

Public Law 96-215
96th Congress

An Act

Mar. 25, 1980

[S. 1454]

To authorize the voluntary interservice transfer of officers between the commissioned corps of the National Oceanic and Atmospheric Administration and the Armed Forces, to authorize advance payments of pay and allowances to officers of such corps under the same conditions that apply to advance payments to members of the Armed Forces, and to provide officers of such corps the same unemployment compensation benefits that apply to members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Act of August 10, 1956 (70A Stat. 619; 33 U.S.C. 857a(a)), is amended by adding at the end thereof the following new clause:

Armed Forces
and NOAA,
transfer of
personnel.
Authorization of
benefits.

“(13) Section 716, Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration.”

SEC. 2. (a) Section 716 of title 10, United States Code, is amended to read as follows:

“§716. Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration

“(a) Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from his armed force or from the National Oceanic and Atmospheric Administration to, and appoint him in, another armed force or the National Oceanic and Atmospheric Administration. The Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Commerce shall jointly establish, by regulations approved by the President, policies, and procedures for such transfers and appointments.

Regulations.

“(b) An officer transferred under this section—

“(1) may not be assigned precedence or relative rank higher than that which he held on the day before his transfer; and

“(2) shall be credited for retirement and pay purposes with the same years of service with which he has been credited on the day before his transfer.”

(b) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

“716. Commissioned officers: transfers between armed forces and to and from National Oceanic and Atmospheric Administration.”

SEC. 3. Section 1006 of title 37, United States Code, is amended—

Advance
payments.

(1) by striking out “an armed force or of the Public Health Service” in subsection (a), (b), and (c) and inserting in lieu thereof “a uniformed service”;

(2) by striking out “members of the armed forces or of the Public Health Service” in subsection (c) and inserting in lieu thereof “members of the uniformed services”;

(3) by striking out “from his armed force or from the Public Health Service” in subsection (d) and inserting in lieu thereof “from his uniformed service”;

(4) by striking out "armed forces and the Public Health Service" in subsection (e) and inserting in lieu thereof "uniformed services"; and

(5) by striking out "an armed force or of the Public Health Service" in subsection (h) and inserting in lieu thereof "a uniformed service".

SEC. 4. (a) Subparagraph (B) of section 8501(1) of title 5, United States Code, is amended to read as follows:

"(B) as a member of the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;"

(b) Paragraph (1) of section 8521(a) of title 5, United States Code, is amended by inserting "or the Commissioned Corps of the National Oceanic and Atmospheric Administration" after "armed forces".

5 USC 8501 note.

(c) The amendments made by this section shall apply with respect to assignments of services and wages pursuant to any first claim (for a benefit year) which is filed after the date of the enactment of this Act.

Approved March 25, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-539, pt. 1 (Comm. on Ways and Means), No. 96-539, pt. 2 (Comm. on Merchant Marine and Fisheries), and No. 96-539, pt. 3 (Comm. on Armed Services).

SENATE REPORT No. 96-297 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:

Vol. 125 (1979): Sept. 6, considered and passed Senate.

Dec. 20, considered and passed House, amended.

Vol. 126 (1980): Mar. 11, Senate concurred in House amendments.