

(B) direct the Superintendent of the United States Naval Academy, in coordination with the Superintendent of the military service academy to which the midshipman requests to transfer—

(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the midshipman;

(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the midshipman to the military service academy concerned as expeditiously as possible; and

(C) direct the Superintendent of the United States Naval Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers' Training Corps program at the institution of higher education to which the midshipman requests to transfer—

(i) to take action on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the midshipman;

(ii) subject to the midshipman's acceptance for admission to the institution of higher education to which the midshipman wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

(iii) to take all necessary and appropriate action to effectuate the midshipman's enrollment in the institution of higher education to which the midshipman wishes to transfer and to process the midshipman for participation in the relevant Senior Reserve Officers' Training Corps program as expeditiously as possible.

(3) If the Superintendent of the United States Naval Academy denies a request for transfer under this subsection, the midshipman may request review of the denial by the Secretary of the Navy, who shall take action on such request not later than 72 hours after receipt of the formal request for review.

(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

(5) A midshipman who transfers under this subsection may retain the midshipman's appointment to the United States Naval Academy or may be appointed to the military service academy to which the midshipman transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.

(Added Pub. L. 109-364, div. A, title V, §532(a)(2), Oct. 17, 2006, 120 Stat. 2201, §6980; renumbered §8480, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836; amended Pub. L. 116-92, div. A, title V, §555(b), Dec. 20, 2019, 133 Stat. 1389; Pub. L. 116-283, div. A, title V, §552(b)(2), Jan. 1, 2021, 134 Stat. 3632.)

AMENDMENTS

2021—Subsec. (c)(3). Pub. L. 116-283 added par. (3).

2019—Subsec. (e). Pub. L. 116-92 added subsec. (e).

2018—Pub. L. 115-232 renumbered section 6980 of this title as this section.

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d)(4)(B) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

POLICY FOR MILITARY SERVICE ACADEMIES ON SEPARATION OF ALLEGED VICTIMS AND ALLEGED PERPETRATORS IN INCIDENTS OF SEXUAL ASSAULT

Secretary of Defense to consult with Secretaries of the military departments and Superintendent of each military service academy and prescribe in regulations a policy that allows a cadet or midshipman of a military service academy who is the alleged victim or alleged perpetrator of a sexual assault to complete their course of study at the academy with minimal disruption and does not preclude the academy from taking other administrative or disciplinary action, see section 539 of Pub. L. 116-283, set out as a note under section 7461 of this title.

APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES

Secretary of the military department concerned to ensure that the provisions of title XVII of Pub. L. 113-66 and subtitle D of title V of div. A of Pub. L. 113-291 apply to the United States Military Academy, the Naval Academy, and the Air Force Academy, as applicable, see section 552(a) of Pub. L. 113-291, set out as a note under section 7461 of this title.

PREVENTION OF SEXUAL ASSAULT AT MILITARY SERVICE ACADEMIES

Secretary of Defense to ensure that military service academy curricula include honor, respect, and character development pertaining to prevention of sexual assault in the Armed Forces; training provided within 14 days after a new cadet or midshipman arrives at the academy and repeated annually, see section 1746 of Pub. L. 113-66, set out as a note under section 7461 of this title.

FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND SEXUAL HARASSMENT ISSUES

Secretary of a military department to provide for focus groups to ascertain information relating to sexual assault and sexual harassment issues in any year in which the Secretary is not required by law to conduct a survey on such matters at the service academy under the Secretary's jurisdiction and to include such information in the Secretary's annual report to Congress, see section 532(b) of Pub. L. 109-364, set out as a note under section 7461 of this title.

§ 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; Pub. L. 116-283, div. A, title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 4294.)

AMENDMENT OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4151, 4294, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, except as otherwise provided in title XVIII of Pub. L. 116-283, in title 10, United States Code, each reference in the text of such title to a source section that is redesignated by title XVIII of Pub. L. 116-283, is amended by striking such reference and inserting a reference to the appropriate section as so redesignated. See 2021 Amendment note below.

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

2021—Subsec. (a)(1). Pub. L. 116-283 substituted “section 3201(e)” for “section 2304(k)” and “section 3204(a)(5)” for “section 2304(c)(5)”.

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 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

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

Sec.	Function.
8541.	President; assistants.
8542.	Provost and Academic Dean.
8543.	Civilian teachers: number; compensation.
8544.	Officers of the other armed forces; enlisted members: admission.
8545.	Officers of foreign countries: admission.
8546.	Students at institutions of higher education: admission.
8547.	Degree granting authority for United States Naval Postgraduate School.
8548.	Defense industry civilians: admission to defense product development program.
8549.	Grants for faculty research for scientific, literary, and educational purposes: acceptance, authorized grantees.
8550.	

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.)