

Oct. 17, 1963, Pub. L. 88-149, title V, § 507, 77 Stat. 264.  
 Aug. 9, 1962, Pub. L. 87-577, title V, § 507, 76 Stat. 328.  
 Aug. 17, 1961, Pub. L. 87-144, title II, § 201, 75 Stat. 367, 369.  
 July 7, 1960, Pub. L. 86-601, title II, § 201, 74 Stat. 340, 342.  
 Aug. 18, 1959, Pub. L. 86-166, title II, § 201, 73 Stat. 368, 370.  
 Aug. 22, 1958, Pub. L. 85-724, title III, § 301, title V, § 501, 72 Stat. 714, 721.  
 Aug. 2, 1957, Pub. L. 85-117, title III, § 301, title V, § 501, 71 Stat. 314, 321.  
 July 2, 1956, ch. 488, title III, § 301, title V, § 501, 70 Stat. 457, 464.  
 July 13, 1955, ch. 358, title III, § 301, title V, § 501, 69 Stat. 304, 312.  
 June 30, 1954, ch. 432, title IV, § 401, title VI, § 601, 68 Stat. 339, 347.  
 Aug. 1, 1953, ch. 305, title III, § 301, title V, § 501, 67 Stat. 339, 348.  
 July 10, 1952, ch. 630, title III, § 301, title V, § 501, 66 Stat. 520, 530.  
 Oct. 18, 1951, ch. 512, title III, § 301, title V, § 501, 65 Stat. 429, 443.  
 Sept. 6, 1950, ch. 896, Ch. X, title III, § 301, title V, § 501, 64 Stat. 735, 750.  
 Oct. 29, 1949, ch. 787, title III, § 301, title V, § 501, 63 Stat. 992, 1015.  
 June 24, 1948, ch. 632, 62 Stat. 655.  
 July 30, 1947, ch. 357, title I, § 1, 61 Stat. 557.  
 July 16, 1946, ch. 583, § 1, 60 Stat. 547, 548.  
 July 3, 1945, ch. 265, § 1, 59 Stat. 390.  
 June 28, 1944, ch. 303, § 1, 58 Stat. 580.  
 July 1, 1943, ch. 185, § 1, 57 Stat. 354.  
 July 2, 1942, ch. 477, § 1, 56 Stat. 617.  
 June 30, 1941, ch. 262, § 1, 55 Stat. 373.  
 June 13, 1940, ch. 343, § 1, 54 Stat. 358, 359.  
 Apr. 26, 1939, ch. 88, § 1, 53 Stat. 600.  
 June 11, 1938, ch. 37, § 1, 52 Stat. 649.  
 July 1, 1937, ch. 423, § 1, 50 Stat. 450.  
 May 15, 1936, ch. 404, § 1, title I, 49 Stat. 1286.  
 Apr. 9, 1935, ch. 54, § 1, title I, 49 Stat. 128.  
 Apr. 26, 1934, ch. 165, title I, 48 Stat. 621.  
 Mar. 4, 1933, ch. 281, title I, 47 Stat. 1577.  
 July 14, 1932, ch. 482, title I, 47 Stat. 670, 671.  
 Feb. 23, 1931, ch. 279, title I, 46 Stat. 1283, 1284.  
 May 28, 1930, ch. 348, title I, 46 Stat. 438.  
 Feb. 28, 1929, ch. 366, title I, 45 Stat. 1356.  
 Mar. 23, 1928, ch. 232, title I, 45 Stat. 332.  
 Feb. 23, 1927, ch. 167, title I, 44 Stat. 1113.  
 Apr. 15, 1926, ch. 146, title I, 44 Stat. 262.  
 Feb. 12, 1925, ch. 225, title I, 43 Stat. 900.

## AMENDMENTS

1985—Pub. L. 99-145 substituted “enlistment” for “enlistments”.

## EFFECTIVE DATE

Section 1404 of Pub. L. 98-525 provided that: “The amendments made by sections 1401 [enacting this section and sections 956, 979 to 981, 1047 to 1050, 1074b [now 1074c], 1093, 1589, 2007 to 2009, 2484, 2638, and 2639 of this title, amending sections 1074, 1077, 1079, 2104, and 7204 of this title, and repealing section 7208 of this title], 1402 [enacting section 306a of Title 37, Pay and Allowances of the Uniformed Services, and amending sections 206 and 404 of Title 37], and 1403 [amending provisions set out as a note under section 138 of this title and repealing provisions set out as notes under sections 138 and 2102 of this title] take effect on October 1, 1985.”

### § 520c. Recruiting functions: provision of meals and refreshments

Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments during recruiting functions for the following persons:

(1) Persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title.

(2) Persons who are objects of armed forces recruiting efforts.

(3) Persons whose assistance in recruiting efforts of the military departments is determined to be influential by the Secretary concerned.

(4) Members of the armed forces and Federal employees when attending recruiting functions in accordance with a requirement to do so.

(5) Other persons whose presence at recruiting functions will contribute to recruiting efforts.

(Added Pub. L. 104-201, div. A, title III, § 361(a), Sept. 23, 1996, 110 Stat. 2491; amended Pub. L. 107-107, div. A, title V, § 545, Dec. 28, 2001, 115 Stat. 1113; Pub. L. 108-136, div. A, title X, § 1031(a)(8)(A), Nov. 24, 2003, 117 Stat. 1596.)

## AMENDMENTS

2003—Pub. L. 108-136 substituted “provision of meals and refreshments” for “use of funds” in section catchline, struck out “(a) PROVISION OF MEALS AND REFRESHMENTS.—” before “Under regulations”, and struck out heading and text of subsec. (b). Text read as follows: “Not later than February 1 of each of the years 1998 through 2002, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.”

2001—Subsec. (a)(4). Pub. L. 107-107, § 545(b)(1), substituted “recruiting functions” for “recruiting events”.

Subsec. (a)(5). Pub. L. 107-107, § 545(b)(2), substituted “presence at recruiting functions” for “presence at recruiting efforts”.

Subsec. (c). Pub. L. 107-107, § 545(a), struck out heading and text of subsec. (c). Text read as follows: “The authority in subsection (a) may not be exercised after September 30, 2001.”

### CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec.	
521.	Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.
[522.	Repealed.]
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.
[524.	Renumbered.]
525.	Distribution of commissioned officers on active duty in general officer and flag officer grades.
526.	Authorized strength: general and flag officers on active duty.
527.	Authority to suspend sections 523, 525, and 526.
528.	Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.

## AMENDMENTS

2011—Pub. L. 112-81, div. A, title V, § 502(d)(2)(B), 125 Stat. 1388, added item 528 and struck out former item 528 “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.”

2006—Pub. L. 109-364, div. A, title V, § 501(b)(2), Oct. 17, 2006, 120 Stat. 2176, substituted “Officers serving in

certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances” for “Exclusion: officers serving in certain intelligence positions” in item 528.

Pub. L. 109-163, div. A, title V, § 507(b), Jan. 6, 2006, 119 Stat. 3228, substituted “Exclusion: officers serving in certain intelligence positions” for “Exclusion: Associate Director of Central Intelligence for Military Support” in item 528.

2004—Pub. L. 108-375, div. A, title V, § 501(b)(2), Oct. 28, 2004, 118 Stat. 1873, struck out item 522 “Authorized total strengths: regular commissioned officers on active duty”.

2003—Pub. L. 108-136, div. A, title V, § 507(b), Nov. 24, 2003, 117 Stat. 1458, added item 528.

2001—Pub. L. 107-107, div. A, title V, § 501(b), Dec. 28, 2001, 115 Stat. 1079, struck out item 528 “Limitation on number of officers on active duty in grades of general and admiral”.

1994—Pub. L. 103-337, div. A, title IV, § 405(b)(2), title XVI, § 1671(b)(4), Oct. 5, 1994, 108 Stat. 2745, 3013, struck out item 524 “Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain”, struck out “524,” after “523,” in item 527, and added item 528.

1988—Pub. L. 100-370, § 1(b)(3), July 19, 1988, 102 Stat. 840, struck out former item 526 “Authority to suspend sections 523, 524, and 525”, and added items 526 and 527.

1984—Pub. L. 98-525, title IV, § 414(a)(4)(B)(ii), inserted references to the National Guard and to full-time National Guard duty in item 524.

#### **§ 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories**

(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above chief warrant officer, W-5, for each of the armed forces under the jurisdiction of the Secretary of a military department.

(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each military department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 102-190, div. A, title XI, § 1131(1)(A), Dec. 5, 1991, 105 Stat. 1505.)

#### **AMENDMENTS**

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

#### **EFFECTIVE DATE OF 1991 AMENDMENT**

Section 1132 of title XI of Pub. L. 102-190 provided that: “This title [enacting sections 571 to 583 and 742 of this title, amending this section, sections 522, 597 [now 12241], 598 [now 12242], 603, 628, 644, 741, 1166, 1174, 1305, 1406, 5414, 5457, 5458, 5501 to 5503, 5596, 5600, 5665, 6389, and 6391 of this title, sections 286a and 334 of Title 14, Coast Guard, and sections 201, 301, 301c, 305a, and 406 of Title 37, Pay and Allowances of the Uniformed Services, repealing sections 555 to 565, 602, and 745 of this title, and enacting provisions set out as notes under sections 555 and 571 of this title and section 1009 of Title 37] and the amendments made by this title shall take effect on February 1, 1992.”

#### **EFFECTIVE DATE**

Chapter effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective Dec.

12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### **TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT**

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

#### **EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS**

Pub. L. 102-484, div. A, title V, § 502, Oct. 23, 1992, 106 Stat. 2402, directed the Secretary of Defense to provide for an independent, federally funded research and development center to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of post-Cold War officer strength reductions on that officer personnel management system, required the center to submit to the Secretary of Defense a report on the results of the review and evaluation not later than Dec. 31, 1993, and directed the Secretary to transmit the report to committees of Congress within 60 days after receipt.

#### **STRENGTH OF ACTIVE DUTY OFFICER CORPS**

Pub. L. 100-456, div. A, title IV, § 402(c), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(1) The number of officers serving on active duty (excluding officers in categories specified in paragraph (2)) as of September 30, 1990, may not exceed—

“(A) in the case of the Army, 106,427; and

“(B) in the case of the Air Force, 102,438.

“(2) Officers in the categories described in section 403(b) of the National Defense Authorization Act for Fiscal Year 1987 [Pub. L. 99-661, set out below] shall be excluded in counting officers under this subsection.”

Pub. L. 100-180, div. A, title IV, § 402, Dec. 4, 1987, 101 Stat. 1081, as amended by Pub. L. 100-456, div. A, title IV, § 402(b), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(a) AUTHORITY TO INCREASE FOR FISCAL YEAR 1988.—Subject to subsection (b), the Secretary of Defense may increase by not more than 1 percentage point (to not more than 98 percent) the percentage limitation prescribed in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859) [set out below] applicable to the total number of commissioned officers of the Army, Navy, Air Force, and Marine Corps that may be serving on active duty as of September 30, 1988.

“(b) CERTIFICATION AND REPORT.—The Secretary may exercise the authority under subsection (a) only if—

“(1) the Secretary makes a determination that such increase is necessary in order to avoid severe personnel management problems in the Army, Navy, Air Force, and Marine Corps during fiscal year 1988 and certifies such determination to the Committees on Armed Services of the Senate and the House of Representatives; and

“(2) the Secretary submits to those Committees with such certification a report providing legislative recommendations for temporary changes in chapter 36 of title 10, United States Code, and other provisions of law enacted by the Defense Officer Personnel Management Act (Public Law 96-513) [see Tables for classification] that the Secretary considers necessary in order to implement the required officer reductions under such section 403 [set out below] with the least possible adverse effect on the Armed Forces.”

Pub. L. 99-661, div. A, title IV, § 403, Nov. 14, 1986, 100 Stat. 3859, as amended by Pub. L. 100-456, div. A, title IV, § 402(a), Sept. 29, 1988, 102 Stat. 1963; Pub. L. 101-189, 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: