

Stat. 4108; Pub. L. 116-259, title I, §102(a), Dec. 23, 2020, 134 Stat. 1155.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 853a of this title prior to repeal by Pub. L. 107-372.

AMENDMENTS

2020—Pub. L. 116-259 amended section generally. Prior to amendment, section related to number of authorized commissioned officers effective Oct. 1, 2009.

2008—Pub. L. 110-386 amended section generally. Prior to amendment, section read as follows: “There are authorized to be on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration—

- “(1) 270 officers for fiscal year 2003;
- “(2) 285 officers for fiscal year 2004; and
- “(3) 299 officers for fiscal year 2005.”

§ 3006. Obligated service requirement

(a) In general

(1) Regulations

The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

(2) Written agreements

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

(b) Repayment for failure to satisfy requirements

(1) In general

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

(2) Obligation as debt to United States

An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

(3) Discharge in bankruptcy

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

(c) Waiver or suspension of compliance

The Secretary may waive the service obligation of an officer who—

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

(2) is—

(A) not physically qualified for appointment; and

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

(Pub. L. 107-372, title II, §216, as added Pub. L. 116-259, title I, §103(a), Dec. 23, 2020, 134 Stat. 1155.)

§ 3007. Training and physical fitness

(a) Training

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

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

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

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

(b) Physical fitness

The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.

(Pub. L. 107-372, title II, §217, as added Pub. L. 116-259, title I, §104(a), Dec. 23, 2020, 134 Stat. 1156.)

§ 3008. Aviation accession training programs

(a) Definitions

In this section:

(1) Administrator

The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(2) Member of the program

The term “member of the program” means a student who is enrolled in the program.

(3) Program

The term “program” means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

(b) Aviation accession training programs

(1) Establishment authorized

The Administrator, under regulations prescribed by the Secretary, shall establish and