

the academic years leading to the degree for which assistance is provided the person under this section.

(e) **REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.**—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under subsection (b) shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

(2) A civilian employee of the Department of Defense who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) or 373 of title 37 in the same manner and to the same extent as if the civilian employee were a member of the armed forces.

(f) **ALLOCATION OF FUNDING.**—(1) Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in cyber disciplines under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

(2) Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).

(g) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—The Secretary of Defense—

(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a cyber position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-234; amended Pub. L. 109-163, div. A, title VI, §687(c)(8), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 111-84, div. A, title X, §1073(a)(20), title XI, §1103, Oct. 28, 2009, 123 Stat. 2473, 2485; Pub. L. 115-91, div. A, title VI, §618(a)(1)(J), title XVI, §1649(b), (d)(1)(C), Dec. 12, 2017, 131 Stat. 1426, 1752.)

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115-91, §1649(d)(1)(C)(i), substituted “a cyber discipline” for “an information assurance discipline”.

Subsec. (e). Pub. L. 115-91, §618(a)(1)(J), inserted “or 373” before “of title 37” in pars. (1) and (2).

Subsec. (f). Pub. L. 115-91, §1649(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (f)(1). Pub. L. 115-91, §1649(d)(1)(C)(ii), substituted “cyber disciplines” for “information assurance”.

Subsec. (g)(1). Pub. L. 115-91, §1649(d)(1)(C)(iii), substituted “a cyber position” for “an information technology position”.

2009—Subsec. (a). Pub. L. 111-84, §1103(b), substituted “subsection (f),” for “subsection (g),” in introductory provisions.

Subsec. (e)(1). Pub. L. 111-84, §1073(a)(20), substituted “subsection (b)” for “section (b)”.

Subsec. (g). Pub. L. 111-84, §1103(a), added subsec. (g).

2006—Subsec. (e). Pub. L. 109-163, §687(c)(8)(A), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows:

“(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

“(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.”

Subsecs. (f), (g). Pub. L. 109-163, §687(c)(8)(B), (C), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f). Text read as follows: “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 subsection (e).”

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.

§ 2200b. Grant program

(a) **AUTHORITY.**—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in cyber disciplines referred to in section 2200(a) of this title.

(b) **PURPOSES.**—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

- (1) Faculty development.
- (2) Curriculum development.
- (3) Laboratory improvements.
- (4) Faculty research in information security.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-235; amended Pub. L. 115-91, div. A, title XVI, §1649(d)(1)(D), Dec. 12, 2017, 131 Stat. 1753.)

AMENDMENTS

Subsec. (a). Pub. L. 115-91 substituted “cyber disciplines” for “information assurance disciplines”.

§ 2200c. Centers of Academic Excellence in Cyber Education

In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Cyber Education; and

(2) in the case of a grant, the recipient is a Center of Academic Excellence in Cyber Education.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-236; amended Pub. L. 115-91, div. A, title XVI, §1649(d)(1)(E), (F), Dec. 12, 2017, 131 Stat. 1753.)

AMENDMENTS

2017—Pub. L. 115-91 substituted “Cyber” for “Information Assurance” in heading and in pars. (1) and (2).

CHANGE OF NAME

Pub. L. 115-91, div. A, title XVI, §1649(e)(2), Dec. 12, 2017, 131 Stat. 1753, provided that: “Any institution of higher education designated by the Director of the National Security Agency as a Center of Academic Excellence in Information Assurance Education is redesignated as a Center of Academic Excellence in Cyber Education. Any reference in a law (other than this section), map, regulation, document, paper, or other record of the United States to a Center of Academic Excellence in Information Assurance Education shall be deemed to be a reference to a Center of Academic Excellence in Cyber Education.”

§ 2200d. Regulations

The Secretary of Defense shall prescribe regulations for the administration of this chapter.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-236.)

§ 2200e. Definitions

In this chapter:

- (1) The term “cyber” includes the following:
(A) Offensive cyber operations.
(B) Defensive cyber operations.
(C) Department of Defense information network operations and defense.
(D) Any other information technology that the Secretary of Defense considers to be related to the cyber activities of the Department of Defense.

(2) The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term “Center of Academic Excellence in Cyber Education” means an institution of higher education that is designated by the Director of the National Security Agency as a Center of Academic Excellence in Cyber Education.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-236; amended Pub. L. 115-91, div. A, title XVI, §1649(c), Dec. 12, 2017, 131 Stat. 1752.)

AMENDMENTS

2017—Pub. L. 115-91 amended section generally. Prior to amendment, section defined “information assurance”, “institution of higher education”, and “Center of Academic Excellence in Information Assurance Education”.

§ 2200f. Inapplicability to Coast Guard

This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-236.)

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.

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Table with 3 columns: Chap., Title, and Sec. listing various procurement and supply categories such as Planning and Coordination, Facilities for Reserve Components, etc.

AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, §1081(d)(4), Dec. 12, 2017, 131 Stat. 1600, amended directory language of Pub. L. 114-328, §805(a)(2). See 2016 Amendment note below.