

Democratic Party

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 Mrs. FEINSTEIN (for herself, Mr. TIHUNE, Mr. NELSON, *Sen. Collins, Sen. Ducey, Sen. Young*

Viz:

Sen. Durbin, Sen. Warren

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

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).”;

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 pe-
8 riod at the end and inserting a semicolon; and

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

10 “(9) the term ‘covered individual’ means an
11 adult who is authorized, by a national governing
12 body, a member of a national governing body, or an
13 amateur sports organization that participates in
14 interstate or international amateur athletic competi-
15 tion, to interact with a minor or amateur athlete at
16 an amateur sports organization facility or at any
17 event sanctioned by a national governing body, a
18 member of a national governing body, or such an
19 amateur sports organization;

20 “(10) the term ‘event’ includes travel, lodging,
21 practice, competition, and health or medical treat-
22 ment;

23 “(11) the terms ‘amateur athlete’, ‘amateur
24 athletic competition’, ‘amateur sports organization’,
25 ‘international amateur athletic competition’, and ‘na-

1 tional governing body' have the meanings given the
2 terms in section 220501(b) of title 36, United States
3 Code; and

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

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

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

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

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

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

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

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

20 (b) **PENALTY FOR FAILURE TO REPORT.**—Section
21 2258 of title 18, United States Code, is amended by in-
22 serting “or a covered individual as described in subsection
23 (a)(2) of such section 226 who,” after “facility,”.

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

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

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

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

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

23 “(1) not later than 10 years after the date on
24 which the plaintiff reasonably discovers the later
25 of—

1 “(A) the violation that forms the basis for
2 the claim; or

3 “(B) the injury that forms the basis for
4 the claim; or

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

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

8 “(c) VENUE; SERVICE OF PROCESS.—

9 “(1) VENUE.—Any action brought under sub-
10 section (a) may be brought in the district court of
11 the United States that meets applicable require-
12 ments relating to venue under section 1391 of title
13 28.

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

17 “(A) is an inhabitant; or

18 “(B) may be found.”.

19 **TITLE II—UNITED STATES CEN-**
20 **TER FOR SAFE SPORT AU-**
21 **THORIZATION**

22 **SEC. 201. 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, phys-
8 ical, and sexual abuse, of any amateur athlete.”.

9 **SEC. 202. DESIGNATION OF THE UNITED STATES CENTER**
10 **FOR SAFE SPORT.**

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

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

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

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

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

24 “(2) exercise jurisdiction over the corporation,
25 each national governing body, and each paralympic

1 sports organization with regard to safeguarding
2 amateur athletes against abuse, including emotional,
3 physical, and sexual abuse, in sports;

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

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

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

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

24 “(c) BINDING ARBITRATION.—

1 “(1) IN GENERAL.—The Center may, in its dis-
2 cretion, utilize a neutral arbitration body and de-
3 velop policies and procedures to resolve allegations of
4 sexual abuse within its jurisdiction to determine the
5 opportunity of any amateur athlete, coach, trainer,
6 manager, administrator, or official, who is the sub-
7 ject of such an allegation, to participate in amateur
8 athletic competition.

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

19 “(d) LIMITATION ON LIABILITY.—

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

1 scribed in this section, section 220542, or section
2 220543.

3 “(2) EXCEPTION.—Paragraph (1) shall not
4 apply in any action in which an applicable entity
5 acted with actual malice, or provided information or
6 took action not pursuant to this section, section
7 220542, or section 220543.

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

10 “(A) the Center;

11 “(B) a national governing body;

12 “(C) a paralympic sports organization;

13 “(D) an amateur sports organization or
14 other person sanctioned by a national governing
15 body under section 220525;

16 “(E) an amateur sports organization re-
17 porting under section 220530;

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

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

23 **“§ 220542. Additional duties.**

24 “(a) IN GENERAL.—The Center shall—

1 “(B) a mechanism, approved by a trained
2 expert on child abuse, that allows a complainant
3 to report easily an incident of child abuse to the
4 Center, a national governing body, law enforce-
5 ment authorities, or other appropriate authori-
6 ties;

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

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

21 “(E) oversight procedures, including reg-
22 ular and random audits conducted by subject
23 matter experts unaffiliated with, and inde-
24 pendent of, a national governing body or a
25 paralympic sports organization of each national

1 governing body and paralympic sports organiza-
2 tion to ensure that policies and procedures de-
3 veloped under that section are followed correctly
4 and that consistent training is offered and
5 given to all adult members who are in regular
6 contact with amateur athletes who are minors,
7 and subject to parental consent, to members
8 who are minors, regarding prevention of child
9 abuse; and

10 “(F) a mechanism by which a national
11 governing body or paralympic sports organiza-
12 tion can—

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

1 “(ii) withhold providing to an adult
2 who is the subject of an allegation of child
3 abuse authority to interact with an ama-
4 teur athlete who is a minor until the reso-
5 lution of such allegation.

6 “(b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to limit the ability of a national
8 governing body or paralympic sports organization to im-
9 pose an interim measure to prevent an individual who is
10 the subject of an allegation of sexual abuse from inter-
11 acting with an amateur athlete prior to the Center exer-
12 cising its jurisdiction over a matter.

13 **“§ 220543. Records, audits, and reports**

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

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

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

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

22 **“§ 220544. Authorization of appropriations**

23 “There is authorized to be appropriated to the Center
24 \$1,000,000 for each of fiscal years 2018 through 2021.”.

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

3 (1) by redesignating paragraphs (4) through
4 (8) as paragraphs (6) through (10), respectively;
5 and

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

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

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

13 (c) TECHNICAL AMENDMENT.—The table of contents
14 of chapter 2205 of title 36, United States Code, is amend-
15 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.

“220544. Authorization of appropriations.”.

16 **SEC. 203. ADDITIONAL REQUIREMENTS FOR GRANTING**
17 **SANCTIONS FOR AMATEUR ATHLETIC COM-**
18 **PETITIONS.**

19 Section 220525(b)(4) is amended—

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

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

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

4 “(G) the amateur sports organization or
5 person requesting sanction from a national gov-
6 erning body will implement and abide by the
7 policies and procedures to prevent the abuse,
8 including emotional, physical, and child abuse,
9 of amateur athletes participating in amateur
10 athletic activities applicable to such national
11 governing body.”.

12 **SEC. 204. GENERAL REQUIREMENTS FOR YOUTH-SERVING**
13 **AMATEUR SPORTS ORGANIZATIONS.**

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

17 **“§ 220530. Other amateur sports organizations**

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

20 “(1) comply with the reporting requirements of
21 section 226 of the Victims of Child Abuse Act of
22 1990 (34 U.S.C. 20341);

23 “(2) establish reasonable procedures to limit
24 one-on-one interactions between an amateur athlete
25 who is a minor and an adult (who is not the minor’s

1 legal guardian) at a facility under the jurisdiction of
2 the applicable amateur sports organization without
3 being in an observable and interruptible distance
4 from another adult, except under emergency cir-
5 cumstances;

6 “(3) offer and provide consistent training to all
7 adult members who are in regular contact with ama-
8 teur athletes who are minors, and subject to paren-
9 tal consent, to members who are minors, regarding
10 prevention and reporting of child abuse to allow a
11 complainant to report easily an incident of child
12 abuse to appropriate persons; and

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

16 “(b) DEFINITION OF APPLICABLE AMATEUR SPORTS
17 ORGANIZATION.—In this section, the term ‘applicable
18 amateur sports organization’ means an amateur sports or-
19 ganization—

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

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

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

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

“220530. Other amateur sports organizations.”.