

(B) State maritime academy

The term “State maritime academy” has the meaning given the term in section 51102 of title 46.

(b) Reappointment**(1) In general**

Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

(2) Reappointments to higher grades

An appointment under paragraph (1) to a position of importance and responsibility designated under section 3028 of this title may only be made by the President.

(c) Qualifications

An appointment under subsection (a) or (b) may—

(1) be given only to an individual who is a citizen of the United States; and

(2) not be given.¹ to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

(d) Order of precedence

Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

(e) Inter-service transfers

For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps of the Administration.

(Pub. L. 107–372, title II, §221, Dec. 19, 2002, 116 Stat. 3084; Pub. L. 116–259, title III, §301(a), Dec. 23, 2020, 134 Stat. 1169; Pub. L. 117–263, div. K, title CXVII, §11702, Dec. 23, 2022, 136 Stat. 4156.)

Editorial Notes**PRIOR PROVISIONS**

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

AMENDMENTS

2022—Subsec. (c). Pub. L. 117–263 substituted “may—
“(1) be given only to an individual who is a citizen of the United States; and
“(2) not be given.”

for “may not be given”.

2020—Pub. L. 116–259 substituted “Original appointments and reappointments” for “Original appointments” in section catchline and amended text generally. Prior to amendment, text related to original appointments in the grades of ensign, lieutenant (junior grade), and lieutenant.

§ 3022. Personnel boards**(a) Convening**

Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

(b) Membership**(1) In general**

A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

(2) Retired officers

Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

(3) No membership on two successive boards

No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

(c) Duties

Each personnel board shall—

(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this chapter.

(d) Action on recommendations not acceptable

If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

(e) Authority for officers to opt out of promotion consideration**(1) In general**

The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer’s request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

(2) Approval

The Director shall approve a request made by an officer under paragraph (1) only if—

(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by

¹ So in original. The period probably should not appear.

the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.

(Pub. L. 107-372, title II, §222, Dec. 19, 2002, 116 Stat. 3085; Pub. L. 116-259, title III, §302, Dec. 23, 2020, 134 Stat. 1171.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(2), 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 853r 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 convening, duties and recommendations of personnel boards.

§ 3023. Separation of ensigns found not fully qualified

If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer’s commission shall be revoked and the officer shall be separated from the commissioned service.

(Pub. L. 107-372, title II, §223, Dec. 19, 2002, 116 Stat. 3085; Pub. L. 117-263, div. K, title CXVII, §11703(a), Dec. 23, 2022, 136 Stat. 4156.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating, respectively, to promotion of ensigns to grade of lieutenant (junior grade) and separation of ensigns found not fully qualified.

Executive Documents

DELEGATION OF FUNCTIONS

As amended by Pub. L. 117-263, text of section is identical to that of former subsec. (b) of this section. For delegation of functions of President under former subsec. (b) of this section to Secretary of Commerce, see section 1(a) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

§ 3024. Promotion by selection to permanent grades above lieutenant (junior grade)

Promotion to fill vacancies in each permanent grade above the grade of lieutenant (junior

grade) shall be made by selection from the next lower grade upon recommendation of the personnel board.

(Pub. L. 107-372, title II, §224, Dec. 19, 2002, 116 Stat. 3085.)

Editorial Notes

PRIOR PROVISIONS

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

§ 3025. Length of service for promotion purposes

(a) General rule

Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any other officer below that officer on the lineal list.

(b) Exception

Notwithstanding subsection (a), an officer who has lost numbers shall be assumed to have, for promotion purposes, no greater service than the officer next above such officer in such officer’s new position on the lineal list.

(Pub. L. 107-372, title II, §225, Dec. 19, 2002, 116 Stat. 3085.)

Editorial Notes

PRIOR PROVISIONS

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

§ 3026. Appointments and promotions to permanent grades

Appointments in and promotions to all permanent grades shall be made by the President.

(Pub. L. 107-372, title II, §226, Dec. 19, 2002, 116 Stat. 3085; Pub. L. 112-166, §2(gg)(1), Aug. 10, 2012, 126 Stat. 1290.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

2012—Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

§ 3027. General qualification of officers for promotion to higher permanent grade

No officer may be promoted to a higher permanent grade on the active list until the officer has passed a satisfactory mental and physical examination in accordance with regulations prescribed by the Secretary.