

poses. See sections 1401 et seq., 6321 et seq., and 6371 et seq. of Title 10.

#### Statutory Notes and Related Subsidiaries

##### 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 Repealed.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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Executive Documents

##### 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 Stat. 665, related to presentation of flag upon retirement. See section 3076 of this title.

Section 854, acts May 22, 1917, ch. 20, §16, 40 Stat. 88; June 21, 1955, ch. 172, §2(a), 69 Stat. 169, required mental and physical examination prior to appointment or promotion. See section 3027 of this title.

#### § 854a. Service credit as deck officer or junior engineer for promotion purposes

For purposes of promotion which is now or may hereafter be authorized for officers appointed after June 30, 1922, there shall be counted in addition to active commissioned service, service as deck officer and junior engineer.

(Jan. 19, 1942, ch. 6, §2, 56 Stat. 6; June 3, 1948, ch. 390, §22(a), formerly §21(a), 62 Stat. 300, renumbered §22(a), Pub. L. 87-233, §1(f), Sept. 14, 1961, 75 Stat. 506; Oct. 12, 1949, ch. 681, title V, §531(b)(32), 63 Stat. 839; June 21, 1955, ch. 172, §3(a), 69 Stat. 169.)

#### Editorial Notes

##### CODIFICATION

Provisions similar to this section are contained in section 3032 of this title.

##### AMENDMENTS

1955—Act June 21, 1955, credited all service as deck officer and junior engineer.

1949—Act Oct. 12, 1949, repealed that part of second proviso of subsec. (b) relating to service credit as deck officer or junior engineer for pay, longevity pay, or retirement purposes.

1948—Act June 3, 1948, repealed subsecs. (a), (c), (d) and all of subsec. (b) except for second proviso which now comprises this section.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1949 AMENDMENT

Act Oct. 12, 1949, ch. 681, title V, § 533(a), 63 Stat. 841, provided that: "Except as provided in subsections (b) and (c) of this section, this Act [see Tables for classification] shall become effective on October 1, 1949, and no pay, allowances, or benefits provided herein shall accrue to any person for any period prior thereto."

**§ 854a-1. Temporary appointment or advancement of commissioned officers in time of war or national emergency**

Personnel of the National Oceanic and Atmospheric Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency subject to the following limitations:

(1) Commissioned officers in the service of a military department, under the provisions of sections 854, 855, 856, 857, and 858<sup>1</sup> of this title may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to higher ranks or grades.

(2) Commissioned officers in the service of the National Oceanic and Atmospheric Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under the provisions of sections 854, 855, 856, 857, and 858<sup>1</sup> of this title.

(3) Temporary appointments may be made in all grades to which original appointments in the National Oceanic and Atmospheric Administration are authorized: *Provided*, That the number of officers holding temporary appointments shall not exceed the number of officers transferred to a military department under the provisions of sections 854, 855, 856, 857, and 858<sup>1</sup> of this title.

(Dec. 3, 1942, ch. 670, § 1, 56 Stat. 1038; Pub. L. 89-657, § 3, Oct. 14, 1966, 80 Stat. 907; 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.)

**Editorial Notes**

## REFERENCES IN TEXT

Sections 854, 855, 856, 857, and 858 of this title, referred to in text, were repealed by Pub. L. 107-372, title II, § 271(4), Dec. 19, 2002, 116 Stat. 3094.

## CODIFICATION

Provisions similar to this section are contained in section 3030 of this title.

## AMENDMENTS

1966—Pub. L. 89-657 struck out reference to act of July 24, 1941 (Public, Numbered 188, Seventy-seventh Congress) which, for purposes of codification, has been changed to sections 350 to 350j of former title 34 and substituted Environmental Science Services Administration for Coast and Geodetic Survey, temporary advancement of commissioned officers for temporary promotions, military departments for Department of the

Army or Navy Department, Secretary of the military department concerned for Secretary of the Army or Secretary of the Navy, and reference to temporary appointments in all grades to which original appointments in the Environmental Science Services Administration are authorized for reference to temporary appointment of regularly appointed deck officers and junior engineers to the rank and grade of ensign.

**Executive Documents**

## 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.

## DELEGATION OF FUNCTIONS

Functions of President under pars. (1), (2), and (3) delegated to Secretary of Commerce, see section 1(b), (i) and (j) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, set out as a note under section 301 of Title 3, The President.

**§ 854a-2. Pay and allowances; date of acceptance of promotion**

Any commissioned officer of the National Oceanic and Atmospheric Administration promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date such promotion is made by the President unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier date. No such officer who shall have subscribed to the oath of office required by section 3331 of title 5, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous.

(Dec. 3, 1942, ch. 670, § 3, 56 Stat. 1039; 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.)

**Editorial Notes**

## CODIFICATION

"Section 3331 of title 5" substituted in text for "section 1757, Revised Statutes" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Section 1757 of the Revised Statutes had been classified to section 16 of former Title 5, Executive Departments and Government Officers and Employees.

Provisions similar to this section are contained in section 3031 of this title.

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