

§ 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.	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		R.S. 1319; restated Mar. 2, 1901, ch. 804 (1st proviso under "Permanent Establishment"), 31 Stat. 911. Aug. 9, 1912, ch. 275 (2d proviso under "Permanent Establishment"), 37 Stat. 252.

In subsection (a), the words "Effective January 1, 1951" are omitted as executed. The word "Calendar" is omitted as surplusage. The words "must not have passed his twenty-second birthday" are substituted for the words "not more than twenty-two years of age", to make it clear that a person whose twenty-second birthday falls on July 1 of the year of admission is eligible (see opinion of the Judge Advocate General of the Army (JAGA 1952/7083, 2 Sept. 1952)).

In subsection (b), the words "is qualified in" are substituted for the words "to be well versed in". The words "To be" are substituted for the words "before they shall be". The words "an appointee must show that he is qualified" are substituted for the words "shall be required to be well versed". The words "from time to time" are omitted as surplusage.

In subsection (c), the word "shall" is substituted for the word "may", since the nominee is required to appear for the examination. The word "appear" is substituted for the words "present himself". The words "at a place" are substituted for the words "at West Point, New York, or other prescribed places".

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 substituted "twenty-third birthday" for "twenty-second birthday".

1966—Subsec. (d). Pub. L. 89-718 added subsec. (d).

AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING PERSIAN GULF WAR

For authority to waive maximum age limitation in subsec. (a) of this section on basis of service on active duty in connection with Operation Desert Storm, see section 514 of Pub. L. 102-190, set out as a note under section 4346 of this title.

§ 9347. Cadets; nominees: effect of redistricting of States

If as a result of redistricting a State the domicile of a cadet, 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 cadets 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 cadet or when he is finally separated from the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 565.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9347	10:1091-1.	July 7, 1943, ch. 193, 57 Stat. 383.

The word "domicile" is substituted for the words "place of residence" and "residence" to conform to opinions of the Judge Advocate General of the Army (R. 29, 83; J.A.G. 351.11, Feb. 10, 1925). The words "a * * * other than that from which he was nominated" are sub-

stituted 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 such 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 10:1091-1 (18 words before proviso). The words "but the number as so increased" are substituted for 10:1091-1 (1st 13 words of proviso). The words "if he fails to become a cadet" are inserted for clarity.

§ 9348. Cadets: agreement to serve as officer

(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Academy.

(2) That upon graduation from the Academy the cadet—

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Air Force; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer as a Reserve in the Air Force for service in the Air Force Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.

(5) That the cadet—

(A) will not seek release from the cadet's commissioned service obligation to obtain employment as a professional athlete following graduation until the cadet completes a period of at least two consecutive years of commissioned service; and

(B) understands that the appointment alternative described in paragraph (2) will not be used to allow the cadet to obtain such employment until at least the end of that two-year period.

(b)(1) The Secretary of the Air Force may transfer to the Air Force Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of this title.