

Suspend the Rules and Pass the Bill, S. 534

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

S. 534

AN ACT

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Protecting Young Victims from Sexual Abuse and Safe
6 Sport Authorization Act of 2017”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

Sec. 101. Required reporting of child and sexual abuse.

Sec. 102. Civil remedy for personal injuries.

**TITLE II—UNITED STATES CENTER FOR SAFE SPORT
AUTHORIZATION**

Sec. 201. Expansion of the purposes of the corporation.

Sec. 202. Designation of the United States Center for Safe Sport.

Sec. 203. Additional requirements for granting sanctions for amateur athletic competitions.

Sec. 204. General requirements for youth-serving amateur sports organizations.

1 **TITLE I—PROTECTING YOUNG**
2 **VICTIMS FROM SEXUAL ABUSE**
3 **SEC. 101. REQUIRED REPORTING OF CHILD AND SEXUAL**
4 **ABUSE.**

5 (a) REPORTING REQUIREMENT.—Section 226 of the
6 Victims of Child Abuse Act of 1990 (34 U.S.C. 20341)
7 is amended—

8 (1) in subsection (a)—

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

11 “(1) COVERED PROFESSIONALS.—A person
12 who”; and

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

14 “(2) COVERED INDIVIDUALS.—A covered indi-
15 vidual who learns of facts that give reason to suspect
16 that a child has suffered an incident of child abuse,
17 including sexual abuse, shall as soon as possible
18 make a report of the suspected abuse to the agency
19 designated by the Attorney General under subsection
20 (d).”;

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

24 (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 individual’ means an
7 adult who is authorized, by a national governing
8 body, a member of a national governing body, or an
9 amateur sports organization that participates in
10 interstate or international amateur athletic competi-
11 tion, to interact with a minor or amateur athlete at
12 an amateur sports organization facility or at any
13 event sanctioned by a national governing body, a
14 member of a national governing body, or such an
15 amateur sports organization;

16 “(10) the term ‘event’ includes travel, lodging,
17 practice, competition, and health or medical treat-
18 ment;

19 “(11) the terms ‘amateur athlete’, ‘amateur
20 athletic competition’, ‘amateur sports organization’,
21 ‘international amateur athletic competition’, and ‘na-
22 tional governing body’ have the meanings given the
23 terms in section 220501(b) of title 36, United States
24 Code; and

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

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

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

7 (A) by striking “and on all” and inserting
8 “on all”; and

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

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

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

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

17 (b) **PENALTY FOR FAILURE TO REPORT.**—Section
18 2258 of title 18, United States Code, is amended by in-
19 serting “or a covered individual as described in subsection
20 (a)(2) of such section 226 who,” after “facility,”.

21 **SEC. 102. CIVIL REMEDY FOR PERSONAL INJURIES.**

22 Section 2255 of title 18, United States Code, is
23 amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) IN GENERAL.—Any person who, while a minor,
2 was a victim of a violation of section 1589, 1590, 1591,
3 2241(e), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260,
4 2421, 2422, or 2423 of this title and who suffers personal
5 injury as a result of such violation, regardless of whether
6 the injury occurred while such person was a minor, may
7 sue in any appropriate United States District Court and
8 shall recover the actual damages such person sustains or
9 liquidated damages in the amount of \$150,000, and the
10 cost of the action, including reasonable attorney’s fees and
11 other litigation costs reasonably incurred. The court may
12 also award punitive damages and such other preliminary
13 and equitable relief as the court determines to be appro-
14 priate.”;

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

18 “(1) not later than 10 years after the date on
19 which the plaintiff reasonably discovers the later
20 of—

21 “(A) the violation that forms the basis for
22 the claim; or

23 “(B) the injury that forms the basis for
24 the claim; or

1 “(2) not later than 10 years after the date on
2 which the victim reaches 18 years of age.”; and

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

4 “(c) VENUE; SERVICE OF PROCESS.—

5 “(1) VENUE.—Any action brought under sub-
6 section (a) may be brought in the district court of
7 the United States that meets applicable require-
8 ments relating to venue under section 1391 of title
9 28.

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

13 “(A) is an inhabitant; or

14 “(B) may be found.”.

15 **TITLE II—UNITED STATES CEN-**
16 **TER FOR SAFE SPORT AU-**
17 **THORIZATION**

18 **SEC. 201. EXPANSION OF THE PURPOSES OF THE CORPORA-**
19 **TION.**

20 Section 220503 of title 36, United States Code, is
21 amended—

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

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

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

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

5 **SEC. 202. DESIGNATION OF THE UNITED STATES CENTER**
6 **FOR SAFE SPORT.**

7 (a) IN GENERAL.—Chapter 2205 of title 36, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“Subchapter III—United States Center for**
11 **Safe Sport**

12 **“§ 220541. Designation of United States Center for**
13 **Safe Sport**

14 “(a) IN GENERAL.—The United States Center for
15 Safe Sport shall—

16 “(1) serve as the independent national safe
17 sport organization and be recognized worldwide as
18 the independent national safe sport organization for
19 the United States;

20 “(2) exercise jurisdiction over the corporation,
21 each national governing body, and each paralympic
22 sports organization with regard to safeguarding
23 amateur athletes against abuse, including emotional,
24 physical, and sexual abuse, in sports;

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

8 “(4) maintain an office for response and resolu-
9 tion that shall establish mechanisms that allow for
10 the reporting, investigation, and resolution, pursuant
11 to subsection (c), of alleged sexual abuse in violation
12 of the Center’s policies and procedures; and

13 “(5) ensure that the mechanisms under para-
14 graph (4) provide fair notice and an opportunity to
15 be heard and protect the privacy and safety of com-
16 plainants.

17 “(b) POLICIES AND PROCEDURES.—The policies and
18 procedures developed under subsection (a)(3) shall apply
19 as though they were incorporated in and made a part of
20 section 220524 of this title.

21 “(c) BINDING ARBITRATION.—

22 “(1) IN GENERAL.—The Center may, in its dis-
23 cretion, utilize a neutral arbitration body and de-
24 velop policies and procedures to resolve allegations of
25 sexual abuse within its jurisdiction to determine the

1 opportunity of any amateur athlete, coach, trainer,
2 manager, administrator, or official, who is the sub-
3 ject of such an allegation, to participate in amateur
4 athletic competition.

5 “(2) PRESERVATION OF RIGHTS.—Nothing in
6 this section shall be construed as altering, super-
7 seding, or otherwise affecting the right of an indi-
8 vidual within the Center’s jurisdiction to pursue civil
9 remedies through the courts for personal injuries
10 arising from abuse in violation of the Center’s poli-
11 cies and procedures, nor shall the Center condition
12 the participation of any such individual in a pro-
13 ceeding described in paragraph (1) upon an agree-
14 ment not to pursue such civil remedies.

15 “(d) LIMITATION ON LIABILITY.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an applicable entity shall not be liable for
18 damages in any civil action for defamation, libel,
19 slander, or damage to reputation arising out of any
20 action or communication, if the action arises from
21 the execution of the responsibilities or functions de-
22 scribed in this section, section 220542, or section
23 220543.

24 “(2) EXCEPTION.—Paragraph (1) shall not
25 apply in any action in which an applicable entity

1 acted with actual malice, or provided information or
2 took action not pursuant to this section, section
3 220542, or section 220543.

4 “(3) DEFINITION OF APPLICABLE ENTITY.—In
5 this subsection, the term ‘applicable entity’ means—

6 “(A) the Center;

7 “(B) a national governing body;

8 “(C) a paralympic sports organization;

9 “(D) an amateur sports organization or
10 other person sanctioned by a national governing
11 body under section 220525;

12 “(E) an amateur sports organization re-
13 porting under section 220530;

14 “(F) any officer, employee, agent, or mem-
15 ber of an entity described in subparagraph (A),
16 (B), (C), (D), or (E); and

17 “(G) any individual participating in a pro-
18 ceeding pursuant to this section.

19 **“§ 220542. Additional duties.**

20 “(a) IN GENERAL.—The Center shall—

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

1 “(2) include in the policies and procedures de-
2 veloped under section 220541(a)(3)—

3 “(A) a requirement that all adult members
4 of a national governing body, a paralympic
5 sports organization, or a facility under the ju-
6 risdiction of a national governing body or
7 paralympic sports organization, and all adults
8 authorized by such members to interact with an
9 amateur athlete, report immediately any allega-
10 tion of child abuse of an amateur athlete who
11 is a minor to—

12 “(i) the Center, whenever such mem-
13 bers or adults learn of facts leading them
14 to suspect reasonably that an amateur ath-
15 lete who is a minor has suffered an inci-
16 dent of child abuse; and

17 “(ii) law enforcement consistent with
18 section 226 of the Victims of Child Abuse
19 Act of 1990 (34 U.S.C. 20341);

20 “(B) a mechanism, approved by a trained
21 expert on child abuse, that allows a complainant
22 to report easily an incident of child abuse to the
23 Center, a national governing body, law enforce-
24 ment authorities, or other appropriate authori-
25 ties;

1 “(C) reasonable procedures to limit one-on-
2 one interactions between an amateur athlete
3 who is a minor and an adult (who is not the mi-
4 nor’s legal guardian) at a facility under the ju-
5 risdiction of a national governing body or
6 paralympic sports organization without being in
7 an observable and interruptible distance from
8 another adult, except under emergency cir-
9 cumstances;

10 “(D) procedures to prohibit retaliation, by
11 any national governing body or paralympic
12 sports organization, against any individual who
13 makes a report under subparagraph (A) or sub-
14 paragraph (B);

15 “(E) oversight procedures, including reg-
16 ular and random audits conducted by subject
17 matter experts unaffiliated with, and inde-
18 pendent of, a national governing body or a
19 paralympic sports organization of each national
20 governing body and paralympic sports organiza-
21 tion to ensure that policies and procedures de-
22 veloped under that section are followed correctly
23 and that consistent training is offered and
24 given to all adult members who are in regular
25 contact with amateur athletes who are minors,

1 and subject to parental consent, to members
2 who are minors, regarding prevention of child
3 abuse; and

4 “(F) a mechanism by which a national
5 governing body or paralympic sports organiza-
6 tion can—

7 “(i) share confidentially a report of
8 suspected child abuse of an amateur ath-
9 lete who is a minor by a member of a na-
10 tional governing body or paralympic sports
11 organization, or an adult authorized by a
12 national governing body, paralympic sports
13 organization, or an amateur sports organi-
14 zation to interact with an amateur athlete
15 who is a minor, with the Center, which in
16 turn, may share with relevant national gov-
17 erning bodies, paralympic sports organiza-
18 tions, and other entities; and

19 “(ii) withhold providing to an adult
20 who is the subject of an allegation of child
21 abuse authority to interact with an ama-
22 teur athlete who is a minor until the reso-
23 lution of such allegation.

24 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to limit the ability of a national

1 governing body or paralympic sports organization to im-
2 pose an interim measure to prevent an individual who is
3 the subject of an allegation of sexual abuse from inter-
4 acting with an amateur athlete prior to the Center exer-
5 cising its jurisdiction over a matter.

6 **“§ 220543. Records, audits, and reports**

7 “(a) RECORDS.—The Center shall keep correct and
8 complete records of account.

9 “(b) REPORT.—The Center shall submit an annual
10 report to Congress, including—

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

13 “(2) a description of the activities of the Cen-
14 ter.”.

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

17 (1) by redesignating paragraphs (4) through
18 (8) as paragraphs (6) through (10), respectively;
19 and

20 (2) by inserting after paragraph (3), the fol-
21 lowing:

22 “(4) ‘Center’ means the United States Center
23 for Safe Sport designated under section 220541.

1 “(5) ‘child abuse’ has the meaning given the
2 term in section 212 of the Victims of Child Abuse
3 Act of 1990 (34 U.S.C. 20302).”.

4 (c) **TECHNICAL AMENDMENT.**—The table of contents
5 of chapter 2205 of title 36, United States Code, is amend-
6 ed 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.”.

7 **SEC. 203. ADDITIONAL REQUIREMENTS FOR GRANTING**
8 **SANCTIONS FOR AMATEUR ATHLETIC COM-**
9 **PETITIONS.**

10 Section 220525(b)(4) is amended—

11 (1) in subparagraph (E), by striking “; and”
12 and inserting a semicolon;

13 (2) in subparagraph (F), by striking the period
14 at the end and inserting “; and”; and

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

16 “(G) the amateur sports organization or
17 person requesting sanction from a national gov-
18 erning body will implement and abide by the
19 policies and procedures to prevent the abuse,
20 including emotional, physical, and child abuse,
21 of amateur athletes participating in amateur
22 athletic activities applicable to such national
23 governing body.”.

1 **SEC. 204. GENERAL REQUIREMENTS FOR YOUTH-SERVING**
2 **AMATEUR SPORTS ORGANIZATIONS.**

3 (a) IN GENERAL.—Subchapter II of chapter 2205 of
4 title 36, United States Code, is amended by adding at the
5 end the following:

6 **“§ 220530. Other amateur sports organizations**

7 “(a) IN GENERAL.—An applicable amateur sports or-
8 ganization shall—

9 “(1) comply with the reporting requirements of
10 section 226 of the Victims of Child Abuse Act of
11 1990 (34 U.S.C. 20341);

12 “(2) establish reasonable procedures to limit
13 one-on-one interactions between an amateur athlete
14 who is a minor and an adult (who is not the minor’s
15 legal guardian) at a facility under the jurisdiction of
16 the applicable amateur sports organization without
17 being in an observable and interruptible distance
18 from another adult, except under emergency cir-
19 cumstances;

20 “(3) offer and provide consistent training to all
21 adult members who are in regular contact with ama-
22 teur athletes who are minors, and subject to paren-
23 tal consent, to members who are minors, regarding
24 prevention and reporting of child abuse to allow a
25 complainant to report easily an incident of child
26 abuse to appropriate persons; and

1 “(4) prohibit retaliation, by the applicable ama-
2 teur sports organization, against any individual who
3 makes a report under paragraph (1).

4 “(b) DEFINITION OF APPLICABLE AMATEUR SPORTS
5 ORGANIZATION.—In this section, the term ‘applicable
6 amateur sports organization’ means an amateur sports or-
7 ganization—

8 “(1) that is not otherwise subject to the re-
9 quirements under subchapter III;

10 “(2) that participates in an interstate or inter-
11 national amateur athletic competition; and

12 “(3) whose membership includes any adult who
13 is in regular contact with an amateur athlete who is
14 a minor.”.

15 (b) TECHNICAL AMENDMENT.—The table of contents
16 of chapter 2205 of title 36, United States Code, is amend-
17 ed by inserting after the item relating to section 220529
18 the following:

“220530. Other amateur sports organizations.”.