

payment under subsection (a) and section 16301(a) of this title.

(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.

(Added Pub. L. 99-145, title VI, § 671(a)(1), Nov. 8, 1985, 99 Stat. 661; amended Pub. L. 103-337, div. A, title XVI, § 1663(e), Oct. 5, 1994, 108 Stat. 3009; Pub. L. 104-106, div. A, title X, § 1079(a), Feb. 10, 1996, 110 Stat. 451; Pub. L. 109-163, div. A, title V, § 537, Jan. 6, 2006, 119 Stat. 3249; Pub. L. 111-383, div. A, title V, § 552(a), Jan. 7, 2011, 124 Stat. 4220.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Parts B, D, and E of title IV of the Higher Education Act of 1965 are classified to parts B (§1071 et seq.), C (§107a et seq.), and D (§107aa et seq.) of subchapter IV of chapter 28 of Title 20, Education, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2011—Subsecs. (g), (h). Pub. L. 111-383 added subsecs. (g) and (h).

2006—Subsec. (a)(1)(D). Pub. L. 109-163, § 537(a), added subpar. (D).

Subsec. (a)(2). Pub. L. 109-163, § 537(b), substituted “a member in an officer program or military specialty” for “an enlisted member in a military specialty”.

1996—Subsec. (a)(1). Pub. L. 104-106 struck out “or” at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1994—Pub. L. 103-337, § 1663(e)(6), substituted “Education loan repayment program: enlisted members on active duty in specified military specialties” for “General educational loan repayment program” as section catchline.

Subsec. (a)(1)(B). Pub. L. 103-337, § 1663(e)(1), struck out “or” after “(B)”.

Subsec. (a)(2). Pub. L. 103-337, § 1663(e)(2), substituted “case of any person for—

“(A) service performed—

“(i) as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force; and

“(ii) in a reserve component and military specialty specified by the Secretary of Defense; or

“(B) service performed”

and struck out at end “In the case of service described in clause (A) of the first sentence of this paragraph, the Secretary may repay a loan described in paragraph (1) only if the person to whom the loan was made performed such service after the loan was made.”

Subsec. (b). Pub. L. 103-337, § 1663(e)(3), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The portion or amount of a loan that may be repaid under subsection (a) is—

“(1) 15 percent or \$500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(A); or

“(2) 33½ percent or \$1,500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(B).”

Subsec. (e). Pub. L. 103-337, § 1663(e)(4), substituted “A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)” for “Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection”.

Subsec. (f). Pub. L. 103-337, § 1663(e)(5), inserted “and section 16301 of this title” after “this section” and “and section 16301(a) of this title” after “subsection (a)”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE

Section 671(b)(1) of Pub. L. 99-145 provided that: “The authority provided under section 2171 of title 10, United States Code, as added by subsection (a), shall apply only—

“(A) in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an Armed Force or enlist or reenlist for service on active duty after September 30, 1980;

“(B) with respect to service performed after that date; and

“(C) with respect to loans made after October 1, 1975.”

[§ 2172. Renumbered § 16302]

§ 2173. Education loan repayment program: commissioned officers in specified health professions

(a) **AUTHORITY TO REPAY EDUCATION LOANS.**—For the purpose of maintaining adequate numbers of commissioned officers of the armed forces on active duty who are qualified in the various health professions, the Secretary of a military department may repay, in the case of a person described in subsection (b), a loan that—

(1) was used by the person to finance education regarding a health profession; and

(2) was obtained from a governmental entity, private financial institution, school, or other authorized entity.

(b) **ELIGIBLE PERSONS.**—To be eligible to obtain a loan repayment under this section, a person must—

(1) satisfy one of the requirements specified in subsection (c);

(2) be fully qualified for, or hold, an appointment as a commissioned officer in one of the health professions; and

(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

(c) **ACADEMIC AND PROFESSIONAL REQUIREMENTS.**—One of the following academic requirements must be satisfied for purposes of determining the eligibility of a person for a loan repayment under this section:

(1) The person is fully qualified in a health care profession that the Secretary of the military department concerned has determined to be necessary to meet identified skill shortages.

(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution leading to a degree in a health profession other than medicine or osteopathic medicine.

(3) The person is enrolled in the final year of an approved graduate program leading to specialty qualification in medicine, dentistry, osteopathic medicine, or other health profession.

(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of this title for a number of years less than is required to complete the normal length of the course of study required for the health profession concerned.

(d) CERTAIN PERSONS INELIGIBLE.—Students of the Uniformed Services University of the Health Sciences established under section 2112 of this title are not eligible for the repayment of an education loan under this section.

(e) LOAN REPAYMENTS.—(1) Subject to the limits established by paragraph (2), a loan repayment under this section may consist of payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b) for—

(A) all educational expenses, comparable to all educational expenses recognized under section 2127(a) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program; and

(B) reasonable living expenses, not to exceed expenses comparable to the stipend paid under section 2121(d) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

(2) For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary of the military department concerned may pay not more than \$60,000 on behalf of the person. This maximum amount shall be increased annually by the Secretary of Defense effective October 1 of each year by the percentage equal to the percent increase in the average annual cost of educational expenses and stipend costs of a single scholarship under the Armed Forces Health Professions Scholarship and Financial Assistance program.

(f) ACTIVE DUTY SERVICE OBLIGATION.—(1) A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation. The length of this obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

(2) For persons on active duty before entering into the agreement, the active duty service obligation shall be served consecutively to any other obligation incurred under the agreement.

(g) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—(1) A commissioned officer who is relieved

of the officer's active duty obligation under this section before the completion of that obligation may be given, with or without the consent of the officer, any alternative obligation comparable to any of the alternative obligations authorized by section 2123(e) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

(2) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions of section 303a(e) of title 37.

(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section, including standards for qualified loans and authorized payees and other terms and conditions for the making of loan repayments.

(Added Pub. L. 105-85, div. A, title VI, § 651(a), Nov. 18, 1997, 111 Stat. 1802; amended Pub. L. 107-314, div. A, title V, § 573, Dec. 2, 2002, 116 Stat. 2558; Pub. L. 109-163, div. A, title VI, § 687(c)(7), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 109-364, div. A, title V, § 537(a), Oct. 17, 2006, 120 Stat. 2209; Pub. L. 111-383, div. A, title V, § 553, Jan. 7, 2011, 124 Stat. 4220.)

AMENDMENTS

2011—Subsec. (c)(4). Pub. L. 111-383 added par. (4).

2006—Subsec. (e)(2). Pub. L. 109-364 substituted “\$60,000” for “\$22,000”.

Subsec. (g). Pub. L. 109-163 designated existing provisions as par. (1) and added par. (2).

2002—Subsec. (d). Pub. L. 107-314, § 573(a), substituted “Students” for “Participants of the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title and students”.

Subsec. (e)(2). Pub. L. 107-314, § 573(b), struck out at end “The total amount that may be repaid on behalf of any person may not exceed an amount determined on the basis of a four-year active duty service obligation.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, § 537(b), Oct. 17, 2006, 120 Stat. 2209, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 2173 of title 10, United States Code, on or after that date.

“(2) PROHIBITION ON ADJUSTMENT.—The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.”

SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

§ 2174. Interest payment program: members on active duty

(a) AUTHORITY.—(1) The Secretary concerned may pay in accordance with this section the interest and any special allowances that accrue on one or more student loans of an eligible member of the armed forces.

(2) The Secretary of a military department may exercise the authority under paragraph (1)