

114TH CONGRESS
2D SESSION

H. R. 5265

To amend the Department of Education Organization Act and the Higher Education Act of 1965 to require publication of information relating to religious exemptions to the requirements of title IX of the Education Amendments of 1972, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2016

Ms. CLARK of Massachusetts (for herself, Mr. GRAYSON, Ms. LEE, Ms. NORTON, Mr. SWALWELL of California, Mr. HASTINGS, Mr. DESAULNIER, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Department of Education Organization Act and the Higher Education Act of 1965 to require publication of information relating to religious exemptions to the requirements of title IX of the Education Amendments of 1972, 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 “Transparency in Tax-
5 payer-Funded Discrimination Act”.

1 **SEC. 2. PUBLICATION ON WEBSITE OF THE DEPARTMENT**
2 **OF EDUCATION.**

3 Section 203 of the Department of Education Organi-
4 zation Act (20 U.S.C. 3413) is amended by adding at the
5 end the following:

6 “(d) The Assistant Secretary for Civil Rights shall
7 publish, on the Department’s website, information regard-
8 ing religious exemptions to the requirements of title IX
9 of the Education Amendments of 1972 (20 U.S.C. 1681
10 et seq.) in accord with this paragraph. Such information
11 shall include a list naming each institution of higher edu-
12 cation that requests such an exemption, the name of each
13 such institution that has received an exemption, and the
14 nature and scope of that exemption (including each pro-
15 gram or activity covered by the exemption and the per-
16 sonal characteristics or behaviors to which the exemption
17 applies).”.

18 **SEC. 3. PUBLICATION ON WEBSITE OF EACH INSTITUTION**
19 **OF HIGHER EDUCATION.**

20 Section 485 of the Higher Education Act of 1965 (20
21 U.S.C. 1092) is amended by adding at the end the fol-
22 lowing:

23 “(n) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO
24 TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—
25 Each educational institution that requests or receives a
26 religious exemption to the requirements of title IX of the

1 Education Amendments of 1972 (20 U.S.C. 1681 et seq.)
2 shall publish on its website, in a prominent location, the
3 following:

4 “(1) REQUEST LETTER.—Each letter submitted
5 by the educational institution to the Department to
6 request such an exemption.

7 “(2) EXEMPTION LETTER.—Each letter from
8 the Department to the educational institution that
9 grants or denies such an exemption.

10 “(3) NOTICE OF REQUEST.—Notice that the
11 educational institution has requested an exemption
12 under section 901(a)(3) of the Education Amend-
13 ments of 1972 (20 U.S.C. 1681(a)(3)).

14 “(4) NOTICE OF EXEMPTION.—If applicable,
15 notice that the educational institution has received
16 an exemption under section 901(a)(3) of the Edu-
17 cation Amendments of 1972 (20 U.S.C. 1681(a)(3)).

18 “(5) COVERED PERSONAL CHARACTERISTICS OR
19 BEHAVIORS.—A list of the personal characteristics
20 or behaviors to which each requested or granted ex-
21 emption applies.

22 “(6) COVERED ACTIVITIES OR PROGRAMS.—A
23 list of the activities or programs to which each ex-
24 emption applies.

1 “(7) STATEMENT OF RIGHTS.—The statement
2 ‘Students continue to have rights under title IX of
3 the Education Amendments of 1972. Any student
4 who experiences discrimination may contact the Of-
5 fice for Civil Rights at the United States Depart-
6 ment of Education at _____ or _____.’,
7 with the first blank space being filled with a link to
8 the website of the Office for Civil Rights and the
9 second blank space being filled with the telephone
10 number of the Office for Civil Rights.”.

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