

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 858 of this title prior to repeal by Pub. L. 107-372.

## SUBCHAPTER V—RIGHTS AND BENEFITS

**§ 3071. Applicability of certain provisions of title 10****(a) Provisions made applicable to the corps**

The rules of law that apply to the Armed Forces under the following provisions of title 10, as those provisions are in effect from time to time, apply also to the commissioned officer corps of the Administration:

- (1) Chapter 40, relating to leave.
- (2) Section 533(b), relating to constructive service.
- (3) Section 716, relating to transfers between the armed forces and to and from National Oceanic and Atmospheric Administration.
- (4) Section 1035, relating to deposits of savings.
- (5) Section 1036, relating to transportation and travel allowances for escorts for dependents of members.
- (6) Section 1052, relating to reimbursement for adoption expenses.
- (7) Section 1174a, relating to special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).
- (8) Chapter 61, relating to retirement or separation for physical disability.
- (9) Chapter 69, relating to retired grade, except sections 1370, 1375, and 1376.
- (10) Chapter 71, relating to computation of retired pay.
- (11) Chapter 73, relating to annuities based on retired or retainer pay.
- (12) Subchapter II of chapter 75, relating to death benefits.
- (13) Section 2634, relating to transportation of motor vehicles for members on permanent change of station.
- (14) Sections 2731 and 2735, relating to property loss incident to service.
- (15) Section 2771, relating to final settlement of accounts of deceased members.
- (16) Such other provisions of subtitle A of that title as may be adopted for applicability to the commissioned officer corps of the National Oceanic and Atmospheric Administration by any other provision of law.

**(b) References**

The authority vested by title 10 in the “military departments”, “the Secretary concerned”, or “the Secretary of Defense” with respect to the provisions of law referred to in subsection (a) of this section shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.

(Pub. L. 107-372, title II, §261, Dec. 19, 2002, 116 Stat. 3091.)

## PRIOR PROVISIONS

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

**§ 3072. Eligibility for veterans benefits and other rights, privileges, immunities, and benefits under certain provisions of law****(a) In general**

Active service of officers of the Administration shall be deemed to be active military service for the purposes of all rights, privileges, immunities, and benefits under the following:

- (1) Laws administered by the Secretary of Veterans Affairs.
- (2) The Servicemembers Civil Relief Act [50 U.S.C. 3901 et seq.].
- (3) Section 410 of title 42, as in effect before September 1, 1950.

**(b) Exercise of authority**

In the administration of the laws and regulations referred to in subsection (a) of this section, with respect to the Administration, the authority vested in the Secretary of Defense and the Secretaries of the military departments and their respective departments shall be exercised by the Secretary of Commerce.

(Pub. L. 107-372, title II, §262, Dec. 19, 2002, 116 Stat. 3092; Pub. L. 108-189, §2(g), Dec. 19, 2003, 117 Stat. 2866.)

## REFERENCES IN TEXT

The Servicemembers Civil Relief Act, referred to in subsec. (a)(2), is act Oct. 17, 1940, ch. 888, 54 Stat. 1178, which is classified principally to chapter 50 (§3901 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 857 and 857-3(a) of this title prior to repeal by Pub. L. 107-372.

## AMENDMENTS

2003—Subsec. (a)(2). Pub. L. 108-189 amended par. (2) generally substituting “The Servicemembers Civil Relief Act” for “The Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.)”.

**§ 3073. Medical and dental care**

The Secretary may provide medical and dental care, including care in private facilities, for personnel of the Administration entitled to that care by law or regulation.

(Pub. L. 107-372, title II, §263, Dec. 19, 2002, 116 Stat. 3093.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-3(b) of this title prior to repeal by Pub. L. 107-372.

**§ 3074. Commissary privileges****(a) Extension of privilege**

Commissioned officers, ships’ officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the Armed Forces at the prices charged officers and enlisted members of the Armed Forces.

**(b) Sales of rations, stores, uniforms, and related equipment**

The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and

related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

**(c) Surviving spouses' rights**

Rights extended to members of the uniformed services in this section are extended to their surviving spouses and to such others as are designated by the Secretary concerned.

(Pub. L. 107-372, title II, §264, Dec. 19, 2002, 116 Stat. 3093.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-4 of this title prior to repeal by Pub. L. 107-372.

**§ 3075. Authority to use appropriated funds for transportation and reimbursement of certain items**

**(a) Transportation of effects of deceased officers**

In the case of an officer who dies on active duty, the Secretary may provide, from appropriations made available to the Administration, transportation (including packing, unpacking, crating, and uncrating) of personal and household effects of that officer to the official residence of record of that officer. However, upon application by the dependents of such an officer, such transportation may be provided to such other location as may be determined by the Secretary.

**(b) Reimbursement for supplies furnished by officers to distressed and shipwrecked persons**

Under regulations prescribed by the Secretary, appropriations made available to the Administration may be used to reimburse an officer for food, clothing, medicines, and other supplies furnished by the officer—

- (1) for the temporary relief of distressed persons in remote localities; or
- (2) to shipwrecked persons who are temporarily provided for by the officer.

(Pub. L. 107-372, title II, §265, Dec. 19, 2002, 116 Stat. 3093.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 874 of this title prior to repeal by Pub. L. 107-372.

**§ 3076. Presentation of United States flag upon retirement**

**(a) Presentation of flag upon retirement**

Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary shall present a United States flag to the officer.

**(b) Multiple presentations not authorized**

An officer is not eligible for presentation of a flag under subsection (a) of this section if the officer has previously been presented a flag under

this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

**(c) No cost to recipient**

The presentation of a flag under this section shall be at no cost to the recipient.

(Pub. L. 107-372, title II, §266, Dec. 19, 2002, 116 Stat. 3093.)

PRIOR PROVISIONS

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

**CHAPTER 44—OCEANS AND HUMAN HEALTH**

Sec.

- |       |   |
|-------|---|
| 3101. | Interagency oceans and human health research program.                               |
| 3102. | National Oceanic and Atmospheric Administration Oceans and Human Health Initiative. |
| 3103. | Public information and outreach.  |
| 3104. | Authorization of appropriations.  |

**§ 3101. Interagency oceans and human health research program**

**(a) Coordination**

The President, through the National Science and Technology Council, shall coordinate and support a national research program to improve understanding of the role of the oceans in human health.

**(b) Implementation plan**

Within 1 year after December 8, 2004, the National Science and Technology Council, through the Director of the Office of Science and Technology Policy shall develop and submit to the Congress a plan for coordinated Federal activities under the program. Nothing in this subsection is intended to duplicate or supersede the activities of the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia established under section 4001<sup>1</sup> of this title. In developing the plan, the Committee will consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. Such plan will build on and complement the ongoing activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other departments and agencies and shall—

- (1) establish, for the 10-year period beginning in the year it is submitted, the goals and priorities for Federal research which most effectively advance scientific understanding of the connections between the oceans and human health, provide usable information for the prediction of marine-related public health problems and use the biological potential of the oceans for development of new treatments of human diseases and a greater understanding of human biology;

- (2) describe specific activities required to achieve such goals and priorities, including the funding of competitive research grants, ocean and coastal observations, training and support for scientists, and participation in international research efforts;

<sup>1</sup> See References in Text note below.