

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1068

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## AN ACT

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “National Oceanic and Atmospheric Administration Com-  
 4 missioned Officer Corps Amendments Act of 2013”.

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

Sec. 1. Short title; table of contents.

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

**TITLE I—GENERAL PROVISIONS**

Sec. 101. Strength and distribution in grade.

Sec. 102. Exclusion of officers recalled from retired status and positions of im-  
 portance and responsibility from number of authorized commis-  
 sioned officers.

Sec. 103. Obligated service requirement.

Sec. 104. Training and physical fitness.

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

Sec. 201. Appointments.

Sec. 202. Personnel boards.

Sec. 203. Delegation of authority for appointments and promotions to perma-  
 nent grades.

Sec. 204. Temporary appointments.

Sec. 205. Officer candidates.

Sec. 206. Procurement of personnel.

**TITLE III—SEPARATION AND RETIREMENT OF OFFICERS**

Sec. 301. Involuntary retirement or separation.

Sec. 302. Separation pay.

**TITLE IV—RIGHTS AND BENEFITS**

Sec. 401. Education loan repayment program.

Sec. 402. Interest payment program.

Sec. 403. Student pre-commissioning education assistance program.

Sec. 404. Limitation on educational assistance.

Sec. 405. Applicability of certain provisions of title 10, United States Code.

Sec. 406. Applicability of certain provisions of title 37, United States Code.

Sec. 407. Application of certain provisions of competitive service law.

Sec. 408. Eligibility of all members of uniformed services for Legion of Merit  
 award.

Sec. 409. Application of Employment and Reemployment Rights of Members of  
 the Uniformed Services to members of commissioned officer  
 corps.

Sec. 410. Protected communications for commissioned officer corps and prohi-  
 bition of retaliatory personnel actions.



1           “(4) Captain.

2           “(5) Commander.

3           “(6) Lieutenant commander.

4           “(7) Lieutenant.

5           “(8) Lieutenant (junior grade).

6           “(9) Ensign.

7           “(b) PROPORTION.—

8           “(1) IN GENERAL.—The officers on the lineal  
9 list shall be distributed in grade in the following per-  
10 centages:

11                   “(A) 8 in the grade of captain.

12                   “(B) 14 in the grade of commander.

13                   “(C) 19 in the grade of lieutenant com-  
14 mander.

15           “(2) GRADES BELOW LIEUTENANT COM-  
16 MANDER.—The Secretary shall prescribe, with re-  
17 spect to the distribution on the lineal list in grade,  
18 the percentages applicable to the grades of lieuten-  
19 ant, lieutenant (junior grade), and ensign.

20           “(c) ANNUAL COMPUTATION OF NUMBER IN  
21 GRADE.—

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

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

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

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

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

22          “(f) PRESERVATION OF GRADE AND PAY.—No offi-  
23          cer may be reduced in grade or pay or separated from  
24          the commissioned officer corps of the Administration as

1 the result of a computation made to determine the author-  
 2 ized number of officers in the various grades.”.

3 **SEC. 102. EXCLUSION OF OFFICERS RECALLED FROM RE-**  
 4 **TIRED STATUS AND POSITIONS OF IMPOR-**  
 5 **TANCE AND RESPONSIBILITY FROM NUMBER**  
 6 **OF AUTHORIZED COMMISSIONED OFFICERS.**

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

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

10 “(a) IN GENERAL.—Effective”; and

11 (2) by adding at the end the following new sub-  
 12 section:

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

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

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

20 **SEC. 103. OBLIGATED SERVICE REQUIREMENT.**

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

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

24 “(a) IN GENERAL.—

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

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

12      “(b) REPAYMENT FOR FAILURE TO SATISFY RE-  
13      QUIREMENTS.—

14           “(1) IN GENERAL.—The Secretary may require  
15      an officer who fails to meet the service requirements  
16      prescribed under subsection (a)(1) to reimburse the  
17      Secretary in an amount that bears the same ratio to  
18      the total costs of the training provided to that offi-  
19      cer by the Secretary as the unserved portion of ac-  
20      tive duty bears to the total period of active duty the  
21      officer agreed to serve.

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

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

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

10           “(1) becomes unqualified to serve on active  
11 duty in the commissioned officer corps of the Ad-  
12 ministration because of a circumstance not within  
13 the control of that officer; or

14           “(2) is—

15           “(A) not physically qualified for appoint-  
16 ment; and

17           “(B) determined to be unqualified for serv-  
18 ice in the commissioned officer corps of the Ad-  
19 ministration because of a physical or medical  
20 condition that was not the result of the officer’s  
21 own misconduct or grossly negligent conduct.”.

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



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

“Sec. 216. Obligated service requirement.”.

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

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

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

8 “(a) TRAINING.—The Secretary may take such meas-  
9 ures as may be necessary to ensure that officers are pre-  
10 pared to carry out their duties in the commissioned officer  
11 corps of the Administration and proficient in the skills  
12 necessary to carry out such duties. Such measures may  
13 include the following:

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

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

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

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

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

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

12      **TITLE II—APPOINTMENTS AND**  
 13      **PROMOTION OF OFFICERS**

14      **SEC. 201. APPOINTMENTS.**

15      (a) ORIGINAL APPOINTMENTS.—

16              (1) IN GENERAL.—Section 221 (33 U.S.C.  
 17      3021) is amended to read as follows:

18      **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**  
 19      **MENTS.**

20      “(a) ORIGINAL APPOINTMENTS.—

21              “(1) GRADES.—

22                      “(A) IN GENERAL.—Except as provided in  
 23              subparagraph (B), an original appointment of  
 24              an officer may be made in such grades as may  
 25              be appropriate for—

1           “(i) the qualification, experience, and  
2           length of service of the appointee; and

3           “(ii) the commissioned officer corps of  
4           the Administration.

5           “(B) APPOINTMENT OF OFFICER CAN-  
6           DIDATES.—

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

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

20          “(2) SOURCE OF APPOINTMENTS.—An original  
21          appointment may be made from among the fol-  
22          lowing:

23               “(A) Graduates of the basic officer train-  
24               ing program of the commissioned officer corps  
25               of the Administration.

1           “(B) Graduates of the military service  
2           academies of the United States who otherwise  
3           meet the academic standards for enrollment in  
4           the training program described in subparagraph  
5           (A).

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

13          “(3) MILITARY SERVICE ACADEMIES OF THE  
14          UNITED STATES DEFINED.—In this subsection, the  
15          term ‘military service academies of the United  
16          States’ means the following:

17                 “(A) The United States Military Academy,  
18                 West Point, New York.

19                 “(B) The United States Naval Academy,  
20                 Annapolis, Maryland.

21                 “(C) The United States Air Force Acad-  
22                 emy, Colorado Springs, Colorado.

23                 “(D) The United States Coast Guard  
24                 Academy, New London, Connecticut.

1                   “(E) The United States Merchant Marine  
2                   Academy, Kings Point, New York.

3                   “(b) REAPPOINTMENT.—

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

9                   “(2) REAPPOINTMENTS TO HIGHER GRADES.—

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

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

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

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

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

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

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

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

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

21 **SEC. 202. PERSONNEL BOARDS.**

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

1 **“SEC. 222. PERSONNEL BOARDS.**

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

6 “(b) MEMBERSHIP.—

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

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

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

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

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

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

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

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

9 **SEC. 203. DELEGATION OF AUTHORITY FOR APPOINT-**  
10 **MENTS AND PROMOTIONS TO PERMANENT**  
11 **GRADES.**

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

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

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

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

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



1 **SEC. 204. TEMPORARY APPOINTMENTS.**

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

4 **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

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

24 “(e) DELEGATION OF APPOINTMENT AUTHORITY.—  
25 If the President delegates authority to the Secretary to  
26 make appointments under this section, the President shall,

1 during a period in which the position of the Secretary is  
 2 vacant, delegate such authority to the Deputy Secretary  
 3 of Commerce or the Under Secretary for Oceans and At-  
 4 mosphere during such period.”.

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

“Sec. 229. Temporary appointments.”.

11 **SEC. 205. OFFICER CANDIDATES.**

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

14 **“SEC. 234. OFFICER CANDIDATES.**

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

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

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

11       “(d) AGREEMENT.—

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

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

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

23           “(B) That upon graduation from the such  
24 program, the officer candidate—

1                   “(i) will accept an appointment, if  
2                   tendered, as an officer; and

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

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

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

12                  “(2) procedures for determining whether such a  
13                  breach has occurred.

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

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

“Sec. 234. Officer candidates.”.

23           (c) OFFICER CANDIDATE DEFINED.—Section 212(b)  
24 (33 U.S.C. 3002(b)) is amended—

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

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

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

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

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

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

1 **SEC. 206. PROCUREMENT OF PERSONNEL.**

2 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et  
3 seq.), as amended by section 205(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 Service Improvement Act of 1998, and for  
13 other purposes” (Public Law 107–372), as amended by  
14 section 205(b), is further amended by inserting after the  
15 item relating to section 234 the following:

“235. Procurement of personnel.”.

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

18 **SEC. 301. 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. 302. 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 IV—RIGHTS AND**  
4           **BENEFITS**

5       **SEC. 401. EDUCATION LOAN REPAYMENT PROGRAM.**

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

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

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

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

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

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

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



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

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

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

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

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

23           “(d) LOAN REPAYMENTS.—

24           “(1) IN GENERAL.—Subject to the limits estab-  
25           lished under paragraph (2), a loan repayment under

1 this section may consist of the payment of the prin-  
2 cipal, interest, and related expenses of a loan ob-  
3 tained by a person described in subsection (b).

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

10 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

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

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

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

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

1           “(3) PERSONS ON ACTIVE DUTY BEFORE EN-  
2           TERING INTO AGREEMENT.—The active duty service  
3           obligation of persons on active duty before entering  
4           into the agreement shall be served after the conclu-  
5           sion of any other obligation incurred under the  
6           agreement.

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

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

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

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

22                 “(1) standards for qualified loans and author-  
23                 ized payees; and

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

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

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

6 **SEC. 402. INTEREST PAYMENT PROGRAM.**

7 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
8 seq.), as amended by section 401(a), is further amended  
9 by adding at the end the following:

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

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

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

17 “(1) is serving on active duty;

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

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

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

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

1           “(1) A loan made, insured, or guaranteed under  
2 part B of title IV of the Higher Education Act of  
3 1965 (20 U.S.C. 1071 et seq.).

4           “(2) A loan made under part D of such title  
5 (20 U.S.C. 1087a et seq.).

6           “(3) A loan made under part E of such title  
7 (20 U.S.C. 1087aa et seq.).

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

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

16          “(f) COORDINATION WITH SECRETARY OF EDU-  
17 CATION.—

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

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

24                   “(A) to pay interest and special allowances  
25 on student loans under this section (in accord-

1           ance with sections 428(o), 455(l), and 464(j) of  
2           the Higher Education Act of 1965 (20 U.S.C.  
3           1078(o), 1087e(l), and 1087dd(j)); and

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

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

16          (b) CONFORMING AMENDMENTS.—

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

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

23                         (B) in paragraph (1)—

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

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

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

7           (2) Sections 455(l) and 464(j) of the Higher  
8           Education Act of 1965 (20 U.S.C. 1087e(l) and  
9           1087dd(j)) are each 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 264 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           (c) CLERICAL AMENDMENT.—The table of sections  
24           in section 1 of the Act entitled “An Act to authorize the  
25           Hydrographic Service Improvement Act of 1998, and for

1 other purposes” (Public Law 107–372), as amended by  
 2 section 401(b), is further amended by inserting after the  
 3 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

4 **SEC. 403. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 5 **SISTANCE PROGRAM.**

6 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
 7 seq.), as amended by sections 401(a) and 402(a), is fur-  
 8 ther amended by adding at the end the following:

9 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 10 **SISTANCE PROGRAM.**

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

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

22 “(2) a postbaccalaureate degree.

23 “(b) ELIGIBLE PERSONS.—



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

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

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

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

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

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

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

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

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

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

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

8                   “(2) The cost of books.

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

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

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

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

24           “(f) SUBSISTENCE ALLOWANCE.—

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

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

12          “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

25          “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

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

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

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

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

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

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

5           “(B) is—

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

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

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

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

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

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 in section 1 of the Act entitled “An Act to authorize the  
6 Hydrographic Service Improvement Act of 1998, and for  
7 other purposes” (Public Law 107–372), as amended by  
8 section 402(c), is further amended by inserting after the  
9 item relating to section 268 the following:

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

10 **SEC. 404. LIMITATION ON EDUCATIONAL ASSISTANCE.**

11       (a) IN GENERAL.—Each fiscal year, beginning with  
12 fiscal year 2013, the Secretary of Commerce shall ensure  
13 that the total amount expended by the Secretary under  
14 section 267 of the National Oceanic and Atmospheric Ad-  
15 ministration Commissioned Officer Corps Act of 2002 (as  
16 added by section 401(a)), section 268 of such Act (as  
17 added by section 402(a)), and section 269 of such Act (as  
18 added by section 403(a)) does not exceed the amount by  
19 which—

20           (1) the total amount the Secretary would pay in  
21 that fiscal year to officer candidates under section  
22 203(f)(1) of title 37, United States Code (as added  
23 by section 205(d)), if such section entitled officers  
24 candidates to pay at monthly rates equal to the

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

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

6 (b) OFFICER CANDIDATE DEFINED.—In this section,  
7 the term “officer candidate” has the meaning given the  
8 term in section 212 of the National Oceanic and Atmos-  
9 pheric Administration Commissioned Officer Corps Act of  
10 2002 (33 U.S.C. 3002), as added by section 205(c).

11 **SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS OF**  
12 **TITLE 10, UNITED STATES CODE.**

13 Section 261(a) (33 U.S.C. 3071(a)) is amended—

14 (1) by redesignating paragraphs (13) through  
15 (16) as paragraphs (20) through (23), respectively;

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

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

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

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

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

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

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

5           (5) by inserting after paragraph (10), as reded-  
6 icated, the following:

7           “(11) Chapter 58, relating to the Benefits and  
8 Services for members being separated or recently  
9 separated.”; and

10          (6) by inserting after paragraph (17), as reded-  
11 icated, the following:

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

14          “(19) Section 2005, relating to advanced edu-  
15 cation assistance, active duty agreements, and reim-  
16 bursement requirements.”.

17 **SEC. 406. APPLICABILITY OF CERTAIN PROVISIONS OF**  
18 **TITLE 37, UNITED STATES CODE.**

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

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

24          “(a) PROVISIONS MADE APPLICABLE TO COMMIS-  
25 SIONED OFFICER CORPS.—The provisions of law applica-



1 ble to the Armed Forces under the following provisions  
2 of title 37, United States Code, shall apply to the commis-  
3 sioned officer corps of the Administration:

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

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

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

12           “(4) Section 414(a)(2), relating to personal  
13 money allowance while serving as Director of the  
14 National Oceanic and Atmospheric Administration  
15 Commissioned Officer Corps.

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

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

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

1 officer corps of the Administration, by the Secretary of  
2 Commerce or the Secretary's designee.”.

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

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

8 **SEC. 407. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
9 **PETITIVE SERVICE LAW.**

10 Section 3304(f) of title 5, United States Code, is  
11 amended—

12 (1) in paragraph (1), by inserting “and mem-  
13 bers of the commissioned officer corps of the Na-  
14 tional Oceanic and Atmospheric Administration (or  
15 its predecessor organization the Coast and Geodetic  
16 Survey) separated from such uniformed service”  
17 after “separated from the armed forces”;

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

20 (3) in paragraph (4), 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

1 Survey) separated from such uniformed service”  
2 after “separated from the armed forces”.

3 **SEC. 408. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED**  
4 **SERVICES FOR LEGION OF MERIT AWARD.**

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

8 **SEC. 409. APPLICATION OF EMPLOYMENT AND REEMPLOY-**  
9 **MENT RIGHTS OF MEMBERS OF THE UNI-**  
10 **FORMED SERVICES TO MEMBERS OF COM-**  
11 **MISSIONED OFFICER CORPS.**

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

16 **SEC. 410. PROTECTED COMMUNICATIONS FOR COMMIS-**  
17 **SIONED OFFICER CORPS AND PROHIBITION**  
18 **OF RETALIATORY PERSONNEL ACTIONS.**

19 (a) IN GENERAL.—Subsection (a) of section 261 (33  
20 U.S.C. 3071), as amended by section 405, is further  
21 amended—

22 (1) by redesignating paragraphs (8) through  
23 (23) as paragraphs (9) through (24), respectively;  
24 and



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

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

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

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

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

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

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

## 5 **TITLE V—OTHER MATTERS**

### 6 **SEC. 501. TECHNICAL CORRECTION.**

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

### 10 **SEC. 502. REPORT.**

11 (a) IN GENERAL.—Not later than 90 days after the  
 12 date of the enactment of this Act, the Secretary of Com-  
 13 merce shall submit to Congress a report evaluating the  
 14 current status and projected needs of the commissioned  
 15 officer corps of the National Oceanic and Atmospheric Ad-  
 16 ministration to operate sufficiently through fiscal year  
 17 2017.

18 (b) CONTENTS.—The report required by subsection  
 19 (a) shall include the following:

20 (1) The average annual attrition rate of officers  
 21 in the commissioned officer corps of the National  
 22 Oceanic and Atmospheric Administration.

23 (2) An estimate of the number of annual re-  
 24 cruits that would reasonably be required to operate

1 the commissioned officer corps sufficiently through  
2 fiscal year 2017.

3 (3) The projected impact of this Act on annual  
4 recruitment numbers through fiscal year 2017.

5 (4) Identification of areas of duplication or un-  
6 necessary redundancy in current activities of the  
7 commissioned officer corps that could otherwise be  
8 streamlined or eliminated to save costs.

9 (5) Such other matters as the Secretary con-  
10 siders appropriate regarding the provisions of this  
11 Act and the amendments made by this Act.

12 **SEC. 503. EFFECTIVE DATE.**

13 Notwithstanding any other provision of this Act, sec-  
14 tions 101 through 411 shall take effect on the date that  
15 is 90 days after the date on which the Secretary of Com-  
16 merce submits to Congress the report required by section  
17 502(a).

Passed the Senate February 11, 2014.

Attest:

*Secretary.*

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1068**

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**AN ACT**

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