

vacancies by nominating additional midshipmen". In exercising his discretion under this subsection, these factors are necessarily considered by the Secretary, irrespective of a specific provision so instructing him.

In subsection (f) the word "admission" is changed to the word "appointment", since the admission of a person is a consequence of, and follows automatically from, his appointment. The statement of reasons for failure to complete the course is omitted as unnecessary.

#### AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239 substituted "paragraphs" for "clauses".

2006—Subsec. (a)(2). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

1990—Subsec. (a). Pub. L. 101-510, § 1322(a)(14), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: "The Secretary of the Navy shall, as soon as possible after the first of June of each year, notify in writing each Senator, Representative, and delegate in Congress of any vacancy that will exist at the Naval Academy because of graduation in the following year, or that may occur for other reasons, for which the member or delegate is entitled to nominate a candidate and nine alternates."

Subsec. (b). Pub. L. 101-510, § 1322(a)(14)(B), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 101-510, § 1322(a)(14)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 101-510, § 532(b)(2), substituted "clauses (2) through (8)" for "clauses (2)-(9)".

Subsec. (d). Pub. L. 101-510, § 1322(a)(14)(B), redesignated subsec. (d) as (c).

1981—Subsecs. (b) to (d). Pub. L. 97-60 redesignated subsecs. (d), (e), and (f) as (b), (c), and (d), respectively. Former subsec. (b) providing that a nomination following notification under subsection (a) be made by the fourth of March of the year following that in which notice of the vacancy was given and that, if the candidate died or declined the nomination, or if the nomination could not be made by reason of a vacancy in the membership of the Senate or the House of Representatives, the nomination could be made, as determined by the Secretary, not later than the date of the final entrance examination for that year, and former subsec. (c) providing that the nomination of candidates to fill vacancies for the District of Columbia, and selection of all candidates at large, be made by the fourth of March of the year in which the candidates were to enter the Academy, were struck out.

1975—Subsec. (d). Pub. L. 94-106 substituted "enlisted members" for "enlisted men" in pars. (1) and (2).

1973—Subsec. (e). Pub. L. 93-171 substituted reference to clauses (2)-(9) of section 6954(a) for reference to clauses (2)-(8) of section 6954(a).

1968—Subsec. (a). Pub. L. 90-374 substituted "nine alternates" for "five alternates".

1964—Subsec. (a). Pub. L. 88-276, § 3(1), substituted "five alternates" for "one or more alternates".

Subsec. (e). Pub. L. 88-276, § 3(2), substituted "three-fourths of those nominated" for "two-thirds of those nominated".

#### 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 CONGRESSIONAL 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 6954(b)(1) of this title, see note set out under section 4343 of this title.

#### § 6957. Selection of persons from foreign countries

(a)(1) The Secretary of the Navy 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 midshipmen under section 6954 of this title.

(2) The Secretary of the Navy, 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 Navy 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 Navy 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 midshipman appointed from the United States, and from the same appropriations.

(2) Each foreign country from which a midshipman 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 Navy 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 midshipman 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 midshipman 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 Navy 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 midshipman 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 midshipman 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 6958(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 431; Pub. L. 98-94, title X, § 1004(b)(1), Sept. 24, 1983, 97 Stat.

658; Pub. L. 105-85, div. A, title V, §§ 541(b), 543(b), Nov. 18, 1997, 111 Stat. 1740, 1743; Pub. L. 106-65, div. A, title V, § 534(b), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106-398, § 1 [[div. A], title V, § 532(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-107, div. A, title V, § 533(b)(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>
6957(a) .....	34 U.S.C. 1036.	June 29, 1906, ch. 3590, 34 Stat. 577 (1st par.).
6957(b), (c), (d).	34 U.S.C. 1036-1.  34 U.S.C. 1036-2.	July 14, 1941, ch. 292, 55 Stat. 589; June 1, 1948, ch. 357, § 1, 62 Stat. 279. June 24, 1948, ch. 616, 62 Stat. 583.

In subsections (a) and (b) the location of the Academy is omitted as surplusage.

In subsection (b) the words “from the Republic of the Philippines” are substituted for the word “Filipinos” to indicate the proper designation of that country.

In subsection (c) reference to “emoluments” is omitted, as that term has no present significance with reference to midshipmen.

In subsection (d) the words “rules and” and “any office or position” are omitted as surplusage and the provision is extended to cover specifically the Marine Corps, since “Navy” in this context is so interpreted.

## AMENDMENTS

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

Subsec. (b)(2). Pub. L. 107-107, § 533(b)(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(b)(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 Naval 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(b)(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 midshipman appointed from the United States.” for period at end.

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

Subsec. (d). Pub. L. 105-85, § 541(b), added subsec. (d).

1983—Pub. L. 98-94 substituted “Selection of persons from foreign countries” for “Admission of foreigners for instruction: restrictions; conditions” in section catchline.

Subsec. (a). Pub. L. 98-94 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “No person from a foreign country may be permitted to receive instruction at the Naval Academy except as authorized by this section.”

Subsec. (b). Pub. L. 98-94 amended subsec. (b) generally, redesignating former subsec. (c) as par. (1) and in par. (1), as so redesignated, substituted “pay, allowances, and emoluments of a midshipman appointed from the United States, and from the same appropriations” for “same pay and allowances, to be paid from the same appropriations, as midshipmen”, and added par. (2). Former subsec. (b), relating to the authority of the Secretary of the Navy to limit the numbers of foreigners studying at the Academy, was struck out.

Subsec. (c). Pub. L. 98-94 amended subsec. (c) generally, designating first sentence of former subsec. (d) as par. (1) and in par. (1), as so designated, substituted “as a midshipman at the Academy appointed from the United States” for “as a midshipman”, and inserted sentence 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 midshipman at the Academy appointed from the United States; and designating the second sentence of former subsec. (d) as par. (2) and in par. (2), as so designated, substituted “A person” for “However, a person” and “an armed force of the United States” for “the Navy or the Marine Corps”. Former subsec. (c) was redesignated (b)(1).

Subsec. (d). Pub. L. 98-94, as part of the general amendment of this section, omitted subsec. (d) and incorporated its provisions into subsec. (c).

## EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, § 533(b)(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 Naval Academy to receive instruction under section 6957 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 section 543(b) of 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: NAVAL ACADEMY INSTRUCTION; BENEFITS, LIMITATIONS, RESTRICTIONS, AND REGULATIONS; OATH OF TRAINEES

Naval 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.

**§ 6957a. Exchange program with foreign military academies**

(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Navy may permit a student en-