

## 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