

through 2002, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.”

2001—Subsec. (a)(4). Pub. L. 107-107, § 545(b)(1), substituted “recruiting functions” for “recruiting events”.

Subsec. (a)(5). Pub. L. 107-107, § 545(b)(2), substituted “presence at recruiting functions” for “presence at recruiting efforts”.

Subsec. (c). Pub. L. 107-107, § 545(a), struck out heading and text of subsec. (c). Text read as follows: “The authority in subsection (a) may not be exercised after September 30, 2001.”

CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec.	
521.	Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.
[522.	Repealed.]
523.	Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.
[524.	Renumbered.]
525.	Distribution of commissioned officers on active duty in general officer and flag officer grades.
526.	Authorized strength: general and flag officers on active duty.
526a.	Authorized strength after December 31, 2022: general officers and flag officers on active duty.
527.	Authority to suspend sections 523, 525, and 526.
528.	Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-328, div. A, title V, § 501(h)(3), Dec. 23, 2016, 130 Stat. 2102, added item 526a.

2011—Pub. L. 112-81, div. A, title V, § 502(d)(2)(B), 125 Stat. 1388, added item 528 and struck out former item 528 “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.”

2006—Pub. L. 109-364, div. A, title V, § 501(b)(2), Oct. 17, 2006, 120 Stat. 2176, substituted “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances” for “Exclusion: officers serving in certain intelligence positions” in item 528.

Pub. L. 109-163, div. A, title V, § 507(b), Jan. 6, 2006, 119 Stat. 3228, substituted “Exclusion: officers serving in certain intelligence positions” for “Exclusion: Associate Director of Central Intelligence for Military Support” in item 528.

2004—Pub. L. 108-375, div. A, title V, § 501(b)(2), Oct. 28, 2004, 118 Stat. 1873, struck out item 522 “Authorized total strengths: regular commissioned officers on active duty”.

2003—Pub. L. 108-136, div. A, title V, § 507(b), Nov. 24, 2003, 117 Stat. 1458, added item 528.

2001—Pub. L. 107-107, div. A, title V, § 501(b), Dec. 28, 2001, 115 Stat. 1079, struck out item 528 “Limitation on number of officers on active duty in grades of general and admiral”.

1994—Pub. L. 103-337, div. A, title IV, § 405(b)(2), title XVI, § 1671(b)(4), Oct. 5, 1994, 108 Stat. 2745, 3013, struck out item 524 “Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in

grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain”, struck out “524,” after “523,” in item 527, and added item 528.

1988—Pub. L. 100-370, § 1(b)(3), July 19, 1988, 102 Stat. 840, struck out former item 526 “Authority to suspend sections 523, 524, and 525”, and added items 526 and 527.

1984—Pub. L. 98-525, title IV, § 414(a)(4)(B)(ii), inserted references to the National Guard and to full-time National Guard duty in item 524.

§ 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories

(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above chief warrant officer, W-5, for each of the armed forces under the jurisdiction of the Secretary of a military department.

(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each military department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 102-190, div. A, title XI, § 1131(1)(A), Dec. 5, 1991, 105 Stat. 1505.)

Editorial Notes

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted “chief warrant officer, W-5,” for “warrant officer (W-4)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title XI, § 1132, Dec. 5, 1991, 105 Stat. 1506, provided that: “This title [enacting sections 571 to 583 and 742 of this title, amending this section, sections 522, 597 [now 12241], 598 [now 12242], 603, 628, 644, 741, 1166, 1174, 1305, 1406, 5414, 5457, 5458, 5501 to 5503, 5596, 5600, 5665, 6389, and 6391 of this title, sections 286a and 334 of Title 14, Coast Guard, and sections 201, 301, 301c, 305a, and 406 of Title 37, Pay and Allowances of the Uniformed Services, repealing sections 555 to 565, 602, and 745 of this title, and enacting provisions set out as notes under sections 555 and 571 of this title and section 1009 of Title 37] and the amendments made by this title shall take effect on February 1, 1992.”

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS

Pub. L. 102-484, div. A, title V, § 502, Oct. 23, 1992, 106 Stat. 2402, directed the Secretary of Defense to provide