

§ 8481. Support of athletic and physical fitness programs

(a) **AUTHORITY.**—

(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—The Secretary of the Navy may enter into contracts and cooperative agreements with the Naval Academy Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

(2) **LEASES.**—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

(b) **USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.**—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

(c) **ACCEPTANCE OF SUPPORT.**—

(1) **SUPPORT RECEIVED FROM THE ASSOCIATION.**—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

(2) **FUNDS RECEIVED FROM NCAA.**—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

(3) **LIMITATION.**—The Secretary shall ensure that contributions under this subsection do not 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 compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

(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 8022(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, §6981; renumbered §8481 and amended Pub. L. 115-232, div. A, title VIII, §§807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

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.

PRIOR PROVISIONS

A prior section 8491 was renumbered section 9191 of this title.

Prior sections 8495 to 8502 were repealed by Pub. L. 103-337, div. A, title XVI, §1662(f)(2), Oct. 5, 1994, 108 Stat. 2994, effective Dec. 1, 1994.

Section 8495, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, provided that members of Air National Guard of United States were not in active Federal service except when ordered thereto under law. See section 12401 of this title.

Section 8496, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, authorized President to order commissioned officers of Air National Guard of United States to active duty in National Guard Bureau. See section 12402(a), (b)(2) of this title.

Section 8497, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, provided that members of Air National Guard of United States ordered to active duty were to be ordered to duty as Reserves of Air Force. See section 12403 of this title.

Section 8498, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, related to organization during initial mobilization of units of Air National Guard of United States ordered into active Federal service. See section 12404 of this title.

Section 8499, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, related to application of laws governing Air Force to

members of Air National Guard called into Federal service. See section 12405 of this title.

Section 8500, acts Aug. 10, 1956, ch. 1041, 70A Stat. 525; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, authorized President to call Air National Guard units and members into Federal service. See section 12406 of this title.

Section 8501, acts Aug. 10, 1956, ch. 1041, 70A Stat. 525; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to period of service and apportionment of members and units of Air National Guard called into Federal service. See section 12407 of this title.

Section 8502, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, related to physical examinations of members of Air National Guard called into or mustered out of Federal service. See section 12408 of this title.

A prior section 8503 was renumbered section 9203 of this title.

A prior section 8504, acts Aug. 10, 1956, ch. 1041, 70A Stat. 526; Nov. 8, 1967, Pub. L. 90-130, §1(29), 81 Stat. 382, authorized President to order any retired member of Regular Air Force to active duty and assign him duties considered necessary in interests of national defense, prior to repeal by Pub. L. 96-513, title II, §210, Dec. 12, 1980, 94 Stat. 2884, effective Sept. 15, 1981. See section 688 of this title.

A prior section 8531, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, authorized President, by and with consent of Senate, to appoint a general officer of Air Force as Chief of Staff to President, which officer, unless entitled to rank, pay, and allowances of a grade above lieutenant general under another provision of law, is entitled to rank, pay, and allowances of a general, and is in addition to number otherwise authorized for that grade, prior to repeal by Pub. L. 96-513, title II, §233(b), Dec. 12, 1980, 94 Stat. 2887, effective Sept. 15, 1981.

A prior section 8537, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, provided for detail of Air Force officers to duty under Secretary of Commerce in connection with promotion of civil aviation, prior to repeal by Pub. L. 90-235, §4(b)(1), Jan. 2, 1968, 81 Stat. 760.

A prior section 8540, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, related to detail of members of regular or reserve components as professors and instructors in air science and tactics, prior to repeal by Pub. L. 88-647, title III, §301(23), Oct. 13, 1964, 78 Stat. 1073. See section 2111 of this title.

AMENDMENTS

2018—Pub. L. 115-232, §807(c)(1), renumbered section 6981 of this title as this section.

Subsec. (e)(1). Pub. L. 115-232, §809(a), substituted “and 8022(b)(3)” for “and 5022(b)(3)”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 855—UNITED STATES NAVAL POSTGRADUATE SCHOOL

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PRIOR PROVISIONS

A prior chapter 855, consisting of sections 8721 to 8723, related to hospitalization while serving in the Air Force, prior to renumbering as chapter 935 of this title.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(3), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 605 of this title as this chapter and items 7041 to 7050 as 8541 to 8550, respectively.

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.

§ 8541. 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, §7041; Pub. L. 109-163, div. A, title V, §523(a), Jan. 6, 2006, 119 Stat. 3244; renumbered §8541, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

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”.

PRIOR PROVISIONS

A prior section 8541, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, authorized President to assign regular and re-