

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL**
7 **ABUSE.**

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

11 (1) in subsection (a)—

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

3 “(1) COVERED PROFESSIONALS.—A person
4 who”; and

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

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

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

16 (3) in subsection (c)—

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

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

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

22 “(9) the term ‘covered individual’ means an
23 adult who is authorized by a national governing body
24 or a member of a national governing body to inter-
25 act with a minor or amateur athlete at an amateur

1 sports organization facility or at any event sanc-
2 tioned by a national governing body or a member of
3 a national governing body;

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

6 “(11) the terms ‘amateur athlete’, ‘amateur
7 sports organization’, and ‘national governing body’
8 have the meanings given the terms in section
9 220501(b) of title 36, United States Code; and

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

12 (4) in subsection (d), in the first sentence, by
13 inserting “and for all covered individuals” after “re-
14 side”;

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

16 (A) by striking “and on all” and inserting
17 “on all”; and

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

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

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

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

1 (b) PENALTY FOR FAILURE TO REPORT.—Section
2 2258 of title 18, United States Code, is amended—

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

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

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

9 Section 2255 of title 18, United States Code, is
10 amended—

11 (1) by striking subsection (a) and inserting the
12 following:

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

1 and equitable relief as the court determines to be appro-
2 priate.”;

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

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

8 “(A) the violation that forms the basis for
9 the claim; or

10 “(B) the injury that forms the basis for
11 the claim; or

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

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

15 “(c) VENUE; SERVICE OF PROCESS.—

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

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

24 “(A) is an inhabitant; or

25 “(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**
5 **AMATEUR ATHLETES.**

6 (a) EXPANSION OF AUTHORITIES.—Section
7 220523(a) 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
18 36, 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 ama-
4 teur 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
17 resolve 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 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 an
5 amateur sports organization facility, at any
6 event sanctioned by a national governing body,
7 or any event sanctioned by a member of a na-
8 tional governing body, without being observable
9 or interruptible by another adult; and

10 “(D) oversight procedures, including reg-
11 ular and random audits, not to exceed once a
12 year, conducted by subject matter experts unaf-
13 filiated with the national governing body, of all
14 members and adults described in subparagraph
15 (A) to ensure that policies and procedures de-
16 veloped under this paragraph are followed cor-
17 rectly and that consistent training is offered
18 and given to all members regarding the preven-
19 tion of child 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 sex-
2 ual misconduct by an adult authorized by
3 a national governing body or a member of
4 a national governing body to interact with
5 a 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 sex-
25 ual 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
4 of such allegation.

5 “(b) LIMITED LIABILITY FOR THE UNITED STATES
6 OLYMPIC COMMITTEE, NATIONAL GOVERNING BODIES,
7 AND AN ENTITY DESIGNATED BY THE UNITED STATES
8 OLYMPIC COMMITTEE TO INVESTIGATE AND RESOLVE
9 SEXUAL MISCONDUCT 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, fa-
15 cility, or event under the jurisdiction of a national
16 governing body, or an entity designated by the
17 United States Olympic Committee to investigate and
18 resolve sexual misconduct allegations described in
19 subsection (a)(11), including any director, officer,
20 employee, or agent of such entity, if the action arises
21 from the execution of the responsibilities or func-
22 tions described in 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

1 Committee, a national governing body, an amateur
2 sports organization, facility, or event under the ju-
3 risdiction of a national governing body, or an entity
4 designated by the United States Olympic Committee
5 to investigate and resolve sexual misconduct allega-
6 tions described in subsection (a)(11), or a director,
7 officer, 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
20 motor 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
2 title 36, United States Code, is amended by adding at the
3 end the following:

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

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