

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.

In subsection (b), the words “is entitled to” are substituted for the words “shall receive”. The words “performed in proceeding” are omitted as surplusage. The words “continental limits” are omitted, since section 101(1) of this title defines the United States to include only the States and the District of Columbia.

In subsection (c), the words “to any office or position” are omitted as surplusage.

In subsection (d), the words “and 1101” are omitted, since section 1321 of the Revised Statutes, previously codified in 10:1101, was repealed by section 6(b) of the Act of June 30, 1950, ch. 421, 64 Stat. 305.

AMENDMENTS

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

Subsec. (b)(2). Pub. L. 107–107, § 533(a)(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(a)(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 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(a)(1), inserted before period at end “, 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”.

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

1983—Pub. L. 98–94 substituted “persons from foreign countries” for “persons from Canada and American Republics” in section catchline.

Subsec. (a)(1). Pub. L. 98–94 substituted “The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy” for “Upon designation by the President, the Secretary of the Army may permit not more than 20 persons at any one time from Canada and the American Republics, other than the United States, to receive instruction at the Academy” as the first sentence of existing subsec. (a), redesignated that first sentence as par. (1), and in par. (1) as so redesignated inserted second sentence providing that 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.

Subsec. (a)(2). Pub. L. 98–94 substituted “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” for “However, not more than three persons from any one of those republics or from Canada may receive instruction under this section at any one time” as the second sentence of existing subsec. (a), redesignated that second sentence as par. (2), and in par. (2) as so redesignated inserted second sentence providing that 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.

Subsec. (b)(1). Pub. L. 98–94 redesignated first sentence of existing subsec. (b) as par. (1) thereof.

Subsec. (b)(2). Pub. L. 98–94 substituted “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) unless a written waiver of reimbursement is granted by the Secretary of Defense” for “However, the mileage allowance payable to that person for travel to the Academy for initial admission is not limited to mileage for travel within the United States” as second sentence of existing subsec. (b), redesignated that second sentence as par. (2) and inserted second sentence providing that the Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

Subsec. (c)(1). Pub. L. 98–94 redesignated first sentence of existing subsec. (c) as par. (1) and inserted second sentence providing that 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.

Subsec. (c)(2). Pub. L. 98–94 redesignated second sentence of existing subsec. (c) as par. (2) and substituted “appointment in an armed force of the United States” for “appointment in the United States Army”.

Subsec. (d). Pub. L. 98–94 reenacted subsec. (d) without change.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, § 533(a)(3), Dec. 28, 2001, 115 Stat. 1105, provided that: “The amendments made by paragraph (2) [amending this section] shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act [Dec. 28, 2001].”

Pub. L. 107–107, div. A, title V, § 533(d), Dec. 28, 2001, 115 Stat. 1106, provided that: “The amendments made by this section [amending this section and sections 6957 and 9344 of this title] shall not apply with respect to any academic year that began before the date of the enactment of this Act [Dec. 28, 2001].”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title V, § 532(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–110, provided that: “The amendments made by this section [amending this section and sections 6957 and 9344 of this title] shall apply with respect to academic years that begin after October 1, 2000.”

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title V, § 534(d), Oct. 5, 1999, 113 Stat. 605, provided that: “The amendments made by this section [amending this section and sections 6957 and 9344 of this title] apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.”

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–85, div. A, title V, § 543(d), Nov. 18, 1997, 111 Stat. 1744, provided that: “The amendments made by this section [amending this section and sections 6957 and 9344 of this title] apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1998.”

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98–94, title X, § 1004(d), Sept. 24, 1983, 97 Stat. 660, provided that:

“Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this section, do not apply to the cost of providing instruction to a person who, before the effective date of this section, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such

title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the Academy concerned at any time under any of those sections.

“The amendments made by subsections (a), (b), and (c) [amending this section and sections 6957 and 9344 of this title and repealing sections 4345 and 9345 of this title] shall take effect one year after the date of the enactment of this Act [Sept. 24, 1983] and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.”

PERSONS FROM COUNTRIES ASSISTING U.S. IN VIETNAM: SERVICE ACADEMY INSTRUCTION; BENEFITS, LIMITATIONS, RESTRICTIONS, AND REGULATIONS; OATH OF TRAINEES

Pub. L. 89-802, Nov. 9, 1966, 80 Stat. 1518, provided that:

“(a) Notwithstanding any other provision of law, upon designation by the President, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, respectively, may permit persons from foreign countries to receive instruction at the Military Academy, the Naval Academy, and the Air Force Academy.

“(b) A person may not be admitted to an Academy for instruction under this Act unless his country at the time of his admission is assisting the United States in Vietnam by the provision of manpower or bases.

“(c) Not more than four persons may receive instruction under this Act at any one Academy at any one time.

“(d) No person may be admitted to an Academy under this Act after October 1, 1970.

“(e) A person receiving instruction under this Act is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States and from the same appropriations.

“(f) Except as the Secretary determines, a person receiving instruction under this Act is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal and graduation as a cadet or midshipman appointed from the United States. However, a person receiving instruction under this Act is not entitled to an appointment in the Armed Forces of the United States by reason of his graduation from an Academy.

“(g) A person receiving instruction under this Act is not subject to section 4346(d) of title 10, United States Code.”

§ 4345. Exchange program with foreign military academies

(a) **EXCHANGE PROGRAM AUTHORIZED.**—The Secretary of the Army may permit a student enrolled at a military academy of a foreign country to receive instruction at the Academy in exchange for a cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 4344 of this title.

(b) **LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.**—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the

equivalent of one academic semester at the Academy.

(c) **COSTS AND EXPENSES.**—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet by reason of attendance at the Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet in that foreign country.

(3) The Academy shall bear all costs of the exchange program from funds appropriated for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.

(d) **APPLICATION OF OTHER LAWS.**—Subsections (c) and (d) of section 4344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Academy under the exchange program.

(e) **REGULATIONS.**—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

(Added Pub. L. 105-85, div. A, title V, § 542(a)(1), Nov. 18, 1997, 111 Stat. 1740; amended Pub. L. 106-65, div. A, title V, § 535(a), Oct. 5, 1999, 113 Stat. 605; Pub. L. 109-364, div. A, title V, § 531(a), Oct. 17, 2006, 120 Stat. 2198.)

PRIOR PROVISIONS

A prior section 4345, act Aug. 10, 1956, ch. 1041, 70A Stat. 242, related to selection of Filipinos for instruction at the Military Academy, prior to repeal by Pub. L. 98-94, title X, § 1004(a)(2), (d), Sept. 24, 1983, 97 Stat. 658, 660, effective one year after Sept. 24, 1983. See section 4344 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364, § 531(a)(1), substituted “100” for “24”.

Subsec. (c)(3). Pub. L. 109-364, § 531(a)(2)(A), inserted “and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.” after “for the Academy” and struck out at end “Expenditures in support of the exchange program may not exceed \$120,000 during any fiscal year.”

Subsec. (c)(4). Pub. L. 109-364, § 531(a)(2)(B), added par. (4).

1999—Subsec. (b). Pub. L. 106-65, § 535(a)(1), substituted “24 cadets” for “10 cadets”.