

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,

§ 1311(7), 104 Stat. 1670, directed Secretary to submit annual report to Congress on production from naval petroleum reserves during the preceding year, prior to repeal by Pub. L. 104-66, title I, § 1051(g), Dec. 21, 1995, 109 Stat. 716. Pub. L. 104-106, div. A, title XV, § 1502(a)(28)(A), Feb. 10, 1996, 110 Stat. 506, which directed the general amendment of this section, could not be executed because of the prior repeal by Pub. L. 104-66.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4334 of this title as this section.

1978—Subsec. (d). Pub. L. 95-551 substituted “director of admissions” for “registrar”.

1958—Subsec. (d). Pub. L. 85-600 inserted “and the registrar” after “professors”.

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.

§ 7435. Dean of Academic Board

(a) The Dean of the Academic Board shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy.

(b) The Dean of the Academic Board shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Army.

(c) The retirement age of an officer appointed as Dean of the Academic Board is that of a permanent professor of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 239, § 4335; Pub. L. 85-861, § 33(a)(46)(A), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 99-661, div. A, title V, § 508(a), Nov. 14, 1986, 100 Stat. 3866; Pub. L. 102-484, div. A, title V, § 521(a), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 106-65, div. A, title V, § 533(a), Oct. 5, 1999, 113 Stat. 604; Pub. L. 115-91, div. A, title V, § 507(a), Dec. 12, 2017, 131 Stat. 1374; renumbered § 7435, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4335(a)	10:1089 (2d sentence).	June 26, 1946, ch. 495, § 3
4335(b)	10:1089 (less 1st 20 words, and less 2d sentence).	(less 1st 20 words), 60 Stat. 312.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “retirement rights” are omitted as covered by the word “benefits”. The words “There is authorized”, “from time to time”, and “statutory” are omitted as surplusage.

1958 ACT

The word “regular” is deleted [in sections 4335 and 4336] to make clear that a Dean or professor of the United States Military Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

PRIOR PROVISIONS

A prior section 7435 was renumbered section 8735 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4335 of this title as this section.

2017—Subsec. (c). Pub. L. 115-91 struck out first sentence which read as follows: “While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate.”; substituted “appointed as Dean of the Academic Board” for “so appointed” in second sentence; and struck out third sentence which read as follows: “An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.”

1999—Subsec. (c). Pub. L. 106-65 added subsec. (c).

1992—Subsec. (c). Pub. L. 102-484 struck out subsec. (c) which read as follows: “The Dean of the Academic Board has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Army, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed is that of a permanent professor of the Academy.”

1986—Subsec. (b). Pub. L. 99-661, § 508(a)(1), struck out “The Dean has the grade of brigadier general while serving as such, with the benefits authorized for regular brigadier generals of the Army, except that his retirement age is that of a permanent professor of the Academy.” See subsec. (c).

Subsec. (c). Pub. L. 99-661, § 508(a)(2), added subsec. (c).

1958—Subsec. (b). Pub. L. 85-861 substituted “the grade of brigadier general” for “the regular grade of brigadier general”.

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.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661 applicable with respect to appointments or details made on or after Nov. 14, 1986, see section 508(f) of Pub. L. 99-661, set out as an Effective Date note under section 12210 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 7436. Permanent professors; director of admissions

(a) A permanent professor of the Academy, other than the Dean of the Academic Board, who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel. However, a permanent professor appointed from the Regular Army has the grade of colonel after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel, and, after he has served six years as director of admissions, has the regular grade of colonel. However, a person appointed from the Regular Army has the regular grade of