

## AMENDMENTS

- 2011—Subsec. (a)(4). Pub. L. 111-383 added par. (4).
- 2009—Subsec. (f). Pub. L. 111-84 substituted “subsection (a)” for “section (a)”.
- 2006—Subsec. (f). Pub. L. 109-163 added subsec. (f).
- 1996—Subsec. (a)(2)(B). Pub. L. 104-106 substituted “five years” for “six years”.
- 1989—Subsec. (a)(2)(B). Pub. L. 101-189, §511(d), substituted “six years” for “five years”.
- Subsec. (d). Pub. L. 101-189, §1622(e)(5), inserted “the term” after “In this section.”.
- 1985—Pub. L. 99-145 amended section generally. Prior to amendment, section read as follows:
- “(a) Each cadet who is a citizen or national of the United States shall sign an agreement that he will—
- “(1) unless sooner separated from the Academy, complete the course of instruction at the Academy;
- “(2) accept an appointment and, unless sooner separated from the service, serve as a commissioned officer of the Regular Air Force for at least the five years immediately after graduation; and
- “(3) accept an appointment as a commissioned officer as a Reserve for service in the Air Force Reserve and, unless sooner separated from the service, remain therein until at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary of his graduation, if an appointment in the Regular Air Force is not tendered to him, or if he is permitted to resign as a commissioned officer of that component before that anniversary.
- If the cadet is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.
- “(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Air Force to the Air Force Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years.”
- 1984—Subsec. (a). Pub. L. 98-525, §541(c), struck out “, unless sooner separated,” in introductory text before “he will”; inserted in cl. (1) “unless sooner separated from the Academy,”; and inserted “, unless sooner separated from the service,” in cls. (2) and (3).
- Subsec. (a)(3). Pub. L. 98-525, §542(d), substituted “at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary” for “the sixth anniversary”.
- 1964—Pub. L. 88-647 designated existing provisions as subsec. (a) and added subsec. (b).
- Subsec. (a)(2). Pub. L. 88-276 substituted “five” for “three”.

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 applicable to persons first admitted to United States Military Academy, United States Naval Academy, and United States Air Force Academy after Dec. 31, 1991, see section 531(e) of Pub. L. 104-106, set out as a note under section 4348 of this title.

## EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 511(d) of Pub. L. 101-189 applicable to persons who are first admitted to one of the military service academies after Dec. 31, 1991, see section 511(e) of Pub. L. 101-189, as amended, set out as a note under section 2114 of this title.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 (other than with respect to the authority of the Secretary of the Air Force to prescribe regulations) effective on the date on which regulations prescribed by the Secretary take effect and applicable to agreements entered into under this section on or after the effective date of such regulations and also with respect to each such agreement that was entered into before the effective date of such regulations by an individual who is a cadet on such date, see

section 512(e) of Pub. L. 99-145, set out as a note under section 4348 of this title.

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 541(c) of Pub. L. 98-525 applicable with respect to agreements entered into under this section before, on, or after Oct. 19, 1984, see section 541(d) of Pub. L. 98-525, set out as a note under section 4348 of this title.

## EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

For effective date of amendment by Pub. L. 88-276, see section 5(c) of Pub. L. 88-276, set out as a note under section 4348 of this title.

## REGULATIONS IMPLEMENTING 1985 AMENDMENT

Secretary of the Air Force to prescribe regulations required by subsec. (c) of this section as added by Pub. L. 99-145 not later than the end of the 90-day period beginning on Nov. 8, 1985, see section 512(d) of Pub. L. 99-145, set out as a note under section 4348 of this title.

## SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

## DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS

Secretary of Defense to prescribe, not later than July 1, 2007, Department of Defense policy on whether to authorize service academy and ROTC graduates to participate in professional sports before the completion of their obligations for service on active duty, see section 533 of Pub. L. 109-364, set out as a note under section 4348 of this title.

**§ 9349. Cadets: organization; service; instruction**

- (a) A cadet shall perform duties at such places and of such type as the President may direct.
- (b) The course of instruction at the Academy is four years.
- (c) The Secretary of the Air Force shall so arrange the course of studies at the Academy that cadets are not required to pursue their studies on Sunday.
- (d) Cadets shall be trained in the duties of members of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9349(a) .....	10:1102.	R.S. 1322.
9349(b) .....	10:1043.	R.S. 1323.
9349(c) .....	10:1044.	Mar. 30, 1920, ch. 112 (1st par., less provisos, under “Miscellaneous”), 41 Stat. 548.
9349(d) .....	10:1105.	R.S. 1324.

In subsection (a), the word “commissioned” is inserted for clarity. 10:1105 (2d sentence) is omitted as obsolete.

In subsection (b), the word “perform” is substituted for the words “be subject at all times to do”. The words “of such type” are substituted for the words “on such service”.

In subsection (e), the words “members of the Air Force” are substituted for the words “private soldier, noncommissioned officer, and officer”. The words

“taught and” are omitted as surplusage. 10:1105 (less 1st 18 words of last sentence) is omitted as inapplicable to the Air Force.

**§ 9350. Cadets: clothing and equipment**

(a) The Secretary of the Air Force may prescribe the amount to be credited to a cadet, upon original admission to the Academy, for the cost of his initial issue of clothing and equipment. That amount shall be deducted from his pay. If a cadet is discharged before graduation while owing the United States for pay advanced for the purchase of required clothing and equipment, he shall turn in so much of his clothing and equipment of a distinctive military nature as is necessary to repay the amount advanced. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be canceled.

(b) Under such regulations as the Secretary may prescribe, uniforms and equipment shall be furnished to a cadet at the Academy upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9350(a) .....	10:1149a.	Aug. 31, 1918, ch. 166, §9 (17th through 22d words), 40 Stat. 957.
9350(b) .....	10:1106.	Aug. 22, 1951, ch. 340, §1, 65 Stat. 196.

In subsection (a), the words “while owing the United States for pay advanced for the purpose of” are substituted for the words “who is indebted to the United States on account of advances in pay to purchase”. The words “as is necessary to repay the amount advanced” are substituted for the words “to the extent required to discharge such indebtedness”.

In subsection (b), the word “accouterments” is omitted as surplusage. The words “by the Government” and “such restrictions and” are omitted as surplusage. The words “at cost” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

**§ 9351. Cadets: deficiencies in conduct or studies; effect of failure on successor**

(a) A cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academy Board, be returned or reappointed to the Academy.

(b) Any cadet who fails to pass a required examination because he is deficient in any one subject of instruction is entitled to a reexamination of equal scope and difficulty in that subject, if he applies in writing to the Superintendent within 10 days after he is officially notified of his failure. The reexamination shall be held within 60 days after the date of his application. If the cadet passes the reexamination and is otherwise qualified, he shall be readmitted to the Academy. If he fails, he may not have another examination.

(c) The failure of a member of a graduating class to complete the course with his class does not delay the admission of his successor.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9351(a) .....	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under “Permanent Establishment”), 39 Stat. 493.
9351(b) .....	10:1103.	R.S. 1325.
9351(c) .....	10:1092b (1st proviso).	June 30, 1950, ch. 421, §2 (1st proviso), 64 Stat. 304.

In subsection (a), 10:1104 (last 20 words) is omitted as superseded by section 8287(d) of this title.

In subsection (b), the words “is entitled to” are substituted for the words “shall have the right to apply”. The words “of equal scope and difficulty in that subject” are substituted for the words “by compliance with the requirements existing at the time of the first examination”.

In subsection (c), the words “by reason of sickness, or deficiency in his studies, or other cause” are omitted as surplusage.

**§ 9352. Cadets: hazing**

(a) Subject to the approval of the Secretary of the Air Force, the Superintendent of the Academy shall issue regulations—

- (1) defining hazing;
- (2) designed to prevent that practice; and
- (3) prescribing dismissal, suspension, or other adequate punishment for violations.

(b) If a cadet who is charged with violating a regulation issued under subsection (a), the penalty for which is or may be dismissal from the Academy, requests in writing a trial by a general court-martial, he may not be dismissed for that offense except under sentence of such a court.

(c) A cadet dismissed from the Academy for hazing may not be reappointed as an Air Force cadet, and is ineligible for appointment as a commissioned officer in a regular component of the Army, Navy, Air Force, or Marine Corps, until two years after the graduation of his class.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9352(a) .....	10:1163 (1st par.).	Mar. 2, 1901, ch. 804 (2d proviso under “Permanent Establishment”);
9352(b) .....	10:1163 (1st 32 words of last par.).	restated Apr. 19, 1910, ch. 174 (38th par. under “Buildings and Grounds”), 36 Stat. 323.
9352(c) .....	10:1163 (last par., less 1st 32 words).	

In subsection (a), the word “violations” is substituted for the words “infractions of the same”. The words “to embody a clear” are omitted as surplusage.

In subsection (b), the words “the penalty for which is or may be” are substituted for the words “which would involve”. The words “may not be dismissed for that offense except under sentence of such a court” are substituted for the words “shall be granted”.

In subsection (c), the words “a regular component” are inserted, since the source statute historically applied only to the regular components.

**§ 9353. Cadets: degree and commission on graduation**

(a) The Superintendent of the Academy may, under such conditions as the Secretary of the