

(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.

(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 the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of the Administration for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

(b) Career appointments

If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

(c) Competitive service defined

In this section, the term “competitive service” has the meaning given the term in section 2102 of title 5.

(Pub. L. 107–372, title II, § 269A, as added Pub. L. 116–259, title II, § 209(a), Dec. 23, 2020, 134 Stat. 1168.)

§ 3079b. Shore leave for professional mariners

(a) In general

The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5.

(b) Requirements

The regulations prescribed under subsection (a) shall—

- (1) require that a professional mariner serving aboard an ocean-going vessel be granted a leave of absence of 4 days per pay period; and
- (2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between such mariner’s temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

(c) Professional mariner defined

In this section, the term “professional mariner” means an individual employed on a vessel

of the Administration who has the necessary expertise to serve in the engineering, deck, steward, electronic technician, or survey department.

(Pub. L. 107–372, title II, § 269B, as added Pub. L. 117–263, div. K, title CXVII, § 11706(a), Dec. 23, 2022, 136 Stat. 4157.)

CHAPTER 44—OCEANS AND HUMAN HEALTH

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§ 3101. Interagency oceans and human health research program

(a) Coordination

The President, through the National Science and Technology Council, shall coordinate and support a national research program to improve understanding of the role of the oceans in human health.

(b) Implementation plan

Within 1 year after December 8, 2004, the National Science and Technology Council, through the Director of the Office of Science and Technology Policy shall develop and submit to the Congress a plan for coordinated Federal activities under the program. Nothing in this subsection is intended to duplicate or supersede the activities of the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia established under section 4001¹ of this title. In developing the plan, the Committee will consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. Such plan will build on and complement the ongoing activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other departments and agencies and shall—

(1) establish, for the 10-year period beginning in the year it is submitted, the goals and priorities for Federal research which most effectively advance scientific understanding of the connections between the oceans and human health, provide usable information for the prediction of marine-related public health problems and use the biological potential of the oceans for development of new treatments of human diseases and a greater understanding of human biology;

(2) describe specific activities required to achieve such goals and priorities, including the funding of competitive research grants, ocean and coastal observations, training and support for scientists, and participation in international research efforts;

(3) identify and address, as appropriate, relevant programs and activities of the Federal agencies and departments that would contribute to the program;

(4) identify alternatives for preventive unnecessary duplication of effort among Federal agencies and departments with respect to the program;

¹ See References in Text note below.