

Suspend the Rules and Pass the Bill, H.R. 2406, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

119TH CONGRESS
1ST SESSION

H. R. 2406

To amend the National Defense Authorization Act for Fiscal Year 2017 to address sexual harassment and sexual assault involving National Oceanic and Atmospheric Administration personnel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2025

Ms. BONAMICI (for herself, Ms. SALAZAR, and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2017 to address sexual harassment and sexual assault involving National Oceanic and Atmospheric Administration personnel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceanic and
5 Atmospheric Administration Sexual Harassment and As-
6 sault Prevention Improvements Act of 2025”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise specifically provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a provision, the ref-
5 erence shall be considered to be made to a provision of
6 subtitle C of title XXXV of the National Defense Author-
7 ization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.).

8 **SEC. 3. POLICY ON PREVENTION OF AND RESPONSE TO**
9 **SEXUAL HARASSMENT INVOLVING NATIONAL**
10 **OCEANIC AND ATMOSPHERIC ADMINISTRA-**
11 **TION PERSONNEL.**

12 Section 3541(f) (33 U.S.C. 894(f)) is amended—

13 (1) by inserting “and equal employment” after
14 “sexual harassment” in each place it appears; and

15 (2) in paragraph (2)—

16 (A) by redesignating subparagraphs (C)
17 and (D) as subparagraphs (D) and (E), respec-
18 tively; and

19 (B) by inserting after subparagraph (B)
20 the following:

21 “(C) Relevant data, including—

22 “(i) a synopsis of each case and the
23 disciplinary action taken, if any, with re-
24 spect to each such case; and

25 “(ii) data collected pursuant to the
26 Notification and Federal Employee Anti-

1 discrimination and Retaliation Act of 2002
2 (5 U.S.C. 2301 note).”.

3 **SEC. 4. ANNUAL REPORT ON SEXUAL HARASSMENT, SEX-**
4 **UAL ASSAULT, AND EQUAL EMPLOYMENT.**

5 Section 3548 (33 U.S.C. 894e) is amended—

6 (1) by striking the section heading and insert-
7 ing the “**ANNUAL REPORT ON SEXUAL HARASS-**
8 **MENT, SEXUAL ASSAULT, AND EQUAL EMPLOY-**
9 **MENT IN NATIONAL OCEANIC AND ATMOS-**
10 **PHERIC ADMINISTRATION**”.

11 (2) in subsection (a), by striking “the sexual as-
12 saults involving” and inserting “sexual harassment
13 and sexual assault cases involving, and the equal
14 employment of,”;

15 (3) in subsection (b)—

16 (A) in paragraph (1), by striking “as-
17 saults” and inserting “harassment and sexual
18 assault cases”;

19 (B) in paragraph (4), by inserting “, in-
20 cluding a synopsis of each sexual harassment
21 and equal employment case and the disciplinary
22 action taken, if any, with respect to each such
23 case” before the period at the end; and

24 (C) by adding at the end the following:

1 “(5) A summary of the number of change of
2 station, unit transfer, and change of work location
3 requests submitted to the Secretary of Commerce,
4 acting through the Under Secretary for Oceans and
5 Atmosphere, under subsection (a) of section 3544,
6 including the number of such requests the Secretary
7 denied under that subsection.

8 “(6) A summary of the number of cases re-
9 ported to the Commandant of the Coast Guard
10 under section 3550.

11 “(7) The number of alleged sexual harassment
12 and sexual assault cases involving fisheries observ-
13 ers, protected species observers, and endangered spe-
14 cies observers, including—

15 “(A) a synopsis of each case and the sta-
16 tus of each such case;

17 “(B) the disposition of any investigation;
18 and

19 “(C) a description of the fishery manage-
20 ment region and fishery or the geographic re-
21 gion and type of permitted operation in which
22 the incident of sexual harassment or sexual as-
23 sault is alleged to have occurred, as appro-
24 priate.”; and

1 (4) in subsection (c), by striking “assault” and
2 inserting “harassment or sexual assault case”.

3 **SEC. 5. INVESTIGATION AND CRIMINAL REFERRAL RE-**
4 **QUIREMENTS.**

5 (a) TECHNICAL AMENDMENT.—Sections 3548 and
6 3549 (33 U.S.C. 894e and 894f) are redesignated as sec-
7 tions 3551 and 3552, respectively.

8 (b) CRIMINAL REFERRAL.—Section 3547 (33 U.S.C.
9 894d–2) is amended—

10 (1) by striking “pursuant to” and inserting “at
11 the onset or during the course of”; and

12 (2) by inserting “and, with respect to a licensed
13 mariner, the Commandant of the Coast Guard”
14 after “United States Attorney”.

15 (c) IN GENERAL.—Subtitle C of title XXXV (33
16 U.S.C. 894 et seq.) is amended by inserting after section
17 3547 (33 U.S.C. 894d–2) the following:

18 **“SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF VIC-**
19 **TIMS IN CERTAIN CASES.**

20 “(a) IN GENERAL.—In any case in which an em-
21 ployee of the Administration, member of the commissioned
22 officer corps of the Administration, or covered personnel
23 elects restricted or unrestricted reporting under section
24 3541(b)(3)(B) or 3542(b)(5)(B), disclosure to the fol-
25 lowing persons or organizations of the personally identi-

1 fying information of such individual is authorized for the
2 following reasons:

3 “(1) To Administration staff or law enforce-
4 ment personnel, if authorized by the victim in writ-
5 ing.

6 “(2) To Administration staff or law enforce-
7 ment personnel to prevent or lessen a serious or im-
8 minent threat to the health or safety of the victim
9 or another person.

10 “(3) To a victim advocate or healthcare pro-
11 vider, if required for the provision of victim services.

12 “(4) To a State or Federal court, if pursuant
13 to a court order or if disclosure is required by Fed-
14 eral or State statute.

15 “(b) NOTICE OF DISCLOSURE; PRIVACY PROTEC-
16 TION.—If information described in subsection (a) is dis-
17 closed under that subsection, the Secretary shall—

18 “(1) make reasonable attempts to provide no-
19 tice to the individual the information of whom is so
20 disclosed; and

21 “(2) take such action as is necessary to protect
22 the privacy and safety of the individual.

23 **“SEC. 3549. RESTRICTED REPORTING UPDATE.**

24 “Not later than 3 years after the date of the enact-
25 ment of the National Oceanic and Atmospheric Adminis-

1 tration Sexual Harassment and Assault Prevention Im-
2 provements Act of 2025, the Secretary of Commerce, act-
3 ing through the Under Secretary for Oceans and Atmos-
4 phere, shall update the policies developed under sections
5 3541 and 3542 with respect to the mechanism established
6 under subsections (b)(3)(B) and (b)(5)(B) of those sec-
7 tions, respectively, such that each such mechanism pro-
8 vides for a restricted reporting system that allows an em-
9 ployee of the Administration, member of the commissioned
10 officer corps of the Administration, or covered personnel
11 who alleges to have been sexually harassed or sexually as-
12 sailed to confidentially disclose the details of such sexual
13 harassment or sexual assault to specified individuals and
14 receive the services outlined in this subtitle—

15 “(1) without the dissemination of the personally
16 identifying information of such individual, except as
17 necessary for the provision of such services and as
18 provided by section 3548(a); and

19 “(2) without automatically triggering an inves-
20 tigative process.

21 **“SEC. 3550. MARINER REPORTING.**

22 “(a) MANDATORY REPORTING BY RESPONSIBLE EN-
23 TITY OF A VESSEL.—

24 “(1) UNRESTRICTED REPORTS.—The respon-
25 sible entity of a vessel shall report to the Com-

1 mandant of the Coast Guard any incident of sexual
2 harassment or sexual assault in violation of employer
3 policy or law, of which the responsible entity of a
4 vessel is made aware, involving—

5 “(A) an employee or contractor of the Ad-
6 ministration who is required to hold a valid
7 merchant mariner credential as a condition of
8 employment; or

9 “(B) a crewmember of a vessel that, at the
10 time of such incident, was operating under a
11 contract with the Administration.

12 “(2) RESTRICTED REPORTS.—Paragraph (1)
13 does not apply with respect to an incident of sexual
14 harassment or sexual assault reported on a re-
15 stricted basis pursuant to the mechanisms estab-
16 lished for such reporting under sections
17 3541(b)(3)(B) and 3542(b)(5)(B), respectively.

18 “(b) REPORTING PROCEDURES.—

19 “(1) IN GENERAL.—

20 “(A) TIMING OF REPORTING.—The respon-
21 sible entity of a vessel shall make a report re-
22 quired under subsection (a)(1) as soon as the
23 responsible entity of a vessel is made aware of
24 the incident of sexual harassment or sexual as-
25 sault that is the subject of the report.

1 “(B) MODE OF REPORTING.—The respon-
2 sible entity of a vessel shall make a report re-
3 quired under subsection (a)(1) to a single entity
4 in the Coast Guard designated by the Com-
5 mandant of the Coast Guard to receive such re-
6 ports by the fastest telecommunication channel
7 available to the responsible entity of a vessel.

8 “(2) CONTENTS OF REPORT.—Each report
9 made under this section shall include, to the best of
10 the knowledge of the responsible entity of a vessel—

11 “(A) the name, Coast Guard merchant
12 mariner credential reference number, if applica-
13 ble, official position or role in relation to the
14 vessel, and contact information of each indi-
15 vidual involved in the incident of sexual harass-
16 ment or sexual assault that is the subject of the
17 report;

18 “(B) the name and official number of the
19 vessel;

20 “(C) the time and date of the incident of
21 sexual harassment or sexual assault;

22 “(D) the geographic position or location of
23 the vessel when the incident of sexual harass-
24 ment or sexual assault occurred; and

1 “(E) a brief description of the incident of
2 alleged sexual harassment or sexual assault
3 being reported.

4 “(c) NOTIFICATION BY SECRETARY.—

5 “(1) IN GENERAL.—The Secretary of Com-
6 merce, acting through the Under Secretary for
7 Oceans and Atmosphere, shall notify the Director of
8 the Office of Marine and Aviation Operations of
9 each report of an incident of sexual harassment or
10 sexual assault received by the Secretary.

11 “(2) NOTIFICATION CONTENTS.—Each notifica-
12 tion under paragraph (1) shall include, to the best
13 of the knowledge of the Secretary of Commerce, act-
14 ing through the Under Secretary for Oceans and At-
15 mosphere—

16 “(A) with respect to an unrestricted report
17 submitted pursuant to section 3541(b)(3)(B) or
18 3542(b)(5)(B), the information required under
19 subsection (b)(2) of this section; and

20 “(B) with respect to a restricted report
21 submitted pursuant to section 3541(b)(3)(B) or
22 3542(b)(5)(B), the information required under
23 subsection (b)(2) of this section that does not
24 include the personally identifying information of

1 the individual that submitted the restricted re-
2 port.”.

3 **SEC. 6. DEFINITIONS.**

4 Section 3552, as redesignated by section 5(a) of this
5 Act, is amended to read as follows:

6 **“SEC. 3552. DEFINITIONS.**

7 “In this subtitle:

8 “(1) ADMINISTRATION.—The term ‘Administra-
9 tion’ means the National Oceanic and Atmospheric
10 Administration.

11 “(2) COVERED PERSONNEL.—

12 “(A) IN GENERAL.—The term ‘covered
13 personnel’ means an individual who works with
14 or conducts business on behalf of the Adminis-
15 tration.

16 “(B) INCLUSION.—The term ‘covered per-
17 sonnel’ includes—

18 “(i) observers, at-sea monitors, and
19 catch monitors required by the National
20 Marine Fisheries Service to operate on or
21 in commercial fishing vessels, other pri-
22 vately owned vessels, barges, or platforms,
23 and shoreside processing facilities for—

24 “(I) commercial fisheries obser-
25 vation required by the Magnuson-Ste-

1 vens Fishery Conservation and Man-
2 agement Act (13 U.S.C. 1801 et
3 seq.);

4 “(II) protected species or endan-
5 gered species observation required by
6 the Marine Mammal Protection Act of
7 1972 (16 U.S.C. 1361 et seq.) or the
8 Endangered Species Act of 1973 (16
9 U.S.C. 1351 et seq.); or

10 “(III) platform removal observa-
11 tion; and

12 “(ii) voting members and executive
13 and administrative staff of each Regional
14 Fishery Management Council established
15 by section 302 of the Magnuson-Stevens
16 Fishery Conservation and Management Act
17 (16 U.S.C. 1852).

18 “(3) RESPONSIBLE ENTITY OF A VESSEL.—The
19 term ‘responsible entity of a vessel’ means the Direc-
20 tor of the Office of Marine and Aviation Operations,
21 with respect to each vessel owned or operated by the
22 Administration.

23 “(4) SEXUAL ASSAULT.—The term ‘sexual as-
24 sault’ has the meaning given the term in section

1 40002(a) of the Violence Against Women Act of
2 1994 (42 U.S.C. 13925 (a)).”.

3 **SEC. 7. CONFORMING AND CLERICAL AMENDMENTS.**

4 (a) CONFORMING AMENDMENTS.—Subtitle C of title
5 XXXV (33 U.S.C. 894 et seq.) is amended—

6 (1) by striking “individuals who work with or
7 conduct business on behalf of the Administration”
8 each place it appears and inserting “covered per-
9 sonnel”; and

10 (2) by striking “National Oceanic and Atmos-
11 pheric” each place it appears.

12 (b) CLERICAL AMENDMENTS.—

13 (1) GLOBAL TABLE OF CONTENTS.—The table
14 of contents in section 2(b) is amended by striking
15 the items relating to sections 3548 and 3549 and in-
16 serting the following:

“Sec. 3548. Exceptions regarding anonymity of victims in certain cases.
“Sec. 3549. Restricted reporting update.
“Sec. 3550. Mariner referral.
“Sec. 3551. Annual report on sexual harassment, sexual assault, and equal em-
 ployment in National Oceanic and Atmospheric Administration.
“Sec. 3552. Definitions.”.

17 (2) TITLE XXXV TABLE OF CONTENTS.—The
18 table of contents at the beginning of title XXXV is
19 amended by striking the items relating to sections
20 3546 and 3547 and inserting the following:

“Sec. 3546. Investigation requirement.
“Sec. 3547. Criminal referral.
“Sec. 3548. Exceptions regarding anonymity of victims in certain cases.
“Sec. 3549. Restricted reporting update.
“Sec. 3550. Mariner referral.

“Sec. 3551. Annual report on sexual harassment, sexual assault, and equal employment in National Oceanic and Atmospheric Administration.
“Sec. 3552. Definitions.”.

1 **SEC. 8. PROHIBITED ACTS.**

2 Section 307(1)(L) of the Magnuson-Stevens Fishery
3 Conservation and Management Act (16 U.S.C.
4 1857(1)(L)) is amended—

5 (1) by striking “forcibly”; and

6 (2) by striking “on a vessel”.

7 **SEC. 9. PROHIBITION ON SERVICE IN COMMISSIONED OFFI-**
8 **CER CORPS OF NATIONAL OCEANIC AND AT-**
9 **MOSPHERIC ADMINISTRATION BY INDIVID-**
10 **UALS CONVICTED OF CERTAIN SEXUAL OF-**
11 **FENSES.**

12 Section 261(a) of the National Oceanic and Atmos-
13 pheric Administration Commissioned Officer Corps Act of
14 2002 (33 U.S.C. 3071(a)) is amended—

15 (1) by redesignating paragraph (26) as para-
16 graph (27); and

17 (2) by inserting after paragraph (25) the fol-
18 lowing:

19 “(26) Section 657, relating to prohibition on
20 service by individuals convicted of certain sexual of-
21 fenses.”.