

Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, prior to repeal by Pub. L. 118-31, div. A, title V, § 501(a)(1), Dec. 22, 2023, 137 Stat. 240.

Another prior section 526 was renumbered section 527 of this title.

AMENDMENTS

2024—Subsecs. (g), (h). Pub. L. 118-159, § 509(c), added subsec. (g) and redesignated subsec. (g), as added by section 502(a)(2), as (h).

Pub. L. 118-159, § 502(a)(2), added subsec. (g), which was subsequently redesignated (h).

Subsecs. (i) to (l). Pub. L. 118-159, §§ 502(a)(1), 509B(c)(1), successively redesignated subsecs. (g) to (j) first as (h) to (k), then as (i) to (l), respectively.

2023—Pub. L. 118-31, § 501(a)(4), struck out “after December 31, 2022” after “Authorized strength” in section catchline.

Pub. L. 118-31, § 501(a)(2), renumbered section 526a of this title as this section.

Subsec. (a). Pub. L. 118-31, § 501(b)(1)(A), struck out “after December 31, 2022,” after “in the Navy,” in introductory provisions.

Subsec. (a)(1). Pub. L. 118-31, § 501(b)(1)(B), substituted “219” for “218”.

Subsec. (a)(2). Pub. L. 118-31, § 501(b)(1)(C), substituted “150” for “149”.

Subsec. (a)(3). Pub. L. 118-31, § 501(b)(1)(D), substituted “171” for “170”.

Subsec. (a)(4). Pub. L. 118-31, § 501(b)(1)(E), substituted “64” for “62”.

Subsecs. (i), (j). Pub. L. 118-31, §§ 501(b)(2), 1801(a)(9), amended section identically, redesignating subsec. (i) relating to transfer of authorizations among the military services as (j).

2022—Subsec. (a). Pub. L. 117-263, § 504(1)(A), substituted “Marine Corps, and Space Force” for “and Marine Corps” in introductory provisions.

Subsec. (a)(1). Pub. L. 117-263, § 504(1)(B), substituted “218” for “220”.

Subsec. (a)(2). Pub. L. 117-263, § 504(1)(C), substituted “149” for “151”.

Subsec. (a)(3). Pub. L. 117-263, § 504(1)(D), substituted “170” for “187”.

Subsec. (a)(5). Pub. L. 117-263, § 504(1)(E), added par. (5).

Subsec. (b)(2)(E). Pub. L. 117-263, § 504(2), added subpar. (E).

2021—Subsecs. (c) to (h). Pub. L. 116-283, § 501(a), added subsec. (c) and redesignated former subsecs. (c) to (g) as (d) to (h), respectively. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 117-81 added subsec. (i) relating to transfer of authorizations among military services.

Pub. L. 116-283, § 501(a)(1), redesignated subsec. (h) as (i) relating to annual report.

[§ 526a. Renumbered § 526]

Statutory Notes and Related Subsidiaries

EXCLUSION OF OFFICERS SERVING AS LEAD SPECIAL TRIAL COUNSEL FROM LIMITATIONS ON AUTHORIZED STRENGTHS FOR GENERAL AND FLAG OFFICERS

Pub. L. 117-263, div. A, title V, § 506, Dec. 23, 2022, 136 Stat. 2558, which related to certain general or flag officers serving in the position of lead special trial counsel pursuant to an appointment under section 1044f(a)(2) of this title, was repealed by Pub. L. 118-31, div. A, title V, § 501(c), Dec. 22, 2023, 137 Stat. 240.

§ 527. Authority to suspend sections 523, 525, and 526

In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of section 523, 525, or

526 of this title. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2845, § 526; renumbered § 527 and amended Pub. L. 100-370, § 1(b)(1)(A), (2), July 19, 1988, 102 Stat. 840; Pub. L. 103-337, div. A, title XVI, § 1671(c)(4), Oct. 5, 1994, 108 Stat. 3014.)

Editorial Notes

REFERENCES IN TEXT

The National Emergencies Act, referred to in text, is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended. Title II of the National Emergencies Act is classified generally to subchapter II (§ 1621 et seq.) of chapter 34 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

AMENDMENTS

1994—Pub. L. 103-337 struck out “524,” after “523,” in section catchline and in text.

1988—Pub. L. 100-370 renumbered section 526 of this title as this section, substituted “524, 525, and 526” for “524, and 525” in section catchline, and “524, 525, or 526” for “524, or 525” in text.

Statutory Notes and Related Subsidiaries

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

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.

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 section 517, 523, 524, 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 this section.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under this section to suspend operation of sections 523, 524 [now 12011], and 525 of this

title, relating to authorized strength of commissioned officers, delegated to Secretary of Defense to perform during a time of war or national emergency, without approval, ratification, or other action by President, and with authority for Secretary to redelegate, provided that, during a national emergency declared by President, the exercise of any such authority be specifically directed by President in accordance with section 1631 of Title 50, War and National Defense, and that Secretary ensure that actions taken pursuant to any authority so delegated be accounted for as required by section 1641 of Title 50, see Ex. Ord. No. 12396, §§ 2, 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

DELEGATION OF AUTHORITY

Authority of President under this section as invoked by sections 2 and 3 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, delegated to Secretary of Defense by section 4 of Ex. Ord. No. 13223, set out as a note under section 12302 of this title.

§ 528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances

(a) **MILITARY STATUS.**—An officer of the armed forces, while serving in a position covered by this section—

(1) shall not be subject to supervision or control by the Secretary of Defense or any other officer or employee of the Department of Defense, except as directed by the Secretary of Defense concerning reassignment from such position; and

(2) may not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(b) **DIRECTOR AND DEPUTY DIRECTOR OF CIA.**—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

(c) **ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA.**—When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

(d) **OFFICERS SERVING IN OFFICE OF DNI.**—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.

(e) **EFFECT OF APPOINTMENT.**—Except as provided in subsection (a), the appointment or assignment of an officer of the armed forces to a position covered by this section shall not affect—

(1) the status, position, rank, or grade of such officer in the armed forces; or

(2) any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(f) **MILITARY PAY AND ALLOWANCES.**—(1) An officer of the armed forces on active duty who is appointed or assigned to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances and shall not receive the pay prescribed for such position.

(2) Funds from which pay and allowances under paragraph (1) are paid to an officer while so serving shall be reimbursed as follows:

(A) For an officer serving in a position within the Central Intelligence Agency, such reimbursement shall be made from funds available to the Director of the Central Intelligence Agency.

(B) For an officer serving in a position within the Office of the Director of National Intelligence, such reimbursement shall be made from funds available to the Director of National Intelligence.

(g) **COVERED POSITIONS.**—The positions covered by this section are the positions specified in subsections (b) and (c) and the positions designated under subsection (d).

(Added Pub. L. 108-136, div. A, title V, § 507(a), Nov. 24, 2003, 117 Stat. 1458; amended Pub. L. 109-163, div. A, title V, § 507(a), Jan. 6, 2006, 119 Stat. 3228; Pub. L. 109-364, div. A, title V, § 501(a), (b)(1), Oct. 17, 2006, 120 Stat. 2175, 2176; Pub. L. 110-417, [div. A], title IX, § 933, Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-259, title VIII, § 803, Oct. 7, 2010, 124 Stat. 2746; Pub. L. 112-81, div. A, title V, § 502(d)(1), (2)(A), Dec. 31, 2011, 125 Stat. 1387, 1388.)

Editorial Notes

PRIOR PROVISIONS

A prior section 528, added Pub. L. 103-337, div. A, title IV, § 405(b)(1), Oct. 5, 1994, 108 Stat. 2744; amended Pub. L. 104-106, div. A, title IV, § 403(b), title XV, § 1503(a)(4), Feb. 10, 1996, 110 Stat. 287, 511; Pub. L. 104-201, div. A, title X, § 1074(a)(3), Sept. 23, 1996, 110 Stat. 2658, which related to limitation on number of officers on active duty in grades of general and admiral, was repealed by Pub. L. 107-107, div. A, title V, § 501(a), Dec. 28, 2001, 115 Stat. 1079.

AMENDMENTS

2011—Pub. L. 112-81, § 502(d)(2)(A), substituted “Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances” for “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances” in section catchline.

Subsecs. (b) to (d). Pub. L. 112-81, § 502(d)(1), added subsecs. (b) to (d) and struck out former subsecs. (b) to (d) which related to Director and Deputy Director of CIA, Associate Director of Military Affairs of CIA, and Officers Serving in the Office of DNI, respectively.

2010—Subsec. (c). Pub. L. 111-259 substituted “Associate Director of Military Affairs, CIA” for “Associate