

Calendar No. 734

115TH CONGRESS
2D SESSION

S. 1426

[Report No. 115–443]

To amend the Ted Stevens Olympic and Amateur Sports Act to expand the purposes of the corporation, to designate the United States Center for Safe Sport, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2017

Mr. THUNE (for himself, Mr. NELSON, Mr. MORAN, Mr. PETERS, Mr. SULLIVAN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 19, 2018

Reported by Mr. THUNE, with an amendment

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

A BILL

To amend the Ted Stevens Olympic and Amateur Sports Act to expand the purposes of the corporation, to designate the United States Center for Safe Sport, 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 “United States Center
3 for Safe Sport Authorization Act of 2017”.

4 **SEC. 2. EXPANSION OF THE PURPOSES OF THE CORPORA-**
5 **TION.**

6 Section 220503 of title 36, United States Code, is
7 amended—

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

10 (2) in paragraph (14), by striking the period at
11 the end and inserting “; and”; and

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

13 “(15) to promote a safe environment in sports
14 that is free from abuse, including emotional, phys-
15 ical, and sexual abuse, of any amateur athlete.”.

16 **SEC. 3. DESIGNATION OF THE UNITED STATES CENTER FOR**
17 **SAFE SPORT.**

18 (a) **IN GENERAL.**—Chapter 2205 of title 36, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“Subchapter III—United States Center for**
22 **Safe Sport**

“220531. Designation of United States Center for Safe Sport.

“220532. Additional duties.

“220533. Records, audits, and reports.

“220534. Authorization of appropriations.

1 **“§ 220531. Designation of United States Center for**
2 **Safe Sport**

3 “(a) IN GENERAL.—The United States Center for
4 Safe Sport (referred to in this subchapter as the ‘Center’)
5 shall—

6 “(1) serve as the independent national safe
7 sport organization and be recognized worldwide as
8 the independent national safe sport organization for
9 the United States;

10 “(2) exercise jurisdiction over the corporation,
11 each national governing body, and each paralympic
12 sports organization with regard to safeguarding
13 amateur athletes against abuse, including emotional,
14 physical, and sexual abuse, in sports;

15 “(3) maintain an office for education and out-
16 reach that shall develop training, oversight practices,
17 policies, and procedures to prevent the abuse, includ-
18 ing emotional, physical, and sexual abuse, of ama-
19 teur athletes participating in amateur athletic activi-
20 ties through national governing bodies and
21 paralympic sports organizations;

22 “(4) ensure that the policies and procedures
23 under paragraph (3) include requirements that all
24 national governing bodies and paralympic sports or-
25 ganizations follow the policies and procedures of the
26 Center;

1 ~~“(5) maintain an office for response and resolu-~~
 2 ~~tion that shall establish mechanisms that allow for~~
 3 ~~the reporting, investigation, and adjudication of al-~~
 4 ~~leged sexual abuse in violation of the Center’s poli-~~
 5 ~~cies and procedures; and~~

6 ~~“(6) ensure that the mechanisms under para-~~
 7 ~~graph (5) provide fair notice and an opportunity to~~
 8 ~~be heard and protect the privacy and safety of com-~~
 9 ~~plainants.~~

10 ~~“(b) POLICIES AND PROCEDURES.—~~

11 ~~“(1) IN GENERAL.—The Center may, in its dis-~~
 12 ~~cretion, utilize a neutral arbitration body and de-~~
 13 ~~velop policies and procedures to resolve allegations of~~
 14 ~~sexual abuse within its jurisdiction.~~

15 ~~“(2) RULE OF CONSTRUCTION.—Nothing in~~
 16 ~~this section shall be construed as altering, super-~~
 17 ~~seding, or otherwise affecting the right of an ama-~~
 18 ~~teur athlete to pursue criminal or civil justice~~
 19 ~~through the courts.~~

20 ~~“(c) LIMITATION ON LIABILITY.—~~

21 ~~“(1) IN GENERAL.—Except as provided in para-~~
 22 ~~graph (2), the Center, and each national governing~~
 23 ~~body and paralympic sports organization, including~~
 24 ~~any officer, employee, or agent thereof, shall not be~~
 25 ~~liable for damages in any civil action for defamation,~~

1 libel, slander, or damage to reputation arising out of
 2 any action or communication, if the action arises
 3 from the execution of the responsibilities or func-
 4 tions described in this section, section 220532, or
 5 section 220533.

6 “(2) EXCEPTION.—Paragraph (1) shall not
 7 apply in any action in which the Center, a national
 8 governing body, or a paralympic sports organization,
 9 or an officer, employee, or agent thereof, acted with
 10 actual malice, or provided information or took action
 11 not pursuant to this section, section 220532, or sec-
 12 tion 220533.

13 **“§ 220532. Additional duties.**

14 “(a) IN GENERAL.—The Center shall—

15 “(1) develop training, oversight practices, poli-
 16 cies, and procedures for implementation by a na-
 17 tional governing body or paralympic sports organiza-
 18 tion to prevent the abuse, including emotional, phys-
 19 ical, and sexual abuse, of any amateur athlete; and

20 “(2) include in the policies and procedures de-
 21 veloped under section 220531(a)(3)—

22 “(A) a requirement that all adult members
 23 of a national governing body, a paralympic
 24 sports organization, or a facility under the ju-
 25 risdiction of a national governing body or

1 paralympic sports organization, and all adults
2 authorized by such members to interact with an
3 amateur athlete, report immediately any allega-
4 tion of sexual abuse of an amateur athlete who
5 is a minor to law enforcement authorities and
6 other appropriate authorities, including the
7 Center, whenever such members or adults learn
8 of facts leading them to suspect reasonably that
9 an amateur athlete who is a minor has suffered
10 an incident of sexual abuse;

11 “(B) a mechanism, approved by a trained
12 expert on child abuse, that allows a complainant
13 to report easily an incident of sexual abuse to
14 the Center, a national governing body, law en-
15 forcement authorities, or other appropriate au-
16 thorities;

17 “(C) reasonable procedures to limit one-on-
18 one interactions between an amateur athlete
19 who is a minor and an adult (who is not the mi-
20 nor’s legal guardian) at a facility under the ju-
21 risdiction of a national governing body or
22 paralympic sports organization without being in
23 an observable and interruptible distance from
24 another adult, except under exigent cir-
25 cumstances;

1 “(D) procedures to prohibit retaliation, by
2 any national governing body or paralympic
3 sports organization, against any individual who
4 makes a report under subparagraph (A) or sub-
5 paragraph (B);

6 “(E) oversight procedures, including reg-
7 ular and random audits conducted by subject
8 matter experts unaffiliated with a national gov-
9 erning body or a paralympic sports organization
10 of each national governing body and paralympic
11 sports organization to ensure that policies and
12 procedures developed under that section are fol-
13 lowed correctly and that consistent training is
14 offered and given to all adult members, and
15 subject to parental consent, to members who
16 are minors, regarding prevention of sexual
17 abuse; and

18 “(F) a mechanism by which a national
19 governing body or paralympic sports organiza-
20 tion can—

21 “(i) share confidentially a report of
22 suspected sexual abuse of an amateur ath-
23 lete who is a minor by a member of a na-
24 tional governing body or paralympic sports
25 organization, or an adult authorized by a

1 national governing body or paralympic
 2 sports organization to interact with an
 3 amateur athlete who is a minor, with each
 4 of the other national governing bodies,
 5 paralympic sports organizations, or facili-
 6 ties under the control of such entities; and
 7 “(ii) withhold providing to an adult
 8 who is the subject of an allegation of sex-
 9 ual abuse authority to interact with an
 10 amateur athlete who is a minor until the
 11 resolution of such allegation.

12 “(b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 13 tion shall be construed to limit the ability of a national
 14 governing body or paralympic sports organization to im-
 15 pose an interim measure to prevent an individual who is
 16 the subject of an allegation of sexual abuse from inter-
 17 acting with an amateur athlete.

18 **“§ 220533. Records, audits, and reports**

19 “(a) **RECORDS.**—The Center shall keep correct and
 20 complete records of account.

21 “(b) **REPORT.**—The Center shall submit an annual
 22 report to Congress, including—

23 “(1) an audit conducted and submitted in ac-
 24 cordance with section 10101; and

1 “(2) a description of the activities of the Cen-
2 ter.

3 **“§ 220534. Authorization of appropriations**

4 “There are authorized to be appropriated to the Cen-
5 ter—

6 “(1) for fiscal year 2017, \$1,000,000;

7 “(2) for fiscal year 2018, \$1,000,000;

8 “(3) for fiscal year 2019, \$1,000,000;

9 “(4) for fiscal year 2020, \$1,000,000; and

10 “(5) for fiscal year 2021, \$1,000,000.”.

11 (b) CONFORMING AMENDMENT.—Section 220501(b)
12 of title 36, United States Code, is amended—

13 (1) by redesignating paragraphs (4) through
14 (8) as paragraphs (5) through (9), respectively; and

15 (2) by inserting after paragraph (3), the fol-
16 lowing:

17 “(4) ‘Center’ means the United States Center
18 for Safe Sport designated under section 220531.”.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “United States Center*
21 *for Safe Sport Authorization Act of 2017”.*

22 **SEC. 2. EXPANSION OF THE PURPOSES OF THE CORPORA-**
23 **TION.**

24 *Section 220503 of title 36, United States Code, is*
25 *amended—*

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

3 (2) in paragraph (14), by striking the period at
4 the end and inserting “; and”; and

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

6 “(15) to promote a safe environment in sports
7 that is free from abuse, including emotional, physical,
8 and sexual abuse, of any amateur athlete.”.

9 **SEC. 3. DESIGNATION OF THE UNITED STATES CENTER FOR**
10 **SAFE SPORT.**

11 (a) *IN GENERAL.*—Chapter 2205 of title 36, United
12 States Code, is amended by adding at the end the following:

13 **“Subchapter III—United States Center for**
14 **Safe Sport**

15 **“§220541. Designation of United States Center for**
16 **Safe Sport**

17 “(a) *IN GENERAL.*—The United States Center for Safe
18 Sport (referred to in this subchapter as the ‘Center’) shall—

19 “(1) serve as the independent national safe sport
20 organization and be recognized worldwide as the
21 independent national safe sport organization for the
22 United States;

23 “(2) exercise jurisdiction over the corporation,
24 each national governing body, and each paralympic
25 sports organization with regard to safeguarding ama-

1 *teur athletes against abuse, including emotional,*
2 *physical, and sexual abuse, in sports;*

3 *“(3) maintain an office for education and out-*
4 *reach that shall develop training, oversight practices,*
5 *policies, and procedures to prevent the abuse, includ-*
6 *ing emotional, physical, and sexual abuse, of amateur*
7 *athletes participating in amateur athletic activities*
8 *through national governing bodies and paralympic*
9 *sports organizations;*

10 *“(4) ensure that the policies and procedures*
11 *under paragraph (3) include requirements that all*
12 *national governing bodies and paralympic sports or-*
13 *ganizations follow the policies and procedures of the*
14 *Center;*

15 *“(5) maintain an office for response and resolu-*
16 *tion that shall establish mechanisms that allow for the*
17 *reporting, investigation, and adjudication of alleged*
18 *sexual abuse in violation of the Center’s policies and*
19 *procedures; and*

20 *“(6) ensure that the mechanisms under para-*
21 *graph (5) provide fair notice and an opportunity to*
22 *be heard and protect the privacy and safety of com-*
23 *plainants.*

24 *“(b) POLICIES AND PROCEDURES.—*

1 “(1) *IN GENERAL.*—*The Center may, in its dis-*
 2 *cretion, utilize a neutral arbitration body and develop*
 3 *policies and procedures to resolve allegations of sexual*
 4 *abuse within its jurisdiction.*

5 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
 6 *section shall be construed as altering, superseding, or*
 7 *otherwise affecting the right of an amateur athlete to*
 8 *pursue criminal or civil justice through the courts.*

9 “(c) *LIMITATION ON LIABILITY.*—

10 “(1) *IN GENERAL.*—*Except as provided in para-*
 11 *graph (2), the Center, and each national governing*
 12 *body and paralympic sports organization, including*
 13 *any officer, employee, or agent thereof, shall not be*
 14 *liable for damages in any civil action for defamation,*
 15 *libel, slander, or damage to reputation arising out of*
 16 *any action or communication, if the action arises*
 17 *from the execution of the responsibilities or functions*
 18 *described in this section, section 220542, or section*
 19 *220543.*

20 “(2) *EXCEPTION.*—*Paragraph (1) shall not*
 21 *apply in any action in which the Center, a national*
 22 *governing body, or a paralympic sports organization,*
 23 *or an officer, employee, or agent thereof, acted with*
 24 *actual malice, or provided information or took action*

1 not pursuant to this section, section 220542, or sec-
2 tion 220543.

3 **“§ 220542. Additional duties.**

4 “(a) *IN GENERAL.*—The Center shall—

5 “(1) develop training, oversight practices, poli-
6 cies, and procedures for implementation by a na-
7 tional governing body or paralympic sports organiza-
8 tion to prevent the abuse, including emotional, phys-
9 ical, and sexual abuse, of any amateur athlete; and
10 “(2) include in the policies and procedures devel-
11 oped under section 220541(a)(3)—

12 “(A) a requirement that all adult members
13 of a national governing body, a paralympic
14 sports organization, or a facility under the juris-
15 diction of a national governing body or
16 paralympic sports organization, and all adults
17 authorized by such members to interact with an
18 amateur athlete, report immediately any allega-
19 tion of child abuse (as defined in section 212 of
20 the Victims of Child Abuse Act of 1990 (42
21 U.S.C. 13001a)) of an amateur athlete who is a
22 minor to law enforcement authorities and other
23 appropriate authorities, including the Center,
24 whenever such members or adults learn of facts
25 leading them to suspect reasonably that an ama-

1 *teur athlete who is a minor has suffered an inci-*
2 *dent of child abuse (as so defined);*

3 *“(B) a mechanism, approved by a trained*
4 *expert on child abuse, that allows a complainant*
5 *to report easily an incident of sexual abuse to*
6 *the Center, a national governing body, law en-*
7 *forcement authorities, or other appropriate au-*
8 *thorities;*

9 *“(C) reasonable procedures to limit one-on-*
10 *one interactions between an amateur athlete who*
11 *is a minor and an adult (who is not the minor’s*
12 *legal guardian) at a facility under the jurisdic-*
13 *tion of a national governing body or paralympic*
14 *sports organization without being in an observ-*
15 *able and interruptible distance from another*
16 *adult, except under exigent circumstances;*

17 *“(D) procedures to prohibit retaliation, by*
18 *any national governing body or paralympic*
19 *sports organization, against any individual who*
20 *makes a report under subparagraph (A) or sub-*
21 *paragraph (B);*

22 *“(E) oversight procedures, including regular*
23 *and random audits conducted by subject matter*
24 *experts unaffiliated with a national governing*
25 *body or a paralympic sports organization of*

1 *each national governing body and paralympic*
 2 *sports organization to ensure that policies and*
 3 *procedures developed under that section are fol-*
 4 *lowed correctly and that consistent training is*
 5 *offered and given to all adult members, and sub-*
 6 *ject to parental consent, to members who are mi-*
 7 *nors, regarding prevention of sexual abuse; and*

8 *“(F) a mechanism by which a national gov-*
 9 *erning body or paralympic sports organization*
 10 *can—*

11 *“(i) share confidentially a report of*
 12 *suspected sexual abuse of an amateur ath-*
 13 *lete who is a minor by a member of a na-*
 14 *tional governing body or paralympic sports*
 15 *organization, or an adult authorized by a*
 16 *national governing body or paralympic*
 17 *sports organization to interact with an*
 18 *amateur athlete who is a minor, with each*
 19 *of the other national governing bodies,*
 20 *paralympic sports organizations, or facili-*
 21 *ties under the control of such entities; and*

22 *“(ii) withhold providing to an adult*
 23 *who is the subject of an allegation of sexual*
 24 *abuse authority to interact with an ama-*

1 *teur athlete who is a minor until the resolu-*
 2 *tion of such allegation.*

3 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 4 *tion shall be construed to limit the ability of a national*
 5 *governing body or paralympic sports organization to im-*
 6 *pose an interim measure to prevent an individual who is*
 7 *the subject of an allegation of sexual abuse from interacting*
 8 *with an amateur athlete.*

9 **“§ 220543. Records, audits, and reports**

10 “(a) *RECORDS.*—*The Center shall keep correct and*
 11 *complete records of account.*

12 “(b) *REPORT.*—*The Center shall submit an annual re-*
 13 *port to Congress, including—*

14 “(1) *an audit conducted and submitted in ac-*
 15 *cordance with section 10101; and*

16 “(2) *a description of the activities of the Center.*

17 **“§ 220544. Authorization of appropriations**

18 “*There are authorized to be appropriated to the Cen-*
 19 *ter—*

20 “(1) *for fiscal year 2017, \$1,000,000;*

21 “(2) *for fiscal year 2018, \$1,000,000;*

22 “(3) *for fiscal year 2019, \$1,000,000;*

23 “(4) *for fiscal year 2020, \$1,000,000; and*

24 “(5) *for fiscal year 2021, \$1,000,000.”.*

1 (b) *CONFORMING AMENDMENT.*—*Section 220501(b) of*
 2 *title 36, United States Code, is amended—*

3 (1) *by redesignating paragraphs (4) through (8)*
 4 *as paragraphs (5) through (9), respectively; and*

5 (2) *by inserting after paragraph (3), the fol-*
 6 *lowing:*

7 “(4) ‘Center’ means the United States Center for
 8 *Safe Sport designated under section 220541.*”.

9 (c) *TECHNICAL AMENDMENT.*—*The table of contents of*
 10 *chapter 2205 of title 36, United States Code, is amended*
 11 *by adding at the end the following:*

“SUBCHAPTER III — UNITED STATES CENTER FOR SAFE SPORT

“220541. *Designation of United States Center for Safe Sport.*

“220542. *Additional duties.*

“220543. *Records, audits, and reports.*

“220544. *Authorization of appropriations.*”.

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A BILL

To amend the Ted Stevens Olympic and Amateur Sports Act to expand the purposes of the corporation, to designate the United States Center for Safe Sport, and for other purposes.

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