

amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

**[§§ 5442 to 5444. Repealed. Pub. L. 101-510, div. A, title IV, § 403(b)(2)(A), Nov. 5, 1990, 104 Stat. 1545]**

Section 5442, acts Aug. 10, 1956, ch. 1041, 70A Stat. 300; Pub. L. 90-386, §1(4), July 5, 1968, 82 Stat. 293; Dec. 12, 1980, Pub. L. 96-513, title III, §313(b), 94 Stat. 2889; Dec. 1, 1981, Pub. L. 97-86, title IV, §405(b)(1), (3), (6)(A), 95 Stat. 1105, 1106; Nov. 8, 1985, Pub. L. 99-145, title V, §514(b)(1), (3), (6)(A), 99 Stat. 628; Nov. 14, 1986, Pub. L. 99-661, div. A, title XIII, §1343(a)(24), 100 Stat. 3994, set forth number of officers serving on active duty in Navy who may serve in grades of rear admiral (lower half) and rear admiral.

Section 5443, acts Aug. 10, 1956, ch. 1041, 70A Stat. 302; Aug. 3, 1961, Pub. L. 87-123, §5(6), 75 Stat. 265; Nov. 2, 1966, Pub. L. 89-731, §1, 80 Stat. 1160; Dec. 12, 1980, Pub. L. 96-513, title III, §313(c), 94 Stat. 2891, related to number of officers in Marine Corps on active duty who may serve in grades of brigadier general and major general.

Section 5444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 304; Aug. 21, 1957, Pub. L. 85-155, title II, §201(1)-(3), 71 Stat. 381; Nov. 8, 1967, Pub. L. 90-130, §1(17)(A), (B), 81 Stat. 376; Dec. 12, 1980, Pub. L. 96-513, title III, §302, title V, §503(19), 94 Stat. 2888, 2912; July 10, 1981, Pub. L. 97-22, §6(b), 10(a)(3), 95 Stat. 130, 136; Dec. 1, 1981, Pub. L. 97-86, title IV, §405(b)(1)-(3), (7)(A), 95 Stat. 1105, 1106; Nov. 8, 1985, Pub. L. 99-145, title V, §514(b)(1)-(3), (7)(A), 99 Stat. 628, 629, related to total number of officers who may serve on active duty in Navy in grades of rear admiral (lower half) and rear admiral in staff corps.

**[§5445. Repealed. Pub. L. 96-513, title III, §313(d)(1), Dec. 12, 1980, 94 Stat. 2892]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 306, related to suspension of sections 5442, 5443, and 5444 of this title. See section 526 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.

**[§5446. Repealed. Pub. L. 101-510, div. A, title IV, § 403(b)(2)(A), Nov. 5, 1990, 104 Stat. 1545]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 306; Dec. 12, 1980, Pub. L. 96-513, title III, §373(a), title V, §503(20), 94 Stat. 2903, 2912, related to applicability of sections 5442, 5443, and 5444 of this title.

**[§§ 5447 to 5449. Repealed. Pub. L. 96-513, title III, §313(d)(2)-(4), Dec. 12, 1980, 94 Stat. 2892]**

Section 5447, acts Aug. 10, 1956, ch. 1041, 70A Stat. 307; July 5, 1968, Pub. L. 90-386, §1(4), 82 Stat. 293, related to permanent grade distribution of Navy line officers on active list. See section 521 et seq. of this title.

Section 5448, acts Aug. 10, 1956, ch. 1041, 70A Stat. 309; Aug. 3, 1961, Pub. L. 87-123, §5(7), 75 Stat. 265, related to permanent grade distribution of Marine Corps officers on active list. See section 521 et seq. of this title.

Section 5449, acts Aug. 10, 1956, ch. 1041, 70A Stat. 311; Aug. 21, 1957, Pub. L. 85-155, title II, §201(4), 71 Stat. 381; Nov. 8, 1967, Pub. L. 90-130, §1(17)(C), (D), 81 Stat. 376, related to number of Navy staff corps officers on active list in permanent grade of rear admiral. See section 525 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.

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

Except in time of war or national emergency, not more than ten retired flag officers of the Regular Navy may be on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312; Dec. 12, 1980, Pub. L. 96-513, title V, §503(21), 94 Stat. 2912.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5450 .....	34 U.S.C. 211e.	Aug. 7, 1947, ch. 512, §430, 61 Stat. 881; Sept. 3, 1954, ch. 1257, §702(a), 68 Stat. 1188.

In subsection (a) the words “In addition \* \* \* to the number of rear admirals and above authorized by titles I, II, and III and by section 413 of this Act, a total of” are omitted as surplusage. Titles I, II, and III, and section 413 of the Officer Personnel Act of 1947 prescribe the number of officers on the lineal list who may have the grade of rear admiral. Retired officers are excluded from the lineal lists and are not counted for any purpose in the computations under the cited titles and section. The source text does not affect the authorized numbers so computed; it sets up an authorized number for a category of officers not previously covered.

The limitation on reserve flag officers on active duty contained in section 430 of the Officer Personnel Act of 1947 was repealed by section 702(a) of the Reserve Officer Personnel Act of 1954.

**AMENDMENTS**

1980—Pub. L. 96-513 struck out designation “(a)” before “Except in time of war or national emergency”, substituted “flag officers of the Regular Navy” for “officers of the Regular Navy in the grade of rear admiral and above”, and struck out subsec. (b) which provided that this section did not apply to fleet admirals or to retired officers ordered to temporary duty to serve on boards convened under chapter 543 of this title.

**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.

**§ 5451. Suspension: preceding sections**

The President, during a war or national emergency, may suspend any provision of the preceding sections of this chapter. Such a suspension may not continue beyond September 30 of the fiscal year following that in which the war or national emergency ends.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312; Apr. 21, 1976, Pub. L. 94-273, §2(3), 90 Stat. 375; Dec. 12, 1980, Pub. L. 96-513, title V, §503(22), 94 Stat. 2913; Dec. 5, 1991, Pub. L. 102-190, div. A, title X, §1061(a)(21), 105 Stat. 1473.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5451(a) .....	34 U.S.C. 3e.	Aug. 7, 1947, ch. 512, §426(c); added June 30, 1951, ch. 196, §1(h), 65 Stat. 109.
5451(b) .....	34 U.S.C. 5a-1.	May 5, 1954, ch. 180, §403 68 Stat. 70.

**AMENDMENTS**

1991—Pub. L. 102-190 substituted “The President” for “(a) Except as provided in subsection (b), the Presi-