

riety, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 517. Authorized daily average: members in pay grades E-8 and E-9

(a) The authorized daily average number of enlisted members on active duty (other than for training) in an armed force in pay grades E-8 and E-9 in a fiscal year may not be more than 2.5 percent and 1.25 percent, respectively, of the number of enlisted members of that armed force who are on active duty (other than for training) on the first day of that fiscal year. In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.

(b) Whenever the number of members serving in pay grade E-9 is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8.

(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.

(Added Pub. L. 87-649, §2(1), Sept. 7, 1962, 76 Stat. 492; amended Pub. L. 96-584, §4, Dec. 23, 1980, 94 Stat. 3377; Pub. L. 97-86, title V, §503(1), (2), Dec. 1, 1981, 95 Stat. 1107, 1108; Pub. L. 97-252, title V, §503(a), Sept. 8, 1982, 96 Stat. 727; Pub. L. 98-94, title V, §503(a), Sept. 24, 1983, 97 Stat. 631; Pub. L. 98-525, title IV, §§413(a), 414(a)(2), Oct. 19, 1984, 98 Stat. 2517, 2518; Pub. L. 99-145, title IV, §413(a), Nov. 8, 1985, 99 Stat. 619; Pub. L. 100-180, div. A, title IV, §413(a), Dec. 4, 1987, 101 Stat. 1083; Pub. L. 101-189, div. A, title IV, §413(a), Nov. 29, 1989, 103 Stat. 1433; Pub. L. 102-190, div. A, title IV, §413(a), Dec. 5, 1991, 105 Stat. 1352; Pub. L. 103-160, div. A, title IV, §413(a), Nov. 30, 1993, 107 Stat. 1642; Pub. L. 103-337, div. A, title V, §552(a), title XVI, §1662(a)(4), Oct. 5, 1994, 108 Stat. 2772, 2988; Pub. L. 105-261, div. A, title IV, §407(a), title X, §1069(a)(2), Oct. 17, 1998, 112 Stat. 1996, 2135; Pub. L. 106-398, §1 [[div. A], title IV, §421(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-95; Pub. L. 107-107, div. A, title IV, §403, Dec. 28, 2001, 115 Stat. 1069; Pub. L. 108-375, div. A, title IV, §416(f), Oct. 28, 2004, 118 Stat. 1868; Pub. L. 110-181, div. A, title IV, §406, Jan. 28, 2008, 122 Stat. 89.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
517	37:232(c) (last sentence).	Oct. 12, 1949, ch. 681, §201(c) (last sentence); added May 20, 1958, Pub. L. 85-422, §1(3) (last sentence), 72 Stat. 124.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “1.25 percent” for “1 percent”.

2004—Subsec. (a). Pub. L. 108-375 substituted “as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.” for “(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.”

2001—Subsec. (a). Pub. L. 107-107 substituted “2.5 percent” for “2 percent (or, in the case of the Army, 2.5 percent)”.

2000—Subsec. (c). Pub. L. 106-398 added subsec. (c).

1998—Subsec. (a). Pub. L. 105-261, §1069(a)(2), substituted “The authorized” for “Except as provided in section 307 of title 37, the authorized”.

Pub. L. 105-261, §407(a), substituted “a fiscal year” for “a calendar year” and “the first day of that fiscal year” for “January 1 of that year”.

1994—Subsec. (a). Pub. L. 103-337, §552(a), inserted “(or, in the case of the Army, 2.5 percent)” after “may not be more than 2 percent”.

Subsec. (b). Pub. L. 103-337, §1661(a)(4)(B), redesignated subsec. (c) as (b) and struck out “or whenever the number of members serving in pay grade E-9 for duty described in subsection (b) is less than the number authorized for that grade under subsection (b),” after “under subsection (a),”.

Pub. L. 103-337, §1662(a)(4)(A), struck out subsec. (b) which limited the number of enlisted members in pay grades E-8 and E-9 who could be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard.

Subsec. (c). Pub. L. 103-337, §1662(a)(4)(B), redesignated subsec. (c) as (b).

1993—Subsec. (b). Pub. L. 103-160, in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the Air Force to 328 and 840 from 279 and 800, respectively.

1991—Subsec. (b). Pub. L. 102-190, in table, increased fiscal year limitation on number of enlisted men in pay grade E-8 on active duty affecting reserve components of the Air Force from 670 to 800, and increased limitation on number of enlisted men in pay grade E-9 on active duty affecting reserve components of the Army from 557 to 569, the Air Force from 231 to 279, and the Marine Corps from 13 to 14.

1989—Subsec. (b). Pub. L. 101-189, §413(a)(2), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 557 and 2,585 from 542 and 2,504, respectively; Navy, to 202 and 429 from 200 and 425, respectively; Air Force, to 231 and 670 from 224 and 637, respectively. Marine Corps figures remained unchanged.

Pub. L. 101-189, §413(a)(1), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 542 and 2,504 from 529 and 2,350, respectively; Navy, to 200 and 425 from 180 and 400, respectively; Air Force, to 224 and 637 from 150 and 425, respectively. Marine Corps figures remained unchanged.

1987—Subsec. (b). Pub. L. 100-180, §413(a)(2), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 529 and 2,350 from 517 and 2,295, respectively; Navy, to 180 and 400 from 175 and 390, respectively; Air Force, to 150 and 425 from 125 and 425, respectively. Marine Corps figures remained unchanged.

Pub. L. 100-180, §413(a)(1), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Navy, to 175 and 390 from 165 and 381, respectively; Air Force, to 125 and 425 from 80 and 358, respectively; Marine Corps, to 13 and 74

from 9 and 74, respectively. Army figures remained unchanged.

1985—Subsec. (b). Pub. L. 99-145 in table, changed fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Navy, to 165 and 381 from 156 and 381, respectively; Air Force, to 80 and 358 from 87 and 455, respectively. Army and Marine Corps figures remained unchanged.

1984—Subsec. (b). Pub. L. 98-525, § 414(a)(2), inserted “(other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training)” and substituted “or the National Guard” for “of the armed forces” and “for that grade and armed force” for “prescribed for the grade and the armed force”.

Pub. L. 98-525, § 413(a), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 2,295 and 517 from 1,494 and 314; Air Force, to 455 and 87 from 617 and 143; Marine Corps, to 74 and 9 from 56 and 6. Navy figures remained unchanged.

1983—Subsec. (b). Pub. L. 98-94 increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 1,494 and 314 from 1,244 and 265; Navy, to 381 and 156 from 329 and 156; Air Force, to 617 and 143 from 441 and 132; Marine Corps figures remained unchanged.

1982—Subsec. (b). Pub. L. 97-252 increased the numbers in columns from 222, 146, 76, and 4 in the line for E-9 to 265, 156, 132, and 6, respectively, and from 908, 319, 307, and 12 in line for E-8 to 1,244, 329, 441, and 56, respectively.

1981—Subsec. (b). Pub. L. 97-86, § 503(1), inserted column for “Marine Corps” in table and increased numbers in existing columns headed “Army”, “Navy”, and “Air Force” from 209, 140, and 71 in line for E-9 to 222, 146, and 76, respectively, and from 823, 302, and 302 in line for E-8 to 908, 319, and 307, respectively.

Subsec. (c). Pub. L. 97-86, § 503(2), added subsec. (c).

1980—Pub. L. 96-584 designated existing provisions as subsec. (a), inserted provisions respecting computation of limitations, and added subsec. (b).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title IV, § 407(b), Oct. 17, 1998, 112 Stat. 1996, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999.”

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title V, § 552(c), Oct. 5, 1994, 108 Stat. 2772, provided that: “The amendment made by subsection (a) [amending this section] shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.”

Amendment by section 1662(a)(4) of Pub. L. 103-337 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.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title IV, § 413(a)(2), Nov. 29, 1989, 103 Stat. 1433, provided that the amendment made by that section is effective Oct. 1, 1990.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title IV, § 413(a)(2), Dec. 4, 1987, 101 Stat. 1083, provided that the amendment made by that section is effective Oct. 1, 1988.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title IV, § 413(c), Nov. 8, 1985, 99 Stat. 620, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title IV, § 413(c), Oct. 19, 1984, 98 Stat. 2518, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1984.”

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-94, title V, § 503(c), Sept. 24, 1983, 97 Stat. 631, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1983.”

EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8; SPECIAL RULE FOR 1995

Pub. L. 103-337, div. A, title V, § 552(b), Oct. 5, 1994, 108 Stat. 2772, provided that the percentage applicable to enlisted members of the Army in pay grade E-8 under subsec. (a) of this section during 1995 would be 2.3 percent, rather than the percentage provided by the amendment made by Pub. L. 103-337, § 552(a).

AUTHORITY TO WAIVE GRADE STRENGTH LAWS FOR FISCAL YEAR 1991; CERTIFICATION; RELATIONSHIP TO OTHER SUSPENSION AUTHORITY

Pub. L. 102-25, title II, §§ 201(b), 202, 205(b), Apr. 6, 1991, 105 Stat. 79, 80, authorized Secretary of a military department to suspend, for fiscal year 1991, the operation of any provision of this section and section 523, 524 (now 12011), 525, or 526 of this title with respect to that military department, that such Secretary may exercise such authority only after submission to the congressional defense committees of a certification in writing that such authority is necessary because of personnel actions associated with Operation Desert Storm, and that such authority is in addition to the authority provided in section 527 of this title.

§ 518. Temporary enlistments

Temporary enlistments may be made only in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, without specification of component.

(Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 519. Temporary enlistments: during war or emergency

Except as provided in section 505 of this title and except for enlistments as Reserves of an armed force—

(1) temporary enlistments in an armed force entered into in time of war or of emergency declared by Congress shall be for the duration of the war or emergency plus six months; and

(2) only persons at least eighteen years of age and otherwise qualified under regulations