

In subsection (a) the authority to designate student aviation pilots is expressly set forth.

The portion of 34 U. S. C. 841h that provides that student aviation pilots who are qualified civilian aviators shall be given a brief refresher course in flight training is contained in subsection (c). The remainder of 34 U. S. C. 841h, which provides that such pilots shall not be considered as having been designated pursuant to 34 U. S. C. 841a—841h, is reflected in subsection (b) by making that subsection applicable only to student aviation pilots who are not qualified civilian aviators. No other consequences attach to designation as student aviation pilots under the particular provisions. In subsection (b) the word "continuous" is omitted as covered by the word "period", and the subsection is written as a condition precedent to designation, because it is so interpreted.

In subsection (c) the words "enlisted in or transferred to pilot ratings" are omitted as surplusage.

Subsection (e) states expressly the authority to designate aviation pilots, which is implied in 34 U. S. C. 841a, 841b, and 841d.

In subsection (f) the words "pay grade E-5" are substituted for the words "third grade" in 34 U. S. C. 841b to conform to the terminology of the Career Compensation Act of 1949 (37 U. S. C. 231 et seq.).

In subsection (h) the words "of the Naval Reserve or the Marine Corps Reserve" are substituted for the words "designated as such in accordance with sections 841a and 341b of this title" for uniformity.

**Chapter 603.—UNITED STATES NAVAL ACADEMY**

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**§ 6951. Location.**

The United States Naval Academy shall be located at Annapolis, Maryland. (Aug. 10, 1956, ch. 1041, 70A Stat. 428.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6951.....	34 U. S. C. 1021.	R. S. 1511.

The words "United States" are inserted before the words "Naval Academy" to state the full title. The word "established" is omitted as executed. The words "in the State of" are omitted as surplusage.

**§ 6952. Civilian teachers: number; compensation.**

(a) The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at the Naval Academy as he considers necessary.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section to any person in the Department of the Navy, with or without the authority to make successive re-delegations. (Aug. 10, 1956, ch. 1041, 70A Stat. 428.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6952.....	34 U. S. C. 1071 (as applicable to Naval Academy); 5 U. S. C. 412a.	Aug. 2, 1946, ch. 756, § 7 (a) (as applicable to Naval Academy), 60 Stat. 854. Aug. 2, 1946, ch. 756, § 39, 60 Stat. 858.

The words "for the proper instruction of naval personnel" and the words "be paid out of naval appropriations" are omitted as surplusage.

In subsection (c) the words "except the authority to prescribe regulations" are omitted, since 34 U. S. C. 1071 contains no authority for the Secretary of the Navy to prescribe regulations for the administration of that section.

**CROSS REFERENCES**

Retirement of civilian teachers, see section 7081 et seq. of this title.

**§ 6953. Midshipmen: appointment.**

Midshipmen at the Naval Academy shall be appointed by the President alone. (Aug. 10, 1956, ch. 1041, 70A Stat. 429.)

**HISTORICAL AND REVISION NOTES**

This section is included in this chapter without specific reference to statutory source to resolve the ambiguities and conflicts existing in the statutes relating to the appointment of midshipmen at the Naval Academy. The word "appoint" has been used in various statutes when the intent of Congress was to provide authority in the persons named to "choose," "select," or "nominate" for the office of midshipman. These statutes have been collected and codified in § 6954 of this title, which reflects the various sources of nominees for "appointment" as midshipmen and the persons who may so "nominate" them. The actual appointing power resides in the President and this implied authority is herein expressed for clarity and for the purpose of uniformity of expression.

**§ 6954. Midshipmen: number.**

(a) There may be at the Naval Academy at any one time midshipmen as follows:

- (1) 40 selected in order of merit as established by competitive examination from the sons of members of the armed forces who were killed in action or died of wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service—

- (A) during World War I or World War II as defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents; or
- (B) after June 26, 1950, and before February 1, 1955.

The determination of the Veterans' Administration as to service connection of the cause of death is binding upon the Secretary of the Navy.

- (2) Five nominated at large by the Vice President.

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

(4) Five nominated by each Representative in Congress.

(5) Five from the District of Columbia, nominated by the Commissioners of that District.

(6) Five from each Territory, nominated by the Delegate in Congress from that Territory.

(7) Six 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) One nominated by the Governor of the Panama Canal from the sons of civilians residing in the Canal Zone or the sons of civilian personnel of the United States Government, or the Panama Railroad Company, residing in the Republic of Panama.

(b) In addition there may be appointed each year at the Academy midshipmen as follows:

(1) 75 selected by the President from the sons of members of regular components of the armed forces.

(2) 160 nominated by the Secretary of the Navy from enlisted members of the Regular Navy and the Regular Marine Corps.

(3) 160 nominated by the Secretary of the Navy from enlisted members of the Naval Reserve and the Marine Corps Reserve.

(4) 20 nominated by the Secretary of the Navy, 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 Naval Reserve Officers' Training corps.

(c) The President may also appoint as midshipmen at the Academy sons of persons who have been awarded the medal of honor for acts performed while in the armed forces. (Aug. 10, 1956, ch. 1041, 70A Stat. 429.)

All provisions of law authorizing appointments to the Naval Academy from various sources are collected in this section. The language is extensively changed to meet the needs of this organization of the source material. In those provisions that now authorize "appointments" by other than the President, the language is changed to indicate that the process is one of selection where the law requires selection by competitive examination, and to show that other candidates are nominated. The manner of appointing the selectees and nominees, in all cases, is covered in § 6953 of this title. In the case of nominees from States, the District of Columbia, Territories, and from Puerto Rico, the qualification that the nominees must be from the political subdivisions from which nominated is indicated. The requirement that the nominees be actual residents of the political subdivisions is contained in § 6958 (b) of this title.

In subsection (a) (1) the words "armed forces" are substituted for the description of the land and naval forces. The words "including male and female members of" and "of all components thereof" are omitted as surplusage.

In subsection (a) (1) (B), 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".

In subsection (b) (1) the qualification that appointees must be from the sons of members of the various "regular" components of the armed forces is added, as "Army, Navy, Air Force, Marine Corps, and Coast Guard" are so interpreted in this statute.

In subsection (c) the proviso "That all such appointees are otherwise qualified for admission" is omitted as covered by § 6958 of this title setting forth qualifications of all candidates.

The applicability to the United States Military Academy in the act of June 8, 1926, ch. 492, as amended (34 U. S. C. 1036a; 10 U. S. C. 1091a), was repealed by section 6 (c) of the act of June 30, 1950, ch. 421, 64 Stat. 305.

#### § 6955. 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.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6954 (a) (1)	34 U. S. C. 1036a.	June 8, 1926, ch. 492, par. 2, 44 Stat. 703; Dec. 1, 1942, ch. 650, 56 Stat. 1024; Nov. 24, 1945, ch. 493, 59 Stat. 586; June 30, 1950, ch. 421, § 6 (c), 64 Stat. 305; June 3, 1954, ch. 251, § 1, 68 Stat. 168.
6954 (a) (2)	34 U. S. C. 1037.	May 28, 1928, ch. 820, 45 Stat. 788.
6954 (a) (3)-(7)	34 U. S. C. 1032 (1st 31 words).	Dec. 20, 1917, ch. 5, § 1 (1st 31 words), 40 Stat. 430; Aug. 13, 1946, ch. 962, § 16, 60 Stat. 1061; May 16, 1947, ch. 77, § 1 (o), 61 Stat. 100; Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (2d par.).
6954 (a) (7)	34 U. S. C. 1034.	June 8, 1939, ch. 195, 53 Stat. 814.
6954 (a) (8)	34 U. S. C. 1035a.	Aug. 13, 1946, ch. 962, § 16 (a), 60 Stat. 1061; May 16, 1947, ch. 77, § 1 (o), 61 Stat. 100; June 30, 1950, ch. 421, § 5, 64 Stat. 305.
6954 (b) (1)	34 U. S. C. 1039.	Dec. 20, 1917, ch. 5, § 1 (32d to 70th words), 40 Stat. 430; Aug. 13, 1946, ch. 962, § 16, 60 Stat. 1061.
6954 (b) (2) and (3)	34 U. S. C. 1032 (32d to 70th words).	Feb. 27, 1936, ch. 89, 49 Stat. 1144; June 6, 1941, ch. 175, 55 Stat. 246.
6954 (b) (4)	34 U. S. C. 1033a.	Nov. 24, 1945, ch. 492, 59 Stat. 586.
6954 (c).....	34 U. S. C. 1038.	

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
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.

**§ 6956. Midshipmen: nomination and selection to fill vacancies.**

(a) 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 one or more alternates.

(b) A nomination following notification under subsection (a) shall be made by the fourth of March of the year following that in which notice of the vacancy is given. However, if the candidate dies or declines the nomination, or if the nomination cannot be made by reason of a vacancy in the membership of the Senate or the House of Representatives, the nomination may be made, as determined by the Secretary, not later than the date of the final entrance examination for that year.

(c) Nomination of candidates to fill vacancies for the District of Columbia, and selection of all candidates at large, shall be made by the fourth of March of the year in which the candidates are to enter the Academy.

(d) If the annual quota of midshipmen from—

- (1) enlisted men of the Regular Navy and the Regular Marine Corps;
- (2) enlisted men of the Naval 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 candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(e) 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 two-thirds of those nominated under this subsection shall be from qualified alternates under clauses (2)—(3) of section 6954 (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.

(f) 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.)

**HISTORICAL AND REVISION NOTES**

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

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

**§ 6957. Admission of foreigners for instruction: restrictions; conditions.**

(a) No person from a foreign country may be permitted to receive instruction at the Naval Academy except as authorized by this section.

(b) The Secretary of the Navy may permit persons designated by the President to receive instruction at the Academy as follows:

(1) Not more than 20 at a time from Canada and the American Republics other than the United States.

(2) Not more than four at a time from the Republic of the Philippines.

Of the 20 persons permitted under clause (1) to receive instruction at the Academy at any one time, not more than three may be from the same country.

(c) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as midshipmen.

(d) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as a midshipman. However, a person receiving instruction under this section is not entitled to an appointment in the Navy or the Marine Corps by reason of his graduation from the Academy. (Aug. 10, 1956, ch. 1041, 70A Stat. 431.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6957 (a).... 6957 (b), (c), and (d).	34 U. S. C. 1036. 34 U. S. C. 1036-1; 34 U. S. C. 1036-2.	June 29, 1906, ch. 3590, 34 Stat. 577 (1st par.). July 14, 1941, ch. 292, 55 Stat. 539; June 1, 1943, ch. 357, § 1, 62 Stat. 279. June 24, 1948, ch. 616, 62 Stat. 583.

In subsections (a) and (b) the location of the Academy is omitted as surplusage.

In subsection (b) the words "from the Republic of the Philippines" are substituted for the word "Filipinos" to indicate the proper designation of that country.

In subsection (c) reference to "emoluments" is omitted, as that term has no present significance with reference to midshipmen.

In subsection (d) the words "rules and" and "any office or position" are omitted as surplusage and the provision is extended to cover specifically the Marine Corps, since "Navy" in this context is so interpreted.

## DELEGATION OF FUNCTIONS

For delegation to the Secretary of Defense of authority vested in the President, see Ex. Ord. No. 10861, Feb. 27, 1956, 21 F. R. 1315, set out as a note under section 301 of Title 3, The President.

## § 6958. 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-second 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)—(7) of section 6954 (a) of this title must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia or Puerto Rico, if nominated from one of those places.

(c) Each candidate nominated under clause (2) or (3) of section 6954 (b) of this title—

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

(2) must have served at least one year as an enlisted member on the date of entrance;

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

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 431.)

## 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; 34 U. S. C. 1032 (less 1st 70 words).	Mar. 4, 1917, ch. 180, 39 Stat. 1182 (1st par.). Dec. 20, 1917, ch. 5, § 1 (less 1st 70 words), 40 Stat. 430; Aug. 13, 1946, ch. 952, § 16, 60 Stat. 1061; May 16, 1947, ch. 77, § 1 (c), 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 remove 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.

## CROSS REFERENCES

Effect upon enlisted status of acceptance of appointment as midshipman, see section 516 of this title.

## § 6959. Midshipmen: agreement for length of service.

Each midshipman who is a citizen or national of the United States shall sign an agreement that, unless sooner separated, he will—

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

(2) accept an appointment and serve as a commissioned officer of the Regular Navy, the Regular Marine Corps, or the Regular Air Force for at least three years immediately after graduation; and

(3) accept an appointment as a commissioned officer in the reserve component of the Navy or the Marine Corps or as a Reserve in the Air Force for service in the Air Force Reserve and remain therein until the sixth anniversary of his graduation if an appointment in the regular component of that armed force is not tendered to him or if he is permitted to resign as a commissioned officer of that component before that anniversary. If the midshipman is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian. (Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6959.....	34 U. S. C. 1048.	June 30, 1950, ch. 421, § 3, 64 Stat. 304.

The words "Hereafter" and "appointed to the United States Naval Academy" are omitted as surplusage. The words "an agreement that \* \* \* he will" are substituted for the words "articles \* \* \* by which he shall engage". The word "separated" is substituted for the words "discharged by competent authority". The words "if tendered an appointment", "upon graduation from the United States Naval Academy", and "consecutive" are omitted as surplusage. The words "if he is permitted to resign" are substituted for the words "in the event of the acceptance of his resignation", since a resignation is effective only if accepted. The first 43 words of clause (3) are substituted for 34 U. S. C. 1043 (last 30 words of clause (3)). The last sentence is substituted for the words "with the consent of his parents or guardian if he be a minor, and if any he have."

## CROSS REFERENCES

Effect upon enlisted status of acceptance of appointment as midshipman, see section 516 of this title.

**§ 6960. Midshipmen: clothing and equipment; uniform allowance.**

The Secretary of the Navy may prescribe the amount to be credited to a midshipman, upon original admission to the Naval Academy, for the cost of his initial issue of clothing and equipment. That amount shall be deducted from his pay. If a midshipman is discharged before graduation while owing the United States for pay advanced for the purchase of required clothing and equipment, he shall turn in as much of his clothing and equipment of a distinctively military nature as is necessary to repay the amount advanced. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be canceled. (Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6960.....	34 U. S. C. 1052a.	Aug. 22, 1951, ch. 340, § 1, 65 Stat. 196.

The word "new" before "midshipmen" and the word "subsequently" after "deducted" are omitted as surplusage. The words "while owing the United States for pay advanced for the purchase of" are substituted for the words "who is indebted to the United States on account of advances of pay to purchase."

**§ 6961. Midshipmen: dismissal for best interests of the service.**

(a) Whenever the Superintendent of the Naval Academy believes that the continued presence of any midshipman at the Academy is contrary to the best interest of the service, he shall report in writing to the Secretary of the Navy a full statement of the facts upon which his belief is based. If the Secretary determines from the report that the Superintendent's belief is well founded, the Secretary shall serve a copy of the report on the midshipman. Within such time as the Secretary considers reasonable, the midshipman shall show cause in writing why he should not be dismissed from the Academy. The Secretary, after consideration of any cause so shown, and with the written approval of the President, may dismiss the midshipman from the Academy and from the naval service.

(b) The truth of any issue of fact raised under subsection (a), except as to the record of demerits, shall be determined by a court of inquiry convened by the Secretary. (Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6961.....	34 U. S. C. 1062.	Apr. 9, 1906, ch. 1370, § 1, 34 Stat. 104.

The words "court of inquiry" are substituted for the words "board of inquiry" to conform to the terminology of the Uniform Code of Military Justice. The words "under the rules and regulations for the government of the Navy" are omitted as unnecessary.

**DELEGATION OF FUNCTIONS**

For delegation to the Secretary of Defense of authority vested in the President by section 1062 of former Title 34, see Ex. Ord. No. 10621, July 1, 1955, 20 F. R. 4759, set out as a note under section 301 of Title 3, The President.

**§ 6962. Midshipmen: discharge for unsatisfactory conduct or inaptitude.**

(a) The Superintendent of the Naval Academy shall submit to the Secretary of the Navy in writing a full report of the facts—

(1) whenever the Superintendent determines that the conduct of a midshipman is unsatisfactory; or

(2) whenever the Academic Board unanimsously determines that a midshipman possesses insufficient aptitude to become a commissioned officer in the naval service.

(b) A midshipman upon whom a report is made under subsection (a) shall be given an opportunity to examine the report and submit a written statement thereon. If the Secretary believes, on the basis of the report and statement, that the determination of the Superintendent or of the Academic Board is reasonable and well founded, he may discharge the midshipman from the Naval Academy and from the naval service. (Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6962.....	34 U. S. C. 1062a.	Dec. 11, 1945, ch. 562, 59 Stat. 605.

**§ 6963. Midshipmen: discharge for deficiency.**

Midshipmen found deficient at any examination shall, unless the Academic Board recommends otherwise, be discharged from the Naval Academy and from the naval service. (Aug. 10, 1956, ch. 1041, 70A Stat. 433.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6963.....	34 U. S. C. 1053.	R. S. 1519; restored Oct. 22, 1921, ch. 113, § 2, 42 Stat. 207.

**§ 6964. Hazing: definition; prohibition.**

(a) In this chapter "hazing" means any unauthorized assumption of authority by a midshipman whereby another midshipman suffers or is exposed to any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgement of any right.

(b) The Superintendent of the Naval Academy shall prescribe regulations, to be approved by the Secretary of the Navy, to prevent hazing.

(c) Hazing is an offense that may be dealt with as an offense against good order and discipline or as a violation of the regulations of the Naval Academy. However, no midshipman may be dismissed for a single act of hazing except by sentence of a court-martial.

(d) The finding and sentence of a court-martial of a midshipman for hazing shall be reviewed in the manner prescribed for general court-martial cases.

(e) A midshipman who is sentenced to imprisonment for hazing may not be confined with men who have been convicted of crimes or misdemeanors.

(f) A midshipman who is dismissed from the Academy for hazing may not be reappointed as a midshipman or be appointed as a commissioned officer in the Army, Navy, Air Force, or Marine Corps until two years after the graduation of the class of which he was a member. (Aug. 10, 1956, ch. 1041, 70A Stat. 433.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6964 (a)...	34 U. S. C. 1064.	Apr. 9, 1906, ch. 1370, § 4, 34 Stat. 105.
6964 (b)...	34 U. S. C. 1063.	Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (1st 23 words of 1st proviso).
6964 (c)...	34 U. S. C. 1065.	
6964 (d)...	34 U. S. C. 1066.	
and (e).		
6964 (f)...	34 U. S. C. 1067.	Apr. 9, 1906, ch. 1370, § 2 (last 54 words), 34 Stat. 104. June 23, 1874, ch. 453, 18 Stat. 203; Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (29th to 49th word of 1st proviso); Apr. 9, 1906, ch. 1370, § 3, 34 Stat. 104; May 5, 1950, ch. 169, § 11, 64 Stat. 146. Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (last 43 words of 1st proviso).

In subsection (a) the words "privilege, or advantage to which he shall legally be entitled" are omitted as surplusage, since they are covered by the word "right". The definition in this subsection is made applicable throughout the chapter to cover § 6965 of this title, since the reference in that section to hazing was also derived from the act which is the source for this subsection.

In subsection (b) the words "prescribe regulations \* \* \* to prevent hazing" are substituted for the words "make such rules \* \* \* as will effectually prevent the practice of hazing".

In subsection (c) the words "dealt with" are substituted for the words "proceeded against, dealt with, and punished". The word "regulations" is substituted for the word "rules" for uniformity and the words "and breaches" are omitted as surplusage. The words "except by sentence of a court-martial" are substituted for the words "except under the provisions of section three of this Act" because § 3 of the source statute provided for a Naval Academy court-martial with special provisions for handling cases involving hazing. The enactment of the Uniform Code of Military Justice made midshipmen at the Naval Academy subject to the same military law which applies generally to the naval service, thereby superseding the special type of court-martial for midshipmen. A court-martial under the Uniform Code of Military Justice has the power to sentence anyone convicted by it to dismissal if authorized by the Table of Maximum Punishments.

In subsections (d) and (e) all that part of the source text preceding the proviso is omitted as superseded by the Uniform Code of Military Justice. The words "in a military or naval prison or elsewhere" are omitted as surplusage.

## CROSS REFERENCES

Review of courts-martial, see section 859 et seq. of this title.

## § 6965. Failure to report violation: dismissal.

(a) Each officer stationed at the Naval Academy, each midshipman officer, each midshipman petty officer, and each civilian member of the teaching staff of the Academy shall report promptly to the Superintendent of the Naval Academy any fact that tends to show the commission of hazing or any violation of an Academy regulation by a midshipman.

(b) An officer of the naval service who fails to make a report required by subsection (a) shall be

tried by court-martial and if convicted shall be dismissed from the naval service.

(c) A civilian member of the teaching staff of the Academy who fails to make a report required by subsection (a) shall, with the approval of the Secretary of the Navy, be dismissed by the Superintendent. (Aug. 10, 1956, ch. 1041, 70A Stat. 433.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6965.....	34 U. S. C. 1068.	Apr. 9, 1906, ch. 1370, § 5, 34 Stat. 105.

In subsection (a) the words "each officer stationed at the Naval Academy, each midshipman officer, each midshipman petty officer, and each civilian member of the teaching staff of the Academy shall" are substituted for the words "it shall be the duty of every professor, assistant professor, academic officer, or any cadet officer or cadet petty officer, or instructor, as well as every other officer stationed at the United States Naval Academy to" to state the current applicability of the provision. The words "commission of hazing" are substituted for the words "violation \* \* \* of any of the provisions of this Act".

In subsection (b) the words "for neglect of duty" are omitted inasmuch as the Uniform Code of Military Justice sets out the offenses for which persons subject to the Code may be tried.

## § 6966. Course of study.

(a) The course at the Naval Academy is four years.

(b) The Secretary of the Navy shall arrange the course so that classes will not be held on Sunday. (Aug. 10, 1956, ch. 1041, 70A Stat. 434.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6966 (a)...	34 U. S. C. 1054.	Mar. 7, 1912, ch. 53 (1st 11 words), 37 Stat. 73.
6966 (b)...	34 U. S. C. 1056.	R. S. 1526.

In subsection (b) the words "of studies and the order of recitations" are omitted as surplusage. The words "classes will not be held on Sunday" are substituted for the words "students in said institution shall not be required to pursue their studies on Sunday".

## § 6967. Degree on graduation.

Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy may confer the degree of bachelor of science upon graduates of the Academy. (Aug. 10, 1956, ch. 1041, 70A Stat. 434.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6967.....	34 U. S. C. 1057a (less last sentence).	May 25, 1933, ch. 37, 48 Stat. 73 (less last sentence); Aug. 9, 1946, ch. 632, 60 Stat. 968; Aug. 4, 1949, ch. 393, § 13, 63 Stat. 659; Aug. 18, 1949, ch. 476, 63 Stat. 614.

The word "regulations" is substituted for the words "such rules and regulations". Since the Naval Academy is now accredited, the words "from and after the date of accrediting of said Academy" are omitted as executed.

**DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF NAVAL ACADEMY**

Section 35 of act Aug. 10, 1956, provided in part that, under conditions prescribed by the Secretary of the Navy, the Superintendent of the United States Naval Academy may confer the degree of bachelor of science upon living graduates of the Academy who were graduated before the date of accrediting of the Academy and who have met the requirements of the Academy for that degree.

**CROSS REFERENCES**

Appointment of graduates to Regular Navy or Regular Marine Corps, see section 5573 of this title.

**§ 6968. Board of Visitors.**

(a) A Board of Visitors to the Naval Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years. Two persons shall be designated by him each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Navy, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser is entitled to not more than \$5 a day and shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, 70A Stat. 434.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6968 (a) and (b).	34 U. S. C. 1083; 34 U. S. C. 1084.	June 29, 1948, ch. 714, § 1, 62 Stat. 1094.
6968 (c)....	34 U. S. C. 1085.	June 29, 1948, ch. 714, § 2, 62 Stat. 1094.
6968 (d)....	34 U. S. C. 1086.	June 29, 1948, ch. 714, § 3, 62 Stat. 1094.
6968 (e), (f), and (g).	34 U. S. C. 1087.	June 29, 1948, ch. 714, § 4, 62 Stat. 1094; June 30, 1954, ch. 432, § 732, 68 Stat. 356.
6968 (h)....	34 U. S. C. 1088.	June 29, 1948, ch. 714, § 5, 62 Stat. 1094. June 29, 1948, ch. 714, § 6, 62 Stat. 1094.

In subsection (a) the words "A Board of Visitors to the Naval Academy is constituted annually" are substituted for the words "There shall be appointed . . . every year a Board of Visitors", since appointments, in the strict sense, are not involved.

In subsection (b) the language establishing staggered terms is eliminated as executed, and the existence of such terms is recognized by the use of the words "two persons shall be designated by him each year to succeed the members whose terms expire that year". No effect is given to the language "the nine Presidential appointees". The hearings indicate that one of the bills considered provided for nine such "appointees", and it appears that the number nine was inadvertently retained. The provision specifically authorizes only six Presidential designees.

**CROSS REFERENCES**

Travel and subsistence expenses, see sections 835-842 of Title 5, Executive Departments and Government Officers and Employees.

**§ 6969. Band: composition.**

(a) The Naval Academy Band shall be composed of one leader, one second leader, and such enlisted members of the Navy as may be assigned.

(b) The leader of the Naval Academy Band is entitled to the basic pay and allowances of such grade as the Secretary of the Navy prescribes and the second leader is entitled to the basic pay and allowances of an officer in the grade of warrant officer, W-1. They are entitled to be credited for pay purposes with all service that may be credited under section 233 of title 37. In determining years of service for the purpose of retirement, and in determining eligibility for reenlistment bonus, the members who are assigned as leader and second leader shall be treated as if they had not been so assigned.

(c) The enlisted members assigned to the Naval Academy Band shall be distributed in grade substantially the same as in the United States Navy Band. (Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6969.....	34 U. S. C. 1091a.	Feb. 14, 1931, ch. 184, 46 Stat. 1111; July 17, 1953, ch. 226, § 2, 67 Stat. 181.

In subsection (a) the words "of the Navy" are supplied since the requirement that the distribution in ratings be similar to that in the United States Navy Band indicates that the Naval Academy Band should not include members of the Marine Corps, and it is so interpreted.

In subsection (b) the words "an officer in the grade of warrant officer, W-1," are substituted for the words "a warrant officer" because the Warrant Officer Act of

1954 established the grade of warrant officer, W-1, in lieu of all the former warrant officer (as distinguished from commissioned warrant officer) grades. The second sentence covers that part of the second proviso which relates to pay and makes reference to the Career Compensation Act of 1949, since it is that act which governs entitlement to basic pay and the computation of cumulative years of creditable service. Retirement rights and reenlistment bonuses referred to in the second proviso are covered in the third sentence of this subsection, giving recognition to the fact that the status of the members who are assigned as leader and second leader of the band remains unchanged in these respects.

#### PERMANENT GRADE OF PRESENT LEADER OF BAND

Section 3 of act July 17, 1953, ch. 226, 67 Stat. 180, provided that: "The President is authorized to appoint the present leader of the United States Navy Band to the permanent commissioned grade of commander in the Navy. Such appointment pursuant to this Act shall be deemed to be not in the line of the Navy or in any staff corps of the Navy."

#### CROSS REFERENCES

Pay and allowances, see chapter 4 of Title 37, Pay and Allowances.

#### § 6970. Storekeeper: detail; returns; inspection of accounts.

(a) An officer of the Supply Corps shall be detailed as the storekeeper at the Naval Academy. With the approval of the Secretary of the Navy, he shall procure clothing and other necessary supplies for the midshipmen in the same manner as supplies are procured for the Navy generally. Supplies procured by the storekeeper shall be issued under such regulations as the Secretary prescribes.

(b) Under such regulations as the Secretary prescribes, the storekeeper shall make quarterly returns of the property to the Chief of the Bureau of Supplies and Accounts. The Chief of the Bureau of Supplies and Accounts shall report annually to the Secretary the receipts and expenditures under this section.

(c) The storekeeper's accounts shall be inspected quarterly by the inspector general of the Supply Corps. A report of the inspection, with any recommendation of the inspector general, shall be made to the Chief of the Bureau of Supplies and Accounts. (Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6970 (a) . . .	34 U. S. C. 1101.	R. S. 1527.
6970 (b) . . .	34 U. S. C. 1102.	May 13, 1908, ch. 166, 35 Stat. 153 (proviso of 1st sentence, and 2d sentence, less proviso, of 1st par.).
6970 (c) . . .	34 U. S. C. 1103.	May 13, 1908, ch. 166, 35 Stat. 153 (proviso of 2d sentence of 1st par.).

In subsection (a) the words "necessary supplies" are substituted for the word "necessaries".

In subsection (b) the words "at the Naval Academy, authorized by the preceding section" are omitted as surplusage.

#### § 6971. Midshipmen's store, laundry, barber shop, cobbler shop, tailor shop, and dairy: disposition of funds.

(a) Funds collected from the operation of the midshipmen's store, including the barber shop, cobbler shop, and tailor shop at the Naval Academy, and the Academy dairy shall be deposited in the Treasury and are available for operating expenses

of these activities and for such other expenditures as the Superintendent of the Naval Academy considers necessary in the interest of the health, comfort, and education of the midshipmen. The Superintendent shall account quarterly to the Bureau of Supplies and Accounts for all receipts and expenditures under this subsection.

(b) Funds collected from the operation of the Academy laundry shall be accounted for as public funds and are available for the maintenance of necessary laundry service for Academy activities and personnel. (Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6971 (a) . . .	34 U. S. C. 1108b (less last proviso).	July 26, 1946, ch. 675, § 2 (less last proviso), 60 Stat. 704.
6971 (b) . . .	34 U. S. C. 1106.	Aug. 5, 1939, ch. 448, § 1, 53 Stat. 1210.

In subsection (a) the second listing of the activities is omitted for brevity.

In subsection (b) the words "including midshipmen" are omitted as surplusage. The words "are available for the maintenance of" are substituted for the words "are appropriated for the purpose of providing and maintaining".

#### § 6972. Chapel: crypt and window spaces.

The crypt and window spaces of the Naval Academy Chapel may be used only for memorials to officers of the Navy who have successfully commanded a fleet or squadron in battle or who have received the thanks of Congress for conspicuously distinguished services in time of war. No memorial to an officer may be accepted for, or installed in, the crypt or window spaces until at least five years after the death of that officer. (Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6972 . . . . .	34 U. S. C. 1111.	Mar. 3, 1909, ch. 255, 35 Stat. 773 (2d par.).

The words "United States" in connection with the chapel, the words "of the United States" in connection with naval officers and with Congress, and the words "or may receive" are omitted as surplusage. The proviso is omitted as executed.

#### § 6973. Gifts and bequests: acceptance for benefit of Naval Academy.

(a) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property made on the condition that it be used for the benefit of, or for use in connection with, the Naval Academy. Gifts and bequests of money and the proceeds from the sales of property received as gifts shall be deposited in the Treasury in the fund called "United States Naval Academy general gift fund". The Secretary may disburse funds deposited under this subsection for the benefit or use of the Naval Academy subject to the terms of the gift or bequest.

(b) For the purpose of Federal income, estate, and gift taxes, property that is accepted under this section is considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Secretary of the Navy, the Secretary of the Treasury may invest, reinvest, or retain investments of money or securities comprising any part of the United States Naval Academy general gift fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from those securities shall be deposited to the credit of the United States Naval Academy general gift fund and may be disbursed as provided in this section. (Aug. 10, 1956, ch. 1041, 70A Stat. 436.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6973 (a)---	34 U. S. C. 1115; 34 U. S. C. 1115a.	Mar. 31, 1944, ch. 147, § 1, 58 Stat. 135.
6973 (b)---	34 U. S. C. 1115b.	Mar. 31, 1944, ch. 147, § 2, 58 Stat. 135.
6973 (c)---	34 U. S. C. 1115c.	Mar. 31, 1944, ch. 147, § 3, 58 Stat. 135. Mar. 31, 1944, ch. 147, § 4, 58 Stat. 135.

CROSS REFERENCES

Acceptance of gifts and services generally, see sections 2601 and 2602 of this title.

§ 6974. Gifts and bequests: acceptance for benefit of museum.

(a) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property, and loans of personal property other than money, for the benefit of the Naval Academy Museum, its collection, or its services. Gifts or bequests of money shall be deposited in the Treasury in the fund called "United States Naval Academy Museum Fund". The Secretary may disburse funds so deposited for the purposes specified in this section.

(b) For the purpose of Federal income, estate, and gift taxes, property that is accepted under this section is considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Secretary of the Navy, the Secretary of the Treasury may invest, reinvest, or retain investments of the money or securities comprising any part of the United States Naval Academy Museum Fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from those securities shall be deposited to the credit of the United States Naval Academy Museum Fund and may be disbursed as provided in this section. (Aug. 10, 1956, ch. 1041, 70A Stat. 436.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6974 (a)---	34 U. S. C. 1118.	Mar. 26, 1938, ch. 52, § 3, 52 Stat. 119.
6974 (b)---	34 U. S. C. 1119.	Mar. 26, 1938, ch. 52, § 4, 52 Stat. 119.
6974 (c)---	34 U. S. C. 1120.	Mar. 26, 1938, ch. 52, § 5, 52 Stat. 119.

CROSS REFERENCES

Acceptance of gifts and services generally, see sections 2601 and 2602 of this title.

Chapter 605.—UNITED STATES NAVAL POSTGRADUATE SCHOOL

Sec.

- 7041. Function.
- 7042. Superintendent; assistants.
- 7043. Academic Dean.
- 7044. Civilian teachers: number; compensation.
- 7045. Officers of Army, Air Force, and Coast Guard: admission.
- 7046. Officers of foreign countries: admission.
- 7047. Conferring of degrees on graduates.

§ 7041. Function.

There is a United States Naval Postgraduate School for the advanced instruction and technical education of commissioned officers of the naval service in their practical and theoretical duties. (Aug. 10, 1956, ch. 1041, 70A Stat. 437.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
7041-----	34 U. S. C. 1076.	July 31, 1947, ch. 420, § 1, 61 Stat. 705.

The words "There is a" are substituted for the words "That the Secretary of the Navy is hereby authorized and directed to establish the", as the Postgraduate School is in operation. The words "technical education" are substituted for the word "training" to describe more aptly the higher level of instruction at the Postgraduate School. The words "naval service" are substituted for the words "Regular Navy and Marine Corps and the reserve components thereof". The word "their" is substituted for the words "of commissioned officers".

§ 7042. Superintendent; assistants.

(a) The Secretary of the Navy shall detail as Superintendent of the Naval Postgraduate School an officer on the active list in the line of the Navy eligible for command at sea not below the grade of captain. The Superintendent has military command of the Postgraduate School.

(b) The Secretary shall detail officers of the Navy and the Marine Corps of appropriate grades and qualifications to assist the Superintendent in—

- (1) the advanced instruction and technical education of students; and
- (2) the administration of the Postgraduate School.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
7042-----	34 U. S. C. 1076a.	July 31, 1947, ch. 420, § 2, 61 Stat. 705.

In subsection (a) the word "Regular" is omitted as covered by the term "active list".

In subsection (b) the words "line and staff" and "as may be necessary" are omitted as surplusage. The word "grades" is substituted for the word "ranks". The words "advanced instruction and technical education" are substituted for the words "training . . . in the practical and theoretical duties of commissioned naval officers".

§ 7043. Academic Dean.

(a) There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate