

in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be reported on a restricted or unrestricted basis.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) Victim advocacy

(1) In general

The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) Victim advocates

For purposes of this subsection, a victim advocate is an existing permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) Primary duties

The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) Location

The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) Hotline

(A) In general

In carrying out this subsection, the Secretary shall provide a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) 24-hour access

The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(C) Partnership

The Secretary shall, where possible, use established hotlines for purposes of this paragraph.

(6) Formal relationships with other entities

The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(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) 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.

(Pub. L. 114-328, div. C, title XXXV, § 3542, Dec. 23, 2016, 130 Stat. 2801; Pub. L. 116-259, title V, § 504(a)(2), Dec. 23, 2020, 134 Stat. 1180.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b)(5)(B). Pub. L. 116-259 substituted “can be reported on a restricted or unrestricted basis” for “can be confidentially reported”.

§ 894b. Rights of the victim of a sexual assault

A victim of a sexual assault covered by the comprehensive policy developed under section 894a(a) of this title has the right to be reasonably protected from the accused.

(Pub. L. 114-328, div. C, title XXXV, § 3543, Dec. 23, 2016, 130 Stat. 2803.)

§ 894c. Change of station

(a) Change of station, unit transfer, or change of work location of victims

(1) Timely consideration and action upon request

The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sex-

ual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) Procedures

(A) Period for approval and disapproval

The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) Review

If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary to review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) Change of station, unit transfer, and change of work location of alleged perpetrators

(1) In general

The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) Policy requirements

The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) Regulations

(1) In general

The Secretary shall promulgate regulations to carry out this section.

(2) Consistency

When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

(Pub. L. 114-328, div. C, title XXXV, §3544, Dec. 23, 2016, 130 Stat. 2803.)

§ 894d. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 894(a) of this title and the comprehensive policy developed under section 894a(a) of this title.

(Pub. L. 114-328, div. C, title XXXV, §3545, Dec. 23, 2016, 130 Stat. 2804.)

§ 894d-1. Investigation requirement

(a) Requirement to investigate

(1) In general

The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 894 of this title and each allegation of sexual assault reported under section 894a of this title is investigated thoroughly and promptly.

(2) Sense of Congress on commencement of investigation

It is the sense of Congress that the Secretary should ensure that an investigation of alleged sexual harassment reported under section 894 of this title or sexual assault reported under section 894a of this title commences not later than 48 hours after the time at which the allegation was reported.

(b) Notification of delay

In any case in which the time between the reporting of alleged sexual harassment or sexual assault under section 894 or 894a of this title, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

(Pub. L. 114-328, div. C, title XXXV, §3546, as added Pub. L. 116-259, title V, §504(b)(2), Dec. 23, 2020, 134 Stat. 1180.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3546 of Pub. L. 114-328 was renumbered section 3548 and is classified to section 894e of this title.

§ 894d-2. Criminal referral

If the Secretary of Commerce finds, pursuant to an investigation under section 894d-1 of this title, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.

(Pub. L. 114-328, div. C, title XXXV, §3547, as added Pub. L. 116-259, title V, §504(b)(2), Dec. 23, 2020, 134 Stat. 1180.)