

(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.

**(e) Temporary increase in numbers**

The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded so long as the average number on that list during that fiscal year does not exceed the authorized number.

(Pub. L. 107-372, title II, §214, Dec. 19, 2002, 116 Stat. 3083.)

PRIOR PROVISIONS

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

**§ 3005. Number of authorized commissioned officers**

Effective October 1, 2009, the total number of authorized commissioned officers on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration shall be increased from 321 to 379 if—

(1) the Secretary has submitted to the Congress—

(A) the Administration's ship recapitalization plan for fiscal years 2010 through 2024;

(B) the Administration's aircraft modernization plan; and

(C) supporting workforce management plans;

(2) appropriated funding is available; and

(3) the Secretary has justified organizational needs for the commissioned corps for each such fiscal year.

(Pub. L. 107-372, title II, §215, Dec. 19, 2002, 116 Stat. 3084; Pub. L. 110-386, §6, Oct. 10, 2008, 122 Stat. 4108.)

PRIOR PROVISIONS

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

AMENDMENTS

2008—Pub. L. 110-386 amended section generally. Prior to amendment, section read as follows: "There are authorized to be on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration—

"(1) 270 officers for fiscal year 2003;

"(2) 285 officers for fiscal year 2004; and

"(3) 299 officers for fiscal year 2005."

SUBCHAPTER II—APPOINTMENT AND PROMOTION OF OFFICERS

**§ 3021. Original appointments**

**(a) In general**

**(1) Grades**

Original appointments may be made in the grades of ensign, lieutenant (junior grade), and lieutenant.

**(2) Qualifications**

Under regulations prescribed by the Secretary, such an appointment may be given only to a person who—

(A) meets the qualification requirements specified in paragraphs (1) through (4) of section 532(a) of title 10; and

(B) has such other special qualifications as the Secretary may prescribe by regulation.

**(3) Examination**

A person may be given such an appointment only after passage of a mental and physical examination given in accordance with regulations prescribed by the Secretary.

**(4) Revocation of commission of officers found not qualified**

The President may revoke the commission of any officer appointed under this section during the officer's first three years of service if the officer is found not qualified for the service. Any such revocation shall be made under regulations prescribed by the President.

**(b) Lineal list**

Each person appointed under this section shall be placed on the lineal list in a position commensurate with that person's age, education, and experience, in accordance with regulations prescribed by the Secretary.

**(c) Service credit upon original appointment in grade above ensign**

**(1) In general**

For the purposes of basic pay, a person appointed under this section in the grade of lieutenant shall be credited as having, on the date of that appointment, three years of service, and a person appointed under this section in the grade of lieutenant (junior grade) shall be credited as having, as of the date of that appointment, 1½ years of service.

**(2) Higher credit under other law**

If a person appointed under this section is entitled to credit for the purpose of basic pay under any other provision of law that would