

of sexual harassment, which has resulted in harassers receiving Federal funding after moving to a different institution.

(Pub. L. 117-167, div. B, title V, §10531, Aug. 9, 2022, 136 Stat. 1627.)

§ 19192. Purpose

The purpose of this part is to increase understanding of the causes and consequences of sex-based and sexual harassment, as discussed in the report issued by the National Academies in 2018 entitled “Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine”, and to advance evidence-based approaches to reduce the prevalence and negative impact of such harassment.

(Pub. L. 117-167, div. B, title V, §10532, Aug. 9, 2022, 136 Stat. 1628.)

§ 19193. Definition

In this part, the term “Director” means the Director of the National Science Foundation.

(Pub. L. 117-167, div. B, title V, §10533, Aug. 9, 2022, 136 Stat. 1628.)

§ 19194. Research awards

(a) In general

The Director shall make awards, on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations)—

(1) to expand research efforts to better understand the factors contributing to, and consequences of, sex-based and sexual harassment affecting individuals in the STEM workforce, including students and trainees; and

(2) to examine approaches to reduce the incidence and negative consequences of such harassment.

(b) Use of funds

Activities funded by an award under this section may include—

(1) research on the sex-based and sexual harassment experiences of individuals, including in racial and ethnic minority groups, disabled individuals, foreign nationals, sexual-minority individuals, and others;

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

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

(4) support for institutions of higher education or nonprofit organizations to develop, adapt, implement, and assess the impact of innovative, evidence-based strategies, policies, and approaches to policy implementation to prevent and address sex-based and sexual harassment;

(5) research on alternatives to the power dynamics, hierarchical, and dependent relationships, including but not limited to the mentor-mentee relationship, in academia that have

been shown to create higher levels of risk for and lower levels of reporting of sex-based and sexual harassment; and

(6) establishing a center for the ongoing compilation, management, and analysis of organizational climate survey data.

(Pub. L. 117-167, div. B, title V, §10534, Aug. 9, 2022, 136 Stat. 1628.)

§ 19195. Interagency working group

(a) In general

The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an interagency working group for the purpose of coordinating Federal research agency efforts to reduce the prevalence of sex-based and sexual harassment involving award personnel. In coordination with the working group on inclusion in STEM fields established under section 6626 of this title and the Safe Inclusive Research Environments Subcommittee of the National Science and Technology Council, and in consultation with representatives from each Federal research agency, the Office for Civil Rights at the Department of Health and Human Services, the Office for Civil Rights at the Department of Education, and the Equal Employment Opportunity Commission, the working group shall—

(1) not later than 90 days after August 9, 2022, submit to the Committee on Science, Space, and Technology, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate an inventory of Federal research agency policies, procedures, and resources dedicated to preventing and responding to reports of sex-based and sexual harassment;

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

(A) in consultation with outside stakeholders, develop a consistent set of policy guidelines for Federal research agencies; and

(B) submit a report to the committees referred to in paragraph (1) containing such guidelines;

(3) encourage and monitor efforts of Federal research agencies to develop or maintain and implement policies based on the guidelines developed under paragraph (2);

(4) not later than 1 year after the date on which the inventory under paragraph (1) is submitted, and every 5 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 paragraph (2); and

(5) update such policy guidelines as needed.

(b) Requirements

In developing policy guidelines under subsection (a)(2), the Director of the Office of Science and Technology Policy shall include

guidelines that require, to the extent practicable—

(1) recipients to submit to the Federal research agency or agencies from which the recipients receive funding reports relating to—

(A) any decision made to launch a formal investigation of sex-based or sexual harassment, including bullying, retaliation, or hostile working conditions by, or of, award personnel;

(B) administrative action, related to an allegation against award personnel of any such harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders, that affects the ability of award personnel or their trainees to carry out the activities of the award;

(C) the total number of investigations with no findings or determinations of misconduct including such harassment;

(D) findings or determinations of such harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or Executive orders by, or of, award personnel, including the final disposition of a matter involving a violation of organizational policies and processes, to include the exhaustion of permissible appeals, or a determination of a sexual offense in a court of law, or any other disciplinary action taken;

(2) the sharing, updating, and archiving of reports of sex-based and sexual harassment from recipients submitted under paragraph (1) with relevant Federal research agencies, on a yearly basis and by agency request; and

(3) consistency among Federal research agencies with regard to the policies and procedures for receiving reports submitted pursuant to paragraph (1).

(4) 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 1232g of title 20 (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”).

(5) Privacy protections

The Director of the Office of Science and Technology Policy shall ensure that such guidelines and requirements—

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

(B) do not require recipients to provide interim reports to Federal research agencies.

(c) Considerations

In carrying out subsection (a)(2), the Director of the Office of Science and Technology Policy shall consider issuing guidelines that require or incent—

(1) recipients to periodically assess their organizational climate, which may include the use of climate surveys, focus groups, or exit interviews;

(2) recipients to publish on a publicly available internet website the results of assessments conducted pursuant to paragraph (1), disaggregated by sex and, if practicable, race, ethnicity, disability status, and sexual ori-

entation, and in a manner that does not include personally identifiable information;

(3) recipients to make public on an annual basis the number of reports of sex-based and sexual harassment at that institution or organization;

(4) recipients to regularly assess and improve policies, procedures, and interventions to reduce the prevalence of and improve the reporting of sex-based and sexual harassment;

(5) each entity applying for a research and development award certify that a code of conduct is in place for maintaining a healthy and welcoming workplace for award personnel and posted on their public website;

(6) each recipient and Federal research agency to have in place mechanisms for addressing the needs of individuals who have experienced sex-based and sexual harassment, including those individuals seeking to reintegrate at the recipient entity; and

(7) recipients to work to create a climate intolerant of sex-based and sexual harassment and that values and promotes diversity and inclusion.

(d) Federal research agency implementation

Not later than 270 days after receiving the guidelines under paragraph (a)(2), each Federal research agency shall—

(1) develop or maintain and implement policies with respect to sex-based and sexual harassment that are consistent with policy guidelines under subsection (a)(2) and that protect the privacy of all parties involved in any report and investigation of sex-based or sexual harassment, to the maximum extent practicable; and

(2) broadly disseminate such policies to current and potential recipients of research and development awards made by such agency.

(Pub. L. 117-167, div. B, title V, §10536, Aug. 9, 2022, 136 Stat. 1629.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

**SUBCHAPTER VI—MISCELLANEOUS
SCIENCE AND TECHNOLOGY PROVISIONS**

**PART A—SUPPORTING EARLY-CAREER
RESEARCHERS**

§ 19211. Early-career research fellowship program

(a) In general

The Director of the National Science Foundation may establish a 2-year pilot program to make awards to highly qualified early-career investigators to carry out an independent research program at the institution of higher education or participating Federal research facility chosen by such investigator, to last for a period not greater than two years.

(b) Selection process

The Director of the National Science Foundation shall select recipients under subsection (a)