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 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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Protecting Young Victims from Sexual Abuse Act of 2017”.
SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE AT FACILITIES UNDER THE JURISDICTION OF AMATEUR SPORTS ORGANIZATIONS RECOGNIZED BY THE UNITED STATES OLYMPIC COMMITTEE.

(a) Reporting Requirement.—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

(1) in subsection (a)—

(A) by striking “A person who” and inserting the following:

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

(B) by adding at the end the following:

“(2) INDIVIDUALS AT COVERED FACILITIES.—A covered individual who, while engaged in any activity sanctioned by a covered facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(3) in subsection (c)—
(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(9) the term ‘covered facility’ means a facility over which a national governing body has jurisdiction;

“(10) the term ‘covered individual’ means an adult who is authorized by a covered facility or by a national governing body to interact with a minor or amateur athlete at the covered facility or at any event sanctioned by the covered facility; and

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

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

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

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

(B) by inserting “and for all covered facilities,” after “lands,”; and
(6) in subsection (h), by inserting “and all covered individuals,” after “facilities,”.

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

(1) by inserting “or while engaged in a professional capacity or activity at a covered facility as described in subsection (a)(2) of such section 226” after “facility”; and

(2) by striking “not more than 1 year” and inserting “not more than 3 years”.

SEC. 3. CIVIL REMEDY FOR PERSONAL INJURIES.

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

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

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

(2) in subsection (b), by striking “filed within”
and all that follows through the end and inserting
the following: “filed—
“(1) not later than 10 years after the date on
which the plaintiff discovers the later of—
“(A) the violation that forms the basis for
the claim; or
“(B) the injury that forms the basis for
the claim; or
“(2) in the case of a person under a legal dis-
ability, not later than 10 years after the date on
which the disability ends.”; and

(3) by adding at the end the following:
“(c) Venue; Service of Process.—
“(1) Venue.—Any action brought under sub-
section (a) may be brought in the district court of
the United States that meets applicable require-
ments relating to venue under section 1391 of title
28.
“(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

“(A) is an inhabitant; or

“(B) may be found.”.

SEC. 4. EXPANSION OF AUTHORITIES AND DUTIES OF AMATEUR SPORTS ORGANIZATIONS RECOGNIZED BY THE UNITED STATES OLYMPIC COMMITTEE TO PREVENT THE ABUSE OF MINOR AND AMATEUR ATHLETES.

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

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

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

(3) by adding at the end the following:

“(8) develop training, oversight practices, policies, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete by any adult.”.

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

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

(3) by adding at the end the following:

“(10) develop and enforce policies, mechanisms, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete, including—

“(A) requiring all members of the national governing body or a facility under the jurisdiction of the national governing body and adults authorized by such members to interact with minor or amateur athletes, to immediately report all allegations of sexual abuse to law enforcement authorities and other appropriate authorities whenever such members or adults learn of facts leading them to reasonably suspect that a minor or amateur athlete has suffered an incident of sexual abuse;

“(B) establishing a mechanism, approved by a trained expert on child abuse, that allows a complainant to easily report an incident of sexual abuse committed by a member or adult described in subparagraph (A) to interact with a minor or amateur athlete, to the national governing body or another authority;
“(C) procedures to ensure that each amateur athlete who is a minor is prevented from being in a one-on-one situation with an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of the national governing body without being in an observable and interruptible distance from another adult; and

“(D) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with the national governing body, of all members and adults described in subparagraph (A) to ensure that policies and procedures developed under this paragraph are followed correctly and that consistent training is offered and given to all members regarding prevention of sexual abuse; and

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

“(A) the national governing body can—

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

•S 534 IS
ility for sexual misconduct, including because of a mere allegation of sexual misconduct; and

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

“(B) an athletic facility under the jurisdiction of the national governing body can—

“(i) review the reports received by the national governing body under subparagraph (A)(i) to assess any allegations of sexual misconduct made in such reports; and

“(ii) withhold providing to an adult who is the subject of an allegation of sexual misconduct in a report reviewed under clause (i) authority to interact with a minor or amateur athlete at such facility until such time as the facility determines that there is no risk to a minor or amateur athlete at such facility.”.

(e) Rule of Construction.—Section 220522 of such title is amended by adding at the end the following:
“(c) RULE OF CONSTRUCTION.—Nothing in paragraph (a) shall be construed to limit the ability of a national governing body to develop a policy or procedure to prevent an individual who is the subject of an allegation of sexual misconduct from interacting with a minor or amateur athlete until such time as the national governing body, or any person under the jurisdiction of the national governing body, determines that there is no risk to the minor or amateur athlete by allowing the individual to interact with the minor or amateur athlete.”.