

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 171

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

1 Strike all after the enacting clause and insert the following:
2

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

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

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

Sec. 1. Short title; table of contents.

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

TITLE I—GENERAL PROVISIONS

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

TITLE II—PARITY AND RECRUITMENT

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

TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

- Sec. 301. Appointments.
Sec. 302. Personnel boards.
Sec. 303. Delegation of authority.
Sec. 304. Assistant Administrator of the Office of Marine and Aviation Operations.
Sec. 305. Temporary appointments.
Sec. 306. Officer candidates.
Sec. 307. Procurement of personnel.

TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

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

TITLE V—HYDROGRAPHIC SERVICES AND OTHER MATTERS

- Sec. 501. Reauthorization of Hydrographic Services Improvement Act of 1998.
Sec. 502. System for tracking and reporting all-inclusive cost of hydrographic surveys.
Sec. 503. Plans for construction of new port facility for homeporting of R/V FAIRWEATHER.
Sec. 504. Waivers of bond requirements for certain contracts.

1 “(9) Ensign.

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

6 “(c) ANNUAL COMPUTATION OF NUMBER IN
7 GRADE.—

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

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

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

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

1 if the average number on that list during that fiscal year
2 does not exceed the authorized number.

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

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

14 **SEC. 102. RECALLED OFFICERS.**

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

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

18 “(a) IN GENERAL.—Effective”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(b) POSITIONS OF IMPORTANCE AND RESPONSI-
22 BILITY.—Officers serving in positions designated under
23 section 228 and officers recalled from retired status or de-
24 tailed to an agency other than the Administration—

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

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

5 **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

9 “(a) IN GENERAL.—

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

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

21 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
22 QUIREMENTS.—

23 “(1) IN GENERAL.—The Secretary may require
24 an officer who fails to meet the service requirements
25 prescribed under subsection (a)(1) to reimburse the

1 Secretary in an amount that bears the same ratio to
2 the total costs of the training provided to that offi-
3 cer by the Secretary as the unserved portion of ac-
4 tive duty bears to the total period of active duty the
5 officer agreed to serve.

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

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

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

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

23 “(2) is—

24 “(A) not physically qualified for appoint-
25 ment; and

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

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

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

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

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

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

22 “(1) Carrying out training programs and cor-
23 respondence courses, including establishing and op-
24 erating a basic officer training program to provide
25 initial indoctrination and maritime vocational train-

1 ing for officer candidates as well as refresher train-
2 ing, mid-career training, aviation training, and such
3 other training as the Secretary considers necessary
4 for officer development and proficiency.

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

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

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

14 (b) CLERICAL AMENDMENT.—The table of sections
15 in section 1 of the Act entitled “An Act to authorize the
16 Hydrographic Services Improvement Act of 1998, and for
17 other purposes” (Public Law 107-372), as amended by
18 section 103(b), is further amended by inserting after the
19 item relating to section 216 the following:

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

20 **SEC. 105. RECRUITING MATERIALS.**

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

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

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

10 (b) CLERICAL AMENDMENT.—The table of sections
11 in section 1 of the Act entitled “An Act to authorize the
12 Hydrographic Services Improvement Act of 1998, and for
13 other purposes” (Public Law 107–372), as amended by
14 section 104(b), is further amended by inserting after the
15 item relating to section 217 the following:

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

16 **SEC. 106. TECHNICAL CORRECTION.**

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

20 **TITLE II—PARITY AND**
21 **RECRUITMENT**

22 **SEC. 201. EDUCATION LOANS.**

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

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

2 **“(a) AUTHORITY TO REPAY EDUCATION LOANS.—**

3 For the purpose of maintaining adequate numbers of offi-
4 cers of the commissioned officer corps of the Administra-
5 tion on active duty who have skills required by the com-
6 missioned officer corps, the Secretary may repay, in the
7 case of a person described in subsection (b), a loan that—

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

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

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

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

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

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

24 **“(c) ACADEMIC AND PROFESSIONAL REQUIRE-**
25 **MENTS.—One of the following academic requirements**
26 **must be satisfied for purposes of determining the eligi-**

1 bility of an individual for a loan repayment under this sec-
2 tion:

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

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

13 “(d) LOAN REPAYMENTS.—

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

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

25 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 267. Education loan repayment program.”

21 **SEC. 202. INTEREST PAYMENTS.**

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

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

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

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

8 “(1) is serving on active duty;

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

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

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

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

17 “(1) A loan made, insured, or guaranteed under
18 part B of title IV of the Higher Education Act of
19 1965 (20 U.S.C. 1071 et seq.).

20 “(2) A loan made under part D of such title
21 (20 U.S.C. 1087a et seq.).

22 “(3) A loan made under part E of such title
23 (20 U.S.C. 1087aa et seq.).

24 “(d) **MAXIMUM BENEFIT.**—Interest and any special
25 allowance may be paid on behalf of an officer under this

1 section for any of the 36 consecutive months during which
2 the officer is eligible under subsection (b).

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

7 “(f) COORDINATION WITH SECRETARY OF EDU-
8 CATION.—

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

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

15 “(A) to pay interest and special allowances
16 on student loans under this section (in accord-
17 ance with sections 428(o), 455(l), and 464(j) of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1078(o), 1087e(l), and 1087dd(j)); and

20 “(B) to reimburse the Secretary of Edu-
21 cation for any reasonable administrative costs
22 incurred by the Secretary in coordinating the
23 program under this section with the administra-
24 tion of the student loan programs under parts
25 B, D, and E of title IV of the Higher Edu-

1 cation Act of 1965 (20 U.S.C. 1071 et seq.,
2 1087a et seq., 1087aa et seq.).

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

7 (b) CONFORMING AMENDMENTS.—

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

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

14 (B) in paragraph (1)—

15 (i) by inserting “or section 268 of the
16 National Oceanic and Atmospheric Admin-
17 istration Commissioned Officer Corps Act
18 of 2002” after “Code,”; and

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

23 (2) Sections 455(l) and 464(j) of the Higher
24 Education Act of 1965 (20 U.S.C. 1087e(l) and
25 1087dd(j)) are each amended—

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

5 (B) in paragraph (1)—

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

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

14 (c) CLERICAL AMENDMENT.—The table of sections
15 in section 1 of the Act entitled “An Act to authorize the
16 Hydrographic Services Improvement Act of 1998, and for
17 other purposes” (Public Law 107–372), as amended by
18 section 201(b), is further amended by inserting after the
19 item relating to section 267 the following:

“Sec. 268. Interest payment program.”

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

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

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

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

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

14 “(2) a postbaccalaureate degree.

15 “(b) **ELIGIBLE PERSONS.**—

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

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

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

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

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

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

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

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

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

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

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

21 “(2) The cost of books.

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

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

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

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

13 “(f) SUBSISTENCE ALLOWANCE.—

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

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

25 “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

13 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

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

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

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

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

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

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

18 “(B) is—

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

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

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

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

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

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

17 (b) CLERICAL AMENDMENT.—The table of sections
18 in section 1 of the Act entitled “An Act to authorize the
19 Hydrographic Services Improvement Act of 1998, and for
20 other purposes” (Public Law 107-372), as amended by
21 section 202(e), is further amended by inserting after the
22 item relating to section 268 the following:

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

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

24 (a) IN GENERAL.—Each fiscal year, beginning with
25 the fiscal year in which this Act is enacted, the Secretary

1 of Commerce shall ensure that the total amount expended
2 by the Secretary under section 267 of the National Ocea-
3 nic and Atmospheric Administration Commissioned Offi-
4 cer Corps Act of 2002 (as added by section 201(a)), sec-
5 tion 268 of such Act (as added by section 202(a)), and
6 section 269 of such Act (as added by section 203(a)) does
7 not exceed the amount by which—

8 (1) the total amount the Secretary would pay in
9 that fiscal year to officer candidates under section
10 203(f)(1) of title 37, United States Code (as added
11 by section 306(d)), if such section entitled officers
12 candidates to pay at monthly rates equal to the
13 basic pay of a commissioned officer in the pay grade
14 O-1 with less than 2 years of service; exceeds

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

18 (b) OFFICER CANDIDATE DEFINED.—In this section,
19 the term “officer candidate” has the meaning given the
20 term in section 212 of the National Oceanic and Atmos-
21 pheric Administration Commissioned Officer Corps Act of
22 2002 (33 U.S.C. 3002), as added by section 306(c).

1 **SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF**
2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
3 **SION OF CERTAIN AUTHORITIES APPLICABLE**
4 **TO MEMBERS OF THE ARMED FORCES TO**
5 **COMMISSIONED OFFICER CORPS.**

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

9 (1) by redesignating paragraphs (13) through
10 (16) as paragraphs (22) through (25), respectively;

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

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

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

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

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

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

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

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

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

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

5 “(13) Chapter 58, relating to the Benefits and
6 Services for members being separated or recently
7 separated.”; and

8 (6) by inserting after paragraph (19), as reded-
9 icated, the following:

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

12 “(21) Section 2005, relating to advanced edu-
13 cation assistance, active duty agreements, and reim-
14 bursement requirements.”.

15 (b) EXTENSION OF CERTAIN AUTHORITIES.—

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

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

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

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

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

7 (B) by adding at the end the following new
8 subsection:

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

17 (3) CAPSTONE COURSE FOR NEWLY SELECTED
18 FLAG OFFICERS.—Section 2153 of such title is
19 amended—

20 (A) in subsection (a)—

21 (i) by inserting “or the commissioned
22 officer corps of the National Oceanic and
23 Atmospheric Administration” after “in the
24 case of the Navy”; and

1 (ii) by striking “other armed forces”
2 and inserting “other uniformed services”;
3 and

4 (B) in subsection (b)(1), in the matter be-
5 fore subparagraph (A), by inserting “or the
6 Secretary of Commerce, as applicable,” after
7 “the Secretary of Defense”.

8 **SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF**
9 **TITLE 37, UNITED STATES CODE.**

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

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

15 **“(a) PROVISIONS MADE APPLICABLE TO COMMIS-**
16 **SIONED OFFICER CORPS.**—The provisions of law applica-
17 ble to the Armed Forces under the following provisions
18 of title 37, United States Code, shall apply to the commis-
19 sioned officer corps of the Administration:

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

22 “(2) Section 403(f)(3), relating to prescribing
23 regulations defining the terms ‘field duty’ and ‘sea
24 duty’.

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

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

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

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

15 (b) PERSONAL MONEY ALLOWANCE.—Section 414 of
16 title 37, United States Code, is amended by inserting “or
17 the director of the commissioned officer corps of the Na-
18 tional Oceanic and Atmospheric Administration” after
19 “Health Service”.

20 (c) CLERICAL AMENDMENT.—The table of sections
21 in section 1 of the Act entitled “An Act to authorize the
22 Hydrographic Services Improvement Act of 1998, and for
23 other purposes” (Public Law 107–372) is amended by in-
24 serting after the item relating to section 261 the following:

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

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

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

5 **SEC. 208. PROHIBITION ON RETALIATORY PERSONNEL AC-**
6 **TIONS.**

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

10 (1) by redesignating paragraphs (8) through
11 (25) as paragraphs (9) through (26), respectively;
12 and

13 (2) by inserting after paragraph (7) the fol-
14 lowing:

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

18 (b) **CONFORMING AMENDMENT.**—Subsection (b) of
19 such section is amended by adding at the end the fol-
20 lowing: “For purposes of paragraph (8) of subsection (a),
21 the term ‘Inspector General’ in section 1034 of such title
22 10 shall mean the Inspector General of the Department
23 of Commerce.”.

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

1 “(c) REGULATIONS REGARDING PROTECTED COM-
2 MUNICATIONS AND PROHIBITION OF RETALIATORY PER-
3 SONNEL ACTIONS.—The Secretary may promulgate regu-
4 lations to carry out the application of section 1034 of title
5 10, United States Code, to the commissioned officer corps
6 of the Administration, including by promulgating such ad-
7 ministrative procedures for investigation and appeal with-
8 in the commissioned officer corps as the Secretary con-
9 siderers appropriate.”.

10 **SEC. 209. PENALTIES FOR WEARING UNIFORM WITHOUT**
11 **AUTHORITY.**

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

16 **SEC. 210. APPLICATION OF CERTAIN PROVISIONS OF COM-**
17 **PETITIVE SERVICE LAW.**

18 Section 3304(f) of title 5, United States Code, is
19 amended—

20 (1) in paragraph (1), by inserting “and mem-
21 bers of the commissioned officer corps of the Na-
22 tional Oceanic and Atmospheric Administration (or
23 its predecessor organization the Coast and Geodetic
24 Survey) separated from such uniformed service”
25 after “separated from the armed forces”;

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

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

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

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

14 **SEC. 212. TREATMENT OF COMMISSION IN COMMISSIONED**

15 **OFFICER CORPS FOR PURPOSES OF CERTAIN**

16 **HIRING DECISIONS.**

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

20 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**

21 **SIONED OFFICER CORPS AS EMPLOYMENT IN**

22 **ADMINISTRATION FOR PURPOSES OF CER-**

23 **TAIN HIRING DECISIONS.**

24 “(a) IN GENERAL.—In any case in which the Sec-
25 retary accepts an application for a position of employment

1 with the Administration and limits consideration of appli-
2 cations for such position to applications submitted by indi-
3 viduals serving in a career or career-conditional position
4 in the competitive service within the Administration, the
5 Secretary shall deem an officer who has served as an offi-
6 cer in the commissioned officer corps for at least 3 years
7 to be serving in a career or career-conditional position in
8 the competitive service within the Administration for pur-
9 poses of such limitation.

10 “(b) CAREER APPOINTMENTS.—If the Secretary se-
11 lects an application submitted by an officer described in
12 subsection (a) for a position described in such subsection,
13 the Secretary shall give such officer a career or career-
14 conditional appointment in the competitive service, as ap-
15 propriate.

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

19 (b) CLERICAL AMENDMENT.—The table of sections
20 in section 1 of the Act entitled “An Act to authorize the
21 Hydrographic Services Improvement Act of 1998, and for
22 other purposes” (Public Law 107–372) is amended by in-
23 serting after the item relating to section 269, as added
24 by section 203, the following new item:

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

1 **SEC. 213. DIRECT HIRE AUTHORITY.**

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

9 (b) **CANDIDATES DESCRIBED.**—A candidate de-
10 scribed in this subsection is a current or former member
11 of the commissioned officer corps of the National Oceanic
12 and Atmospheric Administration who—

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

17 (2) if no longer a member of the commissioned
18 officer corps of the Administration, was not dis-
19 charged or released therefrom as part of a discipli-
20 nary action; and

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

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

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

3 **SEC. 301. APPOINTMENTS.**

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

6 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**
7 **MENTS.**

8 **“(a) ORIGINAL APPOINTMENTS.—**

9 **“(1) GRADES.—**

10 **“(A) IN GENERAL.—**Except as provided in
11 subparagraph (B), an original appointment of
12 an officer may be made in such grades as may
13 be appropriate for—

14 **“(i) the qualification, experience, and**
15 **length of service of the appointee; and**

16 **“(ii) the commissioned officer corps of**
17 **the Administration.**

18 **“(B) APPOINTMENT OF OFFICER CAN-**
19 **DIDATES.—**

20 **“(i) LIMITATION ON GRADE.—**An
21 original appointment of an officer can-
22 didate, upon graduation from the basic of-
23 ficer training program of the commissioned
24 officer corps of the Administration, may

1 not be made in any other grade than en-
2 sign.

3 “(ii) RANK.—Officer candidates re-
4 ceiving appointments as ensigns upon
5 graduation from basic officer training pro-
6 gram shall take rank according to their
7 proficiency as shown by the order of their
8 merit at date of graduation.

9 “(2) SOURCE OF APPOINTMENTS.—An original
10 appointment may be made from among the fol-
11 lowing:

12 “(A) Graduates of the basic officer train-
13 ing program of the commissioned officer corps
14 of the Administration.

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

20 “(C) Graduates of the maritime academies
21 of the States who—

22 “(i) otherwise meet the academic
23 standards for enrollment in the training
24 program described in subparagraph (A);

1 “(ii) completed at least 3 years of
2 regimented training while at a maritime
3 academy of a State; and

4 “(iii) obtained an unlimited tonnage
5 or unlimited horsepower Merchant Mariner
6 Credential from the United States Coast
7 Guard.

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

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

16 “(A) MARITIME ACADEMIES OF THE
17 STATES.—The term ‘maritime academies of the
18 States’ means the following:

19 “(i) California Maritime Academy,
20 Vallejo, California.

21 “(ii) Great Lakes Maritime Academy,
22 Traverse City, Michigan.

23 “(iii) Maine Maritime Academy,
24 Castine, Maine.

1 “(iv) Massachusetts Maritime Acad-
2 emy, Buzzards Bay, Massachusetts.

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

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

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

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

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

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

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

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

22 “(b) REAPPOINTMENT.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), an individual who previously served in the
25 commissioned officer corps of the Administration

1 may be appointed by the Secretary to the grade the
2 individual held prior to separation.

3 “(2) REAPPOINTMENTS TO HIGHER GRADES.—

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

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

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

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

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

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

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

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

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

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

15 **SEC. 302. PERSONNEL BOARDS.**

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

18 **“SEC. 222. PERSONNEL BOARDS.**

19 “(a) CONVENING.—Not less frequently than once
20 each year and at such other times as the Secretary deter-
21 mines necessary, the Secretary shall convene a personnel
22 board.

23 “(b) MEMBERSHIP.—

24 “(1) IN GENERAL.—A board convened under
25 subsection (a) shall consist of 5 or more officers who

1 are serving in or above the permanent grade of the
2 officers under consideration by the board.

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

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

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

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

15 “(2) make selections and recommendations to
16 the Secretary and the President for the appoint-
17 ment, promotion, involuntary separation, continu-
18 ation, and involuntary retirement of officers in the
19 commissioned officer corps of the Administration as
20 prescribed in this title.

21 “(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-
22 ABLE.—If any recommendation by a board convened
23 under subsection (a) is not accepted by the Secretary or
24 the President, the board shall make such further rec-

1 ommendations as the Secretary or the President considers
2 appropriate.”.

3 **SEC. 303. DELEGATION OF AUTHORITY.**

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

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

7 “(a) IN GENERAL.—Appointments”; and

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

9 “(b) DELEGATION OF APPOINTMENT AUTHORITY.—

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

16 **SEC. 304. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**
17 **MARINE AND AVIATION OPERATIONS.**

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

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

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

23 **SEC. 305. TEMPORARY APPOINTMENTS.**

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

1 **“SEC. 229. TEMPORARY APPOINTMENTS.**

2 “(a) **APPOINTMENTS BY PRESIDENT.**—Temporary
3 appointments in the grade of ensign, lieutenant junior
4 grade, or lieutenant may be made by the President.

5 “(b) **TERMINATION.**—A temporary appointment to a
6 position under subsection (a) shall terminate upon ap-
7 proval of a permanent appointment for such position made
8 by the President.

9 “(c) **ORDER OF PRECEDENCE.**—Appointees under
10 subsection (a) shall take precedence in the grade to which
11 appointed in accordance with the dates of their appoint-
12 ments as officers in such grade. The order of precedence
13 of appointees who are appointed on the same date shall
14 be determined by the Secretary.

15 “(d) **ANY ONE GRADE.**—When determined by the
16 Secretary to be in the best interest of the commissioned
17 officer corps, officers in any permanent grade may be tem-
18 porarily promoted one grade by the President. Any such
19 temporary promotion terminates upon the transfer of the
20 officer to a new assignment.

21 “(e) **DELEGATION OF APPOINTMENT AUTHORITY.**—
22 If the President delegates authority to the Secretary to
23 make appointments under this section, the President shall,
24 during a period in which the position of the Secretary is
25 vacant, delegate such authority to the Deputy Secretary

1 of Commerce or the Under Secretary for Oceans and At-
2 mosphere during such period.”.

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

“Sec. 229. Temporary appointments.”.

9 **SEC. 306. OFFICER CANDIDATES.**

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

12 **“SEC. 234. OFFICER CANDIDATES.**

13 “(a) DETERMINATION OF NUMBER.—The Secretary
14 shall determine the number of appointments of officer can-
15 didates.

16 “(b) APPOINTMENT.—Appointment of officer can-
17 didates shall be made under regulations which the Sec-
18 retary shall prescribe, including regulations with respect
19 to determining age limits, methods of selection of officer
20 candidates, term of service as an officer candidate before
21 graduation from the program, and all other matters af-
22 fecting such appointment.

23 “(c) DISMISSAL.—The Secretary may dismiss from
24 the basic officer training program of the Administration
25 any officer candidate who, during the officer candidate’s

1 term as an officer candidate, the Secretary considers un-
2 satisfactory in either academics or conduct, or not adapted
3 for a career in the commissioned officer corps of the Ad-
4 ministration. Officer candidates shall be subject to rules
5 governing discipline prescribed by the Director of the Na-
6 tional Oceanic and Atmospheric Administration Commis-
7 sioned Officer Corps.

8 “(d) AGREEMENT.—

9 “(1) IN GENERAL.—Each officer candidate
10 shall sign an agreement with the Secretary in ac-
11 cordance with section 216(a)(2) regarding the officer
12 candidate’s term of service in the commissioned offi-
13 cer corps of the Administration.

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

17 “(A) That the officer candidate will com-
18 plete the course of instruction at the basic offi-
19 cer training program of the Administration.

20 “(B) That upon graduation from the such
21 program, the officer candidate—

22 “(i) will accept an appointment, if
23 tendered, as an officer; and

1 “(ii) will serve on active duty for at
2 least 4 years immediately after such ap-
3 pointment.

4 “(e) REGULATIONS.—The Secretary shall prescribe
5 regulations to carry out this section. Such regulations
6 shall include—

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

10 “(2) procedures for determining whether such a
11 breach has occurred.

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

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

 “Sec. 234. Officer candidates.”

21 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
22 (33 U.S.C. 3002(b)) is amended—

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

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

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

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

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

18 “(2) An individual who graduates from such program
19 shall receive credit for the time spent participating in such
20 program as if such time were time served while on active
21 duty as a commissioned officer. If the individual does not
22 graduate from such program, such time shall not be con-
23 sidered creditable for active duty or pay.”.

1 **SEC. 307. PROCUREMENT OF PERSONNEL.**

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

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

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

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

“235. Procurement of personnel.”.

16 **TITLE IV—SEPARATION AND**
17 **RETIREMENT OF OFFICERS**

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

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

21 **“(d) DEFERMENT OF RETIREMENT OR SEPARATION**
22 **FOR MEDICAL REASONS.—**

23 **“(1) IN GENERAL.—**If the Secretary determines
24 that the evaluation of the medical condition of an of-
25 ficer requires hospitalization or medical observation

1 that cannot be completed with confidence in a man-
2 ner consistent with the officer's well being before the
3 date on which the officer would otherwise be re-
4 quired to retire or be separated under this section,
5 the Secretary may defer the retirement or separation
6 of the officer.

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

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

17 **SEC. 402. SEPARATION PAY.**

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

20 “(d) EXCEPTION.—An officer discharged for twice
21 failing selection for promotion to the next higher grade
22 is not entitled to separation pay under this section if the
23 officer—

24 “(1) expresses a desire not to be selected for
25 promotion; or

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

3 **TITLE V—HYDROGRAPHIC**
4 **SERVICES AND OTHER MATTERS**

5 **SEC. 501. REAUTHORIZATION OF HYDROGRAPHIC SERV-**
6 **ICES IMPROVEMENT ACT OF 1998.**

7 (a) REAUTHORIZATIONS.—Section 306 of the Hydro-
8 graphic Services Improvement Act of 1998 (33 U.S.C.
9 892d) is amended—

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

12 “(a) IN GENERAL.—There are”;

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

15 (A) in paragraph (1), by striking “sur-
16 veys—” and all that follows through the end of
17 the paragraph and inserting “surveys,
18 \$70,814,000 for each of fiscal years 2017
19 through 2021.”;

20 (B) in paragraph (2), by striking “ves-
21 sels—” and all that follows through the end of
22 the paragraph and inserting “vessels,
23 \$25,000,000 for each of fiscal years 2017
24 through 2021.”;

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

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

10 (E) in paragraph (5), by striking “title—
11 ” and all that follows through the end of the
12 paragraph and inserting “title, \$30,564,000 for
13 each of fiscal years 2017 through 2021.”; and
14 (3) by adding at the end the following:

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

17 “(1) \$10,000,000 is authorized for use—

18 “(A) to acquire hydrographic data;

19 “(B) to provide hydrographic services;

20 “(C) to conduct coastal change analyses
21 necessary to ensure safe navigation;

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

24 “(E) to reduce risks of harm to Alaska
25 Native subsistence and coastal communities as-

1 sociated with increased international maritime
2 traffic; and

3 “(2) \$2,000,000 is authorized for use to ac-
4 quire hydrographic data and provide hydrographic
5 services in the Arctic necessary to delineate the
6 United States extended Continental Shelf.”.

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

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

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

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of the enactment of this Act, the Secretary of Com-
19 merce shall—

20 (1) develop and implement a system to track
21 and report the full cost to the Department of Com-
22 merce of hydrographic data collection, including
23 costs relating to vessel acquisition, vessel repair, and
24 administration of contracts to procure data;

1 (2) evaluate additional measures for comparing
2 cost per unit effort beyond square nautical miles;
3 and

4 (3) submit to Congress a report on which addi-
5 tional measures for comparing cost per unit effort
6 the Secretary intends to use and the rationale for
7 such use.

8 **(b) DEVELOPMENT OF STRATEGY FOR INCREASED**
9 **CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR**
10 **HYDROGRAPHIC DATA COLLECTION.**—Not later than 180
11 days after the date on which the Secretary completes the
12 activities required by subsection (a), the Secretary shall
13 develop a strategy for how the National Oceanic and At-
14 mospheric Administration will increase contracting with
15 nongovernmental entities for hydrographic data collection
16 in a manner that is consistent with the requirements of
17 the Ocean and Coastal Mapping Integration Act (Public
18 Law 111–11; 33 U.S.C. 3501 et seq.).

19 **SEC. 503. PLANS FOR CONSTRUCTION OF NEW PORT FACIL-**
20 **ITY FOR HOMEPORTING OF R/V**
21 **FAIRWEATHER.**

22 **(a) ACCEPTANCE OF FUNDS AUTHORIZED.**—The
23 Secretary of Commerce may accept non-Federal funds for
24 the purpose of obtaining such cost estimates, designs, and

1 permits as may be necessary for construction of a new port
2 facility—

3 (1) to facilitate the homeporting of the R/V
4 FAIRWEATHER in accordance with title II of the
5 Departments of Commerce, Justice, and State, the
6 Judiciary, and Related Agencies Appropriations Act,
7 2002 (Public Law 107-77; 115 Stat. 775); and

8 (2) that is under the administrative jurisdiction
9 of the Under Secretary for Oceans and Atmosphere.

10 (b) STRATEGIC PLAN REQUIRED.—Not later than
11 180 days after the date of the enactment of this Act, the
12 Secretary shall develop and submit to Congress a strategic
13 plan for the construction described in subsection (a).

14 **SEC. 504. WAIVERS OF BOND REQUIREMENTS FOR CERTAIN**
15 **CONTRACTS.**

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

18 “(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
19 ISTRATION.—The Secretary of Commerce may waive this
20 subchapter with respect to contracts for the construction,
21 alteration, or repair of vessels, regardless of the terms of
22 the contracts as to payment or title, when the contract
23 is made under the Act entitled ‘An Act to define the func-
24 tions and duties of the Coast and Geodetic Survey, and

- 1 for other purposes', approved August 6, 1947 (33 U.S.C.
- 2 883a et seq.).”.