

section 1048(g)(1) is effective as of Oct. 5, 1999, and as if included in Pub. L. 106-65 as enacted.

#### 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 AMENDMENT

Amendment by Pub. L. 96-600 effective beginning with nominations for appointment to the service academies for academic years beginning more than one year after Dec. 24, 1980, see section 2(d) of Pub. L. 96-600 set out as a note under section 4342 of this title.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-171 effective beginning with the nominations for appointment to the service academies in the calendar year 1974, see section 4 of Pub. L. 93-171, set out as a note under section 4342 of this title.

#### 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.

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

Authorized strength of service academies not to exceed 4,000 per academy for class years beginning after 1994, and any reduction in number of appointments not to be achieved by reduction in number of appointments under subsec. (a) of this section, see section 511 of Pub. L. 102-190, set out as a note under section 4342 of this title.

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

Secretary to take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the United States Naval Academy, 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, see section 803(a) of Pub. L. 94-106, set out as a note under section 4342 of this title.

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

Secretary to continue to exercise the authority granted under this chapter and chapters 403 and 903 of this title, but such authority to be exercised within a program providing for the orderly and expeditious ad-

mission of women to the Academy, consistent with the needs of the services, see section 803(c) of Pub. L. 94-106, set out as a note under section 4342 of this title.

#### § 6955. Midshipmen: allotment upon redistricting of Congressional Districts

If as a result of redistricting a State the domicile of a midshipman, or a nominee, nominated by a Representative falls within a congressional district other than that from which he was nominated, he is charged to the district in which his domicile so falls. For this purpose, the number of midshipmen otherwise authorized for that district is increased to include him. However, the number as so increased is reduced by one if he fails to become a midshipman or when he is finally separated from the Naval Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 430.)

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)           |
|-----------------|--------------------|--------------------------------------|
| 6955 .....      | 34 U.S.C. 1032-1.  | July 7, 1943, ch. 193, 57 Stat. 383. |

The word "domicile" is substituted for the words "place of residence" to conform to the long-standing interpretation of this section (see also opinions of the Judge Advocate General of the Army R. 29, 83; J.A.G. 351.11, Feb. 10, 1925). The words "a congressional district other than that from which he was nominated" are substituted for the word "another". The words "were appointed with respect to", "of the former district", "as additional numbers", "at such academy for the Representative", "temporarily", and "in attendance at either academy under an appointment from such former district" are omitted as surplusage. The words "the district in which his domicile so falls" are substituted for the words "of the latter district". The words "to include him" are substituted for 34 U.S.C. 1032-1 (18 words before proviso). The words "However, the number as so increased" are substituted for 34 U.S.C. 1032-1 (1st 13 words of proviso). The words "if he fails to become a midshipman" are inserted for clarity.

#### § 6956. Midshipmen: nomination and selection to fill vacancies

- (a) If the annual quota of midshipmen from—
- (1) enlisted members of the Regular Navy and the Regular Marine Corps;
  - (2) enlisted members of the Navy Reserve and the Marine Corps Reserve; or
  - (3) at large by the President;

is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(b) If it is determined that, upon the admission of a new class to the Academy, the number of midshipmen at the Academy will be below the authorized number, the Secretary may fill the vacancies by nominating additional midshipmen 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 subsection shall be from qualified alternates under paragraphs (2) through (8) of section 6954(a) of this title, and the remainder shall be from qualified candidates who competed for ap-

pointment under any other provision of law. An appointment of a nominee under this subsection is an additional appointment and is not in place of an appointment otherwise authorized by law.

(c) The failure of a member of a graduating class to complete the course with his class does not delay the appointment of his successor.

(Aug. 10, 1956, ch. 1041, 70A Stat. 430; Pub. L. 88-276, §3, Mar. 3, 1964, 78 Stat. 151; Pub. L. 90-374, July 5, 1968, 82 Stat. 283; Pub. L. 93-171, §2(4), Nov. 29, 1973, 87 Stat. 690; Pub. L. 94-106, title VIII, §803(b)(2), Oct. 7, 1975, 89 Stat. 538; Pub. L. 97-60, title II, §206, Oct. 14, 1981, 95 Stat. 1007; Pub. L. 101-510, div. A, title V, §532(b)(2), title XIII, §1322(a)(14), Nov. 5, 1990, 104 Stat. 1563, 1671; Pub. L. 109-163, div. A, title V, §515(b)(1)(R), Jan. 6, 2006, 119 Stat. 3233; Pub. L. 112-239, div. A, title X, §1076(f)(41), Jan. 2, 2013, 126 Stat. 1954.)

HISTORICAL AND REVISION NOTES

| Revised section    | Source (U.S. Code)            | Source (Statutes at Large)                              |
|--------------------|-------------------------------|---|
| 6956(a), (b), (c). | 34 U.S.C. 1041.               | June 29, 1906, ch. 3590, 34 Stat. 578 (last par.).      |
| 6956(d) .....      | 34 U.S.C. 1040.               | Aug. 13, 1946, ch. 962, §14, 60 Stat. 1061.             |
| 6956(e) .....      | 34 U.S.C. 1049.               | June 30, 1950, ch. 421, §4, 64 Stat. 305.               |
| 6956(f) .....      | 34 U.S.C. 1047 (1st proviso). | June 30, 1950, ch. 421, §2 (1st proviso), 64 Stat. 304. |

The section is worded to indicate that all appointments are made by the President, and that, before appointment, prospective midshipmen are "nominees" or "candidates", as appropriate.

In subsection (b) the provision authorizing the Secretary of the Navy to nominate candidates in the event nominations to fill vacancies under subsection (a) are not made by March fourth is omitted as covered by subsection (e), the purpose of which was to assure the entrance of a full class each year.

Reference in subsection (e) to the strength of the "brigade of midshipmen" is dropped, since there is no statutory requirement that the midshipmen at the Academy be so organized, and the term is a recognition of current organization only. The language authorizing the Secretary, in his discretion, to nominate additional midshipmen to meet the needs of the armed services but not to exceed the authorized strength of the Academy is changed to authorize the Secretary to "fill the 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 to 6957b. Repealed. Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525]**

Section 6957, act 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, related to the selection of persons from foreign countries to receive instruction at the United States Naval Academy. See section 347 of this title.

Section 6957a, added Pub. L. 105-85, div. A, title V, §542(b)(1), Nov. 18, 1997, 111 Stat. 1741; amended Pub. L. 106-65, div. A, title V, §535(b), Oct. 5, 1999, 113 Stat. 605; Pub. L. 109-364, div. A, title V, §531(b), Oct. 17, 2006, 120 Stat. 2199, related to an exchange program with foreign military academies.

Section 6957b, added Pub. L. 110-417, [div. A], title V, §541(b)(1), Oct. 14, 2008, 122 Stat. 4455; amended Pub. L. 113-291, div. A, title V, §553(b), Dec. 19, 2014, 128 Stat. 3377, related to foreign and cultural exchange activities.

**§ 6958. Midshipmen: qualifications for admission**

(a) Each candidate for admission to the Naval Academy—