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H. R. 36

[Report No. 116-]

To provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce and to examine policies to reduce the prevalence and negative impact of such harassment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Ms. JOHNSON of Texas (for herself and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

JUNE --, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 3, 2019]

A BILL

To provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce and to examine policies to reduce the prevalence and negative impact of such harassment, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Combating Sexual Harassment in Science Act of 2019”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Research grants.

Sec. 5. Data collection.

Sec. 6. Responsible conduct guide.

Sec. 7. Interagency working group.

Sec. 8. National academies assessment.

Sec. 9. Authorization of appropriations.

8 **SEC. 2. FINDINGS.**

9 *Congress makes the following findings:*

10 (1) *According to the report issued by the Na-*
11 *tional Academies of Sciences, Engineering, and Medi-*
12 *cine in 2018 entitled “Sexual Harassment of Women:*
13 *Climate, Culture, and Consequences in Academic*
14 *Sciences, Engineering, and Medicine”—*

15 (A) *sexual harassment is pervasive in insti-*
16 *tutions of higher education;*

17 (B) *the most common type of sexual harass-*
18 *ment is gender harassment, which includes*
19 *verbal and nonverbal behaviors that convey in-*
20 *sulting, hostile, and degrading attitudes about*
21 *members of one gender;*

1 (C) 58 percent of individuals in the aca-
2 demic workplace experience sexual harassment,
3 the second highest rate when compared to the
4 military, the private sector, and Federal, State,
5 and local government;

6 (D) women who are members of racial or
7 ethnic minority groups are more likely to experi-
8 ence sexual harassment and to feel unsafe at
9 work than White women, White men, or men
10 who are members of such groups;

11 (E) the training for each individual who
12 has a doctor of philosophy in the science, tech-
13 nology, engineering, and mathematics fields is
14 estimated to cost approximately \$500,000; and

15 (F) attrition of an individual so trained re-
16 sults in a loss of talent and money.

17 (2) Sexual harassment undermines career ad-
18 vancement for women.

19 (3) According to a 2017 University of Illinois
20 study, among astronomers and planetary scientists,
21 18 percent of women who are members of racial or
22 ethnic minority groups and 12 percent of White
23 women skipped professional events because they did
24 not feel safe attending.

1 (4) *Many women report leaving employment at*
2 *institutions of higher education due to sexual harass-*
3 *ment.*

4 (5) *Research shows the majority of individuals*
5 *do not formally report experiences of sexual harass-*
6 *ment due to a justified fear of retaliation or other*
7 *negative professional or personal consequences.*

8 (6) *Reporting procedures with respect to such*
9 *harassment are inconsistent among Federal science*
10 *agencies and have varying degrees of accessibility.*

11 (7) *There is not adequate communication among*
12 *Federal science agencies and between such agencies*
13 *and grantees regarding reports of sexual harassment,*
14 *which has resulted in harassers receiving Federal*
15 *funding after moving to a different institution.*

16 **SEC. 3. DEFINITIONS.**

17 *In this Act:*

18 (1) *ACADEMIES.*—*The term “Academies” means*
19 *the National Academies of Sciences, Engineering, and*
20 *Medicine.*

21 (2) *DIRECTOR.*—*The term “Director” means the*
22 *Director of the National Science Foundation.*

23 (3) *FEDERAL SCIENCE AGENCY.*—*The term “Fed-*
24 *eral science agency” means any Federal agency with*

1 *an annual extramural research expenditure of over*
2 *\$100,000,000.*

3 (4) *FINDING OR DETERMINATION.*—*The term*
4 *“finding or determination” means the final disposi-*
5 *tion of a matter involving a violation of organiza-*
6 *tional policies and processes, to include the exhaus-*
7 *tion of permissible appeals, or a conviction of a sex-*
8 *ual offense in a criminal court of law.*

9 (5) *GENDER HARASSMENT.*—*The term “gender*
10 *harassment” means verbal and nonverbal behaviors*
11 *that convey hostility, objectification, exclusion, or sec-*
12 *ond-class status about one’s gender, gender identity,*
13 *gender presentation, sexual orientation, or pregnancy*
14 *status.*

15 (6) *GRANTEE.*—*The term “grantee” means the*
16 *legal entity to which a grant is awarded and that is*
17 *accountable to the Federal Government for the use of*
18 *the funds provided.*

19 (7) *GRANT PERSONNEL.*—*The term “grant per-*
20 *sonnel” means principal investigators, co-principal*
21 *investigators, postdoctoral researchers and other em-*
22 *ployees supported by a grant award, cooperative*
23 *agreement, or contract under Federal law.*

24 (8) *INSTITUTION OF HIGHER EDUCATION.*—*The*
25 *term “institution of higher education” has the mean-*

1 *ing given such term in section 101 of the Higher Edu-*
2 *cation Act of 1965 (20 U.S.C. 1001).*

3 (9) *SEXUAL HARASSMENT.—The term “sexual*
4 *harassment” means conduct that encompasses—*

5 (A) *unwelcome sexual advances;*

6 (B) *unwanted physical contact that is sex-*
7 *ual in nature, including assault;*

8 (C) *unwanted sexual attention, including*
9 *sexual comments and propositions for sexual ac-*
10 *tivity;*

11 (D) *conditioning professional or educational*
12 *benefits on sexual activity; and*

13 (E) *retaliation for rejecting unwanted sex-*
14 *ual attention.*

15 (10) *STEM.—The term “STEM” means science,*
16 *technology, engineering, and mathematics, including*
17 *computer science.*

18 **SEC. 4. RESEARCH GRANTS.**

19 (a) *IN GENERAL.—The Director shall establish a pro-*
20 *gram to award grants, on a competitive basis, to institu-*
21 *tions of higher education or nonprofit organizations (or*
22 *consortia of such institutions or organizations)—*

23 (1) *to expand research efforts to better under-*
24 *stand the factors contributing to, and consequences of,*
25 *sexual harassment and gender harassment affecting*

1 *individuals in the STEM workforce, including stu-*
2 *dents and trainees; and*

3 *(2) to examine interventions to reduce the inci-*
4 *dence and negative consequences of such harassment.*

5 *(b) USE OF FUNDS.—Activities funded by a grant*
6 *under this section may include—*

7 *(1) research on the sexual harassment and gen-*
8 *der harassment experiences of individuals in under-*
9 *represented or vulnerable groups, including racial*
10 *and ethnic minority groups, disabled individuals, for-*
11 *foreign nationals, sexual- and gender-minority individ-*
12 *uals, and others;*

13 *(2) development and assessment of policies, pro-*
14 *cedures, trainings, and interventions, with respect to*
15 *sexual harassment and gender harassment, conflict*
16 *management, and ways to foster respectful and inclu-*
17 *sive climates;*

18 *(3) research on approaches for remediating the*
19 *negative impacts and outcomes of such harassment on*
20 *individuals experiencing such harassment;*

21 *(4) support for institutions of higher education*
22 *to develop, adapt, and assess the impact of innova-*
23 *tive, evidence-based strategies, policies, and ap-*
24 *proaches to policy implementation to prevent and ad-*
25 *dress sexual harassment and gender harassment;*

1 (5) *research on alternatives to the hierarchical*
2 *and dependent relationships, including but not lim-*
3 *ited to the mentor-mentee relationship, in academia*
4 *that have been shown to create higher levels of risk for*
5 *sexual harassment and gender harassment; and*

6 (6) *establishing a center for the ongoing compila-*
7 *tion, management, and analysis of campus climate*
8 *survey data.*

9 **SEC. 5. DATA COLLECTION.**

10 *Not later than 180 days after the date of enactment*
11 *of this Act, the Director shall convene a working group com-*
12 *posed of representatives of Federal statistical agencies—*

13 (1) *to develop questions on sexual harassment*
14 *and gender harassment in STEM departments to*
15 *gather national data on the prevalence, nature, and*
16 *implications of sexual harassment and gender harass-*
17 *ment in institutions of higher education; and*

18 (2) *to include such questions as appropriate,*
19 *with sufficient protections of the privacy of respond-*
20 *ents, in relevant surveys conducted by the National*
21 *Center for Science and Engineering Statistics and*
22 *other relevant entities.*

23 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

24 (a) *IN GENERAL.—Not later than 180 days after the*
25 *date of enactment of this Act, the Director shall enter into*

1 *an agreement with the Academies to update the report enti-*
2 *tled “On Being a Scientist: A Guide to Responsible Conduct*
3 *in Research” issued by the Academies. The report, as so*
4 *updated, shall include—*

5 *(1) updated professional standards of conduct in*
6 *research;*

7 *(2) standards of treatment individuals can ex-*
8 *pect to receive under such updated standards of con-*
9 *duct;*

10 *(3) evidence-based practices for fostering a cli-*
11 *mate intolerant of sexual harassment and gender har-*
12 *assment;*

13 *(4) methods, including bystander intervention,*
14 *for identifying and addressing incidents of sexual*
15 *harassment and gender harassment; and*

16 *(5) professional standards for mentorship and*
17 *teaching with an emphasis on preventing sexual har-*
18 *assment and gender harassment.*

19 *(b) RECOMMENDATIONS.—In updating the report*
20 *under subsection (a), the Academies shall take into account*
21 *recommendations made in the report issued by the Acad-*
22 *emies in 2018 entitled “Sexual Harassment of Women: Cli-*
23 *mate, Culture, and Consequences in Academic Sciences, En-*
24 *gineering, and Medicine” and other relevant studies and*
25 *evidence.*

1 (c) *REPORT.*—Not later than 18 months after the effec-
2 tive date of the contract under subsection (a), the Acad-
3 emies, as part of such agreement, shall submit to the Direc-
4 tor and the Committee on Science, Space, and Technology
5 of the House of Representatives and the Committee on Com-
6 merce, Science, and Transportation of the Senate the report
7 referred to in such subsection, as updated pursuant to such
8 subsection.

9 **SEC. 7. INTERAGENCY WORKING GROUP.**

10 (a) *IN GENERAL.*—The Director of the Office of Science
11 and Technology Policy, acting through the National Science
12 and Technology Council, shall establish an interagency
13 working group for the purpose of coordinating Federal
14 science agency efforts to reduce the prevalence of sexual har-
15 assment and gender harassment involving grant personnel.
16 The working group shall be chaired by the Director of the
17 Office of Science and Technology Policy (or the Director's
18 designee) and shall include a representative from each Fed-
19 eral science agency with annual extramural research ex-
20 penditures totaling over \$1,000,000,000, a representative
21 from the Department of Education, and a representative
22 from the U.S. Equal Employment Opportunity Commis-
23 sion.

24 (b) *RESPONSIBILITIES OF WORKING GROUP.*—The
25 interagency working group established under subsection (a)

1 *shall coordinate Federal science agency efforts to implement*
2 *the policy guidelines developed under subsection (c)(2).*

3 *(c) RESPONSIBILITIES OF OSTP.—The Director of the*
4 *Office of Science and Technology Policy shall—*

5 *(1) not later than 90 days after the date of the*
6 *enactment of this Act, submit to the Committee on*
7 *Science, Space, and Technology of the House of Rep-*
8 *resentatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate an inven-*
10 *tory of policies, procedures, and resources dedicated to*
11 *preventing and responding to reports of sexual har-*
12 *assment and gender harassment at Federal agencies*
13 *that provide legal definitions to which institutions of*
14 *higher education must comply; and*

15 *(2) not later than 6 months after the date on*
16 *which the inventory is submitted under paragraph*
17 *(1)—*

18 *(A) in consultation with outside stake-*
19 *holders and Federal science agencies, develop a*
20 *uniform set of policy guidelines for Federal*
21 *science agencies; and*

22 *(B) submit a report to the committees re-*
23 *ferred to in paragraph (1) containing such*
24 *guidelines;*

1 (3) encourage and monitor efforts of Federal
2 science agencies to develop or maintain and imple-
3 ment policies based on the guidelines developed under
4 paragraph (2), including the extent to which Federal
5 science agency policies depart from the uniform pol-
6 icy guidelines;

7 (4) not later than 1 year after the date on which
8 the inventory under paragraph (1) is submitted, and
9 every 5 years thereafter, the Director of the Office of
10 Science and Technology Policy shall report to Con-
11 gress on the implementation by Federal science agen-
12 cies of the policy guidelines developed under para-
13 graph (2); and

14 (5) update such policy guidelines as needed.

15 (d) *REQUIREMENTS.*—In developing policy guidelines
16 under subsection (c)(2), the Director of the Office of Science
17 and Technology Policy shall include guidelines that re-
18 quire—

19 (1) grantees to submit to the Federal science
20 agency or agencies from which the grantees receive
21 funding reports relating to—

22 (A) administrative action, related to an al-
23 legation against grant personnel of any sexual
24 harassment or gender harassment, as set forth in
25 organizational policies or codes of conduct, stat-

1 *utes, regulations, or executive orders, that affects*
2 *the ability of grant personnel or their trainees to*
3 *carry out the activities of the grant; and*

4 *(B) findings or determinations against*
5 *grant personnel of sexual harassment or gender*
6 *harassment, as set forth in organizational poli-*
7 *cies or codes of conduct, statutes, regulations, or*
8 *executive orders, including any findings or deter-*
9 *minations related to reports submitted under*
10 *subparagraph (A) and any disciplinary action*
11 *that was taken;*

12 *(2) the sharing, updating, and archiving of re-*
13 *ports of sexual harassment and gender harassment*
14 *from grantees submitted under paragraph (1)(B) with*
15 *relevant Federal science agencies on a quarterly basis;*
16 *and*

17 *(3) to the extent practicable, ensure consistency*
18 *among Federal agencies with regards to the policies*
19 *and procedures for receiving reports submitted pursu-*
20 *ant to paragraph (1), which may include the designa-*
21 *tion of a single agency to field reports so submitted.*

22 *(e) CONSIDERATIONS.—In developing policy guidelines*
23 *under subsection (c)(2), the Director of the Office of Science*
24 *and Technology Policy shall consider guidelines that require*
25 *or incentivize—*

1 (1) grantees to periodically assess their organiza-
2 tional climate, which may include the use of climate
3 surveys, focus groups, or exit interviews;

4 (2) grantees to publish on a publicly available
5 internet website the results of assessments conducted
6 pursuant to paragraph (1), disaggregated by gender
7 and, if possible, race, ethnicity, disability status, and
8 sexual orientation;

9 (3) grantees to make public on an annual basis
10 the number of reports of sexual harassment and gen-
11 der harassment at each such institution;

12 (4) grantees to regularly assess and improve
13 policies, procedures, and interventions to reduce the
14 prevalence of sexual harassment and gender harass-
15 ment;

16 (5) each grantee to demonstrate in its proposal
17 for a grant award, cooperative agreement, or contract
18 that a code of conduct is in place for maintaining a
19 healthy and welcoming workplace for grant personnel
20 and their trainees;

21 (6) the diffusion of the hierarchical and depend-
22 ent relationships between grant personnel and their
23 trainees;

24 (7) each grantee and Federal science agency to
25 have in place mechanisms for the re-integration of in-

1 *dividuals who have experienced sexual harassment*
2 *and gender harassment; and*

3 *(8) grantees to work to create a climate intoler-*
4 *ant of sexual harassment and gender harassment.*

5 *(f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—*
6 *Each Federal science agency shall—*

7 *(1) develop or maintain and implement policies*
8 *with respect to sexual harassment and gender harass-*
9 *ment that are consistent with policy guidelines under*
10 *subsection (c)(2) and that protect the privacy of all*
11 *parties involved in any report and investigation of*
12 *sexual harassment and gender harassment, except to*
13 *the extent necessary to carry out an investigation;*
14 *and*

15 *(2) broadly disseminate such policies to current*
16 *and potential recipients of research grants, coopera-*
17 *tive agreements, or contracts awarded by such agency.*

18 *(g) FERPA.—The Director of the Office of Science and*
19 *Technology Policy shall ensure that such guidelines and re-*
20 *quirements are consistent with the requirements of section*
21 *444 of the General Education Provisions Act (20 U.S.C.*
22 *1232g) (commonly referred to as the “Family Educational*
23 *Rights and Privacy Act of 1974”).*

1 (h) *SUNSET.*—*The interagency working group estab-*
2 *lished under subsection (a) shall terminate on the date that*
3 *is 7 years after the date of the enactment of this Act.*

4 **SEC. 8. NATIONAL ACADEMIES ASSESSMENT.**

5 (a) *IN GENERAL.*—*Not later than 3 years after the*
6 *date of enactment of this Act, the Director shall enter into*
7 *an agreement with the Academies to undertake a study of*
8 *the influence of sexual harassment and gender harassment*
9 *in institutions of higher education on the career advance-*
10 *ment of individuals in the STEM workforce. The study shall*
11 *assess—*

12 (1) *the state of research on sexual harassment*
13 *and gender harassment in such workforce;*

14 (2) *whether research demonstrates a change in*
15 *the prevalence of sexual harassment and gender har-*
16 *assment in such workforce;*

17 (3) *the progress made with respect to imple-*
18 *menting recommendations promulgated in the Acad-*
19 *emies consensus study report entitled “Sexual Harass-*
20 *ment of Women: Climate, Culture, and Consequences*
21 *in Academic Sciences, Engineering, and Medicine”;*
22 *and*

23 (4) *where to focus future efforts with respect to*
24 *decreasing sexual harassment and gender harassment*
25 *in such institutions.*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to the Director*

3 *to carry out this Act, \$17,500,000.*