

**[§§ 5410, 5411. Repealed. Pub. L. 90-130, § 1(16), Nov. 8, 1967, 81 Stat. 376]**

Section 5410, act Aug. 10, 1956, ch. 1041, 70A Stat. 928, placed upper limits, stated in terms of percentages of the authorized strength of the Regular Navy and Regular Marine Corps in enlisted members, on the authorized strength of enlisted women in each.

Section 5411, act Aug. 10, 1956, ch. 1041, 70A Stat. 299, placed upper limits, stated in terms of percentages of the authorized strength in enlisted women of the Regular Navy and Regular Marine Corps, on the authorized strength of the Regular Navy and Regular Marine Corps in women officers.

**[§ 5412. Repealed. Pub. L. 96-513, title III, § 311(a), Dec. 12, 1980, 94 Stat. 2889]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 299, prescribed authorized strength of Regular Navy in enlisted members in Hospital Corps. 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.

**[§§ 5413, 5414. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]**

Section 5413, act Aug. 10, 1956, ch. 1041, 70A Stat. 299, related to authorized strengths of Naval Reserve and Marine Corps Reserve. See section 12001(a) of this title.

Section 5414, added Pub. L. 85-861, § 1(110)(A), Sept. 2, 1958, 72 Stat. 1490; amended Pub. L. 86-559, § 1(33), (34), June 30, 1960, 74 Stat. 273; Pub. L. 96-513, title V, § 513(8)(B), Dec. 12, 1980, 94 Stat. 2931; Pub. L. 102-190, div. A, title XI, § 1131(8)(A), Dec. 5, 1991, 105 Stat. 1506, related to authorized strength of Naval Reserve and Marine Corps Reserve in officers in active status in grades above chief warrant officer, W-5. See section 12003 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.

**[§§ 5415 to 5417. Repealed. Pub. L. 96-513, title III, §§ 311(a), 312, Dec. 12, 1980, 94 Stat. 2889]**

Section 5415, added Pub. L. 85-861, § 1(110)(A), Sept. 2, 1958, 72 Stat. 1490, excluded enlisted members of the Navy or Marine Corps serving as midshipmen or cadets in any of the military academies from computations of authorized strengths. See section 521 et seq. of this title.

Section 5416, added Pub. L. 85-861, § 1(110)(A), Sept. 2, 1958, 72 Stat. 1490, excluded members of the Navy or the Marine Corps, or of the Coast Guard when it is operating as a service in the Navy, detailed for duty with United States agencies outside the Department of Defense on a reimbursable basis, from computations of authorized strengths or numbers in grade. See section 521 et seq. of this title.

Section 5417, added Pub. L. 85-861, § 1(110)(A), Sept. 2, 1958, 72 Stat. 1490, directed Secretary of Defense, with approval of President, to estimate annually, for each of five years following such estimate, the strengths of the Navy and the Marine Corps in officers on active lists exclusive of officers specifically authorized as additional numbers. 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.

**CHAPTER 533—DISTRIBUTION IN GRADE**

Sec.

5441. Prescribed number; vacancies.

[5442 to 5449. Repealed.]

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

5451. Suspension: preceding sections.

[5452 to 5458. Repealed.]

## AMENDMENTS

1996—Pub. L. 104-106, div. A, title XV, § 1501(c)(20), Feb. 10, 1996, 110 Stat. 499, struck out item 5454 “Computations: rule when fraction occurs in final result”.

1994—Pub. L. 103-337, div. A, title XVI, § 1673(b)(1), Oct. 5, 1994, 108 Stat. 3016, struck out items 5456 “Naval Reserve and Marine Corps Reserve”, 5457 “Naval Reserve: officers in an active status in grades above chief warrant officer, W-5”, and 5458 “Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-5”.

1991—Pub. L. 102-190, div. A, title XI, § 1131(8)(B), Dec. 5, 1991, 105 Stat. 1506, substituted “W-5” for “W-4” in items 5457 and 5458.

1990—Pub. L. 101-510, div. A, title IV, § 403(b)(2)(B), Nov. 5, 1990, 104 Stat. 1545, struck out items 5442 “Navy: line officers on active duty; rear admirals (lower half) and rear admirals”, 5443 “Marine Corps: officers on active duty; brigadier generals and major generals”, 5444 “Navy: staff corps officers on active duty; rear admirals (lower half) and rear admirals”, and 5446 “Application: sections 5442, 5443, 5444”.

1985—Pub. L. 99-145, title V, § 514(b)(6)(B), (7)(B), Nov. 8, 1985, 99 Stat. 629, substituted “rear admirals (lower half)” for “commodores” in items 5442 and 5444.

1981—Pub. L. 97-86, title IV, § 405(b)(6)(B), (7)(B), Dec. 1, 1981, 95 Stat. 1106, substituted “commodores” for “commodore admirals” in items 5442 and 5444.

Pub. L. 97-22, § 10(b)(6)(B), July 10, 1981, 95 Stat. 137, struck out item 5455 “Computations and determinations: effect on status of officers”.

1980—Pub. L. 96-513, title V, §§ 503(18), 513(9)(A), Dec. 12, 1980, 94 Stat. 2912, 2931, inserted “; commodore admirals and rear admirals” in item 5442, inserted “; brigadier generals and major generals” in item 5443, inserted “; commodore admirals and rear admirals” in item 5444, struck out items 5445 “Suspension: sections 5442, 5443, 5444”, 5447 “Navy: line officers on the active list; permanent grade”, 5448 “Marine Corps: officers on the active list; permanent grade”, 5449 “Navy: staff corps officers on the active list; permanent grade”, and 5452 “Navy: women line officers on active duty; Marine Corps: women officers on active duty”, and substituted “in grades” for “in permanent grades” in items 5457 and 5458.

1967—Pub. L. 90-130, § 1(17)(F), (H), Nov. 8, 1967, 81 Stat. 377, struck out item 5453 “Marine Corps: women officers on the active list; permanent grade”, and substituted: “Navy: women line officers on active duty; Marine Corps: women officers on active duty” for “Navy: women line officers on the active list; permanent grade” in item 5452.

1958—Pub. L. 85-861, § 1(113)(B), Sept. 2, 1958, 72 Stat. 1492, added items 5457 and 5458.

**§ 5441. Prescribed number; vacancies**

In this chapter, the term “prescribed number” or “number . . . prescribed” as applied to a grade, means the number of officers of a described corps, designation, or other category that shall be maintained in the grade concerned. Except as otherwise specifically provided, the actual number of officers in a grade may not exceed the prescribed number. Vacancies occur whenever, and to the extent that, the actual number falls below the prescribed number.

(Aug. 10, 1956, ch. 1041, 70A Stat. 299; Pub. L. 96-513, title III, § 313(a), Dec. 12, 1980, 94 Stat.