

2011, 124 Stat. 3997; Pub. L. 114-329, title III, § 314, Jan. 6, 2017, 130 Stat. 3015.)

Editorial Notes

AMENDMENTS

2017—Subsec. (a). Pub. L. 114-329, § 314(a), substituted “the agency, with consideration given to the goal of promoting the participation of individuals identified in sections 1885a and 1885b of title 42” for “agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups”.

Subsec. (b)(4)(C) to (E). Pub. L. 114-329, § 314(b), added subpars. (C) and (E) and redesignated former subpar. (C) as (D).

Subsecs. (d) to (f). Pub. L. 114-329, § 314(c), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

2011—Subsec. (a). Pub. L. 111-358, § 302(1), substituted “agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups in STEM fields and in promoting the acquisition and retention of highly qualified and motivated young scientists to complement and supplement workforce needs.” for “the agency.”

Subsec. (b). Pub. L. 111-358, § 302(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 111-358, § 302(4), substituted “maintain” for “develop”.

Pub. L. 111-358, § 302(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 111-358, § 302(2), redesignated subsec. (c) as (d).

Subsec. (e). Pub. L. 111-358, § 302(5), added subsec. (e).

§ 893b. NOAA’s contribution to innovation

(a) Participation in interagency activities

The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) Historic foundation

In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(Pub. L. 110-69, title IV, § 4003, Aug. 9, 2007, 121 Stat. 600.)

§ 893c. Workforce study

(a) In general

The Secretary of Commerce, in cooperation with the Secretary of Education, shall request the National Academy of Sciences to conduct a study on the scientific workforce in the areas of oceanic and atmospheric research and development. The study shall investigate—

(1) whether there is a shortage in the number of individuals with advanced degrees in

oceanic and atmospheric sciences who have the ability to conduct high quality scientific research in physical and chemical oceanography, meteorology, and atmospheric modeling, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees;

(3) barriers to transitioning highly qualified oceanic and atmospheric scientists into Federal civil service scientist career tracks;

(4) what institutions of higher education, the private sector, and the Congress could do to increase the number of individuals with such post baccalaureate degrees;

(5) the impact of an aging Federal scientist workforce on the ability of Federal agencies to conduct high quality scientific research; and

(6) what actions the Federal government can take to assist the transition of highly qualified scientists into Federal career scientist positions and ensure that the experiences of retiring Federal scientists are adequately documented and transferred prior to retirement from Federal service.

(b) Coordination

The Secretary of Commerce and the Secretary of Education shall consult with the heads of other Federal agencies and departments with oceanic and atmospheric expertise or authority in preparing the specifications for the study.

(c) Report

No later than 18 months after January 4, 2011, the Secretary of Commerce and the Secretary of Education shall transmit a joint report to each committee of Congress with jurisdiction over the programs described in section 893a(b) of this title, as amended by section 302 of this Act, detailing the findings and recommendations of the study and setting forth a prioritized plan to implement the recommendations.

(d) Program and plan

The Administrator of the National Oceanic and Atmospheric Administration shall evaluate the National Academy of Sciences study and develop a workforce program and plan to institutionalize the Administration’s Federal science career pathways and address aging workforce issues. The program and plan shall be developed in consultation with the Administration’s cooperative institutes and other academic partners to identify and implement programs and mechanisms to ensure that—

(1) sufficient highly qualified scientists are able to transition into Federal career scientist positions in the Administration’s laboratories and programs; and

(2) the technical and management experiences of senior employees are documented and transferred before leaving Federal service.

(Pub. L. 111-358, title III, § 303, Jan. 4, 2011, 124 Stat. 3998.)

Editorial Notes

REFERENCES IN TEXT

Section 302 of this Act, referred to in subsec. (c), is section 302 of Pub. L. 111-358, which amended section 893a of this title.

SUBCHAPTER VI—SEXUAL HARASSMENT
AND ASSAULT PREVENTION

§ 894. Actions to address sexual harassment at National Oceanic and Atmospheric Administration

(a) Required policy

Not later than 1 year after December 23, 2016, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) Matters to be specified in policy

The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) a procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—
(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be reported on a restricted or unrestricted basis; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) Consultation and assistance

In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) Availability of policy

The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) Geographic distribution of equal employment opportunity personnel

The Secretary shall designate out of existing staff at least 1 employee of the Administration

who is tasked with handling matters relating to equal employment opportunity or sexual harassment at each marine and aviation center of the Administration.

(f) Quarterly reports

(1) In general

Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) Contents

Each report submitted under paragraph (1) shall include the following:

(A) The number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) The number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region-specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

(Pub. L. 114-328, div. C, title XXXV, §3541, Dec. 23, 2016, 130 Stat. 2800; Pub. L. 116-259, title V, §504(a)(1), Dec. 23, 2020, 134 Stat. 1180.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b)(3)(B). Pub. L. 116-259 substituted “can be reported on a restricted or unrestricted basis” for “can be confidentially reported”.

§ 894a. Actions to address sexual assault at National Oceanic and Atmospheric Administration

(a) Comprehensive policy on prevention of and response to sexual assaults

Not later than 1 year after December 23, 2016, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) Elements of comprehensive policy

The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) a procedure for obtaining assistance and reporting sexual assault while working