

**AMENDMENT TO H.R. 5116, AS REPORTED
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

Page 246, after line 8, add the following new section:

1 **SEC. 704. INFORMATION REQUESTS BY LABOR ORGANIZA-**
2 **TIONS.**

3 (a) **ELIGIBILITY FOR FUNDS.**—Notwithstanding any
4 other provision of this Act, a public institution of higher
5 education that employs employees who are represented by
6 a labor organization and perform work on an activity or
7 program supported by this Act or an amendment made
8 by this Act shall be eligible to receive funding for facilities
9 and administrative costs for any activity or program sup-
10 ported by this Act or the amendments made by this Act
11 only if the institution maintains a policy that meets the
12 requirements set forth in subsection (b).

13 (b) **REQUIREMENTS.**—A policy described under sub-
14 section (a) shall require that the institution provide, within
15 15 days of receipt of a request by a labor organization
16 representing the employees of the institution described in
17 subsection (a), any information which the labor organiza-
18 tion has a lawful right to obtain under applicable labor

1 laws. Such a policy shall provide that, on a case-by-case
2 basis, such 15 days may be extended to a longer time pe-
3 riod by mutual agreement of the labor organization and
4 the institution.

5 (c) FAILURE TO COMPLY WITH POLICY.—

6 (1) COMPLAINT OF NONCOMPLIANCE.—In the
7 case of an institution of higher education that does
8 not provide information requested by a labor organi-
9 zation in compliance with the requirements of a pol-
10 icy described in subsections (a) and (b), the labor or-
11 ganization may file a complaint of noncompliance
12 with the head of the agency overseeing any activity
13 or program supported by this Act or the amend-
14 ments made by this Act for which the institution is
15 receiving funds.

16 (2) NOTIFICATION TO INSTITUTION.—Upon re-
17 ceiving such a complaint, the head of such agency
18 shall notify the institution of the complaint and pro-
19 vide the institution an additional 30 days to provide
20 the requested information to the labor organization
21 or otherwise explain why the complaint of non-com-
22 pliance is not valid.

23 (3) AGENCY ACTION.—If the information has
24 not been provided by the institution at the conclu-
25 sion of such 30 day period and the head of such

1 agency determines the complaint to be valid, the
2 head of such agency shall suspend payment of any
3 funds for facilities and administrative costs that
4 would otherwise be available to such institution for
5 all activities and programs supported by this Act
6 and the amendments made by this Act until such
7 time as the requested information has been provided
8 by the institution.

9 (d) DEFINITIONS.—For purposes of this section—

10 (1) the term “institution of higher education”
11 has the meaning given such term in section 101(a)
12 of the Higher Education Act of 1965 (20 U.S.C.
13 1001(a)), except that such term does not include a
14 private institution of higher education; and

15 (2) the term “facilities and administrative
16 costs” means facilities and administrative (F&A)
17 costs as defined in the Office of Management and
18 Budget Revised Circular A-21 (Cost Principles for
19 Educational Institutions, published in the Federal
20 Register on May 10, 2004).

21 (e) EFFECTIVE DATE.—This section shall take effect
22 on January 1, 2011.

