

115TH CONGRESS
1ST SESSION

S. 534

To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2017

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. GRASSLEY, Mr. NELSON, Mr. FLAKE, Mr. DONNELLY, Mr. RUBIO, Mrs. McCASKILL, Mrs. ERNST, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. BLUMENTHAL, Ms. WARREN, Ms. HARRIS, Ms. CORTEZ MASTO, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Young Vic-
5 tims from Sexual Abuse Act of 2017”.

1 **SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL**
 2 **ABUSE AT FACILITIES UNDER THE JURISDIC-**
 3 **TION OF AMATEUR SPORTS ORGANIZATIONS**
 4 **RECOGNIZED BY THE UNITED STATES OLYM-**
 5 **PIC COMMITTEE.**

6 (a) REPORTING REQUIREMENT.—Section 226 of the
 7 Victims of Child Abuse Act of 1990 (42 U.S.C. 13031)
 8 is amended—

9 (1) in subsection (a)—

10 (A) by striking “A person who” and insert-
 11 ing the following:

12 “(1) COVERED PROFESSIONALS.—A person
 13 who”; and

14 (B) by adding at the end the following:

15 “(2) INDIVIDUALS AT COVERED FACILITIES.—A
 16 covered individual who, while engaged in any activity
 17 sanctioned by a covered facility, learns of facts that
 18 give reason to suspect that a child has suffered an
 19 incident of child abuse, including sexual abuse, shall
 20 as soon as possible make a report of the suspected
 21 abuse to the agency designated by the Attorney Gen-
 22 eral under subsection (d).”;

23 (2) in subsection (b), in the matter preceding
 24 paragraph (1), by striking “subsection (a)” and in-
 25 serting “subsection (a)(1)”;

26 (3) in subsection (c)—

1 (A) in paragraph (7), by striking “and” at
 2 the end;

3 (B) in paragraph (8), by striking the pe-
 4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(9) the term ‘covered facility’ means a facility
 7 over which a national governing body has jurisdic-
 8 tion;

9 “(10) the term ‘covered individual’ means an
 10 adult who is authorized by a covered facility or by
 11 a national governing body to interact with a minor
 12 or amateur athlete at the covered facility or at any
 13 event sanctioned by the covered facility; and

14 “(11) the term ‘national governing body’ has
 15 the meaning given the term in section 220501(b) of
 16 title 36, United States Code.”;

17 (4) in subsection (d), in the first sentence, by
 18 inserting “and for all covered facilities” after “re-
 19 side”;

20 (5) in subsection (f), in the first sentence—

21 (A) by striking “and on all” and inserting
 22 “on all”; and

23 (B) by inserting “and for all covered facili-
 24 ties,” after “lands,”; and

1 (6) in subsection (h), by inserting “and all cov-
 2 ered individuals,” after “facilities,”.

3 (b) PENALTY FOR FAILURE TO REPORT.—Section
 4 2258 of title 18, United States Code, is amended—

5 (1) by inserting “or while engaged in a profes-
 6 sional capacity or activity at a covered facility as de-
 7 scribed in subsection (a)(2) of such section 226”
 8 after “facility”; and

9 (2) by striking “not more than 1 year” and in-
 10 serting “not more than 3 years”.

11 **SEC. 3. CIVIL REMEDY FOR PERSONAL INJURIES.**

12 Section 2255 of title 18, United States Code, is
 13 amended—

14 (1) by striking subsection (a) and inserting the
 15 following:

16 “(a) IN GENERAL.—Any person who, while a minor,
 17 was a victim of a violation of section 1589, 1590, 1591,
 18 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260,
 19 2421, 2422, or 2423 of this title and who suffers personal
 20 injury as a result of such violation, regardless of whether
 21 the injury occurred while such person was a minor, may
 22 sue in any appropriate United States District Court and
 23 shall recover the actual damages such person sustains or
 24 liquidated damages in the amount of \$150,000, and the
 25 cost of the action, including reasonable attorney’s fees and

1 other litigation costs reasonably incurred. The court may
 2 also award punitive damages and such other preliminary
 3 and equitable relief as the court determines to be appro-
 4 priate.”;

5 (2) in subsection (b), by striking “filed within”
 6 and all that follows through the end and inserting
 7 the following: “filed—

8 “(1) not later than 10 years after the date on
 9 which the plaintiff discovers the later of—

10 “(A) the violation that forms the basis for
 11 the claim; or

12 “(B) the injury that forms the basis for
 13 the claim; or

14 “(2) in the case of a person under a legal dis-
 15 ability, not later than 10 years after the date on
 16 which the disability ends.”; and

17 (3) by adding at the end the following:

18 “(c) VENUE; SERVICE OF PROCESS.—

19 “(1) VENUE.—Any action brought under sub-
 20 section (a) may be brought in the district court of
 21 the United States that meets applicable require-
 22 ments relating to venue under section 1391 of title
 23 28.

1 “(2) SERVICE OF PROCESS.—In an action
2 brought under subsection (a), process may be served
3 in any district in which the defendant—

4 “(A) is an inhabitant; or

5 “(B) may be found.”.

6 **SEC. 4. EXPANSION OF AUTHORITIES AND DUTIES OF AMA-**
7 **TEUR SPORTS ORGANIZATIONS RECOGNIZED**
8 **BY THE UNITED STATES OLYMPIC COM-**
9 **MITTEE TO PREVENT THE ABUSE OF MINOR**
10 **AND AMATEUR ATHLETES.**

11 (a) EXPANSION OF AUTHORITIES.—Section
12 220523(a) of title 36, United States Code, is amended—

13 (1) in paragraph (6), by striking “; and” and
14 inserting a semicolon;

15 (2) in paragraph (7), by striking the period and
16 inserting “; and”; and

17 (3) by adding at the end the following:

18 “(8) develop training, oversight practices, poli-
19 cies, and procedures to prevent the abuse, including
20 physical abuse and sexual abuse, of any minor or
21 amateur athlete by any adult.”.

22 (b) ADDITIONAL DUTIES.—Section 220524 of such
23 title is amended—

24 (1) in paragraph (8), by striking “; and” and
25 inserting a semicolon;

1 (2) in paragraph (9), by striking the period and
2 inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(10) develop and enforce policies, mechanisms,
5 and procedures to prevent the abuse, including phys-
6 ical abuse and sexual abuse, of any minor or ama-
7 teur athlete, including—

8 “(A) requiring all members of the national
9 governing body or a facility under the jurisdic-
10 tion of the national governing body and adults
11 authorized by such members to interact with
12 minor or amateur athletes, to immediately re-
13 port all allegations of sexual abuse to law en-
14 forcement authorities and other appropriate au-
15 thorities whenever such members or adults
16 learn of facts leading them to reasonably sus-
17 pect that a minor or amateur athlete has suf-
18 fered an incident of sexual abuse;

19 “(B) establishing a mechanism, approved
20 by a trained expert on child abuse, that allows
21 a complainant to easily report an incident of
22 sexual abuse committed by a member or adult
23 described in subparagraph (A) to interact with
24 a minor or amateur athlete, to the national gov-
25 erning body or another authority;

“(C) procedures to ensure that each amateur athlete who is a minor is prevented from being in a one-on-one situation with an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of the national governing body without being in an observable and interruptible distance from another adult; and

“(D) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with the national governing body, of all members and adults described in subparagraph (A) to ensure that policies and procedures developed under this paragraph are followed correctly and that consistent training is offered and given to all members regarding prevention of sexual abuse; and

“(11) in the case of a national governing body with jurisdiction over more than one athletic facility, establish a mechanism by which—

“(A) the national governing body can—

“(i) receive a report from one of such facilities regarding a case in which an adult authorized by the facility to interact with a minor or amateur athlete at such facility is expelled from or leaves such fa-

cility for sexual misconduct, including because of a mere allegation of sexual misconduct; and

“(ii) share a report received under subparagraph (A) with each of the other athletic facilities under the jurisdiction of the national governing body; and

“(B) an athletic facility under the jurisdiction of the national governing body can—

“(i) review the reports received by the national governing body under subparagraph (A)(i) to assess any allegations of sexual misconduct made in such reports; and

“(ii) withhold providing to an adult who is the subject of an allegation of sexual misconduct in a report reviewed under clause (i) authority to interact with a minor or amateur athlete at such facility until such time as the facility determines that there is no risk to a minor or amateur athlete at such facility.”.

(c) RULE OF CONSTRUCTION.—Section 220522 of such title is amended by adding at the end the following:

1 “(c) RULE OF CONSTRUCTION.—Nothing in para-
2 graph (a) shall be construed to limit the ability of a na-
3 tional governing body to develop a policy or procedure to
4 prevent an individual who is the subject of an allegation
5 of sexual misconduct from interacting with a minor or
6 amateur athlete until such time as the national governing
7 body, or any person under the jurisdiction of the national
8 governing body, determines that there is no risk to the
9 minor or amateur athlete by allowing the individual to
10 interact with the minor or amateur athlete.”.

