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SUBCHAPTER I—GENERAL PROVISIONS

§ 3001. Commissioned officer corps

There shall be in the National Oceanic and Atmospheric Administration a commissioned officer corps.

(Pub. L. 107-372, title II, §211, Dec. 19, 2002, 116 Stat. 3082.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-259, §1(a), Dec. 23, 2020, 134 Stat. 1153, provided that: “This Act [see Tables for classification] may be cited as the ‘National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020.’”

SHORT TITLE

Pub. L. 107-372, title II, §201, Dec. 19, 2002, 116 Stat. 3082, provided that: “This title [enacting this chapter, amending section 1406 of Title 10, Armed Services, and section 2396 of Title 22, Foreign Relations and Intercourse, repealing sections 853a to 853l, 853o, 853p to 853r, 853t to 854, 855, 856 to 857-5, 858, 864, and 874 of this title, amending provisions set out as a note under section 1293 of Title 10, and repealing provisions set out as notes under sections 853a and 857-1 of this title and section 101 of Title 38, Veterans’ Benefits] may be cited as the ‘National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.’”

§ 3002. Definitions

(a) Applicability of definitions in title 10

Except as provided in subsection (b), the definitions provided in section 101 of title 10 apply to the provisions of this chapter.

(b) Additional definitions

In this chapter:

(1) Active duty

The term “active duty” means full-time duty in the active service of a uniformed service.

(2) Grade

The term “grade” means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation.

(3) Officer

The term “officer” means an officer of the commissioned corps.

(4) Officer candidate

The term “officer candidate” means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 3021(a)(2)(A) of this title.

(5) Flag officer

The term “flag officer” means an officer serving in, or having the grade of, vice admiral, rear admiral, or rear admiral (lower half).

(6) Secretary

The term “Secretary” means the Secretary of Commerce.

(7) Administration

The term “Administration” means the National Oceanic and Atmospheric Administration.

(Pub. L. 107-372, title II, §212, Dec. 19, 2002, 116 Stat. 3082; Pub. L. 116-259, title III, §305(c), Dec. 23, 2020, 134 Stat. 1173.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 107-372, Dec. 19, 2002, 116 Stat. 3082, which is classified principally to this chapter. For complete classification of this title to the Code, see Short Title note set out under section 3001 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-1 of this title prior to repeal by Pub. L. 107-372.

AMENDMENTS

2020—Subsec. (b)(4) to (7). Pub. L. 116-259 added par. (4) and redesignated former pars. (4) to (6) as (5) to (7), respectively.

§ 3003. Authorized number on the active list

(a) Annual strength on active list

The annual strength of the commissioned corps in officers on the lineal list of active duty officers of the corps shall be prescribed by law.

(b) Lineal list

The Secretary shall maintain a list, known as the “lineal list”, of officers on active duty. Officers shall be carried on the lineal list by grade and, within grade, by seniority in grade.

(Pub. L. 107-372, title II, §213, Dec. 19, 2002, 116 Stat. 3083.)

§ 3004. Strength and distribution in grade**(a) Grades**

The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- (1) Vice admiral.
- (2) Rear admiral.
- (3) Rear admiral (lower half).
- (4) Captain.
- (5) Commander.
- (6) Lieutenant commander.
- (7) Lieutenant.
- (8) Lieutenant (junior grade).
- (9) Ensign.

(b) Grade distribution

The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

(c) Annual computation of number in grade**(1) In general**

Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

(2) Method of computation

The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

(3) Fractions

If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

(d) 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 if the average number on that list during that fiscal year does not exceed the authorized number.

(e) Positions of importance and responsibility

Officers serving in positions designated under section 3028(a) of this title and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

(f) Preservation of grade and pay

No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.

(Pub. L. 107-372, title II, §214, Dec. 19, 2002, 116 Stat. 3083; Pub. L. 116-259, title I, §101, Dec. 23, 2020, 134 Stat. 1154.)

Editorial Notes**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

2020—Pub. L. 116-259 amended section generally. Prior to amendment, section established strength and distribution of officers in grades.

§ 3005. Number of authorized commissioned officers**(a) In general**

The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

(b) Positions of importance and responsibility

Officers serving in positions designated under section 3028 of this title and officers recalled from retired status or detailed to an agency other than the Administration—

- (1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and
- (2) may not count against such number.

(Pub. L. 107-372, title II, §215, Dec. 19, 2002, 116 Stat. 3084; Pub. L. 110-386, §6, Oct. 10, 2008, 122 Stat. 4108; Pub. L. 116-259, title I, §102(a), Dec. 23, 2020, 134 Stat. 1155.)

Editorial Notes**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

2020—Pub. L. 116-259 amended section generally. Prior to amendment, section related to number of authorized commissioned officers effective Oct. 1, 2009.

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.”

§ 3006. Obligated service requirement**(a) In general****(1) Regulations**

The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

(2) Written agreements

The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

(b) Repayment for failure to satisfy requirements**(1) In general**

The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the