

SULLIVAN - 1

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S.L.C.



AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2981

To reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, 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 intended to be proposed by Mr. SULLIVAN

Viz:

1 Strike all after the first word and insert the following:

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

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “National Oceanic and Atmospheric Administration Com-
5 missioned Officer Corps Amendments Act of 2019”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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.

1 section or other provision of the National Oceanic and At-
2 mospheric Administration Commissioned Officer Corps
3 Act of 2002 (33 U.S.C. 3001 et seq.).

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.**

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

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

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

12 “(1) Vice admiral.

13 “(2) Rear admiral.

14 “(3) Rear admiral (lower half).

15 “(4) Captain.

16 “(5) Commander.

17 “(6) Lieutenant commander.

18 “(7) Lieutenant.

19 “(8) Lieutenant (junior grade).

20 “(9) Ensign.

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

1 “(e) ANNUAL COMPUTATION OF NUMBER IN
2 GRADE.—

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

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

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

17 “(d) TEMPORARY INCREASE IN NUMBERS.—The
18 total number of officers authorized by law to be on the
19 lineal list during a fiscal year may be temporarily exceeded
20 if the average number on that list during that fiscal year
21 does not exceed the authorized number.

22 “(e) POSITIONS OF IMPORTANCE AND RESPONSI-
23 BILITY.—Officers serving in positions designated under
24 section 228(a) and officers recalled from retired status
25 shall not be counted when computing authorized strengths

1 under subsection (c) and shall not count against those
2 strengths.

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

8 **SEC. 102. RECALLED OFFICERS.**

9 (a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is
10 amended to read as follows:

11 **“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFI-
12 CERS.**

13 “(a) IN GENERAL.—The total number of authorized
14 commissioned officers on the lineal list of the commis-
15 sioned officer corps of the Administration shall not exceed
16 500.

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

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

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

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1 of the Act entitled “An Act to authorize the
3 Hydrographic Services Improvement Act of 1998, and for
4 other purposes” (Public Law 107–372) is amended by
5 striking the item relating to section 215 and inserting the
6 following:

“Sec. 215. Number of authorized commissioned officers.”.

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

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

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

11 “(a) IN GENERAL.—

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

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

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

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

9 “(2) OBLIGATION AS DEBT TO UNITED
10 STATES.—An obligation to reimburse the Secretary
11 under paragraph (1) is, for all purposes, a debt
12 owed to the United States.

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

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

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

1 “(2) is—

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

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

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

 “Sec. 216. Obligated service requirement.”.

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

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

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

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

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

9 “(2) Providing officers and officer candidates
10 with educational materials.

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

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

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

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

1 **SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.**

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

5 **“SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ADMINISTRATOR.—The term ‘Adminis-
8 trator’ means the Under Secretary of Commerce for
9 Oceans and Atmosphere and the Administrator of
10 the National Oceanic and Atmospheric Administra-
11 tion.

12 “(2) MEMBER OF THE PROGRAM.—The term
13 ‘member of the program’ means a student who is en-
14 rolled in the program.

15 “(3) PROGRAM.—The term ‘program’ means an
16 aviation accession training program of the commis-
17 sioned officer corps of the Administration estab-
18 lished pursuant to subsection (b).

19 “(b) AVIATION ACCESSION TRAINING PROGRAMS.—

20 “(1) ESTABLISHMENT AUTHORIZED.—The Ad-
21 ministrator, under regulations prescribed by the Sec-
22 retary, shall establish and maintain one or more
23 aviation accession training programs for the commis-
24 sioned officer corps of the Administration at institu-
25 tions described in paragraph (2).

1 training activity at least 75 percent of the
2 year; and

3 “(D) at which the Administrator deter-
4 mines that—

5 “(i) there will be at least 1 student
6 enrolled in the program; and

7 “(ii) the provisions of this section are
8 otherwise satisfied.

9 “(3) LIMITATIONS IN CONNECTION WITH PAR-
10 TICULAR INSTITUTIONS.—The program may not be
11 established or maintained at an institution unless—

12 “(A) the senior commissioned officer or
13 employee of the commissioned officer corps who
14 is assigned as an advisor to the program at that
15 institution is given the academic rank of ad-
16 junct professor; and

17 “(B) the institution fulfills the terms of its
18 agreement with the Administrator.

19 “(4) MEMBERSHIP IN CONNECTION WITH STA-
20 TUS AS STUDENT.—At institutions at which the pro-
21 gram is established, the membership of students in
22 the program shall be elective, as provided by State
23 law or the authorities of the institution concerned.

24 “(c) MEMBERSHIP.—

1 “(1) ELIGIBILITY.—To be eligible for member-
2 ship in the program an individual must—

3 “(A) be a student at an institution at
4 which the program is established;

5 “(B) be a citizen of the United States;

6 “(C) contract in writing, with the consent
7 of a parent or guardian if a minor, with the Ad-
8 ministrator, to—

9 “(i) accept an appointment, if offered,
10 as a commissioned officer in the commis-
11 sioned officer corps of the Administration;
12 and

13 “(ii) to serve in the commissioned offi-
14 cer corps for not fewer than 4 years;

15 “(D) enroll in—

16 “(i) a 4-year baccalaureate program
17 of professional flight and piloting instruc-
18 tion; and

19 “(ii) other training or education, in-
20 cluding basic officer training, which is pre-
21 scribed by the Administrator as meeting
22 the preliminary requirement for admission
23 to the commissioned officer corps; and

1 “(E) execute a certificate or take an oath
2 relating to morality and conduct in such form
3 as the Administrator prescribes.

4 “(2) COMPLETION OF PROGRAM.—A member of
5 the program may be appointed as a regular officer
6 in the commissioned officer corps if the member
7 meets all requirements for appointment as such an
8 officer.

9 “(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEM-
10 BERS.—

11 “(1) EXPENSES OF COURSE OF INSTRU-
12 TION.—

13 “(A) IN GENERAL.—In the case of a mem-
14 ber of the program who meets such qualifica-
15 tions as the Administrator establishes for pur-
16 poses of this subsection, the Administrator may
17 pay the expenses of the member in connection
18 with pursuit of a course of professional flight
19 and piloting instruction under the program, in-
20 cluding tuition, fees, educational materials such
21 as books, training, certifications, travel, and
22 laboratory expenses.

23 “(B) ASSISTANCE AFTER FOURTH ACA-
24 DEMIC YEAR.—In the case of a member of the
25 program described in subparagraph (A) who is

1 enrolled in a course described in that subpara-
2 graph that has been approved by the Adminis-
3 trator and requires more than 4 academic years
4 for completion, including elective requirements
5 of the program, assistance under this sub-
6 section may also be provided during a fifth aca-
7 demic year or during a combination of a part
8 of a fifth academic year and summer sessions.

9 “(2) ROOM AND BOARD.—In the case of a
10 member eligible to receive assistance under para-
11 graph (1), the Administrator may, in lieu of pay-
12 ment of all or part of such assistance, pay the room
13 and board expenses of the member, and other edu-
14 cational expenses, of the educational institution con-
15 cerned.

16 “(3) FAILURE TO COMPLETE PROGRAM OR AC-
17 CEPT COMMISSION.—A member of the program who
18 receives assistance under this subsection and who
19 does not complete the course of instruction, or who
20 completes the course but declines to accept a com-
21 mission in the commissioned officer corps when of-
22 fered, shall be subject to the repayment provisions of
23 subsection (e).

1 “(e) REPAYMENT OF UNEARNED PORTION OF FI-
2 NANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT
3 NOT MET.—

4 “(1) IN GENERAL.—A member of the program
5 who receives or benefits from assistance under sub-
6 section (d), and whose receipt of or benefit from
7 such assistance is subject to the condition that the
8 member fully satisfy the requirements of subsection
9 (c), shall repay to the United States an amount
10 equal to the assistance received or benefitted from if
11 the member fails to fully satisfy such requirements
12 and may not receive or benefit from any unpaid
13 amounts of such assistance after the member fails to
14 satisfy such requirements, unless the Administrator
15 determines that the imposition of the repayment re-
16 quirement and the termination of payment of unpaid
17 amounts of such assistance with regard to the mem-
18 ber would be—

19 “(A) contrary to a personnel policy or
20 management objective;

21 “(B) against equity and good conscience;
22 or

23 “(C) contrary to the best interests of the
24 United States.

1 “(2) REGULATIONS.—The Administrator may
2 establish, by regulations, procedures for determining
3 the amount of the repayment required under this
4 subsection and the circumstances under which an ex-
5 ception to repayment may be granted. The Adminis-
6 trator may specify in the regulations the conditions
7 under which financial assistance to be paid to a
8 member of the program will not be made if the
9 member no longer satisfies the requirements in sub-
10 section (c) or qualifications in subsection (d) for
11 such assistance.

12 “(3) OBLIGATION AS DEBT TO UNITED
13 STATES.—An obligation to repay the United States
14 under this subsection is, for all purposes, a debt
15 owed to the United States.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
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), as amended by
20 section 104(b), is further amended by inserting after the
21 item relating to section 217 the following:

 “Sec. 218. Aviation accession training programs.”.

22 **SEC. 106. RECRUITING MATERIALS.**

23 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
24 seq.), as amended by section 105(a), is further amended
25 by adding at the end the following:

1 **“SEC. 219. 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 contents
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 105(b), is further amended by inserting after the
15 item relating to section 217 the following:

“Sec. 219. Use of recruiting materials for public relations.”.

16 **SEC. 107. 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 “(4) CONCURRENT COMPLETION OF SERVICE
23 OBLIGATIONS.—A service obligation under this sec-
24 tion may be completed concurrently with a service
25 obligation under section 216.

1 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
2 TION.—

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

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

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

16 “(1) standards for qualified loans and author-
17 ized payees; and

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

20 “(b) CLERICAL AMENDMENT.—The table of contents
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 266 the following:

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

1 **SEC. 202. INTEREST PAYMENTS.**

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

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

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

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

12 “(1) is serving on active duty;

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

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

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

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

21 “(1) A loan made, insured, or guaranteed under
22 part B of title IV of the Higher Education Act of
23 1965 (20 U.S.C. 1071 et seq.).

24 “(2) A loan made under part D of such title
25 (20 U.S.C. 1087a et seq.).

1 “(3) A loan made under part E of such title
2 (20 U.S.C. 1087aa et seq.).

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

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

11 “(f) COORDINATION WITH SECRETARY OF EDU-
12 CATION.—

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

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

19 “(A) to pay interest and special allowances
20 on student loans under this section (in accord-
21 ance with sections 428(o), 455(l), and 464(j) of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1078(o), 1087e(l), and 1087dd(j)); and

24 “(B) to reimburse the Secretary of Edu-
25 cation for any reasonable administrative costs

1 incurred by the Secretary in coordinating the
2 program under this section with the administra-
3 tion of the student loan programs under parts
4 B, D, and E of title IV of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1071 et seq.,
6 1087a et seq., 1087aa et seq.).

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

11 (b) CONFORMING AMENDMENTS.—

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

14 (A) by striking the subsection heading and
15 inserting “ARMED FORCES AND NOAA COM-
16 MISSIONED OFFICER CORPS STUDENT LOAN
17 INTEREST PAYMENT PROGRAMS”; and

18 (B) in paragraph (1)—

19 (i) by inserting “or section 268 of the
20 National Oceanic and Atmospheric Admin-
21 istration Commissioned Officer Corps Act
22 of 2002” after “Code,”; and

23 (ii) by inserting “or an officer in the
24 commissioned officer corps of the National

1 Oceanic and Atmospheric Administration,
2 respectively,” after “Armed Forces”.

3 (2) Sections 455(l) and 464(j) of the Higher
4 Education Act of 1965 (20 U.S.C. 1087e(l) and
5 1087dd(j)) are each amended—

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

10 (B) in paragraph (1)—

11 (i) by inserting “or section 268 of the
12 National Oceanic and Atmospheric Admin-
13 istration Commissioned Officer Corps Act
14 of 2002” after “Code,”; and

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

19 (c) CLERICAL AMENDMENT.—The table of contents
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), as amended by
23 section 201(b), is further amended by inserting after the
24 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

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

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

5 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
6 **SISTANCE PROGRAM.**

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

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

18 “(2) a postbaccalaureate degree.

19 “(b) ELIGIBLE PERSONS.—

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

23 “(A) is enrolled on a full-time basis in a
24 program of education referred to in subsection
25 (a) at any educational institution described in
26 such subsection;

1 “(B) meets all of the requirements for ac-
2 ceptance into the commissioned officer corps of
3 the Administration except for the completion of
4 a baccalaureate degree; and

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

7 “(2) AGREEMENT.—A written agreement re-
8 ferred to in paragraph (1)(C) is an agreement be-
9 tween the person and the Secretary in which the
10 person—

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

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

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

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

20 “(e) QUALIFYING EXPENSES.—Expenses for which
21 financial assistance may be provided under subsection (a)
22 are the following:

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

25 “(2) The cost of educational materials.

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

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

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

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

16 “(f) SUBSISTENCE ALLOWANCE.—

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

23 “(2) DETERMINATION OF AMOUNT.—The Sec-
24 retary shall prescribe monthly rates for subsistence
25 allowance provided under paragraph (1), which shall

1 be equal to the amount specified in section 2144(a)
2 of title 10, United States Code.

3 “(g) INITIAL CLOTHING ALLOWANCE.—

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

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

16 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

20 “(A) the Secretary accepts a request by
21 the person to be released from an agreement
22 described in subsection (b)(2);

23 “(B) the misconduct of the person results
24 in a failure to complete the period of active
25 duty required under the agreement; or

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

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

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

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

20 “(B) is—

21 “(i) not physically qualified for ap-
22 pointment; and

23 “(ii) determined to be unqualified for
24 service in the commissioned officer corps of
25 the Administration because of a physical or

1 medical condition that was not the result
2 of the person's own misconduct or grossly
3 negligent conduct.

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

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

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

18 “(j) CONCURRENT COMPLETION OF SERVICE OBLI-
19 GATIONS.—A service obligation under this section may be
20 completed concurrently with a service obligation under
21 section 216.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1 of the Act entitled “An Act to authorize the
24 Hydrographic Services Improvement Act of 1998, and for
25 other purposes” (Public Law 107-372), as amended by

1 section 202(c), is further amended by inserting after the
2 item relating to section 268 the following:

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

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

4 (a) IN GENERAL.—Each fiscal year, beginning with
5 the fiscal year in which this Act is enacted, the Secretary
6 of Commerce shall ensure that the total amount expended
7 by the Secretary under section 267 of the National Oce-
8 anic and Atmospheric Administration Commissioned Offi-
9 cer Corps Act of 2002 (as added by section 201(a)), sec-
10 tion 268 of such Act (as added by section 202(a)), and
11 section 269 of such Act (as added by section 203(a)) does
12 not exceed the amount by which—

13 (1) the total amount the Secretary would pay in
14 that fiscal year to officer candidates under section
15 203(f)(1) of title 37, United States Code (as added
16 by section 305(d)), if such section entitled officer
17 candidates to pay at monthly rates equal to the
18 basic pay of a commissioned officer in the pay grade
19 O-1 with less than 2 years of service, exceeds

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

23 (b) OFFICER CANDIDATE DEFINED.—In this section,
24 the term “officer candidate” has the meaning given the
25 term in paragraph (4) of section 212(b) of the National

1 Oceanic and Atmospheric Administration Commissioned
2 Officer Corps Act of 2002 (33 U.S.C. 3002), as added
3 by section 305(c).

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

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

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

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

16 (3) by redesignating paragraphs (4) through
17 (6) as paragraphs (8) through (10), respectively;

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

20 “(4) Section 771, relating to unauthorized
21 wearing of uniforms.

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

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

1 “(7) Section 1031, relating to administration of
2 oaths.”;

3 (5) by inserting after paragraph (10), as reded-
4 igned, the following:

5 “(11) Section 1074n, relating to annual mental
6 health assessments.

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

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

12 (6) by inserting after paragraph (19), as reded-
13 igned, the following:

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

16 “(21) Section 2005, relating to advanced edu-
17 cation assistance, active duty agreements, and reim-
18 bursement requirements.”.

19 (b) EXTENSION OF CERTAIN AUTHORITIES.—

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

22 (A) in subsection (a)(1), by striking
23 “armed forces” and inserting “uniformed serv-
24 ices”; and

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

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

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

10 (B) by adding at the end the following new
11 subsection:

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

20 (3) CAPSTONE COURSE FOR NEWLY SELECTED
21 FLAG OFFICERS.—Section 2153 of such title is
22 amended—

23 (A) in subsection (a)—

24 (i) by inserting “or the commissioned
25 officer corps of the National Oceanic and

1 Atmospheric Administration” after “in the
2 case of the Navy”; and

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

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

10 **SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF**
11 **TITLE 37, UNITED STATES CODE.**

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

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

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

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

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

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

7 “(4) Section 415, relating to initial uniform al-
8 lowances.

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

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

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

20 (b) PERSONAL MONEY ALLOWANCE.—Section
21 414(a)(2) of title 37, United States Code, is amended by
22 inserting “or the director of the commissioned officer
23 corps of the National Oceanic and Atmospheric Adminis-
24 tration” after “Health Service”.

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

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

6 **SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL AC-**
7 **TIONS.**

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

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

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

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

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

1 (c) REGULATIONS.—Such section is further amended
2 by adding at the end the following:

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

12 **SEC. 208. APPLICATION OF CERTAIN PROVISIONS OF COM-**
13 **PETITIVE SERVICE LAW.**

14 Section 3304(f) of title 5, United States Code, is
15 amended—

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

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

24 (3) in paragraph (4), by inserting “and mem-
25 bers of the commissioned officer corps of the Na-

1 tional Oceanic and Atmospheric Administration (or
2 its predecessor organization the Coast and Geodetic
3 Survey) separated from such uniformed service”
4 after “separated from the armed forces”.

5 **SEC. 209. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

10 **SEC. 210. TREATMENT OF COMMISSION IN COMMISSIONED**
11 **OFFICER CORPS FOR PURPOSES OF CERTAIN**
12 **HIRING DECISIONS.**

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

16 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**
17 **SIONED OFFICER CORPS AS EMPLOYMENT IN**
18 **ADMINISTRATION FOR PURPOSES OF CER-**
19 **TAIN HIRING DECISIONS.**

20 “(a) IN GENERAL.—In any case in which the Sec-
21 retary accepts an application for a position of employment
22 with the Administration and limits consideration of appli-
23 cations for such position to applications submitted by indi-
24 viduals serving in a career or career-conditional position
25 in the competitive service within the Administration, the

1 Secretary shall deem an officer who has served as an offi-
2 cer in the commissioned officer corps for at least 3 years
3 to be serving in a career or career-conditional position in
4 the competitive service within the Administration for pur-
5 poses of such limitation.

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

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

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1 of the Act entitled “An Act to authorize the
17 Hydrographic Services Improvement Act of 1998, and for
18 other purposes” (Public Law 107–372) is amended by in-
19 serting after the item relating to section 269, as added
20 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 **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 “(c) 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 contents
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 “(e) AUTHORITY FOR OFFICERS TO OPT OUT OF
4 PROMOTION CONSIDERATION.—

5 “(1) IN GENERAL.—The Director of the Na-
6 tional Oceanic and Atmospheric Administration
7 Commissioned Officer Corps may provide that an of-
8 ficer, upon the officer’s request and with the ap-
9 proval of the Director, be excluded from consider-
10 ation for promotion by a personnel board convened
11 under this section.

12 “(2) APPROVAL.—The Director shall approve a
13 request made by an officer under subsection (a) only
14 if—

15 “(A) the basis for the request is to allow
16 the officer to complete a broadening assign-
17 ment, advanced education, another assignment
18 of significant value to the Administration, a ca-
19 reer progression requirement delayed by the as-
20 signment or education, or a qualifying personal
21 or professional circumstance, as determined by
22 the Director;

23 “(B) the Director determines the exclusion
24 from consideration is in the best interest of the
25 Administration; and

1 “(C) the officer has not previously failed
2 selection for promotion to the grade for which
3 the officer requests the exclusion from consider-
4 ation.”.

5 **SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSI-**
6 **BILITY.**

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

8 (1) in subsection (c)—

9 (A) in the first sentence, by striking “The
10 Secretary shall designate one position under
11 this section” and inserting “The President shall
12 designate one position”; and

13 (B) in the second sentence, by striking
14 “That position shall be filled by” and inserting
15 “‘The President shall fill that position by ap-
16 pointing, by and with the advice and consent of
17 the Senate,’”;

18 (2) in subsection (d)(2), by inserting “or imme-
19 diately beginning a period of terminal leave” after
20 “for which a higher grade is designated”;

21 (3) by amending subsection (e) to read as fol-
22 lows:

23 “(e) **LIMIT ON NUMBER OF OFFICERS APPOINTED.—**

24 The total number of officers serving on active duty at any
25 one time in the grade of rear admiral (lower half) or above

1 may not exceed five, with only one serving in the grade
2 of vice admiral.”; and

3 (4) in subsection (f), by inserting “or in a pe-
4 riod of annual leave used at the end of the appoint-
5 ment” after “serving in that grade”.

6 **SEC. 304. TEMPORARY APPOINTMENTS.**

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

9 **“SEC. 229. TEMPORARY APPOINTMENTS.**

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

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

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

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

1 porarily promoted one grade by the President. Any such
2 temporary promotion terminates upon the transfer of the
3 officer to a new assignment.”.

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

“Sec. 229. Temporary appointments.”.

10 **SEC. 305. OFFICER CANDIDATES.**

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

13 **“SEC. 234. OFFICER CANDIDATES.**

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

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

24 “(c) DISMISSAL.—The Secretary may dismiss from
25 the basic officer training program of the Administration

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

9 “(d) AGREEMENT.—

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

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

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

21 “(B) That upon graduation from such pro-
22 gram, the officer candidate—

23 “(i) will accept an appointment, if
24 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 subsection
9 (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 subsection (d) shall be
15 subject to the repayment provisions of section 216(b).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
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 rates equal to the basic
16 pay of an enlisted member in the pay grade E-5 with less
17 than 2 years of 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. 306. PROCUREMENT OF PERSONNEL.**

2 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
3 seq.), as amended by section 305(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 contents
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 305(b), is further amended by inserting after the
15 item relating to section 234 the following:

“235. Procurement of personnel.”.

16 **SEC. 307. CAREER INTERMISSION PROGRAM.**

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

20 **“SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION**
21 **OF OFFICERS.**

22 “(a) PROGRAMS AUTHORIZED.—The Secretary may
23 carry out a program under which officers may be inac-
24 tivated from active duty in order to meet personal or pro-

1 fessional needs and returned to active duty at the end of
2 such period of inactivation from active duty.

3 “(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY;
4 EFFECT OF INACTIVATION.—

5 “(1) IN GENERAL.—The period of inactivation
6 from active duty under a program under this section
7 of an officer participating in the program shall be
8 such period as the Secretary shall specify in the
9 agreement of the officer under subsection (c), except
10 that such period may not exceed 3 years.

11 “(2) EXCLUSION FROM RETIREMENT.—Any pe-
12 riod of participation of an officer in a program
13 under this section shall not count toward eligibility
14 for retirement or computation of retired pay under
15 subtitle C.

16 “(c) AGREEMENT.—Each officer who participates in
17 a program under this section shall enter into a written
18 agreement with the Secretary under which that officer
19 shall agree as follows:

20 “(1) To undergo during the period of the inac-
21 tivation of the officer from active duty under the
22 program such inactive duty training as the Director
23 of the National Oceanic and Atmospheric Adminis-
24 tration Commissioned Officer Corps shall require in
25 order to ensure that the officer retains proficiency,

1 at a level determined by the Director to be suffi-
2 cient, in the technical skills, professional qualifica-
3 tions, and physical readiness of the officer during
4 the inactivation of the officer from active duty.

5 “(2) Following completion of the period of the
6 inactivation of the officer from active duty under the
7 program, to serve 2 months on active duty for each
8 month of the period of the inactivation of the officer
9 from active duty under the program.

10 “(d) CONDITIONS OF RELEASE.—The Secretary
11 shall—

12 “(1) prescribe regulations specifying the guide-
13 lines regarding the conditions of release that must
14 be considered and addressed in the agreement re-
15 quired by subsection (c); and

16 “(2) at a minimum, prescribe the procedures
17 and standards to be used to instruct an officer on
18 the obligations to be assumed by the officer under
19 paragraph (2) of such subsection while the officer is
20 released from active duty.

21 “(e) ORDER TO ACTIVE DUTY.—Under regulations
22 prescribed by the Secretary, an officer participating in a
23 program under this section may, in the discretion of the
24 Secretary, be required to terminate participation in the
25 program and be ordered to active duty.

1 “(f) PAY AND ALLOWANCES.—

2 “(1) BASIC PAY.—During each month of par-
3 ticipation in a program under this section, an officer
4 who participates in the program shall be paid basic
5 pay in an amount equal to two-thirtieths of the
6 amount of monthly basic pay to which the officer
7 would otherwise be entitled under section 204 of title
8 37, United States Code, as a member of the uni-
9 formed services on active duty in the grade and
10 years of service of the officer when the officer com-
11 mences participation in the program.

12 “(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

13 “(A) PROHIBITION.—An officer who par-
14 ticipates in a program under this section shall
15 not, while participating in the program, be paid
16 any special or incentive pay or bonus to which
17 the officer is otherwise entitled under an agree-
18 ment under chapter 5 of title 37, United States
19 Code, that is in force when the officer com-
20 mences participation in the program.

21 “(B) NOT TREATED AS FAILURE TO PER-
22 FORM SERVICES.—The inactivation from active
23 duty of an officer participating in a program
24 under this section shall not be treated as a fail-
25 ure of the officer to perform any period of serv-

1 concerned for the term specified in clause
2 (i).

3 “(B) LIMITATION.—

4 “(i) IN GENERAL.—Subparagraph (A)
5 shall not apply to any special or incentive
6 pay or bonus otherwise covered by that
7 subparagraph with respect to an officer if,
8 at the time of the return of the officer to
9 active duty as described in that subpara-
10 graph—

11 “(I) such pay or bonus is no
12 longer authorized by law; or

13 “(II) the officer does not satisfy
14 eligibility criteria for such pay or
15 bonus as in effect at the time of the
16 return of the officer to active duty.

17 “(ii) PAY OR BONUS CEASES BEING
18 AUTHORIZED.—Subparagraph (A) shall
19 cease to apply to any special or incentive
20 pay or bonus otherwise covered by that
21 subparagraph with respect to an officer if,
22 during the term of the revived agreement
23 of the officer under subparagraph (A)(i),
24 such pay or bonus ceases being authorized
25 by law.

1 “(C) REPAYMENT.—An officer who is in-
2 eligible for payment of a special or incentive
3 pay or bonus otherwise covered by this para-
4 graph by reason of subparagraph (B)(i)(II)
5 shall be subject to the requirements for repay-
6 ment of such pay or bonus in accordance with
7 the terms of the applicable agreement of the of-
8 ficer under chapter 5 of title 37, United States
9 Code.

10 “(D) REQUIRED SERVICE IS ADDI-
11 TIONAL.—Any service required of an officer
12 under an agreement covered by this paragraph
13 after the officer returns to active duty as de-
14 scribed in subparagraph (A) shall be in addition
15 to any service required of the officer under an
16 agreement under subsection (c).

17 “(4) TRAVEL AND TRANSPORTATION ALLOW-
18 ANCE.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), an officer who participates in a pro-
21 gram under this section is entitled, while par-
22 ticipating in the program, to the travel and
23 transportation allowances authorized by section
24 474 of title 37, United States Code, for—

1 “(i) travel performed from the resi-
2 dence of the officer, at the time of release
3 from active duty to participate in the pro-
4 gram, to the location in the United States
5 designated by the officer as the officer’s
6 residence during the period of participation
7 in the program; and

8 “(ii) travel performed to the residence
9 of the officer upon return to active duty at
10 the end of the participation of the officer
11 in the program.

12 “(B) SINGLE RESIDENCE.—An allowance
13 is payable under this paragraph only with re-
14 spect to travel of an officer to and from a single
15 residence.

16 “(5) LEAVE BALANCE.—An officer who partici-
17 pates in a program under this section is entitled to
18 carry forward the leave balance existing as of the
19 day on which the officer begins participation and ac-
20 cumulated in accordance with section 701 of title 10,
21 but not to exceed 60 days.

22 “(g) PROMOTION.—

23 “(1) IN GENERAL.—An officer participating in
24 a program under this section shall not, while partici-

1 participating in the program, be eligible for consideration
2 for promotion under subtitle B.

3 “(2) RETURN TO SERVICE.—Upon the return of
4 an officer to active duty after completion by the offi-
5 cer of participation in a program under this sec-
6 tion—

7 “(A) the Secretary may adjust the date of
8 rank of the officer in such manner as the Sec-
9 retary shall prescribe in regulations for pur-
10 poses of this section; and

11 “(B) the officer shall be eligible for consid-
12 eration for promotion when officers of the same
13 competitive category, grade, and seniority are
14 eligible for consideration for promotion.

15 “(h) CONTINUED ENTITLEMENTS.—An officer par-
16 ticipating in a program under this section shall, while par-
17 ticipating in the program, be treated as a member of the
18 uniformed services on active duty for a period of more
19 than 30 days for purposes of—

20 “(1) the entitlement of the officer and of the
21 dependents of the officer to medical and dental care
22 under the provisions of chapter 55 of title 10; and

23 “(2) retirement or separation for physical dis-
24 ability under the provisions of subtitle C.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1 of the Act entitled “An Act to authorize the
3 Hydrographic Services Improvement Act of 1998, and for
4 other purposes” (Public Law 107–372), as amended by
5 section 306(b), is further amended by inserting after the
6 item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”.

7 **TITLE IV—SEPARATION AND**
8 **RETIREMENT OF OFFICERS**

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

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

12 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
13 FOR MEDICAL REASONS.—

14 “(1) IN GENERAL.—If the Secretary determines
15 that the evaluation of the medical condition of an of-
16 ficer requires hospitalization or medical observation
17 that cannot be completed with confidence in a man-
18 ner consistent with the officer’s well-being before the
19 date on which the officer would otherwise be re-
20 quired to retire or be separated under this section,
21 the Secretary may defer the retirement or separation
22 of the officer.

23 “(2) CONSENT REQUIRED.—A deferment may
24 only be made with the written consent of the officer
25 involved. If the officer does not provide written con-

1 sent to the deferment, the officer shall be retired or
2 separated as scheduled.

3 “(3) LIMITATION.—A deferment of retirement
4 or separation under this subsection may not extend
5 for more than 30 days after completion of the eval-
6 uation requiring hospitalization or medical observa-
7 tion.”.

8 **SEC. 402. SEPARATION PAY.**

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

11 “(d) EXCEPTION.—An officer discharged for twice
12 failing selection for promotion to the next higher grade
13 is not entitled to separation pay under this section if the
14 officer—

15 “(1) expresses a desire not to be selected for
16 promotion; or

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

19 **TITLE V—OTHER NATIONAL**
20 **OCEANIC AND ATMOSPHERIC**
21 **ADMINISTRATION MATTERS**

22 **SEC. 501. CHARTING AND SURVEY SERVICES.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 development of the strategy required by section 1002(b)
25 of the Frank LoBiondo Coast Guard Authorization Act

1 of 2018 (Public Law 115–282; 132 Stat. 4365), the Sec-
2 retary of Commerce shall enter into not fewer than 2
3 multi-year contracts with 1 or more private entities for
4 the performance of charting and survey services by vessels.

5 (b) CHARTING AND SURVEYS IN THE ARCTIC.—In
6 soliciting and engaging the services of vessels under sub-
7 section (a), the Secretary shall particularly emphasize the
8 need for charting and surveys in the Arctic.

9 **SEC. 502. LEASES AND CO-LOCATION AGREEMENTS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law, in fiscal year 2020 and each fiscal year there-
12 after, the Administrator of the National Oceanic and At-
13 mospheric Administration may execute noncompetitive
14 leases and co-location agreements for real property and
15 incidental goods and services with entities described in
16 subsection (b) for periods of not more than 30 years, if
17 each such lease or agreement is supported by a price rea-
18 sonableness analysis.

19 (b) ENTITIES DESCRIBED.—An entity described in
20 this subsection is—

21 (1) the government of any State, territory, pos-
22 session, or locality in the United States;

23 (2) any Tribal organization (as defined in sec-
24 tion 4 of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 5304));

1 (3) any subdivision of—

2 (A) a government described in paragraph

3 (1); or

4 (B) an organization described in paragraph

5 (2); or

6 (4) any organization that is—

7 (A) organized under the laws of the United
8 States or any jurisdiction within the United
9 States; and

10 (B) described in section 501(c) of the In-
11 ternal Revenue Code of 1986 and exempt from
12 tax under section 501(a) of such Code.

13 (c) FISCAL YEAR LIMITATION.—The obligation of
14 amounts for leases and agreements executed under sub-
15 section (a) is limited to the fiscal year for which payments
16 are due, without regard to sections 1341(a)(1),
17 1501(a)(1), 1502(a), and 1517(a) of title 31, United
18 States Code.

19 (d) COLLABORATION AGREEMENTS.—Upon the exe-
20 cution of a lease or agreement authorized by subsection
21 (a) with an entity, the Administrator may enter into
22 agreements with the entity to collaborate or engage in
23 projects or programs on matters of mutual interest for pe-
24 riods not to exceed the term of the lease or agreement.

1 The cost of such agreements shall be apportioned equi-
2 tably, as determined by the Administrator.

3 **SEC. 503. SATELLITE AND DATA MANAGEMENT.**

4 Section 301 of the Weather Research and Fore-
5 casting Innovation Act of 2017 (15 U.S.C. 8531) is
6 amended—

7 (1) in subsection (c)(1), by striking subpara-
8 graph (D) and inserting the following:

9 “(D) improve—

10 “(i) weather and climate forecasting
11 and predictions; and

12 “(ii) the understanding, management,
13 and exploration of the ocean.”; and

14 (2) in subsection (d)—

15 (A) in paragraph (1)—

16 (i) by striking “data and satellite sys-
17 tems” and inserting “data, satellite, and
18 other observing systems”; and

19 (ii) by striking “to carry out” and all
20 that follows and inserting the following:

21 “to carry out—

22 “(A) basic, applied, and advanced research
23 projects and ocean exploration missions to meet
24 the objectives described in subparagraphs (A)
25 through (D) of subsection (c)(1); or

1 “(B) any other type of project to meet
2 other mission objectives, as determined by the
3 Under Secretary.”;

4 (B) in paragraph (2)(B)(i), by striking
5 “satellites” and all that follows and inserting
6 “systems, including satellites, instrumentation,
7 ground stations, data, and data processing;”;
8 and

9 (C) in paragraph (3), by striking “2023”
10 and inserting “2030”.