

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 L. 87-649 repealed first and second sentences which related to pay and allowances for the leader and second leader of the Naval Academy Band, and to crediting of service for pay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 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 1370¹ of this title; and

(2) is entitled to retired pay computed under section 8333 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; renumbered § 8470a and amended Pub. L. 115-232, div. A, title VIII, §§ 807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

REFERENCES IN TEXT

Section 1370 of this title, referred to in subsec. (d)(1), was repealed and new sections 1370 and 1370a of this title were enacted by Pub. L. 116-283, div. A, title V, § 508(a)(1), Jan. 1, 2021, 134 Stat. 3574, 3580. In determining the retired grade of certain commissioned officers of the Armed Forces who retire after Jan. 1, 2021, any reference to section 1370 of this title in such determination with respect to such officers deemed to be a reference to section 1370a of this title, see section 508(c) of Pub. L. 116-283, set out as a note under section 1370 of this title.

¹ See References in Text note below.

AMENDMENTS

2018—Pub. L. 115-232, § 807(c)(1), renumbered section 6970a of this title as this section.

Subsec. (d)(2). Pub. L. 115-232, § 809(a), substituted “section 8333” for “section 6333”.

2008—Pub. L. 110-181 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.

§ 8471. 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 Academy 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, § 6971; 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; renumbered § 8471, 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) |
|-----------------|--------------------------------------|--|
| 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

2018—Pub. L. 115-232 renumbered section 6971 of this title as this section.

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 maintenance of necessary laundry service for Academy activities and personnel.”

1966—Subsec. (a). Pub. L. 89-718 substituted “person designated by the Secretary of the Navy under section 6970(b) of this title” for “Bureau of Supplies and Accounts”.

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 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 370(e) of Pub. L. 104-201, set out as a note under section 2105 of Title 5, Government Organization and Employees.

§ 8472. Chapel: crypt and window spaces

The crypt and window spaces of the Naval Academy Chapel may be used only for memorials to officers of the Navy who have successfully commanded a fleet or squadron in battle or who have received the thanks of Congress for conspicuously distinguished services in time of war. No memorial to an officer may be accepted for, or installed in, the crypt or window spaces until at least five years after the death of that officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 435, § 6972; renumbered § 8472, 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) |
|-----------------|--------------------|--|
| 6972 | 34 U.S.C. 1111. | Mar. 3, 1909, ch. 255, 35 Stat. 773 (2d par.). |

The words “United States” in connection with the chapel, the words “of the United States” in connection with naval officers and with Congress, and the words “or may receive” are omitted as surplusage. The proviso is omitted as executed.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6972 of this title as this section.