

Medical Specialist Corps”, 3209 “Regular Army: commissioned officers on active list; other branches”, and 3211 “Regular Army: strength in grade; promotion-list officers”, substituted “Army Reserve; Army National Guard of the United States: strength in grade; temporary increases” for “Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases” in item 3212, and struck out items 3213 “Regular Army: warrant officers on active list”, 3214 “Regular Army: enlisted members on active duty”, 3216 “Corps of Engineers: enlisted members on active duty”, and 3230 “Personnel detailed outside Department of Defense”.

1978—Pub. L. 95-485, title VIII, § 820(c)(5), Oct. 20, 1978, 92 Stat. 1627, substituted “other branches” for “other branches; Women’s Army Corps” in item 3209 and struck out item 3215 “Regular Army: Women’s Army Corps; warrant officers on active list; enlisted members on active duty”.

1958—Pub. L. 85-861, § 1(70), Sept. 2, 1958, 72 Stat. 1464, inserted “; Army Reserve; Army National Guard of United States” in item 3212, and added items 3217 to 3220 and 3230.

1957—Pub. L. 85-155, title I, § 101(6), Aug. 21, 1957, 71 Stat. 376, substituted “Army Medical Specialist Corps” for “Women’s Medical Specialist Corps” in item 3207.

§ 3201. Officers on active duty: minimum strength based on requirements

(a) The Secretary of the Army shall ensure that the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

(c) In this section:

(1) The term “programmed manpower structure” means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

(2) The term “programmed force structure” means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.

(Added Pub. L. 104-106, div. A, title V, § 505(a)(1), Feb. 10, 1996, 110 Stat. 295; amended Pub. L. 112-239, div. A, title X, § 1076(f)(37), Jan. 2, 2013, 126 Stat. 1954.)

PRIOR PROVISIONS

A prior section 3201, acts Aug. 10, 1956, ch. 1041, 70A Stat. 172; Sept. 2, 1958, Pub. L. 85-861, § 1(62), 72 Stat. 1462; Oct. 13, 1964, Pub. L. 88-647, title III, § 301(4), 78 Stat. 1071, prescribed the authorized strength of the Army in members on active duty, exclusive of certain categories, and the authorized daily average strength of the Army in members on active duty during the fiscal year, exclusive of certain categories, prior to repeal by Pub. L. 96-513, title II, § 202, title VII, § 701, Dec. 12, 1980, 94 Stat. 2878, 2955, effective Sept. 15, 1981.

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239 struck out “(beginning with fiscal year 1999)” after “shall ensure that”.

ASSISTANCE IN ACCOMPLISHING REQUIREMENT

Pub. L. 104-106, div. A, title V, § 505(b), Feb. 10, 1996, 110 Stat. 296, provided that: “The Secretary of Defense

shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).”

[§ 3202. Repealed. Pub. L. 101-510, div. A, title IV, § 403(b)(1)(A), Nov. 5, 1990, 104 Stat. 1545]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 172; Sept. 2, 1958, Pub. L. 85-861, § 1(63), 72 Stat. 1463; Dec. 28, 1967, Pub. L. 90-228, § 1(1), (2), 81 Stat. 745; Dec. 12, 1980, Pub. L. 96-513, title II, § 203(a), 94 Stat. 2878, related to authorized strength of Army in general officers on active duty.

[§§ 3203 to 3207. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 3203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Sept. 2, 1958, Pub. L. 85-861, § 1(64), 72 Stat. 1463, prescribed authorized strength of Regular Army in members on active duty, exclusive of officers candidates.

Section 3204, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173, Aug. 6, 1958, Pub. L. 85-600, § 1(2), 72 Stat. 522; Oct. 30, 1978, Pub. L. 95-551, § 2, 92 Stat. 2069, prescribed authorized strength of Regular Army in commissioned officers of active list.

Section 3205, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 6, 1958, Pub. L. 85-600, § 1(3), 72 Stat. 522; Sept. 2, 1958, Pub. L. 85-861, § 1(60), (65), 72 Stat. 1462, 1463; Oct. 30, 1978, Pub. L. 95-551, § 2, 92 Stat. 2069, prescribed authorized strength of Regular Army in commissioned officers on active list, exclusive of certain categories.

Section 3206, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 21, 1957, Pub. L. 85-155, title I, § 101(4), 71 Stat. 376; Nov. 8, 1967, Pub. L. 90-130, § 1(9)(A), (B), 81 Stat. 375, prescribed authorized strength of Regular Army Nurse Corps in commissioned officers on active list of Regular Army.

Section 3207, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 21, 1957, Pub. L. 85-155, title I, § 101(5), 71 Stat. 376; Nov. 8, 1967, Pub. L. 90-130, § 1(9)(C), (D), 81 Stat. 375, prescribed authorized strength of Army Medical Specialist Corps in commissioned officers on active list of Regular Army.

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.

[§ 3209. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 174; Sept. 2, 1958, Pub. L. 85-861, § 1(60), 72 Stat. 1462; Nov. 8, 1967, Pub. L. 90-130, § 1(9)(E), 81 Stat. 375; Oct. 20, 1978, Pub. L. 95-485, title VIII, § 820(c)(1), (2), 92 Stat. 1627, prescribed, with exception of Army Nurse Corps and Army Medical Specialist Corps, the authorized strength of each branch in commissioned officers on active list of Regular Army.

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.

§ 3210. Regular Army: strength in grade; general officers

(a) Subject to section 526 of this title, the authorized strength of the Regular Army in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Army in commissioned officers on the active-duty list.

(b) The authorized strength of each of the following branches—

(1) each corps of the Army Medical Department; and

(2) the Chaplains;

in general officers on the active-duty list of the Regular Army is 5/1,000 of the authorized strength of the branch concerned in commissioned officers on the active-duty list of the Regular Army. Not more than one-half of the authorized strength in general officers in such a branch may be in a regular grade above brigadier general.

(c) When the application of the percentages and ratios specified in this section results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

(Aug. 10, 1956, ch. 1041, 70A Stat. 174; Pub. L. 85-861, § 1(66), Sept. 2, 1958, 72 Stat. 1463; Pub. L. 89-603, § 1(2), Sept. 24, 1966, 80 Stat. 846; Pub. L. 90-329, June 4, 1968, 82 Stat. 170; Pub. L. 96-513, title V, § 502(5), Dec. 12, 1980, 94 Stat. 2909; Pub. L. 97-22, § 5(b), July 10, 1981, 95 Stat. 128; Pub. L. 102-190, div. A, title X, § 1061(a)(20)(A), Dec. 5, 1991, 105 Stat. 1473.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3210(a)	10:506a(a) (words before 1st semicolon).	Aug. 7, 1947, ch. 512, § 503(a), 61 Stat. 885.
3210(b)	10:506a(a) (less words before 1st semicolon, and less provisos).	June 28, 1950, ch. 383, § 308 (1st sentence, as applicable to strength), 64 Stat. 270.
3210(c)	10:61-1 (1st sentence, as applicable to strength). 10:506a(a) (1st, 2d, and 3d provisos).	
3210(d)	10:506a(a) (4th proviso).	
3210(e)	10:506a(a) (last proviso).	

As enacted, section 503(a) of the Officer Personnel Act of 1947 (10:506a(a)), provided, subject to certain percentage limitations, for the following authorized strength of the Regular Army in general officers on the active list:

Medical Corps	16
Dental Corps	4
Veterinary Corps	1
The Chaplains	2
Army, exclusive of the above	334
Total	357

Under section 208(e) of the National Security Act of 1947 (5 U.S.C. 626c(e)), allocations of those authorized strengths were made between the Army and the Air Force as follows:

	Army	Air Force
Medical Corps	12	4
Dental Corps	3	1
Veterinary Corps	1	0
The Chaplains	1	1
Army and Air Force, exclusive of the above	184	150
Total	201	156

After the enactment of the Officer Personnel Act of 1947, section 308 of the Army Organization Act of 1950 (10:61-1) provided for an Assistant Judge Advocate General and three brigadier generals in the Judge Advocate General's Corps of the Army. The creation of these four general officer spaces served to increase the mentioned authorized strength figure from 357 to 361, and the figure 201 to 205. The opinion of the Judge Advocate Gen-

eral of the Army (JAGA 1948/5806, 2 Sept. 1948) is in accord with that conclusion.

The revised section reflects the authorized strength of the Regular Army in general officers on the active list resulting from the mentioned allocation to the Air Force and the addition of four general officer spaces in the Judge Advocate General's Corps.

That allocation, and those mentioned in the explanation of [former] subsection (c), below, have had the force of law since July 26, 1950, when the period for transfers, including the administrative authority to change these allocations, expired.

The word "regular" is substituted for the word "permanent" throughout the revised section.

In subsection (c), 10:506a(a) (1st proviso) is omitted, since there is no authority to appoint to a Regular grade above major general. 10:506a(a) (last 65 words of 2d proviso) is omitted as executed by the declaration of a national emergency on December 16, 1950.

In subsection (c)(1), the figures "12" and "6" result from the allocation of the original figures "16" and "8".

In subsection (c)(2), the figures "3" and "2" result from the allocation of the original figures "4" and "2".

In subsection (c)(3), the figure "1" results from the allocation of the original figure "1". None was allocated to the Air Force.

In subsection (c)(4), the figure "1" results from the allocation of the original figures "2" and "1". (The major general was allocated to the Army, the brigadier general to the Air Force.)

In subsection (c)(5), the figures "188" and "94" result from the allocation of the original figures "334" and "167". The allocation of 188 corresponds to the allotment made by the Secretary of War between the Air Corps and the Army exclusive of the Air Corps, the Medical Department, and the Chaplains, under 10:506a(a) (3d proviso). That proviso is omitted as executed.

In subsection (e), the words "by law to hold any civil office under the United States" are substituted for the words "by Acts of Congress to hold appointments in the Diplomatic or Consular Service of the Government or to hold any civil office under the Government".

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3210(a)	10 App.:506a(a)(1) (less 3d, 4th, 5th, and last sentences).	July 20, 1956, ch. 646, § 302 (1st par.), 70 Stat. 587.
3210(b)	10 App.:506a(a)(1) (3d and 4th sentences).	
3210(c)	10 App.:506a(a)(1) (5th sentence).	
3210(d)	10 App.:506a(a)(1) (last sentence).	

In subsection (a), the words "Subject to section 3202(a) of this title" are inserted for clarity.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted "section 526" for "section 3202(a)".

1981—Subsec. (a). Pub. L. 97-22 struck out "exclusive of the number authorized for the Army Medical Department and the Chaplains," before "is 75/10,000".

Pub. L. 97-22, which directed amendment of subsec. (a) by striking out "exclusive of the number of commissioned officers on the active-duty list authorized for the Army Medical Department and the Chaplains", was executed by striking out "exclusive of the number of commissioned officers on the active list authorized for the Army Medical Department and the Chaplains" before period at end of first sentence, to reflect the probable intent of Congress. See 1980 Amendment note and Effective Date of 1980 Amendment note below.

1980—Subsec. (a). Pub. L. 96-513, § 502(5)(A), (B), substituted "active-duty list" for "active list" wherever appearing and struck out provisions that, of the authorized strength, not more than one-half could be in a regular grade above brigadier general.

Subsec. (b). Pub. L. 96-513, §502(5)(A), (C), substituted “active-duty list” for “active list” wherever appearing and substituted paragraphed references to “(1) each corps of the Army Medical Department” and “(2) the Chaplains” for former paragraphed references to “(1) The Medical Corps”, “(2) the Dental Corps”, “(3) the Veterinary Corps”, and “(4) the Chaplains”.

Subsecs. (d), (e). Pub. L. 96-513, §502(5)(D), struck out subsec. (d) which provided that general officers on the active list of the Regular Army who were specifically authorized by law to hold a civil office under the United States or any instrumentality thereof were not counted in determining authorized strength under this section and subsec. (e) which had provided that the authorized strength of the Medical Service Corps in general officers on the active list of the Regular Army was one commissioned officer in the regular grade of brigadier general.

1968—Subsec. (a). Pub. L. 90-329 substituted “Army Medical Department” for “Army Medical Service” in two places.

1966—Subsec. (e). Pub. L. 89-603 added subsec. (e).

1958—Subsec. (a). Pub. L. 85-861, §1(66)(A), substituted “Subject to section 3202(a) of this title, the” for “The”.

Subsecs. (c) to (e). Pub. L. 85-861, §1(66)(B), struck out subsec. (c) which prescribed the number of general officers authorized for the active list of the Regular Army, and redesignated subsecs. (d) and (e) as (c) and (d), respectively.

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.

[§ 3211. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 175; Sept. 2, 1958, Pub. L. 85-861, §1(67), 72 Stat. 1463; Nov. 8, 1967, Pub. L. 90-130, §1(9)(F), 81 Stat. 375, prescribed authorized strength of Regular Army in officers in each regular grade on promotion lists set forth in section 3296 of this title. See section 521 et seq. of this title.

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.

[§ 3212. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 175; Sept. 2, 1958, Pub. L. 85-861, §1(68), 72 Stat. 1463; June 30, 1960, Pub. L. 86-559, §1(6), 74 Stat. 265; Nov. 8, 1967, Pub. L. 90-130, §1(9)(G), 81 Stat. 375; Dec. 12, 1980, Pub. L. 96-513, title V, §502(6), 94 Stat. 2909, related to temporary increases in authorized strength in grades of Army Reserve and Army National Guard of United States. See section 12009 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.

[§§ 3213, 3214. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 3213, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, prescribed authorized strength of Regular Army in warrant officers on active list.

Section 3214, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Sept. 2, 1958, Pub. L. 85-861, §1(64), 72 Stat. 1463, prescribed authorized strength of Regular Army in enlisted members on active duty, exclusive of officer candidates.

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.

[§ 3215. Repealed. Pub. L. 95-485, title VIII, § 820(c)(3), Oct. 20, 1978, 92 Stat. 1627]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Nov. 8, 1967, Pub. L. 90-130, §1(9)(H), 81 Stat. 375, authorized strength of Women’s Army Corps of Regular Army in warrant officers on active list and in enlisted members on active duty to be prescribed by Secretary.

[§ 3216. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, prescribed authorized strength of Corps of Engineers in enlisted members on active duty.

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.

[§§ 3217 to 3225. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section 3217, added Pub. L. 85-861, §1(69)(A), Sept. 2, 1958, 72 Stat. 1463, related to authorized strength of Army in reserve commissioned officers in active status. See section 12003 of this title.

Section 3218, added Pub. L. 85-861, §1(69)(A), Sept. 2, 1958, 72 Stat. 1463; amended Pub. L. 96-107, title III, §302(a), Nov. 9, 1979, 93 Stat. 806; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 102-190, div. A, title X, §1061(a)(20)(B), Dec. 5, 1991, 105 Stat. 1473, related to authorized strength of Army in reserve general officers in active status. See section 12004 of this title.

Section 3219, added Pub. L. 85-861, §1(69)(A), Sept. 2, 1958, 72 Stat. 1464, related to authorized strength of Army in reserve commissioned officers in active status in grades below brigadier general. See section 12005(a) of this title.

Section 3220, added Pub. L. 85-861, §1(69)(A), Sept. 2, 1958, 72 Stat. 1464; amended Pub. L. 95-485, title VIII, §820(c)(4), Oct. 20, 1978, 92 Stat. 1627, related to distribution of reserve commissioned officers by Secretary of the Army. See section 12007 of this title.

Section 3221, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, related to authorized strength of Army Reserve. See section 12001 of this title.

Section 3222, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Dec. 12, 1980, Pub. L. 96-513, title V, §502(7), 94 Stat. 2909, related to authorized strength of Army Reserve, exclusive of members on active duty. See section 12002(a) of this title.

Section 3223, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, related to authorized strength of Army Reserve in warrant officers. See section 12008 of this title.

Section 3224, act Aug. 10, 1956, ch. 1041, 70A Stat. 177, related to authorized strength of Army National Guard of United States. See section 12001 of this title.

Section 3225, acts Aug. 10, 1956, ch. 1041, 70A Stat. 177; Dec. 12, 1980, Pub. L. 96-513, title V, §502(7), 94 Stat. 2909; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to authorized strength of Army National Guard and Army National Guard of United States, exclusive of members on active duty. See section 12002 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.