

(d) OVERSEAS MEAL PROGRAM DEFINED.—In this section, the term “overseas meal program” means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending overseas defense dependents’ schools.

(e) OVERSEAS DEFENSE DEPENDENTS’ SCHOOL DEFINED.—In this section, the term “overseas defense dependents’ school” means the following:

(1) A school established as part of the defense dependents’ education system provided for under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.).

(2) An elementary or secondary school established pursuant to section 2164 of this title that is located in a territory, commonwealth, or possession of the United States.

(Added Pub. L. 101–189, div. A, title III, §326(a), Nov. 29, 1989, 103 Stat. 1415; amended Pub. L. 106–78, title VII, §752(b)(7), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 114–92, div. A, title V, §573(a), (b)(1), Nov. 25, 2015, 129 Stat. 830, 831.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Defense Dependents’ Education Act of 1978, referred to in subsec. (e)(1), is title XIV of Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2365, which is classified principally to chapter 25A (§921 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 921 of Title 20 and Tables.

##### AMENDMENTS

2015—Pub. L. 114–92, §573(b)(1), substituted “Authority to use appropriated funds to support student meal programs in overseas defense dependents’ schools” for “Authority to use appropriated funds to support student meal programs in overseas dependents’ schools” in section catchline.

Subsec. (a). Pub. L. 114–92, §573(a)(1), substituted “overseas defense dependents’ schools” for “the defense dependents’ education system” and “students enrolled in such a school” for “students enrolled in that system”.

Subsec. (d). Pub. L. 114–92, §573(a)(2), substituted “overseas defense dependents’ schools” for “Department of Defense dependents’ schools which are located outside the United States”.

Subsec. (e). Pub. L. 114–92, §573(a)(3), added subsec. (e).

1999—Subsec. (b). Pub. L. 106–78 substituted “Richard B. Russell National School Lunch Act” for “National School Lunch Act”.

#### § 2244. Security investigations

(a) Funds appropriated to the Department of Defense may not be used for the conduct of an investigation by the Department of Defense, or by any other Federal department or agency, for purposes of determining whether to grant a security clearance to an individual or a facility unless the Secretary of Defense determines both of the following:

(1) That a current, complete investigation file is not available from any other department or agency of the Federal Government with respect to that individual or facility.

(2) That no other department or agency of the Federal Government is conducting an investigation with respect to that individual or

facility that could be used as the basis for determining whether to grant the security clearance.

(b) For purposes of subsection (a)(1), a current investigation file is a file on an investigation that has been conducted within the past five years.

(Added Pub. L. 101–510, div. A, title IX, §904(a), Nov. 5, 1990, 104 Stat. 1621; amended Pub. L. 102–190, div. A, title X, §1061(a)(11), Dec. 5, 1991, 105 Stat. 1473.)

#### Editorial Notes

##### AMENDMENTS

1991—Subsec. (a)(1), (2). Pub. L. 102–190 substituted “Government” for “government”.

#### § 2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR BELOW-THRESHOLD MODIFICATIONS.—The prohibition in subsection (a) does not apply to a modification for which the cost is less than \$100,000.

(2) EXCEPTION FOR TRANSFER OF REUSABLE ITEMS OF VALUE.—The prohibition in subsection (a) does not apply to a modification in a case in which—

(A) the reusable items of value, as determined by the Secretary, installed on the item of equipment as part of such modification will, upon the retirement or disposal of the item to be modified, be removed from such item of equipment, refurbished, and installed on another item of equipment; and

(B) the cost of such modification (including the cost of the removal and refurbishment of reusable items of value under subparagraph (A)) is less than \$1,000,000.

(3) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

(c) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.

(Added Pub. L. 109–163, div. A, title III, §372(a), Jan. 6, 2006, 119 Stat. 3209.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 105–56, title VIII, §8053, Oct. 8, 1997, 111

Stat. 1232, which was set out as a note under section 2241 of this title, prior to repeal by Pub. L. 109-163, div. A, title III, § 372(c), 119 Stat. 3210.

**§ 2245. Use of aircraft for proficiency flying: limitation**

(a) An aircraft under the jurisdiction of a military department may not be used by a member of the armed forces for the purpose of proficiency flying except in accordance with regulations prescribed by the Secretary of Defense.

(b) Such regulations—

(1) may not require proficiency flying by a member except to the extent required for the member to maintain flying proficiency in anticipation of the member's assignment to combat operations; and

(2) may not permit proficiency flying in the case of a member who is assigned to a course of instruction of 90 days or more.

(c) In this section, the term “proficiency flying” means flying performed under competent orders by a rated or designated member of the armed forces while serving in a non-aviation assignment or in an assignment in which skills would normally not be maintained in the performance of assigned duties.

(Added Pub. L. 101-510, div. A, title XIV, § 1481(e)(1), Nov. 5, 1990, 104 Stat. 1706; amended Pub. L. 110-181, div. A, title X, § 1077, Jan. 28, 2008, 122 Stat. 333.)

**Editorial Notes**

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in Pub. L. 101-165, title IX, § 9006, Nov. 21, 1989, 103 Stat. 1130, which was set out as a note under section 2241 of this title, prior to repeal by Pub. L. 101-510, § 1481(e)(3).

**AMENDMENTS**

2008—Subsec. (c). Pub. L. 110-181 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “In this section, the term ‘proficiency flying’ has the meaning given that term in Department of Defense Directive 1340.4.”

**[§ 2245a. Repealed. Pub. L. 114-328, div. A, title VIII, § 833(b)(1)(A), Dec. 23, 2016, 130 Stat. 2284]**

Section, added Pub. L. 109-163, div. A, title III, § 373(a), Jan. 6, 2006, 119 Stat. 3210, related to limitation on use of operation and maintenance funds for purchase of investment items.

**§ 2246. Authorization of certain support for military service academy foundations**

(a) **AUTHORITY.**—Subject to subsection (b) and pursuant to regulations prescribed by the Secretary of Defense, the Superintendent of a Service Academy may authorize a covered foundation to use, on an unreimbursed basis, facilities or equipment of such Service Academy.

(b) **LIMITATIONS.**—Use of facilities or equipment under subsection (a) may be provided only if such use—

(1) is without any liability of the United States to the covered foundation;

(2) does not affect the ability of any official or employee of the military department con-

cerned, or any member of the armed forces, to carry out any responsibility or duty in a fair and objective manner;

(3) does not compromise the integrity or appearance of integrity of any program of the military department concerned, or any individual involved in such a program;

(4) does not include the participation of any cadet or midshipman, other than participation in an honor guard at an event of the covered foundation;

(5) complies with the Joint Ethics Regulation; and

(6) has been reviewed and approved by an attorney of the military department concerned.

(c) **BRIEFING.**—In any fiscal year during which the Superintendent of a Service Academy exercises the authority under subsection (a), the Secretary of the military department concerned shall provide a briefing not later than the last day of that fiscal year to the Committees on Armed Services of the Senate and House of Representatives regarding the number of events or activities of a covered foundation supported by such exercise during such fiscal year.

(d) **DEFINITIONS.**—In this section:

(1) The term “covered foundation” means a charitable, educational, or civic nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, that the Secretary concerned determines operates exclusively to support, with respect to a Service Academy, any of the following:

(A) Recruiting.

(B) Parent or alumni development.

(C) Academic, leadership, or character development.

(D) Institutional development.

(E) Athletics.

(2) The term “Service Academy” has the meaning given such term in section 347 of this title.

(Added Pub. L. 117-263, div. A, title V, § 551(a), Dec. 23, 2022, 136 Stat. 2591.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 501(c)(3) of the Internal Revenue Code of 1986, referred to in subsec. (d)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

**CODIFICATION**

Pub. L. 117-263, div. A, title V, § 551(a), Dec. 23, 2022, 136 Stat. 2591, which directed amendment of this subchapter by inserting this section “after section 2245 the end”, was executed by inserting this section after section 2245 of this title to reflect the probable intent of Congress.

**PRIOR PROVISIONS**

A prior section 2246 of this title was renumbered section 2491a of this title.

**[§ 2247. Renumbered § 2491b]**

**Editorial Notes**

**PRIOR PROVISIONS**

Another section 2247 was renumbered section 2249 of this title.