

§ 9343. Cadets: appointment; to bring 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 Air Force 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 Academy 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 9342(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. 564; Pub. L. 88-276, §4(2), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-718, §46, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 93-171, §3(5), Nov. 29, 1973, 87 Stat. 691; Pub. L. 101-510, div. A, title V, §532(a)(2), (c)(2), Nov. 5, 1990, 104 Stat. 1563, 1564; Pub. L. 112-239, div. A, title X, §1076(f)(43), Jan. 2, 2013, 126 Stat. 1955.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9343	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 9342(a), and clause (2) of section 9342(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”.

1990—Pub. L. 101-510, §532(a)(2), (c)(2), amended section identically, substituting “clauses (2) through (8)” for “clauses (2)–(9)”.

1973—Pub. L. 93-171 substituted “clauses (2)–(9) of section 9342(a)” for “clauses (2)–(8) of section 9342(a)”.

1966—Pub. L. 89-718 substituted “Academy Board” for “Faculty”.

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

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 9342(b) (1) of this title, see section 2 of Pub. L. 89-650, set out as a note under section 4343 of this title.

[§§ 9344 to 9345a. Repealed. Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525]

Section 9344, act Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 98-94, title X, §1004(c)(1), Sept. 24, 1983, 97 Stat. 659; Pub. L. 105-85, div. A, title V, §543(c), Nov. 18, 1997, 111 Stat. 1744; Pub. L. 106-65, div. A, title V, §534(c), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106-398, §1 [[div. A], title V, §532(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-107, div. A, title V, §533(c)(1), (2), Dec. 28, 2001, 115 Stat. 1106, related to selection of persons from foreign countries to receive instruction at the United States Air Force Academy. See section 347 of this title.

Section 9345, added Pub. L. 105-85, div. A, title V, §542(c)(1), Nov. 18, 1997, 111 Stat. 1742; amended Pub. L. 106-65, div. A, title V, §535(c), Oct. 5, 1999, 113 Stat. 606; Pub. L. 109-364, div. A, title V, §531(c), Oct. 17, 2006, 120 Stat. 2199, related to exchange program with foreign military academies.

A prior section 9345, act Aug. 10, 1956, ch. 1041, 70A Stat. 565, related to selection of Filipinos for instruction at the Air Force Academy, prior to repeal by Pub. L. 98-94, title X, §1004(c)(2), (d), Sept. 24, 1983, 97 Stat. 660, effective one year after Sept. 24, 1983.

Section 9345a, added Pub. L. 110-417, [div. A], title V, §541(c)(1), Oct. 14, 2008, 122 Stat. 4456; amended Pub. L. 113-291, div. A, title V, §553(c), Dec. 19, 2014, 128 Stat. 3377, related to foreign and cultural exchange activities.

§ 9346. Cadets: requirements for admission

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the year in which he enters the Academy.

(b) To be admitted to the Academy, an appointee must show, by an examination held under regulations prescribed by the Secretary of the Air Force, that he is qualified in the subjects prescribed by the Secretary.

(c) A candidate designated as a principal or an alternate for appointment as a cadet shall appear for physical examination at a time and place designated by the Secretary.

(d) To be admitted to the Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Air Force. If a candidate for admission refuses to take and subscribe to the prescribed oath, his appointment is terminated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 565; Pub. L. 89-718, §47, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 104-201, div. A, title V, §555(d), Sept. 23, 1996, 110 Stat. 2527.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9346(a)	10:1092b (less provisos).	June 30, 1950, ch. 421, §2
9346(b)	10:1096.	(less provisos), 64 Stat. 304.
9346(c)	10:1095.	