

Pub. L. 99-661, div. A, title V, § 508(c), Nov. 14, 1986, 100 Stat. 3867; Pub. L. 102-484, div. A, title V, § 521(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 106-65, div. A, title V, § 533(b), Oct. 5, 1999, 113 Stat. 605; Pub. L. 108-136, div. A, title V, § 529(a), (b), Nov. 24, 2003, 117 Stat. 1471; Pub. L. 108-375, div. A, title V, § 542, Oct. 28, 2004, 118 Stat. 1904; Pub. L. 114-328, div. A, title V, § 502(qq), Dec. 23, 2016, 130 Stat. 2106; Pub. L. 115-91, div. A, title V, § 507(b), Dec. 12, 2017, 131 Stat. 1375; renumbered § 9435, Pub. L. 115-232, div. A, title VIII, § 806(a)(3), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9335(a)	10:1089 (2d sentence).	June 26, 1946, ch. 495, § 3
9335(b)	10:1089 (less 1st 20 words, and less 2d sentence).	(less 1st 20 words), 60 Stat. 312.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “retirement rights” are omitted as covered by the word “benefits”. The words “There is authorized”, “from time to time”, and “statutory” are omitted as surplusage. So much of 10:1089 as relates to the duties of the Dean of the Faculty is omitted as covered by section 8012(e) of this title.

1958 ACT

The word “regular” is deleted [in sections 9335 and 9336] to make clear that a Dean or professor of the United States Air Force Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9335 of this title as this section.

2017—Subsec. (b). Pub. L. 115-91 substituted “appointed as Dean of the Faculty” for “so appointed”.

2016—Subsec. (b). Pub. L. 114-328 struck out first and third sentences which read “While serving as Dean of the Faculty, an officer on active duty who holds a grade lower than brigadier general (or the equivalent) shall hold the grade of brigadier general (or the equivalent), if appointed to that grade by the President, by and with the advice and consent of the Senate.” and “An officer so appointed is counted for purposes of the applicable limitation in section 526(a) of this title on general officers on active duty.”, respectively.

2004—Subsec. (a). Pub. L. 108-375 inserted “, 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” after “Secretary of the Air Force”.

2003—Subsec. (a). Pub. L. 108-136, § 529(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Dean of the Faculty shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy.”

Subsec. (b). Pub. L. 108-136, § 529(b), in first sentence, substituted “on active duty” for “of the Air Force” and inserted “(or the equivalent)” after “brigadier general” in two places and, in last sentence, inserted “applicable” before “limitation” and struck out “of the Air Force” after “general officers”.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a) and added subsec. (b).

1992—Pub. L. 102-484 designated subsec. (a) as entire section and struck out subsec. (b) which read as fol-

lows: “The Dean has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Air Force, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed is that of a permanent professor of the Academy.”

1986—Subsec. (b). Pub. L. 99-661 amended subsec. (b) generally, substituting “while serving in such position” for “while serving as such” and “if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed” for “except that his retirement age”.

1958—Subsec. (b). Pub. L. 85-861 substituted “the grade of brigadier general” for “the regular grade of brigadier general”.

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 2003 AMENDMENT

Amendment by Pub. L. 108-136 applicable with respect to any Dean of the Faculty of the United States Air Force Academy selected on or after Nov. 24, 2003, see section 529(d) of Pub. L. 108-136, set out as a note under section 9431 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661 applicable with respect to appointments or details made on or after Nov. 14, 1986, see section 508(f) of Pub. L. 99-661, set out as an Effective Date note under section 12210 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 9436. Permanent professors; director of admissions

(a) A permanent professor of the Academy who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel in the Air Force or the Space Force. However, a permanent professor appointed from the Regular Air Force or the Space Force has the grade of colonel after the date when such person completes six years of service as a professor, or after the date on which such person would have been promoted had such person been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel in the Air Force or the Space Force.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel in the Air Force or the grade of lieutenant colonel in the Space Force, and, after such person has served six years as director of admissions, has the regular grade of colonel in the Air Force or the grade of lieutenant colonel in the Space Force. However, a person appointed from the Regular Air Force has the regular grade of colonel and a person appointed from the Space Force has the grade of colonel in the Space Force after the date when such person

completes six years of service as director of admissions, or after the date on which such person would have been promoted had such person been selected for promotion from among officers in the promotion zone, whichever is earlier.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562, §9336; Pub. L. 85-600, §1(22), Aug. 6, 1958, 72 Stat. 524; Pub. L. 85-861, §33(a)(46)(B), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 96-513, title II, §218(b), title V, §504(24), Dec. 12, 1980, 94 Stat. 2886, 2917; Pub. L. 98-525, title V, §533(d)(2), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 101-189, div. A, title V, §515(a)(4), (b)(1), Nov. 29, 1989, 103 Stat. 1441; Pub. L. 108-136, div. A, title V, §529(c)(2), Nov. 24, 2003, 117 Stat. 1472; renumbered §9436, 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)(9), Jan. 1, 2021, 134 Stat. 3814; Pub. L. 118-31, div. A, title XVII, §1721(c)(1), Dec. 22, 2023, 137 Stat. 666.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9336	10:1079a(a).	Aug. 7, 1947, ch. 512, §520(a) 61 Stat. 912.

The word “grade” is substituted for the word “rank”. The words “pay, and allowances” are omitted, since they are determined by the grade held. 10:1079a(a) (last proviso), and the words “Hereafter each of”, “who have been or may hereafter be”, and “and appointed in” are omitted as surplusage.

1958 ACT

The word “regular” is deleted [in sections 9335 and 9336] to make clear that a Dean or professor of the United States Air Force Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

Editorial Notes

AMENDMENTS

2023—Subsec. (a). Pub. L. 118-31, §1721(c)(1)(A), struck out “the equivalent grade in” before “the Space Force.” in two places and “and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force” before “after the date when such person completes” and inserted “or the Space Force” after “from the Regular Air Force”.

Subsec. (b). Pub. L. 118-31, §1721(c)(1)(B), substituted “the grade of lieutenant colonel in” for “the equivalent grade in” in two places and “Space Force has the grade of colonel in the Space Force” for “Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force”.

2021—Pub. L. 116-283, §923(d)(9)(B), substituted “such person” for “he” wherever appearing.

Subsec. (a). Pub. L. 116-283, §923(d)(9)(A)(i), inserted “in the Air Force or the equivalent grade in the Space Force” after “grade of colonel”, “and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force” after “Force has the grade of colonel”, and “in the Air Force or the equivalent grade in the Space Force” after “lieutenant colonel”.

Subsec. (b). Pub. L. 116-283, §923(d)(9)(A)(ii), inserted “in the Air Force or the equivalent grade in the Space Force” after “colonel” in two places in first sentence, and “and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force” before “after the date when”

in second sentence. Insertions in first sentence were executed to reflect the probable intent of Congress due to omission of the words “by inserting” in directory language.

2018—Pub. L. 115-232 renumbered section 9336 of this title as this section.

2003—Subsec. (a). Pub. L. 108-136 struck out “, other than the Dean of the Faculty,” after “Academy”.

1989—Pub. L. 101-189, §515(b), substituted “director of admissions” for “registrar” in section catchline.

Subsec. (b). Pub. L. 101-189, §515(a)(4), substituted “director of admissions” for “registrar” in three places.

1984—Subsecs. (a), (b). Pub. L. 98-525 substituted “on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,” for “when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried before his appointment as a professor, is promoted to the regular grade of colonel.”

1980—Subsecs. (a), (b). Pub. L. 96-513, §504(24), substituted “after the date when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried” for “after the date when a promotion-list officer, junior to him on the promotion list on which his name was carried”.

Subsec. (c). Pub. L. 96-513, §218(b), struck out subsec. (c) which provided that, unless he is serving in a higher grade, an officer detailed to perform the duties of registrar has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of six years, has the temporary grade of colonel.

1958—Pub. L. 85-600, §1(22)(C), inserted “; registrar” in section catchline.

Subsec. (a). Pub. L. 85-861 substituted “has the grade of colonel” for “has the regular grade of colonel” in two places, and “have the grade of lieutenant colonel” for “have the regular grade of lieutenant colonel”.

Pub. L. 85-600, §1(22)(A), designated existing provisions as subsec. (a).

Subsecs. (b), (c). Pub. L. 85-600, §1(22)(B), added subsecs. (b) and (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.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 applicable with respect to any Dean of the Faculty of the United States Air Force Academy selected on or after Nov. 24, 2003, see section 529(d) of Pub. L. 108-136, set out as a note under section 9431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 218(b) of Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513.

Amendment by section 504(24) of 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.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective August 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

SERVICE PERFORMED AS REGISTRAR PRIOR TO
AUGUST 6, 1958

Prohibition against accrual of increase in pay or allowances for service performed prior to Aug. 6, 1958, see note set out under section 7436 of this title.

§ 9438. Civilian faculty: number; compensation

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

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

(c) The Secretary of the Air Force 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.

(Added Pub. L. 103-160, div. A, title V, §533(b)(1), Nov. 30, 1993, 107 Stat. 1658, §9338; amended Pub. L. 106-65, div. A, title XI, §1107(c), Oct. 5, 1999, 113 Stat. 778; renumbered §9438, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9338 of this title as this section.

1999—Subsec. (c). Pub. L. 106-65 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.

§ 9441. Faculty and other officers: leaves of absence

The Superintendent of the Academy may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to a professor, assistant professor, instructor, or other officer of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 563, §9341; renumbered §9441, 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)
9341	10:1144.	R.S. 1330.

The words “under regulations prescribed by the Secretary of the Army” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

Editorial Notes

PRIOR PROVISIONS

A prior section 9441 was renumbered section 9491 of this title.

Another prior section 9441, acts Aug. 10, 1956, ch. 1041, 70A Stat. 572; Pub. L. 96-342, title X, §1007(a), (b)(1), Sept. 8, 1980, 94 Stat. 1121, 1122; Pub. L. 96-513, title V, §514(12), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 98-525, title XV, §1533(a), Oct. 19, 1984, 98 Stat. 2632; Pub. L. 99-145, title XIII, §1303(a)(28), title XIV, §1458(a), Nov. 8, 1985, 99 Stat. 740, 763; Pub. L. 99-661, div. A, title XIII, §1365(a), Nov. 14, 1986, 100 Stat. 4002; Pub. L. 103-337, div. A, title X, §1062, Oct. 5, 1994, 108 Stat. 2847; Pub. L. 105-225, §4(a)(3), Aug. 12, 1998, 112 Stat. 1499, related to Civil Air Patrol status, support by Air Force, and employment, prior to the general amendment of former chapter 909 (now 959) of this title by Pub. L. 106-398.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9341 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.

§ 9441a. Cadets: appointment by the President

Cadets at the Academy shall be appointed by the President alone. An appointment is conditional until the cadet is admitted.

(Added Pub. L. 97-60, title II, §203(c)(2)(A), Oct. 14, 1981, 95 Stat. 1006, §9341a; renumbered §9441a, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 9341a 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.

EFFECTIVE DATE

Section 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 a note under section 7441a of this title.

§ 9442. Cadets: appointment; numbers, territorial distribution

(a) The authorized strength of cadets of the Academy (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 Air Force under subsection (j). Subject to that limitation, cadets are selected as follows:

(1) 65 cadets 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