

AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, text read as follows: “Under regulations prescribed by the Secretary of the Army, and with the approval of a nationally recognized civilian accrediting association approved by the Secretary of Education, the Commandant of the United States Army Command and General Staff College may upon recommendation by the faculty confer the degree of master of military art and science upon graduates of the college who have fulfilled the following degree requirements: a minimum of thirty semester hours of graduate credit, including a masters thesis of six to eight semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. These requirements may be altered only with the approval of such association.”

1990—Pub. L. 101-510 struck out at end “The Secretary of the Army shall report annually to the Committees on Armed Services of the Senate and House of Representatives the following information: (1) the criteria which must be met to entitle a student to award of the degree, (2) whether such criteria have changed in any respect during the reporting year, (3) the number of students in the most recent resident course graduating class, (4) the number of such students who were enrolled in the master of military art and science program, and (5) the number of students successfully completing the master of military art and science program.”

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

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.

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.

RETROACTIVE DEGREE CONFERRAL; MAXIMUM AMOUNT

Pub. L. 93-365, title VII, §708(b), Aug. 5, 1974, 88 Stat. 407, provided that: “The Commandant of the United States Army Command and General Staff College may confer the degree of master of military art and science upon graduates of the college who have completed the requirements for that degree since 1964 but prior to the enactment of this Act [Aug. 5, 1974]; but the number of such degrees awarded for such period may not exceed two hundred.”

§ 4315. The Judge Advocate General's School: master of laws in military law

Under regulations prescribed by the Secretary of the Army, the Commandant of the Judge Advocate General's School of the Army may, upon recommendation by the faculty of such school, confer the degree of master of laws (LL.M.) in military law upon graduates of the school who have fulfilled the requirements for that degree.

(Added Pub. L. 100-180, div. A, title V, §504(a), Dec. 4, 1987, 101 Stat. 1086.)

§ 4316. Reporting requirements

The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and ac-

tivities under this chapter and any progress made with respect to achieving financial self-sufficiency of the programs and activities.

(Added Pub. L. 102-484, div. A, title III, §380(d)(1), Oct. 23, 1992, 106 Stat. 2391; amended Pub. L. 104-106, div. A, title XVI, §1624(b)(2), Feb. 10, 1996, 110 Stat. 522.)

CODIFICATION

Another section 4316 was renumbered section 4317 of this title.

AMENDMENTS

1996—Pub. L. 104-106 struck out “, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,” after “under this chapter”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XVI, §1624(c), Feb. 10, 1996, 110 Stat. 522, provided that: “The amendments made by this section [amending this section, section 4313 of this title, and section 925 of Title 18, Crimes and Criminal Procedure, and repealing sections 4307, 4308, 4310, and 4311 of this title] shall take effect on the earlier of—

- “(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623 [former 36 U.S.C. 5523]; or
- “(2) October 1, 1996.”

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 380(e) of Pub. L. 102-484, set out as an Effective Date of 1992 Amendment note under section 4309 of this title.

§ 4317. Military history fellowships

(a) FELLOWSHIPS.—The Secretary of the Army shall prescribe regulations under which the Secretary may award fellowships in military history of the Army to the persons described in subsection (b).

(b) ELIGIBLE PERSONS.—The persons eligible for awards of fellowships under this section are citizens and nationals of the United States who—

- (1) are graduate students in United States military history;
- (2) have completed all requirements for a doctoral degree other than preparation of a dissertation; and
- (3) agree to prepare a dissertation in a subject area of military history determined by the Secretary.

(c) REGULATIONS.—The regulations prescribed under this section shall include—

- (1) the criteria for award of fellowships;
- (2) the procedures for selecting recipients;
- (3) the basis for determining the amount of a fellowship; and
- (4) the total amount that may be awarded as fellowships during an academic year.

(Added Pub. L. 102-484, div. A, title X, §1076(a), Oct. 23, 1992, 106 Stat. 2511, §4316; renumbered §4317, Pub. L. 103-35, title II, §201(b)(2)(A), May 31, 1993, 107 Stat. 98.)

AMENDMENTS

1993—Pub. L. 103-35 renumbered section 4316 of this title as this section.

§ 4318. Drill sergeant trainees: human relations training

(a) HUMAN RELATIONS TRAINING REQUIRED.—The Secretary of the Army shall include as part

of the training program for drill sergeants a course in human relations. The course shall be a minimum of two days in duration.

(b) **RESOURCES.**—In developing a human relations course under this section, the Secretary shall use the capabilities and expertise of the Defense Equal Opportunity Management Institute (DEOMI).

(Added Pub. L. 105-85, div. A, title V, §557(a)(1), Nov. 18, 1997, 111 Stat. 1750.)

EFFECTIVE DATE

Pub. L. 105-85, div. A, title V, §557(b), Nov. 18, 1997, 111 Stat. 1750, as amended by Pub. L. 106-65, div. A, title X, §1066(c)(1), Oct. 5, 1999, 113 Stat. 773, provided that: "Section 4318 of title 10, United States Code, as added by subsection (a), shall apply with respect to drill sergeant trainee classes that begin after the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 18, 1997]."

REFORM OF ARMY DRILL SERGEANT SELECTION AND TRAINING PROCESS

Pub. L. 105-85, div. A, title V, §556, Nov. 18, 1997, 111 Stat. 1749, provided that:

"(a) **IN GENERAL.**—The Secretary of the Army shall reform the process for selection and training of drill sergeants for the Army.

"(b) **MEASURES TO BE TAKEN.**—As part of such reform, the Secretary shall undertake the following measures (unless, in the case of any such measure, the Secretary determines that that measure would not result in improved effectiveness and efficiency in the drill sergeant selection and training process):

"(1) Review the overall process used by the Department of the Army for selection of drill sergeants to determine—

"(A) whether that process is providing drill sergeant candidates in sufficient quantity and quality to meet the needs of the training system; and

"(B) whether duty as a drill sergeant is a career-enhancing assignment (or is seen by potential drill sergeant candidates as a career-enhancing assignment) and what steps could be taken to ensure that such duty is in fact a career-enhancing assignment.

"(2) Incorporate into the selection process for all drill sergeants the views and recommendations of the officers and senior noncommissioned officers in the chain of command of each candidate for selection (particularly those of senior noncommissioned officers) regarding the candidate's suitability and qualifications to be a drill sergeant.

"(3) Establish a requirement for psychological screening for each drill sergeant candidate.

"(4) Reform the psychological screening process for drill sergeant candidates to improve the quality, depth, and rigor of that screening process.

"(5) Revise the evaluation system for drill sergeants in training to provide for a so-called 'whole person' assessment that gives insight into the qualifications and suitability of a drill sergeant candidate beyond the candidate's ability to accomplish required performance tasks.

"(6) Revise the Army military personnel records system so that, under conditions and circumstances to be specified in regulations prescribed by the Secretary, a drill sergeant trainee who fails to complete the training to be a drill sergeant and is denied graduation will not have the fact of that failure recorded in those personnel records.

"(7) Provide each drill sergeant in training with the opportunity, before or during that training, to work with new recruits in initial entry training and to be evaluated on that opportunity.

"(c) **REPORT.**—Not later than March 31, 1998, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report of the

reforms adopted pursuant to this section or, in the case of any measure specified in any of paragraphs (1) through (7) of subsection (b) that was not adopted, the rationale why that measure was not adopted."

§ 4319. Recruit basic training: separate housing for male and female recruits

(a) **PHYSICALLY SEPARATE HOUSING.**—(1) The Secretary of the Army shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

(b) **ALTERNATIVE SEPARATE HOUSING.**—If male recruits and female recruits cannot be housed as provided under subsection (a) by October 1, 2001, at a particular installation, the Secretary of the Army shall require (on and after that date) that male recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for males and that female recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for females.

(c) **CONSTRUCTION PLANNING.**—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Army shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

(d) **BASIC TRAINING DEFINED.**—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.

(Added Pub. L. 105-261, div. A, title V, §521(a)(1), Oct. 17, 1998, 112 Stat. 2009.)

IMPLEMENTATION

Pub. L. 105-261, div. A, title V, §521(a)(3), Oct. 17, 1998, 112 Stat. 2010, provided that: "The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999."

§ 4320. Recruit basic training: privacy

The Secretary of the Army shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed in that living area or to superiors in the chain of command of those recruits who, if not of the same sex as the recruits housed in that living area, are accompanied by a member