

**§ 3032. Service credit as deck officer or junior engineer for promotion purposes**

For purposes of promotion, there shall be counted in addition to active commissioned service, service as deck officer or junior engineer.

(Pub. L. 107-372, title II, §232, Dec. 19, 2002, 116 Stat. 3088.)

**Editorial Notes**

CODIFICATION

Provisions similar to this section are contained in section 854a of this title.

**§ 3033. Suspension during war or emergency**

In time of emergency declared by the President or by the Congress, and in time of war, the President is authorized, in the President's discretion, to suspend the operation of all or any part of the provisions of law pertaining to promotion of commissioned officers of the Administration.

(Pub. L. 107-372, title II, §233, Dec. 19, 2002, 116 Stat. 3088.)

**Editorial Notes**

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 853i(b) of this title prior to repeal by Pub. L. 107-372.

**§ 3034. Officer candidates**

**(a) Determination of number**

The Secretary shall determine the number of appointments of officer candidates.

**(b) Appointment**

Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

**(c) Dismissal**

The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. 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 officer 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.