

armed forces enrolled in such institution for education or training during his off-duty periods, except that—

“(1) in the case of an enlisted member in the pay grade of E-5 or higher with less than 14 years’ service, not more than 90 percent of the charges may be paid;

“(2) in the case of a member enrolled in a high school completion program, all of the charges may be paid;

“(3) in the case of a commissioned officer on active duty, no part of the charges may be paid unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education; and

“(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.”

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title XVI, §1602(a)(1)], added subsec. (b) and struck out former subsec. (b) which read as follows: “The limitation in subsection (a) does not apply to the Program for Afloat College Education.”

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title XVI, §1602(a)(2)(A)], struck out “(within the limits set forth in subsection (a))” after “educational institution” in introductory provisions.

Subsec. (d)(3). Pub. L. 106-398, §1 [[div. A], title XVI, §1602(a)(2)(B)], substituted “subsection (b)” for “subsection (a)(3)”.

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title XVI, §1602(b)(1)], added subsec. (e).

1999—Subsec. (a)(4). Pub. L. 106-65 added par. (4).

1993—Subsec. (d). Pub. L. 103-160 added subsec. (d).

1990—Pub. L. 101-510 substituted “Payment” for “Limitation on payment” in section catchline.

1987—Subsec. (c). Pub. L. 100-26 made technical amendment to directory language of Pub. L. 99-661, §651(a)(2). See 1986 Amendment note below.

1986—Subsec. (a)(3). Pub. L. 99-661, §651(a)(1), inserted “on active duty”.

Subsec. (c). Pub. L. 99-661, §651(a)(2), as amended by Pub. L. 100-26, added subsec. (c).

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title V, §553(c), Oct. 28, 2004, 118 Stat. 1913, provided that: “The amendment made by subsection (a) [amending this section] may, at the discretion of the Secretary concerned, be applied to a service obligation incurred by an officer serving on active duty as of the date of the enactment of this Act [Oct. 28, 2004].”

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-26 applicable as if included in Pub. L. 99-661 when enacted on Nov. 14, 1986, see section 12(a) of Pub. L. 100-26, set out as a note under section 776 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. A, title VI, §651(c), Nov. 14, 1986, 100 Stat. 3888, provided that: “Subsection (c) of section 2007 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Nov. 14, 1986].”

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

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.

TUITION PAYMENTS CONTINGENT UPON AGREEMENT BY OFFICER TO REMAIN IN READY RESERVE FOR AT LEAST FOUR YEARS

Pub. L. 104-61, title VIII, §8019, Dec. 1, 1995, 109 Stat. 655, provided that: “Funds appropriated for the Department of Defense during the current fiscal year and hereafter shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103-335, title VIII, §8019, Sept. 30, 1994, 108 Stat. 2621.

Pub. L. 103-139, title VIII, §8021, Nov. 11, 1993, 107 Stat. 1441.

Pub. L. 102-396, title IX, §9025, Oct. 6, 1992, 106 Stat. 1906.

Pub. L. 102-172, title VIII, §8025, Nov. 26, 1991, 105 Stat. 1177.

Pub. L. 101-511, title VIII, §8025, Nov. 5, 1990, 104 Stat. 1880.

Pub. L. 101-165, title IX, §9035, Nov. 21, 1989, 103 Stat. 1136.

Pub. L. 100-463, title VIII, §8059, Oct. 1, 1988, 102 Stat. 2270-27.

Pub. L. 100-202, §101(b) [title VIII, §8072], Dec. 22, 1987, 101 Stat. 1329-43, 1329-74.

Pub. L. 99-500, §101(c) [title IX, §9076], Oct. 18, 1986, 100 Stat. 1783-82, 1783-114, and Pub. L. 99-591, §101(c) [title IX, §9076], Oct. 30, 1986, 100 Stat. 3341-82, 3341-114.

Pub. L. 99-190, §101(b) [title VIII, §8086], Dec. 19, 1985, 99 Stat. 1185, 1216.

§ 2008. Authority to use funds for certain educational purposes

Funds appropriated to the Department of Defense may be used to carry out construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.

(Added Pub. L. 98-525, title XIV, §1401(g)(1), Oct. 19, 1984, 98 Stat. 2618; amended Pub. L. 104-106, div. B, title XXVIII, §2891, Feb. 10, 1996, 110 Stat. 590.)

AMENDMENTS

1996—Pub. L. 104-106 substituted “construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.” for “section 10 of the Act of September 23, 1950 (20 U.S.C. 640), relating to impact aid authorization.”

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 2009. Military colleges: female students

(a) Under regulations prescribed by the Secretary of Defense, any college or university des-