

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

§ 7441. Faculty and other officers: leaves of absence

The Superintendent of the Academy may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to a professor, assistant professor, instructor, or other officer of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240, § 4341; renumbered § 7441, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4341	10:1144.	R.S. 1330.

The words “under regulations prescribed by the Secretary of the Army” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4341 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.

§ 7441a. Cadets: appointment by the President

Cadets at the Academy shall be appointed by the President alone. An appointment is conditional until the cadet is admitted.

(Added Pub. L. 97-60, title II, § 203(a)(2)(A), Oct. 14, 1981, 95 Stat. 1006, § 4341a; renumbered § 7441a, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4341a 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.

EFFECTIVE DATE

Pub. L. 97-60, title II, § 203(d), Oct. 14, 1981, 95 Stat. 1007, provided that: “The amendments made by this section [enacting this section and section 9341a of this title and amending sections 4342, 6953, 6954, and 9342 of this title] shall take effect with respect to nominations for appointment to the first class admitted to each Academy after the date of the enactment of this Act [Oct. 14, 1981].”

§ 7442. Cadets: appointment; numbers, territorial distribution

(a) The authorized strength of the Corps of Cadets of the Academy (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 Army under subsection (j). Subject to that limitation, cadets are selected as follows:

(1) 65 cadets selected in order of merit as established by competitive examinations 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 injuries received or diseases contracted in, or preexisting 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 Army.

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

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

(4) Five cadets from each congressional district, nominated by the Representative from the district.

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

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

(7) Six cadets 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 cadets from Guam, nominated by the Delegate in Congress from Guam.

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

(10) Three cadets 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 cadet, 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 cadets 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 Army from enlisted members of the Regular Army.

(3) 85 nominated by the Secretary of the Army from enlisted members of reserve components of the Army.

(4) 20 nominated by the Secretary of the Army, 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 Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Army in order of merit (prescribed pursuant to section 7443 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 cadets 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 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 the Corps of Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b)(1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under paragraphs (3) through (9) of subsection (a) 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.

(g) The Secretary of the Army may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committee on Armed Services of the

Senate and the Committee on Armed Services of the House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a)(3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a)(3) or (4), appointments under subsection (b)(1)–(4) are limited as follows:

(A) 27 appointments under subsection

(b)(1);

(B) 27 appointments under subsection

(b)(2);

(C) 27 appointments under subsection

(b)(3); and

(D) 13 appointments under subsection

(b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b)(2)–(4) are limited as follows:

(A) 27 appointments under subsection

(b)(2);

(B) 27 appointments under subsection

(b)(3); and

(C) 13 appointments under subsection

(b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Superintendent 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.

(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary of the Army 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.

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

(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic 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 cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Army 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 cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Army 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 “cadet strength limit” means the authorized maximum strength of the Corps of Cadets of the Academy. (Aug. 10, 1956, ch. 1041, 70A Stat. 240, § 4342; Pub. L. 85–861, § 33(a)(26), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 87–663, § 1(1), (2), Sept. 14, 1962, 76 Stat. 547; Pub. L. 88–276, § 1(1), Mar. 3, 1964, 78 Stat. 148; Pub. L. 89–650, § 1(1)–(4), 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(1), Aug. 7, 1972, 86 Stat. 505; Pub. L. 93–171, § 1(1)–(4), Nov. 29, 1973, 87 Stat. 690; Pub. L. 94–106, title VIII, § 803(b)(1), Oct. 7, 1975, 89 Stat. 538; Pub. L. 96–513, title V, § 512(13), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 96–600, § 2(a), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 97–60, title II, § 203(a)(1), Oct. 14, 1981, 95 Stat. 1006; Pub. L. 98–94, title X, § 1005(a)(1), (b)(1), 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(a)(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, § 1672(c)(3), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 104–106, div. A, title V, § 532(a), title XV, § 1502(a)(1), Feb. 10, 1996, 110 Stat. 314, 502; 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)(1), title X, § 1067(1), Oct. 5, 1999, 113 Stat. 602, 774; Pub. L. 106–398, § 1 [[div. A], title V, § 531(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–109; Pub. L. 107–314, div. A, title V, § 532(a), (f), Dec. 2, 2002, 116 Stat. 2545, 2547; Pub. L. 108–136, div. A, title V, § 524(a), title X, § 1031(a)(53), Nov. 24, 2003, 117 Stat. 1464, 1603; Pub. L. 109–364, div. A, title X, § 1071(a)(28), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 110–181, div. A, title V, § 525, Jan. 28, 2008, 122 Stat. 104; Pub. L. 110–229, title VII, § 718(a), May 8, 2008, 122 Stat. 869; Pub. L. 110–417, [div. A], title V, § 540(a), Oct. 14, 2008, 122 Stat. 4454; Pub. L. 111–84, div. A, title V, § 527(a), Oct. 28, 2009, 123 Stat. 2288; Pub. L. 112–239, div. A, title X, § 1076(f)(38), Jan. 2, 2013, 126 Stat. 1954; Pub. L. 114–92, div. A, title V, § 556(a), Nov. 25, 2015, 129 Stat. 824; Pub. L. 114–328, div. A, title V, § 566(a), Dec. 23, 2016, 130 Stat. 2138; renumbered § 7442 and amended Pub. L. 115–232, div. A, title VIII, §§ 808(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4342(a)	10:1092a (1st par., less clauses (a) through (e)). 10:1092a (clause (a), less 14th through 52d words after 4th semicolon; and less last 32 words). 10:1092a (1st 13 words of clause (b)). 10:1092a (1st 26 words of clause (c)). 10:1092a (clause (d)).	R.S. 1317. June 30, 1950, ch. 421, §§ 1, 2 (last proviso), 64 Stat. 303, 304; June 3, 1954, ch. 251, § 2, 68 Stat. 169.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4342(b)	10:1092a (clause (e), less last 53 words). 10:1092a (last par.). 10:1098.	
4342(c)	10:1092a (14th through 52d words after 4th semicolon of clause (a)). 10:1092b (last proviso).	
4342(d)	10:1092a (last 32 words of clause (a)).	
4342(e)	10:1092a (clause (b), less 1st 13 words, and less 1st proviso).	
4342(f)	10:1092a (1st proviso of clause (b)).	
4342(g)	10:1092a (clause (c), less 1st 26 words).	
4342(h)	10:1092a (last 53 words of clause (e)).	

In subsection (a), the words “the authorized strength * * * is as follows—” are substituted for the words “shall be authorized and consist of the following”. The words “at large” and “which totals two thousand four hundred and ninety-six”, and 10:1092a (clause (d)) are omitted as surplusage.

In subsection (b), the words “from whatever source of admission”, in 10:1092a, are omitted as surplusage. 10:1098 (words before last semicolon) is omitted as obsolete.

In subsection (c), the first 15 words are substituted for the words “all of which cadets shall be”. The words “domiciled in” are substituted for the words “actual residents of” to conform to opinions of the Judge Advocate General of the Army (R. 29, 83; J.A.G. 351.11, Feb. 10, 1925).

In subsection (e)(4), the words “armed forces” are substituted for the description of the land or naval forces. 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”. The words “including male and female members of * * * and all components thereof” are omitted as surplusage.

In subsection (f), the words “whether a death is service-connected” are substituted for the words “as to the service connection of the cause of death”.

In subsection (g), the words “(National Guard of the United States, the Air National Guard of the United States, the Army Reserve, and the Air Force Reserve)”, “Regular components”, “by members of the National Guard of the United States and the Air National Guard of the United States” and “established at the competitive entrance examination” are omitted as surplusage. The word “grades” is substituted for the words “proficiency averages”.

In subsection (h), the words “or shall hereafter be” are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115–232, § 808(c)(1), renumbered section 4342 of this title as this section.

Subsec. (b)(5). Pub. L. 115–232, § 809(a), substituted “section 7443” for “section 4343”.

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 cadet, 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(a)(1), substituted “Four” for “Three”.

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

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

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

2013—Subsec. (b)(1). Pub. L. 112-239, § 1076(f)(38)(A)(i), substituted “paragraph” for “clause” in two places in concluding provisions.

Subsecs. (b)(5), (d), (f). Pub. L. 112-239, § 1076(f)(38)(A)(ii)-(C), substituted “paragraphs” for “clauses”.

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

2008—Subsec. (a). Pub. L. 110-417 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. (j)(1). Pub. L. 110-181 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. (a)(9). Pub. L. 109-364 substituted “cadets” for “cadet”.

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

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

Subsec. (h). Pub. L. 108-136, § 1031(a)(53), substituted “Superintendent” for “Secretary of the Army”.

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

Subsec. (i). Pub. L. 107-314, § 532(f), struck out “(beginning with the 2001-2002 academic year)” after “any year”.

Subsec. (j). Pub. L. 107-314, § 532(a)(2), added subsec. (j).

2000—Subsec. (b)(1)(B). Pub. L. 106-398, § 1 [[div. A], title V, § 531(a)(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(a)(2)], added subpars. (C) and (D).

1999—Subsec. (a). Pub. L. 106-65, § 531(b)(1)(A), substituted “(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:” for “is as follows:” in introductory provisions.

Subsec. (g). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

Subsec. (i). Pub. L. 106-65, § 531(b)(1)(B), added subsec. (i).

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

1996—Subsec. (a)(10). Pub. L. 104-106, § 532(a), added par. (10).

Subsec. (g). Pub. L. 104-106, § 1502(a)(1), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

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(a)(1)(A), redesignated cls. (9) and (10) as (8) and (9), respectively, and struck out former cl. (8) which read as follows: “One cadet nominated by the Administrator of

the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.”

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

Subsec. (f). Pub. L. 101-510, § 532(a)(1)(C), substituted “clauses (3) through (9)” for “clauses (3)-(7), (9) and (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)(1), substituted “One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States” for “One cadet 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)(1), substituted “, nominated by the Delegate in Congress from American Samoa” for “nominated by the Secretary of the Army upon recommendation of the Governor of Samoa”.

1981—Subsec. (d). Pub. L. 97-60 substituted provisions authorizing the Superintendent to nominate for appointment each year 50 persons from the country at large for provisions that all cadets were to be appointed by the President and that all such appointments were conditional until the cadet was admitted. See section 4341a of this title.

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

Subsec. (h). Pub. L. 96-513 substituted “The” for “Effective beginning with nominations for appointment to the Academy in the calendar year 1964, the”.

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, § 1(1), substituted “One cadet from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands” for “Five cadets from each Territory, nominated by the Delegate in Congress from the Territory”.

Subsec. (a)(9). Pub. L. 93-171, § 1(2), struck out reference to Guam and Virgin Islands.

Subsec. (a)(10). Pub. L. 93-171, § 1(3), added cl. (10).

Subsec. (f). Pub. L. 93-171, § 1(4), substituted “, (9) and (10) of subsection (a)” for “and (9) of subsection (a)” and struck out reference to Territory.

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

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.

Subsec. (b)(3). Pub. L. 89-650, §1(4), substituted “reserve components of the Army” for “the Army Reserve”.

1964—Pub. L. 88-276 amended section generally, and among other changes, in the noncompetitive appointments, increased the number of cadets nominated by the Vice President from three to five, each Senator, Representative, and Delegate from 4 to 5, and the Commissioner of Puerto Rico from 4 to 5, authorized the Governor of Puerto Rico to appoint one cadet, each Senator, Representative and Delegate to nominate a principal and five alternates for each vacancy, and, in the competitive appointments, permitted the President to appoint 75 cadets annually from the sons of members of the Regular components, instead of a cumulative total of 89, the Secretary of the Army to appoint 85 cadets annually from enlisted members of the Regular Army, instead of a cumulative total of 90, 85 annually from enlisted members of the Army Reserve, instead of a cumulative total of 90, 20 annually from honor graduates of designated honor schools and the R.O.T.C., instead of a cumulative total of 40 from honor schools only, 150 annually, in order of merit, from among the qualified alternates nominated by members of Congress, and when the quota of cadets selected under subsecs. (b)(1), (2), (3) is not filled, to fill the vacancies by appointing those best qualified from any of the three sources, decreased the number of cadets nominated by the Commissioners of the District of Columbia from 6 to 5, and by the Governor of the Panama Canal from 2 to 1, limited appointments to the number that can be adequately accommodated at the Academy, within the limitation that congressional appointments cannot be limited to less than four, and if limited, a priority of selection is established for the other categories, and, beginning in 1964, the Secretary may upon request of a Member of Congress, furnish him the name of any nominating authority responsible for the nomination of any identified person to the Academy.

1962—Subsec. (a)(10). Pub. L. 87-663, §1(1), added cl. (10).

Subsec. (c). Pub. L. 87-633, §1(2), inserted references to American Samoa, Guam, and the Virgin Islands, and substituted “clauses (1)–(5) and (10)” for “clauses (1)–(5).”

1958—Subsec. (c). Pub. L. 85-861 inserted a comma after “district”.

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

Pub. L. 114-328, div. A, title V, §566(e), Dec. 23, 2016, 130 Stat. 2139, provided that: “The amendments made by this section [amending this section, sections 6954 and 9342 of this title, and section 51302 of Title 46, Shipping] shall apply 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 January 1, 2018.”

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-92, div. A, title V, §556(d), Nov. 25, 2015, 129 Stat. 825, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States

Naval Academy, and the United States Air Force Academy for classes entering these military service academies after the date of the enactment of this Act [Nov. 25, 2015].”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, §527(d), Oct. 28, 2009, 123 Stat. 2288, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act [Oct. 28, 2009].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title V, §540(d), Oct. 14, 2008, 122 Stat. 4454, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to academic years at the United States Military Academy, the United States Naval Academy, and the Air Force Academy after the 2007-2008 academic year.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §524(d), Nov. 24, 2003, 117 Stat. 1465, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering those academies after the date of the enactment of this Act [Nov. 24, 2003].”

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 AMENDMENTS

Pub. L. 96-600, §2(d), Dec. 24, 1980, 94 Stat. 3493, provided that: “The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall be effective beginning with the nominations for appointment to the service academies for academic years beginning more than one year after the date of enactment of this Act [Dec. 24, 1980].”

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-171, §4, Nov. 29, 1973, 87 Stat. 691, provided that: “The amendments made by this Act [amending this section and sections 4343, 6954, 6956, 6958, 9342, and 9343 of this title] shall be effective beginning with the nominations for appointments to the service academies in the calendar year 1974.”

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.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 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

Pub. L. 94-106, title VIII, §803(a), Oct. 7, 1975, 89 Stat. 537, provided that: “Notwithstanding any other provision of law, in the administration of chapter 403 [now 753] of title 10, United States Code [this chapter] (relating to the United States Military Academy), chapter 603 [now 853] of such title (relating to the United States Naval Academy), and chapter 903 [now 953] of such title (relating to the United States Air Force Academy), the Secretary of the military department concerned shall take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the service academy concerned, 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.”

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

Pub. L. 94-106, title VIII, §803(c), Oct. 7, 1975, 89 Stat. 538, provided that: “It is the sense of Congress that, subject to the provisions of subsection (a) [note set out above], the Secretaries of the military departments shall, under the direction of the Secretary of Defense, continue to exercise the authority granted them in chapters 403, 603 and 903 [now 753, 853, and 953] of title 10, United States Code, but such authority must be exercised within a program providing for the orderly and expeditious admission of women to the academies, consistent with the needs of the services, with the implementation of such program upon enactment of this Act [Oct. 7, 1975].”

§ 7443. Cadets: appointment; to bring Corps 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 Army 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 Academic 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 7442(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. 242, §4343; Pub. L. 88-276, §1(2), Mar. 3, 1964, 78 Stat. 150; Pub. L. 93-171, §1(5), Nov. 29, 1973, 87 Stat. 690; Pub. L.

102-25, title VII, §701(f)(5), Apr. 6, 1991, 105 Stat. 115; Pub. L. 112-239, div. A, title X, §1076(f)(39), Jan. 2, 2013, 126 Stat. 1954; renumbered §7443 and amended Pub. L. 115-232, div. A, title VIII, §§808(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4343	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 4342(a), and clause (2) of section 4342(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

2018—Pub. L. 115-232, §809(a), substituted “paragraphs (2) through (8) of section 7442(a)” for “paragraphs (2) through (8) of section 4342(a)”.

Pub. L. 115-232, §808(c)(1), renumbered section 4343 of this title as this section.

2013—Pub. L. 112-239 substituted “paragraphs” for “clauses”.

1991—Pub. L. 102-25 substituted “clauses (2) through (8)” for “clauses (2)–(9)”.

1973—Pub. L. 93-171 substituted “clauses (2)–(9) of section 4342(a)” for “clauses (2)–(8) of section 4342(a)”.

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

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

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

Pub. L. 89-650, §2, Oct. 13, 1966, 80 Stat. 896, as amended by Pub. L. 115-232, div. A, title VIII, §809(b)(7), Aug. 13, 2018, 132 Stat. 1840, provided that: “Notwithstanding any other provision of law, none of the additional appointments authorized in sections 7442(b)(1), 8454(b), and 9442(b)(1) of title 10, United States Code, as provided by this Act shall serve to reduce or diminish the number of qualified alternates from congressional sources who would otherwise be appointed by the appropriate service Secretary under the authority contained in sections 7443, 8456, and 9443 of such title.”