

The words “United States” are inserted before the words “Naval Academy” to state the full title. The word “established” is omitted as executed. The words “in the State of” are omitted as surplusage.

Editorial Notes

PRIOR PROVISIONS

A prior section 8451, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, provided that an officer who is promoted to a temporary grade is considered to have accepted his promotion on date of order announcing it, unless he expressly declines promotion, prior to repeal by Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884, effective Sept. 15, 1981.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6951 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

§ 8451a. Superintendent

(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

(b) The Superintendent shall be detailed to that position by the President. As a condition for detail to that position, an officer shall acknowledge that upon termination of that detail the officer shall be retired pursuant to section 8371(a) of this title, unless such retirement is waived under section 8371(b) of this title.

(c) An officer who is detailed to the position of Superintendent shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is re-assigned 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 Navy 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)(2)(B), Oct. 5, 1999, 113 Stat. 603, § 6951a; amended Pub. L. 108-375, div. A, title V, § 541(b)(2), Oct. 28, 2004, 118 Stat. 1903; renumbered § 8451a and amended Pub. L. 115-232, div. A, title VIII, §§ 807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, § 807(c)(1), renumbered section 6951a of this title as this section.

Subsec. (b). Pub. L. 115-232, § 809(a), substituted “section 8371(a)” for “section 6371(a)” and “section 8371(b)” for “section 6371(b)”.

2004—Subsec. (b). Pub. L. 108-375, § 541(b)(2)(A), inserted before period at end “pursuant to section 6371(a)

of this title, unless such retirement is waived under section 6371(b) of this title”.

Subsec. (c). Pub. L. 108-375, § 541(b)(2)(B), added subsec. (c).

Statutory Notes and Related Subsidiaries

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.

§ 8452. Civilian teachers: number; compensation

(a) The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at the Naval Academy as he considers necessary.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.

(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.

(d) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section to any person in the Department of the Navy, with or without the authority to make successive redelegations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 428, § 6952; Pub. L. 106-65, div. A, title XI, § 1107(b), Oct. 5, 1999, 113 Stat. 778; renumbered § 8452, 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)
6952	34 U.S.C. 1071 (as applicable to Naval Academy). 5 U.S.C. 412a.	Aug. 2, 1946, ch. 756, § 7(a) (as applicable to Naval Academy), 60 Stat. 854. Aug. 2, 1946, ch. 756, § 39, 60 Stat. 858.

The words “for the proper instruction of naval personnel” and the words “be paid out of naval appropriations” are omitted as surplusage.

In subsection (c) the words “except the authority to prescribe regulations” are omitted, since 34 U.S.C. 1071 contains no authority for the Secretary of the Navy to prescribe regulations for the administration of that section.

Editorial Notes**PRIOR PROVISIONS**

A prior section 8452, added Pub. L. 85-861, §1(180)(E), Sept. 2, 1958, 72 Stat. 1532, provided that, notwithstanding any other provision of law, a medical or dental officer may be promoted to temporary grade of captain at any time after first anniversary of date upon which he graduated from a medical, osteopathic, or dental school, prior to repeal by Pub. L. 96-513, title II, §207, Dec. 12, 1980, 94 Stat. 2884, effective Sept. 15, 1981.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6952 of this title as this section.

1999—Subsecs. (c), (d). Pub. L. 106-65 added subsec. (c) and redesignated former subsec. (c) as (d).

Statutory Notes and Related Subsidiaries**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.

§ 8453. Midshipmen: appointment

Midshipmen at the Naval Academy shall be appointed by the President alone. An appointment is conditional until the midshipman is admitted.

(Aug. 10, 1956, ch. 1041, 70A Stat. 429, §6953; Pub. L. 97-60, title II, §203(b)(1), Oct. 14, 1981, 95 Stat. 1006; renumbered §8453, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

This section is included in this chapter without specific reference to statutory source to resolve the ambiguities and conflicts existing in the statutes relating to the appointment of midshipmen at the Naval Academy. The word “appoint” has been used in various statutes when the intent of Congress was to provide authority in the persons named to “choose,” “select,” or “nominate” for the office of midshipman. These statutes have been collected and codified in §6954 of this title, which reflects the various sources of nominees for “appointment” as midshipmen and the persons who may so “nominate” them. The actual appointing power resides in the President and this implied authority is herein expressed for clarity and for the purpose of uniformity of expression.

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-232 renumbered section 6953 of this title as this section.

1981—Pub. L. 97-60 inserted provision that an appointment is conditional until the midshipman is admitted.

Statutory Notes and Related Subsidiaries**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 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section

203(d) of Pub. L. 97-60, set out as an Effective Date note under section 7441a of this title.

§ 8454. Midshipmen: number

(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,400 or such lower number as may be prescribed by the Secretary of the Navy under subsection (h). Subject to that limitation, midshipmen are selected as follows:

(1) 65 selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or pre-existing injury or disease aggravated by, active service, children of members who are in a “missing status” as defined in section 551(2) of title 37, and children of civilian employees who are in “missing status” as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Navy.

(2) Five nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten from each State, five of whom are nominated by each Senator from that State.

(4) Five nominated by each Representative in Congress.

(5) Five from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Four from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Four from Guam, nominated by the Delegate in Congress from Guam.

(9) Three from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) Three from the Commonwealth of the Northern Mariana Islands, nominated by the Delegate in Congress from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter. When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official noti-