

(Aug. 10, 1956, ch. 1041, 70A Stat. 238, § 4332; renumbered § 7432, 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)
4332(a)	10:1061a.	Dec. 14, 1942, ch. 729, 56 Stat. 1049.
4332(b)	10:1087 (proviso).	June 26, 1946, ch. 495, § 1 (proviso), 60 Stat. 312.

In subsection (a), 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 determined 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

PRIOR PROVISIONS

A prior section 7432 was renumbered section 8732 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4332 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.

§ 7433. 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 any branch of the Army. Other officers on duty at the Academy, except the permanent professors, may be detailed from any branch of the Army.

(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 Army.

(d) Any officer of the Regular Army in a grade above captain may be detailed to perform the duties of director of admissions without being appointed as director of admissions. Such a detail does not affect his position on the active-duty list.

(e) No graduate of the Academy may be appointed or detailed to serve at the Academy as a professor or instructor, or as an assistant to a professor or instructor, within two years after his graduation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 238, § 4333; Pub. L. 85-600, § 1(9), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95-551, § 2, Oct. 30, 1978, 92 Stat. 2069; Pub. L. 96-513, title V, § 502(24), Dec. 12, 1980, 94 Stat. 2910; renumbered § 7433, 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)
4333(a)	10:1062. 10:1063 (1st sentence, and 1st 26 words of last sentence).	R.S. 1313. R.S. 1314 (words before semicolon). July 26, 1894, ch. 167 (words after semicolon in 7th clause), 28 Stat. 151.
4333(b)	10:1063 (last sentence, less 1st 26 words).	
4333(c)	10:1064.	

In subsection (a), the word “detailed” is substituted for the word “selected”, in 10:1062, and for the word “appointed”, in 10:1063, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words “assistant professors, acting assistant professors, and the adjutant”, in 10:1063, are omitted as covered by the word “officers”, in 10:1062. The words “except the permanent professors” are inserted to conform to 10:1062.

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 4349(b) of this title.

In subsection (c), the word “appointed” is substituted for the word “assigned”.

Editorial Notes

PRIOR PROVISIONS

A prior section 7433 was renumbered section 8733 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4333 of this title as this section.

1980—Subsec. (d). Pub. L. 96-513 struck out “regular or temporary” in first sentence, and substituted “active-duty list” for “applicable promotion list” in second sentence.

1978—Subsecs. (c), (d). Pub. L. 95-551 substituted “director of admissions” for “registrar” wherever appearing.

1958—Subsecs. (c) to (e). Pub. L. 85-600 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

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 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

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.)

Editorial Notes

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 section 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).

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.

§ 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.

Editorial Notes

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.