

Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy. Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Board of Advisors for the Naval Postgraduate School and shall consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding an appointment to that position.

(b) The Provost and Academic Dean is entitled to such compensation for his services as the Secretary prescribes, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437; Pub. L. 85-861, §1(148), Sept. 2, 1958, 72 Stat. 1513; Pub. L. 89-536, Aug. 11, 1966, 80 Stat. 346; Pub. L. 96-513, title V, §513(22), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 105-85, div. A, title V, §551(c), Nov. 18, 1997, 111 Stat. 1748; Pub. L. 108-375, div. A, title V, §557(b)(3), (4), Oct. 28, 2004, 118 Stat. 1915, 1916.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7043	34 U.S.C. 1074 (1st 98 words). 34 U.S.C. 1076c.	June 10, 1946, ch. 298 (1st 98 words), 60 Stat. 236. July 31, 1947, ch. 420, §4, 61 Stat. 706.

The words “of the Naval Academy” following “Postgraduate School” are dropped as a result of §4 of the Act of July 31, 1947 (*supra*). This Act created the Postgraduate School and in effect transferred the position of Academic Dean of the Postgraduate School of the Naval Academy to the newly created Postgraduate School.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7043	34 App. 1076c (less last sentence).	Aug. 9, 1955, ch. 669, §1 (less last sentence), 69 Stat. 607.

REFERENCES IN TEXT

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

AMENDMENTS

2004—Pub. L. 108-375, §557(b)(3)(B), substituted “Provost and Academic Dean” for “Academic Dean” in section catchline.

Subsec. (a), Pub. L. 108-375, §557(b)(3)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate School Council consisting of the Superintendent, the Deputy Superintendent, and the directors of the Technical, Administrative, and Professional Divisions of the school.”

Subsec. (b), Pub. L. 108-375, §557(b)(4), substituted “Provost and Academic Dean” for “Academic Dean”.

1997—Subsec. (b), Pub. L. 105-85 substituted “level IV of the Executive Schedule” for “grade GS-18 of the General Schedule under section 5332 of title 5”.

1980—Subsec. (b), Pub. L. 96-513 substituted “authorized for grade GS-18 of the General Schedule under section 5332 of title 5” for “provided for grade 18 of the

general schedule of the Classification Act of 1949, as amended”.

1966—Subsec. (b), Pub. L. 89-536 substituted for a limit of \$13,500 per annum a rate of compensation comparable to grade 18 of the general schedule of the Classification Act of 1949, as amended.

1958—Pub. L. 85-861, among other changes, increased the maximum compensation of the Academic Dean from \$12,000 to \$13,500 a year.

CHANGE OF NAME

Pub. L. 108-375, div. A, title V, §557(b)(1), (2), Oct. 28, 2004, 118 Stat. 1915, provided that:

“(1) The position of Academic Dean of the Naval Postgraduate School is redesignated as Provost and Academic Dean of the Naval Postgraduate School.

“(2) Any reference to the Academic Dean of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Provost and Academic Dean of the Naval Postgraduate School.”

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.

§ 7044. Civilian teachers: number; compensation

The Secretary of the Navy may employ as many civilians as he considers necessary to serve at the Naval Postgraduate School under the direction of the President of the school as senior professors, professors, associate professors, assistant professors, and instructors. The Secretary shall prescribe the compensation of those persons.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437; Pub. L. 108-375, div. A, title V, §557(a)(4)(A), Oct. 28, 2004, 118 Stat. 1915.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7044	34 U.S.C. 1076b (less last sentence).	July 31, 1947, ch. 420, §3 (less last sentence), 61 Stat. 706; Aug. 30, 1954, ch. 1076, §1(21), 68 Stat. 968.

The words “as many * * * as he considers necessary” are substituted for the words “such number * * * as in his opinion may be necessary for the proper instruction of students in the theoretical, academic, and scientific subjects pertaining to the technical and practical aspects of the naval profession” for brevity.

AMENDMENTS

2004—Pub. L. 108-375 substituted “President of the school” for “Superintendent”.

§ 7045. Officers of the other armed forces; enlisted members: admission

(a)(1) The Secretary of the Navy may permit officers of the Army, Air Force, and Coast Guard to receive instruction at the Naval Postgraduate School. The numbers and grades of such officers shall be as agreed upon by the Secretary of the Navy with the Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security, respectively.

(2)(A) The Secretary may permit an enlisted member of the armed forces to receive instruction at the Naval Postgraduate School through attendance at an executive level seminar.

(B) The Secretary may permit an eligible enlisted member of the armed forces to receive in-

struction at the Postgraduate School in connection with pursuit of a program of education in information assurance as a participant in the Information Security Scholarship program under chapter 112 of this title. To be eligible for instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

(C) The Secretary may permit an eligible enlisted member of the armed forces to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member's duties.

(D)(i) The Secretary may permit an eligible enlisted member of the armed forces to receive graduate-level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curriculum.

(ii) To be eligible to be provided instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

(iii) Instruction under this subparagraph may be provided only on a space-available basis.

(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

(v) Instruction under this subparagraph shall be provided pursuant to regulations prescribed by the Secretary. Such regulations may include criteria for eligibility of enlisted members for instruction under this subparagraph and specification of obligations for further service in the armed forces relating to receipt of such instruction.

(E) In addition to instruction authorized under subparagraphs (A), (B), (C), and (D), the Secretary may, on a space-available basis, permit an enlisted member of the armed forces who is assigned permanently to the staff of the Postgraduate School or to a nearby command to receive instruction at the Postgraduate School.

(b)(1) Except as provided under paragraph (3), the Department of the Army, the Department of the Air Force, and the Department of Homeland Security shall bear the cost of the instruction received by members detailed for that instruction by the Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security, respectively.

(2) In the case of an enlisted member permitted under subsection (a)(2)(E) to receive instruction at the Postgraduate School on a space-available basis, the Secretary of the Navy shall charge that member only for such costs and fees as the Secretary considers appropriate.

(3) The requirements for payment of costs and fees under paragraph (1) shall be subject to such exceptions as the Secretary of Defense may prescribe for members of the armed forces who receive instruction at the Postgraduate School in connection with pursuit of a degree or certification as participants in the Information Security Scholarship program under chapter 112 of this title.

(c) While receiving instruction at the Postgraduate School, members of the Army, Air Force, and Coast Guard are subject to such regu-

lations, as determined appropriate by the Secretary of the Navy, as apply to students who are members of the naval service.

(d) The Secretary may not award a baccalaureate, masters, or doctorate degree to an enlisted member based upon instruction received at the Postgraduate School under subsection (a)(2)(C).

(Aug. 10, 1956, ch. 1041, 70A Stat. 437; Pub. L. 96-513, title V, §513(23), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 105-85, div. A, title V, §551(a), (b)(1), Nov. 18, 1997, 111 Stat. 1747; Pub. L. 105-261, div. A, title X, §1069(a)(6), Oct. 17, 1998, 112 Stat. 2136; Pub. L. 107-296, title XVII, §1704(b)(5), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-136, div. A, title V, §532, Nov. 24, 2003, 117 Stat. 1472; Pub. L. 109-163, div. A, title V, §526(a), (b), Jan. 6, 2006, 119 Stat. 3245, 3246; Pub. L. 109-364, div. A, title V, §543(a)-(c), Oct. 17, 2006, 120 Stat. 2213.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7045	34 U.S.C. 1076e.	July 31, 1947, ch. 420, § 6, 61 Stat. 706.

The section is enlarged to cover officers of the Air Force under authority of §305(a) of the National Security Act of 1947, as amended (5 U.S.C. 171e).

In subsection (a) the words "at the request of the Secretary of the Army and the Secretary of the Treasury" are omitted as surplusage. The words "to receive instruction" are inserted after the listing of the services and the words "attendance and" are omitted. The word "grades" is substituted for the word "ranks".

In subsection (c) the words "rules and" are omitted. The words "who are officers of the naval service" are substituted for the words "of the United States Navy", since officers of the Marine Corps are occasionally ordered to attend the Postgraduate School on the same basis as officers of the Navy.

AMENDMENTS

2006—Subsec. (a)(2)(C). Pub. L. 109-364, §543(a), substituted "armed forces" for "Navy or Marine Corps".

Pub. L. 109-163, §526(a)(1)(B), added subpar. (C). Former subpar.(C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 109-364, §543(b)(2), added subpar. (D). Former subpar. (D) redesignated (E).

Pub. L. 109-163, §526(a)(1)(A), (C), redesignated subpar. (C) as (D) and substituted "subparagraphs (A), (B), and (C)" for "subparagraphs (A) and (B)".

Subsec. (a)(2)(E). Pub. L. 109-364, §543(b)(1), (c)(1), redesignated subpar. (D) as (E) and substituted "(C), and (D)" for "and (C)".

Subsec. (b)(2). Pub. L. 109-364, §543(c)(2), substituted "(a)(2)(E)" for "(a)(2)(D)".

Pub. L. 109-163, §526(a)(2), substituted "subsection (a)(2)(D)" for "subsection (a)(2)(C)".

Subsec. (d). Pub. L. 109-163, §526(b), added subsec. (d).

2003—Subsec. (a)(2). Pub. L. 108-136, §532(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary may permit an enlisted member of the armed forces who is assigned to the Naval Postgraduate School or to a nearby command to receive instruction at the Naval Postgraduate School. Admission of enlisted members for instruction under this paragraph shall be on a space-available basis."

Subsec. (b). Pub. L. 108-136, §532(b), designated first sentence as par. (1) and substituted "Except as provided under paragraph (3), the Department" for "The Department" and "members" for "officers", designated second sentence as par. (2) and inserted "under subsection (a)(2)(C)" after "permitted" and "on a space-available basis" after "instruction at the Postgraduate School" and struck out "(taking into consideration the admis-

sion of enlisted members on a space-available basis)" before period at end, and added par. (3).

2002—Subsec. (a)(1). Pub. L. 107-296, §1704(b)(5)(A), substituted "Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security" for "Secretaries of the Army, Air Force, and Transportation".

Subsec. (b). Pub. L. 107-296, §1704(b)(5), substituted "Department of Homeland Security" for "Department of Transportation" and "Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security" for "Secretaries of the Army, Air Force, and Transportation".

1998—Subsec. (c). Pub. L. 105-261 struck out "the" after "are subject to".

1997—Pub. L. 105-85, §551(b)(1), substituted "Officers of the other armed forces; enlisted members:" for "Officers of Army, Air Force, and Coast Guard:" in section catchline.

Subsec. (a). Pub. L. 105-85, §551(a)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 105-85, §551(a)(2), substituted "officers detailed" for "the students detailed" and inserted at end "In the case of an enlisted member permitted to receive instruction at the Postgraduate School, the Secretary of the Navy shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis)."

Subsec. (c). Pub. L. 105-85, §551(a)(3), substituted "members" for "officers" in two places and "such regulations, as determined appropriate by the Secretary of the Navy," for "same regulations".

1980—Subsec. (a). Pub. L. 96-513, §513(23), substituted references to Transportation Department and Secretary for references to Treasury Department and Secretary, respectively.

Subsec. (b). Pub. L. 96-513, §513(23)(A), substituted reference to Transportation Secretary for reference to Treasury Secretary.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 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.

§ 7046. Officers of foreign countries: admission

(a) The Secretary of the Navy, upon authorization of the President, may permit commissioned officers of the military services of foreign countries to receive instruction at the Naval Postgraduate School.

(b) Officers receiving instruction under this section are subject to the same regulations governing attendance, discipline, discharge, and standards of study as apply to students who are officers of the United States naval service.

(c) No officer of a foreign country is entitled to an appointment in the Navy or the Marine Corps by reason of his completion of the prescribed course of study at the Postgraduate School.

(Aug. 10, 1956, ch. 1041, 70A Stat. 438.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7046	34 U.S.C. 1076d.	July 31, 1947, ch. 420, § 5, 61 Stat. 706.

In subsection (b) the words "rules and" are omitted. The words "United States naval service" are substituted for the words "United States Navy" for uniformity.

In subsection (c) the words "to any office or position" are omitted as surplusage. The words "or Marine Corps" are inserted, as the word "Navy" in this context has been interpreted to include officers of the Marine Corps.

§ 7047. Students at institutions of higher education: admission

(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.

(Added Pub. L. 102-484, div. A, title X, §1073(a)(2), Oct. 23, 1992, 106 Stat. 2510.)

PRIOR PROVISIONS

A prior section 7047 was renumbered section 7048 of this title.

§ 7048. Degree granting authority for United States Naval Postgraduate School

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, 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 Naval Postgraduate School 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—