

(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

(3) TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

(b) PROVOST AND ACADEMIC DEAN.—

(1) IN GENERAL.—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

(2) TERM.—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

(3) COMPENSATION.—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

(Added Pub. L. 112-81, div. A, title V, §554(a), Dec. 31, 2011, 125 Stat. 1414.)

#### REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b)(3), is set out in section 5315 of Title 5, Government Organization and Employees.

#### § 9315. Community College of the Air Force: associate degrees

(a) ESTABLISHMENT AND MISSION.—There is in the Air Force a Community College of the Air Force. Such college, in cooperation with civilian colleges and universities, shall—

(1) prescribe programs of higher education for enlisted members described in subsection (b) designed to improve the technical, managerial, and related skills of such members and to prepare such members for military jobs which require the utilization of such skills; and

(2) monitor on a continuing basis the progress of members pursuing such programs.

(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education under subsection (a)(1):

(1) Enlisted members of the Air Force.

(2) Enlisted members of the armed forces other than the Air Force who are serving as instructors at Air Force training schools.

(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a

former or retired enlisted member of the armed forces who at the time of the person's separation from active duty—

(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

(B) is categorized by the Secretary concerned as seriously wounded, ill, or injured.

(2) For purposes of this subsection, a person who may be categorized as seriously wounded, ill, or injured is a person with a serious injury or illness (as that term is defined in section 1602(8) of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note)).

(3) A person may not be authorized under paragraph (1) to participate in a program of higher education after the end of the 10-year period beginning on the date of the person's separation from active duty.

(4) The Secretary may not pay the tuition for participation in a program of higher education under subsection (a)(1) of a person participating in such program pursuant to an authorization under paragraph (1).

(d) ASSOCIATE DEGREES.—(1) Subject to paragraph (2), an academic degree at the level of associate may be conferred under section 9317 of this title upon any person who has completed a program prescribed by the Community College of the Air Force.

(2) No degree may be conferred upon any person under this section unless the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met.

(Added Pub. L. 94-361, title VI, §602, July 14, 1976, 90 Stat. 928; amended Pub. L. 96-513, title V, §514(9), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 103-160, div. A, title XI, §1182(a)(12), Nov. 30, 1993, 107 Stat. 1772; Pub. L. 104-106, div. A, title X, §1078(a), Feb. 10, 1996, 110 Stat. 451; Pub. L. 105-85, div. A, title V, §552(a), (b), Nov. 18, 1997, 111 Stat. 1748; Pub. L. 108-375, div. A, title V, §556(b), Oct. 28, 2004, 118 Stat. 1915; Pub. L. 112-81, div. A, title V, §555(a), (b), Dec. 31, 2011, 125 Stat. 1415.)

#### AMENDMENTS

2011—Subsec. (c). Pub. L. 112-81, §555(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 112-81, §555(a)(1), (b), redesignated subsec. (c) as (d) and substituted "person" for "enlisted member" in two places.

2004—Subsec. (c). Pub. L. 108-375 amended heading and text generally. Prior to amendment, text read as follows:

"(1) Subject to paragraph (2), the commander of the Air Education and Training Command of the Air Force may confer an academic degree at the level of associate upon any enlisted member who has completed the program prescribed by the Community College of the Air Force.

"(2) No degree may be conferred upon any enlisted member under this section unless (A) the Community College of the Air Force certifies to the commander of the Air Education and Training Command of the Air Force that such member has satisfied all the requirements prescribed for such degree, and (B) the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met."

1997—Subsec. (a). Pub. L. 105-85, §552(b)(1), inserted heading.

Subsec. (a)(1). Pub. L. 105-85, § 552(a)(1), substituted “enlisted members described in subsection (b)” for “enlisted members of the Air Force”.

Subsec. (b). Pub. L. 105-85, § 552(a)(4), added subsec. (b). Former subsec. (b) redesignated subsec. (c)(1).

Subsec. (c). Pub. L. 105-85, § 552(a)(2), (3), (b)(2), redesignated subsec. (b) as subsec. (c)(1), inserted subsec. heading, substituted “Subject to paragraph (2),” for “Subject to subsection (c),”, and redesignated former subsec. (c) as subsec. (c)(2) and pars. (1) and (2) of former subsec. (c) as subpars. (A) and (B), respectively, of subsec. (c)(2).

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “Air Force” for “armed forces”.

1993—Subsec. (b). Pub. L. 103-160, § 1182(a)(12)(A), substituted “Air Education and Training Command” for “Air Training Command”.

Subsec. (c). Pub. L. 103-160, § 1182(a)(12)(B), substituted “Air Education and Training Command of the Air Force” for “Air Force Training Command”.

1980—Subsec. (c). Pub. L. 96-513 substituted “Secretary of Education” for “Commissioner of Education of the Department of Health, Education, and Welfare”.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title V, § 555(c), Dec. 31, 2011, 125 Stat. 1416, provided that: “Subsection (c) of section 9315 of title 10, United States Code (as added by subsection (a)(2)), shall apply to persons covered by paragraph (1) of such subsection who are categorized by the Secretary concerned as seriously wounded, ill, or injured after September 11, 2001. With respect to any such person who is separated from active duty during the period beginning on September 12, 2001, and ending on the date of the enactment of this Act [Dec. 31, 2011], the 10-year period specified in paragraph (3) of such subsection shall be deemed to commence on the date of the enactment of this Act.”

#### EFFECTIVE DATE OF 1997 AMENDMENT

Section 552(c) of Pub. L. 105-85 provided that: “Subsection (b) of section 9315 of such title, as added by subsection (a)(4), applies with respect to enrollments in the Community College of the Air Force after March 31, 1996.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 1078(b) of Pub. L. 104-106 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### **[§ 9316. Repealed. Pub. L. 110-417, [div. A], title III, § 353(a), Oct. 14, 2008, 122 Stat. 4425]**

Section, added Pub. L. 101-510, div. A, title XIV, § 1439(c), Nov. 5, 1990, 104 Stat. 1689, related to training and support for A-10 aircraft.

### **§ 9317. Degree granting authority for Air University**

(a) **AUTHORITY.**—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the Air University components, 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 Air 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 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 Air University to award any new or existing degree.

(Added Pub. L. 103-337, div. A, title IX, § 913(a)(1), Oct. 5, 1994, 108 Stat. 2828; amended Pub. L. 106-65, div. A, title V, § 543(a), (b)(1), Oct. 5, 1999, 113 Stat. 607; Pub. L. 108-375, div. A, title V, § 556(a), (c)(1), Oct. 28, 2004, 118 Stat. 1914, 1915; Pub. L. 110-181, div. A, title V, § 527, Jan. 28, 2008, 122 Stat. 105; Pub. L. 110-417, [div. A], title V, § 543(i)(1), Oct. 14, 2008, 122 Stat. 4464.)

#### AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to the authority of Air University to confer academic degrees and regulations under which authority would be exercised.

Subsec. (a)(4), (5). Pub. L. 110-181 added par. (4) and redesignated former par. (4) as (5).

2004—Pub. L. 108-375, § 556(c)(1), substituted “conferral of degrees” for “graduate-level degrees” in section catchline.

Subsec. (a). Pub. L. 108-375, § 556(a), substituted “may confer academic degrees as follows:” for “may confer—” in introductory provisions, “The” for “the” in pars. (1) to (3), period for semicolon in par. (1), and period for “; and” in par. (2) and added par. (4).

1999—Pub. L. 106-65, § 543(b)(1), substituted “graduate-level degrees” for “master of airpower art and science” in section catchline.

Subsec. (a). Pub. L. 106-65, § 543(a), amended heading and text of subsec. (a) generally. Prior to amendment,