

port of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for his travel expenses.

(Aug. 10, 1956, ch. 1041, 70A Stat. 434; Pub. L. 96-579, §13(b), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 104-106, div. A, title X, §1061(e)(2), title XV, §1502(a)(12), Feb. 10, 1996, 110 Stat. 443, 503; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6968(a), (b).	34 U.S.C. 1083. 34 U.S.C. 1084.	June 29, 1948, ch. 714, §1, 62 Stat. 1094. June 29, 1948, ch. 714, §2, 62 Stat. 1094.
6968(c) .....	34 U.S.C. 1085.	June 29, 1948, ch. 714, §3, 62 Stat. 1094.
6968(d) .....	34 U.S.C. 1086.	June 29, 1948, ch. 714, §4, 62 Stat. 1094; June 30, 1954, ch. 432, §732, 68 Stat. 356.
6968(e), (f), (g).	34 U.S.C. 1087.	June 29, 1948, ch. 714, §5, 62 Stat. 1094.
6968(h) ....	34 U.S.C. 1088.	June 29, 1948, ch. 714, §6, 62 Stat. 1094.

In subsection (a) the words “A Board of Visitors to the Naval Academy is constituted annually” are substituted for the words “There shall be appointed \* \* \* every year a Board of Visitors”, since appointments, in the strict sense, are not involved.

In subsection (b) the language establishing staggered terms is eliminated as executed, and the existence of such terms is recognized by the use of the words “two persons shall be designated by him each year to succeed the members whose terms expire that year”. No effect is given to the language “the nine Presidential appointees”. The hearings indicate that one of the bills considered provided for nine such “appointees”, and it appears that the number nine was inadvertently retained. The provision specifically authorizes only six Presidential designees.

AMENDMENTS

1999—Subsec. (a)(3). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a)(3). Pub. L. 104-106, §1502(a)(12), substituted “National Security” for “Armed Services”.

Subsec. (h). Pub. L. 104-106, §1061(e)(2), struck out “is entitled to not more than \$5 a day and” after “each adviser”.

1980—Subsec. (b). Pub. L. 96-579 required member whose term of office had expired to continue service until appointment of a successor.

§ 6969. Band: composition

(a) The Naval Academy Band shall be composed of one leader, one second leader, and such enlisted members of the Navy as may be assigned.

(b) In determining years of service for the purpose of retirement, and in determining eligibility for reenlistment bonus, the members who are assigned as leader and second leader shall be treated as if they had not been so assigned.

(c) The enlisted members assigned to the Naval Academy Band shall be distributed in grade substantially the same as in the United States Navy Band.

(Aug. 10, 1956, ch. 1041, 70A Stat. 435; Pub. L. 87-649, §14c(52), Sept. 7, 1962, 76 Stat. 501.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6969 .....	34 U.S.C. 1091a.	Feb. 14, 1931, ch. 184, 46 Stat. 1111; July 17, 1953, ch. 226, §2, 67 Stat. 181.

In subsection (a) the words “of the Navy” are supplied since the requirement that the distribution in ratings be similar to that in the United States Navy Band indicates that the Naval Academy Band should not include members of the Marine Corps, and it is so interpreted.

In subsection (b) the words “an officer in the grade of warrant officer, W-1,” are substituted for the words “a warrant officer” because the Warrant Officer Act of 1954 established the grade of warrant officer, W-1, in lieu of all the former warrant officer (as distinguished from commissioned warrant officer) grades. The second sentence covers that part of the second proviso which relates to pay and makes reference to the Career Compensation Act of 1949, since it is that Act which governs entitlement to basic pay and the computation of cumulative years of creditable service. Retirement rights and reenlistment bonuses referred to in the second proviso are covered in the third sentence of this subsection, giving recognition to the fact that the status of the members who are assigned as leader and second leader of the band remains unchanged in these respects.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87-649 repealed first and second sentences which related to pay and allowances for the leader and second leader of the Naval Academy Band, and to crediting of service for pay purposes. See sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

PERMANENT GRADE OF PRESENT LEADER OF BAND

Act July 17, 1953, ch. 226, §3, 67 Stat. 180, authorized President to appoint present leader of United States Navy Band to permanent commissioned grade of commander in the Navy, and that such appointment shall be deemed to be not in the line of the Navy or in any staff corps of the Navy.

§ 6970. Permanent professors: promotion

(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

(b) EFFECTIVE DATE OF PROMOTION.—If made, the promotion of an officer under subsection (a) shall be effective not earlier than three years after the selection of the officer as a permanent professor as described in that subsection.

(Added Pub. L. 110-181, div. A, title V, §508(a)(1)(B), Jan. 28, 2008, 122 Stat. 97.)

## 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