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Referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, 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

AN ACT

To amend and enhance certain maritime programs of the Department of Transportation, 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 “Maritime Administration Authorization and Enhance-
 4 ment Act for Fiscal Year 2017”.

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

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 101. Authorization of the Maritime Administration.

Sec. 102. Maritime Administration authorization request.

**TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT
AT THE UNITED STATES MERCHANT MARINE ACADEMY**

Sec. 201. Actions to address sexual harassment and sexual assault at the
United States Merchant Marine Academy.

Sec. 202. Sexual assault response coordinators and sexual assault victim advo-
cates.

Sec. 203. Report from the Department of Transportation Inspector General.

Sec. 204. Sexual assault prevention and response working group.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

Sec. 301. Status of National Defense Reserve Fleet vessels.

Sec. 302. Port infrastructure development.

Sec. 303. State maritime academy physical standards and reporting.

Sec. 304. Authority to extend certain age restrictions relating to vessels partici-
pating in the maritime security fleet.

Sec. 305. Appointments.

Sec. 306. High-speed craft classification services.

Sec. 307. Maritime workforce working group.

Sec. 308. Vessel disposal program.

Sec. 309. Maritime extreme weather task force.

**TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT
IMPROVEMENTS**

Sec. 401. Workforce plans and onboarding policies.

Sec. 402. Drug and alcohol policy.

Sec. 403. Vessel transfers.

TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Clarifying amendment; continuation boards.

Sec. 502. Prospective payment of funds necessary to provide medical care.

Sec. 503. Technical corrections to title 46, United States Code.

Sec. 504. Coast Guard use of the Pribilof Islands.

TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION
TRANSPARENCY ACT

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Polar icebreaker recapitalization plan.
- Sec. 604. GAO report icebreaking capability in the United States.

TITLE VII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT

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

- Sec. 711. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.
- Sec. 712. Actions to address sexual assault at National Oceanic and Atmospheric Administration.
- Sec. 713. Rights of the victim of a sexual assault.
- Sec. 714. Change of station.
- Sec. 715. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.
- Sec. 716. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
- Sec. 717. Definition.

Subtitle B—Commissioned Officer Corps of the National Oceanic and
Atmospheric Administration

- Sec. 721. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

PART I—GENERAL PROVISIONS

- Sec. 722. Strength and distribution in grade.
- Sec. 723. Recalled officers.
- Sec. 724. Obligated service requirement.
- Sec. 725. Training and physical fitness.
- Sec. 726. Recruiting materials.
- Sec. 727. Charter vessel safety policy.
- Sec. 728. Technical correction.

PART II—PARITY AND RECRUITMENT

- Sec. 731. Education loans.
- Sec. 732. Interest payments.
- Sec. 733. Student pre-commissioning program.
- Sec. 734. Limitation on educational assistance.
- Sec. 735. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
- Sec. 736. Applicability of certain provisions of title 37, United States Code.
- Sec. 737. Legion of Merit award.
- Sec. 738. Prohibition on retaliatory personnel actions.
- Sec. 739. Penalties for wearing uniform without authority.
- Sec. 740. Application of certain provisions of competitive service law.
- Sec. 741. Employment and reemployment rights.

- Sec. 742. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.
- Sec. 743. Direct hire authority.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

- Sec. 751. Appointments.
- Sec. 752. Personnel boards.
- Sec. 753. Delegation of authority.
- Sec. 754. Assistant Administrator of the Office of Marine and Aviation Operations.
- Sec. 755. Temporary appointments.
- Sec. 756. Officer candidates.
- Sec. 757. Procurement of personnel.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

- Sec. 761. Involuntary retirement or separation.
- Sec. 762. Separation pay.

Subtitle C—Hydrographic Services

- Sec. 771. Reauthorization of Hydrographic Services Improvement Act of 1998.

1 **TITLE I—MARITIME ADMINIS-** 2 **TRATION AUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-** 4 **TION.**

5 There are authorized to be appropriated to the De-
6 partment of Transportation for fiscal year 2017, to be
7 available without fiscal year limitation if so provided in
8 appropriations Acts, for programs associated with main-
9 taining the United States merchant marine, the following
10 amounts:

11 (1) For expenses necessary for operations of the
12 United States Merchant Marine Academy,
13 \$99,902,000, of which—

14 (A) \$74,851,000 shall be for Academy op-
15 erations; and

1 (B) \$25,051,000 shall remain available
2 until expended for capital asset management at
3 the Academy.

4 (2) For expenses necessary to support the State
5 maritime academies, \$29,550,000, of which—

6 (A) \$2,400,000 shall remain available until
7 September 30, 2018, for the Student Incentive
8 Program;

9 (B) \$3,000,000 shall remain available until
10 expended for direct payments to such acad-
11 emies;

12 (C) \$22,000,000 shall remain available
13 until expended for maintenance and repair of
14 State maritime academy training vessels;

15 (D) \$1,800,000 shall remain available until
16 expended for training ship fuel assistance; and

17 (E) \$350,000 shall remain available until
18 expended for expenses to improve the moni-
19 toring of the service obligations of graduates.

20 (3) For expenses necessary to support the Na-
21 tional Security Multi-Mission Vessel Program,
22 \$6,000,000, which shall remain available until ex-
23 pended.

1 (4) For expenses necessary to support Maritime
2 Administration operations and programs,
3 \$57,142,000.

4 (5) For expenses necessary to dispose of vessels
5 in the National Defense Reserve Fleet, \$20,000,000,
6 which shall remain available until expended.

7 (6) For the cost (as defined in section 502(5)
8 of the Federal Credit Reform Act of 1990 (2 U.S.C.
9 661a(5))) of loan guarantees under the program au-
10 thorized by chapter 537 of title 46, United States
11 Code, \$3,000,000, which shall remain available until
12 expended for administrative expenses of the pro-
13 gram.

14 **SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION RE-**
15 **QUEST.**

16 Section 109 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(k) SUBMISSION OF ANNUAL MARITIME ADMINIS-
19 TRATION AUTHORIZATION REQUEST.—

20 “(1) IN GENERAL.—Not later than 30 days
21 after the date on which the President submits to
22 Congress a budget for a fiscal year pursuant to sec-
23 tion 1105 of title 31, the Maritime Administrator
24 shall submit a Maritime Administration authoriza-
25 tion request with respect to such fiscal year to the

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) DEFINED TERM.—In this subsection, the term ‘Maritime Administration authorization request’ means a proposal for legislation that, with respect to the Maritime Administration for the relevant fiscal year—

“(A) recommends authorizations of appropriations for that fiscal year; and

“(B) addresses any other matter that the Maritime Administrator determines is appropriate for inclusion in a Maritime Administration authorization bill.”.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

1 **“§ 51318. Policy on sexual harassment and sexual as-**
2 **sault**

3 “(a) REQUIRED POLICY.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall direct the Superintendent of the United
6 States Merchant Marine Academy to prescribe a pol-
7 icy on sexual harassment and sexual assault applica-
8 ble to the cadets and other personnel of the Acad-
9 emy.

10 “(2) MATTERS TO BE SPECIFIED IN POLICY.—

11 The policy on sexual harassment and sexual assault
12 prescribed under this subsection shall include—

13 “(A) a program to promote awareness of
14 the incidence of rape, acquaintance rape, and
15 other sexual offenses of a criminal nature that
16 involve cadets or other Academy personnel;

17 “(B) procedures that a cadet should follow
18 in the case of an occurrence of sexual harass-
19 ment or sexual assault, including—

20 “(i) specifying the person or persons
21 to whom an alleged occurrence of sexual
22 harassment or sexual assault should be re-
23 ported by a cadet and the options for con-
24 fidential reporting;

25 “(ii) specifying any other person
26 whom the victim should contact; and

1 “(iii) procedures on the preservation
 2 of evidence potentially necessary for proof
 3 of criminal sexual assault;

4 “(C) a procedure for disciplinary action in
 5 cases of alleged criminal sexual assault involv-
 6 ing a cadet or other Academy personnel;

7 “(D) any other sanction authorized to be
 8 imposed in a substantiated case of sexual har-
 9 assment or sexual assault involving a cadet or
 10 other Academy personnel in rape, acquaintance
 11 rape, or any other criminal sexual offense,
 12 whether forcible or nonforcible; and

13 “(E) required training on the policy for all
 14 cadets and other Academy personnel, including
 15 the specific training required for personnel who
 16 process allegations of sexual harassment or sex-
 17 ual assault involving Academy personnel.

18 “(3) AVAILABILITY OF POLICY.—The Secretary
 19 shall ensure that the policy developed under this
 20 subsection is available to—

21 “(A) all cadets and employees of the Acad-
 22 emy; and

23 “(B) the public.

24 “(4) CONSULTATION AND ASSISTANCE.—In de-
 25 veloping the policy under this subsection, the Sec-

1 retary may consult or receive assistance from such
2 Federal, State, local, and national organizations and
3 subject matter experts as the Secretary considers ap-
4 propriate.

5 “(b) DEVELOPMENT PROGRAM.—

6 “(1) IN GENERAL.—The Secretary of Transpor-
7 tation shall ensure that the development program of
8 the United States Merchant Marine Academy in-
9 cludes a section that—

10 “(A) describes the relationship between
11 honor, respect, and character development and
12 the prevention of sexual harassment and sexual
13 assault at the Academy; and

14 “(B) includes a brief history of the prob-
15 lem of sexual harassment and sexual assault in
16 the merchant marine, in the Armed Forces, and
17 at the Academy; and

18 “(C) includes information relating to re-
19 porting sexual harassment and sexual assault,
20 victims’ rights, and dismissal for offenders.

21 “(2) TRAINING.—The Superintendent of the
22 Academy shall ensure that all cadets receive the
23 training described in paragraph (1)—

24 “(A) not later than 7 days after their ini-
25 tial arrival at the Academy; and

1 “(B) biannually thereafter until they grad-
2 uate or leave the Academy.

3 “(c) ANNUAL ASSESSMENT.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation, in cooperation with the Superintendent of the
6 Academy, shall conduct an assessment at the Acad-
7 emy during each Academy program year to deter-
8 mine the effectiveness of the policies, procedures,
9 and training of the Academy with respect to sexual
10 harassment and sexual assault involving cadets or
11 other Academy personnel.

12 “(2) BIENNIAL SURVEY.—For each assessment
13 of the Academy under paragraph (1) during an
14 Academy program year that begins in an odd-num-
15 bered calendar year, the Secretary shall conduct a
16 survey of cadets and other Academy personnel—

17 “(A) to measure—

18 “(i) the incidence, during that pro-
19 gram year, of sexual harassment and sex-
20 ual assault events, on or off the Academy
21 campus, that have been reported to offi-
22 cials of the Academy; and

23 “(ii) the incidence, during that pro-
24 gram year, of sexual harassment and sex-
25 ual assault events, on or off the Academy

1 campus, that have not been reported to of-
 2 ficials of the Academy; and

3 “(B) to assess the perceptions of cadets
 4 and other Academy personnel on—

5 “(i) the policies, procedures, and
 6 training on sexual harassment and sexual
 7 assault involving cadets or Academy per-
 8 sonnel;

9 “(ii) the enforcement of the policies
 10 described in clause (i);

11 “(iii) the incidence of sexual harass-
 12 ment and sexual assault involving cadets or
 13 Academy personnel; and

14 “(iv) any other issues relating to sex-
 15 ual harassment and sexual assault involv-
 16 ing cadets or Academy personnel.

17 “(3) FOCUS GROUPS FOR YEARS WHEN SURVEY
 18 NOT REQUIRED.—In any year in which the Secretary
 19 of Transportation is not required to conduct the sur-
 20 vey described in paragraph (2), the Secretary shall
 21 conduct focus groups at the Academy for the pur-
 22 poses of ascertaining information relating to sexual
 23 assault and sexual harassment issues at the Acad-
 24 emy.

25 “(d) ANNUAL REPORT.—

1 “(1) IN GENERAL.—The Superintendent of the
2 Academy shall submit a report to the Secretary of
3 Transportation that provides information about sexual
4 harassment and sexual assault involving cadets
5 or other personnel at the Academy for each Academy
6 program year.

7 “(2) CONTENTS.—Each report submitted under
8 paragraph (1) shall include, for the Academy program
9 year covered by the report—

10 “(A) the number of sexual assaults, rapes,
11 and other sexual offenses involving cadets or
12 other Academy personnel that have been reported
13 to Academy officials;

14 “(B) the number of the reported cases described
15 in subparagraph (A) that have been substantiated;

16 “(C) the policies, procedures, and training
17 implemented by the Superintendent and the
18 leadership of the Academy in response to sexual
19 harassment and sexual assault involving cadets
20 or other Academy personnel; and

21 “(D) a plan for the actions that will be
22 taken in the following Academy program year
23 regarding prevention of, and response to, sexual
24

1 harassment and sexual assault involving cadets
2 or other Academy personnel.

3 “(3) SURVEY AND FOCUS GROUP RESULTS.—

4 “(A) SURVEY RESULTS.—Each report
5 under paragraph (1) for an Academy program
6 year that begins in an odd-numbered calendar
7 year shall include the results of the survey con-
8 ducted in that program year under subsection
9 (c)(2).

10 “(B) FOCUS GROUP RESULTS.—Each re-
11 port under paragraph (1) for an Academy pro-
12 gram year in which the Secretary of Transpor-
13 tation is not required to conduct the survey de-
14 scribed (c)(2) shall include the results of the
15 focus group conducted in that program year
16 under subsection (c)(3).

17 “(4) REPORTING REQUIREMENT.—

18 “(A) BY THE SUPERINTENDENT.—For
19 each incident of sexual harassment or sexual as-
20 sault reported to the Superintendent under this
21 subsection, the Superintendent shall provide the
22 Secretary of Transportation and the Board of
23 Visitors of the Academy with a report that in-
24 cludes—

1 “(i) the facts surrounding the inci-
 2 dent, except for any details that would re-
 3 veal the identities of the people involved;
 4 and

5 “(ii) the Academy’s response to the
 6 incident.

7 “(B) BY THE SECRETARY.—The Secretary
 8 shall submit a copy of each report received
 9 under subparagraph (A) and the Secretary’s
 10 comments on the report to the Committee on
 11 Commerce, Science, and Transportation of the
 12 Senate and the Committee on Transportation
 13 and Infrastructure of the House of Representa-
 14 tives.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 for chapter 513 of title 46, United States Code, is amend-
 17 ed by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

18 **SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS**
 19 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

20 (a) COORDINATORS AND ADVOCATES.—Chapter 513
 21 of title 46, United States Code, as amended by section
 22 201, is further amended by adding at the end the fol-
 23 lowing:

1 **“§ 51319. Sexual assault response coordinators and**
 2 **sexual assault victim advocates**

3 “(a) SEXUAL ASSAULT RESPONSE COORDINA-
 4 TORS.—The United States Merchant Marine Academy
 5 shall employ or contract with at least 1 full-time sexual
 6 assault response coordinator who shall reside on or near
 7 the Academy. The Secretary of Transportation may assign
 8 additional full-time or part-time sexual assault response
 9 coordinators at the Academy as may be necessary.

10 “(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVO-
 11 CATES.—

12 “(1) IN GENERAL.—The Secretary of Transpor-
 13 tation, acting through the Superintendent of the
 14 United States Merchant Marine Academy, shall des-
 15 ignate 1 or more permanent employees who volun-
 16 teer to serve as advocates for victims of sexual as-
 17 saults involving—

18 “(A) cadets of the Academy; or

19 “(B) individuals who work with or conduct
 20 business on behalf of the Academy.

21 “(2) TRAINING; OTHER DUTIES.—Each victim
 22 advocate designated under this subsection shall—

23 “(A) have or receive training in matters re-
 24 lating to sexual assault and the comprehensive
 25 policy developed under section 51318 of title
 26 46, United States Code; and

1 “(B) serve as a victim advocate voluntarily,
2 in addition to the individual’s other duties as an
3 employee of the Academy.

4 “(3) PRIMARY DUTIES.—While performing the
5 duties of a victim advocate under this subsection, a
6 designated employee shall—

7 “(A) support victims of sexual assault by
8 informing them of the rights and resources
9 available to them as victims;

10 “(B) identify additional resources to en-
11 sure the safety of victims of sexual assault; and

12 “(C) connect victims of sexual assault to
13 an Academy sexual assault response coordi-
14 nator, or full-time or part-time victim advocate,
15 who shall act as a companion in navigating in-
16 vestigative, medical, mental and emotional
17 health, and recovery processes relating to sexual
18 assault.

19 “(4) COMPANION.—At least 1 victim advocate
20 designated under this subsection, while performing
21 the duties of a victim advocate, shall act as a com-
22 panion in navigating investigative, medical, mental
23 and emotional health, and recovery processes relat-
24 ing to sexual assault.

1 “(5) HOTLINE.—The Secretary shall establish a
2 24-hour hotline through which the victim of a sexual
3 assault can receive victim support services.

4 “(6) FORMAL RELATIONSHIPS WITH OTHER EN-
5 TITIES.—The Secretary may enter into formal rela-
6 tionships with other entities to make available addi-
7 tional victim advocates or to implement paragraphs
8 (3), (4), and (5).

9 “(7) CONFIDENTIALITY.—Information disclosed
10 by a victim to an advocate designated under this
11 subsection—

12 “(A) shall be treated by the advocate as
13 confidential; and

14 “(B) may not be disclosed by the advocate
15 without the consent of the victim.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 513 of title 46, United States Code, is amend-
18 ed by adding at the end the following:

 “51319. Sexual assault response coordinators and sexual assault victim advo-
 cates.”.

19 **SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPOR-**
20 **TATION INSPECTOR GENERAL.**

21 (a) IN GENERAL.—Not later than March 31, 2018,
22 the Inspector General of the Department of Transpor-
23 tation shall submit a report to the Committee on Com-
24 merce, Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives that describes the effectiveness
3 of the sexual harassment and sexual assault prevention
4 and response program at the United States Merchant Ma-
5 rine Academy.

6 (b) CONTENTS.—The report required under sub-
7 section (a) shall—

8 (1) assess progress toward addressing any out-
9 standing recommendations;

10 (2) include any recommendations to reduce the
11 number of sexual assaults involving members of the
12 United States Merchant Marine Academy, whether a
13 member is the victim, the alleged assailant, or both;

14 (3) include any recommendations to improve
15 the response of the Department of Transportation
16 and the United States Merchant Marine Academy to
17 reports of sexual assaults involving members of the
18 Academy, whether a members is the victim, the al-
19 leged assailant, or both.

20 (c) EXPERTISE.—In compiling the report required
21 under this section, the inspection teams acting under the
22 direction of the Inspector General shall—

23 (1) include at least 1 member with expertise
24 and knowledge of sexual assault prevention and re-
25 sponse policies; or

1 (2) consult with subject matter experts in the
2 prevention of and response to sexual assaults.

3 **SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE**
4 **WORKING GROUP.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Maritime Adminis-
7 trator shall convene a working group to examine methods
8 to improve the prevention of, and response to, any sexual
9 harassment or sexual assault that occurs during a Cadet’s
10 Sea Year experience with the United States Merchant Ma-
11 rine Academy.

12 (b) MEMBERSHIP.—The Maritime Administrator
13 shall designate individuals to serve as members of the
14 working group convened pursuant to subsection (a). Mem-
15 bership in the working group shall consist of—

16 (1) a representative of the Maritime Adminis-
17 tration, which shall serve as chair of the working
18 group;

19 (2) the Superintendent of the Academy, or des-
20 ignee;

21 (3) the sexual assault response coordinator ap-
22 pointed under section 51319 of title 46, United
23 States Code, as added by section 202;

24 (4) a subject matter expert from the Coast
25 Guard;

1 (5) a subject matter expert from the Military
2 Sealift Command;

3 (6) at least 1 representative from each of the
4 State maritime academies;

5 (7) at least 1 representative from each private
6 contracting party participating in the maritime secu-
7 rity program;

8 (8) at least 1 representative from each non-
9 profit labor organization representing a class or
10 craft of employees employed on vessels in the Mari-
11 time Security Fleet;

12 (9) at least 2 representatives from approved
13 maritime training institutions; and

14 (10) at least 1 representative from companies
15 that—

16 (A) participate in sea training of Academy
17 cadets; and

18 (B) do not participate in the maritime se-
19 curity program.

20 (c) NO QUORUM REQUIREMENT.—The Maritime Ad-
21 ministration may convene the working group without all
22 members present.

23 (d) RESPONSIBILITIES.—The working group shall—

24 (1) evaluate options that could promote a cli-
25 mate of honor and respect, and a culture that is in-

1 tolerant of sexual harassment and sexual assault and
2 those who commit it, across the United States Flag
3 Fleet;

4 (2) raise awareness of the United States Mer-
5 chant Marine Academy's sexual assault prevention
6 and response program across the United States Flag
7 Fleet;

8 (3) assess options that could be implemented by
9 the United States Flag Fleet that would remove any
10 barriers to the reporting of sexual harassment and
11 sexual assault response that occur during a Cadet's
12 Sea Year experience and protect the victim's con-
13 fidentiality;

14 (4) assess a potential program or policy, appli-
15 cable to all participants of the maritime security
16 program, to improve the prevention of, and response
17 to, sexual harassment and sexual assault incidents;

18 (5) assess a potential program or policy, appli-
19 cable to all vessels operating in the United States
20 Flag Fleet that participate in the Maritime Security
21 Fleet under section 53101 of title 46, United States
22 Code, which carry cargos to which chapter 531 of
23 such title applies, or are chartered by a Federal
24 agency, requiring crews to complete a sexual harass-
25 ment and sexual assault prevention and response

1 training program before the Cadet's Sea Year that
2 includes—

3 (A) fostering a shipboard climate—

4 (i) that does not tolerate sexual har-
5 assment and sexual assault;

6 (ii) in which persons assigned to ves-
7 sel crews are encouraged to intervene to
8 prevent potential incidents of sexual har-
9 assment or sexual assault; and

10 (iii) that encourages victims of sexual
11 assault to report any incident of sexual
12 harassment or sexual assault; and

13 (B) understanding the needs of, and the
14 resources available to, a victim after an incident
15 of sexual harassment or sexual assault;

16 (6) assess whether the United States Merchant
17 Marine Academy should continue with sea year
18 training on privately owned vessels or change its
19 curricula to provide alternative training; and

20 (7) assess how vessel operators could ensure the
21 confidentiality of a report of sexual harassment or
22 sexual assault in order to protect the victim and pre-
23 vent retribution.

24 (e) REPORT.—Not later than 15 months after the
25 date of the enactment of this Act, the working group shall

1 submit a report to the Committee on Commerce, Science,
 2 and Transportation of the Senate and the Committee on
 3 Transportation and Infrastructure of the House of Rep-
 4 resentatives that includes—

5 (1) recommendations on each of the working
 6 group’s responsibilities described in subsection (d);

7 (2) the trade-offs, opportunities, and challenges
 8 associated with the recommendations made in para-
 9 graph (1); and

10 (3) any other information the working group
 11 determines appropriate.

12 **TITLE III—MARITIME ADMINIS-** 13 **TRATION ENHANCEMENT**

14 **SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET** 15 **VESSELS.**

16 Section 4405 of title 50, United States Code, is
 17 amended—

18 (1) in subsection (a), by adding at the end the
 19 following: “Vessels in the National Defense Reserve
 20 Fleet, including vessels loaned to State maritime
 21 academies, shall be considered public vessels of the
 22 United States.”; and

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

24 “(g) VESSEL STATUS.—Ships or other watercraft in
 25 the National Defense Reserve Fleet determined by the

1 Maritime Administration to be of insufficient value to re-
 2 main in the National Defense Reserve Fleet—

3 “(1) shall remain vessels (as defined in section
 4 3 of title 1); and

5 “(2) shall remain subject to the rights and re-
 6 sponsibilities of a vessel under admiralty law until
 7 such time as the vessel is delivered to a dismantling
 8 facility or is otherwise disposed of from the National
 9 Defense Reserve Fleet.”.

10 **SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.**

11 Section 50302(c)(4) of title 46, United States Code,
 12 is amended—

13 (1) by striking “There are authorized” and in-
 14 serting the following:

15 “(A) IN GENERAL.—There are author-
 16 ized”; and

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

18 “(B) ADMINISTRATIVE EXPENSES.—Ex-
 19 cept as otherwise provided by law, the Adminis-
 20 trator may use not more than 3 percent of the
 21 amounts appropriated to carry out this section
 22 for the administrative expenses of the pro-
 23 gram.”.

1 **SEC. 303. STATE MARITIME ACADEMY PHYSICAL STAND-**
 2 **ARDS AND REPORTING.**

3 Section 51506 of title 46, United States Code, is
 4 amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
 7 by striking “must” and inserting “shall”;

8 (B) in paragraph (2), by striking “and” at
 9 the end;

10 (C) in paragraph (3), by striking the pe-
 11 riod at the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(4) agree that any individual enrolled at such
 14 State maritime academy in a merchant marine offi-
 15 cer preparation program—

16 “(A) shall, not later than 9 months after
 17 each such individual’s date of enrollment, pass
 18 an examination in form and substance satisfac-
 19 tory to the Secretary that demonstrates that
 20 such individual meets the medical and physical
 21 requirements—

22 “(i) required for the issuance of an
 23 original license under section 7101; or

24 “(ii) set by the Coast Guard for
 25 issuing merchant mariners’ documentation

1 under section 7302, with no limit to his or
2 her operational authority;

3 “(B) following passage of the examination
4 under subparagraph (A), shall continue to meet
5 the requirements or standards described in sub-
6 paragraph (A) throughout the remainder of
7 their respective enrollments at the State mari-
8 time academy; and

9 “(C) if the individual has a medical or
10 physical condition that disqualifies him or her
11 from meeting the requirements or standards re-
12 ferred to in subparagraph (A), shall be trans-
13 ferred to a program other than a merchant ma-
14 rine officer preparation program, or otherwise
15 appropriately disenrolled from such State mari-
16 time academy, until the individual demonstrates
17 to the Secretary that the individual meets such
18 requirements or standards.”; and

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

20 “(c) SECRETARIAL WAIVER AUTHORITY.—The Sec-
21 retary is authorized to modify or waive any of the terms
22 set forth in subsection (a)(4) with respect to any indi-
23 vidual or State maritime academy.”.

1 **SEC. 304. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
2 **TIONS RELATING TO VESSELS PARTICI-**
3 **PATING IN THE MARITIME SECURITY FLEET.**

4 (a) IN GENERAL.—Section 53102 of title 46, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(g) AUTHORITY FOR EXTENSION OF MAXIMUM
8 SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—
9 The Secretary of Defense, in conjunction with the Sec-
10 retary of Transportation, may extend the maximum age
11 restrictions under sections 53101(5)(A)(ii) and
12 53106(c)(3) for a particular participating fleet vessel for
13 up to 5 years if the Secretary of Defense and the Secretary
14 of Transportation jointly determine that such extension is
15 in the national interest.”.

16 (b) REPEAL OF UNNECESSARY AGE LIMITATION.—
17 Section 53106(c)(3) of such title is amended—

18 (1) in subparagraph (A), by striking “or (C);”
19 and inserting “; or”;

20 (2) in subparagraph (B), by striking “; or” at
21 the end and inserting a period; and

22 (3) by striking subparagraph (C).

23 **SEC. 305. APPOINTMENTS.**

24 (a) IN GENERAL.—Section 51303 of title 46, United
25 States Code, is amended by striking “40” and inserting
26 “50”.

1 (b) CLASS PROFILE.—Not later than August 31 of
 2 each year, the Superintendent of the United States Mer-
 3 chant Marine Academy shall post on the Academy’s public
 4 website a summary profile of each class at the Academy.

5 (c) CONTENTS.—Each summary profile posted under
 6 subsection (b) shall include, for the incoming class and
 7 for the 4 classes that precede the incoming class, the num-
 8 ber and percentage of students—

- 9 (1) by State;
- 10 (2) by country;
- 11 (3) by gender;
- 12 (4) by race and ethnicity; and
- 13 (5) with prior military service.

14 **SEC. 306. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.**

15 (a) IN GENERAL.—Notwithstanding section 3316(a)
 16 of title 46, United States Code, the Secretary of the Navy
 17 may use the services of an approved classification society
 18 for only a high-speed craft that—

- 19 (1) was acquired by the Secretary from the
 20 Maritime Administration;
- 21 (2) is not a high-speed naval combatant, patrol
 22 vessel, expeditionary vessel, or other special purpose
 23 military or law enforcement vessel;
- 24 (3) is operated for commercial purposes;

1 (4) is not operated or crewed by any depart-
2 ment, agency, instrumentality, or employee of the
3 United States Government;

4 (5) is not directly engaged in any mission or
5 other operation for or on behalf of any department,
6 agency, instrumentality, or employee of the United
7 States Government; and

8 (6) is not primarily designed to carry freight
9 owned, leased, used, or contracted for or by the
10 United States Government.

11 (b) DEFINITION OF APPROVED CLASSIFICATION SO-
12 CIETY.—In this section, the term “approved classification
13 society” means a classification society that has been ap-
14 proved by the Secretary of the department in which the
15 Coast Guard is operating under section 3316(c) of title
16 46, United States Code.

17 (c) SAVINGS CLAUSE.—Nothing in this section may
18 be construed to affect the requirements under section
19 3316 of title 46, United States Code, for a high-speed
20 craft that does not meet the conditions under paragraphs
21 (1) through (6) of subsection (a).

22 **SEC. 307. MARITIME WORKFORCE WORKING GROUP.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of Trans-
25 portation shall convene a working group to examine and

1 assess the size of the pool of citizen mariners necessary
2 to support the United States Flag Fleet in times of na-
3 tional emergency.

4 (b) MEMBERSHIP.—The Maritime Administrator
5 shall designate individuals to serve as members of the
6 working group convened under subsection (a). The work-
7 ing group shall include, at a minimum, the following mem-
8 bers:

9 (1) At least 1 representative of the Maritime
10 Administration, who shall serve as chairperson of
11 the working group.

12 (2) At least 1 subject matter expert from the
13 United States Merchant Marine Academy.

14 (3) At least 1 subject matter expert from the
15 Coast Guard.

16 (4) At least 1 subject matter expert from the
17 Military Sealift Command.

18 (5) 1 subject matter expert from each of the
19 State maritime academies.

20 (6) At least 1 representative from each non-
21 profit labor organization representing a class or
22 craft of employees (licensed or unlicensed) who are
23 employed on vessels operating in the United States
24 Flag Fleet.

1 (7) At least 4 representatives of owners of ves-
 2 sels operating the in United States Flag Fleet, or
 3 their private contracting parties, which are primarily
 4 operating in non-contiguous or coastwise trades.

5 (8) At least 4 representatives of owners of ves-
 6 sels operating the in United States Flag Fleet, or
 7 their private contracting parties, which are primarily
 8 operating in international transportation.

9 (c) NO QUORUM REQUIREMENT.—The Maritime Ad-
 10 ministration may convene the working group without all
 11 members present.

12 (d) RESPONSIBILITIES.—The working group shall—

13 (1) identify the number of United States citizen
 14 mariners—

15 (A) in total;

16 (B) that have a valid United States Coast
 17 Guard merchant mariner credential with the
 18 necessary endorsements for service on unlimited
 19 tonnage vessels subject to the International
 20 Convention on Standards of Training, Certifi-
 21 cation and Watchkeeping for Seafarers, 1978,
 22 as amended;

23 (C) that are involved in Federal programs
 24 that support the United States Merchant Ma-
 25 rine and United States Flag Fleet;

1 (D) that are available to crew the United
2 States Flag Fleet and the surge sealift fleet in
3 times of a national emergency;

4 (E) that are full-time mariners;

5 (F) that have sailed in the prior 18
6 months; and

7 (G) that are primarily operating in non-
8 contiguous or coastwise trades;

9 (2) assess the impact on the United States
10 Merchant Marine and United States Merchant Ma-
11 rine Academy if graduates from State maritime
12 academies and the United States Merchant Marine
13 Academy were assigned to, or required to fulfill, cer-
14 tain maritime positions based on the overall needs of
15 the United States Merchant Marine;

16 (3) assess the Coast Guard Merchant Mariner
17 Licensing and Documentation System, which tracks
18 merchant mariner credentials and medical certifi-
19 cates, and its accessibility and value to the Maritime
20 Administration for the purposes of evaluating the
21 pool of United States citizen mariners; and

22 (4) make recommendations to enhance the
23 availability and quality of interagency data, includ-
24 ing data from the United States Transportation
25 Command, the Coast Guard, and the Bureau of

1 Transportation Statistics, for use by the Maritime
 2 Administration for evaluating the pool of United
 3 States citizen mariners.

4 (e) REPORT.—Not later than 1 year after the date
 5 of the enactment of this Act, the Secretary of Transpor-
 6 tation shall submit a report to the Committee on Com-
 7 merce, Science, and Transportation of the Senate and the
 8 Committee on Transportation and Infrastructure of the
 9 House of Representatives that contains the results of the
 10 study conducted under this section, including—

11 (1) the number of United States citizen mari-
 12 ners identified for each category described in sub-
 13 paragraphs (A) through (G) of subsection (d)(1);

14 (2) the results of the assessments conducted
 15 under paragraphs (2) and (3) of subsection (d); and

16 (3) the recommendations made under sub-
 17 section (d)(4).

18 **SEC. 308. VESSEL DISPOSAL PROGRAM.**

19 (a) ANNUAL REPORT.—Not later than January 1 of
 20 each year, the Administrator of the Maritime Administra-
 21 tion shall submit to the Committee on Commerce, Science,
 22 and Transportation of the Senate and the Committee on
 23 Transportation and Infrastructure of the House of Rep-
 24 resentatives a report on the management of the vessel dis-
 25 posal program of the Maritime Administration.

1 (b) CONTENTS.—The report under subsection (a)
2 shall include—

3 (1) the total amount of funds credited in the
4 prior fiscal year to—

5 (A) the Vessel Operations Revolving Fund
6 established by section 50301(a) of title 46,
7 United States Code; and

8 (B) any other account attributable to the
9 vessel disposal program of the Maritime Admin-
10 istration;

11 (2) the balance of funds available at the end of
12 that fiscal year in—

13 (A) the Vessel Operations Revolving Fund;
14 and

15 (B) any other account described in para-
16 graph (1)(B);

17 (3) in consultation with the Secretary of the In-
18 terior, the total number of—

19 (A) grant applications under the National
20 Maritime Heritage Grants Program in the prior
21 fiscal year; and

22 (B) the applications under subparagraph
23 (A) that were approved by the Secretary of the
24 Interior, acting through the National Maritime
25 Initiative of the National Park Service;

(4) a detailed description of each project funded under the National Maritime Heritage Grants Program in the prior fiscal year for which funds from the Vessel Operations Revolving Funds were obligated, including the information described in paragraphs (1) through (3) of section 308703(j) of title 54, United States Code; and

(5) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Funds in the prior fiscal year.

(c) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Administrator shall assess the vessel disposal program of the Maritime Administration.

(2) CONTENTS.—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement, for which the Maritime Administration acts as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency with which the Maritime Administration has entered into a disposal agreement;

1 (B) a description of each vessel of a Fed-
 2 eral agency that may meet the criteria for the
 3 Maritime Administration to act as the disposal
 4 agent, including—

- 5 (i) the age of the vessel; and
- 6 (ii) the name of the applicable Federal
 7 agency;

8 (C) the Maritime Administration’s plan to
 9 serve as the disposal agent, as appropriate, for
 10 the vessels described in subparagraph (B); and

11 (D) any other information related to the
 12 vessel disposal program that the Administrator
 13 determines appropriate.

14 (d) CESSATION OF EFFECTIVENESS.—This section
 15 ceases to be effective on the date that is 5 years after
 16 the date of enactment of this Act.

17 **SEC. 309. MARITIME EXTREME WEATHER TASK FORCE.**

18 (a) ESTABLISHMENT OF TASK FORCE.—Not later
 19 than 15 days after the date of enactment of this Act, the
 20 Secretary of Transportation shall establish a task force
 21 to analyze the impact of extreme weather events, such as
 22 in the maritime environment (referred to in this section
 23 as the “Task Force”).

24 (b) MEMBERSHIP.—The Task Force shall be com-
 25 posed of—

1 (1) the Secretary or the Secretary's designee;
2 and

3 (2) a representative of—

4 (A) the Coast Guard;

5 (B) the National Oceanic and Atmospheric
6 Administration;

7 (C) the Federal Maritime Commission; and

8 (D) such other Federal agency or inde-
9 pendent commission as the Secretary considers
10 appropriate.

11 (c) REPORT.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (4), not later than 180 days after the date it
14 is established under subsection (a), the Task Force
15 shall submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives a report on the anal-
19 ysis under subsection (a).

20 (2) CONTENTS.—The report under paragraph
21 (1) shall include—

22 (A) an identification of available weather
23 prediction, monitoring, and routing technology
24 resources;

1 (B) an identification of industry best prac-
2 tices relating to response to, and prevention of
3 marine casualties from, extreme weather events;

4 (C) a description of how the resources de-
5 scribed in subparagraph (A) are used in the
6 various maritime sectors, including by pas-
7 senger and cargo vessels;

8 (D) recommendations for improving mari-
9 time response operations to extreme weather
10 events and preventing marine casualties from
11 extreme weather events, such as promoting the
12 use of risk communications and the technologies
13 identified under subparagraph (A); and

14 (E) recommendations for any legislative or
15 regulatory actions for improving maritime re-
16 sponse operations to extreme weather events
17 and preventing marine casualties from extreme
18 weather events.

19 (3) PUBLICATION.—The Secretary shall make
20 the report under paragraph (1) and any notification
21 under paragraph (4) publicly accessible in an elec-
22 tronic format.

23 (4) IMMINENT THREATS.—The Task Force
24 shall immediately notify the Secretary of any finding
25 or recommendations that could protect the safety of

1 an individual on a vessel from an imminent threat
2 of extreme weather.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section.

6 **TITLE IV—IMPLEMENTATION OF**
7 **WORKFORCE MANAGEMENT**
8 **IMPROVEMENTS**

9 **SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.**

10 (a) WORKFORCE PLANS.—Not later than 9 months
11 after the date of the enactment of this Act, the Maritime
12 Administrator shall review the Maritime Administration’s
13 workforce plans, including its Strategic Human Capital
14 Plan and Leadership Succession Plan, and fully imple-
15 ment competency models for mission-critical occupations,
16 including—

- 17 (1) leadership positions;
18 (2) human resources positions; and
19 (3) transportation specialist positions.

20 (b) ONBOARDING POLICIES.—Not later than 9
21 months after the date of the enactment of this Act, the
22 Administrator shall—

- 23 (1) review the Maritime Administration’s poli-
24 cies related to new hire orientation, training, and
25 misconduct policies;

1 (2) align the onboarding policies and procedures
2 at headquarters and the field offices to ensure con-
3 sistent implementation and provision of critical in-
4 formation across the Maritime Administration; and

5 (3) update the Maritime Administration’s train-
6 ing policies and training systems to include controls
7 that ensure that all completed training is tracked in
8 a standardized training repository.

9 (c) ONBOARDING POLICIES.—Not later than 1 year
10 after the date of the enactment of this Act, the Adminis-
11 trator shall submit a report to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives that describes the Maritime Ad-
15 ministration’s compliance with the requirements under
16 this section.

17 **SEC. 402. DRUG AND ALCOHOL POLICY.**

18 (a) REVIEW.—Not later than 9 months after the date
19 of the enactment of this Act, the Maritime Administrator
20 shall—

21 (1) review the Maritime Administration’s drug
22 and alcohol policies, procedures, and training prac-
23 tices;

24 (2) ensure that all fleet managers have received
25 training on the Department of Transportation’s

1 drug and alcohol policy, including the testing proce-
2 dures used by the Department and the Maritime Ad-
3 ministration in cases of reasonable suspicion; and

4 (3) institute a system for tracking all drug and
5 alcohol policy training conducted under paragraph
6 (2) in a standardized training repository.

7 (b) REPORT.—Not later than 1 year after the date
8 of the enactment of this Act, the Administrator shall sub-
9 mit a report to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives that describes the Maritime Administration’s
13 compliance with the requirements under this section.

14 **SEC. 403. VESSEL TRANSFERS.**

15 Not later than 9 months after the date of the enact-
16 ment of this Act, the Maritime Administrator shall submit
17 a report to the Committee on Commerce, Science, and
18 Transportation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives that describes the policies and procedures for
21 vessel transfer, including—

22 (1) a summary of the actions taken to update
23 the Vessel Transfer Office procedures manual to re-
24 flect the current range of program responsibilities
25 and processes; and

1 (2) a copy of the updated Vessel Transfer Of-
 2 fice procedures to process vessel transfer applica-
 3 tions.

4 **TITLE V—TECHNICAL** 5 **AMENDMENTS**

6 **SEC. 501. CLARIFYING AMENDMENT; CONTINUATION** 7 **BOARDS.**

8 Section 290(a) of title 14, United States Code, is
 9 amended by striking “five officers serving in the grade of
 10 vice admiral” and inserting “5 officers (other than the
 11 Commandant) serving in the grade of admiral or vice ad-
 12 miral”.

13 **SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY** 14 **TO PROVIDE MEDICAL CARE.**

15 (a) IN GENERAL.—Chapter 13 of title 14, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 **“§ 520. Prospective payment of funds necessary to** 19 **provide medical care**

20 “(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of
 21 the reimbursement required under section 1085 of title 10,
 22 the Secretary of Homeland Security shall make a prospec-
 23 tive payment to the Secretary of Defense of an amount
 24 that represents the actuarial valuation of treatment or
 25 care—

1 “(1) that the Department of Defense shall pro-
2 vide to members of the Coast Guard, former mem-
3 bers of the Coast Guard, and dependents of such
4 members and former members (other than former
5 members and dependents of former members who
6 are a Medicare-eligible beneficiary or for whom the
7 payment for treatment or care is made from the
8 Medicare-Eligible Retiree Health Care Fund) at fa-
9 cilities under the jurisdiction of the Department of
10 Defense or a military department; and

11 “(2) for which a reimbursement would other-
12 wise be made under such section 1085.

13 “(b) AMOUNT.—The amount of the prospective pay-
14 ment under subsection (a)—

15 “(1) shall be derived from amounts appro-
16 priated for the operating expenses of the Coast
17 Guard for treatment or care provided to members of
18 the Coast Guard and their dependents;

19 “(2) shall be derived from amounts appro-
20 priated for retired pay for treatment or care pro-
21 vided to former members of the Coast Guard and
22 their dependents;

23 “(3) shall be determined under procedures es-
24 tablished by the Secretary of Defense;

1 “(4) shall be paid during the fiscal year in
2 which treatment or care is provided; and

3 “(5) shall be subject to adjustment or reconcili-
4 ation, as the Secretary of Homeland Security and
5 the Secretary of Defense jointly determine appro-
6 priate, during or promptly after such fiscal year if
7 the prospective payment is determined excessive or
8 insufficient based on the services actually provided.

9 “(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN
10 NAVY.—No prospective payment shall be made under this
11 section for any period during which the Coast Guard oper-
12 ates as a service in the Navy.

13 “(d) RELATIONSHIP TO TRICARE.—This section
14 may not be construed to require a payment for, or the
15 prospective payment of an amount that represents the
16 value of, treatment or care provided under any TRICARE
17 program.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 13 of title 14, United States Code, is amended by add-
20 ing at the end the following:

“520. Prospective payment of funds necessary to provide medical care.”.

21 (c) REPEAL.—Section 217 of the Coast Guard Au-
22 thorization Act of 2016 (Public Law 114–120) and the
23 item relating to that section in the table of contents in
24 section 2 of such Act, are repealed.

1 **SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46, UNITED**
 2 **STATES CODE.**

3 (a) IN GENERAL.—Title 46, United States Code, is
 4 amended—

5 (1) in section 4503(f)(2), by striking “that”
 6 after “necessary,”; and

7 (2) in section 7510(c)—

8 (A) in paragraph (1)(D), by striking “en-
 9 gine” and inserting “engineer”; and

10 (B) in paragraph (9), by inserting a period
 11 after “App”.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 subsection (a) shall take effect on the date of the enact-
 14 ment of the Coast Guard Authorization Act of 2015 (Pub-
 15 lic Law 114–120).

16 **SEC. 504. COAST GUARD USE OF THE PRIBILOF ISLANDS.**

17 (a) IN GENERAL.—Section 522(a)(1) of the Pribilof
 18 Island Transition Completion Act of 2015 (subtitle B of
 19 title V of Public Law 114–120) is amended by striking
 20 “Lots” and inserting “Not later than 30 days after the
 21 date of the enactment of the National Defense Authoriza-
 22 tion Act for Fiscal Year 2017, lots”.

23 (b) REPORT.—Not later than 60 days after the date
 24 of the enactment of the Maritime Administration Author-
 25 ization and Enhancement Act for Fiscal Year 2017, the
 26 Secretary of the department in which the Coast Guard is

1 operating shall submit a report to the Committee on Com-
 2 merce, Science, and Transportation of the Senate, the
 3 Committee on Natural Resources of the House of Rep-
 4 resentatives, and the Committee on Transportation and
 5 Infrastructure of the House of Representatives that de-
 6 scribes—

7 (1) the Coast Guard’s use of Tracts 43 and 39,
 8 located on St. Paul Island, Alaska, since operation
 9 of the LORAN–C system was terminated;

10 (2) the Coast Guard’s plans for using the tracts
 11 described in paragraph (1) during fiscal years 2016,
 12 2017, and 2018; and

13 (3) the Coast Guard’s plans for using the tracts
 14 described in paragraph (1) and other facilities on St.
 15 Paul Island after fiscal year 2018.

16 **TITLE VI—POLAR ICEBREAKER**
 17 **FLEET RECAPITALIZATION**
 18 **TRANSPARENCY ACT**

19 **SEC. 601. SHORT TITLE.**

20 This title may be cited as the “Polar Icebreaker Fleet
 21 Recapitalization Transparency Act”.

22 **SEC. 602. DEFINITIONS.**

23 In this title:

24 (1) **APPROPRIATE COMMITTEES OF CON-**
 25 **GRESS.**—The term “appropriate committees of Con-

1 gress” means the Committee on Commerce, Science,
2 and Transportation of the Senate and the Com-
3 mittee on Transportation and Infrastructure of the
4 House of Representatives.

5 (2) SECRETARY.—Except as otherwise specifi-
6 cally provided, the term “Secretary” means the Sec-
7 retary of the department in which the Coast Guard
8 is operating.

9 **SEC. 603. POLAR ICEBREAKER RECAPITALIZATION PLAN.**

10 (a) REQUIREMENT.—Not later than 120 days after
11 the date of the enactment of this Act, the Secretary, in
12 consultation with the Secretary of the Navy, shall submit
13 to the appropriate committees of Congress, a detailed re-
14 capitalization plan to meet the 2013 Department of
15 Homeland Security Mission Need Statement.

16 (b) CONTENTS.—The plan required under subsection
17 (a) shall—

18 (1) detail the number of heavy and medium
19 polar icebreakers required to meet Coast Guard stat-
20 utory missions in the polar regions;

21 (2) identify the vessel specifications, capabili-
22 ties, systems, equipment, and other details required
23 for the design of heavy polar icebreakers capable of
24 fulfilling the mission requirements of the Coast
25 Guard and the Navy, and the requirements of other

1 agencies and department of the United States, as
 2 the Secretary determines appropriate;

3 (3) list the specific appropriations required for
 4 the acquisition of each icebreaker, for each fiscal
 5 year, until the full fleet is recapitalized;

6 (4) describe the potential savings of serial ac-
 7 quisition for new polar class icebreakers, including
 8 specific schedule and acquisition requirements need-
 9 ed to realize such savings;

10 (5) describe any polar icebreaking capacity gaps
 11 that may arise based on the current fleet and cur-
 12 rent procurement outlook; and

13 (6) describe any additional polar icebreaking ca-
 14 pability gaps due to any further delay in procure-
 15 ment schedules.

16 **SEC. 604. GAO REPORT ICEBREAKING CAPABILITY IN THE**
 17 **UNITED STATES.**

18 (a) REQUIREMENT.—Not later than 6 months after
 19 the date of the enactment of this Act, the Comptroller
 20 General of the United States shall submit to the appro-
 21 priate committees of Congress a report on the current
 22 state of the United States Federal polar icebreaking fleet.

23 (b) CONTENTS.—The report required under sub-
 24 section (a) shall include—

1 (1) an analysis of the icebreaking assets in op-
2 eration in the United States and a description of the
3 missions completed by such assets;

4 (2) an analysis of how such assets and the ca-
5 pabilities of such assets are consistent, or incon-
6 sistent, with the polar icebreaking mission require-
7 ments described in the 2013 Department of Home-
8 land Security Mission Need Statement, the Naval
9 Operations Concept 2010, or other military and ci-
10 vilian governmental missions in the United States;

11 (3) an analysis of the gaps in icebreaking capa-
12 bility of the United States based on the expected
13 service life of the fleet of United States icebreaking
14 assets;

15 (4) a list of countries that are allies of the
16 United States that have the icebreaking capacity to
17 exercise missions in the Arctic during any identified
18 gap in United States icebreaking capacity in a polar
19 region; and

20 (5) a description of the policy, financial, and
21 other barriers that have prevented timely recapital-
22 ization of the Coast Guard polar icebreaking fleet
23 and recommendations to overcome such barriers, in-
24 cluding potential international fee-based models used

1 to compensate governments for icebreaking escorts
 2 or maintenance of maritime routes.

3 **TITLE VII—NATIONAL OCEANIC**
 4 **AND ATMOSPHERIC ADMINIS-**
 5 **TRATION SEXUAL HARASS-**
 6 **MENT AND ASSAULT PREVEN-**
 7 **TION ACT**

8 **SEC. 701. SHORT TITLE.**

9 This title may be cited as the “National Oceanic and
 10 Atmospheric Administration Sexual Harassment and As-
 11 sault Prevention Act”.

12 **Subtitle A—Sexual Harassment and**
 13 **Assault Prevention at the Na-**
 14 **tional Oceanic and Atmospheric**
 15 **Administration**

16 **SEC. 711. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**
 17 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
 18 **MINISTRATION.**

19 (a) **REQUIRED POLICY.**—Not later than 1 year after
 20 the date of the enactment of this Act, the Secretary of
 21 Commerce shall, acting through the Under Secretary for
 22 Oceans and Atmosphere, develop a policy on the preven-
 23 tion of and response to sexual harassment involving em-
 24 ployees of the National Oceanic and Atmospheric Adminis-
 25 tration, members of the commissioned officer corps of the

1 Administration, and individuals who work with or conduct
2 business on behalf of the Administration.

3 (b) MATTERS TO BE SPECIFIED IN POLICY.—The
4 policy developed under subsection (a) shall include—

5 (1) establishment of a program to promote
6 awareness of the incidence of sexual harassment;

7 (2) clear procedures an individual should follow
8 in the case of an occurrence of sexual harassment,
9 including—

10 (A) a specification of the person or persons
11 to whom an alleged occurrence of sexual harass-
12 ment should be reported by an individual and
13 options for confidential reporting, including—

14 (i) options and contact information
15 for after-hours contact; and

16 (ii) procedure for obtaining assistance
17 and reporting sexual harassment while
18 working in a remote scientific field camp,
19 at sea, or in another field status; and

20 (B) a specification of any other person
21 whom the victim should contact;

22 (3) establishment of a mechanism by which—

23 (A) questions regarding sexual harassment
24 can be confidentially asked and confidentially
25 answered; and

1 (B) incidents of sexual harassment can be
2 confidentially reported; and

3 (4) a prohibition on retaliation and con-
4 sequences for retaliatory actions.

5 (c) CONSULTATION AND ASSISTANCE.—In developing
6 the policy required by subsection (a), the Secretary may
7 consult or receive assistance from such State, local, and
8 national organizations and subject matter experts as the
9 Secretary considers appropriate.

10 (d) AVAILABILITY OF POLICY.—The Secretary shall
11 ensure that the policy developed under subsection (a) is
12 available to—

13 (1) all employees of the Administration and
14 members of the commissioned officer corps of the
15 Administration, including those employees and mem-
16 bers who conduct field work for the Administration;
17 and

18 (2) the public.

19 (e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOY-
20 MENT OPPORTUNITY PERSONNEL.—The Secretary shall
21 ensure that at least 1 employee of the Administration who
22 is tasked with handling matters relating to equal employ-
23 ment opportunity or sexual harassment is stationed—

24 (1) in each region in which the Administration
25 conducts operations; and

1 (2) in each marine and aviation center of the
2 Administration.

3 (f) QUARTERLY REPORTS.—

4 (1) IN GENERAL.—Not less frequently than 4
5 times each year, the Director of the Civil Rights Of-
6 fice of the Administration shall submit to the Under
7 Secretary a report on sexual harassment in the Ad-
8 ministration.

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

11 (A) Number of sexual harassment cases,
12 both actionable and non-actionable, involving
13 individuals covered by the policy developed
14 under subsection (a).

15 (B) Number of open actionable sexual har-
16 assment cases and how long the cases have
17 been open.

18 (C) Such trends or region specific issues as
19 the Director may have discovered with respect
20 to sexual harassment in the Administration.

21 (D) Such recommendations as the Director
22 may have with respect to sexual harassment in
23 the Administration.

1 **SEC. 712. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**
2 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
3 **ISTRATION.**

4 (a) COMPREHENSIVE POLICY ON PREVENTION AND
5 RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year
6 after the date of the enactment of this Act, the Secretary
7 of Commerce shall, acting through the Under Secretary
8 for Oceans and Atmosphere, develop a comprehensive pol-
9 icy on the prevention of and response to sexual assaults
10 involving employees of the National Oceanic and Atmos-
11 pheric Administration, members of the commissioned offi-
12 cer corps of the Administration, and individuals who work
13 with or conduct business on behalf of the Administration.

14 (b) ELEMENTS OF COMPREHENSIVE POLICY.—The
15 comprehensive policy developed under subsection (a) shall,
16 at minimum, address the following matters:

17 (1) Prevention measures.

18 (2) Education and training on prevention and
19 response.

20 (3) A list of support resources an individual
21 may use in the occurrence of sexual assault, includ-
22 ing—

23 (A) options and contact information for
24 after-hours contact; and

25 (B) procedure for obtaining assistance and
26 reporting sexual assault while working in a re-

1 mote scientific field camp, at sea, or in another
2 field status.

3 (4) Easy and ready availability of information
4 described in paragraph (3).

5 (5) Establishing a mechanism by which—

6 (A) questions regarding sexual assault can
7 be confidentially asked and confidentially an-
8 swered; and

9 (B) incidents of sexual assault can be con-
10 fidentially reported.

11 (6) Protocols for the investigation of complaints
12 by command and law enforcement personnel.

13 (7) Prohibiting retaliation and consequences for
14 retaliatory actions against someone who reports a
15 sexual assault.

16 (8) Oversight by the Under Secretary of admin-
17 istrative and disciplinary actions in response to sub-
18 stantial incidents of sexual assault.

19 (9) Victim advocacy, including establishment of
20 and the responsibilities and training requirements
21 for victim advocates as described in subsection (c).

22 (10) Availability of resources for victims of sex-
23 ual assault within other Federal agencies and State,
24 local, and national organizations.

25 (c) VICTIM ADVOCACY.—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Under Secretary, shall establish victim
3 advocates to advocate for victims of sexual assaults
4 involving employees of the Administration, members
5 of the commissioned officer corps of the Administra-
6 tion, and individuals who work with or conduct busi-
7 ness on behalf of the Administration.

8 (2) VICTIM ADVOCATES.—For purposes of this
9 subsection, a victim advocate is a permanent em-
10 ployee of the Administration who—

11 (A) is trained in matters relating to sexual
12 assault and the comprehensive policy developed
13 under subsection (a); and

14 (B) serves as a victim advocate voluntarily
15 and in addition to the employee's other duties
16 as an employee of the Administration.

17 (3) PRIMARY DUTIES.—The primary duties of a
18 victim advocate established under paragraph (1)
19 shall include the following:

20 (A) Supporting victims of sexual assault
21 and informing them of their rights and the re-
22 sources available to them as victims.

23 (B) Acting as a companion in navigating
24 investigative, medical, mental and emotional

1 health, and recovery processes relating to sexual
2 assault.

3 (C) Helping to identify resources to ensure
4 the safety of victims of sexual assault.

5 (4) LOCATION.—The Secretary shall ensure
6 that at least 1 victim advocate established under
7 paragraph (1) is stationed—

8 (A) in each region in which the Adminis-
9 tration conducts operations; and

10 (B) in each marine and aviation center of
11 the Administration.

12 (5) HOTLINE.—

13 (A) IN GENERAL.—In carrying out this
14 subsection, the Secretary shall establish a tele-
15 phone number at which a victim of a sexual as-
16 sault can contact a victim advocate.

17 (B) 24-HOUR ACCESS.—The Secretary
18 shall ensure that the telephone number estab-
19 lished under subparagraph (A) is monitored at
20 all times.

21 (6) FORMAL RELATIONSHIPS WITH OTHER EN-
22 TITIES.—The Secretary may enter into formal rela-
23 tionships with other entities to make available addi-
24 tional victim advocates.

1 (d) AVAILABILITY OF POLICY.—The Secretary shall
 2 ensure that the policy developed under subsection (a) is
 3 available to—

4 (1) all employees of the Administration and
 5 members of the commissioned officer corps of the
 6 Administration, including those employees and mem-
 7 bers who conduct field work for the Administration;
 8 and

9 (2) the public.

10 (e) CONSULTATION AND ASSISTANCE.—In developing
 11 the policy required by subsection (a), the Secretary may
 12 consult or receive assistance from such State, local, and
 13 national organizations and subject matter experts as the
 14 Secretary considers appropriate.

15 **SEC. 713. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

16 A victim of a sexual assault covered by the com-
 17 prehensive policy developed under section 712(a) has the
 18 right to be reasonably protected from the accused.

19 **SEC. 714. CHANGE OF STATION.**

20 (a) CHANGE OF STATION, UNIT TRANSFER, OR
 21 CHANGE OF WORK LOCATION OF VICTIMS.—

22 (1) TIMELY CONSIDERATION AND ACTION UPON
 23 REQUEST.—The Secretary of Commerce, acting
 24 through the Under Secretary for Oceans and Atmos-
 25 phere, shall—

1 (A) in the case of a member of the com-
2 missioned officer corps of the National Oceanic
3 and Atmospheric Administration who was a vic-
4 tim of a sexual assault, in order to reduce the
5 possibility of retaliation or further sexual as-
6 sault, provide for timely determination and ac-
7 tion on an application submitted by the victim
8 for consideration of a change of station or unit
9 transfer of the victim; and

10 (B) in the case of an employee of the Ad-
11 ministration who was a victim of a sexual as-
12 sault, to the degree practicable and in order to
13 reduce the possibility of retaliation against the
14 employee for reporting the sexual assault, ac-
15 commodate a request for a change of work loca-
16 tion of the victim.

17 (2) PROCEDURES.—

18 (A) PERIOD FOR APPROVAL AND DIS-
19 APPROVAL.—The Secretary, acting through the
20 Under Secretary, shall ensure that an applica-
21 tion or request submitted under paragraph (1)
22 for a change of station, unit transfer, or change
23 of work location is approved or denied within
24 72 hours of the submission of the application or
25 request.

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

6 (i) the victim may request the Sec-
 7 retary review the denial; and

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

12 (b) CHANGE OF STATION, UNIT TRANSFER, AND
 13 CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-
 14 TORS.—

15 (1) IN GENERAL.—The Secretary, acting
 16 through the Under Secretary, shall develop a policy
 17 for the protection of victims of sexual assault de-
 18 scribed in subsection (a)(1) by providing the alleged
 19 perpetrator of the sexual assault with a change of
 20 station, unit transfer, or change of work location, as
 21 the case may be, if the alleged perpetrator is a mem-
 22 ber of the commissioned officer corps of the Admin-
 23 istration or an employee of the Administration.

24 (2) POLICY REQUIREMENTS.—The policy re-
 25 quired by paragraph (1) shall include the following:

1 (A) A means to control access to the vic-
 2 tim.

3 (B) Due process for the victim and the al-
 4 leged perpetrator.

5 (c) REGULATIONS.—

6 (1) IN GENERAL.—The Secretary shall promul-
 7 gate regulations to carry out this section.

8 (2) CONSISTENCY.—When practicable, the Sec-
 9 retary shall make regulations promulgated under
 10 this section consistent with similar regulations pro-
 11 mulgated by the Secretary of Defense.

12 **SEC. 715. APPLICABILITY OF POLICIES TO CREWS OF VES-**
 13 **SELS SECURED BY NATIONAL OCEANIC AND**
 14 **ATMOSPHERIC ADMINISTRATION UNDER**
 15 **CONTRACT.**

16 The Under Secretary for Oceans and Atmosphere
 17 shall ensure that each contract into which the Under Sec-
 18 retary enters for the use of a vessel by the National Oce-
 19 anic and Atmospheric Administration that covers the crew
 20 of the vessel, if any, shall include as a condition of the
 21 contract a provision that subjects such crew to the policy
 22 developed under section 711(a) and the comprehensive
 23 policy developed under section 712(a).

1 **SEC. 716. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**
2 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
3 **MINISTRATION.**

4 (a) IN GENERAL.—Not later than January 15 of
5 each year, the Secretary of Commerce shall submit to the
6 Committee on Commerce, Science, and Transportation of
7 the Senate and the Committee on Natural Resources of
8 the House of Representatives a report on the sexual as-
9 saults involving employees of the National Oceanic and At-
10 mospheric Administration, members of the commissioned
11 officer corps of the Administration, and individuals who
12 work with or conduct business on behalf of the Adminis-
13 tration.

14 (b) CONTENTS.—Each report submitted under sub-
15 section (a) shall include, with respect to the previous cal-
16 endar year, the following:

17 (1) The number of alleged sexual assaults in-
18 volving employees, members, and individuals de-
19 scribed in subsection (a).

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

22 (3) The policies, procedures, and processes im-
23 plemented by the Secretary, and any updates or re-
24 visions to such policies, procedures, and processes.

1 (4) A summary of the reports received by the
 2 Under Secretary for Oceans and Atmosphere under
 3 section 711(f).

4 (c) PRIVACY PROTECTION.—In preparing and sub-
 5 mitting a report under subsection (a), the Secretary shall
 6 ensure that no individual involved in an alleged sexual as-
 7 sault can be identified by the contents of the report.

8 **SEC. 717. DEFINITION.**

9 In this subtitle, the term “sexual assault” shall have
 10 the meaning given such term in section 40002(a) of the
 11 Violence Against Women Act of 1994 (42 U.S.C.
 12 13925(a)).

13 **Subtitle B—Commissioned Officer**
 14 **Corps of the National Oceanic**
 15 **and Atmospheric Administra-**
 16 **tion**

17 **SEC. 721. REFERENCES TO NATIONAL OCEANIC AND AT-**
 18 **MOSPHERIC ADMINISTRATION COMMIS-**
 19 **SIONED OFFICER CORPS ACT OF 2002.**

20 Except as otherwise expressly provided, whenever in
 21 this subtitle an amendment or repeal is expressed in terms
 22 of an amendment to, or repeal of, a section or other provi-
 23 sion, the reference shall be considered to be made to a
 24 section or other provision of the National Oceanic and At-

1 mospheric Administration Commissioned Officer Corps
 2 Act of 2002 (33 U.S.C. 3001 et seq.).

3 **PART I—GENERAL PROVISIONS**

4 **SEC. 722. STRENGTH AND DISTRIBUTION IN GRADE.**

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

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

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

11 “(1) Vice admiral.

12 “(2) Rear admiral.

13 “(3) Rear admiral (lower half).

14 “(4) Captain.

15 “(5) Commander.

16 “(6) Lieutenant commander.

17 “(7) Lieutenant.

18 “(8) Lieutenant (junior grade).

19 “(9) Ensign.

20 “(b) GRADE DISTRIBUTION.—The Secretary shall
 21 prescribe, with respect to the distribution on the lineal list
 22 in grade, the percentages applicable to the grades set forth
 23 in subsection (a).

24 “(c) ANNUAL COMPUTATION OF NUMBER IN
 25 GRADE.—

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

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

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

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

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

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

6 **SEC. 723. RECALLED OFFICERS.**

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

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

10 “(a) IN GENERAL.—Effective”; and

11 (2) by adding at the end the following new sub-
 12 section:

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

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

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

20 **SEC. 724. OBLIGATED SERVICE REQUIREMENT.**

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

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

24 “(a) IN GENERAL.—

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

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

12 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
13 QUIREMENTS.—

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

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

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

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

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

14 “(2) is—

15 “(A) not physically qualified for appoint-
 16 ment; and

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

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 in section 1 of the Act entitled “An Act to authorize the
 24 Hydrographic Services Improvement Act of 1998, and for

1 other purposes” (Public Law 107–372) is amended by in-
2 serting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

3 **SEC. 725. TRAINING AND PHYSICAL FITNESS.**

4 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
5 seq.), as amended by section 724(a), is further amended
6 by adding at the end the following:

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

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

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

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

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

1 “(b) PHYSICAL FITNESS.—The Secretary shall en-
 2 sure that officers maintain a high physical state of readi-
 3 ness by establishing standards of physical fitness for offi-
 4 cers that are substantially equivalent to those prescribed
 5 for officers in the Coast Guard.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 in section 1 of the Act entitled “An Act to authorize the
 8 Hydrographic Services Improvement Act of 1998, and for
 9 other purposes” (Public Law 107–372), as amended by
 10 section 724(b), is further amended by inserting after the
 11 item relating to section 216 the following:

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

12 **SEC. 726. RECRUITING MATERIALS.**

13 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
 14 seq.), as amended by sections 724 and 725, is further
 15 amended by adding at the end the following:

16 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC**
 17 **RELATIONS.**

18 “The Secretary may use for public relations purposes
 19 of the Department of Commerce any advertising materials
 20 developed for use for recruitment and retention of per-
 21 sonnel for the commissioned officer corps of the Adminis-
 22 tration. Any such use shall be under such conditions and
 23 subject to such restrictions as the Secretary shall pre-
 24 scribe.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 in section 1 of the Act entitled “An Act to authorize the
3 Hydrographic Services Improvement Act of 1998, and for
4 other purposes” (Public Law 107–372), as amended by
5 section 725(b), is further amended by inserting after the
6 item relating to section 217 the following:

“Sec. 218. Use of recruiting materials for public relations.”.

7 **SEC. 727. CHARTER VESSEL SAFETY POLICY.**

8 (a) POLICY REQUIRED.—Not later than 1 year after
9 the date of the enactment of this Act, the Secretary of
10 Commerce shall, acting through the Under Secretary for
11 Oceans and Atmosphere, develop and implement a charter
12 vessel safety policy applicable to the acquisition by the Na-
13 tional Oceanic and Atmospheric Administration of charter
14 vessel services.

15 (b) ELEMENTS.—The policy required by subsection
16 (a) shall address vessel safety, operational safety, and
17 basic personnel safety requirements applicable to the ves-
18 sel size, type, and intended use. At a minimum, the policy
19 shall include the following:

20 (1) Basic vessel safety requirements that ad-
21 dress stability, egress, fire protection and lifesaving
22 equipment, hazardous materials, and pollution con-
23 trol.

1 (2) Personnel safety requirements that address
 2 crew qualifications, medical training and services,
 3 safety briefings and drills, and crew habitability.

4 (c) LIMITATION.—The Secretary shall ensure that
 5 the basic vessel safety requirements and personnel safety
 6 requirements included in the policy required by subsection
 7 (a)—

8 (1) do not exceed the vessel safety requirements
 9 and personnel safety requirements promulgated by
 10 the Secretary of the department in which the Coast
 11 Guard is operating; and

12 (2) to the degree practicable, are consistent
 13 with the requirements described in paragraph (1).

14 **SEC. 728. TECHNICAL CORRECTION.**

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

18 **PART II—PARITY AND RECRUITMENT**

19 **SEC. 731. EDUCATION LOANS.**

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

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

23 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—
 24 For the purpose of maintaining adequate numbers of offi-
 25 cers of the commissioned officer corps of the Administra-

1 tion on active duty who have skills required by the com-
 2 missioned officer corps, the Secretary may repay, in the
 3 case of a person described in subsection (b), a loan that—

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

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

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

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

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

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

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

1 “(1) The person is fully qualified in a profes-
2 sion that the Secretary has determined to be nec-
3 essary to meet identified skill shortages in the com-
4 missioned officer corps.

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

11 “(d) LOAN REPAYMENTS.—

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

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

23 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

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

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

22 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
23 TION.—

24 “(1) ALTERNATIVE OBLIGATIONS.—An officer
25 who is relieved of the officer’s active duty obligation

1 under this section before the completion of that obli-
 2 gation may be given any alternative obligation, at
 3 the discretion of the Secretary.

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

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

12 “(1) standards for qualified loans and author-
 13 ized payees; and

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

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 in section 1 of the Act entitled “An Act to authorize the
 18 Hydrographic Services 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 266 the following:

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

21 **SEC. 732. INTEREST PAYMENTS.**

22 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 23 seq.), as amended by section 731(a), is further amended
 24 by adding 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—

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

5 (B) in paragraph (1)—

6 (i) by inserting “or section 264 of the
 7 National Oceanic and Atmospheric Admin-
 8 istration Commissioned Officer Corps Act
 9 of 2002” after “Code,”; and

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

14 (c) CLERICAL AMENDMENT.—The table of sections
 15 in section 1 of the Act entitled “An Act to authorize the
 16 Hydrographic Services Improvement Act of 1998, and for
 17 other purposes” (Public Law 107–372), as amended by
 18 section 731(b), is further amended by inserting after the
 19 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

20 **SEC. 733. STUDENT PRE-COMMISSIONING PROGRAM.**

21 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 22 seq.), as amended by section 732(a), is further amended
 23 by adding at the end the following:

1 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 2 **SISTANCE PROGRAM.**

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

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

14 “(2) a postbaccalaureate degree.

15 “(b) **ELIGIBLE PERSONS.**—

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

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

23 “(B) meets all of the requirements for ac-
 24 ceptance into the commissioned officer corps of
 25 the Administration except for the completion of
 26 a baccalaureate degree; and

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

3 “(2) AGREEMENT.—A written agreement re-
4 ferred to in paragraph (1)(C) is an agreement be-
5 tween the person and the Secretary in which the
6 person agrees—

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

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

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

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

16 “(c) QUALIFYING EXPENSES.—Expenses for which
17 financial assistance may be provided under subsection (a)
18 are the following:

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

21 “(2) The cost of books.

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

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

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

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

13 “(f) SUBSISTENCE ALLOWANCE.—

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

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

25 “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

13 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

17 “(A) the Secretary accepts a request by
 18 the person to be released from an agreement
 19 described in subsection (b)(2);

20 “(B) the misconduct of the person results
 21 in a failure to complete the period of active
 22 duty required under the agreement; or

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

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

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

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

18 “(B) is—

19 “(i) not physically qualified for ap-
 20 pointment; and

21 “(ii) determined to be unqualified for
 22 service in the commissioned officer corps of
 23 the Administration because of a physical or
 24 medical condition that was not the result

1 of the person’s own misconduct or grossly
2 negligent conduct.

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

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

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

17 (b) CLERICAL AMENDMENT.—The table of sections
18 in section 1 of the Act entitled “An Act to authorize the
19 Hydrographic Services Improvement Act of 1998, and for
20 other purposes” (Public Law 107–372), as amended by
21 section 732(c), is further amended by inserting after the
22 item relating to section 268 the following:

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

23 **SEC. 734. LIMITATION ON EDUCATIONAL ASSISTANCE.**

24 (a) IN GENERAL.—Each fiscal year, beginning with
25 fiscal year 2013, the Secretary of Commerce shall ensure

1 that the total amount expended by the Secretary under
2 section 267 of the National Oceanic and Atmospheric Ad-
3 ministration Commissioned Officer Corps Act of 2002 (as
4 added by section 731(a)), section 268 of such Act (as
5 added by section 732(a)), and section 269 of such Act (as
6 added by section 733(a)) does not exceed the amount by
7 which—

8 (1) the total amount the Secretary would pay in
9 that fiscal year to officer candidates under section
10 203(f)(1) of title 37, United States Code (as added
11 by section 756(d)), if such section entitled officers
12 candidates to pay at monthly rates equal to the
13 basic pay of a commissioned officer in the pay grade
14 O–1 with less than 2 years of service; exceeds

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

18 (b) OFFICER CANDIDATE DEFINED.—In this section,
19 the term “officer candidate” has the meaning given the
20 term in section 212 of the National Oceanic and Atmos-
21 pheric Administration Commissioned Officer Corps Act of
22 2002 (33 U.S.C. 3002), as added by section 756(c).

1 **SEC. 735. APPLICABILITY OF CERTAIN PROVISIONS OF**
2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
3 **SION OF CERTAIN AUTHORITIES APPLICABLE**
4 **TO MEMBERS OF THE ARMED FORCES TO**
5 **COMMISSIONED OFFICER CORPS.**

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

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

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

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

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

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

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

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

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

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

1 “(11) Chapter 58, relating to the Benefits and
 2 Services for members being separated or recently
 3 separated.”; and

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

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

8 “(19) Section 2005, relating to advanced edu-
 9 cation assistance, active duty agreements, and reim-
 10 bursement requirements.”.

11 (b) EXTENSION OF CERTAIN AUTHORITIES.—

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

14 (A) in subsection (a)(1), by striking
 15 “armed forces” and inserting “uniformed serv-
 16 ices”; and

17 (B) in subsection (b)(4), by striking
 18 “armed forces” both places it appears and in-
 19 serting “uniformed services”.

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

23 (A) in subsection (a)(3), by striking
 24 “armed forces” and inserting “uniformed serv-
 25 ices”; and

1 (B) by adding at the end the following new
 2 subsection:

3 “(g) SECRETARY CONCERNED FOR ACCEPTANCE OF
 4 SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA
 5 AND THEIR FAMILIES.—For purposes of the acceptance
 6 of services described in subsection (a)(3), the term ‘Sec-
 7 retary concerned’ in subsection (a) shall include the Sec-
 8 retary of Commerce with respect to members of the Na-
 9 tional Oceanic and Atmospheric Administration.”.

10 (3) CAPSTONE COURSE FOR NEWLY SELECTED
 11 FLAG OFFICERS.—Section 2153 of such title is
 12 amended—

13 (A) in subsection (a)—

14 (i) by inserting “or the commissioned
 15 corps of the National Oceanic and Atmos-
 16 pheric Administration” after “in the case
 17 of the Navy”; and

18 (ii) by striking “other armed forces”
 19 and inserting “other uniformed services”;
 20 and

21 (B) in subsection (b)(1), by inserting “or
 22 the Secretary of Commerce, as applicable,”
 23 after “the Secretary of Defense”.

1 **SEC. 736. APPLICABILITY OF CERTAIN PROVISIONS OF**
2 **TITLE 37, UNITED STATES CODE.**

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

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

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

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

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

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

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

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

1 “(6) Section 495, 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, by the Secretary of
9 Commerce or the Secretary’s designee.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 in section 1 of the Act entitled “An Act to authorize the
12 Hydrographic Services Improvement Act of 1998, and for
13 other purposes” (Public Law 107–372) is amended by in-
14 serting after the item relating to section 261 the following:

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

15 **SEC. 737. LEGION OF MERIT AWARD.**

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

19 **SEC. 738. PROHIBITION ON RETALIATORY PERSONNEL AC-**
20 **TIONS.**

21 (a) IN GENERAL.—Subsection (a) of section 261 (33
22 U.S.C. 3071), as amended by section 735, is further
23 amended—

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

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

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

9 (b) CONFORMING AMENDMENT.—Subsection (b) of
10 such section is amended by adding at the end the fol-
11 lowing: “For purposes of paragraph (8) of subsection (a),
12 the term ‘Inspector General’ in section 1034 of such title
13 10 shall mean the Inspector General of the Department
14 of Commerce.”.

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

17 “(c) REGULATIONS REGARDING PROTECTED COM-
18 MUNICATIONS AND PROHIBITION OF RETALIATORY PER-
19 SONNEL ACTIONS.—The Secretary may promulgate regu-
20 lations to carry out the application of section 1034 of title
21 10, United States Code, to the commissioned officer corps
22 of the Administration, including by promulgating such ad-
23 ministrative procedures for investigation and appeal with-
24 in the commissioned officer corps as the Secretary con-
25 siders appropriate.”.

1 **SEC. 739. PENALTIES FOR WEARING UNIFORM WITHOUT**
 2 **AUTHORITY.**

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

7 **SEC. 740. APPLICATION OF CERTAIN PROVISIONS OF COM-**
 8 **PETITIVE SERVICE LAW.**

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

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

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

19 (3) in paragraph (4), by inserting “and mem-
 20 bers of the commissioned officer corps of the Na-
 21 tional Oceanic and Atmospheric Administration (or
 22 its predecessor organization the Coast and Geodetic
 23 Survey) separated from such uniformed service”
 24 after “separated from the armed forces”.

1 **SEC. 741. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

6 **SEC. 742. TREATMENT OF COMMISSION IN COMMISSIONED**
 7 **OFFICER CORPS FOR PURPOSES OF CERTAIN**
 8 **HIRING DECISIONS.**

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

12 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**
 13 **SIONED OFFICER CORPS AS EMPLOYMENT IN**
 14 **ADMINISTRATION FOR PURPOSES OF CER-**
 15 **TAIN HIRING DECISIONS.**

16 “(a) IN GENERAL.—In any case in which the Sec-
 17 retary accepts an application for a position of employment
 18 with the Administration and limits consideration of appli-
 19 cations for such position to applications submitted by indi-
 20 viduals serving in a career or career-conditional position
 21 in the competitive service within the Administration, the
 22 Secretary shall deem an officer who has served as an offi-
 23 cer in the commissioned officer corps for at least 3 years
 24 to be serving in a career or career-conditional position in
 25 the competitive service within the Administration for pur-
 26 poses of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

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

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this subtitle, the following:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

16 SEC. 743. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

1 (b) CANDIDATES DESCRIBED.—A candidate de-
 2 scribed in this subsection is a current or former member
 3 of the commissioned officer corps of the National Oceanic
 4 and Atmospheric Administration who—

5 (1) fulfilled his or her obligated service require-
 6 ment under section 216 of the National Oceanic and
 7 Atmospheric Administration Commissioned Officer
 8 Corps Act of 2002, as added by section 724;

9 (2) if no longer a member of the commissioned
 10 officer corps of the Administration, was not dis-
 11 charged or released therefrom as part of a discipli-
 12 nary action; and

13 (3) has been separated or released from service
 14 in the commissioned officer corps of the Administra-
 15 tion for a period of not more than 5 years.

16 (c) EFFECTIVE DATE.—This section shall apply with
 17 respect to appointments made in fiscal year 2016 and in
 18 each fiscal year thereafter.

19 **PART III—APPOINTMENTS AND PROMOTION OF** 20 **OFFICERS**

21 **SEC. 751. APPOINTMENTS.**

22 (a) ORIGINAL APPOINTMENTS.—

23 (1) IN GENERAL.—Section 221 (33 U.S.C.
 24 3021) is amended to read as follows:

1 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**
2 **MENTS.**

3 “(a) ORIGINAL APPOINTMENTS.—

4 “(1) GRADES.—

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

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

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

13 “(B) APPOINTMENT OF OFFICER CAN-
14 DIDATES.—

15 “(i) LIMITATION ON GRADE.—An
16 original appointment of an officer can-
17 didate, upon graduation from the basic of-
18 ficer training program of the commissioned
19 officer corps of the Administration, may
20 not be made in any other grade than en-
21 sign.

22 “(ii) RANK.—Officer candidates re-
23 ceiving appointments as ensigns upon
24 graduation from basic officer training pro-
25 gram shall take rank according to their

1 proficiency as shown by the order of their
2 merit at date of graduation.

3 “(2) SOURCE OF APPOINTMENTS.—An original
4 appointment may be made from among the fol-
5 lowing:

6 “(A) Graduates of the basic officer train-
7 ing program of the commissioned officer corps
8 of the Administration.

9 “(B) Graduates of the military service
10 academies of the United States who otherwise
11 meet the academic standards for enrollment in
12 the training program described in subparagraph
13 (A).

14 “(C) Graduates of the maritime academies
15 of the States who—

16 “(i) otherwise meet the academic
17 standards for enrollment in the training
18 program described in subparagraph (A);

19 “(ii) completed at least 3 years of
20 regimented training while at a maritime
21 academy of a State; and

22 “(iii) obtained an unlimited tonnage
23 or unlimited horsepower Merchant Mariner
24 Credential from the United States Coast
25 Guard.

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

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

9 “(A) MARITIME ACADEMIES OF THE
10 STATES.—The term ‘maritime academies of the
11 States’ means the following:

12 “(i) California Maritime Academy,
13 Vallejo, California.

14 “(ii) Great Lakes Maritime Academy,
15 Traverse City, Michigan.

16 “(iii) Maine Maritime Academy,
17 Castine, Maine.

18 “(iv) Massachusetts Maritime Acad-
19 emy, Buzzards Bay, Massachusetts.

20 “(v) State University of New York
21 Maritime College, Fort Schuyler, New
22 York.

23 “(vi) Texas A&M Maritime Academy,
24 Galveston, Texas.

1 “(B) MILITARY SERVICE ACADEMIES OF
 2 THE UNITED STATES.—The term ‘military serv-
 3 ice academies of the United States’ means the
 4 following:

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

7 “(ii) The United States Naval Acad-
 8 emy, Annapolis, Maryland.

9 “(iii) The United States Air Force
 10 Academy, Colorado Springs, Colorado.

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

13 “(v) The United States Merchant Ma-
 14 rine 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 Services 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. 752. PERSONNEL BOARDS.**

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

13 **“SEC. 222. PERSONNEL BOARDS.**

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

18 “(b) MEMBERSHIP.—

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

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

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

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

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

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

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

22 **SEC. 753. DELEGATION OF AUTHORITY.**

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

24 (1) by striking “Appointments” and inserting
25 the following:

1 “(a) IN GENERAL.—Appointments”; and

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

3 “(b) DELEGATION OF APPOINTMENT AUTHORITY.—

4 If the President delegates authority to the Secretary to

5 make appointments under this section, the President shall,

6 during a period in which the position of the Secretary is

7 vacant, delegate such authority to the Deputy Secretary

8 of Commerce or the Under Secretary for Oceans and At-

9 mosphere during such period.”.

10 **SEC. 754. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**

11 **MARINE AND AVIATION OPERATIONS.**

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

13 (1) in the fourth sentence, by striking “Direc-

14 tor” and inserting “Assistant Administrator”; and

15 (2) in the heading, by inserting “ASSISTANT

16 ADMINISTRATOR OF THE” before “OFFICE”.

17 **SEC. 755. TEMPORARY APPOINTMENTS.**

18 (a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is

19 amended to read as follows:

20 **“SEC. 229. TEMPORARY APPOINTMENTS.**

21 “(a) APPOINTMENTS BY PRESIDENT.—Temporary

22 appointments in the grade of ensign, lieutenant junior

23 grade, or lieutenant may be made by the President.

24 “(b) TERMINATION.—A temporary appointment to a

25 position under subsection (a) shall terminate upon ap-

1 proval of a permanent appointment for such position made
2 by the President.

3 “(c) ORDER OF PRECEDENCE.—Appointees under
4 subsection (a) shall take precedence in the grade to which
5 appointed in accordance with the dates of their appoint-
6 ments as officers in such grade. The order of precedence
7 of appointees who are appointed on the same date shall
8 be determined by the Secretary.

9 “(d) ANY ONE GRADE.—When determined by the
10 Secretary to be in the best interest of the commissioned
11 officer corps, officers in any permanent grade may be tem-
12 porarily promoted one grade by the President. Any such
13 temporary promotion terminates upon the transfer of the
14 officer to a new assignment.

15 “(e) 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 (b) CLERICAL AMENDMENT.—The table of sections
23 in section 1 of the Act entitled “An Act to authorize the
24 Hydrographic Services Improvement Act of 1998, and for
25 other purposes” (Public Law 107–372) is amended by

1 striking the item relating to section 229 and inserting the
 2 following:

“Sec. 229. Temporary appointments.”.

3 **SEC. 756. OFFICER CANDIDATES.**

4 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
 5 seq.) 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-

1 tional Oceanic and Atmospheric Administration Commis-
 2 sioned Officer Corps.

3 “(d) AGREEMENT.—

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

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

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

15 “(B) That upon graduation from the such
 16 program, the officer candidate—

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

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

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

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

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

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

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

“Sec. 234. Officer candidates.”.

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

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

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

21 “(4) OFFICER CANDIDATE.—The term ‘officer
 22 candidate’ means an individual who is enrolled in the
 23 basic officer training program of the Administration
 24 and is under consideration for appointment as an of-
 25 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. 757. PROCUREMENT OF PERSONNEL.**

18 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
19 seq.), as amended by section 756(a), is further amended
20 by adding at the end the following:

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

22 “The Secretary may make such expenditures as the
23 Secretary considers necessary in order to obtain recruits
24 for the commissioned officer corps of the Administration,
25 including advertising.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 in section 1 of the Act entitled “An Act to authorize the
 3 Hydrographic Services Improvement Act of 1998, and for
 4 other purposes” (Public Law 107–372), as amended by
 5 section 756(b), is further amended by inserting after the
 6 item relating to section 234 the following:

“235. Procurement of personnel.”.

7 **PART IV—SEPARATION AND RETIREMENT OF**
 8 **OFFICERS**

9 **SEC. 761. INVOLUNTARY RETIREMENT OR SEPARATION.**

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

12 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
 13 FOR MEDICAL REASONS.—

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

23 “(2) CONSENT REQUIRED.—A deferment may
 24 only be made with the written consent of the officer
 25 involved. If the officer does not provide written con-

1 sent to the deferment, the officer shall be retired or
2 separated as scheduled.

3 “(3) LIMITATION.—A deferral of retirement or
4 separation under this subsection may not extend for
5 more than 30 days after completion of the evalua-
6 tion requiring hospitalization or medical observa-
7 tion.”.

8 **SEC. 762. SEPARATION PAY.**

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

11 “(d) EXCEPTION.—An officer discharged for twice
12 failing selection for promotion to the next higher grade
13 is not entitled to separation pay under this section if the
14 officer—

15 “(1) expresses a desire not to be selected for
16 promotion; or

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

19 **Subtitle C—Hydrographic Services**

20 **SEC. 771. REAUTHORIZATION OF HYDROGRAPHIC SERV-**
21 **ICES IMPROVEMENT ACT OF 1998.**

22 (a) REAUTHORIZATIONS.—Section 306 of the Hydro-
23 graphic Services Improvement Act of 1998 (33 U.S.C.
24 892d) is amended—

1 (1) in the matter before paragraph (1), by
2 striking “There are” and inserting the following:

3 “(a) IN GENERAL.—There are”;

4 (2) in subsection (a) (as designated by para-
5 graph (1))—

6 (A) in paragraph (1), by striking “sur-
7 veys—” and all that follows through the end of
8 the paragraph and inserting “surveys,
9 \$70,814,000 for each of fiscal years 2016
10 through 2020.”;

11 (B) in paragraph (2), by striking “ves-
12 sels—” and all that follows through the end of
13 the paragraph and inserting “vessels,
14 \$25,000,000 for each of fiscal years 2016
15 through 2020.”;

16 (C) in paragraph (3), by striking “Admin-
17 istration—” and all that follows through the
18 end of the paragraph and inserting “Adminis-
19 tration, \$29,932,000 for each of fiscal years
20 2016 through 2020.”;

21 (D) in paragraph (4), by striking “title—
22 ” and all that follows through the end of the
23 paragraph and inserting “title, \$26,800,000 for
24 each of fiscal years 2016 through 2020.”; and

1 (E) in paragraph (5), by striking “title—
2 ” and all that follows through the end of the
3 paragraph and inserting “title, \$30,564,000 for
4 each of fiscal years 2016 through 2020.”; and
5 (3) by adding at the end the following:

6 “(b) ARCTIC PROGRAMS.—Of the amount authorized
7 by this section for each fiscal year—

8 “(1) \$10,000,000 is authorized for use—

9 “(A) to acquire hydrographic data;

10 “(B) to provide hydrographic services;

11 “(C) to conduct coastal change analyses
12 necessary to ensure safe navigation;

13 “(D) to improve the management of coast-
14 al change in the Arctic; and

15 “(E) to reduce risks of harm to Alaska
16 Native subsistence and coastal communities as-
17 sociated with increased international maritime
18 traffic; and

19 “(2) \$2,000,000 is authorized for use to ac-
20 quire hydrographic data and provide hydrographic
21 services in the Arctic necessary to delineate the
22 United States extended Continental Shelf.”.

23 (b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR
24 SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is
25 further amended by adding at the end the following:

1 “(c) LIMITATION ON ADMINISTRATIVE EXPENSES
2 FOR SURVEYS.—Of amounts authorized by this section for
3 each fiscal year for contract hydrographic surveys, not
4 more than 5 percent is authorized for administrative costs
5 associated with contract management.”.

Passed the Senate June 29, 2016.

Attest:

JULIE E. ADAMS,
Secretary.