

quired 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; Pub. L. 116-92, div. A, title XVI, §1637, Dec. 20, 2019, 133 Stat. 1749.)

#### Editorial Notes

##### AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116-92 substituted “advanced degree, or certificate” for “or advanced degree, or a certification.”

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).”

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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