

son is a consequence of, and follows automatically from, his appointment. The statement of reasons for failure to complete the course is omitted as unnecessary.

AMENDMENTS

2018—Pub. L. 115-232, §807(c)(1), renumbered section 6956 of this title as this section.

Subsec. (b). Pub. L. 115-232, §809(a), substituted “section 8454(a)” for “section 6954(a)”.

2013—Subsec. (b). Pub. L. 112-239 substituted “paragraphs” for “clauses”.

2006—Subsec. (a)(2). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

1990—Subsec. (a). Pub. L. 101-510, §1322(a)(14), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: “The Secretary of the Navy shall, as soon as possible after the first of June of each year, notify in writing each Senator, Representative, and delegate in Congress of any vacancy that will exist at the Naval Academy because of graduation in the following year, or that may occur for other reasons, for which the member or delegate is entitled to nominate a candidate and nine alternates.”

Subsec. (b). Pub. L. 101-510, §1322(a)(14)(B), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 101-510, §1322(a)(14)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 101-510, §532(b)(2), substituted “clauses (2) through (8)” for “clauses (2)-(9)”.

Subsec. (d). Pub. L. 101-510, §1322(a)(14)(B), redesignated subsec. (d) as (c).

1981—Subsecs. (b) to (d). Pub. L. 97-60 redesignated subsecs. (d), (e), and (f) as (b), (c), and (d), respectively. Former subsec. (b) providing that a nomination following notification under subsection (a) be made by the fourth of March of the year following that in which notice of the vacancy was given and that, if the candidate died or declined the nomination, or if the nomination could not be made by reason of a vacancy in the membership of the Senate or the House of Representatives, the nomination could be made, as determined by the Secretary, not later than the date of the final entrance examination for that year, and former subsec. (c) providing that the nomination of candidates to fill vacancies for the District of Columbia, and selection of all candidates at large, be made by the fourth of March of the year in which the candidates were to enter the Academy, were struck out.

1975—Subsec. (d). Pub. L. 94-106 substituted “enlisted members” for “enlisted men” in pars. (1) and (2).

1973—Subsec. (e). Pub. L. 93-171 substituted reference to clauses (2)-(9) of section 6954(a) for reference to clauses (2)-(8) of section 6954(a).

1968—Subsec. (a). Pub. L. 90-374 substituted “nine alternates” for “five alternates”.

1964—Subsec. (a). Pub. L. 88-276, §3(1), substituted “five alternates” for “one or more alternates”.

Subsec. (e). Pub. L. 88-276, §3(2), substituted “three-fourths of those nominated” for “two-thirds of those nominated”.

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 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 7442 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 6954(b)(1) of this title, see note set out under section 7443 of this title.

§ 8458. Midshipmen: qualifications for admission

(a) Each candidate for admission to the Naval Academy—

(1) must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the calendar year in which he enters the Academy; and

(2) shall be examined according to such regulations as the Secretary of the Navy prescribes, and if rejected at one examination may not be examined again for admission to the same class unless recommended by the Academic Board.

(b) Each candidate for admission nominated under clauses (3) through (9) of section 8454(a) of this title must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(c) Each candidate nominated under clause (2) or (3) of section 8454(b) of this title—

(1) must be a citizen of the United States;

(2) must have passed the required physical examination; and

(3) shall be appointed in the order of merit from candidates who have, in competition with each other, passed the required mental examination.

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 431, §6958; Pub. L. 87-663, §1(4), Sept. 14, 1962, 76 Stat. 547; Pub. L. 93-171, §2(5), Nov. 29, 1973, 87 Stat. 690; Pub. L. 101-510, div. A, title V, §532(b)(3), Nov. 5, 1990, 104 Stat. 1563; Pub. L. 102-190, div. A, title V, §512, Dec. 5, 1991, 105 Stat. 1360; Pub. L. 104-201, div. A, title V, §555(c), Sept. 23, 1996, 110 Stat. 2527; Pub. L. 105-85, div. A, title V, §541(a), Nov. 18, 1997, 111 Stat. 1740; renumbered §8458 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6958(a)(1)	34 U.S.C. 1047 (less 1st proviso).	June 30, 1950, ch. 421, §2 (less 1st proviso), 64 Stat. 304.
6958(a)(2)	34 U.S.C. 1043.	R.S. 1515.
6958(b)	34 U.S.C. 1047 (2d proviso).	June 30, 1950, ch. 421, §2 (2d proviso), 64 Stat. 304.
6958(c)	34 U.S.C. 1042.	Mar. 4, 1917, ch. 180, 39 Stat. 1182 (1st par.).
	34 U.S.C. 1032 (less 1st 70 words).	Dec. 20, 1917, ch. 5, §1 (less 1st 70 words), 40 Stat. 430; Aug. 13, 1946, ch. 962, §16, 60 Stat. 1061; May 16, 1947, ch. 77, §1(o), 61 Stat. 100.

In subsection (a) the effective date is omitted as executed. The words “at least 17 years of age and must not have passed his twenty-second birthday” are substituted for the words “not less than seventeen years of age and not more than twenty-two years of age” to re-

move ambiguity, and for uniformity of treatment of provisions of this type. The reference to time of examination is omitted as being included within the Secretary's authority to prescribe regulations, which is stated in the subsection. The words "Academic Board" are substituted for the words "board of examiners".

In subsection (b) the words "domiciled in" are substituted for the words "actual resident of" since this term has been so interpreted.

AMENDMENTS

2018—Pub. L. 115-232, §807(c)(1), renumbered section 6958 of this title as this section.

Subsec. (b). Pub. L. 115-232, §809(a), substituted "clauses (3) through (9) of section 8454(a)" for "clauses (3) through (9) of section 6954(a)".

Subsec. (c). Pub. L. 115-232, §809(a), substituted "clause (2) or (3) of section 8454(b)" for "clause (2) or (3) of section 6954(b)" in introductory provisions.

1997—Subsec. (d). Pub. L. 105-85 added subsec. (d).

1996—Subsec. (a)(1). Pub. L. 104-201 substituted "twenty-third birthday" for "twenty-second birthday".

1991—Subsec. (c)(2) to (4). Pub. L. 102-190 redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which required candidates to have served at least one year as enlisted members on date of entrance.

1990—Subsec. (b). Pub. L. 101-510 substituted "clauses (3) through (9)" for "clauses (3)-(7), (9) and (10)".

1973—Subsec. (b). Pub. L. 93-171 substituted " (9) and (10) of section 6954(a)" for "and (9) of section 6954(a)" and struck out "or Territory".

1962—Subsec. (b). Pub. L. 87-663 inserted references to American Samoa, Guam, and the Virgin Islands, and substituted "clauses (3)-(7) and (9)" for "clauses (3)-(7)".

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 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 7442 of this title.

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)(1) 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 7446 of this title.

§ 8459. Midshipmen: agreement for length of service

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

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

(2) That upon graduation from the Naval Academy the midshipman—

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Navy, the Regular Marine Corps, or 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 midshipman is permitted to resign as a regular officer before completion of the commissioned service obligation of the midshipman, the midshipman—

(A) will accept an appointment as a commissioned officer in the Navy Reserve or the Marine Corps Reserve or 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 midshipman.

(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in a program under section 2121 of this title, the midshipman 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 midshipman—

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

(B) understands that the appointment alternative described in paragraph (3) will not be used to allow the midshipman to obtain such employment until at least the end of that two-year period.

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

(2) A midshipman who is transferred to the Navy Reserve or Marine Corps Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

(3) For the purposes of paragraph (1), a midshipman shall be considered to have breached an agreement under subsection (a) if the midshipman is separated from the Naval Academy under circumstances which the Secretary determines constitute a breach by the midshipman of the midshipman's agreement to complete the course of instruction at the Naval Academy and accept an appointment as a commissioned officer upon graduation from the Naval Academy.

(c) The Secretary of the Navy shall prescribe regulations to carry out this section. Those regulations shall include—

(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

(2) procedures for determining whether such a breach has occurred; and