

(e) Repayment of unearned portion of financial assistance when conditions of payment not met

(1) In general

A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

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

(B) against equity and good conscience; or

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

(2) Regulations

The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

(3) Obligation as debt to United States

An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.

(Pub. L. 107-372, title II, §218, as added Pub. L. 116-259, title I, §105(a), Dec. 23, 2020, 134 Stat. 1157.)

§ 3009. Use of recruiting materials for public relations

The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.

(Pub. L. 107-372, title II, §219, as added Pub. L. 116-259, title I, §106(a), Dec. 23, 2020, 134 Stat. 1159.)

SUBCHAPTER II—APPOINTMENT AND PROMOTION OF OFFICERS

§ 3021. Original appointments and reappointments

(a) Original appointments

(1) Grades

(A) In general

Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

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

(ii) the commissioned officer corps of the Administration.

(B) Appointment of officer candidates

(i) Limitation on grade

An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

(ii) Rank

Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

(2) Source of appointments

An original appointment may be made from among the following:

(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

(B) Subject to the approval of the Secretary of Defense, graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

(C) Graduates of the State maritime academies who—

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

(ii) completed at least three years of regimented training while at a State maritime academy; and

(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

(3) Definitions

In this subsection:

(A) Military service academies of the United States

The term “military service academies of the United States” means the following: