

active duty”, 8204 “Regular Air Force: commissioned officers on active list”, 8205 “Regular Air Force: commissioned officers on active list, exclusive of certain categories”, 8206 “Regular Air Force: commissioned officers on active list; Air Force nurses”, 8207 “Regular Air Force: commissioned officers on active list; medical specialists”, 8208 “Regular Air Force: commissioned officers on active list; female commissioned officers, other than those designated under section 8067 of this title to perform professional functions”, 8209 “Regular Air Force: commissioned officers on active list; special categories”, and 8211 “Regular Air Force: strength in grade; promotion-list officers”, substituted “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases” for “Regular Air Force; Air Force Reserve; Air National Guard of the United States: strength in grade; temporary increases” in item 8212, and struck out items 8213 “Regular Air Force: warrant officers on active list”, 8214 “Regular Air Force: enlisted members on active duty”, 8215 “Regular Air Force: female warrant officers on active list”, and 8230 “Personnel detailed outside Department of Defense.”

1967—Pub. L. 90-130, §1(26)(F), Nov. 8, 1967, 81 Stat. 382, struck out “; female enlisted members on active duty” after “female warrant officers on active list” in item 8215.

1958—Pub. L. 85-861, §1(165), Sept. 2, 1958, 72 Stat. 1516, substituted “Air Force medical specialists” for “women medical specialists” in item 8207, inserted “Air Force Reserve; Air National Guard of United States” in item 8212, and added items 8217 to 8219 and 8230.

**[§ 8201. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 497; Sept. 2, 1958, Pub. L. 85-861, §1(157), 72 Stat. 1513; Oct. 13, 1964, Pub. L. 88-647, title III, §301(20), 78 Stat. 1073, prescribed authorized strength of Air Force in members on active duty, exclusive of certain categories, and authorized daily average strength of Air Force in members on active duty during fiscal year, exclusive of certain categories.

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.

**[§ 8202. Repealed. Pub. L. 101-510, div. A, title IV, § 403(b)(3)(A), Nov. 5, 1990, 104 Stat. 1545]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 498; Sept. 2, 1958, Pub. L. 85-861, §1(158), 72 Stat. 1514; Dec. 28, 1967, Pub. L. 90-228, §1(4), (5), 81 Stat. 745; Dec. 12, 1980, Pub. L. 96-513, title II, §203(b), 94 Stat. 2879, related to authorized strength of Air Force in general officers on active duty.

**[§§ 8203 to 8209. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]**

Section 8203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 498; Sept. 2, 1958, Pub. L. 85-861, §1(159), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in members on active duty, exclusive of officer candidates and aviation cadets.

Section 8204, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 6, 1958, Pub. L. 85-600, §1(14), 72 Stat. 523, prescribed authorized strength of Regular Air Force in commissioned officers on active list.

Section 8205, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 6, 1958, Pub. L. 85-600, §1(15), 72 Stat. 523; Sept. 2, 1958, Pub. L. 85-861, §1(160), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in commissioned officers on active list, exclusive of certain categories.

Section 8206, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 21, 1957, Pub. L. 85-155, title III, §301(1), 71 Stat.

386; Nov. 8, 1967, Pub. L. 90-130, §1(26)(A), 81 Stat. 382, prescribed authorized strength of Air Force nurses in commissioned officers on active list of Regular Air Force.

Section 8207, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 21, 1957, Pub. L. 85-155, title III, §301(2), 71 Stat. 386; Nov. 8, 1967, Pub. L. 90-130, §1(26)(B), 81 Stat. 382, prescribed authorized strength of Air Force medical specialists in commissioned officers on active list of Regular Air Force.

Section 8208, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Nov. 8, 1967, Pub. L. 90-130, §1(26)(C), 81 Stat. 382, authorized prescribed strength in female commissioned officers on active list of Regular Air Force, other than those designated under section 8067 of this title to perform professional services.

Section 8209, acts Aug. 10, 1956, ch. 1041, 70A Stat. 500; Sept. 2, 1958, Pub. L. 85-861, §1(156), 72 Stat. 1513; Nov. 8, 1967, Pub. L. 90-130, §1(26)(D), 81 Stat. 382, prescribed authorized strength of Regular Air Force in commissioned officers on active list in each of categories of officers designated under section 8067 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.

**§ 8210. Regular Air Force: strength in grade; general officers**

(a) Subject to section 526 of this title, the authorized strength of the Regular Air Force in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Air Force in commissioned officers on the active-duty list. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general.

(b) When the application of subsection (a) 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.

(c) General officers on the active-duty list of the Regular Air Force who are specifically authorized by law to hold a civil office under the United States, or an instrumentality thereof, are not counted in determining authorized strength under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 500; Pub. L. 85-861, §1(161), Sept. 2, 1958, 72 Stat. 1514; Pub. L. 96-513, title V, §504(7), Dec. 12, 1980, 94 Stat. 2916; Pub. L. 102-190, div. A, title X, §1061(a)(23)(A), Dec. 5, 1991, 105 Stat. 1473.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8210(a) .....	10:506a(a) (words before 1st semicolon).	Aug. 7, 1947, ch. 512, §503(a), 61 Stat. 885.
8210(b) .....	10:506a(a) (less words before 1st semicolon, and less provisos).	
8210(c) .....	10:506a(a) (1st, 2d, and 3d provisos).	
8210(d) .....	10:506a(a) (4th proviso).	
8210(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:

	<i>Army</i>	<i>Air Force</i>
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 General 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 Air Force in general officers on the active list resulting from the mentioned allocation to the Air Force.

That allocation, and those mentioned in the explanation of 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 subsection.

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 "4" and "2" result from the allocation of the original figures "16" and "8". In subsection (c)(2), the figure "1" results from the allocation of the original figures "4" and "2".

In subsection (c)(3), 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)(4), the figures "150" and "75" result from the allocation of the original figures "334" and "167". That allocation 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8210(a) .....	10 App.:506a(a)(2) (less 4th and last sentences).	July 20, 1956, ch. 646, § 302 (less 1st par.), 70 Stat. 587.
8210(b) .....	10 App.:506a(a)(2) (4th sentence).	
8210(c) .....	10 App.:506a(a)(2) (last sentence).	

In subsection (a), the words "Subject to section 8202(a) of this title" are substituted for 10 App.:506a(a)(2) (3d sentence).

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted "section 526" for "section 8202(a)".

1980—Subsecs. (a), (c). Pub. L. 96-513 substituted "active-duty list" for "active list" wherever appearing.

1958—Subsec. (a). Pub. L. 85-861 inserted "Subject to section 8202(a) of this title," before "the", and struck out provisions which excluded the number of commissioned officers on the active list authorized by former subsec. (b) of this section and medical service officers.

Subsec. (b). Pub. L. 85-861 redesignated subsec. (d) as (b), and struck out former subsec. (b) which prescribed the authorized strength of general officers as medical, dental, and veterinary officers, and as chaplains.

Subsec. (c). Pub. L. 85-861 redesignated subsec. (e) as (c), and struck out former subsec. (c) which prescribed the maximum number of general officers for the active list of the Regular Air Force.

Subsecs. (d), (e). Pub. L. 85-861 redesignated subsecs. (d) and (e) as (b) and (c), 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.

**[§ 8211. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 501; Sept. 2, 1958, Pub. L. 85-861, §1(162), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in officers in each regular grade on each of promotion lists authorized by section 8296 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.

**[§ 8212. 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. 501; Aug. 21, 1957, Pub. L. 85-155, title III, §301(3), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85-861, §1(163), 72 Stat. 1515; June 30, 1960, Pub. L. 86-559, §1(48), 74 Stat. 275; Dec. 12, 1980, Pub. L. 96-513, title V, §504(8), 94 Stat. 2916, related to temporary increases in authorized strength in grade of Air Reserve and Air 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.

**[§§ 8213 to 8215. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]**

Section 8213, act Aug. 10, 1956, ch. 1041, 70A Stat. 501, prescribed authorized strength of Regular Air Force in warrant officers on active list.

Section 8214, acts Aug. 10, 1956, ch. 1041, 70A Stat. 501; Sept. 2, 1958, Pub. L. 85-861, §1(159), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in enlisted members on active duty, exclusive of officer candidates and aviation cadets.

Section 8215, acts Aug. 10, 1956, ch. 1041, 70A Stat. 502; Nov. 8, 1967, Pub. L. 90-130, §1(26)(E), (F), 81 Stat. 382, prescribed authorized strength of Regular Air Force in female warrant officers on active list.

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.