

# 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

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<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