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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R.

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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

Ms. SPEIER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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,*

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 (20 U.S.C. 3401 et seq.) 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 tigations, 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 one year  
10 after the date of enactment of this Act, the Inspector Gen-  
11 eral of the Department of Education shall submit to Con-  
12 gress and make publicly available a report reviewing com-  
13 pliance with paragraphs (3) and (4) of section 203(b) of  
14 the Department of Education Organization Act (20  
15 U.S.C. 3413(b)) and section 205(c) of such Act (20  
16 U.S.C. 3415), as added by subsection (a).

17 **SEC. 3. DISCLOSURES OF REQUESTS FOR EXEMPTIONS**  
18 **UNDER TITLE IX.**

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

22           “(5) The Assistant Secretary for Civil Rights  
23 shall make publicly available on the Department’s  
24 website a list of institutions that have requested to

1 be exempt from title IX of the Education Amend-  
2 ments of 1972 (20 U.S.C. 1681 et seq.).”.

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

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

6 (1) by striking “and” at the end of paragraph  
7 (3);

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

10 (3) by adding at the end the following new  
11 paragraph:

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

19 **SEC. 5. CLIMATE SURVEYS.**

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

23 “(K) Beginning 18 months after the date of en-  
24 actment of the HALT Campus Sexual Violence Act,  
25 statistics based upon a sexual violence climate sur-

1       vey conducted not later than one year after such  
2       date of enactment, and conducted, reviewed, and up-  
3       dated every 2 years thereafter—

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

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

19                      “(I) instances of domestic violence,  
20                      dating violence, sexual assault, sexual vio-  
21                      lence, sexual harassment, and stalking;

22                      “(II) whether the instances described  
23                      in subclause (I) were experienced in-person  
24                      or through electronic means;

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

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

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

21          “(VI) student’s awareness of campus  
22          policies and procedures, including the loca-  
23          tion and process for accessing campus re-  
24          sources such as the title IX coordinator  
25          designated by the institution pursuant to

1 title IX of the Education Amendments of  
2 1972;

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

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

20 “(IX) what training is being provided  
21 to faculty and staff on policies and proce-  
22 dures pertaining to sexual harassment, sex-  
23 ual violence, discrimination, domestic vio-  
24 lence, dating violence, and stalking, includ-  
25 ing best practices in prevention;

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

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

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

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

21          “(XIV) campus community members’,  
22          such as students, full-time and part-time  
23          staff and faculty, and administration offi-  
24          cials, attitudes toward sexual violence and  
25          harassment, including individuals’ willing-

1           ness to intervene as a bystander of sex-  
2           based, race-based, national origin-based,  
3           sexual orientation-based, gender identity-  
4           based, and disability-based discrimination,  
5           harassment, assault, domestic violence,  
6           dating violence, and stalking;

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

18          “(XVI) any other issues relating to  
19          sex-based, race-based, national origin-  
20          based, sexual orientation-based, gender  
21          identity-based, and disability-based dis-  
22          crimination, harassment, assault, domestic  
23          violence, dating violence, and stalking, as  
24          appropriate; and

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

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

8           Section 485(f)(14) of the Higher Education Act of  
9 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-  
10 lows:

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

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

23           “(C) For actions brought pursuant to this paragraph,  
24 the statute of limitations period shall be determined in ac-  
25 cordance with section 1658(a) of title 28, United States

1 Code. The tolling of any such limitations period shall be  
2 determined in accordance with section 1979 of the Revised  
3 Statutes of the United States (42 U.S.C. 1983) in the  
4 forum State.”.

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

6 Section 485(f)(13) of the Higher Education Act of  
7 1965 (20 U.S.C. 1092(f)(13)) is amended—

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

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

12 **SEC. 8. NOTIFICATION OF POLICIES AIMED AT PREVEN-**  
13 **TION OF SEXUAL VIOLENCE.**

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

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

20 “(i) written using simple and understandable  
21 language and clear formatting; and

22 “(ii) made widely available and posted on the  
23 institution’s public website in a manner that is read-  
24 ily accessible to and usable by individuals, including  
25 individuals with disabilities, and in conspicuous

1 places, including places in and around student hous-  
2 ing, residence halls, student health centers, student  
3 recreation centers, the main student center on cam-  
4 pus, academic buildings, libraries, and athletic facili-  
5 ties, where students congregate and are likely to see  
6 it.

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

20 “(F) An institution’s compliance with subparagraph  
21 (E) with respect to an unaffiliated student group, student  
22 team, or student organization shall not constitute evidence  
23 of the institution’s recognition or endorsement of such un-  
24 affiliated group, team, or organization.”.

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

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

10 (A) the extent to which institutions of  
11 higher education have developed the statement  
12 of policy required under subparagraph (A) of  
13 such section;

14 (B) how institutions of higher education  
15 are—

16 (i) distributing such statement of pol-  
17 icy; and

18 (ii) determining whether the policy is  
19 received and understood by students; and

20 (C) the Secretary of Education's oversight  
21 of the compliance of institutions of higher edu-  
22 cation with respect to the statement of policy  
23 requirements under such section, including ef-  
24 forts, in consultation with the Attorney General,  
25 to provide technical assistance to institutions of

1 higher education in complying with such re-  
2 quirements; and

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

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

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

18 (1) provide pertinent information to the Sec-  
19 retary of Education, Attorney General, Congress,  
20 and the public with respect to campus sexual vio-  
21 lence prevention, investigations, and responses, in-  
22 cluding the creation of consistent, public complaint  
23 processes for violations of title IX of the Education  
24 Amendments of 1972 (20 U.S.C. 1681 et seq.) and

1 section 485(f) of the Higher Education Act of 1965  
2 (20 U.S.C. 1092(f));

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

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

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

20 (5) develop recommendations on culturally re-  
21 sponsive and inclusive approaches to supporting sur-  
22 vivors, which include consideration of race, ethnicity,  
23 national origin, immigrant status, gender identity,  
24 sexual orientation, ability, socio-economic status, ex-  
25 posure to trauma, and other compounding factors;

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

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

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

15 (b) PERSONNEL DETAILS.—

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

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

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

4                   and

5                   (B) on a reimbursable or nonreimbursable  
6           basis.

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

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

23                   (2) an examination of issues of recruiting, re-  
24                  tention, and the professional development of such  
25                  workforce, including the possibility of providing re-

1       tention bonuses or other forms of compensation for  
2       the purpose of ensuring the Department of Edu-  
3       cation has the capacity, in both personnel and skills,  
4       needed to properly perform its mission and provide  
5       adequate oversight of educational institutions;

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

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

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

19       (d) ANNUAL REPORT.—The Campus Sexual Violence  
20       Task Force shall report to Congress on an annual basis,  
21       and make publicly available, a report of its activities and  
22       any update of the plan required under subsection (c), in-  
23       cluding the number of complaints received regarding sex-  
24       ual violence (including violence on the basis of sexual ori-  
25       entation and gender identity), the number of open inves-

1 tigungen, the average time to complete an investigation,  
2 the number of investigations initiated based on com-  
3 plaints, and the number of investigations initiated by the  
4 Department of Education.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) TITLE IX OF THE EDUCATION AMEND-  
7 MENTS OF 1972.—There are authorized to be appro-  
8 priated for training, hiring, and retaining a work-  
9 force exclusively dedicated to investigation and en-  
10 forcement of title IX of the Education Amendments  
11 of 1972 (20 U.S.C. 1681 et seq.) provisions with re-  
12 spect to sexual violence, for fiscal year 2021 and  
13 each of the 4 succeeding fiscal years, an amount  
14 that is equal to the sum of the amounts appro-  
15 priated for such purpose for fiscal year 2020 plus  
16 \$5,000,000.

17 (2) SECTION 485(f) OF THE HIGHER EDU-  
18 CATION ACT OF 1965.—There is authorized to be ap-  
19 propriated for training, hiring, and retaining a work-  
20 force exclusively dedicated to investigation and en-  
21 forcement of section 485(f) of the Higher Education  
22 Act of 1965 (20 U.S.C. 1092(f)), for fiscal year  
23 2021 and each of the 4 succeeding fiscal years, an  
24 amount that is equal to the sum of the amounts ap-

1       appropriated for such purpose for fiscal year 2020 plus  
2       \$5,000,000.

3       (f) DEFINITIONS.—In this section:

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

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

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

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

17                    (A) the Uniform Crime Report of the Fed-  
18                    eral Bureau of Investigation; and

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