

113TH CONGRESS
2D SESSION

H. R. 5426

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2014

Mr. GRAYSON introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Armed Services, Veterans' Affairs, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Oceanic and Atmospheric Administration Com-
6 missioned Officer Corps Amendments Act of 2013”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Strength and distribution in grade.
- Sec. 102. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.
- Sec. 103. Obligated service requirement.
- Sec. 104. Training and physical fitness.

TITLE II—APPOINTMENTS AND PROMOTION OF OFFICERS

- Sec. 201. Appointments.
- Sec. 202. Personnel boards.
- Sec. 203. Delegation of authority for appointments and promotions to permanent grades.
- Sec. 204. Temporary appointments.
- Sec. 205. Officer candidates.
- Sec. 206. Procurement of personnel.

TITLE III—SEPARATION AND RETIREMENT OF OFFICERS

- Sec. 301. Involuntary retirement or separation.
- Sec. 302. Separation pay.

TITLE IV—RIGHTS AND BENEFITS

- Sec. 401. Education loan repayment program.
- Sec. 402. Interest payment program.
- Sec. 403. Student pre-commissioning education assistance program.
- Sec. 404. Limitation on educational assistance.
- Sec. 405. Applicability of certain provisions of title 10, United States Code.
- Sec. 406. Applicability of certain provisions of title 37, United States Code.
- Sec. 407. Application of certain provisions of competitive service law.
- Sec. 408. Eligibility of all members of uniformed services for Legion of Merit award.
- Sec. 409. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.
- Sec. 410. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.
- Sec. 411. Criminal penalties for wearing uniform without authority.
- Sec. 412. Treatment of commission in commissioned officer corps as employment in National Oceanic and Atmospheric Administration for purposes of certain hiring decisions.

TITLE V—OTHER MATTERS

- Sec. 501. Technical correction.
- Sec. 502. Report.
- Sec. 503. Effective date.

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.

23 “(5) Commander.

24 “(6) Lieutenant commander.

25 “(7) Lieutenant.

26 “(8) Lieutenant (junior grade).

1 “(9) Ensign.

2 “(b) PROPORTION.—

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

6 “(A) 8 in the grade of captain.

7 “(B) 14 in the grade of commander.

8 “(C) 19 in the grade of lieutenant com-
9 mander.

10 “(2) GRADES BELOW LIEUTENANT COM-
11 MANDER.—The Secretary shall prescribe, with re-
12 spect to the distribution on the lineal list in grade,
13 the percentages applicable to the grades of lieuten-
14 ant, lieutenant (junior grade), and ensign.

15 “(c) ANNUAL COMPUTATION OF NUMBER IN
16 GRADE.—

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

21 “(2) METHOD OF COMPUTATION.—The number
22 in each grade shall be computed by applying the ap-
23 plicable percentage to the total number of such offi-
24 cers serving on active duty on the date the computa-
25 tion is made.

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

6 “(d) TEMPORARY INCREASE IN NUMBERS.—The
7 total number of officers authorized by law to be on the
8 lineal list during a fiscal year may be temporarily exceeded
9 if the average number on that list during that fiscal year
10 does not exceed the authorized number.

11 “(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under
12 section 228(a) and officers recalled from retired status
13 shall not be counted when computing authorized strengths
14 under subsection (c) and shall not count against those
15 strengths.
16 strengths.

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

1 **SEC. 102. EXCLUSION OF OFFICERS RECALLED FROM RE-**
 2 **TIRED STATUS AND POSITIONS OF IMPOR-**
 3 **TANCE AND RESPONSIBILITY FROM NUMBER**
 4 **OF AUTHORIZED COMMISSIONED OFFICERS.**

5 Section 215 (33 U.S.C. 3005) is amended—

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

8 “(a) IN GENERAL.—Effective”; and

9 (2) by adding at the end the following new sub-
 10 section:

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

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

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

18 **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

22 “(a) IN GENERAL.—

23 “(1) RULEMAKING.—The Secretary shall pre-
 24 scribe the obligated service requirements for appoint-
 25 ments, training, promotions, separations, continu-

1 ations, and retirement of officers not otherwise cov-
2 ered by law.

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

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

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

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

23 “(3) DISCHARGE IN BANKRUPTCY.—A dis-
24 charge in bankruptcy under title 11 that is entered
25 less than 5 years after the termination of a written

1 agreement entered into under subsection (a)(2) does
2 not discharge the individual signing the agreement
3 from a debt arising under such agreement.

4 “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—
5 The Secretary may waive the service obligation of an offi-
6 cer who—

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

11 “(2) is—

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

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

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

“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 books and school supplies.

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 sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Service Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372), as amended by
7 section 103(b), is further amended by inserting after the
8 item relating to section 216 the following:

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

9 **TITLE II—APPOINTMENTS AND** 10 **PROMOTION OF OFFICERS**

11 **SEC. 201. APPOINTMENTS.**

12 (a) ORIGINAL APPOINTMENTS.—

13 (1) IN GENERAL.—Section 221 (33 U.S.C.
14 3021) is amended to read as follows:

15 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-** 16 **MENTS.**

17 “(a) ORIGINAL APPOINTMENTS.—

18 “(1) GRADES.—

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

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

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

3 “(B) APPOINTMENT OF OFFICER CAN-
4 DIDATES.—

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

12 “(ii) RANK.—Officer candidates re-
13 ceiving appointments as ensigns upon
14 graduation from basic officer training pro-
15 gram shall take rank according to their
16 proficiency as shown by the order of their
17 merit at date of graduation.

18 “(2) SOURCE OF APPOINTMENTS.—An original
19 appointment may be made from among the fol-
20 lowing:

21 “(A) Graduates of the basic officer train-
22 ing program of the commissioned officer corps
23 of the Administration.

24 “(B) Graduates of the military service
25 academies of the United States who otherwise

1 meet the academic standards for enrollment in
2 the training program described in subparagraph
3 (A).

4 “(C) Licensed officers of the United States
5 merchant marine who have served 2 or more
6 years aboard a vessel of the United States in
7 the capacity of a licensed officer, who otherwise
8 meet the academic standards for enrollment in
9 the training program described in subparagraph
10 (A).

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

15 “(A) The United States Military Academy,
16 West Point, New York.

17 “(B) The United States Naval Academy,
18 Annapolis, Maryland.

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

21 “(D) The United States Coast Guard
22 Academy, New London, Connecticut.

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

25 “(b) REAPPOINTMENT.—

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

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

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

16 “(d) PRECEDENCE OF APPOINTEES.—Appointees
17 under this section shall take precedence in the grade to
18 which appointed in accordance with the dates of their com-
19 missions as commissioned officers in such grade. Ap-
20 pointees whose dates of commission are the same shall
21 take precedence with each other as the Secretary shall de-
22 termine.

23 “(e) INTER-SERVICE TRANSFERS.—For inter-service
24 transfers (as described in the Department of Defense Di-

1 rective 1300.4 (dated December 27, 2006)) the Secretary
2 shall—

3 “(1) coordinate with the Secretary of Defense
4 and the Secretary of the Department in which the
5 Coast Guard is operating to promote and streamline
6 inter-service transfers;

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

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

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

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

19 **SEC. 202. PERSONNEL BOARDS.**

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

22 **“SEC. 222. PERSONNEL BOARDS.**

23 “(a) CONVENING.—Not less frequently than once
24 each year and at such other times as the Secretary deter-

1 mines necessary, the Secretary shall convene a personnel
2 board.

3 “(b) MEMBERSHIP.—

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

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

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

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

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

20 “(2) make selections and recommendations to
21 the Secretary and the President for the appoint-
22 ment, promotion, involuntary separation, continu-
23 ation, and involuntary retirement of officers in the
24 commissioned officer corps of the Administration as
25 prescribed in this title.

1 “(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-
 2 ABLE.—If any recommendation by a board convened
 3 under subsection (a) is not accepted by the Secretary or
 4 the President, the board shall make such further rec-
 5 ommendations as the Secretary or the President consider
 6 appropriate.”.

7 **SEC. 203. DELEGATION OF AUTHORITY FOR APPOINT-**
 8 **MENTS AND PROMOTIONS TO PERMANENT**
 9 **GRADES.**

10 Section 226 (33 U.S.C. 3026) is amended—

11 (1) by striking “Appointments” and inserting
 12 the following:

13 “(a) IN GENERAL.—Appointments”; and

14 (2) by adding at the end the following:

15 “(b) DELEGATION OF APPOINTMENT AUTHORITY.—
 16 If the President delegates authority to the Secretary to
 17 make appointments under this section, the President shall,
 18 during a period in which the position of the Secretary is
 19 vacant, delegate such authority to the Deputy Secretary
 20 of Commerce or the Under Secretary for Oceans and At-
 21 mosphere during such period.”.

22 **SEC. 204. TEMPORARY APPOINTMENTS.**

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

1 **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

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

21 “(e) DELEGATION OF APPOINTMENT AUTHORITY.—
22 If the President delegates authority to the Secretary to
23 make appointments under this section, the President shall,
24 during a period in which the position of the Secretary is
25 vacant, delegate such authority to the Deputy Secretary

1 of Commerce or the Under Secretary for Oceans and At-
 2 mosphere during such period.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 in section 1 of the Act entitled “An Act to authorize the
 5 Hydrographic Service Improvement Act of 1998, and for
 6 other purposes” (Public Law 107–372) is amended by
 7 striking the item relating to section 229 and inserting the
 8 following:

“Sec. 229. Temporary appointments.”.

9 **SEC. 205. OFFICER CANDIDATES.**

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

12 **“SEC. 234. OFFICER CANDIDATES.**

13 “(a) DETERMINATION OF NUMBER.—The Secretary
 14 shall determine the number of appointments of officer can-
 15 didates.

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

23 “(c) DISMISSAL.—The Secretary may dismiss from
 24 the basic officer training program of the Administration
 25 any officer candidate who, during the officer candidate’s

1 term as an officer candidate, the Secretary considers un-
2 satisfactory in either academics or conduct, or not adapted
3 for a career in the commissioned officer corps of the Ad-
4 ministration. Officer candidates shall be subject to rules
5 governing discipline prescribed by the Director of the Na-
6 tional Oceanic and Atmospheric Administration Commis-
7 sioned Officer Corps.

8 “(d) AGREEMENT.—

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

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

17 “(A) That the officer candidate will com-
18 plete the course of instruction at the basic offi-
19 cer training program of the Administration.

20 “(B) That upon graduation from the such
21 program, the officer candidate—

22 “(i) will accept an appointment, if
23 tendered, as an officer; and

1 “(ii) will serve on active duty for at
2 least 4 years immediately after such ap-
3 pointment.

4 “(e) REGULATIONS.—The Secretary shall prescribe
5 regulations to carry out this section. Such regulations
6 shall include—

7 “(1) standards for determining what constitutes
8 a breach of an agreement signed under such sub-
9 section (d)(1); and

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

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

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

“Sec. 234. Officer candidates.”.

21 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
22 (33 U.S.C. 3002(b)) is amended—

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

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

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

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

11 “(f)(1) An officer candidate enrolled in the basic offi-
12 cer training program of the commissioned officer corps of
13 the National Oceanic and Atmospheric Administration is
14 entitled, while participating in such program, to monthly
15 officer candidate pay at monthly rate equal to the basic
16 pay of an enlisted member in the pay grade E–5 with less
17 than 2 years service.

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

1 **SEC. 206. PROCUREMENT OF PERSONNEL.**

2 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
3 seq.), as amended by section 205(a), is further amended
4 by adding at the end the following:

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

6 “The Secretary may make such expenditures as the
7 Secretary considers necessary in order to obtain recruits
8 for the commissioned officer corps of the Administration,
9 including advertising.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 in section 1 of the Act entitled “An Act to authorize the
12 Hydrographic Service Improvement Act of 1998, and for
13 other purposes” (Public Law 107–372), as amended by
14 section 205(b), is further amended by inserting after the
15 item relating to section 234 the following:

“235. Procurement of personnel.”.

16 **TITLE III—SEPARATION AND**
17 **RETIREMENT OF OFFICERS**

18 **SEC. 301. INVOLUNTARY RETIREMENT OR SEPARATION.**

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

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

23 “(1) IN GENERAL.—If the Secretary determines
24 that the evaluation of the medical condition of an of-
25 ficer requires hospitalization or medical observation

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

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

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

17 **SEC. 302. SEPARATION PAY.**

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

20 “(d) EXCEPTION.—An officer discharged for twice
21 failing selection for promotion to the next higher grade
22 is not entitled to separation pay under this section if the
23 officer—

24 “(1) expresses a desire not to be selected for
25 promotion; or

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

3 **TITLE IV—RIGHTS AND** 4 **BENEFITS**

5 **SEC. 401. EDUCATION LOAN REPAYMENT PROGRAM.**

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

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

9 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—
10 For the purpose of maintaining adequate numbers of offi-
11 cers of the commissioned officer corps of the Administra-
12 tion on active duty who have skills required by the com-
13 missioned officer corps, the Secretary may repay, in the
14 case of a person described in subsection (b), a loan that—

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

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

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

22 “(1) satisfy 1 of the requirements specified in
23 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.

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.

23 “(d) LOAN REPAYMENTS.—

24 “(1) IN GENERAL.—Subject to the limits estab-
25 lished under paragraph (2), a loan repayment under

1 this section may consist of the payment of the prin-
2 cipal, interest, and related expenses of a loan ob-
3 tained by a person described in subsection (b).

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

10 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

20 “(B) MINIMUM OBLIGATION.—The regula-
21 tions prescribed under subparagraph (A) may
22 not provide for a period of obligation of less
23 than 1 year for each maximum annual amount,
24 or portion thereof, paid on behalf of the person
25 for qualified loans.

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

7 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
8 TION.—

9 “(1) ALTERNATIVE OBLIGATIONS.—An officer
10 who is relieved of the officer’s active duty obligation
11 under this section before the completion of that obli-
12 gation may be given any alternative obligation, at
13 the discretion of the Secretary.

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

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

22 “(1) standards for qualified loans and author-
23 ized payees; and

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

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

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

6 **SEC. 402. INTEREST PAYMENT PROGRAM.**

7 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 8 seq.), as amended by section 401(a), is further amended
 9 by adding at the end the following:

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

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

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

17 “(1) is serving on active duty;

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

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

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

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

1 “(1) A loan made, insured, or guaranteed under
2 part B of title IV of the Higher Education Act of
3 1965 (20 U.S.C. 1071 et seq.).

4 “(2) A loan made under part D of such title
5 (20 U.S.C. 1087a et seq.).

6 “(3) A loan made under part E of such title
7 (20 U.S.C. 1087aa et seq.).

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

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

16 “(f) COORDINATION WITH SECRETARY OF EDU-
17 CATION.—

18 “(1) IN GENERAL.—The Secretary shall consult
19 with the Secretary of Education regarding the ad-
20 ministration of this section.

21 “(2) TRANSFER OF FUNDS.—The Secretary
22 shall transfer to the Secretary of Education the
23 funds necessary—

24 “(A) to pay interest and special allowances
25 on student loans under this section (in accord-

1 ance with sections 428(o), 455(l), and 464(j) of
 2 the Higher Education Act of 1965 (20 U.S.C.
 3 1078(o), 1087e(l), and 1087dd(j))); and

4 “(B) to reimburse the Secretary of Edu-
 5 cation for any reasonable administrative costs
 6 incurred by the Secretary in coordinating the
 7 program under this section with the administra-
 8 tion of the student loan programs under parts
 9 B, D, and E of title IV of the Higher Edu-
 10 cation Act of 1965 (20 U.S.C. 1071 et seq.,
 11 1087a et seq., 1087aa et seq.).

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

16 (b) CONFORMING AMENDMENTS.—

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

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

23 (B) in paragraph (1)—

24 (i) by inserting “or section 264 of the
 25 National Oceanic and Atmospheric Admin-

1 istration Commissioned Officer Corps Act
2 of 2002” after “Code,”; and

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

7 (2) Sections 455(l) and 464(j) of the Higher
8 Education Act of 1965 (20 U.S.C. 1087e(l) and
9 1087dd(j)) are each 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 (c) CLERICAL AMENDMENT.—The table of sections
24 in section 1 of the Act entitled “An Act to authorize the
25 Hydrographic Service Improvement Act of 1998, and for

1 other purposes” (Public Law 107–372), as amended by
 2 section 401(b), is further amended by inserting after the
 3 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

4 **SEC. 403. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 5 **SISTANCE PROGRAM.**

6 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 7 seq.), as amended by sections 401(a) and 402(a), is fur-
 8 ther amended by adding at the end the following:

9 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 10 **SISTANCE PROGRAM.**

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

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

22 “(2) a postbaccalaureate degree.

23 “(b) ELIGIBLE PERSONS.—

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

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

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

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

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

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

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

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

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

3 “(c) QUALIFYING EXPENSES.—Expenses for which
4 financial assistance may be provided under subsection (a)
5 are the following:

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

8 “(2) The cost of books.

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

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

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

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

24 “(f) SUBSISTENCE ALLOWANCE.—

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

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

12 “(g) INITIAL CLOTHING ALLOWANCE.—

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

18 “(2) APPOINTMENT.—Upon completion of the
19 program of education for which a person receives fi-
20 nancial assistance under subsection (a) and accept-
21 ance of appointment in the commissioned officer
22 corps of the Administration, the person may be
23 issued a subsequent clothing allowance equivalent to
24 that normally provided to a newly appointed officer.

25 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

4 “(A) the Secretary accepts a request by
5 the person to be released from an agreement
6 described in subsection (b)(2);

7 “(B) the misconduct of the person results
8 in a failure to complete the period of active
9 duty required under the agreement; or

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

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

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

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

5 “(B) is—

6 “(i) not physically qualified for ap-
7 pointment; and

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

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

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

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

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 in section 1 of the Act entitled “An Act to authorize the
 6 Hydrographic Service Improvement Act of 1998, and for
 7 other purposes” (Public Law 107–372), as amended by
 8 section 402(c), is further amended by inserting after the
 9 item relating to section 268 the following:

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

10 **SEC. 404. LIMITATION ON EDUCATIONAL ASSISTANCE.**

11 (a) IN GENERAL.—Each fiscal year, beginning with
 12 fiscal year 2013, the Secretary of Commerce shall ensure
 13 that the total amount expended by the Secretary under
 14 section 267 of the National Oceanic and Atmospheric Ad-
 15 ministration Commissioned Officer Corps Act of 2002 (as
 16 added by section 401(a)), section 268 of such Act (as
 17 added by section 402(a)), and section 269 of such Act (as
 18 added by section 403(a)) does not exceed the amount by
 19 which—

20 (1) the total amount the Secretary would pay in
 21 that fiscal year to officer candidates under section
 22 203(f)(1) of title 37, United States Code (as added
 23 by section 205(d)), if such section entitled officers
 24 candidates to pay at monthly rates equal to the

1 basic pay of a commissioned officer in the pay grade
 2 O–1 with less than 2 years of service; exceeds

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

6 (b) OFFICER CANDIDATE DEFINED.—In this section,
 7 the term “officer candidate” has the meaning given the
 8 term in section 212 of the National Oceanic and Atmos-
 9 pheric Administration Commissioned Officer Corps Act of
 10 2002 (33 U.S.C. 3002), as added by section 205(c).

11 **SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS OF**
 12 **TITLE 10, UNITED STATES CODE.**

13 Section 261(a) (33 U.S.C. 3071(a)) is amended—

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

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

18 (3) by redesignating paragraphs (4) through
 19 (6) as paragraphs (8) through (10), respectively;

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

22 “(4) Section 771, relating to unauthorized
 23 wearing of uniforms.

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

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

3 “(7) Section 1031, relating to administration of
4 oaths.”;

5 (5) by inserting after paragraph (10), as redes-
6 ignated, the following:

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

10 (6) by inserting after paragraph (17), as redes-
11 ignated, the following:

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

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

17 **SEC. 406. APPLICABILITY OF CERTAIN PROVISIONS OF**
18 **TITLE 37, UNITED STATES CODE.**

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

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

24 “(a) PROVISIONS MADE APPLICABLE TO COMMIS-
25 SIONED OFFICER CORPS.—The provisions of law applica-

1 ble to the Armed Forces under the following provisions
2 of title 37, United States Code, shall apply to the commis-
3 sioned officer corps of the Administration:

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

6 “(2) Section 403(f)(3), relating to prescribing
7 regulations defining the terms ‘field duty’ and ‘sea
8 duty’.

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

12 “(4) Section 414(a)(2), relating to personal
13 money allowance while serving as Director of the
14 National Oceanic and Atmospheric Administration
15 Commissioned Officer Corps.

16 “(5) Section 488, relating to allowances for re-
17 cruiting expenses.

18 “(6) Section 495, relating to allowances for fu-
19 neral honors duty.

20 “(b) REFERENCES.—The authority vested by title 37,
21 United States Code, in the ‘military departments’, ‘the
22 Secretary concerned’, or ‘the Secretary of Defense’ with
23 respect to the provisions of law referred to in subsection
24 (a) shall be exercised, with respect to the commissioned

1 officer corps of the Administration, by the Secretary of
2 Commerce or the Secretary’s designee.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Service Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372) is amended by in-
7 serting after the item relating to section 261 the following:

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

8 **SEC. 407. APPLICATION OF CERTAIN PROVISIONS OF COM-**
9 **PETITIVE SERVICE LAW.**

10 Section 3304(f) of title 5, United States Code, is
11 amended—

12 (1) in paragraph (1), by inserting “and mem-
13 bers of the commissioned officer corps of the Na-
14 tional Oceanic and Atmospheric Administration (or
15 its predecessor organization the Coast and Geodetic
16 Survey) separated from such uniformed service”
17 after “separated from the armed forces”;

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

20 (3) in paragraph (4), by inserting “and mem-
21 bers of the commissioned officer corps of the Na-
22 tional Oceanic and Atmospheric Administration (or
23 its predecessor organization the Coast and Geodetic

1 Survey) separated from such uniformed service”
2 after “separated from the armed forces”.

3 **SEC. 408. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED**
4 **SERVICES FOR LEGION OF MERIT AWARD.**

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

8 **SEC. 409. APPLICATION OF EMPLOYMENT AND REEMPLOY-**
9 **MENT RIGHTS OF MEMBERS OF THE UNI-**
10 **FORMED SERVICES TO MEMBERS OF COM-**
11 **MISSIONED OFFICER CORPS.**

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

16 **SEC. 410. PROTECTED COMMUNICATIONS FOR COMMIS-**
17 **SIONED OFFICER CORPS AND PROHIBITION**
18 **OF RETALIATORY PERSONNEL ACTIONS.**

19 (a) IN GENERAL.—Subsection (a) of section 261 (33
20 U.S.C. 3071), as amended by section 405, is further
21 amended—

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

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

3 “(8) Section 1034, relating to protected com-
 4 munications and prohibition of retaliatory personnel
 5 actions.”.

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

12 **SEC. 411. CRIMINAL PENALTIES FOR WEARING UNIFORM**
 13 **WITHOUT AUTHORITY.**

14 Section 702 of title 18, United States Code, is
 15 amended by striking “Service or any” and inserting “Serv-
 16 ice, the commissioned officer corps of the National Oce-
 17 anic and Atmospheric Administration, or any”.

18 **SEC. 412. TREATMENT OF COMMISSION IN COMMISSIONED**
 19 **OFFICER CORPS AS EMPLOYMENT IN NA-**
 20 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
 21 **ISTRATION FOR PURPOSES OF CERTAIN HIR-**
 22 **ING DECISIONS.**

23 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 24 seq.), as amended by this title, is further amended by add-
 25 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 for at least 3 years
13 to be serving in a career or career-conditional position in
14 the competitive service within the Administration for pur-
15 poses 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 sections
26 in section 1 of the Act entitled “An Act to authorize the

1 Hydrographic Service Improvement Act of 1998, and for
 2 other purposes” (Public Law 107–372) is amended by in-
 3 serting after the item relating to section 269, as added
 4 by this title, 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 V—OTHER MATTERS**

6 **SEC. 501. TECHNICAL CORRECTION.**

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

10 **SEC. 502. REPORT.**

11 (a) IN GENERAL.—Not later than 90 days after the
 12 date of the enactment of this Act, the Secretary of Com-
 13 merce shall submit to Congress a report evaluating the
 14 current status and projected needs of the commissioned
 15 officer corps of the National Oceanic and Atmospheric Ad-
 16 ministration to operate sufficiently through fiscal year
 17 2017.

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

20 (1) The average annual attrition rate of officers
 21 in the commissioned officer corps of the National
 22 Oceanic and Atmospheric Administration.

23 (2) An estimate of the number of annual re-
 24 cruits that would reasonably be required to operate

1 the commissioned officer corps sufficiently through
2 fiscal year 2017.

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

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

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

12 **SEC. 503. EFFECTIVE DATE.**

13 Notwithstanding any other provision of this Act, sec-
14 tions 101 through 411 shall take effect on the date that
15 is 90 days after the date on which the Secretary of Com-
16 merce submits to Congress the report required by section
17 502(a).

○