

“(3) The term ‘military service academy’ means—
 “(A) the United States Military Academy;
 “(B) the United States Naval Academy; and
 “(C) the United States Air Force Academy.”

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].”

§ 7442a. 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 7442(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 7442(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 nomi-

nations 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 7442 of this title.

(Added Pub. L. 117-81, div. A, title V, §553(a)(1), Dec. 27, 2021, 135 Stat. 1736.)

§ 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”.