

of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 9303. Aviation cadets and aviation students: schools

The Secretary of the Air Force shall establish and maintain—

(1) one or more schools for the training and instruction of aviation cadets; and

(2) courses of instruction for aviation students at one or more established flying schools.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9303	10:296. 10:296a.	July 11, 1919, ch. 8 (2d par. under "Air Service"), 41 Stat. 109. June 3, 1941, ch. 165, § 2, 55 Stat. 239.

§ 9304. Aviation students: detail of enlisted members of Air Force

The Secretary of the Air Force may detail enlisted Regulars of the Air Force, and enlisted Reserves of the Air Force who are on active duty, for training and instruction as aviation students in their respective grades at schools selected by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9304	10:298a-1.	June 3, 1941, ch. 167, 55 Stat. 241.

The words "under such regulations as he may prescribe" are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. 10:298a-1 (1st proviso) is omitted as impliedly repealed by section 10 of the Insurance Act of 1951, ch. 39, 65 Stat. 36. 10:298a-1 (last proviso) is omitted as surplusage. The words "active duty" are substituted for the words "active Federal service".

§ 9305. Civilian flying school instructors: instruction at Air Force training commands

(a) The Secretary of the Air Force may provide for the instruction and training, at Air Force training commands, of civilians selected from the instructional staffs of civilian flying schools that are accredited by the Department of the Air Force for the education and training of members of the Air Force.

(b) The training of civilians under subsection (a) shall be without cost to the United States, except for supplies necessary for training purposes.

(c) A civilian undergoing training under subsection (a) may be treated in a Government hospital if he becomes sick or is injured. However, that treatment shall be without cost to the United States except for services of Government medical personnel and the use of hospital equipment other than medicine or supplies.

(d) No civilian who sustains a personal injury, and no dependent of a civilian who dies of disease or injury, while undergoing training under

subsection (a), is entitled to any compensation, pension, or gratuity for that injury or death.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9305(a)	10:292c-1 (less provisos).	Apr. 3, 1939, ch. 35, § 3, 53 Stat. 556.
9305(b)	10:292c-1 (1st proviso).	
9305(c)	10:292c-1 (2d proviso).	
9305(d)	10:292c-1 (last proviso).	

In subsection (a), the words "under such rules and regulations as he may prescribe" are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words "Air Force training commands" are substituted for the words "the Air Corps Training Center", since those commands now perform the functions formerly performed by the Air Corps Training Center. The words "in his discretion", "experience", and "upon their own applications" are omitted as surplusage. The words "and may provide for the instruction and training" are substituted for the words "is authorized to enroll as students * * * for the pursuit of such courses of instruction as may be prescribed therefor".

In subsection (b), the words "the furnishing of such" are omitted as surplusage. The words "matériel, or equipment" are omitted as covered by the word "supplies", as defined in section 101(26) of this title.

In subsection (c), the word "Government" is substituted for the words "Medical Department" to conform to the first sentence of the revised subsection.

§ 9306. Service schools: leaves of absence for instructors

The officer in charge of an Air Force service school may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to any officer on duty exclusively as an instructor at the school.

(Aug. 10, 1956, ch. 1041, 70A Stat. 561.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9306	10:843.	Mar. 23, 1910, ch. 115 (proviso under "United States Service Schools"), 36 Stat. 244.

The words "The provisions of section 1144 of this title, authorizing leaves of absence to certain officers of the Military Academy * * * are hereby extended to include" are omitted as surplusage.

§ 9314. Degree granting authority for United States Air Force Institute of Technology

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology 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 United States Air Force Institute of Technology 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 United States Air Force Institute of Technology to award any new or existing degree.

(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

(2) The Secretary shall prescribe regulations determining—

(A) titles and duties of civilian members of the faculty; and

(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

(e) REIMBURSEMENT AND TUITION.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force 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).

(4)(A) The Institute shall charge tuition for the cost of providing instruction at the Institute for any civilian employee of a military department (other than a civilian employee of the Department of the Air Force), of another component of the Department of Defense, or of another Federal agency who receives instruction at the Institute.

(B) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute. Such amounts shall be available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.

(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

(6) The Secretary shall prescribe regulations for the administration of this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 561; Pub. L. 99-145, title V, §504(a)(1), (2)(A), Nov. 8, 1985, 99 Stat. 622; Pub. L. 99-661, div. A, title V, §510, Nov. 14, 1986, 100 Stat. 3868; Pub. L. 101-509, title V, §529 [title I, §106(b)(6)(C)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 105-261, div. A, title XI, §1102, Oct. 17, 1998, 112 Stat. 2141; Pub. L. 108-136, div. A, title V, §533, Nov. 24, 2003, 117 Stat. 1473; Pub. L. 109-163, div. A, title V, §522(e), Jan. 6, 2006, 119 Stat. 3243; Pub. L. 110-417, [div. A], title V, §§543(h)(1), 544, Oct. 14, 2008, 122 Stat. 4463, 4465.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9314	[Uncodified].	Aug. 31, 1954, ch. 1151, 68 Stat. 1006.

AMENDMENTS

2008—Pub. L. 110-417, § 543(h)(1), amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to conferral of degrees, civilian faculty, costs of instruction, and research grants at the United States Air Force Institute of Technology.

Subsec. (e)(4), (5). Pub. L. 110-417, § 544, added pars. (4) and (5).

2006—Subsec. (d). Pub. L. 109-163 added subsec. (d).

2003—Subsec. (a). Pub. L. 108-136, § 533(b)(1), (c), inserted heading, designated existing provisions as par. (1), substituted “The Commander” for “When the United States Air Force Institute of Technology is accredited by a nationally recognized accreditation association or authority, the Commander” and “the United States Air Force Institute of Technology” for “that Institute”, and added par. (2).

Subsec. (b). Pub. L. 108-136, § 533(b)(2), inserted heading.

Subsec. (c). Pub. L. 108-136, § 533(a), added subsec. (c).

1998—Subsec. (b)(2)(B). Pub. L. 105-261 substituted “section 5373” for “section 5306(e)”.

1990—Subsec. (b)(2)(B). Pub. L. 101-509 substituted “5306(e)” for “5308”.

1986—Subsec. (b)(2)(B). Pub. L. 99-661 struck out “rates of basic” before “pay of civilian”.

1985—Pub. L. 99-145, § 504(a)(2)(A), struck out “: degrees” after “Technology” in section catchline.

Subsecs. (a), (b). Pub. L. 99-145, § 504(a)(1), designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 543(h)(1) of 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 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

CIVILIAN MEMBERS OF FACULTY OF AIR FORCE INSTITUTE OF TECHNOLOGY ON NOVEMBER 8, 1985

Subsec. (b)(2) of this section not applicable to persons who, on Nov. 8, 1985, were civilian members of the faculty of the Air Force Institute of Technology, were being paid a rate of basic pay under the General Schedule, and elected under procedures prescribed by the Secretary of the Air Force to continue to be paid under the General Schedule, see section 504(c) of Pub. L. 99-145, set out as a note under section 5102 of Title 5, Government Organization and Employees.

§ 9314a. United States Air Force Institute of Technology: admission of certain private sector civilians

(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit a covered private sector employee to receive instruction at the United States Air Force Institute of Technology in accordance with this section. A covered private sector employee may be enrolled in, and may be provided instruction in, a program lead-

ing to a graduate degree or professional continuing education certificate in a defense-focused or homeland security-focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

(2) No more than 125 covered private sector employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a covered private sector employee is enrolled, the covered private sector employee may be awarded an appropriate degree under section 9314 of this title or an appropriate professional continuing education certificate, as applicable.

(b) COVERED PRIVATE SECTOR EMPLOYEE DEFINED.—(1) In this section, the term “covered private sector employee” means—

(A) 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; or

(B) an individual employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience).

(2) A covered private sector employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long as the person remains employed by the same firm.

(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—A covered private sector employee may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to covered private sector employees under this section during that year—

(1) will further the military mission of the United States Air Force Institute of Technology; and

(2) will not require an increase in the permanently authorized 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 Air Force shall ensure that—

(1) the curriculum in which a covered private sector employee may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense or homeland security contractors working in close cooperation; and

(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense or the Department of Homeland Security, as applicable.