

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—