

(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(*l*), 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 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.

§ 3075. Authority to use appropriated funds for transportation and reimbursement of certain items

(a) Transportation of effects of deceased officers

In the case of an officer who dies on active duty, the Secretary may provide, from appropriations made available to the Administration, transportation (including packing, unpacking, crating, and uncrating) of personal and household effects of that officer to the official residence of record of that officer. However, upon application by the dependents of such an officer, such transportation may be provided to such other location as may be determined by the Secretary.

(b) Reimbursement for supplies furnished by officers to distressed and shipwrecked persons

Under regulations prescribed by the Secretary, appropriations made available to the Administration may be used to reimburse an officer for food, clothing, medicines, and other supplies furnished by the officer—

- (1) for the temporary relief of distressed persons in remote localities; or
- (2) to shipwrecked persons who are temporarily provided for by the officer.

(Pub. L. 107-372, title II, §265, Dec. 19, 2002, 116 Stat. 3093.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 874 of this title prior to repeal by Pub. L. 107-372.

§ 3076. Presentation of United States flag upon retirement

(a) Presentation of flag upon retirement

Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary shall present a United States flag to the officer.

(b) Multiple presentations not authorized

An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) No cost to recipient

The presentation of a flag under this section shall be at no cost to the recipient.

(Pub. L. 107-372, title II, §266, Dec. 19, 2002, 116 Stat. 3093.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 853v of this title prior to repeal by Pub. L. 107-372.

§ 3077. Education loan repayment program

(a) Authority to repay education loans

For the purpose of maintaining adequate numbers of officers of the commissioned officer corps