

National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act

Summary

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Background:

The National Oceanic and Atmospheric Administration (NOAA) employs approximately 12,000 people, including federal civilian workers and officers of the NOAA Commissioned Officer Corps, contractors, and affiliates. Many of these individuals work in remote locations and aboard research and survey vessels to study, understand, and predict changes in climate, weather, oceans, and coast.

NOAA has taken steps to update their policies, make it easier to report sexual harassment and sexual assault, implement new trainings, and update their investigation protocols, but we must do more to prevent harassment, more to make sure survivors can seek justice, and more to hold harassers accountable for their actions. The FY17 National Defense Authorization Act included provisions to address sexual harassment and assault issues at NOAA. In response, NOAA hired a Workplace Violence Prevention and Response Program Manager, developed an agency policy to address harassment and assault, and reports annually to Congress. Based on information provided in the required annual reports, NOAA requires additional authorities to fully implement its prevention and response program, coordinate harassment, equal employment, and assault complaint reporting, and to protect certain non-federal personnel who conduct business on behalf of or required by the agency, especially fisheries observers and fishery management council members and staff.

We must do everything in our power to make sure that scientists and researchers can achieve the next generation of scientific advancements and discoveries without fear of sexual harassment, sexual assault, or retaliation in the workplace.

The NOAA Sexual Harassment and Assault Prevention Improvements Act will:

- **Expand coverage of NOAA's sexual harassment prevention and response policy.** The new policy will include personnel who were not otherwise covered, including commercial fisheries, protected species, and platform removal observers, who are neither employees, nor contractors, but are employees of contractors. This expansion also covers voting members and executive and administrative staff of regional fishery management councils.
- **Direct NOAA to provide a clear mechanism for anonymous reports of sexual harassment.** Currently, reports can go through different routes and may bypass the Workplace Violence Prevention and Response Program and Office of Inclusion and Civil Rights altogether, in turn hindering their ability to accurately capture and track data. The new system will go to either NOAA's Workplace Violence Prevention and Response Program Manager or the NOAA Office of Inclusion and Civil Rights.
- **Strengthen advocacy resources for survivors.** The bill would require NOAA's Victim Advocates to be full-time employees whose sole job is advocacy for survivors rather than a volunteer collateral duty of existing employees.
- **Provide for a secure reporting structure for survivors.** The bill directs NOAA to develop a mechanism to provide restricted reporting that would allow survivors of sexual assault to receive services without triggering an investigative process, if requested by the survivor. Current policy requires an investigation of any report, which may discourage some survivors from seeking services.
- **Expand reports to Congress on sexual harassment, sexual assault, and equal opportunity employment.** The bill adds additional requirements to NOAA's annual report to Congress, including a synopsis of: cases of sexual harassment, change of station or work location requests initiated to reduce the possibility of retaliation or further sexual assault of employees, the number of employees or contractors referred to the U.S. Coast Guard for further review of their credentials, and cases of sexual assault and harassment of fisheries observers.
- **Improve the ability of NOAA's Office of Law Enforcement to enforce a prohibition on assault, intimidation, and interference with fisheries observers.** The bill would remove the stipulation in the Magnuson-Stevens Fishery Conservation and Management Act that these acts be "forcible" in nature and occur "on a vessel" for NOAA to investigate.

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