

Blumenthal\_1 (as modified)



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: 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 SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 1260**

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BLUMENTHAL  
(for himself, Ms. KLOBUCHAR, Mr. MARKEY, and Ms.  
ROSEN)

Viz:

1 At the end, add the following:

1 **TITLE VI—COMBATTING SEXUAL**  
2 **HARASSMENT IN SCIENCE**

3 **SEC. 601. SHORT TITLE.**

4 This title may be cited as the “Combating Sexual  
5 Harassment in Science Act of 2021”.

6 **SEC. 602. DEFINITIONS.**

7 In this title:

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

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

14 (3) **GRANT PERSONNEL.**—The term “grant per-  
15 sonnel” means principal investigators and co-prin-  
16 cipal investigators supported by a grant award under  
17 Federal law and their trainees.

18 (4) **INSTITUTION OF HIGHER EDUCATION.**—The  
19 term “institution of higher education” has the  
20 meaning given such term in section 101 of the High-  
21 er Education Act of 1965 (20 U.S.C. 1001).

22 (5) **NATIONAL ACADEMIES.**—The term “Na-  
23 tional Academies” means the National Academies of  
24 Sciences, Engineering, and Medicine.

1           (6) RECIPIENT.—The term “recipient” means  
2           an entity, usually a non-Federal entity, that receives  
3           a Federal award directly from a Federal awarding  
4           agency. The term “recipient” does not include enti-  
5           ties that receive subgrants or individuals that are  
6           the beneficiaries of the award.

7           (7) SEXUAL HARASSMENT.—The term “sexual  
8           harassment” has the meaning given such term in  
9           section 1604.11 of title 29, Code of Federal Regula-  
10          tions (or any successor regulations).

11 **SEC. 603. RESEARCH GRANTS.**

12          (a) IN GENERAL.—The Director shall award grants,  
13          on a competitive basis, to institutions of higher education  
14          or nonprofit organizations (or consortia of such institu-  
15          tions or organizations)—

16               (1) to expand research efforts to better under-  
17               stand the factors contributing to, and consequences  
18               of, sexual harassment affecting individuals in the  
19               scientific, technical, engineering, and mathematics  
20               workforce, including students and trainees; and

21               (2) to examine best practices to reduce the inci-  
22               dence and negative consequences of such harass-  
23               ment.

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

1           (1) research on the sexual harassment experi-  
2           ences of individuals in underrepresented or vulner-  
3           able groups, including communities of color, disabled  
4           individuals, foreign nationals, sexual- and gender-mi-  
5           nority individuals, and others;

6           (2) development and assessment of policies,  
7           procedures, trainings, and interventions, with respect  
8           to sexual harassment, conflict management, and  
9           ways to foster respectful and inclusive climates;

10          (3) research on approaches for remediating the  
11          negative impacts and outcomes of such harassment  
12          on individuals experiencing such harassment;

13          (4) support for institutions of higher education  
14          or nonprofit organizations to develop, adapt, imple-  
15          ment, and assess the impact of innovative, evidence-  
16          based strategies, policies, and approaches to policy  
17          implementation to prevent and address sexual har-  
18          assment;

19          (5) research on alternatives to the power dy-  
20          namics and hierarchical and dependent relationships  
21          in academia that have been shown to create higher  
22          levels of risk for and lower levels of reporting of sex-  
23          ual harassment; and

1           (6) research related to the ongoing compilation,  
2           management, and analysis of organizational climate  
3           survey data.

4 **SEC. 604. DATA COLLECTION.**

5           Not later than 180 days after the date of enactment  
6 of this Act, the Director, through the National Center for  
7 Science and Engineering Statistics and with guidance  
8 from the Office of Management and Budget given their  
9 oversight of the Federal statistical agencies, shall convene  
10 a working group composed of representatives of Federal  
11 statistical agencies—

12           (1) to develop questions on sexual harassment  
13           in science, technology, engineering, and mathematics  
14           departments to gather national data on the preva-  
15           lence, nature, and implications of sexual harassment  
16           in institutions of higher education that builds on the  
17           work conducted by the National Center for Science  
18           and Engineering Statistics in response to rec-  
19           ommendations from the National Academies to de-  
20           velop questions on harassment; and

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

1 **SEC. 605. RESPONSIBLE CONDUCT GUIDE.**

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

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

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

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

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

18 (5) professional standards for mentorship and  
19 teaching with an emphasis on power diffusion mech-  
20 anisms and preventing sexual harassment;

21 (6) recommended vetting and hiring practices  
22 scientific research entities are urged to implement to  
23 eliminate serial harassers; and

24 (7) other topics as the National Academies de-  
25 termines appropriate.

1 (b) RECOMMENDATIONS.—In updating the report  
2 under subsection (a), the National Academies shall take  
3 into account recommendations made in the report issued  
4 by the National Academies in 2018 entitled “Sexual Har-  
5 assment of Women: Climate, Culture, and Consequences  
6 in Academic Sciences, Engineering, and Medicine” and  
7 other relevant studies and evidence.

8 (c) REPORT.—Not later than 18 months after the ef-  
9 fective date of the agreement under subsection (a), the  
10 National Academies, as part of such agreement, shall sub-  
11 mit to the Director and the Committee on Science, Space,  
12 and Technology of the House of Representatives and the  
13 Committee on Commerce, Science, and Transportation of  
14 the Senate the report referred to in such subsection, as  
15 updated pursuant to such subsection.

16 **SEC. 606. POLICY GUIDELINES.**

17 (a) RESPONSIBILITIES OF OSTP.—The Director of  
18 the Office of Science and Technology Policy, in coordina-  
19 tion with the working group on inclusion in STEM fields  
20 established under section 308 of the American Innovation  
21 and Competitiveness Act (42 U.S.C. 6626) and the Safe  
22 Inclusive Research Environments Subcommittee of the  
23 National Science and Technology Council, and in consulta-  
24 tion with representatives from each Federal science agen-

1 cy, the Department of Education, and the Equal Employ-  
2 ment Opportunity Commission, shall—

3 (1) not later than 90 days after the date of the  
4 enactment of this Act, submit to the Committee on  
5 Science, Space, and Technology of the House of  
6 Representatives and the Committee on Commerce,  
7 Science, and Transportation of the Senate an inven-  
8 tory of Federal science agency policies, procedures,  
9 and resources dedicated to preventing and respond-  
10 ing to reports of sexual harassment;

11 (2) not later than 6 months after the date on  
12 which the inventory is submitted under paragraph  
13 (1)—

14 (A) in consultation with outside stake-  
15 holders, develop a set of policy guidelines for  
16 Federal science agencies; and

17 (B) submit a report to the committees re-  
18 ferred to in paragraph (1) containing such  
19 guidelines;

20 (3) encourage Federal science agencies to de-  
21 velop or maintain and implement policies based on  
22 the guidelines developed under paragraph (2);

23 (4) not later than 1 year after the date on  
24 which the inventory under paragraph (1) is sub-  
25 mitted, and every 5 years thereafter, the Director of

1 the Office of Science and Technology Policy shall re-  
2 port to Congress on the implementation by Federal  
3 science agencies of the policy guidelines developed  
4 under paragraph (2); and

5 (5) update such policy guidelines as needed.

6 (b) REQUIREMENTS.—

7 (1) IN GENERAL.—In developing policy guide-  
8 lines under subsection (a)(2), the Director of the Of-  
9 fice of Science and Technology Policy shall consider  
10 guidelines that require, to the extent practicable—

11 (A) recipients to submit to the Federal  
12 science agency or agencies from which the re-  
13 cipients receive funding reports relating to—

14 (i) any decision made to launch a for-  
15 mal investigation of sexual harassment by,  
16 or of, grant personnel; and

17 (ii) findings or determinations of sex-  
18 ual harassment by, or of, grant personnel,  
19 including the final disposition of a matter  
20 involving a violation of organizational poli-  
21 cies and processes, to include the exhaus-  
22 tion of permissible appeals, or a conviction  
23 of a sexual offense in a criminal court of  
24 law;

1 (B) the updating and sharing of reports of  
2 sexual harassment submitted under subpara-  
3 graph (A) with relevant Federal science agen-  
4 cies by agency request; and

5 (C) consistency among relevant Federal  
6 agencies with regards to the policies and proce-  
7 dures for receiving reports submitted pursuant  
8 to subparagraph (A).

9 (2) FERPA.—The Director of the Office of  
10 Science and Technology Policy shall ensure that  
11 such guidelines and requirements are consistent with  
12 the requirements of section 444 of the General Edu-  
13 cation Provisions Act (20 U.S.C. 1232g) (commonly  
14 referred to as the “Family Educational Rights and  
15 Privacy Act of 1974”).

16 (3) PRIVACY PROTECTIONS.—The Director of  
17 the Office of Science and Technology Policy shall en-  
18 sure that such guidelines and requirements—

19 (A) do not infringe upon the privacy rights  
20 of individuals associated with reports submitted  
21 to Federal science agencies; and

22 (B) do not require recipients to provide in-  
23 terim reports to Federal science agencies.

24 (c) CONSIDERATIONS.—In developing policy guide-  
25 lines under subsection (a)(2), the Director of the Office

1 of Science and Technology Policy shall consider protocols  
2 that require or incent—

3 (1) recipients that receive funds from Federal  
4 science agencies to periodically assess their organiza-  
5 tional climate, which may include the use of climate  
6 surveys, focus groups, or exit interviews;

7 (2) recipients that receive funds from Federal  
8 science agencies to publish on a publicly available  
9 internet website the results of assessments con-  
10 ducted pursuant to paragraph (1), disaggregated by  
11 gender and, if possible, race, ethnicity, disability sta-  
12 tus, and sexual orientation, and in a manner that  
13 does not include personally identifiable information;

14 (3) recipients that receive funds from Federal  
15 science agencies to make public on an annual basis  
16 the number of determinations of sexual harassment  
17 at that institution or organization;

18 (4) recipients that receive funds from Federal  
19 science agencies to regularly assess and improve  
20 policies, procedures, and interventions to reduce the  
21 prevalence of and improve the reporting of sexual  
22 harassment;

23 (5) each entity applying for Federal assistance  
24 awards from a Federal science agency to have a code  
25 of conduct for maintaining a healthy and welcoming

1 workplace for grant personnel posted on their public  
2 website;

3 (6) each recipient that receives funds from Fed-  
4 eral science agencies to have in place mechanisms  
5 for the re-integration of individuals who have experi-  
6 enced sexual harassment; and

7 (7) recipients that receive funds from Federal  
8 science agencies to work to create a climate intoler-  
9 ant of sexual harassment and that values and pro-  
10 motes diversity and inclusion.

11 (d) FEDERAL SCIENCE AGENCY IMPLEMENTA-  
12 TION.—Each Federal science agency shall—

13 (1) develop or maintain and implement policies  
14 with respect to sexual harassment that are con-  
15 sistent with policy guidelines under subsection (a)(2)  
16 and that protect the privacy of all parties involved  
17 in any report and investigation of sexual harass-  
18 ment; and

19 (2) broadly disseminate such policies to current  
20 and potential recipients of research grants awarded  
21 by such agency.

22 **SEC. 607. NATIONAL ACADEMIES ASSESSMENT.**

23 Not later than 3 years after the date of enactment  
24 of this Act, the Director shall enter into an agreement  
25 with the National Academies to undertake a study and

1 issue a report on the influence of sexual harassment in  
2 institutions of higher education on the career advancement  
3 of individuals in the scientific, engineering, technical, and  
4 mathematics workforce. The study shall assess—

5 (1) the state of research on sexual harassment  
6 in such workforce;

7 (2) whether research demonstrates a decrease  
8 in the prevalence of sexual harassment in such work-  
9 force;

10 (3) the progress made with respect to imple-  
11 menting recommendations promulgated in the Na-  
12 tional Academies consensus study report entitled  
13 “Sexual Harassment of Women: Climate, Culture,  
14 and Consequences in Academic Sciences, Engineer-  
15 ing, and Medicine”;

16 (4) where to focus future efforts with respect to  
17 decreasing sexual harassment in such institutions,  
18 including specific recommendations; and

19 (5) other recommendations and issues, as the  
20 National Academies determines appropriate.

21 **SEC. 608. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

22 Not later than 3 years after the date of enactment  
23 of this Act, the Comptroller General of the United States  
24 shall—

1           (1) complete a study that assesses the degree to  
2           which Federal science agencies have implemented  
3           the policy guidelines developed under section  
4           606(a)(2) and the effectiveness of that implementa-  
5           tion; and

6           (2) submit a report to the Committee on  
7           Science, Space, and Technology of the House of  
8           Representatives and the Committee on Commerce,  
9           Science, and Transportation of the Senate on the re-  
10          sults of such study, including recommendations on  
11          potential changes to practices and policies to im-  
12          prove those guidelines and that implementation.

13 **SEC. 609. HARASSMENT ON THE BASIS OF PREGNANCY STA-**  
14 **TUS.**

15          The Director of the Office of Science and Technology  
16          Policy, in consultation with the Equal Employment Oppor-  
17          tunity Commission, shall develop a definition of “harass-  
18          ment on the basis of pregnancy status” for the purposes  
19          of carrying out this title.