

for an independent, federally funded research and development center to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of post-Cold War officer strength reductions on that officer personnel management system, required the center to submit to the Secretary of Defense a report on the results of the review and evaluation not later than Dec. 31, 1993, and directed the Secretary to transmit the report to committees of Congress within 60 days after receipt.

STRENGTH OF ACTIVE DUTY OFFICER CORPS

Pub. L. 100-456, div. A, title IV, § 402(c), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(1) The number of officers serving on active duty (excluding officers in categories specified in paragraph (2)) as of September 30, 1990, may not exceed—

- “(A) in the case of the Army, 106,427; and
“(B) in the case of the Air Force, 102,438.

“(2) Officers in the categories described in section 403(b) of the National Defense Authorization Act for Fiscal Year 1987 [Pub. L. 99-661, set out below] shall be excluded in counting officers under this subsection.”

Pub. L. 100-180, div. A, title IV, § 402, Dec. 4, 1987, 101 Stat. 1081, as amended by Pub. L. 100-456, div. A, title IV, § 402(b), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(a) AUTHORITY TO INCREASE FOR FISCAL YEAR 1988.—Subject to subsection (b), the Secretary of Defense may increase by not more than 1 percentage point (to not more than 98 percent) the percentage limitation prescribed in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859) [set out below] applicable to the total number of commissioned officers of the Army, Navy, Air Force, and Marine Corps that may be serving on active duty as of September 30, 1988.

“(b) CERTIFICATION AND REPORT.—The Secretary may exercise the authority under subsection (a) only if—

“(1) the Secretary makes a determination that such increase is necessary in order to avoid severe personnel management problems in the Army, Navy, Air Force, and Marine Corps during fiscal year 1988 and certifies such determination to the Committees on Armed Services of the Senate and the House of Representatives; and

“(2) the Secretary submits to those Committees with such certification a report providing legislative recommendations for temporary changes in chapter 36 of title 10, United States Code, and other provisions of law enacted by the Defense Officer Personnel Management Act (Public Law 96-513) [see Tables for classification] that the Secretary considers necessary in order to implement the required officer reductions under such section 403 [set out below] with the least possible adverse effect on the Armed Forces.”

Pub. L. 99-661, div. A, title IV, § 403, Nov. 14, 1986, 100 Stat. 3859, as amended by Pub. L. 100-456, div. A, title IV, § 402(a), Sept. 29, 1988, 102 Stat. 1963; Pub. L. 101-189, div. A, title VI, § 653(e)(2), Nov. 29, 1989, 103 Stat. 1463; Pub. L. 103-337, div. A, title XVI, § 1677(e), Oct. 5, 1994, 108 Stat. 3020, provided that:

“(a) REDUCTION IN SIZE OF OFFICER CORPS.—On and after each of the dates set forth in column 1 of the following table, the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps (excluding officers in categories specified in subsection (b)) may not exceed the percentage, set forth in column 2 opposite such date, of the total number of commissioned officers serving on active duty as of September 30, 1986 (excluding officers in categories specified in subsection (b)):

Table with 2 columns: Column 1 (On and after:), Column 2 (Percentage of total commissioned officers serving on active duty as of September 30, 1986:). Rows include September 30, 1987 (99) and September 30, 1988 (97).

“(b) EXCLUSIONS.—In computing the authorized strength of commissioned officers under subsection (a), officers in the following categories shall be excluded:

- “(1) Reserve officers—
“(A) on active duty for training;
“(B) on active duty under section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10, United States Code, or under section 708 of title 32, United States Code;
“(C) on active duty under section 12301(d) of title 10, United States Code, in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard;
“(D) on active duty to pursue special work;
“(E) ordered to active duty under section 12304 of title 10, United States Code; or
“(F) on full-time National Guard duty.

“(2) Retired officers on active duty under a call or order to active duty for 180 days or less.

“(3) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) [now 50 U.S.C. 3809(b)(2)] for the administration of the Selective Service System.

“(c) APPORTIONMENT OF REDUCTIONS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall apportion the reductions in the number of commissioned officers serving on active duty required by subsection (a) among the Army, Navy, Air Force, and Marine Corps. Not later than February 1 of each fiscal year in which reductions are required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the manner in which the reductions have been or are to be apportioned for that fiscal year and for the next fiscal year for which such reductions are required.”

[§ 522. Repealed. Pub. L. 108-375, div. A, title V, § 501(b)(1), Oct. 28, 2004, 118 Stat. 1873]

Section, added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 98-525, title V, § 522, Oct. 19, 1984, 98 Stat. 2523; Pub. L. 102-190, div. A, title XI, § 1131(1)(B), Dec. 5, 1991, 105 Stat. 1505, related to authorized total strengths of regular commissioned officers on active duty.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective on the first day of the first month beginning more than 180 days after Oct. 28, 2004, see section 501(g) of Pub. L. 108-375, set out as an Effective Date of 2004 Amendment note under section 531 of this title.

§ 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

(a)(1) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000 .....	7,768	5,253	1,613
25,000 .....	8,689	5,642	1,796
30,000 .....	9,611	6,030	1,980
35,000 .....	10,532	6,419	2,163
40,000 .....	11,454	6,807	2,347
45,000 .....	12,375	7,196	2,530
50,000 .....	13,297	7,584	2,713
55,000 .....	14,218	7,973	2,897
60,000 .....	15,140	8,361	3,080
65,000 .....	16,061	8,750	3,264
70,000 .....	16,983	9,138	3,447
75,000 .....	17,903	9,527	3,631
80,000 .....	18,825	9,915	3,814
85,000 .....	19,746	10,304	3,997
90,000 .....	20,668	10,692	4,181
95,000 .....	21,589	11,081	4,364
100,000 .....	22,511	11,469	4,548
110,000 .....	24,354	12,246	4,915
120,000 .....	26,197	13,023	5,281
130,000 .....	28,040	13,800	5,648
170,000 .....	35,412	16,908	7,116
Air Force:			
35,000 .....	9,216	7,090	2,125
40,000 .....	10,025	7,478	2,306
45,000 .....	10,835	7,866	2,487
50,000 .....	11,645	8,253	2,668
55,000 .....	12,454	8,641	2,849
60,000 .....	13,264	9,029	3,030
65,000 .....	14,073	9,417	3,211
70,000 .....	14,883	9,805	3,392
75,000 .....	15,693	10,193	3,573
80,000 .....	16,502	10,582	3,754
85,000 .....	17,312	10,971	3,935
90,000 .....	18,121	11,360	4,115
95,000 .....	18,931	11,749	4,296
100,000 .....	19,741	12,138	4,477
105,000 .....	20,550	12,527	4,658
110,000 .....	21,360	12,915	4,838
115,000 .....	22,169	13,304	5,019
120,000 .....	22,979	13,692	5,200
125,000 .....	23,789	14,081	5,381
Marine Corps:			
10,000 .....	2,802	1,615	633
12,500 .....	3,247	1,768	658
15,000 .....	3,691	1,922	684
17,500 .....	4,135	2,076	710
20,000 .....	4,579	2,230	736
22,500 .....	5,024	2,383	762
25,000 .....	5,468	2,537	787.

(2) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000 .....	7,698	5,269	2,222

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
33,000 .....	8,189	5,501	2,334
36,000 .....	8,680	5,733	2,447
39,000 .....	9,172	5,965	2,559
42,000 .....	9,663	6,197	2,671
45,000 .....	10,155	6,429	2,784
48,000 .....	10,646	6,660	2,896
51,000 .....	11,136	6,889	3,007
54,000 .....	11,628	7,121	3,120
57,000 .....	12,118	7,352	3,232
60,000 .....	12,609	7,583	3,344
63,000 .....	13,100	7,813	3,457
66,000 .....	13,591	8,044	3,568
70,000 .....	14,245	8,352	3,718
90,000 .....	17,517	9,890	4,467.

(3) If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is between any two consecutive figures listed in the first column of the appropriate table in paragraph (1) or (2), the corresponding authorized strengths for each of the grades shown in that table for that armed force are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is greater or less than the figures listed in the first column of the appropriate table in paragraph (1) or (2), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table in the same proportion as reflected in the nearest limit shown in the table.

(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

- (1) Reserve officers—
  - (A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;
  - (B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32; or
  - (C) on full-time National Guard duty.

- (2) General and flag officers.
- (3) Medical officers.
- (4) Dental officers.
- (5) Warrant officers.
- (6) Retired officers on active duty under a call or order to active duty for 180 days or less.
- (7) Retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. 3809(b)(2)) for the administration of the Selective Service System.
- (8) Permanent professors of the United States Military Academy and the United States Air Force Academy and professors of the United States Naval Academy who are career military professors (as defined in regulations prescribed by the Secretary of the Navy), but not to exceed 50 from any such academy.

(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.

(c) Whenever the number of officers serving in any grade is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

(d) An officer may not be reduced in grade, or have his pay or allowances reduced, because of a reduction in the number of commissioned officers authorized for his grade under this section.

(Added Pub. L. 96-513, title I, §103, Dec. 12, 1980, 94 Stat. 2842; amended Pub. L. 98-525, title IV, §414(a)(3), Oct. 19, 1984, 98 Stat. 2518; Pub. L. 99-145, title V, §511(a), Nov. 8, 1985, 99 Stat. 623; Pub. L. 99-433, title V, §531(a)(1), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 102-190, div. A, title IV, §431, Dec. 5, 1991, 105 Stat. 1354; Pub. L. 103-337, div. A, title XVI, §1673(c)(3), Oct. 5, 1994, 108 Stat. 3014; Pub. L. 104-201, div. A, title IV, §403(a), (b), Sept. 23, 1996, 110 Stat. 2504, 2505; Pub. L. 107-314, div. A, title IV, §406, Dec. 2, 2002, 116 Stat. 2526; Pub. L. 108-375, div. A, title IV, §§404, 416(g), Oct. 28, 2004, 118 Stat. 1864, 1868; Pub. L. 109-364, div. A, title X, §1071(g)(1)(B), Oct. 17, 2006, 120 Stat. 2402; Pub. L. 110-181, div. A, title IV, §§404, 405, Jan. 28, 2008, 122 Stat. 88; Pub. L. 112-81, div. A, title V, §501, Dec. 31, 2011, 125 Stat. 1386; Pub. L. 114-328, div. A, title VIII, §866(b), title X, §1081(b)(1)(A)(iii), Dec. 23, 2016, 130 Stat. 2306, 2418.)

## Editorial Notes

### AMENDMENTS

2016—Subsec. (b)(7). Pub. L. 114-328, §1081(b)(1)(A)(iii), substituted “(50 U.S.C. 3809(b)(2))” for “(50 U.S.C. App. 460(b)(2))”.

Subsec. (b)(9). Pub. L. 114-328, §866(b), added par. (9).

2011—Subsec. (a)(1). Pub. L. 112-81, in table, increased number of officers authorized to serve on active duty in the Marine Corps in each grade covered as follows: Major to 2,802, 3,247, 3,691, 4,135, 4,579, 5,024, and 5,468 from 2,525, 2,900, 3,275, 3,650, 4,025, 4,400, and 4,775, respectively; Lieutenant Colonel to 1,615, 1,768, 1,922, 2,076, 2,230, 2,383, and 2,537 from 1,480, 1,600, 1,720, 1,840, 1,960, 2,080, and 2,200, respectively; and Colonel to 633, 658, 684, 710, 736, 762, and 787 from 571, 632, 653, 673, 694, 715, and 735, respectively.

2008—Subsec. (a)(1). Pub. L. 110-181, §404, in table, increased number of officers authorized to serve on active duty in the Army in the grade of Major to 7,768, 8,689, 9,611, 10,532, 11,454, 12,375, 13,297, 14,218, 15,140, 16,061, 16,983, 17,903, 18,825, 19,746, 20,668, 21,589, 22,511, 24,354, 26,197, 28,040, and 35,412 from 6,948, 7,539, 8,231, 8,922, 9,614, 10,305, 10,997, 11,688, 12,380, 13,071, 13,763, 14,454, 15,146, 15,837, 16,529, 17,220, 17,912, 19,295, 20,678, 22,061, and 27,593, respectively.

Subsec. (a)(2). Pub. L. 110-181, §405, amended table generally, extensively revising the numbers in each grade covered.

2006—Subsec. (b)(1). Pub. L. 109-364 made technical correction to directory language of Pub. L. 108-375, §416(g)(1). See 2004 Amendment note below.

2004—Subsec. (b)(1). Pub. L. 108-375, §416(g)(1), as amended by Pub. L. 109-364, amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) Reserve officers—

“(A) on active duty for training;

“(B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32;

“(C) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;

“(D) on active duty to pursue special work;

“(E) ordered to active duty under section 12304 of this title; or

“(F) on full-time National Guard duty.”

Subsec. (b)(7). Pub. L. 108-375, §416(g)(2), substituted “Retired officers” for “Reserve or retired officers”.

Subsec. (b)(8). Pub. L. 108-375, §404, added par. (8).

2002—Subsec. (a)(1). Pub. L. 107-314, in table, increased number of officers authorized to serve on active duty in the Marine Corps in the grade of Colonel to 571, 632, 653, 673, 694, 715, and 735 from 571, 592, 613, 633, 654, 675, and 695, respectively.

1996—Subsec. (a)(1). Pub. L. 104-201, §403(a), amended table generally, expanding the range of numbers of commissioned officers covered and extensively revising the numbers in each grade covered.

Subsec. (a)(2). Pub. L. 104-201, §403(b), amended table generally, expanding the range of numbers of commissioned officers covered and extensively revising the numbers in each grade covered.

1994—Subsec. (b)(1)(B). Pub. L. 103-337, §1671(c)(3)(A), substituted “10211, 10302 through 10305, or 12402” for “265, 3021, 3496, 5251, 5252, 8021, or 8496”.

Subsec. (b)(1)(C). Pub. L. 103-337, §1671(c)(3)(B), substituted “12301(d)” for “672(d)”.

Subsec. (b)(1)(E). Pub. L. 103-337, §1671(c)(3)(C), substituted “12304” for “673b”.

1991—Subsec. (a)(1). Pub. L. 102-190, in table, decreased numbers of officers authorized to serve on active duty in the Air Force in the grade of Colonel to 3,392, 3,573, 3,754, 3,935, 4,115, 4,296, 4,477, 4,658, 4,838, 5,019, 5,200, and 5,381 from 3,642, 3,823, 4,004, 4,185, 4,365, 4,546, 4,727, 4,908, 5,088, 5,269, 5,450, and 5,631, respectively.

1986—Subsec. (b)(1)(B). Pub. L. 99-433 substituted “3021” and “8021” for “3033” and “8033”, respectively.

1985—Subsec. (a)(1). Pub. L. 99-145 increased fiscal year limitation on authorized number of Marine Corps majors to 2,766, 3,085, 3,404, 3,723, and 4,042 from 2,717, 2,936, 3,154, 3,373, and 3,591, respectively.

1984—Subsec. (b)(1)(C). Pub. L. 98-525, §414(a)(3)(A), struck out “or section 502 or 503 of title 32” after “section 672(d) of this title”.

Subsec. (b)(1)(F). Pub. L. 98-525, §414(a)(3)(B)-(D), added subpar. (F).

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title X, §1071(g), Oct. 17, 2006, 120 Stat. 2402, provided that the amendment made by section 1071(g)(1)(B) is effective as of Oct. 28, 2004, and as if included in Pub. L. 108-375 as enacted.

### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title IV, §403(d), Sept. 23, 1996, 110 Stat. 2506, provided that: “The amendments made by subsections (a), (b), and (c) [amending this section and repealing provisions set out as notes below] shall take effect on September 1, 1997.”

### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by 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 1985 AMENDMENT

Pub. L. 99-145, title V, §511(b), Nov. 8, 1985, 99 Stat. 623, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1985.”

### EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section 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.

TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE FORCE

This section not to apply to the Space Force until Jan. 1, 2023, see section 528(a) of Pub. L. 117–81, set out as a note under section 517 of this title.

TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES

Pub. L. 104–106, div. A, title IV, § 402, Feb. 10, 1996, 110 Stat. 286, provided that the numbers of officers of the Air Force authorized under subsec. (a)(1) of this section to be serving on active duty in the grades of major, lieutenant colonel, and colonel for fiscal years 1996 and 1997 and the numbers of officers in the Navy authorized under subsec. (a)(2) of this section to be serving on active duty in the grades of lieutenant commander, commander, and captain for fiscal years 1996 and 1997 were limited to numbers in tables, prior to repeal by Pub. L. 104–201, div. A, title IV, § 403(c)(3), Sept. 23, 1996, 110 Stat. 2506.

TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR ARMY MAJORS AND LIEUTENANT COLONELS

Pub. L. 103–337, div. A, title IV, § 402, Oct. 5, 1994, 108 Stat. 2743, provided that number of officers of the Army authorized under subsec. (a)(1) of this section to be serving on active duty in grades of major and lieutenant colonel for fiscal years 1995 through 1997 was limited to numbers set forth in table prior to repeal by Pub. L. 104–201, div. A, title IV, § 403(c)(2), Sept. 23, 1996, 110 Stat. 2506.

TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS

Pub. L. 103–160, div. A, title IV, § 402, Nov. 30, 1993, 107 Stat. 1639, as amended by Pub. L. 103–337, div. A, title IV, § 403, Oct. 5, 1994, 108 Stat. 2743, provided that number of officers of the Marine Corps authorized under subsec. (a)(1) of this section to be serving on active duty in grades of major and lieutenant colonel for fiscal years 1994 through 1997 was limited to numbers set forth in table prior to repeal by Pub. L. 104–201, div. A, title IV, § 403(c)(1), Sept. 23, 1996, 110 Stat. 2505.

TEMPORARY INCREASE IN OFFICER GRADE LIMITATIONS

Pub. L. 101–189, div. A, title IV, § 403, Nov. 29, 1989, 103 Stat. 1431, authorized the Secretary of Defense, until Sept. 30, 1991, to increase the strength-in-grade limitations specified in subsec. (a) of this section by a total of 250 positions, to be distributed among grades and services as the Secretary considers appropriate and directed the Secretary to submit to Congress a comprehensive report on the adequacy of the strength-in-grade limitations prescribed in subsec. (a) of this section.

TEMPORARY REDUCTION IN NUMBER OF AIR FORCE COLONELS

Pub. L. 101–189, div. A, title IV, § 402, Nov. 29, 1989, 103 Stat. 1431, as amended by Pub. L. 101–510, div. A, title IV, § 404, Nov. 5, 1990, 104 Stat. 1545, provided that the number of officers authorized under subsec. (a) of this section to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1992 was reduced by 250.

Pub. L. 100–456, div. A, title IV, § 403, Sept. 29, 1988, 102 Stat. 1963, provided that the number of officers authorized under this section to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1989 was reduced by 125, and the number of such officers authorized to be serving on active duty during fiscal year 1990 was reduced by 250.

CEILINGS ON COMMISSIONED OFFICERS ON ACTIVE DUTY

Pub. L. 95–79, title VIII, § 811(a), July 30, 1977, 91 Stat. 335, as amended by Pub. L. 96–107, title VIII, § 817, Nov.

9, 1979, 93 Stat. 818; Pub. L. 96–342, title X, § 1003, Sept. 8, 1980, 94 Stat. 1120; Pub. L. 97–86, title VI, § 602, Dec. 1, 1981, 95 Stat. 1110, which provided that after Oct. 1, 1981, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and on active duty in the Navy above the grade of captain, could not exceed 1,073, and that in time of war, or of national emergency declared by Congress, the President could suspend the operation of this provision, was repealed and restated in section 526 of this title by Pub. L. 100–370, § 1(b)(1)(B), (4).

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions increasing for the fiscal year ending on Sept. 30, 1981, the maximum number of officers authorized by this section to be serving on active duty, see section 627 of Pub. L. 96–513, set out as a note under section 611 of this title.

**[§ 524. Renumbered § 12011]**

**§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades**

(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

(1) in the Army, if that appointment would result in more than—

(A) 8 officers in the grade of general;

(B) 46 officers in a grade above the grade of major general; or

(C) 90 officers in the grade of major general;

(2) in the Air Force, if that appointment would result in more than—

(A) 9 officers in the grade of general;

(B) 44 officers in a grade above the grade of major general; or

(C) 73 officers in the grade of major general;

(3) in the Navy, if that appointment would result in more than—

(A) 6 officers in the grade of admiral;

(B) 33 officers in a grade above the grade of rear admiral; or

(C) 50 officers in the grade of rear admiral;

(4) in the Marine Corps, if that appointment would result in more than—

(A) 2 officers in the grade of general;

(B) 17 officers in a grade above the grade of major general; or

(C) 22 officers in the grade of major general.

(b) The limitations of subsection (a) do not include the following:

(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

(2) The number of officers required to serve in joint duty assignments as authorized by the