

114TH CONGRESS
2D SESSION

H. R. 6161

To amend the Higher Education Act of 1965 to require institutions of higher education to notify certain Federal agencies when principal investigators at such institutions engage in discrimination on the basis of sex, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2016

Ms. SPEIER (for herself, Ms. JUDY CHU of California, Mr. GALLEGRO, Ms. KAPTUR, Ms. LEE, Mr. MCNERNEY, and Mr. RYAN of Ohio) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Science, Space, and Technology, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to notify certain Federal agencies when principal investigators at such institutions engage in discrimination on the basis of sex, 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.**

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

1 **SEC. 2. REQUIREMENTS FOR INSTITUTIONS OF HIGHER**
2 **EDUCATION.**

3 Section 487(a) of the Higher Education Act of 1965
4 (20 U.S.C. 1094(a)) is amended by adding at the end the
5 following:

6 “(30)(A) With respect to any individual whom,
7 as a result of a grievance procedure described in sec-
8 tion 106.8(b) of title 34, Code of Federal Regula-
9 tions (or successor regulations) carried out by the
10 institution, is found by the institution to have en-
11 gaged in discrimination on the basis of sex while the
12 individual was a principal investigator at the institu-
13 tion, the institution will report (not later than 1
14 month after such finding) to each Federal depart-
15 ment and agency that has awarded such institution
16 a competitive research and development grant on or
17 after the date that is 10 years before such finding,
18 the following information:

19 “(i) The name of the individual.

20 “(ii) The date and nature of the violation
21 for which such determination was made.

22 “(iii) The findings of such determination.

23 “(iv) The remedy (such as corrective train-
24 ing or suspension) required by the institution
25 after such determination.

1 “(B) With respect to a formal complaint alleg-
2 ing discrimination on the basis of sex by a principal
3 investigator at the institution, which was filed with
4 such institution, but for which the institution has
5 not carried out a grievance procedure described in
6 section 106.8(b) of title 34, Code of Federal Regula-
7 tions (or successor regulations) 6 months after the
8 date on which such complaint was filed, the institu-
9 tion will report (not later than the date that is 7
10 months after the date on which such complaint was
11 filed) to each Federal department and agency that
12 has awarded such institution a competitive research
13 and development grant on or after the date that is
14 10 years before such complaint was filed, the fol-
15 lowing information:

16 “(i) The current status of the complaint.

17 “(ii) The nature of the complaint.

18 “(iii) The date of the alleged violation.

19 “(iv) The reason why the institution has
20 yet to complete the grievance procedure.

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

23 “(i) under subparagraph (A) or (B), the
24 institution will—

1 “(I) ensure that such information is
2 accurate; and

3 “(II) if errors are discovered in such
4 information, report the corrected informa-
5 tion to each Federal department and agen-
6 cy described in such subparagraphs, as
7 soon as practicable; or

8 “(ii) under subparagraph (B), the institu-
9 tion will not report any personally identifiable
10 information with respect to individuals involved
11 with the formal complaint on which the institu-
12 tion is reporting.

13 “(D) For purposes of this paragraph, the term
14 ‘principal investigator’, when used with respect to an
15 institution of higher education—

16 “(i) means an individual at and approved
17 by such institution to be responsible for the sci-
18 entific or technical direction of a research and
19 development grant awarded (or that may be
20 awarded) to the institution by a Federal depart-
21 ment or agency; and

22 “(ii) includes an individual identified by
23 such institution as a co-investigator, senior per-
24 sonnel, or an individual in an equivalent posi-

1 tion at the institution with respect to such
2 grant.”.

3 **SEC. 3. REQUIREMENTS FOR CERTAIN FEDERAL DEPART-**
4 **MENTS AND AGENCIES.**

5 (a) IN GENERAL.—Each Federal department or
6 agency authorized to award research and development
7 grants on a competitive basis—

8 (1) when making the final decision of whether
9 to award such a grant to an institution of higher
10 education—

11 (A) shall determine whether any reports
12 have been filed under section 487(a)(30)(A) of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1094(a)(30)(A)), as added by section 2, on any
15 individual who will be the principal investigator
16 at the institution of higher education for such
17 grant; and

18 (B) if such a report has been filed, will
19 consider the report when making such decision;
20 and

21 (2) shall keep each report received under such
22 section 487(a)(30)(A) (20 U.S.C. 1094(a)(30)(A))
23 on an individual—

24 (A) in a case in which during the 10-year
25 period beginning on the date of receipt of such

1 report no additional such report is filed on such
2 individual, for such 10-year period; or

3 (B) in a case in which during the 10-year
4 period described in subparagraph (A) an addi-
5 tional such report is filed on such individual,
6 for the 10-year period beginning on the date of
7 receipt of such additional report; and

8 (3) shall carry out the reporting requirements
9 described in section 1105(a)(40) of title 31, United
10 States Code, as added by section 4.

11 (b) DEFINITIONS.—In this section:

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

16 (2) PRINCIPAL INVESTIGATOR.—The term
17 “principal investigator” has the meaning given the
18 term in section 487(a)(30)(D), as added by section
19 2.

20 **SEC. 4. REPORTING REQUIREMENTS FOR CERTAIN FED-**
21 **ERAL DEPARTMENTS AND AGENCIES.**

22 Section 1105(a)(40) of title 31, United States Code,
23 is amended by adding at the end the following new para-
24 graph:

1 “(40) in the case of a Federal department or
2 agency authorized to award research and develop-
3 ment grants on a competitive basis—

4 “(A) the number of reports received under
5 section 487(a)(30) of the Higher Education Act
6 of 1965 (20 U.S.C. 1094(a)(30)), as added by
7 the Federal Funding Accountability for Sexual
8 Harassers Act, and disaggregated by reports re-
9 ceived under subparagraph (A) and by reports
10 received under subparagraph (B) of such sec-
11 tion; and

12 “(B) the number of cases in which the de-
13 partment or agency recommended awarding
14 such a grant for which the principal investi-
15 gator (as defined in section 3(b) of the Federal
16 Funding Accountability for Sexual Harassers
17 Act) was an individual on which a report under
18 section 487(a)(30)(A) of the Higher Education
19 Act of 1965 (20 U.S.C. 1094(a)(30)(A)) had
20 been filed during the preceding fiscal year.”.

21 **SEC. 5. STUDY AND REPORT.**

22 The Secretary of Education shall enter into a con-
23 tract with the National Academy of Sciences under which
24 the National Academy of Sciences shall—

1 (1) conduct a comprehensive study on the prev-
2 alence and impact of sexual harassment in higher
3 education in science, engineering, and medical de-
4 partments and programs, which shall include an
5 evaluation of, and strategies to, address the legisla-
6 tive, administrative, educational, and cultural bar-
7 riers to reducing the negative impacts of such sexual
8 harassment; and

9 (2) not later than 3 years after the date of en-
10 actment of this Act, submit to the Secretary of Edu-
11 cation and make public a report on the results of
12 such study, including—

13 (A) an evaluation of the impact of sexual
14 harassment on the academic careers of sci-
15 entists, engineers, and health care professionals;

16 (B) a review of current institutional proce-
17 dures for preventing sexual harassment with an
18 assessment of their efficacy, with comparisons
19 to international programs and procedures if rel-
20 evant; and

21 (C) recommendations for evidence-based
22 strategies and policies that can reduce or elimi-
23 nate sexual harassment.

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