

114TH CONGRESS
2D SESSION

H. R. 5972

To amend the Higher Education Act of 1965 to provide protection for students that report sexual assault, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Ms. SPEIER (for herself, Mr. DOLD, Ms. HAHN, Mr. JOHNSON of Georgia, Mr. GOSAR, Ms. NORTON, Mr. FOSTER, Mrs. BUSTOS, Mr. GALLEG0, Mrs. NAPOLITANO, Mr. HASTINGS, Mr. COSTA, Ms. ESHOO, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Higher Education Act of 1965 to provide protection for students that report sexual assault, 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 Campus Sexual As-
5 sault Whistleblower Protection Act of 2016”.

1 **SEC. 2. SEXUAL ASSAULT WHISTLEBLOWER PROTECTION.**

2 (a) FEDERAL FINANCIAL AID.—Section 484(r) of the
3 Higher Education Act of 1965 (20 U.S.C. 1091(r)) is
4 amended—

5 (1) in paragraph (1), by striking “A student”
6 and inserting, “Except as provided in paragraph (3),
7 a student”;

8 (2) by redesignating paragraph (3) as para-
9 graph (4); and

10 (3) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) EXCEPTION.—Paragraph (1) shall not
13 apply to a student who—

14 “(A) makes an admission described in sec-
15 tion 487(a)(30)(A)(i); and

16 “(B) is convicted of an offense involving
17 the possession of a controlled substance based
18 on conduct described in such admission.”.

19 (b) FINANCIAL AID FROM INSTITUTION OF HIGHER
20 EDUCATION.—Section 487(a) of the Higher Education
21 Act of 1965 (20 U.S.C. 1094(a)) is amended by adding
22 at the end the following:

23 “(30)(A) The institution—

24 “(i) with respect to a student enrolled in
25 the institution who makes a report of a sexual
26 assault and admits to the unlawful consumption

1 of alcohol or a controlled substance in such re-
2 port, will not take any retaliatory action against
3 such student for such consumption;

4 “(ii) with respect to a student enrolled in
5 the institution who is the victim of a sexual as-
6 sault, will not take any retaliatory action
7 against such student for the sexual activity ad-
8 mitted to in a report of such assault; and

9 “(iii) will annually inform students enrolled
10 in the institution of the prohibition against re-
11 taliatory actions described in clauses (i) and
12 (ii).

13 “(B) In this paragraph:

14 “(i) The term ‘sexual assault’ has the
15 meaning given such term in section
16 485(f)(6)(A).

17 “(ii) The term ‘controlled substance’
18 has the meaning given the term in section
19 102(6) of the Controlled Substances Act
20 (21 U.S.C. 802(6)).

21 “(iii) The term ‘report’ means a re-
22 port made by a student to State or local
23 law enforcement agencies or the institution
24 in which the student is enrolled.

1 “(iv) The term ‘retaliatory action’,
2 when used with respect to a student de-
3 scribed in clauses (i) and (ii), includes—

4 “(I) the expulsion, suspension, or
5 altering of the financial aid of such
6 student; and

7 “(II) any notification (other than
8 a notification required by law) to a
9 parent or legal guardian of such stu-
10 dent with respect to the contents of a
11 report of sexual assault made by such
12 student.”.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that Federal and State
15 prosecutors should exercise their prosecutorial discretion
16 when considering bringing any criminal charges against
17 any person who comes forward to report a sexual assault,
18 and who, in making such report, admits to engaging in
19 unlawful consumption of alcohol or a controlled substance.

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