

117TH CONGRESS
1ST SESSION

H. R. 4935

To amend title 10, United States Code, to clarify the roles of surface warfare officers of the Navy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Mr. WITTMAN (for himself and Mr. GALLAGHER) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to clarify the roles of surface warfare officers of the Navy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Warfare Offi-
5 cer Leadership Enhancement Act” or the “SWOLE Act”.

6 **SEC. 2. SURFACE WARFARE OFFICERS OF THE NAVY.**

7 (a) SURFACE WARFARE OFFICERS CAREER
8 PATHS.—

1 (1) IN GENERAL.—Chapter 815 of title 10,
2 United States Code, is amended by inserting after
3 section 8139 the following new section:

4 **“§ 8140. Regular Navy: officers designated for surface**
5 **warfare**

6 “Any person originally commissioned as a surface
7 warfare officer in the Navy on or after January 1, 2023,
8 shall be assigned to one of the following career paths:

9 “(1) Ship engineering systems.

10 “(2) Ship operations and combat systems.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of such chapter is amended
13 by inserting after the item relating to section 8139
14 the following new item:

“8140. Regular Navy: officers designated for surface warfare.”.

15 (b) INDEPENDENT ASSESSMENT OF RETENTION OF
16 FEMALE SURFACE WARFARE OFFICERS.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall seek to enter into an agreement with a non-
19 profit entity or a federally funded research and de-
20 velopment center independent of the Department of
21 Defense to conduct research and analysis on the
22 gender gap in retention of surface warfare officers
23 in the Navy.

(2) ELEMENTS.—The research and analysis conducted under paragraph (1) shall include consideration of the following:

(A) Demographics of surface warfare officers, disaggregated by gender, including—

(i) race;

(ii) ethnicity;

(iii) socioeconomic status;

(iv) marital status (including whether the spouse is a member of the Armed Forces and, if so, the length of service of such spouse);

(v) whether the officer has children (including number and age or ages of children);

(vi) whether an immediate family member serves or has served as a member of the Armed Forces; and

(vii) the percentage of such officers who—

(I) indicate an intent to complete only an initial service agreement; and

(II) complete only an initial service agreement.

1 (B) Whether there is a correlation between
2 the number of female surface warfare officers
3 serving on a vessel and responses of such offi-
4 cers to command climate surveys.

5 (C) An anonymous but traceable study of
6 command climate results to—

7 (i) correlate responses from particular
8 female surface warfare officers with res-
9 ignation; and

10 (ii) compare attitudes of first-tour and
11 second-tour female surface warfare offi-
12 cers.

13 (D) Recommendations based on the find-
14 ings under subparagraphs (A), (B), and (C).

15 (3) REPORTS.—

16 (A) IN GENERAL.—Not later than 270
17 days after the date on which a nonprofit entity
18 or federally funded research and development
19 center enters into an agreement under para-
20 graph (1) with the Secretary of Defense, such
21 entity or center shall submit to the Secretary of
22 Defense a report on the results of the research
23 and analysis under paragraph (1).

24 (B) SUBMISSION TO CONGRESS.—Not later
25 than one year after the date of the enactment

1 of this Act, the Secretary of Defense shall sub-
2 mit to the congressional defense committees
3 each of the following:

4 (i) A copy of the report submitted
5 under subparagraph (A) without change.

6 (ii) Any comments, changes, rec-
7 ommendations, or other information pro-
8 vided by the Secretary of Defense relating
9 to the research and analysis under para-
10 graph (1) and contained in such report.

11 (c) LIMITATION ON TRAINING OF SURFACE WAR-
12 FARE OFFICERS.—

13 (1) IN GENERAL.—Of the funds authorized to
14 be appropriated or otherwise made available in fiscal
15 year 2022, the Secretary of the Navy shall not ex-
16 pend more than 75 percent of the funds authorized
17 to be appropriated for Ship Operations, Operation
18 and Maintenance, Navy, until the date on which the
19 Secretary submits to the congressional defense com-
20 mittees the certification under paragraph (2) and
21 the report under paragraph (3).

22 (2) CERTIFICATION.—

23 (A) IN GENERAL.—Certification under this
24 subparagraph is a certification in writing to the
25 Congressional defense committees that the Sec-

1 retary of the Navy has established standards
2 and procedures (subject to subparagraph (B))
3 by which a member of the Navy can receive—

4 (i) a merchant mariner credential with
5 a national officer endorsement officer sec-
6 tion 10.109(a) of title 46, Code Federal
7 Regulations, as in effect on the date of the
8 enactment of the National Defense Author-
9 ization Act for Fiscal Year 2022;

10 (ii) a national rating endorsement
11 under section subsection (b) or (c) of sec-
12 tion 10.109 of such title; or

13 (iii) a Standards of Training, Certifi-
14 cation, and Watchkeeping endorsement
15 under section 10.109(d) of such title.

16 (B) STRINGENCY.—In no case shall the
17 standards described in subparagraph (A) be less
18 stringent than the standards applied by the
19 Army, Military Sealift Command, or Coast
20 Guard vessel operators.

21 (3) REPORT.—Concurrent with the certification
22 under paragraph (2), the Secretary of the Navy shall
23 submit to the congressional defense committees a re-
24 port that updates the military-to-mariner transition
25 provided in response to section 568 of the National

1 Defense Authorization Act for Fiscal Year 2017
2 (Public Law 114–328) that includes—

3 (A) a description of how the training pro-
4 gram for surface warfare officers exceeds the
5 minimum requirements for a merchant mariner
6 credential with an appropriate endorsement;

7 (B) a list of the proposed naval curriculum
8 courses that have been submitted to the Na-
9 tional Maritime Center for course credentialing;
10 and

11 (C) a timeline for—

12 (i) all Navy seagoing personnel to re-
13 ceive merchant mariner credentials with
14 national officer and ratings endorsements;
15 and

16 (ii) 50 percent of such personnel to
17 receive such credential with Standards of
18 Training, Certification, and Watchkeeping
19 endorsement.

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