

**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.

A prior section 8575 was renumbered section 9225 of this title.

A prior section 8576, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for command when different commands of Air Force and Marine Corps joined or served together, prior to repeal by Pub. L. 90-235, §5(a)(2), Jan. 2, 1968, 81 Stat. 761. See section 747 of this title.

A prior section 8577, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for the command of flying units by commissioned officers of Air Force who had received aeronautical ratings as pilots of service types of aircraft, prior to repeal by Pub. L. 93-525, Dec. 18, 1974, 88 Stat. 1695.

A prior section 8578, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for command when two or more commissioned officers of Air Force in same grade were on duty at same place, prior to repeal by Pub. L. 90-235, §5(a)(2), Jan. 2, 1968, 81 Stat. 761. See section 749 of this title.

A prior section 8579 was renumbered section 9229 of this title.

A prior section 8580, Aug. 10, 1956, ch. 1041, 70A Stat. 531, provided that Secretary of Air Force should prescribe military authority that female members of Air Force, except those designated under former section 8067 of this title to perform professional functions, might exercise, prior to repeal by Pub. L. 90-130, §1(30), Nov. 8, 1967, 81 Stat. 382.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7050 of this title as this section.

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#### § 8551. Development and operation of the Naval Innovation Center at the Naval Postgraduate School

(a) **AUTHORITY TO SUPPORT THE NAVAL INNOVATION CENTER.**—(1) The Secretary of the Navy may enter into a contract or other agreement with one or more eligible nonprofit organizations for the design, construction, and maintenance of a multipurpose facility—

(A) to be known as the “Naval Innovation Center” (in this section referred to as the “NIC”); and

(B) to be located at the United States Naval Postgraduate School.

(2) The NIC shall be used—

(A) to convene interested persons to develop and accelerate the adoption of new and innovative technologies and practices for the benefit of the Department of Defense; and

(B) to support such education, training, research, and associated activities, as determined by the Secretary, in support of the Naval Postgraduate School and the Department of Defense.

(b) **FUNDS.**—Under the contract or other agreement described in subsection (a), the Secretary may—

(1) accept funds from a partner organization for any phase of development of the NIC; and

(2) accept funds, personal property, or services from a covered entity that is not a partner organization for maintenance of the NIC.

(c) **AUTHORITY TO ACCEPT GIFTS.**—(1) The Secretary of the Navy may accept, hold, administer, and spend any gift, device, or bequest of real property, personal property, services, or money on the condition that the gift, device, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance of the NIC. Section 2601 of this title (other than subsections (b), (c), and (e) of such section) shall apply to gifts accepted under this subsection.

(2) The Secretary may display at the NIC recognition for an individual or entity that contributes money to a partner organization or for a corporate partner that contributes money directly to the Navy for the benefit of the NIC, whether or not the contribution is subject to the condition that the recognition be provided. The Secretary shall prescribe regulations governing the circumstances under which contributor recognition may be provided, appropriate forms of recognition, and suitable display standards.

(3) The Secretary may authorize the sale of donated property received under paragraph (1). A sale under this paragraph need not be conducted in accordance with disposal requirements that would otherwise apply, so long as the sale is conducted at arms-length and includes an auditable transaction record.

(4) Any money received under paragraph (1) and any proceeds from the sale of property under paragraph (3) shall be deposited into a fund established in the Treasury to support the NIC.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with a contract or other agreement described in subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) **DEFINITIONS.**—In this section:

(1) The term “covered entity” means—

(A) an entity incorporated or operating under the laws of any State; or

(B) a nonprofit organization.

(2) The term “eligible nonprofit organization” means an organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; and

(B) has as its primary purpose the support and operation of the Naval Postgraduate School.

(3) The term “partner organization” means an eligible nonprofit organization with which the Secretary of the Navy enters into a contract or other agreement under subsection (a).

(Added Pub. L. 118-159, div. B, title XXVIII, §2872, Dec. 23, 2024, 138 Stat. 2281.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (e)(2)(A), is classified to section 501 of Title 26, Internal Revenue Code.