

In subsection (b), the word “accouterments” is omitted as surplusage. The words “by the Government” and “such restrictions and” are omitted as surplusage. The words “at cost” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

**§ 9351. Cadets: deficiencies in conduct or studies; effect of failure on successor**

(a) A cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academy Board, be returned or reappointed to the Academy.

(b) Any cadet who fails to pass a required examination because he is deficient in any one subject of instruction is entitled to a reexamination of equal scope and difficulty in that subject, if he applies in writing to the Superintendent within 10 days after he is officially notified of his failure. The reexamination shall be held within 60 days after the date of his application. If the cadet passes the reexamination and is otherwise qualified, he shall be readmitted to the Academy. If he fails, he may not have another examination.

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9351(a) .....	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under “Permanent Establishment”), 39 Stat. 493.
9351(b) .....	10:1103.	R.S. 1325.
9351(c) .....	10:1092b (1st proviso).	June 30, 1950, ch. 421, § 2 (1st proviso), 64 Stat. 304.

In subsection (a), 10:1104 (last 20 words) is omitted as superseded by section 8287(d) of this title.

In subsection (b), the words “is entitled to” are substituted for the words “shall have the right to apply”. The words “of equal scope and difficulty in that subject” are substituted for the words “by compliance with the requirements existing at the time of the first examination”.

In subsection (c), the words “by reason of sickness, or deficiency in his studies, or other cause” are omitted as surplusage.

**§ 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9352(a) .....	10:1163 (1st par.).	Mar. 2, 1901, ch. 804 (2d proviso under “Permanent Establishment”); restated Apr. 19, 1910, ch. 174 (38th par. under “Buildings and Grounds”), 36 Stat. 323.
9352(b) .....	10:1163 (1st 32 words of last par.).	
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  
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<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.