

lege, 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 request 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

Pub. L. 101-510, div. A, title IX, §911(b)[(c)], Nov. 5, 1990, 104 Stat. 1626, 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 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 University to award any new or existing degree.

(Added Pub. L. 103-160, div. A, title IX, § 922(a), Nov. 30, 1993, 107 Stat. 1730; amended Pub. L. 109-163, div. A, title V, § 521(a), Jan. 6, 2006, 119 Stat. 3239; Pub. L. 110-181, div. A, title V, § 526(a), (b)(1), Jan. 28, 2008, 122 Stat. 104, 105; Pub. L. 110-417, [div. A], title V, § 543(b)(1), Oct. 14, 2008, 122 Stat. 4457.)

AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, section related to conferral of master of science and master of arts degrees by National Defense University.

Pub. L. 110-181, § 526(b)(1), substituted “National Defense University: master’s degree programs” for “National Defense University: master of science degrees” in section catchline.

Subsec. (a). Pub. L. 110-181, § 526(a)(1), inserted “or master of arts” after “master of science”.

Subsec. (b)(4). Pub. L. 110-181, § 526(a)(2), added par. (4).

2006—Pub. L. 109-163 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

“(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

“(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.”

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 2161 of this title.

Pub. L. 110-181, div. A, title V, § 526(c), Jan. 28, 2008, 122 Stat. 105, provided that: “Paragraph (4) of section 2163(b) of title 10, United States Code, as added by subsection (a) of this section, applies with respect to any person who becomes a graduate of the National Defense University on or after September 6, 2006, and fulfills the requirements of the program referred to in such paragraph (4).”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title V, § 521(c), Jan. 6, 2006, 119 Stat. 3240, provided that: “Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by

subsection (a), shall take effect for degrees awarded after May 2005.”

§ 2164. Department of Defense domestic dependent elementary and secondary schools

(a) AUTHORITY OF SECRETARY.—(1) If the Secretary of Defense makes a determination that appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces and dependents of civilian employees of the Federal Government residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may enter into arrangements to provide for the elementary or secondary education of the dependents of such members of the armed forces and, to the extent authorized in subsection (c), the dependents of such civilian employees.

(2) The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces and, to the extent provided in subsection (c), dependents of civilian employees of the Federal Government residing in a territory, commonwealth, or possession of the United States but not on a military installation, to enroll in an educational program provided by the Secretary pursuant to this subsection. If a member of the armed forces is assigned to a remote location or is assigned to an unaccompanied tour of duty, a dependent of the member who resides, on or off a military installation, in a territory, commonwealth, or possession of the United States, as authorized by the member’s orders, may be enrolled in an educational program provided by the Secretary under this subsection.

(3)(A) Under the circumstances described in subparagraph (B), the Secretary may, at the discretion of the Secretary, permit a dependent of a member of the armed forces to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

(B) Subparagraph (A) applies only if—

(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property)—

(I) because of the unavailability of adequate permanent living quarters on the military installation to which the member is assigned; or

(II) while the member is wounded, ill, or injured; and

(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include the dependents.

(b) FACTORS FOR SECRETARY TO CONSIDER.—(1) Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

(A) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

(B) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents.