

115TH CONGRESS
1ST SESSION

S. 171

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.

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

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,*

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

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

1 Services Improvement Act Reauthorization and Amend-
2 ments Act of 2017”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 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.

21 “(3) Rear admiral (lower half).

22 “(4) Captain.

23 “(5) Commander.

1 “(6) Lieutenant commander.

2 “(7) Lieutenant.

3 “(8) Lieutenant (junior grade).

4 “(9) Ensign.

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

9 “(c) ANNUAL COMPUTATION OF NUMBER IN
10 GRADE.—

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

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

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

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

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

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

17 **SEC. 102. RECALLED OFFICERS.**

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

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

21 “(a) IN GENERAL.—Effective”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(b) POSITIONS OF IMPORTANCE AND RESPONSI-
25 BILITY.—Officers serving in positions designated under

1 section 228 and officers recalled from retired status or de-
2 tailed to an agency other than the Administration—

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

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

7 **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

11 “(a) IN GENERAL.—

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

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

23 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
24 QUIREMENTS.—

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

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

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

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

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

1 “(2) is—

2 “(A) not physically qualified for appoint-
3 ment; and

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

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

“See. 216. Obligated service requirement.”.

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

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

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

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

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

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

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

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

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

1 **TITLE II—PARITY AND**

2 **RECRUITMENT**

3 SEC. 201. EDUCATION LOANS.

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

6 “SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

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

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

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

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

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

22 “(2) be fully qualified for, or hold, an appoint-
23 ment as a commissioned officer in the commissioned
24 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 “(c) 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:

“See. 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”.

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:

“See. 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 10, 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(c), 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(c).

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 gnated, 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 gnated, 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—

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

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 case 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-

0 fore subparagraph (A), by inserting “or the

1 Secretary of Commerce, as applicable,” after

2 “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(l), 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 (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. 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 Oce-
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—

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:

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 qual-
10 ified candidate described in subsection (b) directly to a po-
11 sition in the agency for which the candidate meets qual-
12 ification 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

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) GBADES.—

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—

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 “(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

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:

“See. 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;

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.”.

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

23 Section 3134 of title 40, United States Code, is
24 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.).".

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