Movement, the USOC did not employ Nassar, nor did it have any regular contact with the athletes whom he abused. Leaving aside the millions of Olympic-sport athletes who are not at the national team or elite level, there are thousands of national team athletes in the United States who are supported by thousands of coaches, physicians and trainers. The USOC has a number of important duties, but it does not directly screen or manage NGB staff and volunteers. What the USOC does do is:

- Generate revenue from broadcast rights, sponsorship and private donations.

- Make financial grants to American NGBs and athletes in support of its mission.
- Manage sport and non-sport programs to support American NGBs and athletes, including programs targeted at abuse.
- Manage the U.S. delegations at the Olympic, Paralympic and Pan American Games.
- Establish requirements and standards that must be met by NGBs, including requirements and standards related to anti-abuse programs.
- Seek to enforce NGB compliance with those requirements and standards.

### **III. THE SAFE SPORT PROGRAM AND THE US CENTER FOR SAFE SPORT**

I took over as CEO of the USOC in January of 2010. During my first three months on the job, we were consumed with the Vancouver Games. When we left Vancouver after the 2010 Paralympic Winter Games, we returned to national news reports of coaches abusing athletes in swimming. It was apparent that fighting sexual abuse had not been a programmatic priority for the USOC. Since that time, however, anti-abuse programming has been one of the USOC's highest priorities, having been addressed at almost every meeting, if not every meeting, of the USOC's board of directors in my tenure.

In the spring of 2010, I formed a working group to develop recommendations regarding sexual and other abuse in sports. The working group consisted of ten people, including athletes, representatives of law enforcement and child welfare experts. The working group was chaired by Nina Kemppel, a four-time Olympian and member of the USOC's board of directors. The working group first presented its 21-page report to the USOC's board of directors on September 28, 2010. The board adopted all six of the working group's recommendations at its next meeting in December of 2010.

In April 2011, the USOC hired a director of safe sport to develop a prevention and education program providing information, training and resources. In the spring of 2012, the U.S. Olympic Committee launched its Safe Sport program, providing all of the resources recommended by the 2010 working group, including training and sample anti-abuse policies for NGBs to implement.

At this point, though, the best practices recommendations developed by the program were just that, recommendations, and not requirements. In December of 2012, the USOC's board adopted a new policy requiring all NGBs, if they wanted to continue to be recognized by the USOC, to adopt an athlete safety program that prohibited all forms of abuse and misconduct, to conduct criminal background checks, to provide education on abuse issues, and to establish reporting and enforcement mechanisms. NGBs were given one year to adopt these policies and procedures only because the changes required member approval in most cases and the members often only meet once per year.

In the meantime, a number of NGBs were expressing concerns about whether they had the expertise, independence and resources to properly investigate and adjudicate allegations of sexual abuse. In 2013, the USOC convened a second working group to evaluate options for case management. The 2013 working group recommended, and in June 2014 the USOC board approved, the creation of an independent entity to investigate and resolve complaints of abuse. The idea was to model this new entity on the U.S Anti-Doping Agency, which has been a success in addressing problems of performance-enhancing drugs. This became the U.S. Center for Safe Sport (the "Center").

The Center did not get up and running as quickly as I would have liked. There were a number of issues that the USOC's board had to address, and that the Center's board had to address

after it first got up and running in January of 2016. These included sources of funding, whether the Center would deal with all types of abuse or just sexual abuse, what the balance would be between enforcement and education, whether the new entity should be wholly independent or under USOC board oversight, and whether liability insurance would be available.

Another issue, which survives today, is whether a program like the Center should cover all youth sport programs, or just those under the USOC's mandate. Abuse exists everywhere. It exists in Olympic sports organizations and non-Olympic sports organizations. The USOC's preference would have been to support, financially and otherwise, an independent entity that had jurisdiction over all youth sports, not just those programs falling under the USOC's jurisdiction. But pursuing that option would have required federal legislation. It is a direction that I hope will be explored further.

Once the Center was created as a legal entity in 2015, the Center's independent board of directors had to be populated. It had its first meeting in January of 2016. And then the Center's board needed to hire a CEO, adopt a budget and finalize the terms of its jurisdiction and funding. The Center opened in March of 2017. I believe that its creation has significantly strengthened the Olympic community's ability to prevent abuse and to investigate and take enforcement action if abuse occurs. The ability to find adequate funding sources will be critical to the Center's continuing efforts to protect athletes. I know the USOC has already doubled its financial commitment to the Center.

The horrific reports of abuse by Nassar should not obscure the commitment that the USOC made to safe sport in 2010, the steady progress that has been made since then, and the significant reforms that have been implemented for the protection of athletes. The Center, which was approved

but was not operational before Nassar, is a game changer that will only get stronger over time as more is learned and more resources are committed.

#### **IV. USA GYMNASTICS**

The Nassar situation was first brought to my attention in July 2015, through a phone call from Steve Penny, who was then the CEO of USA Gymnastics. I cannot recall whether Mr. Penny told me Nassar's name during that call, or whether he just referred to him as the team doctor. Mr. Penny told me that after interviewing three athletes and the team doctor, they were concerned the doctor's "treatments" were not legitimate. Mr. Penny said that he was going to report this to law enforcement, a decision I fully supported. Mr. Penny also told me that the doctor would no longer have contact with athletes. I spoke to the USOC's safe sport staff after talking to Mr. Penny. My understanding was that reporting the doctor to law enforcement was the most aggressive thing that could be done. I also understood that once it was reported, the issue should be left in the hands of law enforcement—we did not want to interfere with their investigation in any way.

In August and September of 2016, the Indianapolis Star published its articles about Nassar. I believe that those articles, along with additional contact by USA Gymnastics with the FBI, spurred the investigation along.

The new information about the scope of the problem made it clear to the USOC's board of directors that USA Gymnastics needed to take a new direction. Our board contacted the board of USA Gymnastics and requested that it ask Mr. Penny to resign. The USA Gymnastics board agreed, and Mr. Penny resigned in March 2017.

The Deborah Daniels report, issued in June 2017, found that there were significant cultural issues within USA Gymnastics. In January 2018, I wrote to the board of USA Gymnastics, detailing the additional governance reform steps that USA Gymnastics needed to take, including

resignation of the entire USAG board. We also offered assistance to USA Gymnastics in implementing the necessary reforms.

In addition, we launched an independent investigation by a national law firm to examine how an abuse of this proportion could have gone on for so long, who knew and who should have known of the reports of abuse, why they were not investigated sooner, and what systemic failures may have contributed to the failure to report. When the investigation is completed, the U.S. Olympic Committee will make its results public.

#### **IV. CONCLUSION**

During my tenure as CEO of the U.S. Olympic Committee, the USOC made anti-abuse programming an organization-wide priority. For the first time, the USOC established minimum compliance standards for NGBs in the area of sexual abuse and created dedicated staff resources to combat sexual abuse. The USOC made free education resources, as well as sample policies, available for use by NGBs and other sports organizations. The USOC created an independent entity, modeled after the U.S. Anti-Doping Agency, to investigate and adjudicate claims of abuse within NGBs. And as Ms. Pfohl described in her testimony to the House Subcommittee on Oversight and Investigations on May 23, the Center has already seen over 800 cases, trained hundreds of thousands of people, issued 169 sanctions and imposed 142 permanent bans.

Unfortunately, these programs came too late to have any effect on Nassar's abuse. And no program can guarantee that there will never be misconduct. I have no doubt that the USOC will continue to work to build and improve programs that are designed to prevent abuse. I appreciate the Committee's efforts to shine light on this problem and to look at ways to enhance the protections for America's Olympic and Paralympic athletes.

I will be happy to respond to any questions members of the Committee may have.

# Exhibit D

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 9/25/2015 2:55:45 PM  
**To:** Larry Buendorf [Larry.Buendorf@usoc.org]  
**Subject:** Confidential  
**Attachments:** Confidential and Privileged - Nassar Notes, Bueny version.docx; ATT00001.htm

Larry,

Attached is a highly confidential document. Obviously this is something that can not be shared with others and until now has only been an internal document. It has been slightly amended from its original intent but gives you a decent overview of the timeline,

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

Begin forwarded message:

**From:** Steve Penny <spenny@usagym.org>  
**Date:** September 25, 2015 at 12:11:13 PM MDT  
**To:** Steve Penny <spenny@usagym.org>  
**Subject:** <no subject>

Confidential Memo

**EXECUTIVE SUMMARY**

USA Gymnastics has recently been made aware of potential sexual misconduct committed against one or more of its national team athletes by a member of its medical staff. Such misconduct allegedly occurred at international competitions held overseas and various locations in the United States. After a preliminary review of the concerns brought forward, USA Gymnastics felt its policies and procedures required a report filed with law enforcement. USA Gymnastics is recognized as a leader in SafeSport, and addresses these allegations in a serious manner.

**Disclosures**

**Initial contact - June 28** – USA Gymnastics CEO is advised by Senior VP for Women’s Program that Athlete A made comments to her personal coach that she was uncomfortable with therapy techniques used by Dr. Larry Nassar, who voluntarily serves as National Women’s Team Physician. The coach reported these remarks and they were forwarded in the appropriate manner to USA Gymnastics executive office per corporate policy.

Within the week, USA Gymnastics secured a private investigator and worked with the parents of Athlete A to arrange an interview. The timing was subject to previous commitments for the PI, the holiday weekend and the availability of parental escort due to work commitments.

**Athlete A Interview – July 11** - Athlete A’s interview was consistent with the information that had been relayed earlier to USA Gymnastics. Athlete A revealed her discomfort with therapeutic touching into the groin/pelvic area, inclusive of pulling and manipulating. This therapy technique occurred in a less than desired manner without a draping towel and Athlete A indicated she had experienced this on more than one occasion. Athlete A identified other athletes who she felt had similar experiences. Athlete A is a current member of the U.S. National Team and a minor.

USA Gymnastics decided to interview Athlete B, who is also a current national team member and an adult.

**Athlete B Interview – July 17.** Athlete B was interviewed by the same investigator. Athlete B has not experienced many treatments with Dr. Nassar, but has been involved in USA Gymnastics senior national team program since 2011. She indicated familiarity with the “technique” and felt the touch was innocent but weird. No digital penetration was reported, but she said Dr. Nassar did engage her vaginal area during the massage. Athlete B identified yet another athlete who had confided with her even more unpleasant experiences with Dr. Nassar.

**Dr. Nassar call - July 22** USA Gymnastics counsel contacted Dr. Nassar and expressed concerns about athletes feeling uncomfortable with his techniques. Counsel explained that it would be in everyone’s best interest for him to not attend a competition in Chicago held on July 26. Dr. Nassar expressed shock and apologized if anyone was offended. He immediately

offered an explanation of his pelvic floor techniques. He shared a series of videos and related materials (PowerPoint slides) that reflect his technique, which are used for training purposes with students. He agreed not to attend the Chicago meet or speak with USA Gymnastics' personnel or athletes.

**Athlete C Interview – July 24** Athlete C was interviewed by the PI, with the report being provided late afternoon on Friday, July 24. Athlete C reported that she was treated many times by Dr. Nassar. While aware of general treatment technique in the pelvic floor, she indicated her treatment was different - rougher, more aggressively pulling in the vaginal area. Athlete C reported digital penetration three times. Thereafter Dr. Nassar frequented her with special attention and even gifts, albeit as small as coffee, etc. Athlete C reported no therapeutic effect, but indicated that Dr. Nassar might be getting some sexual gratification.

**Contact with The FBI – July 27.** Upon learning of Athlete C's interview, the decision was made to report to law enforcement consistent with USA Gymnastics Participant Welfare Policy. Given that the actions are not confined to a single jurisdiction, and that we are part of a federally chartered corporation, the U.S. Olympic Committee, we felt the outreach should go to the FBI and the office in Indianapolis was contacted for a meeting on July 28.

**Meeting with the FBI – July 28.** USA Gymnastics met with the Senior Agent in Charge of the Indianapolis division of the FBI (Jay Abbott) along with two special agents from the office. USA Gymnastics briefed the agents about the circumstances and much of the discussion centered around Athlete C and the proper jurisdiction for investigation. The FBI concurred with USA Gymnastics that there was some question as to how best proceed but also felt that the Bureau was in fact the best place to start. Following this meeting the FBI was to consult with the U.S. Attorney on next steps, but felt strongly that the agency would at the very least conduct an interview with Athlete C.

**Follow-up with the FBI – July 29.** Following advice of counsel in the U.S. Attorney's office, Agent Abbott contacted USA Gymnastics about arranging interview with Athlete C and suggested that the interview could either be conducted in her hometown or Indianapolis.

**Progress since communication with the FBI.** Since this discussion, Dr. Nassar has been advised that the review is still ongoing by USA Gymnastics and that he will not be attending the Championships. This message has been managed in a private manner.

Efforts were made to schedule live interviews with Athlete C pertaining to her specific experience. It took a while but eventually we had a scheduled interview that was altered to be a phone interview. It is my understanding that the FBI office in Indianapolis then forwarded their findings to Michigan.

# Exhibit E

Message

---

**From:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Sent:** 7/29/2015 9:07:20 PM  
**To:** Steve Penny [spenny@usagym.org]  
**CC:** Paul Parilla [pparilla@parillalaw.com]; Scott Himsel [REDACTED] Massa, Gregory R. (IP) (FBI) [REDACTED] Langeman, Michael W. (IP) (FBI) [REDACTED]; Northern, Andrew S. (IP) (FBI) [REDACTED]  
**Subject:** RE: Follow-up communication

Steve,

Certainly respond as you deem appropriate. I don't know if my CDC will have time to review by then.

Jay

--

----- Original message -----

**From:** Steve Penny <spenny@usagym.org>  
**Date:** 07/29/2015 9:02 PM (GMT-05:00)  
**To:** "Abbott, W J. (IP) (FBI)" [REDACTED]  
**Cc:** Paul Parilla <pparilla@parillalaw.com>, Scott Himsel [REDACTED] "Massa, Gregory R. (IP) (FBI)" [REDACTED] "Langeman, Michael W. (IP) (FBI)" [REDACTED] "Northern, Andrew S. (IP) (FBI)" [REDACTED]  
**Subject:** Re: Follow-up communication

Jay,

Thank you again for your response.

As a follow-up, I have spoken with the mother of Athlete C in Southern California and explained the steps we have taken. She was very grateful to hear that the FBI will be willing to interview her daughter and assess the situation. She actually asked a few questions about jurisdiction and without disclosing much I explained things as much as possible and told her that I felt it would be best for her to hear first hand from the FBI how this might go. She is going to speak with her daughter and hopefully get back to me as soon as possible. I also emphasized the benefit of coming to Indy versus agents flying to California. She is going to strongly consider that option.

Lastly, we heard from Dr. Nassar today and were planning to respond. Your reference to the Chief Division Council has paused our response which is important at this time to keep things calm. Respectfully, may we assume that if we hear nothing further by 10am on Thursday morning that we may respond as previously communicated.

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Jul 29, 2015, at 5:44 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:  
Steve,

I concur with your below proposed media statement as provided ("will cooperate") and given the assessment stage of the FBI's involvement, I do not see any issues with your proposed communication to Dr. Nassar.

I have cc'd my Chief Division Counsel in case he determines something to the contrary. I have also cc'd ASAC Greg Massa and SSA Mike Langeman for their information and input if desired.

As telephonically discussed earlier today, an interview of the athlete in question on or about August 13<sup>th</sup> at Indianapolis would be the most advantageous. At the conclusion of that interview, the FBI will determine next steps with referral to the Western District of Michigan and the FBI Detroit Division, if necessary, as per counsel from the USAO here in the Northern District of Indiana. We will also provide an update to you at that time.

Jay Abbott  
SAC Indianapolis

**From:** Steve Penny [mailto:spenny@usagym.org]  
**Sent:** Wednesday, July 29, 2015 4:38 PM  
**To:** Abbott, W J. (IP) (FBI)  
**Cc:** Paul Parilla; Scott Himsel  
**Subject:** Follow-up communication

Dear Jay:

Thanks again for speaking with me today. We greatly appreciate the FBI's assistance and counsel at this time. At this point, I have not heard anything from Athlete C and will keep you posted.

Below are two pieces of our communication strategy moving forward. We wanted to share them with you for your quick review to be sure they are consistent with FBI preferences. Please let me know if you concur with our messaging.

Also, we believe we should communicate with our investigator Fran Sepler that we have reported to the FBI, and that at this point we await next steps based on feedback we receive from the bureau.

**Proposed media statement should one be necessary:**

*USA Gymnastics has become aware of concerns related to certain athlete treatment. Following a preliminary review of the circumstances, we have determined that reporting such matters to law enforcement was consistent with the organization's policies and procedures. USA Gymnastics places the safety of its athletes at the forefront of our efforts, and it will cooperate with law enforcement and address any further concerns brought to our attention.*

The question here Jay is whether or not we should say "will cooperate" or "is cooperating"?

Below, you will find the email trail to/from Larry Nassar. Consistent with our discussion, we do not plan to suggest legal counsel, however we want to notify him that our review is ongoing.

**Proposed draft email to Dr. Nassar**

Dr. Nassar:

*Thanks for the invitation to meet, however we have not yet reached that point in our review. Previously you had expressed your wish that this review be concluded before Championships in Indianapolis (beginning August 13). Unfortunately, the review will not be concluded by that time. Because the review is on-going, USA Gymnastics has determined that it is in everyone's best interest that you not attend USA Gymnastics events or communicate with USA Gymnastics athletes and personnel until further notice. In addition, we suggest that prior to Championships that Ron Galimore will once again advise the medical staff (the Athlete Care Coordinator) that you cannot attend for personal reasons, unless you prefer a different approach that we are prepared to discuss.*

*Please advise whether Ron may do so. Thanks again for the information you have already provided. We appreciate your patience and cooperation.*

**From:** Larry Nassar [mailto:larry.nassar@gmail.com]  
**Sent:** Tuesday, July 28, 2015 9:02 AM  
**To:** Himsel, Scott D.  
**Cc:** Connolly, Daniel J.  
**Subject:** RE: USA Gymnastics

Thank you for your response. I just would like to move this forward as quickly as possible to resolve the situation. I appreciate you efforts in this matter.

Larry

On Jul 28, 2015 8:48 AM, "Himsel, Scott D." [REDACTED] wrote:

Dear Dr. Nassar:

Thank you for your email. And I am sorry that I was delayed in getting back in touch with you. I was tied up all day yesterday with a client and anticipate that I will be again today. I will get back to you shortly.

Best wishes,

Scott

Scott D. Himsel

*Partner*

[REDACTED] [Download vCard](#)

**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

**From:** Larry Nassar [mailto:larry.nassar@gmail.com]

**Sent:** Monday, July 27, 2015 9:22 AM

**To:** Himsel, Scott D.

**Cc:** Connolly, Daniel J.

**Subject:** Re: USA Gymnastics

Dear Scott,

I hope you had a good weekend. I would like to try and meet with you in Lansing and discuss this as soon as possible. In the mean time, I would like to know more specifics of the treatment in question. If I can retrieve any documentation of this encounter with the gymnast, I would like to review it and send any documentation to you. Please, let me know what else I can be doing to help with this situation. I appreciate your efforts.

Larry

**From:** Larry Nassar [<mailto:larry.nassar@gmail.com>]

**Sent:** Thursday, July 23, 2015 9:57 AM

**To:** Himsel, Scott D.

**Cc:** Connolly, Daniel J.

**Subject:** Re: USA Gymnastics

Dear Scott,

I got messages from Debbie Van Horn and Dr. Brooke Lemmen about classic. Brooke and I were driving together to the event. I stayed with the story of that I am nauseated, not feeling well and staying home. I actually do have cellulitis in my left foot and I am on antibiotics for it and Dr. Lemmen has even examined my foot, so she knows about it first hand. So, the story works. I get messages all the time from gymnasts/coaches/parents as you can imagine. So, I promise to stay with the story and not discuss this with anyone as we stated earlier (except my wife, Stefanie, she knows of course). I hope you get a chance to look at the drop box information. Please let me know if you have any questions over it. I think it is important to have this completed before P&G Championships. This is extremely difficult and i am very disappointed in myself for not being better at explaining my treatments but I always talk to the athlete and get feedback while doing these treatments since they are in a sensitive area. I know I am slowing down, I just want to get through 2016 and be done. I am tired. 30 years is a long time working at this intensity and in such a personal sensitive nature with tens of thousands of encounters with adolescent females. It is one thing to see them in the "sterile,professional" doctor's office with their parent present. It is another to do the same treatments with no parent present, in a common lounge room or training room. There are always other people present and all is done out in the open. Actually, when you think about it, it is an amazing accomplishment to have gone 29 years on the national team without a single complaint about my treatments. I wanted to stop after 2012 but Martha Karolyi decided to go another 4 years. These past few years have been a huge struggle for me and I wish I had stopped in 2012. I have been training 2 female doctors to take my place, Dr. Green and Dr. Lemmen. I do not want to place another male in the same situation I have had to deal with for so long. I am an osteopathic physician and touching/manipulating people is my profession. I do not want to become that "old doc" that lost his touch. This has been a wake up call for me to get back on my game better and to be even more careful and more detailed to my explanations for all my treatments. It is hard enough explaining things to adults, let alone children who are miles away from home/parents.

Thank you again for your time,

Sorry about my ramblings

Larry

**From:** Larry Nassar [<mailto:larry.nassar@gmail.com>]

**Sent:** Wednesday, July 22, 2015 7:38 PM

**To:** Himsel, Scott D.

**Cc:** Connolly, Daniel J.

**Subject:** RE: USA Gymnastics

Thank you. That just makes more sense and honestly since your phone call i have been feeling sick. This hurts beyond hurt.

Thanks again, i do appreciate it.

On Jul 22, 2015 6:58 PM, "Himsel, Scott D." [REDACTED] wrote:

Dr. Nassar:

We'll let Ron know to advise people that you weren't feeling well and decided to stay home. Thanks for your response.

Best wishes,

Scott

Scott D. Himsel

*Partner*

[Download vCard](#)

**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

**From:** Larry Nassar [<mailto:larry.nassar@gmail.com>]

**Sent:** Wednesday, July 22, 2015 6:51 PM

**To:** Himsel, Scott D.

**Cc:** Connolly, Daniel J.

**Subject:** Re: USA Gymnastics

Scott,

Can we just say that i am sick? That would make more sense to everyone. Would that be ok?

On Jul 22, 2015 2:23 PM, "Himsel, Scott D." wrote:

Dr. Nassar:

Thanks again for sending the drop box materials; they are extremely helpful. Also, this evening or tomorrow Ron Galimore will let the medical team know that you have advised USAG that you will be unable to attend the Classic this weekend.

Best wishes,

Scott

Scott D. Himsel

*Partner*

[Download vCard](#)

**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

**From:** Larry Nassar [<mailto:larry.nassar@gmail.com>]

**Sent:** Wednesday, July 22, 2015 11:51 AM

**To:** Himsel, Scott D.

**Subject:** Re: USA Gymnastics

Dear Scott,

Thank you for your call today. I feel horrible that I have made somebody feel uncomfortable with this. I try to explain my treatments and ask the gymnasts and get feedback from the gymnasts as I am treating them to make sure they are ok with what I am doing. I always feel that I communicate well with them to make sure they are comfortable with my treatments since I am touching them in sensitive areas. I have not had any complaints in the past and I feel horrible that I offended someone.

The pelvic floor is an issue with gymnasts since they have stress urinary incontinence. They urinate with tumbling and vaulting do to the high stress on the body. I discuss this problem and try to help those with this problem and the pelvic floor strength helps with core strength too. So for back injuries I encourage the use of the pelvic floor to enhance core stability. The pelvic floor and sacrotuberous ligament is another factor for the back and the hamstring and kinetics of the lower extremities. I have sent you a link to the drop box where I have many of my videos and power points on these techniques. One of the videos is from the 1990s from a VHS tape that was sent out through the United States Elite

Coaches Association to all members of the association to help with the education for hamstring strains. In 4/29-30/2010 I was the Key Note Speaker for the Pacific Rim Gymnastics Championships Sports Medicine Conference, and had 2 hours to lecture on "The role of the Sacrotuberous Ligament in Gymnastics" in Melbourne, Australia. I have made videos for the Romanian Gymnastics physiotherapist for Romanian Olympian Larissa Iordache and you will see these videos too. I have tried to design a leotard with support this problem too and you will see templates of that.

I hope the information I sent to you by drop box helps you understand. The bottom line is that I offended someone and I feel horrible. I can not apologize enough. Please, let me know if you have any questions regarding the drop bo link that I sent and the information contained.

Thank you again for your assistance in this situation

Larry

On Wed, Jul 22, 2015 at 10:52 AM, Himsel, Scott D. [REDACTED] wrote:

Dr. Nassar:

Thanks again for taking our call this morning. As I noted, we are lawyers who were contacting you on behalf of our client USA Gymnastics and with the approval of the Chairman and Vice Chair of USA Gymnastics' board of directors. As we explained on the call, USA Gymnastics has been made aware of concerns regarding some of your therapy techniques, and that athletes are uncomfortable with certain areas of their bodies that are being treated. These concerns are being reviewed, and USA Gymnastics has decided that it is in everyone's best interest that you not attend the Secret US Classic in Illinois this weekend. As we mentioned on the phone, I am sure you can appreciate as a medical professional that in today's atmosphere, we need to address these concerns thoroughly and discreetly. We understand from our call that you will not attend the Secret US Classic this weekend. USAG will make alternative arrangements. At the earliest appropriate point, we will contact you with additional information and to get your perspective.

Let me reiterate that during this period, we respectfully requested that you not communicate with USA Gymnastics' personnel or athletes. We understood that you agreed to this request. We suggested during the call that Ron Galimore advise the medical team that you are not attending the Classic for personal reasons. Ron will now proceed to do so.

You mentioned that you could send me some links regarding your medical techniques in response to this email. Please feel free to do so.

Thanks again for taking our call, Dr. Nassar, and we appreciate your cooperation.

Best wishes,

Scott Himsel

Dan Connolly

Scott D. Himsel

*Partner*

[REDACTED] [Download vCard](#)

**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA



**STEVE PENNY**

USA Gymnastics

President and CEO

132 E. Washington Street, Suite 700

Indianapolis, IN 46204

p: 317.829.5632 | [usagym.org](http://usagym.org)

USAG\_HR\_O00006305



# Exhibit F

---

**Subject:** Re: USA Gymnastics treatments  
**Date:** Thursday, July 30, 2015 at 2:46:51 PM Eastern Daylight Time  
**From:** Steve Penny  
**To:** Abbott, W J. (IP) (FBI)  
**CC:** Langeman, Michael W. (IP) (FBI), Northern, Andrew S. (IP) (FBI)

Thank you.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Jul 30, 2015, at 2:42 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:

Steve,

As further follow-up, I spoke by telephone with my CDC who concurred with my previous e-mail to you regarding your way forward with Dr. Nasser.

Jay A.

--

----- Original message -----

**From:** "Abbott, W J. (IP) (FBI)" [REDACTED]  
**Date:** 07/30/2015 12:47 PM (GMT-05:00)  
**To:** Steve Penny <spenny@usagym.org>  
**Cc:** "Langeman, Michael W. (IP) (FBI)" [REDACTED], "Northern, Andrew S. (IP) (FBI)" [REDACTED]

**Subject:** Fwd: USA Gymnastics treatments

Steve,

I am engaged in another matter at our Merrillville Resident Agency and unable to call you at this time. I have cc'd SSA Langeman so that he may give you a call at his earliest convenience if the following does not help.

You certainly are able to advise Dr. Nasser as you deem appropriate and we in no way want to hinder that or lead you to believe you must follow an "FBI protocol" though the FBI will not confirm or deny any ongoing investigation OR assessment.

I've also cc'd our CDC in the event he has a different opinion or counsel in this regard.

Jay A.

--

----- Original message -----

From: Steve Penny <spenny@usagym.org>

Date: 07/30/2015 9:16 AM (GMT-05:00)

To: "Abbott, W J. (IP) (FBI)" [REDACTED]

Cc: "Scott D. Himsel" [REDACTED]

Subject: Fwd: USA Gymnastics treatments

Jay,

I am so sorry to continue bothering you with this issue.

I feel like we are going to be making progress on our interview with the athlete. I really had a very good discussion with her mother and am hopeful that I can get them to Indy sooner rather than later.

As you can see below, we have a very squirmy Dr Nassar. Our biggest concern is how we contain him from sending shockwaves through the community. In conversations with Scott, we are trying to make sure that any correspondence with him is consistent with FBI protocol. Right now, we are looking for a graceful way to end his service in such a manner that he does not "chase the story".

Without disclosing to him that we have reported our concerns, I am inclined to want Scott to give him some explanation as to why we need some distance. We just know we are dealing with a unique character here.

Would you have a few minutes this afternoon to discuss or do you prefer we speak with Mike?

Thank you.

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

Begin forwarded message:

From: "Himsel, Scott D." [REDACTED]

Date: July 30, 2015 at 5:34:57 AM EDT

To: Steve Penny <SPENNY@usagym.org>, Paul Parilla [REDACTED], Renee Jamison [REDACTED]

Subject: Fwd: USA Gymnastics treatments

Here is Larry's response. Let's discuss at your convenience.

Scott

Sent from my iPhone

Begin forwarded message:

**From:** Larry Nassar <larry.nassar@gmail.com>

**Date:** July 29, 2015 at 11:24:44 PM EDT

**To:** "Scott D. Himsel" [REDACTED]

**Cc:** "Daniel J. Connolly" [REDACTED]

**Subject:** RE: USA Gymnastics treatments

This does not make sense to me. Please, I would like to have more details of what is happening, who has made the complaint, and what the complaint is. I am confused as to what is happening here.

Thank you,

Larry

On Jul 29, 2015 9:59 PM, "Himsel, Scott D." [REDACTED] wrote:

Dr. Nassar:

Thanks for the invitation to meet, however we have not yet reached that point in our review. Previously you had expressed your wish that this review be concluded before Championships in Indianapolis (beginning August 13). Unfortunately, the review will not be concluded by that time. Because the review is on-going, USA Gymnastics has determined that it is in everyone's best interest that you not attend USA Gymnastics events or communicate with USA Gymnastics athletes and personnel until further notice. In addition, we suggest that prior to Championships that Ron Galimore will once again advise the medical staff (the Athlete Care Coordinator) that you cannot attend for personal reasons, unless you prefer a different approach that we are prepared to discuss.

Please advise whether Ron may do so. Thanks again for the information you have already provided. We appreciate your patience and cooperation.

Best wishes,

Scott

Scott D. Himsel  
Partner

[Download vCard](#)

**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

**From:** Larry Nassar [<mailto:larry.nassar@gmail.com>]

**Sent:** Wednesday, July 29, 2015 6:25 PM

**To:** Himsel, Scott D.

**Cc:** Connolly, Daniel J.

**Subject:** USA Gymnastics treatments

Dear Scott,

I was hoping to hear from you today. I know you have been busy with another client this week but I would like to move forward with this since I will need to be at USA P&G Championships in Indianapolis. I am free Thursday morning (July 30) to talk or Skype from 9am to 11am.

I look forward to hearing from you so we can work together to bring a light to the issue at hand.

Thank you once again for your time and work with USA gymnastics.

Larry

# Exhibit G

---

**Subject:** Re: Follow-up with Athlete C  
**Date:** Sunday, August 9, 2015 at 7:41:02 AM Eastern Daylight Time  
**From:** Steve Penny  
**To:** Langeman, Michael W. (IP) (FBI)  
**CC:** Abbott, W J. (IP) (FBI), Massa, Gregory R. (IP) (FBI)

Mike,

Unfortunately, we received a note from Ath. B that the thought of the interview is just a little too overwhelming for her right now as we head into the event. For now, we have postponed.

Please contact the Athlete C at your earliest convenience.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 7, 2015, at 11:42 AM, Langeman, Michael W. (IP) (FBI) [REDACTED] wrote:

Mr. Penny;

Thank you for setting up the interview with Athlete B. That time will work out perfectly. We will reach out to the Athlete C and find an amenable time for the interview in California.

Thank you.  
Mike

SSA Michael W. Langeman  
Indianapolis Division  
Squad C-8 VCMO/VCAC  
[REDACTED] Desk  
[REDACTED] Cell

----- Original message -----

From: Steve Penny <spenny@usagym.org>  
Date: 08/06/2015 10:06 PM (GMT-05:00)  
To: "Abbott, W J. (IP) (FBI)" [REDACTED]  
Cc: "Langeman, Michael W. (IP) (FBI)" [REDACTED]; "Massa, Gregory R. (IP) (FBI)" [REDACTED]  
Subject: Re: Follow-up with Athlete C

Greetings,

As we have discussed, I appreciate you contacting the Athlete C directly about an interview in

Southern Cal in the very near future. Also, Athlete B would be available for an interview at about 1:00pm on Sunday, August 16 prior to returning home.

Please let me know if this works. Thank you.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 4, 2015, at 9:24 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:

Steve,

I'm in N. VA for work the rest of the week but I have cc'd ASAC Greg Massa and SSA Mike Langeman.

Since Mike will be part of the interview team, it would probably be best if Mike called you back to determine the situation and next steps.

Mike, will you please give Steve a call in the morning or at your earliest convenience to ascertain situation and way forward.

Thanks,

Jay Abbott

--

----- Original message -----

From: Steve Penny <spenny@usagym.org>

Date: 08/04/2015 7:27 PM (GMT-05:00)

To: "Abbott, W J. (IP) (FBI)" [REDACTED]

Subject: Follow-up with Athlete C

Greetings Jay:

I would like to catch up with you and your team as soon as possible regarding Athlete C is there an appropriate time for a call or a visit in the next few days.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

Message

**From:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Sent:** 8/7/2015 12:15:33 PM  
**To:** Langeman, Michael W. (IP) (FBI) [REDACTED] Steve Penny [spenny@usagym.org]  
**CC:** Massa, Gregory R. (IP) (FBI) [REDACTED]  
**Subject:** RE: Follow-up with Athlete C

Thanks Mike.

wja

----- Original message -----

**From:** "Langeman, Michael W. (IP) (FBI)" [REDACTED]  
**Date:** 08/07/2015 11:42 AM (GMT-05:00)  
**To:** Steve Penny <spenny@usagym.org>, "Abbott, W J. (IP) (FBI)" [REDACTED]  
**Cc:** "Massa, Gregory R. (IP) (FBI)" [REDACTED]  
**Subject:** RE: Follow-up with Athlete C  
Mr. Penny;

Thank you for setting up the interview with Athlete B. That time will work out perfectly. We will reach out to the Athlete C and find an amenable time for the interview in California.

Thank you.  
Mike

SSA Michael W. Langeman  
Indianapolis Division  
Squad C-8 VCMO/VCAC  
[REDACTED] Desk  
[REDACTED] Cell

----- Original message -----

**From:** Steve Penny <spenny@usagym.org>  
**Date:** 08/06/2015 10:06 PM (GMT-05:00)  
**To:** "Abbott, W J. (IP) (FBI)" [REDACTED]  
**Cc:** "Langeman, Michael W. (IP) (FBI)" [REDACTED] "Massa, Gregory R. (IP) (FBI)" [REDACTED]  
**Subject:** Re: Follow-up with Athlete C  
Greetings,

As we have discussed, I appreciate you contacting the **Athlete C** directly about an interview in Southern Cal in the very near future. Also, **Athlete B** would be available for an interview at about 1:00pm on Sunday, August 16 prior to returning home.

Please let me know if this works. Thank you.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 4, 2015, at 9:24 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:  
Steve,

I'm in N. VA for work the rest of the week but I have cc'd ASAC Greg Massa and SSA Mike Langeman.

Since Mike will be part of the interview team, it would probably be best if Mike called you back to determine the situation and next steps.

Mike, will you please give Steve a call in the morning or at your earliest convenience to ascertain situation and way forward.

Thanks,

Jay Abbott

--

----- Original message -----

From: Steve Penny <spenny@usagym.org>

Date: 08/04/2015 7:27 PM (GMT-05:00)

To: "Abbott, W J. (IP) (FBI)" [REDACTED]

Subject: Follow-up with **Athlete C**

Greetings Jay:

I would like to catch up with you and your team as soon as possible regarding **Athlete C** is there an appropriate time for a call or a visit in the next few days.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

# Exhibit H

Message

**From:** Massa, Gregory R. (IP) (FBI) [REDACTED]  
**Sent:** 8/12/2015 6:41:49 AM  
**To:** Steve Penny [spenny@usagym.org]; Langeman, Michael W. (IP) (FBI) [REDACTED]  
**CC:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Subject:** RE: Follow-up with **Athlete C**

Mr. Penny --

SSA Langeman has been working a violent crime initiative over the course of the past 10 days, which has him leading his team until 2 am most nights. Per our telcal last week, as an agency, we could have sent a lead to our LA office and had them conduct the interview. However, given the sensitivities of this matter, and Mike's experience, we reached a consensus Mike and his agent with this speciality should be the ones to conduct the interview in the near future. We've made it a priority and will ensure the interview gets scheduled and conducted.

Thanks,

Gregory Massa, FBI  
Assistant Special Agent In Charge  
Indianapolis Division  
[REDACTED]

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** Wednesday, August 12, 2015 5:05 AM  
**To:** Langeman, Michael W. (IP) (FBI)  
**Cc:** Abbott, W J. (IP) (FBI); Massa, Gregory R. (IP) (FBI)  
**Subject:** Re: Follow-up with **Athlete C**

Greetings Mike,

I received a call from **Mom-Athlete C** last night and she was curious as to when she might here from you.

Can you give us some idea as to your timing. We are also getting close to next steps with Dr. Nassar following our event this week so one way or another it would be helpful to have more perspective on this at your earliest convenience.

Thanks.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 7, 2015, at 11:42 AM, Langeman, Michael W. (IP) (FBI) [REDACTED] wrote:

Mr. Penny;

Thank you for setting up the interview with **Athlete B** That time will work out perfectly. We will reach out to the **Athlete C** and find an amenable time for the interview in California.

Thank you.  
Mike

SSA Michael W. Langeman  
Indianapolis Division  
Squad C-8 VCMO/VCAC  
[REDACTED] Desk  
[REDACTED] Cell

----- Original message -----

USAG\_HR\_000006314

From: Steve Penny <spenny@usagym.org<mailto:spenny@usagym.org>>  
Date:08/06/2015 10:06 PM (GMT-05:00)  
To: "Abbott, W J. (IP) (FBI)" [REDACTED]  
Cc: "Langeman, Michael W. (IP) (FBI)" <[REDACTED]>  
"Massa, Gregory R. (IP) (FBI)" <[REDACTED]>  
Subject: Re: Follow-up with [Athlete C]

Greetings,

As we have discussed, I appreciate you contacting the [Athlete C] directly about an interview in Southern Cal in the very near future. Also, [Athlete B] would be available for an interview at about 1:00pm on Sunday, August 16 prior to returning home.

Please let me know if this works. Thank you.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 4, 2015, at 9:24 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:

Steve,

I'm in N. VA for work the rest of the week but I have cc'd ASAC Greg Massa and SSA Mike Langeman.

Since Mike will be part of the interview team, it would probably be best if Mike called you back to determine the situation and next steps.

Mike, will you please give Steve a call in the morning or at your earliest convenience to ascertain situation and way forward.

Thanks,

Jay Abbott

--

----- Original message -----

From: Steve Penny <spenny@usagym.org<mailto:spenny@usagym.org>>  
Date: 08/04/2015 7:27 PM (GMT-05:00)  
To: "Abbott, W J. (IP) (FBI)" [REDACTED]  
Subject: Follow-up with [Athlete C]

Greetings Jay:

I would like to catch up with you and your team as soon as possible regarding [Athlete C] Is there an appropriate time for a call or a visit in the next few days.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

---

**Subject:** Re: Follow-up with **Athlete C**  
**Date:** Wednesday, August 12, 2015 at 7:56:53 AM Eastern Daylight Time  
**From:** Steve Penny  
**To:** Massa, Gregory R. (IP) (FBI)  
**CC:** Langeman, Michael W. (IP) (FBI), Abbott, W J. (IP) (FBI)

Thanks. Just staying in touch. I know you guys are busy.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 12, 2015, at 6:41 AM, Massa, Gregory R. (IP) (FBI) [REDACTED] wrote:

Mr. Penny --

SSA Langeman has been working a violent crime initiative over the course of the past 10 days, which has him leading his team until 2 am most nights. Per our telcal last week, as an agency, we could have sent a lead to our LA office and had them conduct the interview. However, given the sensitivities of this matter, and Mike's experience, we reached a consensus Mike and his agent with this speciality should be the ones to conduct the interview in the near future. We've made it a priority and will ensure the interview gets scheduled and conducted.

Thanks,

Gregory Massa, FBI  
Assistant Special Agent In Charge  
Indianapolis Division  
[REDACTED] (Office)  
[REDACTED] (Cell)

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** Wednesday, August 12, 2015 5:05 AM  
**To:** Langeman, Michael W. (IP) (FBI)  
**Cc:** Abbott, W J. (IP) (FBI); Massa, Gregory R. (IP) (FBI)  
**Subject:** Re: Follow-up with **Athlete C**

Greetings Mike,

I received a call from **Mom-Athlete C** last night and she was curious as to when she might here from you. Can you give us some idea as to your timing. We are also getting close to next steps with Dr. Nassar following our event this week so one way or another it would be helpful to have more perspective on this at your earliest convenience.

Thanks.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 7, 2015, at 11:42 AM, Langeman, Michael W. (IP) (FBI)

[REDACTED] wrote:

Mr. Penny;

Thank you for setting up the interview with **Athlete B**. That time will work out perfectly. We will reach out to the **Athlete C** and find an amenable time for the interview in California.

Thank you.

# Exhibit I

Message

**From:** Langeman, Michael W. (IP) (FBI) [REDACTED]  
**Sent:** 8/27/2015 9:17:42 AM  
**To:** Steve Penny [spenny@usagym.org]; Massa, Gregory R. (IP) (FBI) [REDACTED]  
**Subject:** RE: Gymnast interview

Mr. Penny:

To clarify, I have attempted to call mom's phone on several occasions, as I believe that was the direction given. Her phone rings and goes to a message that the caller is not accepting calls at this time.

Thanks.  
Mike

SSA Michael W. Langeman  
Indianapolis Division  
Squad C-8 VCMO/VCAC  
[REDACTED] Desk  
[REDACTED] Cell

----- Original message -----

**From:** Steve Penny <spenny@usagym.org>  
**Date:** 08/27/2015 9:14 AM (GMT-05:00)  
**To:** "Massa, Gregory R. (IP) (FBI)" [REDACTED]  
**Cc:** "Langeman, Michael W. (IP) (FBI)" [REDACTED]  
**Subject:** Re: Gymnast interview

Thanks Greg. I really appreciate the update and am grateful for the follow-up. These guys can be a bit elusive. Can you tell me, did he contact the athlete directly, or did he try to call mom?

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Aug 27, 2015, at 9:08 AM, Massa, Gregory R. (IP) (FBI) [REDACTED] wrote:

Mr. Penny – I'm following up on the interview of Gymnast #3 in LA. SSA Langeman has attempted on three occasions to set up the interview, unfortunately, Gymnast #3 has not returned any of his phone calls to set up the interview. At this point, I have the following recommendation: can you ask that individual if she is still willing to be interviewed, and if so

# Exhibit J

Message

**From:** Steve Penny [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C2CBCD2CE12A4427A9BD07FDBCE8D80C-SPENNY]  
**Sent:** 9/1/2015 10:47:38 PM  
**To:** Langeman, Michael W. (IP) (FBI) [REDACTED]  
**CC:** Massa, Gregory R. (IP) (FBI) [REDACTED]  
**Subject:** Re: Friday

Thank you.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Sep 1, 2015, at 10:33 PM, Langeman, Michael W. (IP) (FBI) [REDACTED] wrote:  
Mr. Penny:

I left a message for [Mom - Athlete C] last night after speaking with the Supervisor in Detroit.

As we spoke of earlier, the Detroit Office of the FBI will inherit the case and investigative purview will lie with them, as they have prosecutorial venue.

The initial interview with [Athlete C] will establish the violation and initiate the investigation. After the investigation's scope is expanded, it is foreseeable that [Athlete C] will need to be recontacted for a more in depth, perhaps forensic interview.

I discussed these facts, along with other procedural matters with [Mom - Athlete C]. After considering these facts, the inconvenience of the travel involved, the potential for a more in depth interview in the near future and the comfort level of [Athlete C] the decision was made to conduct the initial interview telephonically. The interview is tentatively scheduled for tomorrow afternoon/evening.

Once the interview is conducted and memorialized, the case will be packaged and sent to the Detroit office who will take full ownership of the case and proceed where the evidence leads.

Thank you.

SSA Michael W. Langeman  
Indianapolis Division  
Squad C-8 VCMO/VCAC  
[REDACTED] Desk

Cell

----- Original message -----

From: Steve Penny <spenny@usagym.org>

Date: 09/01/2015 10:18 AM (GMT-05:00)

To: "Langeman, Michael W. (IP) (FBI)"

Subject: Friday

Greetings Mike:

**Athlete C** and her mother are going to arrive Thursday evening and I was hoping we could schedule the interviews for Friday morning around 10 or 11. Does that make sense?

Thanks.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

# Exhibit K

Message

**From:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Sent:** 9/4/2015 3:27:36 PM  
**To:** Steve Penny [spenny@usagym.org]  
**CC:** Massa, Gregory R. (IP) (FBI) [REDACTED]; Langeman, Michael W. (IP) (FBI)  
**Subject:** RE: Follow-up on Nassar

Thanks Steve,

As discussed by phone, it is my understanding that pertinent interviews have been completed and the results have been provided to the FBI and the USAO in Michigan (Detroit) for appropriate action if any.

If you require additional information/clarification regarding this matter please let us know.

W. "Jay" Abbott  
SAC Indianapolis

**From:** Steve Penny [mailto:spenny@usagym.org]  
**Sent:** Friday, September 04, 2015 3:11 PM  
**To:** Abbott, W J. (IP) (FBI)  
**Subject:** Follow-up on Nassar

Greetings Jay -

Thanks for your time on the phone today. Pertaining to the Nassar matter, I am trying to manage the messages on my side in such a way that it protects those involved and does not impede any of the investigatory process. To give you a brief overview.

Athlete C - Athlete C was the most aggrieved party and our efforts to get her to Indy earlier in August were unsuccessful. We then went through a 2-week period when the FBI tried to arrange for an interview but we could not contact the mother because she was in Canada. Upon returning, we had arranged for the athlete to travel to Indy but the decision was made to conduct the interview by phone which occurred this week.

Athlete B - Athlete B is located in Boston. We had hoped she would stay following the Championships for an interview on that Sunday. That became a distraction to her so we cancelled the Sunday interview so that she could still focus on the competition. I did not know whether or not the agents would follow up with her by phone or otherwise, but she is the athlete that first made us aware of the abuse issue. Her mother has contacted me several times for updates and I just tell her I don't have much information. She has informed me that her daughter has not been contacted by the FBI.

[REDACTED] is an athlete that has not been involved but was a member of the team in 2011 in Japan. Athlete C reported that when she went into the hotel room in Tokyo, [REDACTED] was receiving treatment and left the room when Athlete C arrived. I do not know if this was mentioned during the interview conducted by the FBI but wanted to share it in case it is helpful.

Dr. Nassar - We continue to have dialogue with Dr. Nassar's counsel, and I am sharing the attached letter as the most recent message.

I will keep you advised as to what next steps are taken by USA Gymnastics.

Regards,

Steve

# Exhibit L

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 9/28/2015 10:18:50 AM  
**To:** Leslie King [REDACTED]; Renee Jamison [REDACTED] Ron Galimore [REDACTED]  
**Subject:** Re: Have you seen or heard about this?

Thanks.

**From:** Leslie King  
**Date:** Monday, September 28, 2015 at 9:54 AM  
**To:** Steve Penny, Renee Jamison, Ron Galimore  
**Subject:** Have you seen or heard about this?

Steve, Ron and Renee:

Below is a Facebook post by Larry N. from yesterday. Scott brought it to my attention this morning. I am assuming this means he has resigned officially. Typically we would post something when an individual retires after years of service, which I am guessing we do not want to do. We should be prepared with something to say/post if the question is raised online. I know you are busy with the sponsor summit and OT meetings, but wanted to share in case you were not aware.

Leslie

Larry FB post

After 29 years on the USA Gymnastics Women's Artistic National Team Staff, it has come time for me to retire. It has been a wonderful time for me and appreciate how much it has enhanced my life.

In 1978 I started working with the North Farmington High School Women's Gymnastics Team and by 1981 I had earned a varsity letter in women's gymnastics for the work I had done with the team. My high school years set a strong foundation for the rest of my life. My brother Mike was an athletic trainer and he wanted me to join him. I wanted to run track like I did at Dunckel Junior High. However, my brother sat on me and punched in in the arm and stuffed his socks in my mouth (he would call it a Sock Soufflé) so, I became an athletic trainer! He was my finest mentor. Mr. Ron Holland (football and track coach) and Ms. Mary Johnesee (women's gymnastics coach) were amazing. I respect and appreciate all that they did to advance me in the athletic training field. As a student, I was the only trainer for the entire school. I did not have a certified athletic trainer to guide me. I learned from my brother, who had me replace him and from the books I read and the class I took from Dick Milder, PT, ATC.

In 1986 I had 8 years of experience already working with gymnasts and had invented several crazy things for gymnastics including a refrigerated chalk basin that would contain the chalk so that it would not spread in the air in the gym and cool the gymnasts' hands at the same time. I called it the "cool hand saver"! I thought the cool air might make the gymnasts hands feel better! Then there was the "Kip Grip" that was made from synthetic skin that would adhere to the skin of the gymnast and act as a barrier between the leather grip and the skin to prevent rips on the skin. Both of these crazy ideas failed since they cost way too much!! But my prototypes of my ankle support eventually did earn me a U. S. Patent.

Steve Whitlock was one of the best coaches in the State of Michigan in 1986 and I would assist his gymnasts. He took notice in the crazy ideas I had and the work I did with his gymnasts. Steve Whitlock was the coach that recommended that I join the national staff. He had me call Delene Darst. Delene then had me call Kathy Kelly. Then finally, Kathy had me contact Jack Rockwell, PT, ATC and my journey began with the national team. Jack Rockwell was my inspiration in gymnastics.

1987 I volunteered and was able to help at the Pan American Games. In 1988, Jack Rockwell allowed me to volunteer at the Olympic Trials. 1988 was an important year in my journey. At the Olympic Trials I got to meet one of my "heros" Bill Sands, PhD. I had read as much as I could that Bill had written and watched VCR tapes of Bill giving lectures on overhead projectors. I studied hard to learn all I could from him. I was so nervous when I met Bill at the competition. Bill is an amazing man and I cannot even begin to list all that I have learned from him Thank you Bill for all you have done for me and the sport of gymnastics.

In 1988 I also got to meet Debbie Van Horn, DPT, ATC at the meet. Thus began the start of a medical team that has survived until today. Debbie is amazing. No one has done as much medically for the national team as Debbie.

In 1988 I also started medical school right after Olympic Trials and I also started working with John Geddert at his gymnastics club. John and Kathryn Geddert have been an amazing influence on my life and I have learned so much from them over the years. I cannot thank them enough.

In 1988, I also was asked to be the trainer for the Panasonic post Olympic Victory Tour of the USA with the USA and USSR teams and a couple of the Canadians too! The only problem was that I had to leave medical school 3 weeks before the end of my first semester! I had to study on my own and take all the final examinations 3 weeks early except for Biochemistry. I had to take that final examination the day I returned from the post Olympic Tour. I got a score of 69 and I needed a 70 to pass. So I had to retake biochemistry again the next semester.

Well, I could not just go to medical school. I would go to John Geddert's gym everyday. I would volunteer at his gym 20 hours a week and then provide coverage at gymnastics meets on the weekends. So, the second time I took biochemistry I passed the first test and the final exam but the second exam was the Monday morning after I was at "The Pizza Classic" gymnastics event at Dave Begian's gym (GTC) and I failed the test. They raised the passing score up for the class from 70 to 75 and my total for the class was a 74!!! So I failed the class again.

So, after 2 semesters in medical school, I was kicked out of medical school.

I had to go before this panel of doctors and professors. They explained to me that my priorities were mixed up. I was spending too much time in the gymnastics gym and not enough time studying for medical school. I explained to them that if I was allowed to go on the 5 year plan, instead of 4 years to complete medical school that I could do both, the gymnastics and pass medical school. They did not agree. They passed judgment that I would remain kicked out of medical school. My only option left was to have a one on one meeting with the Dean of the MSU Medical School and state my case to him. Well, he agreed with the decision to flunk me out of school. Now, there were no other options for me so I created my own option. I went to John Geddert and Jack Rockwell. John wrote me a letter stating I would not be allowed back in his gym until I completed medical school and Jack wrote a letter stating I would be banned from all gymnastics meets until I finished medical school. I presented these letters to the Dean. The Dean accepted the letters and I was placed on the 5 year plan to graduate instead of 4 from medical school.

Well, I took one month out of the gym and then I was back at it again. I was able to convince John and Jack that I would be fine since I was on the 5 year plan. So, I was in medical school from 1988-1993. During this time, I even was able to go to the 1991 World Championships. I was writing articles, wrote a strength and conditioning program for the Junior Olympic Program, worked on my ankle brace patent and went to all the Region 5 training camps and lectured to the coaches. While in medical school the coaches voted me as the 1991 Region 5 Contributor of the Year and the 1992 Michigan Contributor of the Year. Then, in 1993, my last year in medical school, I did something that was very difficult to do and I am not sure if anyone else in the history of gymnastics has ever done. In 1993 I was voted by the coaches as the Michigan Contributor of the Year, then by Region 5 as the Regional Contributor of the Year and then I also received my first United States Elite Coaches Association (USECA) National Contributor of the Year award.

State, Regional and National Contributor of the Year while in my last year of medical school. I went to the medical school Dean's office and brought the awards in and showed them to the Dean and said that I knew I could do both, gymnastics and medical school. During my internship year of my Family Practice Residency (1994) I received the Jack Rockwell Award for my dedication to the medical care of the athletes and coaches and I received my second USECA National Contributor of the year.

1996 was my last year of my residency and I started my Sports Medicine Fellowship. I received the Michigan Contributor of the Year award and my third National Contributor of the Year Award. In addition, I was able to provide medical care at the 1996 Olympics for our Women's team. Furthermore, the USAG Board of Directors appointed me as the National Medical Coordinator. In October of 1996 I also married my amazing wife Stefanie!

1997 I finally finished all my medical training and became a Team Physician and assistant professor for the medical school at Michigan State University. So, now I was teaching in the same medical school I was at one point kicked out of! LOL!! There was no sports medicine curriculum in the medical school. So, I wrote the curriculum for 4 sports medicine courses for the medical school.

In 2001 my first child was born, [REDACTED]. By 2003 my wife and I knew [REDACTED]. It took some time to adjust but my wife Stefanie (she is a pediatric physician assistant and former athletic trainer) was simply amazing and still encouraged me to continue my work in gymnastics. We had [REDACTED] in June of 2004, so I missed the 2004 Olympics to be with my wife and then we had [REDACTED] in April of 2006. I had to slow down in my travels to all the Region 5 camps and lectures. I had to decrease and become far more selective in which gymnastics events I would attend. Having a family and being a part of that family was and is the most important thing in my life.

So, I combined my two worlds together and started the Gymnastics Doctor Autism Foundation and the Flip for Autism gymnastics events started.

In order for me to stay home more and yet still provide education in the gymnastics community, I started working on the educational videos and started the Gymnastics Doctor Facebook page that then converted that into the Gymnastics Doctor You Tube Channel. I have made over 1000 educational videos. Now that I have more time in my retirement from the national team, I will have more time to upload these videos and share them.

Overall, I hope I have been able to make a good contribution to the sport of gymnastics. One of the things I am most proud of is the fact that we have not had an anorexic or bulimic on the national team since 2001. We changed the culture of gymnastics and showed that physical abilities testing is far more important than weighing our gymnasts. Keep the scale out of the gym and keep the kids fueled well with good nutrition so they can condition and train well and the success we have had has been amazing.

I still need to thank Gary Warren for his leadership and guidance that he has given me over the years especially when I was more active in Region 5 when Gary was at Queen City Gymnastics. I have a great deal of respect for him as a coach and mentor.

It is said that if the man is the head of a house then the woman is the neck and the woman controls the neck. Well, my head has been spinning for years in circles as it has been controlled by Kathy Kelly, Roe Kreutzer, Martha Karolyi, Debbie Van Horn and of course my wife Stefanie! I think I need a good chiropractic adjustment!! LOL!

Kathy and Roe really guided me so much in my younger years and I had several Kathy/Roe talks. They tried their best to give me some sense of a filter. I had a tendency to speak my mind often and frequently and let nothing get in the way of being the athlete's advocate and they tried their best to help guide me as to how best to do that without getting my big mouth in trouble!! Their support and guidance made a big impact on my life and I will always be grateful.

Martha Karolyi and I had many, many arguments over the years but as Martha once said to me; we are like husband and wife, we have disagreements but it is always about what is best for the children. Yes, we sure did but it is true. It was with the core purpose of trying to do what is best for the gymnasts. We had different opinions but we always found a way to work things out. We came to trust one another over the years and realized that we had the same vision. People have a hard time believing this, but Martha would come to me with concerns that a coach was pushing an athlete too hard at the wrong time with the wrong preparation and was going to get injured, or that the injured gymnast needed to rest more, or a gymnast looked like she lost too much weight too quickly. She came to me with these issues so many times and asked me to work with the coach to help the gymnast. I really do respect her so much as I saw how she matured in her position as the National Team Coordinator.

Debbie Van Horn!!! You are the rock behind the medical team. You are the single most influential person in the history of sports medicine for the sport of gymnastics. What you have done behind the scenes in your quiet nature has been amazing. I cannot ever thank you enough for all that you have done for me personally and for the gymnasts.

Finally, my wife Stefanie. I love you very much and appreciate all that you have done to allow me to do all that I have been able to do in sports medicine. I am looking forward to having more time to share together now. I am one lucky man for having you as my wife. Thank you Stefanie!!!

I have made a great deal of friends from around the world and I will miss all of you. What I found as I traveled with the team is that people from all countries can come together and be friends and share with one another. That is one of my greatest joys that I experienced during my time with our national team. I loved meeting people at the international events and shared a smile, a story, and a greeting with one another. I am a better person for knowing all of you.

Good luck everyone! Thanks for the memories!

Larry Nassar

1992, 1993, 1996, 2009 State of Michigan Contributor of the Year

1991, 1993, 1997, 2011 Region 5 Contributor of the Year

1993, 1994, 1996, 1997, 1999, 2002 USECA National Contributor of the Year

1994 Jack Rowell Award

1997 USAG Service Award

2003 Shirley Marshak Award



**LESLIE KING**

USA Gymnastics

Vice President of Communications

132 E. Washington Street, Suite 700

Indianapolis, IN 46204

p: [REDACTED] [usagym.org](http://usagym.org)

# Exhibit M

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 5/11/2016 11:53:44 PM  
**To:** Hess, Michael E. (LA) (FBI) [REDACTED]; Paul Parilla [pparilla@usagym.org]  
**Subject:** Re: USA Gymnastics Report of Sexual Assault of Minor Athlete at International Competitions

Greetings Mike:

Thank you for the time yesterday. It was helpful to meet with you and Agent Whitman. I hope all went well with **Athlete C** today.

A couple of things:

1. Fran Sepler was our investigator and she can be reached at **Redacted-Confidential**.com. Her phone number is **Redacted**.
2. I have one request regarding any further steps you might take. If there is anyway you can not identify that USA Gymnastics has filed the complaint against Dr. Nassar when you talk to people, but just generally suggest that "a complaint has been filed", I would greatly appreciate it. It will keep things on a much more level playing field if no one can point in any one direction.

Thanks so much.

Regards,

Steve

# Exhibit N

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 9/7/2016 7:06:15 PM  
**To:** Hess, Michael E. (LA) (FBI) [REDACTED]  
**Subject:** Re: Follow-up questions RESEND

Ok.

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Sep 7, 2016, at 7:01 PM, Hess, Michael E. (LA) (FBI) [REDACTED] wrote:  
I will call you soon.

**From:** Steve Penny [mailto:spenny@usagym.org]  
**Sent:** Wednesday, September 07, 2016 3:36 PM  
**To:** Hess, Michael E. (LA) (FBI)  
**Subject:** Re: Follow-up questions RESEND

More directly, I would like to body-slam these guys.

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Sep 7, 2016, at 6:35 PM, Steve Penny <spenny@usagym.org> wrote:  
FYI. Next round of questions. We would like to answer a few of these as much as possible. We have been getting beat up and some help would be appreciated. Want to continue doing the right thing and cooperating with you.

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

Begin forwarded message:

**From:** Leslie King <lking@usagym.org>  
**Date:** September 7, 2016 at 5:41:08 PM EDT

To: Steve Penny <spenny@usagym.org>  
Subject: FW: Follow-up questions RESEND

From: "Alesia, Mark" [REDACTED]  
Date: Wednesday, September 7, 2016 at 5:14 PM  
To: Leslie King [REDACTED]  
Subject: Follow-up questions

Leslie,

Here are some follow-up questions. We're hoping for the answers as soon as possible. Thanks.

Mark

---We talked with Dr. Nassar's attorney. He said no law enforcement agency has contacted Larry Nassar about any allegations reported by USA Gymnastics, and that USA Gymnastics refused to disclose to him what agency received the allegations. He also said that as a former federal prosecutor he couldn't imagine a law enforcement agency not contacting the target of the investigation, which seemed to question whether any law enforcement agency had been notified.

Can you provide us with the name of the agency you reported this to, so we can confirm --- and also ask whether or not they did contact Dr. Nassar?

---You said only that Dr. Nassar is no longer affiliated with USA Gymnastics. Did you ask him to resign? If so, was that due to the allegations? (His attorney said that was not the case.)

---Did USA Gymnastics and Dr. Nassar enter into any type of legal agreement that prevents disclosure by either party of the circumstances behind his departure?

---You didn't answer most of our previous questions with your statement. Can you tell us why?

We also have some specific questions about the statement:

#### **USA Gymnastics statement**

Dr. Nassar is no longer affiliated with USA Gymnastics. **(When did that happen? Why?)** Upon learning of athlete concerns **(What did they report? How many athletes came forward to report? How did they report those concerns? Did all of the reports come at one time?)**, USA Gymnastics immediately notified law enforcement **(What agency? When? How was the notification made? Did you have any further contact with the agency after the initial report?)**. Since then, we have cooperated fully with the law enforcement agency **(Is that investigation ongoing?)**, including refraining from making further statements or taking any other action that might interfere with the agency's investigation. We are grateful to the athletes for coming forward to share their concerns.

---Did you previously receive allegations of possible sexual misconduct by Larry Nassar that did not rise to USA Gymnastics' standards for reporting to law enforcement? If so, when?

# Exhibit O



UNITED STATES  
OLYMPIC COMMITTEE  
1 Olympic Plaza  
Colorado Springs, CO  
80909

March 20, 2012

Dr. Lawrence Nassar  
2255 Tiffany Lane  
Holt, MI 48842

Dear Dr. Nassar:

On behalf of the United States Olympic Committee (USOC) Sports Medicine Division, I am honored to inform you that you have been nominated by USA Gymnastics and selected by the USOC as a member of the Medical Staff for the **Games of the XXX Olympiad in London, England!**

This selection is contingent upon your availability and your credentials review. Please consider the time commitment involved prior to accepting this most important assignment. The overall dates are **July 27 – August 12, 2012**, however, the medical staff may be required to provide coverage for pre-Games competitions or training. If you are needed for pre-Games tours, you will receive additional correspondence from USA Gymnastics with these specifics. The 2012 Olympic Games team processing will begin 10-14 days prior to the Games. Your currently scheduled dates of service are **July 19 – Aug. 13, 2012**. These dates are still subject to modification based on the currently identified travel needs of your assigned sport. Please let us know, in writing, by **March 30** if you are able to accept or decline this invitation. Please send your response to Margie Hunt at: [Margaret.hunt@usoc.org](mailto:Margaret.hunt@usoc.org).

Some of the medical team members were nominated by the USOC Sports Medicine Division and may be assigned multiple sports, as part of a shared services approach. Your duties, as a provider for USA Gymnastics, will obviously include providing care and also being on-call for the athletes 24 hours/day. It is important to realize you are more than a member of a single sport's medical team; first, you are a member of the overall USOC Sports Medicine Team. There will be additional support available for the athletes and you from the USOC shared Sports Medicine staff.

We are fortunate to have Cindy J. Chang, M.D. as our Chief Medical Officer for Team USA. Dr. Chang is a primary care sports medicine physician from Berkeley, California.

She has been a USOC Sports Medicine program medical staff member for several international events, to include serving as CMO for Team USA at the 2008 Paralympic Games. Dr. Chang, Margie Hunt, and I are working very closely in developing Games sports medicine support planning.

USOC Sports Medicine will provide several online education programs to help you prepare for your assignment. These programs and materials will include staffing plans, Games policies and procedures, job descriptions, communication processes, doping control, and injury/illness documentation. You will be notified via e-mail when and where these materials are available for your review.

The USOC knows the 2012 Olympic Games Sports Medicine Staff is an exceptional team of healthcare providers and you will do a great job as part of the Game staff. Congratulations from all of us at the USOC, your NGB, and Team USA. You are part of a special team carefully selected to produce great results. If you have any questions, please contact me.

Once again, congratulations on your USA Gymnastics Sports Medicine appointment and thank you for your interest in supporting Team USA!

Sincerely,



Bill Moreau, DC, DABSCP  
Managing Director of USOC Sports Medicine  
Medical Director, Team USA 2012 Olympic Games  
Office: [REDACTED]  
Email: [REDACTED]

# Exhibit P

# United States Senate

WASHINGTON, DC 20510

January 25, 2018

Ms. Kerry Perry  
President and Chief Executive Officer  
USA Gymnastics  
130 E. Washington Street, Suite 700  
Indianapolis, IN 46204

Dear Ms. Perry,

On December 20, 2017, Olympic gymnast McKayla Maroney filed a lawsuit against the United States Olympic Committee (USOC), USA Gymnastics (USAG), and Michigan State University (MSU) for the multiple organizational failures to “properly investigate, discipline, or remove” sports doctor Larry Nassar after complaints of sexual abuse suffered under his care. The despicable actions of the former USAG team doctor and sports medicine physician at MSU, first brought to light in a thorough investigation by the *Indianapolis Star* in 2016, are well documented<sup>[1]</sup>. However, recent reports and revelations from Dr. Nassar’s sentencing hearings provide ample evidence that USAG and MSU were negligent in acting on reports of Nassar’s abuse of more than 140 young women<sup>[2]</sup>.

Of particular concern is the recent allegation that USAG actively sought to silence Ms. Maroney with a non-disclosure agreement (NDA) that would impose a \$100,000 fine if the victim were to violate its confidentiality clause by speaking out about the sexual abuse<sup>[3]</sup>. 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, we are requesting additional information on these matters.

Protecting athletes remains a key priority of this Committee. Its jurisdiction includes the Ted Stevens Act<sup>[4]</sup>, which established USOC and the current National Governing Bodies (NGB) structure for individual sports. A key aim of that legislation is to protect the health and safety of athletes. In addition, the Committee exercises jurisdiction over amateur sports and the National Collegiate Athletic Association (NCAA), which itself serves as the governing body for 347 Division I member schools including MSU.

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,<sup>[5]</sup> it is obvious that

---

<sup>[1]</sup> Tim Evans, et al, *Former USA Gymnastics Doctor Accused of Abuse*, INDIANAPOLIS STAR, Sept. 12, 2016.

<sup>[2]</sup> Kim Kozlowski, *What MSU Knew: 14 Were Warned of Nassar Abuse*, DETROIT NEWS, Jan. 17, 2018.

<sup>[3]</sup> 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.

<sup>[4]</sup> Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220512, 220521-220529.

<sup>[5]</sup> Press Release, U.S. Olympic Comm., United States Olympic Committee announces U.S. Center for Safe Sport board of directors (Jan. 21, 2016).

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, pass the Senate last year. 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 in failing to do so.

In light of these serious allegations, and pursuant to the 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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. Is it common practice by USOC and NGBs to utilize NDAs during investigations involving their organizations?
5. Is your organization aware of other such settlements between NGBs and Olympic athletes?
6. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?
7. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.

Please provide the requested information as soon as possible, but by no later than Friday, February 9, 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

# Exhibit Q



February 9, 2018

Senator Jerry Moran  
Chairman  
Subcommittee on Consumer Protection Product Safety, Insurance and Data Security  
United States Senate  
512 Dirksen Senate Building  
Washington DC, 20510

Senator Richard Blumenthal  
Ranking Member  
Subcommittee on Consumer Protection Product Safety, Insurance and Data Security  
United States Senate  
512 Dirksen Senate Building  
Washington DC, 20510

Dear Chairman Moran and Ranking Member Blumenthal:

Thank you for your letter of January 25, 2018, in which you seek information regarding the safety and well-being of athletes. USA Gymnastics recognizes it is inarguably an important component of your work due to the illegal, abusive and despicable behavior of Dr. Larry Nassar. While USA Gymnastics is currently facing litigation in multiple jurisdictions, which may limit what I can say regarding some matters, please know that my goal is to work collaboratively with Congress to place the safety and wellbeing of athletes at the forefront of everything we do.

As USA Gymnastics enters its third year of working through the damage Nassar caused to individual athletes and our sport, I want to outline some specific steps that we have taken to address what has occurred and to prevent the possibility of it occurring again in the future:

- In June 2017, former U.S. Attorney Deborah Daniels delivered to USA Gymnastics 70 recommendations to improve both athlete safety and the culture within our organization. We work every day to address these issues, and I am pleased to report that we have very recently surpassed the 80% mark of recommendations that we are in the process of implementing, or have already implemented.
- Also, in June 2017, USA Gymnastics adopted a Safe Sport policy which requires mandatory reporting, delineates six specific types of misconduct, sets standards to prohibit “grooming” behavior, and establishes greater accountability.
- USA Gymnastics supported the recent legislation (S. 534 and H.R. 1973) which requires of amateur sports organizing bodies that they provide important safeguards for athletes.
- USA Gymnastics supports the U.S. Olympic Committee’s recent direction to undertake dramatic organizational changes to address the issue of athlete safety and security, including the prompt resignation of the entire Board of Directors and commissioning of an independent investigation.
- USA Gymnastics established a dedicated, toll-free number (1-833-844-SAFE) and a safe sport email address ([safesport@usagym.org](mailto:safesport@usagym.org)) to simplify the process for reporting.



- USA Gymnastics ended the lease with the Karolyi Ranch, thereby ensuring no USA Gymnastics athlete would ever have to return there.
- In collaboration with our partner organization, the National Gymnastics Foundation, we are establishing an athlete assistance fund to provide counseling support to gymnasts who have been sexually abused. The fund will be administered by an independent third party.

Additionally, please rest assured that I share your anger, outrage, and devastation at the actions of Larry Nassar and want to help anyone harmed by this manipulative man and prevent anyone else from perpetrating similar acts on other athletes.

I have been President and CEO of USA Gymnastics for less than 70 days. Due to my short tenure, there remain matters to which I do not have personal knowledge. With that said, I think it might be helpful to outline how USA Gymnastics fits into the overall Olympic sports structure.

The International Olympic Committee was created in 1894, and it leads the Modern Olympic Games. The IOC is the final authority on all questions concerning the Olympic Games and the Olympic Movement.

The *Federation Internationale de Gymnastique* (FIG) is the governing body for gymnastics worldwide. It is the oldest established international federation of an Olympic sport and has participated in the Olympic Games since they were revived in 1896. The FIG establishes the rules on eligibility that each country with a national gymnastics federation must follow. Nearly 130 countries are members of the FIG. USA Gymnastics became officially recognized by the FIG in October 1970.

The U.S. Olympic Committee (USOC), headquartered in Colorado Springs, Colorado, since 1978, is comprised of 78 member organizations, including USA Gymnastics. The USOC is recognized by the IOC and is responsible for the U.S. Olympic and Pan American Games Teams. It is the guardian of the U.S. Olympic Movement. In cooperation with international organizations, the USOC designates organizations in every Olympic sport, called National Governing Bodies, or NGBs. USA Gymnastics is the NGB for the sport of gymnastics. Formed in 1963, USA Gymnastics' membership has grown from a few thousand to nearly 200,000 today (approximately 196,000 individuals and 3,500 clubs).

In your letter of January 25, 2018, you asked certain questions. As the new president and CEO of USA Gymnastics with just over 60 days in the position, I am providing answers to your questions on behalf of the organization with limited and no first-hand knowledge of facts and events that preceded my tenure, which began December 1, 2017.

**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?**

Reporting of sexual abuse allegations is governed by USA Gymnastics' Safe Sport Policy, adopted June 2017. The Safe Sport Policy is available at [https://usagym.org/PDFs/About%20USA%20Gymnastics/safesportpolicy\\_010818.pdf](https://usagym.org/PDFs/About%20USA%20Gymnastics/safesportpolicy_010818.pdf).

Per the Safe Sport Policy, the organization has policies and procedures in place, consistent with the requirements of the U.S. Center for SafeSport to (1) ensure that proper sexual abuse reporting is made to



law enforcement and (2) submit any report of sexual misconduct to the exclusive jurisdiction of the U.S. Center for SafeSport.

The Safe Sport policy requires that all USA Gymnastics members complete a designated safe sport course every two years. Additionally, USA Gymnastics has taken steps to educate its members through online tools, live presentations at regional and national events, including the topic in athlete, parent and staff discussions, and producing appropriate written collateral materials.

In addition to training staff and members on the new Safe Sport policy, the organization has hired two individuals to lead its efforts to protect athletes—a long-time leader in child advocacy as the director of safe sport and a former prosecutor who previously prosecuted child abuse and sex crime cases to provide supporting legal counsel.

USA Gymnastics has also taken measures to simplify reporting. The Safe Sport page on USA Gymnastics' website permits members to report misconduct, reminds adult members of the obligation to report abuse—sexual or otherwise—to law enforcement, provides contact information for the reporting of sexual misconduct to the U.S. Center for SafeSport, and provides a form, email address (safesport@usagym.org), and hotline number (1-833-844-SAFE) to report other, non-sexual misconduct to USA Gymnastics.

USA Gymnastics will also comply with all elements of the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, including requirements to report all instances of child abuse, including sexual abuse, within 24 hours.

**2. Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like MSU, in these reporting practices?**

It is possible that an individual can have multiple affiliations within our sport. Regardless of what other affiliations one might have, under the current Safe Sport Policy, individuals subject to the policy include anyone “that USA Gymnastics formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes, such as persons compensated and/or appointed by USA Gymnastics to perform services at sanctioned activities run by USA Gymnastics National Office or its State and Regional Committees, such as camps, competitions, and educational events,” including events staff, medical personnel, chaperones, National Team Training Center support staff, and any other contracted individual working with or around athletes.

Non-Athlete Participant adult volunteers for USA Gymnastics who meet this definition are therefore covered by the obligation to report and are also subject to being reported to the U.S. Center for SafeSport or USA Gymnastics in the event of misconduct.

**3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.**



In a letter dated May 25, 2016, attorney Gloria Allred, with the law firm Allred, Maroko & Goldberg, who had been retained to represent Ms. Maroney, invited USA Gymnastics to participate in “a singular opportunity to resolve Ms. Maroney’s claims through a confidential mediation process.”

USA Gymnastics referred the matter to its general liability insurance carrier. By agreement, a confidential mediation was held October 24, and on November 29, 2016. The parties selected a retired California judge and former prosecutor as the mediator. At the mediation, Ms. Allred represented Ms. Maroney in person as did two additional partners from Ms. Allred’s firm. One or both of Ms. Maroney’s parents were also present.

The parties resolved Ms. Maroney’s claim on November 29, 2016, by agreement, with terms that included a mutual confidentiality provision. USA Gymnastics is limited in what it can disclose with respect to the mediation due to the mediation privilege, but at all times Ms. Maroney had her counsel available to her. USA Gymnastics did not “coerce” Ms. Maroney into settlement. Rather USA Gymnastics worked diligently with its insurer to resolve Ms. Maroney’s claim expeditiously without the need for litigation.

At all times, USA Gymnastics has attempted to respect the desires of its athletes to either speak publicly or keep private the details of their experiences. Until an athlete has elected to speak publicly, USA Gymnastics has taken care to protect their privacy, including referring to the athletes interviewed in the summer of 2015 anonymously. When Ms. Maroney elected to disclose in October 2017 that she was a victim of abuse, USA Gymnastics released a statement praising Ms. Maroney for coming forward, noting that it “admires the courage of those, like McKayla Maroney, who have come forward to share their personal experiences with sexual abuse. Because of their strength in coming forward, predators can be held accountable for their actions.” USA Gymnastics took absolutely no action against Ms. Maroney with respect to the confidentiality provision in the settlement agreement when she chose to speak publicly.

In December 2017, Ms. Maroney, represented by different counsel, filed a lawsuit challenging the mutual confidentiality provision and certain other provisions. USA Gymnastics has contacted both Ms. Maroney’s new counsel, John Manly, and Ms. Allred about a mutual release of the parties from the mutual confidentiality obligation. Her lawyers did not respond. At this time, USA Gymnastics deems the parties mutually released from the mutual confidentiality agreement (and certain other settlement provisions challenged in her lawsuit) and has communicated that to Ms. Maroney’s counsel. USA Gymnastics previously publicly stated that it did not interpret the settlement agreement to restrict Ms. Maroney from speaking about her experiences and certainly would not seek liquidated damages with respect to her choice to do so.

USA Gymnastics appreciates the victim impact statements Ms. Maroney and her mother recently provided in Nassar’s sentencing.

**4. Is it common practice by USOC and NGBs to utilize NDAs during investigations involving their organizations?**

USA Gymnastics has not used NDAs in conjunction with any investigation, but I cannot speak to the use of NDAs by other NGBs.



**5. Is your organization aware of other such settlements between NGBs and Olympic athletes?**

USA Gymnastics is not aware of any other settlements with Olympic athletes; for clarity, it has no knowledge of settlements between other NGBs and Olympic athletes.

**6. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?**

While a number of measures have been taken and other steps are being implemented, I can only speak to the steps underway at USA Gymnastics.

As previously mentioned, in June 2017, the organization adopted the Safe Sport Policy. Pursuant to the USA Gymnastics Safe Sport Policy, the organization has policies and procedures in place, consistent with the requirements of the U.S. Center for SafeSport to (1) ensure that proper sexual abuse reporting is made to law enforcement and (2) submit any report of sexual misconduct to the exclusive jurisdiction of the Center for SafeSport.

The Safe Sport Policy requires that all USA Gymnastics members complete a designated safe sport course every two years. Additionally USA Gymnastics has taken steps to educate its members through online tools, live presentations at regional and national events, including the topic in athlete, parent, and staff discussions, and production appropriate written collateral materials.

In addition to training staff and members on the new Safe Sport Policy, the organization has hired two individuals to lead its efforts to protect athletes—a long-time leader in child advocacy as the director of safe sport and a former prosecutor who previously prosecuted child abuse and sex crime cases to provide supporting legal counsel.

USA Gymnastics has also taken measures to simplify reporting. The Safe Sport page on USA Gymnastics' website permits members to report misconduct, reminds adult members of the obligation to report sexual abuse to law enforcement, provides contact information for the reporting of sexual misconduct to the U.S. Center for SafeSport, and provides a form, email address ([safesport@usagym.org](mailto:safesport@usagym.org)), and hotline number (1-833-844-SAFE) to report other, non-sexual misconduct to USA Gymnastics.

USA Gymnastics will also comply with all elements of the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, including requirements to report all instances of child abuse, including sexual abuse, within 24 hours. This legislation is applicable to all NGBs and sets a consistent framework through the U.S. Olympic training community.

**7. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.**

On June 17, 2015, USA Gymnastics was contacted by a member coach regarding her athlete being uncomfortable with treatment she received from Dr. Nassar. This was not a report of abuse but led the organization to conduct three athlete interviews to learn more. After the third interview on Friday, July 24, 2015, the organization determined that it would be appropriate to notify law enforcement with concerns of potential sexual misconduct. USA Gymnastics contacted the Indianapolis office of the FBI



the following business day, Monday, July 27, 2015, and representatives of USA Gymnastics met with the FBI in Indianapolis on Tuesday, July 28, 2015.

Below is a more detailed timeline of events from June 2015 through May 2016:

- **June 17, 2015.** Gymnastics coach Sarah Jantzi called Sr. Vice President of Women's Program Rhonda Faehn regarding her athlete being uncomfortable with treatment she had received from Nassar. Faehn immediately phoned then USA Gymnastics CEO Steve Penny and relayed the conversation with Jantzi.
- **June 18-20, 2015.** Steve Penny spoke to Jantzi and contacted the athlete's mother.
- **June 21-July 2, 2015.** USA Gymnastics identified and engaged an experienced female investigator and worked with the athlete's family to coordinate appropriate timing for an interview.
- **July 3, 2015.** The investigator and the athlete's mother were connected to arrange a date and time for the in-person interview, based on their schedules.
- **July 11, 2015.** The investigator met with the athlete. Based on the interview, it was suggested that additional in-person athlete interviews would be helpful to better understand the situation.
- **July 17, 2015.** The investigator met with a second athlete who shared information and encouraged talking to a third athlete.
- **July 24, 2015 (Friday).** The third athlete interview occurred, and, after this interview, the investigator and USA Gymnastics determined that it would be appropriate to notify law enforcement with concerns of potential sexual misconduct.
- **July 27, 2015 (Monday).** USA Gymnastics contacted the Indianapolis FBI office, and a meeting was scheduled for July 28, 2015.
- **July 28, 2015.** Steve Penny, then Board of Directors Vice-Chairman Paul Parilla, and USA Gymnastics legal counsel Scott Himsel met with the FBI in Indianapolis. At the meeting, USA Gymnastics was assured by the FBI that it was the appropriate agency to contact and that USA Gymnastics had handled the matter correctly. At that time, USA Gymnastics provided the FBI with contact information for the three interviewed athletes and their families. USA Gymnastics offered to assist the FBI with any necessary support, including facilitating interviews. USA Gymnastics also notified the three families that law enforcement had been contacted. The FBI asked USA Gymnastics not to take any steps that would interfere with their investigation.



**USA GYMNASTICS.**

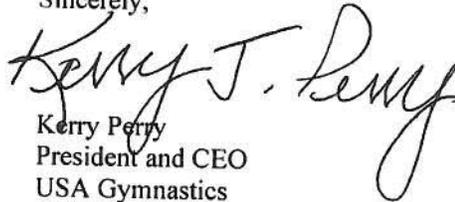
- **August – early September, 2015.** USA Gymnastics attempted to assist the FBI in arranging interviews with two athletes the FBI identified for interviews.
- **September 4, 2015.** The Indianapolis FBI office informed USA Gymnastics that pertinent interviews had been conducted and the matter had been transferred to the U.S. Attorney and FBI office in Detroit.
- **April 28, 2016.** As time passed, concern arose as to the perceived lack of progress, and Paul Parilla contacted the Los Angeles FBI office to re-report the matter.
- **May 10, 2016.** Paul Parilla and Steve Penny met in person with FBI agents at the Los Angeles FBI office to share the information previously shared with the Indianapolis FBI office.

It was the understanding of USA Gymnastics after this meeting in May 2016 that the FBI began to conduct additional athlete interviews. However USA Gymnastics was not involved in the facilitation or conduct of such interviews.

The last USA Gymnastics event that Nassar attended was the March 2015 selection camp at the National Team Training Center, before the initial report of athlete concern.

Thank you again for the opportunity to address these issues, and I look forward to working with Congress to help protect the health, wellbeing, and dignity of our athletes.

Sincerely,



Kerry Perry  
President and CEO  
USA Gymnastics

# Exhibit R

# United States Senate

WASHINGTON, DC 20510

January 25, 2018

Mr. Scott Blackmun  
Chief Executive Officer  
United States Olympic Committee  
One Olympic Plaza  
Colorado Springs, CO 80909

Dear Mr. Blackmun,

On December 20, 2017, Olympic gymnast McKayla Maroney filed a lawsuit against the United States Olympic Committee (USOC), USA Gymnastics (USAG), and Michigan State University (MSU) for the multiple organizational failures to “properly investigate, discipline, or remove” sports doctor Larry Nassar after complaints of sexual abuse suffered under his care. The despicable actions of the former USAG team doctor and sports medicine physician at MSU, first brought to light in a thorough investigation by the *Indianapolis Star* in 2016, are well documented<sup>1</sup>. However, recent reports and revelations from Dr. Nassar’s sentencing hearings provide ample evidence that USAG and MSU were negligent in acting on reports of Nassar’s abuse of more than 140 young women<sup>2</sup>.

Of particular concern is the recent allegation that USAG actively sought to silence Ms. Maroney with a non-disclosure agreement (NDA) that would impose a \$100,000 fine if the victim were to violate its confidentiality clause by speaking out about the sexual abuse<sup>3</sup>. 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, we are requesting additional information on these matters.

Protecting athletes remains a key priority of this Committee. Its jurisdiction includes the Ted Stevens Act<sup>4</sup>, which established USOC and the current National Governing Bodies (NGB) structure for individual sports. A key aim of that legislation is to protect the health and safety of athletes. In addition, the Committee exercises jurisdiction over amateur sports and the National Collegiate Athletic Association (NCAA), which itself serves as the governing body for 347 Division I member schools including MSU.

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,<sup>5</sup> it is obvious that

---

<sup>1</sup> Tim Evans, et al, *Former USA Gymnastics Doctor Accused of Abuse*, INDIANAPOLIS STAR, Sept. 12, 2016.

<sup>2</sup> Kim Kozlowski, *What MSU Knew: 14 Were Warned of Nassar Abuse*, DETROIT NEWS, Jan. 17, 2018.

<sup>3</sup> 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.

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

<sup>5</sup> Press Release, U.S. Olympic Comm., United States Olympic Committee announces U.S. Center for Safe Sport board of directors (Jan. 21, 2016).

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, pass the Senate last year. 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 in failing to do so.

In light of these serious allegations, and pursuant to the 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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. Was USOC aware of the NDA? If so, did it play a role in its inclusion in Ms. Maroney's settlement agreement?
5. Is it common practice by USOC and NGBs to utilize NDAs during investigations involving their organizations?
6. Does USOC plan to take punitive action against USAG regarding its negligence to protect athletes from sexual abuse?
7. Is your organization aware of other such settlements between NGBs and Olympic athletes?
8. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any other Olympic sport?
9. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal conduct.

Please provide the requested information as soon as possible, but by no later than Friday, February 9, 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

# Exhibit S

# COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON  
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

Brian D. Smith

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956

T : [REDACTED]  
[REDACTED]

February 9, 2018

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
Subcommittee on Consumer Protection,  
Product Safety, Insurance, and Data Security  
United States Senate  
Washington, D.C. 20510

Dear Chairman Moran and Senator Blumenthal:

On behalf of our client, the United States Olympic Committee, this letter responds to your letter of January 25, 2018, to Scott Blackmun, the chief executive officer of the United States Olympic Committee. The Olympic Committee appreciates the opportunity to respond to your questions about the serious and troubling issues related to sexual abuse of Olympic athletes.

As you know, Mr. Blackmun met with your staff almost a year ago to discuss the Olympic Committee's efforts, over the past eight years, to improve dramatically the Olympic community's ability to detect, report, investigate, and resolve allegations of sexual and other abuses. Additionally, Mr. Blackmun submitted a letter and more than 300 pages of materials to Chairman Thune and Chairman Moran on these topics on March 15, 2017. Those materials provided a detailed timeline of the actions the Olympic Committee has taken to increase the structural and systemic protection of athletes, from the first working group convened in 2010, through the launch of the U.S. Center for SafeSport in March 2017. The Center addresses this difficult issue by providing a safe and independent path for reporting and investigating issues of abuse, and by requiring education of athletes, coaches, trainers, and anyone else involved in Olympic sports about the importance of identifying and reporting indications of abuse.

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

Most significantly, in January 2018, the entire Olympic community was shocked and horrified to hear the powerful statements from the victims of Larry Nassar. Mr. Blackmun issued an open letter to all Olympic athletes on January 24, 2018, announcing that the Olympic Committee would launch an independent investigation into the detection and reporting of Nassar. On January 25, 2018, Mr. Blackmun, on behalf of the entire board of the Olympic

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
February 9, 2018  
Page 2

Committee, issued a letter to the board of USA Gymnastics outlining six specific steps that the Olympic Committee is requiring of USA Gymnastics. The Olympic Committee specifically indicated that completion of these actions was necessary for USA Gymnastics to retain its recognition as the national governing body for Olympic gymnastics. These letters are attached and discussed in further detail below.

On February 2, 2018, a special committee of the board of the Olympic Committee announced that it had hired the law firm Ropes & Gray LLP to conduct the independent investigation announced on January 24. The investigation will examine the decades-long abuse by Nassar to determine when individuals affiliated with USA Gymnastics or the Olympic Committee first became aware of any evidence of Nassar's abuse of athletes, what that evidence was, and what they did with it. The independent investigation is discussed in further detail below.

The following information responds to each of the nine questions in your letter.

### *Reporting Protocols*

The U.S. Center for SafeSport is responsible for investigating and resolving allegations of sexual abuse associated with the national governing bodies, which are the 49 independent entities recognized by the Olympic Committee to manage the training and development in each Olympic sport. The Center's activities are guided by a SafeSport Code, which covers everything from harassment and hazing to physical and sexual misconduct.<sup>1</sup>

The Olympic Committee requires each national governing body to participate in the Center as a condition of recognition by the Olympic Committee. Specifically, under section 8.7(1) of the Olympic Committee's bylaws, each national governing body must comply with the policies related to SafeSport and, additionally, the policies and procedures of the Center. As provided in section II.A.2. and II.A.4. of the SafeSport Practices and Procedures, all covered adults are required to report suspicions or allegations of child abuse promptly to both law enforcement and the Center. These sections also provide that no one should investigate or evaluate the credibility of such allegations before reporting. As provided in section II.E. of the SafeSport Code, these provisions apply to any adult who is in the governance or disciplinary jurisdiction of a national governing body (or seeking the same); any individual that a national governing body or the Olympic Committee "authorizes, approves or appoints to a position of authority" over an athlete or to have "frequent contact" with an athlete; and any individual a national governing body identifies as being within the jurisdiction of the Center. Notably, these requirements do not depend on employment by a national governing body or any other Olympic entity. For example, these requirements apply equally to a person who is employed by another institution and is authorized by a national governing body to have frequent contact, on a volunteer basis, with athletes.

---

<sup>1</sup> The SafeSport Code, along with the Center's practices and procedures and rules for arbitration, are available at <https://safesport.org/files/index/tag/policies-procedures>.

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
February 9, 2018  
Page 3

To date, nearly all of the national governing bodies have amended their own bylaws to provide jurisdiction to the Center. Six national governing bodies are in the process of completing the necessary amendments. One national governing body (U.S. Ski & Snowboard) requires adherence to the SafeSport Code in its bylaws, but the Olympic Committee will require further changes to include an explicit jurisdictional reference.

In addition to the Center's exclusive authority within the Olympic community to investigate and resolve issues involving sexual misconduct, the Center has discretionary authority to assume responsibility for the investigation and resolution of other violations of the SafeSport Code. If that discretionary authority is not exercised, the applicable national governing body retains the authority and obligation to investigate and resolve the allegation. The Center operates independently of the Olympic Committee and the national governing bodies to ensure that it may investigate and resolve allegations without interference. Nonetheless, the Olympic Committee and the national governing bodies provide funding for the Center.

In addition to the SafeSport Code, the Center has adopted practices and procedures and procedural rules for arbitration that govern its investigation and resolution of alleged violations. These important procedural improvements centralize and clarify the process by which allegations of abuse are investigated and resolved. By adopting clear procedures that apply to all investigations by the Center, the Olympic community seeks to ensure a fair process that permits swift actions to protect children. Your letter asked about nondisclosure during an investigation. The SafeSport practices and procedures contain specific provisions related to confidentiality. These provisions permit confidential reports and outline the procedures related to notifying a national governing body in the case of interim measures, a full investigation, or a final decision.

In its leadership role within the Olympic community, the Olympic Committee is also auditing the national governing bodies to ensure that each organization is in compliance with the Olympic Committee's SafeSport requirements. Each national governing body must submit a compliance checklist and substantiating information. The checklist requires each national governing body to confirm it has the following in place: SafeSport provisions in its bylaws that provide jurisdiction to the Center; an athlete safety policy meeting the Olympic Committee's requirements; a grievance process that is materially free of bias and conflicts of interest for SafeSport allegations; a policy requiring criminal background checks, at least every two years, for individuals authorized to a position of authority over or to have frequent contact with athletes; and a policy requiring SafeSport education and training for this same group of individuals. Starting in 2018, the Olympic Committee will produce an annual, public compliance report that will include the audit of the SafeSport compliance checklist.

Recently, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, which complements and further strengthens the reporting requirements of the Olympic Committee and the Center. The law imposes a mandatory reporting requirement on any adult authorized by a national governing body or member to interact with a minor or amateur athlete at an amateur sports organization facility or at an event sanctioned by a national governing body or member. The legislation also provides federal authorization for the Center. As you know, the Olympic Committee supported this legislation

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
February 9, 2018  
Page 4

and worked with Congress on its passage. The legislation helpfully brings the force of federal law behind the mandatory reporting requirements of the Center's rules.

### *Settlements*

Your letter notes that McKayla Maroney has instituted a lawsuit in which she states that she was required to agree to certain confidentiality provisions in the context of a settlement between her and USA Gymnastics. As noted above, Ropes & Gray is now investigating all issues associated with the Nassar matter, and we expect that issues related to the settlement agreement will be addressed in that investigation. To the best of its current knowledge, the leadership of the Olympic Committee was not aware of the confidentiality provisions or the settlement agreement between Ms. Maroney and USA Gymnastics, and the Olympic Committee was not a party to the agreement. We are not aware of other settlement agreements related to sexual abuse of Olympic athletes that contain confidentiality agreements, but we believe it would be unlikely that the Olympic Committee would be aware of such agreements if they exist because the national governing bodies are separate entities from the Olympic Committee.

### *Actions Related to USA Gymnastics*

As noted above, on January 25, 2018, Mr. Blackmun, on behalf of the Olympic Committee and its board, informed USA Gymnastics of six specific steps that the Olympic Committee would require USA Gymnastics to complete as a condition of its continued recognition as a national governing body.

First, the Olympic Committee required all members of the USA Gymnastics board to resign. That process was completed on January 30, 2018. Second, the Olympic Committee required USA Gymnastics to seat an interim board, consistent with its current bylaws, with all new membership (except that the athletes may reelect their representative) by February 28, 2018. Third, USA Gymnastics must create a new permanent board within one year. Fourth, for the next year, an Olympic Committee representative must participate in each board meeting of USA Gymnastics, the board must discuss and report on progress instituting reforms, and USA Gymnastics must cooperate with the independent investigation, among other requirements. Fifth, all USA Gymnastics staff and board members must complete SafeSport training within three months. And, sixth, all USA Gymnastics staff and board members must complete ethics training within six months.

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

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
February 9, 2018  
Page 5

### *Investigation of Nassar Abuse*

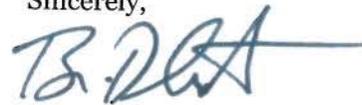
As noted above, on February 2, 2018, the Olympic Committee selected Ropes & Gray to conduct an independent investigation into the abuse by Nassar to determine when individuals affiliated with USA Gymnastics or the Olympic Committee first became aware of any evidence of Nassar's abuse of athletes, what that evidence was, and what they did with it. Joan McPhee and James Dowden, both former federal prosecutors, will lead the investigation. The investigators will have full discretion to conduct the investigation and may make any findings they deem appropriate. The Olympic Committee directed Ropes & Gray to prepare and issue a public written report at the conclusion of the investigation. The Olympic Committee pledged its full support to the investigation, including access to relevant documents and witnesses. USA Gymnastics has also confirmed its cooperation.

The Nassar abuse reveals the weaknesses of the Olympic community's reporting and response structure before the launch of the Center for SafeSport in March 2017. Because the allegations of abuse occurred before the existence of the Center, the investigation and reporting of the allegations fell to USA Gymnastics, which we now know was a flawed approach. The Center corrects this weakness by providing a separate and independent entity as a safe place for reporting, and by ensuring that allegations are handled by professionals who have the skills and experienced necessary to investigate allegations of sexual abuse.

Although the Olympic Committee expects to learn more from the independent investigation by Ropes & Gray, its current understanding is that the Olympic Committee first learned of the abuse in late July 2015, when Steve Penny, then the head of USA Gymnastics, informed the Olympic Committee about allegations of abuse. At that time, Mr. Penny informed Mr. Blackmun that there were reports from three athletes concerning a USA Gymnastics physician, and that the issue was being reported to law enforcement. Mr. Blackmun agreed that the matter needed to be reported immediately to law enforcement, which was consistent with the Olympic Committee's policies and guidance at the time.

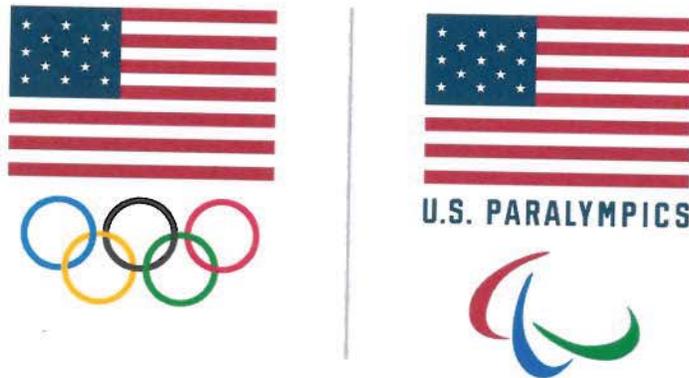
The Olympic Committee is committed to creating and overseeing a system in which victims, peer athletes, and adults have a safe and clear path to report abuses, and the Olympic community has the tools, personnel, and resources to detect abuses and respond swiftly and decisively to stop them. The Olympic Committee has made significant progress to strengthen the protections of athletes, but our collective efforts to improve athlete safety must never cease.

Sincerely,



Brian D. Smith

BY SCOTT BLACKMUN, U.S. OLYMPIANS AND PARALYMPIANS ASSOCIATION | JAN. 24, 2018, 12:48 P.M. (ET)



To Team USA:

The athlete testimony that just concluded in the Nassar hearings framed the tragedy through the eyes of the victims and survivors, and was worse than our own worst fears. It was powerful because of the strength of the victims, survivors and parents, who so eloquently and forcefully told their stories and so rightfully demanded justice. The USOC should have been there to hear it in person, and I am deeply sorry that did not happen.

The purpose of this message is to tell all of Nassar's victims and survivors, directly, how incredibly sorry we are. We have said it in other contexts, but we have not been direct enough with you. We are sorry for the pain caused by this terrible man, and sorry that you weren't afforded a safe opportunity to pursue your sports dreams. The Olympic family is among those that have failed you.

I know this apology is not enough. We have been working on taking steps at the USOC and mandating changes among National Governing Bodies to ensure this does not happen again. Our next steps will be these:

- 1. We Must Change the Culture of the Sport.** This was the primary recommendation of the independent Deborah Daniels Report on USA Gymnastics and the athlete testimony underlined its importance. We heard athletes describe being unsure or unaware of how to report abuse and to whom, and sometimes even what constitutes abuse. We heard athletes describe being afraid or discouraged from reporting abuse. We heard athletes describe feeling hurt, betrayed, discounted and alone. Since October of last year, we have been engaged in direct talks with USAG leadership on this fundamental point. New leadership at the board level is critical and you recently saw three USAG board resignations. Further changes are necessary to help create a culture that fosters safe sport practice, offers athletes strong resources in education and reporting, and ensures the healing of the victims and survivors. This includes a full turnover of leadership from the past, which means that all current USAG directors must resign.
- 2. We Must Change the Governance Structure of the NGB.** We need to help USA Gymnastics better support its mission, which is to provide the best resources and safest environment for athletes to train and compete. We have strongly considered decertifying USAG as a National Governing Body. But USA Gymnastics includes clubs and athletes who had no hand in this and who need to be supported. We believe it would hurt more than help the athletes and their sport. But we will pursue decertification if USA Gymnastics does not fully embrace the necessary changes in their governance structure along with other mandated changes under review right now.

**3. We Must Know Who Knew What and When.** The USOC has decided to launch an investigation by an independent third party to examine how an abuse of this proportion could have gone undetected for so long. We need to know when complaints were brought forward and to who. This investigation will include both USAG and the USOC, and we believe USAG will cooperate fully. We will make the results public.

**4. We Must Support Safe Sport Victims and Survivors.** Team USA safe sport assault victims and survivors need access to testing, treatment and counseling. The USOC will devote substantial funds to help provide these resources to victims and survivors. We are working on the details of how this funding will become available to athletes and will communicate them soon.

I hope that all members of Team USA remember that the USOC ombudsman office is always available to provide free, independent and confidential help to athletes with concerns or questions about safe sport or other matters. Contact information, along with other helpful athlete resources, are [here](#).

In order to bring even more focus and urgency to these important points, the USOC board of directors has mobilized a board-level working group chaired by independent board member Susanne Lyons. Susanne can be reached at [susanne.lyons@usoc.org](mailto:susanne.lyons@usoc.org).

Finally, I invite any member of Team USA to communicate with me or Ms. Lyons directly if there is more that you think the Olympic family can or should be doing for you and your families.

Sincerely,



Scott Blackmun  
Chief Executive Officer  
United States Olympic Committee

---

An open letter from the U.S. Olympians and Paralympians Association to athletes everywhere:

We hear you.

We have heard your many stories detailing the sexual and emotional abuse you endured while training and competing in pursuit of your goals and your dreams. We applaud your individual and collective courage and conviction in coming forward and telling all...and calling out those who abused your trust.

We are both appalled by the actions of those who hurt you and deeply saddened by your suffering. For those whose stories we haven't heard (and may never hear), we respect your decision and your privacy...but also acknowledge the pain you feel in silence.

We are united in saying that there is no place for abuse in sport – at any age, at any level, in any venue. As Olympic and Paralympic alumni, we want you to know we are a family that stands strong for the ideals of the Olympic and Paralympic movements.

When we, as athletes, returned from past Games, we shared an understanding that "The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity." Now we must ask how can athlete dignity be preserved when the responsible institutions fail so in their oversight?

So what shall we do? We shall continue to advocate for education and safe sport, to teach young boys and girls to recognize the signs of abuse and provide a safe place to speak without repercussion. Parents, coaches and trainers need to be educated to recognize the signs and learn how to behave properly in coaching situations. We shall support Title IX, the U.S. Center for SafeSport and pending federal legislation to protect our athletes.

For any of you who are currently in need (or know someone who is), the newly created and independent U.S. Center for SafeSport is available for confidential 24/7 reporting and crisis support:

SafeSport.org

24/7 SafeSport Crisis Helpline: 866-200-0796

We know the power of commitment to a belief and to goals; our goal is that your experiences are never repeated. Together, we shall seek to create a way of life based on the joy of effort.

Together in sport,

United States Olympians and Paralympians Association Executive Committee

President Dick Fosbury – Track and Field, 1968

Willie Banks – Track and Field, 1980/1984/1988

Allison Baver – Speedskating, 2002/2006/2010

Carol Brown – Rowing 1976/1980/1984

Candace Cable – Paralympic Track and Field, 1980/1988/1992/1996; Alpine Skiing, 1992; Nordic Skiing, 1994/1998/2002/2006

Caryn Davies – Rowing, 2004/2008/2012

Gary Hall Sr. – Swimming, 1968/1972/1976

Micki King – Diving, 1968/1972

Carol Lewis – Track and Field, 1980/1984/1988

John Naber – Swimming, 1976

Bill Toomey – Track and Field, 1968

Iris Zimmerman – Fencing, 2000



**UNITED STATES  
OLYMPIC COMMITTEE**  
1 Olympic Plaza  
Colorado Springs, CO 80909  
719-866-4701  
scott.blackmun@usoc.org

**SCOTT BLACKMUN**  
Chief Executive Officer

January 25, 2018

VIA E-MAIL

Board of Directors  
USA Gymnastics  
130 E. Washington St., Suite 700  
Indianapolis, IN 46204

Re: USA Gymnastics NGB Status

Ladies and Gentlemen:

This letter is to set forth the position of the USOC Board of Directors on USA Gymnastics' status as a US National Governing Body, to set out certain steps USAG must take in order to safeguard that status, and to offer assistance in that regard.

As you know, under the US Ted Stevens Olympic and Amateur Sports Act the USOC is responsible for recognizing sport organizations as National Governing Bodies, for implementing the Act's NGB eligibility requirements, and for enforcing these requirements. Section 8 of the USOC Bylaws set out the USOC's specific terms for this, including the means for terminating NGB recognition.

The shocking and tragic stories surrounding Larry Nassar's years-long abuse of vulnerable athletes are now well known to all of us and the recently concluded Nassar sentencing hearings served to drive home the impact on individual victims in a way we will never forget. We must take further action to ensure that it cannot happen again.

As part of the USOC's work in this regard, the USOC Board of Directors has formed a Board-level working group chaired by independent Board Member Susanne Lyons. That working group has begun efforts in several areas and is available to work with USAG as a resource and day-to-day liaison. Ms. Lyons can be reached at [Susanne.lyons@usoc.org](mailto:Susanne.lyons@usoc.org).

In the case of USA Gymnastics, the USOC Board and our new working group believe that necessary action includes implementing governance reform. We note that USAG has



**UNITED STATES  
OLYMPIC COMMITTEE**  
1 Olympic Plaza  
Colorado Springs, CO 80909  
719-866-4701  
scott.blackmun@usoc.org

made very good progress in this area, most recently via substantial bylaw amendments last month. We acknowledge and support these positive steps, as they build on the good work in the June 26, 2017 independent investigation report by Deborah Daniels and in the hiring of USAG's new CEO Kerry Perry. We are also aware of the recent resignations of USAG board chair Paul Parilla and three other board members.

Now that these steps have been completed, USAG must build on them with a categorically fresh start at the board level. Thus, while the USOC encourages USAG to think and act broadly on reforming its culture, we also believe that reform must start with an entirely new board continuing to pursue implementation of the Daniels Report recommendations. Specifically, we believe that USAG must take at least the following additional steps in its efforts on governance reform:

1. All current members of the USAG board of directors must resign
2. An interim board must be seated, consistent with USAG's current bylaws. Athlete representatives on this new board must be selected by athlete constituent groups as contemplated in the USAG bylaws, and may include athletes who have resigned from the USAG board under 1, above. No other USAG board member who has resigned in number 1 above may be included in the newly configured board.
3. Within the next 12 months, new board members must be seated to replace interim directors, consistent with USAG's current bylaws and the nominating processes of constituent bodies. The requirement as to resigned board members in 1 above applies here as well.
4. During at least the next 12 months:
  - a. A USOC-designated liaison must be invited to attend each USAG board meeting
  - b. At each USAG board meeting, the board must substantively discuss progress and plans for continued implementation of the findings in the Daniels Report
  - c. After each USAG board meeting, USAG must report such progress and plans to the USOC board
  - d. The USAG Chair and CEO must attend at least one USOC board meeting during the first six months to discuss these and other issues
  - e. USAG must cooperate with an independent investigation of exactly who knew and who should have known of USAG athlete reports of abuse by Dr. Nassar (and when) and did not report these allegations appropriately, and of what systemic failures may have contributed to these failures to report
5. Within three months, USAG must confirm that all staff and board members have completed SafeSport training offered by the US Center for Safe Sport



UNITED STATES  
OLYMPIC COMMITTEE  
1 Olympic Plaza  
Colorado Springs, CO 80909  
719-866-4701  
scott.blackmun@usoc.org

6. Within six months, USAG must confirm that all staff and board members have completed a comprehensive ethics training unit

We do not base these requirements on any knowledge that any individual USAG staff or board members had a role in fostering or obscuring Nassar's actions. Our position comes from a clear sense that USAG culture needs fundamental rebuilding. This was the overarching finding in the Daniels report and it was demonstrated again in the recent testimony of Nassar's victims. Every athlete connected in any way with USAG must feel safe, supported, and encouraged to speak freely about threats to their safety whether SafeSport-related or otherwise. USAG culture's must foster this in all ways.

If USAG cannot or does not achieve steps 1 through 6 above promptly and clearly, the USOC will have no choice but to pursue termination of USAG's NGB status. Please refer to Section 8.20 of the USOC Bylaws for details on how that would occur. In order to avoid immediate termination proceedings, USAG must complete all the steps set out above, including achieving step 1 by January 31, 2018 and step 2 by February 28, 2018.

We note that USAG has already made progress on certain of the steps while others will require substantial work and care. With that in mind, the USOC would like to provide resources to assist USAG.

Specifically, the USOC is willing to offer the following:

- A. USOC and/or external resources to assist with the board search and seating process and board transition
- B. Assistance with access to SafeSport and ethics training as needed
- C. Assistance with developing improved ombuds or other avenues for athlete feedback and input
- D. Assistance with driving implementation of the Daniels Report findings down into the larger USAG organization (clubs, etc.)
- E. Full cooperation in the independent investigation in 3.e above
- F. General assistance to Ms. Perry and the new USAG Board Chair as appropriate

Please understand that the circumstances that led to this crisis demand our attention and intervention. Our common focus and motivation needs to be athlete support and protection. These steps are intended to help USAG create a culture that protects and supports its athletes in the way I know we all want to do. USAG has shown resolve in its work on addressing its current issues. The USOC stands ready to help USAG further this job.



**UNITED STATES  
OLYMPIC COMMITTEE**  
1 Olympic Plaza  
Colorado Springs, CO 80909  
719-866-4701  
scott.blackmun@usoc.org

Finally, we have heard concerns that the victims and survivors of Nassar's sexual assault may not be aware that they may want to consult their family physician about whether to seek tests for STDs or other possible conditions, such as the HPV virus, that could possibly result from sexual assault. Relevant information can be found [here](#). We have no information of a particular risk related to Nassar, but this information needs to be provided to his victims and survivors. As you know, we don't have contact information for Nassar's victims. Will you please confirm that USAG will take all available steps to communicate this information as soon as possible.

We are happy to discuss the specifics of this letter and the entire matter and will make ourselves available to do so. In the meantime, please confirm to me or Ms. Lyons that you have reviewed and understand its contents at your first opportunity.

Sincerely,

A handwritten signature in blue ink that reads "S.A. Blackmun".

Scott Blackmun

Cc: Kerry Perry  
Susanne Lyons

# Exhibit T

# United States Senate

WASHINGTON, DC 20510

January 25, 2018

Ms. Lou Anna K. Simon  
President  
Michigan State University  
426 Auditorium Road  
Hannah Administration Building, Room 450  
East Lansing, MI 48824

Dear Ms. Simon,

On December 20, 2017, Olympic gymnast McKayla Maroney filed a lawsuit against the United States Olympic Committee (USOC), USA Gymnastics (USAG), and Michigan State University (MSU) for the multiple organizational failures to “properly investigate, discipline, or remove” sports doctor Larry Nassar after complaints of sexual abuse suffered under his care. The despicable actions of the former USAG team doctor and sports medicine physician at MSU, first brought to light in a thorough investigation by the *Indianapolis Star* in 2016, are well documented<sup>[1]</sup>. However, recent reports and revelations from Dr. Nassar’s sentencing hearings provide ample evidence that USAG and MSU were negligent in acting on reports of Nassar’s abuse of more than 140 young women<sup>[2]</sup>.

Of particular concern is the recent allegation that USAG actively sought to silence Ms. Maroney with a non-disclosure agreement (NDA) that would impose a \$100,000 fine if the victim were to violate its confidentiality clause by speaking out about the sexual abuse<sup>[3]</sup>. 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, we are requesting additional information on these matters.

Protecting athletes remains a key priority of this Committee. Its jurisdiction includes the Ted Stevens Act<sup>[4]</sup>, which established USOC and the current National Governing Bodies (NGB) structure for individual sports. A key aim of that legislation is to protect the health and safety of athletes. In addition, the Committee exercises jurisdiction over amateur sports and the National Collegiate Athletic Association (NCAA), which itself serves as the governing body for 347 Division I member schools including MSU.

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,<sup>[5]</sup> 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

---

<sup>[1]</sup> Tim Evans, et al, *Former USA Gymnastics Doctor Accused of Abuse*, INDIANAPOLIS STAR, Sept. 12, 2016.

<sup>[2]</sup> Kim Kozlowski, *What MSU Knew: 14 Were Warned of Nassar Abuse*, DETROIT NEWS, Jan. 17, 2018.

<sup>[3]</sup> 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.

<sup>[4]</sup> Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220512, 220521-220529.

<sup>[5]</sup> Press Release, U.S. Olympic Comm., United States Olympic Committee announces U.S. Center for Safe Sport board of directors (Jan. 21, 2016).

do. Accordingly, we were pleased to see S. 534, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, pass the Senate last year. 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 in failing to do so.

In light of these serious allegations, and pursuant to the 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 MSU, in these reporting practices?
3. In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.
4. When exactly did MSU become aware of sexual misconduct allegations against their employee Dr. Nassar? How many criminal complaint reports were filed against Dr. Nassar during his time of employment? Did MSU share these reports with law enforcement, USOC, USAG, or the NCAA?
5. Is your organization aware of other such settlements between NGBs and Olympic athletes?
6. What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?
7. In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.

Please provide the requested information as soon as possible, but by no later than Friday, February 9, 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

CC: Brian Breslin, Chairman, Michigan State Board of Trustees  
Mark Emmert, President, NCAA

# Exhibit U



DLA Piper LLP (US)  
500 Eighth Street, NW  
Washington, DC 20004  
www.dlapiper.com

William H. Minor

T  
F

February 12, 2018

The Honorable Jerry Moran  
Chairman  
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security  
Committee on Commerce, Science, and Transportation  
United State Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Richard Blumenthal  
Ranking Member  
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security  
Committee on Commerce, Science, and Transportation  
United State Senate  
428 Hart Senate Office Building  
Washington, DC 20510

**Re: Subcommittee Letter to Michigan State University**

Dear Chairman Moran and Ranking Member Blumenthal:

This letter responds to your letter of January 25, 2018 to Michigan State University ("MSU"). Our firm has been retained by MSU and asked to transmit the university's response.

MSU welcomes the opportunity to assist the subcommittee in its review of this matter and to answer the questions posed in the letter. Attached is a document addressing each question.

Please let me know if MSU can provide anything further to you or your staff in the course of the subcommittee's work.

Regards,

DLA Piper LLP (US)

William H. Minor  
Partner

Attachment

*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?*

MSU's Relationship Violence and Sexual Misconduct Policy outlines reporting protocols for incidents of relationship violence and sexual misconduct. It requires that all university employees, other than those identified as confidential sources and certain medical professionals providing patient care, are expected to promptly report relationship violence, stalking, and sexual misconduct that they observe or learn about in their professional capacity and that involve a member of the university community (faculty, staff, or student) or which occur at a university-sponsored event or on university property. Furthermore, MSU mandates that employees report sexual misconduct and relationship violence to both the MSU Police Department and the Office of Institutional Equity ("OIE"). OIE reviews and responds to reported incidents of harassment and discrimination, including relationship violence and sexual misconduct. MSU through its policy and resource materials informs individuals of their right to participate in both a criminal and university investigation and provides options for reporting to a confidential source, such as a counselor.

The Relationship Violence and Sexual Misconduct Policy can be found at:

[https://www.hr.msu.edu/policies-procedures/university-wide/RVSM\\_policy.html](https://www.hr.msu.edu/policies-procedures/university-wide/RVSM_policy.html)

Additional information and resources to support reporting can be found at the following links:

<http://titleix.msu.edu/make-a-report/index.html>.

<http://titleix.msu.edu/policy-info/mandatory-reporting.html>

[http://titleix.msu.edu/\\_files/documents/mandatory-reporting-guide.pdf](http://titleix.msu.edu/_files/documents/mandatory-reporting-guide.pdf)

MSU also maintains mandatory reporting requirements for child abuse and child pornography in the policy titled University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography. These reporting protocols apply to all employees and volunteers who perform services for the university. The policy requires that all employees and volunteers report suspected child abuse or neglect directly to law enforcement; individuals who are mandated reporters under state law must also report directly to Child Protective Services. Employees or volunteers who become aware of suspected child pornography on MSU IT Resource must contact the MSU Police Department immediately. Employees or volunteers who knowingly fail to report suspected child abuse, child neglect, sexual assault, or child pornography may be subject to disciplinary action, up to and including dismissal.

The full text of the protocols may be found at:

[https://www.hr.msu.edu/policies-procedures/university-wide/reporting\\_protocols.html](https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html)

In addition to the foregoing, both the MSU Police Department and MSU's OIE connect individuals who report with advocacy and support resources available on campus and in the community, including through confidential campus and community crisis hotlines and support services. An overview of these resources can be found at:

<http://titleix.msu.edu/find-resources/index.html>.

- Student Claimant Resource Guide

<http://titleix.msu.edu/find-resources/Student%20Claimant%20Resource%20Guide%200011118.pdf>

- Employee Claimant Resource Guide

<http://titleix.msu.edu/find-resources/Employee%20Claimant%20Resource%20Guide%200011118.pdf>

- Claimant Resource Guide for Unaffiliated Parties

[http://titleix.msu.edu/\\_files/documents/unaffiliated-claimant-resources-guide-5-31-2017.pdf](http://titleix.msu.edu/_files/documents/unaffiliated-claimant-resources-guide-5-31-2017.pdf)

- MSU Police Department Options & Resources for Survivors

[https://www.hr.msu.edu/policies-procedures/university-wide/documents/AppC-MSU\\_PD\\_infoForms.pdf](https://www.hr.msu.edu/policies-procedures/university-wide/documents/AppC-MSU_PD_infoForms.pdf)

Finally, general information about the University's Title IX policies and procedures can be found at <http://titleix.msu.edu/policy-info/index.html>.

- 2. Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like MSU, in these reporting practices?***

While this question would appear to be directed to NGB institutions, MSU's reporting protocols are described in response to Question No. 1.

3. *In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.*

MSU is not a party to any non-disclosure agreement with Ms. Maroney, who was never a student at MSU and is not affiliated with MSU. Consequently, MSU does not have information regarding any non-disclosure agreement between Ms. Maroney and USAG.

4. *When exactly did MSU become aware of sexual misconduct allegations against their employee Dr. Nassar? How many criminal complaint reports were filed against Dr. Nassar during his time of employment? Did MSU share these reports with law enforcement, USOC, USAG, or the NCAA?*

The university provides this response based on the information presently available to it. MSU continues to investigate and may learn more as part of the litigation discovery process.

MSU's Sports Medicine Clinic received a patient complaint about Nassar on April 21, 2014. The Sports Medicine Clinic reported the complaint to MSU's Office of Inclusion and Intercultural Initiatives ("I3"), the predecessor to MSU's OIE, which conducted a sexual harassment investigation. Following the investigation, it was concluded that no violation of MSU's sexual harassment policy had occurred. The OIE investigator also reported the allegations to the MSU Police Department ("MSUPD") in May 2014. The MSUPD, in turn, investigated the allegations and turned them over to the Ingham County (MI) prosecuting attorney's office. The prosecutor's office did not file charges following its review. Because MSU's I3 investigation did not find a violation of university policy, MSU did not inform third parties (USOC, USAG, or the NCAA) apart from local law enforcement of the allegations. Please note, too, that the complainant was an adult whose specific allegations were different in nature from most allegations brought forward in and after August 2016: The factual allegations made by the complainant in 2014 did not involve any form of penetration.

Nassar's sexual misconduct was the subject of a later criminal complaint made to the MSUPD by a former patient on August 29, 2016. The patient was neither a current nor a former MSU student-athlete. The MSUPD reported the complaint to the Ingham County prosecuting attorney's office. Nassar was fired on September 20, 2016. Beginning in September 2016, due to widespread attention that followed media reports concerning Nassar, the MSUPD received numerous other complaints about his sexual misconduct. The MSUPD investigated these complaints in cooperation with the Michigan Attorney General's Office and the FBI. Its work was integral to the successful prosecution of Nassar by federal and Michigan criminal authorities. The media attention given to all these matters, including USAG's relationship with Nassar, was such that USAG, and presumably USOC and the NCAA, were aware of them. Indeed, it was at this time that MSU learned that USAG had

received allegations against Nassar in 2015, a fact of which MSU had not previously been advised.

A number of Nassar's former patients have stated that they recall telling various people about concerns they had about Nassar as early as 1997. The people whom some recall telling include persons then affiliated with MSU, including coaches or trainers. The former patients' accounts are referenced in civil complaints in lawsuits filed against MSU and/or were included in the victim statements made at the recent sentencing hearings for Nassar. Past and present MSU employees have said that they do not remember the alleged reports to them (some of which would have taken place as many as 20 years ago) as they have been described. To date, there has been no indication that any MSU employee understood at any time prior to September 2016 that Nassar engaged in sexual misconduct. As noted earlier, MSU continues to investigate and may learn more as part of the litigation discovery process.

As a consequence of the various investigations into Nassar's misconduct, information has become public that a criminal complaint was filed with the Meridian Township Police Department in 2004 concerning Nassar, but that he was cleared following a police investigation. MSU was not made aware of that complaint until September 2016.

Similarly, information has become public of a USAG and/or FBI investigation of Nassar in 2015. MSU was not notified of that investigation. However, emails show that in July 2015 Nassar forwarded to an MSU medical colleague no longer employed by the university an email from USAG's counsel indicating that concerns had been raised about some of Nassar's techniques and that patients felt uncomfortable with certain areas of their bodies being treated. The letter asked Nassar not to participate in an upcoming USAG event. Nassar thereafter discussed by email with that colleague on several occasions his frustration that USAG had not advanced its inquiry swiftly and that USAG would not tell him any more details. Those emails do not indicate that the former employee discussed this information with anyone at MSU prior to September 2016.

**5. *Is your organization aware of other such settlements between NGBs and Olympic athletes?***

MSU is not a National Governing Body and is not privy to any such agreements.

**6. *What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?***

MSU continually evaluates its policies and procedures in an effort to encourage reporting of sexual assaults and ensure a safe and inclusive campus environment. The current versions of many of these policies are described in response to Question No. 1, above.

In August 2017, MSU streamlined the reporting process for non-supervisory employees and strengthened mandatory reporting requirements by clarifying the consequences for employees failing to submit a mandatory report. <http://titleix.msu.edu/news-events/news/2017-2018-rvsm-policy-updates.html>

In addition to the online training that employees are required to complete, MSU provided in-person training to units across campus. At the beginning of the academic year, MSU distributed information regarding the updated policy and a reminder about employee reporting requirements to all employees and distributed new mandatory reporting pocket resource guides. [http://titleix.msu.edu/\\_files/documents/Faculty-Staff-Tear-Off-080817-ASAP.pdf](http://titleix.msu.edu/_files/documents/Faculty-Staff-Tear-Off-080817-ASAP.pdf)

As part of MSU's commitment to continuous improvement and dedication to developing leading-edge policies, programs, and services, MSU commissioned an independent Title IX external review in 2017.

The first phase of the review, which examined MSU's policy and procedures and was completed in November 2017, concluded that MSU's Title IX policies are compliant with all federal legal requirements and reflect a strong and genuine commitment to combatting sexual misconduct. The report can be found at: [http://titleix.msu.edu/information-reports/msu\\_report\\_2017\\_external.pdf](http://titleix.msu.edu/information-reports/msu_report_2017_external.pdf)

The second phase of the review, which is underway and expected to conclude by May 2018, will examine MSU's crisis and advocacy services, prevention and education programs, and outreach and awareness efforts.

Additionally, MSU has developed its "Our Commitment" website, which further details changes to policies and procedures MSU has made in connection with combatting sexual assault on campus, improving patient care and safety within its Health Team, and protecting youths on campus. <https://msu.edu/ourcommitment/>

Following the completion of the external review, MSU will assess opportunities to continue to develop leading-edge prevention programs and services to support survivors.

The university also provides a number of education and awareness programs about relationship violence and sexual misconduct on campus, including required online and in-person training for all incoming students, targeted educational programs, educational and awareness campaigns, and other educational opportunities throughout the academic year. These educational programs are designed to:

- Raise awareness of the impact of relationship violence and sexual misconduct;
- Clearly communicate that relationship violence and sexual misconduct is prohibited at MSU;

- Reduce the prevalence of relationship violence and sexual misconduct;
- Connect students and employees with information on reporting options and campus and community resources; and
- Encourage active bystander intervention and community involvement in shaping our campus culture.

MSU works collaboratively with governance groups, the Sexual Violence Advisory Committee, and the Committee for Violence Free Communities to develop and execute awareness events, visual supports, resource materials, and guest speakers to engage community members and raise awareness. More information about these education and awareness programs can be found at <http://titleix.msu.edu/learn-more/education-awareness-programs.html> and <https://www.facebook.com/ItsOnUsMSU/>.

**7. *In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.***

The university provides this response based on the information presently available to it. The following describes the timing of actions by MSU's administration in response to reports the administration received. MSU continues to investigate and may learn more as part of the litigation discovery process.

As discussed in response to question 4 above, on **April 21, 2014**, an adult patient made a complaint to MSU's Sports Medicine Clinic regarding a recent office visit with Nassar. The physician who received the complaint at the Sports Medicine Clinic immediately reported the matter to MSU's I3 office (the predecessor to MSU's OIE). I3 opened a sexual harassment investigation and also reported the matter to the MSU Police Department. I3 completed its investigation and finalized a report, dated **July 18, 2014**, which concluded that, based on the evidence, no violation of MSU's sexual harassment policy had occurred.

On **August 29, 2016**, the MSU Police Department notified the university that it had received a complaint against Nassar from a former patient. Nassar was immediately removed from clinical practice, and the university immediately commenced an investigation into the former patient's complaint. After confronting Nassar with certain of the allegations related to his practice, the university terminated Nassar's employment on **September 20, 2016**.

In total, OIE has received 74 complaints to date. The university closed 36 investigations for lack of participation by the claimant. Twenty-nine complaints, all received this year (2018), remain open and pending. Since the review of the April 2014 complaint was completed, the university has conducted formal investigations of five complaints, and in all five instances, the university concluded that Nassar violated the university's policy then in effect. As to the remaining complaints, MSU has offered claimants the option: to pursue a formal

investigation; to provide a statement, which would be reviewed by the Title IX Coordinator to identify recommendations regarding any policies, procedures, protocols, or training programs that could be implemented responsive to the reported incident; and/or, for claimants who are current MSU community members, to request interim measures. OIE continues to receive complaints involving Nassar and responds to each report following these steps.

MSU has contacted the U.S. Department of Education Office for Civil Rights to request technical assistance to ensure that OIE is processing complaints involving Nassar in a manner consistent with the Department's guidance.

On **May 18, 2017**, the Title IX Coordinator submitted recommendations to the CEO of the MSU Health Team after reviewing claimant statements and formal investigation reports received by the university up to that time

During the entire time period from August 29, 2016, through the present, MSU has cooperated with all efforts by law enforcement agencies seeking to investigate and convict Nassar.

# Exhibit V

United States Senate  
WASHINGTON, DC 20510

February 2, 2018

Mr. Steve McNally  
Interim Executive Director  
USA Taekwondo  
1 Olympic Plaza,  
Colorado Springs, CO 80909

Dear Mr. McNally,

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 Maroney<sup>1</sup>. 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, 2017<sup>2</sup>.

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 2016<sup>3</sup>. 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 Act<sup>4</sup>, 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.

---

<sup>1</sup> 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.

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

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

<sup>4</sup> 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)<sup>5</sup>. 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

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

# Exhibit W

United States Senate  
WASHINGTON, DC 20510

March 30, 2018

Ms. Kerry Perry  
President and Chief Executive Officer  
USA Gymnastics  
130 E. Washington Street, Suite 700  
Indianapolis, IN 46204

Dear Ms. Perry:

We remain deeply concerned with the systemic issues that have plagued the United States Olympic Committee (USOC), USA Gymnastics (USAG) and other amateur sports organizations regulated by the Ted Stevens Olympic and Amateur Sports Act (Amateur Sports Act) brought to light by recent reports of widespread sexual abuse. These issues include failure to properly maintain and utilize standing reporting and oversight mechanisms intended to identify and remove threats to amateur athletes' health and safety in a timely manner.

The United States Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security has a duty to conduct oversight over the USOC and NGBs established for individual sports under the Ted Stevens Olympic and Amateur Sports Act and pursuant to Article XXV paragraph(f)(1), line 16 of the Standing Rules of the Senate. In this capacity, the Subcommittee seeks to ensure that these organizations operate and achieve their intended purpose established by Congress: to promote and support amateur athletes and protect their health and safety.

In light of this, by April 27, 2018, please provide the following documents to the Subcommittee:

1. Complete file for Dr. Lawrence "Larry" Gerard Nassar (hereinafter, "Nassar");
2. All confidential settlement agreements between USAG and victims of sexual abuse;
3. All communications, including but not limited to emails, letters, text messages, and memorandums, between USAG and USOC, regarding Nassar;
4. All communications, including but not limited to emails, letters, text messages, and memorandums, between USAG and MSU, regarding Nassar;
5. All communications, including but not limited to emails, letters, text messages, and memorandums, between Robert Colarossi and Nassar;
6. All communications, including but not limited to emails, letters, text messages, and memorandums, between Stephen "Steve" Penny and Nassar;
7. All communications, including but not limited to emails, letters, text messages, and memorandums, between Deborah Van Horn and Nassar;
8. All communications, including but not limited to emails, letters, text messages, and memorandums, between USAG and athletes, parents, staff members, board members, volunteers, coaches or other associated individuals regarding allegations or complaints of sexual and/or suspected abuse;
9. All communications, including but not limited to emails, letters, text messages, and memorandums, associated with suspended and banned coaches or members of USAG that relate to sexual and/or abuse allegations;
10. All communications, including but not limited to emails, letters, text messages, and memorandums, with law enforcement regarding Nassar;
11. All transcripts or minutes maintained from meetings of USAG's Board of Directors, regarding Nassar;

12. All complaints lodged regarding Nassar during his tenure with USAG;
13. All writings evidencing Nassar's temporary ban from the Karolyi Ranch during the 2000s;
14. All writings evidencing complaints for Nassar taking excessive photographs of minor gymnasts;
15. All documents concerning discipline imposed on Nassar by USAG;
16. All documents concerning administrative hearings pertaining to Nassar;
17. All documents concerning internal disciplinary hearings pertaining to Nassar;
18. All documents concerning discipline imposed on Nassar, by USAG, for violating USAG rules, bylaws or guidelines;
19. All policies and procedures regarding being alone with minor children while at international competitions;
20. All policies and procedures regarding medical treatment provided to minor children while at international competitions;
21. All policies and procedures regarding supervision of minors while at national competitions;
22. All policies and procedures regarding supervision of minors while at international competitions;
23. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), generally;
24. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse) at the Karolyi Ranch;
25. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), at international competitions; and
26. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), at national competitions.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Tom Bush of the Chairman's staff at (202) 224-6521 or Anna Yu of the Ranking Member's staff at (202) 224-0233.

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

# Exhibit X

**United States Senate**  
WASHINGTON, DC 20510

March 30, 2018

Mr. John Engler  
President  
Michigan State University  
426 Auditorium Road  
Hannah Administration Building, Room 450  
East Lansing, MI 48824-1046

Dear Mr. Engler:

We remain deeply concerned with the systemic issues that have plagued the United States Olympic Committee (USOC), USA Gymnastics (USAG) and other amateur sports organizations regulated by the Ted Stevens Olympic and Amateur Sports Act (Amateur Sports Act) brought to light by recent reports of widespread sexual abuse. These issues include failure to properly maintain and utilize standing reporting and oversight mechanisms intended to identify and remove threats to amateur athletes' health and safety in a timely manner.

The United States Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security has a duty to conduct oversight over the USOC and NGBs established for individual sports under the Ted Stevens Olympic and Amateur Sports Act and pursuant to Article XXV paragraph(f)(1), line 16 of the Standing Rules of the Senate. In addition, the Subcommittee exercises jurisdiction over amateur sports and the National Collegiate Athletic Association (NCAA), which itself serves as the governing body for 347 Division I member schools. In this capacity, the Subcommittee seeks to ensure that these organizations operate and achieve their intended purpose established by Congress: to promote and support amateur athletes and protect their health and safety.

In light of this, by April 27, 2018, please provide the following documents to the Subcommittee:

1. Complete employment file of Dr. Lawrence "Larry" Gerard Nassar (hereinafter, "Nassar");
2. Complete employment file of Dr. William Strampel;
3. All Title IX Investigation reports pertaining to Nassar;
4. All communications, including but not limited to emails, letters, text messages, and memorandums, between MSU and USAG, regarding Nassar;
5. All communications, including but not limited to emails, letters, text messages, and memorandums, between MSU and USOC, regarding Nassar;
6. All communications, including but not limited to emails, letters, text messages, and memorandums, between Dr. William Strampel and Nassar;
7. All communications, including but not limited to emails, letters, text messages, and memorandums, with law enforcement, regarding Nassar;
8. All transcripts or minutes maintained from meetings of MSU's Board of Directors, regarding Nassar;
9. All complaints lodged regarding Nassar during his tenure with MSU;
10. All documents concerning discipline imposed on Nassar by MSU;
11. All documents concerning administrative hearings pertaining to Nassar;
12. All documents concerning internal disciplinary hearings pertaining to Nassar;

13. All documents concerning discipline imposed on Nassar, by MSU, for violating MSU rules, bylaws or guidelines;
14. All policies and procedures regarding supervision of minors while at MSU medical facilities from 1986 to present;
15. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), generally, from 1986 to present;
16. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), in MSU medical facilities from 1986 to present;
17. All MSU Police files, including but not limited to: witness statements, reports, supplemental reports, interviews, audiotapes, videotapes, logs, e-mails, faxes, letters, or other documents necessary for a police investigation, concerning Nassar, from 1986 to present.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Tom Bush of the Chairman's staff at (202) 224-6521 or Anna Yu of the Ranking Member's staff at (202) 224-0233.

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

# Exhibit Y

United States Senate  
WASHINGTON, DC 20510

March 30, 2018

Ms. Susanne Lyons  
Chief Executive Officer  
United States Olympic Committee  
One Olympic Plaza  
Colorado Springs, CO 80909

Dear Ms. Lyons:

We remain deeply concerned with the systemic issues that have plagued the United States Olympic Committee (USOC), USA Gymnastics (USAG) and other amateur sports organizations regulated by the Ted Stevens Olympic and Amateur Sports Act (Amateur Sports Act) brought to light by recent reports of widespread sexual abuse. These issues include failure to properly maintain and utilize standing reporting and oversight mechanisms intended to identify and remove threats to amateur athletes' health and safety in a timely manner.

The United States Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security has a duty to conduct oversight over the USOC and NGBs established for individual sports under the Ted Stevens Olympic and Amateur Sports Act and pursuant to Article XXV paragraph(f)(1), line 16 of the Standing Rules of the Senate. In this capacity, the Subcommittee seeks to ensure that these organizations operate and achieve their intended purpose established by Congress: to promote and support amateur athletes and protect their health and safety.

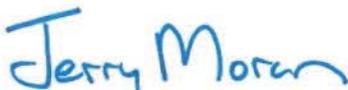
In light of this, by April 27, 2018, please provide the following documents to the Subcommittee:

1. Complete file for Dr. Lawrence "Larry" Gerard Nassar (hereinafter, "Nassar");
2. All confidential settlement agreements between USOC and victims of sexual abuse;
3. All communications, including but not limited to emails, letters, text messages, and memorandums, between USOC and USAG, regarding Nassar;
4. All communications, including but not limited to emails, letters, text messages, and memorandums, between USOC and MSU, regarding Nassar;
5. All communications, including but not limited to emails, letters, text messages, and memorandums, between Scott Blackmun and Nassar;
6. All communications, including but not limited to emails, letters, text messages, and memorandums, with law enforcement, regarding Nassar;
7. All communications, including but not limited to emails, letters, text messages, and memorandums, between USOC and athletes, parents, staff members, board members, volunteers, coaches or other associated individuals regarding allegations or complaints of sexual and/or suspected abuse;
8. All communications, including but not limited to emails, letters, text messages, and memorandums, that USOC is a party to regarding personnel or employment decisions, which involve the issue of sexual abuse/assault;
9. All transcripts or minutes maintained from meetings of USOC Board of Directors, regarding Nassar or the issue of sexual abuse/assault
10. All complaints lodged regarding Nassar, during his tenure with USOC;

11. All documents concerning discipline imposed on Nassar by USOC;
12. All documents concerning administrative hearings pertaining to Nassar;
13. All documents concerning internal disciplinary hearings pertaining to Nassar;
14. All documents concerning discipline imposed on Nassar, by USOC, for violating USOC rules, bylaws or guidelines;
15. All policies and procedures regarding being alone with minor children while at international competitions;
16. All policies and procedures regarding medical treatment provided to minor children while at international competitions;
17. All policies and procedures regarding supervision of minors at the Olympic Training Center for Gymnastics;
18. All policies and procedures regarding supervision of minors while at national competitions;
19. All policies and procedures regarding supervision of minors while at international competitions;
20. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), generally;
21. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse) at the Olympic Training Center for Gymnastics;
22. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), at international competitions; and
23. All policies and procedures regarding reporting suspected abuse (emotional, physical or sexual abuse), at national competitions.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Tom Bush of the Chairman's staff at (202) 224-6521 or Anna Yu of the Ranking Member's staff at (202) 224-0233.

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

# Exhibit Z

United States Senate  
WASHINGTON, DC 20510

Via Electronic Communication

September 5, 2018

USA Gymnastics  
130 E. Washington Street, Suite 700  
Indianapolis, IN 46204

To Whom It May Concern:

We write to request the production of documents in the custody of USA Gymnastics (USAG) relating to the United States Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security's ongoing investigation into the abuse of athletes by former national team doctor, Larry Nassar. Please provide the following documents to the Subcommittee no later than Thursday, September 13, 2018:

- All communications, including, but not limited to, emails, text messages, and voicemails between current and former USAG personnel and Federal Bureau of Investigation (FBI) personnel;
- All communications, including, but not limited to, emails, text messages, and voicemails between current and former USAG personnel and W. "Jay" Abbott;
- All communications, including, but not limited to, emails, text messages, and voicemails between current and USAG personnel and federal, state, or local law enforcement or prosecutors between July 1, 2014 and September 1, 2018;

Thank you for your prompt attention to this matter. Should you have any questions, please contact Mark Crowley of the Chairman's staff at (202) 224-6521 or Anna Yu of the Ranking Member's staff at (202) 224-0233.

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

# Exhibit AA

# United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC COMMUNICATION

March 21, 2019

Ms. Sarah Hirshland  
Chief Executive Officer  
United States Olympic Committee  
One Olympic Plaza  
Colorado Springs, CO 80909

Dear Ms. Hirshland:

The Senate Commerce, Science, and Transportation Subcommittee on Manufacturing, Trade, and Consumer Protection (“Subcommittee”) is seeking information from the United States Olympic Committee (“USOC”) in regards to certain documents removed from the USA Gymnastics (“USAG”) National Training Center at the Karolyi Ranch (“Karolyi Ranch”) by a USAG employee in November of 2016. The Subcommittee interviewed and heard testimony from witnesses with knowledge of these documents as part of the ongoing investigation into the sexual abuse of amateur athletes participating in Olympic sports. It is our understanding, based on those interviews and testimonies, that the documents removed from the Karolyi Ranch contain sensitive personal information of current and former gymnasts, including individuals sexually abused by Lawrence “Larry” Nassar, as well as information relating to Nassar’s work as national team doctor.

As was articulated in our previous letter to you on November 21, 2018, a series of Subcommittee hearings and witness interviews in June and July of 2018 brought forth credible information that former USAG CEO Steve Penny directed USAG employee Amy White to move documents from Karolyi Ranch to USAG headquarters in Indianapolis, Indiana in November 2016. The documents included athlete medical waivers and items containing Nassar’s name. This information has since been supported by the report of the independent investigation, published on December 10, 2018, titled, *The Constellation of Factors Underlying Larry Nassar’s Abuse of Athletes*, commissioned by the USOC Board of Directors and completed by the law firm Ropes & Gray (“Report”).

Our Subcommittee, to date, has been unable to locate the documents removed from the Karolyi Ranch. Former USAG CEO Kerry Perry testified on July 24, 2018 that she was unaware of the location of the removed documents, and that to her knowledge “they do not exist in our custody.” She further testified that she was told that the documents were given to Penny. On October 18, 2018, a grand jury in Texas indicted Penny for alleged evidence tampering in relation to the removed documents.

On November 3, 2018, USAG informed prosecutors in Texas that it possessed “documents that may have come from the [Karolyi] Ranch that may be applicable to the [Penny] investigation,” according to a statement received by the Subcommittee on November 7, 2018. The statement also noted that the new USAG board had “no way of knowing if the documents are relevant to the case or if they had originated at the ranch,” and that “none of these documents contained Nassar’s name.” Our staff also received an email from counsel for USOC on November 3, 2018, in an effort to inform the Subcommittee that “a representative of USA Gymnastics informed a representative of the Olympic Committee that USA Gymnastics had recently discovered documents that may be related to the criminal prosecution of Steve Penny...”

The Report supports USAG’s statement that the documents possessed by USAG do not match the description of those removed from the Karolyi Ranch in November 2016. The Report states that USAG

“represented that it had produced all documents in its possession that had been collected from the Karolyi Ranch,” but of that production, there “are no emails or other documents that match the description of ‘anything to do with Larry [Nassar]’ or any documents that include Nassar’s name or otherwise reference Nassar.”

However, the Report does not address the “discovery” of the documents in November 2018. As you know, documents that may include sensitive personal information of Nassar’s victims and other items related to Nassar are of great interest to our Subcommittee investigation, several law enforcement investigations, current and former Olympic gymnasts, and other members of the Olympic community. We recognize USOC’s former interest in not directing the independent investigation, but now that the Report is complete, USOC ought to follow up and investigate this issue.

Please keep the Subcommittee apprised of your efforts to investigate this matter and provide responses to the following questions:

1. Witnesses provided testimony as to the documents removed from the Karolyi Ranch in both the Subcommittee’s June 5 and July 24 hearings. Following the public disclosure that these documents, likely relating to Olympic athletes, were not in USAG’s custody, what steps did USOC take to investigate or locate these documents? Please detail any communications between USOC and USAG or other entities regarding these documents between June 5, 2018 and November 3, 2018.
2. USAG’s statement from November 2018 only states that documents were turned over to the Walker County, Texas District Attorney while USOC stated that the documents were “recently discovered.” What led USOC to believe that documents were “recently discovered” by USAG? How much time elapsed between USAG’s discovery and USAG’s outreach to Walker County?
3. Has USOC learned the nature of the purported discovery of documents by USAG in November 2018? Specifically, who found the documents that were discovered? On what date and time did this individual find the documents? Where were they discovered and who was in custody of the documents at the time of discovery?
4. Please describe in detail when and how USOC learned about the purported discovery of these documents in November 2018. Who at USAG communicated the discovery of the documents to whom at USOC? When and how did that communication take place? Please provide all documentation that may exist with respect to that communication.
5. Did USOC personnel or individuals representing USOC ever request access to the documents found in November? If yes, please indicate who requested access, when the request was made, and what the response was.
6. Have USOC personnel or individuals representing USOC seen the documents referenced in USAG’s November 3, 2018 statement? Does USOC believe these documents to be the original, unedited documents removed from the Karolyi Ranch in November 2016?
7. Please detail any communications between USOC personnel or individuals representing USOC and USAG personnel or individuals representing USAG regarding the documents removed from the Karolyi Ranch after November 3, 2018.
8. What resources, if any, has USOC committed to locating documents or information regarding documents removed from the Karolyi Ranch relating to Olympic athletes?

We appreciate your attention to this matter. Please provide a response no later than April 3, 2019.

Sincerely,



Jerry Moran  
Chairman  
Subcommittee on Manufacturing,  
Trade, and Consumer Protection



Richard Blumenthal  
Ranking Member  
Subcommittee on Manufacturing,  
Trade, and Consumer Protection

# Exhibit BB

# COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON  
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

Brian D. Smith

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T [REDACTED]

April 3, 2019

The Honorable Jerry Moran  
Subcommittee on Manufacturing,  
Trade, and Consumer Protection  
United States Senate  
Washington, D.C. 20510

The Honorable Richard Blumenthal  
Subcommittee on Manufacturing,  
Trade, and Consumer Protection  
United States Senate  
Washington, D.C. 20510

Dear Chairman Moran and Ranking Member Blumenthal:

On behalf of the United States Olympic Committee, this letter responds to your letter to Sarah Hirshland, CEO of the Olympic Committee, on March 21, 2019, regarding certain documents reportedly removed from the Karolyi Ranch. The Olympic Committee appreciates the opportunity to address your questions.

Some of the issues and questions raised in your March 21 letter are similar to questions previously posed in a letter to Ms. Hirshland on November 21, 2018, to which the Olympic Committee responded on December 5, 2018. At that time, the Olympic Committee noted that it was not in a position to answer many of the questions raised in your letter because they relate to issues and activities of USA Gymnastics. Nonetheless, the Olympic Committee provided, to the best of its ability, information regarding communications with USA Gymnastics in early November 2018 regarding these documents. In your March 21 letter, you indicated that "USOC ought to follow up and investigate this issue," and your staff separately conveyed that "the Senators request USOC to continue to investigate this issue." You requested a response by today.

Accordingly, on March 25, 2019, the Olympic Committee, through counsel, requested that USA Gymnastics provide answers to certain of your questions, including instances in which the Olympic Committee is not privy to the information sought by your letter. In addition, the Olympic Committee requested that USA Gymnastics "additionally provide any other pertinent information that USA Gymnastics possesses related to any of the questions and topics in the Senators' letter."<sup>1</sup> On April 1, 2019, USA Gymnastics, through counsel, responded to the Olympic Committee's request and provided additional information concerning the documents

---

<sup>1</sup> Letter from Brian D. Smith, counsel to U.S. Olympic Committee, to C.J. Schneider, Acting Chief Legal Officer of USA Gymnastics (Mar. 25, 2019).

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
April 3, 2019  
Page 2

reportedly removed from the Karolyi Ranch.<sup>2</sup> Attached please find these letters, including the letter from USA Gymnastics' counsel responding to your specific questions.

The remainder of this letter addresses the questions that you posed that are related to the Olympic Committee.

At the time of the June 5, 2018, testimony by Ms. Rhonda Faehn before the Subcommittee, the Olympic Committee had already engaged a third-party, independent investigation into all issues related to USA Gymnastics and Larry Nassar. Noting the significance of Ms. Faehn's testimony regarding these documents, the Olympic Committee, through counsel, contacted the independent investigators on June 6, 2018, to ensure that the investigators were aware of the testimony, and to indicate the Olympic Committee's view and expectation that these issues would be within the scope of the independent investigation. On June 6, 2018, the independent investigators confirmed to counsel for the Olympic Committee that they were aware of the issue raised in Ms. Faehn's testimony and had already sought to contact her.<sup>3</sup> In early November 2018, the Olympic Committee and USA Gymnastics had a number of communications regarding the documents, and these communications are detailed in the Olympic Committee's December 5, 2018, letter.

The Olympic Committee's understanding regarding the documents came from conversations with officials of USA Gymnastics during early November 2018. Those conversations are detailed in the Olympic Committee's December 5, 2018, letter. As indicated in that letter, the initial communication came late on Thursday, November 1, 2018, in a telephone call. The initial call was received by Patrick Sandusky, formerly the external affairs officer of the Olympic Committee.

The Olympic Committee has not requested access to the documents. As noted above, issues related to USA Gymnastics were within the scope of the independent investigation. The Olympic Committee therefore confirmed that the independent investigators were aware of Ms. Faehn's testimony, confirmed that the issue was within the scope of the investigation, and informed USA Gymnastics that it expected the documents to be made available to the investigators, as noted in the December 5, 2018, letter. As also noted in that letter, the Olympic Committee additionally received confirmation from USA Gymnastics that the Walker County, Texas, District Attorney was notified regarding the documents. To the best of our knowledge,

---

<sup>2</sup> Letter from Michael D. Bopp, counsel to USA Gymnastics, to Brian D. Smith, counsel to U.S. Olympic Committee (Apr. 1, 2019). Please note that the Olympic Committee does not agree that there was a "mutually agreed upon timeline" between the Olympic Committee and USA Gymnastics concerning notice being given to the Walker County, Texas, District Attorney on Monday, November 5, 2018.

<sup>3</sup> Additionally, on June 8, 2018, USA Gymnastics' chief legal officer notified the Olympic Committee that USA Gymnastics had sent a letter to Ms. Faehn's counsel seeking any relevant documents and data in her possession. USA Gymnastics also indicated that it had notified the independent investigators of this correspondence. This action was instituted by USA Gymnastics.

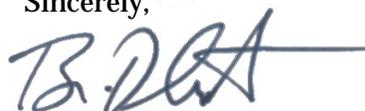
## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
April 3, 2019  
Page 3

officials of the Olympic Committee have not seen these documents and are not privy to the nature of the documents (i.e., whether they are originals). To the best of our knowledge, communications on behalf of the Olympic Committee to USA Gymnastics since November 2018 regarding these documents have included the information contained in the December 5, 2018, letter; generalized references to USA Gymnastics' responses to investigations in the context of the recognition revocation proceeding instituted on November 5, 2018; and the correspondence attached to this letter. Additionally, counsel for the Olympic Committee communicated with the independent investigators and its counsel on this topic, including at the request of Senator Blumenthal's staff.<sup>4</sup> Finally, the Olympic Committee has continued to support the work of the independent investigators on this topic, including in their response to your questions and the briefing they provided you and your staff.

This letter and the attached correspondence with USA Gymnastics reflect the additional investigation into this matter that the Olympic Committee has conducted since your March 21 letter. As noted in the March 25 letter to USA Gymnastics, "the Olympic Committee considers USA Gymnastics' cooperation with inquiries and investigations to be an essential element of its continued recognition as a national governing body." The Olympic Committee will therefore continue to use its authorities, including the revocation proceeding commenced in November 2018, to press USA Gymnastics to address inquiries from investigators, including any additional questions that the Subcommittee may have and continued cooperation with the law enforcement authorities in Texas. Accordingly, please let me know if we can be helpful in any additional way.

Sincerely,

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

Brian D. Smith

---

<sup>4</sup> See E-mail from Brian D. Smith, counsel to the U.S. Olympic Committee, to Anna Yu, Office of Senator Blumenthal (Feb. 5, 2019).

# COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON  
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

Brian D. Smith

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 5090  
bdsmith@cov.com

December 5, 2018

The Honorable Jerry Moran  
Subcommittee on Consumer Protection,  
Product Safety, Insurance, and Data Security  
United States Senate  
Washington, D.C. 20510

The Honorable Richard Blumenthal  
Subcommittee on Consumer Protection,  
Product Safety, Insurance, and Data Security  
United States Senate  
Washington, D.C. 20510

Dear Chairman Moran and Ranking Member Blumenthal:

On behalf of the United States Olympic Committee, this letter responds to your letter to Sarah Hirshland, CEO of the Olympic Committee, on November 21, 2018, regarding the complaint filed by Ms. Hirshland on November 5, 2018, under section 8 of the Olympic Committee's bylaws, seeking to revoke USA Gymnastics' recognition as the national governing body for Olympic gymnastics in the United States. The Olympic Committee appreciates the opportunity to address your questions and provide additional information concerning the decisions to seek revocation, the revocation process, and issues related to documents that the Olympic Committee understands USA Gymnastics recently discovered.

As you know, at the time of your November 21, 2018, letter, Ms. Hirshland had offered and agreed to provide your respective staff members with a briefing on the issues outlined in your letter. That briefing took place earlier today, and Ms. Hirshland appreciated the opportunity to address these important issues directly with your staff.

Preliminarily, your letter expressed concern regarding USA Gymnastics' response to questions posed by the Subcommittee to Ms. Kerry Perry, the former president and CEO of USA Gymnastics. Your letter indicated that the Subcommittee did not receive responses to these questions for three months. To clarify, these questions were not posed to the Olympic Committee, the Olympic Committee had no role in the content or timing of the responses by USA Gymnastics or Ms. Perry, and indeed, as far as we know, the Olympic Committee is entirely unaware of the contents of either the Subcommittee's questions or any responses submitted by USA Gymnastics or Ms. Perry.<sup>1</sup> Moreover, when staff of the Commerce Committee informed an

---

<sup>1</sup> With respect to questions for the record in the July 24, 2018, hearing that were posed to the Olympic Committee's witness, Ms. Susanne Lyons, the Olympic Committee timely submitted Ms. Lyons' responses on August 27, 2018.

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
December 5, 2018  
Page 2

Olympic Committee representative — in late October — that USA Gymnastics and Ms. Perry had not submitted responses to questions posed by the Subcommittee, counsel for the Olympic Committee immediately contacted counsel for USA Gymnastics and strongly encouraged the organization to submit its responses promptly. Ultimately, USA Gymnastics' lack of a timely response to the Subcommittee was a factor in Ms. Hirshland's decision to file a complaint seeking revocation, as discussed in more detail below.

The complaint filed by Ms. Hirshland on November 5, 2018, identified four factors underlying her conclusion that USA Gymnastics failed to meet its responsibilities and obligations as a national governing body. The complaint, a copy of which is attached to this letter, specified the basis for Ms. Hirshland's decision to seek revocation of USA Gymnastics' national governing body status. The following summarizes the issues and factors identified in the complaint.

First, the complaint noted USA Gymnastics' ongoing efforts to implement the recommendations of the Deborah Daniels report, which was issued in June 2017. Although many of the report's recommendations have been implemented, the complaint noted that others remain incomplete. The complaint concluded that USA Gymnastics' "prospects of fully implementing the recommendations appear to be poor."<sup>2</sup>

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 timely and fully cooperate with the several investigations and inquiries underway."<sup>3</sup> As noted above, USA Gymnastics' slow response to the Subcommittee was a factor in this conclusion, as was the recent discovery of documents by USA Gymnastics, discussed further below.

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 has lost substantial public trust and athlete trust, which hampered its ability to implement an athlete safety program that will protect the wellbeing of the athletes.

There was no single event or individual factor that was singularly 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. As discussed with you in the briefing this morning, Ms. Hirshland had been closely reviewing the question of continued recognition since joining the Olympic Committee in August 2018. During the September 2018 and October

---

<sup>2</sup> Complaint ¶ 13.

<sup>3</sup> *Id.* ¶ 16.

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
December 5, 2018  
Page 3

2018 board meetings, she discussed with the board issues related to continued recognition and potential revocation. The Olympic Committee planned to continue those discussions at a board meeting on November 5, 2018, however the process accelerated in the first days of November. In the days preceding the complaint, leadership of the Olympic Committee engaged in significant discussions with USA Gymnastics' leadership concerning the organization's future. Following these discussions, officials of the Olympic Committee found that USA Gymnastics was not on a path to rebuilding and standing on its own as a fully functioning and capable national governing body; rather, the organization would require even greater intervention and support by the Olympic Committee. This concern is reflected in the complaint: "It now appears that USAG, rather than being in a position to manage its affairs in the future with less support from USOC, is instead in a position where it may need substantially more assistance and support. NGB status for USAG appears at this point to be unsustainable and not in the long term best interests of affected athletes."<sup>4</sup>

The complaint concluded that USA Gymnastics "has failed to meet its responsibilities as an Olympic Sports Organization and as an NGB relating to its managerial and financial capabilities," and "has failed to meet its obligations to its members and to U.S. athletes and has failed to conduct itself in a manner that demonstrates that it is capable of fulfilling the responsibilities of an Olympic Sports Organization and as an NGB."<sup>5</sup>

The revocation proceeding is governed by section 8 of the Olympic Committee's bylaws.<sup>6</sup> Under these provisions, the Olympic Committee established a hearing panel to consider the issues raised in the complaint.<sup>7</sup> The bylaws require that the hearing panel be 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. Ms. Hirshland selected the following hearing panelists: Dr. Cheri Blauwet, an Olympic Committee board member and seven-time Paralympic medalist, who will chair 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. The hearing panel is currently establishing the briefing schedule and timeline for the panel's considerations, and it recently requested input from the Olympic Committee and USA Gymnastics. On November 29, 2018, the Olympic Committee responded and requested a schedule that generally provides for information exchanges this month, motions and briefs in January, and a hearing in early February. Following the conclusion of the hearing panel's proceedings, the panel is expected to make a recommendation to the Olympic Committee's board regarding USA Gymnastics' recognition,

---

<sup>4</sup> *Id.* ¶ 17.

<sup>5</sup> *Id.* ¶¶ 27-28.

<sup>6</sup> The bylaws are available on the Olympic Committee's website, <https://www.teamusa.org/Footer/Legal/Governance-Documents>.

<sup>7</sup> As requested in the briefing this morning, correspondence between the Olympic Committee and USA Gymnastics regarding USA Gymnastics' response to the complaint is attached.

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
December 5, 2018  
Page 4

and the Olympics Committee's board will then determine whether revocation of USA Gymnastics' recognition is warranted.

The Olympic Committee is not in a position to answer many of the questions raised in your letter because they relate to issues and activities of USA Gymnastics. As you know, over the past year, the Olympic Committee has been deeply engaged in supporting USA Gymnastics' efforts to rebuild, such as providing funding for consultants engaged to develop USA Gymnastics' new board of directors. The Olympic Committee does not, however, control the operations, activities, or decisions of USA Gymnastics' board or management. As noted above, the Olympic Committee has repeatedly made clear that it expects USA Gymnastics to cooperate with all inquiries, including questions by the Subcommittee. We therefore encourage the Subcommittee to address these questions regarding USA Gymnastics' activities to USA Gymnastics, and the Olympic Committee will continue to expect and require USA Gymnastics to provide the information that the Subcommittee seeks.

Regarding the documents that the Olympic Committee understands USA Gymnastics recently discovered, to the best of our knowledge, the Olympic Committee learned of this recent discovery late on Thursday, November 1, 2018, in a telephone call from USA Gymnastics to the Olympic Committee. On Friday, November 2, and Saturday, November 3, 2018, the Olympic Committee encouraged USA Gymnastics to inform all potentially relevant authorities, including the Walker County, Texas, District Attorney's Office and the independent investigators at Ropes & Gray, regarding the documents. On Saturday, November 3, 2018, the Olympic Committee's counsel informed USA Gymnastics' counsel that the Olympic Committee considered it imperative that USA Gymnastics inform the District Attorney's Office that same day, and if USA Gymnastics did not confirm that it had done so, the Olympic Committee intended to notify the District Attorney's Office itself. That day, November 3, 2018, USA Gymnastics informed the Olympic Committee that it had notified officials of the Walker County District Attorney's Office regarding the documents.

Also, that same day, November, 3, 2018, counsel for the Olympic Committee notified your staff members regarding the discovery of the documents. In an e-mail to both the majority and minority staff, counsel wrote the following:

On behalf of the United States Olympic Committee, I am writing to let you know about some developments regarding USA Gymnastics. Late Thursday, a representative of USA Gymnastics informed a representative of the Olympic Committee that USA Gymnastics had recently discovered documents that may be related to the criminal prosecution of Steve Penny by the Walker County, Texas, District Attorney. To the best of our knowledge, officials of the Olympic Committee have not seen these documents. Today, USA Gymnastics confirmed to the Olympic Committee that it had notified the District Attorney's office about the documents. The Board of Directors of the Olympic Committee is convening a special meeting tomorrow to discuss these and other recent

## COVINGTON

The Honorable Jerry Moran  
The Honorable Richard Blumenthal  
December 5, 2018  
Page 5

matters relating to USA Gymnastics. We expect to provide a further update following the board meeting tomorrow.<sup>8</sup>

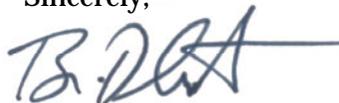
On November 4, 2018, counsel for the Olympic Committee informed your staff regarding the outcome of the special board meeting, specifically that Ms. Hirshland informed the board that she would be filing a complaint, under section 8 of the bylaws, to revoke USA Gymnastics' recognition.<sup>9</sup> On November 5, 2018, counsel for the Olympic Committee provided your staff with a copy of the complaint, along with a public statement and open letter issued by Ms. Hirshland.<sup>10</sup>

Counsel to the Olympic Committee subsequently confirmed that the independent investigators at Ropes & Gray were aware of the discovery of the documents, and, as noted above, the Olympic Committee previously informed USA Gymnastics that it expected the documents to be made available to the Ropes & Gray investigators. Any issues related to the discovery or content of these documents were already within the purview of the independent investigation by Ropes & Gray, and the Olympic Committee is committed to ensuring that the investigation proceeds independently.

As noted in testimony before the Subcommittee and elsewhere, the Olympic Committee's strongest authority to require action and change by a national governing body is its authority to revoke recognition from an organization that fails to fulfill its obligations. The Olympic Committee shares your view that it "should aggressively use its authority to protect athletes and survivors." The actions taken by Ms. Hirshland, described above, have been pursued for precisely that reason.

As the leader of the Olympic community in the United States, the Olympic Committee is committed to fulfilling its responsibility and obligation to ensure that each organization accepted for membership as a national governing body has the capacity and capability to provide the support, protection, and services that we and you expect for all Olympic athletes in the United States. Please let me know if you have additional questions.

Sincerely,



Brian D. Smith

---

<sup>8</sup> E-mail from Brian D. Smith to Tom Bush, Conor McGrath, Jason Van Beek, Anna Yu, and Madeline Daly (November 3, 2018).

<sup>9</sup> E-mail from Brian D. Smith to Tom Bush, Conor McGrath, Jason Van Beek, Anna Yu, and Madeline Daly (November 4, 2018).

<sup>10</sup> E-mail from Brian D. Smith to Tom Bush, Conor McGrath, Jason Van Beek, Anna Yu, and Madeline Daly (November 5, 2018).

# COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG  
LONDON LOS ANGELES NEW YORK PALO ALTO  
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

**Brian D. Smith**

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 5090  
bdsmith@cov.com

**March 25, 2019**

**Mr. C.J. Schneider**  
Acting Chief Legal Officer  
USA Gymnastics  
130 E. Washington Street, Suite 700  
Indianapolis, Ind. 46204

Dear Mr. Schneider:

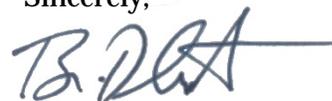
On March 21, 2019, the U.S. Olympic Committee received an inquiry from Senator Jerry Moran and Senator Richard Blumenthal, the chairman and ranking Democratic member of the Subcommittee on Manufacturing, Trade, and Consumer Protection of the Senate Committee on Commerce, Science, and Transportation. The inquiry letter, which is attached, relates to certain documents reportedly removed from the Karolyi Ranch. As you know, the discovery of documents has been the subject of prior communications between the Olympic Committee and USA Gymnastics, including Nancy Kestenbaum's letter to you on November 3, 2018.

In previous discussions with the Senators and their staff, the Olympic Committee has noted that it is not privy to much of the information that the letter seeks, and the Olympic Committee suggested that the Senators direct their questions to USA Gymnastics. Now, the Senators and their staff have indicated that "USOC ought to follow up and investigate this issue," and "the Senators request USOC to continue to investigate this issue."

Accordingly, in order to assist our response to the Senators' inquiry, the Olympic Committee requests that USA Gymnastics provide responses to the attached letter, specifically question 2 (second question), question 3 (all but the first question), and question 4 (as it relates to USA Gymnastics), and additionally provide any other pertinent information that USA Gymnastics possesses related to any of the questions and topics in the Senators' letter. Because the Olympic Committee's response to the Senators is due on April 3, 2019, please provide your response as soon as possible and no later than the close of business on April 1, 2019.

As you know, the Olympic Committee considers USA Gymnastics' cooperation with inquiries and investigations to be an essential element of its continued recognition as a national governing body. If you have any questions concerning this request, please let me know.

Sincerely,



**Brian D. Smith**

cc: Christopher McCleary, U.S. Olympic Committee

April 1, 2019

VIA E-MAIL (BDSMITH@COV.COM)

Brian D. Smith  
Covington & Burling LLP  
One City Center  
850 Tenth Street, NW  
Washington, DC 20001-4956

Re: March 25, 2019 Letter regarding March 21, 2019 Congressional Inquiry

Dear Mr. Smith:

I write on behalf of USA Gymnastics (“USAG”) in response to your March 25, 2019 letter seeking responses to certain questions posed by Senators Jerry Moran and Richard Blumenthal, Chairman and Ranking Member of the Subcommittee on Manufacturing, Trade, and Consumer Protection of the Senate Committee on Commerce, Science, and Transportation (the “Subcommittee”), in their letter to the United States Olympic Committee (“USOC”), dated March 21, 2019. Specifically, USOC requested that USAG provide responses to the Subcommittee’s “question 2 (second question), question 3 (all but the first question), and question 4 (as it relates to USA Gymnastics), and additionally provide any other pertinent information that USA Gymnastics possesses related to any of the questions and topics in the Senators’ letter.” (March 25, 2019 letter from B. Smith to C. Schneider.)

As the USOC is aware, many of these questions relate to the subject of an ongoing criminal investigation by the Walker County, Texas, District Attorney’s Office (“District Attorney’s Office” or the “Office”). USAG is fully cooperating with the relevant law enforcement authorities, including the District Attorney’s Office. USAG is responding to USOC’s letter consistent with its obligations to the law enforcement authorities with which it is cooperating.

By way of background, it is my understanding that in or around November 2016, USAG employees allegedly engaged in a document collection at the Karolyi Ranch in Walker County, Texas (the “Ranch”). An inventory of collected documents was not taken at the time of the collection. Documents purportedly collected at the Ranch in or around November 2016 were allegedly delivered on November 14, 2016 to USAG headquarters in Indianapolis, Indiana. Since November 14, 2016, at least some of these documents have been in the custody of USAG employees or agents (“Ranch Document Set”). USAG is unable to verify whether the Ranch Document Set contains all of the documents allegedly collected at the Ranch in November

Brian D. Smith

April 1, 2019

Page 2

2016. Nor can USAG verify that the Ranch Document Set contains only documents collected from the Ranch in or around November 2016. Indeed, some documents in the Ranch Document Set post-date November 2016.

The Ranch Document Set generally includes participant information and waiver forms; consent to treat forms; insurance verification forms; medical authorization and disclosure forms; pre-participation physical evaluation forms; agreements to follow USAG's national team rules; and athlete lists for various competitions. The Ranch Document Set does not contain any documents bearing Larry Nassar's name. Because no contents of the Ranch Document Set were deemed responsive to the Subcommittee's document requests, the Ranch Document Set has not been produced to the Subcommittee. USAG will produce the Ranch Document Set, redacted to protect personal information, to the Subcommittee if it so requests. USAG would give notice of any such production to the District Attorney's Office.

**Question 1. Witnesses provided testimony as to the documents removed from the Karolyi Ranch in both the Subcommittee's June 5 and July 24 hearings. Following the public disclosure that these documents, likely relating to Olympic athletes, were not in USAG's custody, what steps did USOC take to investigate or locate these documents? Please detail any communications between USOC and USAG or other entities regarding these documents between June 5, 2018 and November 3, 2018.**

Media articles from October 29 and 30, 2018 quoted the District Attorney's Office saying that the Office was looking for documents with "Larry Nassar's name" on them that were allegedly collected from the Ranch. At this time, USAG had not received any request from the District Attorney's Office for documents collected at the Ranch. In one phone call on Thursday, November 1, 2018, and one phone call on Friday, November 2, 2018, representatives of USAG conferred with representatives of USOC regarding the District Attorney's Office desire for documents allegedly collected from the Ranch. Representatives of USAG and USOC agreed that USAG would notify the District Attorney's Office on Monday, November 5, 2018 about the existence of the Ranch Document Set.

Despite this mutually agreed upon timeline, on Saturday, November 3, 2018, outside counsel for the USOC informed USAG's outside Chief Legal Officer via email that it believed USAG had "recently discovered documents that may be related to the criminal prosecution of Steven Penny by the Walker County (Texas) Criminal District Attorney." (Nov. 3, 2018 letter from N. Kestenbaum to C. Schneider.) Counsel for the USOC stated that it "consider[ed] it imperative that USAG inform the [Walker County] DA's Office immediately today that USAG has discovered these documents." Counsel for the USOC further stated that, if USAG did not advise the District Attorney's Office of the documents' existence that day, the USOC "intend[ed] to notify the DA's Office about their existence." Within an hour, USAG

Brian D. Smith  
April 1, 2019  
Page 3

voluntarily notified the District Attorney's Office that it possessed documents that may have come from the Ranch and might be applicable to the District Attorney's investigation. The Ranch Document Set was subsequently produced to the District Attorney's Office, with whom USAG continues to cooperate.

USAG is not aware of other communications with the USOC regarding the Ranch Document Set between June 5, 2018 and November 3, 2018.

**Question 2. USAG's statement from November 2018 only states that documents were turned over to the Walker Country, [sic] Texas District Attorney while USOC stated that the documents were "recently discovered." What led USOC to believe that documents were "recently discovered" by USAG? How much time elapsed between USAG's discovery and USAG's outreach to Walker County?**

USAG does not understand that any such documents were "recently discovered." The Ranch Document Set has been in the custody of USAG or its agents since November 14, 2016. In fact, in June 2018, USAG produced the Ranch Document Set to Ropes & Gray, in connection with that firm's independent investigation.

USAG learned from October 29 and 30, 2018 media articles that the District Attorney's Office was looking for documents with "Larry Nassar's name" on them that were allegedly collected from the Ranch. Again, at that time, the District Attorney's Office had not made any request to USAG for documents purportedly collected from the Ranch. On November 3, 2018, USAG voluntarily, and without any pending request, notified the District Attorney's Office that it possessed documents that may have come from the Ranch and might be applicable to the District Attorney's investigation.

**Question 3. Has USOC learned the nature of the purported discovery of documents by USAG in November 2018? Specifically, who found the documents that were discovered? On what date and time did this individual find the documents? Where were they discovered and who was in custody of the documents at the time of discovery?**

Please see the response to Question 2 above.

Brian D. Smith  
April 1, 2019  
Page 4

**Question 4. Please describe in detail when and how USOC learned about the purported discovery of these documents in November 2018. Who at USAG communicated the discovery of the documents to whom at USOC? When and how did that communication take place? Please provide all documentation that may exist with respect to that communication.**

Please see the response to Question 1 above.

###

Thank you for this opportunity to clear up potential misunderstandings relating to the Ranch Document Set. We ask that you forward this letter to the Subcommittee as we believe it will be helpful to its understanding of the issues relating to these documents.

Sincerely,



Michael D. Bopp

MDB/ljp

cc: C.J. Schneider

# Exhibit CC

---

**From:** Luan Peszek [REDACTED]  
**Sent:** 8/13/2014 3:11:46 PM  
**To:** Larry Nassar [lawrence.nassar@ht.msu.edu]  
**Subject:** Re: Importance to the women's program - confidential  
**Attachments:** 055B72BD-B6BE-47BF-9FA9-84FC70355A4E[1].png

Thanks for all of the info. Larry.

I just wanted you to know the value you bring to women's program. Martha and I communicated with Steve Penny that we want YOU as the women's program doc and we were assured this had not changed.

So hang in there ... I can't speak about the politics that have taken place – I can only let you know that we value what you bring to women's program.

See you in Pittsburgh.

---

**From:** Larry Nassar <Lawrence.Nassar@ht.msu.edu>  
**Date:** Wednesday, August 13, 2014 at 10:29 AM  
**To:** luan peszek [REDACTED]  
**Subject:** RE: Importance to the women's program - confidential

Luan,  
You are so nice. I appreciate your words very much. I know that the Women's Program supports me and appreciates me. I value that feeling and gymnastics is a part of who I am. Steve Penny has been working hard at replacing me. He tried the Medical Task Force to take away my responsibilities and that did not work well enough for him so they rewrote the USAG Medical Handbook that I had wrote many years ago and left my position out of it. they literally wrote me out of the book that I wrote and replaced me with David Kruse by creating the Athlete Care Coordinator. After being the National Medical Team Coordinator as a volunteer since 1996, Steve Penny reassigns all my duties to David and will pay David for his position now too. I think he wants to pay David so he can control David. he met with David and reviewed the job with him and told him not to speak to me about it and they kept it a secret for 6 weeks. Then Ron Galimore on July 7th calls me to tell me that they replaced my position with David's new position but that they would like me to continue to work with Women's Program. The next day I submitted my letter of retirement so that I could properly support David in his new position.

This is the response I got from Ron:

**From:** Ron Galimore [REDACTED]  
**Sent:** Wednesday, July 09, 2014 10:44 AM  
**To:** Larry Nassar  
**Cc:** [REDACTED]  
**Subject:** Re: National Medical Coordinator

Dear Larry,

Thanks again for your time on the phone Monday night. I appreciated your understanding of how the scope of our medical support has grown over the years, your contribution to help get us where we are today, and your support of David Kruse in the new Athletes Care Coordinators position.

Concerning your sending a letter of resignation to the Board of Directors, I feel that this would be premature at this time. It would be more appropriate for Jay Bender, in consult with Peter Vidmar and Steve Penny, to provide the Board a progress report at the next Board Meeting. This way the Board would receive a update about the USA Gymnastics National Medical Staff Member Guidelines and the creation of the Athlete Care Coordinator position at one time.

We appreciate your patience in allowing this information to be communicated the right way to the Board of Directors and gymnastics community as a whole. I will be in touch with any additional updates.

For USA Gymnastics,  
Ron Galimore

So, what this told me was that Steve and Ron had done all this without discussing it with anyone. It was a personal decision against me since Steve and I do not see eye to eye on things. Steve has been unhappy with me since the 2008 Olympics. I worked hard at keeping ██████ on the team with her hurt knee and pushed the envelope with Martha. I knew if I could buy enough time I could get her knee feeling well enough for her to be able to compete. Then ██████ goes down with a broken ankle. I was told by Kathy Kellie to avoid Steve Penny and not to tell him anything about injuries. The concern was that Steve would create pressure to replace the injured gymnasts with the alternates. We as a team knew we had the best team even with the injuries and did not want to replace ██████. So because I listened to Kathy and Martha and did not tell anyone about the injuries, Steve was not happy with me. I continued to listen to them and would give information to the administration only if Kathy approved of it. Then came 2012 Olympics and ██████ broke our code of silence and spoke up at a medial conference about her fractured toe. Steve was shocked that he did not know about this again. We keep things as quite as possible so as not to distract from the mission of the team. The mission is about performance, not injury. the focus in on success, not the stress of injury. My work and the injuries stay hidden in the background to keep the focus on performance and success.

I knew from 2008 that I better get my medical staff ready for the time when Steve Penny would get rid of me. So I have been working hard to train David Kruse, Brooke Lemmen and Alysia Green to be ready to take over as doctors when the time came. I thought it may be after the 2012 Olympics once Kathy Kelly left. Steve came up with the Medical Task Force but it did not work well enough for him. I like the idea and supported it. I was ready to step down from my position as the National Medical Coordinator then but I was told by several people not to do it yet. So, I told David Kruse at 2013 USA Championships that he really needed to step it up and start doing more. I kept delegating more and teaching even more. Then, without consulting the medical task force or the board of directors, Steve re-assigns all my duties to David. If Steve was interested in providing best medical practices and not a personal attack against me, he would have done this by going through proper channels. He would have consulted the medical task force, he should have cleared it with the board of directors since my position was board appointed, and he could have discussed this with me too. Instead he did none of that and did it all in secret.

So, I have discussed his actions with 4 members of the board of directors and also spoke directly to Peter Vidmar. My concern is not that I was being replaced since I have been expecting this for a long time and since I feel that the medical task force is a good progression forward for us. My concern is the manner in which the changes took place. I feel that there needs to be a check and balance of power with Steve. Steve feels he is a dictator and can do what he pleases when he pleases without consequences to himself. That gives me great concern over the manner in which the sport of gymnastics is being treated by our CEO. There needs to be check and balances. I have asked the Board members to review proper policy and procedure to see if Steve is in violation of said procedures. If he is not, then I am fine with it. If he is in violation of proper protocol, then he needs to be reprimanded. He needs to understand that we have a board of directors to oversee his position.

Anyways, that is the behind the scenes that has been going on. Please, be careful, and do not get involved with this. I like you too much. I think nothing is going to happen. Steve does what he does. Ron supports Steve. And I am a pain in his ass since I do not kiss his ass.

So, lets see what happens over the next 2 years. I plan on keeping you and Martha informed of everything as is appropriate and needed for the success of our program. I do not feel I need to inform Steve of anything. That is how I have been trained. David has been instructed by Steve to keep him informed of everything. I refuse to do this. If Steve wants to know anything he can talk to you or Martha. In my opinion, he needs to focus on promoting our sport, getting sponsors and making sure the administration is run properly. He has no business messing with the manner in which our team trains or competes. His influence in this area may only distract and add stress and gives no benefit. That would be my only request. If the administration wants to know about injuries they need to get the information from you or Martha. If Leslie King needs information about a press release then you and I and Leslie work together on that just like we did at the Classic.

So, that is my story. We will see what happens at the Board Meeting next week. I told Ron Galimore at the Classic that I spoke directly with Peter Vidmar about my concerns so that I am hiding nothing and it is all out in the open. I have no hidden agendas, I have never tried to promote myself. If I was trying to promote myself, I would be a follower of Steve.

Instead, I am a mentor, trying my best to support others. I have always listened to my supervisors (Kathy and Martha) which now includes you.

Thanks so much once again Luan

Larry.

Larry Nassar, DO, FAOASM  
Associate Professor, Michigan State University  
GymnasticsDoctor.com  
GymnasticsDoctorAutismFoundation.org

---

**From:** Luan Peszek [REDACTED]  
**Sent:** Tuesday, August 12, 2014 11:27 AM  
**To:** Larry Nassar  
**Subject:** Importance to the women's program - confidential

Larry,

I read your Facebook post and resignation letter.

I hope you know how important you are to the women's program. We would like you to continue your role to help the USA women's national team for as long as you are able.

Having been a mom of a national team member I know the inside scoop of ALL you do for the women's team. I remember all of the times you helped Sam and I as we were going through the process of the elite level. I have so many memories of all you have done to help our gymnasts and these are just my personal experiences. I'm sure each and every gymnast, mom and coach have their stories as well.

I know Martha and Steve Rybacki's feelings about you and your involvement and how critical you are to the women's program success. I read in your letter that when Martha decides to retire it might be a good time for you to retire as well. I hope you will reconsider and remain with the women's program watching over our girls.

Now that you are not involved with the everyday scheduling and organization of the trainers at each camp and competition for every discipline, you can hopefully focus on the women's program and the athletes!

Larry you are an integral part of the USA Gymnastics women's program. When an athlete has a problem and goes to her local doc – that doc has no idea what her body has to do. You are the bridge between the medical community and our gymnastics community. You understand that when an athlete is released to go back to training she must first start slow and work her way up to tumbling/vaulting. You have progressions for each and every injury and give so much knowledge and expertise to our coaches and athletes.

Please know that everyone in the women's program understands and values and appreciates all that you do!

Let's sit down at P&G Championships or Worlds and discuss the future.

Thanks Larry



**LUAN PESZEK**

USA Gymnastics

Women's Vice President

132 E. Washington Street, Suite 700

Indianapolis, IN 46204

p: [REDACTED] | [usagym.org](http://usagym.org)

# Exhibit DD

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 6/26/2012 7:03:00 PM  
**To:** Larry Nassar [Lawrence.nassar@ht.msu.edu]; Kathy Kelly [REDACTED] David Kruse [REDACTED]  
**CC:** Leslie King [REDACTED]; Ron Galimore [REDACTED]  
**Subject:** McKayla Update

I have spoken with each of you and we are all in agreement that we will allow David Kruse to speak to the media regarding McKayla's recovery plan since the Visa Championships. David has been consulting with Larry on a regular basis and working with McKayla and her mother as necessary over the past few weeks. Leslie will work with David to have some information so that we can minimize the need for anyone to speak to this, especially McKayla. If she gets any questions, she can let people know that David is available.

Thank you. If you have any questions or concerns, let me know.

Regards,

Steve



**Steve Penny**  
*President and CEO*  
p. 317.237-5050 | f. 317.237.5069  
[spenny@usagym.org](mailto:spenny@usagym.org)  
Indianapolis, IN  
[usagym.org](http://usagym.org)  
*Begin Here. Go Anywhere*

Message

---

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 6/26/2012 7:19:21 PM  
**To:** Kathy Kelly [kkelly@usagym.org]; [REDACTED]; Larry Nassar [Lawrence.nassar@ht.msu.edu]  
**Subject:** FW: McKayla document  
**Attachments:** McKayla Maroney Statement.docx; ATT00001.htm

FYI – this is a sample of what we will use.

Steve



**Steve Penny**  
*President and CEO*  
p. 317.237-5050 | f. 317.237.5069  
[spenny@usagym.org](mailto:spenny@usagym.org)  
Indianapolis, IN  
[usagym.org](http://usagym.org)  
*Begin Here. Go Anywhere*

**From:** Leslie King [REDACTED]  
**Date:** Tuesday, June 26, 2012 7:10 PM  
**To:** steve penny <[spenny@usagym.org](mailto:spenny@usagym.org)>  
**Subject:** Fwd: McKayla document

Here's what David sent me. I think it is good. I will make it look official once you sign off on it. Thanks!

Typed very slowly on my iPhone

Begin forwarded message:

**From:** Kent Koven <[REDACTED]>  
**Date:** June 26, 2012 2:31:56 PM PDT  
**To:** Leslie King [REDACTED]  
**Subject:** McKayla document  
Attached.

Kent Koven  
Director of New Media  
USA Gymnastics  
[REDACTED]

McKayla Maroney has been monitored and evaluated on a daily basis by the USAG medical staff for concussion and nasal fracture that she sustained at the Visa Championships.

The medical care has been under the direction of Dr. Larry Nassar (USA Gymnastics Medical Director), Dr. David Kruse (USA Gymnastics Medical Staff member), and additional sports injury specialists. This medical team worked closely with her parents and coaching staff to provide comprehensive medical care.

McKayla's treatment plan has consisted of office visits, phone consultations, specialized concussion testing, and in-gym monitoring. McKayla has been medically cleared to participate in the Olympic trials based on in-office evaluation, objective testing, as well as successful completion of concussion treatment protocols.



Message

**From:** Steve Penny [spenny@usagym.org]  
**Sent:** 6/26/2012 7:29:19 PM  
**To:** Larry Nassar [Lawrence.nassar@ht.msu.edu]  
**Subject:** FW: McKayla document  
**Attachments:** McKayla Maroney Statement.docx; ATT00001.htm; 9884CCA8-67C2-48A2-94FE-DA30089004DA[1].png; 9F2A6130-5FB4-4E9D-B930-FDD5C8534E0C[1].png; E2FF98BD-00CF-4892-AE9B-319DC0DB6A28[1].png; 3EFEE11D-532F-4DB0-9851-0B46E2788D78[1].png; C7BF4A6E-2CF6-44D7-8770-6F65E920A564[1].png



**Steve Penny**  
*President and CEO*  
p. 317.237-5050 | f. 317.237.5069  
[spenny@usagym.org](mailto:spenny@usagym.org)  
Indianapolis, IN  
[usagym.org](http://usagym.org)  
*Begin Here. Go Anywhere*

**From:** steve penny <[spenny@usagym.org](mailto:spenny@usagym.org)>  
**Date:** Tuesday, June 26, 2012 7:19 PM  
**To:** Kathy Kelly [REDACTED], Larry Nassar  
<[Lawrence.nassar@ht.msu.edu](mailto:Lawrence.nassar@ht.msu.edu)>  
**Subject:** FW: McKayla document

FYI – this is a sample of what we will use.

Steve



**Steve Penny**  
*President and CEO*  
p. 317.237-5050 | f. 317.237.5069  
[spenny@usagym.org](mailto:spenny@usagym.org)  
Indianapolis, IN  
[usagym.org](http://usagym.org)  
*Begin Here. Go Anywhere*

**From:** Leslie King <[lking@usagym.org](mailto:lking@usagym.org)>  
**Date:** Tuesday, June 26, 2012 7:10 PM  
**To:** steve penny <[spenny@usagym.org](mailto:spenny@usagym.org)>  
**Subject:** Fwd: McKayla document

Here's what David sent me. I think it is good. I will make it look official once you sign off on it. Thanks!

Typed very slowly on my iPhone

Begin forwarded message:

**From:** Kent Koven [REDACTED]

**Date:** June 26, 2012 2:31:56 PM PDT

**To:** Leslie King [REDACTED]

**Subject:** McKayla document

Attached.

Kent Koven

Director of New Media

USA Gymnastics



McKayla Maroney has been monitored and evaluated on a daily basis by the USAG medical staff for concussion and nasal fracture that she sustained at the Visa Championships.

The medical care has been under the direction of Dr. Larry Nassar (USA Gymnastics Medical Director), Dr. David Kruse (USA Gymnastics Medical Staff member), and additional sports injury specialists. This medical team worked closely with her parents and coaching staff to provide comprehensive medical care.

McKayla's treatment plan has consisted of office visits, phone consultations, specialized concussion testing, and in-gym monitoring. McKayla has been medically cleared to participate in the Olympic trials based on in-office evaluation, objective testing, as well as successful completion of concussion treatment protocols.



# Exhibit EE

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Fwd: Update regarding Temporary Measures - U.S. Center for SafeSport  
**Date:** Thursday, May 23, 2019 9:08:45 AM  
**Attachments:** image001.png

---

I assume this happened because of you: thank you. However, their claim that this protects victims is spurious. They put me in a significantly more precarious position by doing this, and also exposed more athletes to potential danger if people think [REDACTED] has been cleared and invite him to [REDACTED]. They are changing policies left and right to protect responding parties, and not protecting athletes. I do not appreciate the gaslighting in this letter that this was done to protect victims.

There are seventeen interim restrictions that disappeared from the database between Sunday afternoon and Wednesday morning. [REDACTED]

[REDACTED] If I hadn't involved you, three USOC contacts, and two reporters, I wonder if they ever would have notified those victims.

Also, they spelled my name wrong. I couldn't make this up if I tried...

----- Forwarded message -----

**From:** Resolutions <resolutions@safesport.org>  
**Date:** Wed, May 22, 2019 at 7:55 PM  
**Subject:** Update regarding Temporary Measures - U.S. Center for SafeSport  
**To:** [REDACTED]  
**Cc:** Michael Henry [REDACTED]

[REDACTED]

The Center is writing to provide you a quick update regarding a recent change in what is published to the Centralized Disciplinary Database (“CDD”), which is information publicly available on the Center’s website. *Importantly*, the change implemented this week (explained in detail below) in no way affects the status of any temporary measures that have been implemented. The Center would always notify you directly if any modification to temporary measures were to occur; this change is only to what is publicly available on the CDD. That said, it was an oversight that you were not personally notified prior to this policy change taking effect. The Center believes in continuous improvement and holds itself to a high standard; we apologize for not communicating with you first — we should have.

Moving forward, the Center will only publish those Temporary Restrictions that relate to or are intended to mitigate potential risks to the larger sport community, as opposed to those that

relate only to an individual party. For example, the Center will publish temporary measures such as “no unsupervised coaching of minor athletes,” but will not publish temporary measures when it relates only to a particular party, such as when only a No Contact Directive is implemented. The Center will continue to publish all Temporary Suspensions in the CDD.

There are several reasons for this change, one of which is added privacy for Claimants. Given that a No Contact Directive is typically between two parties, we heard concerns that making that information public could potentially reveal the identity of a Claimant. Confidentiality is of utmost importance and we took action to address this concern. The Center believes tools like temporary measures are essential to its mission of protecting athlete wellbeing and safety.

Please know that the Respondent, their advisors, and the relevant NGB in your matter have been notified that there is no change to the status of any temporary measures currently in place; they are in full effect and must be adhered to. Please notify the Center immediately if there are any issues whatsoever; we will respond swiftly to any deviation in the enforcement of the restrictions or if there is a violation of them.

The Center will continue to evaluate its Centralized Disciplinary Database and we welcome your feedback. Please don't hesitate to reach out with any questions or concerns.

Please note, the Center is aware that you have been in contact with Michael regarding this update already, however, the Center is providing this above information for your records.



**Dennis Evans**

Assistant, Response & Resolutions

U.S. Center for SafeSport



[www.safesport.org](http://www.safesport.org)

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

# Exhibit FF

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: abrupt changes to center for safesport disciplinary records  
**Date:** Thursday, May 23, 2019 12:05:37 PM

---

Hi [REDACTED]

See below for the response from SafeSport. Please let me know if it would be helpful to schedule a call with the SafeSport team to discuss further.

Thanks,  
[REDACTED]

***Center's Response:***

Previously, the Center's practice was to publish on its Centralized Disciplinary Database ("CDD"): (1) any Decision imposing sanctions that impact a Participant's eligibility to participate in sport (e.g., suspension, ineligible, permanent ineligibility), and (2) all temporary measures imposed, including any/all temporary restrictions as well as temporary suspensions.

Moving forward, the Center will continue to publish the Decisions described in Section 1, but will only publish temporary restrictions if they are intended to mitigate potential risks to the larger sport community, as opposed to those that relate to a particular party. So, for example, the Center will continue to publish temporary measures such as "no unsupervised coaching of minor athletes," but will not publish temporary measures when they relate only to a particular party, such as when a No Contact Directive is implemented. The Center will continue to publish all Temporary Suspensions in the CDD.

The Center made this change after consultation with NGBs and after hearing feedback from individual Claimants in an effort to: (1) enhance athlete protection, by allowing broader use of No Contact Directives to provide more comfort to Claimants while engaging in the Center's response and resolution process; (2) enhance privacy for Claimants during the Center's process as making that information public could potentially reveal the identity of a Claimant; and (3) recognize the impact on Respondents of unnecessary publication of a one-on-one No Contact Directive that does not need public disclosure for enforcement.

The objective of the CDD has always been to provide the public with information regarding potential risks posed to the community by certain Participants. It was not designed to provide a comprehensive list of all decisions issued by the Center, hence why decisions imposing less severe sanctions (e.g., formal warning, probation, restrictions and other requirements, etc.) are not published. This change was designed to bring the Center's publication practices for temporary measures more closely in line with the objective and intent behind the CDD – providing information relevant to the public.

The Center has recently notified all Claimants involved in cases where this change applied, so that they are aware and are assured that there has been no modification to the status of any temporary measure. The Center agrees it should have preemptively notified parties, particularly Claimants, of the change and is committed to improving its communication practices in the future. The Center also notified Respondents, their advisors, and the associated

NGBs informing them of the change and emphasizing that all temporary measures currently in place remain in full effect and must be adhered to.

Sent from my iPhone

On May 23, 2019, at 8:35 AM, [REDACTED]  
wrote:

Thanks, any updates on this? This is a troubling development, especially for survivors with cases still pending at SafeSport. [REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 22, 2019 10:33 AM  
**To:** [REDACTED]  
**Subject:** RE: abrupt changes to center for safesport disciplinary records

Hi [REDACTED]

Yes, will get you more info ASAP.

Thanks,  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 22, 2019 10:01 AM  
**To:** [REDACTED]  
**Subject:** abrupt changes to center for safesport disciplinary records

Hi [REDACTED]

It's come to my attention that the Center for SafeSport may have removed from its disciplinary records all individuals with interim restrictions—possibly only when the restriction was a no contact order.

Can you get more information about this policy change ASAP? Such changes should be openly debated and discussed with athletes, survivors, and NGBs. I'd like to see the old and new policy on when someone is included in the disciplinary records database.

Thanks,  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

# Exhibit GG

Message

---

**From:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Sent:** 10/20/2015 5:01:33 PM  
**To:** Steve Penny [spenny@usagym.org]  
**Subject:** Channel 13 News

Hey Steve,

Channel 13 news 'aired' my interview which can be accessed at their website and I understand a portion will 'air' tonight (Tuesday, 10/20) on the 11:00 pm news. If you get a chance to see it, let me know what you think.

Also, ...just another quick 'thank you' for the beer and conversation a few weeks ago. I very much appreciate what you did. Though I realize there would be many qualified applicants, the position with the USOC is truly a tantalizing and interesting possible opportunity post-Bureau that I continue to think about.

Cheers and thanks again,

Jay Abbott  
FBI SAC Indy

# Exhibit HH

Message

---

**From:** Steve Penny [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C2CBCD2CE12A4427A9BD07FDBCE8D80C-SPENNY]  
**Sent:** 10/20/2015 11:08:59 PM  
**To:** Abbott, W J. (IP) (FBI) [REDACTED]  
**Subject:** Re: 13 Investigates: FBI joins IMPD, State Police to combat violent crime

This is great. Thanks for sharing. I am going to forward to Larry. Great piece.

Thanks for everything you do.

I head to England tomorrow.

Have a great day!

Regards,

Steve

Sent from my AT&T iPhone from somewhere in this wonderful world!

On Oct 20, 2015, at 10:56 PM, Abbott, W J. (IP) (FBI) [REDACTED] wrote:  
Hey Steve,

Hope all is well. I've tried to share a news video with you below. Hope it worked. Take care.

Jay Abbott

--

----- Original message -----

**From:** [REDACTED]  
**Date:** 10/20/2015 10:54 PM (GMT-05:00)  
**To:** "Abbott, W J. (IP) (FBI)" [REDACTED]  
**Subject:** Fwd: 13 Investigates: FBI joins IMPD, State Police to combat violent crime

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** October 20, 2015 at 10:52:04 PM EDT

To:

Subject: 13 Investigates: FBI joins IMPD, State Police to combat violent crime

<http://www.wthr.com/clip/11934930/13-investigates-fbi-joins-impd-state-police-to-combat-violent-crime#.Vib9LDEIWYQ.gmail>