

112TH CONGRESS
2D SESSION

S. 2285

To increase civil penalties for institutions of higher education that fail to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2012

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase civil penalties for institutions of higher education that fail to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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 “Michael Pohle Jr.
5 Campus Emergency Alert Act”.

1 **SEC. 2. LIABILITY AND PENALTY UNDER THE JEANNE**
 2 **CLERY DISCLOSURE OF CAMPUS SECURITY**
 3 **POLICY AND CAMPUS CRIME STATISTICS**
 4 **ACT.**

5 Section 485(f) of the Higher Education Act of 1965
 6 (20 U.S.C. 1092(f)) is amended by striking paragraph
 7 (13) and inserting the following:

8 “(13)(A) CIVIL PENALTY.—Notwithstanding
 9 section 487(c)(3)(B)(i), the Secretary shall impose a
 10 civil penalty upon an institution of higher education
 11 participating in any program under this title if such
 12 institution—

13 “(i) substantially misrepresents the num-
 14 ber, location, or nature of the crimes required
 15 to be reported under this subsection;

16 “(ii) fails to meet the requirement de-
 17 scribed in paragraph (1)(J)(i);

18 “(iii) fails to comply with the timely notifi-
 19 cation requirements of paragraph (3); or

20 “(iv) fails to comply with any other re-
 21 quirement under this subsection.

22 “(B) AMOUNT OF CIVIL PENALTY.—

23 “(i) MAXIMUM PENALTY PER VIOLA-
 24 TION.—Notwithstanding section
 25 487(c)(3)(B)(i), for each incident described in
 26 clauses (i) through (iv) of subparagraph (A),

1 the penalty described in such subparagraph
2 shall be in an amount equal to not more than
3 10 percent of the amount of funds that such in-
4 stitution of higher education has received from
5 the Department in the previous award year, ex-
6 cluding the amount received by such institution
7 under part D.

8 “(ii) MINIMUM PENALTY PER VIOLA-
9 TION.—Notwithstanding section
10 487(c)(3)(B)(i), for each incident described in
11 clauses (i) through (iii) of subparagraph (A),
12 the penalty described in such subparagraph
13 shall be in an amount equal to not less than 2
14 percent of the amount of funds that such insti-
15 tution of higher education has received from the
16 Department in the previous award year, exclud-
17 ing the amount received by such institution
18 under part D.

19 “(iii) LIMITATION ON THE TOTAL PENALTY
20 AMOUNT.—Notwithstanding clauses (i) and (ii),
21 the total amount of all penalties described in
22 this paragraph with respect to an institution of
23 higher education for an award year shall be in
24 an amount equal to not more than 10 percent
25 of the amount of all funds that such institution

1 of higher education has received from the De-
2 partment in the previous award year.

3 “(C) SPECIAL ACCOUNT.—The Secretary of the
4 Treasury shall establish a special account in the
5 Treasury for the civil penalty fees collected under
6 this paragraph. Revenues collected under such para-
7 graph shall be deposited in the special account and
8 remain available for expenditure, without further ap-
9 propriation and until expended. The Department
10 shall use the funds in such special account for activi-
11 ties relating to the promotion of campus safety.”.

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