

tions 6959 and 9348 of this title] (other than with respect to the authority of the Secretary of a military department to prescribe regulations)—

“(1) shall take effect with respect to each military department on the date on which regulations prescribed by the Secretary of that military department in accordance with subsection (d) [set out below] take effect; and

“(2) shall apply with respect to each agreement entered into under sections 4348, 6959, and 9348 [now 7448, 8459, and 9448], respectively, of title 10, United States Code, that is entered into on or after the effective date of such regulations and shall apply with respect to each such agreement that was entered into before the effective date of such regulations by an individual who is a cadet or midshipman on such date.”

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title V, §541(d), Oct. 19, 1984, 98 Stat. 2529, provided that: “The amendments made by this section [amending this section and sections 6959 and 9348 of this title] shall apply with respect to agreements entered into under section 4348, 6959, or 9348 [now 7448, 8459, or 9448] of title 10, United States Code, before, on, or after the date of the enactment of this Act [Oct. 19, 1984].”

#### EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

Pub. L. 88-276, §5(c), Mar. 3, 1964, 78 Stat. 153, provided that: “The amendments made by this section [amending this section, sections 6959 and 9348 of this title, and section 182 of Title 14, Coast Guard] shall apply only with respect to cadets and midshipmen appointed to the service academies and the Coast Guard Academy after the date of enactment of this Act [Mar. 3, 1964], and shall not affect the obligated period of service of any cadet or midshipman appointed to one of the service academies or the Coast Guard Academy on or before the date of enactment of this Act.”

#### REGULATIONS IMPLEMENTING 1985 AMENDMENT

Pub. L. 99-145, title V, §512(d), Nov. 8, 1985, 99 Stat. 626, provided that: “The Secretary of each military department shall prescribe the regulations required by section 4348(c), 6959(c), or 9348(c) [now 7448(c), 8459(c), or 9448(c)], as appropriate, of title 10, United States Code (as added by the amendments made by subsections (a), (b), and (c)) not later than the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 8, 1985].”

#### SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

#### DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS

Pub. L. 109-364, div. A, title V, §533, Oct. 17, 2006, 120 Stat. 2206, provided that:

“(a) POLICY REQUIRED.—

“(1) IN GENERAL.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

“(A) whether to authorize graduates of the service academies and the Reserve Officers’ Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

“(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

“(2) REVIEW OF CURRENT POLICIES.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers’ Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

“(3) CONSIDERATIONS.—In prescribing the policy, the Secretary shall take into account the following:

“(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

“(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

“(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

“(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers’ Training Corps program if graduates of the service academies or the Reserve Officers’ Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

“(E) Any other matters that the Secretary considers appropriate.

“(b) ELEMENTS OF POLICY.—The policy prescribed under subsection (a) shall address the following matters:

“(1) The eligibility of graduates of the service academies and the Reserve Officers’ Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

“(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

“(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

“(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

“(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

“(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

“(c) APPLICATION OF POLICY TO ARMED FORCES.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.”

#### § 7449. Cadets: organization of Corps; service; instruction

(a) The Corps of Cadets shall be divided into companies, as directed by the Superintendent, for the purpose of military instruction. Each company shall be commanded by a commissioned officer of the Army.

(b) A cadet shall perform duties at such places and of such type as the President may direct.

(c) The course of instruction at the Academy is four years.

(d) The Secretary of the Army shall so arrange the course of studies at the Academy that cadets are not required to pursue their studies on Sunday.

(e) The Corps of Cadets shall be trained in the duties of members of the Army, shall be encamped at least three months in each year, and shall be trained in all duties incident to a camp.

(Aug. 10, 1956, ch. 1041, 70A Stat. 243, §4349; renumbered §7449, Pub. L. 115-232, div. A, title VIII, §808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4349(a) .....	10:1105 (less last sentence).	R.S. 1322. R.S. 1323.
4349(b) .....	10:1102.	Mar. 30, 1920, ch. 112 (1st par., less provisos, under "Miscellaneous"), 41 Stat. 548.
4349(c) .....	10:1043.	
4349(d) .....	10:1044.	
4349(e) .....	10:1105 (last sentence).	R.S. 1324.

In subsection (a), the word "commissioned" is inserted for clarity; 10:1105 (2d sentence) is omitted as obsolete.

In subsection (b), the word "perform" is substituted for the words "be subject at all times to do". The words "of such type" are substituted for the words "on such service".

In subsection (e), the words "members of the Army" are substituted for the words "private soldier, non-commissioned officer, and officer". The words "taught and" are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4349 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7450. Cadets: clothing and equipment

(a) The Secretary of the Army may prescribe the amount to be credited to a cadet, upon original admission to the Academy, for the cost of his initial issue of clothing and equipment. That amount shall be deducted from his pay. If a cadet is discharged before graduation while owing the United States for pay advanced for the purchase of required clothing and equipment, he shall turn in so much of his clothing and equipment of a distinctive military nature as is necessary to repay the amount advanced. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be canceled.

(b) Under such regulations as the Secretary may prescribe, uniforms and equipment shall be furnished to a cadet at the Academy upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 244, §4350; renumbered §7450, Pub. L. 115-232, div. A, title VIII, §808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4350(a) .....	10:1149a.	Aug. 31, 1918, ch. 166, §9 (17th through 22d words), 40 Stat. 957.
4350(b) .....	10:1106.	Aug. 22, 1951, ch. 340, §1, 65 Stat. 196.

In subsection (a), the words "while owing the United States for pay advanced for the purchase of" are substituted for the words "who is indebted to the United States on account of advances of pay to purchase". The words "as is necessary to repay the amount advanced" are substituted for the words "to the extent required to discharge such indebtedness".

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.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4350 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7451. 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 Academic 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 Academic Board 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. 244, §4351; renumbered §7451, Pub. L. 115-232, div. A, title VIII, §808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4351(a) .....	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under "Permanent Establishment"), 39 Stat. 493.
4351(b) .....	10:1103.	R.S. 1325.
4351(c) .....	10:1092b (1st proviso).	June 30, 1950, ch. 421, §2 (1st proviso), 64 Stat. 304.