

116TH CONGRESS
1ST SESSION

H. R. 5328

To require certain information be reported with respect to principal investigators who have discriminated, including harassed, on the basis of sex (including gender identity, sexual orientation, pregnancy, childbirth, medical conditions related to pregnancy and childbirth, parental status, and sex stereotype), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2019

Ms. SPEIER (for herself, Ms. KUSTER of New Hampshire, Mr. RUSH, Mr. KHANNA, Ms. SLOTKIN, and Ms. DEAN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Reform, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certain information be reported with respect to principal investigators who have discriminated, including harassed, on the basis of sex (including gender identity, sexual orientation, pregnancy, childbirth, medical conditions related to pregnancy and childbirth, parental status, and sex stereotype), 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Funding Ac-
3 countability for Sexual Harassers Act”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Discrimination on the basis of sex remains
7 pervasive in the academic workplace and especially
8 in the fields of science, engineering, and medicine.

9 (2) According to a study conducted by the Na-
10 tional Academies of Sciences, Engineering, and Med-
11 icine in 2018—

12 (A) academic workplaces have a rate of
13 sexual harassment equal to 58 percent, which is
14 second only to the military, which has a rate of
15 sexual harassment equal to 69 percent;

16 (B) more than 50 percent of female faculty
17 and staff and an estimated 20 to 50 percent of
18 female students encounter or experience sexual
19 harassment in academia;

20 (C) in a survey of undergraduate and
21 graduate students, 1 in 5 female science stu-
22 dents, 1 in 4 female engineering students, and
23 2 in 5 female medical students experienced sex-
24 ual harassment from faculty and staff;

1 (D) with respect to sexual harassment,
2 sexual and racial minorities are disproportion-
3 ately targeted;

4 (E) in a study of employees in higher edu-
5 cation, nearly 77 percent of sexual minorities of
6 both genders experienced gender harassment
7 compared to 30 percent of heterosexuals;

8 (F) women of color and racial or ethnic
9 minorities experience harassment differently
10 from other populations given their intersectional
11 identities; and

12 (G) policies and procedures in effect as of
13 the date of enactment of this Act often protect
14 the liability of institutions of higher education
15 but are not effective in preventing sexual har-
16 assment.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that academic institutions and the Federal Govern-
19 ment should work together to meaningfully address the
20 issue of sexual harassment by ensuring a culture of ac-
21 countability, transparency, and inclusion.

1 **SEC. 3. UNIQUE IDENTIFIER REQUIREMENTS FOR PRIN-**
2 **CIPAL INVESTIGATORS.**

3 Section 2 of the Federal Funding Accountability and
4 Transparency Act of 2006 (31 U.S.C. 6101 note) is
5 amended—

6 (1) in subsection (a)—

7 (A) by redesignating paragraphs (6)
8 through (8) as paragraphs (7) through (9), re-
9 spectively; and

10 (B) by inserting after paragraph (5), the
11 following:

12 “(6) PRINCIPAL INVESTIGATOR OR PROGRAM
13 DIRECTOR.—The term ‘Principal Investigator or
14 Program Director’—

15 “(A) means an individual—

16 “(i) designated by the entity receiving
17 the award to direct or lead the project,
18 program, or activity being supported by
19 the grant; and

20 “(ii) responsible and accountable to
21 the entity receiving the award for the prop-
22 er conduct of the project, program, or ac-
23 tivity; and

24 “(B) includes an individual identified by
25 such institution as a co-principal investigator
26 with respect to such grant.”; and

1 (2) in subsection (b)(1)(E)—

2 (A) by striking “award and” and inserting
3 “award,”; and

4 (B) by inserting “, and the Principal In-
5 vestigator or Program Director” after “another
6 entity”.

7 **SEC. 4. REQUIREMENTS FOR INSTITUTIONS OF HIGHER**
8 **EDUCATION.**

9 (a) IN GENERAL.—Section 487(a) of the Higher
10 Education Act of 1965 (20 U.S.C. 1094(a)) is amended
11 by adding at the end the following:

12 “(30)(A) With respect to any individual who, as
13 a result of a grievance procedure described in section
14 106.8(b) of title 34, Code of Federal Regulations (or
15 successor regulations) and carried out by the institu-
16 tion, is found by the institution to have engaged in
17 discrimination, including harassment, on the basis of
18 sex (including gender identity, sexual orientation,
19 pregnancy, childbirth, medical conditions related to
20 pregnancy and childbirth, parental status, and sex
21 stereotype) while the individual was a principal in-
22 vestigator at the institution, the institution will re-
23 port (not later than 1 month after the final disposi-
24 tion of such grievance procedure)—

1 “(i) to the Federal clearinghouse des-
2 ignated by the Director of the Office of Man-
3 agement and Budget under section 7504 of title
4 31, United States Code, the information speci-
5 fied in subclauses (I) through (VI) of clause
6 (ii); and

7 “(ii) to each Federal department and agen-
8 cy that has awarded such institution a competi-
9 tive research and development grant on or after
10 the date that is 10 years before such finding,
11 the following information:

12 “(I) The unique identifier of such in-
13 dividual.

14 “(II) The date and nature of the vio-
15 lation for which such determination was
16 made.

17 “(III) A list of competitive research
18 grants (including identifying numbers) for
19 which the individual was a principal inves-
20 tigator.

21 “(IV) The findings of such determina-
22 tion.

23 “(V) The remedy (such as corrective
24 training or suspension) required by the in-
25 stitution after such determination.

1 “(VI) Whether findings of discrimina-
2 tion, including harassment, on the basis of
3 sex (including gender identity, sexual ori-
4 entation, pregnancy, childbirth, medical
5 conditions related to pregnancy and child-
6 birth, parental status, and sex stereotype)
7 have been found against such an investi-
8 gator previously.

9 “(B) With respect to a complaint alleging dis-
10 crimination, including harassment, on the basis of
11 sex (including gender identity, sexual orientation,
12 pregnancy, childbirth, medical conditions related to
13 pregnancy and childbirth, parental status, and sex
14 stereotype) by a principal investigator at the institu-
15 tion, which was filed with such institution, but for
16 which the institution has not completed a grievance
17 procedure described in section 106.8(b) of title 34,
18 Code of Federal Regulations (or successor regula-
19 tions) 6 months after the date on which such com-
20 plaint was filed, the institution will report (not later
21 than the date that is 7 months after the date on
22 which such complaint was filed)—

23 “(i) to the Federal clearinghouse des-
24 ignated by the Director of the Office of Man-
25 agement and Budget under section 7504 of title

1 31, United States Code, the information speci-
2 fied in subclauses (I) through (VI) of clause
3 (ii); and

4 “(ii) to each Federal department and agen-
5 cy that has awarded such institution a competi-
6 tive research and development grant on or after
7 the date that is 10 years before such complaint
8 was filed, the following information:

9 “(I) The current status of the com-
10 plaint.

11 “(II) The nature of the complaint.

12 “(III) The date of the alleged viola-
13 tion.

14 “(IV) The reason why the institution
15 has yet to complete the grievance proce-
16 dure.

17 “(V) Whether findings of discrimina-
18 tion, including harassment, on the basis of
19 sex (including gender identity, sexual ori-
20 entation, pregnancy, childbirth, medical
21 conditions related to pregnancy and child-
22 birth, parental status, and sex stereotype)
23 have been found, against such an investi-
24 gator previously.

1 “(C) In the case of an institution that is re-
2 quired to report information—

3 “(i) under subparagraph (A), the institu-
4 tion will—

5 “(I) ensure that such information is
6 accurate; and

7 “(II) if errors are discovered in such
8 information—

9 “(aa) report the corrected infor-
10 mation to each Federal department
11 and agency described in such subpara-
12 graph, as soon as practicable; and

13 “(bb) submit, as soon as prac-
14 ticable, to the Federal clearinghouse
15 designated by the Director of the Of-
16 fice of Management and Budget under
17 section 7504 of title 31, United States
18 Code, a request to correct such infor-
19 mation; or

20 “(ii) under subparagraph (B), the institu-
21 tion will not report any personally identifiable
22 information with respect to individuals involved
23 with the formal complaint on which the institu-
24 tion is reporting.

1 “(D) Upon receiving a request described in sub-
2 paragraph (C)(i)(II)(bb), the Federal clearinghouse
3 designated by the Director of the Office of Manage-
4 ment and Budget under section 7504 of title 31,
5 United States Code, shall modify or remove informa-
6 tion reported under subparagraph (A), as applicable.

7 “(E) For purposes of this paragraph, the term
8 ‘principal investigator’ has the meaning given the
9 term in paragraph (6) of section 2(a) of the Federal
10 Funding Accountability and Transparency Act of
11 2006 (31 U.S.C. 6101 note).

12 “(31) The institution will disclose in any appli-
13 cation for a Federal award (as defined in section 2
14 of the Federal Funding Accountability and Trans-
15 parency Act of 2006 (31 U.S.C. 6101 note)) sub-
16 mitted by such institution whether, with respect to
17 such Federal award, a principal investigator (as de-
18 fined in paragraph (30)(D))—

19 “(A) is, at the time such application is
20 submitted, subject to a grievance procedure de-
21 scribed in section 106.8(b) of title 34, Code of
22 Federal Regulations (or successor regulations);
23 or

24 “(B) has been found by the institution to
25 have engaged in discrimination, including har-

1 assment, on the basis of sex (including gender
2 identity, sexual orientation, pregnancy, child-
3 birth, medical conditions related to pregnancy
4 and childbirth, parental status, and sex stereo-
5 type) while the individual was a principal inves-
6 tigator at the institution.”.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion, or the amendments made by this section, shall be
9 construed to require that an institution of higher edu-
10 cation make a legal determination that title IX of the Edu-
11 cation Amendments of 1972 (20 U.S.C. 1681 et seq.) has
12 been violated in order to conclude that discrimination, in-
13 cluding harassment, on the basis of sex (including gender
14 identity, sexual orientation, pregnancy, childbirth, medical
15 conditions related to pregnancy and childbirth, parental
16 status, and sex stereotype) has occurred.

17 **SEC. 5. REQUIREMENTS FOR CERTAIN FEDERAL DEPART-**
18 **MENTS AND AGENCIES.**

19 (a) **IN GENERAL.**—Each Federal department or
20 agency authorized to award research and development
21 grants on a competitive basis—

22 (1) when making the final decision of whether
23 to award such a grant to an institution of higher
24 education—

1 (A) shall determine whether any reports
2 have been obtained by the Federal clearing-
3 house designated by the Director of the Office
4 of Management and Budget under section 7504
5 of title 31, United States Code;

6 (B) shall determine whether any reports
7 have been filed under paragraph (30)(A) of sec-
8 tion 487(a) of the Higher Education Act of
9 1965 (20 U.S.C. 1094(a)), as added by section
10 3, on any individual who will be the principal
11 investigator at the institution of higher edu-
12 cation for such grant; and

13 (C) if such a report has been filed, will
14 consider the report when making such decision;
15 and

16 (2) shall keep each report received under such
17 paragraph on an individual—

18 (A) in a case in which during the 10-year
19 period beginning on the date of receipt of such
20 report no additional such report is filed on such
21 individual, for such 10-year period; or

22 (B) in a case in which during the 10-year
23 period described in subparagraph (A) an addi-
24 tional such report is filed on such individual,

1 for the 10-year period beginning on the date of
2 receipt of such additional report; and

3 (3) may condition such grant award on the pro-
4 hibition of the individual for which a report has been
5 filed under such paragraph from using the grant
6 award or carrying out activities under the grant.

7 (b) REPORTS.—Each Federal department or agency
8 authorized to award research and development grants on
9 a competitive basis shall annually submit a report to Con-
10 gress that includes—

11 (1) the number of reports submitted under
12 paragraph (30)(A) of section 487(a) of the Higher
13 Education Act of 1965 (20 U.S.C. 1094(a)), as
14 added by section 3, and disaggregated by reports re-
15 ceived under clause (i) of such paragraph and by re-
16 ports received under clause (ii) of such paragraph;
17 and

18 (2) the number of cases in which the depart-
19 ment or agency recommended awarding such a grant
20 for which the principal investigator was an indi-
21 vidual on which a report under such paragraph had
22 been filed during the preceding fiscal year and the
23 reasons for each such recommendation.

24 (c) DEFINITIONS.—In this section:

1 (1) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given such term in section 102 of the High-
4 er Education Act of 1965 (20 U.S.C. 1002).

5 (2) PRINCIPAL INVESTIGATOR.—The term
6 “principal investigator” has the meaning given the
7 term in paragraph (6) of section 2(a) of the Federal
8 Funding Accountability and Transparency Act of
9 2006 (31 U.S.C. 6101 note).

10 **SEC. 6. STUDY AND REPORT.**

11 The Secretary of Education shall enter into a con-
12 tract with the National Academies of Sciences, Engineer-
13 ing, and Medicine under which the National Academies
14 of Sciences, Engineering, and Medicine shall, not later
15 than 5 years after the date of the enactment of this Act,
16 and every 5 years thereafter, conduct a comprehensive
17 study that includes—

18 (1) a summary of the implementation of the
19 recommendations from the 2018 study of such Na-
20 tional Academies entitled “The Sexual Harassment
21 of Women: Climate, Culture, and Consequences in
22 Academic Sciences, Engineering, and Medicine” in—

23 (A) institutions of higher education;

1 (B) Federal agencies that provide competi-
2 tively awarded grants for research and develop-
3 ment;

4 (C) nonprofit organizations; and

5 (D) other appropriate entities identified by
6 such National Academies;

7 (2) with respect to the implementation de-
8 scribed in paragraph (1), an analysis of the effect of
9 such implementation on addressing and preventing
10 sexual harassment;

11 (3) a summary of the strategies employed by
12 the entities described in subparagraphs (A) through
13 (D) of paragraph (1) to address and prevent sexual
14 harassment;

15 (4) an analysis of the extent to which such
16 strategies have been researched and evaluated;

17 (5) with respect to the strategies described in
18 paragraph (3), an analysis of the effect of such
19 strategies on addressing and preventing sexual har-
20 assment; and

21 (6) a description of—

22 (A) the legislative, administrative, edu-
23 cational, and cultural barriers to implementing
24 effective policies and practices aimed at reduc-

1 ing the negative impacts of sexual harassment;
2 and
3 (B) the strategies for overcoming such bar-
4 riers.

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