

(d) **RETENTION AND USE OF FUNDS.**—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of athletic and physical fitness programs of the Naval Academy and shall remain available until expended.

(e) **TRADEMARKS AND SERVICE MARKS.**—

(1) **LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.**—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.

(2) **LIMITATIONS.**—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

(f) **SERVICE ON ASSOCIATION BOARD OF CONTROL.**—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

(g) **CONDITIONS.**—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

(h) **ASSOCIATION DEFINED.**—In this section, the term “Association” means the Naval Academy Athletic Association.

(Added Pub. L. 112-239, div. A, title V, § 542(a), Jan. 2, 2013, 126 Stat. 1735.)

#### REFERENCES IN TEXT

Section 501(c)(3) of the Internal Revenue Code of 1986, referred to in subsec. (g)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

### CHAPTER 605—UNITED STATES NAVAL POSTGRADUATE SCHOOL

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#### AMENDMENTS

2008—Pub. L. 110-417, [div. A], title V, § 543(e)(2), Oct. 14, 2008, 122 Stat. 4461, added item 7048 and struck out former item 7048 “Conferring of degrees on graduates”.

2006—Pub. L. 109-163, div. A, title V, § 522(c)(2), Jan. 6, 2006, 119 Stat. 3242, added 7050.

2004—Pub. L. 108-375, div. A, title V, § 557(c), Oct. 28, 2004, 118 Stat. 1916, substituted “President; assistants” for “Superintendent; assistants” in item 7042 and “Provost and Academic Dean” for “Academic Dean” in item 7043.

2000—Pub. L. 106-398, § 1 [[div. A], title V, § 535(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-113, added item 7049.

1997—Pub. L. 105-85, div. A, title V, § 551(b)(2), Nov. 18, 1997, 111 Stat. 1748, substituted “Officers of the other armed forces; enlisted members:” for “Officers of Army, Air Force, and Coast Guard:” in item 7045.

1992—Pub. L. 102-484, div. A, title X, § 1073(b), Oct. 23, 1992, 106 Stat. 2511, added item 7047 and redesignated former item 7047 as 7048.

#### § 7041. Function

There is a United States Naval Postgraduate School, the primary function of which is to provide advanced instruction and professional and technical education and research opportunities for commissioned officers of the naval service in—

- (1) their practical and theoretical duties;
- (2) the science, physics, and systems engineering of current and future naval warfare doctrine, operations, and systems; and
- (3) the integration of naval operations and systems into joint, combined, and multinational operations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437; Pub. L. 109-163, div. A, title V, § 523(a), Jan. 6, 2006, 119 Stat. 3244.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7041 .....	34 U.S.C. 1076.	July 31, 1947, ch. 420, § 1, 61 Stat. 705.

The words “There is a” are substituted for the words “That the Secretary of the Navy is hereby authorized and directed to establish the”, as the Postgraduate School is in operation. The words “technical education” are substituted for the word “training” to describe more aptly the higher level of instruction at the Postgraduate School. The words “naval service” are substituted for the words “Regular Navy and Marine Corps and the reserve components thereof”. The word “their” is substituted for the words “of commissioned officers”.

#### AMENDMENTS

2006—Pub. L. 109-163 amended text generally. Prior to amendment, text read as follows: “There is a United States Naval Postgraduate School for the advanced instruction and technical education of commissioned officers of the naval service in their practical and theoretical duties.”

#### § 7042. President; assistants

(a)(1) The President of the Naval Postgraduate School shall be one of the following:

- (A) An active-duty officer of the Navy or Marine Corps in a grade not below the grade of

captain or colonel, respectively, who is assigned or detailed to such position.

(B) A civilian individual, including an individual who was retired from the Navy or Marine Corps in a grade not below captain, or colonel, respectively, who has the qualifications appropriate to the position of President and is selected by the Secretary of the Navy as the best qualified from among candidates for the position in accordance with—

- (i) the criteria specified in paragraph (4);
- (ii) a process determined by the Secretary; and
- (iii) other factors the Secretary considers essential.

(2) Before making an assignment, detail, or selection of an individual for the position of President of the Naval Postgraduate School, the Secretary shall—

(A) consult with the Board of Advisors for the Naval Postgraduate School;

(B) consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding the assignment or selection to that position; and

(C) consider the recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps.

(3) An individual selected for the position of President of the Naval Postgraduate School under paragraph (1)(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.

(4) The qualifications appropriate for selection of an individual for detail or assignment to the position of President of the Naval Postgraduate School include the following:

(A) An academic degree that is either—

- (i) a doctorate degree in a field of study relevant to the mission and function of the Naval Postgraduate School; or
- (ii) a master's degree in a field of study relevant to the mission and function of the Naval Postgraduate School, but only if—

(I) the individual is an active-duty or retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively; and

(II) at the time of the selection of that individual as President, the individual permanently appointed to the position of Provost and Academic Dean has a doctorate degree in such a field of study.

(B) A comprehensive understanding of the Department of the Navy, the Department of Defense, and joint and combined operations.

(C) Leadership experience at the senior level in a large and diverse organization.

(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

(E) Other qualifications, as determined by the Secretary of the Navy.

(b) The Secretary shall detail officers of the Navy and the Marine Corps of appropriate grades and qualifications to assist the President in—

(1) the advanced instruction and professional and technical education of students and the

provision of research opportunities for students; and

(2) the administration of the Postgraduate School.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437; Pub. L. 96-513, title V, §503(53), Dec. 12, 1980, 94 Stat. 2915; Pub. L. 108-375, div. A, title V, §557(a)(3), Oct. 28, 2004, 118 Stat. 1915; Pub. L. 109-163, div. A, title V, §§523(b), 524, Jan. 6, 2006, 119 Stat. 3244, 3245; Pub. L. 109-364, div. A, title V, §508, Oct. 17, 2006, 120 Stat. 2180; Pub. L. 111-383, div. A, title X, §1075(b)(49), Jan. 7, 2011, 124 Stat. 4371.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7042 .....	34 U.S.C. 1076a.	July 31, 1947, ch. 420, §2, 61 Stat. 705.

In subsection (a) the word “Regular” is omitted as covered by the term “active list”.

In subsection (b) the words “line and staff” and “as may be necessary” are omitted as surplusage. The word “grades” is substituted for the word “ranks”. The words “advanced instruction and technical education” are substituted for the words “training \* \* \* in the practical and theoretical duties of commissioned naval officers”.

AMENDMENTS

2011—Subsec. (a)(1)(A). Pub. L. 111-383 struck out comma after “captain”.

2006—Subsec. (a). Pub. L. 109-364 amended subsec. (a) generally. Prior to amendment, subsec. (a) related to assignment of an officer of the Navy in a grade not below the grade of captain or an appropriately qualified civilian individual to the position of President of the Naval Postgraduate School.

Pub. L. 109-163, §524, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of the Navy shall detail as President of the Naval Postgraduate School an officer on the active-duty list in the line of the Navy eligible for command at sea not below the grade of captain. The President has military command of the Postgraduate School.”

Subsec. (b)(1). Pub. L. 109-163, §523(b), substituted “and professional and technical education of students and the provision of research opportunities for students” for “and technical education of students”.

2004—Pub. L. 108-375 substituted “President” for “Superintendent” wherever appearing in section catchline and text.

1980—Subsec. (a). Pub. L. 96-513 substituted “active-duty list” for “active list”.

CHANGE OF NAME

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

“(1) The position of Superintendent of the Naval Postgraduate School is redesignated as President of the Naval Postgraduate School.

“(2) Any reference to the Superintendent 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 President of the Naval Postgraduate School.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 7043. Provost and Academic Dean

(a) There is at the Naval Postgraduate School the civilian position of Provost and Academic