

COMBATING SEXUAL HARASSMENT IN SCIENCE ACT OF
2019

JULY 12, 2019.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Ms. JOHNSON of Texas, from the Committee on Science, Space, and
Technology, submitted the following

R E P O R T

[To accompany H.R. 36]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was
referred the bill (H.R. 36) to provide for research to better under-
stand the causes and consequences of sexual harassment affecting
individuals in the scientific, technical, engineering, and mathe-
matics workforce and to examine policies to reduce the prevalence
and negative impact of such harassment, and for other purposes,
having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
I. Amendment	2
II. Purpose of the Bill	6
III. Background and Need for the Legislation	6
IV. Committee Hearings	7
V. Committee Consideration and Votes	8
VI. Summary of Major Provisions of the Bill	8
VII. Section-By-Section Analysis (By Title and Section)	9
VIII. Committee Views	9
IX. Cost Estimate	10
X. Congressional Budget Office Cost Estimate	10
XI. Compliance with Public Law 104–4 (Unfunded Mandates)	11
XII. Committee Oversight Findings and Recommendations	11
XIII. Statement on General Performance Goals and Objectives	12
XIV. Federal Advisory Committee Statement	12
XV. Duplication of Federal Programs	12
XVI. Earmark Identification	12
XVII. Applicability to the Legislative Branch	12

XVIII. Statement on Preemption of State, Local, or Tribal Law	12
XIX. Proceedings of Full Committee Markup	12

I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the report issued by the National Academies of Sciences, Engineering, and Medicine in 2018 entitled “Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine”—

(A) sexual harassment is pervasive in institutions of higher education;

(B) the most common type of sexual harassment is gender harassment, which includes verbal and nonverbal behaviors that convey insulting, hostile, and degrading attitudes about members of one gender;

(C) 58 percent of individuals in the academic workplace experience sexual harassment, the second highest rate when compared to the military, the private sector, and Federal, State, and local government;

(D) women who are members of racial or ethnic minority groups are more likely to experience sexual harassment and to feel unsafe at work than White women, White men, or men who are members of such groups;

(E) the training for each individual who has a doctor of philosophy in the science, technology, engineering, and mathematics fields is estimated to cost approximately \$500,000; and

(F) attrition of an individual so trained results in a loss of talent and money.

(2) Sexual harassment undermines career advancement for women.

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

(4) Many women report leaving employment at institutions of higher education due to sexual harassment.

(5) Research shows the majority of individuals do not formally report experiences of sexual harassment due to a justified fear of retaliation or other negative professional or personal consequences.

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

(4) **FINDING OR DETERMINATION.**—The term “finding or determination” means the final disposition of a matter involving a violation of organizational policies

and processes, to include the exhaustion of permissible appeals, or a conviction of a sexual offense in a criminal court of law.

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

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

(7) **GRANT PERSONNEL.**—The term “grant personnel” means principal investigators, co-principal investigators, postdoctoral researchers and other employees supported by a grant award, cooperative agreement, or contract under Federal law.

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

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

- (A) unwelcome sexual advances;
- (B) unwanted physical contact that is sexual in nature, including assault;
- (C) unwanted sexual attention, including sexual comments and propositions for sexual activity;
- (D) conditioning professional or educational benefits on sexual activity; and
- (E) retaliation for rejecting unwanted sexual attention.

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

SEC. 4. RESEARCH GRANTS.

(a) **IN GENERAL.**—The Director shall establish a program to award grants, on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations)—

- (1) to expand research efforts to better understand the factors contributing to, and consequences of, sexual harassment and gender harassment affecting individuals in the STEM workforce, including students and trainees; and
- (2) to examine interventions to reduce the incidence and negative consequences of such harassment.

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

- (1) research on the sexual harassment and gender harassment experiences of individuals in underrepresented or vulnerable groups, including racial and ethnic minority groups, disabled individuals, foreign nationals, sexual- and gender-minority individuals, and others;
- (2) development and assessment of policies, procedures, trainings, and interventions, with respect to sexual harassment and gender harassment, conflict management, and ways to foster respectful and inclusive climates;
- (3) research on approaches for remediating the negative impacts and outcomes of such harassment on individuals experiencing such harassment;
- (4) support for institutions of higher education to develop, adapt, and assess the impact of innovative, evidence-based strategies, policies, and approaches to policy implementation to prevent and address sexual harassment and gender harassment;
- (5) research on alternatives to the hierarchical and dependent relationships, including but not limited to the mentor-mentee relationship, in academia that have been shown to create higher levels of risk for sexual harassment and gender harassment; and
- (6) establishing a center for the ongoing compilation, management, and analysis of campus climate survey data.

SEC. 5. DATA COLLECTION.

Not later than 180 days after the date of enactment of this Act, the Director shall convene a working group composed of representatives of Federal statistical agencies—

- (1) to develop questions on sexual harassment and gender harassment in STEM departments to gather national data on the prevalence, nature, and implications of sexual harassment and gender harassment in institutions of higher education; and
- (2) to include such questions as appropriate, with sufficient protections of the privacy of respondents, in relevant surveys conducted by the National Center for Science and Engineering Statistics and other relevant entities.

SEC. 6. RESPONSIBLE CONDUCT GUIDE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Director shall enter into an agreement with the Academies to update the report entitled “On Being a Scientist: A Guide to Responsible Conduct in Research” issued by the Academies. The report, as so updated, shall include—

- (1) updated professional standards of conduct in research;
- (2) standards of treatment individuals can expect to receive under such updated standards of conduct;
- (3) evidence-based practices for fostering a climate intolerant of sexual harassment and gender harassment;
- (4) methods, including bystander intervention, for identifying and addressing incidents of sexual harassment and gender harassment; and
- (5) professional standards for mentorship and teaching with an emphasis on preventing sexual harassment and gender harassment.

(b) **RECOMMENDATIONS.**—In updating the report under subsection (a), the Academies shall take into account recommendations made in the report issued by the Academies in 2018 entitled “Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine” and other relevant studies and evidence.

(c) **REPORT.**—Not later than 18 months after the effective date of the contract under subsection (a), the Academies, as part of such agreement, shall submit to the Director and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report referred to in such subsection, as updated pursuant to such subsection.

SEC. 7. INTERAGENCY WORKING GROUP.

(a) **IN GENERAL.**—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish an interagency working group for the purpose of coordinating Federal science agency efforts to reduce the prevalence of sexual harassment and gender harassment involving grant personnel. The working group shall be chaired by the Director of the Office of Science and Technology Policy (or the Director’s designee) and shall include a representative from each Federal science agency with annual extramural research expenditures totaling over \$1,000,000,000, a representative from the Department of Education, and a representative from the U.S. Equal Employment Opportunity Commission.

(b) **RESPONSIBILITIES OF WORKING GROUP.**—The interagency working group established under subsection (a) shall coordinate Federal science agency efforts to implement the policy guidelines developed under subsection (c)(2).

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

- (1) not later than 90 days after the date of the enactment of this Act, submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an inventory of policies, procedures, and resources dedicated to preventing and responding to reports of sexual harassment and gender harassment at Federal agencies that provide legal definitions to which institutions of higher education must comply; and
- (2) not later than 6 months after the date on which the inventory is submitted under paragraph (1)—

- (A) in consultation with outside stakeholders and Federal science agencies, develop a uniform set of policy guidelines for Federal science agencies; and

- (B) submit a report to the committees referred to in paragraph (1) containing such guidelines;

- (3) encourage and monitor efforts of Federal science agencies to develop or maintain and implement policies based on the guidelines developed under paragraph (2), including the extent to which Federal science agency policies depart from the uniform policy guidelines;

- (4) not later than 1 year after the date on which the inventory under paragraph (1) is submitted, and every 5 years thereafter, the Director of the Office of Science and Technology Policy shall report to Congress on the implementation by Federal science agencies of the policy guidelines developed under paragraph (2); and

- (5) update such policy guidelines as needed.

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

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

(A) administrative action, related to an allegation against grant personnel of any sexual harassment or gender harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders, that affects the ability of grant personnel or their trainees to carry out the activities of the grant; and

(B) findings or determinations against grant personnel of sexual harassment or gender harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders, including any findings or determinations related to reports submitted under subparagraph (A) and any disciplinary action that was taken;

(2) the sharing, updating, and archiving of reports of sexual harassment and gender harassment from grantees submitted under paragraph (1)(B) with relevant Federal science agencies on a quarterly basis; and

(3) to the extent practicable, ensure consistency among Federal agencies with regards to the policies and procedures for receiving reports submitted pursuant to paragraph (1), which may include the designation of a single agency to field reports so submitted.

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

(1) grantees to periodically assess their organizational climate, which may include the use of climate surveys, focus groups, or exit interviews;

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

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

(4) grantees to regularly assess and improve policies, procedures, and interventions to reduce the prevalence of sexual harassment and gender harassment;

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

(6) the diffusion of the hierarchical and dependent relationships between grant personnel and their trainees;

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

(8) grantees to work to create a climate intolerant of sexual harassment and gender harassment.

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

(1) develop or maintain and implement policies with respect to sexual harassment and gender harassment that are consistent with policy guidelines under subsection (c)(2) and that protect the privacy of all parties involved in any report and investigation of sexual harassment and gender harassment, except to the extent necessary to carry out an investigation; and

(2) broadly disseminate such policies to current and potential recipients of research grants, cooperative agreements, or contracts awarded by such agency.

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

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

SEC. 8. NATIONAL ACADEMIES ASSESSMENT.

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

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

(2) whether research demonstrates a change in the prevalence of sexual harassment and gender harassment in such workforce;

(3) the progress made with respect to implementing recommendations promulgated in the Academies consensus study report entitled “Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine”; and

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

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Director to carry out this Act, \$17,500,000.

II. PURPOSE OF THE BILL

The purpose of the bill is to provide for research on the causes, consequences and prevalence of, as well as interventions for preventing, sexual harassment in the STEM workforce. The bill also directs coordination among Federal science agencies efforts to address sexual harassment involving federally funded researchers.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The nation at large is grappling with the impact of sexual harassment on the lives and careers of women. In recent years, high-profile accusations against prominent researchers have significantly increased awareness of the problem of sexual harassment in the scientific workplace. In 2018, the National Academies of Sciences, Engineering, and Medicine (hereafter, “Academies”) issued a consensus report, *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, which examined the scope of the problem, contributing factors unique to the academic setting, and potential solutions.

Sexual harassment can include unwanted sexual attention, sexual coercion, and gender harassment, which involves behavior that “conveys hostility, objectification, exclusion, or second-class status about members of one gender.”

According to a 2003 study cited by the Academies report, the academic workplace has the second highest rate of sexual harassment compared with the military, private sector, and government, with 58 percent of faculty and staff experiencing sexual harassment. Results from three different surveys reveal that 20–50 percent of students experience sexual harassment. Research presented in the report shows that women of color are more likely to hear sexist remarks and to feel unsafe at work because of their gender than white women, white men, and men of color.

The Academies outlined factors that contribute to the prevalence of sexual harassment in the sciences, including a perceived tolerance for inappropriate behavior; the male-dominated environment, particularly in positions of authority, in many science programs and departments; hierarchical power structures that concentrate power in a single person who has an outsized impact on a subordinate’s future success; a culture of symbolic compliance with Title IX and Title VII wherein institutions prioritize implementing policies that adhere to legal requirements rather than seeking to reduce or eliminate sexual harassment; and uninformed leadership unwilling to take bold and aggressive measures.

Committee action to address sexual harassment in the sciences began with October 26, 2017 letters from then-Chairman Smith and then-Ranking Member Johnson to Boston University, the National Science Foundation (NSF), and the National Aeronautics and

Space Administration (NASA) regarding Title IX complaints filed against a prominent geology professor, Dr. David Marchant. Dr. Marchant, a recipient of over \$5.4 million in Federal funding, allegedly physically and verbally harassed multiple women during field expeditions in Antarctica in the late 1990s. In early 2018, the Committee sent additional letters to universities and funding agencies regarding other cases covered in the press.

To understand how Federal science agencies address sexual harassment, including how they ensure compliance of grant-receiving institutions with Title IX of the Education Amendments of 1972, the Chair and Ranking Member of the Committee requested a Government Accountability Office (GAO) assessment of Federal science agency policies, resources, and intra- and inter-agency communication regarding reports of sexual harassment involving Federally funded researchers. The report is ongoing and will examine the policies and procedures in place at Federal science agencies, as well as the communication among agencies and between agencies and grantee institutions regarding these policies and any findings of sexual harassment by grantee institutions.

IV. COMMITTEE HEARINGS

On Tuesday, February 27, 2018, the Subcommittee on Research and Technology held a hearing entitled *A Review of Sexual Harassment and Misconduct in Science*. The Subcommittee received testimony from: (1) Ms. Rhonda Davis, Head, Office of Diversity and Inclusion, National Science Foundation. Ms. Davis provided testimony on NSF's updated terms and conditions requiring the reporting of findings of sexual harassment by Principal Investigators and any administrative actions taken relating to such a finding or sexual harassment investigation. (2) Dr. Kathryn Clancy, Associate Professor, Department of Anthropology, University of Illinois. Dr. Clancy provided testimony on her research on the prevalence of sexual harassment and workplace climate in the sciences. (3) Ms. Christine McEntee, Executive Director, American Geophysical Union. Ms. McEntee provided testimony on how science societies can address the problem of sexual harassment in the scientific community. (4) Ms. Kristina Larsen, Attorney, Law Office of Kristina K. Larsen. Ms. Larsen provided testimony on the unique factors contributing to sexual harassment in the academic environment and how university policies are often insufficient to protect and support victims of harassment.

On Wednesday, June 12, 2019, the Committee on Science, Space, and Technology held a hearing entitled *Combating Sexual Harassment in Science*, which assessed Federal science agency policies and procedures for addressing sexual harassment involving federally-funded STEM researchers and their trainees. The hearing explored lessons learned, enduring challenges, and future opportunities for preventing and mitigating the negative impact of sexual harassment in STEM studies and careers. The Committee also received testimony on H.R. 36, the *Combating Sexual Harassment in Science Act*.

Four witnesses testified: (1) Mr. John Neumann, Managing Director; Science, Technology Assessment, and Analytics; U.S. Government Accountability Office. Mr. Neumann testified about the preliminary findings to be presented in the GAO report requested

by the Committee in January 2018. (2) Dr. Paula Johnson, President, Wellesley College. Dr. Johnson co-chaired the Academies Committee on the Impacts of Sexual Harassment in Academia, and testified on the Committee's findings and recommendations. (3) Dr. Jean Morrison, University Provost and Chief Academic Officer, Boston University. Dr. Morrison provided testimony on changes Boston University made to its sexual harassment policies and procedures since the Dr. Marchant case became public. (3) Dr. Philip Kass, Vice Provost for Academic Affairs, University of California, Davis. Dr. Kass testified on an experimental program at UC Davis to screen finalists for tenure positions for any previous findings of sexual harassment.

V. COMMITTEE CONSIDERATION AND VOTES

On January 3, 2019, Chairwoman Eddie Bernice Johnson and Ranking Member Frank Lucas introduced H.R. 36, the *Combating Sexual Harassment in Science Act of 2019*. The bill was referred to the House Committee on Science, Space, and Technology.

On June 20, 2019, the Committee on Science, Space, and Technology met to consider H.R. 36. Ms. Johnson offered an amendment in the nature of a substitute to make technical and clarifying changes in response to feedback from stakeholders, including definitions of key terms. *The amendment was agreed to on a voice vote.* Mr. Lucas offered an amendment regarding administrative action that would trigger a requirement for grantees to report to funding agencies, specifying that the action must affect the ability of grant personnel or their trainees to carry out the activities of the grant. The amendment also made technical corrections. *The amendment was agreed to on a voice vote.* Ms. Fletcher offered an amendment to encourage OSTP to consider policy guidelines that require each grantee and Federal science agency to establish re-integration mechanisms for those who have experienced sexual harassment. *The amendment was agreed to on a voice vote.* Ms. Johnson moved that the Committee favorably report the bill, H.R. 36, to the House with the recommendation that the bill be approved. *The motion was agreed to by a voice vote.*

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

The Act requires the Director of the National Science Foundation (NSF) to support research to better understand the causes and consequences of sexual harassment in the STEM workforce; develop survey questions to gather national data on the prevalence, nature, and implications of sexual harassment and gender harassment in academia; enter into an agreement with the National Academies to produce an updated guide to responsible conduct in research that includes content related to sexual harassment and gender harassment; and enter into an agreement with the Academies to undertake a follow-on study to the 2018 report on sexual harassment.

The Act requires the Director of the Office of Science and Technology Policy (OSTP) to convene an interagency working group to coordinate Federal science agency efforts to address sexual harassment involving grant personnel; and to develop uniform guidelines, in consultation with outside stakeholders, regarding Federal science agency policies and procedures for preventing and responding to reports of sexual harassment and gender harassment. Each

Federal Science agency is directed to implement a policy consistent with the OSTP guidelines.

VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

Section 1. Short title; Table of contents

Combating Sexual Harassment in Science Act of 2019

Section 2. Findings

Section 3. Definitions

Section 4. Research grants

Requires NSF to establish a program to award research grants to further understanding of sexual harassment in the STEM workforce and effective interventions to reduce the incidence and negative consequences of such harassment.

Section 5. Data collection

Requires NSF to convene a working group of Federal statistical agencies to develop survey questions on sexual harassment in STEM in order to gather national data on the prevalence, nature, and implications of sexual harassment in institutions of higher education.

Section 6. Responsible conduct guide

Requires NSF to enter into agreement with the National Academies to update the report *On Being a Scientist: A Guide to Responsible Conduct in Research* to include updated professional conduct standards, including methods for identifying and addressing incidents of sexual harassment.

Section 7. Interagency working group

Requires OSTP to establish an interagency working group to coordinate Federal science agency efforts to reduce the prevalence of sexual harassment involving federally funded researchers and to develop and implement uniform policy guidelines for Federal Science agencies.

Section 8. National Academies assessment

Requires NSF to enter into agreement with the National Academies to undertake a follow-on study to examine the influence of sexual harassment in institutions of higher education on the career advancement of individuals in the STEM workforce.

Section 9. Authorization of appropriations

Authorizes to be appropriated \$17.5 million to NSF to carry out this Act.

VIII. COMMITTEE VIEWS

The intent of this legislation is to understand and address the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce.

Section 5. The Committee intends for the Director of the National Science Foundation to convene a working group to develop

questions on sexual harassment in science, technology, engineering, and mathematics departments. The Committee recognizes that this is a sensitive and challenging issue to include in voluntary surveys and intends for the working group to consult experts on the issue to determine the most effective, trauma-informed approach to collect this information.

Section 7. The Committee intends for OSTP to establish policy guidelines to coordinate Federal science agency efforts to reduce the prevalence of sexual harassment involving grant personnel. The Committee intends for the guidelines to be developed with input from relevant stakeholders, including representatives from agencies that may not be captured in the definition of Federal science agency, including the U.S. Equal Employment Opportunity Commission; individuals at all levels of the scientific workforce, including graduate students and postdoctoral researchers; and representatives from university offices that handle complaints of sexual harassment.

Section 7. The Committee intends for each Federal science agency to establish policies pursuant to the guidelines issued by OSTP, harmonized to the maximum extent practicable considering the individual needs and processes of each agency.

Section 7. The Committee intends for records related to sexual harassment involving grant personnel kept by Federal science agencies to be accurate and complete. In the event that a grantee notifies an agency that administrative action has been taken related to a complaint of sexual harassment and the accused party is found not to have violated institutional policy or procedure, the Committee intends for the grantee to share this information with the agency. The Committee intends that while Federal agencies should share relevant information, that it should be handled to ensure the protection of privacy of all individuals involved.

IX. COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 2019.

Hon. EDDIE BERNICE JOHNSON,
*Chairwoman, Committee on Science, Space, and Technology,
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 36, the Combating Sexual Harassment in Science Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 36, Combating Sexual Harassment in Science Act of 2019			
As ordered reported by the House Committee on Science, Space, and Technology on June 20, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	18	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 36 would authorize the appropriation of \$17.5 million for the National Science Foundation to award grants for research on sexual and gender harassment in the science, technology, engineering, and mathematics workforce and to enter into agreements with the National Academies of Sciences, Engineering, and Medicine to conduct related studies.

The bill also would direct the Office of Science and Technology Policy (OSTP) to establish a working group with representatives from certain agencies to develop a uniform set of policy guidelines on sexual and gender harassment. CBO estimates that implementing the provision would have no significant effect on the federal budget because OSTP is already convening a working group on the topic.

Assuming appropriation of the authorized amounts, and based on historical spending patterns for similar activities, CBO estimates that implementing H.R. 36 would cost \$18 million over the 2020–2024 period.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

XI. FEDERAL MANDATES STATEMENT

H.R. 36 contains no unfunded mandates.

XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee's oversight findings and recommendations are reflected in the body of this report.

XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c) of House Rule XIII, the goal of H.R. 36 is to direct the Director of the Office of Science and Technology Policy and Federal science agencies to carry out programs and activities to reduce the incidence and negative consequences of sexual harassment and gender harassment in the STEM workforce.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 36 does not create any advisory committees.

XV. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 36 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XVI. EARMARK IDENTIFICATION

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 36 contains no earmarks, limited tax benefits, or limited tariff benefits.

XVII. APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 36 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVIII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XIX. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

**MARKUPS: H.R. 2528, STEM
Opportunities Act of 2019;
H.R. 36, Combating Sexual Harassment
in Science Act of 2019;
H.R. 3196, Vera Rubin Survey Telescope
Designation Act; and
H.R. 3153, Expanding Findings for Federal Opioid
Research and Treatment Act**

MARKUP

BEFORE THE

**COMMITTEE ON SCIENCE, SPACE, AND
TECHNOLOGY**

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JUNE 20, 2019

Serial No. CP: 116-4

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 JERRY McNERNEY, California
 ED PERLMUTTER, Colorado
 PAUL TONKO, New York
 BILL FOSTER, Illinois
 DON BEYER, Virginia
 CHARLIE CRIST, Florida
 SEAN CASTEN, Illinois
 KATIE HILL, California
 BEN McADAMS, Utah
 JENNIFER WEXTON, Virginia

FRANK D. LUCAS, Oklahoma,
Ranking Member
 MO BROOKS, Alabama
 BILL POSEY, Florida
 RANDY WEBER, Texas
 BRIAN BABIN, Texas
 ANDY BIGGS, Arizona
 ROGER MARSHALL, Kansas
 RALPH NORMAN, South Carolina
 MICHAEL CLOUD, Texas
 TROY BALDERSON, Ohio
 PETE OLSON, Texas
 ANTHONY GONZALEZ, Ohio
 MICHAEL WALTZ, Florida
 JIM BAIRD, Indiana
 JAIME HERRERA BEUTLER, Washington
 JENNIFFER GONZALEZ-COLON, Puerto
 Rico
 VACANCY

C O N T E N T S

June 20, 2019

H.R. 2528— <i>STEM Opportunities Act of 2019</i>	Page 6
H.R. 36— <i>Combating Sexual Harassment in Science Act of 2019</i>	99
H.R. 3196— <i>Vera Rubin Survey Telescope Designation Act</i>	137
H.R. 3153— <i>Expanding Findings for Federal Opioid Research and Treatment Act</i>	143

**MARKUPS: H.R. 2528, STEM
Opportunities Act of 2019;
H.R. 36, Combating Sexual Harassment
in Science Act of 2019;
H.R. 3196, Vera Rubin Survey Telescope
Designation Act; and
H.R. 3153, Expanding Findings for Federal
Opioid Research and Treatment Act**

THURSDAY, JUNE 20, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:04 a.m., in room 2318, Rayburn House Office Building, Hon. Eddie Bernice Johnson [Chairwoman of the Committee] presiding.

Chairwoman JOHNSON. Good morning. The Committee will come to order. And without objection, the Chair is authorizes to declare recess at any time. Pursuant to Committee rule 2(e) and House rule XI, the Chair announces that she may postpone roll call votes.

Pursuant to notice, the Committee meets to consider the following measures: H.R. 2528, *STEM Opportunities Act of 2019*; H.R. 36, *Combating Sexual Harassment in Science Act of 2019*; H.R. 3196, *Vera Rubin Survey Telescope Designation Act*; and H.R. 3153, *Expanding Findings for Federal Opioid Research and Treatment Act*.

I want to welcome everyone to today's markup. Today, we meet to mark up four good bipartisan bills. First, we will consider the *STEM Opportunities Act*, which has been a priority of mine of course for many years. This bill will help us address the disparity in the number of women and minorities in the STEM fields.

Without including all of our Nation's brain power in the fight for 21st-century competitiveness, it is unlikely that our country will remain the world leader in science and innovation. It is therefore my hope that this bill will play a major role in ensuring our country's competitiveness in the coming years.

It is not enough to simply attract women to the STEM fields. We must also ensure they stay in these fields, and the second bill in our markup addresses one of the reasons women leave the STEM sciences in such high rates: Sexual harassment. The problem of sexual harassment in the STEM fields has not been addressed in a comprehensive fashion. I hope that the *Combating Sexual Har-*

assment in Science Act of 2019 can play an important role in focusing Federal efforts to stamp out sexual harassment in the sciences.

I want to take a moment to recognize my colleague Ranking Member Lucas, who is an original co-sponsor of both of these bills. Both he and his staff have provided very constructive input into these bills and the hearings we held on these topics. I think the bills before us today are better off because of these efforts, and I want to sincerely thank him and his staff for their work.

The third bill before us today is the *Vera Rubin Survey Telescope Designation Act*. I'll speak more about this bill in a minute, but I think it is appropriate that on the same day our Committee tries to address the issues facing women in the STEM fields, we also take a moment to recognize a woman who overcame the hurdles she faced to provide significant contributions to the field of astronomy.

Finally, we will consider the *Expanding Findings for Federal Opioid Research and Treatment Act*, which is offered by Ms. Wexton. The scourge of opioid addiction is one of the most serious problems facing our Nation right now. It only makes sense to bring all of our resources to bear on this issue, and I think the National Science Foundation (NSF) can bring unique capabilities to the fight to better understand and deal with this critical issue.

I look forward to a productive markup and moving these bills very quickly to the House floor.

[The prepared statement of Chairwoman Johnson follows:]

I want to welcome everyone to today's markup. Today we meet to markup four good bipartisan bills.

First, we will consider the *STEM Opportunities Act*, which has been a priority of mine for many years. This bill will help us address the disparity in the number of women and minorities in the STEM fields.

Without including all of our Nation's brain power in the fight for 21st century competitiveness, it is unlikely that our country will remain the world leader in science and innovation. It is therefore my hope that this bill will play a major role in ensuring our country's competitiveness in the coming years.

It is not enough to simply attract women to the STEM fields. We must also ensure they stay in those fields, and the second bill in our markup addresses one of the reasons women leave the sciences in such high rates: sexual harassment.

The problem of sexual harassment in the STEM fields has not been addressed in a comprehensive fashion. I hope that the *Combating Sexual Harassment in Science Act of 2019* can play an important role in focusing federal efforts to stamp out sexual harassment in the sciences.

I want to take a moment to recognize my friend and colleague, Ranking Member Lucas, who is an original cosponsor of both of these bills. Both he and his staff have provided very constructive input into these bills and the hearings we have held on these topics. I think the bills before us today are better off because of these efforts, and I want to sincerely thank him and his staff for their work.

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I look forward to a productive markup and moving these bills very quickly to the House floor.

Chairwoman JOHNSON. I now recognize the Ranking Member to present an opening statement.

Mr. LUCAS. Thank you, Chairwoman Johnson, for holding this markup.

Today, we'll consider four bipartisan bills. The first is H.R. 2528, *STEM Opportunities Act of 2019*. H.R. 2528 continues this Committee's long bipartisan history of supporting and expanding STEM education for all. The only way we'll achieve our potential is by utilizing America's most valuable resource: Our people. That means developing a diverse STEM-capable workforce at every education level and from every background.

One of the key provisions of H.R. 2528 is a requirement for more comprehensive data collection and analysis on the students, researchers, and faculty receiving Federal science grants. This data will help us identify and reduce the barriers that prevent underrepresented groups from entering and advancing in STEM. It will also help us measure the success of Federal STEM programs.

The bill also includes a provision directing NSF to support computer science education through the existing Tribal Colleges and Universities program. Access to computer science resources and the development of computing skills is critical in today's economy. I am pleased to join Chairwoman Johnson in cosponsoring this legislation. I want to thank her and her entire staff for working with us to refine the bill for reintroduction and incorporating our feedback and ideas. I look forward to continuing to work with the Chairwoman and Members of the Committee to advance more STEM education efforts for this Congress to support, encourage, and develop the next generation of STEM students.

Our second bill this morning is H.R. 36, *Combating Sexual Harassment in Science Act of 2019*. Chairwoman Johnson and I made this one of our highest priorities, introducing it on the first day of the 116th Congress. This bill has a foundation of more than a year of investigation, analysis, and recommendations to the Science Committee. Engaging more women in STEM studies and careers is essential to American competitiveness. Women make up half the workforce but account for less than 25 percent of America's STEM workforce.

Unfortunately, too many women have been driven out of STEM careers due to a culture of harassment and abuse. H.R. 36 takes the first steps to addressing this problem. The bill supports the adoption of uniform guidance across the Federal science agencies to reduce the prevalence of sexual harassment involving grant personnel. The bill also directs the NSF to conduct further research into the causes and consequences of harassment, as well as interventions to mitigate the problem.

There is an established legal process in place within higher education and in the workplace for handling claims of sexual harassment. This bill does not alter that process. What this bill does do is create a uniform policy for universities and research institutions to report to Federal science agencies when an administrative action is taken that impacts the ability of a researcher to carry out a grant. We want to ensure the safety of all grant personnel supported by taxpayer funding. I'll be offering an amendment later in the markup that we hope makes this requirement even more clear.

Again, thank you, Chairwoman Johnson, for working in a bipartisan and collaborative way to move this legislation forward.

Next, we will consider H.R. 3196, *Vera Rubin Survey Telescope Designation Act*, sponsored by Chairwoman Johnson and Representative Jenniffer González-Colón. This bill honors the contributions of the late Dr. Vera Rubin, an astronomer who made groundbreaking discoveries in the field of dark matter and was a pioneer and life-long advocate for women in astronomy.

This new LSST (Large Synoptic Survey Telescope), under construction in Chile, funded by the National Science Foundation and the Department of Energy, will photograph the entire sky every few nights. One of the goals of the project is to study the nature of dark matter and dark energy. Naming the observatory in her honor is a fitting tribute to the contributions to the field, and I—her contributions to the field, I should note, and I hope will inspire future generations of women in astronomy.

Finally, the Committee will consider H.R. 3153, *Expanding Findings for Federal Opioid Research and Treatment Act*. This legislation identifies current gaps that exist in research on the prevention and treatment of opioid addiction and authorizes the NSF to support research grants in those areas.

I want to thank Representative Jennifer Wexton and Representative Jim Baird for their bipartisan work on this bill. Opioid addiction affects too many in our communities, and I applaud this effort to support more basic research on the science of addiction.

Once again, thank you, Chairwoman Johnson, for holding today's markup, and I encourage the Members of the Committee to support all these bills.

I yield back the balance of my time.

[The prepared statement of Mr. Lucas follows:]

Thank you, Chairwoman Johnson, for holding this mark-up. Today we will consider four bipartisan bills.

The first is H.R. 2528, *STEM Opportunities Act of 2019*. H.R. 2528 continues this Committee's long bipartisan history of supporting and expanding STEM education for all.

The only way we'll achieve our potential is by utilizing America's most valuable resource: our people. That means developing a diverse STEM-capable workforce at every education level and from every background.

One of the key provisions of H.R. 2528 is a requirement for more comprehensive data collection and analysis on the students, researchers, and faculty receiving federal science grants. This data will help us identify and reduce the barriers that prevent underrepresented groups from entering and advancing in STEM. It will also help us measure the success of federal STEM programs.

The bill also includes a provision directing NSF to support computer science education through the existing Tribal Colleges and Universities program. Access to computer science resources and the development of computing skills is critical in today's economy.

I was pleased to join Chairwoman Johnson in co-sponsoring this legislation. I want to thank her and her staff for working with us to refine the bill for reintroduction and incorporating our feedback and ideas.

I look forward to continuing to work with the Chairwoman and members of the Committee to advance more STEM education efforts this Congress to support, encourage and develop the next generation of STEM students.

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There is an established legal process in place within higher education and in the workplace for handling claims of sexual harassment. This bill does not alter that process. What this bill does do, is create a new uniform policy that universities and research institutions report to federal science agencies when an administrative action is taken that impacts the ability of a researcher to carry out a grant.

We want to ensure the safety of all grant personnel supported by taxpayer funding. I'll be offering an amendment later in the mark-up that we hope makes this requirement even more clear.

Again, thank you Chairwoman Johnson for working in a bipartisan and collaborative way to move this legislation forward.

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The new LSST Telescope under construction in Chile, funded by the National Science Foundation and the Department of Energy, will photograph the entire sky every few nights. One of the goals of the project is to study the nature of dark matter and dark energy. Naming the observatory in her honor is a fitting tribute to her contributions to the field and I hope will inspire future generations of women in astronomy.

Finally, the Committee will consider H.R. 3153, *Expanding Findings for Federal Opioid Research and Treatment Act*. The legislation identifies current gaps that exist in research on the prevention and treatment of opioid addiction and authorizes NSF to support research grants in these areas.

I thank Rep. Jennifer Wexton and Rep. Jim Baird for their bipartisan work on this bill. Opioid addiction affects too many in our communities, and I applaud this effort to support more basic research on the science of addiction.

Once again, thank you Chairwoman Johnson for holding today's mark-up, and I encourage the Members of this Committee to support these bills. I yield back the balance of my time.

Chairwoman JOHNSON. Thank you, Mr. Lucas.

H.R. 2528

10:13 a.m.

Chairwoman JOHNSON. We will now consider H.R. 2528, *STEM Opportunities Act of 2019*. The clerk will report the bill.

The CLERK. H.R. 2528, a bill to direct the Director—

[The bill follows:]

116TH CONGRESS
1ST SESSION

H. R. 36

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

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

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

10 (A) sexual harassment is pervasive in insti-
 11 tutions of higher education;

12 (B) the most common type of sexual har-
 13 assment is gender harassment, which includes
 14 verbal and nonverbal behaviors that convey in-
 15 sulting, hostile, and degrading attitudes about
 16 members of one gender;

17 (C) 58 percent of individuals in the aca-
 18 demic workplace experience sexual harassment,
 19 the second highest rate when compared to the
 20 military, the private sector, and Federal, State,
 21 and local government;

1 (D) women who are members of racial or
2 ethnic minority groups are more likely to experience sexual harassment and to feel unsafe at
3 work than White women, White men, or men
4 who are members of such groups;

5 (E) the training for each individual who
6 has a doctor of philosophy in the science, technology, engineering, and mathematics fields is
7 estimated to cost approximately \$500,000; and

8 (F) attrition of an individual so trained results in a loss of talent and money.

9 (2) Sexual harassment undermines career advancement for women.

10 (3) According to a 2017 study led by Dr. Kathryn Clancy at the University of Illinois, among
11 astronomers and planetary scientists, 18 percent of
12 women who are members of racial or ethnic minority
13 groups and 12 percent of White women skipped professional events because they did not feel safe attending.

14 (4) Many women report leaving employment at
15 institutions of higher education due to sexual harassment.

16 (5) Research shows the majority of individuals
17 do not formally report experiences of sexual harassment.

1 ment due to a justified fear of retaliation or other
2 negative professional or personal consequences.

3 (6) Reporting procedures with respect to such
4 harassment are inconsistent among Federal science
5 agencies and have varying degrees of accessibility.

6 (7) There is not adequate communication
7 among Federal science agencies and between such
8 agencies and grantees regarding reports of sexual
9 harassment, which has resulted in harassers receiv-
10 ing Federal funding after moving to a different in-
11 stitution.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **ACADEMIES.**—The term “Academies”
15 means the National Academies of Sciences, Engi-
16 neering, and Medicine.

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

19 (3) **FEDERAL SCIENCE AGENCY.**—The term
20 “Federal science agency” means any Federal agency
21 with an annual extramural research expenditure of
22 over \$100,000,000.

23 (4) **GRANTEE.**—The term “grantee” means the
24 legal entity to which a grant is awarded and that is

1 accountable to the Federal Government for the use
2 of the funds provided.

3 (5) GRANT PERSONNEL.—The term “grant per-
4 sonnel” means principal investigators, co-principal
5 investigators, other personnel supported by a grant
6 award under Federal law, and their trainees.

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

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

13 (A) verbal and nonverbal behaviors that
14 convey hostility, objectification, exclusion, or
15 second-class status about one’s gender, gender
16 identity, or gender presentation;

17 (B) unwelcome sexual advances;

18 (C) unwanted physical contact that is sex-
19 ual in nature, including assault;

20 (D) unwanted sexual attention, including
21 sexual comments and propositions for sexual ac-
22 tivity;

23 (E) conditioning professional or edu-
24 cational benefits on sexual activity; and

1 (F) retaliation for rejecting unwanted sex-
2 ual attention.

3 **SEC. 4. RESEARCH GRANTS.**

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

8 (1) to expand research efforts to better under-
9 stand the factors contributing to, and consequences
10 of, sexual harassment affecting individuals in the
11 scientific, technical, engineering, and mathematics
12 workforce, including students and trainees; and

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

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

18 (1) research on the sexual harassment experi-
19 ences of individuals in underrepresented or vulner-
20 able groups, including racial and ethnic minority
21 groups, disabled individuals, foreign nationals,
22 sexual- and gender-minority individuals, and others;

23 (2) development and assessment of policies,
24 procedures, trainings, and interventions, with respect
25 to sexual harassment, conflict management, the pre-

1 vention of incivility, and ways to foster respectful
2 and inclusive climates;

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

6 (4) support for institutions of higher education
7 to develop, adapt, implement, and assess the impact
8 of innovative, evidence-based strategies, policies, and
9 approaches to policy implementation to prevent and
10 address sexual harassment;

11 (5) research on alternatives to the hierarchical
12 and dependent relationships in academia that have
13 been shown to create higher levels of risk for sexual
14 harassment; and

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

18 **SEC. 5. DATA COLLECTION.**

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

23 (1) to develop questions on sexual harassment
24 in science, technology, engineering, and mathematics
25 departments to gather national data on the preva-

1 lence, nature, and implications of sexual harassment
2 in institutions of higher education; and

3 (2) to include such questions as appropriate,
4 with sufficient protections of the privacy of respond-
5 ents, 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;

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

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

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 16 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 involving grant personnel. The working

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108

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1 group shall be chaired by the Director of the Office of
2 Science and Technology Policy (or the Director's designee)
3 and shall include a representative from each Federal
4 science agency with annual extramural research expendi-
5 tures totaling over \$1,000,000,000.

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

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

13 (1) not later than 90 days after the date of the
14 enactment of this Act, submit to the Committee on
15 Science, Space, and Technology of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate an inven-
18 tory of Federal science agency policies, procedures,
19 and resources dedicated to preventing and respond-
20 ing to reports of sexual harassment; and

21 (2) not later than 6 months after the date on
22 which the inventory is submitted under paragraph
23 (1)—

1 (A) in consultation with outside stake-
2 holders, develop a uniform set of policy guide-
3 lines for Federal science agencies; and

4 (B) submit a report to the committees re-
5 ferred to in paragraph (1) containing such
6 guidelines;

7 (3) encourage and monitor efforts of Federal
8 science agencies to develop or maintain and imple-
9 ment policies based on the guidelines developed
10 under paragraph (2);

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

18 (5) update such policy guidelines as needed.

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

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

1 (A) findings or determinations of sexual
2 harassment; and

3 (B) any decisions made to place grant per-
4 sonnel on administrative leave or impose any
5 administrative action on grant personnel related
6 to any sexual harassment investigation;

7 (2) the sharing and archiving of reports of sex-
8 ual harassment from grantees submitted under para-
9 graph (1) with relevant Federal science agencies on
10 a quarterly basis; and

11 (3) to the extent practicable, ensure consistency
12 among relevant Federal agencies with regards to the
13 policies and procedures for receiving reports sub-
14 mitted pursuant to paragraph (1), which may in-
15 clude the designation of a single agency to field re-
16 ports so submitted.

17 (e) CONSIDERATIONS.—In developing policy guide-
18 lines under subsection (c)(2), the Director of the Office
19 of Science and Technology Policy shall consider guidelines
20 that—

21 (1) require grantees to periodically assess their
22 organizational climate using climate surveys, focus
23 groups, and exit interviews;

24 (2) require grantees to publish on a publicly
25 available internet website the results of assessments

1 conducted pursuant to paragraph (1), disaggregated
2 by gender and, if possible, race, ethnicity, disability
3 status, and sexual orientation;

4 (3) require grantees to make public on an an-
5 nual basis the number of reports of sexual harass-
6 ment at each such institution;

7 (4) require grantees to regularly assess and im-
8 prove policies, procedures, and interventions to re-
9 duce the prevalence of sexual harassment;

10 (5) require each grantee to describe in its grant
11 proposal a code of conduct for maintaining a healthy
12 and welcoming workplace for grant personnel; and

13 (6) reward and incentivize grantees working to
14 create a climate intolerant of sexual harassment.

15 (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

16 Each Federal science agency shall—

17 (1) develop or maintain and implement policies
18 with respect to sexual harassment that are con-
19 sistent with policy guidelines under subsection (c)(2)
20 and that protect the privacy of all parties involved
21 in any report and investigation of sexual harass-
22 ment, except to the extent necessary to carry out an
23 investigation; and

1 (2) broadly disseminate such policies to current
2 and potential recipients of research grants awarded
3 by such agency.

4 (g) SUNSET.—The interagency working group estab-
5 lished under subsection (a) shall terminate on the date
6 that is 7 years after the date of the enactment of this
7 Act.

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

9 (a) IN GENERAL.—Not later than 3 years after the
10 date of enactment of this Act, the Director shall enter into
11 an agreement with the Academies to undertake a study
12 of the influence of sexual harassment in institutions of
13 higher education on the career advancement of individuals
14 in the scientific, engineering, technical, and mathematics
15 workforce. The study shall assess—

16 (1) the state of research on sexual harassment
17 in such workforce;

18 (2) whether research demonstrates a decrease
19 in the prevalence of sexual harassment in such work-
20 force;

21 (3) the progress made with respect to imple-
22 menting recommendations promulgated in the Acad-
23 emies consensus study report entitled “Sexual Har-
24 assment of Women: Climate, Culture, and Con-

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113

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1 sequences in Academic Sciences, Engineering, and
2 Medicine”;

3 (4) the degree to which Federal science agen-
4 cies have implemented the policy guidelines devel-
5 oped under section 7(c)(2) and the effectiveness of
6 that implementation; and

7 (5) where to focus future efforts with respect to
8 decreasing sexual harassment in such institutions.

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

10 There is authorized to be appropriated to the Direc-
11 tor to carry out this Act, \$17,400,000.

○

Chairwoman JOHNSON. Without objection, the bill is considered as read and open to amendment at any point.

I recognize myself to comment on this bill.

Sexual harassment has consequences for the well-being and the careers of women in every sector and every walk of life. In the sciences, it drives women out of the lab and field sites, conferences and classrooms, cutting their careers short and depriving the scientific enterprise of their skills and intellect.

While women have made progress in terms of their representation in some STEM fields, they continue to be significantly underrepresented in other fields. Over the past couple of years, this Committee has examined these issues through bipartisan investigation and two hearings. We have learned about harassers who have escaped scrutiny or avoided disciplinary action for their toxic behavior for years or have succeeded in transferring to other universities with little or no record of their misdeeds.

Grantmaking agencies have learned of many of these cases themselves through the press. We've discussed with the experts and stakeholders steps that can be taken now to address the lack of accountability. We've also considered what additional research is needed to improve the understanding of the cultural factors enabling harassment in the sciences and develop policies and interventions that will help change their culture.

We looked carefully at the recommendations in the 2018 National Academies report on sexual harassment in the sciences. This work has culminated in the bipartisan bill before us today. This bill supports data collection and research into the factors and consequences of sexual harassment in academia. It requires policies among Federal science agencies for reporting of sexual harassment cases involving university personnel supported by Federal research grants.

While the bill requires coordination and encourages uniformity and policies across the agencies, it also accommodates the unique circumstances of each science agency. We worked very closely with representatives from the university community as well to address their concerns in the bill before us.

H.R. 36 has received 26 endorsements, including from the Association for Women in Science, the Association of Women in Mathematics, and the Society of Women Engineers, along with many of the largest scientific societies.

I want to thank Ranking Member Lucas for partnering with me on this bill and the committee staff on both sides of the aisle for working on a bipartisan basis with the stakeholders to understand and address their concerns.

H.R. 36 is an important step in tackling the serious issue of sexual harassment in the sciences, and I urge my colleagues to support it.

Does anyone else need to be recognized?

We are now open for—oh, Ms. Bonamici, I'm sorry.

Ms. BONAMICI. I move to strike the last word.

Chairwoman JOHNSON. The lady is recognized for 5 minutes.

Ms. BONAMICI. Thank you, Chairwoman Johnson. Thank you for holding today's markup on this important legislation.

Historically, the diversity of our science and technology workforce has not been inclusive of women and people of color, and the persistent biases and inequities in our STEM workforce limit which problems we identify and how we address them. And I'm glad we've spent a significant portion of time in this Committee discussing ways to improve the diversity of our STEM workforce and continue to have these conversations with my colleagues on the Education and Labor Committee as well.

But as we heard from our witnesses during this Committee's May 9 hearing on this issue, the prevalence of harassment in the sciences often undermines career advancement for women in STEM fields. According to a June 2018 National Academies report, 58 percent of women in academia experienced sexual harassment, which is unacceptable.

We have a responsibility to do everything we can to make sure that scientists and researchers can work without fear of harassment or retaliation. This starts with prevention and making sure survivors can seek justice.

I strongly support the *Combating Sexual Harassment in Science Act of 2019*, which would direct Federal science agencies to implement policy changes to address sexual harassment. The bill will implement the major recommendations from the National Academies by improving transparency in the reporting process, providing support to survivors, and updating ethics codes to treat harassment with the same scrutiny as scientific misconduct.

Importantly, the bill would direct the Office of Science and Technology to establish sexual harassment policy guidelines for agencies awarding extramural research grants. As we heard during the hearing on this bill, a single entity is needed to help establish a consistent sexual harassment policy across the Federal Government. Regardless of the occupation, everyone should be able to work in a safe and welcoming workplace.

This bill is an important first step in the greater need to address harassment in the science workforce, and I thank Chairwoman Johnson and Ranking Member Lucas for their leadership on this bill. I urge my colleagues to support the bill, and I yield back.

Chairwoman JOHNSON. Thank you very much.

Anyone else seeking recognition?

We will now proceed with the amendments in the order that's on the roster.

The first amendment on the roster is an amendment in the nature of a substitute offered by the Chair, and the clerk will report the amendment.

The CLERK. Amendment number 1, amendment in the nature of a substitute to H.R. 36—

[The amendment of Chairwoman Johnson follows:]

**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 respond-
5 ents, 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 (Δ) 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-

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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 con-
sequences 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.”.



Chairwoman JOHNSON. I ask unanimous consent to dispose of the reading, and without objection, so ordered.

I recognize myself for 5 minutes to explain the amendment.

Changes in the amendment reflect input from key stakeholders at Federal science agencies within the Committee's jurisdiction, as well as with leaders of the scientific societies and higher education associations.

While the scope of the intent of the bill remains the same, the amendment includes clarifying language to address key privacy and due process concerns of the university community. These changes include definitions of key terms and language to ensure that the privacy of victims and those accused of sexual harassment is protected. The amendment also makes clear that agencies should be notified of the final conclusion of any investigation of sexual harassment, including those that find no harassment occurred.

Committee staff worked closely with stakeholders in the higher education community to address concerns about unintended consequences, while ensuring that the bill would drive meaningfully lasting culture change. I urge support of this amendment.

Is there any further discussion on this amendment?

Mr. LUCAS. Madam Chair?

Chairwoman JOHNSON. Mr. Lucas.

Mr. LUCAS. Thank you, Chairwoman Johnson.

This amendment strikes and replaces the text of H.R. 36 to incorporate stakeholder and make some technical corrections to the underlying bill. Among the changes, the amendment includes additional language ensuring privacy and due process for the victims and the accused and making sure the bill does not conflict with any current Federal laws. I appreciate that this amendment and the clarifying and technical amendment that I will offer next were developed in a bipartisan, collaborative process. I encourage my colleagues to support this amendment, and I yield back, Madam Chair.

Chairwoman JOHNSON. Thank you, Mr. Lucas.

I have an amendment at the desk.

Oh, the next amendment on the roster is an amendment offered by the Ranking Member, Mr. Lucas, and you are recognized.

Mr. LUCAS. Madam Chair, I have an amendment at the desk.

Thank you, Chairwoman Johnson. My amendment—

Chairwoman JOHNSON. The clerk will report the amendment.

The CLERK. Amendment number 2, amendment to the amendment in the nature of a substitute to H.R. 36 offered by Mr.—

[The amendment of Mr. Lucas follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 36
OFFERED BY MR. LUCAS OF OKLAHOMA**

Page 12, line 12, insert “, that affects the ability of grant personnel or their trainees to carry out the activities of the grant” after “orders”.

Page 14, line 6, strike “diffuse” and insert “the diffusion of”.

Page 14, line 7, strike “working” and insert “to work”.



Chairwoman JOHNSON. I ask unanimous consent to dispense with the reading, and without objection, Mr. Lucas is recognized.

Mr. LUCAS. Thank you, Chairwoman Johnson.

My amendment makes a couple of minor technical corrections and one important clarification to address a concern expressed by some universities. As previously discussed, the bill requires a new uniform policy for institutions to report affected Federal science—to report to affected Federal science agencies when an administrative action has been taken against grant personnel in cases of sexual or gender harassment. My amendment clarifies the trigger for that reporting to administrative actions that affects the ability of the grant personnel or their trainees to carry out the activities of the grant. I believe this is an appropriate trigger, and this language helps to provide clarity to universities about their new responsibilities.

I thank Chairwoman Johnson and her staff for working closely with us and stakeholders on this amendment. And I encourage my colleagues to support this amendment, and I yield back, Madam Chair.

Chairwoman JOHNSON. Thank you, Mr. Lucas. I support this amendment.

Is there any further discussion on it?

If no, the vote occurs on the amendment.

All in favor, say aye.

Those opposed, say nay.

The ayes have it, and the amendment is adopted—agreed to.

Further proceedings—

Mrs. FLETCHER. Madam Chairwoman, I have an amendment at the desk.

Chairwoman JOHNSON. The clerk will report the amendment.

The CLERK. Amendment number 3, amendment to the amendment in the nature of a substitute to H.R. 36—

[The amendment of Mrs. Fletcher follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 36
OFFERED BY MRS. FLETCHER OF TEXAS**

Page 14, line 8, strike “and”.

Page 14, after line 8, insert the following new paragraph (and make such conforming changes as may be necessary):

- 1 (7) each grantee and Federal science agency to
- 2 have in place mechanisms for the re-integration of
- 3 individuals who have experienced sexual harassment
- 4 and gender harassment; and



Chairwoman JOHNSON. I ask unanimous consent to dispense with the reading, and without objection, I recognize the gentlelady for 5 minutes to explain her amendment.

Mrs. FLETCHER. Thank you, Madam Chairwoman. I'm grateful to you and Ranking Member Lucas for introducing this important bipartisan legislation and for your leadership on this issue.

My amendment is a simple addition to the effort to coordinate Federal science agency efforts to reduce the prevalence of sexual and gender harassment and develop policy guidance addressing it.

Our Committee has heard testimony in multiple hearings about many barriers to reentry into the workforce for those who have experienced harassment, and we can address this issue in this legislation.

Based on the information we learned at the hearing, I offer this amendment that will direct the Office of Science and Technology to consider developing policy guidelines that also require agencies and grantees to have mechanisms for reintegration of individuals who experienced sexual harassment and gender harassment. I believe that this is an important and necessary step in making sure that those who experience harassment are able to reenter the workforce, and I encourage my colleagues to support this amendment. And I yield back.

Chairwoman JOHNSON. Thank you. I support this amendment.

Is there any further discussion on it? If not, the vote occurs on the amendment.

All in favor, say aye.

Those opposed, say no.

The ayes have it, and the amendment is agreed to.

Are there any other amendments?

If not, then the vote occurs on the Chair's amendment in the nature of a substitute.

All in favor, say aye.

Those opposed, nay.

The ayes have it; the amendment is adopted.

A reporting quorum being present, I move that the Committee on Science, Space, and Technology report H.R. 36, as amended, to the House with the recommendation that the bill be approved.

Those in favor of the motion will signify by saying aye.

Those opposed, nay.

The ayes have it, and the bill is favorably reported.

Without objection, the motion to reconsider is laid on the table, and I ask unanimous consent that staff be authorized to make any necessary technical and conforming changes to the bill. Without objection, so ordered.

We have now two subsequent calendar days in which to submit supplementary, minority, or additional views on the measure.

H.R. 3196

10:38 a.m.

Chairwoman JOHNSON. We now move to H.R. 3196 for consideration, the *Vera Rubin Survey Telescope Designation Act*. And the clerk will report the bill.

The CLERK. H.R. 3196, a bill to designate the——

[The bill follows:]