

merce, \$2,500,000 for each of fiscal years 2008 through 2012;

(D) to the Administrator of the Environmental Protection Agency, \$2,500,000 for each of fiscal years 2008 through 2012; and

(E) to the Secretary of Agriculture, \$2,500,000 for each of fiscal years 2008 through 2012.

Such sums shall remain available until expended.

**(2) Monitoring**

There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this chapter and other information compiled under section 2906 of this title, \$1,500,000 for each of fiscal years 2001 through 2012. Such sums shall remain available until expended.

**(b) Set-aside for administrative expenses of the Council**

Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) of this section or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council.

(Pub. L. 106-457, title I, §109, Nov. 7, 2000, 114 Stat. 1965; Pub. L. 110-114, title V, §5017(g), Nov. 8, 2007, 121 Stat. 1198.)

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-114, §5017(g)(1), struck out “to the Secretary” after “appropriated” in introductory provisions, added subpars. (A) to (E), and struck out former subpars. (A) to (D) which read as follows:

- “(A) \$40,000,000 for fiscal year 2001;
- “(B) \$50,000,000 for each of fiscal years 2002 and 2003;
- “(C) \$60,000,000 for fiscal year 2004; and
- “(D) \$75,000,000 for fiscal year 2005.”

Subsec. (a)(2). Pub. L. 110-114, §5017(g)(2), inserted “and other information compiled under section 2906 of this title” after “this chapter” and substituted “2012” for “2005”.

**§ 2909. General provisions**

**(a) Agency consultation and coordination**

In carrying out this chapter, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

**(b) Cooperative agreements; memoranda of understanding**

In carrying out this chapter, the Secretary may—

- (1) enter into cooperative agreements or contracts with Federal, State, and local government agencies, nongovernmental organizations, and other entities; and
- (2) execute such memoranda of understanding as are necessary to reflect the agreements.

**(c) Federal agency facilities and personnel**

Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this chapter, and may provide facili-

ties and personnel, for the purpose of assisting the Council in carrying out its duties under this chapter.

(Pub. L. 106-457, title I, §110, Nov. 7, 2000, 114 Stat. 1966; Pub. L. 110-114, title V, §5017(h), Nov. 8, 2007, 121 Stat. 1199.)

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-114, §5017(h)(1), inserted “or contracts” after “agreements” and “, nongovernmental organizations,” after “agencies”.

Subsecs. (d), (e). Pub. L. 110-114, §5017(h)(2), struck out subsecs. (d) and (e) which related to identification and mapping of dredged material disposal sites and study of bioremediation technology, respectively.

**CHAPTER 43—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS**

SUBCHAPTER I—GENERAL PROVISIONS

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| Sec.<br>3001.<br>3002.<br>3003.<br>3004.<br>3005. | Commissioned officer corps.<br>Definitions.<br>Authorized number on the active list.<br>Strength and distribution in grade.<br>Number of authorized commissioned officers. |
|---|--|

SUBCHAPTER II—APPOINTMENT AND PROMOTION OF OFFICERS

- |   |  |
|---|--|
| 3021.<br>3022.<br>3023.<br>3024.<br>3025.<br>3026.<br>3027.<br>3028.<br>3029.<br>3030.<br>3031.<br>3032.<br>3033. | Original appointments.<br>Personnel boards.<br>Promotion of ensigns to grade of lieutenant (junior grade).<br>Promotion by selection to permanent grades above lieutenant (junior grade).<br>Length of service for promotion purposes.<br>Appointments and promotions to permanent grades.<br>General qualification of officers for promotion to higher permanent grade.<br>Positions of importance and responsibility.<br>Temporary appointments and promotions generally.<br>Temporary appointment or advancement of commissioned officers in time of war or national emergency.<br>Pay and allowances; date of acceptance of promotion.<br>Service credit as deck officer or junior engineer for promotion purposes.<br>Suspension during war or emergency. |
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SUBCHAPTER III—SEPARATION AND RETIREMENT OF OFFICERS

- |   |   |
|---|---|
| 3041.<br>3042.<br>3043.<br>3044.<br>3045.<br>3046.<br>3047.<br>3048.<br>3049. | Involuntary retirement or separation.<br>Separation pay.<br>Mandatory retirement for age.<br>Retirement for length of service.<br>Computation of retired pay.<br>Retired grade and retired pay.<br>Retired rank and pay held pursuant to other laws unaffected.<br>Continuation on active duty; deferral of retirement.<br>Recall to active duty. |
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SUBCHAPTER IV—SERVICE OF OFFICERS WITH THE MILITARY DEPARTMENTS

- |                         |  |
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| 3061.<br>3062.<br>3063. | Cooperation with and transfer to military departments.<br>Relative rank of officers when serving with Army, Navy, or Air Force.<br>Rules and regulations when cooperating with military departments. |
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SUBCHAPTER V—RIGHTS AND BENEFITS

- |       |  |
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| 3071. | Applicability of certain provisions of title 10. |
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Sec.	
3072.	Eligibility for veterans benefits and other rights, privileges, immunities, and benefits under certain provisions of law.
3073.	Medical and dental care.
3074.	Commissary privileges.
3075.	Authority to use appropriated funds for transportation and reimbursement of certain items.
3076.	Presentation of United States flag upon retirement.

#### SUBCHAPTER I—GENERAL PROVISIONS

##### § 3001. Commissioned officer corps

There shall be in the National Oceanic and Atmospheric Administration a commissioned officer corps.

(Pub. L. 107-372, title II, §211, Dec. 19, 2002, 116 Stat. 3082.)

#### SHORT TITLE

Pub. L. 107-372, title II, §201, Dec. 19, 2002, 116 Stat. 3082, provided that: “This title [enacting this chapter, amending section 1406 of Title 10, Armed Services, and section 2396 of Title 22, Foreign Relations and Inter-course, repealing sections 853a to 853l, 853o, 853p to 853r, 853t to 854, 855, 856 to 857-5, 858, 864, and 874 of this title, amending provisions set out as a note under section 1293 of Title 10, and repealing provisions set out as notes under sections 853a and 857-1 of this title and section 101 of Title 38, Veterans’ Benefits] may be cited as the ‘National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.’”

##### § 3002. Definitions

###### (a) Applicability of definitions in title 10

Except as provided in subsection (b) of this section, the definitions provided in section 101 of title 10 apply to the provisions of this chapter.

###### (b) Additional definitions

In this chapter:

###### (1) Active duty

The term “active duty” means full-time duty in the active service of a uniformed service.

###### (2) Grade

The term “grade” means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation.

###### (3) Officer

The term “officer” means an officer of the commissioned corps.

###### (4) Flag officer

The term “flag officer” means an officer serving in, or having the grade of, vice admiral, rear admiral, or rear admiral (lower half).

###### (5) Secretary

The term “Secretary” means the Secretary of Commerce.

###### (6) Administration

The term “Administration” means the National Oceanic and Atmospheric Administration.

(Pub. L. 107-372, title II, §212, Dec. 19, 2002, 116 Stat. 3082.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 107-372, Dec. 19, 2002, 116 Stat. 3082, which is classified principally to this chapter. For complete classification of this title to the Code, see Short Title note set out under section 3001 of this title and Tables.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-1 of this title prior to repeal by Pub. L. 107-372.

##### § 3003. Authorized number on the active list

###### (a) Annual strength on active list

The annual strength of the commissioned corps in officers on the lineal list of active duty officers of the corps shall be prescribed by law.

###### (b) Lineal list

The Secretary shall maintain a list, known as the “lineal list”, of officers on active duty. Officers shall be carried on the lineal list by grade and, within grade, by seniority in grade.

(Pub. L. 107-372, title II, §213, Dec. 19, 2002, 116 Stat. 3083.)

##### § 3004. Strength and distribution in grade

###### (a) Relative rank; proportion

Of the total authorized number of officers on the lineal list of the commissioned corps, there are authorized numbers in permanent grade, in relative rank with officers of the Navy, in proportions as follows:

- (1) 8 in the grade of captain.
- (2) 14 in the grade of commander.
- (3) 19 in the grade of lieutenant commander.
- (4) 23 in the grade of lieutenant.
- (5) 18 in the grade of lieutenant (junior grade).
- (6) 18 in the grade of ensign.

###### (b) Computation of number in grade

###### (1) In general

Subject to paragraph (2), whenever a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken, and if the fraction is one-half the next higher whole number shall be taken.

###### (2) Limitation on increase in total number

The total number of officers on the lineal list authorized by law may not be increased as the result of the computations prescribed in this section, and if necessary the number of officers in the lowest grade shall be reduced accordingly.

###### (c) Preservation of grade and pay, etc.

No officer may be reduced in grade or pay or separated from the commissioned corps as the result of a computation made to determine the authorized number of officers in the various grades.

###### (d) Filling of vacancies; additional numbers

Nothing in this section may be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades.