

perhaps no one who left with a more indelible mark on his or her profession than Pat. In her 38 years as head coach of the University of Tennessee Lady Volunteers, she amassed a historic record of achievement and blazed a trail for women across our country.

A farm girl from Henrietta, TN, Pat attended the University of Tennessee at Martin, earning a bachelor's degree and leading the women's basketball team to two national championship tournaments. Shortly after graduating, she accepted a position at the University of Tennessee in Knoxville as head coach of the women's basketball team at 22 years old. The rest, they say, is history.

In those early years, Pat washed the jerseys, drove the team van, and was paid \$250 a month. Thirty-eight years later, she walked off the hardwood as the winningest NCAA Division I basketball coach in history, with 1,098 victories, 8 national championships, 32 combined Southeastern Conference titles, and zero losing seasons. If you asked Pat, there was only one number that she would point to: 161—161 Lady Vols who had the honor of wearing the orange and white over the span of her career. As she once wrote, "I won 1,098 games, and eight national championships, and coached in four different decades. But what I see are not the numbers. I see their faces."

Her influence on their lives was felt as much off the court as it was on it. Every player who completed her eligibility at the University of Tennessee under Pat Summitt graduated. That is remarkable—every single player in 38 years. Think about that. The impact she had on her players at the University of Tennessee, the Knoxville community, and the game of basketball will be felt for years to come.

In closing, as we look back on Pat's life, I will echo the words of my friend and former Tennessee football coach Phillip Fulmer, who said: "Coach Summitt did not want a pity party. She said, 'If you're going to have one, I'm not coming.'"

Today, I join all Tennesseans in celebrating her life—celebrating the victories, the titles, the relationships, and celebrating a life well-lived and a fight hard fought. I extend my thoughts and prayers to her son Tyler, the Lady Vol family, and all those who were touched by her truly remarkable life.

I yield the floor.

Ms. MIKULSKI. Mr. President, I want to add my voice of sadness and regret for the loss of Pat Summitt. I extend my deepest sympathy to her family, friends, and the entire Lady Vols community. Pat Summitt was a trailblazer for all American women. I am honored to be a cosponsor of Senators ALEXANDER and CORKER's resolution recognizing Coach Summitt's incredible and inspirational life.

America lost a true champion this week. It was not just that Pat Summitt was a competitor. It was that she was the competitor. Pat won eight

NCAA championships, had 18 Final Four appearances, and won 84 percent of her games—more wins than any other woman or man basketball coach in NCAA history.

Like so many athletes, her love of basketball started when she was a young girl. Growing up in Tennessee, she was always playing basketball with her three older brothers in their family's barn house. Rather than discourage and end their daughter's interest, her parents moved their family to a school district that actually had a girl's high school basketball team. They showed how important support can be to a young girl with a dream.

Her passion only grew and followed her to college at the University of Tennessee at Martin. But she went without an athletic scholarship because women weren't offered them yet. Still, education had always been important in her family—she had never missed a day of school—and Pat graduated in 1974. Degree in hand, she was asked to be the assistant coach of Tennessee's women's team at the university's flagship campus in Knoxville. Then fate quickly took over, making her head coach the same year, at the age of 22.

Pat never took the easy road—it was never offered. Her starting salary as coach was \$250, and she also taught classes, recruited players, and drove the team van to every away game—all while studying for a graduate degree. But to her, it was worth it for the game. It was worth it to teach her players and prove to the doubters and naysayers just what her Lady Vols could accomplish.

Pat was tough, there is no doubt about it. Her players recall her practices with pride. They also remember the sore muscles and pure exhaustion. But Pat knew nothing in life came easy, let alone winning.

Her determined outlook comes from her father, who used to remind her, "It's not done till it's done right." Well, Pat certainly did something right. In 1976, her Lady Vols made it to the Final Four. At the same time, Pat overcame a knee injury to play for the U.S. Women's Olympic basketball team and won a silver medal.

Neither incredible finish satisfied her. She wasn't done yet. Eight years later, she coached the U.S. Women's Basketball Team and won the gold. Three years after that, she led Tennessee to a national championship—the first of the eight she would win.

But Pat knew success had to come on and off the court. That was why she made all her players sit in the first three rows in every class. Unexcused absences were not allowed. Again, she got it right, as all of her players who finished athletic eligibility also graduated with a degree—more than 100 women athletes in total.

Education was part of basketball, too. To Pat, the game wasn't just a game. It was a way to learn life's lessons, to teach young women what they can accomplish with hard work, determination, and belief in yourself

While she was often a tough coach, she was always a source of encouragement. She once wrote to a player starting her first game, "Winning is fun, sure. But winning is not the point. Wanting to win is the point. Not giving up is the point. Never letting up is the point . . . The secret of the game is in doing your best. To persist and endure, 'to strive, to seek, to find, and not to yield.'"

Pat was a living legend that dedicated herself to the game and to the women who played the game. She was a fighter, an Olympian, a Medal of Freedom recipient, a mother to her son, Tyler, and an educator and role model to generations of young women.

She faced stereotypes, skepticism, and hurdles. She persisted, she overcame, and she inspired others to do the same.

We will all remember and miss Pat Summitt because she always did her best, she won, and she led so many others to victory with her.

Mr. SASSE. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### MARITIME ADMINISTRATION AUTHORIZATION AND ENHANCEMENT ACT FOR FISCAL YEAR 2017

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 517, S. 2829.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2829) to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

(a) *SHORT TITLE.*—This Act may be cited as the "Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017".

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

Sec. 1. Short title; table of contents.

#### TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 101. Authorization of the maritime administration.

Sec. 102. Maritime Administration authorization request.

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

- Sec. 201. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.
- Sec. 202. Sexual assault response coordinators and sexual assault victim advocates.
- Sec. 203. Report from the Department of Transportation Inspector General.
- Sec. 204. Sexual assault prevention and response working group.

**TITLE III—MARITIME ADMINISTRATION ENHANCEMENT**

- Sec. 301. Status of National Defense Reserve Fleet vessels.
- Sec. 302. Port infrastructure development.
- Sec. 303. Use of State academy training vessels.
- Sec. 304. State maritime academy physical standards and reporting.
- Sec. 305. Authority to extend certain age restrictions relating to vessels participating in the maritime security fleet.
- Sec. 306. Appointments.
- Sec. 307. High-speed craft classification services.
- Sec. 308. Maritime workforce working group.
- Sec. 309. Vessel disposal program.
- Sec. 310. Maritime extreme weather task force.
- Sec. 311. Penalty wages.
- Sec. 312. Recourse for noncitizens.
- Sec. 313. Floating dry docks.

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

- Sec. 401. Workforce plans and onboarding policies.
- Sec. 402. Drug and alcohol policy.
- Sec. 403. Vessel transfers.

**TITLE V—TECHNICAL AMENDMENTS**

- Sec. 501. Clarifying amendment; continuation boards.
- Sec. 502. Prospective payment of funds necessary to provide medical care.
- Sec. 503. Technical corrections to title 46, United States Code.
- Sec. 504. Coast Guard use of the Pribilof Islands.

**TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT**

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Authority for polar icebreaker acquisition.
- Sec. 604. Polar icebreaker recapitalization plan.
- Sec. 605. GAO report icebreaking capability in the United States.

**TITLE VII—VESSEL INCIDENTAL DISCHARGE ACT**

- Sec. 701. Short title.
- Sec. 702. Findings; purpose.
- Sec. 703. Definitions.
- Sec. 704. Regulation and enforcement.
- Sec. 705. Uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.
- Sec. 706. Treatment technology certification.
- Sec. 707. Exemptions.
- Sec. 708. Alternative compliance program.
- Sec. 709. Judicial review.
- Sec. 710. Effect on State authority.
- Sec. 711. Application with other statutes.
- Sec. 712. Relationship to other laws.
- Sec. 713. Savings provision.

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

- Sec. 801. Short title.
- Subtitle A—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration
- Sec. 811. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.

Sec. 812. Actions to address sexual assault at National Oceanic and Atmospheric Administration.

Sec. 813. Rights of the victim of a sexual assault.

Sec. 814. Change of station.

Sec. 815. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.

Sec. 816. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

Sec. 817. Definition.

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

Sec. 820. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

**PART I—GENERAL PROVISIONS**

- Sec. 821. Strength and distribution in grade.
- Sec. 822. Recalled officers.
- Sec. 823. Obligated service requirement.
- Sec. 824. Training and physical fitness.
- Sec. 825. Recruiting materials.
- Sec. 826. Charter vessel safety policy.
- Sec. 827. Technical correction.

**PART II—PARITY AND RECRUITMENT**

- Sec. 831. Education loans.
- Sec. 832. Interest payments.
- Sec. 833. Student pre-commissioning program.
- Sec. 834. Limitation on educational assistance.
- Sec. 835. 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. 836. Applicability of certain provisions of title 37, United States Code.

Sec. 837. Legion of Merit award.

Sec. 838. Prohibition on retaliatory personnel actions.

Sec. 839. Penalties for wearing uniform without authority.

Sec. 840. Application of certain provisions of competitive service law.

Sec. 841. Employment and reemployment rights.

Sec. 842. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

Sec. 843. Direct hire authority.

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

- Sec. 851. Appointments.
- Sec. 852. Personnel boards.
- Sec. 853. Delegation of authority.
- Sec. 854. Assistant Administrator of the Office of Marine and Aviation Operations.
- Sec. 855. Temporary appointments.
- Sec. 856. Officer candidates.
- Sec. 857. Procurement of personnel.

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

- Sec. 861. Involuntary retirement or separation.
- Sec. 862. Separation pay.

**Subtitle C—Hydrographic Services**

Sec. 871. Reauthorization of Hydrographic Services Improvement Act of 1998.

**TITLE I—MARITIME ADMINISTRATION AUTHORIZATION**

**SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRATION.**

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

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

(A) \$74,851,000 shall be for Academy operations; and

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

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

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

(B) \$3,000,000 shall remain available until expended for direct payments to such academies;

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

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

(E) \$350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$6,000,000, which shall remain available until expended.

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

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

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$3,000,000, which shall remain available until expended for administrative expenses of the program.

**SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.**

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

“(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRATION AUTHORIZATION REQUEST.—

“(1) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Maritime Administrator shall submit a Maritime Administration authorization request with respect to such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

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

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

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

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

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

“§51318. Policy on sexual harassment and sexual assault

“(a) REQUIRED POLICY.—

“(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

“(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

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

“(B) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual assault, including—

“(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by a cadet and the options for confidential reporting;

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

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

“(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

“(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

“(E) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

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

“(A) all cadets and employees of the Academy; and

“(B) the public.

“(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

“(b) DEVELOPMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Transportation shall ensure that the development program of the United States Merchant Marine Academy includes a section that—

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

“(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

“(C) includes information relating to reporting sexual harassment and sexual assault, victims' rights, and dismissal for offenders.

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

“(A) not later than 7 days after their initial arrival at the Academy; and

“(B) biannually thereafter until they graduate or leave the Academy.

“(c) ANNUAL ASSESSMENT.—

“(1) IN GENERAL.—The Secretary of Transportation, in cooperation with the Superintendent of the Academy, shall conduct an assessment at the Academy during each Academy program year to determine the effectiveness of the policies, procedures, and training of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

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

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual assault events,

on or off the Academy campus, that have not been reported to officials of the Academy; and

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

“(i) the policies, procedures, and training on sexual harassment and sexual assault involving cadets or Academy personnel;

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

“(iii) the incidence of sexual harassment and sexual assault involving cadets or Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual assault involving cadets or Academy personnel.

“(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of Transportation is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

“(d) ANNUAL REPORT.—

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

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

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

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

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

“(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, sexual harassment and sexual assault involving cadets or other Academy personnel.

“(3) SURVEY AND FOCUS GROUP RESULTS.—

“(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

“(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

“(4) REPORTING REQUIREMENT.—

“(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

“(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

“(ii) the Academy's response to the incident.

“(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”.

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

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

## SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) COORDINATORS AND ADVOCATES.—Chapter 513 of title 46, United States Code, as amended by section 201, is further amended by adding at the end the following:

### “§51319. Sexual assault response coordinators and sexual assault victim advocates

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

“(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

“(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

“(A) cadets of the Academy; or

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

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

“(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code, as added by section 201; and

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

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

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

“(B) identify additional resources to ensure the safety of victims of sexual assault; and

“(C) connect victims of sexual assault to an Academy sexual assault response coordinator, or full-time or part-time victim advocate, who shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

“(4) COMPANION.—At least 1 victim advocate designated under this subsection, while performing the duties of a victim advocate, shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

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

“(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

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

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

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

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

“51319. Sexual assault response coordinators and sexual assault victim advocates.”.

## SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

(a) IN GENERAL.—Not later than March 31, 2018, the Inspector General of the Department of

Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) **CONTENTS.**—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

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

(3) include any recommendations to improve the response of the Department of Transportation and the United States Merchant Marine Academy to reports of sexual assaults involving members of the Academy, whether a members is the victim, the alleged assailant, or both.

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

(1) include at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

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

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

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a Cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) **MEMBERSHIP.**—The Maritime Administrator shall designate individuals to serve as members of the working group convened pursuant to subsection (a). Membership in the working group shall consist of—

(1) a representative of the Maritime Administration, which shall serve as chair of the working group;

(2) the Superintendent of the Academy, or designee;

(3) the sexual assault response coordinator appointed under section 51319 of title 46, United States Code;

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

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

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

(7) at least 1 representative from each private contracting party participating in the maritime security program;

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

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

(10) at least 1 representative from companies that—

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

(B) do not participate in the maritime security program.

(c) **NO QUORUM REQUIREMENT.**—The Maritime Administration may convene the working group without all members present.

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

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment and sexual assault and those who commit it, across the United States Flag Fleet;

(2) raise awareness of the United States Merchant Marine Academy's sexual assault preven-

tion and response program across the United States Flag Fleet;

(3) assess options that could be implemented by the United States Flag Fleet that would remove any barriers to the reporting of sexual harassment and sexual assault response that occur during a Cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States Flag Fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

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

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

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

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment or sexual assault in order to protect the victim and prevent retribution.

(e) **REPORT.**—Not later than 15 months after the date of the enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

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

(2) the trade-offs, opportunities, and challenges associated with the recommendations made in paragraph (1); and

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

**TITLE III—MARITIME ADMINISTRATION ENHANCEMENT**

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

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

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

(2) by adding at the end the following:

"(g) **VESSEL STATUS.**—Ships or other watercraft in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet—

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

"(2) shall remain subject to the rights and responsibilities of a vessel under admiralty law until such time as the vessel is delivered to a dismantling facility or is otherwise disposed of from the National Defense Reserve Fleet."

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

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

(1) by striking "There are authorized" and inserting the following:

"(A) **IN GENERAL.**—There are authorized"; and

(2) by adding at the end the following:

"(B) **ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the Administrator may use not more than 3 percent of the amounts appropriated to carry out this section for the administrative expenses of the program."

**SEC. 303. USE OF STATE ACADEMY TRAINING VESSELS.**

Section 51504(g) of title 46, United States Code, is amended to read as follows:

"(g) **VESSEL SHARING.**—The Secretary, after consulting with the affected State maritime academies, may implement a program requiring a State maritime academy to share its training vessel with another State maritime academy if the vessel of another State maritime academy—

"(1) is being used during a humanitarian assistance or disaster response activity;

"(2) is incapable of being maintained in good repair as required under section 51504(c) of title 46, United States Code;

"(3) requires maintenance or repair for an extended period;

"(4) is activated as a National Defense Reserve Fleet vessel pursuant to section 4405 of title 50, United States Code;

"(5) loses its Coast Guard Certificate of Inspection or its classification; or

"(6) does not comply with applicable environmental regulations."

**SEC. 304. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.**

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "must" and inserting "shall";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "and"; and

(D) by adding at the end the following:

"(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

"(A) shall, not later than 9 months after each such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

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

"(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to his or her operational authority;

"(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements or standards described in subparagraph (A) throughout the remainder of their respective enrollments at the State maritime academy; and

"(C) if the individual has a medical or physical condition that disqualifies him or her from meeting the requirements or standards referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards."; and

(2) by adding at the end the following:

"(c) **SECRETARIAL WAIVER AUTHORITY.**—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy."

**SEC. 305. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.**

(a) **IN GENERAL.**—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

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

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

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

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

(3) by striking subparagraph (C).

**SEC. 306. APPOINTMENTS.**

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

(b) **CLASS PROFILE.**—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy’s public website a summary profile of each class at the Academy.

(c) **CONTENTS.**—Each summary profile posted under subsection (b) shall include, for the incoming class and for the 4 classes that precede the incoming class, the number and percentage of students—

(1) by State;

(2) by country;

(3) by gender;

(4) by race and ethnicity; and

(5) with prior military service.

**SEC. 307. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.**

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

(1) was acquired by the Secretary from the Maritime Administration;

(2) is not a high-speed naval combatant, patrol vessel, expeditionary vessel, or other special purpose military or law enforcement vessel;

(3) is operated for commercial purposes;

(4) is not operated or crewed by any department, agency, instrumentality, or employee of the United States Government;

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

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

(b) **DEFINITION OF APPROVED CLASSIFICATION SOCIETY.**—In this section, the term “approved classification society” means a classification society that has been approved by the Secretary of the department in which the Coast Guard is operating under section 3316(c) of title 46, United States Code.

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

**SEC. 308. MARITIME WORKFORCE WORKING GROUP.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to examine and assess the size of the pool of citizen mariners necessary to support the United States Flag Fleet in times of national emergency.

(b) **MEMBERSHIP.**—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, the following members:

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

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

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

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

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

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

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

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

(c) **NO QUORUM REQUIREMENT.**—The Maritime Administration may convene the working group without all members present.

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

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

(A) in total;

(B) that have a valid United States Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States Merchant Marine and United States Flag Fleet;

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

(E) that are full-time mariners;

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

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

(2) assess the impact on the United States Merchant Marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States Merchant Marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System, which tracks merchant mariner credentials and medical certificates, and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (G) of subsection (d)(1);

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

(3) the recommendations made under subsection (d)(4).

**SEC. 309. VESSEL DISPOSAL PROGRAM.**

(a) **ANNUAL REPORT.**—Not later than January 1 of each year, the Administrator of the Maritime Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the vessel disposal program of the Maritime Administration.

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

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

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

(B) any other account attributable to the vessel disposal program of the Maritime Administration;

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

(A) the Vessel Operations Revolving Fund; and

(B) any other account described in paragraph (1)(B);

(3) in consultation with the Secretary of the Interior, the total number of—

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

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

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

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

(c) **ASSESSMENTS.**—

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

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

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

(i) the age of the vessel; and

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

(B) a description of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the applicable Federal agency;

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

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

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

**SEC. 310. MARITIME EXTREME WEATHER TASK FORCE.**

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

(b) MEMBERSHIP.—The Task Force shall be composed of—

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

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration;

(C) the Federal Maritime Commission; and

(D) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

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

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

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) PUBLICATION.—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) IMMINENT THREATS.—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

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

#### SEC. 311. PENALTY WAGES.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—Section 10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and

(B) by striking “the seamen” and inserting “the seaman”; and

(2) in paragraph (3)—

(A) by striking “class action”; and

(B) in subparagraph (B), by striking “, by a seaman who is a claimant in the suit,” and inserting “by the seaman”.

(b) COASTWISE VOYAGES.—Section 10504(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and

(B) by striking “the seamen” and inserting “the seaman”; and

(2) in paragraph (3)—

(A) by striking “class action”; and

(B) in subparagraph (B), by striking “, by a seaman who is a claimant in the suit,” and inserting “by the seaman”.

#### SEC. 312. RECOURSE FOR NONCITIZENS.

Section 30104 of title 46, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before the first sentence; and

(2) by adding at the end the following:

“(b) RESTRICTION ON RECOVERY FOR NON-RESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation, may not be brought under the laws of the United States if—

“(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;

“(2) the injury, illness, or death arose outside the territorial waters of the United States; and

“(3) the seaman or the seaman's personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

“(A) the nation in which the vessel was registered at the time the claim arose; or

“(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.

“(c) COMPENSATION DEFINED.—As used in subsection (b), the term ‘compensation’ means—

“(1) a statutory workers' compensation remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006; or

“(2) in the absence of the remedy described in paragraph (1), a legal remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006, that permits recovery for lost wages, pain and suffering, and future medical expenses.”.

#### SEC. 313. FLOATING DRY DOCKS.

Section 55122(a)(1)(C) of title 46, United States Code, is amended by striking “the date of the enactment of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015” and inserting “December 19, 2017”.

### TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

#### SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.

(a) WORKFORCE PLANS.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration's workforce plans, including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission-critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

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

(1) review the Maritime Administration's policies related to new hire orientation, training, and misconduct policies;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration's training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) ONBOARDING POLICIES.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

#### SEC. 402. DRUG AND ALCOHOL POLICY.

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

(1) review the Maritime Administration's drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation's drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

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

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

#### SEC. 403. VESSEL TRANSFERS.

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

### TITLE V—TECHNICAL AMENDMENTS

#### SEC. 501. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

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

#### SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

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

“(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

“(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

“(2) for which a reimbursement would otherwise be made under such section 1085.

“(b) AMOUNT.—The amount of the prospective payment under subsection (a)—

“(1) shall be derived from amounts appropriated for the operating expenses of the Coast Guard for treatment or care provided to members of the Coast Guard and their dependents;

“(2) shall be derived from amounts appropriated for retired pay for treatment or care provided to former members of the Coast Guard and their dependents;

“(3) shall be determined under procedures established by the Secretary of Defense;

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

“(5) shall be subject to adjustment or reconciliation, as the Secretary of Homeland Security and the Secretary of Defense jointly determine appropriate, during or promptly after such fiscal year if the prospective payment is determined excessive or insufficient based on the services actually provided.

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

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

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

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

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

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

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

(2) in section 7510(c)—

(A) in paragraph (1)(D), by striking “engine” and inserting “engineer”; and

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

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

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

(b) REPORT.—Not later than 60 days after the date of the enactment of the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

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

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

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

**TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT**

**SEC. 601. SHORT TITLE.**

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

**SEC. 602. DEFINITIONS.**

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the

Secretary of the department in which the Coast Guard is operating.

**SEC. 603. AUTHORITY FOR POLAR ICEBREAKER ACQUISITION.**

(a) AUTHORITY.—The Secretary is authorized to carry out design and construction activities for the acquisition of new heavy polar icebreakers.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary is authorized to enter into one or more contracts for advance procurement associated with the activities described in subsection (a), including procurement of systems and equipment.

(c) INTERAGENCY FINANCING.—The Secretary is authorized to participate in interagency financing, including receiving appropriated funds from other agencies or departments of the United States, to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2017 under section 2702(2) of title 14, United States Code, \$150,000,000 are authorized to be available to the Secretary to carry out this section.

**SEC. 604. POLAR ICEBREAKER RECAPITALIZATION PLAN.**

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

(b) CONTENTS.—The plan required by subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and department of the United States, as the Secretary determines appropriate;

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

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps due to any further delay in procurement schedules.

**SEC. 605. GAO REPORT ICEBREAKING CAPABILITY IN THE UNITED STATES.**

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

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the polar icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, or other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capac-

ity to exercise missions in the Arctic during any identified gap in United States icebreaking capacity in a polar region; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard polar icebreaking fleet and recommendations to overcome such barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

**TITLE VII—VESSEL INCIDENTAL DISCHARGE ACT**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Vessel Incidental Discharge Act”.

**SEC. 702. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since the enactment of the Act to Prevent Pollution from Ships (22 U.S.C. 1901 et seq.) in 1980, the United States Coast Guard has been the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(2) The Coast Guard estimates there are approximately 12,000,000 State-registered recreational vessels, 75,000 commercial fishing vessels, and 33,000 freight and tank barges operating in United States waters.

(3) From 1973 to 2005, certain discharges incidental to the normal operation of a vessel were exempted by regulation from otherwise applicable permitting requirements.

(4) During the 32 years during which this regulatory exemption was in effect, Congress enacted several statutes to deal with the regulation of discharges incidental to the normal operation of a vessel, including—

(A) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in 1980;

(B) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(C) the National Invasive Species Act of 1996 (110 Stat. 4073);

(D) section 415 of the Coast Guard Authorization Act of 1998 (112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(E) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (114 Stat. 2763), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(F) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings;

(G) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001; and

(H) the amendment made by section 2 of the Clean Boating Act of 2008 adding subsection (r) to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342(r)), which exempts recreational vessels from National Pollutant Discharge Elimination System permit requirements.

(b) PURPOSE.—The purpose of this title is to provide for the establishment of nationally uniform and environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel.

**SEC. 703. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **AQUATIC NUISANCE SPECIES.**—The term “aquatic nuisance species” means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) **BALLAST WATER.**—

(A) **IN GENERAL.**—The term “ballast water” means any water and water-suspended matter taken aboard a vessel—

(i) to control or maintain trim, list, draught, stability, or stresses of the vessel; or

(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) **EXCLUSIONS.**—The term “ballast water” does not include any substance that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) **BALLAST WATER DISCHARGE STANDARD.**—The term “ballast water discharge standard” means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water discharge standard established under subsection (a)(1)(B), (b), or (c) of section 705.

(5) **BALLAST WATER MANAGEMENT SYSTEM; MANAGEMENT SYSTEM.**—The terms “ballast water management system” and “management system” mean any system, including all ballast water treatment equipment and associated control and monitoring equipment, used to process ballast water to kill, remove, render harmless, or avoid the uptake or discharge of organisms.

(6) **BIOCIDE.**—The term “biocide” means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water management system to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard under this title.

(7) **DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.**—

(A) **IN GENERAL.**—The term “discharge incidental to the normal operation of a vessel” means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) **EXCLUSIONS.**—The term “discharge incidental to the normal operation of a vessel” does not include—

(i) a discharge into navigable waters from a vessel of—

(I) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(II) oil or a hazardous substance as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) **GEOGRAPHICALLY LIMITED AREA.**—The term “geographically limited area” means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route such as the Great Lakes and St. Lawrence River, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) **MANUFACTURER.**—The term “manufacturer” means a person engaged in the manufacture, assembly, or importation of ballast water treatment technology.

(10) **NAVIGABLE WATERS.**—The term “navigable waters” has the meaning given the term in section 2.36 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(12) **VESSEL.**—The term “vessel” means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

#### SEC. 704. REGULATION AND ENFORCEMENT.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—The Secretary, in consultation with the Administrator, shall establish, implement, and enforce uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.

(2) **BASIS.**—Except as provided under paragraph (3), the standards and requirements established under paragraph (1)—

(A) with respect to ballast water, shall be based upon the best available technology that is economically achievable;

(B) with respect to discharges incidental to the normal operation of a vessel other than ballast water, shall be based on best management practices (including practices, limitations, or concentrations); and

(C) shall supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(3) **RULE OF CONSTRUCTION.**—The standards and requirements established under paragraph (1) shall not supersede regulations, in place on the date of the enactment of this Act or established by a rulemaking proceeding after such date of enactment, which cover a discharge in a national marine sanctuary or in a marine national monument.

(b) **ADMINISTRATION AND ENFORCEMENT.**—The Secretary shall administer and enforce the uniform national standards and requirements under this title. Each State may enforce the uniform national standards and requirements under this title.

(c) **SANCTIONS.**—

(1) **CIVIL PENALTIES.**—

(A) **BALLAST WATER.**—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation.

(B) **OTHER DISCHARGE.**—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be liable for a civil penalty in an amount not to exceed \$10,000. Each day of a continuing violation constitutes a separate violation.

(C) **IN REM LIABILITY.**—A vessel operated in violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed under this subsection for that violation.

(2) **CRIMINAL PENALTIES.**—

(A) **BALLAST WATER.**—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be punished by a fine of not more than \$100,000, imprisonment for not more than 2 years, or both.

(B) **OTHER DISCHARGE.**—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be punished by a fine of not more than \$50,000, imprisonment for not more than 1 year, or both.

(3) **REVOCACTION OF CLEARANCE.**—The Secretary is authorized to withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of a regulation issued pursuant to this Act.

(4) **EXCEPTION TO SANCTIONS.**—It shall be an affirmative defense to any charge of a violation of this title that compliance with this title would, because of adverse weather, equipment failure, or any other relevant condition, have threatened the safety or stability of a vessel, its crew, or its passengers.

#### SEC. 705. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) **REQUIREMENTS.**—

(1) **BALLAST WATER MANAGEMENT REQUIREMENTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of a vessel until the Secretary revises the ballast water discharge standard under subsection (b) or adopts a more stringent standard under subparagraph (B).

(B) **ADOPTION OF MORE STRINGENT STANDARD.**—If the Secretary makes a determination in favor of a State petition under section 610, the Secretary shall adopt the more stringent ballast water discharge standard specified in the statute or regulation that is the subject of that State petition instead of the ballast water discharge standard in the final rule described under subparagraph (A).

(2) **INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) **REVISED BALLAST WATER DISCHARGE STANDARD; 8-YEAR REVIEW.**—

(1) **IN GENERAL.**—Subject to the feasibility review under paragraph (2), not later than January 1, 2024, the Secretary, in consultation with

the Administrator, shall issue a final rule revising the ballast water discharge standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 organism that is living or has not been rendered harmless per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 organism that is living or has not been rendered harmless per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of *Escherichia coli* per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) FEASIBILITY REVIEW.—

(A) IN GENERAL.—Not less than 2 years before January 1, 2024, the Secretary, in consultation with the Administrator, shall complete a review to determine the feasibility of achieving the revised ballast water discharge standard under paragraph (1).

(B) CRITERIA FOR REVIEW OF BALLAST WATER DISCHARGE STANDARD.—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water discharge standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water management systems, including—

(I) the capability of such management systems to achieve a revised ballast water discharge standard;

(II) the effectiveness and reliability of such management systems in the shipboard environment;

(III) the compatibility of such management systems with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such management systems; and

(V) the safety of such management systems;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water management systems on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water discharge standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water discharge standard, including the potential impacts on water-related infrastructure, recreation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) LOWER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines on the basis of the feasibility review and after an opportunity for a public hearing that no ballast water management system can be certified under section 706 to comply with the revised ballast

water discharge standard under paragraph (1), the Secretary shall require the use of the management system that achieves the performance levels of the best available technology that is economically achievable.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend the implementation deadline for that class of vessels for not more than 36 months.

(iii) COMPLIANCE.—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) HIGHER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines that a ballast water management system exists that exceeds the revised ballast water discharge standard under paragraph (1) with respect to a class of vessels and is the best available technology that is economically achievable, the Secretary shall revise the ballast water discharge standard for that class of vessels to incorporate the higher discharge standard.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) can be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) IMPLEMENTATION DEADLINE.—The revised ballast water discharge standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2024, but not later than December 31, 2026.

(4) REVISED DISCHARGE STANDARD COMPLIANCE DEADLINES.—

(A) IN GENERAL.—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water discharge standard under this subsection.

(B) PROCESS FOR GRANTING EXTENSIONS.—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline with respect to the vessel of the owner or operator.

(C) PERIOD OF EXTENSIONS.—An extension issued under subparagraph (B) may be for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A) and may be renewed for additional periods of not to exceed 18 months each, except that the total period of extension may not exceed 5 years.

(D) FACTORS.—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the management system to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(vii) Any other factors the Secretary considers appropriate, including the availability of a ballast water reception facility or other means of managing ballast water.

(E) CONSIDERATION OF PETITIONS.—

(i) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) DEADLINE.—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(c) FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

(1) REVISED BALLAST WATER DISCHARGE STANDARDS.—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REVISED STANDARDS FOR DISCHARGES OTHER THAN BALLAST WATER.—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges (including practices, limitations, or concentrations) covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) CONSIDERATIONS.—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other Federal agencies as the Secretary considers appropriate, shall consider the criteria under section 705(b)(2)(B).

(4) REVISION AFTER DECENNIAL REVIEW.—The Secretary shall initiate a rulemaking to revise the current ballast water discharge standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the current ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(d) ALTERNATIVE BALLAST WATER MANAGEMENT REQUIREMENTS.—Nothing in this title may be construed to preclude the Secretary from authorizing the use of alternate means or methods of managing ballast water (including flow-through exchange, empty/refill exchange, and transfer to treatment facilities in place of a vessel ballast water management system required under this section) if the Secretary, in consultation with the Administrator, determines that such means or methods would not pose a greater risk of introduction of aquatic nuisance species in navigable waters than the use of a ballast water management system that achieves the applicable ballast water discharge standard.

(e) GREAT LAKES REQUIREMENTS.—In addition to the other standards and requirements imposed by this section, in the case of a vessel that enters the Great Lakes through the St. Lawrence River after operating outside the exclusive economic zone of the United States the Secretary, in consultation with the Administrator, shall establish a requirement that the vessel conduct saltwater flushing of all ballast water tanks onboard prior to entry.

SEC. 706. TREATMENT TECHNOLOGY CERTIFICATION.

(a) CERTIFICATION REQUIRED.—No manufacturer of a ballast water management system shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water management system for a vessel unless it has been certified under this section.

(b) CERTIFICATION PROCESS.—

(1) **EVALUATION.**—Upon application of a manufacturer, the Secretary shall evaluate a ballast water management system with respect to—

(A) the effectiveness of the management system in achieving the current ballast water discharge standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;

(C) the effect of the management system on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) **APPROVAL.**—If after an evaluation under paragraph (1) the Secretary determines that the management system meets the criteria, the Secretary may certify the management system for use on a vessel (or a class, type, or size of vessel).

(3) **SUSPENSION AND REVOCATION.**—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(c) **CERTIFICATION CONDITIONS.**—

(1) **IMPOSITION OF CONDITIONS.**—In certifying a ballast water management system under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the management system onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

(B) the protection of the environment; or

(C) the effective operation of the management system.

(2) **FAILURE TO COMPLY.**—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) **PERIOD FOR USE OF INSTALLED TREATMENT EQUIPMENT.**—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a management system is installed and operated to meet a ballast water discharge standard under this title to continue to use that system, notwithstanding any revision of a ballast water discharge standard occurring after the management system is ordered or installed until the expiration of the service life of the management system, as determined by the Secretary, if the management system—

(1) is maintained in proper working condition, as determined by the Secretary; and

(2) continues to meet the discharge standard in effect at the time of installation.

(e) **CERTIFICATES OF TYPE APPROVAL FOR THE TREATMENT TECHNOLOGY.**—

(1) **ISSUANCE.**—If the Secretary approves a ballast water management system for certification under subsection (b), the Secretary shall issue a certificate of type approval for the management system to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) **CERTIFICATION CONDITIONS.**—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) **OWNERS AND OPERATORS.**—A manufacturer that receives a certificate of type approval for the management system under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the management system is installed.

(f) **INSPECTIONS.**—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the management system.

(g) **BIOCIDES.**—The Secretary may not approve a ballast water management system under subsection (b) if—

(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such management system; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) **PROHIBITION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the use of a ballast water management system by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) **EXCEPTIONS.**—

(A) **COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.**—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) **BALLAST WATER MANAGEMENT SYSTEMS CERTIFIED BY FOREIGN ENTITIES.**—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the management system has been certified by a foreign entity and the certification demonstrates performance and safety of the management system equivalent to the requirements of this section, as determined by the Secretary.

(i) **TESTING PROTOCOLS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water management system under this section; and

(2) certifying laboratories to evaluate such treatment technologies.

**SEC. 707. EXEMPTIONS.**

(a) **INCIDENTAL DISCHARGES.**—Except in a National Marine Sanctuary or a Marine National Monument, no permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as such terms are defined in section 2101(5) of title 46, United States Code); or

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel, including a fish processing vessel and a fish tender vessel, (as defined in section 2101 of title 46, United States Code).

(b) **DISCHARGES INTO NAVIGABLE WATERS.**—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(2) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shoreside facility; or

(3) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(c) **RECREATIONAL VESSEL DISCHARGES.**—No permit shall be required, nor shall any standards be established, regarding a discharge inci-

dental to the normal operation of a recreational vessel (as defined in section 2101(25) of title 46, United States Code) under this title.

(d) **BALLAST WATER DISCHARGES.**—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water discharge standard under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard unless the Secretary determines such discharge poses a substantial risk of introduction or establishment of an aquatic nuisance species;

(C) operate pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the vessel; or

(D) continuously take on and discharge ballast water in a flow-through system that does not introduce aquatic nuisance species into navigable waters;

(2) a ballast water discharge incidental to the normal operation of a vessel consisting entirely of water sourced from a United States public water system that meets the requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or from a foreign public water system determined by the Administrator to be suitable for human consumption; or

(3) a ballast water discharge incidental to the normal operation of a vessel in an alternative compliance program established pursuant to section 708.

(e) **VESSELS WITH PERMANENT BALLAST WATER.**—No permit shall be required or prohibition enforced regarding a ballast water discharge incidental to the normal operation of a vessel under any other provision of law for, nor shall any ballast water discharge standard under this title apply to, a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.

(f) **VESSELS OF THE ARMED FORCES.**—Nothing in this title may be construed to apply to—

(1) a vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel); or

(2) a vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

**SEC. 708. ALTERNATIVE COMPLIANCE PROGRAM.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section 705 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary.

(b) **RULEMAKING.**—

(1) **FACILITY STANDARDS.**—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(A) the reception of ballast water from a vessel into a reception facility; and

(B) the disposal or treatment of the ballast water under paragraph (1).

(2) **TRANSFER STANDARDS.**—The Secretary, in consultation with the Administrator, is authorized to promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

**SEC. 709. JUDICIAL REVIEW.**

(a) **IN GENERAL.**—An interested person may file a petition for review of a final regulation promulgated under this title in the United

States Court of Appeals for the District of Columbia Circuit.

(b) **DEADLINE.**—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) **EXCEPTION.**—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

**SEC. 710. EFFECT ON STATE AUTHORITY.**

(a) **IN GENERAL.**—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge incidental to the normal operation of a vessel after the date of enactment of this Act.

(b) **SAVINGS CLAUSE.**—Notwithstanding subsection (a), the Governor of a State may petition the Secretary to adopt a national ballast water discharge standard that is more stringent than the ballast water performance standard under section 705(a)(1)(A) upon a showing that—

(1) compliance with the proposed ballast water discharge standard can in fact be achieved and detected by a ballast water management system that is economically achievable and operationally practicable;

(2) the proposed ballast water discharge standard is consistent with obligations under relevant international treaties or agreements to which the United States is a party; and

(3) any other factors that the Secretary, in consultation with the Administrator, deems relevant.

(c) **PETITION PROCESS.**—

(1) **SUBMISSION.**—The Governor of a State shall submit a petition to the Secretary requesting the Secretary to review the statute or regulation.

(2) **CONTENTS; TIMING.**—A petition submitted under paragraph (1) shall be accompanied by the scientific and technical information on which the petition is based.

(3) **DETERMINATIONS.**—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date that the Secretary determines that a complete petition has been received.

**SEC. 711. APPLICATION WITH OTHER STATUTES.**

(a) **EXCLUSIVE STATUTORY AUTHORITY.**—Except as otherwise provided in this section and notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies.

(b) **EFFECT OF EXISTING REGULATIONS.**—Except as provided under section 705(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies—

(1) shall be deemed to be a regulation issued pursuant to the authority of this title; and

(2) shall remain in full force and effect unless or until superseded by new regulations issued under this title.

(c) **ACT TO PREVENT POLLUTION FROM SHIPS.**—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any discharge or emission that is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, done at London February 17, 1978. Nothing in this title may be construed to alter or amend such Act or any regulation issued pursuant to the authority of such Act.

(d) **TITLE X OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2010.**—Title X of the Coast Guard and Maritime Transportation Act of 2010 (33 U.S.C. 3801 et seq.) shall be the

exclusive statutory authority for the regulation by the Federal Government of any anti-fouling system that is covered under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. Nothing in this title may be construed to alter or amend such title X or any regulation issued pursuant to the authority under such title.

**SEC. 712. RELATIONSHIP TO OTHER LAWS.**

Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(1) by striking “All actions” and inserting the following:

“(a) **IN GENERAL.**—Except as provided in subsection (b), all actions”; and

(2) by adding at the end the following:

“(b) **VESSEL INCIDENTAL DISCHARGES.**—Notwithstanding subsection (a), the Vessel Incidental Discharge Act shall be the exclusive statutory authority for the regulation by the Federal Government of discharges incidental to the normal operation of a vessel.”.

**SEC. 713. SAVINGS PROVISION.**

Any action taken by the Federal Government under this Act shall be in full compliance with its obligations under applicable provisions of international law.

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

**SEC. 801. SHORT TITLE.**

This title may be cited as the “National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act”.

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

**SEC. 811. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) **REQUIRED POLICY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

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

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

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

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

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

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

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

(3) establishment of a mechanism by which—

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

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

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) **CONSULTATION AND ASSISTANCE.**—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations

and subject matter experts as the Secretary considers appropriate.

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

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) **GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.**—The Secretary shall ensure that at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment is stationed—

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

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

(f) **QUARTERLY REPORTS.**—

(1) **IN GENERAL.**—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

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

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

(B) Number of open actionable sexual harassment cases and how long the cases have been open.

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

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

**SEC. 812. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) **COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

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

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

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

(B) procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

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

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

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

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

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantial incidents of sexual assault.

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

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) VICTIM ADVOCACY.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) VICTIM ADVOCATES.—For purposes of this subsection, a victim advocate is a permanent employee of the Administration who—

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

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

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

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

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

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

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

(A) in each region in which the Administration conducts operations; and

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

(5) HOTLINE.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall establish a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) 24-HOUR ACCESS.—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

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

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

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

**SEC. 813. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

A victim of a sexual assault covered by the comprehensive policy developed under section 812(a) has the right to be reasonably protected from the accused.

**SEC. 814. CHANGE OF STATION.**

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

(1) TIMELY CONSIDERATION AND ACTION UPON REQUEST.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) PROCEDURES.—

(A) PERIOD FOR APPROVAL AND DISAPPROVAL.—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

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

(i) the victim may request the Secretary review the denial; and

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

(b) CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) POLICY REQUIREMENTS.—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to carry out this section.

(2) CONSISTENCY.—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

**SEC. 815. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.**

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 811(a) and the comprehensive policy developed under section 812(a).

**SEC. 816. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) IN GENERAL.—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and

individuals who work with or conduct business on behalf of the Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

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

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 811(f).

(c) PRIVACY PROTECTION.—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

**SEC. 817. DEFINITION.**

In this subtitle, the term "sexual assault" shall have the meaning given such term in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

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

**SEC. 820. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

**PART I—GENERAL PROVISIONS**

**SEC. 821. STRENGTH AND DISTRIBUTION IN GRADE.**

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

**"SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

"(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

"(1) Vice admiral.

"(2) Rear admiral.

"(3) Rear admiral (lower half).

"(4) Captain.

"(5) Commander.

"(6) Lieutenant commander.

"(7) Lieutenant.

"(8) Lieutenant (junior grade).

"(9) Ensign.

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

"(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

"(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

"(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

"(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is 1/2, the next higher whole number shall be taken.

"(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on

that list during that fiscal year does not exceed the authorized number.

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

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

**SEC. 822. RECALLED OFFICERS.**

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

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

“(a) IN GENERAL.—Effective”; and

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

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

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

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

**SEC. 823. OBLIGATED SERVICE REQUIREMENT.**

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

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

“(a) IN GENERAL.—

“(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

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

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

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

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

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

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

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improve-

ment Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

**SEC. 824. TRAINING AND PHYSICAL FITNESS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 823(a), is further amended by adding at the end the following:

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

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

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

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 823(b), is further amended by inserting after the item relating to section 216 the following:

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

**SEC. 825. RECRUITING MATERIALS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 824(a), is further amended by adding at the end the following:

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

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 824(b), is further amended by inserting after the item relating to section 217 the following:

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

**SEC. 826. CHARTER VESSEL SAFETY POLICY.**

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

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

(1) Basic vessel safety requirements that address stability, egress, fire protection and life-saving equipment, hazardous materials, and pollution control.

(2) Personnel safety requirements that address crew qualifications, medical training and serv-

ices, safety briefings and drills, and crew habitability.

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

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

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

**SEC. 827. TECHNICAL CORRECTION.**

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

**PART II—PARITY AND RECRUITMENT**

**SEC. 831. EDUCATION LOANS.**

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

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

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

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

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

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

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

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

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

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

**“(d) LOAN REPAYMENTS.—**

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

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

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

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

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

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

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

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

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

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

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

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

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

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

“Sec. 267. Education loan repayment program.”

**SEC. 832. INTEREST PAYMENTS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 831(a), is further amended by adding at the end the following:

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

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

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

“(1) is serving on active duty;

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

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

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

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

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

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

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

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

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

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

“(A) to pay interest and special allowances on student loans under this section (in accordance

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

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

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

(b) CONFORMING AMENDMENTS.—

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

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

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

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

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

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

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 831(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”

**SEC. 833. STUDENT PRE-COMMISSIONING PROGRAM.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 832(a), is further amended by adding at the end the following:

**“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

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

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

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

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the

Administration except for the completion of a baccalaureate degree; and

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

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

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

“(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to 3 years if the person received less than 3 years of assistance; and

“(ii) up to 5 years if the person received at least 3 years of assistance.

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

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

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

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

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

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

“(g) INITIAL CLOTHING ALLOWANCE.—

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

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

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

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

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

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

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

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

“(B) is—

“(i) not physically qualified for appointment; and

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

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

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

“(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.”

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 832(c), is further amended by inserting after the item relating to section 268 the following:

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

**SEC. 834. LIMITATION ON EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 831(a)), section 268 of such Act (as added by section 832(a)), and section 269 of such Act (as added by section 833(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 246(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

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

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 2002), as added by section 856(c).

**SEC. 835. 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.**

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

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

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

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

(4) by inserting after paragraph (3) the following:

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

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

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

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

(5) by inserting after paragraph (10), as redesignated, the following:

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

(6) by inserting after paragraph (17), as redesignated, the following:

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

“(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

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

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

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

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

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

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

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the National Oceanic and Atmospheric Administration.”

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

(A) in subsection (a)—

(i) by inserting “or the commissioned corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

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

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

**SEC. 836. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

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

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

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

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

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

“(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

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

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

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

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

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

**SEC. 837. LEGION OF MERIT AWARD.**

Section 1121 of title 10, United States Code, is amended by striking “armed forces” and inserting “uniformed services”.

**SEC. 838. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.**

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 835, is further amended—

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

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

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

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

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

**SEC. 839. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.**

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

**SEC. 840. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.**

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

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”;

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

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

**SEC. 841. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

**SEC. 842. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.**

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

**“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.**

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

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

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

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

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

**SEC. 843. DIRECT HIRE AUTHORITY.**

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

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 823;

(2) if no longer a member of the commissioned officer corps of the Administration, was discharged or released therefrom; and

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

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

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

**SEC. 851. APPOINTMENTS.**

(a) ORIGINAL APPOINTMENTS.—

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

**“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.**

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

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

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

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

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

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

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

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

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

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

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

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

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

“(3) DEFINITIONS.—In this subsection:

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

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

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

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

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

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

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

“(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

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

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

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

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

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position

of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

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

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

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

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

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

“Sec. 221. Original appointments and reappointments.”

**SEC. 852. PERSONNEL BOARDS.**

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

**“SEC. 222. PERSONNEL BOARDS.**

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

“(b) MEMBERSHIP.—

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

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

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

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

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

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.”

**SEC. 853. DELEGATION OF AUTHORITY.**

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

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

“(a) IN GENERAL.—Appointments”; and

(2) by adding at the end the following:

“(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.”

**SEC. 854. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.**

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

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

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

**SEC. 855. TEMPORARY APPOINTMENTS.**

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

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

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

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

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

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

“(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.”

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

“Sec. 229. Temporary appointments.”

**SEC. 856. OFFICER CANDIDATES.**

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

**“SEC. 234. OFFICER CANDIDATES.**

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

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

anic and Atmospheric Administration Commissioned Officer Corps.

**“(d) AGREEMENT.—**

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

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

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

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

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

“(ii) will serve on active duty for at least 4 years immediately after such appointment.

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

“(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

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

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).”

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

“Sec. 234. Officer candidates.”

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

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

(2) by inserting after paragraph (3) the following:

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

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

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

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

**SEC. 857. PROCUREMENT OF PERSONNEL.**

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 856(a), is further amended by adding at the end the following:

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

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

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Pub-

lic Law 107-372), as amended by section 856(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”

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

**SEC. 861. INVOLUNTARY RETIREMENT OR SEPARATION.**

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

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

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

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

“(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”

**SEC. 862. SEPARATION PAY.**

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

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

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

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

**Subtitle C—Hydrographic Services**

**SEC. 871. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.**

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

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

“(a) IN GENERAL.—There are”;

(2) in subsection (a) (as designated by paragraph (1))—

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

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

(C) in paragraph (3), by striking “Administration—” and all that follows through the end of the paragraph and inserting “Administration, \$29,932,000 for each of fiscal years 2016 through 2020.”;

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

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

(3) by adding at the end the following:

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

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

“(A) to acquire hydrographic data;

“(B) to provide hydrographic services;

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

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

“(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

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

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

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

Mr. SASSE. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn, the Fischer substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4940) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill (S. 2829), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**ORDERS FOR FRIDAY, JULY 1, 2016, THROUGH WEDNESDAY, JULY 6, 2016**

Mr. SASSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, July 1, at 9:30 a.m.; Tuesday, July 5, at 9 a.m.; I further ask that when the Senate adjourns on Tuesday, July 5, it next convene at 10 a.m., Wednesday, July 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; I ask that following leader remarks, the Senate resume consideration of the motion to proceed to S. 3100; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; further, that at 2:15 p.m., the Senate proceed to executive session as under the previous order; finally, that following the disposition of the Martinotti nomination, the pending cloture motions filed during today's session ripen.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ADJOURNMENT UNTIL FRIDAY, JULY 1, 2016, AT 9:30 A.M.**

Mr. SASSE. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:03 p.m., adjourned until Friday, July 1, 2016, at 9:30 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

DEBRA SATZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022, VICE CONSTANCE M. CARROLL, TERM EXPIRED.

**DEPARTMENT OF STATE**

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

**THE JUDICIARY**

JASON D. TULLEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH NAN MACALUSO, RETIRED.

**IN THE AIR FORCE**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. STEVEN M. SHEPRO

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. TAMMY S. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. BRIAN E. ALVIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. RICHARD J. HEITKAMP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. MILES A. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. FLETCHER V. WASHINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. NIKKI L. GRIFFIN OLIVE

**IN THE NAVY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. DARIUS BANAJI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. TINA A. DAVIDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. GAYLE D. SHAFFER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. FRANK D. WHITWORTH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. STEPHANIE T. KECK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. DAVID A. GOGGINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. RICHARD D. HEINZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. CARL P. CHEBI

CAPT. BLAKE L. CONVERSE  
CAPT. CHARLES E. COOPER II  
CAPT. PAUL T. DRUGGAN  
CAPT. DONALD D. GABRIELSON  
CAPT. ALVIN HOLSEY

CAPT. JEFFREY T. JABLON

CAPT. GARY A. MAYES  
CAPT. JOHN F. MEIER  
CAPT. JAMES E. PITTS  
CAPT. CHARLES W. ROCK  
CAPT. JOHN B. SKILLMAN  
CAPT. MURRAY J. TYNCH III  
CAPT. JOHN F. WADE  
CAPT. MICHAEL A. WETTTLAUFER

**CONFIRMATIONS**

Executive nominations confirmed by the Senate June 29, 2016:

**FEDERAL MARITIME COMMISSION**

DANIEL B. MAFFEI, OF NEW YORK, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2017.

**IN THE COAST GUARD**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

VICE ADM. FRED M. MIDGETTE

**FEDERAL MARITIME COMMISSION**

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2020.

**DEPARTMENT OF STATE**

MARY BETH LEONARD, OF MASSACHUSETTS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

ANNE S. CASPER, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

**IN THE ARMY**

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. MATTHEW T. QUINN

**IN THE NAVY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. PHILLIP E. LEE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. ALAN J. REYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. MARY C. RIGGS