

**CHAPTER 43—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS**

**SUBCHAPTER I—GENERAL PROVISIONS**

- Sec.  
3001. Commissioned officer corps.  
3002. Definitions.  
3003. Authorized number on the active list.  
3004. Strength and distribution in grade.  
3005. Number of authorized commissioned officers.  
3006. Obligated service requirement.  
3007. Training and physical fitness.  
3008. Aviation accession training programs.  
3009. Use of recruiting materials for public relations.

**SUBCHAPTER II—APPOINTMENT AND PROMOTION OF OFFICERS**

3021. Original appointments and reappointments.  
3022. Personnel boards.  
3023. Promotion of ensigns to grade of lieutenant (junior grade).  
3024. Promotion by selection to permanent grades above lieutenant (junior grade).  
3025. Length of service for promotion purposes.  
3026. Appointments and promotions to permanent grades.  
3027. General qualification of officers for promotion to higher permanent grade.  
3028. Positions of importance and responsibility.  
3029. Temporary appointments.  
3030. Temporary appointment or advancement of commissioned officers in time of war or national emergency.  
3031. Pay and allowances; date of acceptance of promotion.  
3032. Service credit as deck officer or junior engineer for promotion purposes.  
3033. Suspension during war or emergency.  
3034. Officer candidates.  
3035. Procurement of personnel.  
3036. Career flexibility to enhance retention of officers.

**SUBCHAPTER III—SEPARATION AND RETIREMENT OF OFFICERS**

3041. Involuntary retirement or separation.  
3042. Separation pay.  
3043. Mandatory retirement for age.  
3044. Retirement for length of service.  
3045. Computation of retired pay.  
3046. Retired grade and retired pay.  
3047. Retired rank and pay held pursuant to other laws unaffected.  
3048. Continuation on active duty; deferral of retirement.  
3049. Recall to active duty.

**SUBCHAPTER IV—SERVICE OF OFFICERS WITH THE MILITARY DEPARTMENTS**

3061. Cooperation with and transfer to military departments.  
3062. Relative rank of officers when serving with Army, Navy, or Air Force.  
3063. Rules and regulations when cooperating with military departments.

**SUBCHAPTER V—RIGHTS AND BENEFITS**

3071. Applicability of certain provisions of title 10.  
3071a. Applicability of certain provisions of title 37.  
3072. Eligibility for veterans benefits and other rights, privileges, immunities, and benefits under certain provisions of law.  
3073. Medical and dental care.  
3074. Commissary privileges.  
3075. Authority to use appropriated funds for transportation and reimbursement of certain items.

- Sec.  
3076. Presentation of United States flag upon retirement.  
3077. Education loan repayment program.  
3078. Interest payment program.  
3079. Student pre-commissioning education assistance program.  
3079-1. Limitation on educational assistance.  
3079a. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.

**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 853f, 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 deter-

mine 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