

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

(6) the impact of an aging Federal workforce on the ability of Federal agencies to conduct high quality scientific research, observations, and monitoring;

(7) what actions the Federal government can take to assist the transition of highly qualified scientists, technical professionals, and tradespeople into Federal career positions;

(8) workforce diversity and actions the Federal Government can take to increase diversity in the scientific workforce; and

(9) actions the Federal Government can take to shorten the hiring backlog for such workforce.

(b) Coordination

The Under Secretary of Commerce for Oceans and Atmosphere 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 December 23, 2022, the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of Education shall transmit a joint report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives, detailing the findings and recommendations of the study and setting forth a prioritized plan to implement the recommendations.

(d) Program and plan

The Under Secretary of Commerce for Oceans and Atmosphere 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.

(Pub. L. 111-358, title III, §303, Jan. 4, 2011, 124 Stat. 3998; Pub. L. 117-263, div. J, title CI, §10103, Dec. 23, 2022, 136 Stat. 3957.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, §10103(a)(1), substituted “Under Secretary of Commerce for Oceans and Atmosphere” for “Secretary of Commerce” in introductory provisions.

Subsec. (a)(2). Pub. L. 117-263, §10103(a)(8), added par. (2). Former par. (2) redesignated (3).

Pub. L. 117-263, §10103(a)(2), inserted “, skillsets, or credentials” after “degrees”.

Subsec. (a)(3). Pub. L. 117-263, §10103(a)(7), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Pub. L. 117-263, §10103(a)(3), inserted “or highly qualified technical professionals and tradespeople” after “atmospheric scientists”.

Subsec. (a)(4). Pub. L. 117-263, §10103(a)(7), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Pub. L. 117-263, §10103(a)(4), inserted “, skillsets, or credentials” after “degrees”.

Subsec. (a)(5). Pub. L. 117-263, §10103(a)(7), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 117-263, §10103(a)(5), struck out “scientist” after “aging Federal” and substituted “, observations, and monitoring;” for “; and”.

Subsec. (a)(6). Pub. L. 117-263, §10103(a)(7), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Pub. L. 117-263, §10103(a)(6), substituted “, technical professionals, and tradespeople into Federal career positions;” for “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.”

Subsec. (a)(7). Pub. L. 117-263, §10103(a)(7), redesignated par. (6) as (7).

Subsec. (a)(8), (9). Pub. L. 117-263, §10103(a)(9), added pars. (8) and (9).

Subsec. (b). Pub. L. 117-263, §10103(b), substituted “Under Secretary of Commerce for Oceans and Atmosphere” for “Secretary of Commerce”.

Subsec. (c). Pub. L. 117-263, §10103(c), substituted “December 23, 2022” for “January 4, 2011”, “Under Secretary of Commerce for Oceans and Atmosphere” for “Secretary of Commerce”, and “to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives” for “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”.

Subsec. (d). Pub. L. 117-263, §10103(d), substituted “Under Secretary of Commerce for Oceans and Atmosphere” for “Administrator of the National Oceanic and Atmospheric Administration” and “academic partners.” for “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.”

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 indi-

vidual 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