Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5450. Regular Navy: retired flag officers on active duty

Except in time of war or national emergency, not more than ten retired flag officers of the Regular Navy may be on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312; Pub. L. 96–513, title V, § 503(21), Dec. 12, 1980, 94 Stat. 2912.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5450	34 U.S.C. 211e.	Aug. 7, 1947, ch. 512, § 430, 61 Stat. 881; Sept. 3, 1954, ch. 1257, § 702(a), 68 Stat. 1188.

In subsection (a) the words "In addition * * * to the number of rear admirals and above authorized by titles I, II, and III and by section 413 of this Act, a total of" are omitted as surplusage. Titles I, II, and III, and section 413 of the Officer Personnel Act of 1947 prescribe the number of officers on the lineal list who may have the grade of rear admiral. Retired officers are excluded from the lineal lists and are not counted for any purpose in the computations under the cited titles and section. The source text does not affect the authorized numbers so computed; it sets up an authorized number for a category of officers not previously covered.

The limitation on reserve flag officers on active duty contained in section 430 of the Officer Personnel Act of 1947 was repealed by section 702(a) of the Reserve Officer Personnel Act of 1954.

AMENDMENTS

1980—Pub. L. 96–513 struck out designation "(a)" before "Except in time of war or national emergency", substituted "flag officers of the Regular Navy" for "officers of the Regular Navy in the grade of rear admiral and above", and struck out subsec. (b) which provided that this section did not apply to fleet admirals or to retired officers ordered to temporary duty to serve on boards convened under chapter 543 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 5451. Suspension: preceding sections

The President, during a war or national emergency, may suspend any provision of the preceding sections of this chapter. Such a suspension may not continue beyond September 30 of the fiscal year following that in which the war or national emergency ends.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312; Pub. L. 94–273, § 2(3), Apr. 21, 1976, 90 Stat. 375; Pub. L. 96–513, title V, § 503(22), Dec. 12, 1980, 94 Stat. 2913; Pub. L. 102–190, div. A, title X, § 1061(a)(21), Dec. 5, 1991, 105 Stat. 1473.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5451(a)	34 U.S.C. 3e.	Aug. 7, 1947, ch. 512, § 426(c); added June 30, 1951, ch. 196, § 1(h), 65 Stat. 109.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5451(b)	34 U.S.C. 5a–1.	May 5, 1954, ch. 180, § 403 68 Stat. 70.

AMENDMENTS

1991—Pub. L. 102–190 substituted "The President" for "(a) Except as provided in subsection (b), the President" and struck out subsec. (b) which authorized President to suspend provisions of sections 5442, 5443, and 5444 of this title only during war or national emergency declared by Congress or President after May 5, 1954.

1980—Subsec. (b). Pub. L. 96–513 struck out "relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps" after "and 5444 of this title".

1976—Subsec. (a). Pub. L. 94–273 substituted "September" for "June".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

[§ 5452. Repealed. Pub. L. 96–513, title III, § 373(b), Dec. 12, 1980, 94 Stat. 2903]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 312; Sept. 2, 1958, Pub. L. 85–861, § 1(111), 72 Stat. 1491; Nov. 8, 1967, Pub. L. 90–130, § 1(17)(E), 81 Stat. 376, authorized Secretary of the Navy to prescribe number of women officers in line of Navy eligible to hold appointments in each grade above lieutenant (junior grade) and a similar number in Marine Corps eligible to hold appointments in each grade above first lieutenant.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 5453. Repealed. Pub. L. 90–130, § 1(17)(F), Nov. 8, 1967, 81 Stat. 377]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 313; Sept. 2, 1958, Pub. L. 85–861, § 1(112), 72 Stat. 1491, placed upper limits on number of women officers on active list of Marine Corps holding permanent appointments in grades of lieutenant colonel and major and required the Secretary to make computations at least once annually of numbers of women officers authorized under this section to hold permanent appointments in such grades, with authority to make prescribed temporary increases. See section 5452 of this title.

[§ 5454. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 313, related to rule for computations under this chapter when fraction occurs in final result. See section 12010 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

[§ 5455. Repealed. Pub. L. 97–22, § 10(b)(6)(A), July 10, 1981, 95 Stat. 137]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 313; Nov. 8, 1967, Pub. L. 90–130, § 1(17)(G), 81 Stat. 377; Dec. 12, 1980, Pub. L. 96–513, title V, § 503(23), (24), 94 Stat. 2913 as amended July 10, 1981, Pub. L. 97–22, § 10(a)(3), 95 Stat. 136, provided that no computation or determina-