

(B) A participant in the program under this section who is an employee of the Department of Defense and who—

(i) voluntarily fails to complete the educational program for which financial assistance has been provided, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary; or

(ii) before completion of the period of obligated service required of such participant—

(I) voluntarily terminates such participant's employment with the Department; or

(II) is removed from such participant's employment with the Department on the basis of misconduct,

shall refund the United States an appropriate amount, as determined by the Secretary.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

(f) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary of Defense shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the other authorities provided in this chapter in order to maximize the benefits derived by the Department of Defense from the exercise of all such authorities.

(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(Added Pub. L. 109-163, div. A, title XI, §1104(d)(1), Jan. 6, 2006, 119 Stat. 3449; amended Pub. L. 110-417, [div. A], title X, §1061(a)(5), Oct. 14, 2008, 122 Stat. 4612; Pub. L. 111-84, div. A, title XI, §1102(a)-(d)(1), Oct. 28, 2009, 123 Stat. 2484, 2485; Pub. L. 113-66, div. A, title XI, §1105(a)(1), Dec. 26, 2013, 127 Stat. 886.)

#### CODIFICATION

Section, as added by Pub. L. 109-163, consists of text of Pub. L. 108-375, div. A, title XI, §1105, Oct. 28, 2004, 118 Stat. 2074; Pub. L. 109-163, div. A, title X, §1056(d), title XI, §1104(a)-(c), Jan. 6, 2006, 119 Stat. 3440, 3448, 3449; Pub. L. 111-383, div. A, title X, §1075(h)(5), Jan. 7, 2011, 124 Stat. 4377, which was formerly set out as a note under section 2192 of this title, and was repealed by Pub. L. 109-163, div. A, title XI, §1104(e)(1), Jan. 6, 2006, 119 Stat. 3450.

#### AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 113-66 substituted “an amount determined by the Secretary of Defense” for “the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, equipment expenses, and expenses of room and board”.

2009—Subsec. (c)(2). Pub. L. 111-84, §1102(b), substituted “The” for “Except as provided in subsection (d), the” in second sentence.

Subsec. (d). Pub. L. 111-84, §1102(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) provided that, under certain circumstances, the Secretary of Defense could appoint or retain a SMART program participant as an interim employee and separate such participant from employment if no appropriate permanent position was available at the end of the interim period and that the period of interim service would count towards the participant's obligated service requirements.

Subsec. (f). Pub. L. 111-84, §1102(c), struck out “The program under this section is in addition to the authorities provided in chapter 111 of this title.” before “The Secretary” and substituted “the other authorities provided in this chapter” for “the authorities provided in such chapter”.

Subsecs. (g), (h). Pub. L. 111-84, §1102(d)(1), redesignated subsec. (h) as (g) and struck out former subsec. (g). Prior to amendment, text read as follows: “Not later than February 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives a plan for expanding and improving the national defense science and engineering workforce educational assistance program carried out under this section as appropriate to improve recruitment and retention to meet the requirements of the Department of Defense for its science and engineering workforce on a short-term basis and on a long-term basis.”

2008—Subsec. (e)(4). Pub. L. 110-417, §1061(a)(5)(A), substituted “title 11” for “title 11, United States Code.”.

Subsec. (f). Pub. L. 110-417, §1061(a)(5)(B), substituted “this title” for “title 10, United States Code”.

#### EFFECT ON CURRENT PARTICIPANTS IN SMART PILOT PROGRAM

Pub. L. 109-163, div. A, title XI, §1104(f), Jan. 6, 2006, 119 Stat. 3450, provided that: “Participation in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1105 of Public Law 108-375 [see Codification note above] by an individual who has entered into an agreement under that pilot program before the date of the enactment of this Act [Jan. 6, 2006] shall be governed by the terms of such agreement without regard to the amendments made by this section [enacting this section, amending section 3304 of Title 5, Government Organization and Employees, and amending and repealing provisions set out as a note under section 2192 of this title].”

#### § 2193. Improvement of education in technical fields; grants for higher education in science and mathematics

(a)(1) The Secretary of Defense may, in accordance with the provisions of this subsection, carry out a program for awarding grants to students who have been accepted for enrollment in, or who are enrolled in, an institution of higher education as undergraduate or graduate students in scientific and engineering disciplines critical to the national security functions of the Department of Defense.

(2) Grant proceeds shall be disbursed on behalf of students awarded grants under this subsection to the institutions of higher education at which the students are enrolled. No grant proceeds shall be disbursed on behalf of a student until the student is enrolled at an institution of higher education.

(3) The amount of a grant awarded a student under this subsection may not exceed the student's cost of attendance.

(4) The amount of a grant awarded a student under this subsection shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those other forms of Federal student financial assistance.

(5) The Secretary shall give priority to awarding grants under this subsection in a manner likely to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers. The Secretary may consider the financial need of applicants in making awards in accordance with such priority.

(b) In this section:

(1) The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965.

(2) The term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(Added Pub. L. 101-510, div. A, title II, §247(a)(1), Nov. 5, 1990, 104 Stat. 1521; amended Pub. L. 105-244, title I, §102(a)(2)(A), Oct. 7, 1998, 112 Stat. 1617; Pub. L. 106-65, div. A, title V, §580(c)(2), (3), (d)(2), Oct. 5, 1999, 113 Stat. 633.)

#### REFERENCES IN TEXT

Section 101 of the Higher Education Act of 1965, referred to in subsec. (b)(1), is classified to section 1001 of Title 20, Education.

#### AMENDMENTS

1999—Pub. L. 106-65, §580(d)(2), amended section catchline generally. Prior to amendment, catchline read as follows: "Science and mathematics education improvement program".

Subsec. (b). Pub. L. 106-65, §580(c)(3), redesignated subsec. (c) as (b).

Pub. L. 106-65, §580(c)(2), redesignated subsec. (b) as section 2193a of this title.

Subsec. (c). Pub. L. 106-65, §580(c)(3), redesignated subsec. (c) as (b).

1998—Subsec. (c)(1). Pub. L. 105-244 substituted "section 101 of the Higher Education Act of 1965" for "section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))".

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

### § 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics

The Secretary of Defense, in coordination with the Secretary of Education, may establish programs for the purpose of improving the mathematics and scientific knowledge and skills of elementary and secondary school students and faculty members.

(Added and amended Pub. L. 106-65, div. A, title V, §580(c)(1), (2), Oct. 5, 1999, 113 Stat. 632, 633.)

#### CODIFICATION

The text of section 2193(b) of this title, which was transferred to, and redesignated as text of, this section,

was based on Pub. L. 101-510, div. A, title II, §247(a)(1), Nov. 5, 1990, 104 Stat. 1521.

#### AMENDMENTS

1999—Pub. L. 106-65, §580(c)(2), renumbered section 2193(b) of this title as text of this section. See Codification note above.

### § 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology

(a) **AUTHORITY FOR PROGRAM.**—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the "Department of Defense STARBASE Program". The Secretary shall carry out the program in coordination with the Secretaries of the military departments.

(b) **PURPOSE.**—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

(c) **STARBASE ACADEMIES.**—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

(2) The Secretary of Defense shall establish guidelines, criteria, and a process for the establishment of STARBASE programs in addition to those in operation on October 5, 1999.

(3)(A) Except as otherwise provided under subparagraph (B), the Secretary may not support the establishment in any State of more than four academies under the program.

(B) The Secretary may support the establishment and operation of an academy in a State in excess of four academies in that State if the Secretary expressly waives, in writing, the limitation in subparagraph (A) with respect to that State. In the case of any such waiver, appropriated funds may be used for the establishment and operation of an academy in excess of four in that State only to the extent that appropriated funds are expressly available for that purpose. Any such waiver shall be made under criteria to be prescribed by the Secretary.

(d) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—The Secretary shall prescribe standards and procedures for selection of persons for participation in the program.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

(f) **AUTHORITY TO ACCEPT FINANCIAL AND OTHER SUPPORT.**—(1) The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

(2) The Secretary of Defense shall remain the executive agent to carry out the program regardless of the source of funds for the program or any transfer of jurisdiction over the program within the executive branch.

(g) **ANNUAL REPORT.**—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on the program under this section. The report shall contain a discussion of the design and conduct of the program