

(Added Pub. L. 106-398, §1 [[div. A], title IX, §922(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-233; amended Pub. L. 115-91, div. A, title XVI, §1649(a), (d)(1)(B), Dec. 12, 2017, 131 Stat. 1752.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91, §1649(d)(1)(B)(i), substituted “the cyber requirements of the Department of Defense” for “Department of Defense information assurance requirements”.

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

Subsec. (c). Pub. L. 115-91, §1649(a), added subsec. (c).

CHANGE OF NAME

Pub. L. 115-91, div. A, title XVI, §1649(e)(1), Dec. 12, 2017, 131 Stat. 1753, provided that: “The Information Security Scholarship program under chapter 112 of title 10, United States Code, is redesignated as the ‘Cyber Scholarship program’. Any reference in a law (other than this section), map, regulation, document, paper, or other record of the United States to the Information Security Scholarship program shall be deemed to be a reference to the Cyber Scholarship Program.”

PROGRAM TO ESTABLISH CYBER INSTITUTES AT INSTITUTIONS OF HIGHER LEARNING

Pub. L. 115-232, div. A, title XVI, §1640, Aug. 13, 2018, 132 Stat. 2130, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish a Cyber Institute at institutions of higher learning selected under subsection (b) for purposes of accelerating and focusing the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the Armed Forces and the Department of Defense, including such leaders of the reserve components.

“(b) SELECTED INSTITUTIONS OF HIGHER LEARNING.—

“(1) IN GENERAL.—The Secretary of Defense shall select institutions of higher learning for purposes of the program established under subsection (a) from among institutions of higher learning that have a Reserve Officers’ Training Corps program.

“(2) CONSIDERATION OF SENIOR MILITARY COLLEGES.—In selecting institutions of higher learning under paragraph (1), the Secretary shall consider the senior military colleges with Reserve Officers’ Training Corps programs.

“(c) ELEMENTS.—Each institute established under the program authorized by subsection (a) shall include the following:

“(1) Programs to provide future military and civilian leaders of the Armed Forces or the Department of Defense who possess cyber operational expertise from beginning through advanced skill levels. Such programs shall include instruction and practical experiences that lead to recognized certifications and degrees in the cyber field.

“(2) Programs of targeted strategic foreign language proficiency training for such future leaders that—

“(A) are designed to significantly enhance critical cyber operational capabilities; and

“(B) are tailored to current and anticipated readiness requirements.

“(3) Programs related to mathematical foundations of cryptography and courses in cryptographic theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

“(4) Programs related to data science and courses in data science theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

“(5) Programs designed to develop early interest and cyber talent through summer programs, dual en-

rollment opportunities for cyber, strategic language, data science, and cryptography related courses.

“(6) Training and education programs to expand the pool of qualified cyber instructors necessary to support cyber education in regional school systems.

“(d) PARTNERSHIPS WITH DEPARTMENT OF DEFENSE AND THE ARMED FORCES.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more components of the Armed Forces, active or reserve, or any agency of the Department of Defense to facilitate the development of critical cyber skills for students who may pursue a military career.

“(e) PARTNERSHIPS.—Any institute established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of critical cyber skills.

“(f) SENIOR MILITARY COLLEGES DEFINED.—The term ‘senior military colleges’ has the meaning given such term in section 2111a(f) of title 10, United States Code.”

REPORT

Pub. L. 106-398, §1 [[div. A], title IX, §922(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-236, directed the Secretary of Defense to submit to committees of Congress a plan for implementing the programs under this chapter not later than Apr. 1, 2001.

§ 2200a. Scholarship program

(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (f), provide financial assistance in accordance with this section to a person—

(1) who is pursuing an associate, baccalaureate, or advanced degree, or a certification, in a cyber discipline referred to in section 2200(a) of this title at an institution of higher education; and

(2) who enters into an agreement with the Secretary as described in subsection (b).

(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member’s armed force for the period of obligated service determined under paragraph (2);

(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the pe-

riod of service required of a recipient be less than the period equal to three-fourths of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

(3) An agreement entered into under this section by a person pursuing an academic degree shall include terms that provide the following:

(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be 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, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between 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 sec-

tion 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. Special considerations in awarding scholarships and grants

(a) **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.

(b) **CERTAIN INSTITUTIONS OF HIGHER 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 of higher education at which the recipient pursues a degree is an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); and
- (2) in the case of a grant, the recipient is an institution described in such section.

(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; Pub. L. 115-232, div. A, title XVI, §1633(a), (b)(1), Aug. 13, 2018, 132 Stat. 2125.)

AMENDMENTS

2018—Pub. L. 115-232 substituted “Special considerations in awarding scholarships and grants” for “Cen-

ters of Academic Excellence in Cyber Education” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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,