



UNITED STATES BIATHLON  
ASSOCIATION  
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February 15, 2018

Honorable Jerry Moran  
Chairman  
Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security  
521 Dirksen Senate Office Building  
Washington DC 20510

Honorable Richard Blumenthal  
Ranking Member  
Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security  
706 Hart Senate Office Building Washington DC 20510

Dear Senator Moran and Senator Blumenthal,

I am in receipt of your letter, dated February 2, 2018, in which you raised seven questions relating to US Biathlon Association (USBA), United States Olympic Committee (USOC) and issues related to safe sport in general. On February 6, 2018, I sent a letter to you asking you to confirm certain assumptions I needed to make in order to clarify questions 2, 3 and 4. On February 7, 2018, I received confirmation from your respective staffs that my interpretation of your questions was accurate. Based on the foregoing, to the best of my knowledge, below are the answers to your questions:

1. USBA has a SafeSport Policy posted on its website. This Policy details, among other things, what misconduct is, training and education requirements, how to report a SafeSport issues, reporting obligations, who to contact with questions, discipline, USBA's and the U.S. Center for SafeSport's investigation authority and procedures.
2. The USBA SafeSport Policy requires that all USBA volunteers who are (a) in a position of authority over, (b) have frequent contact with athletes, including, but not limited to staff, coaches, judges/officials and volunteers, and/or (c) any non-athlete individual that USBA authorizes to train, stay, or work at an Olympic Training Center are subject to the background check and training and education requirements. USBA does not have any agreements or other arrangements with its volunteers that modify in any way a volunteer's duty and obligation to report to USBA, or its representative, the U.S. Center for SafeSport, or law enforcement officials if a volunteer becomes aware of any wrongdoing, bad act, or omission, or any violation of USBA rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual.

3. USBA has not utilized a non-disclosure agreement to enforce confidentiality against an athlete, volunteer, or employee with regard to keeping confidential and/or not disclosing information about any wrongdoing, bad act, or omission, or any violation of USBA rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual.
4. USBA does have certain agreements with athletes such as requiring an athlete to abide by the USBA Code of Conduct and certain athletes sign agreements provided by the USOC for direct athlete support (stipends) and elite athlete health insurance. Under the Ted Stevens Olympic and Amateur Sports Act (Sports Act), NGBs are required to participate in binding arbitration where an athlete alleges that the NGB has denied him or her an opportunity to participate in certain competitions, and where a member alleges that the NGB has violated certain provisions of the Sports Act or USOC Bylaws. In these cases, it is the athlete who chooses whether or not to require an NGB to participate in binding arbitration, and the athlete is in no way obligated to participate. Additionally, USBA's SafeSport Policy allow for an accused to obtain a review of a disciplinary decision by arbitration. Other than the foregoing, USBA has not utilized or required binding agreements, or participation in forced binding arbitration with athletes for any reason.
5. As more fully discussed in question 7 below, USBA has recently updated its policies and Bylaws to ensure it (a) addressed a September 2017 Baker Tilly Virchow Krause (Baker Tilly) SafeSport Audit (Audit), (b) complied with the most current USOC NGB Athlete Safety Policy, dated January 1, 2018 and (c) U.S. Center for SafeSport requirements.
6. I am not aware of any circumstances in which USBA engaged in criminal behavior nor am I aware of any report of criminal behavior ever having been sent to the USOC concerning USBA. Thus, the remainder of this question is moot.
7. On or about September 2017, USOC hired Baker Tilly to perform an Audit of USBA vis a vis its compliance with USOC issued Athlete Safety Standards.<sup>1</sup> Baker Tilly performed the Audit using a sample of the individuals required to participate in safe sport background screening and training and education and it reviewed USBA policies regarding the same. Baker Tilly's Audit noted opportunities for USBA to enhance compliance with certain elements of the USOC Athlete Safety Standards. The Audit indicated that some individuals, who were supposed to have been background checked, were not during the applicable period, and that some individuals who were supposed to have undergone education and training did not complete the same. The Audit also indicated that the then current USBA SafeSport Policy needed to be broader in terms of education and training requirements.

In December 2017 and January 2018, USBA revised its Bylaws and SafeSport Policy not only to address the issues noted in the Audit, but also to comply with

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<sup>1</sup> USOC subsequently replaced the Athlete Safety Standards with the NGB Athlete Safety Policy, effective June 20, 2017 and January 1, 2018.

USOC's January 1, 2018 issued NGB Athlete Safety Policy and ensure it fully observed U.S. Center for SafeSport requirements. The USOC informally approved the SafeSport Policy and Bylaw revisions on January 23, 2018 and formally approved the same on February 9, 2018.

Please let me know if I can be of further assistance. As you are aware, I am in Pyeongchang, Korea until the conclusion of the Olympics, approximately February 27, 2018, so any future responses may be delayed.

Sincerely,

A handwritten signature in black ink that reads "Max Cobb". The signature is written in a cursive, flowing style.

Max Cobb  
President & CEO