

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

(d) Maximum benefit

Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

(e) Coordination with Secretary of Education

(1) In general

The Secretary shall consult with the Secretary of Education regarding the administration of this section.

(2) Reimbursement authorized

The Secretary is authorized to reimburse the Secretary of Education—

(A) for the funds necessary to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j));¹ and

(B) for any reasonable administrative costs incurred by the Secretary of Education in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

(f) Special allowance defined

In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).

(Pub. L. 107–372, title II, §268, as added Pub. L. 116–259, title II, §202(a), Dec. 23, 2020, 134 Stat. 1162.)

Editorial Notes

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (c) and (e)(2)(B), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Parts B, D, and E of title IV of the Act are classified generally to parts B (§1071 et seq.), D (§1087a et seq.), and E (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see section 1 of Pub. L. 89–329, set out as a Short Title note under section 1001 of Title 20 and Tables.

§ 3079. Student pre-commissioning education assistance program

(a) Authority to provide financial assistance

For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

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

(2) a postbaccalaureate degree.

(b) Eligible persons

(1) In general

A person is eligible to obtain financial assistance under subsection (a) if the person—

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

(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

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

(2) Agreement

A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

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

(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

(i) up to three years if the person received less than three years of assistance; and

(ii) up to five years if the person received at least three years of assistance.

(c) Qualifying expenses

Expenses for which financial assistance may be provided under subsection (a) are the following:

(1) Tuition and fees charged by the educational institution involved.

(2) The cost of educational materials.

(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

(4) Such other expenses as the Secretary considers appropriate.

(d) Limitation on amount

The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

(e) Duration of assistance

Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

(f) Subsistence allowance

(1) In general

A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

(2) Determination of amount

The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10.

¹ So in original. The semicolon probably should be preceded by a third closing parenthesis.

(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