

118TH CONGRESS
1ST SESSION

H. R. 437

To amend title X of the Public Health Service Act to require grant recipients to comply with all applicable State and local laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, or human trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

Mr. SMUCKER (for himself, Mr. BANKS, and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title X of the Public Health Service Act to require grant recipients to comply with all applicable State and local laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, or human trafficking, 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 “Reporting Account-
5 ability and Abuse Prevention Act of 2023”.

1 **SEC. 2. COMPLIANCE BY PROJECTS FUNDED UNDER TITLE**
2 **X WITH STATE AND LOCAL SEXUAL ABUSE**
3 **REPORTING REQUIREMENTS.**

4 Title X of the Public Health Service Act (42 U.S.C.
5 300 et seq.) is amending by adding at the end the fol-
6 lowing:

7 **“SEC. 1009. COMPLIANCE WITH STATE AND LOCAL SEXUAL**
8 **ABUSE REPORTING REQUIREMENTS.**

9 “(a) IN GENERAL.—As a condition on the award or
10 renewal of a grant under this title for any project or pro-
11 gram, the Secretary shall require the grant recipient to
12 comply with all applicable State and local laws requiring
13 notification or reporting of child abuse, child molestation,
14 sexual abuse, rape, incest, intimate partner violence, or
15 human trafficking (in this section referred to as ‘State no-
16 tification laws’).

17 “(b) REQUIRED COMPLIANCE.—In ensuring compli-
18 ance with subsection (a) for a project or program, the
19 grant recipient shall provide to the Secretary appropriate
20 documentation or otherwise demonstrate to the Sec-
21 retary’s satisfaction that the grant recipient—

22 “(1) has in place and implements a plan to
23 comply with State notification laws, including, at a
24 minimum, policies and procedures that include—

25 “(A) a summary of obligations under State
26 notification laws of the project or program, or

1 of each organization and individual carrying out
2 the project or program, including any obligation
3 to inquire about or determine the age of a
4 minor patient or of a minor patient’s sexual
5 partner;

6 “(B) timely and adequate annual training
7 of all individuals (whether or not they are em-
8 ployees) serving patients for, or on behalf of,
9 the project or program regarding—

10 “(i) compliance with State notification
11 laws;

12 “(ii) policies and procedures of the
13 project or program with respect to notifica-
14 tion and reporting of child abuse, child mo-
15 lestation, sexual abuse, rape, incest, inti-
16 mate partner violence, and human traf-
17 ficking; and

18 “(iii) appropriate interventions, strat-
19 egies, and referrals to improve the safety
20 and current situation of the patient;

21 “(C) protocols to ensure that every minor
22 who presents for treatment is provided coun-
23 seling on how to resist attempts to coerce the
24 minor into engaging in sexual activities; and

1 “(D) a commitment to conduct a prelimi-
2 nary screening of any minor who presents with
3 a sexually transmitted disease, pregnancy, or
4 any suspicion of abuse, in order to rule out vic-
5 timization of the minor; and

6 “(2) maintains records that demonstrate com-
7 pliance with each of the requirements set forth in
8 paragraph (1) and—

9 “(A) indicate the age of minor patients;

10 “(B) document each notification or report
11 made pursuant to State notification laws; and

12 “(C) indicate the age of the minor pa-
13 tient’s sexual partners if such age is an element
14 of a State notification law under which a report
15 is required.

16 “(c) REVIEW OF RECORDS.—As a condition on the
17 award or renewal of a grant under this title for any project
18 or program, a grant recipient shall agree to allow the Sec-
19 retary, the Inspector General of the Department of Health
20 and Human Services, and the Comptroller General of the
21 United States to review the records maintained by the
22 grant recipient, including any contractor or subgrantee of
23 the grant recipient, for the purpose of ensuring compliance
24 with this section.

1 “(d) PENALTIES FOR NONCOMPLIANCE.—The Sec-
2 retary shall—

3 “(1) if the Secretary finds that a grantee under
4 this title has violated subsection (a), (b), or (c),
5 work with the grantee to remedy such noncompli-
6 ance; and

7 “(2) if the Secretary finds that the grantee
8 commits a subsequent violation of subsection (a),
9 (b), or (c)—

10 “(A) seek repayment of all monetary Fed-
11 eral assistance received by the grantee under
12 this title on or after the date of enactment of
13 the Reporting Accountability and Abuse Pre-
14 vention Act of 2023; and

15 “(B) not award or provide any assistance
16 under this title to the grantee for a period of
17 at least 36 months following the date of finding
18 that the grantee has committed such subse-
19 quent violation.”.

○