

Committee on Natural Resources
Subcommittee on Oversight and Investigations
1324 Longworth House Office Building
February 27, 2020 at 2:00 p.m.

Oversight Hearing

Examining Opportunities to Improve Prevention and Response of Sexual Assault and Sexual Harassment at the National Oceanic and Atmospheric Administration

Questions from Rep. Cox for Dr. Neil Jacobs, Assistant Secretary of Commerce for Environmental Observation and Prediction, performing the duties of Under Secretary for Oceans and Atmosphere

1. In your testimony, you indicated that observers are equipped with a beacon (presumably an emergency position-indicating radiobeacon or EPIRB), which communicates with NOAA-operated satellites to indicate distress and need of immediate rescue. These devices do not provide for two-way communications, merely an indication that a person, vessel, or aircraft is in distress at a specific location. We understand that some observers, depending on their region and provider employer do receive two-way communication devices that would allow for a proportional response. Does NOAA have the authority to develop a policy to provide a standard means of communication for observers deployed at sea?
2. Fisheries observers are not the only workers in a unique employer arrangement. There are also protected and endangered species observers that are required by NOAA to be present on privately owned geophysical survey vessels, dredges, and underwater construction for the purposes of mitigating take of marine mammals, turtles, and other species. What does NOAA consider its authority or responsibility to provide resources and protection to protected and endangered species observers?
3. NOAA has proposed incidental take regulations that would authorize the take of nearly 200 percent of the Gulf of Mexico Bryde's whale annually, or over 1,300 percent over five years, in addition to nearly 9,000 percent of the sperm whale population and over 40,000 percent of the beaked whale population for seismic oil and gas surveys (83 Fed. Reg. 29212). NOAA's analysis places significant weight on

mitigation by protected species observers. Considering that these observers would be the final backstop to halt operations, how does NOAA propose to protect these observers from harassment, intimidation, and assault?

4. An important component of an anti-harassment program is holding managers and supervisors accountable when they do not take appropriate steps when an incident of harassment or assault is reported. How does NOAA hold managers and supervisors accountable in this regard?
5. During last week's hearing, when asked if NOAA plans to do a workplace environment survey, you said NOAA had included two surveys in a new online training module. I ask that you please provide those survey questions to this Committee. And I ask again: Does NOAA intend to deploy an agency-wide survey? If so, how could you ensure that contractors and affiliates, such as fisheries observers, protected and endangered species observers, and fishery management council members, executive and administrative staff would receive this survey? Could you describe the challenges you anticipate from conducting a comprehensive agency-wide workplace environment survey?