

112TH CONGRESS
2D SESSION

S. 2388

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 2012”.

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. Strength and distribution in grade.
- Sec. 3. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.
- Sec. 4. Obligated service requirement.
- Sec. 5. Training and physical fitness.
- Sec. 6. Appointments.
- Sec. 7. Personnel boards.
- Sec. 8. Temporary appointments.
- Sec. 9. Officer candidates.
- Sec. 10. Involuntary retirement or separation.
- Sec. 11. Separation pay.
- Sec. 12. Applicability of certain provisions of title 10, United States Code.
- Sec. 13. Education loan repayment program.
- Sec. 14. Interest payment program.
- Sec. 15. Student pre-commissioning education assistance program.
- Sec. 16. Limitation on educational assistance.
- Sec. 17. Applicability of certain provisions of title 37, United States Code.
- Sec. 18. Application of certain provisions of competitive service law.
- Sec. 19. Eligibility of all members of uniformed services for Legion of Merit award.
- Sec. 20. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.
- Sec. 21. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.
- Sec. 22. Criminal penalties for wearing uniform without authority.
- Sec. 23. Technical correction.
- Sec. 24. Report.
- Sec. 25. Effective date.

7 SEC. 2. STRENGTH AND DISTRIBUTION IN GRADE.

8 Section 214 of the National Oceanic and Atmospheric
 9 Administration Commissioned Officer Corps Act of 2002
 10 (33 U.S.C. 3004) is amended to read as follows:

1 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

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

5 “(1) Vice admiral.

6 “(2) Rear admiral.

7 “(3) Rear admiral (lower half).

8 “(4) Captain.

9 “(5) Commander.

10 “(6) Lieutenant commander.

11 “(7) Lieutenant.

12 “(8) Lieutenant (junior grade).

13 “(9) Ensign.

14 “(b) PROPORTION.—

15 “(1) IN GENERAL.—The officers on the lineal
 16 list shall be distributed in grade in the following per-
 17 centages:

18 “(A) 8 in the grade of captain.

19 “(B) 14 in the grade of commander.

20 “(C) 19 in the grade of lieutenant com-
 21 mander.

22 “(2) GRADES BELOW LIEUTENANT COM-
 23 MANDER.—The Secretary shall prescribe, with re-
 24 spect to the distribution on the lineal list in grade,
 25 the percentages applicable to the grades of lieuten-
 26 ant, lieutenant (junior grade), and ensign.

1 “(c) ANNUAL COMPUTATION OF NUMBER IN
2 GRADE.—

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

7 “(2) METHOD OF COMPUTATION.—The number
8 in each grade shall be computed by applying the ap-
9 plicable percentage to the total number of such offi-
10 cers serving on active duty on the date the computa-
11 tion is made.

12 “(3) FRACTIONS.—If a final fraction occurs in
13 computing the authorized number of officers in a
14 grade, the nearest whole number shall be taken. If
15 the fraction is $\frac{1}{2}$, the next higher whole number
16 shall be taken.

17 “(d) TEMPORARY INCREASE IN NUMBERS.—The
18 total number of officers authorized by law to be on the
19 lineal list during a fiscal year may be temporarily exceeded
20 if the average number on that list during that fiscal year
21 does not exceed the authorized number.

22 “(e) POSITIONS OF IMPORTANCE AND RESPONSI-
23 BILITY.—Officers serving in positions designated under
24 section 228(a) and officers recalled from retired status
25 shall not be counted when computing authorized strengths

1 under subsection (c) and shall not count against those
2 strengths.

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

8 **SEC. 3. EXCLUSION OF OFFICERS RECALLED FROM RE-**
9 **TIRED STATUS AND POSITIONS OF IMPOR-**
10 **TANCE AND RESPONSIBILITY FROM NUMBER**
11 **OF AUTHORIZED COMMISSIONED OFFICERS.**

12 Section 215 of the National Oceanic and Atmospheric
13 Administration Commissioned Officer Corps Act of 2002
14 (33 U.S.C. 3005) is amended—

15 (1) in the matter before paragraph (1), by
16 striking “Effective” and inserting the following:

17 “(a) IN GENERAL.—Effective”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) POSITIONS OF IMPORTANCE AND RESPONSI-
21 BILITY.—Officers serving in positions designated under
22 section 228 and officers recalled from retired status—

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

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

2 **SEC. 4. OBLIGATED SERVICE REQUIREMENT.**

3 (a) IN GENERAL.—Subtitle A of title II of the Na-
 4 tional Oceanic and Atmospheric Administration Commis-
 5 sioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.)
 6 is amended by adding at the end the following:

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

8 “(a) IN GENERAL.—

9 “(1) RULEMAKING.—The Secretary shall pre-
 10 scribe the obligated service requirements for appoint-
 11 ments, training, promotions, separations, continu-
 12 ations, and retirement of officers not otherwise cov-
 13 ered by law.

14 “(2) WRITTEN AGREEMENTS.—The Secretary
 15 and officers shall enter into written agreements that
 16 describe the officers’ obligated service requirements
 17 prescribed under paragraph (1) in return for such
 18 appointments, training, promotions, separations, and
 19 retirements as the Secretary considers appropriate.

20 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
 21 QUIREMENTS.—

22 “(1) IN GENERAL.—The Secretary may require
 23 an officer who fails to meet the service requirements
 24 prescribed under subsection (a)(1) to reimburse the
 25 Secretary in an amount that bears the same ratio to

the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

1 “(B) determined to be unqualified for serv-
 2 ice in the commissioned officer corps of the Ad-
 3 ministration because of a physical or medical
 4 condition that was not the result of the officer’s
 5 own misconduct or grossly negligent conduct.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 in section 1 of the Act entitled “An Act to authorize the
 8 Hydrographic Service Improvement Act of 1998, and for
 9 other purposes” (Public Law 107–372) is amended by in-
 10 serting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

11 **SEC. 5. TRAINING AND PHYSICAL FITNESS.**

12 (a) IN GENERAL.—Subtitle A of title II of the Na-
 13 tional Oceanic and Atmospheric Administration Commis-
 14 sioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.),
 15 as amended by section 4(a), is further amended by adding
 16 at the end the following:

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

18 “(a) TRAINING.—The Secretary may take such meas-
 19 ures as may be necessary to ensure that officers are pre-
 20 pared to carry out their duties in the commissioned officer
 21 corps of the Administration and proficient in the skills
 22 necessary to carry out such duties. Such measures may
 23 include the following:

24 “(1) Carrying out training programs and cor-
 25 respondence courses, including establishing and op-

erating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with books and school supplies.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness in preparation for functioning as a service in the Navy during times of war, including by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 4(b), is further amended by inserting after the item relating to section 216, as added by such section 4(b), the following:

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

SEC. 6. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021) is amended to read as follows:

“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

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

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

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

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

1 “(ii) RANK.—Officer candidates re-
2 ceiving appointments as ensigns upon
3 graduation from basic officer training pro-
4 gram shall take rank according to their
5 proficiency as shown by the order of their
6 merit at date of graduation.

7 “(2) SOURCE OF APPOINTMENTS.—An original
8 appointment may be made from among the fol-
9 lowing:

10 “(A) Graduates of the basic officer train-
11 ing program of the commissioned officer corps
12 of the Administration.

13 “(B) Graduates of the military service
14 academies of the United States who otherwise
15 meet the academic standards for enrollment in
16 the training program described in subparagraph
17 (A).

18 “(C) Licensed officers of the United States
19 merchant marine who have served 2 or more
20 years aboard a vessel of the United States in
21 the capacity of a licensed officer, who otherwise
22 meet the academic standards for enrollment in
23 the training program described in subparagraph
24 (A).

1 “(3) MILITARY SERVICE ACADEMIES OF THE
2 UNITED STATES DEFINED.—In this subsection, the
3 term ‘military service academies of the United
4 States’ means the following:

5 “(A) The United States Military Academy,
6 West Point, New York.

7 “(B) The United States Naval Academy,
8 Annapolis, Maryland.

9 “(C) The United States Air Force Acad-
10 emy, Colorado Springs, Colorado.

11 “(D) The United States Coast Guard
12 Academy, New London, Connecticut.

13 “(E) The United States Merchant Marine
14 Academy, Kings Point, New York.

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) PRECEDENCE OF APPOINTEES.—Appointees
8 under this section shall take precedence in the grade to
9 which appointed in accordance with the dates of their com-
10 missions as commissioned officers in such grade. Ap-
11 pointees whose dates of commission are the same shall
12 take precedence with each other as the Secretary shall de-
13 termine.

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

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

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

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

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

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

10 **SEC. 7. PERSONNEL BOARDS.**

11 Section 222 of the National Oceanic and Atmospheric
12 Administration Commissioned Officer Corps Act of 2002
13 (33 U.S.C. 3022) is amended to read as follows:

14 **“SEC. 222. PERSONNEL BOARDS.**

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

19 “(b) MEMBERSHIP.—

20 “(1) IN GENERAL.—A board convened under
21 subsection (a) shall consist of 5 or more officers who
22 are serving in or above the permanent grade of the
23 officers under consideration by the board.

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

4 “(3) NO MEMBERSHIP ON 2 SUCCESSIVE
5 BOARDS.—No officer may be a member of 2 succes-
6 sive personnel boards convened to consider officers
7 of the same grade for promotion or separation.

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

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

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

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

1 **SEC. 8. TEMPORARY APPOINTMENTS.**

2 Section 229 of the National Oceanic and Atmospheric
3 Administration Commissioned Officer Corps Act of 2002
4 (33 U.S.C. 3029) is amended to read as follows:

5 **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

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

1 **SEC. 9. OFFICER CANDIDATES.**

2 (a) IN GENERAL.—Subtitle B of title II of the Na-
3 tional Oceanic and Atmospheric Administration Commis-
4 sioned Officer Corps Act of 2002 (33 U.S.C. 3021 et seq.)
5 is amended by adding at the end the following:

6 **“SEC. 234. OFFICER CANDIDATES.**

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

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

17 “(c) DISMISSAL.—The Secretary may dismiss from
18 the basic officer training program of the Administration
19 any officer candidate who, during the officer candidate’s
20 term as an officer candidate, the Secretary considers un-
21 satisfactory in either academics or conduct, or not adapted
22 for a career in the commissioned officer corps of the Ad-
23 ministration. Officer candidates shall be subject to rules
24 governing discipline prescribed by the Director of the Na-
25 tional Oceanic and Atmospheric Administration Commis-
26 sioned Officer Corps.

1 “(d) AGREEMENT.—

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

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

10 “(A) That the officer candidate will com-
11 plete the course of instruction at the basic offi-
12 cer training program of the Administration.

13 “(B) That upon graduation from the such
14 program, the officer candidate—

15 “(i) will accept an appointment, if
16 tendered, as an officer; and

17 “(ii) will serve on active duty for at
18 least 4 years immediately after such ap-
19 pointment.

20 “(e) REGULATIONS.—The Secretary shall prescribe
21 regulations to carry out this section. Such regulations
22 shall include—

23 “(1) standards for determining what constitutes
24 a breach of an agreement signed under such sub-
25 section (d)(1); and

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

3 “(f) REPAYMENT.—An officer candidate or former
4 officer candidate who does not fulfill the terms of the obli-
5 gation to serve as specified under section (d) shall be sub-
6 ject to the repayment provisions of section 216(b).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 in section 1 of the Act entitled “An Act to authorize the
9 Hydrographic Service Improvement Act of 1998, and for
10 other purposes” (Public Law 107–372) is amended by in-
11 serting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

12 (c) OFFICER CANDIDATE DEFINED.—Section 212 of
13 the National Oceanic and Atmospheric Administration
14 Commissioned Officer Corps Act of 2002 (33 U.S.C.
15 3002) is amended—

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

18 (2) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) OFFICER CANDIDATE.—The term ‘officer
21 candidate’ means an individual who is enrolled in the
22 basic officer training program of the Administration
23 and is under consideration for appointment as an of-
24 ficer under section 221(a)(2)(A).”.

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

4 “(f)(1) An officer candidate enrolled in the basic offi-
 5 cer training program of the commissioned officer corps of
 6 the National Oceanic and Atmospheric Administration is
 7 entitled, while participating in such program, to monthly
 8 officer candidate pay at monthly rate equal to the basic
 9 pay of an enlisted member in the pay grade E–5 with less
 10 than 2 years service.

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

17 **SEC. 10. INVOLUNTARY RETIREMENT OR SEPARATION.**

18 Section 241 of the National Oceanic and Atmospheric
 19 Administration Commissioned Officer Corps Act of 2002
 20 (33 U.S.C. 3041) is amended by adding at the end the
 21 following:

22 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
 23 FOR MEDICAL REASONS.—

24 “(1) IN GENERAL.—If the Secretary determines
 25 that the evaluation of the medical condition of an of-

1 ficer requires hospitalization or medical observation
2 that cannot be completed with confidence in a man-
3 ner consistent with the officer’s well being before the
4 date on which the officer would otherwise be re-
5 quired to retire or be separated under this section,
6 the Secretary may defer the retirement or separation
7 of the officer.

8 “(2) CONSENT REQUIRED.—A deferment may
9 only be made with the written consent of the officer
10 involved. If the officer does not provide written con-
11 sent to the deferment, the officer shall be retired or
12 separated as scheduled.

13 “(3) LIMITATION.—A deferral of retirement or
14 separation under this subsection may not extend for
15 more than 30 days after completion of the evalua-
16 tion requiring hospitalization or medical observa-
17 tion.”.

18 **SEC. 11. SEPARATION PAY.**

19 Section 242 of the National Oceanic and Atmospheric
20 Administration Commissioned Officer Corps Act of 2002
21 (33 U.S.C. 3042) is amended by adding at the end the
22 following:

23 “(d) EXCEPTION.—An officer discharged for twice
24 failing selection for promotion to the next higher grade

1 is not entitled to separation pay under this section if the
2 officer—

3 “(1) expresses a desire not to be selected for
4 promotion; or

5 “(2) requests removal from the list of select-
6 ees.”.

7 **SEC. 12. APPLICABILITY OF CERTAIN PROVISIONS OF**
8 **TITLE 10, UNITED STATES CODE.**

9 Section 261(a) of the National Oceanic and Atmos-
10 pheric Administration Commissioned Officer Corps Act of
11 2002 (33 U.S.C. 3071(a)) is amended—

12 (1) by redesignating paragraphs (13) through
13 (16) as paragraphs (20) through (23), respectively;

14 (2) by redesignating paragraphs (7) through
15 (12) as paragraphs (12) through (17), respectively;

16 (3) by redesignating paragraphs (4) through
17 (6) as paragraphs (8) through (10), respectively;

18 (4) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) Section 771, relating to unauthorized
21 wearing of uniforms.

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

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

1 “(7) Section 1031, relating to administration of
2 oaths.”;

3 (5) by inserting after paragraph (10), as redes-
4 igned, the following:

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

8 (6) by inserting after paragraph (17), as redes-
9 igned, the following:

10 “(18) Subchapter I of chapter 88, relating to
11 Military Family Programs.

12 “(19) Section 2005, relating to advanced edu-
13 cation assistance, active duty agreements, and reim-
14 bursement requirements.”.

15 **SEC. 13. EDUCATION LOAN REPAYMENT PROGRAM.**

16 (a) IN GENERAL.—Subtitle E of title II of the Na-
17 tional Oceanic and Atmospheric Administration Commis-
18 sioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.)
19 is amended by adding at the end the following:

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

21 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—
22 For the purpose of maintaining adequate numbers of offi-
23 cers of the commissioned officer corps of the Administra-
24 tion on active duty who have skills required by the com-

1 missioned officer corps, the Secretary may repay, in the
 2 case of a person described in subsection (b), a loan that—

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

5 “(2) was obtained from a governmental entity,
 6 private financial institution, educational institution,
 7 or other authorized entity.

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

10 “(1) satisfy 1 of the requirements specified in
 11 subsection (c);

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

15 “(3) sign a written agreement to serve on active
 16 duty, or, if on active duty, to remain on active duty
 17 for a period in addition to any other incurred active
 18 duty obligation.

19 “(c) ACADEMIC AND PROFESSIONAL REQUIRE-
 20 MENTS.—One of the following academic requirements
 21 must be satisfied for purposes of determining the eligi-
 22 bility of an individual for a loan repayment under this sec-
 23 tion:

24 “(1) The person is fully qualified in a profes-
 25 sion that the Secretary has determined to be nec-

1 essary to meet identified skill shortages in the com-
2 missioned officer corps.

3 “(2) The person is enrolled as a full-time stu-
4 dent in the final year of a course of study at an ac-
5 credited educational institution (as determined by
6 the Secretary of Education) leading to a degree in
7 a profession that will meet identified skill shortages
8 in the commissioned officer corps.

9 “(d) LOAN REPAYMENTS.—

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

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

21 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), the length of the obligation
5 under paragraph (1) shall be determined under
6 regulations prescribed by the Secretary.

7 “(B) MINIMUM OBLIGATION.—The regula-
8 tions prescribed under subparagraph (A) may
9 not provide for a period of obligation of less
10 than 1 year for each maximum annual amount,
11 or portion thereof, paid on behalf of the person
12 for qualified loans.

13 “(3) PERSONS ON ACTIVE DUTY BEFORE EN-
14 TERING INTO AGREEMENT.—The active duty service
15 obligation of persons on active duty before entering
16 into the agreement shall be served after the conclu-
17 sion of any other obligation incurred under the
18 agreement.

19 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
20 TION.—

21 “(1) ALTERNATIVE OBLIGATIONS.—An officer
22 who is relieved of the officer’s active duty obligation
23 under this section before the completion of that obli-
24 gation may be given any alternative obligation, at
25 the discretion of the Secretary.

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

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

9 “(1) standards for qualified loans and author-
 10 ized payees; and

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

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 in section 1 of the Act entitled “An Act to authorize the
 15 Hydrographic Service Improvement Act of 1998, and for
 16 other purposes” (Public Law 107–372) is amended by in-
 17 serting after the item relating to section 266 the following:

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

18 **SEC. 14. INTEREST PAYMENT PROGRAM.**

19 (a) IN GENERAL.—Subtitle E of title II of the Na-
 20 tional Oceanic and Atmospheric Administration Commis-
 21 sioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.),
 22 as amended by section 13, is further amended by adding
 23 at the end the following:

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

2 “(a) **AUTHORITY.**—The Secretary may pay the inter-
3 est and any special allowances that accrue on 1 or more
4 student loans of an eligible officer, in accordance with this
5 section.

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

8 “(1) is serving on active duty;

9 “(2) has not completed more than 3 years of
10 service on active duty;

11 “(3) is the debtor on 1 or more unpaid loans
12 described in subsection (c); and

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

14 “(c) **STUDENT LOANS.**—The authority to make pay-
15 ments under subsection (a) may be exercised with respect
16 to the following loans:

17 “(1) A loan made, insured, or guaranteed under
18 part B of title IV of the Higher Education Act of
19 1965 (20 U.S.C. 1071 et seq.).

20 “(2) A loan made under part D of such title
21 (20 U.S.C. 1087a et seq.).

22 “(3) A loan made under part E of such title
23 (20 U.S.C. 1087aa et seq.).

24 “(d) **MAXIMUM BENEFIT.**—Interest and any special
25 allowance may be paid on behalf of an officer under this

1 section for any of the 36 consecutive months during which
 2 the officer is eligible under subsection (b).

3 “(e) FUNDS FOR PAYMENTS.—The Secretary may
 4 use amounts appropriated for the pay and allowances of
 5 personnel of the commissioned officer corps of the Admin-
 6 istration for payments under this section.

7 “(f) COORDINATION WITH SECRETARY OF EDU-
 8 CATION.—

9 “(1) IN GENERAL.—The Secretary shall consult
 10 with the Secretary of Education regarding the ad-
 11 ministration of this section.

12 “(2) TRANSFER OF FUNDS.—The Secretary
 13 shall transfer to the Secretary of Education the
 14 funds necessary—

15 “(A) to pay interest and special allowances
 16 on student loans under this section (in accord-
 17 ance with sections 428(o), 455(l), and 464(j) of
 18 the Higher Education Act of 1965 (20 U.S.C.
 19 1078(o), 1087e(l), and 1087dd(j)); and

20 “(B) to reimburse the Secretary of Edu-
 21 cation for any reasonable administrative costs
 22 incurred by the Secretary in coordinating the
 23 program under this section with the administra-
 24 tion of the student loan programs under parts
 25 B, D, and E of title IV of the Higher Edu-

1 cation Act of 1965 (20 U.S.C. 1071 et seq.,
2 1087a et seq., 1087aa et seq.).

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

7 (b) CONFORMING AMENDMENTS.—

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

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

14 (B) in paragraph (1)—

15 (i) by inserting “or section 264 of the
16 National Oceanic and Atmospheric Admin-
17 istration Commissioned Officer Corps Act
18 of 2002” after “Code,”; and

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

23 (2) Sections 455(l) and 464(j) of the Higher
24 Education Act of 1965 (20 U.S.C. 1087e(l) and
25 1087dd(j)) are each amended—

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

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration 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”.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 13(b), is further amended by inserting after the item relating to section 267, as added by such section 13(b), the following:

“Sec. 268. Interest payment program.”.

SEC. 15. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.),

1 as amended by sections 13 and 14, is further amended
 2 by adding at the end the following:

3 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 4 **SISTANCE PROGRAM.**

5 “(a) **AUTHORITY TO PROVIDE FINANCIAL ASSIST-**
 6 **ANCE.**—For the purpose of maintaining adequate numbers
 7 of officers of the commissioned officer corps of the Admin-
 8 istration on active duty, the Secretary may provide finan-
 9 cial assistance to a person described in subsection (b) for
 10 expenses of the person while the person is pursuing on
 11 a full-time basis at an accredited educational institution
 12 (as determined by the Secretary of Education) a program
 13 of education approved by the Secretary that leads to—

14 “(1) a baccalaureate degree in not more than 5
 15 academic years; or

16 “(2) a postbaccalaureate degree.

17 “(b) **ELIGIBLE PERSONS.**—

18 “(1) **IN GENERAL.**—A person is eligible to ob-
 19 tain financial assistance under subsection (a) if the
 20 person—

21 “(A) is enrolled on a full-time basis in a
 22 program of education referred to in subsection
 23 (a) at any educational institution described in
 24 such subsection;

1 “(B) meets all of the requirements for ac-
 2 ceptance into the commissioned officer corps of
 3 the Administration except for the completion of
 4 a baccalaureate degree; and

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

7 “(2) AGREEMENT.—A written agreement re-
 8 ferred to in paragraph (1)(C) is an agreement be-
 9 tween the person and the Secretary in which the
 10 person agrees—

11 “(A) to accept an appointment as an offi-
 12 cer, if tendered; and

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

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

18 “(ii) up to 5 years if the person re-
 19 ceived at least 3 years of assistance.

20 “(c) QUALIFYING EXPENSES.—Expenses for which
 21 financial assistance may be provided under subsection (a)
 22 are the following:

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

25 “(2) The cost of books.

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

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

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

13 “(e) DURATION OF ASSISTANCE.—Financial assist-
14 ance may be provided to a person under subsection (a)
15 for not more than 5 consecutive academic years.

16 “(f) SUBSISTENCE ALLOWANCE.—

17 “(1) IN GENERAL.—A person who receives fi-
18 nancial assistance under subsection (a) shall be enti-
19 tled to a monthly subsistence allowance at a rate
20 prescribed under paragraph (2) for the duration of
21 the period for which the person receives such finan-
22 cial assistance.

23 “(2) DETERMINATION OF AMOUNT.—The Sec-
24 retary shall prescribe monthly rates for subsistence
25 allowance provided under paragraph (1), which shall

1 be equal to the amount specified in section 2144(a)
2 of title 10, United States Code.

3 “(g) INITIAL CLOTHING ALLOWANCE.—

4 “(1) TRAINING.—The Secretary may prescribe
5 a sum which shall be credited to each person who re-
6 ceives financial assistance under subsection (a) to
7 cover the cost of the person’s initial clothing and
8 equipment issue.

9 “(2) APPOINTMENT.—Upon completion of the
10 program of education for which a person receives fi-
11 nancial assistance under subsection (a) and accept-
12 ance of appointment in the commissioned officer
13 corps of the Administration, the person may be
14 issued a subsequent clothing allowance equivalent to
15 that normally provided to a newly appointed officer.

16 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

20 “(A) the Secretary accepts a request by
21 the person to be released from an agreement
22 described in subsection (b)(2);

23 “(B) the misconduct of the person results
24 in a failure to complete the period of active
25 duty required under the agreement; or

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

3 “(2) REIMBURSEMENT.—The Secretary may re-
4 quire a person who receives assistance described in
5 subsection (c), (f), or (g) under an agreement en-
6 tered into under subsection (b)(1)(C) to reimburse
7 the Secretary in an amount that bears the same
8 ratio to the total costs of the assistance provided to
9 that person as the unserved portion of active duty
10 bears to the total period of active duty the officer
11 agreed to serve under the agreement.

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

16 “(A) becomes unqualified to serve on active
17 duty in the commissioned officer corps of the
18 Administration because of a circumstance not
19 within the control of that person; or

20 “(B) is—

21 “(i) not physically qualified for ap-
22 pointment; and

23 “(ii) determined to be unqualified for
24 service in the commissioned officer corps of
25 the Administration because of a physical or

1 medical condition that was not the result
2 of the person’s own misconduct or grossly
3 negligent conduct.

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

8 “(5) DISCHARGE IN BANKRUPTCY.—A dis-
9 charge in bankruptcy under title 11, United States
10 Code, that is entered less than 5 years after the ter-
11 mination of a written agreement entered into under
12 subsection (b)(1)(C) does not discharge the person
13 signing the agreement from a debt arising under
14 such agreement or under paragraph (2).

15 “(i) REGULATIONS.—The Secretary may promulgate
16 such regulations and orders as the Secretary considers ap-
17 propriate to carry out this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 in section 1 of the Act entitled “An Act to authorize the
20 Hydrographic Service Improvement Act of 1998, and for
21 other purposes” (Public Law 107–372), as amended by
22 section 14(c), is further amended by inserting after the
23 item relating to section 268, as added by such section
24 14(c), the following:

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

1 **SEC. 16. LIMITATION ON EDUCATIONAL ASSISTANCE.**

2 (a) IN GENERAL.—Each fiscal year, beginning with
3 fiscal year 2013, the Secretary of Commerce shall ensure
4 that the total amount expended by the Secretary under
5 section 267 of the National Oceanic and Atmospheric Ad-
6 ministration Commissioned Officer Corps Act of 2002 (as
7 added by section 13(a)), section 268 of such Act (as added
8 by section 14(a)), and section 269 of such Act (as added
9 by section 15(a)) does not exceed the amount by which—

10 (1) the total amount the Secretary would pay in
11 that fiscal year to officer candidates under section
12 203(f)(1) of title 37, United States Code (as added
13 by section 9(d)), if such section entitled officers can-
14 didates to pay at monthly rates equal to the basic
15 pay of a commissioned officer in the pay grade O-
16 1 with less than 2 years of service; exceeds

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

20 (b) OFFICER CANDIDATE DEFINED.—In this section,
21 the term “officer candidate” has the meaning given the
22 term in section 212 of such Act (as added by section 9(c)).

23 **SEC. 17. APPLICABILITY OF CERTAIN PROVISIONS OF**
24 **TITLE 37, UNITED STATES CODE.**

25 (a) IN GENERAL.—Subtitle E of title II of the Na-
26 tional Oceanic and Atmospheric Administration Commis-

1 sioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.),
 2 as amended by sections 13 through 15, is further amended
 3 by adding at the end the following:

4 **“SEC. 270. APPLICABILITY OF CERTAIN PROVISIONS OF**
 5 **TITLE 37, UNITED STATES CODE.**

6 “(a) PROVISIONS MADE APPLICABLE TO COMMIS-
 7 SIONED OFFICER CORPS.—The provisions of law applica-
 8 ble to the Armed Forces under the following provisions
 9 of title 37, United States Code, shall apply to the commis-
 10 sioned officer corps of the Administration:

11 “(1) Section 324, relating to accession bonuses
 12 for new officers in critical skills.

13 “(2) Section 403(f)(3), relating to prescribing
 14 regulations defining the terms ‘field duty’ and ‘sea
 15 duty’.

16 “(3) Section 403(l), relating to temporary con-
 17 tinuation of housing allowance for dependents of
 18 members dying on active duty.

19 “(4) Section 414(a)(2), relating to personal
 20 money allowance while serving as Director of the
 21 National Oceanic and Atmospheric Administration
 22 Commissioned Officer Corps.

23 “(5) Section 428, relating to allowances for re-
 24 cruiting expenses.

1 “(6) Section 435, relating to allowances for fu-
2 neral honors duty.

3 “(b) REFERENCES.—The authority vested by title 37,
4 United States Code, in the ‘military departments’, ‘the
5 Secretary concerned’, or ‘the Secretary of Defense’ with
6 respect to the provisions of law referred to in subsection
7 (a) shall be exercised, with respect to the commissioned
8 officer corps of the Administration when the commissioned
9 officer corps is not operating as a service in the Navy,
10 by the Secretary of Commerce or the Secretary’s des-
11 ignee.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 in section 1 of the Act entitled “An Act to authorize the
14 Hydrographic Service Improvement Act of 1998, and for
15 other purposes” (Public Law 107–372), as amended by
16 section 15(b), is further amended by inserting after the
17 item relating to section 269, as added by such section
18 15(b), the following:

“Sec. 270. Applicability of certain provisions of title 37, United States Code.”.

19 **SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COM-**
20 **PETITIVE SERVICE LAW.**

21 Section 3304(f) of title 5, United States Code, is
22 amended—

23 (1) in paragraph (1), by inserting “and mem-
24 bers of the commissioned officer corps of the Na-
25 tional Oceanic and Atmospheric Administration (or

1 its predecessor organization the Coast and Geodetic
 2 Survey) separated from such uniformed service”
 3 after “separated from the armed forces”;

4 (2) in paragraph (2), by striking “or veteran”
 5 and inserting “, veteran, or member”; and

6 (3) in paragraph (4), by inserting “and mem-
 7 bers of the commissioned officer corps of the Na-
 8 tional Oceanic and Atmospheric Administration (or
 9 its predecessor organization the Coast and Geodetic
 10 Survey) separated from such uniformed service”
 11 after “separated from the armed forces”.

12 **SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED**
 13 **SERVICES FOR LEGION OF MERIT AWARD.**

14 Section 1121 of title 10, United States Code, is
 15 amended by striking “armed forces” and inserting “uni-
 16 formed services”.

17 **SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOY-**
 18 **MENT RIGHTS OF MEMBERS OF THE UNI-**
 19 **FORMED SERVICES TO MEMBERS OF COM-**
 20 **MISSIONED OFFICER CORPS.**

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

1 **SEC. 21. PROTECTED COMMUNICATIONS FOR COMMIS-**
2 **SIONED OFFICER CORPS AND PROHIBITION**
3 **OF RETALIATORY PERSONNEL ACTIONS.**

4 (a) IN GENERAL.—Subsection (a) of section 261 of
5 the National Oceanic and Atmospheric Administration
6 Commissioned Officer Corps Act of 2002 (33 U.S.C.
7 3071(a)), as amended by section 12, is further amended—

8 (1) by redesignating paragraphs (8) through
9 (23) as paragraphs (9) through (24), respectively;
10 and

11 (2) by inserting after paragraph (7) the fol-
12 lowing:

13 “(8) Section 1034, relating to protected com-
14 munications and prohibition of retaliatory personnel
15 actions.”.

16 (b) CONFORMING AMENDMENT.—Subsection (b) of
17 such section is amended by adding at the end the fol-
18 lowing: “For purposes of paragraph (8) of subsection (a),
19 the term ‘Inspector General’ in section 1034 of such title
20 10 shall mean the Inspector General of the Department
21 of Commerce.”.

22 **SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM**
23 **WITHOUT AUTHORITY.**

24 Section 702 of title 18, United States Code, is
25 amended by striking “Service or any” and inserting “Serv-

1 ice, the commissioned officer corps of the National Oce-
2 anic and Atmospheric Administration, or any”.

3 **SEC. 23. TECHNICAL CORRECTION.**

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

7 **SEC. 24. REPORT.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of Com-
10 merce shall submit to Congress a report evaluating the
11 current status and projected needs of the commissioned
12 officer corps of the National Oceanic and Atmospheric Ad-
13 ministration to operate sufficiently through fiscal year
14 2017.

15 (b) CONTENTS.—The report required by subsection
16 (a) shall include the following:

17 (1) The average annual attrition rate of officers
18 in the commissioned officer corps of the National
19 Oceanic and Atmospheric Administration.

20 (2) An estimate of the number of annual re-
21 cruits that would reasonably be required to operate
22 the commissioned officer corps sufficiently through
23 fiscal year 2017.

24 (3) The projected impact of this Act on annual
25 recruitment numbers through fiscal year 2017.

1 (4) Identification of areas of duplication or un-
2 necessary redundancy in current activities of the
3 commissioned officer corps that could otherwise be
4 streamlined or eliminated to save costs.

5 (5) Such other matters as the Secretary con-
6 siders appropriate regarding the provisions of this
7 Act and the amendments made by this Act.

8 **SEC. 25. EFFECTIVE DATE.**

9 Notwithstanding any other provision of this Act, sec-
10 tions 2 through 22 shall take effect on the date that is
11 90 days after the date on which the Secretary of Com-
12 merce submits to Congress the report required by section
13 25(a).

Passed the Senate December 20, 2012.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

S. 2388

AN ACT

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