SEC. ___. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY TO CHARGE AND RETAIN TUITION FOR INSTRUCTION OF PERSONS OTHER THAN AIR FORCE PERSONNEL DETAILED FOR INSTRUCTION AT THE INSTITUTE.

(a) STATUTORY REORGANIZATION.—Chapter 901 of title 10, United States Code, is amended—

(1) by transferring subsections (d) and (f) of section 9314 to the end of section 9314b and redesignating those subsections as subsections (c) and (d), respectively;

(2) by striking the heading of section 9314a; and

(3) by inserting after subsection (c) of section 9314 the following new section heading:

"§ **9314a. United States Air Force Institute of Technology: reimbursement and tuition; instruction of persons other than Air Force personnel".**

(b) INSTRUCTION OF PERSONS OTHER THAN AIR FORCE PERSONNEL.—Section 9314a of such title, as designated by the amendment made by subsection (a)(3), is amended as follows:

(1) The first subsection of that section (formerly subsection (e) of section 9314) is redesignated as subsection (a) and is amended—

(A) by striking "REIMBURSEMENT AND TUITION" and inserting "MEMBERS OF THE ARMED FORCES OTHER THAN THE AIR FORCE WHO ARE DETAILED TO THE INSTITUTE"; and

(B) in paragraph (1)—

(i) by striking "(other than a civilian employee of the Department of the Air Force)";

(ii) by striking “who receives” and inserting “detailed to receive”; and

(C) in paragraph (3)—

(i) by striking “and” after “Marine Corps,” and inserting “or”;

(ii) by striking “permitted” and inserting “detailed”; and

(iii) by striking “that member” and inserting “the Secretary concerned”.

(2) Such section is further amended—

(A) by redesignating paragraph (4) of such subsection (a) as subsection (b);

(B) by striking “(A)” in such subsection and inserting “FEDERAL CIVILIAN EMPLOYEES OTHER THAN AIR FORCE EMPLOYEES WHO ARE DETAILED TO THE INSTITUTE.—(1)”;

(C) by redesignating subparagraph (B) in such subsection as paragraph (2);

(D) by striking paragraph (5) of such subsection; and

(E) by inserting after such subsection the following new subsection (c):

“(c) NON-DETAILED PERSONS.—(1) The Secretary of the Air Force may permit persons described in paragraph (2) to receive instruction at the United States Air Force Institute of Technology on a space-available basis.

“(2) Paragraph (1) applies to any of the following persons:

“(A) A member of the armed forces not detailed for that instruction by the Secretary concerned.

“(B) A civilian employee of a military department, of another component of the Department of Defense, of another Federal agency, or of a State’s National Guard not

detailed for that instruction by the Secretary concerned or head of the other Department of Defense component, other Federal agency, or the National Guard.

"(C) A United States citizen who is the recipient of a competitively selected Federal or Department of Defense sponsored scholarship or fellowship with a defense focus in areas of study related to the academic disciplines offered by the Air Force Institute of Technology and which requires a service commitment to the Federal government in exchange for educational financial assistance.

"(3) If a scholarship or fellowship described in paragraph (2)(C) includes a stipend, the Institute may accept the stipend payment from the scholarship or fellowship sponsor and make a direct payment to the individual.".

(c) CONFORMING SUBSECTION REDESIGNATIONS AND OTHER CONFORMING AMENDMENTS.—Section 9314a of such title, as designated by the amendment made by subsection (a)(3) and amended by subsection (b), is further amended—

(1) by redesignating subsection (a) of the former section 9314a (with the heading "ADMISSION AUTHORIZED") as subsection (d) and in that subsection—

(A) by striking "ADMISSION AUTHORIZED" and inserting "DEFENSE INDUSTRY EMPLOYEES"; and

(B) in paragraph (1), by striking "subsection (b)" and inserting "paragraph (4)";

(2) by redesignating subsection (b) of such former section 9314a as paragraph (4) and in that paragraph by striking "ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—";

(3) by redesignating subsection (c) of such former section 9314a as paragraph (5) and in that paragraph—

(A) by striking "ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—"; and

(B) by redesignating paragraphs (1) and (2) therein as subparagraphs (A) and (B), respectively; and

(4) by redesignating subsection (d) of such former section 9314a as paragraph (6) and in that paragraph—

(A) by striking "PROGRAM REQUIREMENTS.—";

(B) by redesignating paragraphs (1) and (2) therein as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated—

(i) by striking "under this section" and inserting "under this subsection"; and

(ii) by striking "subsection (a)" and inserting "paragraph (1)".

(d) TUITION.—Subsection (e)(1) of such section is amended—

(1) by inserting after "(1)" the following: "The United States Air Force Institute of Technology may charge tuition for students enrolled under subparagraphs (A) and (B) of subsection (c)(2), at the discretion of the Commandant.";

(2) by striking "under this section" and inserting "under paragraph (c)(2)(C) and subsection (d)";

(3) by inserting "When charged, tuition shall be" before "at a rate"; and

(4) by inserting before the period at the end the following: "who are detailed to receive instruction at the Institute under subsection (b)".

(e) STANDARDS OF CONDUCT.—Subsection (f) of such section is amended—

(1) by striking "defense industry employees" and inserting "persons"; and

(2) by inserting "who are not members of the armed forces or Government civilian employees" after "enrolled under this section".

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 9314 of such title is amended to read as follows:

"§ 9314. United States Air Force Institute of Technology: degree granting authority".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 9314 and 9314a and inserting the following:

"9314. United States Air Force Institute of Technology: degree granting authority.
"9314a. United States Air Force Institute of Technology: reimbursement and tuition; instruction of persons other than Air Force personnel.".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" SECTION BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

This proposal would revise the statutes relating to enrollment at the Air Force Institute of Technology (AFIT) of persons other than Air Force personnel, including the authority to charge and retain tuition for such persons. First, it extends the reimbursement and tuition provisions to a new category of students: non-detailed persons (non-detailed members, non-detailed civilians, and federal scholarship recipients). Second, while somewhat involved itself, the proposal actually simplifies Chapter 901 by combining into one section (the amended Section 9314a), the various categories of students: detailed members and detailed civilians (currently covered in Section 9314), defense industry employees (currently covered in Section 9314a), and the new category of non-detailed persons. The revised proposal also moves the coverage for civilian faculty (now in Section 9314) and acceptance of research grants (now in Section 9314a) into Section 9314b that deals with AFIT administration.

Section 9314(e) of title 10, United States Code, currently addresses AFIT's authority for reimbursement and tuition. The authority pertains to collecting and retaining tuition paid by the department, agency, or component detailing an individual for instruction. The current language does not provide explicit authority that would allow AFIT to collect and retain tuition funding through alternative means to offset the cost of instruction generated by non-detailed persons. This proposal would provide AFIT the authority to collect and retain tuition from non-detailed persons.

The proposal would also reorganize the relevant statutes into a more logical manner.

Currently, 10 U.S.C. 9314 requires the Department of the Army, the Department of the Navy, and the Department of Homeland Security to bear the cost of instruction for military members detailed to AFIT for instruction. In addition, AFIT can charge tuition for the cost of providing instruction at AFIT for any civilian employee of a military department, another component of the Department of Defense (DoD), any other Federal agency, and up to 125 defense industry civilians. AFIT is authorized to retain and use these tuition collections to cover the marginal costs of such instruction. This is a consequence of the fact that AFIT is centrally funded by the Air Force to educate Air Force officers and enlisted personnel assigned to AFIT for instruction. These other students represent an added cost to the institution and the institution is required to recover the costs associated with instructing the added student base.

AFIT is increasingly receiving requests from individual military members who are not detailed to AFIT with the desire to pay the tuition using various payment programs. Additionally, DoD organizations, whose budgets are becoming increasingly constrained, are looking at the possibility of utilizing other tuition payment programs to pay for attendance at AFIT. In fact, AFIT has enrolled non-detailed students in programs who have paid tuition bills. However, AFIT's current authorization does not address AFIT's authority to retain and utilize tuition payments obtained from self-pay means, scholarship/fellowship programs, or other means available to non-detailed students. Consequently, current legal authorities require AFIT to deposit any tuition collected from these sources to the U.S. Treasury's Miscellaneous Receipts fund.

The proposed amendments to AFIT's authority in 10 U.S.C. 9314 would provide AFIT with the means to collect, retain, and use tuition collections from any sources available to non-detailed students to cover the costs of instruction for non-detailed persons authorized to enroll at AFIT. This proposal would provide more flexibility for those students authorized to attend AFIT by providing new options for obtaining defense-focused education that is applicable to their careers and highly desirable to their services or Federal organizations.

Budget Implications: The table below details resource requirements and proposed offsets associated with this proposal.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Air Force	$(0.5)	$(0.5)	$(0.5)	$(0.5)	$(0.5)	Operation and Maintenance, Air Force	03	32C	84752F
Navy does not intend to use this authority, which would have been funded from the following account: Operation and Maintenance, Navy.									
Army does not intend to use this authority, which would have been funded from the following account: Operation and Maintenance, Army.									
Total	$(0.5)	$(0.5)	$(0.5)	$(0.5)	$(0.5)				

Changes to Existing Law: This proposal would make the following changes to chapter 901 of

title 10, United States Code:

CHAPTER 901—TRAINING GENERALLY

* * * * *

9314. ~~Degree granting authority for~~ United States Air Force Institute of Technology: degree granting authority.
9314a. United States Air Force Institute of Technology: ~~admission of defense industry civilians~~ reimbursement and tuition; instruction of persons other than Air Force personnel.
9314b. United States Air Force Institute of Technology: administration.

* * * * *

§9314. ~~Degree granting authority for~~ United States Air Force Institute of Technology: degree granting authority

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the United States Air Force Institute of Technology is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self-assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Air Force Institute of Technology to award any new or existing degree.

[Transferred to 9314b(c) below] ~~(d) CIVILIAN FACULTY. (1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.~~

~~(2) The Secretary shall prescribe regulations determining—~~

~~(A) titles and duties of civilian members of the faculty; and~~

~~(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.~~

§ 9314a. United States Air Force Institute of Technology: reimbursement and tuition; instruction of persons other than Air Force personnel

~~(e)~~ (a) ~~REIMBURSEMENT AND TUITION~~ MEMBERS OF THE ARMED FORCES OTHER THAN THE AIR FORCE WHO ARE DETAILED TO THE INSTITUTE.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

(3) In the case of an enlisted member of the Army, Navy, Marine Corps, ~~and~~ or Coast Guard ~~permitted~~ detailed to receive instruction at the Institute, the Secretary of the Air Force shall charge ~~that member~~ the Secretary concerned only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).

~~(4)~~ (b) FEDERAL CIVILIAN EMPLOYEES OTHER THAN AIR FORCE EMPLOYEES WHO ARE DETAILED TO THE INSTITUTE.—~~(A)~~ (1) The Institute shall charge tuition for the cost of providing instruction at the Institute for any civilian employee of a military department ~~(other than a civilian employee of the Department of the Air Force)~~, of another component of the Department of Defense, or of another Federal agency ~~who receives~~ detailed to recieve instruction at the Institute.

~~(B)~~ (2) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

[***Deleted as covered by (e)(2) below***] ~~(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute. Such amounts shall be available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.~~

[***Transferred to 9314b(d) below***] ~~(f) ACCEPTANCE OF RESEARCH GRANTS. (1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.~~

~~(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.~~

~~(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.~~

~~(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.~~

~~(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.~~

~~(6) The Secretary shall prescribe regulations for the administration of this subsection.~~

(c) NON-DETAILED PERSONS.—(1) The Secretary of the Air Force may permit persons described in paragraph (2) to receive instruction at the United States Air Force Institute of Technology on a space-available basis.

(2) Paragraph (1) applies to any of the following persons:

(A) A member of the armed forces not detailed for that instruction by the Secretary concerned.

(B) A civilian employee of a military department, of another component of the Department of Defense, of another Federal agency, or of a State's National Guard not detailed for that instruction by the Secretary concerned or head of the other Department of Defense component, other Federal agency, or the National Guard.

(C) A United States citizen who is the recipient of a competitively selected Federal or Department of Defense sponsored scholarship or fellowship with a defense focus in areas of study related to the academic disciplines offered by the Air Force Institute of Technology and which requires a service commitment to the Federal government in exchange for educational financial assistance.

(3) If a scholarship or fellowship described in paragraph (2)(C) includes a stipend, the Institute may accept the stipend payment from the scholarship or fellowship sponsor and make a direct payment to the individual.

~~§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians~~

~~(a)~~ (d) ~~ADMISSION AUTHORIZED~~ DEFENSE INDUSTRY EMPLOYEES.—(1) The Secretary of the Air Force may permit defense industry employees described in ~~subsection (b)~~ paragraph (4) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree or professional continuing education certificate in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry

employee may be awarded an appropriate degree under section 9314 of this title or an appropriate professional continuing education certificate, as applicable.

~~(b)~~ (4) ~~ELIGIBLE DEFENSE INDUSTRY EMPLOYES.—~~For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long asthat person remains employed by the same firm.

~~(c)~~ (5) ~~ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—~~Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

~~(1)~~ (A) will further the military mission of the United States Air Force Institute of Technology; and

~~(2)~~ (B) will not require an increase in the permanently authorized size of the faculty , an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

~~(d)~~ (6) ~~PROGRAM REQUIREMENTS.—~~The Secretary of the Air Force shall ensure that—

~~(1)~~ (A) the curriculum in which defense industry employees may be enrolled under this ~~section~~ subsection is not readily available through other schools and concentrates on the areas of focus specified in ~~subsection (a)~~ paragraph (1) that are conducted by military organizations and defense contractors working in close cooperation; and

~~(2)~~ (B) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

(e) TUITION.—(1) The United States Air Force Institute of Technology may charge tuition for students enrolled under paragraphs (c)(2)(A) and (c)(2)(B), at the discretion of the Commandant. The United States Air Force Institute of Technology shall charge tuition for students enrolled ~~under this section~~ under paragraph (c)(2)(C) and subsection (d). When charged, tuition shall be at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force who are detailed to receive instruction at the Institute under subsection (b).

(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, ~~defense industry employees~~ persons enrolled under this section who are not members of the armed forces or Government civilian employees, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

§ 9314b. United States Air Force Institute of Technology: administration

(a) COMMANDANT.—

(1) SELECTION.—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

(2) ELIGIBILITY.—The Commandant shall be one of the following:

(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

(3) TERM FOR CIVILIAN COMMANDANT.—An individual selected for the position of Commandant under paragraph (2)(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.

(b) PROVOST AND ACADEMIC DEAN.-—

(1) IN GENERAL.—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

(2) TERM.—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

(3) COMPENSATION.—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

[***Transferred from 9314(d)***] (c) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

(2) The Secretary shall prescribe regulations determining—

(A) titles and duties of civilian members of the faculty; and

(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

[***Transferred from 9314(f)***] (d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

(2) A qualifying research grant under this subsection is a grant that is awarded on a

competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

(6) The Secretary shall prescribe regulations for the administration of this subsection.