



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 2206

To reduce the incidence of sexual harassment and assault at the National Oceanic and Atmospheric Administration, to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. SULLIVAN

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Oceanic and Atmospheric Administration Sex-
6 ual Harassment and Assault Prevention Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- Sec. 101. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.
- Sec. 102. Actions to address sexual assault at National Oceanic and Atmospheric Administration.
- Sec. 103. Rights of the victim of a sexual assault.
- Sec. 104. Change of station.
- Sec. 105. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.
- Sec. 106. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
- Sec. 107. Definition.

TITLE II—COMMISSIONED OFFICER CORPS OF THE NATIONAL
OCEANIC AND ATMOSPHERIC ADMINISTRATION

- Sec. 201. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

Subtitle A—General Provisions

- Sec. 211. Strength and distribution in grade.
- Sec. 212. Recalled officers.
- Sec. 213. Obligated service requirement.
- Sec. 214. Training and physical fitness.
- Sec. 215. Recruiting materials.
- Sec. 216. Charter vessel safety policy.
- Sec. 217. Technical correction.

Subtitle B—Parity and Recruitment

- Sec. 221. Education loans.
- Sec. 222. Interest payments.
- Sec. 223. Student pre-commissioning program.
- Sec. 224. Limitation on educational assistance.
- Sec. 225. 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. 226. Applicability of certain provisions of title 37, United States Code.
- Sec. 227. Legion of Merit award.
- Sec. 228. Prohibition on retaliatory personnel actions.
- Sec. 229. Penalties for wearing uniform without authority.
- Sec. 230. Application of certain provisions of competitive service law.
- Sec. 231. Employment and reemployment rights.
- Sec. 232. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.
- Sec. 233. Direct hire authority.

Subtitle C—Appointments and Promotion of Officers

- Sec. 241. Appointments.
- Sec. 242. Personnel boards.
- Sec. 243. Delegation of authority.
- Sec. 244. Assistant Administrator of the Office of Marine and Aviation Operations.

- Sec. 245. Temporary appointments.
Sec. 246. Officer candidates.
Sec. 247. Procurement of personnel.

Subtitle D—Separation and Retirement of Officers

- Sec. 251. Involuntary retirement or separation.
Sec. 252. Separation pay.

TITLE III—HYDROGRAPHIC SERVICES

- Sec. 301. Reauthorization of Hydrographic Services Improvement Act of 1998.

1 **TITLE I—SEXUAL HARASSMENT**
2 **AND ASSAULT PREVENTION**
3 **AT THE NATIONAL OCEANIC**
4 **AND ATMOSPHERIC ADMINIS-**
5 **TRATION**

6 **SEC. 101. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**
7 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
8 **MINISTRATION.**

9 (a) **REQUIRED POLICY.**—Not later than 1 year after
10 the date of the enactment of this Act, the Secretary of
11 Commerce shall, acting through the Under Secretary for
12 Oceans and Atmosphere, develop a policy on the preven-
13 tion of and response to sexual harassment involving em-
14 ployees of the National Oceanic and Atmospheric Adminis-
15 tration, members of the commissioned officer corps of the
16 Administration, and individuals who work with or conduct
17 business on behalf of the Administration.

18 (b) **MATTERS TO BE SPECIFIED IN POLICY.**—The
19 policy developed under subsection (a) shall include—

- 1 (1) establishment of a program to promote
2 awareness of the incidence of sexual harassment;
- 3 (2) clear procedures an individual should follow
4 in the case of an occurrence of sexual harassment,
5 including—
- 6 (A) a specification of the person or persons
7 to whom an alleged occurrence of sexual harass-
8 ment should be reported by an individual and
9 options for confidential reporting, including—
- 10 (i) options and contact information
11 for after-hours contact; and
- 12 (ii) procedure for obtaining assistance
13 and reporting sexual harassment while
14 working in a remote scientific field camp,
15 at sea, or in another field status; and
- 16 (B) a specification of any other person
17 whom the victim should contact;
- 18 (3) establishment of a mechanism by which—
- 19 (A) questions regarding sexual harassment
20 can be confidentially asked and confidentially
21 answered; and
- 22 (B) incidents of sexual harassment can be
23 confidentially reported; and
- 24 (4) a prohibition on retaliation and con-
25 sequences for retaliatory actions.

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

6 (d) AVAILABILITY OF POLICY.—The Secretary shall
7 ensure that the policy developed under subsection (a) is
8 available to—

9 (1) all employees of the Administration and
10 members of the commissioned officer corps of the
11 Administration, including those employees and mem-
12 bers who conduct field work for the Administration;
13 and

14 (2) the public.

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

20 (1) in each region in which the Administration
21 conducts operations; and

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

24 (f) QUARTERLY REPORTS.—

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

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

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

12 (B) Number of open actionable sexual har-
13 assment cases and how long the cases have
14 been open.

15 (C) Such trends or region specific issues as
16 the Director may have discovered with respect
17 to sexual harassment in the Administration.

18 (D) Such recommendations as the Director
19 may have with respect to sexual harassment in
20 the Administration.

21 **SEC. 102. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**
22 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
23 **ISTRATION.**

24 (a) COMPREHENSIVE POLICY ON PREVENTION AND
25 RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year

1 after the date of the enactment of this Act, the Secretary
2 of Commerce shall, acting through the Under Secretary
3 for Oceans and Atmosphere, develop a comprehensive pol-
4 icy on the prevention of and response to sexual assaults
5 involving employees of the National Oceanic and Atmos-
6 pheric Administration, members of the commissioned offi-
7 cer corps of the Administration, and individuals who work
8 with or conduct business on behalf of the Administration.

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

12 (1) Prevention measures.

13 (2) Education and training on prevention and
14 response.

15 (3) A list of support resources an individual
16 may use in the occurrence of sexual assault, includ-
17 ing—

18 (A) options and contact information for
19 after-hours contact; and

20 (B) procedure for obtaining assistance and
21 reporting sexual assault while working in a re-
22 mote scientific field camp, at sea, or in another
23 field status;

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

1 (5) Establishing a mechanism by which—

2 (A) questions regarding sexual assault can
3 be confidentially asked and confidentially an-
4 swered; and

5 (B) incidents of sexual assault can be con-
6 fidentially reported.

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

9 (7) Prohibiting retaliation and consequences for
10 retaliatory actions against someone who reports a
11 sexual assault.

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

15 (9) Victim advocacy, including establishment of
16 and the responsibilities and training requirements
17 for victim advocates as described in subsection (c).

18 (10) Availability of resources for victims of sex-
19 ual assault within other Federal agencies and State,
20 local, and national organizations.

21 (e) VICTIM ADVOCACY.—

22 (1) IN GENERAL.—The Secretary, acting
23 through the Under Secretary, shall establish victim
24 advocates to advocate for victims of sexual assaults
25 involving employees of the Administration, members

1 of the commissioned officer corps of the Administra-
2 tion, and individuals who work with or conduct busi-
3 ness on behalf of the Administration.

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

7 (A) is trained in matters relating to sexual
8 assault and the comprehensive policy developed
9 under subsection (a); and

10 (B) serve as a victim advocate voluntarily
11 and in addition to the employee's other duties
12 as an employee of the Administration.

13 (3) PRIMARY DUTIES.—The primary duties of a
14 victim advocate established under paragraph (1)
15 shall include the following:

16 (A) Supporting victims of sexual assault
17 and informing them of their rights and the re-
18 sources available to them as victims.

19 (B) Acting as a companion in navigating
20 investigative, medical, mental and emotional
21 health, and recovery processes relating to sexual
22 assault.

23 (C) Helping to identify resources to ensure
24 the safety of victims of sexual assault.

1 (4) LOCATION.—The Secretary shall ensure
2 that at least 1 victim advocate established under
3 paragraph (1) are is stationed—

4 (A) in each region in which the Adminis-
5 tration conducts operations; and

6 (B) in each marine and aviation center of
7 the Administration.

8 (5) HOTLINE.—

9 (A) IN GENERAL.—In carrying out this
10 subsection, the Secretary shall establish a tele-
11 phone number at which a victim of a sexual as-
12 sault can get in touch with a victim advocate.

13 (B) 24-HOUR ACCESS.—The Secretary
14 shall ensure that the telephone number estab-
15 lished under subparagraph (A) is monitored at
16 all times.

17 (6) FORMAL RELATIONSHIPS WITH OTHER EN-
18 TITIES.—The Secretary may enter into formal rela-
19 tionships with other entities to make available addi-
20 tional victim advocates.

21 (d) AVAILABILITY OF POLICY.—The Secretary shall
22 ensure that the policy developed under subsection (a) is
23 available to—

24 (1) all employees of the Administration and
25 members of the commissioned officer corps of the

1 Administration, including those employees and mem-
2 bers who conduct field work for the Administration;
3 and

4 (2) the public.

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

10 **SEC. 103. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

11 A victim of a sexual assault covered by the com-
12 prehensive policy developed under section 102(a) has the
13 right to be reasonably protected from the accused.

14 **SEC. 104. CHANGE OF STATION.**

15 (a) CHANGE OF STATION, UNIT TRANSFER, OR
16 CHANGE OF WORK LOCATION OF VICTIMS.—

17 (1) TIMELY CONSIDERATION AND ACTION UPON
18 REQUEST.—The Secretary of Commerce, acting
19 through the Under Secretary for Oceans and Atmos-
20 phere, shall—

21 (A) in the case of a member of the com-
22 missioned officer corps of the National Oceanic
23 and Atmospheric Administration who was a vic-
24 tim of a sexual assault, in order to reduce the
25 possibility of retaliation or further sexual as-

1 assault, provide for timely determination and ac-
2 tion on an application submitted by the victim
3 for consideration of a change of station or unit
4 transfer of the victim; and

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

12 (2) PROCEDURES.—

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

21 (B) REVIEW.—If an application or request
22 submitted under paragraph (1) by a victim of
23 a sexual assault for a change of station, unit
24 transfer, or change of work location of the vic-
25 tim is denied—

1 (i) the victim may request the Sec-
2 retary review the denial; and

3 (ii) the Secretary, acting through the
4 Under Secretary, shall, not later than 72
5 hours after receiving such request, affirm
6 or overturn the denial.

7 (b) CHANGE OF STATION, UNIT TRANSFER, AND
8 CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-
9 TORS.—

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

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

21 (A) A means to control access to the vic-
22 tim.

23 (B) Due process for the victim and the al-
24 leged perpetrator.

25 (c) REGULATIONS.—

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

3 (2) CONSISTENCY.—When practicable, the Sec-
4 retary shall make regulations promulgated under
5 this section consistent with similar regulations pro-
6 mulgated by the Secretary of Defense.

7 **SEC. 105. APPLICABILITY OF POLICIES TO CREWS OF VES-**
8 **SELS SECURED BY NATIONAL OCEANIC AND**
9 **ATMOSPHERIC ADMINISTRATION UNDER**
10 **CONTRACT.**

11 The Under Secretary for Oceans and Atmosphere
12 shall ensure that each contract into which the Under Sec-
13 retary enters for the use of a vessel by the National Oce-
14 anic and Atmospheric Administration that covers the crew
15 of the vessel, if any, shall include as a condition of the
16 contract a provision that subjects such crew to the policy
17 developed under section 101(a) and the comprehensive
18 policy developed under section 102(a).

19 **SEC. 106. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**
20 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
21 **MINISTRATION.**

22 (a) IN GENERAL.—Not later than January 15 of
23 each year, the Secretary of Commerce shall submit to the
24 Committee on Commerce, Science, and Transportation of
25 the Senate and the Committee on Natural Resources of

1 the House of Representatives a report on the sexual as-
2 saults involving employees of the National Oceanic and At-
3 mospheric Administration, members of the commissioned
4 officer corps of the Administration, and individuals who
5 work with or conduct business on behalf of the Adminis-
6 tration.

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

10 (1) The number of alleged sexual assaults in-
11 volving employees, members, and individuals de-
12 scribed in subsection (a).

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

15 (3) The policies, procedures, and processes im-
16 plemented by the Secretary, and any updates or re-
17 visions to such policies, procedures, and processes.

18 (4) A summary of the reports received by the
19 Under Secretary for Oceans and Atmosphere under
20 section 101(f).

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

1 **SEC. 107. DEFINITION.**

2 In this title, the term “sexual assault” shall have the
3 meaning given such term in section 40002(a) of the Vio-
4 lence Against Women Act of 1994 (42 U.S.C. 13925(a)).

5 **TITLE II—COMMISSIONED OFFI-
6 CER CORPS OF THE NA-
7 TIONAL OCEANIC AND AT-
8 MOSPHERIC ADMINISTRA-
9 TION**

10 **SEC. 201. REFERENCES TO NATIONAL OCEANIC AND AT-
11 MOSPHERIC ADMINISTRATION COMMIS-
12 SIONED OFFICER CORPS ACT OF 2002.**

13 Except as otherwise expressly provided, whenever in
14 this title an amendment or repeal is expressed in terms
15 of an amendment to, or repeal of, a section or other provi-
16 sion, the reference shall be considered to be made to a
17 section or other provision of the National Oceanic and At-
18 mospheric Administration Commissioned Officer Corps
19 Act of 2002 (33 U.S.C. 3001 et seq.).

20 **Subtitle A—General Provisions**

21 **SEC. 211. STRENGTH AND DISTRIBUTION IN GRADE.**

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

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

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

5 “(1) Vice admiral.

6 “(2) Rear admiral.

7 “(3) Rear admiral (lower half).

8 “(4) Captain.

9 “(5) Commander.

10 “(6) Lieutenant commander.

11 “(7) Lieutenant.

12 “(8) Lieutenant (junior grade).

13 “(9) Ensign.

14 “(b) GRADE DISTRIBUTION.—The Secretary shall
15 prescribe, with respect to the distribution on the lineal list
16 in grade, the percentages applicable to the grades set forth
17 in subsection (a).

18 “(c) ANNUAL COMPUTATION OF NUMBER IN
19 GRADE.—

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

24 “(2) METHOD OF COMPUTATION.—The number
25 in each grade shall be computed by applying the ap-
26 plicable percentage to the total number of such offi-

1 cers serving on active duty on the date the computa-
2 tion is made.

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

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

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

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

24 **SEC. 212. RECALLED OFFICERS.**

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

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

3 “(a) IN GENERAL.—Effective”; and

4 (2) by adding at the end the following new sub-
5 section:

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

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

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

13 **SEC. 213. OBLIGATED SERVICE REQUIREMENT.**

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

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

17 “(a) IN GENERAL.—

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

23 “(2) WRITTEN AGREEMENTS.—The Secretary
24 and officers shall enter into written agreements that
25 describe the officers’ obligated service requirements

1 prescribed under paragraph (1) in return for such
2 appointments, training, promotions, separations, and
3 retirements as the Secretary considers appropriate.

4 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
5 QUIREMENTS.—

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

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

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

1 “(e) WAIVER OR SUSPENSION OF COMPLIANCE.—
2 The Secretary may waive the service obligation of an offi-
3 cer who—

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

8 “(2) is—

9 “(A) not physically qualified for appoint-
10 ment; and

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

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

“Sec. 216. Obligated service requirement.”.

21 **SEC. 214. TRAINING AND PHYSICAL FITNESS.**

22 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
23 seq.), as amended by section 213(a), is further amended
24 by adding at the end the following:

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

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

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

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

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

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

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

1 Hydrographic Service Improvement Act of 1998, and for
2 other purposes” (Public Law 107–372), as amended by
3 section 213(b), is further amended by inserting after the
4 item relating to section 216 the following:

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

5 **SEC. 215. RECRUITING MATERIALS.**

6 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
7 seq.), as amended by section 214(a), is further amended
8 by adding at the end the following:

9 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC**
10 **RELATIONS.**

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

18 (b) CLERICAL AMENDMENT.—The table of sections
19 in section 1 of the Act entitled “An Act to authorize the
20 Hydrographic Service Improvement Act of 1998, and for
21 other purposes” (Public Law 107–372), as amended by
22 section 214(b), is further amended by inserting after the
23 item relating to section 217 the following:

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

1 **SEC. 216. CHARTER VESSEL SAFETY POLICY.**

2 (a) **POLICY REQUIRED.**—Not later than 1 year after
3 the date of the enactment of this Act, the Secretary of
4 Commerce shall, acting through the Under Secretary for
5 Oceans and Atmosphere, develop and implement a charter
6 vessel safety policy applicable to the acquisition by the Na-
7 tional Oceanic and Atmospheric Administration of charter
8 vessel services.

9 (b) **ELEMENTS.**—The policy required by subsection
10 (a) shall address vessel safety, operational safety, and
11 basic personnel safety requirements applicable to the ves-
12 sel size, type, and intended use. At a minimum, the policy
13 shall include the following:

14 (1) Basic vessel safety requirements that ad-
15 dress stability, egress, fire protection and lifesaving
16 equipment, hazardous materials, and pollution con-
17 trol.

18 (2) Personnel safety requirements that address
19 crew qualifications, medical training and services,
20 safety briefings and drills, and crew habitability.

21 (c) **LIMITATION.**—The Secretary shall ensure that
22 the basic vessel safety requirements and personnel safety
23 requirements included in the policy required by subsection
24 (a)—

25 (1) do not exceed the vessel safety requirements
26 and personnel safety requirements promulgated by

1 the Secretary of the department in which the Coast
2 Guard is operating; and

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

5 **SEC. 217. TECHNICAL CORRECTION.**

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

9 **Subtitle B—Parity and**
10 **Recruitment**

11 **SEC. 221. EDUCATION LOANS.**

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

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

15 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—
16 For the purpose of maintaining adequate numbers of offi-
17 cers of the commissioned officer corps of the Administra-
18 tion on active duty who have skills required by the com-
19 missioned officer corps, the Secretary may repay, in the
20 case of a person 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
2 a loan repayment under this section, a person must—

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

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
14 must be satisfied for purposes of determining the eligi-
15 bility of an individual for a loan repayment under this sec-
16 tion:

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

21 “(2) The person is enrolled as a full-time stu-
22 dent in the final year of a course of study at an ac-
23 credited educational institution (as determined by
24 the Secretary of Education) leading to a degree in

1 a profession that will meet identified skill shortages
2 in the commissioned officer corps.

3 “(d) LOAN REPAYMENTS.—

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

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

15 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

1 “(B) MINIMUM OBLIGATION.—The regula-
2 tions prescribed under subparagraph (A) may
3 not provide for a period of obligation of less
4 than 1 year for each maximum annual amount,
5 or portion thereof, paid on behalf of the person
6 for qualified loans.

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

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

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

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

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

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

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

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

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

12 **SEC. 222. INTEREST PAYMENTS.**

13 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
14 seq.), as amended by section 221(a), is further amended
15 by adding at the end the following:

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

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

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

23 “(1) is serving on active duty;

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

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

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

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

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

10 “(2) A loan made under part D of such title
11 (20 U.S.C. 1087a et seq.).

12 “(3) A loan made under part E of such title
13 (20 U.S.C. 1087aa et seq.).

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

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

22 “(f) COORDINATION WITH SECRETARY OF EDU-
23 CATION.—

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

4 “(2) TRANSFER OF FUNDS.—The Secretary
5 shall transfer to the Secretary of Education the
6 funds necessary—

7 “(A) to pay interest and special allowances
8 on student loans under this section (in accord-
9 ance with sections 428(o), 455(l), and 464(j) of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1078(o), 1087e(l), and 1087dd(j)); and

12 “(B) to reimburse the Secretary of Edu-
13 cation for any reasonable administrative costs
14 incurred by the Secretary in coordinating the
15 program under this section with the administra-
16 tion of the student loan programs under parts
17 B, D, and E of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1071 et seq.,
19 1087a et seq., 1087aa et seq.).

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

24 (b) CONFORMING AMENDMENTS.—

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

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

7 (B) in paragraph (1)—

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

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

16 (2) Sections 455(l) and 464(j) of the Higher
17 Education Act of 1965 (20 U.S.C. 1087e(l) and
18 1087dd(j)) are each amended—

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

23 (B) in paragraph (1)—

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

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

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

7 (c) CLERICAL AMENDMENT.—The table of sections
8 in section 1 of the Act entitled “An Act to authorize the
9 Hydrographic Service Improvement Act of 1998, and for
10 other purposes” (Public Law 107–372), as amended by
11 section 221(b), is further amended by inserting after the
12 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

13 **SEC. 223. STUDENT PRE-COMMISSIONING PROGRAM.**

14 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
15 seq.), as amended by section 222(a), is further amended
16 by adding at the end the following:

17 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
18 **SISTANCE PROGRAM.**

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

1 (as determined by the Secretary of Education) a program
2 of education approved by the Secretary that leads to—

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

5 “(2) a postbaccalaureate degree.

6 “(b) ELIGIBLE PERSONS.—

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

10 “(A) is enrolled on a full-time basis in a
11 program of education referred to in subsection
12 (a) at any educational institution described in
13 such subsection;

14 “(B) meets all of the requirements for ac-
15 ceptance into the commissioned officer corps of
16 the Administration except for the completion of
17 a baccalaureate degree; and

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

20 “(2) AGREEMENT.—A written agreement re-
21 ferred to in paragraph (1)(C) is an agreement be-
22 tween the person and the Secretary in which the
23 person agrees—

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

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

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

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

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

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

13 “(2) The cost of books.

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

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

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

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

4 “(f) SUBSISTENCE ALLOWANCE.—

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

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

16 “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

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

4 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

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

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

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

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

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

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

9 “(B) is—

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

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

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

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

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

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

7 (b) CLERICAL AMENDMENT.—The table of sections
8 in section 1 of the Act entitled “An Act to authorize the
9 Hydrographic Service Improvement Act of 1998, and for
10 other purposes” (Public Law 107–372), as amended by
11 section 222(c), is further amended by inserting after the
12 item relating to section 268 the following:

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

13 **SEC. 224. LIMITATION ON EDUCATIONAL ASSISTANCE.**

14 (a) IN GENERAL.—Each fiscal year, beginning with
15 fiscal year 2013, the Secretary of Commerce shall ensure
16 that the total amount expended by the Secretary under
17 section 267 of the National Oceanic and Atmospheric Ad-
18 ministration Commissioned Officer Corps Act of 2002 (as
19 added by section 221(a)), section 268 of such Act (as
20 added by section 222(a)), and section 269 of such Act (as
21 added by section 223(a)) does not exceed the amount by
22 which—

23 (1) the total amount the Secretary would pay in
24 that fiscal year to officer candidates under section
25 203(f)(1) of title 37, United States Code (as added

1 by section 246(d)), if such section entitled officers
2 candidates to pay at monthly rates equal to the
3 basic pay of a commissioned officer in the pay grade
4 O-1 with less than 2 years of service; exceeds

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

8 (b) OFFICER CANDIDATE DEFINED.—In this section,
9 the term “officer candidate” has the meaning given the
10 term in section 212 of the National Oceanic and Atmos-
11 pheric Administration Commissioned Officer Corps Act of
12 2002 (33 U.S.C. 3002), as added by section 246(c).

13 **SEC. 225. APPLICABILITY OF CERTAIN PROVISIONS OF**
14 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
15 **SION OF CERTAIN AUTHORITIES APPLICABLE**
16 **TO MEMBERS OF THE ARMED FORCES TO**
17 **COMMISSIONED OFFICER CORPS.**

18 (a) APPLICABILITY OF CERTAIN PROVISIONS OF
19 TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amend-
20 ed—

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

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

1 (3) by redesignating paragraphs (4) through
2 (6) as paragraphs (8) through (10), respectively;

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

5 “(4) Section 771, relating to unauthorized
6 wearing of uniforms.

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

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

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

13 (5) by inserting after paragraph (10), as redesi-
14 gnated, the following:

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

18 (6) by inserting after paragraph (17), as redesi-
19 gnated, the following:

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

22 “(19) 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
2 title 10, United States Code, is amended—

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

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

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

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

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

17 “(g) SECRETARY CONCERNED FOR ACCEPTANCE OF
18 SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA
19 AND THEIR FAMILIES.—For purposes of the acceptance
20 of services described in subsection (a)(3), the term ‘Sec-
21 retary concerned’ in subsection (a) shall include the Sec-
22 retary of Commerce with respect to members of the Na-
23 tional Oceanic and Atmospheric 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 corps of the National Oceanic and Atmos-
7 pheric Administration” after “in the case
8 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), by inserting “or
13 the Secretary of Commerce, as applicable,”
14 after “the Secretary of Defense”.

15 **SEC. 226. APPLICABILITY OF CERTAIN PROVISIONS OF**
16 **TITLE 37, UNITED STATES CODE.**

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

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 applica-
24 ble to the Armed Forces under the following provisions

1 of title 37, United States Code, shall apply to the commis-
2 sioned 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 414(a)(2), relating to personal
12 money allowance while serving as Director of the
13 National Oceanic and Atmospheric Administration
14 Commissioned Officer Corps.

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

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

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

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

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

6 **SEC. 227. 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. 228. 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 225, is further
14 amended—

15 (1) by redesignating paragraphs (8) through
16 (23) as paragraphs (9) through (24), 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 (c) REGULATIONS.—Such section is further amended
6 by adding at the end the following:

7 “(c) 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 siders appropriate.”.

16 **SEC. 229. 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 Ocea-
21 nic and Atmospheric Administration, or any”.

22 **SEC. 230. 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. 231. 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. 232. 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 **SIGNED OFFICER CORPS AS EMPLOYMENT IN**
3 **ADMINISTRATION FOR PURPOSES OF CER-**
4 **TAIN HIRING DECISIONS.**

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

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

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

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

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

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

5 **SEC. 233. 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 subsection (b) directly to a posi-
11 tion in the agency for which the candidate meets qualifica-
12 tion 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 213;

21 (2) if no longer a member of the commissioned
22 officer corps of the Administration, was discharged
23 or released therefrom as part of a disciplinary ac-
24 tion; 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 2016 and in
6 each fiscal year thereafter.

7 **Subtitle C—Appointments and**
8 **Promotion of Officers**

9 **SEC. 241. APPOINTMENTS.**

10 (a) ORIGINAL APPOINTMENTS.—

11 (1) IN GENERAL.—Section 221 (33 U.S.C.
12 3021) is amended to read as follows:

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

15 “(a) ORIGINAL APPOINTMENTS.—

16 “(1) GRADES.—

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

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

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

1 “(B) APPOINTMENT OF OFFICER CAN-
2 DIDATES.—

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

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

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

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

22 “(B) Graduates of the military service
23 academies of the United States who otherwise
24 meet the academic standards for enrollment in

1 the training program described in subparagraph
2 (A).

3 “(C) Graduates of the maritime academies
4 of the States who—

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

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

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

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

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

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

1 “(i) California Maritime Academy,
2 Vallejo, California.

3 “(ii) Great Lakes Maritime Academy,
4 Traverse City, Michigan.

5 “(iii) Maine Maritime Academy,
6 Castine, Maine.

7 “(iv) Massachusetts Maritime Acad-
8 emy, Buzzards Bay, Massachusetts.

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

12 “(vi) Texas A&M Maritime Academy,
13 Galveston, Texas.

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

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

20 “(ii) The United States Naval Acad-
21 emy, Annapolis, Maryland.

22 “(iii) The United States Air Force
23 Academy, Colorado Springs, Colorado.

24 “(iv) The United States Coast Guard
25 Academy, New London, Connecticut.

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

3 “(b) REAPPOINTMENT.—

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

9 “(2) REAPPOINTMENTS TO HIGHER GRADES.—

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

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

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

1 “(e) INTER-SERVICE TRANSFERS.—For inter-service
2 transfers (as described in the Department of Defense Di-
3 rective 1300.4 (dated December 27, 2006)) the Secretary
4 shall—

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

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

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

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

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

21 **SEC. 242. PERSONNEL BOARDS.**

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

1 **“SEC. 222. PERSONNEL BOARDS.**

2 “(a) CONVENING.—Not less frequently than once
3 each year and at such other times as the Secretary deter-
4 mines necessary, the Secretary shall convene a personnel
5 board.

6 “(b) MEMBERSHIP.—

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

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

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

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

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

23 “(2) make selections and recommendations to
24 the Secretary and the President for the appoint-
25 ment, promotion, involuntary separation, continu-
26 ation, and involuntary retirement of officers in the

1 commissioned officer corps of the Administration as
2 prescribed in this title.

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

9 **SEC. 243. DELEGATION OF AUTHORITY.**

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

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

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

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

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

22 **SEC. 244. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**
23 **MARINE AND AVIATION OPERATIONS.**

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

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

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

5 **SEC. 245. TEMPORARY APPOINTMENTS.**

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

8 **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

22 “(d) ANY ONE GRADE.—When determined by the
23 Secretary to be in the best interest of the commissioned
24 officer corps, officers in any permanent grade may be tem-
25 porarily promoted one grade by the President. Any such

1 temporary promotion terminates upon the transfer of the
2 officer to a new assignment.

3 “(e) DELEGATION OF APPOINTMENT AUTHORITY.—
4 If the President delegates authority to the Secretary to
5 make appointments under this section, the President shall,
6 during a period in which the position of the Secretary is
7 vacant, delegate such authority to the Deputy Secretary
8 of Commerce or the Under Secretary for Oceans and At-
9 mosphere during such period.”.

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

“Sec. 229. Temporary appointments.”.

16 **SEC. 246. OFFICER CANDIDATES.**

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

19 **“SEC. 234. OFFICER CANDIDATES.**

20 “(a) DETERMINATION OF NUMBER.—The Secretary
21 shall determine the number of appointments of officer can-
22 didates.

23 “(b) APPOINTMENT.—Appointment of officer can-
24 didates shall be made under regulations which the Sec-
25 retary shall prescribe, including regulations with respect

1 to determining age limits, methods of selection of officer
2 candidates, term of service as an officer candidate before
3 graduation from the program, and all other matters af-
4 fecting such appointment.

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

15 “(d) AGREEMENT.—

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

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

1 “(A) That the officer candidate will com-
2 plete the course of instruction at the basic offi-
3 cer training program of the Administration.

4 “(B) That upon graduation from the such
5 program, the officer candidate—

6 “(i) will accept an appointment, if
7 tendered, as an officer; and

8 “(ii) will serve on active duty for at
9 least 4 years immediately after such ap-
10 pointment.

11 “(e) REGULATIONS.—The Secretary shall prescribe
12 regulations to carry out this section. Such regulations
13 shall include—

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

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

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

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

1 other purposes” (Public Law 107–372) is amended by in-
2 serting after the item relating to section 233 the following:
“Sec. 234. Officer candidates.”.

3 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
4 (33 U.S.C. 3002(b)) is amended—

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

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

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

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

24 “(2) An individual who graduates from such program
25 shall receive credit for the time spent participating in such

1 program as if such time were time served while on active
2 duty as a commissioned officer. If the individual does not
3 graduate from such program, such time shall not be con-
4 sidered creditable for active duty or pay.”

5 **SEC. 247. PROCUREMENT OF PERSONNEL.**

6 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
7 seq.), as amended by section 246(a), is further amended
8 by adding at the end the following:

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

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

14 (b) CLERICAL AMENDMENT.—The table of sections
15 in section 1 of the Act entitled “An Act to authorize the
16 Hydrographic Service Improvement Act of 1998, and for
17 other purposes” (Public Law 107–372), as amended by
18 section 246(b), is further amended by inserting after the
19 item relating to section 234 the following:

“235. Procurement of personnel.”

20 **Subtitle D—Separation and**
21 **Retirement of Officers**

22 **SEC. 251. INVOLUNTARY RETIREMENT OR SEPARATION.**

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

1 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
2 FOR MEDICAL REASONS.—

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

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

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

22 **SEC. 252. SEPARATION PAY.**

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

1 “(d) EXCEPTION.—An officer discharged for twice
2 failing selection for promotion to the next higher grade
3 is not entitled to separation pay under this section if the
4 officer—

5 “(1) expresses a desire not to be selected for
6 promotion; or

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

9 **TITLE III—HYDROGRAPHIC** 10 **SERVICES**

11 **SEC. 301. REAUTHORIZATION OF HYDROGRAPHIC SERV-** 12 **ICES IMPROVEMENT ACT OF 1998.**

13 (a) REAUTHORIZATIONS.—Section 306 of the Hydro-
14 graphic Services Improvement Act of 1998 (33 U.S.C.
15 892d) is amended—

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

18 “(a) IN GENERAL.—There are”;

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

21 (A) in paragraph (1), by striking “sur-
22 veys—” and all that follows through the end of
23 the paragraph and inserting “surveys,
24 \$70,814,000 for each of fiscal years 2016
25 through 2020.”;

1 (B) in paragraph (2), by striking “ves-
2 sels—” and all that follows through the end of
3 the paragraph and inserting “vessels,
4 \$25,000,000 for each of fiscal years 2016
5 through 2020.”;

6 (C) in paragraph (3), by striking “Admin-
7 istration—” and all that follows through the
8 end of the paragraph and inserting “Adminis-
9 tration, \$29,932,000 for each of fiscal years
10 2016 through 2020.”;

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

15 (E) in paragraph (5), by striking “title—
16 ” and all that follows through the end of the
17 paragraph and inserting “title, \$30,564,000 for
18 each of fiscal years 2016 through 2020.”; 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;

1 “(C) to conduct coastal change analyses
2 necessary to ensure safe navigation;

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.”.

13 (b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR
14 SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is
15 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.”.