

2004—Pub. L. 108-375 substituted “President of the school” for “Superintendent”.

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.

§ 8545. Officers of the other armed forces; enlisted members: admission

(a)(1) The Secretary of the Navy may permit officers of the Army, Air Force, and Coast Guard to receive instruction at the Naval Postgraduate School. The numbers and grades of such officers shall be as agreed upon by the Secretary of the Navy with the Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security, respectively.

(2)(A) The Secretary may permit an enlisted member of the armed forces to receive instruction at the Naval Postgraduate School through attendance at an executive level seminar.

(B) The Secretary may permit an eligible enlisted member of the armed forces to receive instruction at the Postgraduate School in connection with pursuit of a program of education in a cyber discipline as a participant in the Cyber Scholarship program under chapter 112 of this title. To be eligible for instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

(C) The Secretary may permit an eligible enlisted member of the armed forces to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member’s duties.

(D)(i) The Secretary may permit an eligible enlisted member of the armed forces to receive graduate-level instruction at the Naval Postgraduate School in a program leading to a master’s degree in a technical, analytical, or engineering curriculum.

(ii) To be eligible to be provided instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

(iii) Instruction under this subparagraph may be provided only on a space-available basis.

(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master’s degree under section 8548 of this title.

(v) Instruction under this subparagraph shall be provided pursuant to regulations prescribed by the Secretary. Such regulations may include criteria for eligibility of enlisted members for instruction under this subparagraph and specification of obligations for further service in the armed forces relating to receipt of such instruction.

(E) In addition to instruction authorized under subparagraphs (A), (B), (C), and (D), the Secretary may, on a space-available basis, permit an enlisted member of the armed forces who is assigned permanently to the staff of the Postgraduate School or to a nearby command to receive instruction at the Postgraduate School.

(b)(1) Except as provided under paragraph (3), the Department of the Army, the Department of

the Air Force, and the Department of Homeland Security shall bear the cost of the instruction received by members detailed for that instruction by the Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security, respectively.

(2) In the case of an enlisted member permitted under subsection (a)(2)(E) to receive instruction at the Postgraduate School on a space-available basis, the Secretary of the Navy shall charge that member only for such costs and fees as the Secretary considers appropriate.

(3) The requirements for payment of costs and fees under paragraph (1) shall be subject to such exceptions as the Secretary of Defense may prescribe for members of the armed forces who receive instruction at the Postgraduate School in connection with pursuit of a degree or certification as participants in the Cyber Scholarship program under chapter 112 of this title.

(c) While receiving instruction at the Postgraduate School, members of the Army, Air Force, and Coast Guard are subject to such regulations, as determined appropriate by the Secretary of the Navy, as apply to students who are members of the naval service.

(d) The Secretary may not award a baccalaureate, masters, or doctorate degree to an enlisted member based upon instruction received at the Postgraduate School under subsection (a)(2)(C).

(Aug. 10, 1956, ch. 1041, 70A Stat. 437, §7045; Pub. L. 96-513, title V, §513(23), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 105-85, div. A, title V, §551(a), (b)(1), Nov. 18, 1997, 111 Stat. 1747; Pub. L. 105-261, div. A, title X, §1069(a)(6), Oct. 17, 1998, 112 Stat. 2136; Pub. L. 107-296, title XVII, §1704(b)(5), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-136, div. A, title V, §532, Nov. 24, 2003, 117 Stat. 1472; Pub. L. 109-163, div. A, title V, §526(a), (b), Jan. 6, 2006, 119 Stat. 3245, 3246; Pub. L. 109-364, div. A, title V, §543(a)-(c), Oct. 17, 2006, 120 Stat. 2213; Pub. L. 115-91, div. A, title XVI, §1649(d)(3), Dec. 12, 2017, 131 Stat. 1753; renumbered §8545 and amended Pub. L. 115-232, div. A, title VIII, §§807(c)(1), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7045	34 U.S.C. 1076e.	July 31, 1947, ch. 420, §6, 61 Stat. 706.

The section is enlarged to cover officers of the Air Force under authority of §305(a) of the National Security Act of 1947, as amended (5 U.S.C. 171e).

In subsection (a) the words “at the request of the Secretary of the Army and the Secretary of the Treasury” are omitted as surplusage. The words “to receive instruction” are inserted after the listing of the services and the words “attendance and” are omitted. The word “grades” is substituted for the word “ranks”.

In subsection (c) the words “rules and” are omitted. The words “who are officers of the naval service” are substituted for the words “of the United States Navy”, since officers of the Marine Corps are occasionally ordered to attend the Postgraduate School on the same basis as officers of the Navy.

PRIOR PROVISIONS

A prior section 8545, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, provided that cooking for enlisted members of Air Force should be superintended by officers of or-

ganizations to which members belonged, prior to repeal by Pub. L. 90-235, §4(b)(1), Jan. 2, 1968, 81 Stat. 760.

AMENDMENTS

2018—Pub. L. 115-232, §807(c)(1), renumbered section 7045 of this title as this section.

Subsec. (a)(2)(D)(iv). Pub. L. 115-232, §809(a), substituted “section 8548” for “section 7048”.

2017—Subsec. (a)(2)(B). Pub. L. 115-91 substituted “a cyber discipline” for “information assurance” and “Cyber Scholarship program” for “Information Security Scholarship program”.

Subsec. (b)(3). Pub. L. 115-91, §1649(d)(3)(A), substituted “Cyber Scholarship program” for “Information Security Scholarship program”.

2006—Subsec. (a)(2)(C). Pub. L. 109-364, §543(a), substituted “armed forces” for “Navy or Marine Corps”.

Pub. L. 109-163, §526(a)(1)(B), added subpar. (C). Former subpar.(C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 109-364, §543(b)(2), added subpar. (D). Former subpar. (D) redesignated (E).

Pub. L. 109-163, §526(a)(1)(A), (C), redesignated subpar. (C) as (D) and substituted “subparagraphs (A), (B), and (C)” for “subparagraphs (A) and (B)”.

Subsec. (a)(2)(E). Pub. L. 109-364, §543(b)(1), (c)(1), redesignated subpar. (D) as (E) and substituted “(C), and (D)” for “and (C)”.

Subsec. (b)(2). Pub. L. 109-364, §543(c)(2), substituted “(a)(2)(E)” for “(a)(2)(D)”.

Pub. L. 109-163, §526(a)(2), substituted “subsection (a)(2)(D)” for “subsection (a)(2)(C)”.

Subsec. (d). Pub. L. 109-163, §526(b), added subsec. (d).

2003—Subsec. (a)(2). Pub. L. 108-136, §532(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary may permit an enlisted member of the armed forces who is assigned to the Naval Postgraduate School or to a nearby command to receive instruction at the Naval Postgraduate School. Admission of enlisted members for instruction under this paragraph shall be on a space-available basis.”

Subsec. (b). Pub. L. 108-136, §532(b), designated first sentence as par. (1) and substituted “Except as provided under paragraph (3), the Department” for “The Department” and “members” for “officers”, designated second sentence as par. (2) and inserted “under subsection (a)(2)(C)” after “permitted” and “on a space-available basis” after “instruction at the Postgraduate School” and struck out “(taking into consideration the admission of enlisted members on a space-available basis)” before period at end, and added par. (3).

2002—Subsec. (a)(1). Pub. L. 107-296, §1704(b)(5)(A), substituted “Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security” for “Secretaries of the Army, Air Force, and Transportation”.

Subsec. (b). Pub. L. 107-296, §1704(b)(5), substituted “Department of Homeland Security” for “Department of Transportation” and “Secretary of the Army, the Secretary of the Air Force, and the Secretary of Homeland Security” for “Secretaries of the Army, Air Force, and Transportation”.

1998—Subsec. (c). Pub. L. 105-261 struck out “the” after “are subject to”.

1997—Pub. L. 105-85, §551(b)(1), substituted “Officers of the other armed forces; enlisted members;” for “Officers of Army, Air Force, and Coast Guard;” in section catchline.

Subsec. (a). Pub. L. 105-85, §551(a)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 105-85, §551(a)(2), substituted “officers detailed” for “the students detailed” and inserted at end “In the case of an enlisted member permitted to receive instruction at the Postgraduate School, the Secretary of the Navy 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).”

Subsec. (c). Pub. L. 105-85, §551(a)(3), substituted “members” for “officers” in two places and “such regu-

lations, as determined appropriate by the Secretary of the Navy,” for “same regulations”.

1980—Subsec. (a). Pub. L. 96-513, §513(23), substituted references to Transportation Department and Secretary for references to Treasury Department and Secretary, respectively.

Subsec. (b). Pub. L. 96-513, §513(23)(A), substituted reference to Transportation Secretary for reference to Treasury Secretary.

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.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 8546. Officers of foreign countries: admission

(a) The Secretary of the Navy, upon authorization of the President, may permit commissioned officers of the military services of foreign countries to receive instruction at the Naval Postgraduate School.

(b) Officers receiving instruction under this section are subject to the same regulations governing attendance, discipline, discharge, and standards of study as apply to students who are officers of the United States naval service.

(c) No officer of a foreign country is entitled to an appointment in the Navy or the Marine Corps by reason of his completion of the prescribed course of study at the Postgraduate School.

(Aug. 10, 1956, ch. 1041, 70A Stat. 438, §7046; renumbered §8546, 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)
7046	34 U.S.C. 1076d.	July 31, 1947, ch. 420, §5, 61 Stat. 706.

In subsection (b) the words “rules and” are omitted. The words “United States naval service” are substituted for the words “United States Navy” for uniformity.

In subsection (c) the words “to any office or position” are omitted as surplusage. The words “or Marine Corps” are inserted, as the word “Navy” in this context has been interpreted to include officers of the Marine Corps.

PRIOR PROVISIONS

A prior section 8546, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, required medical officers and contract surgeons to attend families of members of Air Force, prior to repeal by Pub. L. 85-861, §36B(26), Sept. 2, 1958, 72 Stat. 1571.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7046 of this title as this section.