

112TH CONGRESS
1ST SESSION

H. R. 3650

To prohibit institutions of higher education and nonprofit organizations that fail to report incidents of sexual abuse of a minor from receiving Federal funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit institutions of higher education and nonprofit organizations that fail to report incidents of sexual abuse of a minor from receiving Federal funds, 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 “Federal Zero Tolerance
5 of Child Sexual Abuse Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) Children are vulnerable to sexual abuse
2 from infancy through early adulthood. Both boys
3 and girls are most vulnerable to abuse between the
4 ages of 7 and 13.

5 (2) According to the Department of Justice na-
6 tional statistics, 1 out of 3 girls and 1 out of 5 boys
7 will become victims of sexual abuse by the time they
8 reach their 18th birthday.

9 (3) The majority of instances of child sexual
10 abuse are committed by someone the child knows
11 and trusts. In 90 percent of child sexual abuse cases
12 the perpetrators are trusted family members or close
13 friends.

14 (4) Identifying victims of child sex abuse is
15 sometimes difficult because physical signs are often
16 not present. Perpetrators seldom use physical force
17 because the child usually trusts or depends upon the
18 offender. The longer children have been abused the
19 less likely they are to exhibit behavioral changes by
20 the time the abuse is finally reported.

21 (5) Most sexually abused children do not tell
22 anyone they were abused, even when directly asked
23 by parents or other authority figures. Sixty-seven
24 percent of all victims of sexual assault reported to

1 law enforcement agencies were juveniles (under the
2 age of 18), of which 34 percent were under age 12.

3 (6) Failing to protect a child from child abuse
4 could prove fatal. More than 5 children die every day
5 as a result of child abuse. According to the Third
6 National Incidence Study, girls are sexually abused
7 3 times more often than boys, whereas boys are
8 more likely to die or be seriously injured from their
9 abuse. Child sexual abuse has been reported up to
10 80,000 times a year; however, the number of unre-
11 ported instances is far greater.

12 (7) A child who is the victim of prolonged sex-
13 ual abuse usually develops low self-esteem, a feeling
14 of worthlessness, and an abnormal or distorted view
15 of sex. About 80 percent of 21 year olds that were
16 abused as children met criteria for at least one psy-
17 chological disorder. Thirty percent of abused and ne-
18 glected children will later abuse their own children,
19 continuing the horrible cycle of abuse.

20 **SEC. 3. NO FEDERAL FUNDS FOR VIOLATION OF ZERO TOL-**
21 **ERANCE REQUIREMENTS.**

22 (a) ZERO TOLERANCE FOR FAILURE TO REPORT
23 SEXUAL ABUSE OF A MINOR.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, no Federal funds (except as pro-

1 vided in paragraph (3)) shall be provided to a cov-
2 ered entity for the duration of the period described
3 in paragraph (2) if the Attorney General determines
4 that the covered entity is in violation of any provi-
5 sion of this section or any regulation promulgated in
6 accordance with this section.

7 (2) DURATION OF PENALTY.—The period dur-
8 ing which a covered entity shall be ineligible to re-
9 ceive Federal funds for a violation of this section or
10 regulations promulgated in accordance with this sec-
11 tion shall be determined by the Attorney General
12 based on the severity of the violation by such entity,
13 except that—

14 (A) the duration of the period for such a
15 penalty shall be not less than 1 year and not
16 more than 5 years; and

17 (B) notwithstanding subparagraph (A), the
18 Attorney General may reduce the duration of
19 such a period, or terminate the application of
20 such a penalty to a covered entity, if the Attor-
21 ney General determines that the entity has in
22 effect and is enforcing policies necessary to
23 fully comply with the provisions of this section
24 and any regulations promulgated in accordance

1 with this section, and that there is good cause
2 for such a reduction or termination.

3 (3) STUDENT FINANCIAL AID EXCEPTION.—

4 Notwithstanding paragraph (1), funds to provide
5 Federal student financial aid to students at an insti-
6 tution of higher education shall not be reduced as a
7 result of a violation by such an institution of this
8 section or regulations promulgated in accordance
9 with this section.

10 (4) EFFECTIVE DATE.—This subsection shall
11 apply to covered entities for the first fiscal year be-
12 ginning after the date that is one year after the date
13 on which the Attorney General promulgates regula-
14 tions in accordance with subsection (b), and each
15 succeeding fiscal year.

16 (b) REGULATIONS REQUIRED.—Not later than 6
17 months after the date of enactment of this Act, the Attor-
18 ney General shall, in consultation with the Secretary of
19 Education and the Secretary of Health and Human Serv-
20 ices (acting through the Administration of Children and
21 Families), promulgate regulations to ensure that officers
22 and employees of covered entities report any sexual abuse
23 of minors known or suspected by such officers or employ-
24 ees to law enforcement. Such regulations shall—

1 (1) include required processes and procedures
2 covered entities shall have in place to ensure the
3 timely and accurate reporting by officers and em-
4 ployees to law enforcement of incidences of sexual
5 abuse of a minor that occur at a location used or
6 controlled by a covered entity;

7 (2) require each covered entity to provide train-
8 ing to all officers and employees of the entity relat-
9 ing to the reporting to law enforcement (and any
10 other person required by such regulations or the cov-
11 ered entity) of any suspected or known incidence of
12 sexual abuse of a minor;

13 (3) provide for a system by which a covered en-
14 tity may be required to provide to a minor victim of
15 sexual abuse reimbursement for treatment required
16 by such victim (including medical treatment and
17 counseling) if the covered entity failed to report an
18 incidence of sexual abuse of such victim in accord-
19 ance with such regulations;

20 (4) provide for notice and an opportunity for a
21 hearing if the Attorney General has reason to believe
22 that a covered entity is in violation of such regula-
23 tions; and

24 (5) prohibit a covered entity from discharging
25 or in any manner discriminating against an officer

1 or employee because such officer or employee pro-
2 vided information or made a complaint to a super-
3 visor or to any law enforcement agency relating to
4 an allegation of sexual abuse of a minor, provided
5 that the officer or employee acted in good faith when
6 providing such information or making such com-
7 plaint.

8 (c) DEFINITIONS.—In this section:

9 (1) the term “covered entity” means—

10 (A) an institution of higher education, as
11 defined in section 102 of the Higher Education
12 Act of 1965 (20 U.S.C. 1002); or

13 (B) a non-profit organization that directly
14 or indirectly provides services to, or carries out
15 any activities that involve direct contact with,
16 minors;

17 (2) the term “minor” means an individual who
18 is less than 18 years of age;

19 (3) the term “officer” when used in relation to
20 an institution of higher education, includes academic
21 and athletic officials such as the president, a dean,
22 or an athletic coach of the institution; and

23 (4) the term “sexual abuse” has the meaning
24 given the term in section 111 of the Child Abuse
25 Prevention and Treatment Act (42 U.S.C. 5106g).

1 **SEC. 4. MANDATORY REPORTING BY STATE EMPLOYEES.**

2 Section 106(b)(2)(B)(i) of the Child Abuse Preven-
3 tion and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)) is
4 amended by inserting before the semicolon the following:
5 “, who shall include individuals employed in any position
6 that involves direct contact with children”.

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