



## H.R. 1973 – Protecting Young Victims from Sexual Abuse Act of 2017 (Rep. Brooks, R-WI)

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### FLOOR SCHEDULE:

Scheduled for consideration on May 25, 2017, under a structured [rule](#).

### TOPLINE SUMMARY:

[H.R. 1973](#) would address the sexual abuse of minors in amateur athletics by mandating the reporting of child abuse in amateur athletics organizations. It would also strengthen civil remedies for victims of sexual abuse, and would clarify the duties of national athletics governing bodies when confronted with allegations of child abuse.

### COST:

The Congressional Budget Office (CBO) [estimates](#) “that any additional revenues and associated direct spending would not be significant because the legislation would probably affect only a small number of cases.” Further, CBO estimates “that enacting H.R. 1973 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.”

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

The [Amateur Sports Act](#), which charters the U.S. Olympic Committee, allows for the committee to charter national governing bodies for each sport. According to the [committee report](#), throughout the past 20 years, roughly 368 individuals were subjected to sexual abuse by trusted adults affiliated with USA Gymnastics. Many victims believe that USA Gymnastics did not adequately address allegations of abuse. This legislation would aim to ensure child abuse is reported by adults who work with amateur athletes. It would also clarify the duties and responsibilities of national governing bodies, so that children are protected and action is taken against those abusing young amateur athletes.

Section 2 would mandate required reporting of child and sexual abuse at amateur athletics facilities, requiring adults working with national governing bodies or national governing body members to report child sexual abuse to local and federal authorities. This legislation would broaden the scope of individuals covered by mandatory reporting requirements to include coaches, team doctors, and any other adults involved in the sport that are authorized by a national body to be involved with children.

Section 3 addresses civil remedies for personal injuries, strengthening the provisions of [Masha's Law](#). It would generally allow minor victims to sue their abusers for up to 14 criminal offenses, including those related to sexual abuse, exploitation of minors, and human trafficking.

This section sets forth automatic statutory damages of \$150,000 for such abuse cases, removing the requirement that victims prove injury of at least \$150,000 before pursuing a suit against their abuser. It also permits the court to award punitive damages if it sees fit. Individuals would be able to file suit even if they were no longer minors, so long as the abuse occurred while they were a minor. This section would clarify that the 10-year statute of limitations commences when a victim discovers the injury pertaining to the cause of action. This allows for suits in instances where victims do not discover the violation or injury until adulthood. This section also provides for an alternative statute of limitations as not later than 10 years after the age of 18. This section also clarifies venue, and allows for service of process in the district in which the defendant can be located or where the defendant resides.

Section 4 addresses the expansion of duties of national governing bodies, authorizing them to develop training, oversight, and safety procedures to eliminate abuse within amateur athletics.

Section 4 requires members affiliated with national governing bodies to report all allegations of child sexual abuse to authorities, as well as to the [U.S. Center for SafeSport](#). It also requires improved procedures for the reporting of allegations, advises against one-on-one interactions with minor athletes without another adult in nearby presence, improved oversight procedures, including random audits, and procedures to report and track individuals who transfer facilities.

This section also provides for governing bodies to allow individuals to easily report instances of child abuse and for governing bodies to receive reports of suspected abuse of minors and can share reports with other amateur sports organizations.

This section would limit the liability of national athletic governing bodies in cases where they are required to accept and share reports of sexual misconduct. The limited liability would protect the U.S. Olympic committee, national governing bodies, and amateur sports organizations, if they execute their duties in compliance with the act without willful misconduct.

This legislation would also clarify that the Amateur Sports Act does not prevent national athletic governing bodies from prohibiting interaction of adults subject to abuse allegations with children, until it is determined that the individual poses no risk. Finally, this legislation mandates the review of national governing body certifications by the U.S. Olympic Committee.

The committee report can be found [here](#).

### **AMENDMENTS:**

1. [Rep. Goodlatte \(R-VA\)](#) – Manager's Amendment – This amendment would better blend bill language with the language in the underlying statute. It would also clarify the duties of national governing bodies as they pertain to implementing procedures regarding interactions between young athletes and adults. It also makes technical and conforming corrections.
2. [Rep. Costa \(D-CA\)](#) – This amendment would strike the word “reasonably” from the statute of limitations portion of the bill, so that the statute of limitations included in the Senate companion bill, rather than the House statute of limitations applies. The Senate [language](#) is as follows: ““(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 disability, not later than 10 years after the date on which the disability ends.””

“In general, statutes of limitation are intended to prevent the filing of stale claims, which are unlikely to be effectively adjudicated due to deterioration of evidence and relevance. Generally, the Supreme Court has held that the statute of limitations begins running from the date on which the injured party knew, or through the reasonable exercise of diligence, should have known, that the injury existed. By striking “reasonably”, this amendment would depart significantly from this standard and expand the duration over which claims might be filed.”

3. [Rep. O’Halloran \(D-AZ\)](#), [Rep. Biggs \(R-AZ\)](#) – This amendment would require national governing bodies to clearly list information and resources, like sexual assault hotline and other resources for victims on their websites.

### **COMMITTEE ACTION:**

H.R. 1973 was introduced on April 6, 2017 and was referred to the House Committees on the Judiciary and on Education and the Workforce. It was ordered reported, amended, by voice vote on May 18, 2017.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the bill’s sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: The Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this 'Constitution in the Government of the United States, or in any Department of Officer thereof.