To increase civil penalties for institutions of higher education that fail to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2012

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase civil penalties for institutions of higher education that fail to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Michael Pohle Jr. Campus Emergency Alert Act”.

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SEC. 2. LIABILITY AND PENALTY UNDER THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended by striking paragraph (13) and inserting the following:

“(13)(A) CIVIL PENALTY.—Notwithstanding section 487(c)(3)(B)(i), the Secretary shall impose a civil penalty upon an institution of higher education participating in any program under this title if such institution—

“(i) substantially misrepresents the number, location, or nature of the crimes required to be reported under this subsection;

“(ii) fails to meet the requirement described in paragraph (1)(J)(i);

“(iii) fails to comply with the timely notification requirements of paragraph (3); or

“(iv) fails to comply with any other requirement under this subsection.

“(B) AMOUNT OF CIVIL PENALTY.—

“(i) MAXIMUM PENALTY PER VIOLATION.—Notwithstanding section 487(c)(3)(B)(i), for each incident described in clauses (i) through (iv) of subparagraph (A),
the penalty described in such subparagraph shall be in an amount equal to not more than 10 percent of the amount of funds that such institution of higher education has received from the Department in the previous award year, excluding the amount received by such institution under part D.

“(ii) Minimum penalty per violation.—Notwithstanding section 487(c)(3)(B)(i), for each incident described in clauses (i) through (iii) of subparagraph (A), the penalty described in such subparagraph shall be in an amount equal to not less than 2 percent of the amount of funds that such institution of higher education has received from the Department in the previous award year, excluding the amount received by such institution under part D.

“(iii) Limitation on the total penalty amount.—Notwithstanding clauses (i) and (ii), the total amount of all penalties described in this paragraph with respect to an institution of higher education for an award year shall be in an amount equal to not more than 10 percent of the amount of all funds that such institution
of higher education has received from the Department in the previous award year.

“(C) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for the civil penalty fees collected under this paragraph. Revenues collected under such paragraph shall be deposited in the special account and remain available for expenditure, without further appropriation and until expended. The Department shall use the funds in such special account for activities relating to the promotion of campus safety.’’.