

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)”.

#### Statutory Notes and Related Subsidiaries

##### 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

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#### Editorial Notes

##### 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”.

**Editorial Notes**

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.”

**Statutory Notes and Related Subsidiaries**

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.