

§ 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