

109TH CONGRESS
1ST SESSION

H. R. 3787

To direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2005

Mr. NADLER (for himself, Ms. LINDA T. SÁNCHEZ of California, Ms. KAPTUR, Mr. MCGOVERN, Ms. BALDWIN, Mr. RUSH, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs.

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 “Antibullying Campaign
5 Act of 2005”.

6 **SEC. 2. GRANTS FOR ANTIHARASSMENT PROGRAMS.**

7 (a) GRANTS.—The Secretary of Education shall pro-
8 vide a grant to each State that submits an application in
9 accordance with subsection (c) to enable the State to es-

1 tablish and carry out or continue to carry out an
2 antiharassment program as described in subsection (b).

3 (b) PROGRAM DESCRIBED.—An antiharassment pro-
4 gram referred to in subsection (a) is a program that pro-
5 hibits harassment in schools and at all school-sponsored
6 programs or activities based on any distinguishing char-
7 acteristic of an individual, including actual or perceived
8 race, color, national origin, ethnicity, religion, disability,
9 sexual orientation, sex, gender identity or expression, fam-
10 ily composition or circumstance, or economic cir-
11 cumstance.

12 (c) APPLICATION.—

13 (1) IN GENERAL.—The Secretary may not
14 make a grant to a State under this section unless
15 the State submits to the Secretary an application
16 that contains detailed information about the State’s
17 existing or proposed antiharassment program. Such
18 information shall include—

19 (A) the State’s existing or proposed prohi-
20 bition on harassment;

21 (B) the State’s existing or proposed defini-
22 tion of harassment and any other relevant
23 terms; and

1 (C) a budget for the antiharassment pro-
2 gram, including a detailed description of how
3 amounts received under the grant will be spent.

4 (2) APPLICATION REVIEW AND APPROVAL.—

5 (A) IN GENERAL.—Not later than 30 days
6 after the date of submission of the State’s ap-
7 plication, the Secretary shall review and ap-
8 prove or disapprove the application.

9 (B) APPROVAL.—Not later than 30 days
10 after the date on which the Secretary approves
11 the State’s application, the Secretary shall pro-
12 vide a grant to the State.

13 (C) DISAPPROVAL.—Not later than 30
14 days after the date on which the Secretary dis-
15 approves the State’s application, the Secretary
16 shall inform the State in writing as to the rea-
17 sons why the application was disapproved and
18 what the State may do to correct the applica-
19 tion and receive the Secretary’s approval.

20 (d) MATCHING FUNDS.—The Secretary may not
21 make a grant to a State under this section unless the
22 State agrees that it will contribute from non-Federal
23 sources an amount equal to not less than 50 percent of
24 the amount received under the grant to carry out the
25 antiharassment program described in subsection (b).

1 **SEC. 3. STUDY AND REPORT.**

2 (a) STUDY.—The Secretary of Education shall con-
3 duct a study concerning harassment in public schools in
4 the United States. The findings of the study shall in-
5 clude—

6 (1) the number of students who are harassed;

7 (2) the demographics of those students who are
8 harassed;

9 (3) the type of harassment to which students
10 are subjected, including—

11 (A) the reasons upon which the harass-
12 ment was based; and

13 (B) the type of conduct, physical or verbal,
14 involved;

15 (4) the number of States that have comprehen-
16 sive campaigns to combat harassment; and

17 (5) the amount of funds each State expends on
18 antiharassment programs each year.

19 (b) PROCESS.—In conducting the study required by
20 subsection (a), the Secretary shall make every effort to
21 protect the privacy of students involved in reports of har-
22 assment.

23 (c) REPORT.—Not later than one year after the date
24 of the enactment of this Act, and annually thereafter for
25 3 years, the Secretary shall submit to Congress a report
26 that contains the findings and an analysis of the study.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) **HARASSMENT.**—The term “harassment”
4 means conduct, including verbal conduct, that—

5 (A) creates, or would create, a hostile envi-
6 ronment by substantially interfering with a stu-
7 dent’s educational benefits, opportunities, or
8 performance, or with a student’s physical or
9 psychological well-being; or

10 (B) is threatening or seriously intimi-
11 dating.

12 (2) **SCHOOL.**—The term “school” means an ele-
13 mentary school or secondary school as those terms
14 are defined in section 9101 of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 7801).

16 (3) **SECRETARY.**—The term “Secretary” means
17 the Secretary of Education.

18 (4) **STATE.**—The term “State” includes the
19 several States, the District of Columbia, the Com-
20 monwealth of Puerto Rico, the Commonwealth of the
21 Northern Mariana Islands, American Samoa, Guam,
22 the Virgin Islands, and any other territory or posses-
23 sion of the United States.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this Act \$75,000,000 for each of fiscal
4 years 2006 through 2009.

5 (b) AVAILABILITY.—Amounts authorized to be appro-
6 priated by subsection (a) are authorized to remain avail-
7 able until September 30, 2009.

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