

(D) broaden STEM educational opportunities for students and faculty of HBCUs, TCUs, and MSIs; and

(E) support the transition of students of HBCUs, TCUs, and MSIs into the STEM workforce;¹

(c) Strategic plan

(1) In general

Not later than one year after August 9, 2022, the Director of the Office of Science and Technology Policy, in collaboration with the head of each Federal research agency, shall submit to Congress a report containing a strategic plan which reflects the plans of each Federal research agency to increase the capacity of HBCUs, TCUs, and MSIs to compete effectively for grants, contracts, or cooperative agreements and to encourage HBCUs, TCUs, and MSIs to participate in Federal programs.

(2) Considerations

In developing a strategic plan under paragraph (1), the Director and the head of each Federal research agency shall consider the following:

(A) Issuing new or expanding existing funding opportunities targeted to HBCUs, TCUs, and MSIs.

(B) Modifying existing research and development program solicitations to incentivize effective partnerships with HBCUs, TCUs, and MSIs.

(C) Offering planning grants for HBCUs, TCUs, and MSIs to develop or equip grant offices with the requisite depth of knowledge to submit competitive grant proposals and manage awarded grants.

(D) Offering additional training programs, including individualized and timely guidance to grant officers, faculty, and postdoctoral researchers at HBCUs, TCUs, and MSIs to ensure their understanding of the requirements for an effective grant proposal.

(E) Other approaches for making current competitive funding models more accessible for underresourced HBCUs, TCUs, and MSIs.

(d) Report on policy guidelines

Not later than two years after August 9, 2022, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to Congress on the implementation by Federal research agencies of the policy guidelines developed under this section.

(Pub. L. 117-167, div. B, title V, §10522, Aug. 9, 2022, 136 Stat. 1620.)

Editorial Notes

CODIFICATION

Section is comprised of section 10522 of Pub. L. 117-167. Subsec. (e) of section 10522 of Pub. L. 117-167 amended section 6621 of this title.

§ 19182. Research at the National Science Foundation

(a) In general

The Director shall make awards, on a competitive basis, to institutions of higher education or

nonprofit organizations (or consortia thereof) to—

(1) conduct research described in subsection (b) with respect to HBCUs, TCUs, and MSIs; and

(2) identify and broadly disseminate effective models for programs and practices at HBCUs, TCUs, and MSIs that promote the education and workforce preparation of minority students pursuing STEM studies and careers in which such students are underrepresented.

(b) Research

Research described in this subsection is research on the contribution of HBCUs, TCUs, and MSIs to the education and training of underrepresented minority students in STEM fields and to the meeting of national STEM workforce needs, including relating to the following:

(1) The diversity with respect to local context, cultural differences, and institutional structure among HBCUs, TCUs, and MSIs and any associated impact on education and research endeavors.

(2) Effective practices at HBCUs, TCUs, and MSIs and associated outcomes on student recruitment, retention, and advancement in STEM fields, including the ability for students to compete for fellowships, employment, and advancement in the workforce.

(3) Contributions made by HBCUs, TCUs, and MSIs to local, regional, and national workforces.

(4) The challenges and opportunities for HBCUs, TCUs, and MSIs in attaining the resources needed for integrating effective practices in STEM education, including providing research experiences for underrepresented minority students.

(5) The access of students at HBCUs, TCUs, and MSIs to STEM infrastructure and any associated outcomes for STEM competency.

(6) Models of STEM curriculum, learning, and teaching successful at HBCUs, TCUs, and MSIs for increasing participation, retention, and success of underrepresented minority students.

(7) Successful or promising partnerships between HBCUs, TCUs, and MSIs and other institutions of higher education, private sector and nonprofit organizations, Federal laboratories, and international research institutions.

(c) Research experiences

Awards under this section may fund the development or expansion of opportunities for the exchange of students and faculty to conduct research, facilitate professional development, and provide mentorship, including through partnerships with institutions of higher education that are not HBCUs, TCUs, or MSIs, private sector and nonprofit organizations, Federal laboratories, and international research institutions.

(Pub. L. 117-167, div. B, title V, §10523, Aug. 9, 2022, 136 Stat. 1622.)

§ 19183. Capacity-building program for developing universities

(a) Awards

(1) In general

The Director shall make awards, on a competitive basis, to eligible institutions de-

¹ So in original. The semicolon probably should be a period.

scribed in subsection (b) to support the mission of the Foundation and to build institutional research capacity at eligible institutions.

(2) Administration

The Director may administer separate competitions for each category of eligible institution described in subparagraphs (A) through (C) of subsection (b)(1) in order to ensure fair competition for institutions with significantly different research capacities.

(b) Eligible institutions

To be eligible to receive an award under this subsection, an entity—

(1) shall be—

(A) a historically Black college or university;

(B) a Tribal College or University;

(C) a minority-serving institution;

(D) an institution of higher education with an established STEM capacity-building program focused on Native Hawaiians and Alaska Natives; or

(E) consortia thereof;

(2) shall—

(A) have not more than \$50,000,000 in annual federally financed research and development expenditures for science and engineering as reported through the National Science Foundation Higher Education Research and Development Survey; or

(B) not be an institution classified as having very high research activity by the Carnegie Classification of Institutions of Higher Education.

(c) Partnerships

In making awards under this section, the Director shall—

(1) encourage entities that are consortia of eligible institutions to submit proposals and require such proposals to include a plan for establishing a sustained partnership that is jointly developed and managed, draws from the capacities of each institution, and is mutually beneficial;

(2) encourage proposals submitted in partnership with the private sector, nonprofit organizations, Federal laboratories, and international research institutions, as appropriate;

(3) require proposals described in paragraphs (1) and (2) to include a plan to strengthen the administrative and research capacity of the partnering HBCUs, TCUs, or MSIs to lead future proposals.

(d) Very high research activity status Historically Black Colleges and Universities program

Awards under this section may be used to enable HBCUs which have high research activity status to achieve very high research activity status, as classified under the Carnegie Classification of Institutions of Higher Education, by enabling—

(1) faculty professional development;

(2) stipends for graduate and undergraduate students, and postdoctoral scholars;

(3) acquisition of laboratory equipment and instrumentation; and

(4) other activities as necessary to build research capacity.

(e) Proposals

To receive an award under this subsection, an eligible institution shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require, including—

(1) a plan that describes how the eligible institution will establish or expand research office capacity and how such award would be used to—

(A) conduct an assessment of capacity-building and research infrastructure needs of an eligible institution;

(B) enhance institutional resources to provide administrative research development support to faculty at an eligible institution;

(C) bolster the institutional research competitiveness of an eligible institution to support awards made by the Foundation;

(D) support the acquisition of instrumentation necessary to build research capacity at an eligible institution in research areas directly associated with the Foundation;

(E) increase capability of an eligible institution to move technology into the marketplace;

(F) increase engagement with industry to execute research through the SBIR and STTR programs (as such terms are defined in section 638(e) of title 15) and direct contracts at an eligible institution;

(G) enhance STEM curriculum and research training opportunities at the undergraduate, graduate, and postdoctoral levels at an eligible institution;

(H) further faculty development initiatives and strengthen institutional research training infrastructure, capacity, and competitiveness of an eligible institution;

(I) address plans and prospects for long-term sustainability of institutional enhancements at an eligible institution resulting from the award including, if applicable, how the award may be leveraged by an eligible institution to build a broader base of support; and

(J) develop and implement mechanisms for institutions of higher education to partner with HBCUs, TCUs, and MSIs on STEM education, including the facilitation of student exchanges, course and resource sharing, collaboration, and matriculation of students to either institution's graduate programs, mentoring programs for students and junior faculty, joint research projects, and student access to graduate education; and

(2) as relevant, a plan, which shall be updated every three years, that describes the institution's strategy to achieve very high research activity status, including making investments with institutional and non-Federal funds, to achieve that status within a decade of the grant award, to the extent practicable.

(f) MSI Centers of Innovation

Awards under this section may fund the establishment of not more than five MSI Centers of Innovation to leverage successes of HBCUs,

TCUs, and MSIs in STEM education and research training of underrepresented minority students as models for other institutions, including both HBCUs, TCUs, and MSIs and institutions of higher education that are not HBCUs, TCUs, or MSIs. Such centers will be located on campuses of selected HBCUs, TCUs, or MSIs, and serve as incubators to allow institutions of higher education to experiment, pilot, evaluate, and scale up promising practices.

(g) Awards

Awards made under this subsection shall be for periods of three years and may be extended for periods of not more than five years.

(h) Authorization of appropriations

There are authorized to be appropriated to the Director \$200,000,000 for fiscal year 2023 and \$250,000,000 for each of fiscal years 2024 through 2027 to carry out the activities in this section and section 19182 of this title.

(i) Report on improving the research capacity at high research activity Historically Black Colleges and Universities

(1) In general

Not later than one year after August 9, 2022, the National Science and Technology Council shall prepare and submit a report that—

- (A) identifies challenges and barriers to Federal research and development awards for high research activity status HBCUs; and
- (B) identifies recommendations for Federal research agencies to sustainably boost the research capacity of high research activity status HBCUs through awards-making authorities.

(2) Report submission

The National Science and Technology Council shall transmit the report required under paragraph (1) to the Director, the Administrator of the National Aeronautics and Space Administration, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of Health and Human Services, and the heads of other such agencies as determined relevant by the National Science and Technology Council.

(3) Information from Federal agencies

The National Science and Technology Council may secure directly from a Federal department or agency such information as the National Science and Technology Council considers necessary to prepare the report required under paragraph (1). Upon a request from the National Science and Technology Council, the head of a Federal department or agency shall furnish such information as is requested to the National Science and Technology Council.

(Pub. L. 117–167, div. B, title V, §10524, Aug. 9, 2022, 136 Stat. 1623.)

§ 19184. Definitions

In this part:

(1) Director

The term “Director” means the Director of the National Science Foundation.

(2) HBCU

The term “HBCU” has the meaning given the term “part B institution” in section 1061 of title 20.

(3) Minority serving institution

The term “minority serving institution” or “MSI” means Hispanic-Serving Institutions as defined in section 1101a) of title 20; Alaska Native Serving Institutions and Native Hawaiian-Serving Institutions as defined in section 1059d of title 20; and Predominantly Black Institutions, Asian American and Native American Pacific Islander-Serving Institutions, and Native American-Serving Nontribal Institutions as defined in section 1067q of title 20.

(4) TCU

The term “TCU” has the meaning given the term “Tribal College or University” in section 1059c of title 20.

(Pub. L. 117–167, div. B, title V, §10526, Aug. 9, 2022, 136 Stat. 1627.)

PART D—COMBATING SEXUAL HARASSMENT IN SCIENCE

§ 19191. 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;

(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) 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.

(3) Reporting procedures with respect to sexual harassment are inconsistent among Federal research agencies and have varying degrees of accessibility.

(4) There is not adequate communication among Federal research agencies and between such agencies and recipients regarding reports