

(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

(2) Expenditures from appropriated funds in support of activities under this section may not exceed \$40,000 during any fiscal year.

(Added Pub. L. 110-417, [div. A], title V, §541(b)(1), Oct. 14, 2008, 122 Stat. 4455.)

§ 6958. Midshipmen: qualifications for admission

(a) Each candidate for admission to the Naval Academy—

(1) must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the calendar year in which he enters the Academy; and

(2) shall be examined according to such regulations as the Secretary of the Navy prescribes, and if rejected at one examination may not be examined again for admission to the same class unless recommended by the Academic Board.

(b) Each candidate for admission nominated under clauses (3) through (9) of section 6954(a) of this title must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(c) Each candidate nominated under clause (2) or (3) of section 6954(b) of this title—

- (1) must be a citizen of the United States;
- (2) must have passed the required physical examination; and
- (3) shall be appointed in the order of merit from candidates who have, in competition with each other, passed the required mental examination.

(d) To be admitted to the Naval Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Navy. If a candidate for admission refuses to take and subscribe to the prescribed oath, the candidate's appointment is terminated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 431; Pub. L. 87-663, §1(4), Sept. 14, 1962, 76 Stat. 547; Pub. L. 93-171, §2(5), Nov. 29, 1973, 87 Stat. 690; Pub. L. 101-510, div. A, title V, §532(b)(3), Nov. 5, 1990, 104 Stat. 1563; Pub. L. 102-190, div. A, title V, §512, Dec. 5, 1991, 105 Stat. 1360; Pub. L. 104-201, div. A, title V, §555(c), Sept. 23, 1996, 110 Stat. 2527; Pub. L. 105-85, div. A, title V, §541(a), Nov. 18, 1997, 111 Stat. 1740.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6958(a)(1)	34 U.S.C. 1047 (less 1st proviso).	June 30, 1950, ch. 421, §2 (less 1st proviso), 64 Stat. 304.
6958(a)(2)	34 U.S.C. 1043.	R.S. 1515.
6958(b)	34 U.S.C. 1047 (2d proviso).	June 30, 1950, ch. 421, §2 (2d proviso), 64 Stat. 304.
6958(c)	34 U.S.C. 1042.	Mar. 4, 1917, ch. 180, 39 Stat. 1182 (1st par.).
	34 U.S.C. 1032 (less 1st 70 words).	Dec. 20, 1917, ch. 5, §1 (less 1st 70 words), 40 Stat. 430; Aug. 13, 1946, ch. 962, §16, 60 Stat. 1061; May 16, 1947, ch. 77, §1(o), 61 Stat. 100.

In subsection (a) the effective date is omitted as executed. The words "at least 17 years of age and must not have passed his twenty-second birthday" are substituted for the words "not less than seventeen years of age and not more than twenty-two years of age" to remove ambiguity, and for uniformity of treatment of provisions of this type. The reference to time of examination is omitted as being included within the Secretary's authority to prescribe regulations, which is stated in the subsection. The words "Academic Board" are substituted for the words "board of examiners".

In subsection (b) the words "domiciled in" are substituted for the words "actual resident of" since this term has been so interpreted.

AMENDMENTS

- 1997—Subsec. (d). Pub. L. 105-85 added subsec. (d).
- 1996—Subsec. (a)(1). Pub. L. 104-201 substituted "twenty-third birthday" for "twenty-second birthday".
- 1991—Subsec. (c)(2) to (4). Pub. L. 102-190 redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which required candidates to have served at least one year as enlisted members on date of entrance.
- 1990—Subsec. (b). Pub. L. 101-510 substituted "clauses (3) through (9)" for "clauses (3)-(7), (9) and (10)".
- 1973—Subsec. (b). Pub. L. 93-171 substituted "and (10) of section 6954(a)" for "and (9) of section 6954(a)" and struck out "or Territory".
- 1962—Subsec. (b). Pub. L. 87-663 inserted references to American Samoa, Guam, and the Virgin Islands, and substituted "clauses (3)-(7) and (9)" for "clauses (3)-(7)".

EFFECTIVE DATE OF 1973 AMENDMENT

For effective date of amendment by Pub. L. 93-171, see section 4 of Pub. L. 93-171, set out as a note under section 4342 of this title.

AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING PERSIAN GULF WAR

For authority to waive maximum age limitation in subsec. (a)(1) of this section on basis of service on active duty in connection with Operation Desert Storm, see section 514 of Pub. L. 102-190, set out as a note under section 4346 of this title.

§ 6959. Midshipmen: agreement for length of service

(a) Each midshipman shall sign an agreement with respect to the midshipman's length of service in the armed forces. The agreement shall provide that the midshipman agrees to the following:

- (1) That the midshipman will complete the course of instruction at the Naval Academy.
- (2) That upon graduation from the Naval Academy the midshipman—
 - (A) will accept an appointment, if tendered, as a commissioned officer of the Reg-