

§ 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.).	reinstated 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 Air Force may prescribe, 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 Air Force under section 531 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 567; Pub. L. 85-861, §§1(201), 33(a)(43), Sept. 2, 1958, 72 Stat. 1541, 1567; Pub. L. 96-513, title V, §504(25), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 105-85, div. A, title V, §542(d), Nov. 18, 1997, 111 Stat. 1743.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9353(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.
9353(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 word "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)
9353(b)	10 App.:1850c(e) (1st sentence).	July 20, 1956, ch. 646, §203(e) (1st sentence), 70 Stat. 585.

It is unnecessary to include a reference to section 541 of title 10, since that section does not derogate from the authority granted in this section.

The change reflects the opinion of the Judge Advocate General of the Air Force (July 19, 1957) that the words "from and after the date of the accrediting of said academies" in the source law for section 9353(a) (Act of May 25, 1933, ch. 37 (48 Stat. 73), as amended) were a condition precedent to the authority to grant degrees and should not have been omitted.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "The" for "After the date of the accrediting of the Academy, the".

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

1958—Subsec. (a). Pub. L. 85-861, §33(a)(43), permitted conferring of degrees only after date of accrediting of Academy.

Subsec. (b). Pub. L. 85-861, §1(201), 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.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by section 33(a)(43) of Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 9354. Buildings and grounds: buildings for religious worship

The Secretary of the Air Force may authorize any denomination, sect, or religious body to erect a building for religious worship at the Air Force Academy, 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 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. 567.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9354	10:1126.	July 8, 1898, ch. 636, 30 Stat. 722.

The words “in his discretion” and “Government of” are omitted as surplusage. The words “United States” are substituted for the word “Government”.

§ 9355. Board of Visitors

(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

(1) Six persons designated by the President.

(2) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

(3) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

(4) The chairman of the Committee on Armed Services of the Senate, or his designee.

(5) Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

(2) At least two of the members designated by the President shall be graduates of the Academy.

(c)(1) If a member of the Board dies or resigns or is terminated as a member of the Board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(2)(A) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

(B) Termination of membership on the Board under subparagraph (A)—

(i) in the case of a member of the Board who is not a member of Congress, may be made by the Board chairman; and

(ii) in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member.

(C) When a member of the Board is subject to termination from membership on the Board under subparagraph (A), the Board chairman

shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, with respect to institutional problems.

(3) The Board shall recommend appropriate action.

(f) The Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.

(Aug. 10, 1956, ch. 1041, 70A Stat. 567; Pub. L. 96-579, §13(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 104-106, div. A, title X, §1061(e)(2), title XV, §1502(a)(12), Feb. 10, 1996, 110 Stat. 443, 503; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-375, div. A, title V, §543, Oct. 28, 2004, 118 Stat. 1904; Pub. L. 109-364, div. A, title X, §1071(a)(39), Oct. 17, 2006, 120 Stat. 2400.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9355(a)	10:1055.	June 29, 1948, ch. 714, §§1-6, 62 Stat. 1094; June 30, 1954, ch. 432, § 732, 68 Stat. 356.
9355(b)	10:1056 (1st sentence).	
9355(c)	10:1056 (less 1st sentence).	
9355(d)	10:1057.	
9355(e)	10:1058.	
9355(f)	10:1059(a).	
9355(g)	10:1059(b).	
9355(h)	10:1059(c).	
	10:1060.	

In subsections (a) and (b), the word “designated” is substituted for the word “appointed” to make it clear that the positions described are not constitutional offices.