

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 2021”.

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. Government Accountability Office Study.

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 employees 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 of color are more likely to ex-  
2 perience sexual harassment and to feel unsafe  
3 at work than white women, white men, or men  
4 of color;

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

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

11 (2) Sexual harassment undermines career ad-  
12 vancement for women.

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

19 (4) Many women report leaving employment at  
20 institutions of higher education due to sexual har-  
21 assment.

22 (5) Research shows the majority of individuals  
23 do not formally report experiences of sexual harass-  
24 ment due to a justified fear of retaliation or other  
25 negative professional or personal consequences.

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

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

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

21           (4) **GRANT PERSONNEL.**—The term “grant per-  
22 sonnel” means principal investigators and co-prin-  
23 cipal investigators supported by a grant award under  
24 Federal law and their trainees.

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

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

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

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

19           (B) unwelcome sexual advances;

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

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

1 (E) conditioning professional or edu-  
2 cational benefits on sexual activity; and

3 (F) retaliation for rejecting unwanted sex-  
4 ual attention.

5 **SEC. 4. RESEARCH GRANTS.**

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

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

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

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

20 (1) research on the sexual harassment experi-  
21 ences of individuals in underrepresented or vulner-  
22 able groups, including communities of color, disabled  
23 individuals, foreign nationals, sexual- and gender-mi-  
24 nority individuals, and others;

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

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

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

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

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

22 **SEC. 5. DATA COLLECTION.**

23          Not later than 180 days after the date of enactment  
24          of this Act, the Director, through the National Center for  
25          Science and Engineering Statistics and with guidance

1 from the Office of Management and Budget given their  
2 oversight of the Federal statistical agencies, shall convene  
3 a working group composed of representatives of Federal  
4 statistical agencies—

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

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

19 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

20          (a) IN GENERAL.—Not later than 180 days after the  
21          date of enactment of this Act, the Director shall enter into  
22          an agreement with the Academies to update the report en-  
23          titled “On Being a Scientist: A Guide to Responsible Con-  
24          duct in Research” issued by the Academies. The report,  
25          as so updated, shall include—

1           (1) updated professional standards of conduct  
2           in research;

3           (2) standards of treatment individuals can ex-  
4           pect to receive under such updated standards of con-  
5           duct;

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

8           (4) methods, including bystander intervention,  
9           for identifying and addressing incidents of sexual  
10          harassment;

11          (5) professional standards for mentorship and  
12          teaching with an emphasis on power diffusion mech-  
13          anisms and preventing sexual harassment; and

14          (6) recommended vetting and hiring practices  
15          scientific research entities are urged to implement to  
16          increase diversity and eliminate serial harassers.

17          (b) RECOMMENDATIONS.—In updating the report  
18          under subsection (a), the Academies shall take into ac-  
19          count recommendations made in the report issued by the  
20          Academies in 2018 entitled “Sexual Harassment of  
21          Women: Climate, Culture, and Consequences in Academic  
22          Sciences, Engineering, and Medicine” and other relevant  
23          studies and evidence.

24          (c) REPORT.—Not later than 18 months after the ef-  
25          fective date of the agreement under subsection (a), the

1 Academies, as part of such agreement, shall submit to the  
2 Director and the Committee on Science, Space, and Tech-  
3 nology of the House of Representatives and the Committee  
4 on Commerce, Science, and Transportation of the Senate  
5 the report referred to in such subsection, as updated pur-  
6 suant to such subsection.

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

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

21 (b) RESPONSIBILITIES OF WORKING GROUP.—The  
22 interagency working group established under subsection  
23 (a) shall coordinate Federal science agency efforts to im-  
24 plement the policy guidelines developed under subsection  
25 (c)(2).

1           (c) RESPONSIBILITIES OF OSTP.—The Director of  
2 the Office of Science and Technology Policy 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 and monitor efforts of Federal  
21 science agencies to develop or maintain and imple-  
22 ment policies based on the guidelines developed  
23 under paragraph (2);

24           (4) not later than 1 year after the date on  
25 which the inventory under paragraph (1) is sub-

1       mitted, and every 5 years thereafter, the Director of  
2       the Office of Science and Technology Policy shall re-  
3       port to Congress on the implementation by Federal  
4       science agencies of the policy guidelines developed  
5       under paragraph (2); and

6               (5) update such policy guidelines as needed.

7       (d) REQUIREMENTS.—

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

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

15              (i) findings or determinations of sex-  
16      ual harassment by or of grant personnel;  
17      and

18              (ii) any decisions made to place grant  
19      personnel on administrative leave or im-  
20      pose any administrative action on grant  
21      personnel related to any sexual harassment  
22      investigation;

23              (B) the updating, sharing, and archiving of  
24      reports of sexual harassment from recipients  
25      submitted under subparagraph (A) with rel-

1           evant Federal science agencies by agency re-  
2           quest; and

3                   (C) to the extent practicable, consistency  
4           among relevant Federal science agencies with  
5           regards to the policies and procedures for re-  
6           ceiving reports submitted pursuant to subpara-  
7           graph (A).

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

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

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

23                   (2) require recipients that receive funds from  
24          Federal science agencies 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 recipients that receive funds from  
5 Federal science agencies to make public on an an-  
6 nual basis the number of reports of sexual harass-  
7 ment at that institution or organization;

8 (4) require recipients that receive funds from  
9 Federal science agencies to regularly assess and im-  
10 prove policies, procedures, and interventions to re-  
11 duce the prevalence of and improve the reporting of  
12 sexual harassment;

13 (5) require each entity applying for Federal as-  
14 sistance awards from a Federal science agency to  
15 have a code of conduct for maintaining a healthy  
16 and welcoming workplace for grant personnel posted  
17 on their public website;

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

22 (7) reward and incentivize recipients that re-  
23 ceive funds from Federal science agencies that are  
24 working to create a climate intolerant of sexual har-

1 assessment and that values and promotes diversity and  
2 inclusion.

3 (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

4 Each Federal science agency shall—

5 (1) develop or maintain and implement policies  
6 with respect to sexual harassment that are con-  
7 sistent with policy guidelines under subsection (e)(2)  
8 and that protect the privacy of all parties involved  
9 in any report and investigation of sexual harass-  
10 ment, except to the extent necessary to carry out an  
11 investigation; and

12 (2) broadly disseminate such policies to current  
13 and potential recipients of research grants awarded  
14 by such agency.

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

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

20 Not later than 3 years after the date of enactment  
21 of this Act, the Director shall enter into an agreement  
22 with the Academies to undertake a study of the influence  
23 of sexual harassment in institutions of higher education  
24 on the career advancement of individuals in the scientific,

1 engineering, technical, and mathematics workforce. The  
2 study shall assess—

3 (1) the state of research on sexual harassment  
4 in such workforce;

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

8 (3) the progress made with respect to imple-  
9 menting recommendations promulgated in the Acad-  
10 emies consensus study report entitled “Sexual Har-  
11 assment of Women: Climate, Culture, and Con-  
12 sequences in Academic Sciences, Engineering, and  
13 Medicine”; and

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

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

17 Not later than 3 years after the date of enactment  
18 of this Act, the Comptroller General of the United States  
19 shall—

20 (1) complete a study that assesses the degree to  
21 which Federal science agencies have implemented  
22 the policy guidelines developed under section 7(c)(2)  
23 and the effectiveness of that implementation; and

24 (2) submit a report to the Committee on  
25 Science, Space, and Technology of the House of

1       Representatives and the Committee on Commerce,  
2       Science, and Transportation of the Senate on the re-  
3       sults of such study, including recommendations on  
4       potential changes to practices and policies to im-  
5       prove those guidelines and that implementation.