

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 2008 AMENDMENT

Amendment by Pub. L. 110-417 applicable to any degree granting authority established, modified, or redesignated on or after Oct. 14, 2008, for an institution of professional military education referred to in such amendment, see section 543(j) of Pub. L. 110-417, set out as a note under section 2163 of this title.

§ 8549. Defense industry civilians: admission to defense product development program

(a) **AUTHORITY FOR ADMISSION.**—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a master's degree or professional continuing education certificate in a curriculum related to defense product development and systems engineering. No more than 125 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 8548 of this title or an appropriate professional continuing education certificate, as applicable.

(b) **ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.**—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long as that person remains employed by the same firm.

(c) **ANNUAL DETERMINATION BY THE SECRETARY OF THE NAVY.**—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines that providing instruction to defense industry employees under this section during that year—

(1) will further the military mission of the school;

(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

(d) **PROGRAM REQUIREMENTS.**—The Secretary of the Navy shall ensure that—

(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other

schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

(e) **TUITION.**—The President of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

(f) **STANDARDS OF CONDUCT.**—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

(g) **USE OF FUNDS.**—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

(Added Pub. L. 106-398, §1 [[div. A], title V, §535(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-112, §7049; amended Pub. L. 108-136, div. A, title X, §1031(a)(57), Nov. 24, 2003, 117 Stat. 1603; Pub. L. 108-375, div. A, title V, §557(a)(4)(B), Oct. 28, 2004, 118 Stat. 1915; Pub. L. 109-163, div. A, title V, §525, Jan. 6, 2006, 119 Stat. 3245; Pub. L. 110-417, [div. A], title V, §542, Oct. 14, 2008, 122 Stat. 4456; Pub. L. 112-239, div. A, title V, §589(a), Jan. 2, 2013, 126 Stat. 1769; renumbered §8549 and amended Pub. L. 115-232, div. A, title VIII, §§807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, §807(c)(1), renumbered section 7049 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8548” for “section 7048”.

2013—Subsec. (a). Pub. L. 112-239 inserted “or professional continuing education certificate” after “master's degree” and “or an appropriate professional continuing education certificate, as applicable” before period at end.

2008—Subsec. (a). Pub. L. 110-417 substituted “125” for “25”.

2006—Subsec. (a). Pub. L. 109-163 inserted “and systems engineering” after “curriculum related to defense product development” and substituted “25” for “10”.

2004—Subsec. (e). Pub. L. 108-375 substituted “President” for “Superintendent”.

2003—Subsec. (c). Pub. L. 108-136 substituted “Determination” for “Certification” in heading and struck out “, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives,” after “determines” in introductory provisions.

PRIOR PROVISIONS

A prior section 8549, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, prohibited assignment of female members, except those designated under section 8067, to duty in aircraft engaged in combat missions, prior to repeal by Pub. L. 102-190, div. A, title V, §531(a)(1), Dec. 5, 1991, 105 Stat. 1365.

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.

REQUEST FOR INCREASE IN NUMBER OF DEFENSE INDUSTRY CIVILIANS AUTHORIZED FOR ADMISSION

Pub. L. 112-239, div. A, title V, § 589(c), Jan. 2, 2013, 126 Stat. 1769, as amended by Pub. L. 115-232, div. A, title VIII, § 809(b)(10), Aug. 13, 2018, 132 Stat. 1841, provided that: “If the Secretary of Defense determines that it is in the best interest of the Department of Defense to increase the maximum number of defense industry employees authorized to be enrolled in the Naval Defense Development Program or the Air Force Institute of Technology at any one time, as specified in sections 8549(a) and 9414a(a) of title 10, United States Code, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a request for such an increase, including draft legislation to effectuate the increase.”

PROGRAM EVALUATION AND REPORT

Pub. L. 106-398, § 1 [div. A], title V, § 535(b), Oct. 30, 2000, 114 Stat. 1654, 1654A-113, provided that:

“(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 [now 8549] of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

“(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.

“(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

“(C) A summary of the disposition and uses made of those funds.

“(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

“(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

“(A) the results of the evaluation under paragraph (1);

“(B) the Secretary’s conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction at the Naval Postgraduate School as part of a program related to defense product development; and

“(C) any proposals for legislative changes recommended by the Secretary.

“(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”

§ 8550. Grants for faculty research for scientific, literary, and educational purposes: acceptance; authorized grantees

(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Navy may authorize the President of the Naval Postgraduate School to accept

qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the School for a scientific, literary, or educational purpose.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The President of the Naval Postgraduate School shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Naval Postgraduate School may be used to pay expenses incurred by the School in applying for, and otherwise pursuing, the award of qualifying research grants.

(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.

(Added Pub. L. 109-163, div. A, title V, § 522(c)(1), Jan. 6, 2006, 119 Stat. 3241, § 7050; renumbered § 8550, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

Editorial Notes

PRIOR PROVISIONS

A prior section 8571, acts Aug. 10, 1956, ch. 1041, 70A Stat. 528; Sept. 2, 1958, Pub. L. 85-861, §§1(183), 33(a)(41), 72 Stat. 1533, 1566; June 30, 1960, Pub. L. 86-559, §1(64), 74 Stat. 278, provided that commissioned officers of Air Force on active duty in same grade rank themselves according to date of rank and specified procedures for determining date of rank, prior to repeal by Pub. L. 96-513, title II, §211, Dec. 12, 1980, 94 Stat. 2885, effective Sept. 15, 1981. See section 741 of this title.

A prior section 8572 was renumbered section 9222 of this title.

Prior sections 8573 and 8574 were repealed by Pub. L. 96-513, title II, §211, Dec. 12, 1980, 94 Stat. 2885.

Section 8573, act Aug. 10, 1956, ch. 1041, 70A Stat. 529, specified date of rank of an officer whose regular grade is brigadier general and date of rank of an officer whose regular grade is major general and provided that names of general officers of Regular Air Force be carried on a seniority list in order of seniority in both regular grade and date of rank. See section 741 of this title.

Section 8574, acts Aug. 10, 1956, ch. 1041, 70A Stat. 530; Sept. 2, 1958, Pub. L. 85-861, §§1(184), 33(a)(24), 72 Stat. 1533, 1565, provided for determination of rank of commissioned officers of same grade in Regular Air Force who are on same promotion list, rank of commissioned officers of same grade in Regular Air Force who are not on same promotion list or not on a promotion list, and rank among graduates of each class at United States Military, Naval, or Air Force Academies who, upon graduation, are appointed to Regular Air Force. See section 741 of this title.