

(Pub. L. 107-372, title II, §222, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

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

§ 3023. Promotion of ensigns to grade of lieutenant (junior grade)

(a) In general

An officer in the permanent grade of ensign shall be promoted to and appointed in the grade of lieutenant (junior grade) upon completion of three years of service. The authorized number of officers in the grade of lieutenant (junior grade) shall be temporarily increased as necessary to authorize such appointment.

(b) Separation of ensigns found not fully qualified

If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer's commission shall be revoked and the officer shall be separated from the commissioned service.

(Pub. L. 107-372, title II, §223, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

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

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Secretary of Commerce by section 1(a) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

§ 3024. Promotion by selection to permanent grades above lieutenant (junior grade)

Promotion to fill vacancies in each permanent grade above the grade of lieutenant (junior grade) shall be made by selection from the next lower grade upon recommendation of the personnel board.

(Pub. L. 107-372, title II, §224, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

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

§ 3025. Length of service for promotion purposes

(a) General rule

Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any other officer below that officer on the lineal list.

(b) Exception

Notwithstanding subsection (a) of this section, an officer who has lost numbers shall be assumed to have, for promotion purposes, no greater service than the officer next above such officer in such officer's new position on the lineal list.

(Pub. L. 107-372, title II, §225, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

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

§ 3026. Appointments and promotions to permanent grades

Appointments in and promotions to all permanent grades shall be made by the President, by and with the advice and consent of the Senate.

(Pub. L. 107-372, title II, §226, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

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

§ 3027. General qualification of officers for promotion to higher permanent grade

No officer may be promoted to a higher permanent grade on the active list until the officer has passed a satisfactory mental and physical examination in accordance with regulations prescribed by the Secretary.

(Pub. L. 107-372, title II, §227, Dec. 19, 2002, 116 Stat. 3085.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 854 of this title prior to repeal by Pub. L. 107-372.

§ 3028. Positions of importance and responsibility

(a) Designation of positions

The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that officers of the Administration, if serving in those positions, serve in the grade of vice admiral, rear admiral, or rear admiral (lower half), as designated by the Secretary for each position.

(b) Assignment of officers to designated positions

The Secretary may assign officers to positions designated under subsection (a) of this section.

(c) Director of NOAA Corps and Office of Marine and Aviation Operations

The Secretary shall designate one position under this section as responsible for oversight of the vessel and aircraft fleets and for the administration of the commissioned officer corps. That position shall be filled by an officer on the lineal list serving in or above the grade of rear admiral (lower half). For the specific purpose of administering the commissioned officer corps, that position shall carry the title of Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps. For the specific purpose of administering the vessel and aircraft fleets, that position shall carry the title of Director of the Office of Marine and Aviation Operations.

(d) Grade

(1) Temporary appointment to grade designated for position

An officer assigned to a position under this section while so serving has the grade des-

ignated for that position, if appointed to that grade by the President, by and with the advice and consent of the Senate.

(2) Reversion to permanent grade

An officer who has served in a grade above captain, upon termination of the officer's assignment to the position for which that appointment was made, shall, unless appointed or assigned to another position for which a higher grade is designated, revert to the grade and number the officer would have occupied but for serving in a grade above that of captain. In such a case, the officer shall be an extra number in that grade.

(e) Number of officers appointed

(1) Overall limit

The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed four.

(2) Limit by grade

The number of officers serving on active duty under appointments under this section may not exceed—

- (A) one in the grade of vice admiral;
- (B) two in the grade of rear admiral; and
- (C) two in the grade of rear admiral (lower half).

(f) Pay and allowances

An officer appointed to a grade under this section, while serving in that grade, shall have the pay and allowances of the grade to which appointed.

(g) Effect of appointment

An appointment of an officer under this section—

- (1) does not vacate the permanent grade held by the officer; and
- (2) creates a vacancy on the active list.

(Pub. L. 107-372, title II, § 228, Dec. 19, 2002, 116 Stat. 3086.)

PRIOR PROVISIONS

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

APPOINTMENT OF COMMISSIONED OFFICERS

Pub. L. 98-498, title III, § 320(c)(2), Oct. 19, 1984, 98 Stat. 2309, provided that: "After the date of the enactment of this Act [Oct. 19, 1984], no appointment of a commissioned officer may be made under section 2(d) or 2(f) of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.)."

§ 3029. Temporary appointments and promotions generally

(a) Ensign

Temporary appointments in the grade of ensign may be made by the President alone. Each such temporary appointment terminates at the close of the next regular session of the Congress unless the Senate sooner gives its advice and consent to the appointment.

(b) Lieutenant (junior grade)

Officers in the permanent grade of ensign may be temporarily promoted to and appointed in

the grade of lieutenant (junior grade) by the President alone whenever vacancies exist in higher grades.

(c) Any one grade

When determined by the Secretary to be in the best interest of the service, officers in any permanent grade may be temporarily promoted one grade by the President alone. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

(Pub. L. 107-372, title II, § 229, Dec. 19, 2002, 116 Stat. 3087.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 853j-1 of this title prior to repeal by Pub. L. 107-372.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Commerce by section 1(b)-(d) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

§ 3030. Temporary appointment or advancement of commissioned officers in time of war or national emergency

(a) In general

Officers of the Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency.

(b) Limitations

Subsection (a) of this section shall be applied subject to the following limitations:

(1) A commissioned officer in the service of a military department under section 3061 of this title may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to a higher rank or grade.

(2) A commissioned officer in the service of the Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under section 3061 of this title.

(3) Temporary appointments may be made in all grades to which original appointments in the Administration are authorized, except that the number of officers holding temporary appointments may not exceed the number of officers transferred to a military department under section 3061 of this title.

(Pub. L. 107-372, title II, § 230, Dec. 19, 2002, 116 Stat. 3087.)

CODIFICATION

Provisions similar to this section are contained in section 854a-1 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Secretary of Commerce by section 1(h)-(j) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.