

(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