

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

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-