

institutions for such operation or instruction as he deemed necessary.

### § 9332. Departments and professors: titles

The Secretary of the Air Force may prescribe the titles of each of the departments of instruction and the professors of the Academy. However, the change of the title of a department or officer does not affect the status, rank, or eligibility for promotion or retirement of, or otherwise prejudice, a professor at the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562.)

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)             |
|-----------------|--------------------|--|
| 9332 .....      | 10:1061a.          | Dec. 14, 1942, ch. 729, 56 Stat. 1049. |

The words “now or after December 14, 1942, established at” are omitted as surplusage. The word “precedence” is omitted as covered by the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “from time to time”, “shall be known”, and “operate in any case or on any account” are omitted as surplusage.

### § 9333. Superintendent; faculty: appointment and detail

(a) The Superintendent and the Commandant of Cadets of the Academy shall be detailed to those positions by the President from the officers of the Air Force.

(b) The permanent professors of the Academy shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The director of admissions of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, §1(20), Aug. 6, 1958, 72 Stat. 523; Pub. L. 101-189, div. A, title V, §515(a)(2), Nov. 29, 1989, 103 Stat. 1441.)

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)          |
|-----------------|--------------------|-------------------------------------|
| 9333(a) .....   | 10:1062.           | R.S. 1313.                          |
| 9333(b) .....   | 10:1063.           | R.S. 1314 (words before semicolon). |

In subsection (a), the word “detailed” is substituted for the word “selected”, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words “the officers of the Air Force” are substituted for the words “any arm of the service”, since the Air Force does not have statutory arms or corps. 10:1063 (1st sentence and 1st 26 words of last sentence) is omitted as covered by section 8012 of this title.

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 9349(b) of this title.

#### AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1958—Subsec. (c). Pub. L. 85-600 added subsec. (c).

### § 9333a. 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 8921(a) of this title, unless such retirement is waived under section 8921(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 Air Force 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)(3)(B), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108-375, div. A, title V, §541(b)(3), Oct. 28, 2004, 118 Stat. 1903.)

#### AMENDMENTS

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(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.

### § 9334. Command and supervision

(a) The immediate government of the Academy is under the Superintendent, who is also the commanding officer of the Academy and of the military post.

(b) The permanent professors and the director of admissions exercise command only in the academic department of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, §1(21), Aug. 6, 1958, 72 Stat. 524; Pub. L. 101-189, div. A, title V, §515(a)(3), Nov. 29, 1989, 103 Stat. 1441.)

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)   |
|-----------------|--------------------|--|
| 9334(a) .....   | 10:1042.           | R.S. 1311.   |
| 9334(b) .....   | 10:1079.           | June 28, 1902, ch. 1300 (1st proviso under “Permanent Establishment”), 32 Stat. 409. |

In subsection (a), the words “and, in his absence, the next in rank” are omitted as surplusage.