

participant, and shall include the following provisions:

(1) The Secretary's agreement—

(A) to provide the participant with educational assistance as authorized in subchapter II, III, V, VI, VIII, or IX of this chapter and specified in the agreement; and

(B) to afford the participant the opportunity for employment in the Veterans Health Administration (subject to the availability of appropriated funds for such purpose and other qualifications established in accordance with section 7402 of this title).

(2) The participant's agreement—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in the course of training until completed;

(C) while enrolled in such course, to maintain an acceptable level of academic standing (as determined by the educational institution offering such course of training under regulations prescribed by the Secretary); and

(D) after completion of the course of training, to serve as a full-time employee in the Veterans Health Administration as specified in the agreement in accordance with subchapter II, III, V, VI, VIII, or IX of this chapter.

(3) A provision that any financial obligation of the United States arising out of an agreement entered into under this chapter, and any obligation of the participant which is conditioned on such agreement, is contingent upon funds being appropriated for educational assistance under this chapter.

(4) A statement of the damages to which the United States is entitled under this chapter for the participant's breach of the agreement.

(5) Such other terms as are required to be included in the agreement under subchapter II, III, V, VI, VIII, or IX of this chapter or as the Secretary may require consistent with the provisions of this chapter.

(Added Pub. L. 100-322, title II, §216(b), May 20, 1988, 102 Stat. 519, §4304; amended Pub. L. 101-366, title II, §205(c)(3), Aug. 15, 1990, 104 Stat. 441; renumbered §7604 and amended Pub. L. 102-40, title IV, §§402(b)(1), 403(b)(3), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 103-446, title XII, §1201(b)(1), (e)(26), Nov. 2, 1994, 108 Stat. 4682, 4686; Pub. L. 105-368, title VIII, §805(4), Nov. 11, 1998, 112 Stat. 3359; Pub. L. 115-182, title III, §303(b)(1)(C), June 6, 2018, 132 Stat. 1466; Pub. L. 116-171, title V, §502(b)(1)(D), Oct. 17, 2020, 134 Stat. 818.)

#### Editorial Notes

##### AMENDMENTS

2020—Pub. L. 116-171 substituted “VIII, or IX” for “or VIII” in pars. (1)(A), (2)(D), and (5).

2018—Pub. L. 115-182 substituted “VI, or VIII” for “or VI” in pars. (1)(A), (2)(D), and (5).

1998—Pub. L. 105-368 substituted “subchapter II, III, V, or VI” for “subchapter II, III, or V” in pars. (1)(A), (2)(D), and (5).

1994—Pub. L. 103-446, §1201(e)(26), substituted “subchapter II” for “subchapters II” in pars. (1)(A), (2)(D), and (5).

Pub. L. 103-446, §1201(b)(1), substituted “Veterans Health Administration” for “Department of Medicine and Surgery” in pars. (1)(B) and (2)(D).

1991—Pub. L. 102-40, §402(b)(1), renumbered section 4304 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” and “Secretary's” for “Administrator's” wherever appearing.

Pub. L. 102-40, §403(b)(3), substituted “7402” for “4105” in par. (1)(B).

1990—Pars. (1)(A), (2)(D), (5). Pub. L. 101-366 substituted “subchapters II, III, or V” for “subchapter II or III”.

#### SUBCHAPTER II—SCHOLARSHIP PROGRAM

##### § 7611. Authority for program

As part of the Educational Assistance Program, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Health Professional Scholarship Program (hereinafter in this chapter referred to as the “Scholarship Program”).

(Added Pub. L. 100-322, title II, §216(b), May 20, 1988, 102 Stat. 520, §4311; renumbered §7611, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; amended Pub. L. 102-83, §4(a)(2)(B)(vi), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

#### Editorial Notes

##### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 4311 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” and “Department of Veterans Affairs” for “Veterans' Administration”.

#### Statutory Notes and Related Subsidiaries

##### EXPANSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Pub. L. 117-328, div. V, title I, §104(a), Dec. 29, 2022, 136 Stat. 5500, provided that: “Beginning in academic year 2022, the Secretary of Veterans Affairs shall include not fewer than an additional (as compared to academic year 2021) 50 awards per academic year under the Department of Veterans Affairs Health Professional Scholarship Program under subchapter II of chapter 76 of title 38, United States Code, for applicants otherwise eligible for such program who are pursuing degrees or training in mental health disciplines, including advanced practice nursing (with a focus on mental health or substance use disorder), psychology, and social work.”

##### SUBMISSION OF OVERDUE REPORT

Pub. L. 105-114, title II, §207(b), Nov. 21, 1997, 111 Stat. 2289, required the Secretary of Veterans Affairs to submit to Congress, not later than 180 days after Nov. 21, 1997, the report evaluating the operation of the health professional scholarship program that was required to be submitted not later than Mar. 31, 1997.

##### HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Pub. L. 104-110, title II, §202(b), Feb. 13, 1996, 110 Stat. 770, provided that the Secretary was to submit to Congress, not later than Mar. 31, 1997, a report setting forth the results of a study evaluating the operation of the health professional scholarship program under this subchapter and provided that the study was to evaluate the efficacy of the program with respect to recruitment and retention of health care personnel for the Department of Veterans Affairs and was to compare the costs and benefits of the program with the costs and benefits

of alternative methods of ensuring adequate recruitment and retention of such personnel.

**§ 7612. Eligibility; application; agreement**

(a)(1) Except as provided in paragraph (2) of this subsection, an individual must be accepted for enrollment or be enrolled (as described in section 7602 of this title) as a full-time student to be eligible to participate in the Scholarship Program.

(2) An individual who is an eligible Department employee may be accepted as a participant if accepted for enrollment or enrolled (as described in section 7602 of this title) for study on less than a full-time but not less than a half-time basis. (Such a participant is hereinafter in this subchapter referred to as a "part-time student".)

(3) For the purposes of paragraph (2) of this subsection, an eligible Department employee is a full-time Department employee who is permanently assigned to a Department health-care facility on the date on which the individual submits the application referred to in section 7603 of this title and on the date on which the individual becomes a participant in the Scholarship Program.

(b)(1) A scholarship may be awarded under this subchapter only in a qualifying field of education or training.

(2) A qualifying field of education or training for purposes of this subchapter is education or training leading to employment as an appointee under paragraph (1) or (3) of section 7401 of this title.

(3) The Secretary may designate additional fields of education or training as qualifying fields of education or training if the education or training leads to employment in a position which would qualify the individual for increased basic pay under subsection (a)(1) of section 7455 of this title for personnel described in subsection (a)(2)(B) of such section.

(4) Before awarding the initial scholarship in a course of education or training other than medicine or nursing, the Secretary shall notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's intent to award a scholarship in such course of education or training. The notice shall include a statement of the reasons why the award of scholarships in that course of education or training is necessary to assist in providing the Department with an adequate supply of personnel in the health profession concerned. Any such notice shall be given not less than 60 days before the first such scholarship is awarded.

(5) In selecting applicants for the Scholarship Program, the Secretary—

(A) shall give priority to applicants who will be entering their final year in a course of training;

(B) shall give priority to applicants pursuing a course of education or training toward a career in an occupation for which the Inspector General of the Department has, in the most current determination published in the Federal Register pursuant to section 7412(a) of this title, determined that there is one of the largest staffing shortages throughout the Department with respect to such occupation; and

(C) shall ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an associate degree in nursing.

(6)(A) Of the scholarships awarded under this subchapter, the Secretary shall ensure that not less than 50 scholarships are awarded each year to individuals who are accepted for enrollment or enrolled (as described in section 7602 of this title) in a program of education or training leading to employment as a physician or dentist until such date as the Secretary determines that the staffing shortage of physicians and dentists in the Department is less than 500.

(B) After such date, the Secretary shall ensure that of the scholarships awarded under this subchapter, a number of scholarships is awarded each year to individuals referred to in subparagraph (A) in an amount equal to not less than ten percent of the staffing shortage of physicians and dentists in the Department, as determined by the Secretary.

(C) Notwithstanding subsection (c)(1), the agreement between the Secretary and a participant in the Scholarship Program who receives a scholarship pursuant to this paragraph shall provide the following:

(i) The Secretary's agreement to provide the participant with a scholarship under this subchapter for a specified number (from two to four) of school years during which the participant is pursuing a course of education or training leading to employment as a physician or dentist.

(ii) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the "period of obligated service") of 18 months for each school year or part thereof for which the participant was provided a scholarship under the Scholarship Program.

(D) In providing scholarships pursuant to this paragraph, the Secretary may provide a preference for applicants who are veterans.

(E) On an annual basis, the Secretary shall provide to appropriate educational institutions informational material about the availability of scholarships under this paragraph.

(c)(1) An agreement between the Secretary and a participant in the Scholarship Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

(A) The Secretary's agreement to provide the participant with a scholarship under this subchapter for a specified number (from one to four) of school years during which the participant is pursuing a course of education or training described in section 7602 of this title.

(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the "period of obligated service") of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the Scholarship Program, but for not less than two years.

(2) In a case in which an extension is granted under section 7614(3) of this title, the number of