

## 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.

(e) TUITION.—(1) The United States Air Force Institute of Technology 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 Air Force.

(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, covered private sector employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

(Added Pub. L. 111-383, div. A, title V, § 593(a), Jan. 7, 2011, 124 Stat. 4232; amended Pub. L. 112-239, div. A, title V, § 589(b), Jan. 2, 2013, 126 Stat. 1769; Pub. L. 114-92, div. A, title V, § 558, title X, § 1081(a)(13), Nov. 25, 2015, 129 Stat. 827, 1001; Pub. L. 115-91, div. A, title V, § 581(a)-(d)(1), Dec. 12, 2017, 131 Stat. 1414, 1415.)

#### AMENDMENTS

2017—Pub. L. 115-91, § 581(d)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “United States Air Force Institute of Technology: admission of defense industry civilians”.

Subsec. (a)(1). Pub. L. 115-91, § 581(b)(1)(A), (c)(1), substituted “a covered private sector employee” for “defense industry employees described in subsection (b)”, “A covered private sector employee” for “Any such defense industry employee”, and “a defense-focused or homeland security-focused” for “a defense focused”.

Subsec. (a)(2). Pub. L. 115-91, § 581(b)(1)(B), substituted “covered private sector employees” for “defense industry employees”.

Subsec. (a)(3). Pub. L. 115-91, § 581(b)(1)(C), substituted “covered private sector employee” for “defense industry employee” in two places.

Subsec. (b). Pub. L. 115-91, § 581(a), amended subsec. (b) generally. Prior to amendment, text read as follows: “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 United States Air Force Institute of Technology remains eligible for such instruction only so long as that person remains employed by the same firm.”

Subsec. (c). Pub. L. 115-91, § 581(b)(2), in introductory provisions, substituted “A covered private sector employee” for “Defense industry employees” and “covered private sector employees” for “defense industry employees”.

Subsec. (d)(1). Pub. L. 115-91, § 581 (b)(3), (c)(2)(A), substituted “a covered private sector employee” for “defense industry employees” and inserted “or homeland security” after “and defense”.

Subsec. (d)(2). Pub. L. 115-91, § 581(c)(2)(B), inserted “or the Department of Homeland Security, as applicable” before period at end.

Subsec. (f). Pub. L. 115-91, § 581(b)(4), substituted “covered private sector employees” for “defense industry employees”.

2015—Subsec. (b). Pub. L. 114-92, § 1081(a)(13), substituted “only so long as” for “only so long at”.

Subsec. (c)(2). Pub. L. 114-92, § 558, substituted “will not require an increase in the permanently authorized size of the faculty” for “will be done on a space-available basis and not require an increase in the size of the faculty”.

2013—Subsec. (a)(1). Pub. L. 112-239, § 589(b)(1), inserted “or professional continuing education certificate” after “graduate degree”.

Subsec. (a)(3). Pub. L. 112-239, § 589(b)(2), inserted “or an appropriate professional continuing education certificate, as applicable” before period at end.

#### § 9314b. United States Air Force Institute of Technology: administration

(a) COMMANDANT.—

(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

(2) ELIGIBILITY.—The Commandant shall be one of the following:

(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

(3) TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (2)(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.

(b) PROVOST AND ACADEMIC DEAN.—

(1) IN GENERAL.—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

(2) TERM.—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

(3) COMPENSATION.—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

(Added Pub. L. 112-81, div. A, title V, § 554(a), Dec. 31, 2011, 125 Stat. 1414.)

#### REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b)(3), is set out in section 5315 of Title 5, Government Organization and Employees.

#### § 9315. Community College of the Air Force: associate degrees

(a) ESTABLISHMENT AND MISSION.—There is in the Air Force a Community College of the Air Force. Such college, in cooperation with civilian colleges and universities, shall—