



441 G St. N.W.  
Washington, DC 20548

## Accessible Version

June 29, 2023

Congressional Committees

### **Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport for Fiscal Year 2022**

The U.S. Center for SafeSport (the Center), established in March 2017, is a nonprofit organization that plays a key role in ensuring the safety of amateur athletes. Many of these athletes are minors, who participate in Olympic, Paralympic, Pan-American, and Parapan American events and training.<sup>1</sup> The Center has jurisdiction over the U.S. Olympic and Paralympic Committee (the Corporation) and national governing bodies (amateur sports organizations recognized or certified by the Corporation for a sport included in the Olympic, Paralympic, Pan-American, or Parapan American Games), with regard to safeguarding amateur athletes against abuse in sports.<sup>2</sup> The Center is required to develop training, oversight practices, policies, and procedures to prevent abuse of amateur athletes, among other activities. Also, the Center is responsible for investigating and resolving allegations of sexual misconduct by coaches, trainers, managers, peers, and others in violation of the Center's policies and procedures. In addition, the Center may, at its discretion, investigate and resolve allegations of other policy violations, including non-sexual child abuse as well as emotional and physical misconduct.<sup>3</sup>

The Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 (EOPAAA) made several amendments to the Ted Stevens Act.<sup>4</sup> Among other things, the EOPAAA prohibits former employees or board members of the Corporation or a national governing body from working or volunteering at the Center for 2 years after their departure.<sup>5</sup> The act also provides

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<sup>1</sup>Under the Ted Stevens Olympic and Amateur Sports Act (Ted Stevens Act), an amateur sports organization means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition. 36 U.S.C. § 220501(b)(3). An amateur athlete is an athlete who meets the eligibility standards established by the national governing body or Paralympic sports organization for the sport in which the athlete competes. The U.S. Olympic and Paralympic Committee (Corporation) recognizes or certifies one national governing body per sport (e.g., USA Gymnastics, USA Swimming), and there are currently 49 national governing bodies and three Paralympic sports organizations. In this report, we use the term national governing body to include the Corporation's recognized or certified national governing bodies and Paralympic sports organizations as of January 2023, for a total of 52 organizations.

<sup>2</sup>See 36 U.S.C. §§ 220541-220543.

<sup>3</sup>For more information on the Center's response and resolution process for reports of abuse, see GAO, *Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse*, [GAO-21-128R](#) (Washington, D.C.: Dec. 18, 2020).

<sup>4</sup>Pub. L. No. 116-189, 134 Stat. 943. The EOPAAA was enacted on October 30, 2020.

<sup>5</sup>Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(1)) provides that "[a] former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body." However, an athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body may volunteer at, or serve in an advisory capacity to, the Center. For the purposes of this report, we refer to this as the 2-year cooling-off period.

that an executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the Corporation or a national governing body.<sup>6</sup> In addition, the act prohibits the Corporation and the national governing bodies from interfering in or attempting to influence the outcome of an investigation.<sup>7</sup>

The EOPAAA includes a provision for GAO to annually “make available to the public a certification relating to the Center’s independence from the Corporation,” including findings of whether:<sup>8</sup>

- a violation of the prohibition on employment of former employees or board members of the Corporation has occurred during the year preceding the certification;
- an executive or attorney for the Center has had an inappropriate conflict of interest during that year; and
- the Corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.

In our third annual report, we examined, during the period of January 1, 2022, through December 31, 2022: (1) whether former board members or employees of the Corporation observed the required 2-year cooling-off period before working or volunteering at the Center; (2) whether an executive or attorney for the Center had an inappropriate conflict of interest; and (3) whether the Corporation interfered in, or attempted to influence the outcome of, an investigation by the Center.

Our certification applies to the Corporation.<sup>9</sup> However, we also included information about national governing bodies in our report because the EOPAAA refers to national governing bodies as well as the Corporation in connection with the cooling-off period, the definition of an inappropriate conflict of interest, and the prohibition on interference with Center investigations.

Our findings in this report are based on our review of information and documents that we obtained from the Center, the Corporation, and national governing bodies.<sup>10</sup> Specifically, to examine whether the cooling-off period was observed and whether inappropriate conflicts of interest occurred, we reviewed information provided by the Center about its employees and volunteers (including board members, executives, attorneys, contractors, and other staff) who worked or volunteered for the Center at any point during its fiscal year 2022 (January 1, 2022, to December 31, 2022). We reviewed conflict of interest verification forms and associated supplemental statements that the Center requires of all its employees, board and committee

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<sup>6</sup>Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(3)).

<sup>7</sup>Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(4)(A)) provides that the “corporation and the national governing bodies shall not interfere in, or attempt to influence the outcome of, an investigation.”

<sup>8</sup>See section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(j)). For our fiscal year 2020 certification, see GAO, *Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport for Fiscal Year 2020*, [GAO-21-586R](#) (Washington D.C.: June 29, 2021). For our fiscal year 2021 certification, see GAO, *Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport for Fiscal Year 2021*, [GAO-22-105572](#) (Washington D.C.: June 29, 2022).

<sup>9</sup>See 36 U.S.C. § 220541(j).

<sup>10</sup>Our report covers the Center’s fiscal year 2022 and is based on the certification provisions of the EOPAAA described above and our review of the information and documentation described below. This report does not address the Center’s independence from the Corporation or national governing bodies in any other respects.

members, contractors, outside counsel, and volunteers.<sup>11</sup> The form requires disclosure of any current or past employment or association with the Corporation or a national governing body.

We also cross-checked the information provided by the Center with information we received from the Corporation and 43 of 52 national governing bodies about their employees.<sup>12</sup> For example, we obtained from the Corporation and national governing bodies information about attorneys they employed, hired, or retained, including the dates of representation, among other things. We also received information from the Corporation and national governing bodies about whether, to their knowledge, former employees, including board members, executives, attorneys, employees of contractors, and volunteers, subsequently became involved with the Center after leaving their organizations.

To examine whether the Corporation or national governing bodies interfered in, or attempted to influence the outcome of, an investigation, we reviewed the Center's written responses to questions about how employees, board members, or other representatives of the Corporation or national governing bodies interacted with the Center during its fiscal year 2022. We also reviewed various documents, such as the Center's employee handbook, bylaws, confidentiality policy, and standard operating procedures. In addition, we reviewed the Center's SafeSport Code, which establishes acceptable standards of conduct for all individuals who participate in U.S. Olympic and Paralympic events and training. Finally, we reviewed written responses from the Corporation and a random selection of national governing bodies about their communications with the Center regarding allegations and investigations.<sup>13</sup>

We conducted this performance audit from January 2023 to June 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## **Certification**

Based on the certification provisions of the EOPAAA and the methodology described above, we certify that the Center was independent from the Corporation during its fiscal year 2022, as described in more detail below.

### **Observance of 2-Year Cooling-Off Period for Former Employees and Board Members**

We found no evidence that a former employee or board member of the Corporation worked for the Center in violation of the cooling-off period during its fiscal year 2022. Specifically, we

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<sup>11</sup>Employees and others provide the information included in the conflict of interest forms; the information is self-disclosed. The Center reported to us that as of 2022, it implemented a version of its standard conflict of interest policy specifically for outside counsel. In addition, the Center reported to us that outside counsel runs conflict of interest checks for each engagement with the Center. This includes checks to ensure the firm has not represented any clients listed by the Center as conflicted parties, such as the Corporation and all national governing bodies.

<sup>12</sup>We emailed questions to the chief executive officers or executive directors of the Corporation and 52 national governing bodies on February 8, 2023. As of April 2023, we received responses from the Corporation and 43 national governing bodies. Nine national governing bodies did not respond to our questions. Information throughout this report about national governing bodies is based on the 43 respondents, unless otherwise noted.

<sup>13</sup>The Corporation and selected national governing bodies were not necessarily the subject of an allegation or ongoing investigation. To understand the nature of communications between the Center and national governing bodies regarding an allegation or Center investigation, we randomly selected 13 of 52 national governing bodies to respond to our questions. Of the 13 selected national governing bodies, 11 submitted written responses.

compared the names of individuals who separated from the Corporation between January 1, 2020, and December 31, 2022 with those who worked with the Center during its fiscal year 2022. We found that none of these individuals from the Corporation worked with the Center during 2022. See table 1 for the number of individuals who were employed or worked with the Center during its fiscal year 2022.<sup>14</sup>

**Table 1. Number of Individuals Who Were Employed, Volunteered, or Worked with the U.S. Center for SafeSport Fiscal Year 2022 (January 1, 2022 to December 31, 2022)**

Type of Individual	Number of Individuals
Employees	130
Board and committee members	21
Contractors	53
Outside Counsel	16

Source: GAO presentation of U.S. Center for SafeSport information. | GAO-23-106592

Note: The U.S. Center for SafeSport considers board and committee members to be volunteers.

The Center takes multiple steps to ensure its employees and volunteers are aware of and in compliance with the 2-year cooling-off period. For example, when the Center advertises job vacancies it includes language describing the 2-year cooling-off period. Moreover, according to Center officials, the Center’s human resources department conducts reviews of applicants’ resumes and publicly available employment information to ensure all incoming employees are in compliance.

The Center also provides employees and volunteers with its conflict of interest policy. According to the policy, a conflict of interest, or potential conflict of interest, exists when an individual’s past, current, or anticipated future activities or interests, including financial interests, interfere with, influence, or have the potential to interfere with or influence the individual’s responsibilities on behalf of the Center or undermine the Center’s interests. In our report on fiscal year 2021 we found that, since July 2019, the Center has required its employees to complete a conflict of interest verification form at the start of employment or engagement with the Center, and, according to Center officials, annually thereafter.<sup>15</sup> The form requires disclosure of any current or past employment or association with the Corporation or a national governing body.

The Center provided us with copies of conflict of interest verification forms for its employees and other individuals who worked with the Center during its fiscal year 2022. Our review of these forms found that no individuals reported having worked for the Corporation or national governing bodies during the required 2-year cooling-off period. Likewise, our review of information provided by responding national governing bodies found that none reported having employed individuals who subsequently volunteered or worked for the Center during the required 2-year cooling-off period.

<sup>14</sup>The Center considers interns as well as board and committee members to be volunteers, but the Center did not report having interns in its fiscal year 2022.

<sup>15</sup>[GAO-22-105572](#).

## **Executive or Attorney Conflicts of Interest**

We found no evidence of a conflict of interest, as defined by the EOPAAA, between the Center's executives or attorneys and the Corporation.<sup>16</sup> The Center employed 11 executives and attorneys and retained 16 attorneys as outside counsel from various law firms in that year. No Center executives or attorneys reported representing the Corporation during the relevant period. In addition, we cross-checked the names of every attorney the Corporation employed or retained as outside counsel and did not find any that also represented the Center in its fiscal year 2022. Similarly, with regard to the responding national governing bodies, we identified no conflicts of interest, as defined by the EOPAAA, for the Center's fiscal year 2022.

## **Center Safeguards to Prevent Interference or Influence in Investigations**

Our review of the Center's investigative process found no evidence of interference or influence by the Corporation. Center staff reported to us that they were not aware of any attempts by the Corporation to interfere in or influence the outcome of an investigation during the Center's fiscal year 2022. According to Center staff, the Center expects employees and board members to report to senior staff members within the Center any attempts to interfere in or influence the outcome of an investigation.<sup>17</sup>

The Center has safeguards in place to prevent the Corporation and national governing bodies from interfering in or influencing the outcome of investigations. The SafeSport Code and the Center's standard operating procedures require the Center to share only limited information about allegations and investigations with the Corporation and national governing bodies. For example, the Center may request basic information from the Corporation and national governing bodies when determining its jurisdiction over a case, such as the names and contact information of individuals and their membership status. The Center may also notify the Corporation or national governing bodies with jurisdiction over individuals about any temporary measures it imposes, such as restrictions on an individual's eligibility to participate in a sport.<sup>18</sup> Such notifications allow the Corporation or national governing bodies to enforce the temporary measures. The Center does not provide, per its policies, detailed information about investigations to the Corporation and national governing bodies. The SafeSport Code also includes language prohibiting the Corporation or national governing body employees, board

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<sup>16</sup>An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the Corporation or a national governing body. Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(3)).

<sup>17</sup>Under the EOPAAA, in the case of an attempt to interfere in, or influence the outcome of, an investigation, the Center is required to submit to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce and Committee on the Judiciary a report describing the attempt, within 72 hours. Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(4)(B)). The Center reported potential interference by two national governing bodies in investigations during fiscal year 2022. The Center informed the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce and Committee on the Judiciary of these matters. As of April 2023, the Center concluded its investigation of one national governing body with a finding of no intentional interference. The Center's investigation of the other national governing body is ongoing.

<sup>18</sup>Under the SafeSport Code, certain alleged violations fall under the Center's "exclusive jurisdiction" (including allegations of sexual misconduct and child sexual abuse, among others) and other alleged violations fall under its "discretionary jurisdiction" (including allegations of non-sexual child abuse and emotional and physical misconduct, among others). The Code prohibits national governing bodies—which may impose temporary measures or safety plans—from investigating or resolving allegations within the Center's exclusive jurisdiction. National governing bodies may investigate and resolve matters within the Center's discretionary jurisdiction if the Center expressly declines to examine them.

members, and legal counsel from serving as advisors to individuals participating in the Center's processes.

The Corporation and selected national governing bodies provided information about their communications with the Center related to allegations and investigations. We found that written responses from the Corporation and the responding national governing bodies were consistent with the procedures outlined in the SafeSport Code and the Center's standard operating procedures. The Corporation and responding national governing bodies reported to us that their interactions with the Center were generally limited to (1) receiving notices from the Center about jurisdiction, temporary measures, or final resolution decisions; or (2) requests from the Center for information about claimants, respondents, or witnesses.<sup>19</sup>

In our report on fiscal year 2021 we found that, in addition to sharing limited information about investigations with the Corporation and national governing bodies, the Center had taken additional steps to prevent the Corporation or national governing bodies from interfering in or influencing the outcome of investigations.<sup>20</sup> According to Center staff, they have discussed with employees and board members the provisions of the EOPAAA, including the provision prohibiting the Corporation and national governing bodies from interfering in, or attempting to influence the outcome of, an investigation. Also, the Center revised the SafeSport Code to state that the Corporation and national governing bodies are prohibited from interfering in, attempting to interfere in, or influencing the outcome of the Center's investigations. The national governing bodies and Corporation received notice of this change in December 2021. Additionally, the Center conducted trainings for the Corporation and national governing bodies on the issue of interference as well as for Center employees and board members on reporting attempts to influence an investigation. According to Center officials, the Center will continue to conduct such trainings in the future.

### **Third Party Views**

We provided excerpts of this report to the Center for review and comment. The Center had no comments.

If you and your staff have any questions, please contact Kathryn A. Larin at (202) 512-7215 or [larink@gao.gov](mailto:larink@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors to this report were Andrea Dawson (Assistant Director), Claudine Pauselli (Analyst in Charge), Robin Marion, Jean McSween, Sarah Mirza, Mimi Nguyen, Aaron Olszewski, Jennifer Padgett, Pamela Richards, Almeta Spencer, and Adam Wendel.

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<sup>19</sup>At any time during intake and investigation the Center may adopt or implement temporary measures, depending on the perceived risk to athletes or the sport community, among other considerations. According to the SafeSport Code, temporary measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, and suspending individuals from participating in some or all aspects of sport activity. A formal resolution occurs after the Center has completed an investigation and either closes the matter or, if a violation of the SafeSport Code is found, issues its decision. Also, according to the SafeSport Code, a claimant is a person who is alleged to have experienced conduct that constitutes a Code violation. A respondent is a participant of the Olympic and Paralympic community who is alleged to have violated the SafeSport Code.

<sup>20</sup>[GAO-22-105572](#).

A handwritten signature in black ink, reading "Kathryn A. Larin". The signature is fluid and cursive, with the first name "Kathryn" and the last name "Larin" clearly legible.

Kathryn A. Larin, Director  
Education, Workforce, and Income Security Issues

*List of Committees*

The Honorable Maria Cantwell  
Chair  
The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate  
The Honorable Richard J. Durbin  
Chair  
The Honorable Lindsey Graham  
Ranking Member  
Committee on the Judiciary  
United States Senate  
The Honorable Cathy McMorris Rodgers  
Chair  
The Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives  
The Honorable Jim Jordan  
Chair  
The Honorable Jerrold Nadler  
Ranking Member  
Committee on the Judiciary  
House of Representatives