

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 such 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).

(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; Pub. L. 115–232, div. A, title X, §1081(a)(15), Aug. 13, 2018, 132 Stat. 1984.)

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115–232 substituted “such programs” for “the such programs”.

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) or 373 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) or 373 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; Pub. L. 115-91, div. A, title VI, § 618(a)(1)(C), Dec. 12, 2017, 131 Stat. 1426.)

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.

Pub. L. 93-238, title VII, § 722, Jan. 2, 1974, 87 Stat. 1042.

Pub. L. 92-570, title VII, § 722, Oct. 26, 1972, 86 Stat. 1200.

Pub. L. 92-204, title VII, § 722, Dec. 18, 1971, 85 Stat. 731.

Pub. L. 91-668, title VIII, § 822, Jan. 11, 1971, 84 Stat. 2034.

Pub. L. 91-171, title VI, § 622, Dec. 29, 1969, 83 Stat. 483.

Pub. L. 90-580, title V, § 521, Oct. 17, 1968, 82 Stat. 1133.

Pub. L. 90-96, title VI, § 621, Sept. 29, 1967, 81 Stat. 246.

Pub. L. 89-687, title VI, § 621, Oct. 15, 1966, 80 Stat. 995.

Pub. L. 89-213, title VI, § 621, Sept. 29, 1965, 79 Stat. 877.

Pub. L. 88-446, title V, § 521, Aug. 19, 1964, 78 Stat. 478.

Pub. L. 88-149, title V, § 521, Oct. 17, 1963, 77 Stat. 267.

Pub. L. 87-577, title V, § 521, Aug. 9, 1962, 76 Stat. 332.

Pub. L. 87-144, title VI, § 621, Aug. 17, 1961, 75 Stat. 379.

Pub. L. 86-601, title V, § 521, July 7, 1960, 74 Stat. 353.

Pub. L. 86-166, title V, § 621, Aug. 18, 1959, 73 Stat. 382.

Pub. L. 85-724, title VI, § 623, Aug. 22, 1958, 72 Stat. 727.

Pub. L. 85-117, title VI, § 624, Aug. 2, 1957, 71 Stat. 327.

July 2, 1956, ch. 488, title VI, § 624, 70 Stat. 471.

July 13, 1955, ch. 358, title VI, § 628, 69 Stat. 320.

June 30, 1954, ch. 432, title VII, § 730, 68 Stat. 355.

AMENDMENTS

2017—Subsec. (e). Pub. L. 115-91 inserted “or 373” before “of title 37” in pars. (1) and (2).

2008—Subsec. (a). Pub. L. 110-181, § 521(a), substituted “Subject to subsections (b) and (c), the Secretary concerned” for “Subject to subsection (b), the Secretary of a military department”.

Subsec. (b)(1). Pub. L. 110-181, § 521(b)(1), struck out “or full-time National Guard duty” after “active duty” in two places, inserted “(other than a member of the Ready Reserve)” after “commissioned officer on active duty”, and substituted “the Secretary concerned” for “the Secretary of the military department”.

Subsec. (b)(2). Pub. L. 110-181, § 521(b)(2)(A), substituted “the Secretary concerned” for “the Secretary of the military department” in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 110-181, § 521(b)(2)(B), inserted “for which the officer was ordered to active duty” after “active duty service”.

Subsec. (b)(2)(C). Pub. L. 110-181, § 521(b)(2)(C), substituted “Secretary concerned” for “Secretary”.

Subsec. (c). Pub. L. 110-181, § 521(c)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) consisted of pars. (1) to (3) which authorized Secretary of the Army, subject to certain limitations, to pay the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer.

Subsec. (d). Pub. L. 110-181, § 521(c)(2), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “Subsection (c)(3) may not be construed to prohibit the Secretary of a military department from exercising any authority that the Secretary may have to pay charges of an educational institution in the case of—

“(1) a warrant officer on active duty or full-time National Guard duty;

“(2) a commissioned officer on full-time National Guard duty; or

“(3) a commissioned officer on active duty who satisfies the condition in subsection (b) relating to an agreement to remain on active duty.”

Subsec. (e). Pub. L. 110-181, § 521(c)(3), designated existing provisions as par. (1) and added par. (2).

Pub. L. 110-181, § 521(c)(2)(B), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 110-181, § 521(d), added subsec. (f). Pub. L. 110-181, § 521(c)(2)(B), redesignated subsec. (f) as (e).

2006—Subsec. (f). Pub. L. 109-163 added subsec. (f).

2004—Subsec. (b). Pub. L. 108-375, §553(a), designated existing provisions as par. (1), inserted “or full-time National Guard duty” after “active duty” in two places, and added par. (2).

Subsec. (c)(1). Pub. L. 108-375, §553(b), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Subject to paragraphs (2) and (3), the Secretary of the Army may pay not more than 75 percent of the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer in a program leading to a baccalaureate degree.”

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title XVI, §1602(a)(1)], added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of a military department may not pay more than 75 percent of the charges of an educational institution for the tuition or expenses of a member of the 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 7013(3) of the Elementary and Secondary Education Act of 1965, or to carry out section 7008 of such Act, 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; Pub. L. 114-95, title IX, §9215(uuu)(3), Dec. 10, 2015, 129 Stat. 2190.)

REFERENCES IN TEXT

Sections 7008 and 7013(3) of the Elementary and Secondary Education Act of 1965, referred to in text, are classified to sections 7708 and 7713(3), respectively, of Title 20, Education.