

(g) Initial clothing allowance**(1) Training**

The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

(2) Appointment

Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

(h) Termination of financial assistance**(1) In general**

The Secretary shall terminate the assistance provided to a person under this section if—

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

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

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

(2) Reimbursement

The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

(3) Waiver

The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

(A) 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 person; or

(B) is—

(i) not physically qualified for appointment; and

(ii) 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 person's own misconduct or grossly negligent conduct.

(4) Obligation as debt to United States

An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

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

(i) Regulations

The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

(j) Concurrent completion of service obligations

A service obligation under this section may be completed concurrently with a service obligation under section 3006 of this title.

(Pub. L. 107-372, title II, §269, as added Pub. L. 116-259, title II, §203(a), Dec. 23, 2020, 134 Stat. 1163.)

§ 3079-1. Limitation on educational assistance**(a) In general**

Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 3077 of this title (as added by section 201(a)), section 3078 of this title (as added by section 202(a)), and section 3079 of this title (as added by section 203(a)) does not exceed the amount by which—

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

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

(b) Officer candidate defined

In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 3002(b) of this title, as added by section 305(c).

(Pub. L. 116-259, title II, §204, Dec. 23, 2020, 134 Stat. 1165.)

Editorial Notes**REFERENCES IN TEXT**

The fiscal year in which this Act is enacted, referred to in subsec. (a), means the fiscal year in which Pub. L. 116-259, which added this section, was enacted. Pub. L. 116-259 was approved Dec. 23, 2020.

Sections 201(a), 202(a), 203(a), and 305 (c) and (d), referred to in text, mean those respective sections of Pub. L. 116-259.

CODIFICATION

Section was enacted as part of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020, and not as part of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 which comprises this chapter.

§ 3079a. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions**(a) In general**

In any case in which the Secretary accepts an application for a position of employment with