

tration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

(d) Agreement

(1) In general

Each officer candidate shall sign an agreement with the Secretary in accordance with section 3006(a)(2) of this title regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

(2) Elements

An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

- (A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.
- (B) That upon graduation from such program, the officer candidate—
 - (i) will accept an appointment, if tendered, as an officer; and
 - (ii) will serve on active duty for at least four years immediately after such appointment.

(e) Regulations

The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

- (1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and
- (2) procedures for determining whether such a breach has occurred.

(f) Repayment

An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 3006(b) of this title.

(Pub. L. 107-372, title II, § 234, as added Pub. L. 116-259, title III, § 305(a), Dec. 23, 2020, 134 Stat. 1172.)

§ 3035. Procurement of personnel

The Secretary may take such measures as the Secretary determines necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.

(Pub. L. 107-372, title II, § 235, as added Pub. L. 116-259, title III, § 306(a), Dec. 23, 2020, 134 Stat. 1174.)

§ 3036. Career flexibility to enhance retention of officers

(a) Programs authorized

The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(b) Period of inactivation from active duty; effect of inactivation

(1) In general

The period of inactivation from active duty under a program under this section of an offi-

cer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

(2) Exclusion from retirement

Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subchapter III.

(c) Agreement

Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

- (1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

- (2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

(d) Conditions of release

The Secretary shall—

- (1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and
- (2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

(e) Order to active duty

Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

(f) Pay and allowances

(1) Basic pay

During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

(2) Special or incentive pay or bonus

(A) Prohibition

An officer who participates in a program under this section shall not, while partici-