

emy for classes entering those academies after the date of the enactment of this Act [Nov. 24, 2003].”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97-60, set out as an Effective Date note under section 4341a of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Pub. L. 96-600, §2(d), Dec. 24, 1980, 94 Stat. 3493, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall be effective beginning with the nominations for appointment to the service academies for academic years beginning more than one year after the date of enactment of this Act [Dec. 24, 1980].”

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-171, §4, Nov. 29, 1973, 87 Stat. 691, provided that: “The amendments made by this Act [amending this section and sections 4343, 6954, 6956, 6958, 9342, and 9343 of this title] shall be effective beginning with the nominations for appointments to the service academies in the calendar year 1974.”

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by 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.

STRENGTH LIMITATIONS AT UNITED STATES MILITARY ACADEMY

Pub. L. 106-65, div. A, title V, §531(a), Oct. 5, 1999, 113 Stat. 601, required the Secretary of the Army to take such action as necessary to ensure that the United States Military Academy was in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001-2002 academic year.

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

Pub. L. 102-190, div. A, title V, §511(a)-(d), Dec. 5, 1991, 105 Stat. 1359, 1360, provided that authorized strength of Corps of Cadets of United States Military Academy, Air Force Cadets of United States Air Force Academy, and brigade of midshipmen of United States Naval Academy could not exceed 4,000 for each service academy for class years beginning after 1994, and contained provisions concerning effect of class reductions on certain appointments and requiring Comptroller General to make determinations and reports, prior to repeal by Pub. L. 106-65, div. A, title V, §531(b)(4), Oct. 5, 1999, 113 Stat. 602.

Pub. L. 101-510, div. A, title V, §531, Nov. 5, 1990, 104 Stat. 1563, which required that number of appointments

made for class entering service academy in 1991 not exceed the number 100 less than the number entering service academy in 1990, and that number of such appointments not exceed 1,000 in 1995, was repealed by Pub. L. 102-190, div. A, title V, §511(e), Dec. 5, 1991, 105 Stat. 1360.

ELIGIBILITY OF FEMALE INDIVIDUALS FOR APPOINTMENT AND ADMISSION TO SERVICE ACADEMIES; UNIFORM APPLICATION OF ACADEMIC AND OTHER STANDARDS TO MALE AND FEMALE INDIVIDUALS

Pub. L. 94-106, title VIII, §803(a), Oct. 7, 1975, 89 Stat. 537, provided that: “Notwithstanding any other provision of law, in the administration of chapter 403 of title 10, United States Code [this chapter] (relating to the United States Military Academy), chapter 603 of such title (relating to the United States Naval Academy), and chapter 903 of such title (relating to the United States Air Force Academy), the Secretary of the military department concerned shall take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the service academy concerned, 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.”

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

Pub. L. 94-106, title VIII, §803(c), Oct. 7, 1975, 89 Stat. 538, provided that: “It is the sense of Congress that, subject to the provisions of subsection (a) [note set out above], the Secretaries of the military departments shall, under the direction of the Secretary of Defense, continue to exercise the authority granted them in chapters 403, 603 and 903 of title 10, United States Code, but such authority must be exercised within a program providing for the orderly and expeditious admission of women to the academies, consistent with the needs of the services, with the implementation of such program upon enactment of this Act [Oct. 7, 1975].”

§ 4343. Cadets: appointment; to bring Corps 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 Army 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 Academic Board. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in paragraphs (2) through (8) of section 4342(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. 242; Pub. L. 88-276, §1(2), Mar. 3, 1964, 78 Stat. 150; Pub. L. 93-171, §1(5), Nov. 29, 1973, 87 Stat. 690; Pub. L. 102-25, title VII, §701(f)(5), Apr. 6, 1991, 105 Stat. 115; Pub. L. 112-239, div. A, title X, §1076(f)(39), Jan. 2, 2013, 126 Stat. 1954.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 4343 | 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 4342(a), and clause (2) of section 4342(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

2013—Pub. L. 112-239 substituted “paragraphs” for “clauses”.

1991—Pub. L. 102-25 substituted “clauses (2) through (8)” for “clauses (2)–(9)”.

1973—Pub. L. 93-171 substituted “clauses (2)–(9) of section 4342(a)” for “clauses (2)–(8) of section 4342(a)”.

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

EFFECTIVE DATE OF 1973 AMENDMENT

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

Pub. L. 89-650, § 2, Oct. 13, 1966, 80 Stat. 896, provided that: “Notwithstanding any other provision of law, none of the additional appointments authorized in sections 4342(b)(1), 6954(b)(1) and 9342(b)(1) of this title as provided by this Act shall serve to reduce or diminish the number of qualified alternates from congressional sources who would otherwise be appointed by the appropriate service Secretary under the authority contained in sections 4343, 6956, and 9343 of title 10, United States Code.”

§ 4344. Selection of persons from foreign countries

(a)(1) The Secretary of the Army 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 Corps of the Cadets of the Academy under section 4342 of this title.

(2) The Secretary of the Army, 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 Army 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 Army 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 Army 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 Army 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 4346(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 242; Pub. L. 98-94, title X, § 1004(a)(1), Sept. 24, 1983, 97 Stat. 657; Pub. L. 105-85, div. A, title V, § 543(a), Nov. 18, 1997, 111 Stat. 1743; Pub. L. 106-65, div. A, title V, § 534(a), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106-398, § 1 [[div. A], title V, § 532(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-107, div. A, title V, § 533(a)(1), (2), Dec. 28, 2001, 115 Stat. 1105.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 4344(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. |
| 4344(b) | 10:1093c (3d sentence). | |
| 4344(c) | 10:1093c (last sentence, less proviso). | |
| 4344(d) | 10:1093c (proviso of last sentence). | |

In subsection (a), the words “at West Point, New York” are omitted as surplusage.