

Responses of Ms. Susanne Lyons, Acting CEO of the U.S. Olympic Committee,  
to the Questions for the Record in the May 23, 2018, Hearing of the  
Subcommittee on Oversight and Investigations, Committee on Energy and Commerce

July 27, 2018

**The Honorable Michael C. Burgess**

*“Larry Nassar was licensed in the state of Michigan, but treated gymnasts at the Karolyi Ranch in Texas without a Texas medical license. He also treated gymnasts during competitions abroad, including at the World Championships and Olympics.”*

*“How does the United States Olympic Committee and its National Governing Bodies ensure that its physicians are compliant with licensing obligations?”*

Health care providers that are credentialed by the Olympic Committee (i.e., as part of a U.S. Delegation to an Olympic or Pan-American Games or for services provided at an Olympic Committee sports medicine clinic) undergo a criminal background check and a medical credential review. The medical credential review includes a review of the provider’s professional credentials and materials from the American Medical Association, the Drug Enforcement Administration, and licensing boards. The four sports medicine clinics operated by the Olympic Committee operate pursuant to the licensure requirements of the states in which they are located. The Olympic Committee requires that health care providers traveling abroad comply with international licensing obligations. This typically requires obtaining temporary licensure from the relevant host country. Most recently, for the 2018 Winter Olympic Games, the Olympic Committee required each national governing body to certify that its healthcare providers would follow the Olympic Committee’s standards of care regardless of the location or setting of the services provided.

*“Is parental consent required for amateur athletes to be treated by a team doctor? Are parents provided with information, such as status of medical license, for these providers?”*

The Olympic Committee obtains parental consent for medical care of a minor athlete who is part of a U.S. Delegation to an Olympic or Pan-American Games. As described above, the Olympic Committee conducts a medical credentials review for health care providers. This information is available to athletes or parents of minor athletes.

*“Many athletes begin training when they are very young and often do so outside of parental supervision.”*

*“Do athletes and/or parents receive training and education when a child joins a sport organization governed by a United States Olympic Committee National Governing Body?”*

The U.S. Center for SafeSport makes available a number of resources and training materials, and national governing bodies may supplement that information with their own training. Under the rules associated with the Center, anyone that the Olympic Committee or a national governing body authorizes, approves, or appoints to a position of authority over athletes, or to have frequent contact with athletes, is required to complete the SafeSport training.

*“Are athletes and parents made aware of SafeSport and how to get in contact?”*

Yes, the Olympic Committee’s NGB Athlete Safety Policy requires each national governing body to publish SafeSport materials to its members, including in online resources. Information concerning SafeSport is also available on the Olympic Committee’s and the Center’s websites.

*“According to audit reports issued in October 2017, 43 organizations under the United State Olympic Committee had deficiencies in their compliance of safe sport policies and procedures. Congress recently passed a \$2.5 million grant program to help fund the U.S. Center for SafeSport, which I understand currently has 9 employees and will have approximately 26 by July 2018.*

*“How do you plan to remedy these deficiencies and continue to evaluate these organizations for future compliance?”*

The Olympic Committee expects that all recommendations identified in the 2017 SafeSport audits conducted by Baker Tilly will be implemented by September 1, 2018. (There is currently only one outstanding issue related to Team Handball’s background checks and training requirements.) The Olympic Committee is currently auditing the national governing bodies, on a rolling basis through the year, to assess continuing compliance. Under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, the Center for SafeSport will conduct future regular and random audits of national governing bodies.

### **The Honorable Chris Collins**

*Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature – protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source – stopping sexual abuse.*

*“How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?”*

The Olympic Committee has not been a party to a nondisclosure agreement regarding sexual abuse, to the best of my knowledge after diligent inquiry by counsel. (As noted in the question, the Olympic Committee may use nondisclosure agreements in commercial matters.)

*“As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?”*

[Not applicable.]

**The Honorable Frank Pallone, Jr.**

*“The U.S. Olympic Committee is in a position to make sure that all sports are conducting the strongest background and reference checks on those who have contact with young athletes. The U.S. Olympic Committee’s current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who either is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. Has the U.S. Olympic Committee developed a “best practices” for background checks and reference checks? Does it intend to provide further guidance to the sports governing bodies on how to conduct background and reference checks?”*

As noted in the question, the Olympic Committee’s NGB Athlete Safety Policy requires each national governing body to conduct a criminal background check, at least every two years, on anyone that a national governing body authorizes, approves, or appoints to a position of authority over athletes, or to have frequent contact with athletes. In addition, the Olympic Committee’s SafeSport Handbook provides guidance for creating policies and procedures for screening and criminal background checks. (See pages 5 to 13 of the SafeSport Handbook.) The Olympic Committee’s background check policy is currently undergoing a review in an effort to standardize and strengthen background checks across the Olympic community. The Olympic Committee expects to have the results reviewed by outside experts.