

whether the exemption described in such subsection should apply to the Space Development Agency.

“(c) IMPLEMENTATION.—Not later than 60 days after the date on which the recommendation is submitted under subsection (b), the Secretary of the Air Force and the Director of the Space Development Agency shall implement the recommendation.”

PART II—PERSONNEL

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Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. A, title XVII, §1721(a)(5)(B), Dec. 22, 2023, 137 Stat. 666, added item for chapter 915 and struck out former item for chapter 915 “Appointments in the Regular Air Force and the Regular Space Force”.

2021—Pub. L. 116–283, div. A, title IX, §923(c)(3)(C), Jan. 1, 2021, 134 Stat. 3810, added item for chapter 915 and struck out former item for chapter 915 “Appointments in the Regular Air Force”.

2018—Pub. L. 115–232, div. A, title VIII, §806(e)(2), Aug. 13, 2018, 132 Stat. 1834, redesignated items for chapters 831 to 875 as 911 to 949 and redesignated section numbers 8201 to 9061 as 9110 to 9381. Section numbers were conformed to the first section appearing in each chapter after renumbering by Pub. L. 115–232 to reflect the probable intent of Congress.

2003—Pub. L. 108–136, div. A, title V, §576(c)(2), Nov. 24, 2003, 117 Stat. 1488, added item for chapter 875.

1994—Pub. L. 103–337, div. A, title XVI, §1674(a), Oct. 5, 1994, 108 Stat. 3016, struck out items for chapters 837 “Appointments as Reserve Officers” and 863 “Separation or Transfer to Retired Reserve”.

1980—Pub. L. 96–513, title V, §504(1), Dec. 12, 1980, 94 Stat. 2915, struck out items for chapters 859 “Separation from Regular Air Force for Substandard Performance of Duty”, 860 “Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security”, and 865 “Retirement for Age”.

1968—Pub. L. 90–377, §5, July 5, 1968, 82 Stat. 288, struck out item for chapter 851 “United States Disciplinary Barracks”.

Pub. L. 90–235, §8(6), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 847 “The Uniform”.

1960—Pub. L. 86–616, §§7(b), 8(b), July 12, 1960, 74 Stat. 393, 395, substituted “Substandard Performance of Duty” for “Failure to Meet Standards” in item for chapter 859 and added item for chapter 860.

1958—Pub. L. 85–861, §1(193), Sept. 2, 1958, 72 Stat. 1538, substituted “8841” for “[No present sections]” in item for chapter 863.

CHAPTER 911—STRENGTH

Sec.	
9110.	Regular Air Force: strength in grade; general officers.

Sec.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 831 of this title as this chapter and item 8210 as 9110.

1994—Pub. L. 103–337, div. A, title XVI, §1674(b)(2), Oct. 5, 1994, 108 Stat. 3016, struck out items 8212 “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases”, 8217 “Reserves: commissioned officers in an active status”, 8218 “Reserves: strength in grade; general officers in an active status”, 8219 “Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status”, 8221 “Air Force Reserve”, 8222 “Air Force Reserve, exclusive of members on active duty”, 8223 “Air Force Reserve: warrant officers”, 8224 “Air National Guard of United States”, and 8225 “Air National Guard and Air National Guard of United States, exclusive of members on active duty”.

1990—Pub. L. 101–510, div. A, title IV, §403(b)(3)(B), Nov. 5, 1990, 104 Stat. 1545, struck out item 8202 “Air Force: strength in grade; general officers”.

1985—Pub. L. 99–145, title XIII, §1303(a)(26), Nov. 8, 1985, 99 Stat. 740, inserted “; general officers” after “grade” in item 8202.

1980—Pub. L. 96–513, title V, §504(6), Dec. 12, 1980, 94 Stat. 2916, struck out item 8201 “Air Force: members on active duty”, substituted “strength in grade” for “officers in certain commissioned grades” in item 8202, struck out items 8203 “Regular Air Force: members on 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.

§ 9110. 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, § 8210; 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; renumbered § 9110, Pub. L. 115-232, div. A, title VIII, § 806(b)(1), Aug. 13, 2018, 132 Stat. 1832.)

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:

	Army	Air Force
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8210 of this title as this section.

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 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.

CHAPTER 913—ENLISTMENTS

- Sec.
- 9131. Definition.
- 9132. Regular Air Force and Space Force: gender-free basis for acceptance of original enlistments.
- 9137. Regular Air Force: aviation cadets; qualifications, grade, limitations.
- 9138. Regular Air Force and Space Force: reenlistment after service as an officer.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. A, title XVII, § 1721(a)(1)(B), (2)(B), Dec. 22, 2023, 137 Stat. 665, struck out “Regular” before “Space Force:” in items 9132 and 9138. Amendments were made pursuant to operation of section 102 of this title.

2021—Pub. L. 117–81, div. A, title X, § 1081(a)(34), Dec. 27, 2021, 135 Stat. 1921, which directed conforming this analysis to the redesignation of section 9132 relating to Regular Air Force and Regular Space Force: reenlistment after service as an officer as section 9138, could not be executed because item 9138, as added by section 923(c)(1)(C) of Pub. L. 116–283, already related to Regular Air Force and Regular Space Force: reenlistment after service as an officer. See below.

Pub. L. 116–283, div. A, title IX, § 923(c)(1)(C), (2)(C), Jan. 1, 2021, 134 Stat. 3810, added items 9132 and 9138 and struck out former items 9132 “Regular Air Force: gender-free basis for acceptance of original enlistments” and 9138 “Regular Air Force: reenlistment after service as an officer”.

2018—Pub. L. 115–232, div. A, title VIII, § 806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 833 of this title as this chapter and items 8251, 8252, 8257, and 8258 as 9131, 9132, 9137, and 9138, respectively.

2006—Pub. L. 109–163, div. A, title V, § 542(b)(2), Jan. 6, 2006, 119 Stat. 3253, struck out item 8253 “Air Force: persons not qualified”.

1994—Pub. L. 103–337, div. A, title XVI, § 1674(b)(3), Oct. 5, 1994, 108 Stat. 3016, struck out items 8259 “Air Force Reserve: transfer from Air National Guard of United States”, 8260 “Air Force Reserve: transfer to upon withdrawal as member of Air National Guard”, and 8261 “Air National Guard of United States”.

1988—Pub. L. 100–456, div. A, title V, § 522(a)(2), Sept. 29, 1988, 102 Stat. 1973, added item 8252.

1968—Pub. L. 90–235, § 2(a)(4)(C), Jan. 2, 1968, 81 Stat. 756, struck out item 8252 “Temporary enlistments”, item 8254 “Air Force: during war or emergency”, item 8255 “Regular Air Force: recruiting campaigns”, item 8256 “Regular Air Force: qualifications, term, grade”, item 8262 “Extension of enlistment for members needing medical care or hospitalization”, and item 8263 “Voluntary extension of enlistment”.

1958—Pub. L. 85–861, § 1(166)(C), (D), Sept. 2, 1958, 72 Stat. 1516, struck out “: enlistment” after “United States” in item 8261, and added item 8263.

§ 9131. Definition

In this chapter, the term “enlistment” means original enlistment or reenlistment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 503, § 8251; Pub. L. 100–180, div. A, title XII, § 1231(19)(A), Dec. 4, 1987, 101 Stat. 1161; renumbered § 9131, Pub. L. 115–232, div. A, title VIII, § 806(b)(2), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8251	[No source].	[No source].

The revised section is inserted for clarity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 8251 of this title as this section.

1987—Pub. L. 100–180 inserted “, the term” after “In this chapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

§ 9132. Regular Air Force and Space Force: gender-free basis for acceptance of original enlistments

In accepting persons for original enlistment in the Regular Air Force or the Space Force, the Secretary of the Air Force may not—

- (1) set a minimum or maximum percentage of persons who may be accepted for such an enlistment according to gender for skill categories or jobs; or
- (2) in any other way base the acceptance of a person for such an enlistment on gender.

(Added Pub. L. 100–456, div. A, title V, § 522(a)(1), Sept. 29, 1988, 102 Stat. 1973, § 8252; amended Pub. L. 102–484, div. A, title X, § 1052(40), Oct. 23, 1992, 106 Stat. 2501; renumbered § 9132, Pub. L. 115–232, div. A, title VIII, § 806(b)(2), Aug. 13, 2018, 132 Stat. 1832; Pub. L. 116–283, div. A, title IX, § 923(c)(1)(A), (B), Jan. 1, 2021, 134 Stat. 3809, 3810; Pub. L. 118–31, div. A, title XVII, § 1721(a)(1), Dec. 22, 2023, 137 Stat. 665.)

Editorial Notes

CODIFICATION

Another section 9132 was renumbered section 9138 of this title.

AMENDMENTS

2023—Pub. L. 118–31 struck out “Regular” before “Space Force:” in section catchline and “Regular” before “Space Force” in introductory provisions.

2021—Pub. L. 116–283 substituted “Regular Air Force and Regular Space Force: gender-free basis for acceptance of original enlistments” for “Regular Air Force: gender-free basis for acceptance of original enlistments” in section catchline and inserted “or the Regular Space Force” after “Regular Air Force” in introductory provisions.

2018—Pub. L. 115–232 renumbered section 8252 of this title as this section.

1992—Pub. L. 102–484 substituted “In” for “(a) Except as provided in subsection (b), in” and struck out subsec. (b) which read as follows: “Subsection (a) shall not apply with respect to an enlistment specified as being for training leading to designation in a skill category involving duty assignments to which, under section 8549 of this title, female members of the Air Force may not be assigned.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.