

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 2 of 1965 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended [see now section 901 of Title 5, Government Organization and Employees]. I have also found and hereby declare that by reason of the reorganizations made by the reorganization plan, it is necessary to include in the plan provisions for the appointment and compensation of the officers of the Administration set forth in section 4 of the reorganization plan. The rate of compensation fixed for each of these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

In addition to permitting more effective management within the Department of Commerce, the new organization will ultimately produce economies. These economies will be of two types. The first, and probably the most significant, is the savings and avoidance of costs which will result from the sharing of complex and expensive facilities such as satellites, computers, communication systems, aircraft, and ships. These economies will increase in significance as developments in science and technology bring into being still more advanced equipment. Second, integration of the existing headquarters and field organizations will permit more efficient utilization of existing administrative staffs and thereby produce future economies. It is, however, impracticable to specify or itemize at this time the reductions of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the reorganization plan.

I recommend that the Congress allow the accompanying reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, May 13, 1965.

**§ 851a. Repealed. June 3, 1948, ch. 390, § 22(a), formerly § 21(a), 62 Stat. 300; renumbered § 22(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506**

Section, act Jan. 19, 1942, ch. 6, § 1, 56 Stat. 6, related to distribution of the total number of commissioned officers in rank.

**§§ 852 to 852b. Omitted**

CODIFICATION

Sections, which made provision for a Director of the Coast and Geodetic Survey and for a Deputy Director and covered their appointment, rank, pay, and allowances, have been omitted in view of 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title, which abolished such offices and transferred their functions to the Secretary of Commerce. For further details, see Transfer of Functions note set out under section 851 of this title.

Section 852, acts June 4, 1920, ch. 228, § 1, 41 Stat. 825; June 5, 1920, ch. 235, § 1, 41 Stat. 929; Feb. 16, 1929, ch. 221, § 5, 45 Stat. 1187; Mar. 18, 1936, ch. 147, 49 Stat. 1164, provided for the appointment and reappointment of the Director of the Coast and Geodetic Survey.

Section 852a, acts Feb. 16, 1929, ch. 221, § 5, 45 Stat. 1187; Mar. 18, 1936, ch. 147, 49 Stat. 1164; June 3, 1948, ch. 390, § 21(a), formerly § 20(a), 62 Stat. 300; renumbered § 21(a), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506, provided for the rank, pay, and allowances of the Director.

Section 852b, acts Jan. 19, 1942, ch. 6, § 8, 56 Stat. 8; June 3, 1948, ch. 390, § 21(b), formerly § 20(b), 62 Stat. 300; renumbered § 21(b), Sept. 14, 1961, Pub. L. 87-233, § 1(f), 75 Stat. 506; June 21, 1955, ch. 172, § 3(b), 69 Stat. 169; June 30, 1960, Pub. L. 86-554, § 1, 74 Stat. 258, provided for the appointment, active and retired rank, pay, and allowances, of the Deputy Director of the Coast and Geodetic Survey.

**§ 853. Power to settle claims**

The Secretary of Commerce is authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed \$2,500, occasioned, subsequent to June 5, 1920, by acts for which the National Oceanic and Atmospheric Administration is responsible.

(June 5, 1920, ch. 256, 41 Stat. 1054; Pub. L. 93-608, § 1(4), Jan. 2, 1975, 88 Stat. 1967; Pub. L. 98-176, Nov. 29, 1983, 97 Stat. 1124.)

AMENDMENTS

1983—Pub. L. 98-176 amended section generally, substituting “The Secretary of Commerce is” for “The Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, is hereby”, “\$2,500” for “\$500”, and “the National Oceanic and Atmospheric Administration is responsible” for “the Coast and Geodetic Survey shall be found to be responsible”.

1975—Pub. L. 93-608 struck out reporting requirement to Congress of amounts ascertained and determined due for payment as legal claims out of Congressional appropriations.

REPEALS

Act Aug. 2, 1946, ch. 753, title IV, § 424(a), 60 Stat. 846, repealed this section insofar as it concerned claims cognizable under sections 921 and 922 of former Title 28, Judicial Code and Judiciary (see sections 2672 and 2673 of Title 28, Judiciary and Judicial Procedure) which are caused by the negligent or wrongful act or omission of any Government employee acting within the scope of his employment, but by section 424(b) of that act, section 946 of former Title 28 (see note set out under section 2680 of Title 28), this section is specifically saved with reference to any claim which is not caused by the negligent or wrongful act or omission of any Government employee acting within the scope of his employment.

**§§ 853a to 853l. Repealed. Pub. L. 107-372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094**

Section 853a, acts June 3, 1948, ch. 390, § 2, 62 Stat. 297; Pub. L. 87-233, § 1(a), Sept. 14, 1961, 75 Stat. 506; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 105-384, title III, § 307(a), Nov. 13, 1998, 112 Stat. 3457, related to authorized numbers of commissioned officers on the active list of the National Oceanic and Atmospheric Administration. See sections 3004 and 3005 of this title.

Section 853b, act June 3, 1948, ch. 390, § 3, 62 Stat. 298, related to promotion by selection to grades above lieutenant. See section 3024 of this title.

Section 853c, act June 3, 1948, ch. 390, § 4, 62 Stat. 298, related to promotion to the grade of lieutenant and lieutenant commander upon completion of seven and fourteen years of service, respectively.

Section 853d, act June 3, 1948, ch. 390, § 5, 62 Stat. 298, related to promotion to the grade of commander and captain after completion of twenty-one and thirty years of service, respectively.

Section 853e, acts June 3, 1948, ch. 390, § 6, 62 Stat. 298; June 21, 1955, ch. 172, § 4(a), 69 Stat. 169; Pub. L. 87-233, § 1(b), Sept. 14, 1961, 75 Stat. 506, related to promotion and separation from service of ensigns. See section 3023 of this title.

Section 853f, act June 3, 1948, ch. 390, § 7, 62 Stat. 298, related to length of service for purposes of promotion. See section 3025 of this title.

Section 853g, acts June 3, 1948, ch. 390, § 8, 62 Stat. 298; Pub. L. 98-498, title III, § 320(a)(1), Oct. 19, 1984, 98 Stat. 2307, related to retirement or separation of officers. See section 3041 of this title.

Section 853h, acts June 3, 1948, ch. 390, §9, 62 Stat. 299; Pub. L. 87-649, §9(b)(1), Sept. 7, 1962, 76 Stat. 495; Pub. L. 98-498, title III, §320(a)(1), Oct. 19, 1984, 98 Stat. 2307; Pub. L. 102-54, §13(m)(1), June 13, 1991, 105 Stat. 277; Pub. L. 105-85, div. A, title VI, §652(a), (b), Nov. 18, 1997, 111 Stat. 1803, 1804, related to separation pay of officers. See section 3042 of this title.

Section 853i, acts June 3, 1948, ch. 390, §10, 62 Stat. 299; June 21, 1955, ch. 172, §4(b), 69 Stat. 170, directed that appointments and promotions be made by President and authorized suspension of provisions in time of emergency. See sections 3026 and 3033 of this title.

Section 853j, act June 3, 1948, ch. 390, §11, 62 Stat. 299, required passing of examinations for promotion.

Section 853j-1, acts June 3, 1948, ch. 390, §12, as added Pub. L. 87-233, §1(d), Sept. 14, 1961, 75 Stat. 506; amended Pub. L. 98-498, title III, §320(b), Oct. 19, 1984, 98 Stat. 2308, related to temporary appointments and promotions made by President. See section 3029 of this title.

Section 853k, acts June 3, 1948, ch. 390, §13, formerly §12, 62 Stat. 299; renumbered §13, Pub. L. 87-233, §1(c), Sept. 14, 1961, 75 Stat. 506, related to retirement of officers for age. See section 3043 of this title.

Section 853l, acts June 3, 1948, ch. 390, §14, formerly §13, 62 Stat. 299; renumbered §14 and amended Pub. L. 87-233, §1(e), Sept. 14, 1961, 75 Stat. 506, related to retirement for length of service upon application. See section 3044 of this title.

A prior section 14 of act June 3, 1948, was classified to section 853m of this title prior to repeal by act Oct. 12, 1949.

#### SHORT TITLE

Section 1 of act June 3, 1948, ch. 390, 62 Stat. 297, provided that act June 3, 1948, enacting sections 853a to 853o and 853p to 853v of this title, amending sections 852a, 852b, 854a, and 864d of this title, and repealing sections 851a, 854b, 854c, 864b, and 864c of this title, could be cited as the "Coast and Geodetic Survey Commissioned Officers' Act of 1948", prior to repeal by Pub. L. 107-372, title II, §271(1), Dec. 19, 2002, 116 Stat. 3094.

#### §§ 853m, 853n. Repealed. Oct. 12, 1949, ch. 681, title V, § 531(b)(41), 63 Stat. 840

Section 853m, act June 3, 1948, ch. 390, §14, 62 Stat. 299, related to retirement for disability. See section 1201 et seq. of Title 10, Armed Forces.

Section 853n, act June 3, 1948, ch. 390, §15, 62 Stat. 299, related to computation of service for retirement purposes. See sections 1401 et seq., 6321 et seq., and 6371 et seq. of Title 10.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1949, see section 533(a) of act Oct. 12, 1949, set out as an Effective Date of 1949 Amendment note under section 854a of this title.

#### § 853o. Repealed. Pub. L. 107-372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094

Section, acts June 3, 1948, ch. 390, §16, 62 Stat. 299; Oct. 12, 1949, ch. 681, title V, § 531(b)(41), 63 Stat. 840; Pub. L. 85-422, §11(c), May 20, 1958, 72 Stat. 132; Pub. L. 87-649, §9(b)(2), Sept. 7, 1962, 76 Stat. 495; Pub. L. 96-342, title VIII, §813(g), Sept. 8, 1980, 94 Stat. 1110; Pub. L. 98-94, title IX, §§922(c), 923(e), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99-348, title II, §206, July 1, 1986, 100 Stat. 701, related to computation of retirement pay. See section 3045 of this title.

#### § 853o-1. Credit of service as deck officer or junior engineer and certain other active service for retirement and retirement pay

Active service in the National Oceanic and Atmospheric Administration as a deck officer or junior engineer and active service counted on

June 30, 1922, for longevity pay, shall be credited to commissioned officers as active commissioned service for purposes of retirement and retirement pay.

(Pub. L. 87-649, §9(c), Sept. 7, 1962, 76 Stat. 496; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

#### CODIFICATION

Section was formerly classified to section 302 of Title 37 prior to the general revision and enactment of Title 37, Pay and Allowances of the Uniformed Services, by Pub. L. 87-649, §1, Sept. 7, 1962, 76 Stat. 451.

#### EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### TRANSFER OF FUNCTIONS

Coast and Geodetic Survey consolidated with Weather Bureau to form a new agency in Department of Commerce to be known as Environmental Science Services Administration, and commissioned officers of Survey transferred to ESSA, by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out as a note under section 851 of this title. The Reorg. Plan also transferred to Secretary of Commerce all functions of Coast and Geodetic Survey and Director of Survey. Subsequently, Environmental Science Services Administration abolished, National Oceanic and Atmospheric Administration established, and Commissioned Officer Corps of ESSA redesignated Commissioned Officer Corps of NOAA by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees. For further details, see note set out under section 851 of this title.

#### §§ 853p to 853r. Repealed. Pub. L. 107-372, title II, § 271(1), Dec. 19, 2002, 116 Stat. 3094

Section 853p, act June 3, 1948, ch. 390, §17, 62 Stat. 300, provided that retired pay be based on highest rank held. See section 3046 of this title.

Section 853q, act June 3, 1948, ch. 390, §18, 62 Stat. 300, provided that Coast and Geodetic Survey Commissioned Officers' Act of 1948 would not affect retired rank and pay held pursuant to other laws. See section 3047 of this title.

Section 853r, act June 3, 1948, ch. 390, §19, 62 Stat. 300, related to personnel board. See section 3022 of this title.

#### § 853s. Repealed. Pub. L. 88-431, § 1(c)(2), Aug. 14, 1964, 78 Stat. 440

Section, act June 3, 1948, ch. 390, §20, as added Sept. 14, 1961, Pub. L. 87-233, §1(g), 75 Stat. 506, related to transportation of motor vehicles for commissioned officers of Survey ordered to make a permanent change of station.

#### §§ 853t to 854. Repealed. Pub. L. 107-372, title II, § 271(1), (4), Dec. 19, 2002, 116 Stat. 3094

Section 853t, act June 3, 1948, ch. 390, §23, as added Pub. L. 87-233, §1(h), Sept. 14, 1961, 75 Stat. 506, related to original appointments. See section 3021 of this title.

Section 853u, act June 3, 1948, ch. 390, §24, as added Pub. L. 98-498, title III, §320(c)(1), Oct. 19, 1984, 98 Stat. 2308; amended Pub. L. 99-145, title V, §514(a)(3), Nov. 8, 1985, 99 Stat. 628; Pub. L. 105-384, title III, §307(b), Nov. 13, 1998, 112 Stat. 3458, related to designation of positions of importance and responsibility. See section 3028 of this title.

Section 853v, act June 3, 1948, ch. 390, §25, as added Pub. L. 106-65, div. A, title VI, §652(c), Oct. 5, 1999, 113