

named in clauses (1) to (4) of section 9342(a) could be nominated for appointment as cadets. Not more than one qualified alternate nominated by any one authority named in those clauses could be appointed as a cadet, after nomination under section 9343, during each year of that four-year period.

**LIMITATION ON NUMBER OF CADETS AND MIDSHIPMEN
AUTHORIZED TO ATTEND SERVICE ACADEMIES**

Authorized strength of service academies not to exceed 4,000 per academy for class years beginning after 1994, and any reduction in number of appointments not to be achieved by reduction in number of appointments under subsec. (a) of this section, see section 511 of Pub. L. 102-190, set out as a note under section 4342 of this title.

**ELIGIBILITY OF FEMALE INDIVIDUALS FOR APPOINTMENT
AND ADMISSION TO SERVICE ACADEMIES; UNIFORM AP-
PLICATION OF ACADEMIC AND OTHER STANDARDS TO
MALE AND FEMALE INDIVIDUALS**

Secretary required to take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the United States Air Force Academy, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals, see section 803(a) of Pub. L. 94-106, set out as a note under section 4342 of this title.

**SECRETARY TO IMPLEMENT POLICY OF EXPEDITIOUS
ADMISSION OF WOMEN TO THE ACADEMY**

Secretary to continue to exercise the authority granted under this chapter and chapters 403 and 603 of this title, but such authority to be exercised within a program providing for the orderly and expeditious admission of women to the Academy, consistent with the needs of the services, see section 803(c) of Pub. L. 94-106, set out as a note under section 4342 of this title.

**§ 9343. Cadets: appointment; to bring to full
strength**

If it is determined that, upon the admission of a new class to the Academy, the number of cadets at the Academy will be below the authorized number, the Secretary of the Air Force may fill the vacancies by nominating additional cadets from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academy Board. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in clauses (2) through (8) of section 9342(a) of this title, and the remainder from qualified candidates holding competitive nominations under any other provision of law. An appointment under this section is an additional appointment and is not in place of an appointment otherwise authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 88-276, §4(2), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-718, §46, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 93-171, §3(5), Nov. 29, 1973, 87 Stat. 691; Pub. L. 101-510, div. A, title V, §532(a)(2), (c)(2), Nov. 5, 1990, 104 Stat. 1563, 1564.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9343	10:1092d.	June 30, 1950, ch. 421, §4, 64 Stat. 305.

The words "If it is determined" are substituted for the words "When upon determination". The words "within his discretion" are omitted as covered by the word "may". The words "within the capacity of the Academy", "from the remaining sources of admission authorized by law", and "to be admitted in such class" are omitted as surplusage. The words "by the persons named in clauses (1)-(6) of section 9342(a), and clause (2) of section 9342(e), of this title" are substituted for the words "by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Canal Zone". The words "under any other provision of law" are substituted for the words "from sources authorized by law other than those holding such alternate appointments".

AMENDMENTS

1990—Pub. L. 101-510, §532(a)(2), (c)(2), amended section identically, substituting "clauses (2) through (8)" for "clauses (2)-(9)".

1973—Pub. L. 93-171 substituted "clauses (2)-(9) of section 9342(a)" for "clauses (2)-(8) of section 9342(a)".

1966—Pub. L. 89-718 substituted "Academy Board" for "Faculty".

1964—Pub. L. 88-276, among other changes, increased percentage of nominees to be selected from two-thirds to three-fourths, and struck out "as are necessary to meet the needs of the Air Force, but not more than the authorized strength of Air Force cadets" after "the Faculty".

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.

**NUMBER OF ALTERNATE APPOINTEES FROM CONGRES-
SIONAL SOURCES NOT TO BE REDUCED BECAUSE OF
ADDITIONAL PRESIDENTIAL APPOINTMENTS**

Nonreduction of number of appointees from congressional sources under this section because of additional Presidential appointments under section 9342(b) (1) of this title, see section 2 of Pub. L. 89-650, set out as a note under section 4343 of this title.

**§ 9344. Selection of persons from foreign coun-
tries**

(a)(1) The Secretary of the Air Force may permit not more than 60 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

(2) The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

(3) In selecting persons to receive instruction under this section from among applicants from

the countries approved under paragraph (2), the Secretary of the Air Force shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.

(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1). The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States.

(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

(d) A person receiving instruction under this section is not subject to section 9346(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 98-94, title X, §1004(c)(1), Sept. 24, 1983, 97 Stat. 659; Pub. L. 105-85, div. A, title V, §543(c), Nov. 18, 1997, 111 Stat. 1744; Pub. L. 106-65, div. A, title V, §534(c), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106-398, §1 [[div. A], title V, §532(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-107, div. A, title V, §533(c)(1), (2), Dec. 28, 2001, 115 Stat. 1106.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9344(a)	10:1093c (less 3d and last sentences).	June 26, 1946, ch. 493, §1, 60 Stat. 311; June 1, 1948, ch. 357, §2, 62 Stat. 280.
9344(b)	10:1093c (3d sentence).	
9344(c)	10:1093c (last sentence).	

In subsection (a), the words “at West Point, New York” are omitted as inapplicable to the Air Force.

In subsection (b), the words “is entitled to” are substituted for the words “shall receive”. The words “performed in proceeding” are omitted as surplusage. The words “continental limits” are omitted, since section

101(1) of this title defines the United States to include only the States and the District of Columbia.

In subsection (c), the words “to any office or position” are omitted as surplusage; 10:1093c (proviso of last sentence) is omitted, since 10:1099 is inapplicable to the Air Force and section 1321 of the Revised Statutes, previously codified in 10:1101, was repealed by section 6(b) of the Act of June 30, 1950, ch. 421, 64 Stat. 305.

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107-107, §533(c)(1), substituted “60” for “40”.

Subsec. (b)(2). Pub. L. 107-107, §533(c)(2)(A), struck out “unless a written waiver of reimbursement is granted by the Secretary of Defense” before period at end of first sentence.

Subsec. (b)(3). Pub. L. 107-107, §533(c)(2)(B), added par. (3) and struck out former par. (3) which read as follows: “The amount of reimbursement waived under paragraph (2) may not exceed 50 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than 20 persons receiving instruction at the Air Force Academy under this section at any one time.”

2000—Subsec. (a)(3). Pub. L. 106-398 added par. (3).

1999—Subsec. (b)(3). Pub. L. 106-65 substituted “50 percent” for “35 percent” and “20 persons” for “five persons”.

1997—Subsec. (b)(2). Pub. L. 105-85, §543(c)(1), substituted “, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States.” for period at end.

Subsec. (b)(3). Pub. L. 105-85, §543(c)(2), added par. (3).

1983—Pub. L. 98-94 substituted “foreign countries” for “Canada and American Republics” in section catchline.

Subsec. (a). Pub. L. 98-94 amended subsec. (a) generally, substituting “The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy” and “Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title” for “Upon designation by the President, the Secretary of the Air Force may permit not more than 20 persons at any one time from Canada and the American Republics, other than the United States, to receive instruction at the Academy” and “However, not more than three persons from any one of those republics or from Canada may receive instruction under this section at any one time” as the first two sentences of subsec. (a) and designating those sentences as par. (1), and adding par. (2).

Subsec. (b). Pub. L. 98-94 amended subsec. (b) generally, designating existing provisions as par. (1), striking out provisions that had directed that the mileage allowance payable to persons for travel to the Academy for initial admission was not limited to mileage for travel within the United States, and adding par. (2).

Subsec. (c). Pub. L. 98-94 amended subsec. (c) generally, designating first sentence of subsec. (c) as par. (1), inserting provisions authorizing the Secretary to prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States, and designating the second sentence of subsec. (c) as par. (2).

Subsec. (d). Pub. L. 98-94, in amending section generally, added subsec. (d).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §533(c)(3), Dec. 28, 2001, 115 Stat. 1106, provided that: “The amendments made by paragraph (2) [amending this section] shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code,

before the date of the enactment of this Act [Dec. 28, 2001].”

Amendment by Pub. L. 107-107 inapplicable with respect to any academic year that began before Dec. 28, 2001, see section 533(d) of Pub. L. 107-107, set out as a note under section 4344 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to academic years that begin after Oct. 1, 2000, see section 1 [[div. A], title V, § 532(d)] of Pub. L. 106-398, set out as a note under section 4344 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 applicable with respect to students from a foreign country entering the United States Military Academy, Naval Academy, or Air Force Academy on or after May 1, 1999, see section 534(d) of Pub. L. 106-65, set out as a note under section 4344 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 applicable with respect to students from foreign country entering United States Military Academy, United States Naval Academy, or United States Air Force Academy on or after May 1, 1998, see section 543(d) of Pub. L. 105-85, set out as a note under section 4344 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 effective one year after Sept. 24, 1983, and applicable to persons entering the Academy after such date, with subsec. (b)(2) of this section, as amended, not to apply to the cost of providing instruction to a person who, before such date, entered the Academy, see section 1004(d) of Pub. L. 98-94, set out as a note under section 4344 of this title.

PERSONS FROM COUNTRIES ASSISTING U.S. IN VIETNAM; AIR FORCE ACADEMY INSTRUCTION; BENEFITS, LIMITATIONS, RESTRICTIONS, AND REGULATIONS; OATH OF TRAINEES

Air Force Academy instruction of persons from countries assisting U.S. in Vietnam, numerical limitation, prohibition against appointment of graduates to the Armed Forces, exemption from oath, etc., see Pub. L. 89-802, Nov. 9, 1966, 80 Stat. 1518, set out as a note under section 4344 of this title.

§ 9345. Exchange program with foreign military academies

(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Air Force may permit a student enrolled at a military academy of a foreign country to receive instruction at the Air Force Academy in exchange for an Air Force cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 9344 of this title.

(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 Air Force cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Air Force Academy.

(c) COSTS AND EXPENSES.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of an Air Force cadet by reason of attendance at the Air Force Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged Air Force cadet in that foreign country.

(3) The Air Force Academy shall bear all costs of the exchange program from funds appropriated for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.

(d) APPLICATION OF OTHER LAWS.—Subsections (c) and (d) of section 9344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Air Force Academy under the exchange program.

(e) REGULATIONS.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

(Added Pub. L. 105-85, div. A, title V, § 542(c)(1), Nov. 18, 1997, 111 Stat. 1742; amended Pub. L. 106-65, div. A, title V, § 535(c), Oct. 5, 1999, 113 Stat. 606; Pub. L. 109-364, div. A, title V, § 531(c), Oct. 17, 2006, 120 Stat. 2199.)

PRIOR PROVISIONS

A prior section 9345, act Aug. 10, 1956, ch. 1041, 70A Stat. 565, related to selection of Filipinos for instruction at the Air Force Academy, prior to repeal by Pub. L. 98-94, title X, § 1004(c)(2), (d), Sept. 24, 1983, 97 Stat. 660, effective one year after Sept. 24, 1983.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364, § 531(c)(1), substituted “100” for “24”.

Subsec. (c)(3). Pub. L. 109-364, § 531(c)(2)(A), substituted “for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.” for “for the Academy. Expenditures in support of the exchange program may not exceed \$120,000 during any fiscal year.”

Subsec. (c)(4). Pub. L. 109-364, § 531(c)(2)(B), added par. (4).

1999—Subsec. (b). Pub. L. 106-65, § 535(c)(1), substituted “24 Air Force cadets” for “10 Air Force cadets”.

Subsec. (c)(3). Pub. L. 106-65, § 535(c)(2), substituted “\$120,000” for “\$50,000”.