

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 36 OFFERED
BY Ms. Johnson

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) According to the report issued by the Na-
9 tional Academies of Sciences, Engineering, and Med-
10 icine in 2018 entitled “Sexual Harassment of
11 Women: Climate, Culture, and Consequences in Aca-
12 demic Sciences, Engineering, and Medicine”—

1 (A) sexual harassment is pervasive in insti-
2 tutions of higher education;

3 (B) the most common type of sexual har-
4 assment is gender harassment, which includes
5 verbal and nonverbal behaviors that convey in-
6 sulting, hostile, and degrading attitudes about
7 members of one gender;

8 (C) 58 percent of individuals in the aca-
9 demic workplace experience sexual harassment,
10 the second highest rate when compared to the
11 military, the private sector, and Federal, State,
12 and local government;

13 (D) women who are members of racial or
14 ethnic minority groups are more likely to expe-
15 rience sexual harassment and to feel unsafe at
16 work than White women, White men, or men
17 who are members of such groups;

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

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

24 (2) Sexual harassment undermines career ad-
25 vancement for women.

1 (3) According to a 2017 University of Illinois
2 study, among astronomers and planetary scientists,
3 18 percent of women who are members of racial or
4 ethnic minority groups and 12 percent of White
5 women skipped professional events because they did
6 not feel safe attending.

7 (4) Many women report leaving employment at
8 institutions of higher education due to sexual har-
9 assment.

10 (5) Research shows the majority of individuals
11 do not formally report experiences of sexual harass-
12 ment due to a justified fear of retaliation or other
13 negative professional or personal consequences.

14 (6) Reporting procedures with respect to such
15 harassment are inconsistent among Federal science
16 agencies and have varying degrees of accessibility.

17 (7) There is not adequate communication
18 among Federal science agencies and between such
19 agencies and grantees regarding reports of sexual
20 harassment, which has resulted in harassers receiv-
21 ing Federal funding after moving to a different in-
22 stitution.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) ACADEMIES.—The term “Academies”
2 means the National Academies of Sciences, Engi-
3 neering, and Medicine.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the National Science Foundation.

6 (3) FEDERAL SCIENCE AGENCY.—The term
7 “Federal science agency” means any Federal agency
8 with an annual extramural research expenditure of
9 over \$100,000,000.

10 (4) FINDING OR DETERMINATION.—The term
11 “finding or determination” means the final disposi-
12 tion of a matter involving a violation of organiza-
13 tional policies and processes, to include the exhaus-
14 tion of permissible appeals, or a conviction of a sex-
15 ual offense in a criminal court of law.

16 (5) GENDER HARASSMENT.—The term “gender
17 harassment” means verbal and nonverbal behaviors
18 that convey hostility, objectification, exclusion, or
19 second-class status about one’s gender, gender iden-
20 tity, gender presentation, sexual orientation, or preg-
21 nancy status.

22 (6) GRANTEE.—The term “grantee” means the
23 legal entity to which a grant is awarded and that is
24 accountable to the Federal Government for the use
25 of the funds provided.

1 (7) GRANT PERSONNEL.—The term “grant per-
2 sonnel” means principal investigators, co-principal
3 investigators, postdoctoral researchers and other em-
4 ployees supported by a grant award, cooperative
5 agreement, or contract under Federal law.

6 (8) INSTITUTION OF HIGHER EDUCATION.—The
7 term “institution of higher education” has the
8 meaning given such term in section 101 of the High-
9 er Education Act of 1965 (20 U.S.C. 1001).

10 (9) SEXUAL HARASSMENT.—The term “sexual
11 harassment” means conduct that encompasses—

12 (A) unwelcome sexual advances;

13 (B) unwanted physical contact that is sex-
14 ual in nature, including assault;

15 (C) unwanted sexual attention, including
16 sexual comments and propositions for sexual ac-
17 tivity;

18 (D) conditioning professional or edu-
19 cational benefits on sexual activity; and

20 (E) retaliation for rejecting unwanted sex-
21 ual attention.

22 (10) STEM.—The term “STEM” means
23 science, technology, engineering, and mathematics,
24 including computer science.

1 **SEC. 4. RESEARCH GRANTS.**

2 (a) IN GENERAL.—The Director shall establish a pro-
3 gram to award grants, on a competitive basis, to institu-
4 tions of higher education or nonprofit organizations (or
5 consortia of such institutions or organizations)—

6 (1) to expand research efforts to better under-
7 stand the factors contributing to, and consequences
8 of, sexual harassment and gender harassment affect-
9 ing individuals in the STEM workforce, including
10 students and trainees; and

11 (2) to examine interventions to reduce the inci-
12 dence and negative consequences of such harass-
13 ment.

14 (b) USE OF FUNDS.—Activities funded by a grant
15 under this section may include—

16 (1) research on the sexual harassment and gen-
17 der harassment experiences of individuals in under-
18 represented or vulnerable groups, including racial
19 and ethnic minority groups, disabled individuals, for-
20 eign nationals, sexual- and gender-minority individ-
21 uals, and others;

22 (2) development and assessment of policies,
23 procedures, trainings, and interventions, with respect
24 to sexual harassment and gender harassment, con-
25 flict management, and ways to foster respectful and
26 inclusive climates;

1 (3) research on approaches for remediating the
2 negative impacts and outcomes of such harassment
3 on individuals experiencing such harassment;

4 (4) support for institutions of higher education
5 to develop, adapt, and assess the impact of innova-
6 tive, evidence-based strategies, policies, and ap-
7 proaches to policy implementation to prevent and
8 address sexual harassment and gender harassment;

9 (5) research on alternatives to the hierarchical
10 and dependent relationships, including but not lim-
11 ited to the mentor-mentee relationship, in academia
12 that have been shown to create higher levels of risk
13 for sexual harassment and gender harassment; and

14 (6) establishing a center for the ongoing com-
15 pilation, management, and analysis of campus cli-
16 mate survey data.

17 **SEC. 5. DATA COLLECTION.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Director shall convene a working group
20 composed of representatives of Federal statistical agen-
21 cies—

22 (1) to develop questions on sexual harassment
23 and gender harassment in STEM departments to
24 gather national data on the prevalence, nature, and

1 implications of sexual harassment and gender har-
2 assment in institutions of higher education; and

3 (2) to include such questions as appropriate,
4 with sufficient protections of the privacy of respon-
5 dents, in relevant surveys conducted by the National
6 Center for Science and Engineering Statistics and
7 other relevant entities.

8 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Director shall enter into
11 an agreement with the Academies to update the report en-
12 titled “On Being a Scientist: A Guide to Responsible Con-
13 duct in Research” issued by the Academies. The report,
14 as so updated, shall include—

15 (1) updated professional standards of conduct
16 in research;

17 (2) standards of treatment individuals can ex-
18 pect to receive under such updated standards of con-
19 duct;

20 (3) evidence-based practices for fostering a cli-
21 mate intolerant of sexual harassment and gender
22 harassment;

23 (4) methods, including bystander intervention,
24 for identifying and addressing incidents of sexual
25 harassment and gender harassment; and

1 (5) professional standards for mentorship and
2 teaching with an emphasis on preventing sexual har-
3 assment and gender harassment.

4 (b) RECOMMENDATIONS.—In updating the report
5 under subsection (a), the Academies shall take into ac-
6 count recommendations made in the report issued by the
7 Academies in 2018 entitled “Sexual Harassment of
8 Women: Climate, Culture, and Consequences in Academic
9 Sciences, Engineering, and Medicine” and other relevant
10 studies and evidence.

11 (c) REPORT.—Not later than 18 months after the ef-
12 fective date of the contract under subsection (a), the Acad-
13 emies, as part of such agreement, shall submit to the Di-
14 rector and the Committee on Science, Space, and Tech-
15 nology of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 the report referred to in such subsection, as updated pur-
18 suant to such subsection.

19 **SEC. 7. INTERAGENCY WORKING GROUP.**

20 (a) IN GENERAL.—The Director of the Office of
21 Science and Technology Policy, acting through the Na-
22 tional Science and Technology Council, shall establish an
23 interagency working group for the purpose of coordinating
24 Federal science agency efforts to reduce the prevalence of
25 sexual harassment and gender harassment involving grant

1 personnel. The working group shall be chaired by the Di-
2 rector of the Office of Science and Technology Policy (or
3 the Director's designee) and shall include a representative
4 from each Federal science agency with annual extramural
5 research expenditures totaling over \$1,000,000,000, a rep-
6 resentative from the Department of Education, and a rep-
7 resentative from the U.S. Equal Employment Opportunity
8 Commission.

9 (b) RESPONSIBILITIES OF WORKING GROUP.—The
10 interagency working group established under subsection
11 (a) shall coordinate Federal science agency efforts to im-
12 plement the policy guidelines developed under subsection
13 (c)(2).

14 (c) RESPONSIBILITIES OF OSTP.—The Director of
15 the Office of Science and Technology Policy shall—

16 (1) not later than 90 days after the date of the
17 enactment of this Act, submit to the Committee on
18 Science, Space, and Technology of the House of
19 Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate an inven-
21 tory of policies, procedures, and resources dedicated
22 to preventing and responding to reports of sexual
23 harassment and gender harassment at Federal agen-
24 cies that provide legal definitions to which institu-
25 tions of higher education must comply; and

1 (2) not later than 6 months after the date on
2 which the inventory is submitted under paragraph
3 (1)—

4 (A) in consultation with outside stake-
5 holders and Federal science agencies, develop a
6 uniform set of policy guidelines for Federal
7 science agencies; and

8 (B) submit a report to the committees re-
9 ferred to in paragraph (1) containing such
10 guidelines;

11 (3) encourage and monitor efforts of Federal
12 science agencies to develop or maintain and imple-
13 ment policies based on the guidelines developed
14 under paragraph (2), including the extent to which
15 Federal science agency policies depart from the uni-
16 form policy guidelines;

17 (4) not later than 1 year after the date on
18 which the inventory under paragraph (1) is sub-
19 mitted, and every 5 years thereafter, the Director of
20 the Office of Science and Technology Policy shall re-
21 port to Congress on the implementation by Federal
22 science agencies of the policy guidelines developed
23 under paragraph (2); and

24 (5) update such policy guidelines as needed.

1 (d) REQUIREMENTS.—In developing policy guidelines
2 under subsection (c)(2), the Director of the Office of
3 Science and Technology Policy shall include guidelines
4 that require—

5 (1) grantees to submit to the Federal science
6 agency or agencies from which the grantees receive
7 funding reports relating to—

8 (A) administrative action, related to an al-
9 legation against grant personnel of any sexual
10 harassment or gender harassment, as set forth
11 in organizational policies or codes of conduct,
12 statutes, regulations, or executive orders; and

13 (B) findings or determinations against
14 grant personnel of sexual harassment or gender
15 harassment, as set forth in organizational poli-
16 cies or codes of conduct, statutes, regulations,
17 or executive orders, including any findings or
18 determinations related to reports submitted
19 under subparagraph (A) and any disciplinary
20 action that was taken;

21 (2) the sharing, updating, and archiving of re-
22 ports of sexual harassment and gender harassment
23 from grantees submitted under paragraph (1)(B)
24 with relevant Federal science agencies on a quarterly
25 basis; and

1 (3) to the extent practicable, ensure consistency
2 among Federal agencies with regards to the policies
3 and procedures for receiving reports submitted pur-
4 suant to paragraph (1), which may include the des-
5 ignation of a single agency to field reports so sub-
6 mitted.

7 (e) CONSIDERATIONS.—In developing policy guide-
8 lines under subsection (c)(2), the Director of the Office
9 of Science and Technology Policy shall consider guidelines
10 that require or incentivize—

11 (1) grantees to periodically assess their organi-
12 zational climate, which may include the use of cli-
13 mate surveys, focus groups, or exit interviews;

14 (2) grantees to publish on a publicly available
15 internet website the results of assessments con-
16 ducted pursuant to paragraph (1), disaggregated by
17 gender and, if possible, race, ethnicity, disability sta-
18 tus, and sexual orientation;

19 (3) grantees to make public on an annual basis
20 the number of reports of sexual harassment and
21 gender harassment at each such institution;

22 (4) grantees to regularly assess and improve
23 policies, procedures, and interventions to reduce the
24 prevalence of sexual harassment and gender harass-
25 ment;

1 (5) each grantee to demonstrate in its proposal
2 for a grant award, cooperative agreement, or con-
3 tract that a code of conduct is in place for maintain-
4 ing a healthy and welcoming workplace for grant
5 personnel and their trainees;

6 (6) diffuse the hierarchical and dependent rela-
7 tionships between grant personnel and their trainees;
8 and

9 (7) grantees working to create a climate intoler-
10 ant of sexual harassment and gender harassment.

11 (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

12 Each Federal science agency shall—

13 (1) develop or maintain and implement policies
14 with respect to sexual harassment and gender har-
15 assment that are consistent with policy guidelines
16 under subsection (c)(2) and that protect the privacy
17 of all parties involved in any report and investigation
18 of sexual harassment and gender harassment, except
19 to the extent necessary to carry out an investigation;
20 and

21 (2) broadly disseminate such policies to current
22 and potential recipients of research grants, coopera-
23 tive agreements, or contracts awarded by such agen-
24 cy.

1 (g) FERPA.—The Director of the Office of Science
2 and Technology Policy shall ensure that such guidelines
3 and requirements are consistent with the requirements of
4 section 444 of the General Education Provisions Act (20
5 U.S.C. 1232g) (commonly referred to as the “Family Edu-
6 cational Rights and Privacy Act of 1974”).

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

11 **SEC. 8. NATIONAL ACADEMIES ASSESSMENT.**

12 (a) IN GENERAL.—Not later than 3 years after the
13 date of enactment of this Act, the Director shall enter into
14 an agreement with the Academies to undertake a study
15 of the influence of sexual harassment and gender harass-
16 ment in institutions of higher education on the career ad-
17 vancement of individuals in the STEM workforce. The
18 study shall assess—

19 (1) the state of research on sexual harassment
20 and gender harassment in such workforce;

21 (2) whether research demonstrates a change in
22 the prevalence of sexual harassment and gender har-
23 assment in such workforce;

24 (3) the progress made with respect to imple-
25 menting recommendations promulgated in the Acad-

1 emies consensus study report entitled “Sexual Har-
2 assment of Women: Climate, Culture, and Con-
3 sequences in Academic Sciences, Engineering, and
4 Medicine”; and

5 (4) where to focus future efforts with respect to
6 decreasing sexual harassment and gender harass-
7 ment in such institutions.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated to the Direc-
10 tor to carry out this Act, \$17,500,000.

Amend the title so as to read: “A bill to provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the STEM workforce and to examine policies to reduce the prevalence and negative impact of such harassment, and for other purposes.”.

