

(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

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 same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

(2) Obligation as debt to United States

An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

(3) Discharge in bankruptcy

A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

(c) Waiver or suspension of compliance

The Secretary may waive the service obligation of an officer who—

(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

(2) is—

(A) not physically qualified for appointment; and

(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.

(Pub. L. 107-372, title II, §216, as added Pub. L. 116-259, title I, §103(a), Dec. 23, 2020, 134 Stat. 1155.)

§ 3007. Training and physical fitness

(a) Training

The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

(2) Providing officers and officer candidates with educational materials.

(3) Acquiring such equipment as may be necessary for training and instructional purposes.

(b) Physical fitness

The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.

(Pub. L. 107-372, title II, §217, as added Pub. L. 116-259, title I, §104(a), Dec. 23, 2020, 134 Stat. 1156.)

§ 3008. Aviation accession training programs

(a) Definitions

In this section:

(1) Administrator

The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(2) Member of the program

The term “member of the program” means a student who is enrolled in the program.

(3) Program

The term “program” means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

(b) Aviation accession training programs

(1) Establishment authorized

The Administrator, under regulations prescribed by the Secretary, shall establish and