

(Pub. L. 107-372, title II, §252, Dec. 19, 2002, 116 Stat. 3091.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 856 of this title prior to repeal by Pub. L. 107-372.

§ 3063. Rules and regulations when cooperating with military departments

(a) Joint regulations

The Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations—

- (1) governing the duties to be performed by the Administration in time of war; and
- (2) providing for the cooperation of the Administration with the military departments in time of peace in preparation for its duties in time of war.

(b) Approval

Regulations under subsection (a) shall not be effective unless approved by each of those Secretaries.

(c) Communications

Regulations under subsection (a) may provide procedures for making reports and communications between a military department and the Administration.

(Pub. L. 107-372, title II, §253, Dec. 19, 2002, 116 Stat. 3091.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 858 of this title prior to repeal by Pub. L. 107-372.

SUBCHAPTER V—RIGHTS AND BENEFITS

§ 3071. Applicability of certain provisions of title 10

(a) Provisions made applicable to the corps

The rules of law that apply to the Armed Forces under the following provisions of title 10, as those provisions are in effect from time to time, apply also to the commissioned officer corps of the Administration:

- (1) Chapter 40, relating to leave.
- (2) Section 533(b), relating to constructive service.
- (3) Section 716, relating to transfers between the armed forces and to and from National Oceanic and Atmospheric Administration.
- (4) Section 771, relating to unauthorized wearing of uniforms.
- (5) Section 774, relating to wearing religious apparel while in uniform.
- (6) Section 982, relating to service on State and local juries.
- (7) Section 1031, relating to administration of oaths.
- (8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.
- (9) Section 1035, relating to deposits of savings.

(10) Section 1036, relating to transportation and travel allowances for escorts for dependents of members.

(11) Section 1052, relating to reimbursement for adoption expenses.

(12) Section 1074n, relating to annual mental health assessments.

(13) Section 1090a, relating to referrals for mental health evaluations.

(14) Chapter 58, relating to the benefits and services for members being separated or recently separated.

(15) Section 1174a, relating to special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).

(16) Chapter 61, relating to retirement or separation for physical disability.

(17) Chapter 69, relating to retired grade, except sections 1370, 1375, and 1376.

(18) Chapter 71, relating to computation of retired pay.

(19) Chapter 73, relating to annuities based on retired or retainer pay.

(20) Subchapter II of chapter 75, relating to death benefits.

(21) Subchapter I of chapter 88, relating to military family programs, applicable on an as-available and fully reimbursable basis.

(22) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.

(23) Section 2634, relating to transportation of motor vehicles for members on permanent change of station.

(24) Sections 2731 and 2735, relating to property loss incident to service.

(25) Section 2771, relating to final settlement of accounts of deceased members.

(26) Such other provisions of subtitle A of that title as may be adopted for applicability to the commissioned officer corps of the National Oceanic and Atmospheric Administration by any other provision of law.

(b) References

The authority vested by title 10 in the “military departments”, “the Secretary concerned”, or “the Secretary of Defense” with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee. For purposes of paragraph (8) of subsection (a), the term “Inspector General” in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.

(c) Regulations regarding protected communications and prohibition of retaliatory personnel actions

The Secretary may prescribe regulations to carry out the application of section 1034 of title 10 to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.

(Pub. L. 107-372, title II, §261, Dec. 19, 2002, 116 Stat. 3091; Pub. L. 116-259, title II, §§205(a), 207, Dec. 23, 2020, 134 Stat. 1166, 1168.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-259, §207(a), added par. (8) and redesignated former pars. (8) to (25) (as added and redesignated by section 205(a), see note below) as (9) to (26), respectively.

Pub. L. 116-259, §205(a), added pars. (4) to (7), (11) to (13), (20), and (21), and redesignated former pars. (4) to (6) as (8) to (10), former pars. (7) to (12) as (14) to (19), and former pars. (13) to (16) as (22) to (25), respectively.

Subsec. (b). Pub. L. 116-259, §207(b), inserted at end “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”

Subsec. (c). Pub. L. 116-259, §207(c), added subsec. (c).

§ 3071a. Applicability of certain provisions of title 37

The provisions of law applicable to the Armed Forces under the following provisions of title 37 shall apply to the commissioned officer corps of the Administration:

(1) Section 403(I), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

(2) Section 415, relating to initial uniform allowances.

(3) Section 488, relating to allowances for recruiting expenses.

(Pub. L. 107-372, title II, §261A, as added Pub. L. 116-259, title II, §206(a), Dec. 23, 2020, 134 Stat. 1167.)

§ 3072. Eligibility for veterans benefits and other rights, privileges, immunities, and benefits under certain provisions of law

(a) In general

Active service of officers of the Administration shall be deemed to be active military service for the purposes of all rights, privileges, immunities, and benefits under the following:

(1) Laws administered by the Secretary of Veterans Affairs.

(2) The Servicemembers Civil Relief Act [50 U.S.C. 3901 et seq.].

(3) Section 410 of title 42, as in effect before September 1, 1950.

(b) Exercise of authority

In the administration of the laws and regulations referred to in subsection (a), with respect to the Administration, the authority vested in the Secretary of Defense and the Secretaries of the military departments and their respective departments shall be exercised by the Secretary of Commerce.

(Pub. L. 107-372, title II, §262, Dec. 19, 2002, 116 Stat. 3092; Pub. L. 108-189, §2(g), Dec. 19, 2003, 117 Stat. 2866.)

Editorial Notes

REFERENCES IN TEXT

The Servicemembers Civil Relief Act, referred to in subsec. (a)(2), is act Oct. 17, 1940, ch. 888, 54 Stat. 1178, which is classified principally to chapter 50 (§3901 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 857 and 857-3(a) of this title prior to repeal by Pub. L. 107-372.

AMENDMENTS

2003—Subsec. (a)(2). Pub. L. 108-189 amended par. (2) generally substituting “The Servicemembers Civil Relief Act” for “The Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.)”.

§ 3073. Medical and dental care

The Secretary may provide medical and dental care, including care in private facilities, for personnel of the Administration entitled to that care by law or regulation.

(Pub. L. 107-372, title II, §263, Dec. 19, 2002, 116 Stat. 3093.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-3(b) of this title prior to repeal by Pub. L. 107-372.

§ 3074. Commissary privileges

(a) Extension of privilege

Commissioned officers, ships’ officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the Armed Forces at the prices charged of officers and enlisted members of the Armed Forces.

(b) Sales of rations, stores, uniforms, and related equipment

The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

(c) Surviving spouses’ rights

Rights extended to members of the uniformed services in this section are extended to their surviving spouses and to such others as are designated by the Secretary concerned.

(Pub. L. 107-372, title II, §264, Dec. 19, 2002, 116 Stat. 3093.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 857-4 of this title prior to repeal by Pub. L. 107-372.