

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—

(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 Naval Postgraduate School to award any new or existing degree.

(Aug. 10, 1956, ch. 1041, 70A Stat. 438, §7047; renumbered §7048, Pub. L. 102-484, div. A, title X, §1073(a)(1), Oct. 23, 1992, 106 Stat. 2510; amended Pub. L. 108-375, div. A, title V, §557(a)(4)(B), Oct. 28, 2004, 118 Stat. 1915; Pub. L. 110-417, [div. A], title V, §543(e)(1), Oct. 14, 2008, 122 Stat. 4460.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7047	34 U.S.C. 1076f.	Dec. 7, 1945, ch. 559, 59 Stat. 603; July 31, 1947, ch. 420, §7, 61 Stat. 706.

In subsection (a) the words "of science" are omitted as surplusage since the curriculum is in engineering and related fields.

In subsection (b) the words "from time to time" are omitted as surplusage.

AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, text read as follows:

"(a) The President of the Naval Postgraduate School, under regulations prescribed by the Secretary of the Navy, may confer on any qualified graduate a bachelor's, master's, or doctor's degree in engineering or a related field.

"(b) A degree may not be conferred under this section unless the curriculum leading to that degree is accredited by the appropriate professional authority."

2004—Subsec. (a). Pub. L. 108-375 substituted "President" for "Superintendent".

1992—Pub. L. 102-484 renumbered section 7047 of this title as this section.

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.

§ 7049. Defense industry civilians: admission to defense product development program

(a) **AUTHORITY FOR ADMISSION.**—The Secretary of the Navy may permit eligible defense indus-

try employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a master's degree or professional continuing education certificate in a curriculum related to defense product development and systems engineering. No more than 125 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title or an appropriate professional continuing education certificate, as applicable.

(b) **ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.**—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long as that person remains employed by the same firm.

(c) **ANNUAL DETERMINATION BY THE SECRETARY OF THE NAVY.**—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines that providing instruction to defense industry employees under this section during that year—

(1) will further the military mission of the school;

(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

(d) **PROGRAM REQUIREMENTS.**—The Secretary of the Navy shall ensure that—

(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

(e) **TUITION.**—The President of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

(f) **STANDARDS OF CONDUCT.**—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are