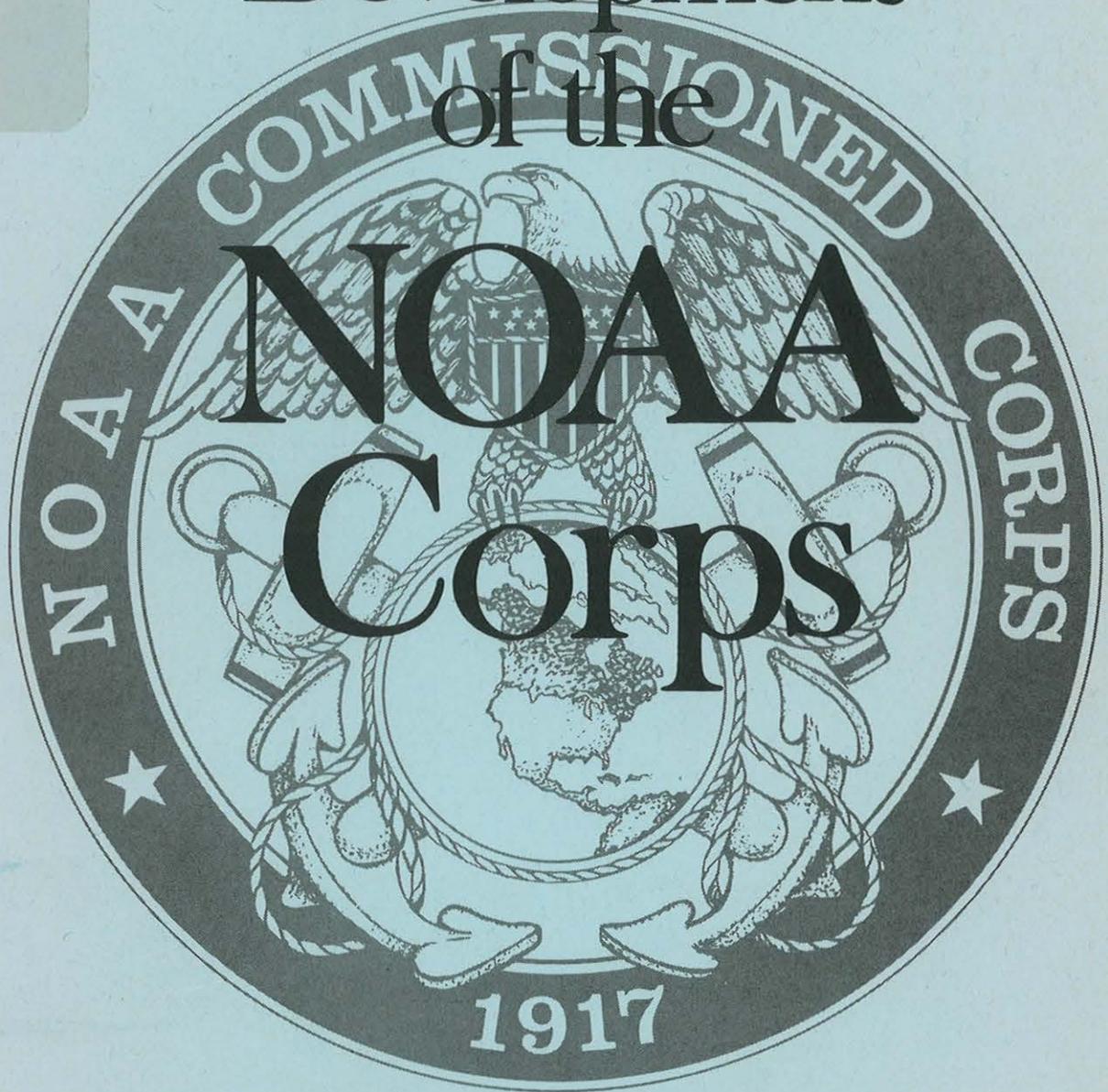


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Origin and Development of the



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Origin and Development of the NOAA Corps

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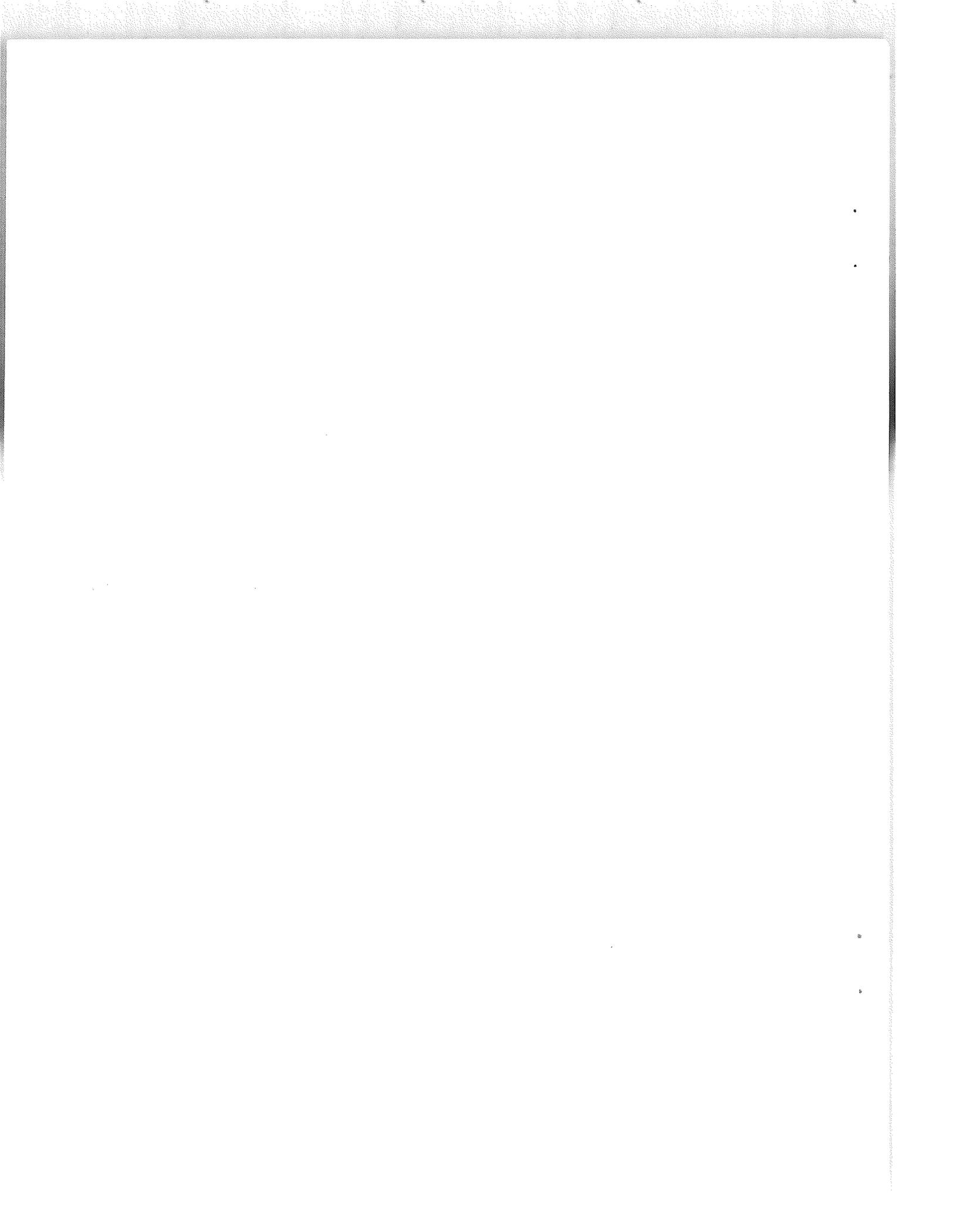
by R. Adm. Harley D. Nygren, NOAA



U.S. DEPARTMENT OF COMMERCE
Rogers C. B. Morton, Secretary

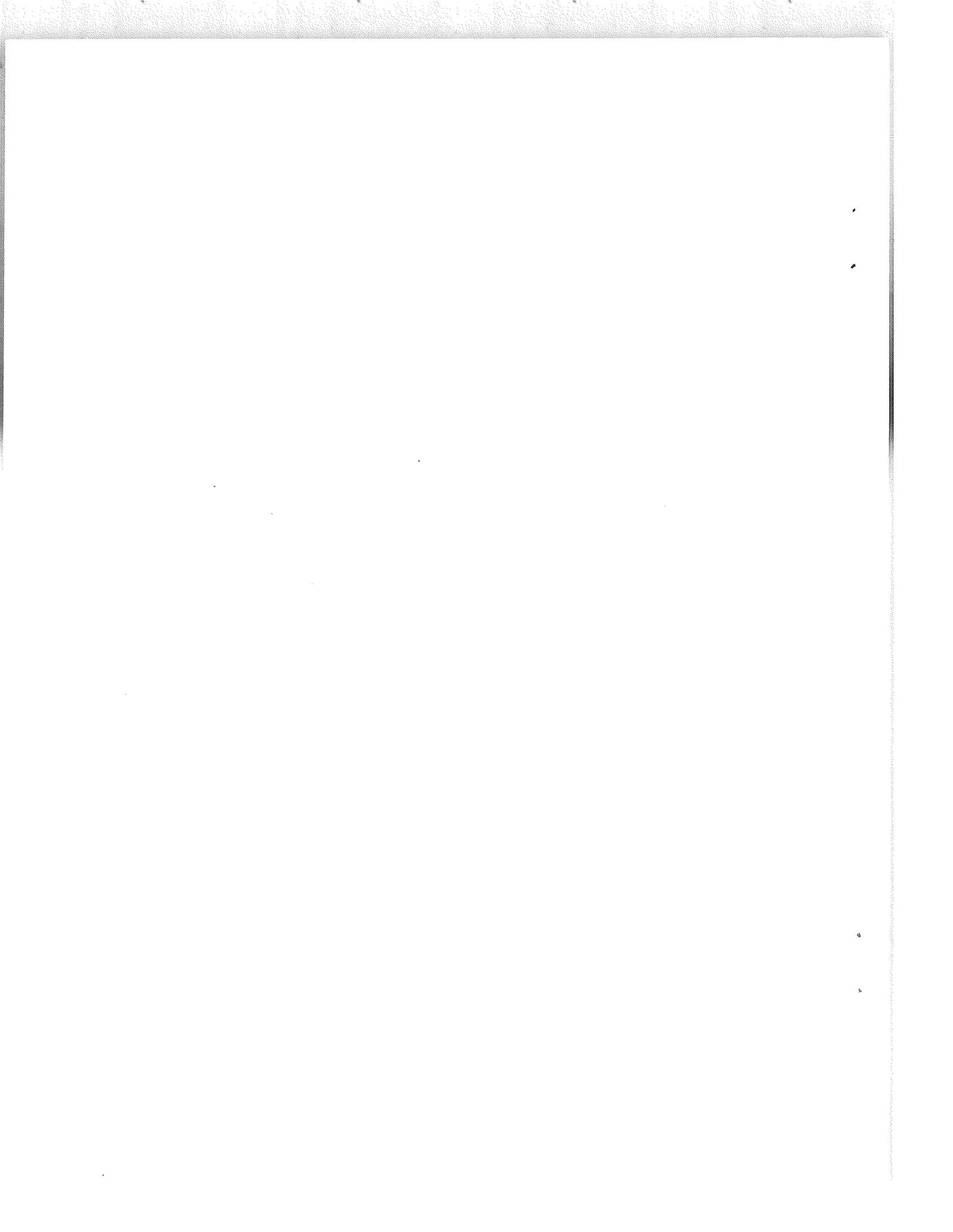
National Oceanic and Atmospheric Administration
Dr. Robert M. White, Administrator

Rockville, Md.
August, 1975



NOAA CORPS MISSION

The mission of the NOAA Corps is to provide officers technically competent to assume positions of leadership in NOAA's programs. Members of a uniformed service, they serve as officers of the Department of Commerce, or as military officers if transferred to the armed services during times of emergency. Discipline and flexibility are inherent in the Corps personnel system. NOAA officers are trained for positions of leadership and command in the operation of ships and aircraft; in the conduct of field projects on land, at and under the sea, and in the air; in the management of NOAA observational and support facilities; as members or leaders of research efforts; and in the management of various organizational elements throughout NOAA.



ORIGIN AND DEVELOPMENT OF THE NOAA CORPS

INTRODUCTION

During the early years of the U.S. Coast Survey, the field work was directed by qualified officers officially entitled, "assistants." These officers were of three categories: civilians, Army officers, and Navy officers. In all the correspondence of this period, official signatures bore titles, as well as military rank. For instance: "Charles H. Davis, Lieutenant Commanding USN, Assistant USCS." After the Civil War, Army officers were not available for Coast Survey duty, and hydrographic parties were commanded by Navy officers or civilian assistants, according to the requirements of particular projects. In the 1870s, with the extending of "triangulation of the coast survey so as to form geodetic connection between the Atlantic and Pacific Coast" the "Coast Survey" became "Coast and Geodetic Survey."¹

At one time, one-third of all Navy officers on active duty had been assigned to the Coast Survey for varying parts of their careers. These assignments were sought after because there were more commands for lieutenants in the small ships of the Survey than in the Navy. As an example, Jefferson P. Moser had three tours of duty, totaling 15 years. During fiscal year 1899, the Survey had 44 Navy officers. All were withdrawn at the start of the Spanish-American War, and their commands reverted to the civilian assistants. There was no discontinuity in the work of the Survey, however, as the civilian assistants were qualified to perform hydrographic work. The Navy officers were not reassigned to Survey duty after the war. One famous Navy officer who served with the Survey was Captain Charles D. Sigsbee, commander of the battleship Maine when she blew up in Havana Harbor February 15, 1898.

The period between 1898 and 1917 was a trying one for the Survey. The annual reports for this period describe various difficulties with the personnel systems. The result was a rapid turnover in officers. J.B. Miller was 32 years old when he died on the Lusitania in 1914. Although his total service was about 12 years, he had commanded vessels on both coasts and the Philippines. He commanded the Survey's largest ship, the Patterson, when she rescued survivors of the Revenue Cutter Tahoma in the Aleutian Islands. A number of field officers transferred to the Lighthouse Service to enjoy its somewhat better duty. During this period, the possession of a technical school or college degree was a requirement for promotion but not for initial appointment.

1

Act of March 3, 1871 and other legislation, e.g. Act of June 28, 1879 with respect to the Mississippi River Basin

EVOLVEMENT OF A SEPARATE UNIFORMED SERVICE

The birth of the present commissioned corps is recorded in the Act of May 22, 1917, an "Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes." This act authorized the transfer of vessels, equipment, stations, and personnel of the Coast and Geodetic Survey (C&GS) to the War or Navy Departments. It provided that:

The President is authorized to appoint, by and with the advice and consent of the Senate, the field officers of the Coast and Geodetic Survey, who are now officially designated assistants and aids, as follows: Officers now designated assistants and receiving a salary of \$2,000 or more per annum shall be appointed hydrographic and geodetic engineers..., etc.

On June 20, 1917, the Secretary of Commerce approved regulations concerning the "Examination, Appointments, and Promotions of Commissioned Officers, Coast and Geodetic Survey."

C&GS Bulletin No.25 of June 1917 reported that the "Designations of officers of the field force have been changed in accordance with the terms of the Act from assistant to hydrographic and geodetic engineer, junior hydrographic and geodetic engineer, and aid, and their nominations have been sent to the Senate by the President, and confirmed by that body. Commissions will be shortly issued under the new designation."

OFFICER CORPS DURING WAR TIMES

A set of joint regulations was signed by the Secretaries of War, Navy, and Commerce, August 27, 1917, after U.S. entry into World War I. They specified the "Duties to be Performed by Such of the Personnel, Vessels, Equipment and Stations of the United States Coast and Geodetic Survey, by Executive Order of the President of the United States in Accordance with the Provisions of Section 16, Act of May 22, 1917."

Executive Order 2707 was signed by President Wilson on September 24, 1917. This order transferred the ships Isis, Surveyor and Bache to the Navy, along with 38 commissioned officers. The order transferred 29 other commissioned officers to the War Department. The same order commissioned 10 civilian members in the Officer Reserve Corps and transferred them as well. Personnel and ships were also transferred to and from the services by Executive Orders 2782, 2861, 3028, 3029, and 3044.

The revised status of C&GS officers was first recognized in Bureau regulations on September 15, 1918, Sections 67, 68, and 69, which outline the procedures for appointment, examination, and promotion of "commissioned officers". Chapter III of the Superintendent's Annual Report for Fiscal Year 1918 summarized the war work of the C&GS. On pages 42 and 43, it listed all the bureau's people serving in the armed services under various types of commissions. A summary statement showed the following:

In the War Department:

Commissioned officers (C&GS commissions)	25
Other officers	26
Non-officers	<u>58</u>
Total Men	109

In the Navy Department:

Commissioned officers (C&GS commissions)	42
Other officers	10
Non-officers	<u>79</u>
Total Men	131

After the war, various laws affected the officers. Their titles were set by the Act of 1917, the military rank being a "relative rank" which was not emphasized in the correspondence or reports. On January 19, 1942, Public Law 402 of the 77th Congress was passed to "regulate the distribution and promotion of commissioned officers of the C&GS, and for other purposes." This law dropped all mention of "relative rank" and established the percentage of officers in various grades from ensign through rear admiral. Subsequent appropriation acts carried the new terminology, and the title "hydrographic and geodetic engineer" went into oblivion.

In January, February, and March 1942, following the United States entry into World War II, ships and 94 officers of the C&GS were transferred to the War and Navy Departments. These transfers are detailed in C&GS Bulletins of the period, including No. 320. Nine executive orders directing the action specified that the officers were to serve under their C&GS commissions. Joint Regulations similar to those of 1917 were promulgated by the Secretaries of War, Navy, and Commerce, on January 20, 1942. The regulations also required that officers transferred "shall serve under their C&GS commissions" and "shall have proper military status."

FORMATION OF ESSA DIVERSIFIES OFFICER ASSIGNMENTS

Presidential Reorganization Plan No. 2 of 1965 consolidated the Coast and Geodetic Survey and the Weather Bureau to form the Environmental Science Services Administration (ESSA). Subsequent action by the Secretary of Commerce added the Central Radio Propagation Laboratory of the National Bureau of Standards to the new Administration which was designed to provide a single national focus on efforts to describe, understand, and predict the environment.

A significant feature of this reorganization was the acknowledgement by the President and by the Congress that the commissioned officers of the C&GS should play an important role in the new Administration. They recognized the benefits inherent in a commissioned personnel system wherein professional officers with engineering and scientific backgrounds could be directed to serve when and where needed in any component of the Administration, regardless of remoteness of station, urgency of call to duty, length of family separation, or hazard of duty. They realized that the broad experience gained by each officer serving throughout the Administration would contribute to a better understanding of the inter-relations of the Administration's many functions and thus enhance its total competence. In his message transmitting the Reorganization Plan to Congress, the President proclaimed that "Commissioned officers of the Coast and Geodetic Survey will become commissioned officers of the Administration and may serve at the discretion of the Secretary of Commerce throughout the Administration." The role of the commissioned corps in ESSA thus required an increase both in the number of officers and the scope of duties.

AMENDMENTS TO BASIC 1917 LEGISLATION, 1966

In the earlier legislation, the terms or names for the military services were limited to "War" and "Navy" Departments. But with reorganization in the Armed Forces under a coordinated Department of Defense, and with the increasing utilization of commissioned officers beyond the Coast and Geodetic Survey, the terminology was amended to accommodate these changes. "War" and "Navy" were revised to "Army, Navy, or Air Force" with respect to commissioned personnel subject to transfer from NOAA to a "Military department" during wartime or national emergency. Where reference was made to transfer of "personnel," this was changed to "commissioned officers."

The section of the statutes relating to preparation of Regulations includes the following changes: The "Secretary of Defense" was substituted for "Secretary of War" and "Secretary of the Navy;" the substitution for "War" and "Navy" Departments takes place under "military department." The previously omitted "Air Force" has been included with the other military services. Subsequently, new Regulations conforming to the revised law were signed by the Secretary of Commerce and the Deputy Director of Defense in 1971.

NOAA EXPANDS COMMISSIONED OFFICER ROLE

The National Oceanic and Atmospheric Administration (NOAA) was created within the U.S. Department of Commerce through Reorganization Plan No. 4, which was transmitted by the President to the Congress on July 9, 1970, and became effective on October 30, 1970. The ESSA Corps became the NOAA Corps. Section 2 (f) made provision for an officer of rear admiral (upper half) rank to head the commissioned corps of the Administration. The Director of the NOAA Corps became responsible for the recruitment, training, assignment, and career development of commissioned officers.

With the addition of substantial program responsibilities, members of the NOAA Corps assumed key positions in many more technical and ocean-related operations. An encouraging forward step took place with the enactment in December 1970 of Public Law 91-621, which brought the NOAA Corps under the Soldiers and Sailors Civil Relief Act.

CHALLENGE OF THE NOAA CORPUS

As a dynamic personnel system, the commissioned corps has undergone various other legislative and administrative changes which will not be detailed here. It has, however, achieved several results which were not explicitly the intent of the basic legislation, although there are strong grounds for suggesting that this was well understood at the time. It has permitted the latter day continuation of the field corps system which has been in effect since the C&GS was established. This ensures no division of responsibility aboard the NOAA vessels. It has also provided executive development procedures similar to those of large industrial firms.

REFERENCES

The following is a list of statutes and regulations (or excerpts therefrom) that have been milestones in the history of the NOAA Corps:

1. Providing Officer Status for Coast and Geodetic Survey Personnel (40 Stat 87-88, Act of May 22, 1917).
2. Duties of Coast and Geodetic Survey Personnel Transferred to the War and Navy Departments (Army Special Regulation 68 of September 29, 1917 (War Department 048.24 A.G.O. from identical publications in the Departments of War, Navy and Commerce, jointly as of August 27, 1917)).
3. Regulations on Examination, Appointment and Promotion of Commissioned Officers of the Coast and Geodetic Survey (Secretary of Commerce, June 20, 1917).
4. Transfer of Certain Vessels, Equipment and Personnel of the USC&GS to the War and Navy Departments (Exec Order 2707, Sept. 24, 1917).
5. Personnel Regulations (USC&GS Sections 66-73, 1918, pages 28-31).
6. War Work of the Coast and Geodetic Survey (Annual Report of the Superintendent, 1918, Chapter III, pages 42-43).
7. An Act to Regulate the Distribution and Promotion of Commissioned Officers of the Coast and Geodetic Survey (PL 402-77, January 19, 1942).
8. World War II History of the Coast and Geodetic Survey (USGPO; 1951 (See published copies)).
9. Formation of the Environmental Science Services Administration (ESSA); Reorganization Plan No. 2 of 1965, effective July 13, 1965.
10. Establishment of the National Oceanic and Atmospheric Administration (NOAA); (Reorganization Plan No. 4 of 1970, effective October 30, 1970).
11. An Act to Clarify the Status and Benefits of Commissioned Officers of the National Oceanic and Atmospheric Administration (Public Law 621-91st Congress; 84 Stat. 1863; approved December 31, 1970).
12. Public Law 89-657, approved October 14, 1966 (amending the Act of May 22, 1917 - See Reference 1, above). The codified version may be found in 33 U.S.C. 855, 858, 868a, 854a-1.
13. Department of Defense - Department of Commerce Regulations Governing Cooperation of the National Oceanic and Atmospheric Administration with the Department of Defense, approved November 1971.

Texts of the above references are given on the pages which follow, except for Reference 8.

REFERENCE 1

PROVIDING OFFICER STATUS FOR COAST AND GEODETIC SURVEY PERSONNEL (40 Stat 87-88, Act of May 22, 1917)

The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interests of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made: Provided, That such vessels, equipment, stations, and personnel shall be returned to the Coast and Geodetic Survey when such national emergency ceases, in the opinion of the President, and nothing in this Act shall be construed as transferring the Coast and Geodetic Survey or any of its functions from the Department of Commerce except in time of national emergency, and to the extent herein provided: Provided, further, that any of the personnel of the Coast and Geodetic Survey who may be transferred as herein provided, shall, while under the jurisdiction of the War Department or Navy Department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army and Navy, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law: And provided further, That the President is authorized to appoint, by and with the advice and consent of the Senate, the field officers of the Coast and Geodetic Survey, who are now officially designated assistants and aids, as follows: Officers now designated assistants and receiving a salary of \$2000 or more per annum shall be appointed hydrographic and geodetic engineers; officers now designated assistants and receiving a salary of \$1200 or greater but less than \$2000 per annum shall be appointed junior hydrographic and geodetic engineers; officers now designated aids shall be appointed aids: Provided, That no person shall be appointed aid or shall be promoted from aid to junior hydrographic and geodetic engineer or from junior hydrographic and geodetic engineer to hydrographic and geodetic engineer until after passing a satisfactory mental and physical examination conducted in accordance with regulations prescribed by the Secretary of Commerce, except that the President is authorized to nominate for confirmation the assistants and aids in the service on the date of the passage of this Act.

Nothing in this Act shall reduce the total amount of pay and allowances they were receiving at time of transfer. While actually employed in active service under direct orders of the War Department or of the Navy Department, members of the Coast and Geodetic Survey shall receive the benefit of all provisions of laws relating to disability incurred in the line of duty or loss of life.

Hydrographic and geodetic engineers receiving \$4000 or more shall rank with and after colonels in the Army and captains in the Navy.

Hydrographic and geodetic engineers receiving \$3000 or more but less than \$4000 shall rank with and after lieutenant colonels in the Army and commanders in the Navy.

Hydrographic and geodetic engineers receiving \$2500 or more but less than \$3000 shall rank with and after majors in the Army and lieutenant commanders in the Navy.

Hydrographic and geodetic engineers receiving \$2000 or more but less than \$2500 shall rank with and after captains in the Army and lieutenants in the Navy.

Junior hydrographic and geodetic engineers shall rank with and after first lieutenants in the Army and lieutenants (junior grade) in the Navy.

Aids shall rank with and after second lieutenants in the Army and ensigns in the Navy.

And nothing in this Act shall be construed to affect or alter their rates of pay and allowances when not assigned to military duty as hereinbefore mentioned.

The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Coast and Geodetic Survey in time of war, and for the cooperation of that service with the War and Navy Departments in time of peace in preparation for its duties in war, which regulations shall not be effective unless approved by each of the said Secretaries and included therein may be rules and regulations for making reports and communications between the officers or bureaus of the War and Navy Departments and the Coast and Geodetic Survey.

REGULATIONS

COVERING THE

DUTIES TO BE PERFORMED BY SUCH OF THE PERSONNEL, VESSELS, EQUIPMENT, AND STATIONS OF THE UNITED STATES COAST AND GEODETIC SURVEY AS MAY BE TRANSFERRED TO THE WAR DEPARTMENT OR THE NAVY DEPARTMENT, BY EXECUTIVE ORDER OF THE PRESIDENT OF THE UNITED STATES, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16, ACT OF MAY 22, 1917.

SPECIAL REGULATIONS NO. 68.

WAR DEPARTMENT,
WASHINGTON, September 29, 1917.

The following regulations governing the duties of the personnel, etc., of the United States Coast and Geodetic Survey transferred to the War and Navy Departments are published for the information and guidance of all concerned.

[048.24, A. G. O.]

BY ORDER OF THE SECRETARY OF WAR:

TASKER H. BLISS,
Major General, Chief of Staff.

OFFICIAL:

H. P. McCAIN,
The Adjutant General.

(2)

10309*—17

1. When so authorized by the President, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as may be designated by the President shall be transferred to the service and jurisdiction of the War Department or of the Navy Department, subject to the physical examination prescribed in paragraph 4 of these regulations.

2. The War Department or the Navy Department shall furnish the Superintendent of the Coast and Geodetic Survey with the addresses of officers to whom the officers and others of the personnel of the Coast and Geodetic Survey are to report and the military departments, the naval districts, or other duty to which the vessels, equipment, and stations of the Survey are to be assigned.

3. The Superintendent of the Coast and Geodetic Survey shall inform the officers in charge of the vessels, equipment, or stations to be transferred to whom they are to report, and he shall direct the officers and others of the personnel to report to the commanding officer under whom they are to serve or to whom they are to transfer the ships, equipment, or stations. These reports shall be made by telegraph, telephone, or in person, according to the quickest method of getting in touch with the Army or Navy authorities.

4. The proper military or naval commander to whom the designated personnel report will cause them to undergo the physical examination prescribed for entrance into the military or naval service. Any of the personnel found to be physically unfit for military or naval service shall not be transferred.

5. The representative of the War or Navy Department shall inform the Superintendent of the Coast and Geodetic Survey by

(3)

REFERENCE 2

letter that officers and others of the personnel of the Survey have reported to him and that he has received the vessels, equipment, or stations transferred to him.

6. The date from which the War and the Navy Departments assume responsibility will be the date of the President's Executive Order.

7. The authority and responsibility of the Department of Commerce over the stations and vessels, their equipment and personnel, and other personnel transferred by the Executive Order of the President, ceases on the date of such Executive Order.

8. The laws relative to appointments, promotions, reductions, transfers, removals, demotions, and dismissals of the personnel that do not conflict with the laws, regulations, and orders for the government of the Army or the Navy shall be carried out by the Army or naval authorities as provided in the regulations of the Coast and Geodetic Survey in the case of an employee of the Coast and Geodetic Survey not a member of one of those organizations.

9. In case an employee becomes a member of the Army Reserve or National Army or of the Naval Reserve Force he becomes subject to the laws and regulations for such organizations upon transfer.

10. The salaries of all officers and other persons and the expenses of operation, maintenance, and repair of vessels and other equipment transferred to the War Department or the Navy Department shall be defrayed out of the appropriation for the department to which transfer is made, and all accounts in connection therewith shall be handled in accordance with the regulations and practices of the department to which the account is chargeable.

11. Officers and others of the personnel of the Survey transferred to the War or the Navy Department shall transmit to the Superintendent of the Survey, through their commanding officer, such regular and special reports, not of a military nature, to be designated or called for from time to time by the Secretary of the department under whom they are serving, as may be necessary to complete the records and files of the Survey.

12. All aliens, members of the crews of such vessels ordered transferred, shall be discharged or ordered to other duty in the Coast and Geodetic Survey prior to the actual transfer of the vessels and personnel to the War or Navy Department, or as soon thereafter as possible.

13. All personnel of the vessels of the Coast and Geodetic Survey transferred to the Navy shall enroll in the Naval Reserve Force, otherwise they shall not be transferred.

14. When the commissioned officers are transferred their status will be that of staff officers unless they are commissioned in the Army Reserve or National Army or enrolled in the Naval Reserve Force. Such staff officers shall exercise military command only over the personnel of the Coast and Geodetic Survey not enrolled in the reserve, and shall have no authority over any person in the military or naval services of the United States, except where such personnel is expressly placed under their orders pursuant to orders issued by competent Army or Navy authorities. Such officers shall have "relative rank" as required by law.

15. Commissioned officers of the Coast and Geodetic Survey transferred to the services and jurisdiction of the War or the Navy Department may be given commissions in the Army Reserve or National Army or enrolled in the Naval Reserve Force in such ranks not below their relative rank at the time of transfer as they are qualified to fill. When so commissioned or enrolled they shall exercise military command in accordance with the laws, regulations, and orders for the government of the Army or the Navy.

16. Officers other than the commissioned officers of the Coast and Geodetic Survey transferred to the service and jurisdiction of the War or the Navy Department will be given commissions in the Army Reserve or National Army or enrolled in the Naval Reserve Force at the time of transfer in such ranks as they are qualified to fill. Their pay and allowances shall not be less than at the time of their transfer.

17. Upon the approval of these regulations the Superintendent of the Coast and Geodetic Survey shall furnish to the War Department and the Navy Department a list of the officers of the Coast and Geodetic Survey who are below the age of retirement in the War and the Navy Departments, with a memorandum of the particular training, qualifications, experience, pay, and allowance of each officer, and a recommendation as to which branch of the military service each officer is best qualified to serve in.

18. The fact that any person may have received a commission in the Army or the Navy or have enlisted in the Army or the Navy in accordance with these regulations shall not be con-

REFERENCE 3

14

COAST AND GEODETIC SURVEY BULLETIN.

REGULATIONS APPROVED BY THE SECRETARY OF COMMERCE JUNE 20, 1917, CONCERNING THE EXAMINATION, APPOINT- MENTS, AND PROMOTIONS OF COMMISSIONED OFFICERS, COAST AND GEODETIC SURVEY.

(1) Hydrographic and geodetic engineers, junior hydrographic and geodetic engineers, and aids in the Coast and Geodetic Survey shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

(2) The commissions shall be countersigned by the Secretary of Commerce and sealed with the official seal of the Department of Commerce.

(3) No person who is not a citizen of the United States shall be eligible for appointment.

(4) All aids shall be appointed by promotion from the position of deck officer or extra observer, and in no case shall a person be appointed to the position of aid unless he has served at least six months as deck officer or extra observer, and has performed satisfactory services and shown the proper qualifications for a commissioned officer in the Survey and has also passed a satisfactory physical examination by a medical officer of the United States Public Health Service.

(5) Deck officers and extra observers shall be appointed by the Secretary of Commerce from a list of eligibles established by competitive examination conducted in accordance with the rules of the United States Civil Service Commission.

(6) The applicants for examination for the position of deck officer and extra observer must not be less than 20 nor more than 25 years of age on the date of their examination. They must be citizens of the United States, unmarried, and of good moral character. They must have had at least three years of a course in civil engineering in an educational institution of recognized standing.

(7) Before an applicant will be permitted to take the educational examination the medical certificate required with his application must show that he has satisfactorily passed a physical examination by a medical officer in the service of the United States. The medical officer will state his rank or designation on the certificate.

(8) Applicants must be free from color blindness or other physical defects that might impair their fitness for the performance of the duties of a field officer in the Coast and Geodetic Survey, and from all obvious tendency to any form of disease which would be likely to interfere with the efficient discharge of their duties in any climate.

(9) After a deck officer or an extra observer has received an appointment and before he is permitted to take the oath of office, he will be required to pass an additional physical examination by a medical officer of the United States Public Health Service, unless his preliminary physical examination was made by an officer of that service. And, even in this case, a reexamination by an officer of the Public Health Service may be required.

(10) The superintendent shall appoint a board of not more than five nor less than three commissioned officers of the Survey whose duty shall be to examine into the qualifications of all commissioned officers for promotion, and all persons who may be certified for original entry into the service as field officers, and to make recommendations as to their fitness for promotion or original entry into the service. In accordance with its duties here prescribed, the board shall have charge of the preparation of all sets of questions for the educational examination for promotion, and shall rate and mark all papers resulting from these examinations. The ratings and marks fixed by the board shall be final. There will be referred to this board by the superintendent, for consideration and recommendation, all matters of an executive nature connected with the examination and appointment of deck officers and extra observers. The membership of this board may be changed at any time by the superintendent or by the Secretary of Commerce.

(11) No officer shall be appointed from the position of aid to that of junior hydrographic and geodetic engineer who has not, in addition to the physical and mental qualifications hereinbefore mentioned, received a degree in civil engineering or bachelor of science in civil engineering from an institution of recognized standing; except that the provisions of this paragraph shall not apply to the aids, deck officers, and extra observers who are now in the service or those who may pass the examination for field officer prior to July 1, 1917.

(12) No commissioned officer shall be promoted to a higher grade until his mental, moral, and professional fitness to perform all the duties thereof have been established to the satisfaction of the board of examination, and his physical fitness has been certified by a medical officer of the Public Health Service.

(13) When a commissioned officer fails in his first examination for promotion to the next higher grade, the next ranking officer shall be ordered to examination, and if successful shall be promoted to the existing vacancy.

(14) When an officer fails in one examination for promotion, he shall be allowed a second examination, after the expiration of one year, or when the next vacancy occurs thereafter, but again failing, he will not be allowed a third examination but will be reported to the Secretary of Commerce as not qualified for promotion. When thus reported he shall be placed on the official register of the Service as "not in the line of promotion."

(15) When an officer fails to pass the physical examination required for promotion the examining medical officer shall report in detail the physical condition of said officer, and if it shall appear that his physical condition is the result of irregular or dissipated habits, the case shall be reported as requiring investigation by a board to be ordered by the Secretary of Commerce. If it is the result of disease or disability contracted in the line of duty, he shall be reported to the Secretary of Commerce as not qualified for promotion, and when so reported shall be placed on the official register of the Service as "not in the line of promotion."

(16) When an officer has failed of promotion on account of physical disability, and is placed on the register as "not in the line of promotion," and it shall subsequently appear, by competent medical evidence, that he has progressed to recovery, the superintendent shall order him reexamined for promotion to the next occurring vacancy.

Executive Order

transferring to the service and jurisdiction of the War Department and the Navy Department certain vessels, equipment and personnel of the United States Coast and Geodetic Survey.

In accordance with the authority vested in me by the "Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps and for other purposes", approved May 22, 1917, I, WOODROW WILSON, President of the United States of America, do hereby declare that a national emergency exists and do direct that there be transferred to the service and jurisdiction of the Navy Department for temporary use the following vessels, including equipment and personnel other than commissioned officers thereof: SURVEYOR, ISIS, BACHE.

Also there shall be transferred to the service and jurisdiction of the Navy Department the following named persons now part of the commissioned personnel of the Coast and Geodetic Survey:

William E. Parker,	Richard R. Lukens,	Conrad T. Bussell,
Nicholas H. Heck,	Arthur J. Ela,	Leroy P. Raynor,
Clifford G. Quillian,	Arthur Joachims,	Gardiner Luce,
Paul C. Whitney,	Harold A. Cotton,	Lyman D. Graham,
Francis H. Hardy,	Alfred L. Giacomini,	Stanley T. Barker,
Raymond S. Patton,	George C. Mattison,	Leo C. Wilder,
Gilbert T. Rude,	Eustace S. Walker,	Paul V. Lane,
Robert F. Luce,	Harrison R. Bartlett,	Wilmer O. Hinkley,
Thomas J. Maher,	William V. Hagar,	George H. Durgin,
Francis G. Engle,	Kenneth T. Adams,	Charles K. Green,
Leo O. Colbert,	Raymond V. Miller,	Fritz C. Nyland,
Harry A. Seran,	Frederic L. Peacock,	George L. Bean.
Paul M. Trueblood,	Ray L. Schoppe,	

Also there shall be transferred to the service and jurisdiction of the War Department, and I do hereby appoint and direct that they be commissioned and ordered to active duty as of date of this order, in the Officer's Reserve Corps in the grades set opposite their names, the following named persons now part of the commissioned personnel of the Coast and Geodetic Survey:

John T. Watkins, Captain, U. S. R.	Raymond A. Wheeler, 2nd Lieut, U. S. R.
Carey V. Hodgson, Captain, U. S. R.	Andrew C. Witherspoon, 2nd Lieut. U. S. R.
John H. Peters, Captain, U. S. R.	Herbert R. Grummann, 2nd Lieut. U. S. R.
John D. Powell, 1st Lieut. U. S. R.	Roland K. Bennett, 2nd Lieut. U. S. R.
Isaiah M. Dailey, 1st Lieut. U. S. R.	Max O. Witherbee, 2nd Lieut. U. S. R.
Otis W. Swainson, 1st Lieut. U. S. R.	Payson A. Perrin, 2nd Lieut. U. S. R.
George D. Cowie, 1st Lieut. U. S. R.	Aaron L. Shalowitz, 2nd Lieut. U. S. R.
Ernest E. Reese, 1st Lieut. U. S. R.	Roland D. Horne, 2nd Lieut. U. S. R.
Frank S. Borden, 1st Lieut. U. S. R.	Robert J. Hole, 2nd Lieut. U. S. R.
Max Steinberg, 1st Lieut. U. S. R.	Frederick E. Joekel, 2nd Lieut. U. S. R.
Harry T. Kelsi, Jr., 1st Lieut. U. S. R.	Harold W. Pease, 2nd Lieut. U. S. R.
Ernest W. Eickelberg, 1st Lieut. U. S. R.	Benjamin Galos, 2nd Lieut. U. S. R.
Arthur S. Hallberg, 1st Lieut, U. S. R.	John W. Cox, 2nd Lieut. U. S. R.
William H. Clark, 1st Lieut. U. S. R.	George R. Hartley, 2nd Lieut. U. S. R.
Bert C. Freeman, 1st Lieut. U. S. R.	

Also there shall be transferred to the service and jurisdiction of the War Department, and I do hereby appoint and direct that they be commissioned and ordered to active duty as of date of this order in the Officer's Reserve Corps in the grades set opposite their names, the following named persons now part of the personnel of the Coast and Geodetic Survey:

Edmund P. Ellis, Captain, U. S. R.	Charles A. Mourhess, 1st Lieut. U. S. R.
James W. McGuire, Captain, U. S. R.	Walter D. Lambert, 1st Lieut. U. S. R.
Earl F. Church, 1st Lieut. U. S. R.	Walter N. McFarland, 2nd Lieut. U. S. R.
Oscar S. Adams, 1st Lieut. U. S. R.	S. L. Rosenberg, 2nd Lieut. U. S. R.
Percy B. Castles, 1st Lieut. U. S. R.	H. S. Rapple, 2nd Lieut. U. S. R.

The War and Navy Departments shall return to the service and jurisdiction of the Department of Commerce any or all of the material or personnel of the United States Coast and Geodetic Survey transferred by this order when directed by me so to do.

WOODROW WILSON

THE WHITE HOUSE,

24 September, 1917.

[No. 2707.]

PERSONNEL.

66. **Field force.**—The commissioned officers, deck officers, extra observers, magnetic observers, officers to man and equip ships, signalmen, draftsmen, all employees engaged in field work, and crews of vessels shall constitute the field force of the Survey.

67. **Appointments of commissioned officers.**—Hydrographic and geodetic engineers, junior hydrographic and geodetic engineers, and aids in the Coast and Geodetic Survey shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

(a) The commissions shall be countersigned by the Secretary of Commerce and sealed with the official seal of the Department of Commerce.

(b) No person who is not a citizen of the United States shall be eligible for appointment.

(c) All aids shall be appointed by promotion from the position of deck officer or extra observer, and in no case shall a person be appointed to the position of aid unless he has served at least six months as deck officer or extra observer, and has performed satisfactory services and shown the proper qualifications for a commissioned officer in the Survey, and has also passed a satisfactory physical examination by a medical officer of the United States Public Health Service.

(d) Deck officers and extra observers shall be appointed by the Secretary of Commerce from a list of eligibles established by competitive examination conducted in accordance with the rules of the United States Civil Service Commission.

68. **Examination of commissioned officers.**—The applicants for examination for the positions of deck officer and extra observer must not be less than 20 nor more than 25 years of age on the date of their examination. They must be citizens of the United States, unmarried, and of good moral character. They must have had at least three years of a course in civil engineering in an educational institution of recognized standing.

(a) Before an applicant will be permitted to take the educational examination the medical certificate required with his application must show that he has satisfactorily passed a physical

examination by a medical officer in the service of the United States. The medical officer will state his rank or designation on the certificate.

(b) Applicants must be free from color blindness or other physical defects that might impair their fitness for the performance of the duties of a field officer in the Coast and Geodetic Survey, and from all obvious tendency to any form of disease which would be likely to interfere with the efficient discharge of their duties in any climate.

(c) After a deck officer or an extra observer has received an appointment, and before he is permitted to take the oath of office, he will be required to pass an additional physical examination by a medical officer of the United States Public Health Service, unless his preliminary physical examination was made by an officer of that service. And, even in this case, a reexamination by an officer of the Public Health Service may be required.

(d) The Superintendent shall appoint a board of not more than five nor less than three commissioned officers of the Survey whose duty shall be to examine into the qualifications of all commissioned officers for promotion and all persons who may be certified for original entry into the service as field officers, and to make recommendations as to their fitness for promotion or original entry into the service. In accordance with its duties here prescribed, the board shall have charge of the preparation of all sets of questions for the educational examination for promotion and shall rate and mark all papers resulting from these examinations. The ratings and marks fixed by the board shall be final. There will be referred to this board by the Superintendent, for consideration and recommendation, all matters of an executive nature connected with the examination and appointment of deck officers and extra observers. The membership of this board may be changed at any time by the Superintendent or by the Secretary of Commerce.

(e) The mental and professional examination of aids for promotion to junior hydrographic and geodetic engineer, or of junior hydrographic and geodetic engineer to the grade of hydrographic and geodetic engineer, shall include the subjects relating to navigation, seamanship, and the handling of crews and vessels of the Survey.

69. **Promotions of commissioned officers.**—No officer shall be appointed from the position of aid to that of junior hydrographic and geodetic engineer who has not, in addition to the physical and

REFERENCE 5

mental qualifications heretofore mentioned, received a degree in civil engineering or bachelor of science in civil engineering from an institution of recognized standing, except that the provisions of this paragraph shall not apply to the aids, deck officers, and extra observers who are now in the service or those who may pass the examination for field officer prior to July 1, 1917.

(a) No commissioned officer shall be promoted to a higher grade until his mental, moral, and professional fitness to perform all the duties thereof have been established to the satisfaction of the board of examination, and his physical fitness has been certified by a medical officer of the Public Health Service.

(b) When a commissioned officer fails in his first examination for promotion to the next higher grade, the next ranking officer shall be ordered to examination, and, if successful, shall be promoted to the existing vacancy.

(c) When an officer fails in one examination for promotion, he shall be allowed a second examination, after the expiration of one year, or when the next vacancy occurs thereafter, but again failing he will not be allowed a third examination, but will be reported to the Secretary of Commerce as not qualified for promotion. When thus reported, he shall be placed on the official register of the service as "not in the line of promotion."

(d) When an officer fails to pass the physical examination required for promotion, the examining medical officer shall report in detail the physical condition of said officer, and if it shall appear that his physical condition is the result of irregular or dissipated habits, the case shall be reported as requiring investigation by a board to be ordered by the Secretary of Commerce. If it is the result of disease or disability contracted in the line of duty, he shall be reported to the Secretary of Commerce as not qualified for promotion, and when so reported shall be placed on the official register of the service as "not in the line of promotion."

(e) When an officer has failed of promotion on account of physical disability, and is placed on the register as "not in the line of promotion," and it shall subsequently appear, by competent medical evidence, that he has progressed to recovery, the Superintendent shall order him reexamined for promotion to the next occurring vacancy.

70. Appointment of officers and employees in the classified service.—Unless otherwise provided by law the officers and employees of the Coast and Geodetic Survey shall be appointed by

the Secretary of Commerce upon the recommendation of the Superintendent, except the commissioned officers, employees on field parties, and the crews of vessels.

(a) Original appointments shall be made to the lowest class in the grade in which they are made.

(b) The rates of pay of appointees paid from lump-sum appropriations shall be fixed by the Secretary of Commerce upon recommendation of the Superintendent.

71. Promotions of officers and employees in the classified service.—Promotions shall be made by the Secretary of Commerce on the recommendation of the Superintendent and in accordance with civil-service rules and regulations.

72. Employees on field parties.—Chiefs of parties may employ the necessary recorders, foremen, mechanics, rodmen, chainmen, heliotroppers, tidemen, drivers, cooks, laborers, etc., in such manner and at such rate of compensation as shall be approved by the Superintendent, upon estimates or otherwise. The employees above mentioned shall, when practicable, be engaged in or near the field of work.

73. Employment of extra observers and deck officers in the Philippine Islands.—The following regulations, having been approved by the Civil Service Commission, will govern the employment of extra observers and deck officers in the Coast and Geodetic Survey in the Philippines:

(a) *Qualifications.*—Persons are desired who have had practical experience in surveying or suitable training.

(b) *Examinations.*—No educational examinations will be given, but applicants will be rated upon their experience as set forth by them in Form 1312. The jurat or oath on this form may be executed wherever most convenient, and the officer's certificate is not required. Applications may be filed at any time with the Philippine Civil Service Board, and will be rated as the needs of the service require.

(c) *Eligibility and appointment.*—The percentage required for eligibility, including the treatment of preference claimants, shall be the same as for the departmental service.

Upon the request of a representative of the Coast and Geodetic Survey in the Philippines, the Philippine Civil Service Board shall certify the three eligibles standing highest, from which appointment shall be made. If there are one or two eligibles, selection shall be made therefrom unless proper objection shall be raised.

REFERENCE 6

CHAPTER III.

WAR WORK OF THE COAST AND GEODETIC SURVEY.

On May 22, 1917, an act was approved "to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes." By section 16 of this act the field officers of the Coast and Geodetic Survey, then under the designation of assistants and aids, were directed, by and with the advice and consent of the Senate, to be commissioned as officers in the Coast and Geodetic Survey under designations therein specified.

By this same act the President was authorized "whenever in his judgment a sufficient national emergency exists to transfer to the service and jurisdiction of the War Department and the Navy Department such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interest of the country." Provision is also made for the return to the Coast and Geodetic Survey of such vessels, equipment, stations, and personnel when such emergency ceases in the opinion of the President.

In the exercise of this authority, the President issued an Executive order on September 24, 1917, by which the following vessels and the personnel thereon were transferred to the service and jurisdiction of the Navy Department: *Surveyor*, *Bache*, and *Isis*.

And on May 16, 1918, another Executive order was issued transferring the following vessels and the personnel thereon to the service and jurisdiction of the Navy Department: *Patterson* (temporarily renamed U. S. S. *Forward*) and *Explorer*.

On March 16, 1918, at the request of the Secretary of War, the Superintendent of the Coast and Geodetic Survey was granted "leave of absence" from his duties in the Coast and Geodetic Survey, and commissioned in the War Department.

OFFICERS OF THE SURVEY ON MILITARY DUTY IN THE WAR AND NAVY DEPARTMENTS.

By Executive order of September 24, 1917, and others of subsequent dates, officers and employees of this Bureau were transferred to and commissioned in the War Department and the Navy Department. Members of the Coast and Geodetic Survey are now commissioned in the War Department and the Navy Department as follows:

In the War Department:

Col. E. Lester Jones.
Maj. William Bowle.
Capt. E. P. Ellis.
Capt. C. V. Hodgson.
Capt. E. H. Pagenhart.
First Lieut Rowland K. Bennett.
First Lieut. Frank S. Borden.
First Lieut. P. B. Castles.
First Lieut. E. F. Church.
First Lieut. W. H. Clark.
First Lieut. George D. Cowle.
First Lieut. I. M. Dalley.
First Lieut. Ernest W. Mickelborg.
First Lieut. Bert C. Freeman.
First Lieut. Harry T. Kelsh, jr.
First Lieut W. D. Lambert.

First Lieut. W. J. McKenzie, jr.
First Lieut. C. F. Mourhess.
First Lieut. Harold W. Pease.
First Lieut. Payson A. Perrin.
First Lieut. Howard S. Rappleye.
First Lieut. Ernest E. Recse.
First Lieut. Max O. Witherbee.
First Lieut. Andrew C. Witherspoon.
Second Lieut. J. W. Cox.
Second Lieut. Benj Galos.
Second Lieut. Herbert H. Grummann.
Second Lieut. George R. Hartley.
Second Lieut. Robert J. Hole.
Second Lieut. R. D. Horne.
Second Lieut. Fred E. Joekel.
Second Lieut. R. A. Wheeler.

In the Navy Department:

Lieut. Commander Arthur Joachims,
 Lieut. Commander W. S. P. Keyes.
 Lieut. Commander Robert F. Luce.
 Lieut. Commander W. E. Parker.
 Lieut. Commander J. H. Peters.
 Lieut. H. R. Bartlett.
 Lieut. Leo. O. Colbert.
 Lieut. Francis G. Engle.
 Lieut. Nicholas H. Heck.
 Lieut. A. S. Hallberg.
 Lieut. Francis H. Hardy.
 Lieut. Wilmer O. Hinkley.
 Lieut. Thomas Jamieson.
 Lieut. Paul V. Lane.
 Lieut. Gardiner Luca.
 Lieut. R. R. Lukens.
 Lieut. Thos. J. Maher.
 Lieut. Jas. E. Marsh.
 Lieut. K. E. Nelson.
 Lieut. Raymond S. Patton.
 Lieut. Clifford G. Quillian.
 Lieut. Leroy P. Raynor.
 Lieut. Gilbert T. Rude.
 Lieut. H. A. Seran.
 Lieut. Roscoe P. Strough.

Lieut. Paul M. Trueblood.
 Lieut. Eustace S. Walker.
 Lieut. J. T. Watkins.
 Lieut. Paul C. Whitney.
 Lieut. Leo C. Wilder.
 Lieut. (j. g.) Kenneth T. Adams.
 Lieut. (j. g.) Stanley T. Barker.
 Lieut. (j. g.) C. T. Bussell.
 Lieut. (j. g.) C. N. Conover.
 Lieut. (j. g.) Harold A. Cotton.
 Lieut. (j. g.) Arthur J. Ela.
 Lieut. (j. g.) A. J. Giacomini.
 Lieut. (j. g.) L. D. Graham.
 Lieut. (j. g.) Chas. K. Green.
 Lieut. (j. g.) M. E. Levy.
 Lieut. (j. g.) Geo. C. Mattison.
 Lieut. (j. g.) Raymond V. Miller.
 Lieut. (j. g.) O. H. Paddison.
 Lieut. (j. g.) F. L. Peacock.
 Lieut. (j. g.) Ray L. Schoppe.
 Lieut. (j. g.) Wm. Weidlich.
 Ensign Geo. L. Bean.
 Ensign Geo. H. Durgin.
 Ensign Fritz C. Nyland.
 Ensign R. C. Overton.
 Asst. Surg. G. E. Marchand.

The total personnel from the Coast and Geodetic Survey in the War Department and the Navy Department is as follows:

In the War Department:	
Commissioned officers (Coast and Geodetic Survey commissions)-----	25
Other officers-----	26
Men-----	58
Total-----	109
In the Navy Department:	
Commissioned officers (Coast and Geodetic Survey commissions)-----	42
Other officers-----	10
Men-----	79
Total-----	131

This total of 240 members from the Coast and Geodetic Survey in the military branches is 30 per cent of the entire personnel of the Coast and Geodetic Survey.

The energies of the personnel remaining with the Coast and Geodetic Survey have been directed almost wholly to the assistance of the military branches of the Government. Practically all the parties in the field on geodetic work have been for the purpose of securing results requested by the War Department, and many special confidential surveys have been made by the hydrographic parties for the Navy Department.

In the Washington office of the Bureau attention has been given to the needs of the military branches for which special computations have been made and special maps and charts produced. Much of the time of the instrument shops has been devoted to repairing sextants and instruments needed by the Navy Department and to the designing and perfection of new instruments and devices for the military authorities. A notable production by the Bureau for the military authorities is a treatise on the Lambert Conformal Projection. This is the projection on which the battle maps in France are based. There was no satisfactory treatise in existence, not even in French,

REFERENCE 7

[CHAPTER 6]

AN ACT

January 19, 1942
[H. R. 5537]
[Public Law 402]

To regulate the distribution and promotion of commissioned officers of the Coast and Geodetic Survey, and for other purposes.

Coast and Geodetic Survey.
Distribution of commissioned officers.
Pub. p. 1626.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total number of commissioned officers on the active list of the Coast and Geodetic Survey shall be distributed in rank relative with officers of the Navy in the proportion of five in the grade of captain to eight in the grade of commander, to eighty-seven in the grades of lieutenant commander, lieutenant, lieutenant (junior grade) and ensign, inclusive: *Provided,* That the number of officers in the grade of lieutenant commander shall not exceed 35 per centum of the total authorized number of commissioned officers on the active list.

Proviso.

PROMOTION OF OFFICERS

Captain and commander.

SEC. 2. (a) Promotions to the grades of captain and commander shall be made as vacancies occur and shall be by selection from the next lower respective grades upon recommendation of the Personnel Board hereinafter authorized.

Lieutenant commander, lieutenant, and lieutenant (junior grade).

(b) Except as otherwise provided in this Act, lieutenants, lieutenants (junior grade), and ensigns shall be promoted to the respective grades of lieutenant commander, lieutenant, and lieutenant (junior

grade) in the order in which the names appear on the current lineal list hereinafter authorized as the officers become credited with seventeen years', ten years', and three years' service, respectively: *Provided*, That lieutenants with not less than fourteen years' accredited service and lieutenants (junior grade) with not less than seven years' accredited service may be promoted to the grades of lieutenant commander and lieutenant, respectively, at any time in such numbers as will not cause the resulting number of officers in each of the grades of lieutenant commander and lieutenant to exceed 28 per centum of the total authorized force of commissioned officers on the active list: *Provided further*, That for purposes of pay, longevity pay, allowances, promotion, or retirement, which are now or may hereafter be authorized for officers appointed after June 30, 1922, there shall be counted in addition to active commissioned service, service as deck officer and junior engineer in excess of one year.

(c) All promotions, when made, shall be effective from the date of the respective vacancies, and promotions to all grades shall be made by the President, by and with the advice and consent of the Senate.

(d) Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer junior to him on the lineal list hereinafter authorized, except that an officer who has lost numbers on the lineal list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

(e) Whenever a final fraction occurs in computing the authorized number of officers of any grade, the nearest whole number shall be regarded as the authorized number: *Provided*, That the total number of officers as authorized by law shall not be increased as a result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly: *Provided further*, That no officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

PERSONNEL BOARD

SEC. 3. At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint and convene a Personnel Board consisting of not less than five officers not below the rank of commander on the active list of the Coast and Geodetic Survey, to make the computations prescribed herein, to prepare and maintain a lineal list on which the names of all officers on the active list shall be arranged in such order as the board may determine, and to make selections and recommendations for the promotion and retirement of officers as herein prescribed.

SEC. 4. Each report of the Personnel Board shall be submitted to the President for approval or disapproval: *Provided*, That in case any recommendation by the board is not acceptable to the President, the board shall be so informed and shall make such further recommendations as shall be acceptable to the President and, if necessary, the board shall be reconvened for this purpose: *Provided further*, That when the report of the board shall have been approved, the recommendations therein shall be carried out in accordance with the provisions of this Act.

RETIREMENT OF OFFICERS

SEC. 5. The President may transfer to the retired list from the grades of captain, commander, lieutenant commander, and lieutenant such officers as have been recommended for retirement by the Per-

Proviso.
Service require-
ments.

Lieutenant com-
manders and lieu-
tenants, limitation.

Service as deck offi-
cer and junior engi-
neer.
Post, pp. 360, 1087.

Effective date.
Senate approval.

Lineal list.

Fractions occurring
in computations.

Proviso.

Appointment and
functions.

Report of the board.
Proviso.

Authority of the
President.

Proviso.
Limitation.

sonnel Board: *Provided*, That the total number of officers so retired in any fiscal year shall not exceed the whole number nearest 1 per centum of the total authorized number of commissioned officers on the active list, and, except as otherwise required by law, the number of officers so retired plus the number of officers retired for age in any fiscal year shall not exceed 3 per centum of the total authorized number of commissioned officers on the active list: *Provided further*, That all transfers to the retired list pursuant to this Act shall become effective on the next ensuing July 1 and the resulting vacancies may be filled as of that date.

Date of retirement.

Rate of retired pay.

Sec. 6. Officers retired pursuant to section 5 of this Act shall receive pay at the rate of $2\frac{1}{2}$ per centum of their active-duty pay at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years' service by which the rate of $2\frac{1}{2}$ per centum is multiplied.

Proviso.

Physical disability.

Sec. 7. Should an officer fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which he would otherwise be entitled to be promoted, with retired pay at the rate of 75 per centum of the active-duty pay of that grade.

MISCELLANEOUS PROVISIONS

Assistant Director;
appointment, rank,
etc.

Sec. 8. The President is authorized to appoint, by and with the advice and consent of the Senate, an officer on the active list of the Coast and Geodetic Survey not below the rank of commander to serve as Assistant Director; his appointment shall not create a vacancy and while holding said office he shall have the rank, pay, and allowances of rear admiral (lower half): *Provided*, That any officer who may be retired while serving as Director or Assistant Director, or who has or shall have served four years as Director or Assistant Director and is retired after completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as Director or Assistant Director.

Proviso.
Retirement of Di-
rector or Assistant
Director.

Burial expenses.
34 U. S. C. §§ 924-
928.
Death gratuity.
34 U. S. C. § 943.

Sec. 9. The provisions of sections 1 to 5, inclusive, of the Act of April 20, 1940 (54 Stat. 144), relating to the burial expenses of Navy personnel, and the provisions of the Act of June 4, 1920 (41 Stat. 824), as amended by the Act of May 22, 1928 (45 Stat. 710), relating to the payment of a death gratuity to dependents of commissioned officers and other personnel of the Navy or Marine Corps, shall apply to commissioned officers of the Coast and Geodetic Survey, except that the duties and obligations imposed in said Acts upon the Secretary of the Navy are hereby imposed for the purposes of this Act upon the Secretary of Commerce who shall cause the necessary payments to be made from funds appropriated for the Coast and Geodetic Survey: *Provided*, That the provisions of this section shall be effective from December 8, 1941.

Post, pp. 494, 495.
Proviso.

Purchase of sup-
plies.

Sec. 10. Commissioned officers, ships' officers, and members of the crews of vessels of the Coast and Geodetic Survey shall be permitted to purchase commissary and quartermaster supplies as far as available from the Army, Navy, or Marine Corps at the prices charged officers and enlisted men of those services.

Repeal of inconsis-
tent laws.

Sec. 11. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed, and the provisions of this Act shall be in effect in lieu thereof.

Approved, January 10, 1942.

REFERENCE 9

REORGANIZATION PLAN NO. 2 OF 1965

Eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 13, 1965, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see section 901 et seq. of Title 5, Government Organization and Employees].

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE

SECTION 1. TRANSFER OF FUNCTIONS

All functions vested by law in the Weather Bureau, the Chief of the Weather Bureau, the Coast and Geodetic Survey, the Director of the Coast and Geodetic Survey, and any officer, employee, or organizational entity of that Bureau or Survey, and not heretofore transferred to the Secretary of Commerce, hereinafter referred to as the Secretary, are hereby transferred to the Secretary.

SEC. 2. ABOLITIONS

(a) The offices of Director of the Coast and Geodetic Survey, Deputy Director of the Coast and Geodetic Survey, and Chief of the Weather Bureau are hereby abolished. The Secretary shall make such provisions as he shall deem to be necessary respecting the winding up of any outstanding affairs of the officers whose offices are abolished by the provisions of this section.

(b) The abolitions effected by the provision of subsection (a) of this section shall exclude the abolition of rights to which the present incumbents of the abolished offices would be entitled under law upon the termination of their appointments.

SEC. 3. ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

(a) The Coast and Geodetic Survey and the Weather Bureau are hereby consolidated to form a new agency in the Department of Commerce which shall be known as the Environmental Science Services Administration, hereinafter referred to as the Administration.

(b) The Secretary shall from time to time establish such constituent organizational entities of the Administration, with such names, as he shall determine.

SEC. 4. OFFICERS OF THE ADMINISTRATION

(a) There shall be at the head of the Administration the Administrator of the Environmental Science Services Administration, hereinafter referred to as the Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate. He shall perform such functions as the Secretary may from time to time direct.

(b) (1) There shall be in the Administration a Deputy Administrator of the Environmental Science Services Administration, hereinafter referred to as the Deputy Administrator, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Secretary may from time to time direct, and, unless he is compensated in pursuance of the provisions of paragraph (2), below, shall receive compensation in accordance with the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5].

(2) The office of Deputy Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Deputy Administrator the officer shall have rank, pay and allowances not exceeding those of a Vice Admiral.

(c) The Deputy Administrator or such other official of the Department of Commerce as the Secretary shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) At any one time, one principal constituent organizational entity of the Administration may, if the Secretary so elects, be headed by a commissioned officer of the Administration, who shall be designated by the Secretary. Such designation of an officer shall create a vacancy on the active list and while serving under this paragraph the officer shall have rank, pay and allowances not exceeding those of a Rear Admiral (upper half).

(e) Any commissioned officer of the Administration who has served as Deputy Administrator or has served in a rank above that of Captain as the head of a principal constituent organizational entity of the Administration, and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of Captain shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of Captain and such officer shall be an extra number in that grade. [As amended Pub. L. 90-83 § 10(c), Sept. 11, 1967, 81 Stat. 224.]

SEC. 5. AUTHORITY OF THE SECRETARY

Nothing in this reorganization plan shall divest the Secretary of any function vested in him by law or by Reorganization Plan No. 5 of 1950 (64 Stat. 1263) or in any manner derogate from any authority of the Secretary thereunder.

SEC. 6. PERSONNEL, PROPERTY, RECORDS AND FUNDS

(a) The personnel (including commissioned officers) employed in the Coast and Geodetic Survey, the personnel employed in the Weather Bureau, and the property and records held or used by the Weather Bureau or the Coast and Geodetic Survey shall be deemed to be transferred to the Administration.

(b) Unexpended balances of appropriations, allocations, and other funds available or to be made available in connection with functions now administered by the Weather Bureau or by the Coast and Geodetic Survey shall be available to the Administration hereunder in connection with those functions.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the foregoing provisions of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. INTERIM OFFICERS

(a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provision of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1965, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended, and providing for the reorganization of two major agencies of the Department of Commerce: The Weather Bureau and the Coast and Geodetic Survey.

The reorganization plan consolidates the Coast and Geodetic Survey and the Weather Bureau to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration. It is the intention of the Secretary of Commerce to transfer the Central Radio Propagation Laboratory of the National Bureau of Standards to the Administration when the reorganization plan takes effect. The new Administration will then provide a single national focus for our efforts to describe, understand, and predict the state of the oceans, the state of the lower and upper atmosphere, and the size and shape of the earth.

Establishment of the Administration will mark a significant step forward in the continual search by the Federal Government for better ways to meet the needs of the Nation for environmental science services. The organizational improvements made possible by the reorganization plan will enhance our ability to develop an adequate warning system for the severe hazards of nature—for hurricanes, tornadoes, floods, earthquakes, and seismic sea waves, which have proved so disastrous to the Nation in recent years. These improvements will permit us to provide better environmental information to vital segments of the Nation's economy—to agriculture, transportation, communications, and industry, which continually require information about the physical environment. They will mean better services to other Federal departments and agencies—to those that are concerned with the national defense, the exploration of outer space, the management of our mineral and water resources, the protection of the public health against environmental pollution, and the preservation of our wilderness and recreation areas.

The new Administration will bring together a number of allied scientific disciplines that are concerned with the physical environment. This integration will better enable us to look at man's physical environment as a scientific whole and to seek to understand the interactions among air, sea, and earth and between the upper and lower atmosphere. It will facilitate the development of programs dealing with the physical environment and will permit better management of these programs. It will enhance our capability to identify and solve important long-range scientific and technological problems associated with the physical environment. The new Administration will, in consequence, promote a fresh sense of scientific dedication, discovery, and challenge, which are essential if we are to attract scientists and engineers of creativity and talent to Federal employment in this field.

The reorganization plan provides for an Administrator at the head of the Administration, and for a Deputy Administrator, each of whom will be appointed by the President by and with the advice and consent of the Senate. As authorized by the civil service and other laws and regulations, subordinate officers of the Administration will be appointed by the Secretary of Commerce or be assigned by him from among a corps of commissioned officers. The Administration will perform such functions as the Secretary of Commerce may delegate or otherwise assign to it and will be under his direction and control.

Commissioned officers of the Coast and Geodetic Survey will become commissioned officers of the Administration and may serve at the discretion of the Secretary of Commerce throughout the Administration. The reorganization plan authorizes the President at his discretion to fill the Office of Deputy Administrator by appointment, by and with the advice and consent of the Senate, from the active list of commissioned officers of the Administration.

The reorganization plan transmitted herewith abolishes—and thus excludes from the consolidation mentioned above—the offices of (1) Chief of the Weather Bureau, provided for in the act of October 1, 1890 (15 U.S.C. 312); (2) Director of the Coast and Geodetic Survey, provided for in the acts of June 4, 1920, and February 16, 1929, as amended (33 U.S.C. 852, 852a); and

(3) Deputy Director of the Coast and Geodetic Survey, provided for in the act of January 19, 1942, as amended (33 U.S.C. 852b).

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 2 of 1965 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that by reason of the reorganizations made by the reorganization plan, it is necessary to include in the plan provisions for the appointment and compensation of the officers of the Administration set forth in section 4 of the reorganization plan. The rate of compensation fixed for each of these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

In addition to permitting more effective management within the Department of Commerce, the new organization will ultimately produce economies. These economies will be of two types. The first, and probably the most significant, is the savings and avoidance of costs which will result from the sharing of complex and expensive facilities such as satellites, computers, communication systems, aircraft, and ships. These economies will increase in significance as developments in science and technology bring into being still more advanced equipment. Second, integration of the existing headquarters and field organizations will permit more efficient utilization of existing administrative staffs and thereby produce future economies. It is, however, impracticable to specify or itemize at this time the reductions of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the reorganization plan.

I recommend that the Congress allow the accompanying reorganization plan to become effective.

THE WHITE HOUSE, May 13, 1965.

LYNDON B. JOHNSON.

REFERENCE 10

REORGANIZATION PLAN NO. 4 OF 1970

Eff. Oct. 30, 1970, 35 F.R. 15627, 84 Stat. _____

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. TRANSFERS TO SECRETARY OF COMMERCE

The following are hereby transferred to the Secretary of Commerce:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760c-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 988), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

SEC. 2. ESTABLISHMENT OF ADMINISTRATION

(a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

(e) There shall be in the Administration three additional officers who shall perform such functions as the Administrator shall from time to time assign or delegate. Each such officer shall be appointed by the Secretary, subject to the approval of the President, under the classified civil service, shall have such title as the Secretary shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would

have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4. INCIDENTAL TRANSFERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. INTERIM OFFICERS

(a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. ABOLITIONS

(a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the office of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.

MESSAGE OF THE PRESIDENT¹

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 4 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code. The plan would transfer to the Secretary of Commerce various functions relating to the oceans and atmosphere, including commercial fishery functions, and would establish a National Oceanic and Atmospheric Administration in the Department of Commerce. My reasons for transmitting this plan are stated in a more extended accompanying message.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 4 of 1970 is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 2 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

The reorganization plan should result in the more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

RICHARD NIXON.

THE WHITE HOUSE,
July 9, 1970.

REFERENCE 11

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMMISSIONED OFFICERS

PUBLIC LAW 91-621; 84 STAT. 1863

[H. R. 212]

An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Section 1. Definitions listed in section 101 of title 10, United States Code, apply to this Act, except as noted below:

- (1) "active duty" means full-time duty in the active service of a uniformed service;
- (2) "Administration" means the National Oceanic and Atmospheric Administration;
- (3) "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;
- (4) "officer" means a commissioned officer;
- (5) "Secretary" means the Secretary of Commerce;
- (6) "Secretary concerned" is defined in section 101 of title 37, United States Code;
- (7) "uniformed services" is defined in section 101 of title 37, United States Code.

Sec. 2. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade satisfactorily held by him while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and he shall receive retired pay based on such highest grade: *Provided*, That his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and, unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

Sec. 3. Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided by—

- (1) laws administered by the Veterans' Administration;
- (2) laws administered by the Interstate Commerce Commission; and
- (3) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

In the administration of these laws and regulations, with respect to the National Oceanic and Atmospheric Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

Sec. 4. (a) 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 men of those services.

(b) 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) Rights extended to members of the uniformed services in this section are extended to their widows and to such others as are designated by the Secretary concerned.

Sec. 5. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.

(b) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, and to commissioned officers of the Environmental Science Services Administration subsequent to that date shall apply to officers of the National Oceanic and Atmospheric Administration on October 3, 1970, and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey or the Environmental Science Services Administration shall constitute service as a commissioned officer in the National Oceanic and Atmospheric Administration.

(c) The enactment of this Act does not increase or decrease the pay or allowances of any person.

(d) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.

(e) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or superseded.

(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 6. (a) Title 38, United States Code, is amended as follows:

(1) Section 101(21) (C) of such title 38⁶⁴ is amended by inserting the words "the National Oceanic and Atmospheric Administration or its predecessor organization" after "officer of" in the first line;

(2) Section 101(25) (F) of such title 38⁶⁵ is amended by inserting "the National Oceanic and Atmospheric Administration or its predecessor organization" after "concerning"; and

(3) Section 3105 of such title 38⁶⁶ is amended by striking "Coast and Geodetic Survey" and substituting "National Oceanic and Atmospheric Administration".

(b) The effective date of an award by the Veterans' Administration of disability compensation or dependency and indemnity compensation arising from an injury or death occurring prior to enactment of this Act and based on a claim filed by an individual who first became eligible for veterans' benefits by reason of the amendments made by the foregoing subsections shall be the date following the date of his discharge or release, or the first day of the month in which death occurred: *Provided*, That application therefor is filed within six months after the effective date of this Act.

Sec. 7. (a) Section 216 of title II of the National Housing Act,⁶⁷ as amended, is amended to read as follows:

"WAIVER OF OCCUPANCY REQUIREMENTS FOR SERVICEMEN

"Sec. 216. The Secretary is hereby authorized to insure any mortgage otherwise eligible for insurance under any of the provisions of this Act without regard to any requirement that the mortgagor be the occupant of the property at the time of insurance, where the Secretary is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry on active duty in a uniformed service subsequent to the filing of an application for insurance and the mortgagor expresses an intent to occupy the property upon his release from active duty."

(b) Section 222 of title II of the National Housing Act, as amended,⁶⁸ is amended to read as follows:

"MORTGAGE INSURANCE FOR SERVICEMEN

"Sec. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the armed forces of the United States Coast Guard and their families, and servicemen in the United States National Oceanic and Atmospheric Administration and their families by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specially designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a 'serviceman' means a person to whom the Secretary of Defense (or any officer or employee designated by him), the Secretary of Transportation (or any officer or employee designated by him), or the Secretary of Commerce (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the armed forces of the United States, in the United States Coast Guard, or in the United States National Oceanic and Atmospheric Administration and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from military assignment, or, in the case of

the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

“(b) To be eligible for insurance under this section a mortgage shall—

“(1) meet the requirements of section 203(b), 203(i), 221(d) (2), or 234(c), except as such requirements are modified by this section;

“(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed \$33,000, except that in the case of a mortgage meeting the requirements of section 203(i) or section 221(d) (2) such principal obligation shall not exceed the maximum limits prescribed for such section;

“(3) have a principal obligation not in excess of the sum of (i) 97 per centum of \$15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$15,000 but not in excess of \$25,000, and (iii) 85 per centum of such value in excess of \$25,000; and

“(4) be executed by a mortgagor who at the time of application for insurance is certified as a ‘serviceman’ and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

“(c) The Secretary may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Secretary under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgage but shall be paid not less frequently than once each year, upon request of the Secretary to the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, ‘the period of ownership by a serviceman’ means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him), the Secretary of Transportation (or any officer or employee or other person designated by him), or the Secretary of Commerce (or any officer or employee or other person designated by him), as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary), has terminated.

“(d) Any mortgagee under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204(a) with respect to mortgages insured under section 203.

“(e) The provisions of subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the Fund, or Mutual Mortgage Insurance Fund, shall refer to the General Insurance Fund, and (2) all references to section 203 shall refer to this section.

“(f) The Secretary is authorized to transfer to this section the insurance on any mortgage covering a single-family dwelling or a

one-family unit in a condominium project insured under this Act, if the mortgage indebtedness thereof has been assumed by a serviceman who at the time of assumption is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

"(g) Where a serviceman dies while on active duty in the armed forces of the United States or in the United States Coast Guard or in the United States National Oceanic and Atmospheric Administration, leaving a surviving widow as owner of the property, the period of ownership by the serviceman (within the meaning of subsection (c) of this section) shall extend for two years beyond the date of the serviceman's death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense or the Secretary of Transportation, or the Secretary of Commerce, as the case may be, shall notify such widow promptly following the serviceman's death of the additional costs to be borne by the mortgagor following termination of the two-year period."

Sec. 8. All provisions of law inconsistent with this Act are hereby repealed.

Approved December 31, 1970.

REFERENCE 12

PUBLIC LAW 89-657; 80 STAT. 907

H. R. 722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Section 16 of the Act of May 22, 1917; chapter 20, as amended (33 U.S.C. 855, 858), is amended as follows:

(1) The first paragraph (33 U.S.C. 855) is amended to read as follows:

"The President is authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of a military department such vessels, equipment, stations, and commissioned officers of the [National Oceanic and Atmospheric Administration] as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made: Provided, That such vessels, equipment, stations, and commissioned officers shall be returned to the [National Oceanic and Atmospheric Administration] when such national emergency ceases, in the opinion of the President, and nothing in this section shall be construed as transferring the [National Oceanic and Atmospheric Administration] or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided: Provided further, That any of the commissioned officers of the [National Oceanic and Atmospheric Administration] who may be transferred as provided in this section, shall, while under the jurisdiction of a military department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army, Navy, or Air Force, as the case may be, insofar as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law."

(2) The last paragraph (33 U.S.C. 858) is amended to read as follows:

"The Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the [National Oceanic and Atmospheric Administration] in time of war, and for the cooperation of that service with the military departments in time of peace in preparation for its duties in war, which regulations shall not be effective unless approved by each of those Secretaries, and included therein may be rules and regulations for making reports and communications between a military department and the [National Oceanic and Atmospheric Administration]."

Sec. 2. Section 10 of the Act of January 19, 1942, chapter 6, as amended (33 U.S.C. 868a), is amended to read as follows:

"Commissioned officers, ships' officers, and members of the crews of vessels of the [National Oceanic and Atmospheric Administration] shall be permitted to purchase commissary and quartermaster supplies as far as available from the Army, Navy, Air Force, or Marine Corps at the prices charged officers and enlisted men of those services."

Sec. 3. Section 1 of the Act of December 3, 1942, chapter 670, as amended (33 U.S.C. 854a-1), is amended to read as follows:

"Personnel of the [National Oceanic and Atmospheric Administration] shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency subject to the following limitations:

"(1) Commissioned officers in the service of a military department under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended, may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to higher ranks or grades.

"(2) Commissioned officers in the service of the [National Oceanic and Atmospheric Administration] may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended.

"(3) Temporary appointments may be made in all grades to which original appointments in the [National Oceanic and Atmospheric Administration] are authorized: Provided, That the number of officers holding temporary appointments shall not exceed the number of officers transferred to a military department under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended."

Approved October 14, 1966.

REFERENCE 13

DEPARTMENT OF DEFENSE DEPARTMENT OF COMMERCE
REGULATIONS GOVERNING COOPERATION OF THE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
WITH THE DEPARTMENT OF DEFENSE

1. Authority. Section 16 of the Act of May 22, 1917, Chapter 20 (40 Stat. 88) as amended by PL 89-657, October 14, 1966 (80 Stat. 907) authorizes the President, whenever in his judgment a sufficient national emergency exists, to transfer commissioned officers, vessels (hereafter referred to as ships), stations, and equipment of the National Oceanic & Atmospheric Administration (NOAA) to the military departments. The section, as amended, also provides that the Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing wartime duties of the National Oceanic & Atmospheric Administration and peacetime cooperation of National Oceanic & Atmospheric Administration with the military departments in preparation for its wartime duties. The following regulations are prescribed jointly by the Secretary of Defense and the Secretary of Commerce, effective 1 November 1971. All regulations previously issued under this authority are hereby revoked.

2. Definition. The term Department of Defense, as used in these regulations includes the Secretary of Defense and his office, the Defense agencies, the Joint Chiefs of Staff, the Joint Staff and joint agencies, and the Departments of the Army, Navy, and Air Force.

3. National Oceanic & Atmospheric Administration Mission Responsibilities.

a. In time of peace, the National Oceanic & Atmospheric Administration shall, in addition to its normal activities, to the extent deemed feasible by the Secretary of Commerce:

(1) coordinate its programs with the programs of the Department of Defense in connection with planning for wartime duties of the National Oceanic & Atmospheric Administration, and provide assistance in matters relating to national defense consistent with its resources and facilities;

(2) undertake such training programs as may be considered desirable by the Department of Defense to prepare its personnel for effective service in time of national emergency; and

(3) maintain liaison with the Department of Defense, as necessary, to assure prompt and orderly utilization of its facilities and personnel in support of national defense in time of national emergency.

b. In time of national emergency declared by the Congress or the President, the National Oceanic & Atmospheric Administration shall:

(1) continue its normal activities, subject to the provisions of clauses (2) and (3) below:

(2) implement, as requested by the Secretary of Defense, existing memoranda of understanding regarding utilization of its facilities and personnel for purposes of national defense; and

(3) promptly effect such transfers of ships, aircraft, equipment, stations, and commissioned officers to the service and jurisdiction of the military departments as the President, by Executive Order, may direct.

4. Personnel

(a) Whenever the President determines that a sufficient national emergency exists, commissioned officers of the National Oceanic and Atmospheric Administration shall be transferred by Executive Order to the service and jurisdiction of the military departments.

(b) Whenever the Secretaries concerned consider it to be in the national interest, the Secretary of Commerce shall assign commissioned officers to serve with military departments in such capacities as the Secretaries determine will contribute to the wartime readiness of the National Oceanic and Atmospheric Administration.

(c) Officers assigned to and serving with military departments pursuant to law, whether under subsection (a) or (b) above, shall be subject to the Uniform Code of Military Justice under the cognizance of the Secretary of the department concerned in accordance with Article 2 of the UCMJ .

5. Property. The President, when he determines that a sufficient national emergency exists, may transfer ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to the service and jurisdiction of the military departments. Transfer and return of such property shall be pursuant to Executive Order.

a. Any ship, aircraft, station, or equipment transferred to a military department shall be returned to the National Oceanic & Atmospheric Administration in as good condition as when transferred, ordinary wear and tear excepted, or replaced in kind, to the satisfaction of the National Oceanic & Atmospheric Administration. All expenses necessary to alter a ship, an aircraft, a station, or equipment to fit it for the service required by the receiving military department and to replace it or return it to its condition at the time of transfer shall be borne by the military department to which transferred.

b. A complete inventory of all property conveyed as the result of any transfer shall be prepared by the National Oceanic & Atmospheric Administration, and an authorized agent of the receiving military department shall provide a receipt therefor.

6. Interdepartmental Board. There shall exist an Interdepartmental Board for the Cooperation of the National Oceanic & Atmospheric Administration with the Department of Defense in connection with planning for the wartime duties of the National Oceanic & Atmospheric Administration.

a. Organization: The Board shall consist of two members, one appointed by the Secretary of Commerce, and the other appointed by the Secretary of Defense. The Board shall be responsible for coordinating wartime planning dealing with mapping, charting, and geodetic sciences, and with operational services in meteorology, climatology, oceanography, aeronomy, weather satellites, and related elements of the terrestrial environment. Each member, as appropriate, may be assisted by experts. The member appointed by the Secretary of Commerce shall be Chairman of the Board and preside at all of its meetings. A recorder, appointed by the Chairman, shall keep minutes of all Board meetings and assist in the preparation of documents and correspondence of the Board. The Board shall be empowered to establish ad hoc groups to assist in performing its duties. The Board shall meet annually, and at such other times as may be required, at the call of the Chairman.

b. Duties.

(1) In time of peace, the Board shall consider how the National Oceanic & Atmospheric Administration and the Department of Defense can cooperate to prepare the National Oceanic & Atmospheric Administration for timely and efficient discharge of its duties in time of national emergency. The Board shall submit for the approval of the Secretaries:

(a) recommendations as to how to better utilize the products, facilities, and services of the National Oceanic & Atmospheric Administration for national defense purposes;

(b) recommendations as to training or participating in programs of mutual interest;

(c) recommendations and relative priorities for continuing, in time of national emergency, selected peacetime reimbursable programs performed by the National Oceanic & Atmospheric Administration in support of the Department of Defense; and

(d) recommendations as to memorandums of understanding between the National Oceanic & Atmospheric Administration and the Department of Defense concerning actions to be taken during national emergency.

(2) In time of national emergency declared by Congress or the President, the Board shall consider the needs of the Department of Defense for the products, facilities, and services of the National Oceanic & Atmospheric Administration and shall submit for the approval of the Secretaries:

(a) recommendations as to the transfer of commissioned officers, ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to and from the service and jurisdiction of the military departments;

(b) recommendations as to the modification of the normal activities of the National Oceanic & Atmospheric Administration in order to correlate them with military requirements;

(c) recommendations as to new activities to be undertaken by the National Oceanic & Atmospheric Administration in the interest of national defense; and

(d) recommendations as to new, or changes to standing memoranda of understanding between the Department of Commerce and the Department of Defense with respect to actions by the National Oceanic & Atmospheric Administration in the interest of national defense.

c. Communications: Direct communications between appropriate representatives of the Department of Defense, including the military departments, and the Department of Commerce, including the National Oceanic & Atmospheric Administration, is authorized on matters concerning the implementation of memoranda of understanding or other agreements which carry out the provisions of the Act of 22 May 1917, as amended, and of these regulations.

7. Miscellaneous.

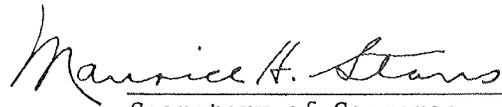
a. Date of Transfer: The date on which the appropriate military department assumes authority over and responsibility for personnel, ships, aircraft, equipment, or stations, and the date on which the National Oceanic & Atmospheric Administration relinquishes authority and responsibility shall be the date the actual transfer is effected unless the Executive Order directing the transfer otherwise provides.

b. Appropriations: After the date of transfer of any ship, aircraft, station, equipment, or personnel of the National Oceanic & Atmospheric Administration to a military department, all expenses connected therewith shall be defrayed out of the appropriations for the Department

to which transfer is made. The cost of pay and allowance support for National Oceanic & Atmospheric Administration commissioned officers assigned to the Department of Defense in accordance with paragraph 4b above shall be borne by the Department of Commerce.

c. Reports: Personnel records and correspondence necessary to preserve the continuity of administrative records of the National Oceanic & Atmospheric Administration shall be furnished to the National Oceanic & Atmospheric Administration by the military departments.


Secretary of Defense Oct 19 1971


Secretary of Commerce Nov 11 1971