

Union Calendar No. 85

115TH CONGRESS
1ST SESSION

H. R. 1973

[Report No. 115–136, Part I]

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 HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mrs. BROOKS of Indiana (for herself, Ms. FRANKEL of Florida, and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 22, 2017

Additional sponsors: Mrs. ROBY, Mr. JEFFRIES, Mr. SESSIONS, Mr. COSTELLO of Pennsylvania, Ms. TENNEY, Mr. PAULSEN, Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. ROE of Tennessee, Mr. KNIGHT, Mr. MESSER, Mrs. WALORSKI, Mr. GUTIÉRREZ, and Mr. MEEHAN

MAY 22, 2017

Reported from the Committee on the Judiciary with an amendment

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

MAY 22, 2017

The Committee on Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 6, 2017]

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”.*

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

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

14 *(1) in subsection (a)—*

15 *(A) by striking “A person who” and insert-*
 16 *ing the following:*

17 *“(1) COVERED PROFESSIONALS.—A person who”;*
 18 *and*

19 *(B) by adding at the end the following:*

20 *“(2) COVERED INDIVIDUALS.—A covered indi-*
 21 *vidual who learns of facts that give reason to suspect*
 22 *that a child has suffered an incident of child abuse*
 23 *shall as soon as possible make a report of the sus-*
 24 *pected abuse to the agency designated by the Attorney*
 25 *General 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 period
8 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 a
15 national governing body to interact with a minor or
16 amateur athlete at the covered facility or at any event
17 sanctioned by the covered facility; and

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

21 (4) in subsection (d), in the first sentence, by in-
22 serting “and for all covered facilities” after “reside”;

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

24 (A) by striking “and on all” and inserting
25 “on all”; and

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

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

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

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

9 (b) *PENALTY FOR FAILURE TO REPORT.*—Section
 10 2258 of title 18, United States Code, is amended by insert-
 11 ing after “facility,” the following: “or a covered individual
 12 (as described in subsection (a)(2) of such section 226) who”.

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

14 Section 2255 of title 18, United States Code, is amend-
 15 ed—

16 (1) by striking subsection (a) and inserting the
 17 following:

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

1 *liquidated damages in the amount of \$150,000, and the cost*
 2 *of the action, including reasonable attorney’s fees and other*
 3 *litigation costs reasonably incurred. The court may also*
 4 *award punitive damages and such other preliminary and*
 5 *equitable relief as the court determines to be appropriate.”;*

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

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

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

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

15 *“(2) not later than 10 years after the date on*
 16 *which a legal 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 the*
 21 *United States that meets applicable requirements re-*
 22 *lating to venue under section 1391 of title 28.*

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

1 “(A) is an inhabitant; or

2 “(B) may be found.”.

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

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

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

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

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

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

19 (b) *ADDITIONAL DUTIES.*—Section 220524 of such title
 20 is amended—

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

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

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

3 (4) 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 amateur
7 athlete, including—

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

21 “(B) establishing a mechanism, approved
22 by a trained expert on child abuse, that allows
23 an individual to easily report an incident of
24 child abuse as described in subparagraph (A) to
25 the national governing body or another author-

1 *ity, including an entity designated by the cor-*
2 *poration;*

3 *“(C) procedures to ensure that covered indi-*
4 *viduals are instructed to avoid one-on-one situa-*
5 *tions with any amateur athlete who is a minor*
6 *(other than such an athlete for whom the covered*
7 *individual is a legal guardian) at an amateur*
8 *sports organization facility, at any event sanc-*
9 *tioned by a national governing body, or any*
10 *event sanctioned by a member of a national gov-*
11 *erning body, without being observable or inter-*
12 *ruptible by another adult; and*

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

23 *“(11) in the case of a national governing body*
24 *with jurisdiction over more than one amateur sports*

1 *organization facility or event, establish a mechanism*
2 *by which—*

3 *“(A) the national governing body can—*

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

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

18 *“(B) an amateur sports organization, facil-*
19 *ity, or member under the jurisdiction of the na-*
20 *tional governing body can—*

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

1 “(ii) withhold providing to an adult
2 who is the subject of an allegation of sexual
3 misconduct in a report reviewed under
4 clause (i) authority to interact with a
5 minor or amateur athlete at such organiza-
6 tion, facility, or event until the resolution of
7 such allegation.

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

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

1 “(2) *INTENTIONAL, RECKLESS, OR OTHER MIS-*
2 *CONDUCT.—Paragraph (1) shall not apply to a civil*
3 *or criminal action if the United States Olympic Com-*
4 *mittee, a national governing body, an amateur sports*
5 *organization, facility, or event under the jurisdiction*
6 *of a national governing body, or an entity designated*
7 *by the United States Olympic Committee to inves-*
8 *tigate and resolve sexual misconduct allegations de-*
9 *scribed in subsection (a)(11), or a director, officer,*
10 *employee, or agent of such entity acted or failed to*
11 *act—*

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

14 “(B) *for a purpose unrelated to the per-*
15 *formance of any responsibility or function de-*
16 *scribed in subsection (a)(11).*

17 “(3) *LIMITED EFFECT.—Nothing in this section*
18 *shall apply to any act or omission arising out of any*
19 *responsibility or function not described in subsection*
20 *(a)(11).”.*

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

23 “(c) *RULE OF CONSTRUCTION.—Nothing in subsection*
24 *(a) shall be construed to limit the ability of a national gov-*
25 *erning body to develop a policy or procedure to prevent an*

1 *individual who is the subject of an allegation of sexual mis-*
2 *conduct from interacting with a minor or amateur athlete*
3 *until such time as the national governing body, or an entity*
4 *with applicable jurisdiction resolves such allegation.”.*

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

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