

cational assistance for the same period by virtue of the entitlement of the same person, the subsistence allowance authorized by section 2144 of this title shall be divided in such manner as the person may specify or (if the person fails to specify) as the Secretary concerned may prescribe.

(d) In this section:

(1) The term “dependent child” has the meaning given the term “dependent” in section 1072(2)(D) of this title.

(2) The term “surviving spouse” means a widow or widower who is not remarried.

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1113; amended Pub. L. 97-22, §10(b)(3), July 10, 1981, 95 Stat. 137; Pub. L. 99-145, title VI, §673, Nov. 8, 1985, 99 Stat. 664; Pub. L. 100-180, div. A, title XII, §1231(17), Dec. 4, 1987, 101 Stat. 1161.)

#### AMENDMENTS

1987—Subsec. (d)(1), (2). Pub. L. 100-180 inserted “The term” after each par. designation and revised first word in quotes in each par. to make initial letter of such word lowercase.

1985—Subsec. (a)(1). Pub. L. 99-145 designated existing first sentence as subpar. (A), added subpar. (B), and incorporated existing second sentence as subpar. (C).

1981—Subsec. (d)(1). Pub. L. 97-22 substituted “section 1072(2)(D) of this title” for “section 1072(2)(E) of this title”.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 10(b) of Pub. L. 97-22 provided that the amendment made by that section is effective Sept. 15, 1981.

#### § 2148. Duration of entitlement

The entitlement of any person to educational assistance under this chapter expires at the end of the ten-year period beginning on the date of the retirement or discharge or other separation from active duty of the person upon whose service such entitlement is based. In the case of a member entitled to educational assistance under this chapter who dies while on active duty and whose entitlement is transferred to a spouse or dependent child, such entitlement expires at the end of the ten-year period beginning on the date of such member’s death.

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1114.)

#### § 2149. Applications for educational assistance

To receive educational assistance benefits under this chapter, a person entitled to such assistance under section 2142 or 2147 of this title shall submit an application for such assistance to the Secretary concerned in such form and manner as the Secretary concerned may prescribe.

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1114.)

### CHAPTER 107—PROFESSIONAL MILITARY EDUCATION

Sec.	
2151.	Definitions.
2152.	Joint professional military education: general requirements.

Sec.	
2153.	Capstone course: newly selected general and flag officers.
2154.	Joint professional military education: three-phase approach.
2155.	Joint professional military education Phase II program of instruction.
2156.	Joint Forces Staff College: duration of principal course of instruction.
2157.	Annual report to Congress.

#### PRIOR PROVISIONS

A prior chapter 107 was renumbered chapter 106A of this title.

#### AMENDMENTS

2006—Pub. L. 109-364, div. A, title X, §1071(a)(12), (13), Oct. 17, 2006, 120 Stat. 2399, substituted “Joint professional” for “Professional” in item 2152 and “Phase” for “phase” in item 2155.

#### § 2151. Definitions

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding of joint matters and, specifically, of the subject matter covered. The subject matter to be covered by joint professional military education shall include at least the following:

- (1) National Military Strategy.
- (2) Joint planning at all levels of war.
- (3) Joint doctrine.
- (4) Joint command and control.
- (5) Joint force and joint requirements development.

(b) OTHER DEFINITIONS.—In this chapter:

(1) The term “senior level service school” means any of the following:

- (A) The Army War College.
- (B) The College of Naval Warfare.
- (C) The Air War College.
- (D) The Marine Corps War College.

(2) The term “intermediate level service school” means any of the following:

- (A) The United States Army Command and General Staff College.
- (B) The College of Naval Command and Staff.
- (C) The Air Command and Staff College.
- (D) The Marine Corps Command and Staff College.

(Added Pub. L. 108-375, div. A, title V, §532(a)(2), Oct. 28, 2004, 118 Stat. 1897.)

#### § 2152. Joint professional military education: general requirements

(a) IN GENERAL.—The Secretary of Defense shall implement a comprehensive framework for the joint professional military education of officers, including officers nominated under section 661 of this title for the joint specialty.

(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall periodically review and revise the curriculum of each school of the National Defense University (and of any other joint professional military education school) to enhance the

education and training of officers in joint matters. The Secretary shall require such schools to maintain rigorous standards for the military education of officers with the joint specialty.

(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curriculum for senior and intermediate grade officers in order to strengthen the focus on—

- (1) joint matters; and
- (2) preparing officers for joint duty assignments.

(Added and amended Pub. L. 108–375, div. A, title V, §532(a)(2), (b), Oct. 28, 2004, 118 Stat. 1897, 1900.)

#### CODIFICATION

Subsecs. (b) and (c) of section 663 of this title, which were transferred to this section by Pub. L. 108–375, §532(b), were based on Pub. L. 99–433, title IV, §401(a), Oct. 1, 1986, 100 Stat. 1027.

#### AMENDMENTS

2004—Subsecs. (b), (c). Pub. L. 108–375, §532(b), transferred subsecs. (b) and (c) of section 663 of this title to end of this section. See Codification note above.

### § 2153. Capstone course: newly selected general and flag officers

(a) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

(b) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may waive subsection (a)—

(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

(B) when necessary for the good of the service;

(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4)<sup>1</sup> of this title); and

(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

(2) The authority of the Secretary of Defense to grant a waiver under paragraph (1) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

(Added Pub. L. 108–375, div. A, title V, §532(a)(2), Oct. 28, 2004, 118 Stat. 1897.)

#### REFERENCES IN TEXT

Section 619(e)(4) of this title, referred to in subsec. (b)(1)(C), was repealed by Pub. L. 103–160, div. A, title

IX, §931(b), Nov. 30, 1993, 107 Stat. 1734. See section 619a(f) of this title.

### § 2154. Joint professional military education: three-phase approach

(a) THREE-PHASE APPROACH.—The Secretary of Defense shall implement a three-phase approach to joint professional military education, as follows:

(1) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as Phase I instruction, consisting of all the elements of a joint professional military education (as specified in section 2151(a) of this title), in addition to the principal curriculum taught to all officers at an intermediate level service school.

(2) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as Phase II instruction, consisting of a joint professional military education curriculum taught in residence at—

(A) the Joint Forces Staff College; or

(B) a senior level service school that has been designated and certified by the Secretary of Defense as a joint professional military education institution.

(3) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as the Capstone course, for officers selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) and offered in accordance with section 2153 of this title.

(b) SEQUENCED APPROACH.—The Secretary shall require the sequencing of joint professional military education so that the standard sequence of assignments for such education requires an officer to complete Phase I instruction before proceeding to Phase II instruction, as provided in section 2155(a) of this title.

(Added Pub. L. 108–375, div. A, title V, §532(a)(2), Oct. 28, 2004, 118 Stat. 1898.)

### § 2155. Joint professional military education Phase II program of instruction

(a) PREREQUISITE OF COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION PHASE I PROGRAM OF INSTRUCTION.—(1) After September 30, 2009, an officer of the armed forces may not be accepted for, or assigned to, a program of instruction designated by the Secretary of Defense as joint professional military education Phase II unless the officer has successfully completed a program of instruction designated by the Secretary of Defense as joint professional military education Phase I.

(2) The Chairman of the Joint Chiefs of Staff may grant exceptions to the requirement under paragraph (1). Such an exception may be granted only on a case-by-case basis under exceptional circumstances, as determined by the Chairman. An officer selected to receive such an exception

<sup>1</sup> See References in Text note below.

shall have knowledge of joint matters and other aspects of the Phase I curriculum that, to the satisfaction of the Chairman, qualifies the officer to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Joint Forces Staff College or a senior level service school designated by the Secretary of Defense as a joint professional military education institution who have not completed Phase I instruction should comprise no more than 10 percent of the total number of officers selected.

(b) PHASE II REQUIREMENTS.—The Secretary shall require that the curriculum for Phase II joint professional military education at any school—

(1) focus on developing joint operational expertise and perspectives and honing joint war-fighting skills; and

(2) be structured—

(A) so as to adequately prepare students to perform effectively in an assignment to a joint, multiservice organization; and

(B) so that students progress from a basic knowledge of joint matters learned in Phase I instruction to the level of expertise necessary for successful performance in the joint arena.

(c) CURRICULUM CONTENT.—In addition to the subjects specified in section 2151(a) of this title, the curriculum for Phase II joint professional military education shall include the following:

(1) National security strategy.

(2) Theater strategy and campaigning.

(3) Joint planning processes and systems.

(4) Joint, interagency, and multinational capabilities and the integration of those capabilities.

(d) STUDENT RATIO; FACULTY RATIO.—Not later than September 30, 2009, for courses of instruction in a Phase II program of instruction that is offered at senior level service school that has been designated by the Secretary of Defense as a joint professional military education institution—

(1) the percentage of students enrolled in any such course who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented; and

(2) of the faculty at the school who are active-duty officers who provide instruction in such courses, the percentage who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented.

(Added Pub. L. 108-375, div. A, title V, § 532(a)(2), Oct. 28, 2004, 118 Stat. 1898; amended Pub. L. 109-364, div. A, title X, § 1071(a)(13), (14), Oct. 17, 2006, 120 Stat. 2399.)

#### AMENDMENTS

2006—Pub. L. 109-364, § 1071(a)(13), substituted “Phase” for “phase” in section catchline.

Subsec. (a). Pub. L. 109-364, § 1071(a)(14), inserted “Phase” after “Education” in heading.

### § 2156. Joint Forces Staff College: duration of principal course of instruction

(a) DURATION.—The duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than 10 weeks of resident instruction.

(b) DEFINITION.—In this section, the term “principal course of instruction” means any course of instruction offered at the Joint Forces Staff College as Phase II joint professional military education.

(Added Pub. L. 108-375, div. A, title V, § 532(a)(2), Oct. 28, 2004, 118 Stat. 1900.)

### § 2157. Annual report to Congress

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps and each reserve component):

(1) The number of officers who successfully completed a joint professional military education Phase II course and were not selected for promotion.

(2) The number of officer students and faculty members assigned by each service to the professional military schools of the other services and to the joint schools.

(Added Pub. L. 108-375, div. A, title V, § 532(a)(2), Oct. 28, 2004, 118 Stat. 1900; amended Pub. L. 109-364, div. A, title X, § 1071(a)(15), Oct. 17, 2006, 120 Stat. 2399.)

#### AMENDMENTS

2006—Par. (1). Pub. L. 109-364 substituted “Phase” for “phase”.

### CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS

Sec. 2161.	Degree granting authority for National Defense Intelligence College.
2162.	Preparation of budget requests for operation of professional military education schools.
2163.	Degree granting authority for National Defense University.
2164.	Department of Defense domestic dependent elementary and secondary schools.
2165.	National Defense University: component institutions.
2166.	Western Hemisphere Institute for Security Cooperation.
2167.	National Defense University: admission of private sector civilians to professional military education program.
2167a.	Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.
2168.	Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.
2169.	School of Nursing: establishment.

#### AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, § 525(a)(3)(B), title IX, § 901(b), Oct. 28, 2009, 123 Stat. 2286, 2423, added items 2167a and 2169.

2008—Pub. L. 110-417, [div. A], title V, § 543(a)(2), (b)(2), Oct. 14, 2008, 122 Stat. 4457, 4458, added items 2161