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S. 1379

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

APRIL 27, 2021

Mr. BLUMENTHAL (for himself, Ms. SMITH, Mr. REED, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Ms. HIRONO, Mrs. SHAHEEN, Mr. SANDERS, Mr. WYDEN, Mr. MARKEY, Ms. ROSEN, Mr. BROWN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

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 2021”.

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. Government Accountability Office Study.

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”—

13 (A) sexual harassment is pervasive in insti-
14 tutions of higher education;

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

20 (C) 58 percent of employees in the aca-
21 demic workplace experience sexual harassment,

1 the second highest rate when compared to the
2 military, the private sector, and Federal, State,
3 and local government;

4 (D) women of color are more likely to ex-
5 perience sexual harassment and to feel unsafe
6 at work than white women, white men, or men
7 of color;

8 (E) the training for each individual who
9 has a doctor of philosophy in the science, tech-
10 nology, engineering, and mathematics fields is
11 estimated to cost approximately \$500,000; and

12 (F) attrition of an individual so trained re-
13 sults in a loss of talent and money.

14 (2) Sexual harassment undermines career ad-
15 vancement for women.

16 (3) According to a 2017 study led by Dr. Kath-
17 ryn Clancy at the University of Illinois, among as-
18 tronomers and planetary scientists, 18 percent of
19 women of color and 12 percent of white women
20 skipped professional events because they did not feel
21 safe attending.

22 (4) Many women report leaving employment at
23 institutions of higher education due to sexual har-
24 assment.

1 (5) Research shows the majority of individuals
2 do not formally report experiences of sexual harass-
3 ment due to a justified fear of retaliation or other
4 negative professional or personal consequences.

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

8 (7) There is not adequate communication
9 among Federal science agencies and between such
10 agencies and grant recipients regarding reports of
11 sexual harassment, which has resulted in harassers
12 receiving Federal funding after moving to a different
13 institution.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

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

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

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

1 (4) GRANT PERSONNEL.—The term “grant per-
2 sonnel” means principal investigators and co-prin-
3 cipal investigators supported by a grant award under
4 Federal law and their trainees.

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

9 (6) RECIPIENT.—The term “recipient” means
10 an entity, usually a non-Federal entity, that receives
11 a Federal award directly from a Federal awarding
12 agency. The term “recipient” does not include enti-
13 ties that receive subgrants or individuals that are
14 the beneficiaries of the award.

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

17 (A) verbal and nonverbal behaviors that
18 are severe and pervasive and convey, among
19 other things, hostility, objectification, ridicule,
20 exclusion, or second-class status about one’s sex
21 (including sexual orientation, gender identity,
22 gender presentation, or pregnancy status);

23 (B) unwelcome sexual advances;

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

1 (D) unwanted sexual attention, including
 2 sexual comments and propositions for sexual ac-
 3 tivity;

4 (E) conditioning professional or edu-
 5 cational benefits on sexual activity; and

6 (F) retaliation for rejecting unwanted sex-
 7 ual attention.

8 **SEC. 4. RESEARCH GRANTS.**

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

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

18 (2) to examine interventions to reduce the inci-
 19 dence and negative consequences of such harass-
 20 ment.

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

23 (1) research on the sexual harassment experi-
 24 ences of individuals in underrepresented or vulner-
 25 able groups, including communities of color, disabled

1 individuals, foreign nationals, sexual- and gender-mi-
2 nority individuals, and others;

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

7 (3) research on approaches for remediating the
8 negative impacts and outcomes of such harassment
9 on individuals experiencing such harassment;

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

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

21 (6) establishing a center for the ongoing com-
22 pilation, management, and analysis of organizational
23 climate survey data.

1 **SEC. 5. DATA COLLECTION.**

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

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

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

23 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Director shall enter into
26 an agreement with the Academies to update the report en-

1 titled “On Being a Scientist: A Guide to Responsible Con-
 2 duct in Research” issued by the Academies. The report,
 3 as so updated, shall include—

4 (1) updated professional standards of conduct
 5 in research;

6 (2) standards of treatment individuals can ex-
 7 pect to receive under such updated standards of con-
 8 duct;

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

11 (4) methods, including bystander intervention,
 12 for identifying and addressing incidents of sexual
 13 harassment;

14 (5) professional standards for mentorship and
 15 teaching with an emphasis on power diffusion mech-
 16 anisms and preventing sexual harassment; and

17 (6) recommended vetting and hiring practices
 18 scientific research entities are urged to implement to
 19 increase diversity and eliminate serial harassers.

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

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

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

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

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

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

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

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

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

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

22 (B) submit a report to the committees re-
23 ferred to in paragraph (1) containing such
24 guidelines;

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

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

12 (5) update such policy guidelines as needed.

13 (d) REQUIREMENTS.—

14 (1) IN GENERAL.—In developing policy guide-
 15 lines under subsection (c)(2), the Director of the Of-
 16 fice of Science and Technology Policy shall consider
 17 guidelines that require—

18 (A) recipients to submit to the Federal
 19 science agency or agencies from which the re-
 20 cipients receive funding reports relating to—

21 (i) findings or determinations of sex-
 22 ual harassment by or of grant personnel;
 23 and

24 (ii) any decisions made to place grant
 25 personnel on administrative leave or im-

pose any administrative action on grant personnel related to any sexual harassment investigation;

(B) the updating, sharing, and archiving of reports of sexual harassment from recipients submitted under subparagraph (A) with relevant Federal science agencies by agency request; and

(C) to the extent practicable, consistency among relevant Federal science agencies with regards to the policies and procedures for receiving reports submitted pursuant to subparagraph (A).

(2) 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”).

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

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

5 (2) require recipients that receive funds from
6 Federal science agencies to publish on a publicly
7 available internet website the results of assessments
8 conducted pursuant to paragraph (1), disaggregated
9 by gender and, if possible, race, ethnicity, disability
10 status, and sexual orientation;

11 (3) require recipients that receive funds from
12 Federal science agencies to make public on an an-
13 nual basis the number of reports of sexual harass-
14 ment at that institution or organization;

15 (4) require recipients that receive funds from
16 Federal science agencies to regularly assess and im-
17 prove policies, procedures, and interventions to re-
18 duce the prevalence of and improve the reporting of
19 sexual harassment;

20 (5) require each entity applying for Federal as-
21 sistance awards from a Federal science agency to
22 have a code of conduct for maintaining a healthy
23 and welcoming workplace for grant personnel posted
24 on their public website;

1 (6) require each recipient that receives funds
2 from Federal science agencies to have in place mech-
3 anisms for the re-integration of individuals who have
4 experienced sexual harassment; and

5 (7) reward and incentivize recipients that re-
6 ceive funds from Federal science agencies that are
7 working to create a climate intolerant of sexual har-
8 assment and that values and promotes diversity and
9 inclusion.

10 (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

11 Each Federal science agency shall—

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

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

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

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

2 Not later than 3 years after the date of enactment
3 of this Act, the Director shall enter into an agreement
4 with the Academies to undertake a study of the influence
5 of sexual harassment in institutions of higher education
6 on the career advancement of individuals in the scientific,
7 engineering, technical, and mathematics workforce. The
8 study shall assess—

9 (1) the state of research on sexual harassment
10 in such workforce;

11 (2) whether research demonstrates a decrease
12 in the prevalence of sexual harassment in such work-
13 force;

14 (3) the progress made with respect to imple-
15 menting recommendations promulgated in the Acad-
16 emies consensus study report entitled “Sexual Har-
17 assment of Women: Climate, Culture, and Con-
18 sequences in Academic Sciences, Engineering, and
19 Medicine”; and

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

22 **SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

23 Not later than 3 years after the date of enactment
24 of this Act, the Comptroller General of the United States
25 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 7(c)(2)
4 and the effectiveness of that implementation; and
- 5 (2) submit a report to the Committee on
6 Science, Space, and Technology of the House of
7 Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate on the re-
9 sults of such study, including recommendations on
10 potential changes to practices and policies to im-
11 prove those guidelines and that implementation.

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