

special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service, see section 532(a)(5) of Pub. L. 106-65, set out as a note under section 7321 of this title.

§ 8452. Civilian teachers: number; compensation

(a) The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at the Naval Academy as he considers necessary.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.

(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.

(d) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section to any person in the Department of the Navy, with or without the authority to make successive redelegations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 428, §6952; Pub. L. 106-65, div. A, title XI, §1107(b), Oct. 5, 1999, 113 Stat. 778; renumbered §8452, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6952	34 U.S.C. 1071 (as applicable to Naval Academy). 5 U.S.C. 412a.	Aug. 2, 1946, ch. 756, §7(a) (as applicable to Naval Academy), 60 Stat. 854. Aug. 2, 1946, ch. 756, §39, 60 Stat. 858.

The words “for the proper instruction of naval personnel” and the words “be paid out of naval appropriations” are omitted as surplusage.

In subsection (c) the words “except the authority to prescribe regulations” are omitted, since 34 U.S.C. 1071 contains no authority for the Secretary of the Navy to prescribe regulations for the administration of that section.

PRIOR PROVISIONS

A prior section 8452, added Pub. L. 85-861, §1(180)(E), Sept. 2, 1958, 72 Stat. 1532, provided that, notwithstanding any other provision of law, a medical or dental officer may be promoted to temporary grade of captain at any time after first anniversary of date upon which he graduated from a medical, osteopathic, or dental school, prior to repeal by Pub. L. 96-513, title II, §207, Dec. 12, 1980, 94 Stat. 2884, effective Sept. 15, 1981.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6952 of this title as this section.

1999—Subsecs. (c), (d). Pub. L. 106-65 added subsec. (c) and redesignated former subsec. (c) as (d).

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.

§ 8453. Midshipmen: appointment

Midshipmen at the Naval Academy shall be appointed by the President alone. An appointment is conditional until the midshipman is admitted.

(Aug. 10, 1956, ch. 1041, 70A Stat. 429, §6953; Pub. L. 97-60, title II, §203(b)(1), Oct. 14, 1981, 95 Stat. 1006; renumbered §8453, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

This section is included in this chapter without specific reference to statutory source to resolve the ambiguities and conflicts existing in the statutes relating to the appointment of midshipmen at the Naval Academy. The word “appoint” has been used in various statutes when the intent of Congress was to provide authority in the persons named to “choose,” “select,” or “nominate” for the office of midshipman. These statutes have been collected and codified in §6954 of this title, which reflects the various sources of nominees for “appointment” as midshipmen and the persons who may so “nominate” them. The actual appointing power resides in the President and this implied authority is herein expressed for clarity and for the purpose of uniformity of expression.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6953 of this title as this section.

1981—Pub. L. 97-60 inserted provision that an appointment is conditional until the midshipman is admitted.

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.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97-60, set out as an Effective Date note under section 7441a of this title.

§ 8454. Midshipmen: number

(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,400 or such lower number as may be prescribed by the Secretary of the Navy under subsection (h). Subject to that limitation, midshipmen are selected as follows:

(1) 65 selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or inju-

ries received or diseases contracted in, or pre-existing injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Navy.

(2) Five nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten from each State, five of whom are nominated by each Senator from that State.

(4) Five nominated by each Representative in Congress.

(5) Five from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Four from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Four from Guam, nominated by the Delegate in Congress from Guam.

(9) Three from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) Three from the Commonwealth of the Northern Mariana Islands, nominated by the Delegate in Congress from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter. When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.

(b) In addition there may be appointed each year at the Academy midshipmen as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under

chapter 1223 of this title except for not having attained 60 years of age;

however, a person who is eligible for selection under paragraph (1) of subsection (a) may not be selected under this paragraph.

(2) 85 nominated by the Secretary of the Navy from enlisted members of the Regular Navy and the Regular Marine Corps.

(3) 85 nominated by the Secretary of the Navy from enlisted members of the Navy Reserve and the Marine Corps Reserve.

(4) 20 nominated by the Secretary of the Navy, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Naval Reserve Officer's Training corps.

(5) 150 selected by the Secretary of the Navy in order of merit (prescribed pursuant to section 8456 of this title) from qualified alternates nominated by persons named in paragraphs (3) and (4) of subsection (a).

(c) The President may also appoint as midshipmen at the Academy children of persons who have been awarded the medal of honor for acts performed while in the armed forces.

(d) The Superintendent of the Naval Academy may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under paragraphs (2) through (9) of subsection (a) and may not cause the total strength of midshipmen at the Naval Academy to exceed the authorized number.

(e) The Secretary of the Navy may limit the number of midshipmen appointed under subsection (b)(5). When he does so, if the total number of midshipmen, upon admission of a new class at the Academy, will be more than 3,737, no appointments may be made under subsection (b)(2) or (3) of this section or section 8456 of this title.

(f) The Superintendent of the Naval Academy shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(g) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Brigade of Midshipmen, the Secretary of the Navy may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.

(h)(1) Beginning with the 2003-2004 academic year, the Secretary of the Navy may prescribe annual increases in the midshipmen strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 midshipmen or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the midshipmen strength limit is 4,400.

(2) Any increase in the midshipmen strength limit under paragraph (1) with respect to an aca-

demographic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the midshipmen strength limit and the new midshipmen strength limit, as so increased, and the amount of the increase in Senior Navy Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

(3) The amount of an increase under paragraph (1) in the midshipmen strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of midshipmen enrolled in the Navy Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

(4) In this subsection, the term "midshipmen strength limit" means the authorized maximum strength of the Brigade of Midshipmen.

(Aug. 10, 1956, ch. 1041, 70A Stat. 429, § 6954; Pub. L. 87-651, title I, § 124, Sept. 7, 1962, 76 Stat. 514; Pub. L. 87-663, § 1(3), Sept. 14, 1962, 76 Stat. 547; Pub. L. 88-276, § 2, Mar. 3, 1964, 78 Stat. 150; Pub. L. 89-650, § 1(1)-(3), Oct. 13, 1966, 80 Stat. 896; Pub. L. 90-374, July 5, 1968, 82 Stat. 283; Pub. L. 90-623, § 2(8), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 91-405, title II, § 204(c), Sept. 22, 1970, 84 Stat. 852; Pub. L. 92-365, § 1(2), Aug. 7, 1972, 86 Stat. 505; Pub. L. 93-171, § 2(1)-(3), Nov. 29, 1973, 87 Stat. 690; Pub. L. 94-106, title VIII, § 803(b)(1), Oct. 7, 1975, 89 Stat. 538; Pub. L. 96-600, § 2(b), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 97-60, title II, § 203(b)(2), Oct. 14, 1981, 95 Stat. 1006; Pub. L. 97-295, § 1(44), Oct. 12, 1982, 96 Stat. 1298; Pub. L. 98-94, title X, § 1005(a)(2), (b)(2), Sept. 24, 1983, 97 Stat. 660; Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 101-510, div. A, title V, § 532(b)(1), Nov. 5, 1990, 104 Stat. 1563; Pub. L. 103-160, div. A, title V, § 531, Nov. 30, 1993, 107 Stat. 1657; Pub. L. 103-337, div. A, title XVI, § 1673(c), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 104-106, div. A, title V, § 532(b), Feb. 10, 1996, 110 Stat. 314; Pub. L. 105-85, div. A, title X, § 1073(a)(62), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 106-65, div. A, title V, § 531(b)(2), Oct. 5, 1999, 113 Stat. 602; Pub. L. 106-398, § 1 [[div. A], title V, § 531(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-109; Pub. L. 107-107, div. A, title X, § 1048(g)(1), Dec. 28, 2001, 115 Stat. 1228; Pub. L. 107-314, div. A, title V, § 532(b), Dec. 2, 2002, 116 Stat. 2545; Pub. L. 108-136, div. A, title V, § 524(b), title X, § 1031(a)(55), Nov. 24, 2003, 117 Stat. 1464, 1603; Pub. L. 109-163, div. A, title V, § 515(b)(1)(Q), Jan. 6, 2006, 119 Stat. 3233; Pub. L. 110-229, title VII, § 718(b), May 8, 2008, 122 Stat. 869; Pub. L. 110-417, [div. A], title V, § 540(b), Oct. 14, 2008, 122 Stat. 4454; Pub. L. 111-84, div. A, title V, § 527(b), Oct. 28, 2009, 123 Stat. 2288; Pub. L. 112-239, div. A, title X, § 1076(f)(40), Jan. 2, 2013, 126 Stat. 1954; Pub. L. 114-92, div. A, title V, § 556(b), Nov. 25, 2015, 129 Stat. 824; Pub. L. 114-328, div. A, title V, § 566(b), Dec. 23, 2016, 130 Stat. 2138; renumbered § 8454 and amended Pub. L. 115-232, div. A, title

VIII, §§ 807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6954(a)(1)	34 U.S.C. 1036a.	June 8, 1926, ch. 492, par. 2, 44 Stat. 703; Dec. 1, 1942, ch. 650, 56 Stat. 1024; Nov. 24, 1945, ch. 493, 59 Stat. 586; June 30, 1950, ch. 421, § 6(c), 64 Stat. 305; June 3, 1954, ch. 251, § 1, 68 Stat. 168.
6954(a)(2)	34 U.S.C. 1037.	May 28, 1928, ch. 820, 45 Stat. 788.
6954(a)(3)-(7).	34 U.S.C. 1032 (1st 31 words).	Dec. 20, 1917, ch. 5, § 1 (1st 31 words), 40 Stat. 430; Aug. 13, 1946, ch. 962, § 16, 60 Stat. 1061; May 16, 1947, ch. 77, § 1(o), 61 Stat. 100.
6954(a)(7)	34 U.S.C. 1034.	Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (2d par.).
6954(a)(8)	34 U.S.C. 1035a.	June 8, 1939, ch. 195, 53 Stat. 814.
6954(b)(1)	34 U.S.C. 1039.	Aug. 13, 1946, ch. 962, § 16(a), 60 Stat. 1061; May 16, 1947, ch. 77, § 1(o), 61 Stat. 100; June 30, 1950, ch. 421, § 5, 64 Stat. 305.
6954(b)(2), (3).	34 U.S.C. 1032 (32d to 70th words).	Dec. 20, 1917, ch. 5, § 1 (32d to 70th words), 40 Stat. 430; Aug. 13, 1946, ch. 962, § 16, 60 Stat. 1061.
6954(b)(4)	34 U.S.C. 1033a.	Feb. 27, 1936, ch. 89, 49 Stat. 1144; June 6, 1941, ch. 175, 55 Stat. 246.
6954(c)	34 U.S.C. 1038.	Nov. 24, 1945, ch. 492, 59 Stat. 586.

All provisions of law authorizing appointments to the Naval Academy from various sources are collected in this section. The language is extensively changed to meet the needs of this organization of the source material. In those provisions that now authorize "appointments" by other than the President, the language is changed to indicate that the process is one of selection where the law requires selection by competitive examination, and to show that other candidates are nominated. The manner of appointing the selectees and nominees, in all cases, is covered in § 6953 of this title. In the case of nominees from States, the District of Columbia, Territories, and from Puerto Rico, the qualification that the nominees must be from the political subdivisions from which nominated is indicated. The requirement that the nominees be actual residents of the political subdivisions is contained in § 6958(b) of this title.

In subsection (a)(1) the words "armed forces" are substituted for the description of the land and naval forces. The words "including male and female members of" and "of all components thereof" are omitted as surplusage.

In subsection (a)(1)(B), the date February 1, 1955, fixed by Proclamation No. 3080 (Jan. 7, 1955; 20 F.R. 173), is substituted for the words "such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under section 745 of title 38".

In subsection (b)(1) the qualification that appointees must be from the sons of members of the various "regular" components of the armed forces is added, as "Army, Navy, Air Force, Marine Corps, and Coast Guard" are so interpreted in this statute.

In subsection (c) the proviso "That all such appointees are otherwise qualified for admission" is omitted as covered by § 6958 of this title setting forth qualifications of all candidates.

The applicability to the United States Military Academy in the Act of June 8, 1926, ch. 492, as amended (34 U.S.C. 1036a; 10 U.S.C. 1091a), was repealed by section 6(c) of the Act of June 30, 1950, ch. 421, 64 Stat. 305.

1962 ACT

The change reflects the change of the name of the Panama Railroad Company to the Panama Canal Company by section 2(a)(2) of the Act of September 26, 1950 (64 Stat. 1038).

1982 ACT

In 10:6954(f), the word “The” is substituted for “Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the” to eliminate executed words.

AMENDMENTS

2018—Pub. L. 115–232, § 807(c)(1), renumbered section 6954 of this title as this section.

Subsecs. (b)(5), (e). Pub. L. 115–232, § 809(a), substituted “section 8456” for “section 6956”.

2016—Subsec. (a). Pub. L. 114–328 inserted at end of concluding provisions “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”

2015—Subsec. (a)(6). Pub. L. 114–92, § 556(b)(1), substituted “Four” for “Three”.

Subsec. (a)(8). Pub. L. 114–92, § 556(b)(2), substituted “Four” for “Three”.

Subsec. (a)(9). Pub. L. 114–92, § 556(b)(3), substituted “Three” for “Two”.

Subsec. (a)(10). Pub. L. 114–92, § 556(b)(4), substituted “Three” for “Two”.

2013—Subsec. (b)(1). Pub. L. 112–239, § 1076(f)(40)(A)(i), substituted “paragraph” for “clause” in two places in concluding provisions.

Subsec. (b)(5), (d). Pub. L. 112–239, § 1076(f)(40)(A)(ii), (B), substituted “paragraphs” for “clauses”.

2009—Subsec. (a)(10). Pub. L. 111–84 substituted “Two” for “One”.

2008—Subsec. (a). Pub. L. 110–417, § 540(b)(1), substituted “4,400 or such lower number” for “4,000 or such higher number” in introductory provisions.

Subsec. (a)(10). Pub. L. 110–229 substituted “Delegate in Congress” for “resident representative”.

Subsec. (h)(1). Pub. L. 110–417, § 540(b)(2), struck out last sentence which read as follows: “However, no increase may be prescribed for any academic year after the 2007–2008 academic year.”

2006—Subsec. (b)(3). Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve”.

2003—Subsec. (a)(6), (8). Pub. L. 108–136, § 524(b)(1), substituted “Three” for “Two”.

Subsec. (a)(9). Pub. L. 108–136, § 524(b)(2), substituted “Two” for “One”.

Subsec. (f). Pub. L. 108–136, § 1031(a)(55), substituted “Superintendent of the Naval Academy” for “Secretary of the Navy”.

2002—Subsec. (a). Pub. L. 107–314, § 532(b)(1), inserted before period at end of first sentence “or such higher number as may be prescribed by the Secretary of the Navy under subsection (h)”.

Subsec. (h). Pub. L. 107–314, § 532(b)(2), added subsec. (h).

2001—Subsec. (a). Pub. L. 107–107 amended directory language of Pub. L. 106–65, § 531(b)(2)(A). See 1999 Amendment note below.

2000—Subsec. (b)(1)(B). Pub. L. 106–398, § 1 [[div. A], title V, § 531(b)(1)], struck out “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)” after “retired or retainer pay”.

Subsec. (b)(1)(C), (D). Pub. L. 106–398, § 1 [[div. A], title V, § 531(b)(2)], added subpars. (C) and (D).

1999—Subsec. (a). Pub. L. 106–65, § 531(b)(2)(A), as amended by Pub. L. 107–107, § 1048(g)(1), substituted “(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limi-

tation, midshipmen are selected as follows:” for “(a) There may be at the Naval Academy at any one time midshipmen as follows:” in introductory provisions.

Subsec. (g). Pub. L. 106–65, § 531(b)(2)(B), added subsec. (g).

1997—Subsec. (a)(10). Pub. L. 105–85 substituted “Mariana” for “Marianas”.

1996—Subsec. (a)(10). Pub. L. 104–106 added par. (10).

1994—Subsec. (b)(1)(B). Pub. L. 103–337 substituted “section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)” for “section 1331 of this title”.

1993—Subsec. (a). Pub. L. 103–160, in concluding provisions, substituted “10 persons” for “a principal candidate and nine alternates” and inserted at end “Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.”

1990—Subsec. (a)(8) to (10). Pub. L. 101–510, § 532(b)(1)(A), redesignated cls. (9) and (10) as (8) and (9), respectively, and struck out former cl. (8) which read as follows: “One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States residing in the Republic of Panama who are citizens of the United States.”

Subsec. (d). Pub. L. 101–510, § 532(b)(1)(B), substituted “clauses (2) through (9)” for “clauses (2)–(7), (9), or (10)”.

1989—Subsec. (a)(1). Pub. L. 101–189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1983—Subsec. (a)(8). Pub. L. 98–94, § 1005(b)(2), substituted “One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States residing in the Republic of Panama who are citizens of the United States” for “One nominated by the Governor of the Panama Canal from the children of civilians residing in the Canal Zone or the children of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama”.

Subsec. (a)(10). Pub. L. 98–94, § 1005(a)(2), substituted “One from American Samoa, nominated by the Delegate in Congress from American Samoa” for “One from American Samoa nominated by the Secretary of the Navy upon recommendation of the Governor of American Samoa”.

1982—Subsec. (f). Pub. L. 97–295 substituted “The” for “Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the”.

1981—Subsecs. (d) to (f). Pub. L. 97–60 added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1980—Subsec. (a)(6), (9). Pub. L. 96–600 substituted “Two” for “One”.

1975—Subsecs. (a)(1), (8), (b)(1), (c). Pub. L. 94–106 substituted “children” for “sons” wherever appearing.

1973—Subsec. (a)(6). Pub. L. 93–171, § 2(1), substituted “One from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands” for “Five from each Territory, nominated by the Delegate in Congress from that Territory”.

Subsec. (a)(9). Pub. L. 93–171, § 2(2), struck out reference to American Samoa and Virgin Islands.

Subsec. (a)(10). Pub. L. 93–171, § 2(3), added cl. (10).

1972—Subsec. (a)(1). Pub. L. 92–365 increased the number of midshipmen from 40 to 65 and added sons of members who are in missing status and sons of civilian employees who are in missing status as eligible for competitive examination.

1970—Subsec. (a)(5). Pub. L. 91–405 substituted “Delegate to the House of Representatives from the District of Columbia” for “Commissioner of that District”.

1968—Subsec. (a). Pub. L. 90–374 increased from five to nine the number of alternates for each vacancy each

Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate.

Subsec. (a)(5). Pub. L. 90-623 substituted “Commissioner” for “Commissioners”.

1966—Subsec. (a)(1). Pub. L. 89-650, §1(1), provided for selection of cadets to the Naval Academy from sons of members of the armed forces who have a 100 per centum service-connected disability and removed the limitation to active service during World War I or World War II or after June 26, 1950, and before Feb. 1, 1955.

Subsec. (a)(2). Pub. L. 89-650, §1(2), provided for nominations to the Naval Academy by the President pro tempore of the Senate if there is no Vice President.

Subsec. (b)(1). Pub. L. 89-650, §1(3), increased the number of Presidential appointments to the Naval Academy from 75 to 100, provided for selection of eligible persons as stated in items (A) and (B), previously chosen from sons of members of regular components, and declared persons eligible under subsec. (a)(1) ineligible under subsec. (b)(1) of this section.

1964—Subsec. (a). Pub. L. 88-276, §2(1), inserted “Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section”.

Subsec. (b)(2), (3), (5). Pub. L. 88-276, §2(2), reduced the number of nominees in cls. (2) and (3) from 160 to 85 and added cl. (5).

Subsecs. (d), (e). Pub. L. 88-276, §2(3), added subsecs. (d) and (e).

1962—Subsec. (a). Pub. L. 87-663 added cl. (9).

Pub. L. 87-651 substituted “Panama Canal Company” for “Panama Railroad Company” in cl. (8).

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.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 applicable with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after Jan. 1, 2018, see section 566(e) of Pub. L. 114-328, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-92 applicable with respect to the nomination of candidates for appointment to the United States Military Academy, Naval Academy, and Air Force Academy for classes entering after Nov. 25, 2015, see section 556(d) of Pub. L. 114-92, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-84 applicable with respect to appointments to the United States Naval Academy beginning with the first class of candidates nominated for appointment after Oct. 28, 2009, see section 527(d) of Pub. L. 111-84, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-417 applicable with respect to academic years at the United States Naval Academy after the 2007-2008 academic year, see section 540(d) of Pub. L. 110-417, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 524(b) of Pub. L. 108-136 applicable with respect to nomination of candidates for ap-

pointment to United States Naval Academy for classes entering after Nov. 24, 2003, see section 524(d) of Pub. L. 108-136, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title X, §1048(g), Dec. 28, 2001, 115 Stat. 1228, provided that the amendment made by section 1048(g)(1) is effective as of Oct. 5, 1999, and as if included in Pub. L. 106-65 as enacted.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97-60, set out as an Effective Date note under section 7441a of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-600 effective beginning with nominations for appointment to the service academies for academic years beginning more than one year after Dec. 24, 1980, see section 2(d) of Pub. L. 96-600 set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-171 effective beginning with the nominations for appointment to the service academies in the calendar year 1974, see section 4 of Pub. L. 93-171, set out as a note under section 7442 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

LIMITATION ON NUMBER OF CADETS AND MIDSHIPMEN AUTHORIZED TO ATTEND SERVICE ACADEMIES

Authorized strength of service academies not to exceed 4,000 per academy for class years beginning after 1994, and any reduction in number of appointments not to be achieved by reduction in number of appointments under subsec. (a) of this section, see section 511 of Pub. L. 102-190, set out as a note under section 7442 of this title.

ELIGIBILITY OF FEMALE INDIVIDUALS FOR APPOINTMENT AND ADMISSION TO SERVICE ACADEMIES; UNIFORM APPLICATION OF ACADEMIC AND OTHER STANDARDS TO MALE AND FEMALE INDIVIDUALS

Secretary to take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the United States Naval Academy, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals, see section 803(a) of Pub. L. 94-106, set out as a note under section 7442 of this title.

SECRETARY TO IMPLEMENT POLICY OF EXPEDITIOUS
ADMISSION OF WOMEN TO THE ACADEMY

Secretary to continue to exercise the authority granted under this chapter and chapters 403 and 903 of this title, but such authority to be exercised within a program providing for the orderly and expeditious admission of women to the Academy, consistent with the needs of the services, see section 803(c) of Pub. L. 94-106, set out as a note under section 7442 of this title.

§ 8455. Midshipmen: allotment upon redistricting of Congressional Districts

If as a result of redistricting a State the domicile of a midshipman, 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 midshipmen 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 midshipman or when he is finally separated from the Naval Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 430, § 6955; renumbered § 8455, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6955	34 U.S.C. 1032-1.	July 7, 1943, ch. 193, 57 Stat. 383.

The word “domicile” is substituted for the words “place of residence” to conform to the long-standing interpretation of this section (see also opinions of the Judge Advocate General of the Army R. 29, 83; J.A.G. 351.11, Feb. 10, 1925). The words “a congressional district other than that from which he was nominated” are substituted 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 either 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 34 U.S.C. 1032-1 (18 words before proviso). The words “However, the number as so increased” are substituted for 34 U.S.C. 1032-1 (1st 13 words of proviso). The words “if he fails to become a midshipman” are inserted for clarity.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6955 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.

§ 8456. Midshipmen: nomination and selection to fill vacancies

- (a) If the annual quota of midshipmen from—
- (1) enlisted members of the Regular Navy and the Regular Marine Corps;
 - (2) enlisted members of the Navy Reserve and the Marine Corps Reserve; or
 - (3) at large by the President;

is not filled, the Secretary may fill the vacancies by nominating for appointment other can-

didates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(b) If it is determined that, upon the admission of a new class to the Academy, the number of midshipmen at the Academy will be below the authorized number, the Secretary may fill the vacancies by nominating additional midshipmen from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least three-fourths of those nominated under this subsection shall be from qualified alternates under paragraphs (2) through (8) of section 8454(a) of this title, and the remainder shall be from qualified candidates who competed for appointment 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, § 6956; 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; renumbered § 8456 and amended Pub. L. 115-232, div. A, title VIII, §§ 807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6956(a), (b), (c), 6956(d)	34 U.S.C. 1041.	June 29, 1906, ch. 3590, 34 Stat. 578 (last par.), 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 per-