

116TH CONGRESS  
1ST SESSION

# H. R. 3381

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2019

Ms. SPEIER (for herself, Mr. FITZPATRICK, Ms. KUSTER of New Hampshire, Ms. ADAMS, Ms. MOORE, Ms. JACKSON LEE, Mr. SHERMAN, Mr. TONKO, Ms. SCHAKOWSKY, Mrs. DINGELL, Miss RICE of New York, Ms. LEE of California, Mr. AGUILAR, Ms. CASTOR of Florida, Ms. BROWNLEY of California, Ms. WILSON of Florida, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. NORTON, Ms. FRANKEL, Ms. DELAURO, Ms. MENG, Mr. HASTINGS, Ms. ROYBAL-ALLARD, Mr. SWALWELL of California, Mr. COHEN, Ms. SLOTKIN, Mr. RYAN, Ms. CLARK of Massachusetts, Mr. LUJÁN, Ms. ESCOBAR, Ms. TITUS, Ms. PRESSLEY, Mr. CISNEROS, Mr. DEUTCH, Mr. SMITH of Washington, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Education and Labor, 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Hold Accountable and  
3 Lend Transparency on Campus Sexual Violence Act” or  
4 the “HALT Campus Sexual Violence Act”.

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

6       (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN  
7 INVESTIGATIONS.—The Department of Education Organi-  
8 zation Act (20 U.S.C. 3401 et seq.) is amended—

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

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

21       “(4) Not later than 30 days after the termination of  
22 the resolution agreements described in paragraph (3), the  
23 Assistant Secretary for Civil Rights shall transmit to the  
24 Secretary, the President, and the Congress, and make  
25 publicly available on the Department’s website, the letter

1 terminating the Department of Education’s monitoring of  
2 such agreements.”; and

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

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

13 (b) INSPECTOR GENERAL.—Not later than one year  
14 after the date of enactment of this Act, the Inspector Gen-  
15 eral of the Department of Education shall submit to Con-  
16 gress and make publicly available a report reviewing com-  
17 pliance with paragraphs (3) and (4) of section 203(b) of  
18 the Department of Education Organization Act (20  
19 U.S.C. 3413(b)) and section 205(c) of such Act (20  
20 U.S.C. 3415), as added by subsection (a).

21 **SEC. 3. DISCLOSURES OF REQUESTS FOR EXEMPTIONS**  
22 **UNDER TITLE IX.**

23 Section 203(b) of the Department of Education Or-  
24 ganization Act (20 U.S.C. 3413(b)) is further amended  
25 by adding at the end the following new paragraph:

1           “(5) The Assistant Secretary for Civil Rights  
2           shall make publicly available on the Department’s  
3           website a list of institutions that have requested to  
4           be exempt from title IX of the Education Amend-  
5           ments of 1972 (20 U.S.C. 1681 et seq.).”.

6 **SEC. 4. AUTHORITY TO LEVY FINES.**

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

9           (1) by striking “and” at the end of paragraph  
10          (3);

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

13          (3) by adding at the end the following new  
14          paragraph:

15               “(5) to impose a civil penalty to be paid by an  
16               institution of higher education that has violated a  
17               law under the jurisdiction of the Office for Civil  
18               Rights, the amount of which shall be determined by  
19               the gravity of the violation, and the imposition of  
20               which shall not preclude other remedies available  
21               under Federal law.”.

22 **SEC. 5. CLIMATE SURVEYS.**

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

1           “(K) Beginning 18 months after the date of en-  
2           actment of the HALT Campus Sexual Violence Act,  
3           statistics based upon a sexual violence climate sur-  
4           vey conducted not later than one year after such  
5           date of enactment, and conducted, reviewed, and up-  
6           dated every 2 years thereafter—

7           “(i) which is developed and approved by  
8           the Secretary, in consultation with the Director  
9           of the Centers for Disease Control of the De-  
10          partment of Health and Human Services and  
11          the Attorney General, except that the National  
12          Intimate Partner and Sexual Violence Survey  
13          developed by the National Center for Injury  
14          Prevention and Control of the Centers for Dis-  
15          ease Control and Prevention may be used for  
16          purposes of this subparagraph until the sexual  
17          violence climate survey has been developed;

18          “(ii) which assesses the occurrence on cam-  
19          pus or in a noncampus building or property  
20          during the preceding calendar year for which  
21          data is available of—

22               “(I) instances of domestic violence,  
23               dating violence, sexual assault, sexual vio-  
24               lence, sexual harassment, and stalking;

1 “(II) whether the instances described  
2 in subclause (I) were experienced in-person  
3 or through electronic means;

4 “(III) indicators of discrimination,  
5 and positive and negative trends for inti-  
6 mate relationships that incorporates infor-  
7 mation about gender identity and sexual  
8 orientation;

9 “(IV) the effectiveness of campus sex-  
10 ual violence awareness and prevention pro-  
11 grams and policies for the overall student  
12 body and different student populations,  
13 such as students of color, students in the  
14 LGBTQ communities, immigrant students,  
15 pregnant and parenting students, and stu-  
16 dents with disabilities;

17 “(V) the effectiveness of current proc-  
18 esses for complaints on and investigations  
19 into sex-based, race-based, national origin-  
20 based, sexual orientation-based, gender  
21 identity-based, and disability-based harass-  
22 ment, assault, discrimination, domestic vio-  
23 lence, dating violence, and stalking;

24 “(VI) student’s awareness of campus  
25 policies and procedures, including the loca-

1           tion and process for accessing campus re-  
2           sources such as the title IX coordinator  
3           designated by the institution pursuant to  
4           title IX of the Education Amendments of  
5           1972;

6           “(VII) whether individuals impacted  
7           by sexual harassment, sexual violence, dis-  
8           crimination, domestic violence, dating vio-  
9           lence, and stalking have experienced nega-  
10          tive effects on their education, including  
11          diminished grades, dropped classes, leaves  
12          of absence;

13          “(VIII) whether individuals impacted  
14          by sexual harassment, sexual violence, dis-  
15          crimination, domestic violence, dating vio-  
16          lence, and stalking have experienced nega-  
17          tive financial consequences, including costs  
18          associated with loss in paid tuition due to  
19          leaves of absence, loss in scholarship  
20          awards due to diminished grades, coun-  
21          seling, medical services, or housing  
22          changes;

23          “(IX) what training is being provided  
24          to faculty and staff on policies and proce-  
25          dures pertaining to sexual harassment, sex-

1 ual violence, discrimination, domestic vio-  
2 lence, dating violence, and stalking, includ-  
3 ing best practices in prevention;

4 “(X) whether the perpetrator of sex-  
5 ual harassment, sexual violence, discrimi-  
6 nation, domestic violence, dating violence,  
7 and stalking was a student and other con-  
8 textual factors, such as whether force, in-  
9 capacitation, or coercion was involved;

10 “(XI) whether individuals impacted by  
11 sexual harassment, sexual violence, dis-  
12 crimination, domestic violence, dating vio-  
13 lence, and stalking reported such sexual  
14 harassment, sexual violence, discrimina-  
15 tion, domestic violence, dating violence,  
16 and stalking;

17 “(XII) if such an individual did so re-  
18 port, to whom they reported, and what re-  
19 sponse the survivor received;

20 “(XIII) if such an individual reported  
21 to the institution of higher education, did  
22 the institution conduct an investigation  
23 and how long did the investigation take;

24 “(XIV) campus community members’,  
25 such as students, full-time and part-time



1 staff and faculty, and administration offi-  
2 cials, attitudes toward sexual violence and  
3 harassment, including individuals' willing-  
4 ness to intervene as a bystander of sex-  
5 based, race-based, national origin-based,  
6 sexual orientation-based, gender identity-  
7 based, and disability-based discrimination,  
8 harassment, assault, domestic violence,  
9 dating violence, and stalking;

10 “(XV) campus community members’,  
11 such as students, full-time and part-time  
12 staff and faculty, and administration offi-  
13 cials, perception of campus safety and con-  
14 fidence in the institution’s ability to appro-  
15 priately address sex-based, race-based, na-  
16 tional origin-based, sexual orientation-  
17 based, gender identity-based, and dis-  
18 ability-based discrimination, harassment,  
19 assault, domestic violence, dating violence,  
20 and stalking; and

21 “(XVI) any other issues relating to  
22 sex-based, race-based, national origin-  
23 based, sexual orientation-based, gender  
24 identity-based, and disability-based dis-  
25 crimination, harassment, assault, domestic

1 violence, dating violence, and stalking, as  
2 appropriate; and  
3 “(iii) which shall be made publicly avail-  
4 able and readily accessible to and usable by in-  
5 dividuals, including individuals with disabilities,  
6 on the institution’s website, including on  
7 webpages directed at prospective and current  
8 students.”.

9 **SEC. 6. CREATION OF A PRIVATE RIGHT OF ACTION.**

10 Section 485(f)(14) of the Higher Education Act of  
11 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-  
12 lows:

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

19 “(B) This paragraph shall not be construed to pre-  
20 clude an aggrieved individual from obtaining other rem-  
21 edies under any other provision of law or to require such  
22 individual to exhaust any administrative complaint process  
23 or notice-of-claim requirement before seeking redress  
24 under this paragraph.

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

8 **SEC. 7. INCREASE OF CLERY ACT PENALTIES.**

9 Section 485(f)(13) of the Higher Education Act of  
10 1965 (20 U.S.C. 1092(f)(13)) is amended—

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

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

15 **SEC. 8. NOTIFICATION OF POLICIES AIMED AT PREVEN-**  
16 **TION OF SEXUAL VIOLENCE.**

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

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

23 “(i) written using simple and understandable  
24 language and clear formatting; and

1           “(ii) made widely available and posted on the  
2           institution’s public website in a manner that is read-  
3           ily accessible to and usable by individuals, including  
4           individuals with disabilities, and in conspicuous  
5           places, including places in and around student hous-  
6           ing, residence halls, student health centers, student  
7           recreation centers, the main student center on cam-  
8           pus, academic buildings, libraries, and athletic facili-  
9           ties, where students congregate and are likely to see  
10          it.

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

24          “(F) An institution’s compliance with subparagraph  
25       (E) with respect to an unaffiliated student group, student

1 team, or student organization shall not constitute evidence  
2 of the institution's recognition or endorsement of such un-  
3 affiliated group, team, or organization.”.

4 (b) COMPTROLLER GENERAL REVIEW.—Not later  
5 than August 1, 2021, the Comptroller General shall report  
6 to the Committee on Education and Labor of the House  
7 of Representatives and the Committee on Health, Edu-  
8 cation, Labor, and Pensions of the Senate on—

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

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

17 (B) how institutions of higher education  
18 are—

19 (i) distributing such statement of pol-  
20 icy; and

21 (ii) determining whether the policy is  
22 received and understood by students; and

23 (C) the Secretary of Education's oversight  
24 of the compliance of institutions of higher edu-  
25 cation with respect to the statement of policy

1 requirements under such section, including ef-  
2 forts, in consultation with the Attorney General,  
3 to provide technical assistance to institutions of  
4 higher education in complying with such re-  
5 quirements; and

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

14 **SEC. 9. CAMPUS SEXUAL VIOLENCE TASK FORCE.**

15 (a) CAMPUS SEXUAL VIOLENCE TASK FORCE.—Not  
16 later than September 1, 2021, the Secretary of Education,  
17 the Secretary of Health and Human Services, and the At-  
18 torney General shall establish a joint interagency task  
19 force to be known as the “Campus Sexual Violence Task  
20 Force” that shall—

21 (1) provide pertinent information to the Sec-  
22 retary of Education, Attorney General, Congress,  
23 and the public with respect to campus sexual vio-  
24 lence prevention, investigations, and responses, in-  
25 cluding the creation of consistent, public complaint

1 processes for violations of title IX of the Education  
2 Amendments of 1972 (20 U.S.C. 1681 et seq.) and  
3 section 485(f) of the Higher Education Act of 1965  
4 (20 U.S.C. 1092(f));

5 (2) provide recommendations to institutions of  
6 higher education for establishing sexual assault pre-  
7 vention and response teams;

8 (3) develop recommendations for institutions of  
9 higher education on providing survivor resources, in-  
10 cluding healthcare, sexual assault kits, sexual as-  
11 sault nurse examiners, culturally responsive and in-  
12 clusive standards of care, trauma-informed services,  
13 and access to confidential advocacy and support  
14 services;

15 (4) develop recommendations in conjunction  
16 with student groups at greater statistical risk of per-  
17 petuating rape culture such as fraternities and ath-  
18 letic departments for best practices for responses  
19 and prevention with respect to sexual violence and  
20 dating violence for educational institutions, taking  
21 into consideration an institution's size and resources;

22 (5) develop recommendations on culturally re-  
23 sponsive and inclusive approaches to supporting sur-  
24 vivors, which include consideration of race, ethnicity,  
25 national origin, immigrant status, gender identity,

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

3 (6) solicit periodic input from a diverse group  
4 of survivors, trauma specialists, advocates from na-  
5 tional, State, and local anti-sexual violence advocacy  
6 organizations, institutions of higher education, and  
7 other public stakeholders;

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 a component  
20 of any Federal agency that is funded under the Vio-  
21 lence Against Women Act of 1994 (42 U.S.C. 13925  
22 et seq.) may detail an officer or employee of such  
23 component 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 compo-  
2 nent 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 2021 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 2020 plus \$5,000,000.

(2) SECTION 485(f) OF THE HIGHER EDUCATION ACT OF 1965.—There is 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 year

2021 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 2020 plus \$5,000,000.

(f) DEFINITIONS.—In this section:

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

(2) The terms “elementary school” and “secondary school” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(4) The term “sexual assault” has the meaning of an offense that meets the definition of rape, fondling, incest, or statutory rape under—

(A) the Uniform Crime Report of the Federal Bureau of Investigation; and

(B) the final regulations published by the Department of Education in the Federal Register on October 20, 2014, for Appendix A of subpart D of part 668, Code of Federal Regulations (79 Fed. Reg. 62752).

1 **SEC. 10. 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).”.

○