

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 Repealed.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.

[§ 2248. Repealed. Pub. L. 108–136, div. A, title X, § 1045(a)(5)(A), Nov. 24, 2003, 117 Stat. 1612]

Section, added Pub. L. 103–337, div. A, title X, § 1063(a), Oct. 5, 1994, 108 Stat. 2848, related to prohibition on purchase of surety bonds.

[§ 2249. Renumbered § 4652]

[§ 2249a. Renumbered § 361]

§ 2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces

(a) DISPLAY OF FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that, whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) POSITION AND MANNER OF DISPLAY.—The display of an official flag of a State, territory, or possession of the United States at an installation or other facility of the Department shall be governed by section 7 of title 4 and any modification of section 7 under section 10 of title 4.

(Added Pub. L. 104–201, div. A, title X, § 1071(a), Sept. 23, 1996, 110 Stat. 2656; amended Pub. L. 105–225, § 4(a)(1), Aug. 12, 1998, 112 Stat. 1498; Pub. L. 112–239, div. A, title V, § 588(a), (b)(1), Jan. 2, 2013, 126 Stat. 1768, 1769.)

Editorial Notes

AMENDMENTS

2013—Pub. L. 112–239, § 588(b)(1), substituted “Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces” for “Display of State flags: prohibition on use of funds to arbitrarily exclude flag; position and manner of display” in section catchline.

Subsec. (a). Pub. L. 112–239, § 588(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “Funds available to the Department of Defense may not be used to prescribe or enforce any rule that arbitrarily excludes the official flag of any State, territory, or possession of the United States from any display of the flags of the States, territories, and possessions of the United States at an official ceremony of the Department of Defense.”

1998—Subsec. (b). Pub. L. 105–225 substituted “section 7 of title 4 and any modification of section 7 under section 10 of title 4” for “the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178)”.

[§ 2249c. Renumbered § 345]

[§ 2249d. Renumbered § 346]

[§ 2249e. Renumbered § 362]

**SUBCHAPTER II—MISCELLANEOUS
ADMINISTRATIVE AUTHORITY**

Sec.	
2251.	Household furnishings and other property: personnel outside the United States or in Alaska or Hawaii.
2252.	Rewards: missing property.
2253.	Motor vehicles.

Sec.	
2254.	Treatment of reports of aircraft accident investigations.
2254a.	Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.
2255.	Aircraft accident investigation boards: composition requirements.
2257.	Use of recruiting materials for public relations.
2259.	Transit pass program: personnel in poor air quality areas.
2260.	Licensing of intellectual property: retention of fees.
2261.	Presentation of recognition items for recruitment and retention purposes.
2262.	Department of Defense conferences: collection of fees to cover Department of Defense costs.
2263.	United States contributions to the North Atlantic Treaty Organization common-funded budgets.
2264.	Reimbursement for assistance provided to nongovernmental entertainment-oriented media producers.
2265.	Access to broadband internet access service for certain members of the armed forces.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title VI, § 651(a), Dec. 23, 2024, 138 Stat. 1938, added item 2265. Amendment was made pursuant to operation of section 102 of this title.

2014—Pub. L. 113–291, div. A, title VIII, § 859(b), Dec. 19, 2014, 128 Stat. 3461, added item 2264.

2011—Pub. L. 112–81, div. A, title X, § 1082(a)(2), Dec. 31, 2011, 125 Stat. 1601, added item 2254a.

2008—Pub. L. 110–417, [div. A], title X, § 1004(a)(2), Oct. 14, 2008, 122 Stat. 4583, added item 2263.

2006—Pub. L. 109–364, div. A, title X, § 1051(b), Oct. 17, 2006, 120 Stat. 2396, added item 2262.

Pub. L. 109–163, div. A, title V, § 589(a)(2), Jan. 6, 2006, 119 Stat. 3279, added item 2261.

2004—Pub. L. 108–375, div. A, title X, § 1004(b), Oct. 28, 2004, 118 Stat. 2036, added item 2260.

2000—Pub. L. 106–398, § 1 [[div. A], title X, § 1082(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–285, added item 2259.

1999—Pub. L. 106–65, div. A, title V, § 574(b), Oct. 5, 1999, 113 Stat. 624, added item 2257.

1996—Pub. L. 104–201, div. A, title IX, § 911(a)(2), Sept. 23, 1996, 110 Stat. 2622, added item 2255.

1992—Pub. L. 102–484, div. A, title X, § 1071(a)(2), Oct. 23, 1992, 106 Stat. 2508, added item 2254.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS RELATING TO THE FOOD PROGRAM OF THE DEPARTMENT OF DEFENSE

Pub. L. 118–159, div. A, title X, § 1093, Dec. 23, 2024, 138 Stat. 2083, provided that: “Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall—

“(1) implement the recommendations of the Comptroller General of the United States contained in the report published by the Comptroller General in June 2024 and titled ‘DOD Food Program: Additional Actions Needed to Implement, Oversee, and Evaluate Nutrition Efforts for Service Members’ (GAO–24–106155); or

“(2) if the Secretary does not implement any such recommendation, submit to the Committees on Armed Services of the Senate and the House of Representatives a report explaining why the Secretary has not implemented those recommendations.”

CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS FOR FOOD OR BEVERAGES PROVIDED BY THE DEPARTMENT OF DEFENSE

Pub. L. 116–283, div. A, title III, § 369, Jan. 1, 2021, 134 Stat. 3552, provided that: