

provided that, for resident classes entering war colleges after Sept. 30, 1997, Department of Defense was to require that not less than 20 percent of total of United States military students at each war college was to be from military departments other than hosting military department and provided that each military department was to recognize attendance at sister military department war college as equivalent of attendance at its own war college for promotion and advancement of personnel, was from the Department of Defense Appropriations Act, 1997, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-61, title VIII, § 8084, Dec. 1, 1995, 109 Stat. 667.

Pub. L. 103-335, title VIII, § 8108A, Sept. 30, 1994, 108 Stat. 2646.

AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES

Pub. L. 102-484, div. A, title V, § 542, Oct. 23, 1992, 106 Stat. 2413, related to conditions for and exceptions to authority of Department of Defense school faculty and students to accept honoraria for appearance, speech, or article published in bona fide publication, prior to repeal by Pub. L. 107-314, div. A, title VI, § 653(a), Dec. 2, 2002, 116 Stat. 2581.

[Pub. L. 107-314, div. A, title VI, § 653(b), Dec. 2, 2002, 116 Stat. 2581, provided that: "The repeal made by subsection (a) [repealing section 542 of Pub. L. 102-484, formerly set out above] shall apply with respect to appearances made, speeches presented, and articles published on or after October 1, 2002."]

§ 2161. Degree granting authority for National Defense Intelligence College

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

(b) **LIMITATION.**—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the National Defense Intelligence College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) **CONGRESSIONAL NOTIFICATION REQUIREMENTS.**—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Sec-

retary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the National Defense Intelligence College to award any new or existing degree.

(Added Pub. L. 96-450, title IV, § 406(a), Oct. 14, 1980, 94 Stat. 1980; amended Pub. L. 105-107, title V, § 501(a), Nov. 20, 1997, 111 Stat. 2261; Pub. L. 110-417, [div. A], title V, § 543(a)(1), Oct. 14, 2008, 122 Stat. 4456.)

AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, section related to conferral of academic degrees by the Joint Military Intelligence College.

1997—Pub. L. 105-107 substituted "Joint Military Intelligence College: academic degrees" for "Defense Intelligence School: master of science of strategic intelligence" in section catchline and amended text generally. Prior to amendment, text read as follows: "Under regulations prescribed by the Secretary of Defense, the Commandant of the Defense Intelligence School may, upon recommendation by the faculty of such school, confer the degree of master of science of strategic intelligence upon graduates of the school who have fulfilled the requirements for that degree."

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title V, § 543(j), Oct. 14, 2008, 122 Stat. 4465, provided that: "The amendments made by this section [amending this section and sections 2163, 4314, 4321, 7048, 7101, 7102, 9314, and 9317 of this title] shall apply to any degree granting authority established, modified, or redesignated on or after the date of enactment of this Act [Oct. 14, 2008] for an institution of professional military education referred to in such amendments."

§ 2162. Preparation of budget requests for operation of professional military education schools

(a) **UNIFORM COST ACCOUNTING.**—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall promulgate a uniform cost accounting system for use by the Secretaries of the military departments in preparing budget requests for the operation of professional military education schools.

(b) **PREPARATION OF BUDGET REQUESTS.**—(1) Amounts requested for a fiscal year for the operation of each professional military education school shall be set forth as a separate budget request in the materials submitted by the Secretary of Defense to Congress in support of the budget request for the Department of Defense.

(2) As executive agent for funding professional development education at the National Defense University, including the Joint Forces Staff College, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall prepare the annual budget for professional development education operations at the National Defense University and set forth that re-

quest as a separate budget request in the materials submitted to Congress in support of the budget request for the Department of Defense. Nothing in the preceding sentence affects policies in effect on December 28, 2001, with respect to budgeting for the funding of logistical and base operations support for components of the National Defense University through the military departments.

(3) The Secretary of a military department preparing a budget request for a professional military education school shall carefully consider the views of the Chairman of the Joint Chiefs of Staff, particularly with respect to the amount of the request for the operation of the schools of the National Defense University and the joint professional military education curricula of the other professional military education schools.

(c) **COMPARISON OF BUDGET REQUESTS.**—Materials prepared in support of the budget request for a professional military education school shall describe whether the amount requested for that school is comparable to the amounts requested for other professional military education schools, taking into consideration the size and activities of the schools.

(d) **PROFESSIONAL MILITARY EDUCATION SCHOOLS.**—This section applies to each of the following professional military education schools:

- (1) The National Defense University.
- (2) The Army War College.
- (3) The College of Naval Warfare.
- (4) The Air War College.
- (5) The United States Army Command and General Staff College.
- (6) The College of Naval Command and Staff.
- (7) The Air Command and Staff College.
- (8) The Marine Corps University.

(Added Pub. L. 101-510, div. A, title IX, §911(a), Nov. 5, 1990, 104 Stat. 1625; amended Pub. L. 105-85, div. A, title IX, §921(b), Nov. 18, 1997, 111 Stat. 1862; Pub. L. 107-107, div. A, title V, §527(b), Dec. 28, 2001, 115 Stat. 1102; Pub. L. 107-314, div. A, title X, §1062(a)(7), Dec. 2, 2002, 116 Stat. 2650.)

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-314 substituted “December 28, 2001,” for “the date of the enactment of this paragraph”.

2001—Subsec. (b)(2), (3). Pub. L. 107-107 added par. (2) and redesignated former par. (2) as (3).

1997—Subsec. (d). Pub. L. 105-85 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘professional military education school’ means—

- “(A) the National Defense University;
- “(B) the Army War College;
- “(C) the College of Naval Warfare;
- “(D) the Air War College;
- “(E) the United States Army Command and General Staff College;
- “(F) the College of Naval Command and Staff;
- “(G) the Air Command and Staff College; or
- “(H) the Marine Corps Command and Staff College.

“(2) The term ‘National Defense University’ means the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.”

EFFECTIVE DATE

Section 911(b)(c) of Pub. L. 101-510 provided that: “Section 2162 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1991.”

EXECUTIVE AGENT FOR FUNDING PROFESSIONAL DEVELOPMENT EDUCATION

Pub. L. 107-107, div. A, title V, §527(a), Dec. 28, 2001, 115 Stat. 1101, provided that:

“(1) Effective beginning with fiscal year 2003, the Secretary of Defense shall be the executive agent for funding professional development education operations of all components of the National Defense University, including the Joint Forces Staff College. The Secretary may not delegate the Secretary’s functions and responsibilities under the preceding sentence to the Secretary of a military department.

“(2) Nothing in this subsection affects policies in effect on the date of the enactment of this Act [Dec. 28, 2001] with respect to—

“(A) the reporting of the President of the National Defense University to the Chairman of the Joint Chiefs of Staff; or

“(B) provision of logistical and base operations support for components of the National Defense University by the military departments.”

§ 2163. Degree granting authority for National Defense University

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

(b) **LIMITATION.**—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the National Defense University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) **CONGRESSIONAL NOTIFICATION REQUIREMENTS.**—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation.