

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(c) of Pub. L. 108–136 applicable with respect to nomination of candidates for appointment to United States Air Force 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 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

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.

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

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.

#### EFFECTIVE DATE; INTERIM SYSTEM FOR APPOINTMENT OF CADETS

Act Aug. 10, 1956, ch. 1041, § 52(b), 70A Stat. 641, as amended by Pub. L. 85–182, Aug. 28, 1957, 71 Stat. 463, provided that section 9342(a) [now 9442(a)] of Title 10, Armed Forces would take effect four years after the entrance of the initial class at the United States Air Force Academy. However, for the four-year period beginning with the class of cadets entering in July 1959, not more than one quarter of the number of cadets authorized by clause (1), (2), (3), (4), (7), or (8) of that section could be appointed in any one academic year; two of the number of cadets authorized by clause (5) of that section could be appointed in the first and third years of that four-year period, and not more than one of the number authorized by it could be appointed in the second and fourth years of that period; and one cadet authorized by clause (6) of that section could be appointed in the first two years of that four-year period, and not more than one of the number authorized by it could be appointed in the second two years of that period. In addition, during that four-year period, the nominating authority named in clauses (1) to (6) of that section

could select for each cadet allocated to him for the year concerned a principal candidate and not more than ten alternate candidates, or he could nominate as many candidates as the Secretary prescribed and authorize the Secretary to select the principal candidates in order of merit as determined by competitive examination. In carrying out section 9343 [now 9443] of Title 10, during that four-year period, only qualified alternates who were nominated by the authorities named in clauses (1) to (4) of section 9342(a) could be nominated for appointment as cadets. Not more than one qualified alternate nominated by any one authority named in those classes could be appointed as a cadet, after nomination under section 9343 [now 9443], during each year of that four-year period.

#### 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 required 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 Air Force 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 603 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.

#### § 9442a. Cadets: 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 cadets allocated to such Senator for an academic year in accordance with section 9442(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 cadets for the academic year, the nominations for cadets 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 cadets allocated to such Representative for an

academic year in accordance with section 9442(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 cadets for the academic year, the nominations for cadets 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 cadet by a Member of Congress pursuant to this section shall not be construed to permanently reallocate nominations under section 9442 of this title.

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

**§ 9443. Cadets: appointment; to bring 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 Air Force 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 Academy 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 9442(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. 564, §9343; Pub. L. 88–276, §4(2), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89–718, §46, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 93–171, §3(5), Nov. 29, 1973, 87 Stat. 691; Pub. L. 101–510, div. A, title V, §532(a)(2), (c)(2), Nov. 5, 1990, 104 Stat. 1563, 1564; Pub. L. 112–239, div. A, title X, §1076(f)(43), Jan. 2, 2013, 126 Stat. 1955; renumbered §9443 and amended Pub. L. 115–232, div. A, title VIII, §§806(a)(3), 809(a), Aug. 13, 2018, 132 Stat. 1832, 1840.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9343 .....	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 9342(a), and clause (2) of section 9342(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, Del-

egates 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”.

**Editorial Notes**

**PRIOR PROVISIONS**

Prior sections 9443 to 9445 were renumbered sections 9493 to 9495 of this title, respectively.

**AMENDMENTS**

2018—Pub. L. 115–232 renumbered section 9343 of this title as this section and substituted “section 9442(a)” for “section 9342(a)”.

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

1990—Pub. L. 101–510, §532(a)(2), (c)(2), amended section identically, substituting “clauses (2) through (8)” for “clauses (2)–(9)”.

1973—Pub. L. 93–171 substituted “clauses (2)–(9) of section 9342(a)” for “clauses (2)–(8) of section 9342(a)”.

1966—Pub. L. 89–718 substituted “Academy Board” for “Faculty”.

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

**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.

**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 9342(b) (1) of this title, see section 2 of Pub. L. 89–650, set out as a note under section 7443 of this title.

**§ 9446. Cadets: requirements for admission**

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the year in which he enters the Academy.

(b) To be admitted to the Academy, an appointee must show, by an examination held under regulations prescribed by the Secretary of the Air Force, that he is qualified in the subjects prescribed by the Secretary.

(c) A candidate designated as a principal or an alternate for appointment as a cadet shall appear for physical examination at a time and place designated by the Secretary.

(d) To be admitted to the Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Air Force. If a candidate for admission refuses to take and sub-