

116TH CONGRESS
2D SESSION

S. 2981

AN ACT

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “National Oceanic and Atmospheric Administration Com-
 4 missioned Officer Corps Amendments Act of 2020”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to National Oceanic and Atmospheric Administration Com-
 missioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

Sec. 101. Strength and distribution in grade.

Sec. 102. Recalled officers.

Sec. 103. Obligated service requirement.

Sec. 104. Training and physical fitness.

Sec. 105. Aviation accession training programs.

Sec. 106. Recruiting materials.

Sec. 107. Technical correction.

TITLE II—PARITY AND RECRUITMENT

Sec. 201. Education loans.

Sec. 202. Interest payments.

Sec. 203. Student pre-commissioning program.

Sec. 204. Limitation on educational assistance.

Sec. 205. Applicability of certain provisions of title 10, United States Code, and
 extension of certain authorities applicable to members of the
 Armed Forces to commissioned officer corps.

Sec. 206. Applicability of certain provisions of title 37, United States Code.

Sec. 207. Prohibition on retaliatory personnel actions.

Sec. 208. Employment and reemployment rights.

Sec. 209. Treatment of commission in commissioned officer corps for purposes
 of certain hiring decisions.

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 301. Appointments.

Sec. 302. Personnel boards.

Sec. 303. Positions of importance and responsibility.

Sec. 304. Temporary appointments.

Sec. 305. Officer candidates.

Sec. 306. Procurement of personnel.

Sec. 307. Career intermission program.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.

Sec. 402. Separation pay.

TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION MATTERS

Sec. 501. Charting and survey services.

Sec. 502. Co-location agreements.

Sec. 503. Satellite and data management.

Sec. 504. Improvements relating to sexual harassment and assault prevention
at the National Oceanic and Atmospheric Administration.

1 SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOS-
2 PHERIC ADMINISTRATION COMMISSIONED
3 OFFICER CORPS ACT OF 2002.

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the National Oceanic and At-
9 mospheric Administration Commissioned Officer Corps
10 Act of 2002 (33 U.S.C. 3001 et seq.).

11 TITLE I—GENERAL PROVISIONS

12 SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

13 Section 214 (33 U.S.C. 3004) is amended to read as
14 follows:

15 “SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

16 “(a) GRADES.—The commissioned grades in the com-
17 missioned officer corps of the Administration are the fol-
18 lowing, in relative rank with officers of the Navy:

19 “(1) Vice admiral.

20 “(2) Rear admiral.

21 “(3) Rear admiral (lower half).

22 “(4) Captain.

1 “(5) Commander.

2 “(6) Lieutenant commander.

3 “(7) Lieutenant.

4 “(8) Lieutenant (junior grade).

5 “(9) Ensign.

6 “(b) GRADE DISTRIBUTION.—The Secretary shall
7 prescribe, with respect to the distribution on the lineal list
8 in grade, the percentages applicable to the grades set forth
9 in subsection (a).

10 “(c) ANNUAL COMPUTATION OF NUMBER IN
11 GRADE.—

12 “(1) IN GENERAL.—Not less frequently than
13 once each year, the Secretary shall make a computa-
14 tion to determine the number of officers on the lin-
15 eal list authorized to be serving in each grade.

16 “(2) METHOD OF COMPUTATION.—The number
17 in each grade shall be computed by applying the ap-
18 plicable percentage to the total number of such offi-
19 cers serving on active duty on the date the computa-
20 tion is made.

21 “(3) FRACTIONS.—If a final fraction occurs in
22 computing the authorized number of officers in a
23 grade, the nearest whole number shall be taken. If
24 the fraction is one-half, the next higher whole num-
25 ber shall be taken.

1 “(d) TEMPORARY INCREASE IN NUMBERS.—The
 2 total number of officers authorized by law to be on the
 3 lineal list during a fiscal year may be temporarily exceeded
 4 if the average number on that list during that fiscal year
 5 does not exceed the authorized number.

6 “(e) POSITIONS OF IMPORTANCE AND RESPONSI-
 7 BILITY.—Officers serving in positions designated under
 8 section 228(a) and officers recalled from retired status
 9 shall not be counted when computing authorized strengths
 10 under subsection (c) and shall not count against those
 11 strengths.

12 “(f) PRESERVATION OF GRADE AND PAY.—No offi-
 13 cer may be reduced in grade or pay or separated from
 14 the commissioned officer corps of the Administration as
 15 the result of a computation made to determine the author-
 16 ized number of officers in the various grades.”.

17 **SEC. 102. RECALLED OFFICERS.**

18 (a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is
 19 amended to read as follows:

20 **“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFI-
 21 CERS.**

22 “(a) IN GENERAL.—The total number of authorized
 23 commissioned officers on the lineal list of the commis-
 24 sioned officer corps of the Administration shall not exceed
 25 500.

1 “(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under
2 BILITY.—Officers serving in positions designated under
3 section 228 and officers recalled from retired status or de-
4 tailed to an agency other than the Administration—

5 “(1) may not be counted in determining the
6 total number of authorized officers on the lineal list
7 under this section; and

8 “(2) may not count against such number.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1 of the Act entitled “An Act to reauthorize
11 the Hydrographic Services Improvement Act of 1998, and
12 for other purposes” (Public Law 107–372) is amended by
13 striking the item relating to section 215 and inserting the
14 following:

“Sec. 215. Number of authorized commissioned officers.”.

15 **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

16 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
17 seq.) is amended by adding at the end the following:

18 **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

19 “(a) IN GENERAL.—

20 “(1) REGULATIONS.—The Secretary shall pre-
21 scribe the obligated service requirements for appoint-
22 ments, training, promotions, separations, continu-
23 ations, and retirements of officers not otherwise cov-
24 ered by law.

1 “(2) WRITTEN AGREEMENTS.—The Secretary
 2 and officers shall enter into written agreements that
 3 describe the officers’ obligated service requirements
 4 prescribed under paragraph (1) in return for such
 5 appointments, training, promotions, separations,
 6 continuations, and retirements as the Secretary con-
 7 siders appropriate.

8 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
 9 QUIREMENTS.—

10 “(1) IN GENERAL.—The Secretary may require
 11 an officer who fails to meet the service requirements
 12 prescribed under subsection (a)(1) to reimburse the
 13 Secretary in an amount that bears the same ratio to
 14 the total costs of the training provided to that offi-
 15 cer by the Secretary as the unserved portion of ac-
 16 tive duty bears to the total period of active duty the
 17 officer agreed to serve.

18 “(2) OBLIGATION AS DEBT TO UNITED
 19 STATES.—An obligation to reimburse the Secretary
 20 under paragraph (1) is, for all purposes, a debt
 21 owed to the United States.

22 “(3) DISCHARGE IN BANKRUPTCY.—A dis-
 23 charge in bankruptcy under title 11 that is entered
 24 less than five years after the termination of a writ-
 25 ten agreement entered into under subsection (a)(2)

1 does not discharge the individual signing the agree-
 2 ment from a debt arising under such agreement.

3 “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—

4 The Secretary may waive the service obligation of an offi-
 5 cer who—

6 “(1) becomes unqualified to serve on active
 7 duty in the commissioned officer corps of the Ad-
 8 ministration because of a circumstance not within
 9 the control of that officer; or

10 “(2) is—

11 “(A) not physically qualified for appoint-
 12 ment; and

13 “(B) determined to be unqualified for serv-
 14 ice in the commissioned officer corps of the Ad-
 15 ministration because of a physical or medical
 16 condition that was not the result of the officer’s
 17 own misconduct or grossly negligent conduct.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 in section 1 of the Act entitled “An Act to reauthorize
 20 the Hydrographic Services Improvement Act of 1998, and
 21 for other purposes” (Public Law 107–372) is amended by
 22 inserting after the item relating to section 215 the fol-
 23 lowing:

“Sec. 216. Obligated service requirement.”.

1 **SEC. 104. TRAINING AND PHYSICAL FITNESS.**

2 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
3 seq.), as amended by section 103(a), is further amended
4 by adding at the end the following:

5 **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

6 “(a) TRAINING.—The Secretary may take such meas-
7 ures as may be necessary to ensure that officers are pre-
8 pared to carry out their duties in the commissioned officer
9 corps of the Administration and proficient in the skills
10 necessary to carry out such duties. Such measures may
11 include the following:

12 “(1) Carrying out training programs and cor-
13 respondence courses, including establishing and op-
14 erating a basic officer training program to provide
15 initial indoctrination and maritime vocational train-
16 ing for officer candidates as well as refresher train-
17 ing, mid-career training, aviation training, and such
18 other training as the Secretary considers necessary
19 for officer development and proficiency.

20 “(2) Providing officers and officer candidates
21 with educational materials.

22 “(3) Acquiring such equipment as may be nec-
23 essary for training and instructional purposes.

24 “(b) PHYSICAL FITNESS.—The Secretary shall en-
25 sure that officers maintain a high physical state of readi-
26 ness by establishing standards of physical fitness for offi-

1 cers that are substantially equivalent to those prescribed
 2 for officers in the Coast Guard.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 in section 1 of the Act entitled “An Act to reauthorize
 5 the Hydrographic Services Improvement Act of 1998, and
 6 for other purposes” (Public Law 107–372), as amended
 7 by section 103(b), is further amended by inserting after
 8 the item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”.

9 **SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.**

10 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
 11 seq.), as amended by section 104(a), is further amended
 12 by adding at the end the following:

13 **“SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ADMINISTRATOR.—The term ‘Adminis-
 16 trator’ means the Under Secretary of Commerce for
 17 Oceans and Atmosphere and the Administrator of
 18 the National Oceanic and Atmospheric Administra-
 19 tion.

20 “(2) MEMBER OF THE PROGRAM.—The term
 21 ‘member of the program’ means a student who is en-
 22 rolled in the program.

23 “(3) PROGRAM.—The term ‘program’ means an
 24 aviation accession training program of the commis-

1 sioned officer corps of the Administration estab-
 2 lished pursuant to subsection (b).

3 “(b) AVIATION ACCESSION TRAINING PROGRAMS.—

4 “(1) ESTABLISHMENT AUTHORIZED.—The Ad-
 5 ministrator, under regulations prescribed by the Sec-
 6 retary, shall establish and maintain one or more
 7 aviation accession training programs for the commis-
 8 sioned officer corps of the Administration at institu-
 9 tions described in paragraph (2).

10 “(2) INSTITUTIONS DESCRIBED.—An institu-
 11 tion described in this paragraph is an educational in-
 12 stitution—

13 “(A) that requests to enter into an agree-
 14 ment with the Administrator providing for the
 15 establishment of the program at the institution;

16 “(B) that has, as a part of its curriculum,
 17 a four-year baccalaureate program of profes-
 18 sional flight and piloting instruction that is ac-
 19 credited by the Aviation Accreditation Board
 20 International;

21 “(C) that is located in a geographic area
 22 that—

23 “(i) experiences a wide variation in
 24 climate-related activity, including frequent
 25 high winds, convective activity (including

tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

“(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

“(D) at which the Administrator determines that—

“(i) there will be at least one student enrolled in the program; and

“(ii) the provisions of this section are otherwise satisfied.

“(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

“(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

1 “(B) the institution fulfills the terms of its
2 agreement with the Administrator.

3 “(4) MEMBERSHIP IN CONNECTION WITH STA-
4 TUS AS STUDENT.—At institutions at which the pro-
5 gram is established, the membership of students in
6 the program shall be elective, as provided by State
7 law or the authorities of the institution concerned.

8 “(c) MEMBERSHIP.—

9 “(1) ELIGIBILITY.—To be eligible for member-
10 ship in the program, an individual must—

11 “(A) be a student at an institution at
12 which the program is established;

13 “(B) be a citizen of the United States;

14 “(C) contract in writing, with the consent
15 of a parent or guardian if a minor, with the Ad-
16 ministrator, to—

17 “(i) accept an appointment, if offered,
18 as a commissioned officer in the commis-
19 sioned officer corps of the Administration;
20 and

21 “(ii) serve in the commissioned officer
22 corps of the Administration for not fewer
23 than four years;

24 “(D) enroll in—

1 “(i) a four-year baccalaureate pro-
 2 gram of professional flight and piloting in-
 3 struction; and

4 “(ii) other training or education, in-
 5 cluding basic officer training, which is pre-
 6 scribed by the Administrator as meeting
 7 the preliminary requirement for admission
 8 to the commissioned officer corps of the
 9 Administration; and

10 “(E) execute a certificate or take an oath
 11 relating to morality and conduct in such form
 12 as the Administrator prescribes.

13 “(2) COMPLETION OF PROGRAM.—A member of
 14 the program may be appointed as a regular officer
 15 in the commissioned officer corps of the Administra-
 16 tion if the member meets all requirements for ap-
 17 pointment as such an officer.

18 “(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEM-
 19 BERS.—

20 “(1) EXPENSES OF COURSE OF INSTRUCC-
 21 TION.—

22 “(A) IN GENERAL.—In the case of a mem-
 23 ber of the program who meets such qualifica-
 24 tions as the Administrator establishes for pur-
 25 poses of this subsection, the Administrator may

1 pay the expenses of the member in connection
2 with pursuit of a course of professional flight
3 and piloting instruction under the program, in-
4 cluding tuition, fees, educational materials such
5 as books, training, certifications, travel, and
6 laboratory expenses.

7 “(B) ASSISTANCE AFTER FOURTH ACA-
8 DEMIC YEAR.—In the case of a member of the
9 program described in subparagraph (A) who is
10 enrolled in a course described in that subpara-
11 graph that has been approved by the Adminis-
12 trator and requires more than four academic
13 years for completion, including elective require-
14 ments of the program, assistance under this
15 subsection may also be provided during a fifth
16 academic year or during a combination of a
17 part of a fifth academic year and summer ses-
18 sions.

19 “(2) ROOM AND BOARD.—In the case of a
20 member eligible to receive assistance under para-
21 graph (1), the Administrator may, in lieu of pay-
22 ment of all or part of such assistance, pay the room
23 and board expenses of the member, and other edu-
24 cational expenses, of the educational institution con-
25 cerned.

1 “(3) FAILURE TO COMPLETE PROGRAM OR AC-
 2 CEPT COMMISSION.—A member of the program who
 3 receives assistance under this subsection and who
 4 does not complete the course of instruction, or who
 5 completes the course but declines to accept a com-
 6 mission in the commissioned officer corps of the Ad-
 7 ministration when offered, shall be subject to the re-
 8 payment provisions of subsection (e).

9 “(e) REPAYMENT OF UNEARNED PORTION OF FI-
 10 NANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT
 11 NOT MET.—

12 “(1) IN GENERAL.—A member of the program
 13 who receives or benefits from assistance under sub-
 14 section (d), and whose receipt of or benefit from
 15 such assistance is subject to the condition that the
 16 member fully satisfy the requirements of subsection
 17 (c), shall repay to the United States an amount
 18 equal to the assistance received or benefitted from if
 19 the member fails to fully satisfy such requirements
 20 and may not receive or benefit from any unpaid
 21 amounts of such assistance after the member fails to
 22 satisfy such requirements, unless the Administrator
 23 determines that the imposition of the repayment re-
 24 quirement and the termination of payment of unpaid

1 amounts of such assistance with regard to the mem-
2 ber would be—

3 “(A) contrary to a personnel policy or
4 management objective;

5 “(B) against equity and good conscience;
6 or

7 “(C) contrary to the best interests of the
8 United States.

9 “(2) REGULATIONS.—The Administrator may
10 establish, by regulations, procedures for determining
11 the amount of the repayment required under this
12 subsection and the circumstances under which an ex-
13 ception to repayment may be granted. The Adminis-
14 trator may specify in the regulations the conditions
15 under which financial assistance to be paid to a
16 member of the program will not be made if the
17 member no longer satisfies the requirements in sub-
18 section (c) or qualifications in subsection (d) for
19 such assistance.

20 “(3) OBLIGATION AS DEBT TO UNITED
21 STATES.—An obligation to repay the United States
22 under this subsection is, for all purposes, a debt
23 owed to the United States.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1 of the Act entitled “An Act to reauthorize

1 the Hydrographic Services Improvement Act of 1998, and
 2 for other purposes” (Public Law 107–372), as amended
 3 by section 104(b), is further amended by inserting after
 4 the item relating to section 217 the following:

“Sec. 218. Aviation accession training programs.”.

5 **SEC. 106. RECRUITING MATERIALS.**

6 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
 7 seq.), as amended by section 105(a), is further amended
 8 by adding at the end the following:

9 **“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC**
 10 **RELATIONS.**

11 “The Secretary may use for public relations purposes
 12 of the Department of Commerce any advertising materials
 13 developed for use for recruitment and retention of per-
 14 sonnel for the commissioned officer corps of the Adminis-
 15 tration. Any such use shall be under such conditions and
 16 subject to such restrictions as the Secretary shall pre-
 17 scribe.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 in section 1 of the Act entitled “An Act to reauthorize
 20 the Hydrographic Services Improvement Act of 1998, and
 21 for other purposes” (Public Law 107–372), as amended
 22 by section 105(b), is further amended by inserting after
 23 the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”.

1 **SEC. 107. TECHNICAL CORRECTION.**

2 Section 101(21)(C) of title 38, United States Code,
3 is amended by inserting “in the commissioned officer
4 corps” before “of the National”.

5 **TITLE II—PARITY AND**
6 **RECRUITMENT**

7 **SEC. 201. EDUCATION LOANS.**

8 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
9 seq.) is amended by adding at the end the following:

10 **“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

11 **“(a) AUTHORITY TO REPAY EDUCATION LOANS.—**

12 For the purpose of maintaining adequate numbers of offi-
13 cers of the commissioned officer corps of the Administra-
14 tion on active duty who have skills required by the com-
15 missioned officer corps, the Secretary may repay, in the
16 case of a person described in subsection (b), a loan that—

17 “(1) was used by the person to finance edu-
18 cation; and

19 “(2) was obtained from a governmental entity,
20 private financial institution, educational institution,
21 or other authorized entity.

22 **“(b) ELIGIBLE PERSONS.—To be eligible to obtain**
23 a loan repayment under this section, a person must—

24 “(1) satisfy one of the requirements specified in
25 subsection (c);

1 “(2) be fully qualified for, or hold, an appoint-
 2 ment as a commissioned officer in the commissioned
 3 officer corps of the Administration; and

4 “(3) sign a written agreement to serve on active
 5 duty, or, if on active duty, to remain on active duty
 6 for a period in addition to any other incurred active
 7 duty obligation.

8 “(c) ACADEMIC AND PROFESSIONAL REQUIRE-
 9 MENTS.—One of the following academic requirements
 10 must be satisfied for purposes of determining the eligi-
 11 bility of an individual for a loan repayment under this sec-
 12 tion:

13 “(1) The person is fully qualified in a profes-
 14 sion that the Secretary has determined to be nec-
 15 essary to meet identified skill shortages in the com-
 16 missioned officer corps of the Administration.

17 “(2) The person is enrolled as a full-time stu-
 18 dent in the final year of a course of study at an ac-
 19 credited educational institution (as determined by
 20 the Secretary of Education) leading to a degree in
 21 a profession that will meet identified skill shortages
 22 in the commissioned officer corps of the Administra-
 23 tion.

24 “(d) LOAN REPAYMENTS.—

1 “(1) IN GENERAL.—Subject to the limits estab-
 2 lished under paragraph (2), a loan repayment under
 3 this section may consist of the payment of the prin-
 4 cipal, interest, and related expenses of a loan ob-
 5 tained by a person described in subsection (b).

6 “(2) LIMITATION ON AMOUNT.—For each year
 7 of obligated service that a person agrees to serve in
 8 an agreement described in subsection (b)(3), the
 9 Secretary may pay not more than the amount speci-
 10 fied in section 2173(e)(2) of title 10, United States
 11 Code.

12 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

13 “(1) IN GENERAL.—A person entering into an
 14 agreement described in subsection (b)(3) incurs an
 15 active duty service obligation.

16 “(2) LENGTH OF OBLIGATION DETERMINED
 17 UNDER REGULATIONS.—

18 “(A) IN GENERAL.—Except as provided in
 19 subparagraph (B), the length of the obligation
 20 under paragraph (1) shall be determined under
 21 regulations prescribed by the Secretary.

22 “(B) MINIMUM OBLIGATION.—The regula-
 23 tions prescribed under subparagraph (A) may
 24 not provide for a period of obligation of less
 25 than one year for each maximum annual

1 amount, or portion thereof, paid on behalf of
2 the person for qualified loans.

3 “(3) PERSONS ON ACTIVE DUTY BEFORE EN-
4 TERING INTO AGREEMENT.—The active duty service
5 obligation of persons on active duty before entering
6 into the agreement shall be served after the conclu-
7 sion of any other obligation incurred under the
8 agreement.

9 “(4) CONCURRENT COMPLETION OF SERVICE
10 OBLIGATIONS.—A service obligation under this sec-
11 tion may be completed concurrently with a service
12 obligation under section 216.

13 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
14 TION.—

15 “(1) ALTERNATIVE OBLIGATIONS.—An officer
16 who is relieved of the officer’s active duty obligation
17 under this section before the completion of that obli-
18 gation may be given any alternative obligation, at
19 the discretion of the Secretary.

20 “(2) REPAYMENT.—An officer who does not
21 complete the period of active duty specified in the
22 agreement entered into under subsection (b)(3), or
23 the alternative obligation imposed under paragraph
24 (1), shall be subject to the repayment provisions
25 under section 216.

1 “(g) RULEMAKING.—The Secretary shall prescribe
2 regulations to carry out this section, including—

3 “(1) standards for qualified loans and author-
4 ized payees; and

5 “(2) other terms and conditions for the making
6 of loan repayments.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1 of the Act entitled “An Act to reauthorize
9 the Hydrographic Services Improvement Act of 1998, and
10 for other purposes” (Public Law 107–372) is amended by
11 inserting after the item relating to section 266 the fol-
12 lowing:

“Sec. 267. Education loan repayment program.”.

13 **SEC. 202. INTEREST PAYMENTS.**

14 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
15 seq.), as amended by section 201(a), is further amended
16 by adding at the end the following:

17 **“SEC. 268. INTEREST PAYMENT PROGRAM.**

18 “(a) AUTHORITY.—The Secretary may pay the inter-
19 est and any special allowances that accrue on one or more
20 student loans of an eligible officer, in accordance with this
21 section.

22 “(b) ELIGIBLE OFFICERS.—An officer is eligible for
23 the benefit described in subsection (a) while the officer—

24 “(1) is serving on active duty;

1 “(2) has not completed more than three years
2 of service on active duty;

3 “(3) is the debtor on one or more unpaid loans
4 described in subsection (c); and

5 “(4) is not in default on any such loan.

6 “(c) STUDENT LOANS.—The authority to make pay-
7 ments under subsection (a) may be exercised with respect
8 to the following loans:

9 “(1) A loan made, insured, or guaranteed under
10 part B of title IV of the Higher Education Act of
11 1965 (20 U.S.C. 1071 et seq.).

12 “(2) A loan made under part D of such title
13 (20 U.S.C. 1087a et seq.).

14 “(3) A loan made under part E of such title
15 (20 U.S.C. 1087aa et seq.).

16 “(d) MAXIMUM BENEFIT.—Interest and any special
17 allowance may be paid on behalf of an officer under this
18 section for any of the 36 consecutive months during which
19 the officer is eligible under subsection (b).

20 “(e) COORDINATION WITH SECRETARY OF EDU-
21 CATION.—

22 “(1) IN GENERAL.—The Secretary shall consult
23 with the Secretary of Education regarding the ad-
24 ministration of this section.

1 “(2) REIMBURSEMENT AUTHORIZED.—The Sec-
 2 retary is authorized to reimburse the Secretary of
 3 Education—

4 “(A) for the funds necessary to pay inter-
 5 est and special allowances on student loans
 6 under this section (in accordance with sections
 7 428(o), 455(l), and 464(j) of the Higher Edu-
 8 cation Act of 1965 (20 U.S.C. 1078(o),
 9 1087e(l), and 1087dd(j)); and

10 “(B) for any reasonable administrative
 11 costs incurred by the Secretary of Education in
 12 coordinating the program under this section
 13 with the administration of the student loan pro-
 14 grams under parts B, D, and E of title IV of
 15 the Higher Education Act of 1965 (20 U.S.C.
 16 1071 et seq., 1087a et seq., 1087aa et seq.).

17 “(f) SPECIAL ALLOWANCE DEFINED.—In this sec-
 18 tion, the term ‘special allowance’ means a special allow-
 19 ance that is payable under section 438 of the Higher Edu-
 20 cation Act of 1965 (20 U.S.C. 1087–1).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 428(o) of the Higher Education Act
 23 of 1965 (20 U.S.C. 1078(o)) is amended—

24 (A) by striking the subsection heading and
 25 inserting “ARMED FORCES AND NOAA COM-

MISSIONED OFFICER CORPS STUDENT LOAN
INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the
National Oceanic and Atmospheric Admin-
istration Commissioned Officer Corps Act
of 2002” after “Code,”; and

(ii) by inserting “or an officer in the
commissioned officer corps of the National
Oceanic and Atmospheric Administration,
respectively,” after “Armed Forces”.

(2) Sections 455(l) and 464(j) of the Higher
Education Act of 1965 (20 U.S.C. 1087e(l) and
1087dd(j)) are each amended—

(A) by striking the subsection heading and
inserting “ARMED FORCES AND NOAA COM-
MISSIONED OFFICER CORPS STUDENT LOAN
INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the
National Oceanic and Atmospheric Admin-
istration Commissioned Officer Corps Act
of 2002” after “Code,”; and

(ii) by inserting “or an officer in the
commissioned officer corps of the National

1 Oceanic and Atmospheric Administration,
 2 respectively” after “Armed Forces”.

3 (c) CLERICAL AMENDMENT.—The table of contents
 4 in section 1 of the Act entitled “An Act to reauthorize
 5 the Hydrographic Services Improvement Act of 1998, and
 6 for other purposes” (Public Law 107–372), as amended
 7 by section 201(b), is further amended by inserting after
 8 the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

9 **SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.**

10 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 11 seq.), as amended by section 202(a), is further amended
 12 by adding at the end the following:

13 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 14 **SISTANCE PROGRAM.**

15 “(a) AUTHORITY TO PROVIDE FINANCIAL ASSIST-
 16 ANCE.—For the purpose of maintaining adequate numbers
 17 of officers of the commissioned officer corps of the Admin-
 18 istration on active duty, the Secretary may provide finan-
 19 cial assistance to a person described in subsection (b) for
 20 expenses of the person while the person is pursuing on
 21 a full-time basis at an accredited educational institution
 22 (as determined by the Secretary of Education) a program
 23 of education approved by the Secretary that leads to—

24 “(1) a baccalaureate degree in not more than
 25 five academic years; or

1 “(2) a postbaccalaureate degree.

2 “(b) ELIGIBLE PERSONS.—

3 “(1) IN GENERAL.—A person is eligible to ob-
4 tain financial assistance under subsection (a) if the
5 person—

6 “(A) is enrolled on a full-time basis in a
7 program of education referred to in subsection
8 (a) at any educational institution described in
9 such subsection;

10 “(B) meets all of the requirements for ac-
11 ceptance into the commissioned officer corps of
12 the Administration except for the completion of
13 a baccalaureate degree; and

14 “(C) enters into a written agreement with
15 the Secretary described in paragraph (2).

16 “(2) AGREEMENT.—A written agreement re-
17 ferred to in paragraph (1)(C) is an agreement be-
18 tween the person and the Secretary in which the
19 person—

20 “(A) agrees to accept an appointment as
21 an officer, if tendered; and

22 “(B) upon completion of the person’s edu-
23 cational program, agrees to serve on active
24 duty, immediately after appointment, for—

1 “(i) up to three years if the person re-
2 ceived less than three years of assistance;
3 and

4 “(ii) up to five years if the person re-
5 ceived at least three years of assistance.

6 “(c) QUALIFYING EXPENSES.—Expenses for which
7 financial assistance may be provided under subsection (a)
8 are the following:

9 “(1) Tuition and fees charged by the edu-
10 cational institution involved.

11 “(2) The cost of educational materials.

12 “(3) In the case of a program of education
13 leading to a baccalaureate degree, laboratory ex-
14 penses.

15 “(4) Such other expenses as the Secretary con-
16 siders appropriate.

17 “(d) LIMITATION ON AMOUNT.—The Secretary shall
18 prescribe the amount of financial assistance provided to
19 a person under subsection (a), which may not exceed the
20 amount specified in section 2173(e)(2) of title 10, United
21 States Code, for each year of obligated service that a per-
22 son agrees to serve in an agreement described in sub-
23 section (b)(2).

1 “(e) DURATION OF ASSISTANCE.—Financial assist-
 2 ance may be provided to a person under subsection (a)
 3 for not more than five consecutive academic years.

4 “(f) SUBSISTENCE ALLOWANCE.—

5 “(1) IN GENERAL.—A person who receives fi-
 6 nancial assistance under subsection (a) shall be enti-
 7 tled to a monthly subsistence allowance at a rate
 8 prescribed under paragraph (2) for the duration of
 9 the period for which the person receives such finan-
 10 cial assistance.

11 “(2) DETERMINATION OF AMOUNT.—The Sec-
 12 retary shall prescribe monthly rates for subsistence
 13 allowance provided under paragraph (1), which shall
 14 be equal to the amount specified in section 2144(a)
 15 of title 10, United States Code.

16 “(g) INITIAL CLOTHING ALLOWANCE.—

17 “(1) TRAINING.—The Secretary may prescribe
 18 a sum which shall be credited to each person who re-
 19 ceives financial assistance under subsection (a) to
 20 cover the cost of the person’s initial clothing and
 21 equipment issue.

22 “(2) APPOINTMENT.—Upon completion of the
 23 program of education for which a person receives fi-
 24 nancial assistance under subsection (a) and accept-
 25 ance of appointment in the commissioned officer

1 corps of the Administration, the person may be
2 issued a subsequent clothing allowance equivalent to
3 that normally provided to a newly appointed officer.

4 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

5 “(1) IN GENERAL.—The Secretary shall termi-
6 nate the assistance provided to a person under this
7 section if—

8 “(A) the Secretary accepts a request by
9 the person to be released from an agreement
10 described in subsection (b)(2);

11 “(B) the misconduct of the person results
12 in a failure to complete the period of active
13 duty required under the agreement; or

14 “(C) the person fails to fulfill any term or
15 condition of the agreement.

16 “(2) REIMBURSEMENT.—The Secretary may re-
17 quire a person who receives assistance described in
18 subsection (c), (f), or (g) under an agreement en-
19 tered into under subsection (b)(1)(C) to reimburse
20 the Secretary in an amount that bears the same
21 ratio to the total costs of the assistance provided to
22 that person as the unserved portion of active duty
23 bears to the total period of active duty the officer
24 agreed to serve under the agreement.

1 “(3) WAIVER.—The Secretary may waive the
2 service obligation of a person through an agreement
3 entered into under subsection (b)(1)(C) if the per-
4 son—

5 “(A) becomes unqualified to serve on active
6 duty in the commissioned officer corps of the
7 Administration because of a circumstance not
8 within the control of that person; or

9 “(B) is—

10 “(i) not physically qualified for ap-
11 pointment; and

12 “(ii) determined to be unqualified for
13 service in the commissioned officer corps of
14 the Administration because of a physical or
15 medical condition that was not the result
16 of the person’s own misconduct or grossly
17 negligent conduct.

18 “(4) OBLIGATION AS DEBT TO UNITED
19 STATES.—An obligation to reimburse the Secretary
20 imposed under paragraph (2) is, for all purposes, a
21 debt owed to the United States.

22 “(5) DISCHARGE IN BANKRUPTCY.—A dis-
23 charge in bankruptcy under title 11, United States
24 Code, that is entered less than five years after the
25 termination of a written agreement entered into

1 under subsection (b)(1)(C) does not discharge the
 2 person signing the agreement from a debt arising
 3 under such agreement or under paragraph (2).

4 “(i) REGULATIONS.—The Secretary may prescribe
 5 such regulations and orders as the Secretary considers ap-
 6 propriate to carry out this section.

7 “(j) CONCURRENT COMPLETION OF SERVICE OBLI-
 8 GATIONS.—A service obligation under this section may be
 9 completed concurrently with a service obligation under
 10 section 216.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 in section 1 of the Act entitled “An Act to reauthorize
 13 the Hydrographic Services Improvement Act of 1998, and
 14 for other purposes” (Public Law 107–372), as amended
 15 by section 202(c), is further amended by inserting after
 16 the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

17 **SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE.**

18 (a) IN GENERAL.—Each fiscal year, beginning with
 19 the fiscal year in which this Act is enacted, the Secretary
 20 of Commerce shall ensure that the total amount expended
 21 by the Secretary under section 267 of the National Oce-
 22 anic and Atmospheric Administration Commissioned Offi-
 23 cer Corps Act of 2002 (as added by section 201(a)), sec-
 24 tion 268 of such Act (as added by section 202(a)), and

1 section 269 of such Act (as added by section 203(a)) does
2 not exceed the amount by which—

3 (1) the total amount the Secretary would pay in
4 that fiscal year to officer candidates under section
5 203(f)(1) of title 37, United States Code (as added
6 by section 305(d)), if such section entitled officer
7 candidates to pay at monthly rates equal to the
8 basic pay of a commissioned officer in the pay grade
9 O–1 with less than 2 years of service, exceeds

10 (2) the total amount the Secretary actually
11 pays in that fiscal year to officer candidates under
12 section 203(f)(1) of such title (as so added).

13 (b) OFFICER CANDIDATE DEFINED.—In this section,
14 the term “officer candidate” has the meaning given the
15 term in paragraph (4) of section 212(b) of the National
16 Oceanic and Atmospheric Administration Commissioned
17 Officer Corps Act of 2002 (33 U.S.C. 3002), as added
18 by section 305(c).

1 **SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF**
 2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
 3 **SION OF CERTAIN AUTHORITIES APPLICABLE**
 4 **TO MEMBERS OF THE ARMED FORCES TO**
 5 **COMMISSIONED OFFICER CORPS.**

6 (a) APPLICABILITY OF CERTAIN PROVISIONS OF
 7 TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amend-
 8 ed—

9 (1) by redesignating paragraphs (13) through
 10 (16) as paragraphs (22) through (25), respectively;

11 (2) by redesignating paragraphs (7) through
 12 (12) as paragraphs (14) through (19), respectively;

13 (3) by redesignating paragraphs (4) through
 14 (6) as paragraphs (8) through (10), respectively;

15 (4) by inserting after paragraph (3) the fol-
 16 lowing:

17 “(4) Section 771, relating to unauthorized
 18 wearing of uniforms.

19 “(5) Section 774, relating to wearing religious
 20 apparel while in uniform.

21 “(6) Section 982, relating to service on State
 22 and local juries.

23 “(7) Section 1031, relating to administration of
 24 oaths.”;

25 (5) by inserting after paragraph (10), as redес-
 26 ignated, the following:

1 “(11) Section 1074n, relating to annual mental
2 health assessments.

3 “(12) Section 1090a, relating to referrals for
4 mental health evaluations.

5 “(13) Chapter 58, relating to the Benefits and
6 Services for members being separated or recently
7 separated.”; and

8 (6) by inserting after paragraph (19), as rededesignated,
9 the following:

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

13 “(21) Section 2005, relating to advanced education
14 assistance, active duty agreements, and reimbursement
15 requirements.”.

16 (b) EXTENSION OF CERTAIN AUTHORITIES.—

17 (1) NOTARIAL SERVICES.—Section 1044a of
18 title 10, United States Code, is amended—

19 (A) in subsection (a)(1), by striking
20 “armed forces” and inserting “uniformed services”; and
21

22 (B) in subsection (b)(4), by striking
23 “armed forces” both places it appears and inserting
24 “uniformed services”.

1 (2) ACCEPTANCE OF VOLUNTARY SERVICES FOR
2 PROGRAMS SERVING MEMBERS AND THEIR FAMI-
3 LIES.—Section 1588 of such title is amended—

4 (A) in subsection (a)(3), in the matter be-
5 fore subparagraph (A), by striking “armed
6 forces” and inserting “uniformed services”; and

7 (B) by adding at the end the following new
8 subsection:

9 “(g) SECRETARY CONCERNED FOR ACCEPTANCE OF
10 SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA
11 CORPS AND THEIR FAMILIES.—For purposes of the ac-
12 ceptance of services described in subsection (a)(3), the
13 term ‘Secretary concerned’ in subsection (a) shall include
14 the Secretary of Commerce with respect to members of
15 the commissioned officer corps of the National Oceanic
16 and Atmospheric Administration.”.

17 (3) CAPSTONE COURSE FOR NEWLY SELECTED
18 FLAG OFFICERS.—Section 2153 of such title is
19 amended—

20 (A) in subsection (a)—

21 (i) by inserting “or the commissioned
22 officer corps of the National Oceanic and
23 Atmospheric Administration” after “in the
24 case of the Navy”; and

1 (ii) by striking “other armed forces”
 2 and inserting “other uniformed services”;
 3 and
 4 (B) in subsection (b)(1), in the matter be-
 5 fore subparagraph (A), by inserting “or the
 6 Secretary of Commerce, as applicable,” after
 7 “the Secretary of Defense”.

8 **SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF**
 9 **TITLE 37, UNITED STATES CODE.**

10 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 11 seq.) is amended by inserting after section 261 the fol-
 12 lowing:

13 **“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF**
 14 **TITLE 37, UNITED STATES CODE.**

15 “The provisions of law applicable to the Armed
 16 Forces under the following provisions of title 37, United
 17 States Code, shall apply to the commissioned officer corps
 18 of the Administration:

19 “(1) Section 403(l), relating to temporary con-
 20 tinuation of housing allowance for dependents of
 21 members dying on active duty.

22 “(2) Section 415, relating to initial uniform al-
 23 lowances.

24 “(3) Section 488, relating to allowances for re-
 25 cruiting expenses.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 in section 1 of the Act entitled “An Act to reauthorize
 3 the Hydrographic Services Improvement Act of 1998, and
 4 for other purposes” (Public Law 107–372) is amended by
 5 inserting after the item relating to section 261 the fol-
 6 lowing:

“Sec. 261A. Applicability of certain provisions of title 37, United States
 Code.”.

7 **SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL AC-**
 8 **TIONS.**

9 (a) IN GENERAL.—Subsection (a) of section 261 (33
 10 U.S.C. 3071), as amended by section 205(a), is further
 11 amended—

12 (1) by redesignating paragraphs (8) through
 13 (25) as paragraphs (9) through (26), respectively;
 14 and

15 (2) by inserting after paragraph (7) the fol-
 16 lowing:

17 “(8) Section 1034, relating to protected com-
 18 munications and prohibition of retaliatory personnel
 19 actions.”.

20 (b) CONFORMING AMENDMENT.—Subsection (b) of
 21 such section 261 is amended by adding at the end the
 22 following: “For purposes of paragraph (8) of subsection
 23 (a), the term ‘Inspector General’ in section 1034 of such

1 title 10 shall mean the Inspector General of the Depart-
 2 ment of Commerce.”.

3 (c) REGULATIONS.—Such section is further amended
 4 by adding at the end the following:

5 “(c) REGULATIONS REGARDING PROTECTED COM-
 6 MUNICATIONS AND PROHIBITION OF RETALIATORY PER-
 7 SONNEL ACTIONS.—The Secretary may prescribe regula-
 8 tions to carry out the application of section 1034 of title
 9 10, United States Code, to the commissioned officer corps
 10 of the Administration, including by prescribing such ad-
 11 ministrative procedures for investigation and appeal with-
 12 in the commissioned officer corps as the Secretary con-
 13 siderers appropriate.”.

14 **SEC. 208. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

15 Section 4303(16) of title 38, United States Code, is
 16 amended by inserting “the commissioned officer corps of
 17 the National Oceanic and Atmospheric Administration,”
 18 after “Public Health Service,”.

19 **SEC. 209. TREATMENT OF COMMISSION IN COMMISSIONED**
 20 **OFFICER CORPS FOR PURPOSES OF CERTAIN**
 21 **HIRING DECISIONS.**

22 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 23 seq.), as amended by this Act, is further amended by add-
 24 ing at the end the following:

1 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**
 2 **SIONED OFFICER CORPS AS EMPLOYMENT IN**
 3 **ADMINISTRATION FOR PURPOSES OF CER-**
 4 **TAIN HIRING DECISIONS.**

5 “(a) IN GENERAL.—In any case in which the Sec-
 6 retary accepts an application for a position of employment
 7 with the Administration and limits consideration of appli-
 8 cations for such position to applications submitted by indi-
 9 viduals serving in a career or career-conditional position
 10 in the competitive service within the Administration, the
 11 Secretary shall deem an officer who has served as an offi-
 12 cer in the commissioned officer corps of the Administra-
 13 tion for at least three years to be serving in a career or
 14 career-conditional position in the competitive service with-
 15 in the Administration for purposes of such limitation.

16 “(b) CAREER APPOINTMENTS.—If the Secretary se-
 17 lects an application submitted by an officer described in
 18 subsection (a) for a position described in such subsection,
 19 the Secretary shall give such officer a career or career-
 20 conditional appointment in the competitive service, as ap-
 21 propriate.

22 “(c) COMPETITIVE SERVICE DEFINED.—In this sec-
 23 tion, the term ‘competitive service’ has the meaning given
 24 the term in section 2102 of title 5, United States Code.”.

25 (b) CLERICAL AMENDMENT.—The table of contents
 26 in section 1 of the Act entitled “An Act to reauthorize

1 the Hydrographic Services Improvement Act of 1998, and
 2 for other purposes” (Public Law 107–372) is amended by
 3 inserting after the item relating to section 269, as added
 4 by section 203(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employ-
 ment in Administration for purposes of certain hiring deci-
 sions.”.

5 **TITLE III—APPOINTMENTS AND** 6 **PROMOTION OF OFFICERS**

7 **SEC. 301. APPOINTMENTS.**

8 (a) ORIGINAL APPOINTMENTS.—Section 221 (33
 9 U.S.C. 3021) is amended to read as follows:

10 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-** 11 **MENTS.**

12 “(a) ORIGINAL APPOINTMENTS.—

13 “(1) GRADES.—

14 “(A) IN GENERAL.—Except as provided in
 15 subparagraph (B), an original appointment of
 16 an officer may be made in such grades as may
 17 be appropriate for—

18 “(i) the qualification, experience, and
 19 length of service of the appointee; and

20 “(ii) the commissioned officer corps of
 21 the Administration.

22 “(B) APPOINTMENT OF OFFICER CAN-
 23 DIDATES.—

1 “(i) LIMITATION ON GRADE.—An
2 original appointment of an officer can-
3 didate, upon graduation from the basic of-
4 ficer training program of the commissioned
5 officer corps of the Administration, may
6 not be made in any other grade than en-
7 sign.

8 “(ii) RANK.—Officer candidates re-
9 ceiving appointments as ensigns upon
10 graduation from the basic officer training
11 program shall take rank according to their
12 proficiency as shown by the order of their
13 merit at date of graduation.

14 “(2) SOURCE OF APPOINTMENTS.—An original
15 appointment may be made from among the fol-
16 lowing:

17 “(A) Graduates of the basic officer train-
18 ing program of the commissioned officer corps
19 of the Administration.

20 “(B) Subject to the approval of the Sec-
21 retary of Defense, graduates of the military
22 service academies of the United States who oth-
23 erwise meet the academic standards for enroll-
24 ment in the training program described in sub-
25 paragraph (A).

1 “(C) Graduates of the State maritime
2 academies who—

3 “(i) otherwise meet the academic
4 standards for enrollment in the training
5 program described in subparagraph (A);

6 “(ii) completed at least three years of
7 regimented training while at a State mari-
8 time academy; and

9 “(iii) obtained an unlimited tonnage
10 or unlimited horsepower Merchant Mariner
11 Credential from the United States Coast
12 Guard.

13 “(D) Licensed officers of the United States
14 merchant marine who have served two or more
15 years aboard a vessel of the United States in
16 the capacity of a licensed officer, who otherwise
17 meet the academic standards for enrollment in
18 the training program described in subparagraph
19 (A).

20 “(3) DEFINITIONS.—In this subsection:

21 “(A) MILITARY SERVICE ACADEMIES OF
22 THE UNITED STATES.—The term ‘military serv-
23 ice academies of the United States’ means the
24 following:

1 “(i) The United States Military Acad-
2 emy, West Point, New York.

3 “(ii) The United States Naval Acad-
4 emy, Annapolis, Maryland.

5 “(iii) The United States Air Force
6 Academy, Colorado Springs, Colorado.

7 “(iv) The United States Coast Guard
8 Academy, New London, Connecticut.

9 “(v) The United States Merchant Ma-
10 rine Academy, Kings Point, New York.

11 “(B) STATE MARITIME ACADEMY.—The
12 term ‘State maritime academy’ has the meaning
13 given the term in section 51102 of title 46,
14 United States Code.

15 “(b) REAPPOINTMENT.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an individual who previously served in the
18 commissioned officer corps of the Administration
19 may be appointed by the Secretary to the grade the
20 individual held prior to separation.

21 “(2) REAPPOINTMENTS TO HIGHER GRADES.—
22 An appointment under paragraph (1) to a position
23 of importance and responsibility designated under
24 section 228 may only be made by the President.

1 “(c) QUALIFICATIONS.—An appointment under sub-
2 section (a) or (b) may not be given to an individual until
3 the individual’s mental, moral, physical, and professional
4 fitness to perform the duties of an officer has been estab-
5 lished under such regulations as the Secretary shall pre-
6 scribe.

7 “(d) ORDER OF PRECEDENCE.—Appointees under
8 this section shall take precedence in the grade to which
9 appointed in accordance with the dates of their commis-
10 sions as commissioned officers in such grade. The order
11 of precedence of appointees whose dates of commission are
12 the same shall be determined by the Secretary.

13 “(e) INTER-SERVICE TRANSFERS.—For inter-service
14 transfers (as described in Department of Defense Direc-
15 tive 1300.4 (dated December 27, 2006)) the Secretary
16 shall—

17 “(1) coordinate with the Secretary of Defense
18 and the Secretary of the Department in which the
19 Coast Guard is operating to promote and streamline
20 inter-service transfers;

21 “(2) give preference to such inter-service trans-
22 fers for recruitment purposes as determined appro-
23 priate by the Secretary; and

1 “(3) reappoint such inter-service transfers to
2 the equivalent grade in the commissioned officer
3 corps of the Administration.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1 of the Act entitled “An Act to reauthorize
6 the Hydrographic Services Improvement Act of 1998, and
7 for other purposes” (Public Law 107–372) is amended by
8 striking the item relating to section 221 and inserting the
9 following:

“Sec. 221. Original appointments and reappointments.”.

10 **SEC. 302. PERSONNEL BOARDS.**

11 Section 222 (33 U.S.C. 3022) is amended to read as
12 follows:

13 **“SEC. 222. PERSONNEL BOARDS.**

14 “(a) CONVENING.—Not less frequently than once
15 each year and at such other times as the Secretary deter-
16 mines necessary, the Secretary shall convene a personnel
17 board.

18 “(b) MEMBERSHIP.—

19 “(1) IN GENERAL.—A board convened under
20 subsection (a) shall consist of five or more officers
21 who are serving in or above the permanent grade of
22 the officers under consideration by the board.

23 “(2) RETIRED OFFICERS.—Officers on the re-
24 tired list may be recalled to serve on such personnel
25 boards as the Secretary considers necessary.

1 “(3) NO MEMBERSHIP ON TWO SUCCESSIVE
2 BOARDS.—No officer may be a member of two suc-
3 cessive personnel boards convened to consider offi-
4 cers of the same grade for promotion or separation.

5 “(c) DUTIES.—Each personnel board shall—

6 “(1) recommend to the Secretary such changes
7 as may be necessary to correct any erroneous posi-
8 tion on the lineal list that was caused by administra-
9 tive error; and

10 “(2) make selections and recommendations to
11 the Secretary and the President for the appoint-
12 ment, promotion, involuntary separation, continu-
13 ation, and involuntary retirement of officers in the
14 commissioned officer corps of the Administration as
15 prescribed in this title.

16 “(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-
17 ABLE.—If any recommendation by a board convened
18 under subsection (a) is not accepted by the Secretary or
19 the President, the board shall make such further rec-
20 ommendations as the Secretary or the President considers
21 appropriate.

22 “(e) AUTHORITY FOR OFFICERS TO OPT OUT OF
23 PROMOTION CONSIDERATION.—

24 “(1) IN GENERAL.—The Director of the Na-
25 tional Oceanic and Atmospheric Administration

1 Commissioned Officer Corps may provide that an of-
2 ficer, upon the officer's request and with the ap-
3 proval of the Director, be excluded from consider-
4 ation for promotion by a personnel board convened
5 under this section.

6 “(2) APPROVAL.—The Director shall approve a
7 request made by an officer under paragraph (1) only
8 if—

9 “(A) the basis for the request is to allow
10 the officer to complete a broadening assign-
11 ment, advanced education, another assignment
12 of significant value to the Administration, a ca-
13 reer progression requirement delayed by the as-
14 signment or education, or a qualifying personal
15 or professional circumstance, as determined by
16 the Director;

17 “(B) the Director determines the exclusion
18 from consideration is in the best interest of the
19 Administration; and

20 “(C) the officer has not previously failed
21 selection for promotion to the grade for which
22 the officer requests the exclusion from consider-
23 ation.”.

1 **SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**
 2 **BILITY.**

3 Section 228 (33 U.S.C. 3028) is amended—

4 (1) in subsection (c)—

5 (A) in the first sentence, by striking “The
 6 Secretary shall designate one position under
 7 this section” and inserting “The President shall
 8 designate one position”; and

9 (B) in the second sentence, by striking
 10 “That position shall be filled by” and inserting
 11 “The President shall fill that position by ap-
 12 pointing, by and with the advice and consent of
 13 the Senate,”;

14 (2) in subsection (d)(2), by inserting “or imme-
 15 diately beginning a period of terminal leave” after
 16 “for which a higher grade is designated”;

17 (3) by amending subsection (e) to read as fol-
 18 lows:

19 “(e) **LIMIT ON NUMBER OF OFFICERS APPOINTED.**—
 20 The total number of officers serving on active duty at any
 21 one time in the grade of rear admiral (lower half) or above
 22 may not exceed five, with only one serving in the grade
 23 of vice admiral.”; and

24 (4) in subsection (f), by inserting “or in a pe-
 25 riod of annual leave used at the end of the appoint-
 26 ment” after “serving in that grade”.

1 **SEC. 304. TEMPORARY APPOINTMENTS.**

2 (a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is
3 amended to read as follows:

4 **“SEC. 229. TEMPORARY APPOINTMENTS.**

5 “(a) APPOINTMENTS BY PRESIDENT.—Temporary
6 appointments in the grade of ensign, lieutenant junior
7 grade, or lieutenant may be made by the President.

8 “(b) TERMINATION.—A temporary appointment to a
9 position under subsection (a) shall terminate upon ap-
10 proval of a permanent appointment for such position made
11 by the President.

12 “(c) ORDER OF PRECEDENCE.—Appointees under
13 subsection (a) shall take precedence in the grade to which
14 appointed in accordance with the dates of their appoint-
15 ments as officers in such grade. The order of precedence
16 of appointees who are appointed on the same date shall
17 be determined by the Secretary.

18 “(d) ANY ONE GRADE.—When determined by the
19 Secretary to be in the best interest of the commissioned
20 officer corps of the Administration, officers in any perma-
21 nent grade may be temporarily promoted one grade by the
22 President. Any such temporary promotion terminates
23 upon the transfer of the officer to a new assignment.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1 of the Act entitled “An Act to reauthorize
26 the Hydrographic Services Improvement Act of 1998, and

1 for other purposes” (Public Law 107–372) is amended by
 2 striking the item relating to section 229 and inserting the
 3 following:

“Sec. 229. Temporary appointments.”.

4 **SEC. 305. OFFICER CANDIDATES.**

5 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
 6 seq.) is amended by adding at the end the following:

7 **“SEC. 234. OFFICER CANDIDATES.**

8 “(a) DETERMINATION OF NUMBER.—The Secretary
 9 shall determine the number of appointments of officer can-
 10 didates.

11 “(b) APPOINTMENT.—Appointment of officer can-
 12 didates shall be made under regulations, which the Sec-
 13 retary shall prescribe, including regulations with respect
 14 to determining age limits, methods of selection of officer
 15 candidates, term of service as an officer candidate before
 16 graduation from the basic officer training program of the
 17 Administration, and all other matters affecting such ap-
 18 pointment.

19 “(c) DISMISSAL.—The Secretary may dismiss from
 20 the basic officer training program of the Administration
 21 any officer candidate who, during the officer candidate’s
 22 term as an officer candidate, the Secretary considers un-
 23 satisfactory in either academics or conduct, or not adapted
 24 for a career in the commissioned officer corps of the Ad-
 25 ministration. Officer candidates shall be subject to rules

1 governing discipline prescribed by the Director of the Na-
2 tional Oceanic and Atmospheric Administration Commis-
3 sioned Officer Corps.

4 “(d) AGREEMENT.—

5 “(1) IN GENERAL.—Each officer candidate
6 shall sign an agreement with the Secretary in ac-
7 cordance with section 216(a)(2) regarding the officer
8 candidate’s term of service in the commissioned offi-
9 cer corps of the Administration.

10 “(2) ELEMENTS.—An agreement signed by an
11 officer candidate under paragraph (1) shall provide
12 that the officer candidate agrees to the following:

13 “(A) That the officer candidate will com-
14 plete the course of instruction at the basic offi-
15 cer training program of the Administration.

16 “(B) That upon graduation from such pro-
17 gram, the officer candidate—

18 “(i) will accept an appointment, if
19 tendered, as an officer; and

20 “(ii) will serve on active duty for at
21 least four years immediately after such ap-
22 pointment.

23 “(e) REGULATIONS.—The Secretary shall prescribe
24 regulations to carry out this section. Such regulations
25 shall include—

1 “(1) standards for determining what constitutes
 2 a breach of an agreement signed under subsection
 3 (d)(1); and

4 “(2) procedures for determining whether such a
 5 breach has occurred.

6 “(f) REPAYMENT.—An officer candidate or former
 7 officer candidate who does not fulfill the terms of the obli-
 8 gation to serve as specified under subsection (d) shall be
 9 subject to the repayment provisions of section 216(b).”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 in section 1 of the Act entitled “An Act to reauthorize
 12 the Hydrographic Services Improvement Act of 1998, and
 13 for other purposes” (Public Law 107–372) is amended by
 14 inserting after the item relating to section 233 the fol-
 15 lowing:

“Sec. 234. Officer candidates.”.

16 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
 17 (33 U.S.C. 3002(b)) is amended—

18 (1) by redesignating paragraphs (4) through
 19 (6) as paragraphs (5) through (7), respectively; and

20 (2) by inserting after paragraph (3) the fol-
 21 lowing:

22 “(4) OFFICER CANDIDATE.—The term ‘officer
 23 candidate’ means an individual who is enrolled in the
 24 basic officer training program of the Administration

1 and is under consideration for appointment as an of-
 2 ficer under section 221(a)(2)(A).”.

3 (d) PAY FOR OFFICER CANDIDATES.—Section 203 of
 4 title 37, United States Code, is amended by adding at the
 5 end the following:

6 “(f)(1) An officer candidate enrolled in the basic offi-
 7 cer training program of the commissioned officer corps of
 8 the National Oceanic and Atmospheric Administration is
 9 entitled, while participating in such program, to monthly
 10 officer candidate pay at monthly rates equal to the basic
 11 pay of an enlisted member in the pay grade E–5 with less
 12 than two years of service.

13 “(2) An individual who graduates from such program
 14 shall receive credit for the time spent participating in such
 15 program as if such time were time served while on active
 16 duty as a commissioned officer. If the individual does not
 17 graduate from such program, such time shall not be con-
 18 sidered creditable for active duty or pay.”.

19 **SEC. 306. PROCUREMENT OF PERSONNEL.**

20 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
 21 seq.), as amended by section 305(a), is further amended
 22 by adding at the end the following:

23 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

24 “The Secretary may take such measures as the Sec-
 25 retary determines necessary in order to obtain recruits for

1 the commissioned officer corps of the Administration, in-
 2 cluding advertising.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 in section 1 of the Act entitled “An Act to reauthorize
 5 the Hydrographic Services Improvement Act of 1998, and
 6 for other purposes” (Public Law 107–372), as amended
 7 by section 305(b), is further amended by inserting after
 8 the item relating to section 234 the following:

“Sec. 235. Procurement of personnel.”.

9 **SEC. 307. CAREER INTERMISSION PROGRAM.**

10 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
 11 seq.), as amended by section 306(a), is further amended
 12 by adding at the end the following:

13 **“SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION**
 14 **OF OFFICERS.**

15 “(a) PROGRAMS AUTHORIZED.—The Secretary may
 16 carry out a program under which officers may be inac-
 17 tivated from active duty in order to meet personal or pro-
 18 fessional needs and returned to active duty at the end of
 19 such period of inactivation from active duty.

20 “(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY;
 21 EFFECT OF INACTIVATION.—

22 “(1) IN GENERAL.—The period of inactivation
 23 from active duty under a program under this section
 24 of an officer participating in the program shall be
 25 such period as the Secretary shall specify in the

1 agreement of the officer under subsection (c), except
2 that such period may not exceed three years.

3 “(2) EXCLUSION FROM RETIREMENT.—Any pe-
4 riod of participation of an officer in a program
5 under this section shall not count toward eligibility
6 for retirement or computation of retired pay under
7 subtitle C.

8 “(c) AGREEMENT.—Each officer who participates in
9 a program under this section shall enter into a written
10 agreement with the Secretary under which that officer
11 shall agree as follows:

12 “(1) To undergo during the period of the inac-
13 tivation of the officer from active duty under the
14 program such inactive duty training as the Director
15 of the National Oceanic and Atmospheric Adminis-
16 tration Commissioned Officer Corps shall require in
17 order to ensure that the officer retains proficiency,
18 at a level determined by the Director to be suffi-
19 cient, in the technical skills, professional qualifica-
20 tions, and physical readiness of the officer during
21 the inactivation of the officer from active duty.

22 “(2) Following completion of the period of the
23 inactivation of the officer from active duty under the
24 program, to serve two months on active duty for

1 each month of the period of the inactivation of the
2 officer from active duty under the program.

3 “(d) CONDITIONS OF RELEASE.—The Secretary
4 shall—

5 “(1) prescribe regulations specifying the guide-
6 lines regarding the conditions of release that must
7 be considered and addressed in the agreement re-
8 quired by subsection (c); and

9 “(2) at a minimum, prescribe the procedures
10 and standards to be used to instruct an officer on
11 the obligations to be assumed by the officer under
12 paragraph (1) of such subsection while the officer is
13 released from active duty.

14 “(e) ORDER TO ACTIVE DUTY.—Under regulations
15 prescribed by the Secretary, an officer participating in a
16 program under this section may, in the discretion of the
17 Secretary, be required to terminate participation in the
18 program and be ordered to active duty.

19 “(f) PAY AND ALLOWANCES.—

20 “(1) BASIC PAY.—During each month of par-
21 ticipation in a program under this section, an officer
22 who participates in the program shall be paid basic
23 pay in an amount equal to two-thirtieths of the
24 amount of monthly basic pay to which the officer
25 would otherwise be entitled under section 204 of title

1 37, United States Code, as a member of the uni-
2 formed services on active duty in the grade and
3 years of service of the officer when the officer com-
4 mences participation in the program.

5 “(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

6 “(A) PROHIBITION.—An officer who par-
7 ticipates in a program under this section shall
8 not, while participating in the program, be paid
9 any special or incentive pay or bonus to which
10 the officer is otherwise entitled under an agree-
11 ment under chapter 5 of title 37, United States
12 Code, that is in force when the officer com-
13 mences participation in the program.

14 “(B) NOT TREATED AS FAILURE TO PER-
15 FORM SERVICES.—The inactivation from active
16 duty of an officer participating in a program
17 under this section shall not be treated as a fail-
18 ure of the officer to perform any period of serv-
19 ice required of the officer in connection with an
20 agreement for a special or incentive pay or
21 bonus under chapter 5 of title 37, United
22 States Code, that is in force when the officer
23 commences participation in the program.

24 “(3) RETURN TO ACTIVE DUTY.—

1 “(A) SPECIAL OR INCENTIVE PAY OR
2 BONUS.—Subject to subparagraph (B), upon
3 the return of an officer to active duty after
4 completion by the officer of participation in a
5 program under this section—

6 “(i) any agreement entered into by
7 the officer under chapter 5 of title 37,
8 United States Code, for the payment of a
9 special or incentive pay or bonus that was
10 in force when the officer commenced par-
11 ticipation in the program shall be revived,
12 with the term of such agreement after re-
13 vival being the period of the agreement re-
14 maining to run when the officer com-
15 menced participation in the program; and

16 “(ii) any special or incentive pay or
17 bonus shall be payable to the officer in ac-
18 cordance with the terms of the agreement
19 concerned for the term specified in clause
20 (i).

21 “(B) LIMITATION.—

22 “(i) IN GENERAL.—Subparagraph (A)
23 shall not apply to any special or incentive
24 pay or bonus otherwise covered by that
25 subparagraph with respect to an officer if,

1 at the time of the return of the officer to
2 active duty as described in that subpara-
3 graph—

4 “(I) such pay or bonus is no
5 longer authorized by law; or

6 “(II) the officer does not satisfy
7 eligibility criteria for such pay or
8 bonus as in effect at the time of the
9 return of the officer to active duty.

10 “(ii) PAY OR BONUS CEASES BEING
11 AUTHORIZED.—Subparagraph (A) shall
12 cease to apply to any special or incentive
13 pay or bonus otherwise covered by that
14 subparagraph with respect to an officer if,
15 during the term of the revived agreement
16 of the officer under subparagraph (A)(i),
17 such pay or bonus ceases being authorized
18 by law.

19 “(C) REPAYMENT.—An officer who is in-
20 eligible for payment of a special or incentive
21 pay or bonus otherwise covered by this para-
22 graph by reason of subparagraph (B)(i)(II)
23 shall be subject to the requirements for repay-
24 ment of such pay or bonus in accordance with
25 the terms of the applicable agreement of the of-

1 ficer under chapter 5 of title 37, United States
2 Code.

3 “(D) REQUIRED SERVICE IS ADDI-
4 TIONAL.—Any service required of an officer
5 under an agreement covered by this paragraph
6 after the officer returns to active duty as de-
7 scribed in subparagraph (A) shall be in addition
8 to any service required of the officer under an
9 agreement under subsection (c).

10 “(4) TRAVEL AND TRANSPORTATION ALLOW-
11 ANCE.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), an officer who participates in a pro-
14 gram under this section is entitled, while par-
15 ticipating in the program, to the travel and
16 transportation allowances authorized by section
17 474 of title 37, United States Code, for—

18 “(i) travel performed from the resi-
19 dence of the officer, at the time of release
20 from active duty to participate in the pro-
21 gram, to the location in the United States
22 designated by the officer as the officer’s
23 residence during the period of participation
24 in the program; and

1 “(ii) travel performed to the residence
2 of the officer upon return to active duty at
3 the end of the participation of the officer
4 in the program.

5 “(B) SINGLE RESIDENCE.—An allowance
6 is payable under this paragraph only with re-
7 spect to travel of an officer to and from a single
8 residence.

9 “(5) LEAVE BALANCE.—An officer who partici-
10 pates in a program under this section is entitled to
11 carry forward the leave balance existing as of the
12 day on which the officer begins participation and ac-
13 cumulated in accordance with section 701 of title 10,
14 United States Code, but not to exceed 60 days.

15 “(g) PROMOTION.—

16 “(1) IN GENERAL.—An officer participating in
17 a program under this section shall not, while partici-
18 pating in the program, be eligible for consideration
19 for promotion under subtitle B.

20 “(2) RETURN TO SERVICE.—Upon the return of
21 an officer to active duty after completion by the offi-
22 cer of participation in a program under this sec-
23 tion—

24 “(A) the Secretary may adjust the date of
25 rank of the officer in such manner as the Sec-

1 retary shall prescribe in regulations for pur-
2 poses of this section; and

3 “(B) the officer shall be eligible for consid-
4 eration for promotion when officers of the same
5 competitive category, grade, and seniority are
6 eligible for consideration for promotion.

7 “(h) CONTINUED ENTITLEMENTS.—An officer par-
8 ticipating in a program under this section shall, while par-
9 ticipating in the program, be treated as a member of the
10 uniformed services on active duty for a period of more
11 than 30 days for purposes of—

12 “(1) the entitlement of the officer and of the
13 dependents of the officer to medical and dental care
14 under the provisions of chapter 55 of title 10,
15 United States Code; and

16 “(2) retirement or separation for physical dis-
17 ability under the provisions of subtitle C.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1 of the Act entitled “An Act to reauthorize
20 the Hydrographic Services Improvement Act of 1998, and
21 for other purposes” (Public Law 107–372), as amended
22 by section 306(b), is further amended by inserting after
23 the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”.

1 **TITLE IV—SEPARATION AND**
2 **RETIREMENT OF OFFICERS**

3 **SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.**

4 Section 241 (33 U.S.C. 3041) is amended by adding
5 at the end the following:

6 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
7 FOR MEDICAL REASONS.—

8 “(1) IN GENERAL.—If the Secretary determines
9 that the evaluation of the medical condition of an of-
10 ficer requires hospitalization or medical observation
11 that cannot be completed with confidence in a man-
12 ner consistent with the officer’s well-being before the
13 date on which the officer would otherwise be re-
14 quired to retire or be separated under this section,
15 the Secretary may defer the retirement or separation
16 of the officer.

17 “(2) CONSENT REQUIRED.—A deferment may
18 only be made with the written consent of the officer
19 involved. If the officer does not provide written con-
20 sent to the deferment, the officer shall be retired or
21 separated as scheduled.

22 “(3) LIMITATION.—A deferment of retirement
23 or separation under this subsection may not extend
24 for more than 30 days after completion of the eval-

1 uation requiring hospitalization or medical observa-
 2 tion.”.

3 **SEC. 402. SEPARATION PAY.**

4 Section 242 (33 U.S.C. 3042) is amended by adding
 5 at the end the following:

6 “(d) EXCEPTION.—An officer discharged for twice
 7 failing selection for promotion to the next higher grade
 8 is not entitled to separation pay under this section if the
 9 officer—

10 “(1) expresses a desire not to be selected for
 11 promotion; or

12 “(2) requests removal from the list of select-
 13 ees.”.

14 **TITLE V—OTHER NATIONAL**
 15 **OCEANIC AND ATMOSPHERIC**
 16 **ADMINISTRATION MATTERS**

17 **SEC. 501. CHARTING AND SURVEY SERVICES.**

18 (a) IN GENERAL.—Not later than 270 days after the
 19 development of the strategy required by section 1002(b)
 20 of the Frank LoBiondo Coast Guard Authorization Act
 21 of 2018 (33 U.S.C. 892a note), the Secretary of Com-
 22 merce shall enter into not fewer than 2 multi-year con-
 23 tracts with 1 or more private entities for the performance
 24 of charting and survey services by vessels.

1 (b) CHARTING AND SURVEYS IN THE ARCTIC.—In
 2 soliciting and engaging the services of vessels under sub-
 3 section (a), the Secretary shall particularly emphasize the
 4 need for charting and surveys in the Arctic.

5 **SEC. 502. CO-LOCATION AGREEMENTS.**

6 (a) IN GENERAL.—During fiscal years 2021 through
 7 2030, and subject to the availability of appropriations, the
 8 Administrator of the National Oceanic and Atmospheric
 9 Administration may execute noncompetitive co-location
 10 agreements for real property and incidental goods and
 11 services with entities described in subsection (b) for peri-
 12 ods of not more than 20 years, if each such agreement
 13 is supported by a price reasonableness analysis.

14 (b) ENTITIES DESCRIBED.—An entity described in
 15 this subsection is—

16 (1) the government of any State, territory, pos-
 17 session, or locality of the United States;

18 (2) any Tribal organization (as defined in sec-
 19 tion 4 of the Indian Self-Determination and Edu-
 20 cation Assistance Act (25 U.S.C. 5304));

21 (3) any subdivision of—

22 (A) a government described in paragraph
 23 (1); or

24 (B) an organization described in paragraph
 25 (2); or

1 (4) any organization that is—

2 (A) organized under the laws of the United
3 States or any jurisdiction within the United
4 States; and

5 (B) described in section 501(c) of the In-
6 ternal Revenue Code of 1986 and exempt from
7 tax under section 501(a) of such Code.

8 (c) COLLABORATION AGREEMENTS.—Upon the exe-
9 cution of an agreement authorized by subsection (a) with
10 an entity, the Administrator may enter into agreements
11 with the entity to collaborate or engage in projects or pro-
12 grams on matters of mutual interest for periods not to
13 exceed the term of the agreement. The cost of such agree-
14 ments shall be apportioned equitably, as determined by the
15 Administrator.

16 (d) SAVINGS CLAUSE.—Nothing in this section shall
17 be construed—

18 (1) to affect the authority of the Administrator
19 of General Services; or

20 (2) to grant the Administrator of the National
21 Oceanic and Atmospheric Administration any addi-
22 tional authority to enter into a lease without ap-
23 proval of the General Services Administration.

1 **SEC. 503. SATELLITE AND DATA MANAGEMENT.**

2 Section 301 of the Weather Research and Fore-
3 casting Innovation Act of 2017 (15 U.S.C. 8531) is
4 amended—

5 (1) in subsection (c)(1), by striking subpara-
6 graph (D) and inserting the following:

7 “(D) improve—

8 “(i) weather and climate forecasting
9 and predictions; and

10 “(ii) the understanding, management,
11 and exploration of the ocean.”; and

12 (2) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) by striking “data and satellite sys-
15 tems” and inserting “data, satellite, and
16 other observing systems”; and

17 (ii) by striking “to carry out” and all
18 that follows and inserting the following:

19 “to carry out—

20 “(A) basic, applied, and advanced research
21 projects and ocean exploration missions to meet
22 the objectives described in subparagraphs (A)
23 through (D) of subsection (c)(1); or

24 “(B) any other type of project to meet
25 other mission objectives, as determined by the
26 Under Secretary.”;

1 (B) in paragraph (2)(B)(i), by striking
 2 “satellites” and all that follows and inserting
 3 “systems, including satellites, instrumentation,
 4 ground stations, data, and data processing;”;
 5 and

6 (C) in paragraph (3), by striking “2023”
 7 and inserting “2030”.

8 **SEC. 504. IMPROVEMENTS RELATING TO SEXUAL HARASS-**
 9 **MENT AND ASSAULT PREVENTION AT THE**
 10 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
 11 **MINISTRATION.**

12 (a) REPORTING.—Subtitle C of title XXXV of the
 13 National Defense Authorization Act for Fiscal Year 2017
 14 (33 U.S.C. 894 et seq.) is amended—

15 (1) in section 3541(b)(3)(B) (33 U.S.C.
 16 894(b)(3)(B)), by striking “can be confidentially re-
 17 ported” and inserting “can be reported on a re-
 18 stricted or unrestricted basis”; and

19 (2) in section 3542(b)(5)(B) (33 U.S.C.
 20 894a(b)(5)(B)), by striking “can be confidentially
 21 reported” and inserting “can be reported on a re-
 22 stricted or unrestricted basis”.

23 (b) INVESTIGATIVE REQUIREMENT.—Such subtitle is
 24 amended—

1 (1) by redesignating sections 3546 and 3547 as
2 sections 3548 and 3549, respectively; and

3 (2) by inserting after section 3545 the fol-
4 lowing:

5 **“SEC. 3546. INVESTIGATION REQUIREMENT.**

6 “(a) REQUIREMENT TO INVESTIGATE.—

7 “(1) IN GENERAL.—The Secretary of Com-
8 merce, acting through the Under Secretary for
9 Oceans and Atmosphere, shall ensure that each alle-
10 gation of sexual harassment reported under section
11 3541 and each allegation of sexual assault reported
12 under section 3542 is investigated thoroughly and
13 promptly.

14 “(2) SENSE OF CONGRESS ON COMMENCEMENT
15 OF INVESTIGATION.—It is the sense of Congress
16 that the Secretary should ensure that an investiga-
17 tion of alleged sexual harassment reported under
18 section 3541 or sexual assault reported under sec-
19 tion 3542 commences not later than 48 hours after
20 the time at which the allegation was reported.

21 “(b) NOTIFICATION OF DELAY.—In any case in
22 which the time between the reporting of alleged sexual
23 harassment or sexual assault under section 3541 or 3542,
24 respectively, and commencement of an investigation of the
25 allegation exceeds 48 hours, the Secretary shall notify the

1 Committee on Commerce, Science, and Transportation of
 2 the Senate and the Committee on Natural Resources of
 3 the House of Representatives of the delay.

4 **“SEC. 3547. CRIMINAL REFERRAL.**

5 “If the Secretary of Commerce finds, pursuant to an
 6 investigation under section 3546, evidence that a crime
 7 may have been committed, the Secretary shall refer the
 8 matter to the appropriate law enforcement authorities, in-
 9 cluding the appropriate United States Attorney.”.

10 (c) CLERICAL AMENDMENT.—The table of contents
 11 in section 2(b) of such Act is amended by striking the
 12 items relating to sections 3546 and 3547 and inserting
 13 the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and At-
 mospheric Administration.

“Sec. 3549. Sexual assault defined.”.

Passed the Senate November 16, 2020.

Attest:

Secretary.

116TH CONGRESS
2D Session

S. 2981

AN ACT

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.