



February 14, 2018

Honorable Jerry Moran
Chairman
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
United States Senate
Washington, DC 20510

Honorable Richard Blumenthal
Ranking Member
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
United States Senate
Washington, DC 20510

Re: Letter of February 2, 2018

Dear Senator Moran and Senator Blumenthal,

As a member of the United State Olympic Committee (USOC), USA Diving appreciates your time and attention to the safety of our athletes. USA Diving takes the safety of our athletes seriously and encourages efforts to improve the Olympic Sport experience. In regards to the letter dated February 2, 2018, USA Diving has provided responses to the seven questions provided to all National Governing Bodies (NGBs) that fall under the USOC umbrella. Your questions are bolded and USA Diving's answers follow. As you should expect, given the short time to respond, the governance by volunteers who have served at different times and tenures over the years, and that one person does not possess all or nearly all of the information requested, the answers supplied below are USA Diving's best effort to provide complete responses based on information available at this time.

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?

As of the date of this response, when USA Diving receives a report of child or sexual abuse allegations concerning its members, the following protocol is followed:

- a. The alleged offender's name is searched via the internet, and our business records, to gather any additional information that might be pertinent.
- b. Law enforcement is contacted and a report is filed in the appropriate jurisdiction(s).
- c. A report is promptly filed with the U.S. Center for SafeSport.

2. Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like the case of Dr. Nassar who was employed by MSU, in these reporting practices? *As clarified by Conor McGrath, Legislative Assistant to U.S. Senator Jerry Moran, by email to Max Cobb dated February 7, 2018 to mean: "whether an NGB has agreements or other arrangements with its volunteers that modifies in any way a volunteer's duty and obligation to report to the NGB, or its representatives, the U.S. Center for SafeSport, or law enforcement officials when that volunteer becomes aware of any wrongdoing, bad act, or omission, or any violation of NGB rules, the rules of the U.S. Center of SafeSport, or any applicable law by any individual."**

We are presently unaware of special accommodations regarding reporting for volunteers that are separately employed by non-NGB institutions who interact with USA Diving.

3. Has your organization ever utilized an NDA to enforce confidentiality against any athlete, volunteer, or employee in the past? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual NDA used by your organization. *As clarified by Conor McGrath, Legislative Assistant to U.S. Senator Jerry Moran, by email to Max Cobb dated February 7, 2018 to mean: "whether an NGB has ever used an NDA to require an athlete, volunteer or employee to keep confidential and/or not to disclose information about any wrongdoing, bad act, or omission, or any violation of NGB rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual of which the NGB or its representatives may be aware."**

USA Diving is presently unaware of the past or current use of agreements as clarified and described above. That being said, prior to the enactment and use of SafeSport, the Board of Review proceedings previously in force were confidential by rule until the proceedings were completed in accordance with USA Diving's By-Laws.

4. Has your organization ever utilized additional binding agreements other than NDAs with athletes under your purview? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual agreement used by your organization. *As clarified by Conor McGrath, Legislative Assistant to U.S. Senator Jerry Moran, by email to Max Cobb dated February 7, 2018 to mean: "whether and under what circumstances an NGB might have entered into some sort of agreement that required an athlete to keep confidential and/or not to disclose information about any wrongdoing, bad**

act, or omission, or any violation of NGB rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual of which the NGB or its representatives may be aware.” And, as further clarified by Anna Yu, Legislative Assistant to U.S. Senator Richard Blumenthal, by email dated February 7, 2018 to also include, “all the cases in which an NGB might have required an athlete to participate in forced binding arbitration.”

Although the Ted Stevens Olympic and Amateur Sports Act expressly provides for and permits the use of arbitration, we are presently unaware of situations where USA Diving has required an athlete to participate in forced binding arbitration in the context as clarified above.

5. Since the recent lawsuits filed against USOC, USAG, and MSU for organizational failures, to investigate, discipline, or remove Dr. Nassar after complaints of sexual abuse, has your organization taken any additional steps to improve the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms?

No. USA Diving currently follows the same guidelines it did previous to the lawsuits filed against USOC, USAG and MSU.

6. Please identify any circumstance in which USOC did not take any action following a report of criminal behavior from your organization. To the extent possible, please provide all details regarding the justification and circumstances involved in USOC’s decision to not act.

USA Diving is presently unaware of such a situation.

7. In 2017, USOC engaged with a third-party consultant to assess compliance with SafeSport policies and procedures within USOC and all of its NGBs and High Performance Management Organizations (HPMO). Please describe the report issued for your organization, including any recommendations necessary for full compliance. If additional recommendations were issued, what actions were taken by your organization? Are there any remaining recommendations that your organization has yet to fully implement?

The following was the feedback that USA Diving received from the SafeSport audit: “Based on this review of USA Diving’s SafeSport-related documentation and administrative materials, USA Diving’s policies and procedures met the requirements of the Athlete Safety Standards. There were no additional recommendations issued as a result of the audit.”

Please note that our responses are based on the assumptions and clarifications set forth in the letter from NGB Council Chair Max Cobb in a letter dated February 6, 2018 and responses thereto. We hope the information provided will be useful to your efforts. Please do not hesitate to reach out if any additional information is needed and we reserve the ability to supplement our response upon discovery of additional responsive information or different interpretation of the questions by the examiner.

Signatures on the following page.

Sincerely,



Michele Mitchell
Chairman, Board of Directors
USA Diving, Inc.



Lee Johnson
CEO
USA Diving, Inc.