

CHAPTER 607—RETIREMENT OF CIVILIAN MEMBERS OF THE TEACHING STAFFS OF THE UNITED STATES NAVAL ACADEMY AND UNITED STATES NAVAL POSTGRADUATE SCHOOL

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AMENDMENTS

2006—Pub. L. 109-364, div. A, title X, §1071(a)(35), Oct. 17, 2006, 120 Stat. 2400, substituted “Civilian member:” for “Civilian member;” in item 7081.

§ 7081. Civilian member: definition; exceptions

(a) In this chapter, the term “civilian member” means a civilian member of the teaching staff of the United States Naval Academy or the United States Naval Postgraduate School. It includes the Provost and Academic Dean of the Postgraduate School, senior professors, professors, associate professors, assistant professors, chief instructors, assistant chief instructors, and instructors.

(b) This chapter does not apply to any civilian member who was employed at the Naval Academy or the Postgraduate School on January 16, 1936, and who did not elect to participate in the benefits provided by the Act of January 16, 1936, ch. 3 (49 Stat. 1092).

(c) This chapter does not apply to any person who was a civilian member after September 30, 1956.

(Aug. 10, 1956, ch. 1041, 70A Stat. 438; Pub. L. 85-861, §1(149), Sept. 2, 1958, 72 Stat. 1513; Pub. L. 101-189, div. A, title XVI, §1622(e)(8), Nov. 29, 1989, 103 Stat. 1605; Pub. L. 108-375, div. A, title V, §557(b)(4), Oct. 28, 2004, 118 Stat. 1916.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7081(a)	34 U.S.C. 1073d.	Jan. 16, 1936, ch. 3, §5, 49 Stat. 1093; Nov. 28, 1943, ch. 331, §2, 57 Stat. 595.
	34 U.S.C. 1074 (less 1st 98 words).	June 10, 1946, ch. 298 (less 1st 98 words), 60 Stat. 236.
	34 U.S.C. 1076b (last sentence).	July 31, 1947, ch. 420, §3 (last sentence), 61 Stat. 760; Aug. 30, 1954, ch. 1076, §1(21), 68 Stat. 968.
7081(b)	34 U.S.C. 1073c.	Jan. 16, 1936, ch. 3, §4, 49 Stat. 1092.
	34 U.S.C. 1073c-1 (2d proviso).	Jan. 16, 1936, ch. 3, §4A (2d proviso); added Nov. 28, 1943, ch. 331, §1, 57 Stat. 594.

Section 4 of the Act of January 16, 1936, ch. 3, 49 Stat. 1092, provided that persons who were then members of the teaching staff should have the right to participate in benefits under the Act if they requested such participation within 60 days. Members who were then under the civil-service retirement system were required to choose whether they would remain under it or would participate in the system established by the 1936 Act. They could not come under both. The section also authorized the Secretary of the Navy to supplement the retired income of members who elected to come under

the 1936 Act and whose age in 1936 was such that they could not purchase adequate annuities before retiring. The provisions whereby members could elect to participate were temporary and are executed. The provisions relating to retired income are superseded by §4A, added by the Act of November 28, 1943, ch. 331, 57 Stat. 594. The only remaining effect of §4 and the second proviso of §4A is to exclude from the benefits and requirements of the 1936 Act persons who were members of the teaching staff in 1936 and did not elect to participate.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7081(c)	[No source].	[No source].

Subsection (c) is added to reflect the effect on chapter 607 of this title of the Act of July 31, 1956, ch. 804, §402(a) (70 Stat. 760) which brought the civilian faculties of the Naval Academy and Naval Postgraduate School under the Civil Service Retirement Act effective October 1, 1956, and provided that on and after that date the Act of January 16, 1936, ch. 3 (49 Stat. 1092) would no longer apply to civilians employed at those schools on or after that date.

REFERENCES IN TEXT

Act of January 16, 1936, ch. 3 (49 Stat. 1092), referred to in subsec. (b), was classified to sections 1073 to 1073f of former Title 34, Navy, and was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641. See section 7081 et seq. of this title.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-375 substituted “Provost and Academic Dean” for “Academic Dean”.

1989—Subsec. (a). Pub. L. 101-189 inserted “, the term” after “In this chapter”.

1958—Subsec. (c). Pub. L. 85-861 added subsec. (c).

§ 7082. Deferred annuity policy required

Each civilian member, as a part of his contract of employment, shall carry, during his employment, a deferred annuity policy, having no cash surrender or loan provision, in a joint-stock life insurance corporation that is incorporated under the laws of a State and has a charter restriction that its business must be conducted without profit to its stockholders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7082	34 U.S.C. 1073.	Jan. 16, 1936, ch. 3, §1, 49 Stat. 1092.

The words “whose employment commences from and after the date of approval of this act” are omitted as surplusage. Under §4 of the Act, members already employed when the Act was approved were given 60 days in which to decide whether or not they wished to participate in the benefits provided by the Act. Those who chose not to participate are excluded from the application of this chapter by §7081 of this title.

§ 7083. Annuity premium to be paid by monthly installments; government reimbursement

Each civilian member shall make a monthly allotment in an amount equal to 10 percent of his monthly basic salary toward the purchase of his deferred annuity policy. For each month the allotment is in force, the pay account of the civilian member shall be credited monthly from appropriations made for this purpose with an additional amount equal to 5 percent of his monthly basic salary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439; Pub. L. 89-718, §39, Nov. 2, 1966, 80 Stat. 1120.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7083	34 U.S.C. 1073a.	Jan. 16, 1936, ch. 3, § 2, 49 Stat. 1092.

The words “Chief, Field Branch, Bureau of Supplies and Accounts” are substituted for the words “Navy Allotment Office, Navy Department, Washington, District of Columbia”, to designate the agency through which allotments are now made.

AMENDMENTS

1966—Pub. L. 89-718 removed requirement that the 10 percent monthly allotment be made through the Chief, Field Branch, Bureau of Supplies and Accounts.

§ 7084. Age of retirement

A civilian member may be retired at any time after his sixty-fifth birthday, and shall be retired by June 30 following that birthday. However, in any special case the Secretary of the Navy may defer the retirement of a member until a date not later than the member’s seventh birthday.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7084	34 U.S.C. 1073b.	Jan. 16, 1936, ch. 3, § 3, 49 Stat. 1092.

The words “individual and” are omitted as surplusage.

§ 7085. Computation of life annuity

Each civilian member who retires under section 7084 of this title is entitled to a life annuity computed by multiplying his average annual compensation during any five consecutive years of allowable service, at his option, by his number of years of service, not exceeding 35, and dividing the product by 70. The retirement annuity payable to a retired civilian member under a policy required by section 7082 of this title is counted as part of the retirement annuity provided in this section. Any difference between the amount received by the retired civilian member under his annuity policy and the total annual amount to which he is entitled under this section shall be paid to him by the Secretary of the Navy from appropriations made for this purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7085	34 U.S.C. 1073c-1 (less 2d proviso).	Jan. 16, 1936, ch. 3, § 4A (less 2d proviso); added Nov. 28, 1943, ch. 331, § 1, 57 Stat. 594.

The words “terminable on his death at the rate of the following total annual amount” are omitted as surplusage, since they are covered by the words “life annuity”.

The words “basic salary, pay, or” are omitted as surplusage, since they are covered by the word “compensation”. The first proviso is omitted as unnecessary, since all existing rights and benefits of persons affected

by this title are protected by a general saving provision.

INCREASE IN ANNUITIES OF CIVILIAN MEMBERS WHO RETIRED BEFORE APRIL 1, 1948

Section 30 of Pub. L. 85-861, Sept. 2, 1958, 72 Stat. 1563, provided that:

“(a) A retired civilian member of the teaching staff of the United States Naval Academy or the United States Naval Postgraduate School who retired before April 1, 1948, is entitled to be paid, out of applicable current appropriations, \$300 a year in addition to the annuity to which he is entitled under section 7085 of title 10 [this section].

“(b) A retired civilian member whose annuity, when increased by \$300 under subsection (a), is less than \$1,860 is entitled to be paid an additional \$300 a year out of applicable current appropriations.

“(c) Additions to the annuities of retired civilian members under subsection (b) do not increase the annuities payable to the survivors of those members.”

INCREASE OF ANNUITIES—1957

Pub. L. 85-40, May 31, 1957, 71 Stat. 42, provided: “That the annuities, payable under chapter 607 of title 10, United States Code [this chapter], to civilian members of the teaching staff of the United States Naval Academy or the United States Naval Postgraduate School are increased as follows: That portion of an annuity which is not in excess of \$1,500 is increased by 12 per centum, and that portion of an annuity which is in excess of \$1,500 is increased by 8 per centum. These increases shall not exceed the sum necessary to increase the annuity to \$4,104, and are in addition to the increases authorized by Public Law 371, Eighty-fourth Congress. The monthly installments of each annuity shall be fixed at the nearest dollar.

“SEC. 2. The increases provided by section 1, when added to the annuities of retired civilian members of the teaching staff of the United States Naval Academy or the United States Naval Postgraduate School, do not increase the annuities of their survivors. The annuity of any such survivor, however, who is entitled to or becomes entitled to an annuity under chapter 607 of title 10, United States Code [this chapter], shall be increased in accordance with the following schedule:

“If annuity commences between—	Portion of annuity not in excess of \$1,500 shall be increased by—	Portion of annuity in excess of \$1,500 shall be increased by—
	per centum	per centum
Jan. 16, 1936, and June 30, 1955	12	8
July 1, 1955, and Dec. 31, 1955	10	7
Jan. 1, 1956, and June 30, 1956	8	6
July 1, 1956, and Dec. 31, 1956	6	4
Jan. 1, 1957, and June 30, 1957	4	2
July 1, 1957, and Dec. 31, 1957	2	1

“SEC. 3. Any provision of law, enacted after the effective date of this Act [May 31, 1957], which increases the annuities of retired employees and their survivors who are entitled to annuities under the Civil Service Retirement Act of May 29, 1930, as amended (5 U.S.C. 691 et seq.) [now covered by section 8331 et seq. 30 of Title 5], shall be applicable in like manner and to the same extent to civilian members of the teaching staff of the United States Naval Academy and of the United States Naval Postgraduate School and their survivors who are entitled to annuities under chapter 607 of title 10, United States Code [this chapter].”

§ 7086. Physical disability retirement

(a) Each civilian member who has served not less than five years, and who, before reaching the age of 65, becomes totally disabled for useful and efficient service in his position, by reason of disease or injury not due to his own vicious habits, intemperance, or willful misconduct shall,

upon his application or upon the request of the Secretary of the Navy, be retired with a life annuity computed under section 7085 of this title.

(b) The amount that the Secretary shall pay annually under this section is the difference between the total amount to which the retired member is entitled under subsection (a) and the immediate life annuity to which he is entitled at the time of his disability retirement under the annuity policy required by section 7082 of this title.

(c) Each civilian member retired under this section, unless the disability for which he was retired is permanent in character, shall be examined by a board of medical officers designated by the Superintendent of the Naval Academy or of the Postgraduate School, as appropriate, one year after his retirement and annually thereafter, until he becomes 65 years of age.

(d) Payments by the Secretary under this section shall be terminated if the retired civilian member is found to be sufficiently recovered for useful and efficient service in his former position and is offered reemployment in that position by the Superintendent.

(e) If a civilian member retired under this section is later reemployed by the United States, the payments by the Secretary shall be terminated.

(f) Each civilian member retired under this section who is reemployed as a civilian member of the teaching staff of the Naval Academy or the Naval Postgraduate School shall, upon his later retirement, be paid annually by the Secretary the difference between the total annual amount computed under section 7085 of this title and the immediate life annuity which the total premiums paid on his annuity contracts would buy.

(g) No person may receive payments from the Secretary of the Navy under this chapter and, for the same period of time, compensation under chapter 81 of title 5.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439; Pub. L. 89-718, §40, Nov. 2, 1966, 80 Stat. 1120.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7086	34 U.S.C. 1073c-2.	Jan. 16, 1936, ch. 3, §4B; added Aug. 2, 1946, ch. 740, 60 Stat. 804.

In subsection (a) the words "reaching the age of 65" are substituted for the words "becoming eligible for retirement under the conditions defined in the preceding sections hereof", since a civilian member's 65th birthday is the date on which he becomes eligible for retirement under this chapter.

In subsection (c) the words "or the Postgraduate School, as appropriate" are inserted because the Postgraduate School and the Naval Academy are now two separate institutions.

In subsection (f) the words "or the Naval Postgraduate School" are inserted for the same reason.

In subsection (g) the words "Federal Employees Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.)," are substituted for the words "Act of Sept. 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes'". Authority for referring to this Act as the Federal Employees Compensation Act is contained

in the Federal Employees Compensation Act Amendments of 1949, 63 Stat. 854. The words "but this provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period" are omitted as unnecessary.

AMENDMENTS

1966—Subsec. (g). Pub. L. 89-718 substituted "chapter 81 of title 5" for "sections 751-756, 757-791, and 793 of title 5".

CHANGE OF NAME

References to Superintendent of the Naval Postgraduate School deemed to refer to President of the Naval Postgraduate School, see section 557(a)(1), (2) of Pub. L. 108-375, set out as a note under section 7042 of this title.

§ 7087. Election of annuity for self and beneficiary

(a) At the time of his retirement, a civilian member retiring under this chapter may elect to receive instead of the amount payable annually by the Secretary of the Navy under section 7085 or 7086 of this title a reduced annuity for his life and an annuity payable after his death to his beneficiary in either—

- (1) an amount equal to his reduced annuity; or
- (2) an amount equal to 50 percent of his reduced annuity.

The annuities payable to principal and beneficiary, under either election, shall be in amounts that have, on the date of the retirement of the civilian member, a combined actuarial value equal to the actuarial value of the annuity payable by the Secretary under section 7085 or 7086 of this title, as determined under actuarial tables prepared by the Director of the Office of Personnel Management.

(b) If the civilian member elects to take a reduced annuity under this section, he shall, at the time of his retirement, designate the beneficiary in writing and file the designation with the Secretary.

(c) The annuity payable under this section to the beneficiary of a deceased civilian member shall be terminated upon the death of the beneficiary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 440; Pub. L. 97-295, §1(45), Oct. 12, 1982, 96 Stat. 1298.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7087	34 U.S.C. 1073c-3.	Jan. 16, 1936, ch. 3, §4C; added Aug. 2, 1946, ch. 740, 60 Stat. 805.

In subsection (a) the words "under actuarial tables prepared by the Civil Service Commission" are substituted for the words "under the provisions of the Civil Service Retirement Act" because that Act, as amended in 1948, no longer provides for the computation of actuarial values. The Secretary of the Navy, in administering the provisions of law codified in this section, uses tables prepared by the Civil Service Commission prior to the 1948 amendment.

1982 ACT

This amends 10:7087(a) to reflect the transfer of functions from the Civil Service Commission to the Direc-

tor of the Office of Personnel Management under section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783).

AMENDMENTS

1982—Subsec. (a). Pub. L. 97-295 substituted “Director of the Office of Personnel Management” for “Civil Service Commission”.

§ 7088. Regulations

The Secretary of the Navy shall prescribe regulations for the administration of this chapter. (Aug. 10, 1956, ch. 1041, 70A Stat. 441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7088	34 U.S.C. 1073e.	Jan. 16, 1936, ch. 3, § 6, 49 Stat. 1093.

The appropriations authorization in the second sentence of the source is omitted as unnecessary.

CHAPTER 609—PROFESSIONAL MILITARY EDUCATION SCHOOLS

Sec.

7101. Naval War College: master of arts in national security and strategic studies.
7102. Marine Corps University: masters degrees; board of advisors.
7103. Naval War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.
7104. Marine Corps University: acceptance of grants for faculty research for scientific, literary, and educational purposes.

AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, § 522(d)(2), Jan. 6, 2006, 119 Stat. 3243, added items 7103 and 7104.

2001—Pub. L. 107-107, div. A, title V, § 532(b)(3)(B), Dec. 28, 2001, 115 Stat. 1105, substituted “masters degrees; board of advisors” for “master of military studies” in item 7102.

1994—Pub. L. 103-337, div. A, title IX, § 911(a)(2), Oct. 5, 1994, 108 Stat. 2828, added item 7102.

§ 7101. Naval War College: master of arts in national security and strategic studies

(a) **AUTHORITY.**—Upon the recommendation of the faculty of the Naval War College, the President of the college may confer the degree of master of arts in national security and strategic studies upon graduates of the college who fulfill the requirements for the degree.

(b) **REGULATIONS.**—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Navy.

(c) **NAVAL WAR COLLEGE DEFINED.**—In this section, the term “Naval War College” means the College of Naval Warfare and the College of Naval Command and Staff.

(Added Pub. L. 101-510, div. A, title IX, § 912(a), Nov. 5, 1990, 104 Stat. 1626.)

§ 7102. Marine Corps University: masters degrees; board of advisors

(a) **MASTER OF MILITARY STUDIES.**—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of mas-

ter of military studies upon graduates of the Command and Staff College who fulfill the requirements for that degree.

(b) **MASTER OF STRATEGIC STUDIES.**—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.

(c) **MASTER OF OPERATIONAL STUDIES.**—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the Command and Staff College’s School of Advanced Warfighting who fulfill the requirements for that degree.

(d) **REGULATIONS.**—The authority provided by subsections (a), (b), and (c) shall be exercised under regulations prescribed by the Secretary of the Navy.

(e) **BOARD OF ADVISORS.**—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.

(Added Pub. L. 103-337, div. A, title IX, § 911(a)(1), Oct. 5, 1994, 108 Stat. 2828; amended Pub. L. 107-107, div. A, title V, § 532(a)-(b)(3)(A), (c)(1), Dec. 28, 2001, 115 Stat. 1104, 1105; Pub. L. 108-136, div. A, title V, § 531(a), Nov. 24, 2003, 117 Stat. 1472; Pub. L. 108-375, div. A, title X, § 1084(d)(31), Oct. 28, 2004, 118 Stat. 2063.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-375, § 1084(d)(31)(A), substituted “MASTER OF MILITARY STUDIES” for “AUTHORITY” in heading.

Subsec. (b). Pub. L. 108-375, § 1084(d)(31)(B), substituted “MASTER OF STRATEGIC STUDIES” for “MARINE CORPS WAR COLLEGE” in heading.

Subsec. (c). Pub. L. 108-375, § 1084(d)(31)(C), substituted “MASTER OF OPERATIONAL STUDIES” for “COMMAND AND STAFF COLLEGE OF THE MARINE CORPS UNIVERSITY” in heading.

Subsec. (d). Pub. L. 108-375, § 1084(d)(31)(D), substituted “subsections (a), (b), and (c)” for “subsections (a) and (b)”.

2003—Subsecs. (c) to (e). Pub. L. 108-136 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

2001—Pub. L. 107-107, § 532(b)(3)(A), substituted “masters degrees; board of advisors” for “master of military studies” in section catchline.

Subsec. (a). Pub. L. 107-107, § 532(b)(1), substituted “upon graduates of the Command and Staff College who fulfill the requirements for that degree” for “upon graduates of the college who fulfill the requirements for the degree”.

Subsec. (b). Pub. L. 107-107, § 532(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-107, § 532(b)(2), substituted “subsections (a) and (b)” for “subsection (a)”.

Pub. L. 107-107, § 532(a)(1), redesignated subsec. (b) as (c).

Subsec. (d). Pub. L. 107-107, § 532(c)(1), added subsec. (d).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, § 531(b), Nov. 24, 2003, 117 Stat. 1472, provided that: “The authority to confer