



MEMORANDUM

March 19, 2024

TO: Members of the Subcommittee on Oversight and Investigations

FROM: Majority Committee Staff

RE: Hearing on Protecting Athletes from Abuse -- "Timeout: Evaluating Safety Measures Implemented to Protect Athletes."

On Thursday, March 21, 2024, at 10:30 a.m. (ET) in 2322 Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled "Timeout: Evaluating Safety Measures Implemented to Protect Athletes."

I. WITNESSES

- **Ju'Riese Colon**, Chief Executive Officer, U.S. Center for SafeSport
- **Craig Cress**, Chief Executive Officer, USA Softball
- **Mana Shim**, Chair, U.S. Soccer Federation Participant Safety Task Force
- **Nicole Deal**, Senior Vice President for Security and Athlete Safety, United States Olympic and Paralympic Committee

II. BACKGROUND

In the wake of the horrific USA Gymnastics abuse scandal perpetrated by team doctor Larry Nassar, Congress created the U.S. Center for SafeSport ("SafeSport" or "the Center"). On February 14, 2018, President Trump signed into law S. 534, the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" (P.L. 115-126, the "Safe Sport Act"), which codified the Center's jurisdiction over the U.S. Olympic and Paralympic Committee (USOPC) and its affiliated organizations with regard to safeguarding amateur athletes against abuse in sports.¹ The Center is a 501(c)(3) nonprofit created to investigate and resolve abuse and misconduct reports in organizations affiliated with U.S. Olympic and Paralympic Movement

¹ U.S. Center for SafeSport, *About Safe Sport Act*, <https://uscenterforsafesport.org/about/our-story/>.

(USOPC), covering over 11 million individuals.² An independent review commissioned by USA Gymnastics reported that USA Gymnastics’ “protocols designed to show gymnasts, coaches, staff and parents how to report abuse were muddled, confusing and not well enforced.”³ At the time, Deborah Daniels, responsible for conducting the independent review of USA Gymnastics, concluded “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.”⁴

Following Daniels’s investigation, Congress intended the Center to be an independent body to investigate abuse occurring against participants associated with National Governing Bodies (NGBs).⁵ The legislation’s purpose was to avoid instances like USA Gymnastics that failed for years to protect abused athletes.⁶ Today, “[t]he Center serves as the official, independent safe sport organization responsible for protecting amateur athletes from emotional, physical, and sexual misconduct and abuse in the U.S. Olympic and Paralympic communities.”⁷ The Center requires NGBs and their locally affiliated organizations (LAOs) to report claims of abuse promptly to both the Center and, at times, law enforcement.⁸

The Subcommittee’s oversight hearing seeks to gauge the current state of player safety in various amateur youth leagues and youth leagues connected to NGBS and LAOS within the U.S. Olympic and Paralympic Committee. The hearing is timely, as the Subcommittee seeks to understand the current wave of youth athletic leagues seceding from NGBs to evade SafeSport jurisdiction and SafeSport training requirements. In addition, the hearing will highlight areas where SafeSport can improve operations to protect the athletes it is responsible for protecting.

Amateur Leagues Avoiding SafeSport Jurisdiction:

Several softball leagues are leaving USA Softball to bypass SafeSport training requirements for coaches and SafeSport’s jurisdiction over alleged misconduct that occurs in those leagues.⁹ According to one NGB, about 50,000 to 75,000 youth softball athletes are not

² GAO, *Amateur Athletes: The U.S. Center for SafeSport’s Response and Resolution Process for Reporting Abuse*, p. 1 (Dec. 18, 2020) <https://www.gao.gov/assets/gao-21-128r.pdf> U.S. Center for SafeSport, *About Safe Sport Act*, <https://uscenterforsafesport.org/about/our-story/>

³ Will Graves, *Report finds USA Gymnastics policies muddled on sex abuse*, AP News (June 27, 2017) <https://apnews.com/article/north-america-ap-top-news-in-state-wire-mi-state-wire-sports-6e702153f95a487980588fb8831a9249>

⁴ Deborah J. Daniels, *Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Adults*, Krieg & Devault, 4 (June 26, 2017).

⁵ Will Graves, *Report finds USA Gymnastics policies muddled on sex abuse*, AP News (June 27, 2017) <https://apnews.com/article/north-america-ap-top-news-in-state-wire-mi-state-wire-sports-6e702153f95a487980588fb8831a9249>

⁶ Will Graves, *Report finds USA Gymnastics policies muddled on sex abuse*, AP News (June 27, 2017) <https://apnews.com/article/north-america-ap-top-news-in-state-wire-mi-state-wire-sports-6e702153f95a487980588fb8831a9249>

⁷ GAO, *Amateur Athletes: The U.S. Center for SafeSport’s Response and Resolution Process for Reporting Abuse*, p. 3 (Dec. 18, 2020) <https://www.gao.gov/assets/gao-21-128r.pdf>

⁸ See Will Graves, *Report finds USA Gymnastics policies muddled on sex abuse*, AP News (June 27, 2017) <https://apnews.com/article/north-america-ap-top-news-in-state-wire-mi-state-wire-sports-6e702153f95a487980588fb8831a9249>

⁹ Phone call, Chief Exec. Off. USA Softball (Aug. 3, 2023).

subject to SafeSport requirements or within its jurisdiction due to not being affiliated with the NGB (i.e., USA Softball).¹⁰ This means that adult coaches in these leagues do not have mandatory reporting requirements to SafeSport if they witness misconduct, nor are they required to undergo the SafeSport training designed to safeguard youth athletes from abuse.¹¹

USA Softball CEO, Craig Cress, informed the Committee that at least 26 leagues not affiliated with USA Softball are operating outside SafeSport's purview.¹² Mr. Cress informed the Committee, in an effort to poach NGB affiliated coaches, some softball leagues have advertised that its coaches do not need to undergo SafeSport training requirements.¹³ According to one entity, every sport under the USOPC system is experiencing a splitting off from NGBs and LAOs, avoiding SafeSport compliance, thereby potentially advertising themselves as "unsafe" leagues.¹⁴

Areas to Potentially Improve SafeSport:

An October 2022 report conducted by former Acting Attorney General, Sally Yates, involving sexual misconduct in U.S. Soccer Federation (Yates Report), concluded that "[SafeSport] does not have the resources necessary to promptly address the volume of complaints it receives."¹⁵ The Yates Report observed SafeSport formally resolved only "8% of all the cases it investigated."¹⁶ The Center's CEO, Ju'Riese Colon has publicly acknowledged SafeSport needs to improve. In an interview with USA Today, she stated:

I think some (of the criticism) is unfair, but it's not all unwarranted... Behind every one of those numbers, the 8,000 reports we get, is a person, and that person has an individual experience. And it might have been great and it might have been terrible for them ... I do think that we've changed a lot and we've listened. And we've gotten a lot better... If people didn't trust the system, they wouldn't call us. So I think that is just representative of how far we've come, but also of how far we have to go.¹⁷

Before the Commission on the State of U.S. Olympics and Paralympics on September 6, 2023, CEO Colon testified to her Center's shortcomings and pledged to make improvements:

While we seek accountability on behalf of athletes, we are also accountable to them. As a neutral and independent organization, not

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Sally Q. Yates, *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer* 169 (2022).

¹⁶ *Id.* at 170.

¹⁷ Nancy Armour, *U.S. Center for SafeSport was created to protect athletes from abuse. But is it working?*, USA Today (May 22, 2023) <https://www.usatoday.com/story/sports/olympics/2023/05/22/safesport-goal-protect-athletes-abuse-criticism/70236315007/>.

beholden to any sport or individual, we recognize that criticism is inherent to this work; some of the criticism is warranted... I am not here to make excuses. We know there are participants in our Response and Resolution process who felt it was not trauma informed, that there was poor communication, or it simply took too long. To them I say we are working every day to prioritize athlete safety and the Center is deeply committed to continuous quality improvement.¹⁸

Once SafeSport takes jurisdiction over a case, it exercises exclusive jurisdiction over the entirety of the investigation until resolution, and an NGB's attempt to protect an athlete can be interpreted by SafeSport as "interference." Multiple NGBs have stated that they hesitate to take a certain course of action to protect athletes out of fear SafeSport will report the NGB to Congress for interfering with the investigation.¹⁹

The Center views that its purpose is to maintain arm's length independence from NGBs and USOPC to avoid the episodes of abuse that existed prior to its creation.²⁰ In fact, the Government Accountability Office (GAO) is mandated to ensure and publicize "a certification relating to the Center's independence from the [USOPC]" on a yearly basis.²¹ CEO Colon stated, "There's a reason why the Center was given exclusive jurisdiction, and that's because of decades of mishandling or just not handling allegations that came forward by NGBs ... so I would not feel comfortable giving NGBs that power back."²²

Public reporting and NGBs have alleged that the Center disproportionately relies on administrative closure to resolve referrals of abuse submitted to it. According to the Yates Report, SafeSport "overwhelmingly relies on administrative closures" to resolve cases.²³ Individual NGBs and claimant athletes are not provided specific reasons for why abuse referrals initiated by athletes are summarily closed via administrative closures.²⁴ USA Today reported that some NGBs are handcuffed from taking action against coaches after SafeSport administratively closes cases. Citing one NGB attorney, USA Today reported the NGB "can't take any action against a coach because SafeSport administratively closed an abuse case against

¹⁸ Hearing: Commission on the State of U.S. Olympics and Paralympics (Sept. 6, 2023)

https://www.youtube.com/watch?v=jXLF-Gugd_g

¹⁹ Staff meetings with various NGB officers.

²⁰ Will Graves, *Report finds USA Gymnastics policies muddled on sex abuse*, AP News (June 27, 2017)

<https://apnews.com/article/north-america-ap-top-news-in-state-wire-mi-state-wire-sports-6e702153f95a487980588fb8831a9249>

²¹ See GAO, *Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport Fiscal year 2022* (June 29, 2023) <https://www.gao.gov/assets/gao-23-106592.pdf>

²² Nancy Armour, *U.S. Center for SafeSport was created to protect athletes from abuse. But is it working?*, USA Today (May 22, 2023) <https://www.usatoday.com/story/sports/olympics/2023/05/22/safesport-goal-protect-athletes-abuse-criticism/70236315007/>

²³ Sally Q. Yates, *Report of the Independent Investigation to the U.S. Soccer Federation Concerning Allegations of Abusive Behavior and Sexual Misconduct in Women's Professional Soccer* 169 (2022).

²⁴ Meetings with various NGB officers.

him and retains exclusive jurisdiction.²⁵ More than 36 percent of total SafeSport resolutions in 2022 were administratively closed (see Table).²⁶

The Center in 2022 resolved 4,634 cases. The table below shows the number of resolved cases in 2022 (based on data compiled Jan. 1, 2023), according to outcome.

2022 Outcomes

| | |
|--------------------------|--------------|
| No Jurisdiction | 875 |
| Jurisdiction Declined | 1,342 |
| Administrative Hold | 218 |
| Administrative Closure | 1,679 |
| Violation | 482 |
| No Violation | 38 |
| Total Resolutions | 4,634 |

(Table source: U.S. Center for SafeSport, Annual Report to Congress, June 30, 2023)

Another issue faced by athletes and NGBs is the length of time the SafeSport process takes to resolve cases. The attorney for former USA Gymnastics Olympians, John Manly, told USA Today: “I generally recommend to our clients don’t participate... it’s slow, cumbersome, biased and often handled incompetently... why would I ever entrust a survivor of sexual assault to them?”²⁷ In terms of resources, CEO Colon notes that although they are managing with the budget they are currently provided, it will become untenable to keep up with the current pace of abuse referrals: “We’re managing with what we have right now... If that trend (of rising cases) continues to grow, which I do think it will, fast forward to 2025, 2026, 2027, and we’re going to be in a not-so-great place.”²⁸

Commission on State of U.S. Olympics and Paralympics 2024 Report:

In 2020, Congress established a bipartisan Commission on the State of U.S. Olympics and Paralympics tasked to evaluate the U.S. Olympics and Paralympics movement and evaluate the “effectiveness of its governing institutions.”²⁹ Beginning in early 2023, the Commission

²⁵ Nancy Armour, *U.S. Center for SafeSport was created to protect athletes from abuse. But is it working?*, USA Today (May 22, 2023) <https://www.usatoday.com/story/sports/olympics/2023/05/22/safesport-goal-protect-athletes-abuse-criticism/70236315007/>

²⁶ 2022 SafeSport Center Annual Report, p. 9.

²⁷ Nancy Armour, *U.S. Center for SafeSport was created to protect athletes from abuse. But is it working?*, USA Today (May 22, 2023) <https://www.usatoday.com/story/sports/olympics/2023/05/22/safesport-goal-protect-athletes-abuse-criticism/70236315007/>

²⁸ *Id.*

²⁹ PASSING THE TORCH, MODERNIZING OLYMPIC, PARALYMPIC, & GRASSROOTS SPORTS IN AMERICA 7 (Commission on the State of the U.S. Olympics and Paralympics) (2024), <https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/65e1bc1bf438017c9d43ba82/1709292599616/CUSOP+Final+Report+%28Digital%29.pdf>.

investigated and evaluated all parts of the USOPC, reviewing thousands of documents, conducting surveys, interviewing hundreds of participants, and convening a public hearing.³⁰

The Commission's report, published on March 1, 2024, made several key findings relating to the Center for SafeSport, the entity responsible for investigating abuse within the USOPC movement. Below are some of the Commission's findings:

- *SafeSport's USOPC funding belies its independence:* The Commission found that athletes are skeptical SafeSport is as independent from the Olympic movement as it claims due to the funding it receives from USOPC: "Perhaps the most direct reason [] for a broad lack of trust in SafeSport that we heard over and over again from athletes is the center's dependence on USOPC for funding."³¹ The Commission goes on to state that "SafeSport is still seen as a dependent entity, interconnected with USOPC and its leadership."³² According to the report, since each NGB is charged fees by the USOPC for each report an athlete in their system makes, there exists an incentive structure to dissuade athletes from filing claims of abuse.³³ The Center for SafeSport told the Committee it previously informed USOPC it disagrees with such a funding scheme.³⁴
- *Athletes distrust SafeSport because of how long investigations take to resolve and how frequently cases are administratively closed:* The lengthy periods of time it takes for the Center to resolve claims of abuse continues to frustrate athletes who have reported misconduct. The Report found that since 2021, "number of cases open beyond a year has increased substantially on average."³⁵ According to a USOPC Athlete Ombuds office employee, "the amount of time that a case is open is a massive pain point for athletes, whether it be physical, emotional, or sexual abuse under the jurisdiction of the [C]enter or an NGB."³⁶ The report concludes, "the longer cases remain open, the greater the trauma for victims seeking justice as well as the agony for respondents awaiting a decision."³⁷ In addition, Commission concluded what others have found on the Center's use of administrative closures to resolve cases: "A further challenged continues to be SafeSport's practice of relying on administrative closures in an effort to clear its caseload backlog."³⁸ In addition, as NGBs have informed the Committee, SafeSport shares little if any information when it administratively closes cases.³⁹ The

³⁰ *Id.* at 7-8.

³¹ *Id.* at 67.

³² *Id.* at 67-68.

³³ *Id.* at 68-69 ("As a result, NGBs and PSOs have an incentive to reduce the number of SafeSport claims initiated by participants in their sports. The number of victims discouraged from filing claims by their NGB or PSO officials is unknown, but this incentive structure certainly does not lend itself to governing bodies supporting victims and removing those found to have engaged in misconduct.").

³⁴ Meeting with the Center for SafeSport (March. 13, 2024).

³⁵ PASSING THE TORCH, MODERNIZING OLYMPIC, PARALYMPIC, & GRASSROOTS SPORTS IN AMERICA 65 (Commission on the State of the U.S. Olympics and Paralympics) (2024),

<https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/65e1bc1bf438017c9d43ba82/1709292599616/CUSOP+Final+Report+%28Digital%29.pdf>.

³⁶ *Id.* at 65-66.

³⁷ *Id.* at 66.

³⁸ *Id.* at 66.

³⁹ *Id.* at 67.

Commission found that “athletes who have directly interacted with SafeSport rate it just 3.7 out of ten for satisfaction.”⁴⁰

- *Lack of trauma-informed practices:* Commission also concluded that the Center is not embracing trauma-informed practices when interacting with athletes who have filed claims of abuse.⁴¹ The Commission heard from alleged victims who felt SafeSport was ignoring their claims or re-traumatizing them by requiring their participation in the arbitration appeals process.⁴²
- *Misunderstanding of reporting requirements and processes:* The Commission found that NGBs use diverging guidelines to instruct athletes on reporting abuses. One NGB instructs athletes “to report violations only to the NGB, making no mention of SafeSport as a reporting operation.”⁴³ In addition, the Commission found that athletes, coaches, and other covered individuals who undergo a SafeSport process do not have a clear understanding of their rights and the standard the Center uses to determine a violation occurred (i.e., preponderance of evidence).⁴⁴ The Commission concludes:

Such lack of clear understanding and awareness of SafeSport’s legal status, as well as the obligations and protections that must be afforded to those who are a part of their proceedings, has contributed to feelings of mistrust in SafeSport’s processes by athletes, coaches, and others who may believe the center has either overreached or not gone far enough in certain cases.⁴⁵

- *Centralized Disciplinary Database Issues:* The Center publishes the names of individuals connected to the Olympic movement who were found to have violated SafeSport Code or have been subject to temporary restrictions pending a SafeSport investigation.⁴⁶ Although the Center purports to update the database regularly, the Commission “having reviewed SafeSport’s website and updates during the course of [the] study” concluded it was not so.⁴⁷ In addition, a third of coaches and a significant percentage (41 percent) of athletes surveyed “did not even know of [the database’s] existence.”⁴⁸ Moreover, since the database only covers leagues and organizations connected to the Olympic movement, a substantial portion of offenders from unaffiliated sports organizations are not included in the database: “The database is also hampered

⁴⁰ *Id.* at 64.

⁴¹ *Id.* at 70-71.

⁴² *Id.* at 71.

⁴³ *Id.* at 71.

⁴⁴ *Id.* at 72-73

⁴⁵ *Id.* at 73

⁴⁶ U.S. CENTER FOR SAFESPORT CENTRALIZED DISCIPLINARY DATABASE, <https://uscenterforsafesport.org/response-and-resolution/centralized-disciplinary-database/> (last visited Mar. 14, 2024).

⁴⁷ PASSING THE TORCH, MODERNIZING OLYMPIC, PARALYMPIC, & GRASSROOTS SPORTS IN AMERICA 75 (Commission on the State of the U.S. Olympics and Paralympics) (2024), <https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/65e1bc1bf438017c9d43ba82/1709292599616/C+SUSOP+Final+Report+%28Digital%29.pdf>.

⁴⁸ *Id.* at 75.

because it only covers [Olympic] movement sports and does not receive information furnished by NCAA member institutions about individuals disciplined for misconduct in collegiate sports.”⁴⁹

III. ISSUES

This hearing will provide an opportunity for Members to ask how best to safeguard athletes in youth leagues not within the Center’s jurisdiction. In addition, Members will be able to ask how best to fix the identifiable shortcomings at the Center:

- Why are leagues unaffiliating themselves with USA Softball?
- How cumbersome is it for leagues to comply with SafeSport training requirements and regulations?
- How costly is it for leagues (per year) to maintain their affiliation with their NGB?
- How can we protect youth league athletes from abuse if those leagues are not bound by SafeSport rules?
- Why does the Center rely on Administrative Closures to resolve cases?
- How long does it take SafeSport to determine it lacks jurisdiction over a case?
- What is the average length of time it takes for the Center resolve a sexual abuse investigation?
- How can the Center better cooperate with NGBs?
- How can the Center better communicate case status with the athletes?
- How can the Center be better informed of traumas?
- Should SafeSport’s Centralized Disciplinary Database include individuals found to have violated codes of conduct in sports organizations unaffiliated with the U.S. Olympic movement (i.e., NCAA)?

IV. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Anudeep Buddharaju of the Committee staff at (202) 225-3641.

⁴⁹ *Id.* at 10.