

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRA-  
TION SEXUAL HARASSMENT AND ASSAULT PREVEN-  
TION IMPROVEMENTS ACT OF 2025

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AUGUST 20, 2026.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. WESTERMAN, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2406]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 2406 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Sexual harassment and sexual assault present an ongoing, pervasive challenge within the National Oceanic and Atmospheric Administration (NOAA). In February 2018, NOAA issued its Sexual Assault and Sexual Harassment Prevention and Response Policy.<sup>1</sup> In 2021, however, the U.S. Government Accountability Office found that while NOAA had made substantial progress preventing and responding to cases of sexual harassment and assault, the agency

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<sup>1</sup>“Workplace Violence Prevention and Response Program,” National Oceanic and Atmospheric Administration, 2025, <https://www.noaa.gov/workplace-violence-prevention-response-program>.

had still fallen short in key aspects of tackling this important subject.<sup>2</sup>

H.R. 2406 responds to these shortcomings by expanding the coverage of NOAA’s sexual harassment prevention and response policy to include observers and voting members and staff of regional fishery management councils. The legislation also expands existing reporting requirements and directs NOAA’s Civil Rights Office to report, in its quarterly briefings to the NOAA Administrator, a synopsis of each case of sexual harassment and the disciplinary action taken in response. The legislation creates similar reporting requirements for the annual report that the Secretary of Commerce is directed to submit to the House Committee on Natural Resources and the Senate Committee on Commerce, Science, and Transportation.

#### COMMITTEE ACTION

H.R. 2406 was introduced on March 27, 2025, by Representative Suzanne Bonamici (D–OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On June 3, 2026, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On July 15, 2026, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 2406 by unanimous consent. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on June 3, 2026.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This Act may be cited as the “National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act of 2025”.

##### *Section 2. References*

Section 2 explains that references in the bill are to a provision of subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.).

##### *Section 3. Policy on prevention of and response to sexual harassment involving National Oceanic and Atmospheric Administration personnel*

Section 3 directs NOAA’s Civil Rights Office to report, in its quarterly briefings to the NOAA Administrator, a synopsis of each

<sup>2</sup>*Sexual Assault and Harassment: NOAA Has Made Substantial Progress in Prevention and Response but Could Further Improve Its Processes.* U.S. Government Accountability Office, 2021, <https://www.gao.gov/products/gao-21-560>.

case of sexual harassment and the disciplinary action taken in response.

*Section 4. Annual report on sexual harassment, sexual assault, and equal employment*

Section 4 expands reporting requirements on sexual harassment, sexual assault, and equal employment.

*Section 5. Investigation and criminal referral requirements*

Section 5 directs NOAA to update its policies to develop a restricted reporting system that allows employees and other personnel to confidentially report sexual harassment or assault and receive services without triggering an investigation. The section also requires NOAA's Office of Marine and Aviation Operations to establish a policy for reporting to the Coast Guard the names of NOAA personnel involved in a sexual harassment or sexual assault claim. Specifically, such reports must identify employees or contractors who are the subject of such claim, the time and date of the incident, and the location of the vessel when the incident occurred.

*Section 6. Definitions*

Section 6 specifies that NOAA's sexual harassment prevention and response policy applies to personnel such as observers, at-sea monitors, and voting members and staff of regional fishery management councils.

*Section 7. Conforming and clerical amendments*

Section 7 makes a series of conforming and clerical amendments to title XXXV of the FY 2017 NDAA.

*Section 8. Prohibited acts*

Section 8 removes the requirement that certain acts, such as assault, intimidation, and sexual harassment of an observer or a data collector, be forcible in nature to be unlawful.

*Section 9. Prohibition on service in Commissioned Officer Corps of National Oceanic and Atmospheric Administration by individuals convicted of certain sexual offenses*

Section 9 prohibits a person convicted of certain sexual offenses from enlisting with, or being commissioned by, NOAA.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND  
CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Di-

rector of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

#### EXISTING PROGRAMS

*Directed Rule Making.* This bill does not contain any directed rule makings.

*Duplication of Existing Programs.* This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

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### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Uniform Code of Military Justice Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

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### TITLE XXXV—MARITIME MATTERS

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Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic  
and Atmospheric Administration

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**[Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.**

**[Sec. 3549. Sexual assault defined.]**

*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 the National Oceanic and Atmospheric Administration.*

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## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS

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### TITLE XXXV—MARITIME MATTERS

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## Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

### SEC. 3541. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) **REQUIRED POLICY.**—Not later than 1 year after the date of the enactment of this Act, 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] *covered personnel*.

(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 sex-

ual 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 *and equal employment* in the Administration.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The number of sexual harassment *and equal employment* cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) The number of open actionable sexual harassment *and equal employment* cases and how long the cases have been open.

(C) Relevant data, including—

(i) a synopsis of each case and the disciplinary action taken, if any, with respect to each such case; and

(ii) data collected pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note).

[(C)] (D) Such trends or region-specific issues as the Director may have discovered with respect to sexual harassment *and equal employment* in the Administration.

[(D)] (E) Such recommendations as the Director may have with respect to sexual harassment *and equal employment* in the Administration.

**SEC. 3542. 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 the date of the enactment of this Act, 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] *covered personnel*.

(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] *covered personnel*.

(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.

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#### SEC. 3544. 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 sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) PROCEDURES.—

(A) PERIOD FOR APPROVAL AND DISAPPROVAL.—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) REVIEW.—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary to review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) POLICY REQUIREMENTS.—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to carry out this section.

(2) CONSISTENCY.—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

**SEC. 3545. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.**

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the [National Oceanic and Atmospheric] Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 3541(a) and the comprehensive policy developed under section 3542(a).

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**SEC. 3547. CRIMINAL REFERRAL.**

If the Secretary of Commerce finds, [pursuant to] *at the onset or during the course of* an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney *and, with respect to a licensed mariner, the Commandant of the Coast Guard.*

**SEC. 3548. EXCEPTIONS REGARDING ANONYMITY OF VICTIMS IN CERTAIN CASES.**

(a) IN GENERAL.—*In any case in which an employee of the Administration, member of the commissioned officer corps of the Administration, or covered personnel elects restricted or unrestricted reporting under section 3541(b)(3)(B) or 3542(b)(5)(B), disclosure to the following persons or organizations of the personally identifying information of such individual is authorized for the following reasons:*

(1) *To Administration staff or law enforcement personnel, if authorized by the victim in writing.*

(2) *To Administration staff or law enforcement personnel to prevent or lessen a serious or imminent threat to the health or safety of the victim or another person.*

(3) *To a victim advocate or healthcare provider, if required for the provision of victim services.*

(4) *To a State or Federal court, if pursuant to a court order or if disclosure is required by Federal or State statute.*

(b) *NOTICE OF DISCLOSURE; PRIVACY PROTECTION.—If information described in subsection (a) is disclosed under that subsection, the Secretary shall—*

(1) *make reasonable attempts to provide notice to the individual the information of whom is so disclosed; and*

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

**SEC. 3549. RESTRICTED REPORTING UPDATE.**

*Not later than 3 years after the date of the enactment of the National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Improvements Act of 2025, the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall update the policies developed under sections 3541 and 3542 with respect to the mechanism established under subsections (b)(3)(B) and (b)(5)(B) of those sections, respectively, such that each such mechanism provides for a restricted reporting system that allows an employee of the Administration, member of the commissioned officer corps of the Administration, or covered personnel who alleges to have been sexually harassed or sexually assaulted to confidentially disclose the details of such sexual harassment or sexual assault to specified individuals and receive the services outlined in this subtitle—*

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

(2) *without automatically triggering an investigative process.*

**SEC. 3550. MARINER REPORTING.**

(a) *MANDATORY REPORTING BY RESPONSIBLE ENTITY OF A VESSEL.—*

(1) *UNRESTRICTED REPORTS.—The responsible entity of a vessel shall report to the Commandant of the Coast Guard any incident of sexual harassment or sexual assault in violation of employer policy or law, of which the responsible entity of a vessel is made aware, involving—*

(A) *an employee or contractor of the Administration who is required to hold a valid merchant mariner credential as a condition of employment; or*

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

(2) *RESTRICTED REPORTS.—Paragraph (1) does not apply with respect to an incident of sexual harassment or sexual assault reported on a restricted basis pursuant to the mechanisms established for such reporting under sections 3541(b)(3)(B) and 3542(b)(5)(B), respectively.*

(b) *REPORTING PROCEDURES.—*

(1) *IN GENERAL.—*

(A) *TIMING OF REPORTING.—The responsible entity of a vessel shall make a report required under subsection (a)(1) as soon as the responsible entity of a vessel is made aware*

*of the incident of sexual harassment or sexual assault that is the subject of the report.*

(B) *MODE OF REPORTING.*—The responsible entity of a vessel shall make a report required under subsection (a)(1) to a single entity in the Coast Guard designated by the Commandant of the Coast Guard to receive such reports by the fastest telecommunication channel available to the responsible entity of a vessel.

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

(A) *the name, Coast Guard merchant mariner credential reference number, if applicable, official position or role in relation to the vessel, and contact information of each individual involved in the incident of sexual harassment or sexual assault that is the subject of the report;*

(B) *the name and official number of the vessel;*

(C) *the time and date of the incident of sexual harassment or sexual assault;*

(D) *the geographic position or location of the vessel when the incident of sexual harassment or sexual assault occurred; and*

(E) *a brief description of the incident of alleged sexual harassment or sexual assault being reported.*

(c) *NOTIFICATION BY SECRETARY.*—

(1) *IN GENERAL.*—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall notify the Director of the Office of Marine and Aviation Operations of each report of an incident of sexual harassment or sexual assault received by the Secretary.

(2) *NOTIFICATION CONTENTS.*—Each notification under paragraph (1) shall include, to the best of the knowledge of the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere—

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

(B) *with respect to a restricted report submitted pursuant to section 3541(b)(3)(B) or 3542(b)(5)(B), the information required under subsection (b)(2) of this section that does not include the personally identifying information of the individual that submitted the restricted report.*

**[SEC. 3548. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.]**

**SEC. 3551. ANNUAL REPORT ON SEXUAL HARASSMENT, SEXUAL ASSAULT, AND EQUAL EMPLOYMENT IN NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) *IN GENERAL.*—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on **[the sexual assaults involving] sexual harassment and sexual assault cases involving, and the equal employment of**, 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] *covered personnel*.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual [assaults] *harassment and sexual assault cases* involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 3541(f), *including a synopsis of each sexual harassment and equal employment case and the disciplinary action taken, if any, with respect to each such case.*

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

(6) *A summary of the number of cases reported to the Commandant of the Coast Guard under section 3550.*

(7) *The number of alleged sexual harassment and sexual assault cases involving fisheries observers, protected species observers, and endangered species observers, including—*

*(A) a synopsis of each case and the status of each such case;*

*(B) the disposition of any investigation; and*

*(C) a description of the fishery management region and fishery or the geographic region and type of permitted operation in which the incident of sexual harassment or sexual assault is alleged to have occurred, as appropriate.*

(c) PRIVACY PROTECTION.—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual [assault] *harassment or sexual assault case* can be identified by the contents of the report.

**[SEC. 3549. SEXUAL ASSAULT DEFINED.]**

[In this subtitle, the term “sexual assault” shall have the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).]

**SEC. 3552. DEFINITIONS.**

*In this subtitle:*

(1) ADMINISTRATION.—*The term “Administration” means the National Oceanic and Atmospheric Administration.*

(2) COVERED PERSONNEL.—

(A) IN GENERAL.—*The term “covered personnel” means an individual who works with or conducts business on behalf of the Administration.*

(B) INCLUSION.—*The term “covered personnel” includes—*

*(i) observers, at-sea monitors, and catch monitors required by the National Marine Fisheries Service to op-*

erate on or in commercial fishing vessels, other privately owned vessels, barges, or platforms, and shore-side processing facilities for—

(I) commercial fisheries observation required by the Magnuson-Stevens Fishery Conservation and Management Act (13 U.S.C. 1801 et seq.);

(II) protected species or endangered species observation required by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1551 et seq.); or

(III) platform removal observation; and

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

(3) *RESPONSIBLE ENTITY OF A VESSEL.*—The term “responsible entity of a vessel” means the Director of the Office of Marine and Aviation Operations, with respect to each vessel owned or operated by the Administration.

(4) *SEXUAL ASSAULT.*—The term “sexual assault” has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925 (a)).

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## MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

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## TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

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### SEC. 307. PROHIBITED ACTS.

It is unlawful—

(1) for any person—

(A) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

(B) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

(C) to violate any provision of, or regulation under, an applicable governing international fishery agreement entered into pursuant to section 201(c);

(D) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in section 311) to board a fishing vessel subject to such person’s control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation,

permit, or agreement referred to in subparagraph (A) or (C);

(E) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subparagraph (D);

(F) to resist a lawful arrest for any act prohibited by this section;

(G) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in subparagraph (A) or (C);

(H) to interfere, with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(I) to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act;

(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that—

(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan implemented under this title, or in the absence of any such plan, is smaller than the minimum possession size in effect at the time under a coastal fishery management plan for American lobster adopted by the Atlantic States Marine Fisheries Commission under the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 et seq.);

(ii) is bearing eggs attached to its abdominal appendages; or

(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages;

(K) to knowingly steal, or without authorization, to remove, damage, or tamper with—

(i) fishing gear owned by another person, which is located in the exclusive economic zone, or

(ii) fish contained in such fishing gear;

(L) to **[forcibly]** assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer **[on a vessel]** under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;

(M) to engage in large-scale driftnet fishing that is subject to the jurisdiction of the United States, including use of a fishing vessel of the United States to engage in such fishing beyond the exclusive economic zone of any nation, unless such large-scale driftnet fishing—

(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act;

(N) to strip pollock of its roe and discard the flesh of the pollock;

(O) to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required under section 302(j), or to knowingly vote on a Council decision in violation of section 302(j)(7)(A);

(P)(i) to remove any of the fins of a shark (including the tail) at sea;

(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;

(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party; or

(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).

For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term “naturally attached”, with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.

(2) for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage—

(A) in fishing within the boundaries of any State, except—

(i) recreational fishing permitted under section 201(i);

(ii) fish processing permitted under section 306(c); or

(iii) transshipment at sea of fish or fish products within the boundaries of any State in accordance with a permit approved under section 204(d);

(B) in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone or areas, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b), (c), or (d); or

(C) except as permitted under section 306(c), in fish processing (as defined in paragraph (4)(A) of such section) within the internal waters of a State (as defined in paragraph (4)(B) of such section);

(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(d) or section 306(c) to receive such fish;

(4) for any fishing vessel other than a vessel of the United States to operate, and for the owner or operator of a fishing vessel other than a vessel of the United States to operate such vessel, in the exclusive economic zone or within the boundaries of any State or special areas, if—

(A) all fishing gear on the vessel is not stored below deck or in an area where it is not normally used, and not readily available, for fishing; or

(B) all fishing gear on the vessel which is not so stored is not secured and covered so as to render it unusable for fishing;

unless such vessel is authorized to engage in fishing in the area in which the vessel is operating; and

(5) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to engage in fishing in the waters of a foreign nation in a manner that violates an international fishery agreement between that nation and the United States that has been subject to Congressional oversight in the manner described in section 203, or any regulations issued to implement such an agreement; except that the binding provisions of such agreement and implementing regulations shall have been published in the Federal Register prior to such violation.

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**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
COMMISSIONED OFFICER CORPS ACT OF 2002**

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**TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION COMMISSIONED OFFICER CORPS**

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**Subtitle E—Rights and Benefits**

**SEC. 261. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10,  
UNITED STATES CODE.**

(a) PROVISIONS MADE APPLICABLE TO THE CORPS.—The rules of law that apply to the Armed Forces under the following provisions of title 10, United States Code, as those provisions are in effect from time to time, apply also to the commissioned officer corps of the Administration:

- (1) Chapter 40, relating to leave.
- (2) Section 533(b), relating to constructive service.
- (3) Section 716, relating to transfers between the armed forces and to and from National Oceanic and Atmospheric Administration.
- (4) Section 771, relating to unauthorized wearing of uniforms.
- (5) Section 774, relating to wearing religious apparel while in uniform.
- (6) Section 982, relating to service on State and local juries.
- (7) Section 1031, relating to administration of oaths.
- (8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.
- (9) Section 1035, relating to deposits of savings.
- (10) Section 1036, relating to transportation and travel allowances for escorts for dependents of members.
- (11) Section 1052, relating to reimbursement for adoption expenses.
- (12) Section 1074n, relating to annual mental health assessments.
- (13) Section 1090a, relating to referrals for mental health evaluations.
- (14) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.
- (15) Section 1174a, relating to special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).
- (16) Chapter 61, relating to retirement or separation for physical disability.
- (17) Section 1251(e), relating to retirement or separation based on years of creditable service.
- (18) Chapter 69, relating to retired grade, except sections 1370, 1375, and 1376.
- (19) Chapter 71, relating to computation of retired pay.

(20) Chapter 73, relating to annuities based on retired or re-  
tainer pay.

(21) Subchapter II of chapter 75, relating to death benefits.

(22) Subchapter I of chapter 88, relating to Military Family  
Programs, applicable on an as-available and fully reimbursable  
basis.

(23) Section 2005, relating to advanced education assistance,  
active duty agreements, and reimbursement requirements.

(24) Section 2634, relating to transportation of motor vehi-  
cles for members on permanent change of station.

(25) Sections 2731 and 2735, relating to property loss inci-  
dent to service.

(26) *Section 657, relating to prohibition on service by individ-  
uals convicted of certain sexual offenses.*

[(26)] (27) Section 2771, relating to final settlement of ac-  
counts of deceased members.

(27) Such other provisions of subtitle A of that title as may  
be adopted for applicability to the commissioned officer corps  
of the National Oceanic and Atmospheric Administration by  
any other provision of law.

(b) REFERENCES.—The authority vested by title 10, United States  
Code, in the “military departments”, “the Secretary concerned”, or  
“the Secretary of Defense” with respect to the provisions of law re-  
ferred to in subsection (a) shall be exercised, with respect to the  
commissioned officer corps of the Administration, by the Secretary  
of Commerce or the Secretary’s designee. For purposes of para-  
graph (8) of subsection (a), the term “Inspector General” in section  
1034 of such title 10 shall mean the Inspector General of the De-  
partment of Commerce.

(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND  
PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary  
may prescribe regulations to carry out the application of section  
1034 of title 10, United States Code, to the commissioned officer  
corps of the Administration, including by prescribing such adminis-  
trative procedures for investigation and appeal within the commis-  
sioned officer corps as the Secretary considers appropriate.

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