

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.)

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 Director of CIA for Military Affairs” in heading and “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position” for “Associate Director of the Central Intelligence Agency for Military Affairs” in text.

2008—Subsec. (c). Pub. L. 110-417 substituted “Military Affairs” for “Military Support” in heading and text.

2006—Pub. L. 109-364, § 501(b)(1), amended section catchline generally, substituting “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”.

Pub. L. 109-163 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) When none of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, an officer of the armed forces assigned to the position of Associate Director of Central Intelligence for Military Support, while serving in that position, shall not be counted against the numbers and percentages of officers of the grade of that officer authorized for that officer’s armed force.

“(b) The positions referred to in subsection (a) are the following:

- “(1) Director of Central Intelligence.
- “(2) Deputy Director of Central Intelligence.
- “(3) Deputy Director of Central Intelligence for Community Management.”

Subsecs. (a), (b). Pub. L. 109-364, § 501(a)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) **EXCLUSION OF OFFICER SERVING IN CERTAIN CIA POSITIONS.**—When either of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, one of those officers, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title.

“(b) **COVERED POSITIONS.**—The positions referred to in this subsection are the following:

- “(1) Director of the Central Intelligence Agency.
- “(2) Deputy Director of the Central Intelligence Agency.”

Subsecs. (e) to (g). Pub. L. 109-364, § 501(a)(2), added subsecs. (e) to (g).

CHAPTER 33—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES

Sec.	
531.	Original appointments of commissioned officers.
532.	Qualifications for original appointment as a commissioned officer.
533.	Service credit upon original appointment as a commissioned officer.
541.	Graduates of the United States Military, Naval, and Air Force Academies.
	[555 to 565. Repealed.]

AMENDMENTS

1991—Pub. L. 102-190, div. A, title XI, § 1112(b)(1), Dec. 5, 1991, 105 Stat. 1501, substituted “ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES” for “APPOINTMENTS IN REGULAR COMPONENTS” as chapter heading, struck out analysis of subchapters listing subchapter I “Original Appointments of Regular Officers in Grades above Warrant Officer Grades” and subchapter II “Appointments of Regular Warrant Officers”, and struck out subchapter I heading.

1980—Pub. L. 96-513, title I, § 104(a), Dec. 12, 1980, 94 Stat. 2845, inserted an analysis of subchapters immediately following chapter heading, added subchapter I heading, and, in analysis of sections following subchapter I heading, added items 531, 532, and 533 preced-