

## DETAIL OF RETIRED OFFICER AS LIBRARIAN

Provisions authorizing the performance of the duties of the librarian at the United States Military Academy by a retired officer detailed on active duty, which were contained in Pub. L. 85-724, title III, Aug. 22, 1958, 72 Stat. 714, the Department of Defense Appropriation Act, 1959, were not contained in subsequent appropriation acts. Similar provisions were contained in the following prior acts:

Aug. 2, 1957, Pub. L. 85-117, title III, 71 Stat. 313.  
 July 2, 1956, ch. 488, title III, 70 Stat. 456.  
 July 13, 1955, ch. 358, title III, 69 Stat. 303.  
 June 30, 1954, ch. 432, title IV, 68 Stat. 339.  
 Aug. 1, 1953, ch. 305, title III, 67 Stat. 338.  
 July 10, 1952, ch. 630, title III, 66 Stat. 520.  
 Oct. 18, 1951, ch. 512, title III, 65 Stat. 427.  
 Sept. 6, 1950, ch. 896, Ch. X, title III, 64 Stat. 733.  
 Oct. 29, 1949, ch. 787, title III, 63 Stat. 998.  
 June 24, 1948, ch. 632, 62 Stat. 660.  
 July 30, 1947, ch. 357, title I, 61 Stat. 563.  
 July 16, 1946, ch. 583, 60 Stat. 555.  
 July 3, 1945, ch. 265, 59 Stat. 398.  
 June 28, 1944, ch. 303, 58 Stat. 588.  
 July 1, 1943, ch. 185, 57 Stat. 361.  
 July 2, 1942, ch. 477, 56 Stat. 624.  
 June 30, 1941, ch. 262, 55 Stat. 384.  
 June 13, 1940, ch. 343, 54 Stat. 370.  
 Apr. 26, 1939, ch. 88, 53 Stat. 610.  
 June 11, 1938, ch. 347, 52 Stat. 659.  
 July 1, 1937, ch. 423, 50 Stat. 460.  
 May 15, 1936, ch. 404, 49 Stat. 1297.  
 Apr. 9, 1935, ch. 54, title I, 49 Stat. 138.  
 Apr. 26, 1934, ch. 165, title I, 48 Stat. 631.

**§ 7433a. 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 7321(a) of this title, unless such retirement is waived under section 7321(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 Army 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)(1)(B), Oct. 5, 1999, 113 Stat. 603, § 4333a; amended Pub. L. 108-375, div. A, title V, § 541(b)(1), Oct. 28, 2004, 118 Stat. 1902; renumbered § 7433a and amended Pub. L. 115-232, div. A, title VIII, §§ 808(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

## AMENDMENTS

2018—Pub. L. 115-232, § 808(c)(1), renumbered section 4333a of this title as this section.

Subsec. (a). Pub. L. 115-232, § 809(a), substituted “section 7321(a)” for “section 3921(a)” and “section 7321(b)” for “section 3921(b)”.

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to sec-

tion 3921(a) of this title, unless such retirement is waived under section 3921(b) of this title” before period at end, and added subsec. (b).

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

## 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 7321 of this title.

**§ 7434. Command and supervision**

(a) The supervision and charge of the Academy is in the Department of the Army, under officers of the Army detailed to that duty by the Secretary of the Army.

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

(c) The Commandant of Cadets is the immediate commander of the Corps of Cadets, and is in charge of the instruction of the Corps in tactics.

(d) 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. 239, § 4334; Pub. L. 85-600, § 1(10), Aug. 6, 1958, 72 Stat. 523; Pub. L. 95-551, § 2, Oct. 30, 1978, 92 Stat. 2069; renumbered § 7434, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4334(a) .....	10:1041.	R.S. 1331.
4334(b) .....	10:1042.	R.S. 1311.
4334(c) .....	10:1065.	R.S. 1312.
4334(d) .....	10:1079.	June 28, 1902, ch. 1300 (1st proviso under “Permanent Establishment”), 32 Stat. 409.

In subsection (a), the word “detailed” is substituted for the word “assign” to conform to section 4333 of this title.

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

In subsection (c), the words “Corps of Cadets” are substituted for the words “battalion of cadets” to conform to section 4349 of this title and present terminology. The words “of artillery, cavalry, and infantry” are omitted as surplusage.

In subsection (d), reference to assimilated rank is omitted as superseded by section 4336 of this title. The words “and the associate professor” are omitted as obsolete.

## PRIOR PROVISIONS

A prior section 7434, acts Aug. 10, 1956, ch. 1041, 70A Stat. 461; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(35), 72 Stat. 1566; Oct. 11, 1962, Pub. L. 87-796, § 1(10), 76 Stat. 906; Apr. 5, 1976, Pub. L. 94-258, title II, § 201(16), 90 Stat. 313; Dec. 12, 1980, Pub. L. 96-513, title V, § 513(36), 94 Stat. 2934; Nov. 5, 1990, Pub. L. 101-510, div. A, title XIII,