

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 Repealed.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 Regulations; 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.