

1987—Subsec. (b). Pub. L. 100-26 inserted “The term” after each par. designation and substituted “normal” for “Normal” in par. (2).

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title I, §109(c), Jan. 4, 2011, 124 Stat. 4120, provided that: “The amendments made by this section [amending this section and section 3316 of Title 38, Veterans’ Benefits] shall take effect on August 1, 2011.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### FIRST PAYMENT INTO FUND

Pub. L. 98-525, title VII, §706(b), Oct. 19, 1984, 98 Stat. 2570, directed that first payment into Department of Defense Education Benefits Fund under this section be made not later than three months after Board of Actuaries determined amounts needed to be paid into Fund for that portion of fiscal year 1985 beginning on July 1, 1985, with first payment in a lump sum equal to total of amounts that would have been paid to Fund each month between July 1, 1985, and time such first payment was made.

### § 2006a. Assistance for education and training; availability of certain assistance for use only for certain programs of education

(a) IN GENERAL.—Effective as of August 1, 2014, an individual eligible for assistance under a Department of Defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for a program as follows:

(1) An eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

(2) In the case of a program designed to prepare individuals for licensure or certification in any State, if the program meets the instructional curriculum licensure or certification requirements of such State.

(3) In the case of a program designed to prepare individuals for employment pursuant to

standards developed by a State board or agency in an occupation that requires approval or licensure for such employment, if the program is approved or licensed by such State board or agency.

(b) WAIVER.—The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of Defense educational assistance program or authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—

(1) is accredited and approved by a nationally or regionally recognized accrediting agency or association recognized by the Department of Education;

(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;

(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such<sup>1</sup> programs or authorities; and

(4) the institution providing the program does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(c) DEFINITIONS.—In this section:

(1) The term “Department of Defense educational assistance programs and authorities covered by this section” means the programs and authorities as follows:

(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

(B) The authority to pay tuition for off-duty training or education of members of the armed forces under section 2007 of this title.

(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

(2) The term “institution of higher education” has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).

<sup>1</sup> So in original.

(Added Pub. L. 113-66, div. A, title V, §541(a), Dec. 26, 2013, 127 Stat. 760; amended Pub. L. 114-92, div. A, title X, §1081(a)(6), Nov. 25, 2015, 129 Stat. 1001.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-92 substituted “August 1” for “August, 1” in introductory provisions.

EFFECTIVE DATE

Pub. L. 113-66, div. A, title V, §541(c), Dec. 26, 2013, 127 Stat. 762, provided that: “The amendments made by this section [enacting this section] shall take effect on August 1, 2014.”

**§ 2007. Payment of tuition for off-duty training or education**

(a) Subject to subsections (b) and (c), the Secretary concerned may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member’s off-duty periods.

(b)(1) In the case of a commissioned officer on active duty (other than a member of the Ready Reserve), the Secretary concerned may not pay charges under subsection (a) 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 for which the charges are paid.

(2) Notwithstanding paragraph (1), the Secretary concerned may reduce or waive the active duty service obligation—

(A) in the case of a commissioned officer who is subject to mandatory separation;

(B) in the case of a commissioned officer who has completed the period of active duty service for which the officer was ordered to active duty in support of a contingency operation; or

(C) in other exigent circumstances as determined by the Secretary concerned.

(c)(1) Subject to paragraphs (3) and (5), the Secretary concerned may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

(2) Subject to paragraphs (4) and (5), the Secretary concerned may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary concerned for purposes of this subsection.

(3) The Secretary concerned may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer enters into an agreement to remain a member of the Selected Reserve for at least 4 years after completion of the education or training for which the charges are paid.

(4) The Secretary concerned may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer enters into an agreement to remain in the Selected Reserve or Individual Ready Reserve for at least 4 years after completion of the education or training for which the charges are paid.

(5) The Secretary of a military department may require an enlisted member of the Selected

Reserve or Individual Ready Reserve to enter into an agreement to serve for up to 4 years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of the education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.

(d)(1) A member of the armed forces who is entitled to basic educational assistance under chapter 30 of title 38 may use such entitlement for purposes of paying any portion of the charges described in subsection (a) or (c) that are not paid for by the Secretary of the military department concerned under such subsection.

(2) The use of entitlement under paragraph (1) shall be governed by the provisions of section 3014(b) of title 38.

(e)(1) If an officer who enters into an agreement under subsection (b) does not complete the period of active duty specified in the agreement, the officer shall be subject to the repayment provisions of section 303a(e) of title 37.

(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.

(f) This section shall be administered under regulations prescribed by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security.

(Added Pub. L. 98-525, title XIV, §1401(g)(1), Oct. 19, 1984, 98 Stat. 2618; amended Pub. L. 99-661, div. A, title VI, §651(a), Nov. 14, 1986, 100 Stat. 3887; Pub. L. 100-26, §3(4), Apr. 21, 1987, 101 Stat. 273; Pub. L. 101-510, div. A, title XIV, §1484(i)(4)(A), Nov. 5, 1990, 104 Stat. 1718; Pub. L. 103-160, div. A, title VI, §632, Nov. 30, 1993, 107 Stat. 1684; Pub. L. 106-65, div. A, title VI, §675, Oct. 5, 1999, 113 Stat. 675; Pub. L. 106-398, §1 [[div. A], title XVI, §1602(a), (b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-358, 1654A-359; Pub. L. 108-375, div. A, title V, §553(a), (b), Oct. 28, 2004, 118 Stat. 1912; Pub. L. 109-163, div. A, title VI, §687(c)(3), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 110-181, div. A, title V, §521(a)-(d), Jan. 28, 2008, 122 Stat. 100-102.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h) [title VIII, §8017], Oct. 12, 1984, 98 Stat. 1904, 1926.

Pub. L. 98-212, title VII, §720, Dec. 8, 1983, 97 Stat. 1441.

Pub. L. 97-377, title I, §101(c) [title VII, §721], Dec. 21, 1982, 96 Stat. 1833, 1854.

Pub. L. 97-114, title VII, §721, Dec. 29, 1981, 95 Stat. 1582.

Pub. L. 96-527, title VII, §722, Dec. 15, 1980, 94 Stat. 3084.

Pub. L. 96-154, title VII, §722, Dec. 21, 1979, 93 Stat. 1156.

Pub. L. 95-457, title VIII, §822, Oct. 13, 1978, 92 Stat. 1247.

Pub. L. 95-111, title VIII, §821, Sept. 21, 1977, 91 Stat. 903.

Pub. L. 94-419, title VII, §721, Sept. 22, 1976, 90 Stat. 1295.

Pub. L. 94-212, title VII, §721, Feb. 9, 1976, 90 Stat. 172.

Pub. L. 93-437, title VIII, §821, Oct. 8, 1974, 88 Stat. 1228.