

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 appointment 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.

§ 8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of Member of Congress otherwise authorized to nominate

(a) SENATORS.—In the event a Senator does not submit all nominations for midshipmen allocated to such Senator for an academic year in accordance with section 8454(a)(3) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Senator pursuant to such section, may be made instead by the other Senator from the State of such Representative.

(b) REPRESENTATIVES.—In the event a Representative does not submit all nominations for midshipmen allocated to such Representative for an academic year in accordance with section 8454(a)(4) of this title, due to death, resignation from office, or expulsion from office, and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year, the nominations for midshipmen for such academic year, otherwise authorized to be made by the Representative pursuant to such section, may be made instead by the Senators from the State of such Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

(c) RULE OF CONSTRUCTION.—The nomination of a midshipman by a Member of Congress pursuant to this section shall not be construed to

permanently reallocate nominations under section 8454 of this title.

(Added Pub. L. 117-81, div. A, title V, §553(b)(1), Dec. 27, 2021, 135 Stat. 1737.)

§ 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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6955 of this title as this section.

Statutory Notes and Related Subsidiaries

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).	34 U.S.C. 1041.	June 29, 1906, ch. 3590, 34 Stat. 578 (last par.).
(b), (c).		Aug. 13, 1946, ch. 962, §14, 60 Stat. 1061.
6956(d)	34 U.S.C. 1040.	June 30, 1950, ch. 421, §4, 64 Stat. 305.
6956(e)	34 U.S.C. 1049.	June 30, 1950, ch. 421, §2 (1st proviso), 64 Stat. 304.
6956(f)	34 U.S.C. 1047 (1st proviso).	

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-