

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

APPROPRIATIONS FOR THE AIR FORCE ACADEMY AFTER AUGUST 1, 1964; REQUIREMENT OF AUTHORIZATION IN SUBSEQUENT LEGISLATION; APPROPRIATIONS FOR ADVANCE PLANNING AND MINOR CONSTRUCTION

Pub. L. 88-390, title VI, § 608, Aug. 1, 1964, 78 Stat. 364, provided that: "Notwithstanding the provisions of section 9 of the Act of April 1, 1954 (Public Law 325) as amended [set out below], no funds may be appropriated after the date of enactment of this Act [Aug. 1, 1964] for construction at the Air Force Academy unless appropriation of such funds has been authorized in this Act [Military Construction Authorization Act, 1965] or any Act enacted after the date of enactment of this Act: *Provided*, That funds are authorized to be appropriated to accomplish advance planning and minor construction at the Air Force Academy in the same manner as for other projects under the Act of September 28, 1951, as amended (31 U.S.C. 723) [10 U.S.C. 2661a(a)], and title 10, United States Code, section 2674, as amended."

APPROPRIATIONS FOR AIR FORCE ACADEMY

Act Apr. 1, 1954, ch. 127, 68 Stat. 47, which established the Air Force Academy, provided by section 9 of such act, as amended by act Aug. 3, 1956, ch. 939, title IV, § 413(b), 70 Stat. 1018, and by Pub. L. 85-241, title V, § 508, Aug. 30, 1957, 71 Stat. 559; Pub. L. 85-685, title III, § 309, Aug. 20, 1958, 72 Stat. 659; Pub. L. 87-57, title III, § 304, June 27, 1961, 75 Stat. 108; Pub. L. 90-408, title III, § 304, July 21, 1968, 82 Stat. 385, that there was authorized to be appropriated not to exceed the sum of \$141,978,000 to carry out the provisions of that Act, of which not to exceed \$26,000,000 was to be the amount so appropriated for any such period, not to exceed \$1,858,000 might be utilized for the purpose of section 4 of this Act [set out below].

TEMPORARY BUILDINGS AND FACILITIES

Section 4 of act Apr. 1, 1954, ch. 127, 68 Stat. 47, provided that for the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of the Air Force was authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities at an existing Air Force base and to provide for the proper functioning, equipping, maintaining, and repairing thereof; and to contract with civilian institutions for such operation or instruction as he deemed necessary.

§ 9332. Departments and professors: titles

The Secretary of the Air Force may prescribe the titles of each of the departments of instruction and the professors of the Academy. However, the change of the title of a department or officer does not affect the status, rank, or eligibility for promotion or retirement of, or otherwise prejudice, a professor at the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9332 .....	10:1061a.	Dec. 14, 1942, ch. 729, 56 Stat. 1049.

The words "now or after December 14, 1942, established at" are omitted as surplusage. The word "precedence" is omitted as covered by the word "rank". The words "pay, allowances" are omitted, since they are determined by the grade held. The words "from time to time", "shall be known", and "operate in any case or on any account" are omitted as surplusage.

§ 9333. Superintendent; faculty: appointment and detail

(a) The Superintendent and the Commandant of Cadets of the Academy shall be detailed to those positions by the President from the officers of the Air Force.

(b) The permanent professors of the Academy shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The director of admissions of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, §1(20), Aug. 6, 1958, 72 Stat. 523; Pub. L. 101-189, div. A, title V, §515(a)(2), Nov. 29, 1989, 103 Stat. 1441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9333(a) .....	10:1062.	R.S. 1313.
9333(b) .....	10:1063.	R.S. 1314 (words before semicolon).

In subsection (a), the word "detailed" is substituted for the word "selected", since historically the offices of superintendent and commandant of cadets have been filled by detail. The words "the officers of the Air Force" are substituted for the words "any arm of the service", since the Air Force does not have statutory arms or corps. 10:1063 (1st sentence and 1st 26 words of last sentence) is omitted as covered by section 8012 of this title.

In subsection (b), the words "by and with the advice and consent of the Senate" are inserted, since many of the statutes establishing particular permanent professorships from time to time have so provided, and historically it has been the uniform practice to make these appointments in this manner. 10:1063 (last 14 words) is omitted as obsolete and as covered by section 9349(b) of this title.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted "director of admissions" for "registrar".

1958—Subsec. (c). Pub. L. 85-600 added subsec. (c).

§ 9333a. Superintendent: condition for detail to position

(a) RETIREMENT.—As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title.

(b) MINIMUM TOUR OF DUTY.—An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Air Force shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that

officer did not complete three years service in that position.

(Added Pub. L. 106-65, div. A, title V, § 532(a)(3)(B), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108-375, div. A, title V, § 541(b)(3), Oct. 28, 2004, 118 Stat. 1903.)

#### AMENDMENTS

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title” before period at end, and added subsec. (b).

#### APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service, see section 532(a)(5) of Pub. L. 106-65, set out as a note under section 3921 of this title.

### § 9334. Command and supervision

(a) The immediate government of the Academy is under the Superintendent, who is also the commanding officer of the Academy and of the military post.

(b) The permanent professors and the director of admissions exercise command only in the academic department of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, § 1(21), Aug. 6, 1958, 72 Stat. 524; Pub. L. 101-189, div. A, title V, § 515(a)(3), Nov. 29, 1989, 103 Stat. 1441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9334(a) .....	10:1042.	R.S. 1311.
9334(b) .....	10:1079.	June 28, 1902, ch. 1300 (1st proviso under “Permanent Establishment”), 32 Stat. 409.

In subsection (a), the words “and, in his absence, the next in rank” are omitted as surplusage.

In subsection (b), reference to assimilated rank is omitted as superseded by section 9336 of this title. The words “and the associate professor” are omitted as obsolete.

#### AMENDMENTS

1989—Subsec. (b). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1958—Subsec. (b). Pub. L. 85-600 inserted reference to registrar.

### § 9335. Dean of the Faculty

(a) The Dean of the Faculty is responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty of the Academy. The qualifications, selection procedures, training, pay grade, and retention of the Dean shall be prescribed by the Secretary of the Air Force, except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person’s academic field. If a person appointed as the Dean is not an officer on active duty, the person shall be appointed as a member of the Senior Executive Service.

(b) While serving as Dean of the Faculty, an officer on active duty who holds a grade lower than brigadier general (or the equivalent) shall hold the grade of brigadier general (or the equivalent), if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the applicable limitation in section 526(a) of this title on general officers on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-861, § 33(a)(46)(A), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 99-661, div. A, title V, § 508(c), Nov. 14, 1986, 100 Stat. 3867; Pub. L. 102-484, div. A, title V, § 521(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 106-65, div. A, title V, § 533(b), Oct. 5, 1999, 113 Stat. 605; Pub. L. 108-136, div. A, title V, § 529(a), (b), Nov. 24, 2003, 117 Stat. 1471; Pub. L. 108-375, div. A, title V, § 542, Oct. 28, 2004, 118 Stat. 1904.)

#### HISTORICAL AND REVISION NOTES

##### 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9335(a) .....	10:1089 (2d sentence).	June 26, 1946, ch. 495, § 3
9335(b) .....	10:1089 (less 1st 20 words, and less 2d sentence).	(less 1st 20 words), 60 Stat. 312.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “retirement rights” are omitted as covered by the word “benefits”. The words “There is authorized”, “from time to time”, and “statutory” are omitted as surplusage. So much of 10:1089 as relates to the duties of the Dean of the Faculty is omitted as covered by section 8012(e) of this title.

##### 1958 ACT

The word “regular” is deleted [in sections 9335 and 9336] to make clear that a Dean or professor of the United States Air Force Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-375 inserted “, except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person’s academic field” after “Secretary of the Air Force”.

2003—Subsec. (a). Pub. L. 108-136, § 529(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Dean of the Faculty shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy.”

Subsec. (b). Pub. L. 108-136, § 529(b), in first sentence, substituted “on active duty” for “of the Air Force” and inserted “(or the equivalent)” after “brigadier general” in two places and, in last sentence, inserted “applicable” before “limitation” and struck out “of the Air Force” after “general officers”.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a) and added subsec. (b).

1992—Pub. L. 102-484 designated subsec. (a) as entire section and struck out subsec. (b) which read as follows: “The Dean has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Air Force, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the re-