

(d) Any officer of the Regular Army in a grade above captain may be detailed to perform the duties of director of admissions without being appointed as director of admissions. Such a detail does not affect his position on the active-duty list.

(e) No graduate of the Academy may be appointed or detailed to serve at the Academy as a professor or instructor, or as an assistant to a professor or instructor, within two years after his graduation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 238; Pub. L. 85-600, §1(9), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95-551, §2, Oct. 30, 1978, 92 Stat. 2069; Pub. L. 96-513, title V, §502(24), Dec. 12, 1980, 94 Stat. 2910.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4333(a)	10:1062. 10:1063 (1st sentence, and 1st 26 words of last sentence).	R.S. 1313. R.S. 1314 (words before semicolon). July 26, 1894, ch. 167 (words after semicolon in 7th clause), 28 Stat. 151.
4333(b)	10:1063 (last sentence, less 1st 26 words).	
4333(c)	10:1064.	

In subsection (a), the word “detailed” is substituted for the word “selected”, in 10:1062, and for the word “appointed”, in 10:1063, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words “assistant professors, acting assistant professors, and the adjutant”, in 10:1063, are omitted as covered by the word “officers”, in 10:1062. The words “except the permanent professors” are inserted to conform to 10:1062.

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 4349(b) of this title.

In subsection (c), the word “appointed” is substituted for the word “assigned”.

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-513 struck out “regular or temporary” in first sentence, and substituted “active-duty list” for “applicable promotion list” in second sentence.

1978—Subsecs. (c), (d). Pub. L. 95-551 substituted “director of admissions” for “registrar” wherever appearing.

1958—Subsecs. (c) to (e). Pub. L. 85-600 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

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.

DETAIL OF RETIRED OFFICER AS LIBRARIAN

Provisions authorizing the performance of the duties of the librarian at the United States Military Academy by a retired officer detailed on active duty, which were contained in Pub. L. 85-724, title III, Aug. 22, 1958, 72 Stat. 714, the Department of Defense Appropriation Act, 1959, were not contained in subsequent appropriation acts. Similar provisions were contained in the following prior acts:

Aug. 2, 1957, Pub. L. 85-117, title III, 71 Stat. 313.
July 2, 1956, ch. 488, title III, 70 Stat. 456.
July 13, 1955, ch. 358, title III, 69 Stat. 303.
June 30, 1954, ch. 432, title IV, 68 Stat. 339.

Aug. 1, 1953, ch. 305, title III, 67 Stat. 338.
July 10, 1952, ch. 630, title III, 66 Stat. 520.
Oct. 18, 1951, ch. 512, title III, 65 Stat. 427.
Sept. 6, 1950, ch. 896, Ch. X, title III, 64 Stat. 733.
Oct. 29, 1949, ch. 787, title III, 63 Stat. 998.
June 24, 1948, ch. 632, 62 Stat. 660.
July 30, 1947, ch. 357, title I, 61 Stat. 563.
July 16, 1946, ch. 583, 60 Stat. 555.
July 3, 1945, ch. 265, 59 Stat. 398.
June 28, 1944, ch. 303, 58 Stat. 588.
July 1, 1943, ch. 185, 57 Stat. 361.
July 2, 1942, ch. 477, 56 Stat. 624.
June 30, 1941, ch. 262, 55 Stat. 384.
June 13, 1940, ch. 343, 54 Stat. 370.
Apr. 26, 1939, ch. 88, 53 Stat. 610.
June 11, 1938, ch. 347, 52 Stat. 659.
July 1, 1937, ch. 423, 50 Stat. 460.
May 15, 1936, ch. 404, 49 Stat. 1297.
Apr. 9, 1935, ch. 54, title I, 49 Stat. 138.
Apr. 26, 1934, ch. 165, title I, 48 Stat. 631.

§ 4333a. 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 3921(a) of this title, unless such retirement is waived under section 3921(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 Army 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)(1)(B), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108-375, div. A, title V, §541(b)(1), Oct. 28, 2004, 118 Stat. 1902.)

AMENDMENTS

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to section 3921(a) of this title, unless such retirement is waived under section 3921(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.

§ 4334. Command and supervision

(a) The supervision and charge of the Academy is in the Department of the Army, under officers of the Army detailed to that duty by the Secretary of the Army.

(b) The immediate government of the Academy is under the Superintendent, who is also