

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		Aug. 22, 1951, ch. 340, § 1, 65 Stat. 196.

In subsection (a), the words “while owing the United States for pay advanced for the purchase of” are substituted for the words “who is indebted to the United States on account of advances of 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.)

**§ 4351. 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 Academic 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 Academic Board 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. 244.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4351(a) .....	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under “Permanent Establishment”), 39 Stat. 493.
4351(b) .....	10:1103.	R.S. 1325.
4351(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In subsection (a), 10:1104 (last 20 words) is omitted as superseded by section 3287(d) of this title.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.

READMISSION TO SERVICE ACADEMIES OF CERTAIN FORMER CADETS AND MIDSHIPMEN

Pub. L. 108-136, div. A, title V, §525, Nov. 24, 2003, 117 Stat. 1465, provided that:

“(a) INSPECTOR GENERAL REPORT AS BASIS FOR READMISSION.—(1) When a formal report by an Inspector General within the Department of Defense concerning the circumstances of the separation of a cadet or midshipman from one of the service academies contains a specific finding specified in paragraph (2), the Secretary of the military department concerned may use that report as the sole basis for readmission of the former cadet or midshipman to the respective service academy.

“(2) A finding specified in this paragraph is a finding that substantiates that a former service academy cadet or midshipman, while attending the service academy—

“(A) received administrative or punitive action or nonjudicial punishment as a result of reprisal;

“(B) resigned in lieu of disciplinary, administrative, or other action that the formal report concludes constituted a threat of reprisal; or

“(C) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman.

“(b) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

“(c) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report and shall not be required to submit the request for readmission through a board for the correction of military records.

“(d) REGULATIONS TO MINIMIZE ADVERSE IMPACT UPON READMISSION.—The Secretary of each military department shall prescribe regulations for the readmission of a former cadet or midshipman described in subsection (a), with the goal, to the maximum extent practicable, of readmitting the former cadet or midshipman at no loss of the academic or military status held by the former cadet at the time of resignation.

“(e) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supersede any other remedy that may be available to a former cadet or midshipman.

“(f) SERVICE ACADEMIES.—In this section, the term ‘service academy’ means the following:

“(1) The United States Military Academy.

“(2) The United States Naval Academy.

“(3) The United States Air Force Academy.”

**§ 4352. Cadets: hazing**

(a) Subject to the approval of the Secretary of the Army, 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 to the Corps of Cadets, 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. 244.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4352(a) .....	10:1163 (1st par.).	Mar. 2, 1901, ch. 804 (2d proviso under "Permanent Establishment");
4352(b) .....	10:1163 (1st 32 words of last par.).	restated Apr. 19, 1910, ch. 174 (38th par. under "Buildings and Grounds"), 36 Stat. 323.
4352(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.

### § 4353. Cadets: degree and commission on graduation

(a) Under such conditions as the Secretary of the Army may prescribe, the Superintendent of the Academy may confer the degree of bachelor of science upon graduates of the Academy.

(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Army under section 531 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 245; Pub. L. 85-861, §1(103), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 96-513, title V, §502(26), Dec. 12, 1980, 94 Stat. 2911.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4353(a) .....	10:486a (less last sentence).	May 25, 1933, ch. 37 (less last sentence); restated Aug. 9, 1946, ch. 932 (less last sentence); restated Aug. 4, 1949, ch. 393, §13; restated Aug. 18, 1949, ch. 476 (less last sentence), 63 Stat. 615.
4353(b) .....	10:506c(f) (1st sentence, less last 43 words).	Aug. 7, 1947, ch. 512, §506(f) (1st sentence, less last 43 words), 61 Stat. 892.

In subsection (a), the last 27 words are substituted for 10:486a (last sentence). The words "rules and" and "from and after the date of the accrediting of said Academy" are omitted as surplusage. The word "conditions" is substituted for the words "rules and regulations".

In subsection (b), the words "except section 541 of this title" are inserted to reflect the authority to appoint graduates of one service academy as officers of another service.

#### 1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4353(b) .....	10 App.:506c-4(c) (1st sentence).	July 20, 1956, ch. 646, §103(c) (1st sentence), 70 Stat. 583.

It is unnecessary to include a reference to section 541, since that section does not derogate from the authority granted in this section.

## AMENDMENTS

1980—Subsec. (b). Pub. L. 96-513 inserted "under section 531 of this title" after "Regular Army".

1958—Subsec. (b). Pub. L. 85-861 struck out "except section 541 of this title" after "provision of law".

## 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.

## DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF MILITARY ACADEMY

Act Aug. 10, 1956, ch. 1041, §35, 70A Stat. 634, provided in part that, under conditions prescribed by the Secretary of the Army, the Superintendent of the United States Military Academy may confer the degree of bachelor of science upon living graduates of the Academy who were graduated before the date of accrediting of the Academy and who have met the requirements of the Academy for that degree.

### § 4354. Buildings and grounds: memorial hall; buildings for religious worship

(a) The memorial hall at the Academy is a repository for statues, busts, mural tablets, portraits of distinguished and deceased officers and graduates of the Academy, paintings of battle scenes, trophies of war, and other objects that may tend to elevate the military profession. No object may be placed in this hall without the approval of two-thirds of the members of the Academic Board of the Academy by a recorded vote taken by ayes and nays.

(b) The Secretary of the Army may authorize any denomination, sect, or religious body to erect a building for religious worship on the West Point Military Reservation, if its erection will not interfere with the use of the reservation for military purposes and will be without expense to the United States. Such a building shall be removed, or its location changed, without compensation for it and without other expense to the United States, by the denomination, sect, or religious body that erected it, whenever in the opinion of the Secretary public or military necessity so requires.

(Aug. 10, 1956, ch. 1041, 70A Stat. 245.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4354(a) .....	10:1125.	July 23, 1892, ch. 237, §6, 27 Stat. 263.
4354(b) .....	10:1126.	July 8, 1898, ch. 636, 30 Stat. 722.

In subsection (a), the words "and to prevent the introduction of unworthy subjects into this hall" and "entire" are omitted as surplusage.

In subsection (b), the words "in his discretion" and "Government of" are omitted as surplusage. The words "United States" are substituted for the word "Government".

### § 4355. Board of Visitors

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are