

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6967 .....	34 U.S.C. 1057a (less last sentence).	May 25, 1933, ch. 37, 48 Stat. 73 (less last sentence); Aug. 9, 1946, ch. 932, 60 Stat. 968; Aug. 4, 1949, ch. 393, §13, 63 Stat. 559; Aug. 18, 1949, ch. 476, 63 Stat. 614.

The word “regulations” is substituted for the words “such rules and regulations”. Since the Naval Academy is now accredited, the words “from and after the date of accrediting of said Academy” are omitted as executed.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6967 of this title as this section.

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.

DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF NAVAL ACADEMY

Act Aug. 10, 1956, ch. 1041, §35, 70A Stat. 634, provided in part that, under conditions prescribed by the Secretary of the Navy, the Superintendent of the United States Naval Academy “may confer the degree of bachelor of science upon living graduates of [the] Academy who were graduated before the date of accrediting of [the] Academy and who have met the requirements of [the] Academy for that degree.”

§ 8468. Board of Visitors

(a) A Board of Visitors to the Naval Academy is constituted annually of—

- (1) the chairman of the Committee on Armed Services of the Senate, or his designee;
- (2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;
- (3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;
- (4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and
- (5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Navy, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action and of its views and recommendations pertaining to the Academy. Any report 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, §6968; 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; renumbered §8468, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6968(a), (b).	34 U.S.C. 1083.	June 29, 1948, ch. 714, §1, 62 Stat. 1094.
	34 U.S.C. 1084.	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

2018—Pub. L. 115-232 renumbered section 6968 of this title as this section.

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.

## 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.

**§ 8469. 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, § 6969; Pub. L. 87-649, § 14c(52), Sept. 7, 1962, 76 Stat. 501; renumbered § 8469, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

## 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

2018—Pub. L. 115-232 renumbered section 6969 of this title as this section.

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 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 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.

**§ 8470. 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, § 6970; renumbered § 8470, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6970 of this title as this section.

## 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.

**§ 8470a. 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 con-