

116TH CONGRESS
2D SESSION

S. 3930

To reauthorize the Maritime Administration and to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2020

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize the Maritime Administration and to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Administra-
5 tion Authorization and Improvement Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—MARITIME MATTERS

- Sec. 101. Authorization of the Maritime Administration.
- Sec. 102. Marine highways.
- Sec. 103. Maritime security program operating requirement.
- Sec. 104. Tanker security fleet.
- Sec. 105. Port and intermodal improvement program.
- Sec. 106. Sea year cadets on cable security fleet and tanker security fleet vessels.
- Sec. 107. Conditional bachelor of science degree from United States Merchant Marine Academy.
- Sec. 108. Graduation requirements for State maritime academies.
- Sec. 109. Superintendent of the United States Merchant Marine Academy.
- Sec. 110. Maritime academy information.
- Sec. 111. Centers of excellence for domestic maritime workforce training and education.
- Sec. 112. Criteria to be eligible to train students from State maritime academies.
- Sec. 113. Improvement of the National Oceanographic Partnership Program.
- Sec. 114. GAO review of Department-wide efforts to manage cybersecurity.
- Sec. 115. GAO review of efforts to support and grow the vessels of the United States.
- Sec. 116. GAO review of Federal efforts to enhance port infrastructure resiliency and disaster preparedness.
- Sec. 117. Study on foreign investment in shipping.
- Sec. 118. National Academies standing committee on America's supply chain security during disasters.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

- Sec. 201. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

Subtitle A—General Provisions

- Sec. 211. Strength and distribution in grade.
- Sec. 212. Recalled officers.
- Sec. 213. Obligated service requirement.
- Sec. 214. Training and physical fitness.
- Sec. 215. Aviation accession training programs.
- Sec. 216. Recruiting materials.
- Sec. 217. Technical correction.

Subtitle B—Parity and Recruitment

- Sec. 221. Education loans.
- Sec. 222. Interest payments.
- Sec. 223. Student pre-commissioning program.
- Sec. 224. Limitation on educational assistance.
- Sec. 225. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
- Sec. 226. Applicability of certain provisions of title 37, United States Code.
- Sec. 227. Prohibition on retaliatory personnel actions.
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- Sec. 229. Employment and reemployment rights.

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Subtitle C—Appointments and Promotion of Officers

Sec. 231. Appointments.
 Sec. 232. Personnel boards.
 Sec. 233. Positions of importance and responsibility.
 Sec. 234. Temporary appointments.
 Sec. 235. Officer candidates.
 Sec. 236. Procurement of personnel.
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Subtitle D—Separation and Retirement of Officers

Sec. 241. Involuntary retirement or separation.
 Sec. 242. Separation pay.

TITLE III—OTHER NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION MATTERS

Sec. 301. Charting and survey services.
 Sec. 302. Leases and co-location agreements.
 Sec. 303. Satellite and data management.

1 **TITLE I—MARITIME MATTERS**

2 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-**
 3 **TION.**

4 (a) IN GENERAL.—There are authorized to be appro-
 5 priated to the Department of Transportation for fiscal
 6 year 2021, to be available without fiscal year limitation
 7 if so provided in appropriations Acts, for programs associ-
 8 ated with maintaining the United States Merchant Ma-
 9 rine, the following amounts:

10 (1) For expenses necessary for operations of the
 11 United States Merchant Marine Academy,
 12 \$98,216,000, of which—

13 (A) \$80,216,000 shall remain available
 14 until September 30, 2022, for Academy oper-
 15 ations; and

1 (B) \$18,000,000 shall remain available
2 until expended for capital asset management at
3 the Academy.

4 (2) For expenses necessary to support the State
5 maritime academies, \$50,780,000, of which—

6 (A) \$2,400,000 shall remain available until
7 September 30, 2022, for the Student Incentive
8 Program;

9 (B) \$6,000,000 shall remain available until
10 expended for direct payments to such acad-
11 emies;

12 (C) \$30,500,000 shall remain available
13 until expended for maintenance and repair of
14 State maritime academy training vessels;

15 (D) \$3,800,000 shall remain available until
16 expended for training ship fuel assistance; and

17 (E) \$8,080,000 shall remain available until
18 expended for offsetting the costs of training
19 ship sharing.

20 (3) For expenses necessary to support the Na-
21 tional Security Multi-Mission Vessel Program,
22 \$389,000,000, which shall remain available until ex-
23 pended.

1 (4) For expenses necessary to support Maritime
2 Administration operations and programs,
3 \$80,628,000, of which—

4 (A) \$5,000,000 shall remain available until
5 expended for activities authorized under section
6 50307 of title 46, United States Code; and

7 (B) \$19,775,000 shall remain available
8 until expended for the Marine Highways Pro-
9 gram.

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

13 (6) For expenses necessary to maintain and
14 preserve a United States flag Merchant Marine to
15 serve the national security needs of the United
16 States under chapter 531 of title 46, United States
17 Code, \$314,008,000, which shall remain available
18 until expended.

19 (7) For expenses necessary for the loan guar-
20 antee program authorized under chapter 537 of title
21 46, United States Code, \$33,000,000, of which—

22 (A) \$30,000,000 may be used for the cost
23 (as defined in section 502(5) of the Federal
24 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))

1 of loan guarantees under the program, which
 2 shall remain available until expended; and

3 (B) \$3,000,000 may be used for adminis-
 4 trative expenses relating to loan guarantee com-
 5 mitments under the program.

6 (8) For expenses necessary to provide assist-
 7 ance to small shipyards and for maritime training
 8 programs under section 54101 of title 46, United
 9 States Code, \$40,000,000, which shall remain avail-
 10 able until expended.

11 (9) For expenses necessary to implement sec-
 12 tion 111 of this Act, \$200,000,000.

13 (10) For expenses necessary to implement the
 14 Port and Intermodal Improvement Program,
 15 \$500,000,000.

16 **SEC. 102. MARINE HIGHWAYS.**

17 (a) MARINE HIGHWAYS PROGRAM.—Section 55601
 18 of title 46, United States Code, is amended—

19 (1) in the section heading, by striking “**Short**
 20 **sea transportation program**” and inserting
 21 “**Marine highways program**”;

22 (2) by redesignating subsections (a) through (g)
 23 as subsections (c) through (i), respectively;

24 (3) by inserting before subsection (c), as redes-
 25 ignated by paragraph (2), the following:

1 “(a) FINDINGS.—Congress makes the following find-
2 ings:

3 “(1) Our Nation’s waterways are an integral
4 part of our transportation network.

5 “(2) River transportation is the most efficient
6 form of bulk transportation, the safest mode of
7 transportation, and more environmentally friendly
8 than other forms of transportation.

9 “(3) Using the Nation’s waterways—coastal, in-
10 land, and others that can support commercial trans-
11 portation, alleviates surface transportation conges-
12 tion and burdensome road and bridge repair costs.

13 “(4) Marine highways are serviced by docu-
14 mented United States Flag vessels and manned by
15 United States citizens, providing added resources for
16 national security and to aid in times of crisis.

17 “(5) According to the United States Army
18 Corps of Engineers, inland navigation is a key ele-
19 ment of economic development and is essential in
20 maintaining economic competitiveness and national
21 security.

22 “(b) DEFINITIONS.—

23 “(1) MARINE HIGHWAY PROJECT.—The term
24 ‘marine highway project’ means planned or con-
25 templated new services, or expansions of existing

1 services, on marine highway routes, that seek to pro-
 2 vide new modal choices to shippers, offer more desir-
 3 able services, reduce transportation costs, or provide
 4 public benefits, which include reduced air emissions,
 5 reduced road maintenance costs, connectivity, and
 6 improved safety or resiliency impacts.

7 “(2) MARINE HIGHWAY ROUTE.—The term
 8 ‘marine highway route’ means commercially navi-
 9 gable coastal, inland, or intracoastal waters of the
 10 United States (including connections between United
 11 States ports and Canadian ports and non-contiguous
 12 United States ports).”;

13 (4) in subsection (c), as redesignated by para-
 14 graph (2)—

15 (A) by inserting “, to be known as the
 16 ‘America’s Marine Highway program,’” after
 17 “transportation program”;

18 (B) by striking “short sea transportation
 19 projects” and inserting “marine highway
 20 projects”; and

21 (C) by striking “mitigate landside conges-
 22 tion or to promote short sea transportation”
 23 and insert “provide an alternative to transpor-
 24 tation or to promote short sea transportation”;

1 (5) in subsection (d), as redesignated by para-
2 graph (2), by striking paragraph (1) and inserting
3 the following:

4 “(1) vessels documented under chapter 121 of
5 this title”;

6 (6) by striking subsection (e), as redesignated
7 by paragraph (2), and inserting the following:

8 “(e) DESIGNATION AND MAPPING OF MARINE HIGH-
9 WAY ROUTES.—

10 “(1) IN GENERAL.—Not later than 60 days
11 after the date the Secretary receives a request for
12 designation of a new marine highway route or exten-
13 sion of an existing marine highway route from an el-
14 igible requester as described in paragraph (4), the
15 Secretary shall make a determination whether to
16 designate or extend such marine highway route as
17 an integrated part of the surface transportation sys-
18 tem and increase public and private efforts to use
19 the waterways as an alternative to coastal or inland
20 highway corridors or to promote short sea transpor-
21 tation.

22 “(2) NOTIFICATION.—Not later than 7 days
23 after the date on which the Secretary makes the de-
24 termination whether to designate or extend a marine
25 highway route under paragraph (1), the Secretary

1 shall send the eligible requester a notification of the
2 determination.

3 “(3) DATA COLLECTION AND DISSEMINA-
4 TION.—The Secretary may collect and disseminate
5 data for the designation and delineation of short sea
6 transportation routes, naming them as the ‘United
7 States Marine Highway Routes’.

8 “(4) ELIGIBLE REQUESTERS.—A request for
9 designation of a new marine highway route or exten-
10 sion of an existing marine highway route may be
11 submitted to the Secretary, by—

12 “(A) the Governor of an affected State;

13 “(B) an official Tribal resolution of an In-
14 dian tribe (as defined in section 4 of the Indian
15 Self-Determination and Education Assistance
16 Act (25 U.S.C. 5304)), or a consortium of In-
17 dian tribes;

18 “(C) a State Department of Transpor-
19 tation;

20 “(D) a Port Authority;

21 “(E) a metropolitan planning organization;

22 or

23 “(F) any other comparable elected or po-
24 litically appointed representative, as determined
25 by the Secretary.

1 “(5) NUMBERING OF ROUTES.—Each marine
2 highway route, if practicable, shall be numbered in
3 terms of the specific landside transportation routes
4 (road or railway) that it parallels or to which it con-
5 nects.

6 “(6) MAP.—Not later than 120 days after the
7 date of enactment of the Maritime Administration
8 Authorization and Improvement Act, and thereafter
9 each time a marine highway route is amended or
10 added, the Secretary shall make publically available
11 a map showing the location of marine highway
12 routes along the coasts, in the inland waterways,
13 and at sea.”;

14 (7) in subsection (f), as redesignated by para-
15 graph (2)—

16 (A) in the matter preceding paragraph (1),
17 by striking “short sea transportation project”
18 and inserting “marine highway project”; and

19 (B) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) provides an alternative to landside trans-
22 portation; or”;

23 (8) in subsection (g), as redesignated by para-
24 graph (2)—

1 (A) in the matter preceding paragraph (1),
 2 by striking “short sea transportation project
 3 designated under this section, the Secretary
 4 may” and inserting “marine highway project
 5 designated under this section, the Secretary
 6 shall”; and

7 (B) in paragraph (3), by striking “short
 8 sea transportation program” and inserting
 9 “marine highways program”;

10 (9) in subsection (h), as redesignated by para-
 11 graph (2), in the matter preceding paragraph (1), by
 12 striking “may develop” and inserting “shall de-
 13 velop”;

14 (10) in subsection (i), as redesignated by para-
 15 graph (2)—

16 (A) by redesignating paragraph (3) as
 17 paragraph (10);

18 (B) in paragraph (1)—

19 (i) by striking “a short sea transpor-
 20 tation grant program” and inserting “a
 21 marine highway grant program”; and

22 (ii) by striking “subsection (d)” and
 23 inserting “subsection (f)”; and

24 (C) by striking paragraph (2) and insert-
 25 ing the following:

1 “(2) APPLICATIONS.—

2 “(A) IN GENERAL.—To be eligible for as-
3 sistance under this section, an applicant shall
4 submit an application, in such form, and con-
5 taining such information and assurances as the
6 Administrator may require, not later than 90
7 days after the date of enactment of the appro-
8 priations Act for the fiscal year concerned.

9 “(B) ELIGIBLE APPLICANT; MINIMUM
10 STANDARDS FOR PAYMENT OR REIMBURSE-
11 MENT.—Each application submitted under
12 paragraph (1) shall include a comprehensive de-
13 scription of—

14 “(i) regions served;

15 “(ii) the marine highway route that
16 the project will use, which may include
17 connection to existing or planned transpor-
18 tation infrastructure and intermodal facili-
19 ties, key navigational factors such as avail-
20 able draft, channel width, bridge air draft,
21 or lock clearance, and any foreseeable im-
22 pacts on navigation or commerce, and a
23 map of the proposed route;

24 “(iii) project supporters, which may
25 include including business affiliations, pri-

1 vate sector stakeholders, State Depart-
2 ments of Transportation, metropolitan
3 planning organizations, municipalities, or
4 other governmental entities (including
5 Tribal governments), as applicable;

6 “(iv) estimated volume of passengers
7 or cargo;

8 “(v) the need for the project;

9 “(vi) the definition of the success goal
10 for the project, such as volumes of cargo
11 or passengers moved, or contribution to en-
12 vironmental mitigation, safety, reduced
13 VMT, or reduced maintenance and repair
14 costs;

15 “(vii) the methodology for imple-
16 menting the project, including a descrip-
17 tion of the proposed operational framework
18 of the project including the origin, destina-
19 tion, and any intermediate stops on the
20 route, transit times, vessel types, and serv-
21 ice frequency; and

22 “(viii) any existing programs or ar-
23 rangements that can be used to supple-
24 ment or leverage assistance under the pro-
25 gram.

1 “(3) TIMING OF GRANT NOTICE.—The Adminis-
2 trator shall post a Notice of Funding Opportunity
3 regarding grants awarded under this section not
4 more than 15 days after the date of enactment of
5 the appropriations Act for the fiscal year concerned.

6 “(4) TIMING OF GRANTS.—The Administrator
7 shall award grants under this section not later than
8 120 days after the date of the enactment of the ap-
9 propriations Act for the fiscal year concerned.

10 “(5) REUSE OF UNEXPENDED GRANT FUNDS.—
11 Notwithstanding paragraph (4), amounts awarded
12 as a grant under this section that are not expended
13 by the grantee shall remain available to the Admin-
14 istrator for use for grants under this section.

15 “(6) ADMINISTRATIVE COSTS.—Not more than
16 3 percent of amounts made available to carry out
17 the program may be used for the necessary costs of
18 grant administration.

19 “(7) PROCEDURAL SAFEGUARDS.—The Admin-
20 istrator, in consultation with the Office of the In-
21 spector General, shall issue guidelines to establish
22 appropriate accounting, reporting, and review proce-
23 dures to ensure that—

24 “(A) grant funds are used for the purposes
25 for which they were made available;

1 “(B) grantees have properly accounted for
2 all expenditures of grant funds; and

3 “(C) grant funds not used for such pur-
4 poses and amounts not obligated or expended
5 are returned.

6 “(8) PROJECT APPROVAL REQUIRED.—The Ad-
7 ministrator may not award a grant under this sec-
8 tion unless the Administrator determines that—

9 “(A) sufficient funding is available to meet
10 the matching requirements of paragraph (10);

11 “(B) the project will be completed without
12 unreasonable delay; and

13 “(C) the recipient has authority to carry
14 out the proposed project.

15 “(9) CONFIDENTIAL INFORMATION.—Informa-
16 tion of a confidential nature, such as proprietary or
17 classified information, provided to a United States
18 firm pursuant to this section shall be protected.
19 Such information may be released by a United
20 States firm only after written approval by the Sec-
21 retary.”; and

22 (11) by adding at the end the following:

23 “(j) PROHIBITED USES.—Grants awarded under this
24 section may not be used to raise sunken vessels, construct
25 buildings, or other physical facilities or to acquire land.

1 “(k) ALLOCATION OF FUNDS.—The Administrator
 2 may not award more than 25 percent of the funds appro-
 3 priated to carry out this section for any fiscal year to any
 4 project in one geographic location.

5 “(l) AUDITS AND EXAMINATIONS.—All grantees
 6 under this section shall maintain such records as the Ad-
 7 ministrator may require and make such records available
 8 for review and audit by the Administrator.”.

9 (b) CARGO AND SHIPPERS.—Section 55602 of title
 10 46, United States Code, is amended, in subsection (a), by
 11 striking “short sea transportation project” and inserting
 12 “marine highway project”.

13 (c) RESEARCH ON SHORT SEA TRANSPORTATION.—
 14 Section 55604 of title 46, United States Code, is amend-
 15 ed—

16 (1) by redesignating paragraphs (1) through
 17 (3) as paragraphs (4) through (6), respectively; and

18 (2) by inserting before paragraph (4), as redes-
 19 ignated by paragraph (1), the following:

20 “(1) the economic importance of marine high-
 21 ways transportation to the United States economy;

22 “(2) the importance of marine highways to
 23 rural areas;

24 “(3) identifying pairs of United States regions
 25 and territories, and within-region areas, that do not

1 yet have marine highway projects underway, but
 2 that could benefit from the establishment of marine
 3 highway services;” and

4 (3) in paragraph (6), as redesignated by para-
 5 graph (1), by striking “short sea transportation
 6 projects” and inserting “marine highway projects”.

7 (d) SHORT SEA TRANSPORTATION.—Section 55605
 8 of title 46, United States Code, is amended to read as
 9 follows:

10 **“§ 55605. Short sea transportation defined**

11 “In this chapter, the term ‘short sea transportation’
 12 means the carriage of bulk or containerized cargo, pas-
 13 sengers, or freight by a United States documented vessel
 14 that is—

15 “(1) loaded at a port in the United States and
 16 unloaded either at another port in the United States
 17 or at a port in Canada; or

18 “(2) loaded at a port in Canada and unloaded
 19 at a port in the United States.”.

20 (e) EXPENDING FEDERAL FUNDS.—Beginning on
 21 the date of enactment of this title, the Secretary of Trans-
 22 portation may allow grant recipients to expend Federal
 23 funds to complete projects under the grant programs car-
 24 ried out under sections 54101, 55601, and 50302 of title

1 46, United States Code, before expending any required
 2 non-Federal funds.

3 **SEC. 103. MARITIME SECURITY PROGRAM OPERATING RE-**
 4 **QUIREMENT.**

5 (a) REQUIRED OPERATING DAYS.—For the period
 6 beginning on the date of enactment of this title and ending
 7 on September 30, 2021, subsection (b) and subsection
 8 (d)(3) of section 53106 of title 46, United States Code,
 9 shall be applied by substituting “180 days” for “320
 10 days”.

11 (b) PAYMENTS.—

12 (1) IMMEDIATE PAYMENTS; ADVANCE PAY-
 13 MENTS.—Notwithstanding section 53106(a)(2) of
 14 title 46, United States Code, the Secretary of Trans-
 15 portation may—

16 (A) pay immediately the amount remaining
 17 to be paid for fiscal year 2020 to each con-
 18 tractor for an operating agreement, for each
 19 vessel that is covered by an operating agree-
 20 ment; and

21 (B) for fiscal year 2021, for any particular
 22 period, pay in advance the stipend authorized
 23 by section 53106(a) of title 46, United States
 24 Code, upon a determination by the Secretary of
 25 Transportation that advance payments for such

1 period are in the interest of the national de-
2 fense.

3 (2) RECOUPMENT.—Advance payments under
4 this subsection shall be subject to recoupment by the
5 Secretary of Transportation for any days that—

6 (A) a vessel does not comply with the pro-
7 visions of subsections (c) and (d) of section
8 53106 of title 46, United States Code; or

9 (B) the contractor’s operations have not
10 complied with the limitation with respect to
11 noncontiguous trade under subsection (e) of
12 section 53106 of title 46, United States Code.

13 **SEC. 104. TANKER SECURITY FLEET.**

14 (a) IN GENERAL.—Subtitle V of title 46, United
15 States Code, is amended by inserting after chapter 533
16 the following:

17 **“CHAPTER 534—TANKER SECURITY FLEET**

“Sec.

“53401. Definitions.

“53402. Establishment of the Tanker Security Fleet.

“53403. Award of operating agreements.

“53404. Effectiveness of operating agreements.

“53405. Obligations and rights under operating agreements.

“53406. Payments.

“53407. National security requirements.

“53408. Regulatory relief.

“53409. Special rule regarding age of participating fleet vessels.

“53410. Regulations.

“53411. Authorization of appropriations.

“53412. Acquisition of fleet vessels.

18 **“§ 53401. Definitions**

19 “In this chapter:

1 “(1) FOREIGN COMMERCE.—The term ‘foreign
2 commerce’ means—

3 “(A) commerce or trade between the
4 United States, its territories or possessions, or
5 the District of Columbia, and a foreign country;
6 and

7 “(B) commerce or trade between foreign
8 countries.

9 “(2) PARTICIPATING FLEET VESSEL.—The
10 term ‘participating fleet vessel’ means any product
11 tank vessel covered by an operating agreement under
12 this chapter on or after January 1, 2021, that—

13 “(A) meets the requirements of one of
14 paragraphs (1) through (4) of section 53402(b)
15 of this title; and

16 “(B) is no more than 20 years of age.

17 “(3) PERSON.—The term ‘person’ includes cor-
18 porations, partnerships, and associations existing
19 under, or authorized by, laws of the United States,
20 or any State, territory, district, or possession there-
21 of, or any foreign country.

22 “(4) PRODUCT TANK VESSEL.—The term ‘prod-
23 uct tank vessel’ means a double-hulled tank vessel
24 capable of carrying simultaneously more than 2 sep-
25 arated grades of refined petroleum products.

1 “(5) PROGRAM PARTICIPANT.—The term ‘pro-
2 gram participant’ means an owner or operator of a
3 vessel that enters into an operating agreement cov-
4 ering a participating fleet vessel with the Secretary
5 under section 53403.

6 “(6) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of Transportation, unless the context
8 indicates otherwise.

9 “(7) UNITED STATES CITIZEN TRUST.—The
10 term ‘United States citizen trust’—

11 “(A) means a trust for which—

12 “(i) each of the trustees is a citizen of
13 the United States; and

14 “(ii) the application for documenta-
15 tion of the vessel under chapter 121 of this
16 title includes an affidavit of each trustee
17 stating that the trustee is not aware of any
18 reason involving a beneficiary of the trust
19 that is not a citizen of the United States,
20 or involving any other person who is not a
21 citizen of the United States, as a result of
22 which the beneficiary or other person
23 would hold more than 25 percent of the
24 aggregate power to influence or limit the
25 exercise of the authority of the trustee with

1 respect to matters involving any ownership
2 or operation of the vessel that may ad-
3 versely affect the interests of the United
4 States;

5 “(B) does not include a trust for which
6 any person that is not a citizen of the United
7 States has authority to direct, or participate in
8 directing, a trustee for a trust in matters in-
9 volving any ownership or operation of the vessel
10 that may adversely affect the interests of the
11 United States or in removing a trustee without
12 cause, either directly or indirectly through the
13 control of another person, unless the trust in-
14 strument provides that persons who are not citi-
15 zens of the United States may not hold more
16 than 25 percent of the aggregate authority to
17 so direct or remove a trustee; and

18 “(C) may include a trust for which a per-
19 son who is not a citizen of the United States
20 holds more than 25 percent of the beneficial in-
21 terest in the trust.

22 **“§ 53402. Establishment of the Tanker Security Fleet**

23 “(a) IN GENERAL.—The Secretary, in consultation
24 with the Secretary of Defense, shall establish a fleet of
25 active, commercially viable, militarily useful, privately

1 owned product tank vessels to meet national defense and
2 other security requirements and maintain a United States
3 presence in international commercial shipping. The fleet
4 shall consist of privately owned vessels of the United
5 States for which there are in effect operating agreements
6 under this chapter, and shall be known as the ‘Tanker
7 Security Fleet’ (hereafter in this chapter referred to as
8 the ‘Fleet’).

9 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
10 included in the Fleet if the vessel—

11 “(1) meets the requirements under paragraph
12 (1), (2), (3), or (4) of subsection (c);

13 “(2) is operated (or in the case of a vessel to
14 be constructed, will be operated) in providing trans-
15 portation in United States foreign commerce;

16 “(3) is self-propelled;

17 “(4) is not more than 10 years of age on the
18 date the vessel is first included in the Fleet;

19 “(5) is determined by the Secretary of Defense
20 to be suitable for use by the United States for na-
21 tional defense or military purposes in time of war or
22 national emergency;

23 “(6) is commercially viable, as determined by
24 the Secretary; and

25 “(7) is—

1 “(A) a vessel of the United States; or

2 “(B) not a vessel of the United States,

3 but—

4 “(i) the owner of the vessel has dem-

5 onstrated an intent to have the vessel doc-

6 umented under chapter 121 of this title if

7 it is included in the Fleet; and

8 “(ii) at the time an operating agree-

9 ment is entered into under this chapter,

10 the vessel is eligible for documentation

11 under chapter 121 of this title.

12 “(c) REQUIREMENTS REGARDING CITIZENSHIP OF

13 OWNERS, CHARTERERS, AND OPERATORS.—

14 “(1) VESSELS OWNED AND OPERATED BY SEC-

15 TION 50501 CITIZENS.—A vessel meets the require-

16 ments of this paragraph if, during the period of an

17 operating agreement under this chapter that applies

18 to the vessel, the vessel will be owned and operated

19 by one or more persons that are citizens of the

20 United States under section 50501 of this title.

21 “(2) VESSELS OWNED BY A SECTION 50501 CIT-

22 IZEN, OR UNITED STATES CITIZEN TRUST, AND

23 CHARTERED TO A DOCUMENTATION CITIZEN.—A

24 vessel meets the requirements of this paragraph if—

1 “(A) during the period of an operating
2 agreement under this chapter that applies to
3 the vessel, the vessel will be—

4 “(i) owned by a person that is a cit-
5 izen of the United States under section
6 50501 of this title or that is a United
7 States citizen trust; and

8 “(ii) demise chartered to a person—

9 “(I) that is eligible to document
10 the vessel under chapter 121 of this
11 title;

12 “(II) the chairman of the board
13 of directors, chief executive officer,
14 and a majority of the members of the
15 board of directors of which are citi-
16 zens of the United States under sec-
17 tion 50501 of this title, and are ap-
18 pointed and subjected to removal only
19 upon approval by the Secretary; and

20 “(III) that certifies to the Sec-
21 retary that there are no treaties, stat-
22 utes, regulations, or other laws that
23 would prohibit the program partici-
24 pant for the vessel from performing

1 its obligations under an operating
2 agreement under this chapter;

3 “(B) in the case of a vessel that will be de-
4 mise chartered to a person that is owned or
5 controlled by another person that is not a cit-
6 izen of the United States under section 50501
7 of this title, the other person enters into an
8 agreement with the Secretary not to influence
9 the operation of the vessel in a manner that will
10 adversely affect the interests of the United
11 States; and

12 “(C) the Secretary and the Secretary of
13 Defense notify the Committee on Armed Serv-
14 ices and the Committee on Commerce, Science,
15 and Transportation of the Senate and the Com-
16 mittee on Armed Services and the Committee
17 on Transportation and Infrastructure of the
18 House of Representatives that the Secretaries
19 concur with the certification required under
20 subparagraph (A)(ii)(III), and have reviewed
21 and agree that there are no legal, operational,
22 or other impediments that would prohibit the
23 owner or operator for the vessel from per-
24 forming its obligations under an operating
25 agreement under this chapter.

1 “(3) VESSELS OWNED AND OPERATED BY A DE-
2 FENSE CONTRACTOR.—A vessel meets the require-
3 ments of this paragraph if—

4 “(A) during the period of an operating
5 agreement under this chapter that applies to
6 the vessel, the vessel will be owned and oper-
7 ated by a person that—

8 “(i) is eligible to document a vessel
9 under chapter 121 of this title;

10 “(ii) operates or manages other ves-
11 sels of the United States for the Secretary
12 of Defense, or charters other vessels to the
13 Secretary of Defense;

14 “(iii) has entered into a special secu-
15 rity agreement for the purpose of this
16 paragraph with the Secretary of Defense;

17 “(iv) makes the certification described
18 in paragraph (2)(A)(ii)(III); and

19 “(v) in the case of a vessel described
20 in paragraph (2)(B), enters into an agree-
21 ment referred to in that paragraph; and

22 “(B) the Secretary and the Secretary of
23 Defense notify the Committee on Armed Serv-
24 ices and the Committee on Commerce, Science,
25 and Transportation of the Senate and the Com-

mittee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that they concur with the certification required under subparagraph (A)(iv), and have reviewed and agree that there are no legal, operational, or other impediments that would prohibit the program participant for the vessel from performing its obligations under an operating agreement under this chapter.

“(4) VESSELS OWNED BY DOCUMENTATION CITIZENS AND CHARTERED TO SECTION 50501 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter, the vessel will be—

“(A) owned by a person who is eligible to document a vessel under chapter 121 of this title; and

“(B) demise chartered to a person that is a citizen of the United States under section 50501 of this title.

“(d) REQUEST BY SECRETARY OF DEFENSE.—The Secretary of Defense shall request that the Secretary of Homeland Security issue any waiver under section 501 of this title that the Secretary of Defense determines is necessary for purposes of this chapter.

1 “(e) VESSEL STANDARDS.—

2 “(1) CERTIFICATE OF INSPECTION.—A vessel
3 used to provide oceangoing transportation that the
4 Secretary of the department in which the Coast
5 Guard is operating determines meets the criteria of
6 subsection (b) but which, on the date of enactment
7 of this section, is not documented under chapter 121
8 of this title, shall be eligible for a certificate of in-
9 spection if the Commandant of the Coast Guard de-
10 termines that—

11 “(A) the vessel is classed by and designed
12 in accordance with the rules of the American
13 Bureau of Shipping, or another classification
14 society accepted by the Commandant of the
15 Coast Guard;

16 “(B) the vessel complies with applicable
17 international agreements and associated guide-
18 lines, as determined by the country in which the
19 vessel was documented immediately before be-
20 coming documented under chapter 121 of this
21 title; and

22 “(C) the country has not been identified by
23 the Commandant of the Coast Guard as inad-
24 equately enforcing international vessel regula-
25 tions as to that vessel.

1 “(2) CONTINUED ELIGIBILITY FOR CERTIFI-
 2 CATE.—Subsection (a) shall not apply to any vessel
 3 that has failed to comply with the applicable inter-
 4 national agreements and association guidelines re-
 5 ferred to in paragraph (1)(B).

6 “(3) RELIANCE ON CLASSIFICATION SOCIETY.—

7 “(A) IN GENERAL.—The Commandant of
 8 the Coast Guard may rely on a certification
 9 from the American Bureau of Shipping or, sub-
 10 ject to subparagraph (B), another classification
 11 society accepted by the Commandant of the
 12 Coast Guard, to establish that a vessel is in
 13 compliance with the requirements of paragraph
 14 (1).

15 “(B) FOREIGN CLASSIFICATION SOCI-
 16 ETY.—The Commandant of the Coast Guard
 17 may accept certification from a foreign classi-
 18 fication society under subparagraph (A) only—

19 “(i) to the extent that the government
 20 of the foreign country in which the society
 21 is headquartered provides access on a re-
 22 ciprocal basis to the American Bureau of
 23 Shipping; and

1 “(ii) if the foreign classification soci-
2 ety has offices and maintains records in
3 the United States.

4 **“§ 53403. Award of operating agreements**

5 “(a) IN GENERAL.—The Secretary shall require, as
6 a condition of including any vessel in the Fleet, that the
7 program participant for the vessel enter into an operating
8 agreement with the Secretary under this section.

9 “(b) PROCEDURE FOR APPLICATIONS.—

10 “(1) ELIGIBLE VESSELS.—The Secretary shall
11 accept an application for an operating agreement for
12 an eligible product tank vessel under the priority
13 under paragraph (2) only from a person that has
14 authority to enter into an operating agreement
15 under this chapter.

16 “(2) ESTABLISHMENT OF PRIORITY.—The Sec-
17 retary may enter into a new operating agreement
18 with an applicant that meets the requirements of
19 section 53402(c) for a vessel that meets the quali-
20 fications of section 53402(b), and shall give priority
21 to applications based on—

22 “(A) vessel capabilities, as established by
23 the Secretary of Defense; then

1 “(B) after consideration of vessel type, to
 2 an applicant that is a United States citizen
 3 under section 50501 of this title; then

4 “(C) after consideration of applicant citi-
 5 zenship, according to an applicant’s record of
 6 owning and operating vessels; then

7 “(D) after consideration of ownership and
 8 operation, according to such additional prior-
 9 ities as the Secretary may consider appropriate.

10 “(3) CONCURRENCE OF AWARD.—The Sec-
 11 retary may not approve an application for an oper-
 12 ating agreement without the concurrence of the Sec-
 13 retary of Defense.

14 “(c) LIMITATION.—For any fiscal year, the Secretary
 15 may not award operating agreements under this chapter
 16 that require payments under section 53406 of this title
 17 for more than 10 vessels.

18 “(d) JUDICIAL REVIEW.—No court shall have juris-
 19 diction to review the Secretary’s decision with respect to
 20 the award or non-award of an operating agreement issued
 21 under this chapter.

22 **“§ 53404. Effectiveness of operating agreements**

23 “(a) IN GENERAL.—The Secretary may enter into an
 24 operating agreement under this chapter for fiscal year
 25 2021. The agreement shall be effective only for 1 fiscal

1 year, but shall be renewable, subject to the availability of
2 appropriations, for each fiscal year through the end of fis-
3 cal year 2035.

4 “(b) VESSELS UNDER CHARTER TO THE UNITED
5 STATES.—The program participant of a vessel under
6 charter to the United States is eligible to receive payments
7 pursuant to any operating agreement that covers such ves-
8 sel.

9 “(c) TERMINATION.—

10 “(1) TERMINATION BY SECRETARY FOR LACK
11 OF PROGRAM PARTICIPANT COMPLIANCE.—If the
12 program participant with respect to an operating
13 agreement materially fails to comply with the terms
14 of the agreement—

15 “(A) the Secretary shall notify the pro-
16 gram participant and provide a reasonable op-
17 portunity to comply with the operating agree-
18 ment; and

19 “(B) the Secretary shall terminate the op-
20 erating agreement if the program participant
21 fails to achieve such compliance.

22 “(2) TERMINATION BY PROGRAM PARTICI-
23 PANT.—If a program participant provides notice of
24 the intent to terminate an operating agreement
25 under this chapter on a date specified by not later

1 than 60 days prior to such date, such agreement
2 shall terminate on the date specified by the program
3 participant.

4 “(d) NONRENEWAL FOR LACK OF FUNDS.—If, by the
5 first day of a fiscal year, sufficient funds have not been
6 appropriated under the authority provided by this chapter
7 for that fiscal year, then the Secretary shall notify the
8 Committee on Armed Services and the Committee on
9 Commerce, Science, and Transportation of the Senate and
10 the Committee on Armed Services and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives that operating agreements authorized under
13 this chapter for which sufficient funds are not available
14 will not be renewed for that fiscal year if sufficient funds
15 are not appropriated by the 60th day of that fiscal year.

16 “(e) RELEASE OF VESSELS FROM OBLIGATIONS.—
17 If funds are not appropriated for payments under an oper-
18 ating agreement under this chapter for any fiscal year by
19 the 60th day of that fiscal year, then—

20 “(1) each vessel covered by the operating agree-
21 ment is thereby released from any further obligation
22 under the operating agreement;

23 “(2) the program participant for the vessel may
24 transfer and register such vessel under a foreign
25 registry that is acceptable to the Secretary and the

1 Secretary of Defense, notwithstanding section 56101
2 of this title; and

3 “(3) if chapter 563 of this title is applicable to
4 the vessel after registration, then the vessel is avail-
5 able to be requisitioned by the Secretary pursuant to
6 chapter 563 of this title.

7 **“§ 53405. Obligations and rights under operating**
8 **agreements**

9 “(a) OPERATION OF VESSEL.—An operating agree-
10 ment under this chapter shall require that, during the pe-
11 riod the vessel covered by the agreement is operating
12 under the agreement, the vessel shall—

13 “(1) be operated in the United States foreign
14 commerce, mixed United States foreign commerce
15 and domestic trade allowed under a registry endorse-
16 ment issued under section 12111 of this title, for-
17 eign-to-foreign commerce, or under a charter to the
18 United States;

19 “(2) not be operated in the coastwise trade, ex-
20 cept as described in paragraph (1); and

21 “(3) be documented under chapter 121 of this
22 title.

23 “(b) ANNUAL PAYMENTS BY THE SECRETARY.—

24 “(1) IN GENERAL.—An operating agreement
25 under this chapter shall require, subject to the avail-

1 ability of appropriations, that the Secretary make a
 2 payment to the program participant in accordance
 3 with section 53406.

4 “(2) OPERATING AGREEMENT IS AN OBLIGA-
 5 TION OF THE UNITED STATES GOVERNMENT.—An
 6 operating agreement under this chapter constitutes a
 7 contractual obligation of the United States Govern-
 8 ment to pay the amounts provided for in the agree-
 9 ment to the extent of actual appropriations.

10 “(c) DOCUMENTATION REQUIREMENT.—Each vessel
 11 covered by the operating agreement, including an agree-
 12 ment terminated under section 53404(c)(2), shall remain
 13 documented under chapter 121 of this title until the date
 14 the operating agreement would terminate according to its
 15 terms.

16 “(d) NATIONAL SECURITY REQUIREMENTS.—

17 “(1) IN GENERAL.—A program participant with
 18 respect to an operating agreement, including an
 19 agreement terminated under section 53404(c)(2),
 20 shall continue to be bound by the provisions of sec-
 21 tion 53407 until the date the operating agreement
 22 would terminate according to its terms.

23 “(2) EMERGENCY PREPAREDNESS AGREE-
 24 MENT.—All terms and conditions of an Emergency
 25 Preparedness Agreement entered into under section

1 53407 shall remain in effect until the date the oper-
 2 ating agreement would terminate according to its
 3 terms, except that the terms of such Emergency
 4 Preparedness Agreement may be modified by the
 5 mutual consent of the program participant, the Sec-
 6 retary, and the Secretary of Defense.

7 “(e) TRANSFER OF OPERATING AGREEMENTS.—A
 8 program participant may transfer an operating agreement
 9 (including all rights and obligations under the agreement)
 10 to any person that is eligible to enter into that operating
 11 agreement under this chapter, if the Secretary and the
 12 Secretary of Defense determine that the transfer is in the
 13 best interests of the United States.

14 “(f) REPLACEMENT OF VESSELS COVERED BY
 15 AGREEMENTS.—A program participant may replace a ves-
 16 sel covered by an operating agreement with another vessel
 17 that is eligible to be included in the Fleet under section
 18 53402(b), if the Secretary, in coordination with the Sec-
 19 retary of Defense, approves the replacement of the vessel.
 20 No court shall have jurisdiction to review a decision by
 21 the Secretary or the Secretary of Defense pertaining to
 22 the replacement of a vessel under this section.

23 **“§ 53406. Payments**

24 “(a) ANNUAL PAYMENT.—Subject to the availability
 25 of appropriations for such purpose and the other provi-

1 sions of this chapter, the Secretary shall pay to the pro-
 2 gram participant for an operating agreement under this
 3 chapter an amount equal to \$6,000,000 for each vessel
 4 covered by the agreement for each fiscal year that the ves-
 5 sel is covered by the agreement. Such amount shall be paid
 6 in equal monthly installments on the last day of each
 7 month. The amount payable under this subsection may not
 8 be reduced except as provided by this section.

9 “(b) CERTIFICATION REQUIRED FOR PAYMENT.—As
 10 a condition of receiving payment under this section for a
 11 fiscal year for a vessel, the program participant shall cer-
 12 tify, in accordance with regulations issued by the Sec-
 13 retary, that the vessel has been and will be operated in
 14 accordance with section 53405(a) of this title for at least
 15 320 days during the fiscal year. Days during which the
 16 vessel is drydocked, surveyed, inspected, or repaired shall
 17 be considered days of operation for purposes of this sub-
 18 section.

19 “(c) GENERAL LIMITATIONS.—The Secretary may
 20 not make any payment under this chapter for a vessel with
 21 respect to any days for which the vessel is—

22 “(1) not operated or maintained in accordance
 23 with an operating agreement under this chapter;

24 “(2) more than 20 years of age; or

1 “(3) simultaneously operating under an agree-
2 ment issued pursuant to chapter 531 of this title.

3 “(d) REDUCTIONS IN PAYMENTS.—With respect to
4 payments under this chapter for a vessel covered by an
5 operating agreement, the Secretary—

6 “(1) except as provided in paragraph (2), may
7 not reduce such a payment for—

8 “(A) the operation of the vessel to carry
9 military or other preference cargoes under sec-
10 tion 55302(a), 55304, 55305, or 55314 of this
11 title, section 2631 of title 10, or any other
12 cargo preference law of the United States; or

13 “(B) any days in which the vessel is oper-
14 ated under charter to the United States Gov-
15 ernment;

16 “(2) may not make such a payment for any day
17 that the vessel is engaged in transporting more than
18 7,500 tons of civilian bulk preference cargoes pursu-
19 ant to section 55302(a), 55305, or 55314 of this
20 title; and

21 “(3) shall make a pro rata reduction for each
22 day less than 320 in a fiscal year that the vessel is
23 not operated in accordance with section 53405 of
24 this title.

1 “(e) LIMITATIONS REGARDING NONCONTIGUOUS DO-
2 MESTIC TRADE.—

3 “(1) IN GENERAL.—No program participant
4 shall receive payments pursuant to this chapter dur-
5 ing a period in which it participates in noncontig-
6 uous domestic trade.

7 “(2) LIMITATION ON APPLICATION.—Paragraph
8 (1) shall not apply to a program participant that is
9 a citizen of the United States within the meaning of
10 section 50501 of this title, applying the 75 percent
11 ownership requirement of that section.

12 “(3) PARTICIPATES IN A NONCONTIGUOUS
13 TRADE DEFINED.—In this subsection the term ‘par-
14 ticipates in a noncontiguous domestic trade’ means
15 directly or indirectly owns, charters, or operates a
16 vessel engaged in transportation of cargo between a
17 point in the contiguous 48 States and a point in
18 Alaska, Hawaii, or Puerto Rico, other than a point
19 in Alaska north of the Arctic Circle.

20 **“§ 53407. National security requirements**

21 “(a) EMERGENCY PREPAREDNESS AGREEMENT RE-
22 QUIRED.—The Secretary, in coordination with the Sec-
23 retary of Defense, shall establish an emergency prepared-
24 ness program under this section under which the program
25 participant for an operating agreement under this chapter

1 shall agree, as a condition of the operating agreement, to
 2 enter into an Emergency Preparedness Agreement with
 3 the Secretary. The Secretary shall negotiate and enter into
 4 an Emergency Preparedness Agreement with each pro-
 5 gram participant as promptly as practicable after the pro-
 6 gram participant has entered into the operating agree-
 7 ment.

8 “(b) TERMS OF AGREEMENT.—The terms of an
 9 agreement under this section—

10 “(1) shall provide that, upon request by the
 11 Secretary of Defense during time of war or national
 12 emergency, or whenever determined by the Secretary
 13 of Defense to be necessary for national security or
 14 contingency operation (as that term is defined in
 15 section 101 of title 10), the program participant
 16 shall make available commercial transportation re-
 17 sources (including services) described in subsection
 18 (d) to the Secretary of Defense;

19 “(2) shall include such additional terms as may
 20 be established by the Secretary and the Secretary of
 21 Defense; and

22 “(3) shall allow for the modification or addition
 23 of terms upon agreement by the Secretary and the
 24 program participant and the approval by the Sec-
 25 retary of Defense.

1 “(c) PARTICIPATION AFTER EXPIRATION OF OPER-
2 ATING AGREEMENT.—Except as provided by section
3 53405 of this title, the Secretary may not require, through
4 an Emergency Preparedness Agreement or an operating
5 agreement, that a program participant continue to partici-
6 pate in an Emergency Preparedness Agreement after the
7 operating agreement with the program participant has ex-
8 pired according to its terms or is otherwise no longer in
9 effect. After the expiration of an emergency preparedness
10 agreement, a program participant may voluntarily con-
11 tinue to participate in the agreement.

12 “(d) RESOURCES MADE AVAILABLE.—The commer-
13 cial transportation resources to be made available under
14 an Emergency Preparedness Agreement shall include ves-
15 sels or capacity in vessels, terminal facilities, management
16 services, and other related services, or any agreed portion
17 of such nonvessel resources for activation as the Secretary
18 of Defense may determine to be necessary, seeking to min-
19 imize disruption of the program participant’s service to
20 commercial customers.

21 “(e) COMPENSATION.—

22 “(1) IN GENERAL.—The Secretary shall include
23 in each Emergency Preparedness Agreement provi-
24 sions approved by the Secretary of Defense under
25 which the Secretary of Defense shall pay fair and

1 reasonable compensation for all commercial trans-
2 portation resources provided pursuant to this sec-
3 tion.

4 “(2) SPECIFIC REQUIREMENTS.—Compensation
5 under this subsection—

6 “(A) shall not be less than the program
7 participant’s commercial market charges for
8 like transportation resources;

9 “(B) shall be fair and reasonable consid-
10 ering all circumstances;

11 “(C) shall be provided from the time that
12 a vessel or resource is required by the Secretary
13 of Defense until the time it is redelivered to the
14 program participant and is available to reenter
15 commercial service; and

16 “(D) shall be in addition to and shall not
17 in any way reflect amounts payable under sec-
18 tion 53406 of this title.

19 “(f) TEMPORARY REPLACEMENT VESSELS.—Not-
20 withstanding section 55302(a), 55304, 55305, or 55314
21 of this title, section 2631 of title 10, or any other cargo
22 preference law of the United States—

23 “(1) a program participant may operate or em-
24 ploy in foreign commerce a foreign-flag vessel or for-
25 eign-flag vessel capacity as a temporary replacement

1 for a vessel of the United States or vessel of the
2 United States capacity that is activated by the Sec-
3 retary of Defense under an Emergency Preparedness
4 Agreement or a primary Department of Defense-ap-
5 proved sealift-readiness program; and

6 “(2) such replacement vessel or vessel capacity
7 shall be eligible during the replacement period to
8 transport preference cargoes subject to sections
9 55302(a), 55304, 55305, and 55314 of this title and
10 section 2631 of title 10, United States Code, to the
11 same extent as the eligibility of the vessel or vessel
12 capacity replaced.

13 “(g) REDELIVERY AND LIABILITY OF THE UNITED
14 STATES FOR DAMAGES.—

15 “(1) IN GENERAL.—All commercial transpor-
16 tation resources activated under an Emergency Pre-
17 paredness Agreement shall, upon termination of the
18 period of activation, be redelivered to the program
19 participant in the same good order and condition as
20 when received, less ordinary wear and tear, or the
21 Secretary of Defense shall fully compensate the pro-
22 gram participant for any necessary repair or replace-
23 ment.

24 “(2) LIMITATION ON UNITED STATES LIABIL-
25 ITY.—Except as may be expressly agreed in an

1 Emergency Preparedness Agreement, or as otherwise
 2 provided by law, the Government shall not be liable
 3 for disruption of a program participant’s commercial
 4 business or other consequential damages to a pro-
 5 gram participant arising from the activation of com-
 6 mercial transportation resources under an Emer-
 7 gency Preparedness Agreement.

8 **“§ 53408. Regulatory relief**

9 “(a) OPERATION IN FOREIGN COMMERCE.—A pro-
 10 gram participant for a vessel included in an operating
 11 agreement under this chapter may operate the vessel in
 12 the foreign commerce of the United States without restric-
 13 tion.

14 “(b) OTHER RESTRICTIONS.—The restrictions of sec-
 15 tion 55305(a) of this title concerning the building, rebuild-
 16 ing, or documentation of a vessel in a foreign country shall
 17 not apply to a vessel for any day the operator of the vessel
 18 is receiving payments for the operation of that vessel
 19 under an operating agreement under this chapter.

20 “(c) TELECOMMUNICATIONS EQUIPMENT.—The tele-
 21 communications and other electronic equipment on an ex-
 22 isting vessel that is redocumented under the laws of the
 23 United States for operation under an operating agreement
 24 under this chapter shall be deemed to satisfy all Federal

1 Communications Commission equipment certification re-
 2 quirements, if—

3 “(1) such equipment complies with all applica-
 4 ble international agreements and associated guide-
 5 lines as determined by the country in which the ves-
 6 sel was documented immediately before becoming
 7 documented under the laws of the United States;

8 “(2) that country has not been identified by the
 9 Secretary as inadequately enforcing international
 10 regulations as to that vessel; and

11 “(3) at the end of its useful life, such equip-
 12 ment shall be replaced with equipment that meets
 13 Federal Communications Commission equipment
 14 certification standards.

15 **“§ 53409. Special rule regarding age of participating**
 16 **fleet vessels**

17 “Any age restriction under section 53402(b)(4) of
 18 this title shall not apply to a participating Fleet vessel
 19 during the 30-month period beginning on the date the ves-
 20 sel begins operating under an operating agreement under
 21 this chapter, if the Secretary determines that the program
 22 participant for the vessel has entered into an arrangement
 23 to obtain and operate under the operating agreement for
 24 the participating Fleet vessel a replacement vessel that,
 25 upon commencement of such operation, will be eligible to

1 be included in the Fleet under section 53402(b) of this
2 title.

3 **“§ 53410. Regulations**

4 “The Secretary and the Secretary of Defense may
5 each prescribe rules as necessary to carry out their respec-
6 tive responsibilities under this chapter.

7 **“§ 53411. Authorization of appropriations**

8 “There is authorized to be appropriated for payments
9 under section 53406, \$60,000,000 for each of fiscal years
10 2021 through 2035, to remain available until expended.

11 **“§ 53412. Acquisition of fleet vessels**

12 “(a) IN GENERAL.—Upon replacement of a Fleet ves-
13 sel under an operating agreement under this chapter, and
14 subject to agreement by the program participant for the
15 vessel, the Secretary is authorized, subject to the concur-
16 rence of the Secretary of Defense, to acquire the vessel
17 being replaced for inclusion in the National Defense Re-
18 serve Fleet.

19 “(b) REQUIREMENTS.—To be eligible for acquisition
20 by the Secretary under this section a vessel shall—

21 “(1) have been covered by an operating agree-
22 ment under this chapter for not less than 3 years;
23 and

24 “(2) meet recapitalization requirements for the
25 Ready Reserve Force.

1 “(c) FAIR MARKET VALUE.—A fair market value
2 shall be established by the Maritime Administration for
3 acquisition of an eligible vessel under this section.

4 “(d) APPROPRIATIONS.—Vessel acquisitions under
5 this section shall be subject to the availability of appro-
6 priations. Amounts made available to carry out this sec-
7 tion shall be derived from amounts authorized to be appro-
8 priated for the National Defense Reserve Fleet. Amounts
9 authorized to be appropriated to carry out the Maritime
10 Security Program may not be used to carry out this sec-
11 tion.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
13 for subtitle V of title 46, United States Code, is amended
14 by inserting after chapter 533 the following:

“534. Tanker Security Fleet 53401”.

15 (c) DEADLINE FOR ACCEPTING APPLICATIONS.—

16 (1) IN GENERAL.—The Secretary of Transpor-
17 tation shall begin accepting applications for enroll-
18 ment of vessels in the Tanker Security Fleet estab-
19 lished under chapter 534 of title 46, United States
20 Code, as added by subsection (a), by not later than
21 60 days after the date of the enactment of this title.

22 (2) APPROVAL.—Not later than 90 days after
23 receipt of an application for the enrollment of a ves-
24 sel in the Tanker Security Fleet, the Secretary of

1 Transportation, in coordination with the Secretary
2 of Defense shall—

3 (A) approve the application and enter into
4 an operating agreement with the applicant; or

5 (B) provide to the applicant a written ex-
6 planation for the denial of the application.

7 (3) VESSELS OPERATING UNDER MARITIME SE-
8 CURITY ACT.—Notwithstanding the requirements of
9 section 53402(b) of title 46, United States Code, the
10 Secretary of Transportation shall approve an appli-
11 cation submitted under chapter 534 of title 46,
12 United State Code, for a product tank vessel for
13 which there is, on the date of enactment of this title,
14 an effective operating agreement under chapter 531
15 of title 46, United States Code.

16 **SEC. 105. PORT AND INTERMODAL IMPROVEMENT PRO-**
17 **GRAM.**

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

20 (1) in paragraph (3)(A)(ii)—

21 (A) in subclause (II), by striking “or”
22 after the semicolon; and

23 (B) by adding at the end the following:

24 “(IV) berth improvements (in-
25 cluding docks, wharves, piers, and

1 dredging incidental to the improve-
2 ment project); or”;

3 (2) in paragraph (5)(B), by striking “60” and
4 inserting “90”;

5 (3) in paragraph (7)—

6 (A) in subparagraph (B)—

7 (i) in the heading, by striking
8 “PROJECTS” and inserting “PORT”; and

9 (ii) by striking “that request” and all
10 that follows through the period at the end
11 and inserting “in small ports. The require-
12 ment under paragraph (6)(A)(ii) shall not
13 apply to grants made under this subpara-
14 graph.”;

15 (B) by redesignating subparagraph (C) as
16 subparagraph (D);

17 (C) by inserting after subparagraph (B)
18 the following:

19 “(C) EXCESS FUNDING.—In any fiscal
20 year in which qualified applications for grants
21 under this subsection will not allow for the
22 amount reserved under subparagraph (B) to be
23 fully utilized, the Secretary shall use the unuti-
24 lized amounts to make other grants under this
25 section.”; and

1 (D) by adding at the end the following:

2 “(E) LIMITATION.—Notwithstanding any
3 other provision of law, no funds appropriated to
4 carry out this subsection for any fiscal year
5 shall be limited with respect to eligible appli-
6 cants other than as provided under this sec-
7 tion.”;

8 (4) in paragraph (8)(B), by adding at the end
9 the following:

10 “(iii) SMALL PORT.—The Secretary
11 may increase the Federal share of costs
12 above 80 percent for a project within the
13 boundaries of a small port or directly re-
14 lated to the operations of a small port or
15 an intermodal connection to a small port.”;
16 and

17 (5) in paragraph (12)—

18 (A) in subparagraph (D), by inserting “,
19 as defined by the United States Census Bu-
20 reau” after “urbanized area”; and

21 (B) by adding at the end the following:

22 “(E) SMALL PORT.—The term ‘small port’
23 means a port that handled less than 10,000,000
24 short tons in 2018, as identified by the U.S.
25 Army Corps of Engineers.”.

1 **SEC. 106. SEA YEAR CADETS ON CABLE SECURITY FLEET**
 2 **AND TANKER SECURITY FLEET VESSELS.**

3 Section 51307 of title 46, United States Code, is
 4 amended by striking subsection (b) and inserting the fol-
 5 lowing:

6 “(b) SEA YEAR CADETS ON CABLE SECURITY FLEET
 7 AND TANKER SECURITY FLEET VESSELS.—The Sec-
 8 retary shall require an operator of a vessel participating
 9 in the Maritime Security Program under chapter 531 of
 10 this title, the Cable Security Fleet under chapter 532 of
 11 this title, or the Tanker Security Fleet under chapter 534
 12 of this title to carry on each Maritime Security Program
 13 vessel, Cable Security Fleet vessel, or Tanker Security
 14 Fleet vessel 2 United States Merchant Marine Academy
 15 cadets, if available, on each voyage.”.

16 **SEC. 107. CONDITIONAL BACHELOR OF SCIENCE DEGREE**
 17 **FROM UNITED STATES MERCHANT MARINE**
 18 **ACADEMY.**

19 (a) IN GENERAL.—Notwithstanding section
 20 51309(a)(1)(B) of title 46, United States Code, for the
 21 graduating class of 2020 from the United States Merchant
 22 Marine Academy, the Secretary of Transportation may
 23 confer a conditional degree of bachelor of science on an
 24 individual graduate who has not yet passed the examina-
 25 tion for a merchant marine officer’s license due to inter-

1 vening efforts to prevent, prepare for, and respond to
 2 Coronavirus Disease 2019 (COVID-19).

3 (b) TIME TO PASS.—The Secretary of Transpor-
 4 tation may provide an individual granted a conditional de-
 5 gree under subsection (a) not more than 1 year after the
 6 date of receipt of such degree—

7 (1) to pass the examination for a merchant ma-
 8 rine officer's license; and

9 (2) to earn such license from the United States
 10 Coast Guard.

11 (c) REVOCATION OF DEGREE.—The Superintendent
 12 of the United States Merchant Marine Academy shall re-
 13 voke a conditional degree conferred under subsection (a)
 14 for an individual granted such conditional degree who does
 15 not pass the examination for a merchant marine officer's
 16 license and obtain such license from the United States
 17 Coast Guard within the timeframe described in subsection
 18 (b).

19 (d) NOTATIONS.—

20 (1) IN GENERAL.—The Registrar of the United
 21 States Merchant Marine Academy shall—

22 (A) note on the transcript of each indi-
 23 vidual granted a conditional degree under sub-
 24 section (a) that the degree conferred is condi-
 25 tional; and

1 (B) remove such notation upon receipt of
 2 proof of licensure as required under subsection
 3 (b).

4 (2) REVOCATION NOTATION.—In the event an
 5 individual granted a conditional degree under sub-
 6 section (a) does not pass the examination for a mer-
 7 chant marine officer’s license and obtain such license
 8 from the United States Coast Guard within the
 9 timeframe described in subsection (b), the Registrar
 10 of the United States Merchant Marine Academy
 11 shall note on the transcript of such individual that
 12 the degree was “revoked” and remove the individ-
 13 ual’s name from all United States Merchant Marine
 14 Academy databases that identify graduates.

15 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
 16 tion shall be construed to allow the provision of a license
 17 under section 7101 of title 46, United States Code, to an
 18 individual who has not passed the required examination.

19 **SEC. 108. GRADUATION REQUIREMENTS FOR STATE MARI-**
 20 **TIME ACADEMIES.**

21 (a) IN GENERAL.—

22 (1) IN GENERAL.—On such terms and condi-
 23 tions as set forth in this subsection and other condi-
 24 tions as the Secretary of Transportation may deter-
 25 mine, a State maritime academy may be authorized

1 to confer degrees upon individuals scheduled to
2 graduate from a State maritime academy in cal-
3 endar year 2020 without regard to the provisions of
4 section 51506(a)(3) of title 46, United States Code.

5 With respect to an individual who has received stu-
6 dent incentive payments under section 51509 of title
7 46, United States Code, and fails to comply with
8 such terms and conditions, the Secretary of Trans-
9 portation is authorized to exercise all the authorities
10 set forth in paragraphs (4) and (5), as well as any
11 other remedies provided by law.

12 (2) DATE TO PASS EXAMINATION.—Pursuant to
13 this subsection, and section 51506(a)(3) of title 46,
14 United States Code, a State maritime academy shall
15 require an individual scheduled to graduate from
16 such academy in calendar year 2020 to pass the ex-
17 amination required for the issuance of a license
18 under section 7101 of title 46, United States Code,
19 not later than December 31, 2021, and advise all
20 such individuals who have not passed the examina-
21 tion prerequisite to issuance of a license that any de-
22 gree so awarded is subject to revocation.

23 (3) AUTHORIZATIONS FOR SECRETARY.—The
24 Secretary of Transportation may—

1 (A) require a State maritime academy, as
2 a condition of receiving an annual payment
3 under section 51506(a) of title 46, United
4 States Code, to report to the Secretary, in a
5 manner determined by the Secretary, on the
6 compliance with paragraph (2);

7 (B) withhold payments under section
8 51506(a) of title 46, United States Code, in an
9 amount that is not greater than the fractional
10 amount of the direct payment that is propor-
11 tional to the number of graduates who fail to
12 comply with requirements under paragraph (2)
13 and whose degrees have not been revoked by
14 the State maritime academy over the total num-
15 ber of individuals graduating from such State
16 maritime academy in calendar year 2020; and

17 (C) reduce the amount of direct payments
18 withheld under subparagraph (B) below the
19 maximum amount authorized.

20 (4) STUDENT INCENTIVE PAYMENTS.—For an
21 individual graduating from a State maritime acad-
22 emy in calendar year 2020 who has received student
23 incentive payments as provided for in section 51509
24 of title 46, United States Code, the Secretary of
25 Transportation may—

1 (A) defer until not later than December
2 31, 2021, the requirements under sections
3 51509(d)(2) of title 46, United States Code,
4 and relevant regulations;

5 (B) defer until not later than December
6 31, 2021, and modify as necessary as deter-
7 mined by the Secretary, the requirements under
8 paragraphs (3) through (5) of section 51509(d)
9 of title 46, United States Code, and relevant
10 regulations; and

11 (C) conditionally waive requirements under
12 paragraphs (2) through (5) of section 51509(d)
13 of title 46, United States Code, and relevant
14 regulations, for an individual who—

15 (i) within three months of graduation
16 is commissioned as an officer on active
17 duty in an armed force of the United
18 States or as a commissioned officer of the
19 National Oceanic and Atmospheric Admin-
20 istration or the Public Health Service, pur-
21 suant to section 51509(h) of title 46; and

22 (ii) serves for the 5-year period fol-
23 lowing commissioning as an officer on ac-
24 tive duty as provided for in clause (i).

1 (5) REQUIREMENTS OF STUDENTS.—An indi-
2 vidual graduating from a State maritime academy
3 under the authority of this subsection, who has re-
4 ceived student incentive payments as provided for in
5 section 51509 of title 46, United States Code,
6 shall—

7 (A) fulfill the requirements under section
8 51509(d)(2) of title 46, United States Code,
9 and relevant regulations, by not later than De-
10 cember 31, 2021; or

11 (B) for the 5-year period following gradua-
12 tion from a State maritime academy, as pro-
13 vided under paragraph (4)(C), serve as a com-
14 missioned officer on active duty in an armed
15 force of the United States or as a commissioned
16 officer of the National Oceanic and Atmos-
17 pheric Administration or the Public Health
18 Service, pursuant to section 51509(h) of title
19 46, United States Code.

20 (6) REMEDIES.—If an individual graduating
21 from a State maritime academy fails to comply with
22 applicable requirements established by the Secretary
23 of Transportation under this subsection, the Sec-
24 retary may exercise the remedies under subsections
25 (e) and (f) of 51509 of title 46, United States Code.

1 (b) EXTENSION.—The Secretary of Transportation
 2 may apply the provisions of subsection (a) to subsequent
 3 graduating classes at the State maritime academies, and
 4 extend compliance dates applicable to such graduates, if
 5 the Secretary determines it is necessary to respond to the
 6 national emergency declared by the President under the
 7 National Emergencies Act (50 U.S.C. 1601 et seq.) with
 8 respect to the Coronavirus Disease 2019 (COVID–19).

9 **SEC. 109. SUPERINTENDENT OF THE UNITED STATES MER-**
 10 **CHANT MARINE ACADEMY.**

11 Section 51301(c) of title 46, United States Code, is
 12 amended—

13 (1) by redesignating paragraphs (1) through
 14 (3) as paragraphs (2) through (4), respectively;

15 (2) by inserting before paragraph (2), as so re-
 16 designated, the following:

17 “(1) SENSE OF CONGRESS.—It is the sense of
 18 Congress that, due to the unique mission of the
 19 United States Merchant Marine Academy, it is high-
 20 ly desirable that the Superintendent of the Academy
 21 be a graduate of the Academy in good standing and
 22 have attained an unlimited merchant marine offi-
 23 cer’s license.”; and

24 (3) in paragraph (3), as so redesignated—

1 (A) in subparagraph (A)(i), by inserting
 2 after “attained” the following: “the rank of
 3 Captain, Chief Mate, or Chief Engineer in the
 4 merchant marine of the United States, or”; and
 5 (B) in subparagraphs (B)(i)(I) and (C)(i),
 6 by inserting “merchant marine,” before
 7 “Navy,”.

8 **SEC. 110. MARITIME ACADEMY INFORMATION.**

9 Not later than 1 year after the date of enactment
 10 of this title, the Maritime Administrator shall make avail-
 11 able on a public website data, as available, on the fol-
 12 lowing:

13 (1) The number of graduates from the United
 14 States Merchant Marine Academy and each State
 15 Maritime Academy for the previous 5 years.

16 (2) The number of graduates from the United
 17 States Merchant Marine Academy and each State
 18 Maritime Academy for the previous 5 years who
 19 have become employed in, or whose status qualifies
 20 under, each of the following categories:

21 (A) Maritime Afloat.

22 (B) Maritime Ashore.

23 (C) Armed Forces of the United States.

24 (D) Non-maritime.

25 (E) Graduate studies.

1 (F) Unknown.

2 (3) The number of students at each State Mari-
 3 time Academy class receiving or who have received
 4 for the previous 5 years funds under the student in-
 5 centive payment program under section 51509 of
 6 title 46, United States Code.

7 (4) The number of students described under
 8 paragraph (3) who used partial student incentive
 9 payments who graduated without an obligation
 10 under the program.

11 (5) The number of students described under
 12 paragraph (3) who graduated with an obligation
 13 under the program.

14 **SEC. 111. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
 15 **TIME WORKFORCE TRAINING AND EDU-**
 16 **CATION.**

17 Section 54102 of title 46, United States Code, is
 18 amended—

19 (1) in subsection (a), by striking “of Transpor-
 20 tation”;

21 (2) in subsection (b), in the subsection heading,
 22 by striking “ASSISTANCE” and inserting “COOPERA-
 23 TIVE AGREEMENTS”;

24 (3) by redesignating subsection (c) as sub-
 25 section (d);

1 (4) in subsection (d), as redesignated by para-
2 graph (2), by adding at the end the following:

3 “(3) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Transportation.”; and

5 (5) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) GRANT PROGRAM.—

8 “(1) DEFINITION OF ELIGIBLE INSTITUTION.—

9 In this subsection, the term ‘eligible institution’
10 means an institution of higher education (as defined
11 in section 102 of the Higher Education Act of 1965
12 (20 U.S.C. 1002)) that offers a 2-year program of
13 study, a 1-year program of training, or is a postsec-
14 ondary vocational institution.

15 “(2) GRANT AUTHORIZATION.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of the Maritime Ad-
18 ministration Authorization and Improvement
19 Act, the Secretary may award maritime career
20 training grants to eligible institutions for the
21 purpose of developing, offering, or improving
22 educational or career training programs for
23 American workers related to the maritime work-
24 force.

1 “(B) GUIDELINES.—Not later than 1 year
2 after the date of enactment of the Maritime Ad-
3 ministration Authorization and Improvement
4 Act, the Secretary shall—

5 “(i) promulgate guidelines for the
6 submission of grant proposals under this
7 subsection; and

8 “(ii) publish and maintain such guide-
9 lines on the website of the Department of
10 Transportation.

11 “(3) LIMITATIONS.—The Secretary may not
12 award a grant under this subsection in an amount
13 that is more than \$20,000,000.

14 “(4) REQUIRED INFORMATION.—

15 “(A) IN GENERAL.—An eligible institution
16 that desires to receive a grant under this sub-
17 section shall submit to the Secretary a grant
18 proposal that includes a detailed description
19 of—

20 “(i) the specific project for which the
21 grant proposal is submitted, including the
22 manner in which the grant will be used to
23 develop, offer, or improve an educational
24 or career training program that is suited
25 to maritime industry workers;

1 “(ii) the extent to which the project
 2 for which the grant proposal is submitted
 3 will meet the educational or career training
 4 needs of maritime workers in the commu-
 5 nity served by the eligible institution;

6 “(iii) the extent to which the project
 7 for which the grant proposal is submitted
 8 fits within any overall strategic plan devel-
 9 oped by an eligible community; and

10 “(iv) any previous experience of the
 11 eligible institution in providing maritime
 12 educational or career training programs.

13 “(B) COMMUNITY OUTREACH REQUIRED.—
 14 In order to be considered by the Secretary, a
 15 grant proposal submitted by an eligible institu-
 16 tion under this subsection shall—

17 “(i) demonstrate that the eligible in-
 18 stitution—

19 “(I) reached out to employers to
 20 identify—

21 “(aa) any shortcomings in
 22 existing maritime educational
 23 and career training opportunities
 24 available to workers in the com-
 25 munity; and

1 “(bb) any future employ-
2 ment opportunities within the
3 community and the educational
4 and career training skills re-
5 quired for workers to meet the
6 future maritime employment de-
7 mand; and

8 “(II) reached out to other simi-
9 larly situated institutions in an effort
10 to benefit from any best practices that
11 may be shared with respect to pro-
12 viding maritime educational or career
13 training programs to workers eligible
14 for training; and

15 “(ii) include a detailed description
16 of—

17 “(I) the extent and outcome of
18 the outreach conducted under clause
19 (i);

20 “(II) the extent to which the
21 project for which the grant proposal is
22 submitted will contribute to meeting
23 any shortcomings identified under
24 clause (i)(I)(aa) or any maritime edu-

1 cational or career training needs iden-
2 tified under clause (i)(I)(bb); and

3 “(III) the extent to which em-
4 ployers, including small- and medium-
5 sized firms within the community,
6 have demonstrated a commitment to
7 employing workers who would benefit
8 from the project for which the grant
9 proposal is submitted.

10 “(5) CRITERIA FOR AWARD OF GRANTS.—

11 “(A) IN GENERAL.—Subject to the appro-
12 priation of funds, the Secretary shall award a
13 grant under this subsection based on—

14 “(i) a determination of the merits of
15 the grant proposal submitted by the eligi-
16 ble institution to develop, offer, or improve
17 maritime educational or career training
18 programs to be made available to workers;

19 “(ii) an evaluation of the likely em-
20 ployment opportunities available to workers
21 who complete a maritime educational or
22 career training program that the eligible
23 institution proposes to develop, offer, or
24 improve;

1 “(iii) an evaluation of prior demand
 2 for training programs by workers in the
 3 community served by the eligible institu-
 4 tion, as well as the availability and capac-
 5 ity of existing maritime training programs
 6 to meet future demand for training pro-
 7 grams; and

8 “(iv) any prior designation of an insti-
 9 tution as a Center of Excellence for Do-
 10 mestic Maritime Workforce Training and
 11 Education.

12 “(B) MATCHING REQUIREMENTS.—A
 13 grant awarded under this subsection may not
 14 be used to satisfy any private matching require-
 15 ment under any other provision of law.

16 “(6) PUBLIC REPORT.—Not later than Decem-
 17 ber 15 in each of the calendar years 2021 through
 18 2023, the Secretary shall make available on a pub-
 19 lically available website a report and provide a brief-
 20 ing to the Committee on Commerce, Science, and
 21 Transportation of the Senate and the Committee on
 22 Transportation and Infrastructure of the House of
 23 Representatives—

1 “(A) describing each grant awarded under
 2 this subsection during the preceding fiscal year;
 3 and

4 “(B) assessing the impact of each award of
 5 a grant under this subsection in a fiscal year
 6 preceding the fiscal year referred to in subpara-
 7 graph (A) on workers receiving training.”.

8 **SEC. 112. CRITERIA TO BE ELIGIBLE TO TRAIN STUDENTS**
 9 **FROM STATE MARITIME ACADEMIES.**

10 Section 3514(a)(1)(A) of the National Defense Au-
 11 thorization Act for Fiscal Year 2017 (46 U.S.C. 51318
 12 note) is amended by inserting “, or to provide training
 13 for students from the State maritime academies,” before
 14 “that addresses”.

15 **SEC. 113. IMPROVEMENT OF THE NATIONAL OCEANO-**
 16 **GRAPHIC PARTNERSHIP PROGRAM.**

17 Sections 8931, 8932, and 8933 of title 10, United
 18 States Code, are amended to read as follows:

19 **“§ 8931. National Oceanographic Partnership Pro-**
 20 **gram**

21 “(a) ESTABLISHMENT.—The Secretary of the Navy
 22 shall establish a program to be known as the ‘National
 23 Oceanographic Partnership Program’.

24 “(b) PURPOSES.—The purposes of the program are
 25 as follows:

1 “(1) To promote the national goals of assuring
 2 national security, advancing economic development,
 3 protecting quality of life, and strengthening science
 4 education and communication through improved
 5 knowledge of the ocean.

6 “(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

8 “(A) creating and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic community in the areas of science, data, resources, education, and communication; and

13 “(B) accepting, planning, and executing oceanographic research projects funded by grants, contracts, cooperative agreements, or other vehicles as appropriate, that contribute to assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

22 **“§ 8932. Ocean Policy Committee**

23 “(a) COMMITTEE.—There is established an Ocean
 24 Policy Committee (hereinafter in this chapter referred to
 25 as the ‘Committee’).

1 “(b) RESPONSIBILITIES.—The Committee shall con-
2 tinue the activities of that committee as it was in existence
3 on the day before the date of enactment of this Act. In
4 discharging its responsibilities and to assist in the execu-
5 tion of the activities delineated in this subsection, the
6 Committee may delegate to a subcommittee, as appro-
7 priate. The Committee shall:

8 “(1) Prescribe policies and procedures to imple-
9 ment the National Oceanographic Partnership Pro-
10 gram.

11 “(2) Engage and collaborate, pursuant to exist-
12 ing laws and regulations, with stakeholders, includ-
13 ing regional ocean partnerships, to address ocean-re-
14 lated matters that may require interagency or inter-
15 governmental solutions.

16 “(3) Facilitate coordination and integration of
17 Federal activities in ocean and coastal waters to in-
18 form ocean policy and identify priority ocean re-
19 search, technology, and data needs.

20 “(4) Review, select, and identify partnership
21 projects for implementation under the program,
22 based on the following criteria:

23 “(A) Whether the project addresses impor-
24 tant research objectives or operational goals.

1 “(B) Whether the project has, or is de-
2 signed to have, appropriate participation within
3 the oceanographic community of public, aca-
4 demic, commercial, private participation or sup-
5 port.

6 “(C) Whether the partners have a long-
7 term commitment to the objectives of the
8 project.

9 “(D) Whether the resources supporting the
10 project are shared among the partners.

11 “(E) Whether the project has been sub-
12 jected to adequate review.

13 “(c) ANNUAL REPORT AND BRIEFING.—Not later
14 than March 1 of each year, the Committee shall post a
15 report on a publicly available website and brief the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate; the Committee on Armed Services of the Senate,
18 the Committee on Natural Resources of the House of Rep-
19 resentatives, the Committee on Science, Space, and Tech-
20 nology of the House of Representatives, and the Com-
21 mittee on Armed Services of the House of Representatives
22 on the National Oceanographic Partnership Program. The
23 report and brief shall discuss the following:

24 “(1) A description of activities of the program
25 carried out during the prior fiscal year.

1 “(2) A general outline of the activities planned
2 for the program during the current fiscal year.

3 “(3) A summary of projects, including Federal
4 and non-Federal partnerships and collaborations,
5 continued from the prior fiscal year and projects ex-
6 pected to begin during the current and subsequent
7 fiscal years.

8 “(4) The amounts requested in the budget sub-
9 mitted to Congress pursuant to section 1105(a) of
10 title 31 for the subsequent fiscal year, for the pro-
11 grams, projects, activities and the estimated expend-
12 itures under such programs, projects, and activities,
13 to execute the National Oceanographic Partnership
14 Program.

15 “(5) Activities undertaken with moneys depos-
16 ited in the fund described in subsection (d).

17 “(d) NATIONAL OCEANOGRAPHIC PARTNERSHIP
18 FUND.—There is established in the Treasury a separate
19 account to be known as the National Oceanographic Part-
20 nership Program Fund to be jointly managed by the Sec-
21 retary of the Navy and the Administrator of the National
22 Oceanic and Atmospheric Administration.

23 “(1) APPROPRIATION AND AUTHORIZED
24 USES.—Amounts in the Fund shall be available to
25 the National Oceanographic Partnership Program

1 without further appropriation to remain available
2 until expended for the purpose of carrying out this
3 section.

4 “(2) CREDITING OF AMOUNTS TO FUND.—

5 There is authorized to be credited to the Fund the
6 following:

7 “(A) Such amounts as determined appro-
8 priate to be transferred to the Fund by the
9 head of a Federal agency or entity participating
10 in the National Oceanographic Partnership Pro-
11 gram.

12 “(B) Funds provided by a State, local gov-
13 ernment, tribal government, territory, or pos-
14 session, or any subdivisions thereof.

15 “(C) Funds contributed by a nonprofit or-
16 ganization, individual, or Congressionally-estab-
17 lished foundation by private grant, contract, or
18 donation.

19 “(3) CONTRACT AND GRANT AUTHORITY.—For
20 the purpose of carrying out this section, as directed
21 by the Committee, departments or agencies rep-
22 resented on the Committee may enter into contracts,
23 make grants, including transactions authorized by
24 paragraph (4), and may transfer funds available to
25 the National Oceanographic Partnership Program

1 under paragraph (2) to participating departments
2 and agencies for such purposes.

3 “(4) COOPERATION WITH OTHER AGENCIES,
4 STATES, TERRITORIES, AND POLITICAL SUBDIVI-
5 SIONS.—The Committee or any participating Fed-
6 eral agency or entity may enter into an agreement
7 to use, with or without reimbursement, the land,
8 services, equipment, personnel, and facilities of any
9 department, agency, or instrumentality of the United
10 States, or of any State, local government, Indian
11 tribal government, Territory, District of Columbia,
12 or possession, or of any political subdivision thereof,
13 or of any foreign government or international orga-
14 nization or individual, for the purpose of carrying
15 out this section.

16 “(e) ESTABLISHMENT AND FORMS OF PARTNERSHIP
17 PROJECTS.—

18 “(1) A partnership project under the National
19 Oceanographic Partnership Program may be estab-
20 lished by any instrument that the Committee con-
21 siders appropriate.

22 “(2) Projects under the program may include
23 demonstration projects.

24 “(f) PARTNERSHIP PROGRAM OFFICE.—

1 “(1) The Secretary of the Navy and Adminis-
2 trator of the National Oceanic and Atmospheric Ad-
3 ministration shall jointly establish a partnership pro-
4 gram office for the National Oceanographic Partner-
5 ship Program. Competitive procedures will be used
6 to select an operator for the partnership program of-
7 fice.

8 “(2) The Committee will monitor the perform-
9 ance of the duties of the partnership program office,
10 which shall consist of the following:

11 “(A) To support working groups estab-
12 lished by the Committee or subcommittee and
13 report working group activities to the Com-
14 mittee, including working group proposals for
15 partnership projects.

16 “(B) To support the process for proposing
17 partnership projects to the Committee, includ-
18 ing, where appropriate, managing review of
19 such projects.

20 “(C) To complete and make publicly avail-
21 able the annual report described in subsection
22 (c) on the status of all partnership projects and
23 activities of the office.

24 “(D) To perform any additional duties for
25 the administration of the National Oceano-

1 graphic Partnership Program that the Com-
2 mittee considers appropriate.

3 **“§ 8933. Ocean Research Advisory Panel**

4 “(a) ESTABLISHMENT.—The Committee shall estab-
5 lish an Ocean Research Advisory Panel consisting of not
6 less than ten and not more than 18 members appointed
7 by the Co-chairs, including the following:

8 “(1) One member who will represent the Na-
9 tional Academy of Sciences.

10 “(2) One member who will represent the Na-
11 tional Academy of Engineering.

12 “(3) One member who will represent the Insti-
13 tute of Medicine.

14 “(4) Members selected from among individuals
15 who will represent the views of ocean industries,
16 State or local governments, academia, and such
17 other views as the Co-chairs consider appropriate.

18 “(5) Members selected from among individuals
19 eminent in the fields of marine science or marine
20 policy, or related fields.

21 “(b) RESPONSIBILITIES.—The Committee shall as-
22 sign the following responsibilities to the Advisory Panel:

23 “(1) To advise the Committee on policies and
24 procedures to implement the National Oceano-
25 graphic Partnership Program.

1 “(2) To advise the Committee on matters relat-
 2 ing to national oceanographic science, engineering,
 3 facilities, or resource requirements.

4 “(3) Any additional responsibilities that the
 5 Committee considers appropriate.

6 “(c) NOAA FUNDING AND SUPPORT.—The Adminis-
 7 trator of the National Oceanic and Atmospheric Adminis-
 8 tration shall provide such funding and administrative and
 9 technical support as the Ocean Research Advisory Panel
 10 may require.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—In
 12 order to carry out the establishment and support of the
 13 Ocean Research Advisory Panel, the National Oceanic and
 14 Atmospheric Administration for the first year will receive
 15 \$250,000. Thereafter in following years, the National Oce-
 16 anic and Atmospheric Administration shall receive
 17 \$200,000 to carry out the functions and responsibilities
 18 related to the administration and support of the Ocean
 19 Research Advisory Panel.”.

20 **SEC. 114. GAO REVIEW OF DEPARTMENT-WIDE EFFORTS TO**
 21 **MANAGE CYBERSECURITY.**

22 (a) CYBERSECURITY RISK MANAGEMENT.—Not later
 23 than 3 years after the date of enactment of this title, the
 24 Secretary of Transportation shall implement the rec-
 25 ommendation for the Department of Transportation made

1 by the Comptroller General of the United States in the
2 report entitled “Cybersecurity: Agencies Need to Fully Es-
3 tablish Risk Management Programs and Address Chal-
4 lenges”, numbered GAO–19–384, and dated July 2019,
5 by—

6 (1) developing a cybersecurity risk management
7 strategy for the systems and information of the De-
8 partment of Transportation;

9 (2) updating policies to address an organiza-
10 tion-wide risk assessment; and

11 (3) updating the processes for coordination be-
12 tween cybersecurity risk management functions and
13 enterprise risk management functions.

14 (b) WORK ROLES.—Not later than 3 years after the
15 date of enactment of this title, the Secretary of Transpor-
16 tation shall implement the recommendation of the Comp-
17 troller General of the United States in the report entitled
18 “Cybersecurity Workforce: Agencies Need to Accurately
19 Categorize Positions to Effectively Identify Critical Staff-
20 ing Needs”, numbered GAO–19–144, and dated March
21 2019, by reviewing positions in the Department of Trans-
22 portation and assigning appropriate work roles in accord-
23 ance with the National Initiative for Cybersecurity Edu-
24 cation Cybersecurity Workforce Framework.

25 (c) GAO REVIEW.—

1 (1) REPORT.—Not later than 18 months after
2 the date of enactment of this title, the Comptroller
3 General of the United States shall submit to the
4 Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on Trans-
6 portation and Infrastructure of the House of Rep-
7 resentatives a report that examines the approach of
8 the Department of Transportation to managing cy-
9 bersecurity for the systems and information of the
10 Department of Transportation.

11 (2) CONTENTS.—The report under paragraph
12 (1) shall include an evaluation of—

13 (A) the roles, responsibilities, and report-
14 ing relationships of the senior officials of the
15 Department of Transportation with respect to
16 cybersecurity at the components of the Depart-
17 ment of Transportation;

18 (B) the extent to which officials of the De-
19 partment of Transportation—

20 (i) establish requirements for, share
21 information with, provide resources to, and
22 monitor the performance of managers with
23 respect to cybersecurity within the compo-
24 nents of the Department of Transpor-
25 tation; and

1 (ii) hold managers accountable for cy-
2 bersecurity within the components of the
3 Department of Transportation; and
4 (C) other aspects of cybersecurity, as the
5 Comptroller General of the United States deter-
6 mines to be appropriate.

7 **SEC. 115. GAO REVIEW OF EFFORTS TO SUPPORT AND**
8 **GROW THE VESSELS OF THE UNITED STATES.**

9 Not later than 18 months after the date of enactment
10 of this title, the Comptroller General of the United States
11 shall transmit a report to the Committee on Commerce
12 of the Senate and the Committee on Transportation and
13 Infrastructure of the House of Representatives that exam-
14 ines United States Government efforts to promote the
15 growth and modernization of the United States maritime
16 industry, and the vessels of the United States, as defined
17 in section 116 of title 46, United States Code, including
18 the overall efficacy of United States Government financial
19 support and policies, including the Capital Construction
20 Fund, Construction Reserve Fund, and other eligible loan,
21 grant, or other programs.

1 **SEC. 116. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE**
2 **PORT INFRASTRUCTURE RESILIENCY AND**
3 **DISASTER PREPAREDNESS.**

4 Not later than 18 months after the date of enactment
5 of this title, the Comptroller General of the United States
6 shall transmit a report to the Committee on Commerce
7 of the Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives that exam-
9 ines Federal efforts to assist ports in enhancing the resil-
10 iency of their key intermodal connectors to weather-related
11 disasters. The report shall include consideration of the fol-
12 lowing:

13 (1) Actions being undertaken at various ports
14 to better identify critical land-side connectors that
15 may be vulnerable to disruption in the event of a
16 natural disaster, including how to communicate such
17 information during a disaster when communications
18 systems may be compromised, and the level of Fed-
19 eral involvement in such efforts.

20 (2) The extent to which the Department of
21 Transportation and other Federal agencies are work-
22 ing in line with recent recommendations from key
23 resiliency reports, including the National Academies
24 of Science study on strengthening supply chain resil-
25 ience to establish a framework for ports to follow to

1 increase resiliency to major weather related disrup-
2 tions before they happen.

3 (3) The extent to which the Department of
4 Transportation or other Federal agencies have pro-
5 vided funds to ports for resiliency-related projects.

6 (4) The extent to which Federal agencies have
7 a coordinated approach to helping ports and the
8 multiple State, local, and private stakeholders in-
9 volved improve resiliency prior to weather related
10 disasters.

11 **SEC. 117. STUDY ON FOREIGN INVESTMENT IN SHIPPING.**

12 (a) ASSESSMENT.—The Under Secretary of Com-
13 merce for International Trade (referred to in this section
14 as the “Under Secretary”) shall conduct an assessment
15 of foreign subsidies to international shipping.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this title, the Under Secretary shall sub-
18 mit to Congress a report on the assessment conducted
19 under subsection (a), including—

20 (1) the amount, in United States dollars, of for-
21 eign subsidies to—

22 (A) the shipping industry of each country
23 as a whole;

24 (B) the shipping industry as a percent of
25 GDP of each country; and

1 (C) each ship on average, by ship type for
 2 cargo, tanker, and bulk;

3 (2) a description of the type of foreign subsidy,
 4 such as tax relief, direct payment, or other, as deter-
 5 mined by the Under Secretary; and

6 (3) a description of how the foreign subsidies
 7 may be affecting the United States International
 8 competitiveness and national security.

9 **SEC. 118. NATIONAL ACADEMIES STANDING COMMITTEE**
 10 **ON AMERICA'S SUPPLY CHAIN SECURITY**
 11 **DURING DISASTERS.**

12 (a) IN GENERAL.—

13 (1) ESTABLISHMENT OF STANDING COM-
 14 MITTEE.—Not later than 30 days after the date of
 15 enactment of this title, the Secretary of Transpor-
 16 tation shall enter into an agreement with the Na-
 17 tional Academies of Sciences, Engineering, and Med-
 18 icine (referred to in this section as the “National
 19 Academies”) to establish a standing committee of
 20 experts (referred to this section as the “standing
 21 committee”) to explore and advise on supply chain
 22 transportation system vulnerabilities and disrup-
 23 tions, and how to minimize them in the event of
 24 emergencies and disasters.

1 (2) MEMBERSHIP.—The National Academies
2 shall appoint members to the standing committee
3 from individuals with relevant backgrounds in the
4 private sector, research, academia, and Federal,
5 State, and local government agencies.

6 (b) PURPOSES.—The standing committee established
7 under this section to explore and advise on supply chain
8 transportation vulnerabilities shall, upon determination by
9 the National Academies, consider the following:

10 (1) Factors that may disrupt the movement of
11 critical goods during the COVID–19 pandemic or
12 other emergencies or disasters, which may include—

13 (A) lack of an adequate and healthy trans-
14 portation labor force to ensure the continuity of
15 function of critical supply chain components;

16 (B) vulnerabilities in the ways that the Na-
17 tion’s multi-modal transportation supply chain
18 nodes and their connections could be vulnerable
19 to disruption;

20 (C) the accuracy and availability of infor-
21 mation on supply and demand of critical goods
22 globally, nationally, regionally, or locally; and

23 (D) potential compounding impacts on the
24 supply chain of multiple disaster events, such as

1 pandemics, floods, earthquakes, tornadoes, and
2 hurricanes.

3 (2) Options for ensuring the timely conveyance
4 and distribution of essential supplies and commod-
5 ities for disaster response, relief and recovery oper-
6 ations, especially those for which a shortage would
7 pose a significant threat to public health, economic
8 security, or national security, as appropriate, which
9 may include strategies to—

10 (A) enhance supply chain contingency
11 planning, including during multiple disaster
12 events;

13 (B) identify supply chain information defi-
14 ciencies; and

15 (C) improve modeling frameworks, includ-
16 ing communication between modelers and users,
17 that integrate complex data streams and help
18 extract practical decision-support information
19 for emergency managers.

20 (3) Policy options to prevent supply chain bot-
21 tlenecks or failures and ensure continuation of serv-
22 ice.

23 (4) Other emergent issues as determined by the
24 National Academies.

1 (c) CONGRESSIONAL AND AGENCY REQUESTS.—The
2 National Academies may consider requests for analysis or
3 advice from the Secretary of Transportation, other Fed-
4 eral agencies, or the relevant Congressional transportation
5 committees in the form of correspondence directed to the
6 National Academies or legislative direction from the Sec-
7 retary of Transportation, including ad hoc requests for in-
8 formal and formal responses within a specified timeframe
9 to address ongoing events.

10 (d) INPUT.—The standing committee shall, as appro-
11 priate—

12 (1) consider input from the Department of
13 Transportation, the Department of Homeland Secu-
14 rity, the Department of Defense, the Department of
15 Commerce, the Department of State, the Depart-
16 ment of Health and Human Services, the Depart-
17 ment of Veterans Affairs, the Department of Jus-
18 tice, and any other Federal agency, as appropriate;
19 and

20 (2) consult with relevant stakeholders, which
21 may include supply chain experts, emergency man-
22 agement specialists, epidemiologists, disaster relief
23 specialists, transportation system operators, product
24 manufacturers, wholesalers and group purchasing
25 organizations, professional societies, State-based so-

1 cieties, and other entities with experience in supply
 2 chain networks, transportation systems, and emer-
 3 gency and disaster management, as appropriate.

4 (e) DEFINITIONS.—In this section:

5 (1) CONNECTIONS.—The term “connections”
 6 means the freight transportation connections be-
 7 tween nodes.

8 (2) CRITICAL.—The term “critical” means of
 9 such importance that a disruption of the component
 10 will degrade functionality of the supply chain.

11 (3) NODES.—The term “nodes” means loca-
 12 tions within a supply chain, such as an origin, a fac-
 13 tory, warehouse, port, intermodal transfer point, dis-
 14 tribution center, or destination.

15 (4) RELEVANT CONGRESSIONAL TRANSPOR-
 16 TATION COMMITTEES.—The term “relevant Congres-
 17 sional transportation committees” means—

18 (A) the Committee on Commerce, Science,
 19 and Transportation of the Senate; and

20 (B) the Committee on Transportation and
 21 Infrastructure of the House of Representatives.

22 (5) VULNERABLE.—The term “vulnerable”
 23 means susceptible to the supply chain being nega-
 24 tively impacted.

1 **TITLE II—NATIONAL OCEANIC**
 2 **AND ATMOSPHERIC ADMINIS-**
 3 **TRATION COMMISSIONED OF-**
 4 **FICER CORPS**

5 **SEC. 201. REFERENCES TO NATIONAL OCEANIC AND AT-**
 6 **MOSPHERIC ADMINISTRATION COMMIS-**
 7 **SIONED OFFICER CORPS ACT OF 2002.**

8 Except as otherwise expressly provided, whenever in
 9 this title an amendment or repeal is expressed in terms
 10 of an amendment to, or repeal of, a section or other provi-
 11 sion, the reference shall be considered to be made to a
 12 section or other provision of the National Oceanic and At-
 13 mospheric Administration Commissioned Officer Corps
 14 Act of 2002 (33 U.S.C. 3001 et seq.).

15 **Subtitle A—General Provisions**

16 **SEC. 211. STRENGTH AND DISTRIBUTION IN GRADE.**

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

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

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

23 **“(1)** Vice admiral.

24 **“(2)** Rear admiral.

25 **“(3)** Rear admiral (lower half).

1 “(4) Captain.

2 “(5) Commander.

3 “(6) Lieutenant commander.

4 “(7) Lieutenant.

5 “(8) Lieutenant (junior grade).

6 “(9) Ensign.

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

11 “(c) ANNUAL COMPUTATION OF NUMBER IN
12 GRADE.—

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

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

22 “(3) FRACTIONS.—If a final fraction occurs in
23 computing the authorized number of officers in a
24 grade, the nearest whole number shall be taken. If

1 the fraction is one-half, the next higher whole num-
 2 ber shall be taken.

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

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

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

19 **SEC. 212. RECALLED OFFICERS.**

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

22 **“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFI-
 23 CERS.**

24 “(a) IN GENERAL.—The total number of authorized
 25 commissioned officers on the lineal list of the commis-

1 sioned officer corps of the Administration shall not exceed
2 500.

3 “(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under
4 section 228 and officers recalled from retired status or de-
5 tailed to an agency other than the Administration—

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

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

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) is amended by
14 striking the item relating to section 215 and inserting the
15 following:

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

17 **SEC. 213. OBLIGATED SERVICE REQUIREMENT.**

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

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

21 “(a) IN GENERAL.—

22 “(1) REGULATIONS.—The Secretary shall pre-
23 scribe the obligated service requirements for appoint-
24 ments, training, promotions, separations, continu-

1 ations, and retirements of officers not otherwise cov-
2 ered by law.

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

10 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
11 QUIREMENTS.—

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

20 “(2) OBLIGATION AS DEBT TO UNITED
21 STATES.—An obligation to reimburse the Secretary
22 under paragraph (1) is, for all purposes, a debt
23 owed to the United States.

24 “(3) DISCHARGE IN BANKRUPTCY.—A dis-
25 charge in bankruptcy under title 11 that is entered

1 less than five years after the termination of a writ-
 2 ten agreement entered into under subsection (a)(2)
 3 does not discharge the individual signing the agree-
 4 ment from a debt arising under such agreement.

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

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

12 “(2) is—

13 “(A) not physically qualified for appoint-
 14 ment; and

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

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 215 the following:

“Sec. 216. Obligated service requirement.”.

1 **SEC. 214. TRAINING AND PHYSICAL FITNESS.**

2 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
3 seq.), as amended by section 213(a), is further amended
4 by adding at the end the following:

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

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

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

20 “(2) Providing officers and officer candidates
21 with educational materials.

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

24 “(b) PHYSICAL FITNESS.—The Secretary shall en-
25 sure that officers maintain a high physical state of readi-
26 ness by establishing standards of physical fitness for offi-

1 cers that are substantially equivalent to those prescribed
2 for officers in the Coast Guard.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Services Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372), as amended by
7 section 213(b), is further amended by inserting after the
8 item relating to section 216 the following:

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

9 **SEC. 215. AVIATION ACCESSION TRAINING PROGRAMS.**

10 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
11 seq.), as amended by section 214(a), is further amended
12 by adding at the end the following:

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

14 “(a) DEFINITIONS.—In this section:

15 “(1) ADMINISTRATOR.—The term ‘Adminis-
16 trator’ means the Under Secretary of Commerce for
17 Oceans and Atmosphere and the Administrator of
18 the National Oceanic and Atmospheric Administra-
19 tion.

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

23 “(3) PROGRAM.—The term ‘program’ means an
24 aviation accession training program of the commis-

1 sioned officer corps of the Administration estab-
 2 lished pursuant to subsection (b).

3 “(b) AVIATION ACCESSION TRAINING PROGRAMS.—

4 “(1) ESTABLISHMENT AUTHORIZED.—The Ad-
 5 ministrator, under regulations prescribed by the Sec-
 6 retary, shall establish and maintain one or more
 7 aviation accession training programs for the commis-
 8 sioned officer corps of the Administration at institu-
 9 tions described in paragraph (2).

10 “(2) INSTITUTIONS DESCRIBED.—An institu-
 11 tion described in this paragraph is an educational in-
 12 stitution—

13 “(A) that requests to enter into an agree-
 14 ment with the Administrator providing for the
 15 establishment of the program at the institution;

16 “(B) that has, as a part of its curriculum,
 17 a four-year baccalaureate program of profes-
 18 sional flight and piloting instruction that is ac-
 19 credited by the Aviation Accreditation Board
 20 International;

21 “(C) that is located in a geographic area
 22 that—

23 “(i) experiences a wide variation in
 24 climate-related activity, including frequent
 25 high winds, convective activity (including

tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

“(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

“(D) at which the Administrator determines that—

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

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

“(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

“(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

1 “(B) the institution fulfills the terms of its
2 agreement with the Administrator.

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

8 “(c) MEMBERSHIP.—

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

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

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

14 “(C) contract in writing, with the consent
15 of a parent or guardian if a minor, with the Ad-
16 ministrator, to—

17 “(i) accept an appointment, if offered,
18 as a commissioned officer in the commis-
19 sioned officer corps of the Administration;
20 and

21 “(ii) serve in the commissioned officer
22 corps for not fewer than four years;

23 “(D) enroll in—

1 “(i) a four-year baccalaureate pro-
 2 gram of professional flight and piloting in-
 3 struction; and

4 “(ii) other training or education, in-
 5 cluding basic officer training, which is pre-
 6 scribed by the Administrator as meeting
 7 the preliminary requirement for admission
 8 to the commissioned officer corps; and

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

12 “(2) COMPLETION OF PROGRAM.—A member of
 13 the program may be appointed as a regular officer
 14 in the commissioned officer corps if the member
 15 meets all requirements for appointment as such an
 16 officer.

17 “(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEM-
 18 BERS.—

19 “(1) EXPENSES OF COURSE OF INSTRU-
 20 TION.—

21 “(A) IN GENERAL.—In the case of a mem-
 22 ber of the program who meets such qualifica-
 23 tions as the Administrator establishes for pur-
 24 poses of this subsection, the Administrator may
 25 pay the expenses of the member in connection

1 with pursuit of a course of professional flight
2 and piloting instruction under the program, in-
3 cluding tuition, fees, educational materials such
4 as books, training, certifications, travel, and
5 laboratory expenses.

6 “(B) ASSISTANCE AFTER FOURTH ACA-
7 DEMIC YEAR.—In the case of a member of the
8 program described in subparagraph (A) who is
9 enrolled in a course described in that subpara-
10 graph that has been approved by the Adminis-
11 trator and requires more than four academic
12 years for completion, including elective require-
13 ments of the program, assistance under this
14 subsection may also be provided during a fifth
15 academic year or during a combination of a
16 part of a fifth academic year and summer ses-
17 sions.

18 “(2) ROOM AND BOARD.—In the case of a
19 member eligible to receive assistance under para-
20 graph (1), the Administrator may, in lieu of pay-
21 ment of all or part of such assistance, pay the room
22 and board expenses of the member, and other edu-
23 cational expenses, of the educational institution con-
24 cerned.

1 “(3) FAILURE TO COMPLETE PROGRAM OR AC-
2 CEPT COMMISSION.—A member of the program who
3 receives assistance under this subsection and who
4 does not complete the course of instruction, or who
5 completes the course but declines to accept a com-
6 mission in the commissioned officer corps when of-
7 fered, shall be subject to the repayment provisions of
8 subsection (e).

9 “(e) REPAYMENT OF UNEARNED PORTION OF FI-
10 NANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT
11 NOT MET.—

12 “(1) IN GENERAL.—A member of the program
13 who receives or benefits from assistance under sub-
14 section (d), and whose receipt of or benefit from
15 such assistance is subject to the condition that the
16 member fully satisfy the requirements of subsection
17 (c), shall repay to the United States an amount
18 equal to the assistance received or benefitted from if
19 the member fails to fully satisfy such requirements
20 and may not receive or benefit from any unpaid
21 amounts of such assistance after the member fails to
22 satisfy such requirements, unless the Administrator
23 determines that the imposition of the repayment re-
24 quirement and the termination of payment of unpaid

1 amounts of such assistance with regard to the mem-
 2 ber would be—

3 “(A) contrary to a personnel policy or
 4 management objective;

5 “(B) against equity and good conscience;
 6 or

7 “(C) contrary to the best interests of the
 8 United States.

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

20 “(3) OBLIGATION AS DEBT TO UNITED
 21 STATES.—An obligation to repay the United States
 22 under this subsection is, for all purposes, a debt
 23 owed to the United States.”.

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

1 Hydrographic Services Improvement Act of 1998, and for
 2 other purposes” (Public Law 107–372), as amended by
 3 section 214(b), is further amended by inserting after the
 4 item relating to section 217 the following:

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

5 **SEC. 216. RECRUITING MATERIALS.**

6 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
 7 seq.), as amended by section 215(a), is further amended
 8 by adding at the end the following:

9 **“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC**
 10 **RELATIONS.**

11 “The Secretary may use for public relations purposes
 12 of the Department of Commerce any advertising materials
 13 developed for use for recruitment and retention of per-
 14 sonnel for the commissioned officer corps of the Adminis-
 15 tration. Any such use shall be under such conditions and
 16 subject to such restrictions as the Secretary shall pre-
 17 scribe.”.

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 215(b), is further amended by inserting after the
 23 item relating to section 218 the following:

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

1 **SEC. 217. TECHNICAL CORRECTION.**

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

5 **Subtitle B—Parity and**
6 **Recruitment**

7 **SEC. 221. EDUCATION LOANS.**

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

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

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

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

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

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

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

24 “(1) satisfy one of the requirements specified in
25 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 one year for each maximum annual
 24 amount, or portion thereof, paid on behalf of
 25 the person 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 “(4) CONCURRENT COMPLETION OF SERVICE
 8 OBLIGATIONS.—A service obligation under this sec-
 9 tion may be completed concurrently with a service
 10 obligation under section 216.

11 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
 12 TION.—

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

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

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

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

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

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

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

10 **SEC. 222. INTEREST PAYMENTS.**

11 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 12 seq.), as amended by section 221(a), is further amended
 13 by adding at the end the following:

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

15 “(a) AUTHORITY.—The Secretary may pay the inter-
 16 est and any special allowances that accrue on one or more
 17 student loans of an eligible officer, in accordance with this
 18 section.

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

21 “(1) is serving on active duty;

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

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

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

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

5 “(1) A loan made, insured, or guaranteed under
6 part B of title IV of the Higher Education Act of
7 1965 (20 U.S.C. 1071 et seq.).

8 “(2) A loan made under part D of such title
9 (20 U.S.C. 1087a et seq.).

10 “(3) A loan made under part E of such title
11 (20 U.S.C. 1087aa et seq.).

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

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

20 “(f) COORDINATION WITH SECRETARY OF EDU-
21 CATION.—

22 “(1) IN GENERAL.—The Secretary shall consult
23 with the Secretary of Education regarding the ad-
24 ministration of this section.

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

4 “(A) to pay interest and special allowances
5 on student loans under this section (in accord-
6 ance with sections 428(o), 455(l), and 464(j) of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1078(o), 1087e(l), and 1087dd(j)); and

9 “(B) to reimburse the Secretary of Edu-
10 cation for any reasonable administrative costs
11 incurred by the Secretary in coordinating the
12 program under this section with the administra-
13 tion of the student loan programs under parts
14 B, D, and E of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1071 et seq.,
16 1087a et seq., 1087aa et seq.).

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

21 (b) CONFORMING AMENDMENTS.—

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

24 (A) by striking the subsection heading and
25 inserting “ARMED FORCES AND NOAA COM-

1 MISSIONED OFFICER CORPS STUDENT LOAN
2 INTEREST PAYMENT PROGRAMS”; and

3 (B) in paragraph (1)—

4 (i) by inserting “or section 268 of the
5 National Oceanic and Atmospheric Admin-
6 istration Commissioned Officer Corps Act
7 of 2002” after “Code,”; and

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

12 (2) Sections 455(l) and 464(j) of the Higher
13 Education Act of 1965 (20 U.S.C. 1087e(l) and
14 1087dd(j)) are each amended—

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

19 (B) in paragraph (1)—

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

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

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

3 (c) CLERICAL AMENDMENT.—The table of contents
 4 in section 1 of the Act entitled “An Act to authorize the
 5 Hydrographic Services Improvement Act of 1998, and for
 6 other purposes” (Public Law 107–372), as amended by
 7 section 221(b), is further amended by inserting after the
 8 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

9 **SEC. 223. STUDENT PRE-COMMISSIONING PROGRAM.**

10 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
 11 seq.), as amended by section 222(a), is further amended
 12 by adding at the end the following:

13 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
 14 **SISTANCE PROGRAM.**

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

24 “(1) a baccalaureate degree in not more than
 25 five academic years; or

1 “(2) a postbaccalaureate degree.

2 “(b) ELIGIBLE PERSONS.—

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

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

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

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

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

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

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

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

4 “(ii) up to five years if the person re-
5 ceived at least three years of assistance.

6 “(c) QUALIFYING EXPENSES.—Expenses for which
7 financial assistance may be provided under subsection (a)
8 are the following:

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

11 “(2) The cost of educational materials.

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

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

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

1 “(e) DURATION OF ASSISTANCE.—Financial assist-
2 ance may be provided to a person under subsection (a)
3 for not more than five consecutive academic years.

4 “(f) SUBSISTENCE ALLOWANCE.—

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

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

16 “(g) INITIAL CLOTHING ALLOWANCE.—

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

22 “(2) APPOINTMENT.—Upon completion of the
23 program of education for which a person receives fi-
24 nancial assistance under subsection (a) and accept-
25 ance of appointment in the commissioned officer

1 corps of the Administration, the person may be
2 issued a subsequent clothing allowance equivalent to
3 that normally provided to a newly appointed officer.

4 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

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

8 “(A) the Secretary accepts a request by
9 the person to be released from an agreement
10 described in subsection (b)(2);

11 “(B) the misconduct of the person results
12 in a failure to complete the period of active
13 duty required under the agreement; or

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

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

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

5 “(A) becomes unqualified to serve on active
6 duty in the commissioned officer corps of the
7 Administration because of a circumstance not
8 within the control of that person; or

9 “(B) is—

10 “(i) not physically qualified for ap-
11 pointment; and

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

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

22 “(5) DISCHARGE IN BANKRUPTCY.—A dis-
23 charge in bankruptcy under title 11, United States
24 Code, that is entered less than five years after the
25 termination of a written agreement entered into

1 under subsection (b)(1)(C) does not discharge the
 2 person signing the agreement from a debt arising
 3 under such agreement or under paragraph (2).

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

7 “(j) CONCURRENT COMPLETION OF SERVICE OBLI-
 8 GATIONS.—A service obligation under this section may be
 9 completed concurrently with a service obligation under
 10 section 216.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 in section 1 of the Act entitled “An Act to authorize the
 13 Hydrographic Services Improvement Act of 1998, and for
 14 other purposes” (Public Law 107–372), as amended by
 15 section 222(c), is further amended by inserting after the
 16 item relating to section 268 the following:

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

17 **SEC. 224. LIMITATION ON EDUCATIONAL ASSISTANCE.**

18 (a) IN GENERAL.—Each fiscal year, beginning with
 19 the fiscal year in which this title is enacted, the Secretary
 20 of Commerce shall ensure that the total amount expended
 21 by the Secretary under section 267 of the National Oce-
 22 anic and Atmospheric Administration Commissioned Offi-
 23 cer Corps Act of 2002 (as added by section 221(a)), sec-
 24 tion 268 of such Act (as added by section 222(a)), and

1 section 269 of such Act (as added by section 223(a)) does
2 not exceed the amount by which—

3 (1) the total amount the Secretary would pay in
4 that fiscal year to officer candidates under section
5 203(f)(1) of title 37, United States Code (as added
6 by section 235(d)), if such section entitled officer
7 candidates to pay at monthly rates equal to the
8 basic pay of a commissioned officer in the pay grade
9 O–1 with less than 2 years of service, exceeds

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

13 (b) OFFICER CANDIDATE DEFINED.—In this section,
14 the term “officer candidate” has the meaning given the
15 term in paragraph (4) of section 212(b) of the National
16 Oceanic and Atmospheric Administration Commissioned
17 Officer Corps Act of 2002 (33 U.S.C. 3002), as added
18 by section 235(c).

1 **SEC. 225. APPLICABILITY OF CERTAIN PROVISIONS OF**
2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
3 **SION OF CERTAIN AUTHORITIES APPLICABLE**
4 **TO MEMBERS OF THE ARMED FORCES TO**
5 **COMMISSIONED OFFICER CORPS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) EXTENSION OF CERTAIN AUTHORITIES.—

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

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

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

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

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

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

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

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

20 (A) in subsection (a)—

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

1 (ii) by striking “other armed forces”
 2 and inserting “other uniformed services”;
 3 and
 4 (B) in subsection (b)(1), in the matter be-
 5 fore subparagraph (A), by inserting “or the
 6 Secretary of Commerce, as applicable,” after
 7 “the Secretary of Defense”.

8 **SEC. 226. APPLICABILITY OF CERTAIN PROVISIONS OF**
 9 **TITLE 37, UNITED STATES CODE.**

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

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

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

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

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

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

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

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

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

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

17 (b) PERSONAL MONEY ALLOWANCE.—Section
18 414(a)(2) of title 37, United States Code, is amended by
19 inserting “or the director of the commissioned officer
20 corps of the National Oceanic and Atmospheric Adminis-
21 tration” after “Health Service”.

22 (c) 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

1 other purposes” (Public Law 107–372) is amended by in-
 2 serting after the item relating to section 261 the following:

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

3 **SEC. 227. PROHIBITION ON RETALIATORY PERSONNEL AC-**
 4 **TIONS.**

5 (a) IN GENERAL.—Subsection (a) of section 261 (33
 6 U.S.C. 3071), as amended by section 225(a), is further
 7 amended—

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

11 (2) by inserting after paragraph (7) the fol-
 12 lowing:

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

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

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

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

10 **SEC. 228. APPLICATION OF CERTAIN PROVISIONS OF COM-**
 11 **PETITIVE SERVICE LAW.**

12 Section 3304(f) of title 5, United States Code, is
 13 amended—

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

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

22 (3) in paragraph (4), by inserting “and mem-
 23 bers of the commissioned officer corps of the Na-
 24 tional Oceanic and Atmospheric Administration (or
 25 its predecessor organization the Coast and Geodetic

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

3 **SEC. 229. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

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

8 **SEC. 230. TREATMENT OF COMMISSION IN COMMISSIONED**
 9 **OFFICER CORPS FOR PURPOSES OF CERTAIN**
 10 **HIRING DECISIONS.**

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

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

18 “(a) IN GENERAL.—In any case in which the Sec-
 19 retary accepts an application for a position of employment
 20 with the Administration and limits consideration of appli-
 21 cations for such position to applications submitted by indi-
 22 viduals serving in a career or career-conditional position
 23 in the competitive service within the Administration, the
 24 Secretary shall deem an officer who has served as an offi-
 25 cer in the commissioned officer corps for at least three

1 years to be serving in a career or career-conditional posi-
 2 tion in the competitive service within the Administration
 3 for purposes of such limitation.

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

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

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 in section 1 of the Act entitled “An Act to authorize the
 15 Hydrographic Services Improvement Act of 1998, and for
 16 other purposes” (Public Law 107–372) is amended by in-
 17 serting after the item relating to section 269, as added
 18 by section 223(b), 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.”.

19 **Subtitle C—Appointments and** 20 **Promotion of Officers**

21 **SEC. 231. APPOINTMENTS.**

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

1 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**
2 **MENTS.**

3 “(a) ORIGINAL APPOINTMENTS.—

4 “(1) GRADES.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), an original appointment of
7 an officer may be made in such grades as may
8 be appropriate for—

9 “(i) the qualification, experience, and
10 length of service of the appointee; and

11 “(ii) the commissioned officer corps of
12 the Administration.

13 “(B) APPOINTMENT OF OFFICER CAN-
14 DIDATES.—

15 “(i) LIMITATION ON GRADE.—An
16 original appointment of an officer can-
17 didate, upon graduation from the basic of-
18 ficer training program of the commissioned
19 officer corps of the Administration, may
20 not be made in any other grade than en-
21 sign.

22 “(ii) RANK.—Officer candidates re-
23 ceiving appointments as ensigns upon
24 graduation from the basic officer training
25 program shall take rank according to their

1 proficiency as shown by the order of their
2 merit at date of graduation.

3 “(2) SOURCE OF APPOINTMENTS.—An original
4 appointment may be made from among the fol-
5 lowing:

6 “(A) Graduates of the basic officer train-
7 ing program of the commissioned officer corps
8 of the Administration.

9 “(B) Graduates of the military service
10 academies of the United States who otherwise
11 meet the academic standards for enrollment in
12 the training program described in subparagraph
13 (A).

14 “(C) Graduates of the maritime academies
15 of the States who—

16 “(i) otherwise meet the academic
17 standards for enrollment in the training
18 program described in subparagraph (A);

19 “(ii) completed at least three years of
20 regimented training while at a maritime
21 academy of a State; and

22 “(iii) obtained an unlimited tonnage
23 or unlimited horsepower Merchant Mariner
24 Credential from the United States Coast
25 Guard.

1 “(D) Licensed officers of the United States
2 merchant marine who have served two or more
3 years aboard a vessel of the United States in
4 the capacity of a licensed officer, who otherwise
5 meet the academic standards for enrollment in
6 the training program described in subparagraph
7 (A).

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

9 “(A) MARITIME ACADEMIES OF THE
10 STATES.—The term ‘maritime academies of the
11 States’ means the following:

12 “(i) California Maritime Academy,
13 Vallejo, California.

14 “(ii) Great Lakes Maritime Academy,
15 Traverse City, Michigan.

16 “(iii) Maine Maritime Academy,
17 Castine, Maine.

18 “(iv) Massachusetts Maritime Acad-
19 emy, Buzzards Bay, Massachusetts.

20 “(v) State University of New York
21 Maritime College, Fort Schuyler, New
22 York.

23 “(vi) Texas A&M Maritime Academy,
24 Galveston, Texas.

1 “(B) MILITARY SERVICE ACADEMIES OF
2 THE UNITED STATES.—The term ‘military serv-
3 ice academies of the United States’ means the
4 following:

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

7 “(ii) The United States Naval Acad-
8 emy, Annapolis, Maryland.

9 “(iii) The United States Air Force
10 Academy, Colorado Springs, Colorado.

11 “(iv) The United States Coast Guard
12 Academy, New London, Connecticut.

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

15 “(b) REAPPOINTMENT.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an individual who previously served in the
18 commissioned officer corps of the Administration
19 may be appointed by the Secretary to the grade the
20 individual held prior to separation.

21 “(2) REAPPOINTMENTS TO HIGHER GRADES.—

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

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

7 “(d) ORDER OF PRECEDENCE.—Appointees under
8 this section shall take precedence in the grade to which
9 appointed in accordance with the dates of their commis-
10 sions as commissioned officers in such grade. The order
11 of precedence of appointees whose dates of commission are
12 the same shall be determined by the Secretary.

13 “(e) INTER-SERVICE TRANSFERS.—For inter-service
14 transfers (as described in Department of Defense Direc-
15 tive 1300.4 (dated December 27, 2006)) the Secretary
16 shall—

17 “(1) coordinate with the Secretary of Defense
18 and the Secretary of the Department in which the
19 Coast Guard is operating to promote and streamline
20 inter-service transfers;

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

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

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 221 and inserting the
9 following:

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

10 **SEC. 232. PERSONNEL BOARDS.**

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

13 **“SEC. 222. PERSONNEL BOARDS.**

14 “(a) CONVENING.—Not less frequently than once
15 each year and at such other times as the Secretary deter-
16 mines necessary, the Secretary shall convene a personnel
17 board.

18 “(b) MEMBERSHIP.—

19 “(1) IN GENERAL.—A board convened under
20 subsection (a) shall consist of five or more officers
21 who are serving in or above the permanent grade of
22 the officers under consideration by the board.

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

1 “(3) NO MEMBERSHIP ON TWO SUCCESSIVE
2 BOARDS.—No officer may be a member of two suc-
3 cessive personnel boards convened to consider offi-
4 cers of the same grade for promotion or separation.

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

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

10 “(2) make selections and recommendations to
11 the Secretary and the President for the appoint-
12 ment, promotion, involuntary separation, continu-
13 ation, and involuntary retirement of officers in the
14 commissioned officer corps of the Administration as
15 prescribed in this title.

16 “(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-
17 ABLE.—If any recommendation by a board convened
18 under subsection (a) is not accepted by the Secretary or
19 the President, the board shall make such further rec-
20 ommendations as the Secretary or the President considers
21 appropriate.

22 “(e) AUTHORITY FOR OFFICERS TO OPT OUT OF
23 PROMOTION CONSIDERATION.—

24 “(1) IN GENERAL.—The Director of the Na-
25 tional Oceanic and Atmospheric Administration

1 Commissioned Officer Corps may provide that an of-
2 ficer, upon the officer's request and with the ap-
3 proval of the Director, be excluded from consider-
4 ation for promotion by a personnel board convened
5 under this section.

6 “(2) APPROVAL.—The Director shall approve a
7 request made by an officer under paragraph (1) only
8 if—

9 “(A) the basis for the request is to allow
10 the officer to complete a broadening assign-
11 ment, advanced education, another assignment
12 of significant value to the Administration, a ca-
13 reer progression requirement delayed by the as-
14 signment or education, or a qualifying personal
15 or professional circumstance, as determined by
16 the Director;

17 “(B) the Director determines the exclusion
18 from consideration is in the best interest of the
19 Administration; and

20 “(C) the officer has not previously failed
21 selection for promotion to the grade for which
22 the officer requests the exclusion from consider-
23 ation.”.

1 **SEC. 233. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.**
2

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

4 (1) in subsection (c)—

5 (A) in the first sentence, by striking “The
6 Secretary shall designate one position under
7 this section” and inserting “The President shall
8 designate one position”; and

9 (B) in the second sentence, by striking
10 “That position shall be filled by” and inserting
11 “The President shall fill that position by ap-
12 pointing, by and with the advice and consent of
13 the Senate,”;

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

17 (3) by amending subsection (e) to read as fol-
18 lows:

19 “(e) **LIMIT ON NUMBER OF OFFICERS APPOINTED.**—
20 The total number of officers serving on active duty at any
21 one time in the grade of rear admiral (lower half) or above
22 may not exceed five, with only one serving in the grade
23 of vice admiral.”; and

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

1 **SEC. 234. 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 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1 of the Act entitled “An Act to authorize the
26 Hydrographic Services Improvement Act of 1998, and for

1 other purposes” (Public Law 107–372) is amended by
2 striking the item relating to section 229 and inserting the
3 following:

“Sec. 229. Temporary appointments.”.

4 **SEC. 235. OFFICER CANDIDATES.**

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

7 **“SEC. 234. OFFICER CANDIDATES.**

8 “(a) DETERMINATION OF NUMBER.—The Secretary
9 shall determine the number of appointments of officer can-
10 didates.

11 “(b) APPOINTMENT.—Appointment of officer can-
12 didates shall be made under regulations, which the Sec-
13 retary shall prescribe, including regulations with respect
14 to determining age limits, methods of selection of officer
15 candidates, term of service as an officer candidate before
16 graduation from the basic officer training program of the
17 Administration, and all other matters affecting such ap-
18 pointment.

19 “(c) DISMISSAL.—The Secretary may dismiss from
20 the basic officer training program of the Administration
21 any officer candidate who, during the officer candidate’s
22 term as an officer candidate, the Secretary considers un-
23 satisfactory in either academics or conduct, or not adapted
24 for a career in the commissioned officer corps of the Ad-
25 ministration. Officer candidates shall be subject to rules

1 governing discipline prescribed by the Director of the Na-
2 tional Oceanic and Atmospheric Administration Commis-
3 sioned Officer Corps.

4 “(d) AGREEMENT.—

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

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

13 “(A) That the officer candidate will com-
14 plete the course of instruction at the basic offi-
15 cer training program of the Administration.

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

18 “(i) will accept an appointment, if
19 tendered, as an officer; and

20 “(ii) will serve on active duty for at
21 least four years immediately after such ap-
22 pointment.

23 “(e) REGULATIONS.—The Secretary shall prescribe
24 regulations to carry out this section. Such regulations
25 shall include—

1 “(1) standards for determining what constitutes
 2 a breach of an agreement signed under subsection
 3 (d)(1); and

4 “(2) procedures for determining whether such a
 5 breach has occurred.

6 “(f) REPAYMENT.—An officer candidate or former
 7 officer candidate who does not fulfill the terms of the obli-
 8 gation to serve as specified under subsection (d) shall be
 9 subject to the repayment provisions of section 216(b).”.

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) is amended by in-
 14 serting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

15 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
 16 (33 U.S.C. 3002(b)) is amended—

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

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

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

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

4 “(f)(1) An officer candidate enrolled in the basic offi-
5 cer training program of the commissioned officer corps of
6 the National Oceanic and Atmospheric Administration is
7 entitled, while participating in such program, to monthly
8 officer candidate pay at monthly rates equal to the basic
9 pay of an enlisted member in the pay grade E–5 with less
10 than two years of service.

11 “(2) An individual who graduates from such program
12 shall receive credit for the time spent participating in such
13 program as if such time were time served while on active
14 duty as a commissioned officer. If the individual does not
15 graduate from such program, such time shall not be con-
16 sidered creditable for active duty or pay.”.

17 **SEC. 236. PROCUREMENT OF PERSONNEL.**

18 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
19 seq.), as amended by section 235(a), is further amended
20 by adding at the end the following:

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

22 “The Secretary may make such expenditures as the
23 Secretary considers necessary in order to obtain recruits
24 for the commissioned officer corps of the Administration,
25 including advertising.”.

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 235(b), is further amended by inserting after the
 6 item relating to section 234 the following:

“235. Procurement of personnel.”.

7 **SEC. 237. CAREER INTERMISSION PROGRAM.**

8 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
 9 seq.), as amended by section 236(a), is further amended
 10 by adding at the end the following:

11 **“SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION**
 12 **OF OFFICERS.**

13 “(a) PROGRAMS AUTHORIZED.—The Secretary may
 14 carry out a program under which officers may be inac-
 15 tivated from active duty in order to meet personal or pro-
 16 fessional needs and returned to active duty at the end of
 17 such period of inactivation from active duty.

18 “(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY;
 19 EFFECT OF INACTIVATION.—

20 “(1) IN GENERAL.—The period of inactivation
 21 from active duty under a program under this section
 22 of an officer participating in the program shall be
 23 such period as the Secretary shall specify in the
 24 agreement of the officer under subsection (c), except
 25 that such period may not exceed three years.

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

6 “(c) AGREEMENT.—Each officer who participates in
7 a program under this section shall enter into a written
8 agreement with the Secretary under which that officer
9 shall agree as follows:

10 “(1) To undergo during the period of the inac-
11 tivation of the officer from active duty under the
12 program such inactive duty training as the Director
13 of the National Oceanic and Atmospheric Adminis-
14 tration Commissioned Officer Corps shall require in
15 order to ensure that the officer retains proficiency,
16 at a level determined by the Director to be suffi-
17 cient, in the technical skills, professional qualifica-
18 tions, and physical readiness of the officer during
19 the inactivation of the officer from active duty.

20 “(2) Following completion of the period of the
21 inactivation of the officer from active duty under the
22 program, to serve two months on active duty for
23 each month of the period of the inactivation of the
24 officer from active duty under the program.

1 “(d) CONDITIONS OF RELEASE.—The Secretary
2 shall—

3 “(1) prescribe regulations specifying the guide-
4 lines regarding the conditions of release that must
5 be considered and addressed in the agreement re-
6 quired by subsection (c); and

7 “(2) at a minimum, prescribe the procedures
8 and standards to be used to instruct an officer on
9 the obligations to be assumed by the officer under
10 paragraph (1) of such subsection while the officer is
11 released from active duty.

12 “(e) ORDER TO ACTIVE DUTY.—Under regulations
13 prescribed by the Secretary, an officer participating in a
14 program under this section may, in the discretion of the
15 Secretary, be required to terminate participation in the
16 program and be ordered to active duty.

17 “(f) PAY AND ALLOWANCES.—

18 “(1) BASIC PAY.—During each month of par-
19 ticipation in a program under this section, an officer
20 who participates in the program shall be paid basic
21 pay in an amount equal to two-thirtieths of the
22 amount of monthly basic pay to which the officer
23 would otherwise be entitled under section 204 of title
24 37, United States Code, as a member of the uni-
25 formed services on active duty in the grade and

1 years of service of the officer when the officer com-
2 mences participation in the program.

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

4 “(A) PROHIBITION.—An officer who par-
5 ticipates in a program under this section shall
6 not, while participating in the program, be paid
7 any special or incentive pay or bonus to which
8 the officer is otherwise entitled under an agree-
9 ment under chapter 5 of title 37, United States
10 Code, that is in force when the officer com-
11 mences participation in the program.

12 “(B) NOT TREATED AS FAILURE TO PER-
13 FORM SERVICES.—The inactivation from active
14 duty of an officer participating in a program
15 under this section shall not be treated as a fail-
16 ure of the officer to perform any period of serv-
17 ice required of the officer in connection with an
18 agreement for a special or incentive pay or
19 bonus under chapter 5 of title 37, United
20 States Code, that is in force when the officer
21 commences participation in the program.

22 “(3) RETURN TO ACTIVE DUTY.—

23 “(A) SPECIAL OR INCENTIVE PAY OR
24 BONUS.—Subject to subparagraph (B), upon
25 the return of an officer to active duty after

1 completion by the officer of participation in a
2 program under this section—

3 “(i) any agreement entered into by
4 the officer under chapter 5 of title 37,
5 United States Code, for the payment of a
6 special or incentive pay or bonus that was
7 in force when the officer commenced par-
8 ticipation in the program shall be revived,
9 with the term of such agreement after re-
10 vival being the period of the agreement re-
11 maining to run when the officer com-
12 menced participation in the program; and

13 “(ii) any special or incentive pay or
14 bonus shall be payable to the officer in ac-
15 cordance with the terms of the agreement
16 concerned for the term specified in clause
17 (i).

18 “(B) LIMITATION.—

19 “(i) IN GENERAL.—Subparagraph (A)
20 shall not apply to any special or incentive
21 pay or bonus otherwise covered by that
22 subparagraph with respect to an officer if,
23 at the time of the return of the officer to
24 active duty as described in that subpara-
25 graph—

1 “(I) such pay or bonus is no
2 longer authorized by law; or

3 “(II) the officer does not satisfy
4 eligibility criteria for such pay or
5 bonus as in effect at the time of the
6 return of the officer to active duty.

7 “(ii) PAY OR BONUS CEASES BEING
8 AUTHORIZED.—Subparagraph (A) shall
9 cease to apply to any special or incentive
10 pay or bonus otherwise covered by that
11 subparagraph with respect to an officer if,
12 during the term of the revived agreement
13 of the officer under subparagraph (A)(i),
14 such pay or bonus ceases being authorized
15 by law.

16 “(C) REPAYMENT.—An officer who is in-
17 eligible for payment of a special or incentive
18 pay or bonus otherwise covered by this para-
19 graph by reason of subparagraph (B)(i)(II)
20 shall be subject to the requirements for repay-
21 ment of such pay or bonus in accordance with
22 the terms of the applicable agreement of the of-
23 ficer under chapter 5 of title 37, United States
24 Code.

1 “(D) REQUIRED SERVICE IS ADDI-
2 TIONAL.—Any service required of an officer
3 under an agreement covered by this paragraph
4 after the officer returns to active duty as de-
5 scribed in subparagraph (A) shall be in addition
6 to any service required of the officer under an
7 agreement under subsection (c).

8 “(4) TRAVEL AND TRANSPORTATION ALLOW-
9 ANCE.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), an officer who participates in a pro-
12 gram under this section is entitled, while par-
13 ticipating in the program, to the travel and
14 transportation allowances authorized by section
15 474 of title 37, United States Code, for—

16 “(i) travel performed from the resi-
17 dence of the officer, at the time of release
18 from active duty to participate in the pro-
19 gram, to the location in the United States
20 designated by the officer as the officer’s
21 residence during the period of participation
22 in the program; and

23 “(ii) travel performed to the residence
24 of the officer upon return to active duty at

1 the end of the participation of the officer
2 in the program.

3 “(B) SINGLE RESIDENCE.—An allowance
4 is payable under this paragraph only with re-
5 spect to travel of an officer to and from a single
6 residence.

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

13 “(g) PROMOTION.—

14 “(1) IN GENERAL.—An officer participating in
15 a program under this section shall not, while partici-
16 pating in the program, be eligible for consideration
17 for promotion under subtitle B.

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

22 “(A) the Secretary may adjust the date of
23 rank of the officer in such manner as the Sec-
24 retary shall prescribe in regulations for pur-
25 poses of this section; and

1 “(B) the officer shall be eligible for consid-
 2 eration for promotion when officers of the same
 3 competitive category, grade, and seniority are
 4 eligible for consideration for promotion.

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

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

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

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), as amended by
 19 section 236(b), is further amended by inserting after the
 20 item relating to section 235 the following:

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

21 **Subtitle D—Separation and** 22 **Retirement of Officers**

23 **SEC. 241. INVOLUNTARY RETIREMENT OR SEPARATION.**

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

1 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
2 FOR MEDICAL REASONS.—

3 “(1) IN GENERAL.—If the Secretary determines
4 that the evaluation of the medical condition of an of-
5 ficer requires hospitalization or medical observation
6 that cannot be completed with confidence in a man-
7 ner consistent with the officer’s well-being before the
8 date on which the officer would otherwise be re-
9 quired to retire or be separated under this section,
10 the Secretary may defer the retirement or separation
11 of the officer.

12 “(2) CONSENT REQUIRED.—A deferment may
13 only be made with the written consent of the officer
14 involved. If the officer does not provide written con-
15 sent to the deferment, the officer shall be retired or
16 separated as scheduled.

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

22 **SEC. 242. SEPARATION PAY.**

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

1 “(d) EXCEPTION.—An officer discharged for twice
 2 failing selection for promotion to the next higher grade
 3 is not entitled to separation pay under this section if the
 4 officer—

5 “(1) expresses a desire not to be selected for
 6 promotion; or

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

9 **TITLE III—OTHER NATIONAL**
 10 **OCEANIC AND ATMOSPHERIC**
 11 **ADMINISTRATION MATTERS**

12 **SEC. 301. CHARTING AND SURVEY SERVICES.**

13 (a) IN GENERAL.—Not later than 270 days after the
 14 development of the strategy required by section 1002(b)
 15 of the Frank LoBiondo Coast Guard Authorization Act
 16 of 2018 (33 U.S.C. 892a note), the Secretary of Com-
 17 merce shall enter into not fewer than 2 multi-year con-
 18 tracts with one or more private entities for the perform-
 19 ance of charting and survey services by vessels.

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

1 **SEC. 302. LEASES AND CO-LOCATION AGREEMENTS.**

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

11 (b) ENTITIES DESCRIBED.—An entity described in
12 this subsection is—

13 (1) the government of any State, territory, pos-
14 session, or locality of the United States;

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

18 (3) any subdivision of—

19 (A) a government described in paragraph
20 (1); or

21 (B) an organization described in paragraph
22 (2); or

23 (4) any organization that is—

24 (A) organized under the laws of the United
25 States or any jurisdiction within the United
26 States; and

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

4 (c) FISCAL YEAR LIMITATION.—The obligation of
 5 amounts for leases and agreements executed under sub-
 6 section (a) is limited to the fiscal year for which payments
 7 are due, without regard to sections 1341(a)(1),
 8 1501(a)(1), 1502(a), and 1517(a) of title 31, United
 9 States Code.

10 (d) COLLABORATION AGREEMENTS.—Upon the exe-
 11 cution of a lease or agreement authorized by subsection
 12 (a) with an entity, the Administrator may enter into
 13 agreements with the entity to collaborate or engage in
 14 projects or programs on matters of mutual interest for pe-
 15 riods not to exceed the term of the lease or agreement.
 16 The cost of such agreements shall be apportioned equi-
 17 tably, as determined by the Administrator.

18 **SEC. 303. SATELLITE AND DATA MANAGEMENT.**

19 Section 301(d) of the Weather Research and Fore-
 20 casting Innovation Act of 2017 (15 U.S.C. 8531(d)) is
 21 amended—

22 (1) in paragraph (1)—

23 (A) by striking “data and satellite sys-
 24 tems” and inserting “data, satellite, and other
 25 observing systems”; and

1 (B) by striking “to carry out” and all that
 2 follows and inserting the following: “to carry
 3 out—

4 “(A) basic, applied, and advanced research
 5 projects, and ocean exploration missions; or

6 “(B) any other type of project to meet
 7 other mission objectives, as determined by the
 8 Under Secretary.”;

9 (2) in paragraph (2)—

10 (A) in subparagraph (B)—

11 (i) in clause (i), by striking “sat-
 12 ellites” and all that follows and inserting
 13 “systems, including satellites, instrumenta-
 14 tion, ground stations, data, data archiving,
 15 and data processing;”; and

16 (ii) in clause (iii)—

17 (I) by striking “only”; and

18 (II) by striking “be met” and all
 19 that follows through the period at the
 20 end and inserting “reasonably or ap-
 21 propriately be met with the use of a
 22 standard contract, grant or coopera-
 23 tive agreement.”; and

24 (B) by adding at the end the following:

1 “(C) ADVANCE PAYMENTS.—The authority
2 provided under paragraph (1) may be exercised
3 without regard to section 3324 of title 31,
4 United States Code.”; and
5 (3) in paragraph (3), by striking “2023” and
6 inserting “2030”.

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