

116TH CONGRESS  
1ST SESSION

# H. R. 36

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IN THE SENATE OF THE UNITED STATES

JULY 24, 2019

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

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 Med-  
 12       icine in 2018 entitled “Sexual Harassment of  
 13       Women: Climate, Culture, and Consequences in Aca-  
 14       demic 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 har-  
 18       assment 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 expe-  
8 rience 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 har-  
3           assment.

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  
12          among Federal science agencies and between such  
13          agencies and grantees regarding reports of sexual  
14          harassment, which has resulted in harassers receiv-  
15          ing Federal funding after moving to a different in-  
16          stitution.

17 **SEC. 3. DEFINITIONS.**

18       In this Act:

19           (1) **ACADEMIES.**—The term “Academies”  
20           means the National Academies of Sciences, Engi-  
21           neering, and Medicine.

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

24           (3) **FEDERAL SCIENCE AGENCY.**—The term  
25           “Federal science agency” means any Federal agency

1 with an annual extramural research expenditure of  
2 over \$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  
12 second-class status about one’s gender, gender iden-  
13 tity, gender presentation, sexual orientation, or preg-  
14 nancy 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  
18 of 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

1 meaning given such term in section 101 of the High-  
2 er Education 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 edu-  
12 cational benefits on sexual activity; and

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

15 (10) STEM.—The term “STEM” means  
16 science, technology, engineering, and mathematics,  
17 including 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  
25 of, sexual harassment and gender harassment affect-

1 ing individuals in the STEM workforce, including  
2 students and trainees; and

3 (2) to examine interventions to reduce the inci-  
4 dence and negative consequences of such harass-  
5 ment.

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

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

14 (2) development and assessment of policies,  
15 procedures, trainings, and interventions, with respect  
16 to sexual harassment and gender harassment, con-  
17 flict management, and ways to foster respectful and  
18 inclusive climates;

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

22 (4) support for institutions of higher education  
23 to develop, adapt, and assess the impact of innova-  
24 tive, evidence-based strategies, policies, and ap-

1       proaches to policy implementation to prevent and  
2       address sexual harassment and gender harassment;  
3           (5) research on alternatives to the hierarchical  
4       and dependent relationships, including but not lim-  
5       ited to the mentor-mentee relationship, in academia  
6       that have been shown to create higher levels of risk  
7       for sexual harassment and gender harassment; and  
8           (6) establishing a center for the ongoing com-  
9       pilation, management, and analysis of campus cli-  
10      mate survey data.

11 **SEC. 5. DATA COLLECTION.**

12       Not later than 180 days after the date of enactment  
13 of this Act, the Director shall convene a working group  
14 composed of representatives of Federal statistical agen-  
15 cies—

16           (1) to develop questions on sexual harassment  
17       and gender harassment in STEM departments to  
18       gather national data on the prevalence, nature, and  
19       implications of sexual harassment and gender har-  
20       assment in institutions of higher education; and

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



1 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

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

8 (1) updated professional standards of conduct  
9 in research;

10 (2) standards of treatment individuals can ex-  
11 pect to receive under such updated standards of con-  
12 duct;

13 (3) evidence-based practices for fostering a cli-  
14 mate intolerant of sexual harassment and gender  
15 harassment;

16 (4) methods, including bystander intervention,  
17 for identifying and addressing incidents of sexual  
18 harassment and gender harassment; and

19 (5) professional standards for mentorship and  
20 teaching with an emphasis on preventing sexual har-  
21 assment and gender harassment.

22 (b) RECOMMENDATIONS.—In updating the report  
23 under subsection (a), the Academies shall take into ac-  
24 count recommendations made in the report issued by the  
25 Academies in 2018 entitled “Sexual Harassment of  
26 Women: Climate, Culture, and Consequences in Academic

1 Sciences, Engineering, and Medicine” and other relevant  
2 studies and evidence.

3 (c) REPORT.—Not later than 18 months after the ef-  
4 fective date of the contract under subsection (a), the Acad-  
5 emies, as part of such agreement, shall submit to the Di-  
6 rector and the Committee on Science, Space, and Tech-  
7 nology of the House of Representatives and the Committee  
8 on Commerce, Science, and Transportation of the Senate  
9 the report referred to in such subsection, as updated pur-  
10 suant to such subsection.

11 **SEC. 7. INTERAGENCY WORKING GROUP.**

12 (a) IN GENERAL.—The Director of the Office of  
13 Science and Technology Policy, acting through the Na-  
14 tional Science and Technology Council, shall establish an  
15 interagency working group for the purpose of coordinating  
16 Federal science agency efforts to reduce the prevalence of  
17 sexual harassment and gender harassment involving grant  
18 personnel. The working group shall be chaired by the Di-  
19 rector of the Office of Science and Technology Policy (or  
20 the Director’s designee) and shall include a representative  
21 from each Federal science agency with annual extramural  
22 research expenditures totaling over \$1,000,000,000, a rep-  
23 resentative from the Department of Education, and a rep-  
24 resentative from the U.S. Equal Employment Opportunity  
25 Commission.

1 (b) RESPONSIBILITIES OF WORKING GROUP.—The  
2 interagency working group established under subsection  
3 (a) shall coordinate Federal science agency efforts to im-  
4 plement the policy guidelines developed under subsection  
5 (c)(2).

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

8 (1) not later than 90 days after the date of the  
9 enactment of this Act, submit to the Committee on  
10 Science, Space, and Technology of the House of  
11 Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate an inven-  
13 tory of policies, procedures, and resources dedicated  
14 to preventing and responding to reports of sexual  
15 harassment and gender harassment at Federal agen-  
16 cies that provide legal definitions to which institu-  
17 tions of higher education must comply; and

18 (2) not later than 6 months after the date on  
19 which the inventory is submitted under paragraph  
20 (1)—

21 (A) in consultation with outside stake-  
22 holders and Federal science agencies, develop a  
23 uniform set of policy guidelines for Federal  
24 science agencies; and

1 (B) submit a report to the committees re-  
2 ferred to in paragraph (1) containing such  
3 guidelines;

4 (3) encourage and monitor efforts of Federal  
5 science agencies to develop or maintain and imple-  
6 ment policies based on the guidelines developed  
7 under paragraph (2), including the extent to which  
8 Federal science agency policies depart from the uni-  
9 form policy guidelines;

10 (4) not later than 1 year after the date on  
11 which the inventory under paragraph (1) is sub-  
12 mitted, and every 5 years thereafter, the Director of  
13 the Office of Science and Technology Policy shall re-  
14 port to Congress on the implementation by Federal  
15 science agencies of the policy guidelines developed  
16 under paragraph (2); and

17 (5) update such policy guidelines as needed.

18 (d) REQUIREMENTS.—In developing policy guidelines  
19 under subsection (c)(2), the Director of the Office of  
20 Science and Technology Policy shall include guidelines  
21 that require—

22 (1) grantees to submit to the Federal science  
23 agency or agencies from which the grantees receive  
24 funding reports relating to—

1 (A) administrative action, related to an al-  
2 legation against grant personnel of any sexual  
3 harassment or gender harassment, as set forth  
4 in organizational policies or codes of conduct,  
5 statutes, regulations, or executive orders, that  
6 affects the ability of grant personnel or their  
7 trainees to carry out the activities of the grant;  
8 and

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

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

22 (3) to the extent practicable, ensure consistency  
23 among Federal agencies with regards to the policies  
24 and procedures for receiving reports submitted pur-  
25 suant to paragraph (1), which may include the des-

1       ignation of a single agency to field reports so sub-  
2       mitted.

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

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

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

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

18          (4) grantees to regularly assess and improve  
19 policies, procedures, and interventions to reduce the  
20 prevalence of sexual harassment and gender harass-  
21 ment;

22          (5) each grantee to demonstrate in its proposal  
23 for a grant award, cooperative agreement, or con-  
24 tract that a code of conduct is in place for maintain-

1       ing a healthy and welcoming workplace for grant  
2       personnel and their trainees;

3               (6) the diffusion of the hierarchical and depend-  
4       ent relationships between grant personnel and their  
5       trainees;

6               (7) each grantee and Federal science agency to  
7       have in place mechanisms for the re-integration of  
8       individuals who have experienced sexual harassment  
9       and gender harassment; and

10              (8) grantees to work to create a climate intoler-  
11      ant of sexual harassment and gender harassment.

12      (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

13   Each Federal science agency shall—

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

22              (2) broadly disseminate such policies to current  
23      and potential recipients of research grants, coopera-  
24      tive agreements, or contracts awarded by such agen-  
25      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.

Passed the House of Representatives July 23, 2019.

Attest: CHERYL L. JOHNSON,  
*Clerk.*