

Calendar No. 121

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, Mr. YOUNG, Ms. HIRONO, Mr. FRANKEN, Mr. MARKEY, Mr. SULLIVAN, Mr. MERKLEY, Ms. STABENOW, Mr. HATCH, Mr. CRUZ, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 8, 2017

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

9 (a) **REPORTING REQUIREMENT.**—Section 226 of the
10 Victims of Child Abuse Act of 1990 (42 U.S.C. 13031)
11 is amended—

12 (1) in subsection (a)—

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

15 “(1) **COVERED PROFESSIONALS.**—A person
16 who”; and

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

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

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

4 (3) in subsection (c)—

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

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

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

10 “(9) the term ‘covered facility’ means a facility
 11 over which a national governing body has jurisdic-
 12 tion;

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

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

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

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

1 (A) by striking “and on all” and inserting
2 “on all”; and

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

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

7 (b) **PENALTY FOR FAILURE TO REPORT.**—Section
8 2258 of title 18, United States Code, is amended—

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

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

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

16 Section 2255 of title 18, United States Code, is
17 amended—

18 (1) by striking subsection (a) and inserting the
19 following:

20 “(a) **IN GENERAL.**—Any person who, while a minor,
21 was a victim of a violation of section 1589, 1590, 1591,
22 2241(e), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260,
23 2421, 2422, or 2423 of this title and who suffers personal
24 injury as a result of such violation, regardless of whether
25 the injury occurred while such person was a minor, may

1 sue in any appropriate United States District Court and
 2 shall recover the actual damages such person sustains or
 3 liquidated damages in the amount of \$150,000, and the
 4 cost of the action, including reasonable attorney's fees and
 5 other litigation costs reasonably incurred. The court may
 6 also award punitive damages and such other preliminary
 7 and equitable relief as the court determines to be appro-
 8 priate.”;

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

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

14 “(A) the violation that forms the basis for
 15 the claim; or

16 “(B) the injury that forms the basis for
 17 the claim; or

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

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

22 “(c) VENUE; SERVICE OF PROCESS.—

23 “(1) VENUE.—Any action brought under sub-
 24 section (a) may be brought in the district court of
 25 the United States that meets applicable require-

1 ments relating to venue under section 1391 of title
2 28.

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

6 “(A) is an inhabitant; or

7 “(B) may be found.”.

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

13 (a) EXPANSION OF AUTHORITIES.—Section
14 220523(a) of title 36, United States Code, is amended—

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

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

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

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

24 (b) ADDITIONAL DUTIES.—Section 220524 of such
25 title is amended—

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

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

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

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

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

21 “(B) establishing a mechanism, approved
22 by a trained expert on child abuse, that allows
23 a complainant to easily report an incident of
24 sexual abuse committed by a member or adult
25 described in subparagraph (A) to interact with

a minor or amateur athlete, to the national governing 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

1 with a minor or amateur athlete at such
2 facility is expelled from or leaves such fa-
3 cility for sexual misconduct, including be-
4 cause of a mere allegation of sexual mis-
5 conduct; and

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

10 “(B) an athletic facility under the jurisdic-
11 tion of the national governing body can—

12 “(i) review the reports received by the
13 national governing body under subpara-
14 graph (A)(i) to assess any allegations of
15 sexual misconduct made in such reports;
16 and

17 “(ii) withhold providing to an adult
18 who is the subject of an allegation of sex-
19 ual misconduct in a report reviewed under
20 clause (i) authority to interact with a
21 minor or amateur athlete at such facility
22 until such time as the facility determines
23 that there is no risk to a minor or amateur
24 athlete at such facility.”.

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

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

13 **SECTION 1. SHORT TITLE.**

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

16 **SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL**
 17 **ABUSE.**

18 ~~(a) REPORTING REQUIREMENT.—Section 226 of the~~
 19 ~~*Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is*~~
 20 ~~*amended—*~~

21 ~~(1) in subsection (a)—~~

22 ~~(A) by striking “A person who” and insert-~~
 23 ~~*ing the following:*~~

24 ~~“(1) COVERED PROFESSIONALS.—A person who”;~~

25 ~~and~~

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

2 “(2) COVERED INDIVIDUALS.—A covered indi-
3 vidual who learns of facts that give reason to suspect
4 that a child has suffered an incident of child abuse,
5 including sexual abuse, shall as soon as possible make
6 a report of the suspected abuse to the agency des-
7 ignated by the Attorney General under subsection
8 (d).”;

9 (2) in subsection (b), in the matter preceding
10 paragraph (1), by striking “subsection (a)” and in-
11 serting “subsection (a)(1)”;

12 (3) in subsection (c)—

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

15 (B) in paragraph (8), by striking the period
16 at the end and inserting a semicolon; and

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

18 “(9) the term ‘covered individual’ means an
19 adult who is authorized by a national governing body
20 or a member of a national governing body to interact
21 with a minor or amateur athlete at an amateur
22 sports organization facility or at any event sanc-
23 tioned by a national governing body or a member of
24 a national governing body;

1 “(10) the term ‘event’ includes travel, practice,
2 competition, and health or medical treatment;

3 “(11) the terms ‘amateur athlete’, ‘amateur
4 sports organization’, and ‘national governing body’
5 have the meanings given the terms in section
6 220501(b) of title 36, United States Code; and

7 “(12) the term ‘as soon as possible’ means within
8 a 24-hour period.”;

9 (4) in subsection (d), in the first sentence, by in-
10 serting “and for all covered individuals” after “re-
11 side”;

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

13 (A) by striking “and on all” and inserting
14 “on all”; and

15 (B) by inserting “and for all covered indi-
16 viduals,” after “lands,”;

17 (6) in subsection (h), by inserting “and all cov-
18 ered individuals,” after “facilities,”; and

19 (7) by adding at the end the following:

20 “(i) *RULE OF CONSTRUCTION.*—Nothing in this sec-
21 tion shall be construed to require a victim of child abuse
22 to self-report the abuse.”.

23 (b) *PENALTY FOR FAILURE TO REPORT.*—Section
24 2258 of title 18, United States Code, is amended—

1 (1) by inserting “or a covered individual as de-
 2 scribed in subsection (a)(2) of such section 226 who,”
 3 after “facility,”; and

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

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

7 Section 2255 of title 18, United States Code, is amend-
 8 ed—

9 (1) by striking subsection (a) and inserting the
 10 following:

11 “(a) *IN GENERAL.*—Any person who, while a minor,
 12 was a victim of a violation of section 1589, 1590, 1591,
 13 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260,
 14 2421, 2422, or 2423 of this title and who suffers personal
 15 injury as a result of such violation, regardless of whether
 16 the injury occurred while such person was a minor, may
 17 sue in any appropriate United States District Court and
 18 shall recover the actual damages such person sustains or
 19 liquidated damages in the amount of \$150,000, and the cost
 20 of the action, including reasonable attorney’s fees and other
 21 litigation costs reasonably incurred. The court may also
 22 award punitive damages and such other preliminary and
 23 equitable relief as the court determines to be appropriate.”;

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

4 *“(1) not later than 10 years after the date on*
 5 *which the plaintiff discovers the later of—*

6 *“(A) the violation that forms the basis for*
 7 *the claim; or*

8 *“(B) the injury that forms the basis for the*
 9 *claim; or*

10 *“(2) not later than 10 years after the date on*
 11 *which a legal disability ends.”; and*

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

13 *“(c) VENUE; SERVICE OF PROCESS.—*

14 *“(1) VENUE.—Any action brought under sub-*
 15 *section (a) may be brought in the district court of the*
 16 *United States that meets applicable requirements re-*
 17 *lating to venue under section 1391 of title 28.*

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

21 *“(A) is an inhabitant; or*

22 *“(B) may be found.”.*

1 **SEC. 4. EXPANSION OF AUTHORITIES AND DUTIES OF NA-**
 2 **TIONAL GOVERNING BODIES RECOGNIZED BY**
 3 **THE UNITED STATES OLYMPIC COMMITTEE**
 4 **TO PREVENT THE ABUSE OF MINOR AND AMA-**
 5 **TEUR ATHLETES.**

6 (a) *EXPANSION OF AUTHORITIES.*—Section 220523(a)
 7 of title 36, United States Code, is amended—

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

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

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

13 “(8) develop training, oversight practices, poli-
 14 cies, and procedures to prevent the abuse, including
 15 physical abuse and sexual abuse, of any minor or
 16 amateur athlete by any adult.”.

17 (b) *ADDITIONAL DUTIES.*—Section 220524 of title 36,
 18 United States Code, is amended—

19 (1) by inserting “(a) *IN GENERAL.*—” before
 20 “For the sport”;

21 (2) in paragraph (8), by striking “; and” and
 22 inserting a semicolon;

23 (3) in paragraph (9), by striking the period and
 24 inserting a semicolon; and

25 (4) by adding at the end the following:

1 “(10) develop and enforce policies, mechanisms,
2 and procedures to prevent the abuse, including phys-
3 ical abuse and sexual abuse, of any minor or amateur
4 athlete, including—

5 “(A) requiring all adults authorized by a
6 national governing body or a member of a na-
7 tional governing body to interact with a minor
8 or amateur athlete at an amateur sports organi-
9 zation facility or at any event sanctioned by a
10 national governing body or a member of a na-
11 tional governing body, to report facts that give
12 reason to suspect child abuse, including sexual
13 abuse, as required by relevant Federal or State
14 law, to law enforcement authorities and other
15 appropriate authorities, including an entity des-
16 ignated by the corporation to investigate and re-
17 solve such allegations;

18 “(B) establishing a mechanism, approved
19 by a trained expert on child abuse, that allows
20 an individual to easily report an incident of
21 child abuse as described in subparagraph (A) to
22 the national governing body or another author-
23 ity, including an entity designated by the cor-
24 poration;

1 “(C) procedures to ensure that each amateur
 2 athlete who is a minor is prevented from being
 3 in a one-on-one situation with an adult (who is
 4 not the minor’s legal guardian) at an amateur
 5 sports organization facility, at any event sanc-
 6 tioned by a national governing body, or any
 7 event sanctioned by a member of a national gov-
 8 erning body, without being observable or inter-
 9 ruptible by another adult; and

10 “(D) oversight procedures, including regular
 11 and random audits, not to exceed once a year,
 12 conducted by subject matter experts unaffiliated
 13 with the national governing body, of all members
 14 and adults described in subparagraph (A) to en-
 15 sure that policies and procedures developed
 16 under this paragraph are followed correctly and
 17 that consistent training is offered and given to
 18 all members regarding the prevention of child
 19 abuse; and

20 “(11) in the case of a national governing body
 21 with jurisdiction over more than one amateur sports
 22 organization facility or event, establish a mechanism
 23 by which—

24 “(A) the national governing body can—

1 “(i) receive a report of suspected sexual
 2 misconduct by an adult authorized by a na-
 3 tional governing body or a member of a na-
 4 tional governing body to interact with a
 5 minor or amateur athlete at an amateur
 6 sports organization facility or at any event
 7 sanctioned by a national governing body or
 8 a member of a national governing body;
 9 and

10 “(ii) confidentially share a report re-
 11 ceived under clause (i) with each of the
 12 other amateur sports organizations, facili-
 13 ties, or members under the jurisdiction of
 14 the national governing body; and

15 “(B) an amateur sports organization, facil-
 16 ity, or member under the jurisdiction of the na-
 17 tional governing body can—

18 “(i) review the reports received by the
 19 national governing body under subpara-
 20 graph (A)(i) to assess any allegations of
 21 sexual misconduct made in such reports;
 22 and

23 “(ii) withhold providing to an adult
 24 who is the subject of an allegation of sexual
 25 misconduct in a report reviewed under

1 *clause (i) authority to interact with a*
 2 *minor or amateur athlete at such organiza-*
 3 *tion, facility, or event until the resolution of*
 4 *such allegation.*

5 “(b) *LIMITED LIABILITY FOR THE UNITED STATES*
 6 *OLYMPIC COMMITTEE, NATIONAL GOVERNING BODIES, AND*
 7 *AN ENTITY DESIGNATED BY THE UNITED STATES OLYMPIC*
 8 *COMMITTEE TO INVESTIGATE AND RESOLVE SEXUAL MIS-*
 9 *CONDUCT ALLEGATIONS.—*

10 “(1) *IN GENERAL.—Except as provided in para-*
 11 *graphs (2) and (3), no civil or criminal action may*
 12 *be brought in any Federal or State court against the*
 13 *United States Olympic Committee, a national gov-*
 14 *erning body, or an amateur sports organization, facil-*
 15 *ity, or event under the jurisdiction of a national gov-*
 16 *erning body, or an entity designated by the United*
 17 *States Olympic Committee to investigate and resolve*
 18 *sexual misconduct allegations described in subsection*
 19 *(a)(11), including any director, officer, employee, or*
 20 *agent of such entity, if the action arises from the exe-*
 21 *cution of the responsibilities or functions described in*
 22 *subsection (a)(11).*

23 “(2) *INTENTIONAL, RECKLESS, OR OTHER MIS-*
 24 *CONDUCT.—Paragraph (1) shall not apply to a civil*
 25 *or criminal action if the United States Olympic Com-*

1 *mittee, a national governing body, an amateur sports*
 2 *organization, facility, or event under the jurisdiction*
 3 *of a national governing body, or an entity designated*
 4 *by the United States Olympic Committee to inves-*
 5 *tigate and resolve sexual misconduct allegations de-*
 6 *scribed in subsection (a)(11), or a director, officer,*
 7 *employee, or agent of such entity—*

8 *“(A) engaged in intentional misconduct; or*

9 *“(B) acted or failed to act—*

10 *“(i) with actual malice;*

11 *“(ii) with reckless disregard for a risk*
 12 *of causing injury; or*

13 *“(iii) for a purpose unrelated to the*
 14 *performance of any responsibility or func-*
 15 *tion described in subsection (a)(11).*

16 *“(3) ORDINARY BUSINESS ACTIVITIES.—Para-*
 17 *graph (1) shall not apply to any act or omission re-*
 18 *lating to an ordinary business activity, including*
 19 *general administration or operations, the use of motor*
 20 *vehicles, or personnel management.*

21 *“(4) LIMITED EFFECT.—Nothing in this section*
 22 *shall apply to any act or omission arising out of any*
 23 *responsibility or function not described in subsection*
 24 *(a)(11).”.*

1 (c) *RULE OF CONSTRUCTION.*—Section 220522 of title
 2 36, United States Code, is amended by adding at the end
 3 the following:

4 “(c) *RULE OF CONSTRUCTION.*—Nothing in subsection
 5 (a) shall be construed to limit the ability of a national gov-
 6 erning body to develop a policy or procedure to prevent an
 7 individual who is the subject of an allegation of sexual mis-
 8 conduct from interacting with a minor or amateur athlete
 9 until such time as the national governing body or an entity
 10 with applicable jurisdiction resolves such allegation.”.

11 (d) *REVIEW OF RECOGNITION OF AMATEUR SPORTS*
 12 *ORGANIZATIONS AS NATIONAL GOVERNING BODIES.*—Sec-
 13 tion 220521(d) of title 36, United States Code, is amended
 14 by striking “may” each place it appears and inserting
 15 “shall”.

Calendar No. 121

115TH CONGRESS
1ST Session

S. 534

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.

JUNE 8, 2017

Reported with an amendment