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ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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July 13, 2018

Mr. Jamie Davis
CEO
USA Volleyball
4065 Sinton Road, Suite 200
Colorado Springs, CO 80907

Dear Mr. Davis:

Thank you for appearing before the Subcommittee on Oversight and Investigations on May 23, 2018, to testify at the hearing entitled "Examining the Olympic Community's Ability to Protect Athletes from Sexual Abuse."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, July 27, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Ali.Fulling@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gregg Harper
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

Attachment—Additional Questions for the Record

The Honorable Gregg Harper

1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?
 - a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?
 - b. If an allegation is turned over to the U.S. Center for SafeSport, what authority does USA Volleyball have to implement interim measures while the Center investigates?
 - i. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?
 - c. Is some measure taken in every case, or is this determined on a case by case basis? If a measure is not taken in some cases, why not?
 - d. If an interim measure is imposed, how quickly are such interim measures implemented?
 - e. Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?

The Honorable Chris Collins

1. Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature – protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source – stopping sexual abuse.

- a. How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?
- b. As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement – such as the amount of any financial award – or do they prohibit the victim from speaking about the details of the case – such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?

The Honorable Frank Pallone, Jr.

1. In USA Volleyball's March 20th letter to the Committee, USA Volleyball reported receiving 14 complaints in 2017, and 30 in 2018. There are also allegations that your organization banned a coach in 1995 after receiving reports that he abused athletes. USA Volleyball then reportedly reinstated him in 2000, after which he had contact with nearly 20,000 athletes before USA Volleyball banned him again earlier this year. Has USA Volleyball conducted a thorough examination of the reports of abuse made to your organization? If not, why not? If so, have you learned anything that has changed the way USA Volleyball will handle similar cases in the future?
2. The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. What does USA Volleyball do beyond the minimum requirements of the Athlete Safety Policy when conducting criminal background checks and reference checks?