

–CITE–

10 USC CHAPTER 101 – TRAINING GENERALLY 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

.

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–MISC1–

Sec.

(2001. Repealed.)

2002. Dependents of members of armed forces: language training.

2003. Aeronautical rating as pilot: qualifications.

2004. Detail of commissioned officers as students at law schools.

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reimbursement requirements.

2006. Department of Defense Education Benefits Fund.

2007. Payment of tuition for off-duty training or education.

2008. Authority to use funds for certain educational purposes.

2009. Military colleges: female students.

2010. Participation of developing countries in combined exercises:
payment of incremental expenses.

2011. Special operations forces: training with friendly foreign

forces.

2012. Support and services for eligible organizations and activities outside Department of Defense.

2013. Training at non–Government facilities.

2014. Administrative actions adversely affecting military training or other readiness activities.

AMENDMENTS

1997 – Pub. L. 105–85, div. A, title III, Sec. 325(b), Nov. 18, 1997, 111 Stat. 1679, added item 2014.

1996 – Pub. L. 104–201, div. A, title III, Sec. 362(a)(2), Sept. 23, 1996, 110 Stat. 2493, added item 2013.

Pub. L. 104–106, div. A, title V, Sec. 572(b), Feb. 10, 1996, 110 Stat. 355, added item 2012.

1994 – Pub. L. 103–337, div. A, title XVI, Sec. 1671(b)(12), Oct. 5, 1994, 108 Stat. 3014, struck out item 2001 "Reserve components".

1991 – Pub. L. 102–190, div. A, title X, Sec. 1052(a)(2), Dec. 5, 1991, 105 Stat. 1471, added item 2011.

1990 – Pub. L. 101–510, div. A, title XIV, Sec. 1484(i)(3)(B), (4)(B), Nov. 5, 1990, 104 Stat. 1718, struck out "of the military departments" after "officers" in item 2004 and substituted "Payment" for "Limitation on payment" in item 2007.

1986 – Pub. L. 99–661, div. A, title XIII, Sec. 1321(a)(2), Nov. 14, 1986, 100 Stat. 3988, added item 2010.

1984 – Pub. L. 98–525, title VII, Sec. 706(a)(2), title XIV, Sec. 1401(g)(2), 1405(31), Oct. 19, 1984, 98 Stat. 2570, 2619, 2624,

substituted a colon for a semicolon in item 2003 and added items
2006 to 2009.

1980 – Pub. L. 96–357, Sec. 2(b), Sept. 24, 1980, 94 Stat. 1182,
added item 2005.

1973 – Pub. L. 93–155, title VIII, Sec. 817(b), Nov. 16, 1973, 87
Stat. 622, added item 2004.

1971 – Pub. L. 92–168, Sec. 4(2), Nov. 24, 1971, 85 Stat. 489,
added item 2003.

1970 – Pub. L. 91–278, Sec. 2(3), June 12, 1970, 84 Stat. 306,
substituted "armed forces" for "Army, Navy, Air Force, or Marine
Corps" in item 2002.

1965 – Pub. L. 89–160, Sec. 1(2), Sept. 1, 1965, 79 Stat. 615,
added item 2002.

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(Sec. 2001. Repealed. Pub. L. 103–337, div. A, title XVI, Sec.
1661(a)(3)(A), Oct. 5, 1994, 108 Stat. 2980)

–MISC1–

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 119, related to
division of reserve components into training categories. See

section 10141(c) of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

–CITE–

10 USC Sec. 2002 01/06/03

–EXPCITE–

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Sec. 2002. Dependents of members of armed forces: language training

–STATUTE–

(a) Notwithstanding section 701(b) of the Foreign Service Act of 1980 (22 U.S.C. 4021(b)) or any other provision of law, and under regulations to be 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, language training may be provided in –

(1) a facility of the Department of Defense;

(2) a facility of the George P. Shultz National Foreign Affairs

Training Center established under section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4021(a)); or

(3) a civilian educational institution;

to a dependent of a member of the armed forces in anticipation of the member's assignment to permanent duty outside the United States.

(b) In this section, the term "dependent" has the same meaning that it has under section 401 of title 37.

–SOURCE–

(Added Pub. L. 89–160, Sec. 1(1), Sept. 1, 1965, 79 Stat. 615; amended Pub. L. 91–278, Sec. 2(1), (2), June 12, 1970, 84 Stat. 306; Pub. L. 96–465, title II, Sec. 2206(c)(1), Oct. 17, 1980, 94 Stat. 2162; Pub. L. 97–22, Sec. 11(a)(7), July 10, 1981, 95 Stat. 138; Pub. L. 98–525, title XIV, Sec. 1405(30), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 100–180, div. A, title XII, Sec. 1231(18)(A), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 107–132, Sec. 1(b), Jan. 16, 2002, 115 Stat. 2412; Pub. L. 107–296, title XVII, Sec. 1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

–MISC1–

AMENDMENTS

2002 – Subsec. (a). Pub. L. 107–296 substituted "of Homeland Security" for "of Transportation" in introductory provisions.

Subsec. (a)(2). Pub. L. 107–132 substituted "George P. Shultz National Foreign Affairs Training Center" for "Foreign Service Institute".

1987 – Subsec. (b). Pub. L. 100–180 inserted "the term" after "In this section,".

1984 – Subsec. (b). Pub. L. 98–525 substituted "In this section," for "For the purposes of this section, the word".

1981 – Subsec. (a). Pub. L. 97–22 inserted "(22 U.S.C. 4021(b))" after "section 701(b) of the Foreign Service Act of 1980" in provisions preceding par. (1) and, in par. (2), inserted "(22 U.S.C. 4021(a))" after "section 701(a) of the Foreign Service Act of 1980".

1980 – Subsec. (a). Pub. L. 96–465, in provisions preceding par. (1) substituted "section 701(b) of the Foreign Service Act of 1980" for "section 1041 of title 22" and in par. (2) substituted "section 701(a) of the Foreign Service Act of 1980" for "section 1041 of title 22".

1970 – Pub. L. 91–278, Sec. 2(1), substituted "armed forces" for "Army, Navy, Air Force, or Marine Corps" in section catchline.

Subsec. (a). Pub. L. 91–278, Sec. 2(2)(A), authorized Secretary of Transportation to prescribe regulations for Coast Guard when not operating as a service in the Navy.

Subsec. (a)(3). Pub. L. 91–278, Sec. 2(2)(B), substituted "armed forces" for "Army, Navy, Air Force, or Marine Corps".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as

an Effective Date note under section 3901 of Title 22, Foreign

Relations and Intercourse.

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Sec. 2003. Aeronautical rating as pilot: qualifications

–STATUTE–

To be eligible to receive an aeronautical rating as a pilot in the Army or Air Force or be designated as a naval aviator, a member of an armed force must successfully complete an undergraduate pilot course of instruction prescribed or approved by the Secretary of his military department.

–SOURCE–

(Added Pub. L. 92–168, Sec. 4(1), Nov. 24, 1971, 85 Stat. 489.)

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6913 of this title; title

14 section 373.

–CITE–

10 USC Sec. 2004 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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Sec. 2004. Detail of commissioned officers as students at law schools

–STATUTE–

(a) The Secretary of each military department may, under regulations prescribed by the Secretary of Defense, detail commissioned officers of the armed forces as students at accredited law schools, located in the United States, for a period of training leading to the degree of bachelor of laws or juris doctor. No more than twenty-five officers from each military department may commence such training in any single fiscal year.

(b) To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must –

(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade O-3 or below as of the time the training is to begin; and

(2) sign an agreement that unless sooner separated he will –

(A) complete the educational course of legal training;

(B) accept transfer or detail as a judge advocate or law specialist within the department concerned when his legal training is completed; and

(C) agree to serve on active duty following completion or

other termination of training for a period of two years for each year or part thereof of his legal training under subsection (a).

(c) Officers detailed for legal training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense. Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by any such officer under any other provision of law or agreement.

(d) Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

(e) An officer who, under regulations prescribed by the Secretary of Defense, is dropped from the program of legal training authorized by subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by regulations issued by the Secretary of Defense, except that in no case shall any such member be required to serve on active duty for any period in excess of one year for each year or part thereof he participated in the program.

(f) No agreement detailing any officer of the armed forces to an accredited law school may be entered into during any period that the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any

agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.

–SOURCE–

(Added Pub. L. 93–155, title VIII, Sec. 817(a), Nov. 16, 1973, 87 Stat. 621; amended Pub. L. 101–510, div. A, title XIV, Sec. 1484(i)(3)(A), Nov. 5, 1990, 104 Stat. 1718.)

–MISC1–

AMENDMENTS

1990 – Pub. L. 101–510 struck out "of the military departments" after "officers" in section catchline.

SELECTION OF OFFICERS IN MISSING STATUS FOR LEGAL TRAINING ON A NONCOMPETITIVE BASIS; EXEMPTION FROM NUMERICAL LIMITATIONS

Pub. L. 94–106, title VIII, Sec. 821, Oct. 7, 1975, 89 Stat. 545, provided that: "Notwithstanding any provision of section 2004 of title 10 United States Code, an officer in any pay grade who was in a missing status (as defined in section 551(2) of title 37, United States Code) after August 4, 1964, and before May 8, 1975, may be selected for detail for legal training under that section 2004 on other than a competitive basis and, if selected for that training, is not counted in computing, for the purpose of subsection (a) of that section 2004, the number of officers who may commence that training in any single fiscal year. For the purposes of determining eligibility under that section 2004, the period of time during which an officer was in that missing status may be disregarded in computing the period he has served on active duty."

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 37 section 321.

–CITE–

10 USC Sec. 2005 01/06/03

–EXPCITE–

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Sec. 2005. Advanced education assistance: active duty agreement;
reimbursement requirements

–STATUTE–

(a) The Secretary concerned may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree –

(1) to complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement;

(2) that if such person fails to complete the education requirements specified in the agreement, such person will serve on active duty for a period specified in the agreement;

(3) that if such person, voluntarily or because of misconduct, fails to complete the period of active duty specified in the agreement, or fails to fulfill any term or condition prescribed

pursuant to clause (4), such person will reimburse the United States in an amount that bears the same ratio to the total cost of advanced education provided such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve; and

(4) to such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

(b) The Secretary concerned shall determine the period of active duty to be served by any person for advanced education assistance to be provided such person by an armed force, except that if the period of active duty required to be served is specified under another provision of law with respect to the advanced education assistance to be provided, the period specified in the agreement referred to in subsection (a) shall be the same as the period specified in such other provision of law.

(c) Subject to the provisions of subsection (d), the obligation to reimburse the United States under an agreement described in subsection (a) is, for all purposes, a debt owing the United States.

(d) A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (a) if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies

to a discharge in bankruptcy in any proceeding which begins after September 30, 1978.

(e) In this section:

(1) The term "advanced education" means education or training above the secondary school level but does not include technical training provided to a member of the armed forces to qualify such member to perform a specified military function, to workshops, or to short-term training programs.

(2) The term "assistance" means the direct provision of any course of advanced education by the Secretary concerned, reimbursement by the Secretary concerned for any course of advanced education provided by another department or agency of the Federal Government, or the payment, in whole or in part, by the Secretary concerned for any course of advanced education provided by any public or private educational institution or other entity, but such term does not include the payment for any course of advanced education which is paid for under chapter 106 or 107 of this title.

(3) The term "cost of advanced education" means those costs which are, under regulations prescribed by the Secretary concerned, directly attributable to the education of the person to whom a course of advanced education is provided, including the cost of tuition and other fees (or, if none is charged, an amount determined by the Secretary concerned to be a reasonable charge for the education provided), the cost of books, supplies, transportation, and miscellaneous expenses, and the cost of room

and board, but such term does not include pay or allowances under title 37 or a stipend under section 2121 of this title.

(f) The Secretary concerned shall require, as a condition to the Secretary providing financial assistance under section 2107 or 2107a of this title to any person, that such person enter into an agreement described in subsection (a). In addition to the requirements of clauses (1) through (4) of such subsection, any agreement required by this subsection shall provide –

(1) that if such person fails to complete the education requirements specified in the agreement, or fails to fulfill any term or condition prescribed pursuant to clause (4) of such subsection, the Secretary will have the option to order such person to reimburse the United States in the manner provided for in clause (3) of such subsection without the Secretary first ordering such person to active duty as provided for under clause (2) of such subsection and sections 2107(f) and 2107a(f) of this title; and

(2) that any amount owed by such person to the United States under such agreement shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the member is first notified of the amount due to the United States as a reimbursement under this section.

(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section

failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate a member of the armed forces or a civilian employee under the jurisdiction of the Secretary to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. If the justification for the debt investigated includes an allegation of misconduct, the investigating official shall state in the report the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3).

(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

(h) The Secretary concerned may, at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the

active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. In such a case, the Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.

–SOURCE–

(Added Pub. L. 96–357, Sec. 2(a), Sept. 24, 1980, 94 Stat. 1180; amended Pub. L. 98–94, title X, Sec. 1003(b)(1), title XII, Sec. 1268(10), Sept. 24, 1983, 97 Stat. 656, 706; Pub. L. 100–180, div. A, title XII, Sec. 1231(17), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 101–510, div. A, title V, Sec. 534, Nov. 5, 1990, 104 Stat. 1564; Pub. L. 103–160, div. A, title V, Sec. 573(a), Nov. 30, 1993, 107 Stat. 1673.)

–MISC1–

AMENDMENTS

1993 – Subsecs. (g), (h). Pub. L. 103–160 added subsecs. (g) and (h).

1990 – Subsec. (a)(3). Pub. L. 101–510, Sec. 534(1), inserted "or fails to fulfill any term or condition prescribed pursuant to clause (4)," after "agreement,".

Subsec. (f)(1). Pub. L. 101–510, Sec. 534(2), inserted "or fails to fulfill any term or condition prescribed pursuant to clause (4) of such subsection," after "agreement,".

1987 – Subsec. (e). Pub. L. 100–180, Sec. 1231(17), inserted "The term" after each par. designation and revised first word in

quotes in each par. to make initial letter of such word lowercase.

1983 – Subsec. (c). Pub. L. 98–94, Sec. 1268(10)(A), struck out "of this section" after "subsection (d)" and "subsection (a)".

Subsec. (d). Pub. L. 98–94, Sec. 1268(10)(A), struck out "of this section" after "subsection (a)".

Subsec. (e). Pub. L. 98–94, Sec. 1268(10)(B), substituted a colon for a dash after "In this section" preceding par. (1).

Subsec. (f). Pub. L. 98–94, Sec. 1003(b)(1), added subsec. (f).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 573(b) of Pub. L. 103–160 provided that:

"(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act (Nov. 30, 1993).

"(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the date of the enactment of this Act."

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1003(b)(2) of Pub. L. 98–94 provided that: "The amendment made by paragraph (1) (amending this section) shall apply with respect to agreements entered into after September 30, 1983."

–CITE–

10 USC Sec. 2006 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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Sec. 2006. Department of Defense Education Benefits Fund

–STATUTE–

(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Education Benefits Fund (hereinafter in this section referred to as the "Fund"), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance armed forces education liabilities on an actuarially sound basis.

(b) In this section:

(1) The term "armed forces education liabilities" means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.

(2) The term "normal cost", with respect to any period of time, means the total of the following:

(A) The present value of the future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized under section 3015(d) of title 38 to persons who were not on active duty on July 1, 1985, and who during such period enter on active duty.

(B) The present value of the future benefits payable from the

Fund for amounts attributable to educational assistance authorized under subchapter III of chapter 30 of title 38 to persons who were not on active duty on July 1, 1985, and who during such period –

(i) enter a fourth year of active duty, in the case of persons eligible for basic educational assistance under section 3011 of such title; or

(ii) enter a period of service that will establish entitlement to such educational assistance under section 3021(b) of such title, in the case of persons eligible for basic educational assistance under section 3012 of such title.

(C) The present value of the future Department of Defense benefits payable from the Fund for educational assistance under chapter 1606 of this title to persons who during such period become entitled to such assistance.

(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.

(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund by the Secretary of Defense and the Secretary of the Department in which the Coast Guard is

operating under subsection (g).

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(d) The Secretary of the Treasury shall transfer from the Fund to the Secretary of Veterans Affairs such amounts as may be necessary to enable the Secretary of Veterans Affairs to make required payments of armed forces education liabilities. The Secretary of the Treasury, the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of Veterans Affairs shall enter into an agreement as to how and when, and the amounts in which, such transfers shall be made.

Except for investments under subsection (h), amounts in the Fund may not be used for any purpose other than transfers as described in this subsection.

(e)(1)(A) There is established in the Department of Defense a Department of Defense Education Benefits Board of Actuaries (hereinafter in this section referred to as the "Board"). The Board shall consist of three members, who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

(B)(i) Except as provided in clause (ii), the members of the Board shall serve for a term of fifteen years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the

Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

(ii) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

(C) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

(2) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

(3) The Board shall review valuations of the Fund under subsection (f) and shall recommend to the President and Congress such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

(4) The Secretary shall keep, or cause to be kept, such records as necessary for determining the actuarial status of the Fund.

(f)(1) The Secretary of Defense shall carry out periodic actuarial valuations of the educational programs described in subsection (b)(1).

(2) Based on the most recent such valuation, the Secretary of Defense shall estimate the normal cost for the next fiscal year.

(3) If at the time of any such valuation there has been a change in benefits under an education program described in subsection (b)(1) that has been made since the last such valuation and that increases or decreases the present value of benefits payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the liquidation of the unfunded liability (or negative unfunded liability) thus created such that the present value of the sum of the amortization payments equals the increase or decrease in the present value of such benefits.

(4) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the liquidation of such gain or loss through an increase or decrease in the payments that would otherwise be made to the Fund.

(5) Based on the determinations under paragraphs (2), (3), and (4) the Secretary of Defense shall determine the amount needed to be appropriated to the Department of Defense and the Department in which the Coast Guard is operating for the next fiscal year for payments to be made to the Fund under subsection (g). The President

shall include not less than the full amount so determined in the budget transmitted to Congress for the next fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

(6) All determinations under this subsection shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

(g)(1) The Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall pay into the Fund each month the amount that, based upon the most recent actuarial valuation of the education programs described in subsection (b)(1), is equal to the actual total normal cost for the preceding month.

(2) The Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall pay into the Fund at the beginning of each fiscal year (or as soon thereafter as appropriations are available for such purpose) the sum of the following:

(A) The amount of the payment for that year, if any, for the amortization of any liability to the Fund resulting from a change in benefits, as determined by the Secretary of Defense under subsection (f)(3).

(B) The amount of the payment for that year, if any, for the amortization of any actuarial gain or loss to the Fund, as

determined by the Secretary of Defense under subsection (f)(4).

(3) Amounts paid into the Fund under this subsection shall be paid from appropriations available for the pay of members of the armed forces under the jurisdiction of the Secretary concerned.

(h) The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

–SOURCE–

(Added Pub. L. 98–525, title VII, Sec. 706(a)(1), Oct. 19, 1984, 98 Stat. 2568; amended Pub. L. 100–26, Sec. 7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 101–189, div. A, title XVI, Sec. 1621(a)(2), (6), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 101–510, div. A, title XIII, Sec. 1322(a)(2), title XIV, Sec. 1484(j)(2), Nov. 5, 1990, 104 Stat. 1671, 1718; Pub. L. 103–337, div. A, title X, Sec. 1070(e)(6), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104–106, div. A, title XV, Sec. 1501(c)(21), 1503(a)(17), Feb. 10, 1996, 110 Stat. 499, 512; Pub. L. 106–65, div. A, title V, Sec. 550, Oct. 5, 1999, 113 Stat. 611; Pub. L. 107–107, div. A, title VI, Sec. 654(b), Dec. 28, 2001, 115 Stat. 1157.)

–MISC1–

AMENDMENTS

2001 – Subsec. (b)(2)(D). Pub. L. 107–107 added subpar. (D).

1999 – Subsec. (a). Pub. L. 106–65, Sec. 550(1), substituted "armed forces education liabilities" for "Department of Defense education liabilities".

Subsec. (b)(1). Pub. L. 106–65, Sec. 550(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The term 'Department of Defense education liabilities' means liabilities of the Department of Defense for benefits under chapter 30 of title 38 and for benefits under chapter 1606 of this title."

Subsec. (b)(2)(C). Pub. L. 106–65, Sec. 550(3), inserted "Department of Defense" after "future" and substituted "chapter 1606" for "chapter 106".

Subsec. (c)(1). Pub. L. 106–65, Sec. 550(4), inserted "and the Secretary of the Department in which the Coast Guard is operating" after "Defense".

Subsec. (d). Pub. L. 106–65, Sec. 550(5), substituted "armed forces" for "Department of Defense" and inserted "the Secretary of the Department in which the Coast Guard is operating," after "Secretary of Defense,".

Subsec. (f)(5). Pub. L. 106–65, Sec. 550(6), inserted "and the Department in which the Coast Guard is operating" after "Department of Defense".

Subsec. (g). Pub. L. 106–65, Sec. 550(7), inserted "and the Secretary of the Department in which the Coast Guard is operating" after "The Secretary of Defense" in pars. (1) and (2) and

substituted "concerned" for "of a military department" in par.

(3).

1996 – Subsec. (b)(1). Pub. L. 104–106, Sec. 1501(c)(21), substituted "chapter 1606 of this title" for "chapter 106 of this title".

Subsec. (b)(2)(B)(ii). Pub. L. 104–106, Sec. 1503(a)(17), substituted "section 3012 of such title" for "section 1412 of such title".

1994 – Subsec. (b)(2). Pub. L. 103–337 substituted "section 3015(d)", "section 3011", and "section 3021(b)" for "section 1415(c)", "section 1411", and "section 1421(b)", respectively.

1990 – Subsec. (d). Pub. L. 101–510, Sec. 1484(j)(2), substituted "enable the Secretary of Veterans Affairs" for "enable the Administrator".

Subsec. (e)(3). Pub. L. 101–510, Sec. 1322(a)(2), substituted "and shall recommend to the President and Congress" for "and report periodically, not less than once every four years, to the President and Congress on the status of the Fund and shall recommend".

1989 – Subsec. (d). Pub. L. 101–189 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans' Affairs" in first sentence and "Secretary of Veterans Affairs" for "Administrator" in second sentence.

1987 – Subsec. (b). Pub. L. 100–26 inserted "The term" after each par. designation and substituted "normal" for "Normal" in par. (2).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(c) of Pub. L. 104–106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as originally enacted.

–TRANS–

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, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

–MISC5–

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 (title I, Sec. 101(c)(1)) of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

FIRST PAYMENT INTO FUND

Section 706(b) of Pub. L. 98–525 directed that first payment into

Department of Defense Education Benefits Fund under this section be made not later than three months after Board of Actuaries determined amounts needed to be paid into Fund for that portion of fiscal year 1985 beginning on July 1, 1985, with first payment in a lump sum equal to total of amounts that would have been paid to Fund each month between July 1, 1985, and time such first payment was made.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12521 of this title; title 38 sections 3020, 3035.

–CITE–

10 USC Sec. 2007 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2007. Payment of tuition for off-duty training or education

–STATUTE–

(a) Subject to subsection (b), the Secretary of a military department 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) In the case of a commissioned officer on active duty, the Secretary of the military department 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.

(c)(1) 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.

(2) The Secretary may not pay charges under paragraph (1) for tuition or expenses of an officer unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

(3) The Secretary may not pay charges under paragraph (1) –

(A) for a warrant officer; or

(B) for an officer on active duty or full-time National Guard duty.

(d) 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.

(e)(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.

–SOURCE–

(Added Pub. L. 98–525, title XIV, Sec. 1401(g)(1), Oct. 19, 1984, 98 Stat. 2618; amended Pub. L. 99–661, div. A, title VI, Sec. 651(a), Nov. 14, 1986, 100 Stat. 3887; Pub. L. 100–26, Sec. 3(4), Apr. 21, 1987, 101 Stat. 273; Pub. L. 101–510, div. A, title XIV, Sec. 1484(i)(4)(A), Nov. 5, 1990, 104 Stat. 1718; Pub. L. 103–160, div. A, title VI, Sec. 632, Nov. 30, 1993, 107 Stat. 1684; Pub. L. 106–65, div. A, title VI, Sec. 675, Oct. 5, 1999, 113 Stat. 675; Pub. L. 106–398, Sec. 1 ((div. A), title XVI, Sec. 1602(a), (b)(1)), Oct. 30, 2000, 114 Stat. 1654, 1654A–358, 1654A–359.)

–MISC1–

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98–473, title I, Sec. 101(h) (title VIII, Sec. 8017),
Oct. 12, 1984, 98 Stat. 1904, 1926.

Pub. L. 98–212, title VII, Sec. 720, Dec. 8, 1983, 97 Stat. 1441.

Pub. L. 97–377, title I, Sec. 101(c) (title VII, Sec. 721), Dec.
21, 1982, 96 Stat. 1833, 1854.

Pub. L. 97–114, title VII, Sec. 721, Dec. 29, 1981, 95 Stat.
1582.

Pub. L. 96–527, title VII, Sec. 722, Dec. 15, 1980, 94 Stat.
3084.

Pub. L. 96–154, title VII, Sec. 722, Dec. 21, 1979, 93 Stat.
1156.

Pub. L. 95–457, title VIII, Sec. 822, Oct. 13, 1978, 92 Stat.
1247.

Pub. L. 95–111, title VIII, Sec. 821, Sept. 21, 1977, 91 Stat.
903.

Pub. L. 94–419, title VII, Sec. 721, Sept. 22, 1976, 90 Stat.
1295.

Pub. L. 94–212, title VII, Sec. 721, Feb. 9, 1976, 90 Stat. 172.

Pub. L. 93–437, title VIII, Sec. 821, Oct. 8, 1974, 88 Stat.
1228.

Pub. L. 93–238, title VII, Sec. 722, Jan. 2, 1974, 87 Stat. 1042.

Pub. L. 92–570, title VII, Sec. 722, Oct. 26, 1972, 86 Stat.
1200.

Pub. L. 92–204, title VII, Sec. 722, Dec. 18, 1971, 85 Stat. 731.

Pub. L. 91–668, title VIII, Sec. 822, Jan. 11, 1971, 84 Stat.
2034.

Pub. L. 91–171, title VI, Sec. 622, Dec. 29, 1969, 83 Stat. 483.

Pub. L. 90–580, title V, Sec. 521, Oct. 17, 1968, 82 Stat. 1133.

Pub. L. 90–96, title VI, Sec. 621, Sept. 29, 1967, 81 Stat. 246.

Pub. L. 89–687, title VI, Sec. 621, Oct. 15, 1966, 80 Stat. 995.

Pub. L. 89–213, title VI, Sec. 621, Sept. 29, 1965, 79 Stat. 877.

Pub. L. 88–446, title V, Sec. 521, Aug. 19, 1964, 78 Stat. 478.

Pub. L. 88–149, title V, Sec. 521, Oct. 17, 1963, 77 Stat. 267.

Pub. L. 87–577, title V, Sec. 521, Aug. 9, 1962, 76 Stat. 332.

Pub. L. 87–144, title VI, Sec. 621, Aug. 17, 1961, 75 Stat. 379.

Pub. L. 86–601, title V, Sec. 521, July 7, 1960, 74 Stat. 353.

Pub. L. 86–166, title V, Sec. 621, Aug. 18, 1959, 73 Stat. 382.

Pub. L. 85–724, title VI, Sec. 623, Aug. 22, 1958, 72 Stat. 727.

Pub. L. 85–117, title VI, Sec. 624, Aug. 2, 1957, 71 Stat. 327.

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

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

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

AMENDMENTS

2000 – Subsec. (a). Pub. L. 106–398, Sec. 1 ((div. A), title XVI,

Sec. 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, Sec. 1 ((div. A), title XVI, Sec. 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, Sec. 1 ((div. A), title XVI, Sec. 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, Sec. 1 ((div. A), title XVI, Sec. 1602(a)(2)(B)), substituted "subsection (b)" for "subsection (a)(3)".

Subsec. (e). Pub. L. 106–398, Sec. 1 ((div. A), title XVI, Sec. 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, Sec. 651(a)(2). See 1986 Amendment note below.

1986 – Subsec. (a)(3). Pub. L. 99–661, Sec. 651(a)(1), inserted "on active duty".

Subsec. (c). Pub. L. 99–661, Sec. 651(a)(2), as amended by Pub. L. 100–26, added subsec. (c).

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

Section 651(c) of Pub. L. 99–661 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.

TUITION PAYMENTS CONTINGENT UPON AGREEMENT BY OFFICER TO REMAIN IN READY RESERVE FOR AT LEAST FOUR YEARS

Pub. L. 104–61, title VIII, Sec. 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, Sec. 8019, Sept. 30, 1994, 108 Stat. 2621.

Pub. L. 103-139, title VIII, Sec. 8021, Nov. 11, 1993, 107 Stat. 1441.

Pub. L. 102-396, title IX, Sec. 9025, Oct. 6, 1992, 106 Stat. 1906.

Pub. L. 102-172, title VIII, Sec. 8025, Nov. 26, 1991, 105 Stat. 1177.

Pub. L. 101-511, title VIII, Sec. 8025, Nov. 5, 1990, 104 Stat. 1880.

Pub. L. 101-165, title IX, Sec. 9035, Nov. 21, 1989, 103 Stat. 1136.

Pub. L. 100-463, title VIII, Sec. 8059, Oct. 1, 1988, 102 Stat. 2270-27.

Pub. L. 100-202, Sec. 101(b) (title VIII, Sec. 8072), Dec. 22, 1987, 101 Stat. 1329-43, 1329-74.

Pub. L. 99-500, Sec. 101(c) (title IX, Sec. 9076), Oct. 18, 1986,

100 Stat. 1783–82, 1783–114, and Pub. L. 99–591, Sec. 101(c) (title IX, Sec. 9076), Oct. 30, 1986, 100 Stat. 3341–82, 3341–114.
Pub. L. 99–190, Sec. 101(b) (title VIII, Sec. 8086), Dec. 19, 1985, 99 Stat. 1185, 1216.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1745 of this title; title 38 section 3014.

–CITE–

10 USC Sec. 2008 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2008. Authority to use funds for certain educational purposes

–STATUTE–

Funds appropriated to the Department of Defense may be used to carry out construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.

–SOURCE–

(Added Pub. L. 98–525, title XIV, Sec. 1401(g)(1), Oct. 19, 1984,

98 Stat. 2618; amended Pub. L. 104–106, div. B, title XXVIII, Sec.

2891, Feb. 10, 1996, 110 Stat. 590.)

–MISC1–

AMENDMENTS

1996 – Pub. L. 104–106 substituted "construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program." for "section 10 of the Act of September 23, 1950 (20 U.S.C. 640), relating to impact aid authorization."

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.

–CITE–

10 USC Sec. 2009 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2009. Military colleges: female students

–STATUTE–

(a) Under regulations prescribed by the Secretary of Defense, any college or university designated by the Secretary of Defense as a

military college shall, as a condition of maintaining such designation, provide that qualified female undergraduate students enrolled in such college or university be eligible to participate in military training at such college or university.

(b) Regulations prescribed under subsection (a) may not require a college or university, as a condition of maintaining its designation as a military college or for any other purpose, to require female undergraduate students enrolled in such college or university to participate in military training.

–SOURCE–

(Added Pub. L. 98–525, title XIV, Sec. 1401(g)(1), Oct. 19, 1984, 98 Stat. 2619.)

–MISC1–

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 95–485, title VIII, Sec. 809, Oct. 20, 1978, 92 Stat. 1623, which was set out as a note under section 2102 of this title, prior to repeal by Pub. L. 98–525, Sec. 1403(b), 1404.

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.

–CITE–

10 USC Sec. 2010 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2010. Participation of developing countries in combined exercises: payment of incremental expenses

–STATUTE–

(a) The Secretary of Defense, after consultation with the Secretary of State, may pay the incremental expenses of a developing country that are incurred by that country as the direct result of participation in a bilateral or multilateral military exercise if –

(1) the exercise is undertaken primarily to enhance the security interests of the United States; and

(2) the Secretary of Defense determines that the participation by such country is necessary to the achievement of the fundamental objectives of the exercise and that those objectives cannot be achieved unless the United States provides the incremental expenses incurred by such country.

(b) The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing –

(1) a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year; and

(2) the amounts expended on behalf of each government.

(c) The Secretary of Defense shall establish by regulation such accounting procedures as may be necessary to ensure that funds

expended under this section are properly expended.

(d) In this section, the term "incremental expenses" means the reasonable and proper cost of the goods and services that are consumed by a developing country as a direct result of that country's participation in a bilateral or multilateral military exercise with the United States, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of such country's personnel.

–SOURCE–

(Added Pub. L. 99–661, div. A, title XIII, Sec. 1321(a)(1), Nov. 14, 1986, 100 Stat. 3988; amended Pub. L. 105–85, div. A, title X, Sec. 1073(a)(35), Nov. 18, 1997, 111 Stat. 1902.)

–MISC1–

AMENDMENTS

1997 – Subsec. (e). Pub. L. 105–85 struck out subsec. (e) which read as follows: "Not more than \$13,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991."

–CITE–

10 USC Sec. 2011 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2011. Special operations forces: training with friendly foreign forces

–STATUTE–

(a) Authority To Pay Training Expenses. – Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

(2) Expenses of deploying such special operations forces for that training.

(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

(b) Purpose of Training. – The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

(c) Regulations. – The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense. The regulations shall establish accounting

procedures to ensure that the expenditures pursuant to this section are appropriate.

(d) Definitions. – In this section:

(1) The term "special operations forces" includes civil affairs forces and psychological operations forces.

(2) The term "incremental expenses", with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

(e) Reports. – Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

(1) All countries in which that training was conducted.

(2) The type of training conducted, including whether such training was related to counter–narcotics or counter–terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military

exercise programs sponsored by the Joint Chiefs of Staff,
military exercise programs sponsored by a combatant command, and
military training activities sponsored by a military department
(including deployments for training, short duration exercises,
and other similar unit training events).

(5) A summary of the expenditures under this section resulting
from the training for which expenses were paid under this
section.

(6) A discussion of the unique military training benefit to
United States special operations forces derived from the training
activities for which expenses were paid under this section.

–SOURCE–

(Added Pub. L. 102–190, div. A, title X, Sec. 1052(a)(1), Dec. 5,
1991, 105 Stat. 1470; amended Pub. L. 104–106, div. A, title XV,
Sec. 1503(a)(18), Feb. 10, 1996, 110 Stat. 512; Pub. L. 105–261,
div. A, title X, Sec. 1062, Oct. 17, 1998, 112 Stat. 2129.)

–MISC1–

AMENDMENTS

1998 – Subsec. (c). Pub. L. 105–261, Sec. 1062(a), inserted after
first sentence "The regulations shall require that training
activities may be carried out under this section only with the
prior approval of the Secretary of Defense."

Subsec. (e)(5), (6). Pub. L. 105–261, Sec. 1062(b), added pars.
(5) and (6).

1996 – Subsec. (a). Pub. L. 104–106 substituted "To" for "to"
in heading.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166 of this title.

–CITE–

10 USC Sec. 2012 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2012. Support and services for eligible organizations and activities outside Department of Defense

–STATUTE–

(a) Authority To Provide Services and Support. – Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non–Department of Defense organizations and activities specified in subsection (e), but only if –

(1) such assistance is authorized by a provision of law (other than this section); or

(2) the provision of such assistance is incidental to military training.

(b) Scope of Covered Activities Subject to Section. – This

section does not –

(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

(c) Requirement for Specific Request. – Assistance under subsection (a) may only be provided if –

(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

(d) Relationship to Military Training. – (1) Assistance under subsection (a) may only be provided if the following requirements are met:

(A) The provision of such assistance –

(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military

occupational specialty of the member.

(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

(C) The provision of such assistance will not result in a significant increase in the cost of the training.

(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man–hours.

(e) Eligible Entities. – The following organizations and activities are eligible for assistance under this section:

(1) Any Federal, regional, State, or local governmental entity.

(2) Youth and charitable organizations specified in section 508 of title 32.

(3) Any other entity as may be approved by the Secretary of Defense on a case–by–case basis.

(f) Regulations. – The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

(1) Rules governing the types of assistance that may be provided.

(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from,

civilian efforts.

(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance –

(A) meets a valid need; and

(B) does not duplicate other available public services.

(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

(g) Treatment of Member's Participation in Provision of Support or Services. – (1) The Secretary of a military department may not require or request a member of the armed forces to submit for consideration by a selection board (including a promotion board, command selection board, or any other kind of selection board) evidence of the member's participation in the provision of support and services to non–Department of Defense organizations and activities under this section or the member's involvement in, or support of, other community relations and public affairs activities of the armed forces.

(2) Paragraph (1) does not prevent a selection board from considering material submitted voluntarily by a member of the armed forces which provides evidence of the participation of that member or another member in activities described in that paragraph.

(h) Advisory Councils. – (1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this

section from persons who are knowledgeable about regional, State, and local conditions and needs.

(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

(i) Construction of Provision. – Nothing in this section shall be construed as authorizing –

(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.

(j) Oversight and Cost Accounting. – The Secretary of Defense shall establish a program to improve the oversight and cost accounting of training projects conducted in accordance with this section. The program shall include measures to accomplish the following:

(1) Ensure that each project that is proposed to be conducted in accordance with this section (regardless of whether additional funding from the Secretary of Defense is sought) is requested in writing, reviewed for full compliance with this section, and approved in advance of initiation by the Secretary of the military department concerned and, in the case of a project that

seeks additional funding from the Secretary of Defense, by the Secretary of Defense.

(2) Ensure that each project that is conducted in accordance with this section is required to provide, within a specified period following completion of the project, an after-action report to the Secretary of Defense.

(3) Require that each application for a project to be conducted in accordance with this section include an analysis and certification that the proposed project would not result in a significant increase in the cost of training (as determined in accordance with procedures prescribed by the Secretary of Defense).

(4) Determine the total program cost for each project, including both those costs that are borne by the military departments from their own accounts and those costs that are borne by defense-wide accounts.

(5) Provide for oversight of project execution to ensure that a training project under this section is carried out in accordance with the proposal for that project as approved.

–SOURCE–

(Added Pub. L. 104–106, div. A, title V, Sec. 572(a)(1), Feb. 10, 1996, 110 Stat. 353; amended Pub. L. 105–85, div. A, title V, Sec. 594, Nov. 18, 1997, 111 Stat. 1764; Pub. L. 105–261, div. A, title V, Sec. 525(a), Oct. 17, 1998, 112 Stat. 2014.)

–REFTEXT–

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec.

(h)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

–MISC2–

AMENDMENTS

1998 – Subsec. (j). Pub. L. 105–261 added subsec. (j).

1997 – Subsecs. (g) to (i). Pub. L. 105–85 added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

IMPLEMENTATION

Pub. L. 105–261, div. A, title V, Sec. 525(b), Oct. 17, 1998, 112 Stat. 2014, as amended by Pub. L. 106–65, div. A, title X, Sec. 1066(b)(4), Oct. 5, 1999, 113 Stat. 772, provided that: "The Secretary of Defense may not initiate any project under section 2012 of title 10, United States Code, after October 1, 1998, until the program required by subsection (j) of that section (as added by subsection (a)) has been established."

TERMINATION OF FUNDING FOR OFFICE OF CIVIL–MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE

Section 574 of Pub. L. 104–106 provided that: "No funds may be obligated or expended after the date of the enactment of this Act (Feb. 10, 1996) (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil–Military Programs, or (2) for any other entity within the

Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572."

–CITE–

10 USC Sec. 2013 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2013. Training at non–Government facilities

–STATUTE–

(a) Authority To Enter Into Agreements. – (1) The Secretary concerned, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), may make agreements or other arrangements for the training of members of the uniformed services under the jurisdiction of that Secretary by, in, or through non–Government facilities.

(2) In this section, the term "non–Government facility" means any of the following:

(A) The government of a State or of a territory or possession of the United States, including the Commonwealth of Puerto Rico, an interstate governmental organization, and a unit, subdivision, or instrumentality of any of the foregoing.

(B) A foreign government or international organization, or instrumentality of either, which is designated by the President as eligible to provide training under this section.

(C) A medical, scientific, technical, educational, research, or professional institution, foundation, or organization.

(D) A business, commercial, or industrial firm, corporation, partnership, proprietorship, or other organization.

(E) Individuals other than civilian or military personnel of the Government.

(F) The services and property of any of the foregoing providing the training.

(b) Expenses. – The Secretary concerned, from appropriations or other funds available to the Secretary, may –

(1) pay all or a part of the pay of a member of a uniformed service who is selected and assigned for training under this section, for the period of training; and

(2) pay, or reimburse the member of a uniformed service for, all or a part of the necessary expenses of the training (without regard to subsections (a) and (b) of section 3324 of title 31), including among those expenses the necessary costs of the following:

(A) Travel and per diem instead of subsistence under sections 404 and 405 of title 37 and the Joint Travel Regulations for the Uniformed Services.

(B) Transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing,

draying, and unpacking under sections 406 and 409 of title 37 and the Joint Travel Regulations for the Uniformed Services when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training.

(C) Tuition and matriculation fees.

(D) Library and laboratory services.

(E) Purchase or rental of books, materials, and supplies.

(F) Other services or facilities directly related to the training of the member.

(c) Certain Expenses Excluded. – The expenses of training do not include membership fees except to the extent that the fee is a necessary cost directly related to the training itself or that payment of the fee is a condition precedent to undergoing the training.

–SOURCE–

(Added Pub. L. 104–201, div. A, title III, Sec. 362(a)(1), Sept. 23, 1996, 110 Stat. 2491.)

–MISC1–

EFFECTIVE DATE

Section 362(b) of Pub. L. 104–201 provided that: "Section 2013 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996."

–CITE–

10 USC Sec. 2014 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle A – General Military Law

PART III – TRAINING AND EDUCATION

CHAPTER 101 – TRAINING GENERALLY

–HEAD–

Sec. 2014. Administrative actions adversely affecting military training or other readiness activities

–STATUTE–

(a) Congressional Notification. – Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action. At the same time, the Secretary shall transmit a copy of the notification to the President, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.

(b) Notification To Be Prompt. – (1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as possible after the Secretary becomes aware of the action or proposed action.

(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection

(a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

(c) Consultation Between Secretary and Head of Executive Agency.

– Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall –

(1) respond promptly to the Secretary; and

(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the adverse effects of the administrative action or proposed administrative action upon the training or readiness activity.

(d) Moratorium. – (1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of –

(A) the end of the five-day period beginning on the date of the notification; or

(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

(e) Effect of Lack of Agreement. – (1) If the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

(f) Limitation on Delegation of Authority. – The head of an Executive agency may not delegate any responsibility under this section.

(g) Definition. – In this section, the term "Executive agency" has the meaning given such term in section 105 of title 5, except that the term does not include the General Accounting Office.

–SOURCE–

(Added Pub. L. 105–85, div. A, title III, Sec. 325(a), Nov. 18,

1997, 111 Stat. 1678; amended Pub. L. 106–65, div. A, title X,

Sec. 1067(1), Oct. 5, 1999, 113 Stat. 774.)

–MISC1–

AMENDMENTS

1999 – Subsec. (a). Pub. L. 106–65 substituted "and the

Committee on Armed Services" for "and the Committee on National
Security".

–CITE–