

**§ 7086. Physical disability retirement**

(a) Each civilian member who has served not less than five years, and who, before reaching the age of 65, becomes totally disabled for useful and efficient service in his position, by reason of disease or injury not due to his own vicious habits, intemperance, or willful misconduct shall, upon his application or upon the request of the Secretary of the Navy, be retired with a life annuity computed under section 7085 of this title.

(b) The amount that the Secretary shall pay annually under this section is the difference between the total amount to which the retired member is entitled under subsection (a) and the immediate life annuity to which he is entitled at the time of his disability retirement under the annuity policy required by section 7082 of this title.

(c) Each civilian member retired under this section, unless the disability for which he was retired is permanent in character, shall be examined by a board of medical officers designated by the Superintendent of the Naval Academy or of the Postgraduate School, as appropriate, one year after his retirement and annually thereafter, until he becomes 65 years of age.

(d) Payments by the Secretary under this section shall be terminated if the retired civilian member is found to be sufficiently recovered for useful and efficient service in his former position and is offered reemployment in that position by the Superintendent.

(e) If a civilian member retired under this section is later reemployed by the United States, the payments by the Secretary shall be terminated.

(f) Each civilian member retired under this section who is reemployed as a civilian member of the teaching staff of the Naval Academy or the Naval Postgraduate School shall, upon his later retirement, be paid annually by the Secretary the difference between the total annual amount computed under section 7085 of this title and the immediate life annuity which the total premiums paid on his annuity contracts would buy.

(g) No person may receive payments from the Secretary of the Navy under this chapter and, for the same period of time, compensation under chapter 81 of title 5.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439; Pub. L. 89-718, §40, Nov. 2, 1966, 80 Stat. 1120.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7086 .....	34 U.S.C. 1073c-2.	Jan. 16, 1936, ch. 3, §4B; added Aug. 2, 1946, ch. 740, 60 Stat. 804.

In subsection (a) the words "reaching the age of 65" are substituted for the words "becoming eligible for retirement under the conditions defined in the preceding sections hereof", since a civilian member's 65th birthday is the date on which he becomes eligible for retirement under this chapter.

In subsection (c) the words "or the Postgraduate School, as appropriate" are inserted because the Postgraduate School and the Naval Academy are now two separate institutions.

In subsection (f) the words "or the Naval Postgraduate School" are inserted for the same reason.

In subsection (g) the words "Federal Employees Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.)," are substituted for the words "Act of Sept. 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes'". Authority for referring to this Act as the Federal Employees Compensation Act is contained in the Federal Employees Compensation Act Amendments of 1949, 63 Stat. 854. The words "but this provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period" are omitted as unnecessary.

AMENDMENTS

1966—Subsec. (g). Pub. L. 89-718 substituted "chapter 81 of title 5" for "sections 751-756, 757-791, and 793 of title 5".

CHANGE OF NAME

References to Superintendent of the Naval Postgraduate School deemed to refer to President of the Naval Postgraduate School, see section 557(a)(1), (2) of Pub. L. 108-375, set out as a note under section 7042 of this title.

**§ 7087. Election of annuity for self and beneficiary**

(a) At the time of his retirement, a civilian member retiring under this chapter may elect to receive instead of the amount payable annually by the Secretary of the Navy under section 7085 or 7086 of this title a reduced annuity for his life and an annuity payable after his death to his beneficiary in either—

(1) an amount equal to his reduced annuity; or

(2) an amount equal to 50 percent of his reduced annuity.

The annuities payable to principal and beneficiary, under either election, shall be in amounts that have, on the date of the retirement of the civilian member, a combined actuarial value equal to the actuarial value of the annuity payable by the Secretary under section 7085 or 7086 of this title, as determined under actuarial tables prepared by the Director of the Office of Personnel Management.

(b) If the civilian member elects to take a reduced annuity under this section, he shall, at the time of his retirement, designate the beneficiary in writing and file the designation with the Secretary.

(c) The annuity payable under this section to the beneficiary of a deceased civilian member shall be terminated upon the death of the beneficiary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 440; Pub. L. 97-295, §1(45), Oct. 12, 1982, 96 Stat. 1298.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7087 .....	34 U.S.C. 1073c-3.	Jan. 16, 1936, ch. 3, §4C; added Aug. 2, 1946, ch. 740, 60 Stat. 805.

In subsection (a) the words "under actuarial tables prepared by the Civil Service Commission" are substituted for the words "under the provisions of the Civil Service Retirement Act" because that Act, as amended in 1948, no longer provides for the computa-

tion of actuarial values. The Secretary of the Navy, in administering the provisions of law codified in this section, uses tables prepared by the Civil Service Commission prior to the 1948 amendment.

#### 1982 ACT

This amends 10:7087(a) to reflect the transfer of functions from the Civil Service Commission to the Director of the Office of Personnel Management under section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783).

#### AMENDMENTS

1982—Subsec. (a). Pub. L. 97-295 substituted “Director of the Office of Personnel Management” for “Civil Service Commission”.

### § 7088. Regulations

The Secretary of the Navy shall prescribe regulations for the administration of this chapter. (Aug. 10, 1956, ch. 1041, 70A Stat. 441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7088 .....	34 U.S.C. 1073e.	Jan. 16, 1936, ch. 3, § 6, 49 Stat. 1093.

The appropriations authorization in the second sentence of the source is omitted as unnecessary.

### CHAPTER 609—PROFESSIONAL MILITARY EDUCATION SCHOOLS

Sec.

7101. Degree granting authority for Naval War College.
7102. Degree granting authority for Marine Corps University.
7103. Naval War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.
7104. Marine Corps University: acceptance of grants for faculty research for scientific, literary, and educational purposes.

#### AMENDMENTS

2008—Pub. L. 110-417, [div. A], title V, § 543(f)(2), (g)(2), Oct. 14, 2008, 122 Stat. 4462, 4463, added items 7101 and 7102 and struck out former items 7101 “Naval War College: master of arts in national security and strategic studies” and 7102 “Marine Corps University: masters degrees; board of advisors”.

2006—Pub. L. 109-163, div. A, title V, § 522(d)(2), Jan. 6, 2006, 119 Stat. 3243, added items 7103 and 7104.

2001—Pub. L. 107-107, div. A, title V, § 532(b)(3)(B), Dec. 28, 2001, 115 Stat. 1105, substituted “masters degrees; board of advisors” for “master of military studies” in item 7102.

1994—Pub. L. 103-337, div. A, title IX, § 911(a)(2), Oct. 5, 1994, 108 Stat. 2828, added item 7102.

### § 7101. Degree granting authority for Naval War College

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, 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 accord-

ance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the Naval War College 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 War College to award any new or existing degree.

(Added Pub. L. 101-510, div. A, title IX, § 912(a), Nov. 5, 1990, 104 Stat. 1626; amended Pub. L. 110-417, [div. A], title V, § 543(f)(1), Oct. 14, 2008, 122 Stat. 4461.)

#### AMENDMENTS

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

“(a) **AUTHORITY.**—Upon the recommendation of the faculty of the Naval War College, the President of the college may confer the degree of master of arts in national security and strategic studies upon graduates of the college who fulfill the requirements for the degree.

“(b) **REGULATIONS.**—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Navy.

“(c) **NAVAL WAR COLLEGE DEFINED.**—In this section, the term ‘Naval War College’ means the College of Naval Warfare and the College of Naval Command and Staff.”

#### 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.

### § 7102. Degree granting authority for Marine Corps University

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of the Navy, the President of