

# Calendar No. 259

115TH CONGRESS  
1ST SESSION

# S. 171

[Report No. 115–181]

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. SULLIVAN (for himself, Mr. THUNE, Mr. NELSON, Ms. MURKOWSKI, Mr. SCHATZ, Ms. CANTWELL, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 7, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “National Oceanic and Atmospheric Administration Com-  
 4 missioned Officer Corps Amendments and Hydrographic  
 5 Services Improvement Act Reauthorization and Amend-  
 6 ments Act of 2017”.

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

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

**TITLE I—GENERAL PROVISIONS**

Sec. 101: Strength and distribution in grade.  
 Sec. 102: Recalled officers.  
 Sec. 103: Obligated service requirement.  
 Sec. 104: Training and physical fitness.  
 Sec. 105: Recruiting materials.  
 Sec. 106: Technical correction.

**TITLE II—PARITY AND RECRUITMENT**

Sec. 201: Education loans.  
 Sec. 202: Interest payments.  
 Sec. 203: Student pre-commissioning program.  
 Sec. 204: Limitation on educational assistance.  
 Sec. 205: Applicability of certain provisions of title 10, United States Code, and  
 extension of certain authorities applicable to members of the  
 Armed Forces to commissioned officer corps.  
 Sec. 206: Applicability of certain provisions of title 37, United States Code.  
 Sec. 207: Legion of Merit award.  
 Sec. 208: Prohibition on retaliatory personnel actions.  
 Sec. 209: Penalties for wearing uniform without authority.  
 Sec. 210: Application of certain provisions of competitive service law.  
 Sec. 211: Employment and reemployment rights.  
 Sec. 212: Treatment of commission in commissioned officer corps for purposes  
 of certain hiring decisions.  
 Sec. 213: Direct hire authority.

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

Sec. 301: Appointments.  
 Sec. 302: Personnel boards.  
 Sec. 303: Delegation of authority.  
 Sec. 304: Assistant Administrator of the Office of Marine and Aviation Oper-  
 ations.

Sec. 305. Temporary appointments.  
 Sec. 306. Officer candidates.  
 Sec. 307. Procurement of personnel.

#### TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 401. Involuntary retirement or separation.  
 Sec. 402. Separation pay.

#### TITLE V—HYDROGRAPHIC SERVICES AND OTHER MATTERS

Sec. 501. Reauthorization of Hydrographic Services Improvement Act of 1998.  
 Sec. 502. Waivers of bond requirements for certain contracts.

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

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

## 11 **TITLE I—GENERAL PROVISIONS**

### 12 **SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.**

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

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

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

19 **“(1)** Vice admiral.

20 **“(2)** Rear admiral.

1           ~~“(3) Rear admiral (lower half).~~

2           ~~“(4) Captain.~~

3           ~~“(5) Commander.~~

4           ~~“(6) Lieutenant commander.~~

5           ~~“(7) Lieutenant.~~

6           ~~“(8) Lieutenant (junior grade).~~

7           ~~“(9) Ensign.~~

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

12          ~~“(c) ANNUAL COMPUTATION OF NUMBER IN~~  
 13 ~~GRADE.—~~

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

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

23           ~~“(3) FRACTIONS.—If a final fraction occurs in~~  
 24 ~~computing the authorized number of officers in a~~  
 25 ~~grade, the nearest whole number shall be taken. If~~

1 the fraction is  $\frac{1}{2}$ , the next higher whole number  
 2 shall be taken.

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

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

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

19 **SEC. 102. RECALLED OFFICERS.**

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

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

23 “(a) IN GENERAL.—Effective”; and

24 (2) by adding at the end the following new sub-  
 25 section:

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

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

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

9       **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

13       “(a) IN GENERAL.—

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

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

1       “(b) REPAYMENT FOR FAILURE TO SATISFY RE-  
2       QUIREMENTS.—

3               “(1) IN GENERAL.—The Secretary may require  
4       an officer who fails to meet the service requirements  
5       prescribed under subsection (a)(1) to reimburse the  
6       Secretary in an amount that bears the same ratio to  
7       the total costs of the training provided to that offi-  
8       cer by the Secretary as the unserved portion of ac-  
9       tive duty bears to the total period of active duty the  
10      officer agreed to serve.

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

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

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

24              “(1) becomes unqualified to serve on active  
25      duty in the commissioned officer corps of the Ad-

1       ministration because of a circumstance not within  
2       the control of that officer; or

3           ~~“(2) is—~~

4                   ~~“(A) not physically qualified for appoint-~~  
5                   ~~ment; and~~

6                   ~~“(B) determined to be unqualified for serv-~~  
7                   ~~ice in the commissioned officer corps of the Ad-~~  
8                   ~~ministration because of a physical or medical~~  
9                   ~~condition that was not the result of the officer’s~~  
10                  ~~own misconduct or grossly negligent conduct.”.~~

11       (b) CLERICAL AMENDMENT.—The table of sections  
12 in section 1 of the Act entitled “An Act to authorize the  
13 Hydrographic Services Improvement Act of 1998, and for  
14 other purposes” (Public Law 107–372) is amended by in-  
15 serting after the item relating to section 215 the following:  
      “Sec. 216. Obligated service requirement.”.

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

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

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

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



1 necessary to carry out such duties. Such measures may  
2 include the following:

3           “(1) Carrying out training programs and cor-  
4           respondence courses, including establishing and op-  
5           erating a basic officer training program to provide  
6           initial indoctrination and maritime vocational train-  
7           ing for officer candidates as well as refresher train-  
8           ing, mid-career training, aviation training, and such  
9           other training as the Secretary considers necessary  
10          for officer development and proficiency.

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

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

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

20          (b) CLERICAL AMENDMENT.—The table of sections  
21          in section 1 of the Act entitled “An Act to authorize the  
22          Hydrographic Services Improvement Act of 1998, and for  
23          other purposes” (Public Law 107–372), as amended by  
24          section 103(b), is further amended by inserting after the  
25          item relating to section 216 the following:

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

1 **SEC. 105. RECRUITING MATERIALS.**

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

5 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC**  
6 **RELATIONS.**

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

14 (b) ~~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 104(b), is further amended by inserting after the  
19 item relating to section 217 the following:

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

20 **SEC. 106. TECHNICAL CORRECTION.**

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

## TITLE II—PARITY AND RECRUITMENT

### SEC. 201. EDUCATION LOANS.

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

#### “SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—

For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

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

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

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

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

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

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

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

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

20           “(d) LOAN REPAYMENTS.—

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

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

7           “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

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

23           “(3) PERSONS ON ACTIVE DUTY BEFORE EN-  
 24 TERING INTO AGREEMENT.—The active duty service  
 25 obligation of persons on active duty before entering

1 into the agreement shall be served after the conclu-  
 2 sion of any other obligation incurred under the  
 3 agreement.

4 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-  
 5 TION.—

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

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

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

19 “(1) standards for qualified loans and author-  
 20 ized payees; and

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

23 (b) CLERICAL AMENDMENT.—The table of sections  
 24 in section 1 of the Act entitled “An Act to authorize the  
 25 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 266 the following:  
 “Sec. 267. Education loan repayment program.”.

3 **SEC. 202. INTEREST PAYMENTS.**

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

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

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

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

14 “(1) is serving on active duty;

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

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

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

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

23 “(1) A loan made, insured, or guaranteed under  
 24 part B of title IV of the Higher Education Act of  
 25 1965 (20 U.S.C. 1071 et seq.).

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

3           ~~“(3) A loan made under part E of such title~~  
 4           ~~(20 U.S.C. 1087aa et seq.).~~

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

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

13           ~~“(f) COORDINATION WITH SECRETARY OF EDU-~~  
 14           ~~CATION.—~~

15           ~~“(1) IN GENERAL.—The Secretary shall consult~~  
 16           ~~with the Secretary of Education regarding the ad-~~  
 17           ~~ministration of this section.~~

18           ~~“(2) TRANSFER OF FUNDS.—The Secretary~~  
 19           ~~shall transfer to the Secretary of Education the~~  
 20           ~~funds necessary—~~

21           ~~“(A) to pay interest and special allowances~~  
 22           ~~on student loans under this section (in accord-~~  
 23           ~~ance with sections 428(o), 455(l), and 464(j) of~~  
 24           ~~the Higher Education Act of 1965 (20 U.S.C.~~  
 25           ~~1078(o), 1087e(l), and 1087dd(j))); and~~



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

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

13          (b) CONFORMING AMENDMENTS.—

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

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

20           (B) in paragraph (1)—

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

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

5           (2) Sections 455(l) and 464(j) of the Higher  
6           Education Act of 1965 (20 U.S.C. 1087e(l) and  
7           1087dd(j)) are each amended—

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

12                  (B) in paragraph (1)—

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

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

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

1 section 201(b), is further amended by inserting after the  
 2 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

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

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

7 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 8 **SISTANCE PROGRAM.**

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

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

20 “(2) a postbaccalaureate degree.

21 “(b) ELIGIBLE PERSONS.—

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

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

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

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

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

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

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

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

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

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

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

6           “(2) The cost of books.

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

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

12       “(d) ~~LIMITATION ON AMOUNT.—~~The Secretary shall  
 13 prescribe the amount of financial assistance provided to  
 14 a person under subsection (a), which may not exceed the  
 15 amount specified in section 2173(e)(2) of title 40, United  
 16 States Code, for each year of obligated service that a per-  
 17 son agrees to serve in an agreement described in sub-  
 18 section (b)(2).

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

22       “(f) ~~SUBSISTENCE ALLOWANCE.—~~

23           “(1) ~~IN GENERAL.—~~A person who receives fi-  
 24 nancial assistance under subsection (a) shall be enti-  
 25 tled to a monthly subsistence allowance at a rate

1 prescribed under paragraph (2) for the duration of  
 2 the period for which the person receives such finan-  
 3 cial assistance.

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

9 “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

22 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

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

4           “(B) the misconduct of the person results  
5           in a failure to complete the period of active  
6           duty required under the agreement; or

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

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

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

22                 “(A) becomes unqualified to serve on active  
23                 duty in the commissioned officer corps of the  
24                 Administration because of a circumstance not  
25                 within the control of that person; or

1 “(B) is—

2 “(i) not physically qualified for ap-  
3 pointment; and

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

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

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

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

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



1 Hydrographic Services Improvement Act of 1998, and for  
 2 other purposes” (Public Law 107–372), as amended by  
 3 section 202(e), is further amended by inserting after the  
 4 item relating to section 268 the following:

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

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

6 (a) IN GENERAL.—Each fiscal year, beginning with  
 7 the fiscal year in which this Act is enacted, the Secretary  
 8 of Commerce shall ensure that the total amount expended  
 9 by the Secretary under section 267 of the National Oce-  
 10 anic and Atmospheric Administration Commissioned Offi-  
 11 cer Corps Act of 2002 (as added by section 201(a)), sec-  
 12 tion 268 of such Act (as added by section 202(a)), and  
 13 section 269 of such Act (as added by section 203(a)) does  
 14 not exceed the amount by which—

15 (1) the total amount the Secretary would pay in  
 16 that fiscal year to officer candidates under section  
 17 203(f)(1) of title 37, United States Code (as added  
 18 by section 306(d)), if such section entitled officers  
 19 candidates to pay at monthly rates equal to the  
 20 basic pay of a commissioned officer in the pay grade  
 21 O–1 with less than 2 years of service, exceeds

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

1       (b) OFFICER CANDIDATE DEFINED.—In this section;  
 2 the term “officer candidate” has the meaning given the  
 3 term in section 212 of the National Oceanic and Atmos-  
 4 pheric Administration Commissioned Officer Corps Act of  
 5 2002 (33 U.S.C. 3002), as added by section 306(e).

6 **SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 7 **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
 8 **SION OF CERTAIN AUTHORITIES APPLICABLE**  
 9 **TO MEMBERS OF THE ARMED FORCES TO**  
 10 **COMMISSIONED OFFICER CORPS.**

11       (a) APPLICABILITY OF CERTAIN PROVISIONS OF  
 12 TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amend-  
 13 ed—

14           (1) by redesignating paragraphs (13) through  
 15 (16) as paragraphs (22) through (25), respectively;

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

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

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

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

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

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

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

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

7           ~~“(11) Section 1074n, relating to annual mental~~  
 8           ~~health assessments.~~

9           ~~“(12) Section 1090a, relating to referrals for~~  
 10          ~~mental health evaluations.~~

11          ~~“(13) Chapter 58, relating to the Benefits and~~  
 12          ~~Services for members being separated or recently~~  
 13          ~~separated.”; and~~

14          ~~(6) by inserting after paragraph (19), as redes-~~  
 15          ~~ignated, the following:~~

16          ~~“(20) Subchapter I of chapter 88, relating to~~  
 17          ~~Military Family Programs.~~

18          ~~“(21) Section 2005, relating to advanced edu-~~  
 19          ~~cation assistance, active duty agreements, and reim-~~  
 20          ~~bursement requirements.”.~~

21          ~~(b) EXTENSION OF CERTAIN AUTHORITIES.—~~

22          ~~(1) NOTARIAL SERVICES.—Section 1044a of~~  
 23          ~~title 10, United States Code, is amended—~~

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

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

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

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

13           (B) by adding at the end the following new  
14           subsection:

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

23           (3) CAPSTONE COURSE FOR NEWLY SELECTED  
24           FLAG OFFICERS.—Section 2153 of such title is  
25           amended—

1                   (A) in subsection (a)—

2                   (i) by inserting “or the commissioned  
3                   officer corps of the National Oceanic and  
4                   Atmospheric Administration” after “in the  
5                   ease of the Navy”; and

6                   (ii) by striking “other armed forces”  
7                   and inserting “other uniformed services”;  
8                   and

9                   (B) in subsection (b)(1), in the matter be-  
10                  fore subparagraph (A), by inserting “or the  
11                  Secretary of Commerce, as applicable,” after  
12                  “the Secretary of Defense”.

13 **SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF**  
14 **TITLE 37, UNITED STATES CODE.**

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

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

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

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

3           ~~“(2) Section 403(f)(3), relating to prescribing~~  
 4           ~~regulations defining the terms ‘field duty’ and ‘sea~~  
 5           ~~duty’.~~

6           ~~“(3) Section 403(1), relating to temporary con-~~  
 7           ~~tinuation of housing allowance for dependents of~~  
 8           ~~members dying on active duty.~~

9           ~~“(4) Section 488, relating to allowances for re-~~  
 10          ~~cruiting expenses.~~

11          ~~“(5) Section 495, relating to allowances for fu-~~  
 12          ~~neral honors duty.~~

13          ~~“(b) REFERENCES.—The authority vested by title 37,~~  
 14          ~~United States Code, in the ‘military departments’, ‘the~~  
 15          ~~Secretary concerned’, or ‘the Secretary of Defense’ with~~  
 16          ~~respect to the provisions of law referred to in subsection~~  
 17          ~~(a) shall be exercised, with respect to the commissioned~~  
 18          ~~officer corps of the Administration, by the Secretary of~~  
 19          ~~Commerce or the Secretary’s designee.”.~~

20          ~~(b) PERSONAL MONEY ALLOWANCE.—Section 414 of~~  
 21          ~~title 37, United States Code, is amended by inserting “or~~  
 22          ~~the director of the commissioned officer corps of the Na-~~  
 23          ~~tional Oceanic and Atmospheric Administration” after~~  
 24          ~~“Health Service”.~~

1       (c) 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) is amended by in-  
 5 serting after the item relating to section 261 the following:

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

6 **SEC. 207. LEGION OF MERIT AWARD.**

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

10 **SEC. 208. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
 11 **TIONS.**

12       (a) IN GENERAL.—Subsection (a) of section 261 (33  
 13 U.S.C. 3071), as amended by section 205(a), is further  
 14 amended—

15           (1) by redesignating paragraphs (8) through  
 16 (25) as paragraphs (9) through (26), respectively;  
 17 and

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

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

23       (b) CONFORMING AMENDMENT.—Subsection (b) of  
 24 such section is amended by adding at the end the fol-

1 lowing: “For purposes of paragraph (8) of subsection (a),  
 2 the term ‘Inspector General’ in section 1034 of such title  
 3 10 shall mean the Inspector General of the Department  
 4 of Commerce.”.

5 (e) REGULATIONS.—Such section is further amended  
 6 by adding at the end the following:

7 “(e) REGULATIONS REGARDING PROTECTED COM-  
 8 MUNICATIONS AND PROHIBITION OF RETALIATORY PER-  
 9 SONNEL ACTIONS.—The Secretary may promulgate regu-  
 10 lations to carry out the application of section 1034 of title  
 11 10, United States Code, to the commissioned officer corps  
 12 of the Administration, including by promulgating such ad-  
 13 ministrative procedures for investigation and appeal with-  
 14 in the commissioned officer corps as the Secretary con-  
 15 sider appropriate.”.

16 **SEC. 209. PENALTIES FOR WEARING UNIFORM WITHOUT**  
 17 **AUTHORITY.**

18 Section 702 of title 18, United States Code, is  
 19 amended by striking “Service or any” and inserting “Serv-  
 20 ice, the commissioned officer corps of the National Oee-  
 21 anic and Atmospheric Administration, or any”.

22 **SEC. 210. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
 23 **PETITIVE SERVICE LAW.**

24 Section 3304(f) of title 5, United States Code, is  
 25 amended—



1           (1) in paragraph (1), by inserting “and mem-  
 2       bers of the commissioned officer corps of the Na-  
 3       tional Oceanic and Atmospheric Administration (or  
 4       its predecessor organization the Coast and Geodetic  
 5       Survey) separated from such uniformed service”  
 6       after “separated from the armed forces”;

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

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

15   **SEC. 211. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

20   **SEC. 212. TREATMENT OF COMMISSION IN COMMISSIONED**  
 21                   **OFFICER CORPS FOR PURPOSES OF CERTAIN**  
 22                   **HIRING DECISIONS.**

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

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

5       “(a) IN GENERAL.—In any case in which the Sec-  
 6 retary accepts an application for a position of employment  
 7 with the Administration and limits consideration of appli-  
 8 cations for such position to applications submitted by indi-  
 9 viduals serving in a career or career-conditional position  
 10 in the competitive service within the Administration, the  
 11 Secretary shall deem an officer who has served as an offi-  
 12 cer in the commissioned officer corps for at least 3 years  
 13 to be serving in a career or career-conditional position in  
 14 the competitive service within the Administration for pur-  
 15 poses of such limitation.

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

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

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

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

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

5 **SEC. 213. DIRECT HIRE AUTHORITY.**

6 (a) IN GENERAL.—The head of a Federal agency  
 7 may appoint, without regard to the provisions of sub-  
 8 chapter I of chapter 33 of title 5, United States Code,  
 9 other than sections 3303 and 3328 of such title, a quali-  
 10 fied candidate described in subsection (b) directly to a po-  
 11 sition in the agency for which the candidate meets quali-  
 12 fication standards of the Office of Personnel Management.

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

17 (1) fulfilled his or her obligated service require-  
 18 ment under section 216 of the National Oceanic and  
 19 Atmospheric Administration Commissioned Officer  
 20 Corps Act of 2002, as added by section 103;

21 (2) if no longer a member of the commissioned  
 22 officer corps of the Administration, was not dis-  
 23 charged or released therefrom as part of a discipli-  
 24 nary action; and

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

4           ~~(c) EFFECTIVE DATE.~~—This section shall apply with  
 5           respect to appointments made in fiscal year 2017 and in  
 6           each fiscal year thereafter.

## 7       **TITLE III—APPOINTMENTS AND** 8       **PROMOTION OF OFFICERS**

### 9       **SEC. 301. APPOINTMENTS.**

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

### 12       **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-** 13       **MENTS.**

14       ~~“(a) ORIGINAL APPOINTMENTS.—~~

15       ~~“(1) GRADES.—~~

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

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

22                       ~~“(ii) the commissioned officer corps of~~  
 23                       ~~the Administration.~~

24               ~~“(B) APPOINTMENT OF OFFICER CAN-~~  
 25       ~~DIDATES.—~~

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

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

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

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

20               “(B) Graduates of the military service  
 21               academies of the United States who otherwise  
 22               meet the academic standards for enrollment in  
 23               the training program described in subparagraph  
 24               (A).

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

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

6                   ~~“(ii) completed at least 3 years of~~  
 7                   ~~regimented training while at a maritime~~  
 8                   ~~academy of a State; and~~

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

13           ~~“(D) Licensed officers of the United States~~  
 14           ~~merchant marine who have served 2 or more~~  
 15           ~~years aboard a vessel of the United States in~~  
 16           ~~the capacity of a licensed officer, who otherwise~~  
 17           ~~meet the academic standards for enrollment in~~  
 18           ~~the training program described in subparagraph~~  
 19           ~~(A).~~

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

21                   ~~“(A) MARITIME ACADEMIES OF THE~~  
 22                   ~~STATES.—The term ‘maritime academies of the~~  
 23                   ~~States’ means the following:~~

24                   ~~“(i) California Maritime Academy,~~  
 25                   ~~Vallejo, California.~~

1                   “(ii) Great Lakes Maritime Academy,  
2                   Traverse City, Michigan.

3                   “(iii) Maine Maritime Academy,  
4                   Castine, Maine.

5                   “(iv) Massachusetts Maritime Acad-  
6                   emy, Buzzards Bay, Massachusetts.

7                   “(v) State University of New York  
8                   Maritime College, Fort Schuyler, New  
9                   York.

10                  “(vi) Texas A&M Maritime Academy,  
11                  Galveston, Texas.

12                  “(B) MILITARY SERVICE ACADEMIES OF  
13                  THE UNITED STATES.—The term ‘military serv-  
14                  ice academies of the United States’ means the  
15                  following:

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

18                   “(ii) The United States Naval Acad-  
19                   emy, Annapolis, Maryland.

20                   “(iii) The United States Air Force  
21                   Academy, Colorado Springs, Colorado.

22                   “(iv) The United States Coast Guard  
23                   Academy, New London, Connecticut.

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

1       “(b) REAPPOINTMENT.—

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

7               “(2) REAPPOINTMENTS TO HIGHER GRADES.—

8       An appointment under paragraph (1) to a position  
9       of importance and responsibility designated under  
10      section 228 may only be made by the President.

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

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

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



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

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

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

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

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

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

19 **SEC. 302. PERSONNEL BOARDS.**

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

22 **“SEC. 222. PERSONNEL BOARDS.**

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

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

3 ~~“(b) MEMBERSHIP.—~~

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

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

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

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

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

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

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

7       **SEC. 303. DELEGATION OF AUTHORITY.**

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

9               (1) by striking “Appointments” and inserting  
 10 the following:

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

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

13       “(b) DELEGATION OF APPOINTMENT AUTHORITY.—

14 If the President delegates authority to the Secretary to  
 15 make appointments under this section, the President shall,  
 16 during a period in which the position of the Secretary is  
 17 vacant, delegate such authority to the Deputy Secretary  
 18 of Commerce or the Under Secretary for Oceans and At-  
 19 mosphere during such period.”.

20       **SEC. 304. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**  
 21               **MARINE AND AVIATION OPERATIONS.**

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

23               (1) in the fourth sentence, by striking “Direc-  
 24 tor” and inserting “Assistant Administrator”; and

1           (2) in the heading, by inserting “ASSISTANT  
2       ADMINISTRATOR OF THE” before “OFFICE”.

3   **SEC. 305. TEMPORARY APPOINTMENTS.**

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

6   **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

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

1       “(e) **DELEGATION OF APPOINTMENT AUTHORITY.**—

2   If the President delegates authority to the Secretary to  
3   make appointments under this section, the President shall,  
4   during a period in which the position of the Secretary is  
5   vacant, delegate such authority to the Deputy Secretary  
6   of Commerce or the Under Secretary for Oceans and At-  
7   mosphere during such period.”.

8       (b) **CLERICAL AMENDMENT.**—The table of sections  
9   in section 1 of the Act entitled “An Act to authorize the  
10  Hydrographic Services Improvement Act of 1998, and for  
11  other purposes” (Public Law 107–372) is amended by  
12  striking the item relating to section 229 and inserting the  
13  following:

“Sec. 229. Temporary appointments.”.

14 **SEC. 306. OFFICER CANDIDATES.**

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

17 **“SEC. 234. OFFICER CANDIDATES.**

18       “(a) **DETERMINATION OF NUMBER.**—The Secretary  
19  shall determine the number of appointments of officer can-  
20  didates:

21       “(b) **APPOINTMENT.**—Appointment of officer can-  
22  didates shall be made under regulations which the Sec-  
23  retary shall prescribe, including regulations with respect  
24  to determining age limits, methods of selection of officer  
25  candidates, term of service as an officer candidate before

1 graduation from the program, and all other matters af-  
 2 fecting such appointment.

3       “(c) DISMISSAL.—The Secretary may dismiss from  
 4 the basic officer training program of the Administration  
 5 any officer candidate who, during the officer candidate’s  
 6 term as an officer candidate, the Secretary considers un-  
 7 satisfactory in either academics or conduct, or not adapted  
 8 for a career in the commissioned officer corps of the Ad-  
 9 ministration. Officer candidates shall be subject to rules  
 10 governing discipline prescribed by the Director of the Na-  
 11 tional Oceanic and Atmospheric Administration Commis-  
 12 sioned Officer Corps.

13       “(d) AGREEMENT.—

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

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

22           “(A) That the officer candidate will com-  
 23 plete the course of instruction at the basic offi-  
 24 cer training program of the Administration.

1                   “(B) That upon graduation from the such  
2                   program, the officer candidate—

3                   “(i) will accept an appointment, if  
4                   tendered, as an officer; and

5                   “(ii) will serve on active duty for at  
6                   least 4 years immediately after such ap-  
7                   pointment.

8                   “(e) REGULATIONS.—The Secretary shall prescribe  
9 regulations to carry out this section. Such regulations  
10 shall include—

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

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

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

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

“Sec. 234. Officer candidates.”.

1       ~~(c) OFFICER CANDIDATE DEFINED.—Section 212(b)~~  
 2 ~~(33 U.S.C. 3002(b)) is amended—~~

3           ~~(1) by redesignating paragraphs (4) through~~  
 4 ~~(6) as paragraphs (5) through (7), respectively; and~~  
 5           ~~(2) by inserting after paragraph (3) the fol-~~  
 6 ~~lowing:~~

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

12       ~~(d) PAY FOR OFFICER CANDIDATES.—Section 203 of~~  
 13 ~~title 37, United States Code, is amended by adding at the~~  
 14 ~~end the following:~~

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

22       ~~“(2) An individual who graduates from such program~~  
 23 ~~shall receive credit for the time spent participating in such~~  
 24 ~~program as if such time were time served while on active~~  
 25 ~~duty as a commissioned officer. If the individual does not~~



1 graduate from such program, such time shall not be con-  
 2 sidered creditable for active duty or pay.”.

3 **SEC. 307. PROCUREMENT OF PERSONNEL.**

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

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

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

12 (b) ~~CLERICAL AMENDMENT.~~—The table of sections  
 13 in section 1 of the Act entitled “An Act to authorize the  
 14 Hydrographic Services Improvement Act of 1998, and for  
 15 other purposes” (Public Law 107–372), as amended by  
 16 section 306(b), is further amended by inserting after the  
 17 item relating to section 234 the following:

“235. Procurement of personnel.”.

18 **TITLE IV—SEPARATION AND**  
 19 **RETIREMENT OF OFFICERS**

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

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

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

1           “(1) IN GENERAL.—If the Secretary determines  
 2           that the evaluation of the medical condition of an of-  
 3           ficer requires hospitalization or medical observation  
 4           that cannot be completed with confidence in a man-  
 5           ner consistent with the officer’s well being before the  
 6           date on which the officer would otherwise be re-  
 7           quired to retire or be separated under this section;  
 8           the Secretary may defer the retirement or separation  
 9           of the officer.

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

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

20   **SEC. 402. SEPARATION PAY.**

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

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

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

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

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

## 7 **TITLE V—HYDROGRAPHIC** 8 **SERVICES AND OTHER MATTERS**

### 9 **SEC. 501. REAUTHORIZATION OF HYDROGRAPHIC SERV-** 10 **ICES IMPROVEMENT ACT OF 1998.**

11 (a) REAUTHORIZATIONS.—Section 306 of the Hydro-  
12 graphic Services Improvement Act of 1998 (33 U.S.C.  
13 892d) is amended—

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

16 “(a) IN GENERAL.—There are”;

17 (2) in subsection (a) (as designated by para-  
18 graph (1))—

19 (A) in paragraph (1), by striking “sur-  
20 veys—” and all that follows through the end of  
21 the paragraph and inserting “surveys,  
22 \$70,814,000 for each of fiscal years 2017  
23 through 2021.”;

24 (B) in paragraph (2), by striking “ves-  
25 sels—” and all that follows through the end of

1 the paragraph and inserting “vessels,  
 2 \$25,000,000 for each of fiscal years 2017  
 3 through 2021.”;

4 (C) in paragraph (3), by striking “Admin-  
 5 istration—” and all that follows through the  
 6 end of the paragraph and inserting “Adminis-  
 7 tration, \$29,932,000 for each of fiscal years  
 8 2017 through 2021.”;

9 (D) in paragraph (4), by striking  
 10 “title—” and all that follows through the end  
 11 of the paragraph and inserting “title,  
 12 \$26,800,000 for each of fiscal years 2017  
 13 through 2021.”; and

14 (E) in paragraph (5), by striking  
 15 “title—” and all that follows through the end  
 16 of the paragraph and inserting “title,  
 17 \$30,564,000 for each of fiscal years 2017  
 18 through 2021.”; and

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

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

22 “(1) \$10,000,000 is authorized for use—

23 “(A) to acquire hydrographic data;

24 “(B) to provide hydrographic services;

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

5 “(E) to reduce risks of harm to Alaska  
6 Native subsistence and coastal communities as-  
7 sociated with increased international maritime  
8 traffic; and

9                   “(2) \$2,000,000 is authorized for use to ac-  
10       quire hydrographic data and provide hydrographic  
11       services in the Arctic necessary to delineate the  
12       United States extended Continental Shelf.”.

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

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

21 SEC. 502. WAIVERS OF BOND REQUIREMENTS FOR CERTAIN  
22 CONTRACTS.

Section 3134 of title 40, United States Code, is amended by adding at the end the following:

1       “(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
 2       ISTRATION.—The Secretary of Commerce may waive this  
 3       subchapter with respect to contracts for the construction,  
 4       alteration, or repair of vessels, regardless of the terms of  
 5       the contracts as to payment or title, when the contract  
 6       is made under the Act entitled ‘An Act to define the func-  
 7       tions and duties of the Coast and Geodetic Survey, and  
 8       for other purposes’, approved August 6, 1947 (33 U.S.C.  
 9       883a et seq.).”.

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

11       (a) *SHORT TITLE.*—This Act may be cited as the “Na-  
 12       tional Oceanic and Atmospheric Administration Commis-  
 13       sioned Officer Corps Amendments and Hydrographic Serv-  
 14       ices Improvement Act Reauthorization and Amendments  
 15       Act of 2017”.

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to National Oceanic and Atmospheric Administration Commis-  
 sioned Officer Corps Act of 2002.*

**TITLE I—GENERAL PROVISIONS**

*Sec. 101. Strength and distribution in grade.*

*Sec. 102. Recalled officers.*

*Sec. 103. Obligated service requirement.*

*Sec. 104. Training and physical fitness.*

*Sec. 105. Recruiting materials.*

*Sec. 106. Technical correction.*

**TITLE II—PARITY AND RECRUITMENT**

*Sec. 201. Education loans.*

*Sec. 202. Interest payments.*

*Sec. 203. Student pre-commissioning program.*

*Sec. 204. Limitation on educational assistance.*

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

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

*Sec. 207. Legion of Merit award.*

*Sec. 208. Prohibition on retaliatory personnel actions.*

*Sec. 209. Penalties for wearing uniform without authority.*

*Sec. 210. Application of certain provisions of competitive service law.*

*Sec. 211. Employment and reemployment rights.*

*Sec. 212. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.*

*Sec. 213. Direct hire authority.*

### **TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS**

*Sec. 301. Appointments.*

*Sec. 302. Personnel boards.*

*Sec. 303. Delegation of authority.*

*Sec. 304. Assistant Administrator of the Office of Marine and Aviation Operations.*

*Sec. 305. Temporary appointments.*

*Sec. 306. Officer candidates.*

*Sec. 307. Procurement of personnel.*

### **TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS**

*Sec. 401. Involuntary retirement or separation.*

*Sec. 402. Separation pay.*

### **TITLE V—HYDROGRAPHIC SERVICES AND OTHER MATTERS**

*Sec. 501. Reauthorization of Hydrographic Services Improvement Act of 1998.*

*Sec. 502. System for tracking and reporting all-inclusive cost of hydrographic surveys.*

*Sec. 503. Plans for construction of new port facility for homeporting of R/V FAIRWEATHER.*

*Sec. 504. Waivers of bond requirements for certain contracts.*

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

4 *Except as otherwise expressly provided, whenever in*  
5 *this Act an amendment or repeal is expressed in terms of*  
6 *an amendment to, or repeal of, a section or other provision,*  
7 *the reference shall be considered to be made to a section or*  
8 *other provision of the National Oceanic and Atmospheric*

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

3 ***TITLE I—GENERAL PROVISIONS***

4 ***SEC. 101. 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 pre-*  
 21 *scribe, with respect to the distribution on the lineal list in*  
 22 *grade, the percentages applicable to the grades set forth in*  
 23 *subsection (a).*

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



1           “(1) *IN GENERAL.*—Not less frequently than once  
 2           each year, the Secretary shall make a computation to  
 3           determine the number of officers on the lineal list au-  
 4           thorized 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 officers  
 8           serving on active duty on the date the computation is  
 9           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 the  
 13          fraction is  $\frac{1}{2}$ , the next higher whole number shall be  
 14          taken.

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

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

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

6   **SEC. 102. RECALLED OFFICERS.**

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

8           *(1) in the matter before paragraph (1), by strik-*  
 9       *ing “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 sec-*  
 15       *tion 228 and officers recalled from retired status or detailed*  
 16       *to an agency other than the Administration—*

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

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

21   **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

25       “(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 ap-*  
 10           *pointments, training, promotions, separations, and*  
 11           *retirements as the Secretary considers appropriate.*

12           “(b) *REPAYMENT FOR FAILURE TO SATISFY REQUIRE-*  
 13           *MENTS.*—

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 officer*  
 19           *by the Secretary as the unserved portion of active*  
 20           *duty bears to the total period of active duty the officer*  
 21           *agreed to serve.*

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

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

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

10           “(1) becomes unqualified to serve on active duty  
 11           in the commissioned officer corps of the Administra-  
 12           tion because of a circumstance not within the control  
 13           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 in  
 23           section 1 of the Act entitled “An Act to authorize the Hydro-  
 24           graphic Services Improvement Act of 1998, and for other

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

“Sec. 216. Obligated service requirement.”.

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

4 (a) *IN GENERAL.*—Subtitle A (33 U.S.C. 3001 et seq.),  
 5 as amended by section 103(a), is further amended by add-  
 6 ing 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 nec-  
 12 essary to carry out such duties. Such measures may include  
 13 the following:

14 “(1) Carrying out training programs and cor-  
 15 respondence courses, including establishing and oper-  
 16 ating a basic officer training program to provide ini-  
 17 tial indoctrination and maritime vocational training  
 18 for officer candidates as well as refresher training,  
 19 mid-career training, aviation training, and such  
 20 other training as the Secretary considers necessary for  
 21 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 ensure*  
 2 *that officers maintain a high physical state of readiness by*  
 3 *establishing standards of physical fitness for officers that*  
 4 *are substantially equivalent to those prescribed for officers*  
 5 *in the Coast Guard.*”.

6       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 7 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 8 *graphic Services Improvement Act of 1998, and for other*  
 9 *purposes” (Public Law 107–372), as amended by section*  
 10 *103(b), is further amended by inserting after the item relat-*  
 11 *ing to section 216 the following:*

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

12 **SEC. 105. RECRUITING MATERIALS.**

13       (a) *IN GENERAL.*—*Subtitle A (33 U.S.C. 3001 et seq.),*  
 14 *as amended by section 104(a), is further amended by add-*  
 15 *ing at the end the following:*

16 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RE-**  
 17 **LATIONS.**

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 personnel*  
 21 *for the commissioned officer corps of the Administration.*  
 22 *Any such use shall be under such conditions and subject*  
 23 *to such restrictions as the Secretary shall prescribe.*”.

24       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 25 *section 1 of the Act entitled “An Act to authorize the Hydro-*

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

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

5 **SEC. 106. TECHNICAL CORRECTION.**

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

9 **TITLE II—PARITY AND**  
 10 **RECRUITMENT**

11 **SEC. 201. EDUCATION LOANS.**

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

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

15 *“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For*  
 16 *the purpose of maintaining adequate numbers of officers of*  
 17 *the commissioned officer corps of the Administration on ac-*  
 18 *tive duty who have skills required by the commissioned offi-*  
 19 *cer corps, the Secretary may repay, in the case of a person*  
 20 *described in subsection (b), a loan that—*

21 *“(1) was used by the person to finance edu-*  
 22 *cation; and*

23 *“(2) was obtained from a governmental entity,*  
 24 *private financial institution, educational institution,*  
 25 *or other authorized entity.*

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

3               “(1) *satisfy 1 of the requirements specified in*  
 4 *subsection (c);*

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

8               “(3) *sign a written agreement to serve on active*  
 9 *duty, or, if on active duty, to remain on active duty*  
 10 *for a period in addition to any other incurred active*  
 11 *duty obligation.*

12       “(c) *ACADEMIC AND PROFESSIONAL REQUIRE-*  
 13 *MENTS.*—*One of the following academic requirements must*  
 14 *be satisfied for purposes of determining the eligibility of an*  
 15 *individual for a loan repayment under this section:*

16               “(1) *The person is fully qualified in a profession*  
 17 *that the Secretary has determined to be necessary to*  
 18 *meet identified skill shortages in the commissioned of-*  
 19 *ficer corps.*

20               “(2) *The person is enrolled as a full-time student*  
 21 *in the final year of a course of study at an accredited*  
 22 *educational institution (as determined by the Sec-*  
 23 *retary of Education) leading to a degree in a profes-*  
 24 *sion that will meet identified skill shortages in the*  
 25 *commissioned officer corps.*



1 “(d) *LOAN REPAYMENTS.*—

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

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

12 “(e) *ACTIVE DUTY SERVICE OBLIGATION.*—

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

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

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

22 “(B) *MINIMUM OBLIGATION.*—*The regula-*  
 23 *tions prescribed under subparagraph (A) may*  
 24 *not provide for a period of obligation of less than*  
 25 *1 year for each maximum annual amount, or*

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

3           “(3) *PERSONS ON ACTIVE DUTY BEFORE ENTER-*  
4           *ING INTO AGREEMENT.*—*The active duty service obli-*  
5           *gation of persons on active duty before entering into*  
6           *the agreement shall be served after the conclusion of*  
7           *any other obligation incurred under the agreement.*

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

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

15           “(2) *REPAYMENT.*—*An officer who does not com-*  
16           *plete the period of active duty specified in the agree-*  
17           *ment entered into under subsection (b)(3), or the al-*  
18           *ternative obligation imposed under paragraph (1),*  
19           *shall be subject to the repayment provisions under sec-*  
20           *tion 216.*

21           “(g) *RULEMAKING.*—*The Secretary shall prescribe reg-*  
22           *ulations to carry out this section, including—*

23           “(1) *standards for qualified loans and authorized*  
24           *payees; and*

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

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

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

8   **SEC. 202. INTEREST PAYMENTS.**

9           (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
10 *as amended by section 201(a), is further amended by add-*  
11 *ing at the end the following:*

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

13           “(a) *AUTHORITY.*—*The Secretary may pay the interest*  
14 *and any special allowances that accrue on 1 or more stu-*  
15 *dent loans of an eligible officer, in accordance with this sec-*  
16 *tion.*

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

19                   “(1) *is serving on active duty;*

20                   “(2) *has not completed more than 3 years of*  
21 *service on active duty;*

22                   “(3) *is the debtor on 1 or more unpaid loans de-*  
23 *scribed in subsection (c); and*

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

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

4               “(1) *A loan made, insured, or guaranteed under*  
 5       *part B of title IV of the Higher Education Act of*  
 6       *1965 (20 U.S.C. 1071 et seq.).*

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

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

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

15       “(e) *FUNDS FOR PAYMENTS.*—*The Secretary may use*  
 16       *amounts appropriated for the pay and allowances of per-*  
 17       *sonnel of the commissioned officer corps of the Administra-*  
 18       *tion for payments under this section.*

19       “(f) *COORDINATION WITH SECRETARY OF EDU-*  
 20       *CATION.*—

21               “(1) *IN GENERAL.*—*The Secretary shall consult*  
 22       *with the Secretary of Education regarding the admin-*  
 23       *istration of this section.*

1           “(2) *TRANSFER OF FUNDS.*—*The Secretary shall*  
 2           *transfer to the Secretary of Education the funds nec-*  
 3           *essary—*

4                   “(A) *to pay interest and special allowances*  
 5                   *on student loans under this section (in accord-*  
 6                   *ance with sections 428(o), 455(l), and 464(j) of*  
 7                   *the Higher Education Act of 1965 (20 U.S.C.*  
 8                   *1078(o), 1087e(l), and 1087dd(j)); and*

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

17           “(g) *SPECIAL ALLOWANCE DEFINED.*—*In this section,*  
 18           *the term ‘special allowance’ means a special allowance that*  
 19           *is payable under section 438 of the Higher Education Act*  
 20           *of 1965 (20 U.S.C. 1087–1).”.*

21           (b) *CONFORMING AMENDMENTS.*—

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

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

1           *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
 2           *EST PAYMENT PROGRAMS”*; and

3           *(B) in paragraph (1)—*

4                     *(i) by inserting “or section 268 of the*  
 5                     *National Oceanic and Atmospheric Admin-*  
 6                     *istration Commissioned Officer Corps Act of*  
 7                     *2002” after “Code,”*; and

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

12           *(2) Sections 455(l) and 464(j) of the Higher*  
 13           *Education Act of 1965 (20 U.S.C. 1087e(l) and*  
 14           *1087dd(j)) are each amended—*

15                    *(A) by striking the subsection heading and*  
 16                    *inserting “ARMED FORCES AND NOAA COMMIS-*  
 17                    *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
 18                    *EST PAYMENT PROGRAMS”*; and

19           *(B) in paragraph (1)—*

20                     *(i) by inserting “or section 268 of the*  
 21                     *National Oceanic and Atmospheric Admin-*  
 22                     *istration Commissioned Officer Corps Act of*  
 23                     *2002” after “Code,”*; and

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

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

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

*“Sec. 268. Interest payment program.”.*

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

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

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

15       “(a) *AUTHORITY TO PROVIDE FINANCIAL ASSIST-*  
 16 *ANCE.—For the purpose of maintaining adequate numbers*  
 17 *of officers of the commissioned officer corps of the Adminis-*  
 18 *tration on active duty, the Secretary may provide financial*  
 19 *assistance to a person described in subsection (b) for ex-*  
 20 *penses of the person while the person is pursuing on a full-*  
 21 *time basis at an accredited educational institution (as de-*  
 22 *termined by the Secretary of Education) a program of edu-*  
 23 *cation approved by the Secretary that leads to—*

24               “(1) *a baccalaureate degree in not more than 5*  
 25               *academic years; or*

1           “(2) *a postbaccalaureate degree.*

2           “(b) *ELIGIBLE PERSONS.—*

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

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

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

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

16           “(2) *AGREEMENT.—A written agreement referred*  
 17           *to in paragraph (1)(C) is an agreement between the*  
 18           *person and the Secretary in which the person—*

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

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

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



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

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

6                   “(1) *Tuition and fees charged by the educational*  
7           *institution involved.*

8                   “(2) *The cost of books.*

9                   “(3) *In the case of a program of education lead-*  
10           *ing to a baccalaureate degree, laboratory expenses.*

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

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

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

23           “(f) *SUBSISTENCE ALLOWANCE.*—

24                   “(1) *IN GENERAL.*—*A person who receives finan-*  
25           *cial assistance under subsection (a) shall be entitled*

1       to a monthly subsistence allowance at a rate pre-  
 2       scribed under paragraph (2) for the duration of the  
 3       period for which the person receives such financial as-  
 4       sistance.

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

10       “(g) *INITIAL CLOTHING ALLOWANCE.*—

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

16               “(2) *APPOINTMENT.*—Upon completion of the  
 17       program of education for which a person receives fi-  
 18       nancial assistance under subsection (a) and accept-  
 19       ance of appointment in the commissioned officer corps  
 20       of the Administration, the person may be issued a  
 21       subsequent clothing allowance equivalent to that nor-  
 22       mally provided to a newly appointed officer.

23       “(h) *TERMINATION OF FINANCIAL ASSISTANCE.*—

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

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

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

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

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

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

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

5           “(B) is—

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

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

14          “(4) OBLIGATION AS DEBT TO UNITED STATES.—

15          *An obligation to reimburse the Secretary imposed*  
 16          *under paragraph (2) is, for all purposes, a debt owed*  
 17          *to the United States.*

18          “(5) DISCHARGE IN BANKRUPTCY.—A discharge

19          *in bankruptcy under title 11, United States Code,*  
 20          *that is entered less than 5 years after the termination*  
 21          *of a written agreement entered into under subsection*  
 22          *(b)(1)(C) does not discharge the person signing the*  
 23          *agreement from a debt arising under such agreement*  
 24          *or under paragraph (2).*

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

4       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 5 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 6 *graphic Services Improvement Act of 1998, and for other*  
 7 *purposes” (Public Law 107–372), as amended by section*  
 8 *202(c), is further amended by inserting after the item relat-*  
 9 *ing to section 268 the following:*

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

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

11       (a) *IN GENERAL.*—*Each fiscal year, beginning with*  
 12 *the fiscal year in which this Act is enacted, the Secretary*  
 13 *of Commerce shall ensure that the total amount expended*  
 14 *by the Secretary under section 267 of the National Oceanic*  
 15 *and Atmospheric Administration Commissioned Officer*  
 16 *Corps Act of 2002 (as added by section 201(a)), section 268*  
 17 *of such Act (as added by section 202(a)), and section 269*  
 18 *of such Act (as added by section 203(a)) does not exceed*  
 19 *the amount by which—*

20               (1) *the total amount the Secretary would pay in*  
 21 *that fiscal year to officer candidates under section*  
 22 *203(f)(1) of title 37, United States Code (as added by*  
 23 *section 306(d)), if such section entitled officers can-*  
 24 *didates to pay at monthly rates equal to the basic pay*

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

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

6       (b) *OFFICER CANDIDATE DEFINED.*—In this section,  
 7       the term “officer candidate” has the meaning given the term  
 8       in section 212 of the National Oceanic and Atmospheric  
 9       Administration Commissioned Officer Corps Act of 2002  
 10      (33 U.S.C. 3002), as added by section 306(c).

11   **SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 12                   **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
 13                   **SION OF CERTAIN AUTHORITIES APPLICABLE**  
 14                   **TO MEMBERS OF THE ARMED FORCES TO**  
 15                   **COMMISSIONED OFFICER CORPS.**

16       (a) *APPLICABILITY OF CERTAIN PROVISIONS OF TITLE*  
 17      10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

18               (1) by redesignating paragraphs (13) through  
 19       (16) as paragraphs (22) through (25), respectively;

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

22               (3) by redesignating paragraphs (4) through (6)  
 23       as paragraphs (8) through (10), respectively;

24               (4) by inserting after paragraph (3) the fol-  
 25       lowing:

1           “(4) Section 771, relating to unauthorized wear-  
2           ing of uniforms.

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

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

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

9           (5) by inserting after paragraph (10), as redesign-  
10          ated, the following:

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

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

15          “(13) Chapter 58, relating to the Benefits and  
16          Services for members being separated or recently sep-  
17          arated.”; and

18          (6) by inserting after paragraph (19), as redesign-  
19          ated, the following:

20          “(20) Subchapter I of chapter 88, relating to  
21          Military Family Programs.

22          “(21) Section 2005, relating to advanced edu-  
23          cation assistance, active duty agreements, and reim-  
24          bursement requirements.”.

25          (b) *EXTENSION OF CERTAIN AUTHORITIES.*—

1           (1) *NOTARIAL SERVICES*.—Section 1044a of title  
2       10, *United States Code*, is amended—

3           (A) in subsection (a)(1), by striking “armed  
4       forces” and inserting “uniformed services”; and

5           (B) in subsection (b)(4), by striking “armed  
6       forces” both places it appears and inserting  
7       “uniformed services”.

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

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

14          (B) by adding at the end the following new  
15       subsection:

16       “(g) *SECRETARY CONCERNED FOR ACCEPTANCE OF*  
17       *SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA*  
18       *CORPS AND THEIR FAMILIES*.—For purposes of the accept-  
19       ance of services described in subsection (a)(3), the term ‘Sec-  
20       retary concerned’ in subsection (a) shall include the Sec-  
21       retary of Commerce with respect to members of the commis-  
22       sioned officer corps of the National Oceanic and Atmos-  
23       pheric Administration.”.



1           (3) *CAPSTONE COURSE FOR NEWLY SELECTED*  
 2       *FLAG OFFICERS.*—Section 2153 of such title is  
 3       *amended—*

4                   (A) *in subsection (a)—*

5                           (i) *by inserting “or the commissioned*  
 6                           *officer corps of the National Oceanic and*  
 7                           *Atmospheric Administration” after “in the*  
 8                           *case of the Navy”; and*

9                           (ii) *by striking “other armed forces”*  
 10                           *and inserting “other uniformed services”;*  
 11                           *and*

12                   (B) *in subsection (b)(1), in the matter be-*  
 13                   *fore subparagraph (A), by inserting “or the Sec-*  
 14                   *retary of Commerce, as applicable,” after “the*  
 15                   *Secretary of Defense”.*

16 **SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 17 **TITLE 37, UNITED STATES CODE.**

18       (a) *IN GENERAL.*—Subtitle E (33 U.S.C. 3071 *et seq.*)  
 19 *is amended by inserting after section 261 the following:*

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

22       “(a) *PROVISIONS MADE APPLICABLE TO COMMIS-*  
 23       *SIONED OFFICER CORPS.*—*The provisions of law applicable*  
 24       *to the Armed Forces under the following provisions of title*

1 37, *United States Code*, shall apply to the commissioned  
 2 officer corps of the Administration:

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

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

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

11 “(4) Section 488, relating to allowances for re-  
 12 cruiting expenses.

13 “(5) Section 495, relating to allowances for fu-  
 14 neral honors duty.

15 “(b) *REFERENCES*.—The authority vested by title 37,  
 16 *United States Code*, in the ‘military departments’, ‘the Sec-  
 17 retary concerned’, or ‘the Secretary of Defense’ with respect  
 18 to the provisions of law referred to in subsection (a) shall  
 19 be exercised, with respect to the commissioned officer corps  
 20 of the Administration, by the Secretary of Commerce or the  
 21 Secretary’s designee.”.

22 (b) *PERSONAL MONEY ALLOWANCE*.—Section 414 of  
 23 title 37, *United States Code*, is amended by inserting “or  
 24 the director of the commissioned officer corps of the Na-

1 *tional Oceanic and Atmospheric Administration” after*  
 2 *“Health Service”.*

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

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

8 **SEC. 207. LEGION OF MERIT AWARD.**

9 *Section 1121 of title 10, United States Code, is amend-*  
 10 *ed by striking “armed forces” and inserting “uniformed*  
 11 *services”.*

12 **SEC. 208. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
 13 **TIONS.**

14 (a) *IN GENERAL.—Subsection (a) of section 261 (33*  
 15 *U.S.C. 3071), as amended by section 205(a), is further*  
 16 *amended—*

17 (1) *by redesignating paragraphs (8) through (25)*  
 18 *as paragraphs (9) through (26), respectively; and*

19 (2) *by inserting after paragraph (7) the fol-*  
 20 *lowing:*

21 “(8) *Section 1034, relating to protected commu-*  
 22 *nications and prohibition of retaliatory personnel ac-*  
 23 *tions.”.*

24 (b) *CONFORMING AMENDMENT.—Subsection (b) of such*  
 25 *section is amended by adding at the end the following: “For*

1 purposes of paragraph (8) of subsection (a), the term ‘In-  
 2 spector General’ in section 1034 of such title 10 shall mean  
 3 the Inspector General of the Department of Commerce.”.

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

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

15 **SEC. 209. PENALTIES FOR WEARING UNIFORM WITHOUT AU-**  
 16 **THORITY.**

17 Section 702 of title 18, United States Code, is amended  
 18 by striking “Service or any” and inserting “Service, the  
 19 commissioned officer corps of the National Oceanic and At-  
 20 mospheric Administration, or any”.

21 **SEC. 210. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
 22 **PETITIVE SERVICE LAW.**

23 Section 3304(f) of title 5, United States Code, is  
 24 amended—

1           (1) in paragraph (1), by inserting “and mem-  
 2       bers of the commissioned officer corps of the National  
 3       Oceanic and Atmospheric Administration (or its  
 4       predecessor organization the Coast and Geodetic Sur-  
 5       vey) separated from such uniformed service” after  
 6       “separated from the armed forces”;

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

9           (3) in paragraph (4), by inserting “and mem-  
 10      bers of the commissioned officer corps of the National  
 11      Oceanic and Atmospheric Administration (or its  
 12      predecessor organization the Coast and Geodetic Sur-  
 13      vey) separated from such uniformed service” after  
 14      “separated from the armed forces”.

15 **SEC. 211. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

20 **SEC. 212. TREATMENT OF COMMISSION IN COMMISSIONED**  
 21                               **OFFICER CORPS FOR PURPOSES OF CERTAIN**  
 22                               **HIRING DECISIONS.**

23       (a) *IN GENERAL*.—Subtitle E (33 U.S.C. 3071 et seq.),  
 24       as amended by this title, is further amended by adding at  
 25       the end the following:

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

5       “(a) *IN GENERAL.*—In any case in which the Sec-  
 6 retary accepts an application for a position of employment  
 7 with the Administration and limits consideration of appli-  
 8 cations for such position to applications submitted by indi-  
 9 viduals serving in a career or career-conditional position  
 10 in the competitive service within the Administration, the  
 11 Secretary shall deem an officer who has served as an officer  
 12 in the commissioned officer corps for at least 3 years to  
 13 be serving in a career or career-conditional position in the  
 14 competitive service within the Administration for purposes  
 15 of such limitation.

16       “(b) *CAREER APPOINTMENTS.*—If the Secretary selects  
 17 an application submitted by an officer described in sub-  
 18 section (a) for a position described in such subsection, the  
 19 Secretary shall give such officer a career or career-condi-  
 20 tional appointment in the competitive service, as appro-  
 21 priate.

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

25       “(b) *CLERICAL AMENDMENT.*—The table of sections in  
 26 section 1 of the Act entitled “An Act to authorize the Hydro-

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

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

5 **SEC. 213. DIRECT HIRE AUTHORITY.**

6 (a) *IN GENERAL.*—*The head of a Federal agency may*  
 7 *appoint, without regard to the provisions of subchapter I*  
 8 *of chapter 33 of title 5, United States Code, other than sec-*  
 9 *tions 3303 and 3328 of such title, a qualified candidate de-*  
 10 *scribed in subsection (b) directly to a position in the agency*  
 11 *for which the candidate meets qualification standards of the*  
 12 *Office of Personnel Management.*

13 (b) *CANDIDATES DESCRIBED.*—*A candidate described*  
 14 *in this subsection is a current or former member of the com-*  
 15 *missioned officer corps of the National Oceanic and Atmos-*  
 16 *pheric Administration who—*

17 (1) *fulfilled his or her obligated service require-*  
 18 *ment under section 216 of the National Oceanic and*  
 19 *Atmospheric Administration Commissioned Officer*  
 20 *Corps Act of 2002, as added by section 103;*

21 (2) *if no longer a member of the commissioned*  
 22 *officer corps of the Administration, was not dis-*  
 23 *charged or released therefrom as part of a discipli-*  
 24 *nary action; and*

1           (3) *has been separated or released from service in*  
 2           *the commissioned officer corps of the Administration*  
 3           *for a period of not more than 5 years.*

4           (c) *EFFECTIVE DATE.*—*This section shall apply with*  
 5           *respect to appointments made in fiscal year 2017 and in*  
 6           *each fiscal year thereafter.*

## 7       ***TITLE III—APPOINTMENTS AND*** 8       ***PROMOTION OF OFFICERS***

### 9       ***SEC. 301. APPOINTMENTS.***

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

#### 12       ***“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-*** 13       ***MENTS.***

14       “(a) *ORIGINAL APPOINTMENTS.*—

15       “(1) *GRADES.*—

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

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

22                       “(ii) *the commissioned officer corps of*  
 23                       *the Administration.*

24               “(B) *APPOINTMENT OF OFFICER CAN-*  
 25       *DIDATES.*—



1                   “(i) *LIMITATION ON GRADE.*—An origi-  
 2                   *nal appointment of an officer candidate,*  
 3                   *upon graduation from the basic officer*  
 4                   *training program of the commissioned offi-*  
 5                   *cer corps of the Administration, may not be*  
 6                   *made in any other grade than ensign.*

7                   “(ii) *RANK.*—Officer candidates receiv-  
 8                   *ing appointments as ensigns upon gradua-*  
 9                   *tion from basic officer training program*  
 10                  *shall take rank according to their pro-*  
 11                  *ficiency as shown by the order of their merit*  
 12                  *at date of graduation.*

13                  “(2) *SOURCE OF APPOINTMENTS.*—An original  
 14                  *appointment may be made from among the following:*

15                  “(A) *Graduates of the basic officer training*  
 16                  *program of the commissioned officer corps of the*  
 17                  *Administration.*

18                  “(B) *Graduates of the military service*  
 19                  *academies of the United States who otherwise*  
 20                  *meet the academic standards for enrollment in*  
 21                  *the training program described in subparagraph*  
 22                  *(A).*

23                  “(C) *Graduates of the maritime academies*  
 24                  *of the States who—*

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

4           “(ii) completed at least 3 years of regi-  
5 mented training while at a maritime acad-  
6 emy of a State; and

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

11           “(D) Licensed officers of the United States  
12 merchant marine who have served 2 or more  
13 years aboard a vessel of the United States in the  
14 capacity of a licensed officer, who otherwise meet  
15 the academic standards for enrollment in the  
16 training program described in subparagraph  
17 (A).

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

19           “(A) MARITIME ACADEMIES OF THE  
20 STATES.—The term ‘maritime academies of the  
21 States’ means the following:

22           “(i) California Maritime Academy,  
23 Vallejo, California.

24           “(ii) Great Lakes Maritime Academy,  
25 Traverse City, Michigan.

1                   “(iii) *Maine Maritime Academy,*  
2                   *Castine, Maine.*

3                   “(iv) *Massachusetts Maritime Acad-*  
4                   *emy, Buzzards Bay, Massachusetts.*

5                   “(v) *State University of New York*  
6                   *Maritime College, Fort Schuyler, New York.*

7                   “(vi) *Texas A&M Maritime Academy,*  
8                   *Galveston, Texas.*

9                   “(B) *MILITARY SERVICE ACADEMIES OF*  
10                  *THE UNITED STATES.—The term ‘military serv-*  
11                  *ice academies of the United States’ means the*  
12                  *following:*

13                  “(i) *The United States Military Acad-*  
14                  *emy, West Point, New York.*

15                  “(ii) *The United States Naval Acad-*  
16                  *emy, Annapolis, Maryland.*

17                  “(iii) *The United States Air Force*  
18                  *Academy, Colorado Springs, Colorado.*

19                  “(iv) *The United States Coast Guard*  
20                  *Academy, New London, Connecticut.*

21                  “(v) *The United States Merchant Ma-*  
22                  *rine Academy, Kings Point, New York.*

23                  “(b) *REAPPOINTMENT.—*

24                  “(1) *IN GENERAL.—Except as provided in para-*  
25                  *graph (2), an individual who previously served in the*

1       *commissioned officer corps of the Administration may*  
 2       *be appointed by the Secretary to the grade the indi-*  
 3       *vidual held prior to separation.*

4               “(2) *REAPPOINTMENTS TO HIGHER GRADES.*—  
 5       *An appointment under paragraph (1) to a position of*  
 6       *importance and responsibility designated under sec-*  
 7       *tion 228 may only be made by the President.*

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

14              “(d) *PRECEDENCE OF APPOINTEES.*—*Appointees*  
 15       *under this section shall take precedence in the grade to*  
 16       *which appointed in accordance with the dates of their com-*  
 17       *missions as commissioned officers in such grade. Appointees*  
 18       *whose dates of commission are the same shall take prece-*  
 19       *dence with each other as the Secretary shall determine.*

20              “(e) *INTER-SERVICE TRANSFERS.*—*For inter-service*  
 21       *transfers (as described in the Department of Defense Direc-*  
 22       *tive 1300.4 (dated December 27, 2006)) the Secretary*  
 23       *shall—*

24                   “(1) *coordinate with the Secretary of Defense*  
 25       *and the Secretary of the Department in which the*

1       *Coast Guard is operating to promote and streamline*  
 2       *inter-service transfers;*

3               “(2) *give preference to such inter-service trans-*  
 4       *fers for recruitment purposes as determined appro-*  
 5       *priate by the Secretary; and*

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

8       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 9       *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 10       *graphic Services Improvement Act of 1998, and for other*  
 11       *purposes” (Public Law 107–372) is amended by striking*  
 12       *the item relating to section 221 and inserting the following:*

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

13   **SEC. 302. PERSONNEL BOARDS.**

14       *Section 222 (33 U.S.C. 3022) is amended to read as*  
 15       *follows:*

16   **“SEC. 222. PERSONNEL BOARDS.**

17       “(a) *CONVENING.*—*Not less frequently than once each*  
 18       *year and at such other times as the Secretary determines*  
 19       *necessary, the Secretary shall convene a personnel board.*

20       “(b) *MEMBERSHIP.*—

21               “(1) *IN GENERAL.*—*A board convened under sub-*  
 22       *section (a) shall consist of 5 or more officers who are*  
 23       *serving in or above the permanent grade of the offi-*  
 24       *cers under consideration by the board.*

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

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

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

9           “(1) *recommend to the Secretary such changes as*  
 10           *may be necessary to correct any erroneous position on*  
 11           *the lineal list that was caused by administrative*  
 12           *error; and*

13           “(2) *make selections and recommendations to the*  
 14           *Secretary and the President for the appointment, pro-*  
 15           *motion, involuntary separation, continuation, and*  
 16           *involuntary retirement of officers in the commissioned*  
 17           *officer corps of the Administration as prescribed in*  
 18           *this title.*

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

24   **SEC. 303. DELEGATION OF AUTHORITY.**

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

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

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

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

5           “(b) *DELEGATION OF APPOINTMENT AUTHORITY.—If*  
6 *the President delegates authority to the Secretary to make*  
7 *appointments under this section, the President shall, during*  
8 *a period in which the position of the Secretary is vacant,*  
9 *delegate such authority to the Deputy Secretary of Com-*  
10 *merce or the Under Secretary for Oceans and Atmosphere*  
11 *during such period.”.*

12 **SEC. 304. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**  
13 **MARINE AND AVIATION OPERATIONS.**

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

15           (1) in the fourth sentence, by striking “Director”  
16           and inserting “Assistant Administrator”; and

17           (2) in the heading, by inserting “ASSISTANT AD-  
18           MINISTRATOR OF THE” before “OFFICE”.

19 **SEC. 305. TEMPORARY APPOINTMENTS.**

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

22 **“SEC. 229. TEMPORARY APPOINTMENTS.**

23           “(a) *APPOINTMENTS BY PRESIDENT.—Temporary ap-*  
24 *pointments in the grade of ensign, lieutenant junior grade,*  
25 *or lieutenant may be made by the President.*

1       “(b) *TERMINATION.*—A temporary appointment to a  
 2 position under subsection (a) shall terminate upon ap-  
 3 proval of a permanent appointment for such position made  
 4 by the President.

5       “(c) *ORDER OF PRECEDENCE.*—Appointees under sub-  
 6 section (a) shall take precedence in the grade to which ap-  
 7 pointed in accordance with the dates of their appointments  
 8 as officers in such grade. The order of precedence of ap-  
 9 pointees who are appointed on the same date shall be deter-  
 10 mined by the Secretary.

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

17       “(e) *DELEGATION OF APPOINTMENT AUTHORITY.*—If  
 18 the President delegates authority to the Secretary to make  
 19 appointments under this section, the President shall, during  
 20 a period in which the position of the Secretary is vacant,  
 21 delegate such authority to the Deputy Secretary of Com-  
 22 merce or the Under Secretary for Oceans and Atmosphere  
 23 during such period.”.

24       (b) *CLERICAL AMENDMENT.*—The table of sections in  
 25 section 1 of the Act entitled “An Act to authorize the Hydro-



1 *graphic Services Improvement Act of 1998, and for other*  
 2 *purposes” (Public Law 107–372) is amended by striking*  
 3 *the item relating to section 229 and inserting the following:*

*“Sec. 229. Temporary appointments.”.*

4 **SEC. 306. OFFICER CANDIDATES.**

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

7 **“SEC. 234. OFFICER CANDIDATES.**

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

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

18 *“(c) DISMISSAL.—The Secretary may dismiss from the*  
 19 *basic officer training program of the Administration any*  
 20 *officer candidate who, during the officer candidate’s term*  
 21 *as an officer candidate, the Secretary considers unsatisfac-*  
 22 *tory in either academics or conduct, or not adapted for a*  
 23 *career in the commissioned officer corps of the Administra-*  
 24 *tion. Officer candidates shall be subject to rules governing*  
 25 *discipline prescribed by the Director of the National Oce-*

1 *anic and Atmospheric Administration Commissioned Offi-*  
 2 *cer Corps.*

3 “(d) *AGREEMENT.*—

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

9 “(2) *ELEMENTS.*—*An agreement signed by an of-*  
 10 *ficer 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 officer*  
 14 *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 shall*  
 24 *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 offi-  
7           cer candidate who does not fulfill the terms of the obligation  
8           to serve as specified under section (d) shall be subject to  
9           the repayment provisions of section 216(b).”.

10          (b) *CLERICAL AMENDMENT*.—The table of sections in  
11          section 1 of the Act entitled “An Act to authorize the Hydro-  
12          graphic Services Improvement Act of 1998, and for other  
13          purposes” (Public Law 107–372) is amended by inserting  
14          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 (6)  
18                 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 officer*  
 5   *training program of the commissioned officer corps of the*  
 6   *National Oceanic and Atmospheric Administration is enti-*  
 7   *tled, while participating in such program, to monthly offi-*  
 8   *cer candidate pay at monthly rate equal to the basic pay*  
 9   *of an enlisted member in the pay grade E–5 with less than*  
 10   *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 consid-*  
 16   *ered creditable for active duty or pay.”.*

17   **SEC. 307. PROCUREMENT OF PERSONNEL.**

18       (a) *IN GENERAL.*—Subtitle B (33 U.S.C. 3021 *et seq.*),  
 19   *as amended by section 306(a), is further amended by add-*  
 20   *ing 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 for*  
 24   *the commissioned officer corps of the Administration, in-*  
 25   *cluding advertising.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 2 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 3 *graphic Services Improvement Act of 1998, and for other*  
 4 *purposes” (Public Law 107–372), as amended by section*  
 5 *306(b), is further amended by inserting after the item relat-*  
 6 *ing to section 234 the following:*

*“235. Procurement of personnel.”.*

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

9       ***SEC. 401. 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 required*  
 20 *to retire or be separated under this section, the Sec-*  
 21 *retary may defer the retirement or separation of the*  
 22 *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 evaluation*  
 6       *requiring hospitalization or medical observation.”.*

7   **SEC. 402. SEPARATION PAY.**

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

10       “(d) *EXCEPTION.*—*An officer discharged for twice fail-*  
 11       *ing selection for promotion to the next higher grade is not*  
 12       *entitled to separation pay under this section if the officer—*

13               “(1) *expresses a desire not to be selected for pro-*  
 14       *motion; or*

15               “(2) *requests removal from the list of selectees.”.*

16               **TITLE V—HYDROGRAPHIC**  
 17       **SERVICES AND OTHER MATTERS**

18   **SEC. 501. REAUTHORIZATION OF HYDROGRAPHIC SERVICES**

19               **IMPROVEMENT ACT OF 1998.**

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

23               “(1) *in the matter before paragraph (1), by strik-*  
 24       *ing “There are” and inserting the following:*

25               “(a) *IN GENERAL.*—*There are”;*

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

3           (A) in paragraph (1), by striking “sur-  
4 veys—” and all that follows through the end of  
5 the paragraph and inserting “surveys,  
6 \$70,814,000 for each of fiscal years 2017 through  
7 2021.”;

8           (B) in paragraph (2), by striking “vessels—  
9 ” and all that follows through the end of the  
10 paragraph and inserting “vessels, \$25,000,000  
11 for each of fiscal years 2017 through 2021.”;

12           (C) in paragraph (3), by striking “Admin-  
13 istration—” and all that follows through the end  
14 of the paragraph and inserting “Administration,  
15 \$29,932,000 for each of fiscal years 2017 through  
16 2021.”;

17           (D) in paragraph (4), by striking “title—  
18 ” and all that follows through the end of the  
19 paragraph and inserting “title, \$26,800,000 for  
20 each of fiscal years 2017 through 2021.”; and

21           (E) in paragraph (5), by striking “title—  
22 ” and all that follows through the end of the  
23 paragraph and inserting “title, \$30,564,000 for  
24 each of fiscal years 2017 through 2021.”; and

25           (3) by adding at the end the following:

1       “(b) *ARCTIC PROGRAMS.*—Of the amount authorized  
2 by this section for each fiscal year—

3               “(1) \$10,000,000 is authorized for use—

4                       “(A) to acquire hydrographic data;

5                       “(B) to provide hydrographic services;

6                       “(C) to conduct coastal change analyses nec-  
7 essary to ensure safe navigation;

8                       “(D) to improve the management of coastal  
9 change in the Arctic; and

10                      “(E) to reduce risks of harm to Alaska Na-  
11 tive subsistence and coastal communities associ-  
12 ated with increased international maritime traf-  
13 fic; and

14               “(2) \$2,000,000 is authorized for use to acquire  
15 hydrographic data and provide hydrographic services  
16 in the Arctic necessary to delineate the United States  
17 extended Continental Shelf.”.

18       (b) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
19 *SURVEYS.*—Section 306 of such Act (33 U.S.C. 892d) is fur-  
20 ther amended by adding at the end the following:

21       “(c) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
22 *SURVEYS.*—Of amounts authorized by this section for each  
23 fiscal year for contract hydrographic surveys, not more than  
24 5 percent is authorized for administrative costs associated  
25 with contract management.”.



1 **SEC. 502. SYSTEM FOR TRACKING AND REPORTING ALL-IN-**  
 2 **CLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date  
 4 of the enactment of this Act, the Secretary of Commerce  
 5 shall—

6 (1) *develop and implement a system to track and*  
 7 *report the full cost to the Department of Commerce of*  
 8 *hydrographic data collection, including costs relating*  
 9 *to vessel acquisition, vessel repair, and administra-*  
 10 *tion of contracts to procure data;*

11 (2) *evaluate additional measures for comparing*  
 12 *cost per unit effort beyond square nautical miles; and*

13 (3) *submit to Congress a report on which addi-*  
 14 *tional measures for comparing cost per unit effort the*  
 15 *Secretary intends to use and the rationale for such*  
 16 *use.*

17 (b) *DEVELOPMENT OF STRATEGY FOR INCREASED*  
 18 *CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR*  
 19 *HYDROGRAPHIC DATA COLLECTION.*—Not later than 180  
 20 days after the date on which the Secretary completes the  
 21 activities required by subsection (a), the Secretary shall de-  
 22 velop a strategy for how the National Oceanic and Atmos-  
 23 pheric Administration will increase contracting with non-  
 24 governmental entities for hydrographic data collection in  
 25 a manner that is consistent with the requirements of the

1 *Ocean and Coastal Mapping Integration Act (Public Law*  
 2 *111–11; 33 U.S.C. 3501 et seq.).*

3 **SEC. 503. PLANS FOR CONSTRUCTION OF NEW PORT FACIL-**  
 4 **ITY FOR HOMEPORTING OF R/V**  
 5 **FAIRWEATHER.**

6 (a) *ACCEPTANCE OF FUNDS AUTHORIZED.*—*The Sec-*  
 7 *retary of Commerce may accept non-Federal funds for the*  
 8 *purpose of obtaining such cost estimates, designs, and per-*  
 9 *mits as may be necessary for construction of a new port*  
 10 *facility—*

11 (1) *to facilitate the homeporting of the R/V*  
 12 *FAIRWEATHER in accordance with title II of the*  
 13 *Departments of Commerce, Justice, and State, the Ju-*  
 14 *diciary, and Related Agencies Appropriations Act,*  
 15 *2002 (Public Law 107–77; 115 Stat. 775); and*

16 (2) *that is under the administrative jurisdiction*  
 17 *of the Under Secretary for Oceans and Atmosphere.*

18 (b) *STRATEGIC PLAN REQUIRED.*—*Not later than 180*  
 19 *days after the date of the enactment of this Act, the Sec-*  
 20 *retary shall develop and submit to Congress a strategic plan*  
 21 *for the construction described in subsection (a).*

22 **SEC. 504. WAIVERS OF BOND REQUIREMENTS FOR CERTAIN**  
 23 **CONTRACTS.**

24 *Section 3134 of title 40, United States Code, is amend-*  
 25 *ed by adding at the end the following:*

1       “(c) *NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*  
2 *TRATION.*—*The Secretary of Commerce may waive this sub-*  
3 *chapter with respect to contracts for the construction, alter-*  
4 *ation, or repair of vessels, regardless of the terms of the con-*  
5 *tracts as to payment or title, when the contract is made*  
6 *under the Act entitled ‘An Act to define the functions and*  
7 *duties of the Coast and Geodetic Survey, and for other pur-*  
8 *poses’, approved August 6, 1947 (33 U.S.C. 883a et seq.).”.*

**Calendar No. 259**

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 171**

[Report No. 115–181]

**A BILL**

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

NOVEMBER 7, 2017

Reported with an amendment