

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 reserve Air Force officers to National Guard Bureau, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1661(c)(2), Oct. 5, 1994, 108 Stat. 2982, effective Dec. 1, 1994. See section 10507 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7041 of this title as this section.

2006—Pub. L. 109-163 amended text generally. Prior to amendment, text read as follows: “There is a United States Naval Postgraduate School for the advanced instruction and technical education of commissioned officers of the naval service in their practical and theoretical duties.”

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.

§ 8542. President; assistants

(a)(1) The President of the Naval Postgraduate School shall be one of the following:

(A) An active-duty officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively, who is assigned or detailed to such position.

(B) A civilian individual, including an individual who was retired from the Navy or Marine Corps in a grade not below captain, or colonel, respectively, who has the qualifications appropriate to the position of President and is selected by the Secretary of the Navy as the best qualified from among candidates for the position in accordance with—

- (i) the criteria specified in paragraph (4);
- (ii) a process determined by the Secretary; and
- (iii) other factors the Secretary considers essential.

(2) Before making an assignment, detail, or selection of an individual for the position of President of the Naval Postgraduate School, the Secretary shall—

(A) consult with the Board of Advisors for the Naval Postgraduate School;

(B) consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding the assignment or selection to that position; and

(C) consider the recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps.

(3) An individual selected for the position of President of the Naval Postgraduate School under paragraph (1)(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.

(4) The qualifications appropriate for selection of an individual for detail or assignment to the position of President of the Naval Postgraduate School include the following:

- (A) An academic degree that is either—
 - (i) a doctorate degree in a field of study relevant to the mission and function of the Naval Postgraduate School; or
 - (ii) a master’s degree in a field of study relevant to the mission and function of the Naval Postgraduate School, but only if—

(I) the individual is an active-duty or retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively; and

(II) at the time of the selection of that individual as President, the individual permanently appointed to the position of Provost and Academic Dean has a doctorate degree in such a field of study.

(B) A comprehensive understanding of the Department of the Navy, the Department of Defense, and joint and combined operations.

(C) Leadership experience at the senior level in a large and diverse organization.

(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

(E) Other qualifications, as determined by the Secretary of the Navy.

(b) The Secretary shall detail officers of the Navy and the Marine Corps of appropriate grades and qualifications to assist the President in—

(1) the advanced instruction and professional and technical education of students and the provision of research opportunities for students; and

(2) the administration of the Postgraduate School.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437, §7042; Pub. L. 96-513, title V, §503(53), Dec. 12, 1980, 94 Stat. 2915; Pub. L. 108-375, div. A, title V, §557(a)(3), Oct. 28, 2004, 118 Stat. 1915; Pub. L. 109-163, div. A, title V, §§523(b), 524, Jan. 6, 2006, 119 Stat. 3244, 3245; Pub. L. 109-364, div. A, title V, §508, Oct. 17, 2006, 120 Stat. 2180; Pub. L. 111-383, div. A, title X, §1075(b)(49), Jan. 7, 2011, 124 Stat. 4371; renumbered §8542, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7042	34 U.S.C. 1076a.	July 31, 1947, ch. 420, §2, 61 Stat. 705.

In subsection (a) the word “Regular” is omitted as covered by the term “active list”.

In subsection (b) the words “line and staff” and “as may be necessary” are omitted as surplusage. The word “grades” is substituted for the word “ranks”. The words “advanced instruction and technical education” are substituted for the words “training * * * in the practical and theoretical duties of commissioned naval officers”.

PRIOR PROVISIONS

A prior section 8542, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, authorized President to detail certain officers as chief and assistant chief of staff of wings of Air National Guard in Federal service, prior to repeal by Pub. L. 103-337, div. A, title XVI, §1662(g)(2), Oct. 5, 1994, 108 Stat. 2996, effective Dec. 1, 1994. See section 12502(b) of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7042 of this title as this section.

2011—Subsec. (a)(1)(A). Pub. L. 111-383 struck out comma after “captain”.

2006—Subsec. (a). Pub. L. 109-364 amended subsec. (a) generally. Prior to amendment, subsec. (a) related to assignment of an officer of the Navy in a grade not below the grade of captain or an appropriately qualified civilian individual to the position of President of the Naval Postgraduate School.

Pub. L. 109-163, §524, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of the Navy shall detail as President of the Naval Postgraduate School an officer on the active-duty list in the line of the Navy eligible for command at sea not below the grade of captain. The President has military command of the Postgraduate School.”

Subsec. (b)(1). Pub. L. 109-163, §523(b), substituted “and professional and technical education of students and the provision of research opportunities for students” for “and technical education of students”.

2004—Pub. L. 108-375 substituted “President” for “Superintendent” wherever appearing in section catchline and text.

1980—Subsec. (a). Pub. L. 96-513 substituted “active-duty list” for “active list”.

CHANGE OF NAME

Pub. L. 108-375, div. A, title V, §557(a)(1), (2), Oct. 28, 2004, 118 Stat. 1915, provided that:

“(1) The position of Superintendent of the Naval Postgraduate School is redesignated as President of the Naval Postgraduate School.

“(2) Any reference to the Superintendent of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the President of the Naval Postgraduate School.”

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 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 8543. Provost and Academic Dean

(a) There is at the Naval Postgraduate School the civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy. Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Board of Advisors for the Naval Postgraduate School and shall consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding an appointment to that position.

(b) The Provost and Academic Dean is entitled to such compensation for his services as the Sec-

retary prescribes, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

(Aug. 10, 1956, ch. 1041, 70A Stat. 437, §7043; Pub. L. 85-861, §1(148), Sept. 2, 1958, 72 Stat. 1513; Pub. L. 89-536, Aug. 11, 1966, 80 Stat. 346; Pub. L. 96-513, title V, §513(22), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 105-85, div. A, title V, §551(c), Nov. 18, 1997, 111 Stat. 1748; Pub. L. 108-375, div. A, title V, §557(b)(3), (4), Oct. 28, 2004, 118 Stat. 1915, 1916; renumbered §8543, Pub. L. 115-232, div. A, title VIII, §807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7043	34 U.S.C. 1074 (1st 98 words). 34 U.S.C. 1076c.	June 10, 1946, ch. 298 (1st 98 words), 60 Stat. 236. July 31, 1947, ch. 420, §4, 61 Stat. 706.

The words “of the Naval Academy” following “Postgraduate School” are dropped as a result of §4 of the Act of July 31, 1947 (supra). This Act created the Postgraduate School and in effect transferred the position of Academic Dean of the Postgraduate School of the Naval Academy to the newly created Postgraduate School.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7043	34 App.:1076c (less last sentence).	Aug. 9, 1955, ch. 669, §1 (less last sentence), 69 Stat. 607.

REFERENCES IN TEXT

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

PRIOR PROVISIONS

A prior section 8543, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, related to number of authorized aides, prior to repeal by Pub. L. 114-328, div. A, title V, §502(pp)(1), Dec. 23, 2016, 130 Stat. 2106.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7043 of this title as this section.

2004—Pub. L. 108-375, §557(b)(3)(B), substituted “Provost and Academic Dean” for “Academic Dean” in section catchline.

Subsec. (a). Pub. L. 108-375, §557(b)(3)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate School Council consisting of the Superintendent, the Deputy Superintendent, and the directors of the Technical, Administrative, and Professional Divisions of the school.”

Subsec. (b). Pub. L. 108-375, §557(b)(4), substituted “Provost and Academic Dean” for “Academic Dean”.

1997—Subsec. (b). Pub. L. 105-85 substituted “level IV of the Executive Schedule” for “grade GS-18 of the General Schedule under section 5332 of title 5”.

1980—Subsec. (b). Pub. L. 96-513 substituted “authorized for grade GS-18 of the General Schedule under section 5332 of title 5” for “provided for grade 18 of the general schedule of the Classification Act of 1949, as amended”.

1966—Subsec. (b). Pub. L. 89-536 substituted for a limit of \$13,500 per annum a rate of compensation com-