

§ 2013. Training at non-Government facilities

(a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—(1) The Secretary concerned, without regard to section 6101 of title 41, 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 474 and 475 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 476 and 479 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.

(Added Pub. L. 104-201, div. A, title III, § 362(a)(1), Sept. 23, 1996, 110 Stat. 2491; amended

Pub. L. 111-350, § 5(b)(2), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 112-81, div. A, title VI, § 631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, § 1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 113-291, div. A, title X, § 1071(a)(1), Dec. 19, 2014, 128 Stat. 3504.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-291 substituted “section 6101 of title 41” for “section 6101(b)–(d) of title 41”.

2013—Subsec. (b)(2)(A), (B). Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(A). See 2011 Amendment note below.

2011—Subsec. (a)(1). Pub. L. 111-350 substituted “section 6101(b)–(d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

Subsec. (b)(2)(A), (B). Pub. L. 112-81, § 631(f)(4)(A), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “474” for “404” and “475” for “405” in subpar. (A), and “476” for “406” and “479” for “409” in subpar. (B).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE

Pub. L. 104-201, div. A, title III, § 362(b), Sept. 23, 1996, 110 Stat. 2493, provided that: “Section 2013 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996.”

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

(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 Government Accountability Office.

(Added Pub. L. 105–85, div. A, title III, §325(a), Nov. 18, 1997, 111 Stat. 1678; amended Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108–375, div. A, title X, §1084(c)(3), Oct. 28, 2004, 118 Stat. 2061.)

AMENDMENTS

2004—Subsec. (g). Pub. L. 108–375 substituted “Government Accountability Office” for “General Accounting Office”.

1999—Subsec. (a). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

§ 2015. Program to assist members in obtaining professional credentials

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, shall carry out a program to enable members of the armed forces to obtain, while serving in the armed forces, professional credentials that translate into civilian occupations.

(b) PAYMENT OF EXPENSES.—(1) Under the program required by this section, the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, shall provide for the payment of expenses of members for professional accreditation, Federal occupational licenses, State-imposed and professional licenses, professional certification, and related expenses.

(2) The authority under paragraph (1) may not be used to pay the expenses of a member to obtain professional credentials that are a prerequisite for appointment in the armed forces.

(c) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—(1) Commencing not later than three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, each Secretary concerned shall ensure that any credentialing program used in connection with the program under subsection (a) meets one of the requirements specified in paragraph (2).

(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

(A) is accredited by a nationally-recognized, third-party personnel certification program accreditor;

(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

(C) grants licenses that are recognized by the Federal Government or a State government; or

(D) meets credential standards of a Federal agency.

(d) REGULATIONS.—(1) The Secretary of Defense and the Secretary of Homeland Security shall prescribe regulations to carry out this section.

(2) The regulations shall apply uniformly to the armed forces to the extent practicable.

(3) The regulations shall include the following:

(A) Requirements for eligibility for participation in the program under this section.

(B) A description of the professional credentials and occupations covered by the program.

(C) Mechanisms for oversight of the payment of expenses and the provision of other benefits under the program.

(D) Such other matters in connection with the payment of expenses and the provision of other benefits under the program as the Secretaries consider appropriate.