

Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.

(Added Pub. L. 107-107, div. A, title V, §531(a), Dec. 28, 2001, 115 Stat. 1104.)

#### § 2169. School of Nursing: establishment

(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a School of Nursing.

(b) DEGREE GRANTING AUTHORITY.—The School of Nursing may include a program that awards a bachelor of science in nursing.

(c) PHASED DEVELOPMENT.—The Secretary of Defense may develop the School of Nursing in phases as determined appropriate by the Secretary.

(Added Pub. L. 111-84, div. A, title V, §525(a)(2), Oct. 28, 2009, 123 Stat. 2286.)

### CHAPTER 109—EDUCATIONAL LOAN REPAYMENT PROGRAMS

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| Sec.   |  |
| 2171.  | Education loan repayment program: enlisted members on active duty in specified military specialties. |
| [2172. | Renumbered.]   |
| 2173.  | Education loan repayment program: commissioned officers in specified health professions.             |
| 2174.  | Interest payment program: members on active duty.  |

#### AMENDMENTS

2002—Pub. L. 107-314, div. A, title VI, §651(a)(2), Dec. 2, 2002, 116 Stat. 2579, added item 2174.

1997—Pub. L. 105-85, div. A, title VI, §651(b), Nov. 18, 1997, 111 Stat. 1803, added item 2173.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(13), Oct. 5, 1994, 108 Stat. 3014, added item 2171 and struck out former items 2171 “General educational loan repayment program” and 2172 “Education loans for certain health professionals who serve in the Selected Reserve”.

#### § 2171. Education loan repayment program: enlisted members on active duty in specified military specialties

(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.); or

(D) any loan incurred for educational purposes made by a lender that is—

(i) an agency or instrumentality of a State;

(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

(iii) a pension fund approved by the Secretary for purposes of this section; or

(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in an officer program or military specialty specified by the Secretary.

(b) The portion or amount of a loan that may be repaid under subsection (a) is 33½ percent or \$1,500, whichever is greater, for each year of service.

(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of this title.

(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.

(Added Pub. L. 99-145, title VI, §671(a)(1), Nov. 8, 1985, 99 Stat. 661; amended Pub. L. 103-337, div. A, title XVI, §1663(e), Oct. 5, 1994, 108 Stat. 3009; Pub. L. 104-106, div. A, title X, §1079(a), Feb. 10, 1996, 110 Stat. 451; Pub. L. 109-163, div. A, title V, §537, Jan. 6, 2006, 119 Stat. 3249; Pub. L. 111-383, div. A, title V, §552(a), Jan. 7, 2011, 124 Stat. 4220; Pub. L. 115-91, div. A, title VI, §618(a)(1)(H), Dec. 12, 2017, 131 Stat. 1426.)

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsection (a)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219.

Parts B, D, and E of title IV of the Act are classified to parts B (§1071 et seq.), D (§1087a et seq.), and E (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

## AMENDMENTS

2017—Subsec. (g). Pub. L. 115-91 inserted “or 373” before “of title 37”.

2011—Subsecs. (g), (h). Pub. L. 111-383 added subsecs. (g) and (h).

2006—Subsec. (a)(1)(D). Pub. L. 109-163, §537(a), added subpar. (D).

Subsec. (a)(2). Pub. L. 109-163, §537(b), substituted “a member in an officer program or military specialty” for “an enlisted member in a military specialty”.

1996—Subsec. (a)(1). Pub. L. 104-106 struck out “or” at end of subpar. (A), added subpar. (B), and redesignated former subpar. (B) as (C).

1994—Pub. L. 103-337, §1663(e)(6), substituted “Education loan repayment program: enlisted members on active duty in specified military specialties” for “General educational loan repayment program” as section catchline.

Subsec. (a)(1)(B). Pub. L. 103-337, §1663(e)(1), struck out “or” after “(B)”.

Subsec. (a)(2). Pub. L. 103-337, §1663(e)(2), substituted “case of any person for—

“(A) service performed—

“(i) as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force; and

“(ii) in a reserve component and military specialty specified by the Secretary of Defense; or

“(B) service performed”

and struck out at end “In the case of service described in clause (A) of the first sentence of this paragraph, the Secretary may repay a loan described in paragraph (1) only if the person to whom the loan was made performed such service after the loan was made.”

Subsec. (b). Pub. L. 103-337, §1663(e)(3), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The portion or amount of a loan that may be repaid under subsection (a) is—

“(1) 15 percent or \$500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(A); or

“(2) 33½ percent or \$1,500, whichever is greater, for each year of service, in the case of service described in subsection (a)(2)(B).”

Subsec. (e). Pub. L. 103-337, §1663(e)(4), substituted “A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)” for “Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection”.

Subsec. (f). Pub. L. 103-337, §1663(e)(5), inserted “and section 16301 of this title” after “this section” and “and section 16301(a) of this title” after “subsection (a)”.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

## EFFECTIVE DATE

Pub. L. 99-145, title VI, §671(b)(1), Nov. 8, 1985, 99 Stat. 663, provided that: “The authority provided under section 2171 of title 10, United States Code, as added by subsection (a), shall apply only—

“(A) in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an Armed Force or enlist or reenlist for service on active duty after September 30, 1980;

“(B) with respect to service performed after that date; and

“(C) with respect to loans made after October 1, 1975.”

## [§ 2172. Renumbered § 16302]

**§ 2173. Education loan repayment program: commissioned officers in specified health professions**

(a) **AUTHORITY TO REPAY EDUCATION LOANS.**—For the purpose of maintaining adequate numbers of commissioned officers of the armed forces on active duty who are qualified in the various health professions, the Secretary of a military department may repay, in the case of a person described in subsection (b), a loan that—

(1) was used by the person to finance education regarding a health profession; and

(2) was obtained from a governmental entity, private financial institution, school, or other authorized entity.

(b) **ELIGIBLE PERSONS.**—To be eligible to obtain a loan repayment under this section, a person must—

(1) satisfy one of the requirements specified in subsection (c);

(2) be fully qualified for, or hold, an appointment as a commissioned officer in one of the health professions; and

(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

(c) **ACADEMIC AND PROFESSIONAL REQUIREMENTS.**—One of the following academic requirements must be satisfied for purposes of determining the eligibility of a person for a loan repayment under this section:

(1) The person is fully qualified in a health care profession that the Secretary of the military department concerned has determined to be necessary to meet identified skill shortages.

(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution leading to a degree in a health profession other than medicine or osteopathic medicine.

(3) The person is enrolled in the final year of an approved graduate program leading to specialty qualification in medicine, dentistry, osteopathic medicine, or other health profession.

(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of this title for a number of years less than is required to complete the normal length of the course of study required for the health profession concerned.

(d) **CERTAIN PERSONS INELIGIBLE.**—Students of the Uniformed Services University of the Health Sciences established under section 2112 of this title are not eligible for the repayment of an education loan under this section.

(e) **LOAN REPAYMENTS.**—(1) Subject to the limits established by paragraph (2), a loan repayment under this section may consist of payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b) for—