

115TH CONGRESS
2D SESSION

H. R. 6464

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2018

Ms. SPEIER (for herself, Mr. POE of Texas, Ms. KUSTER of New Hampshire, and Mr. FITZPATRICK) 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 increase transparency and reporting on campus sexual violence, 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 “Hold Accountable and
5 Lend Transparency on Campus Sexual Violence Act” or
6 the “HALT Campus Sexual Violence Act”.

1 **SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.**

2 (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN
3 INVESTIGATIONS.—The Department of Education Organi-
4 zation Act is amended—

5 (1) in section 203(b) (20 U.S.C. 3413(b)), by
6 adding at the end the following new paragraphs:

7 “(3) The Assistant Secretary for Civil Rights shall
8 make publicly available on the Department’s website a list
9 of institutions under investigation, the sanctions (if any)
10 or findings issued pursuant to such investigations, and a
11 copy of program reviews and resolution agreements, in-
12 cluding voluntary resolution agreements, entered into with
13 the Secretary or Attorney General under title IX of the
14 Education Amendments of 1972 (20 U.S.C. 1681 et seq.)
15 or title IV of the Civil Rights Act of 1964 (42 U.S.C.
16 2000c et seq.).

17 “(4) Not later than 30 days after the termination of
18 the resolution agreements described in paragraph (3), the
19 Assistant Secretary for Civil Rights shall transmit to the
20 Secretary, the President, and the Congress, and make
21 publicly available on the Department’s website, the letter
22 terminating the Department of Education’s monitoring of
23 such agreements.”; and

24 (2) in section 205 (20 U.S.C. 3415), by adding
25 at the end the following new subsection:

1 “(c) The Assistant Secretary for Postsecondary Edu-
2 cation shall make publicly available on the Department’s
3 website a list of institutions under investigation, the sanc-
4 tions (if any) or findings issued pursuant to such inves-
5 tigation, and a copy of program reviews and resolution
6 agreements entered into with the Secretary or Attorney
7 General under subsection 485(f) of the Higher Education
8 Act of 1965 (20 U.S.C. 1092(f)).”.

9 (b) INSPECTOR GENERAL.—Not later than January
10 1, 2019, the Inspector General of the Department of Edu-
11 cation shall submit to Congress and make publicly avail-
12 able a report reviewing compliance with paragraphs (3)
13 and (4) of section 203(b) of the Department of Education
14 Organization Act (20 U.S.C. 3413(b)) and section 205(c)
15 of such Act (20 U.S.C. 3415), as added by subsection (a).

16 **SEC. 3. AUTHORITY TO LEVY FINES.**

17 Section 203(c) of the Department of Education Orga-
18 nization Act (20 U.S.C. 3413) is amended—

19 (1) by striking “and” at the end of paragraph
20 (3);

21 (2) by striking the period at the end of para-
22 graph (4) and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(5) to impose a civil penalty to be paid by an
2 institution of higher education that has violated a
3 law under the jurisdiction of the Office for Civil
4 Rights, the amount of which shall be determined by
5 the gravity of the violation, and the imposition of
6 which shall not preclude other remedies available
7 under Federal law.”.

8 **SEC. 4. CLIMATE SURVEYS.**

9 Paragraph (1) of section 485(f) of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1092(f)) is amended by
11 adding at the end the following new subparagraph:

12 “(K) Beginning October 1, 2020, statistics
13 based upon a sexual violence climate survey con-
14 ducted not later than April 1, 2019, and every 2
15 years thereafter—

16 “(i) which is developed and approved by
17 the Secretary, in consultation with the Director
18 of the Centers for Disease Control of the De-
19 partment of Health and Human Services and
20 the Attorney General, except that the National
21 Intimate Partner and Sexual Violence Survey
22 developed by the National Center for Injury
23 Prevention and Control of the Centers for Dis-
24 ease Control and Prevention may be used for

1 purposes of this subparagraph until the sexual
2 violence climate survey has been developed;

3 “(ii) which assesses the occurrence on cam-
4 pus or in a noncampus building or property
5 during the preceding calendar year for which
6 data is available of—

7 “(I) instances of domestic violence,
8 dating violence, sexual assault, sexual vio-
9 lence, sexual harassment, and stalking;

10 “(II) whether the instances described
11 in subclause (I) were experienced in-person
12 or through electronic means;

13 “(III) indicators of discrimination,
14 and positive and negative trends for inti-
15 mate relationships that incorporates infor-
16 mation about gender identity and sexual
17 orientation;

18 “(IV) the effectiveness of campus sex-
19 ual violence awareness and prevention pro-
20 grams and policies for the overall student
21 body and different student populations,
22 such as students of color, students in the
23 LGBTQ communities, and students with
24 disabilities;

1 “(V) the effectiveness of current proc-
2 esses for complaints on and investigations
3 into sex-based, race-based, national origin-
4 based, sexual orientation-based, gender
5 identity-based, and disability-based harass-
6 ment, assault, discrimination, domestic vio-
7 lence, dating violence, and stalking;

8 “(VI) student’s awareness of campus
9 policies and procedures, including the loca-
10 tion and process for accessing campus re-
11 sources such as the title IX coordinator
12 designated by the institution pursuant to
13 title IX of the Education Amendments of
14 1972;

15 “(VII) whether individuals impacted
16 by sexual violence, discrimination, domestic
17 violence, dating violence, and stalking have
18 experienced negative effects on their edu-
19 cation, including diminished grades,
20 dropped classes, leaves of absence;

21 “(VIII) whether individuals impacted
22 by sexual violence, discrimination, domestic
23 violence, dating violence, and stalking have
24 experienced negative financial con-
25 sequences, including costs associated with

1 counseling, medical services, or housing
2 changes; and

3 “(IX) any other issues relating to sex-
4 based, race-based, national origin-based,
5 sexual orientation-based, gender identity-
6 based, and disability-based discrimination,
7 harassment, assault, domestic violence,
8 dating violence, and stalking, as appro-
9 priate; and

10 “(iii) which shall be made publicly avail-
11 able and easily accessible on the institution’s
12 website, including on webpages directed at pro-
13 spective and current students.”.

14 **SEC. 5. CREATION OF A PRIVATE RIGHT OF ACTION.**

15 Section 485(f)(14) of the Higher Education Act of
16 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-
17 lows:

18 “(14)(A) Subject to subparagraph (C), an aggrieved
19 individual may allege a violation of this subsection in a
20 judicial proceeding. A court may award an aggrieved indi-
21 vidual all appropriate relief, including equitable relief,
22 compensatory damages, cost of the action, and remedial
23 action.

24 “(B) This paragraph shall not be construed to pre-
25 clude an aggrieved individual from obtaining other rem-

1 edies under any other provision of law or to require such
 2 individual to exhaust any administrative complaint process
 3 or notice-of-claim requirement before seeking redress
 4 under this paragraph.

5 “(C) For actions brought pursuant to this paragraph,
 6 the statute of limitations period shall be determined in ac-
 7 cordance with section 1658(a) of title 28, United States
 8 Code. The tolling of any such limitations period shall be
 9 determined in accordance with section 1979 of the Revised
 10 Statutes of the United States (42 U.S.C. 1983) in the
 11 forum State.”.

12 **SEC. 6. INCREASE OF CLERY ACT PENALTIES.**

13 Section 485(f)(13) of the Higher Education Act of
 14 1965 (20 U.S.C. 1092(f)(13)) is amended—

15 (1) by striking “in the same amount and”; and

16 (2) by inserting before the period at the end the
 17 following: “, expect that such section shall be applied
 18 by substituting ‘\$100,000’ for ‘\$25,000’ ”.

19 **SEC. 7. NOTIFICATION OF POLICIES AIMED AT PREVEN-**
 20 **TION OF SEXUAL VIOLENCE.**

21 (a) IN GENERAL.—Paragraph (8) of section 485(f)
 22 of the Higher Education Act of 1965 (20 U.S.C. 1092(f))
 23 is amended by adding at the end the following new sub-
 24 paragraphs:

1 “(D) The statement of policy described in subpara-
2 graph (A) shall be—

3 “(i) written using simple and understandable
4 language and clear formatting; and

5 “(ii) made widely available and posted on the
6 institution’s public website, and in conspicuous
7 places, including places in and around student hous-
8 ing, residence halls, student health centers, student
9 recreation centers, the main student center on cam-
10 pus, academic buildings, and athletic facilities, where
11 students congregate and are likely to see it.

12 “(E) The statement of policy described in subpara-
13 graph (A) shall be provided, on an annual basis, to each
14 student group, student team, or student organization
15 which is part of such institution, is recognized by the insti-
16 tution, or permitted by the institution to use its name or
17 facilities or is known by the institution to act as an unaf-
18 filiated student group, student team, or student organiza-
19 tion, and each institution of higher education described in
20 subparagraph (A) shall ensure that each such group,
21 team, or organization distributes a copy of such policy to
22 each of its members as well as each of its applicants for
23 membership, including plebes, pledges, or similar appli-
24 cants.

1 “(F) An institution’s compliance with subparagraph
2 (E) with respect to an unaffiliated student group, student
3 team, or student organization shall not constitute evidence
4 of the institution’s recognition or endorsement of such un-
5 affiliated group, team, or organization.”.

6 (b) COMPTROLLER GENERAL REVIEW.—Not later
7 than August 1, 2020, the Comptroller General shall report
8 to the Committee on Education and the Workforce of the
9 House of Representatives and the Committee on Health,
10 Education, Labor, and Pensions of the Senate on—

11 (1) the implementation of section 485(f)(8) of
12 the Higher Education Act of 1965 (20 U.S.C.
13 1092(f)(8)), as amended by subsection (a), includ-
14 ing—

15 (A) the extent to which institutions of
16 higher education have developed the statement
17 of policy required under subparagraph (A) of
18 such section;

19 (B) how institutions of higher education
20 are—

21 (i) distributing such statement of pol-
22 icy; and

23 (ii) determining whether the policy is
24 received and understood by students; and

1 (C) the Secretary of Education’s oversight
2 of the compliance of institutions of higher edu-
3 cation with respect to the statement of policy
4 requirements under such section, including ef-
5 forts, in consultation with the Attorney General,
6 to provide technical assistance to institutions of
7 higher education in complying with such re-
8 quirements; and

9 (2) any changes in the numbers of dating vio-
10 lence, domestic violence, sexual assault, or stalking
11 incidents reported to campus security authorities or
12 local police agencies as indicated by the annual secu-
13 rity reports distributed under of section 485(f)(1) of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1092(f)(1)) or the climate survey established in Sec-
16 tion 4 of this Act.

17 **SEC. 8. CAMPUS SEXUAL VIOLENCE TASK FORCE.**

18 (a) CAMPUS SEXUAL VIOLENCE TASK FORCE.—Not
19 later than September 1, 2020, the Secretary of Education,
20 the Secretary of Health and Human Services, and the At-
21 torney General shall establish a joint interagency task
22 force to be known as the “Campus Sexual Violence Task
23 Force” that shall—

24 (1) provide pertinent information to the Sec-
25 retary of Education, Attorney General, Congress,

1 and the public with respect to campus sexual vio-
2 lence prevention, investigations, and responses, in-
3 cluding the creation of a consistent, public complaint
4 processes for violations of title IX of the Education
5 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
6 section 485(f) of the Higher Education Act of 1965
7 (20 U.S.C. 1092(f));

8 (2) provide recommendations to institutions of
9 higher education for establishing sexual assault pre-
10 vention and response teams;

11 (3) develop recommendations for institutions of
12 higher education on providing survivor resources, in-
13 cluding healthcare, rape kits, sexual assault nurse
14 examiners, culturally responsive and inclusive stand-
15 ards of care, and access to confidential advocacy and
16 support services;

17 (4) develop recommendations for best practices
18 for responses and prevention with respect to sexual
19 violence for educational institutions, taking into con-
20 sideration an institution's size and resources;

21 (5) develop recommendations on intersectional
22 approaches to supporting survivors and the response
23 to and prevention of sexual violence that consider
24 the intersections of race, ethnicity, gender identity,

1 sexual orientation, ability, socio-economic status, ex-
2 posure to trauma, and other compounding factors;

3 (6) solicit input from a diverse group of sur-
4 vivors, advocates from national, State, and local
5 anti-sexual violence advocacy organizations, institu-
6 tions of higher education, and other public stake-
7 holders;

8 (7) assess the Department of Education's abil-
9 ity under section 902 of the Education Amendments
10 of 1972 (20 U.S.C. 1682) to levy intermediate fines
11 for noncompliance with title IX of the Education
12 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
13 the advisability of additional remedies for such non-
14 compliance, in addition to the remedies already
15 available under Federal law; and

16 (8) create a plan described in subsection (c).

17 (b) PERSONNEL DETAILS.—

18 (1) AUTHORITY TO DETAIL.—Notwithstanding
19 any other provision of law, the head of an element
20 of any Federal agency is that is funded under the
21 Violence Against Women Act of 1994 (42 U.S.C.
22 13925 et seq.) may detail an officer or employee of
23 such element to the Campus Sexual Violence Task
24 Force or to the Secretary of Education to assist the
25 Task Force with the duties described in subsection

1 (a), as jointly agreed to by the head of such element
2 and the Task Force.

3 (2) BASIS FOR DETAIL.—A personnel detail
4 made under paragraph (1) may be made—

5 (A) for a period of not more than 3 years;
6 and

7 (B) on a reimbursable or nonreimbursable
8 basis.

9 (c) ADDITIONAL PLAN.—Not later than 90 days after
10 the date on which the Campus Sexual Violence Task Force
11 is established under subsection (a), the Task Force shall
12 submit to Congress a plan for recruiting, retaining, and
13 training a highly-qualified workforce employed by the De-
14 partment of Education to carry out investigation of com-
15 plaints alleging a violation of title IX of the Education
16 Amendments of 1972 (20 U.S.C. 1681 et seq.) or section
17 485(f) of the Higher Education Act of 1965 (20 U.S.C.
18 1092(f)), and enforcement of such title IX (20 U.S.C.
19 1681 et seq.) or such section 485(f) (20 U.S.C. 1092(f)),
20 with respect to campus sexual violence. Such plan shall
21 include—

22 (1) an assessment of the capabilities of the cur-
23 rent workforce carrying out such investigation and
24 enforcement;

1 (2) an examination of issues of recruiting, re-
2 tention, and the professional development of such
3 workforce, including the possibility of providing re-
4 tention bonuses or other forms of compensation for
5 the purpose of ensuring the Department of Edu-
6 cation has the capacity, in both personnel and skills,
7 needed to properly perform its mission and provide
8 adequate oversight of educational institutions;

9 (3) an assessment of the benefits of outreach
10 and training with both law enforcement agencies and
11 institutions of higher education with respect to such
12 workforce;

13 (4) an examination of best practices for making
14 institutions of higher education aware of the most
15 effective campus sexual violence prevention, inves-
16 tigation, and response practices and identifying
17 areas where more research should be conducted; and

18 (5) strategies for addressing such other matters
19 as the Secretary of Education considers necessary to
20 campus sexual violence prevention, investigation, and
21 responses.

22 (d) ANNUAL REPORT.—The Campus Sexual Violence
23 Task Force shall report to Congress on an annual basis,
24 and make publicly available, a report of its activities and
25 any update of the plan required under subsection (c), in-

cluding the number of complaints received regarding sexual violence (including violence on the basis of sexual orientation and gender identity), the number of open investigations, the average time to complete an investigation, the number of investigations initiated based on complaints, and the number of investigations initiated by the Department of Education.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—There are authorized to be appropriated for training, hiring, and retaining a workforce exclusively dedicated to investigation and enforcement of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) provisions with respect to sexual violence, for fiscal year 2019 and each of the 4 succeeding fiscal years, an amount that is equal to the sum of the amounts appropriated for such purpose for fiscal year 2018 plus \$5,000,000.

(2) SECTION 485(f) OF THE HIGHER EDUCATION ACT OF 1965.—There are authorized to be appropriated for training, hiring, and retaining a workforce exclusively dedicated to investigation and enforcement of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)), for fiscal

1 year 2019 and each of the 4 succeeding fiscal years,
2 an amount that is equal to the sum of the amounts
3 appropriated for such purpose for fiscal year 2018
4 plus \$5,000,000.

5 (f) DEFINITIONS.—In this section:

6 (1) The term “educational institution” includes
7 an institution of higher education, an elementary
8 school, or a secondary school.

9 (2) The terms “elementary school” and “sec-
10 ondary school” have the meanings given the terms
11 in section 9101 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7801).

13 (3) The term “institution of higher education”
14 has the meaning given the term in section 102 of the
15 Higher Education Act of 1965 (20 U.S.C. 1002).

16 (4) The term “sexual assault” has the meaning
17 of an offense that meets the definition of rape, fond-
18 ling, incest, or statutory rape under—

19 (A) the Uniform Crime Report of the Fed-
20 eral Bureau of Investigation; and

21 (B) the final regulations published by the
22 Department of Education in the Federal Reg-
23 ister on October 20, 2014, for Appendix A of
24 subpart D of part 668, Code of Federal Regula-
25 tions (79 Fed. Reg. 62752).

1 **SEC. 9. CONFORMING AMENDMENTS.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092(f)) is amended—

4 (1) in paragraph (1)(F)(i)(II), by striking “sex
5 offenses, forcible or nonforcible” and inserting “sex-
6 ual assault”; and

7 (2) by amending paragraph (6)(A)(v) to read as
8 follows:

9 “(v) The term ‘sexual assault’ has the meaning
10 of an offense that meets the definition of rape, fond-
11 ling, incest, or statutory rape under—

12 “(I) the Uniform Crime Report of the Fed-
13 eral Bureau of Investigation; and

14 “(II) the final regulations published by the
15 Department of Education in the Federal Reg-
16 ister on October 20, 2014, for Appendix A of
17 subpart D of part 668, Code of Federal Regula-
18 tions (79 Fed. Reg. 62752).”.

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