

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

## APPROPRIATIONS FOR THE AIR FORCE ACADEMY AFTER AUGUST 1, 1964; REQUIREMENT OF AUTHORIZATION IN SUBSEQUENT LEGISLATION; APPROPRIATIONS FOR ADVANCE PLANNING AND MINOR CONSTRUCTION

Pub. L. 88-390, title VI, §608, Aug. 1, 1964, 78 Stat. 364, provided that: “Notwithstanding the provisions of section 9 of the Act of April 1, 1954 (Public Law 325) as amended [set out below], no funds may be appropriated after the date of enactment of this Act [Aug. 1, 1964] for construction at the Air Force Academy unless appropriation of such funds has been authorized in this Act [Military Construction Authorization Act, 1965] or any Act enacted after the date of enactment of this Act: *Provided*, That funds are authorized to be appropriated to accomplish advance planning and minor construction at the Air Force Academy in the same manner as for other projects under the Act of September 28, 1951, as amended (31 U.S.C. 723) [10 U.S.C. 2661a(a)], and title 10, United States Code, section 2674, as amended.”

## APPROPRIATIONS FOR AIR FORCE ACADEMY

Act Apr. 1, 1954, ch. 127, 68 Stat. 47, which established the Air Force Academy, provided by section 9 of such act, as amended by act Aug. 3, 1956, ch. 939, title IV, §413(b), 70 Stat. 1018, and by Pub. L. 85-241, title V, §508, Aug. 30, 1957, 71 Stat. 559; Pub. L. 85-685, title III, §309, Aug. 20, 1958, 72 Stat. 659; Pub. L. 87-57, title III, §304, June 27, 1961, 75 Stat. 108; Pub. L. 90-408, title III, §304, July 21, 1968, 82 Stat. 385, that there was authorized to be appropriated not to exceed the sum of \$141,978,000 to carry out the provisions of that Act, of which not to exceed \$26,000,000 was to be the amount so appropriated for any such period, not to exceed \$1,858,000 might be utilized for the purpose of section 4 of this Act [set out below].

## TEMPORARY BUILDINGS AND FACILITIES

Act Apr. 1, 1954, ch. 127, §4, 68 Stat. 47, provided that for the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of the Air Force was authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities at an existing Air Force base and to provide for the proper functioning, equipping, maintaining, and repairing thereof; and to contract with civilian institutions for such operation or instruction as he deemed necessary.

## § 9432. Departments and professors: titles

The Secretary of the Air Force may prescribe the titles of each of the departments of instruction and the professors of the Academy. However, the change of the title of a department or officer does not affect the status, rank, or eligibility for promotion or retirement of, or otherwise prejudice, a professor at the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562, §9332; renumbered §9432, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9332 .....	10:1061a.	Dec. 14, 1942, ch. 729, 56 Stat. 1049.

The words “now or after December 14, 1942, established at” are omitted as surplusage. The word “precedence” is omitted as covered by the word “rank”. The words “pay, allowances” are omitted, since they are de-

termined by the grade held. The words “from time to time”, “shall be known”, and “operate in any case or on any account” are omitted as surplusage.

## Editorial Notes

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9332 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.

## § 9433. Superintendent; faculty: appointment and detail

(a) The Superintendent and the Commandant of Cadets of the Academy shall be detailed to those positions by the President from the officers of the Air Force or the Space Force.

(b) The permanent professors of the Academy shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The director of admissions of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562, §9333; Pub. L. 85-600, §1(20), Aug. 6, 1958, 72 Stat. 523; Pub. L. 101-189, div. A, title V, §515(a)(2), Nov. 29, 1989, 103 Stat. 1441; renumbered §9433, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832; Pub. L. 116-283, div. A, title IX, §923(d)(8), Jan. 1, 2021, 134 Stat. 3814.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9333(a) .....	10:1062.	R.S. 1313.
9333(b) .....	10:1063.	R.S. 1314 (words before semicolon).

In subsection (a), the word “detailed” is substituted for the word “selected”, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words “the officers of the Air Force” are substituted for the words “any arm of the service”, since the Air Force does not have statutory arms or corps. 10:1063 (1st sentence and 1st 26 words of last sentence) is omitted as covered by section 8012 of this title.

In subsection (b), the words “by and with the advice and consent of the Senate” are inserted, since many of the statutes establishing particular permanent professorships from time to time have so provided, and historically it has been the uniform practice to make these appointments in this manner. 10:1063 (last 14 words) is omitted as obsolete and as covered by section 9349(b) of this title.

## Editorial Notes

## AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 inserted “or the Space Force” after “Air Force”.

2018—Pub. L. 115-232 renumbered section 9333 of this title as this section.

1989—Subsec. (c). Pub. L. 101-189 substituted “director of admissions” for “registrar”.  
 1958—Subsec. (c). Pub. L. 85-600 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.

**§ 9433a. 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 9321(a) of this title, unless such retirement is waived under section 9321(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 Air Force 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)(3)(B), Oct. 5, 1999, 113 Stat. 603, § 9333a; amended Pub. L. 108-375, div. A, title V, § 541(b)(3), Oct. 28, 2004, 118 Stat. 1903; renumbered § 9433a and amended Pub. L. 115-232, div. A, title VIII, §§ 806(a)(3), 809(a), Aug. 13, 2018, 132 Stat. 1832, 1840.)

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-232, § 806(a)(3), renumbered section 9333a of this title as this section.

Subsec. (a). Pub. L. 115-232, § 809(a), substituted “section 9321(a)” for “section 8921(a)” and “section 9321(b)” for “section 8921(b)”.

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title” before period at end, and added subsec. (b).

**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.

**§ 9434. Command and supervision**

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

(b) 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. 562, § 9334; Pub. L. 85-600, § 1(21), Aug. 6, 1958, 72 Stat. 524; Pub. L. 101-189, div. A, title V, § 515(a)(3), Nov. 29, 1989, 103 Stat. 1441; renumbered § 9434, Pub. L. 115-232, div. A, title VIII, § 806(a)(3), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9334(a) .....	10:1042.	R.S. 1311.
9334(b) .....	10:1079.	June 28, 1902, ch. 1300 (1st proviso under “Permanent Establishment”), 32 Stat. 409.

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

In subsection (b), reference to assimilated rank is omitted as superseded by section 9336 of this title. The words “and the associate professor” are omitted as obsolete.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9334 of this title as this section.

1989—Subsec. (b). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1958—Subsec. (b). Pub. L. 85-600 inserted reference to registrar.

**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.

**§ 9435. Dean of the Faculty**

(a) The Dean of the Faculty is responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty of the Academy. The qualifications, selection procedures, training, pay grade, and retention of the Dean shall be prescribed by the Secretary of the Air Force, except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person’s academic field. If a person appointed as the Dean is not an officer on active duty, the person shall be appointed as a member of the Senior Executive Service.

(b) The retirement age of an officer appointed as Dean of the Faculty is that of a permanent professor of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562, § 9335; Pub. L. 85-861, § 33(a)(46)(A), Sept. 2, 1958, 72 Stat. 1567;