

div. A, title VI, § 653(e)(2), Nov. 29, 1989, 103 Stat. 1463; Pub. L. 103-337, div. A, title XVI, § 1677(e), Oct. 5, 1994, 108 Stat. 3020, provided that:

“(a) REDUCTION IN SIZE OF OFFICER CORPS.—On and after each of the dates set forth in column 1 of the following table, the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps (excluding officers in categories specified in subsection (b)) may not exceed the percentage, set forth in column 2 opposite such date, of the total number of commissioned officers serving on active duty as of September 30, 1986 (excluding officers in categories specified in subsection (b)):

Column 1	Column 2
On and after:	Percentage of total commissioned officers serving on active duty as of September 30, 1986:
September 30, 1987	99
September 30, 1988	97

“(b) EXCLUSIONS.—In computing the authorized strength of commissioned officers under subsection (a), officers in the following categories shall be excluded:

- “(1) Reserve officers—
 - “(A) on active duty for training;
 - “(B) on active duty under section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10, United States Code, or under section 708 of title 32, United States Code;
 - “(C) on active duty under section 12301(d) of title 10, United States Code, in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard;
 - “(D) on active duty to pursue special work;
 - “(E) ordered to active duty under section 12304 of title 10, United States Code; or
 - “(F) on full-time National Guard duty.

“(2) Retired officers on active duty under a call or order to active duty for 180 days or less.

“(3) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

“(c) APPORTIONMENT OF REDUCTIONS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall apportion the reductions in the number of commissioned officers serving on active duty required by subsection (a) among the Army, Navy, Air Force, and Marine Corps. Not later than February 1 of each fiscal year in which reductions are required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives [now Committee on Armed Services of the Senate and Committee on National Security of the House of Representatives] a report on the manner in which the reductions have been or are to be apportioned for that fiscal year and for the next fiscal year for which such reductions are required.”

§ 522. Authorized total strengths: regular commissioned officers on active duty

The authorized strengths of the Army, Navy, Air Force, and Marine Corps in regular officers (other than retired officers) in grades above chief warrant officer, W-5, are as follows:

Army.....	63,000
Navy.....	55,000
Air Force.....	80,000
Marine Corps.....	17,000

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 98-525, title V, § 522, Oct. 19, 1984, 98 Stat. 2523; Pub. L. 102-190, div. A, title XI, § 1131(1)(B), Dec. 5, 1991, 105 Stat. 1505.)

AMENDMENTS

1991—Pub. L. 102-190 substituted “chief warrant officer, W-5,” for “chief warrant officer (W-4)”.

1984—Pub. L. 98-525 increased number limit for regular officers in the Navy, Air Force, and Marine Corps to 55,000, 80,000, and 17,000 from 48,000, 69,425, and 13,000, respectively. The number limit for the Army remained unchanged.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain

(a)(1) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
Army:			
60,000	11,580	7,941	3,080
65,000	12,271	8,330	3,264
70,000	12,963	8,718	3,447
75,000	13,654	9,107	3,631
80,000	14,346	9,495	3,814
85,000	15,037	9,884	3,997
90,000	15,729	10,272	4,181
95,000	16,420	10,661	4,364
100,000	17,112	11,049	4,548
110,000	18,495	11,826	4,915
120,000	19,878	12,603	5,281
130,000	21,261	13,380	5,648
170,000	26,793	16,488	7,116
Air Force:			
70,000	13,530	9,428	3,392
75,000	14,266	9,801	3,573
80,000	15,002	10,175	3,754
85,000	15,738	10,549	3,935
90,000	16,474	10,923	4,115
95,000	17,210	11,297	4,296
100,000	17,946	11,671	4,477
105,000	18,682	12,045	4,658
110,000	19,418	12,418	4,838
115,000	20,154	12,792	5,019
120,000	20,890	13,165	5,200
125,000	21,626	13,539	5,381
Marine Corps:			
12,500	2,499	1,388	592
15,000	2,766	1,483	613
17,500	3,085	1,579	633
20,000	3,404	1,674	654
22,500	3,723	1,770	675
25,000	4,042	1,865	695

(2) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year (excluding officers in categories speci-

fied in subsection (b)), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant commander	Commander	Captain
Navy:			
45,000	9,124	5,776	2,501
48,000	9,565	5,984	2,602
51,000	10,006	6,190	2,702
54,000	10,447	6,398	2,803
57,000	10,888	6,606	2,904
60,000	11,329	6,813	3,005
63,000	11,770	7,020	3,106
66,000	12,211	7,227	3,206
70,000	12,799	7,504	3,341
90,000	15,739	8,886	4,013

(3) If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is between any two consecutive figures listed in the first column of the appropriate table in paragraph (1) or (2), the corresponding authorized strengths for each of the grades shown in that table for that armed force are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is greater or less than the figures listed in the first column of the appropriate table in paragraph (1) or (2), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table in the same proportion as reflected in the nearest limit shown in the table.

(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

- (1) Reserve officers—
 - (A) on active duty for training;
 - (B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32;
 - (C) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;
 - (D) on active duty to pursue special work;
 - (E) ordered to active duty under section 12304 of this title; or
 - (F) on full-time National Guard duty.

- (2) General and flag officers.
- (3) Medical officers.
- (4) Dental officers.
- (5) Warrant officers.

(6) Retired officers on active duty under a call or order to active duty for 180 days or less.

(7) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

(c) Whenever the number of officers serving in any grade is less than the number authorized for

that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

(d) An officer may not be reduced in grade, or have his pay or allowances reduced, because of a reduction in the number of commissioned officers authorized for his grade under this section.

(Added Pub. L. 96-513, title I, §103, Dec. 12, 1980, 94 Stat. 2842; amended Pub. L. 98-525, title IV, §414(a)(3), Oct. 19, 1984, 98 Stat. 2518; Pub. L. 99-145, title V, §511(a), Nov. 8, 1985, 99 Stat. 623; Pub. L. 99-433, title V, §531(a)(1), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 102-190, div. A, title IV, §431, Dec. 5, 1991, 105 Stat. 1354; Pub. L. 103-337, div. A, title XVI, §1673(c)(3), Oct. 5, 1994, 108 Stat. 3014.)

AMENDMENTS

1994—Subsec. (b)(1)(B). Pub. L. 103-337, §1671(c)(3)(A), substituted “10211, 10302 through 10305, or 12402” for “265, 3021, 3496, 5251, 5252, 8021, or 8496”.

Subsec. (b)(1)(C). Pub. L. 103-337, §1671(c)(3)(B), substituted “12301(d)” for “672(d)”.

Subsec. (b)(1)(E). Pub. L. 103-337, §1671(c)(3)(C), substituted “12304” for “673b”.

1991—Subsec. (a)(1). Pub. L. 102-190, in table, decreased numbers of officers authorized to serve on active duty in the Air Force in the grade of Colonel to 3,392, 3,573, 3,754, 3,935, 4,115, 4,296, 4,477, 4,658, 4,838, 5,019, 5,200, and 5,381 from 3,642, 3,823, 4,004, 4,185, 4,365, 4,546, 4,727, 4,908, 5,088, 5,269, 5,450, and 5,631, respectively.

1986—Subsec. (b)(1)(B). Pub. L. 99-433 substituted “3021” and “8021” for “3033” and “8033”, respectively.

1985—Subsec. (a)(1). Pub. L. 99-145 increased fiscal year limitation on authorized number of Marine Corps majors to 2,766, 3,085, 3,404, 3,723, and 4,042 from 2,717, 2,936, 3,154, 3,373, and 3,591, respectively.

1984—Subsec. (b)(1)(C). Pub. L. 98-525, §414(a)(3)(A), struck out “or section 502 or 503 of title 32” after “section 672(d) of this title”.

Subsec. (b)(1)(F). Pub. L. 98-525, §414(a)(3)(B)-(D), added subpar. (F).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 511(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR ARMY MAJORS AND LIEUTENANT COLONELS

Section 402 of Pub. L. 103-337 provided that: “(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1995 through 1997, the numbers applicable to officers of the Army serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

“(b) NUMBERS FOR FISCAL YEARS 1995 THROUGH 1997.—The numbers referred to in subsection (a) are as follows:

“Fiscal year:”	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1995	12,603	8,506

“Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1996	12,870	8,646
1997	12,870	8,646.”

TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS

Pub. L. 103-160, div. A, title IV, §402, Nov. 30, 1993, 107 Stat. 1639, as amended by Pub. L. 103-337, div. A, title IV, §403, Oct. 5, 1994, 108 Stat. 2743, provided that:

“(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1994 through 1997, the numbers applicable to officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

“(b) NUMBERS FOR FISCAL YEARS 1994 THROUGH 1997.—The numbers referred to in subsection (a) are as follows:

“Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634
1996	3,157	1,634
1997	3,157	1,634.”

TEMPORARY INCREASE IN OFFICER GRADE LIMITATIONS

Pub. L. 101-189, div. A, title IV, §403, Nov. 29, 1989, 103 Stat. 1431, authorized the Secretary of Defense, until Sept. 30, 1991, to increase the strength-in-grade limitations specified in subsec. (a) of this section by a total of 250 positions, to be distributed among grades and services as the Secretary considers appropriate and directed the Secretary to submit to Congress a comprehensive report on the adequacy of the strength-in-grade limitations prescribed in subsec. (a) of this section.

TEMPORARY REDUCTION IN NUMBER OF AIR FORCE COLONELS

Pub. L. 101-189, div. A, title IV, §402, Nov. 29, 1989, 103 Stat. 1431, as amended by Pub. L. 101-510, div. A, title IV, §404, Nov. 5, 1990, 104 Stat. 1545, provided that the number of officers authorized under subsec. (a) of this section to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1992 was reduced by 250.

Pub. L. 100-456, div. A, title IV, §403, Sept. 29, 1988, 102 Stat. 1963, provided that: “The number of officers that (but for this section) would be authorized under section 523 of title 10, United States Code, and other applicable provisions of law to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1989 is hereby reduced by 125, and the number of such officers that (but for this section) would be so authorized to be serving on active duty during fiscal year 1990 is hereby reduced by 250.”

CEILINGS ON COMMISSIONED OFFICERS ON ACTIVE DUTY

Pub. L. 95-79, title VIII, §811(a), July 30, 1977, 91 Stat. 335, as amended by Pub. L. 96-107, title VIII, §817, Nov.

9, 1979, 93 Stat. 818; Pub. L. 96-342, title X, §1003, Sept. 8, 1980, 94 Stat. 1120; Pub. L. 97-86, title VI, §602, Dec. 1, 1981, 95 Stat. 1110, which provided that after Oct. 1, 1981, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, could not exceed 1,073, and that in time of war, or of national emergency declared by Congress, the President could suspend the operation of this provision, was repealed and restated in section 526 of this title by Pub. L. 100-370, §1(b)(1)(B), (4).

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions increasing for the fiscal year ending on Sept. 30, 1981, the maximum number of officers authorized by this section to be serving on active duty, see section 627 of Pub. L. 96-513, set out as a note under section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115a, 527, 623, 3380, 5721, 8380, 12011 of this title.

[§ 524. Renumbered § 12011]

§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades

(a) No appointment may be made in a grade above brigadier general in the Army, Air Force, or Marine Corps if that appointment would result in more than 50 percent of the general officers of that armed force on active duty being in grades above brigadier general. No appointment may be made in a grade above rear admiral (lower half) in the Navy if that appointment would result in more than 50 percent of the flag officers of the Navy on active duty being in grades above rear admiral (lower half).

(b)(1) No appointment may be made in a grade above major general in the Army, Air Force, or Marine Corps if that appointment would result in more than 15 percent of the general officers of that armed force on active duty being in grades above major general. In the case of the Army and Air Force, of the 15 percent of general officers on active duty who may be serving in grades above major general, not more than 25 percent may be serving in the grade of general.

(2) No appointment may be made in a grade above rear admiral in the Navy if that appointment would result in more than 15 percent of the flag officers of the Navy on active duty being in grades above rear admiral. Of the 15 percent of flag officers on active duty who may be serving in grades above rear admiral, not more than 25 percent may be serving in the grade of admiral.

(3) An officer while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff or as Chief of Staff to the President, if serving in the grade of general or admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under paragraph (1) or (2).

(4)(A) An officer while serving in a position designated under subparagraph (B), if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under paragraph (1) or (2).

(B) The President, with the advice and assistance of the Secretary of Defense and the Chair-