

Atmospheric Administration officers when serving with Army, Navy, or Air Force. See section 3062 of this title.

Section 857, acts May 22, 1917, ch. 20, §16, 40 Stat. 88; Aug. 1, 1956, ch. 837, title V, §501(d)(1), 70 Stat. 883; 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. 102-54, §13(m)(2), June 13, 1991, 105 Stat. 277, related to service of commissioned officers of the National Oceanic and Atmospheric Administration for purposes of servicemen's and veterans' benefits. See section 3072 of this title.

Section 857-1, Pub. L. 91-621, §1, Dec. 31, 1970, 84 Stat. 1863, related to applicable definitions. See section 3002 of this title.

Section 857-2, Pub. L. 91-621, §2, Dec. 31, 1970, 84 Stat. 1863, related to retirement grade and pay. See section 3046 of this title.

Section 857-3, Pub. L. 91-621, §3, Dec. 31, 1970, 84 Stat. 1863; Pub. L. 98-498, title III, §310(a), Oct. 19, 1984, 98 Stat. 2306; Pub. L. 102-54, §13(m)(3), June 13, 1991, 105 Stat. 277, related to service for purposes of certain statutory rights, privileges, immunities, and benefits and provision of medical and dental care. See sections 3072 and 3073 of this title.

Section 857-4, Pub. L. 91-621, §4, Dec. 31, 1970, 84 Stat. 1863, related to commissary privileges. See section 3074 of this title.

Section 857-5, Pub. L. 91-621, §5, Dec. 31, 1970, 84 Stat. 1864, related to applicability of statutes that had applied to commissioned officers of the Coast and Geodetic Survey and the Environmental Science Services Administration.

#### REPEALS

Pub. L. 91-621, §8, Dec. 31, 1970, 84 Stat. 1867, provided that all provisions of law inconsistent with Pub. L. 91-621 were repealed, prior to repeal by Pub. L. 107-372, title II, §271(3), Dec. 19, 2002, 116 Stat. 3094.

#### §§ 857-6 to 857-12. Repealed. Pub. L. 95-63, §7(a), July 5, 1977, 91 Stat. 267

Section 857-6, Pub. L. 92-125, §1, Aug. 16, 1971, 85 Stat. 344, established National Advisory Committee on Oceans and Atmosphere. See section 857-13 of this title.

Section 857-7, Pub. L. 92-125, §2, Aug. 16, 1971, 85 Stat. 344, provided for membership, terms of office, duties, and Chairman and Vice Chairman of Committee. See section 857-14 of this title.

Section 857-8, Pub. L. 92-125, §3, Aug. 16, 1971, 85 Stat. 344, provided for designation of a senior policy official of Federal departments and agencies to assist Committee. See section 857-17(a) of this title.

Section 857-9, Pub. L. 92-125, §4, Aug. 16, 1971, 85 Stat. 344; Pub. L. 94-69, §2, Aug. 5, 1975, 89 Stat. 384, provided for an annual report by Committee. See section 857-15 of this title.

Section 857-10, Pub. L. 92-125, §5, Aug. 16, 1971, 85 Stat. 344, provided for compensation and travel expenses of Committee members. See section 857-16 of this title.

Section 857-11, Pub. L. 92-125, §6, Aug. 16, 1971, 85 Stat. 345, provided for assistance to Committee by Federal departments and agencies. See section 857-17 of this title.

Section 857-12, Pub. L. 92-125, §7, Aug. 16, 1971, 85 Stat. 345; Pub. L. 92-567, Oct. 25, 1972, 86 Stat. 1181; Pub. L. 94-69, §1, Aug. 5, 1975, 89 Stat. 384, authorized appropriations for operation of the Committee. See section 857-18 of this title.

#### § 857-13. National Advisory Committee on Oceans and Atmosphere

There is hereby established a committee of 18 members to be known as the National Advisory Committee on Oceans and Atmosphere (hereinafter in sections 857-13 to 857-18 of this title referred to as the "Committee").

(Pub. L. 95-63, §2, July 5, 1977, 91 Stat. 265.)

#### PRIOR PROVISIONS

Provisions similar to that contained in this section, which established a National Advisory Committee on Oceans and Atmosphere with a membership of twenty-five, were contained in section 857-6 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

#### SHORT TITLE

For short title of Pub. L. 95-63, see section 1 of Pub. L. 95-63, set out as a note under section 851 of this title.

#### TRANSFER OF PERSONNEL, POSITIONS, RECORDS, AND FUNDS

Pub. L. 95-63, §7(b), July 5, 1977, 91 Stat. 267, provided that: "All personnel, positions, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions specified by the Act of August 16, 1971 [former sections 857-6 to 857-12 of this title] (establishing an advisory committee on oceans and atmosphere), are hereby transferred to the National Advisory Committee on Oceans and Atmosphere established by this Act [sections 857-13 to 857-18 of this title]. The personnel transferred under this subsection shall be so transferred without reduction in classification or compensation except, that after such transfer, such personnel shall be subject to reductions in classification or compensation in the same manner, to the same extent, and according to the same procedure as other employees of the United States classified and compensated according to the General Schedule in title 5, United States Code."

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 857-14. Membership

##### (a) Appointment and qualifications

The members of the Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President. Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

##### (b) Terms

(1) The term of office of a member of the Committee shall be 3 years; except that of the origi-

nal appointees, 6 shall be appointed for a term to expire on July 1, 1979, 6 shall be appointed for a term to expire on July 1, 1980, and 6 shall be appointed for a term to expire on July 1, 1981.

(2) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Committee for more than one additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office. The terms of office for members first appointed after July 5, 1977, shall begin on July 1, 1977.

#### (c) Chairman

The President shall designate one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

#### (d) Duties

The Committee shall—

(1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

(Pub. L. 95-63, § 3, July 5, 1977, 91 Stat. 265; Pub. L. 95-304, § 1(1), June 29, 1978, 92 Stat. 347; Pub. L. 97-87, § 1(1), Dec. 1, 1981, 95 Stat. 1134.)

#### PRIOR PROVISIONS

Provisions similar to those contained in this section, which related to membership, terms, and duties of the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, were contained in section 857-7 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

#### AMENDMENTS

1981—Subsec. (b)(2). Pub. L. 97-87 struck out “, or until ninety days after such date, whichever is earlier” after “until his or her successor has taken office”.

1978—Subsec. (b)(1). Pub. L. 95-304 substituted provisions authorizing terms of members to expire on July 1, 1979, July 1, 1980, and July 1, 1981, respectively, for provisions authorizing terms of members to be for 1 year, 2 years, and 3 years, respectively.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 857-15. Reports

#### (a) In general

The Committee shall submit an annual report to the President and to the Congress setting

forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and shall submit such other reports as may from time to time be requested by the President or the Congress.

#### (b) Review by Secretary

Each annual report shall also be submitted to the Secretary of Commerce, who shall, within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

#### (c) Annual report submittal

The annual report required under subsection (a) shall be submitted on or before June 30 of each year, beginning with June 30, 1978.

(Pub. L. 95-63, § 4, July 5, 1977, 91 Stat. 266.)

#### PRIOR PROVISIONS

A provision similar to that contained in this section, which required an annual report, beginning June 30, 1972, from the National Advisory Committee on Oceans and Atmosphere as originally established on Aug. 16, 1971, was contained in section 857-9 of this title prior to repeal by section 7(a) of Pub. L. 95-63.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to submitting an annual report to Congress and provisions in subsec. (b) of this section relating to annually transmitting comments and recommendations to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and pages 50 and 177 of House Document No. 103-7.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 857-16. Compensation and travel expenses

Members of the Committee shall each be entitled to receive compensation not to exceed the daily rate for a GS-18 for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b)<sup>1</sup> of title 5.

(Pub. L. 95-63, § 5, July 5, 1977, 91 Stat. 266; Pub. L. 97-87, § 1(2), Dec. 1, 1981, 95 Stat. 1134.)

#### REFERENCES IN TEXT

Section 5703 of title 5, referred to in text, was amended generally by Pub. L. 94-22, § 4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

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