

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.

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## 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

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## 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 sserting “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(e), 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;

1           “(C) procedures to ensure that each ama-  
2           teur athlete who is a minor is prevented from  
3           being in a one-on-one situation with an adult  
4           (who is not the minor’s legal guardian) at a fa-  
5           cility under the jurisdiction of the national gov-  
6           erning body without being in an observable and  
7           interruptible distance from another adult; and

8           “(D) oversight procedures, including reg-  
9           ular and random audits conducted by subject  
10          matter experts unaffiliated with the national  
11          governing body, of all members and adults de-  
12          scribed in subparagraph (A) to ensure that poli-  
13          cies and procedures developed under this para-  
14          graph are followed correctly and that consistent  
15          training is offered and given to all members re-  
16          garding prevention of sexual abuse; and

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

20                 “(A) the national governing body can—

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



1 cility for sexual misconduct, including be-  
2 cause of a mere allegation of sexual mis-  
3 conduct; and

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

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

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

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

23 (c) RULE OF CONSTRUCTION.—Section 220522 of  
24 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.”.

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