

1962—Pub. L. 87-651 struck out provisions which prescribed the salary of chaplain on appointment and re-appointment.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §540(b), Dec. 28, 2001, 115 Stat. 1109, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Dec. 28, 2001].”

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 1(5) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 4338. **Civilian faculty: number; compensation**

(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.

(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.

(Added Pub. L. 103-160, div. A, title V, §533(a)(1), Nov. 30, 1993, 107 Stat. 1658; amended Pub. L. 106-65, div. A, title XI, §1107(a), Oct. 5, 1999, 113 Stat. 778.)

PRIOR PROVISIONS

A prior section 4338, acts Aug. 10, 1956, ch. 1041, 70A Stat. 239; Sept. 7, 1962, Pub. L. 87-649, §4, 76 Stat. 493, provided that the director of music, who was also leader of the Military Academy Band, have the rank prescribed by the Secretary of the Army, that at such time as the President directs, the director of music be retired in the grade equal to the highest rank in which he served on active duty satisfactorily for at least six months and with the retired pay of an officer of the Army with the same grade and length of service, and that the dependents of the director of music be entitled to pensions, death gratuity, and other benefits provided for the dependents of a Regular Army officer with corresponding grade and length of service, prior to repeal by Pub. L. 95-551, §3(a), Oct. 30, 1978, 92 Stat. 2069.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106-65 added subsec. (c).

[§ 4339. **Repealed. Pub. L. 89-716, § 1, Nov. 2, 1966, 80 Stat. 1114**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 240, authorized public quarters and fuel and light therefor for the organist and choirmaster of the Academy and for civilian instructors in the departments of foreign languages and tactics.

QUARTERS FOR ORGANIST, CHOIRMASTER AND CERTAIN CIVILIAN INSTRUCTORS APPOINTED PRIOR TO JAN. 17, 1963

Pub. L. 89-716, §2, Nov. 2, 1966, 80 Stat. 1114, provided that the organist and choirmaster and the civilian in-

structors in departments of foreign languages and tactics at United States Military Academy who were serving under appointments made prior to Jan. 17, 1963, were entitled to public quarters without charge, and to fuel and light without charge when they occupy public quarters.

§ 4340. **Quartermaster**

The Secretary of the Army shall detail a commissioned officer of the Army as quartermaster for the Corps of Cadets. The quartermaster shall—

- (1) buy and issue all supplies for the cadets;
- (2) buy and issue all provisions for the mess; and
- (3) supervise the mess.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 4340 | 10:1067. | Aug. 7, 1876, ch. 255 (last par.), 19 Stat. 126. |

The words “buy and issue all provisions for the mess” and “supervise the mess” are substituted for the words “all the duties of purveying and supervision for the mess”. The word “commissary” is omitted as obsolete. The words “and all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost” are omitted to reflect Title IV of the National Security Act of 1947, as amended (61 Stat. 495), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses.

§ 4341. **Faculty and other officers: leaves of absence**

The Superintendent of the Academy may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to a professor, assistant professor, instructor, or other officer of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 4341 | 10:1144. | R.S. 1330. |

The words “under regulations prescribed by the Secretary of the Army” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

§ 4341a. **Cadets: appointment by the President**

Cadets at the Academy shall be appointed by the President alone. An appointment is conditional until the cadet is admitted.

(Added Pub. L. 97-60, title II, §203(a)(2)(A), Oct. 14, 1981, 95 Stat. 1006.)

EFFECTIVE DATE

Pub. L. 97-60, title II, §203(d), Oct. 14, 1981, 95 Stat. 1007, provided that: “The amendments made by this section [enacting this section and section 9341a of this title and amending sections 4342, 6953, 6954, and 9342 of this title] shall take effect with respect to nominations for appointment to the first class admitted to each Academy after the date of the enactment of this Act [Oct. 14, 1981].”