

## PRIOR PROVISIONS

A prior section 6970 was renumbered section 6970a of this title.

Another prior section 6970, acts Aug. 10, 1956, ch. 1041, 70A Stat. 435; Nov. 2, 1966, Pub. L. 89-718, §37, 80 Stat. 1120, related to detailing and duties of storekeeper at the Naval Academy, prior to repeal by Pub. L. 104-201, div. A, title III, §370(c), (e), Sept. 23, 1996, 110 Stat. 2499, effective Oct. 1, 1996.

**§ 6970a. Permanent professors: retirement for years of service; authority for deferral**

(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is not on a list of officers recommended for promotion to the grade of captain or colonel, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

(2) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of captain or colonel who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) or brigadier general, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may have his retirement deferred and be continued on active duty by the Secretary of the Navy.

(2) Subject to section 1252 of this title, the Secretary of the Navy shall determine the period of any continuation on active duty under this section.

(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is continued on active duty as a permanent professor under subsection (b) remains eligible for consideration for promotion to the grade of captain or colonel, as the case may be.

(d) RETIRED GRADE AND RETIRED PAY.—Each officer retired under this section—

(1) unless otherwise entitled to a higher grade, shall be retired in the grade determined under section 1370 of this title; and

(2) is entitled to retired pay computed under section 6333 of this title.

(Added Pub. L. 109-163, div. A, title V, §509(b)(1), Jan. 6, 2006, 119 Stat. 3229, §6970; renumbered §6970a, Pub. L. 110-181, div. A, title V, §508(a)(1)(A), Jan. 28, 2008, 122 Stat. 96.)

## AMENDMENTS

2008—Pub. L. 110-181 renumbered section 6970 of this title as this section.

**§ 6971. Midshipmen's store, trade shops, dairy, and laundry: nonappropriated fund instrumentality and accounts**

(a) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—The Superintendent of the Naval Academy shall operate the Naval Acad-

emy activities referred to in subsection (b) as a nonappropriated fund instrumentality under the jurisdiction of the Navy.

(b) COVERED ACTIVITIES.—The nonappropriated fund instrumentality required under subsection (a) shall consist of the following Naval Academy activities:

- (1) The midshipmen's store.
- (2) The barber shop.
- (3) The cobbler shop.
- (4) The tailor shop.
- (5) The dairy (if any).
- (6) The laundry.

(c) NONAPPROPRIATED FUND ACCOUNTS.—The Superintendent of the Naval Academy shall administer a separate nonappropriated fund account for each of the Naval Academy activities included in the nonappropriated fund instrumentality required under subsection (a).

(d) CREDITING OF REVENUE.—The Superintendent shall credit all revenue received from a Naval Academy activity referred to in subsection (b) to the account administered with respect to that activity under subsection (c), and amounts so credited shall be available for operating expenses of that activity.

(e) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the Navy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 435; Pub. L. 89-718, §38, Nov. 2, 1966, 80 Stat. 1120; Pub. L. 103-337, div. A, title III, §376, Oct. 5, 1994, 108 Stat. 2736; Pub. L. 104-201, div. A, title III, §370(a), Sept. 23, 1996, 110 Stat. 2498; Pub. L. 105-85, div. B, title XXVIII, §2871(c)(1), Nov. 18, 1997, 111 Stat. 2015.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6971(a) .....	34 U.S.C. 1108b (less last proviso).	July 26, 1946, ch. 675, §2 (less last proviso), 60 Stat. 704.
6971(b) .....	34 U.S.C. 1106.	Aug. 5, 1939, ch. 448, §1, 53 Stat. 1210.

In subsection (a) the second listing of the activities is omitted for brevity.

In subsection (b) the words “including midshipmen” are omitted as surplusage. The words “are available for the maintenance of” are substituted for the words “are appropriated for the purpose of providing and maintaining”.

## AMENDMENTS

1997—Subsec. (b)(5). Pub. L. 105-85 inserted “(if any)” before period at end.

1996—Pub. L. 104-201 substituted “trade shops, dairy, and laundry: nonappropriated fund instrumentality and accounts” for “laundry, barber shop, cobbler shop, tailor shop, and dairy: disposition of funds” in section catchline and amended text generally. Prior to amendment, text consisted of one undesignated par. providing for deposit and expenditure of funds from operation of midshipmen's store, including barber shop, cobbler shop, and tailor shop at Naval Academy, Academy dairy, and Academy laundry.

1994—Pub. L. 103-337 struck out “(a)” before “Funds collected from the operation of the midshipmen's”, substituted “the Academy dairy, and the Academy laundry” for “and the Academy dairy”, and struck out subsec. (b) which read as follows: “Funds collected from the operation of the Academy laundry shall be accounted for as public funds and are available for the

maintenance of necessary laundry service for Academy activities and personnel.”

1966—Subsec. (a). Pub. L. 89-718 substituted “person designated by the Secretary of the Navy under section 6970(b) of this title” for “Bureau of Supplies and Accounts”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 370(e) of Pub. L. 104-201, set out as a note under section 2105 of Title 5, Government Organization and Employees.

**§ 6972. Chapel: crypt and window spaces**

The crypt and window spaces of the Naval Academy Chapel may be used only for memorials to officers of the Navy who have successfully commanded a fleet or squadron in battle or who have received the thanks of Congress for conspicuously distinguished services in time of war. No memorial to an officer may be accepted for, or installed in, the crypt or window spaces until at least five years after the death of that officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6972 .....	34 U.S.C. 1111.	Mar. 3, 1909, ch. 255, 35 Stat. 773 (2d par.).

The words “United States” in connection with the chapel, the words “of the United States” in connection with naval officers and with Congress, and the words “or may receive” are omitted as surplusage. The proviso is omitted as executed.

**§ 6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy**

(a) The Secretary of the Navy may accept, hold, administer, and spend any gift or bequest of personal property, and may accept, hold, and administer any loan of personal property other than money, that is made on the condition that it be used for the benefit of, or for use in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services. Gifts and bequests of money and the proceeds from the sales of property received as gifts shall be deposited in the Treasury in the fund called “United States Naval Academy Gift and Museum Fund”. The Secretary may disburse funds deposited under this subsection for the benefit or use of the Naval Academy (including the Naval Academy Museum) subject to the terms of the gift or bequest.

(b) The Secretary shall prescribe written guidelines to be used for determinations of whether the acceptance of money, any personal property, or any loan of personal property under subsection (a) would reflect unfavorably on the ability of the Department of the Navy or any officer or employee of the Department of the Navy to carry out responsibilities or duties in a fair and objective manner, or would compromise either the integrity or the appearance of the integrity of any program of the Department of the Navy or any officer or employee of the Department of the Navy who is involved in any such program.

(c) For the purpose of Federal income, estate, and gift taxes, property that is accepted under

this section is considered as a gift or bequest to or for the use of the United States.

(d) Upon the request of the Secretary of the Navy, the Secretary of the Treasury may invest, reinvest, or retain investments of money or securities comprising any part of the United States Naval Academy Gift and Museum Fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from those securities shall be deposited to the credit of the United States Naval Academy Gift and Museum Fund and may be disbursed as provided in this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 436; Pub. L. 106-398, §1 [[div. A], title IX, §942(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-241.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6973(a) .....	34 U.S.C. 1115. 34 U.S.C. 1115a.	Mar. 31, 1944, ch. 147, §1, 58 Stat. 135. Mar. 31, 1944, ch. 147, §2, 58 Stat. 135.
6973(b) .....	34 U.S.C. 1115b.	Mar. 31, 1944, ch. 147, §3, 58 Stat. 135.
6973(c) .....	34 U.S.C. 1115c.	Mar. 31, 1944, ch. 147, §4, 58 Stat. 135.

AMENDMENTS

2000—Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(4)], substituted “Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy” for “Gifts and bequests: acceptance for benefit of Naval Academy” as section catchline.

Subsec. (a). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(1)], in first sentence, substituted “any gift or bequest of personal property, and may accept, hold, and administer any loan of personal property other than money, that is” for “gifts and bequests of personal property” and inserted “or the Naval Academy Museum, its collection, or its services” before period at end, in second sentence, substituted “United States Naval Academy Gift and Museum Fund” for “United States Naval Academy general gift fund”, and, in last sentence, inserted “(including the Naval Academy Museum)” after “the Naval Academy”.

Subsecs. (b), (c). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(2)], added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(3)], substituted “United States Naval Academy Gift and Museum Fund” for “United States Naval Academy general gift fund” in two places.

Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(2)(A)], redesignated subsec. (c) as (d).

TEMPORARY AUTHORITY TO DISPOSE OF GIFT PREVIOUSLY ACCEPTED FOR NAVAL ACADEMY

Pub. L. 106-398, §1 [[div. A], title IX, §943], Oct. 30, 2000, 114 Stat. 1654, 1654A-243, provided that during fiscal year 2001, the Secretary of the Navy could dispose of a gift accepted before Oct. 30, 2000 for the United States Naval Academy by disbursing from the United States Naval Academy general gift fund to an entity designated by the donor of the gift the amount equal to the current cash value of that gift.

**§ 6974. United States Naval Academy Museum Fund: references to Fund**

Any reference in a law, regulation, document, paper, or other record of the United States to the United States Naval Academy Museum Fund formerly maintained under this section shall be deemed to refer to the United States Naval