

limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.

(Added Pub. L. 109-364, div. A, title V, § 532(a)(3), Oct. 17, 2006, 120 Stat. 2203, § 9361; renumbered § 9461, Pub. L. 115-232, div. A, title VIII, § 806(a)(3), Aug. 13, 2018, 132 Stat. 1832; amended Pub. L. 116-92, div. A, title V, § 555(c), Dec. 20, 2019, 133 Stat. 1390; Pub. L. 116-283, div. A, title V, § 552(b)(3), Jan. 1, 2021, 134 Stat. 3632.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c)(3). Pub. L. 116-283 added par. (3).
 2019—Subsec. (e). Pub. L. 116-92 added subsec. (e).
 2018—Pub. L. 115-232 renumbered section 9361 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d)(4)(B) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

POLICY FOR MILITARY SERVICE ACADEMIES ON SEPARATION OF ALLEGED VICTIMS AND ALLEGED PERPETRATORS IN INCIDENTS OF SEXUAL ASSAULT

Secretary of Defense to consult with Secretaries of the military departments and Superintendent of each military service academy and prescribe in regulations a policy that allows a cadet or midshipman of a military service academy who is the alleged victim or alleged perpetrator of a sexual assault to complete their course of study at the academy with minimal disruption and does not preclude the academy from taking other administrative or disciplinary action, see section 539 of Pub. L. 116-283, set out as a note under section 7461 of this title.

APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES

Secretary of the military department concerned to ensure that the provisions of title XVII of Pub. L. 113-66 and subtitle D of title V of div. A of Pub. L. 113-291 apply to the United States Military Academy, the Naval Academy, and the Air Force Academy, as applicable, see section 552(a) of Pub. L. 113-291, set out as a note under section 7461 of this title.

PREVENTION OF SEXUAL ASSAULT AT MILITARY SERVICE ACADEMIES

Secretary of Defense to ensure that military service academy curricula include honor, respect, and character development pertaining to prevention of sexual assault in the Armed Forces; training provided within 14 days after a new cadet or midshipman arrives at the academy and repeated annually, see section 1746 of Pub. L. 113-66, set out as a note under section 7461 of this title.

FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND SEXUAL HARASSMENT ISSUES

Secretary of a military department to provide for focus groups to ascertain information relating to sexual assault and sexual harassment issues in any year in

which the Secretary is not required by law to conduct a survey on such matters at the service academy under the Secretary's jurisdiction and to include such information in the Secretary's annual report to Congress, see section 532(b) of Pub. L. 109-364, set out as a note under section 7461 of this title.

§ 9462. Support of athletic programs

(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the “corporation”) to support the athletic programs of the Academy. All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

(2) The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) in accordance with this section; and

(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

(c) CORPORATE BOARD OF DIRECTORS.—(1) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

(2) The Secretary of the Air Force may authorize military and civilian personnel of the Department of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors of the corporation, but such personnel shall not hold more than one-third of the directorships.

(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

(e) ACCEPTANCE OF SUPPORT.—

(1) SUPPORT RECEIVED FROM THE CORPORATION.—Notwithstanding section 1342 of title 31, the Secretary of the Air Force may accept from the corporation funds, supplies, equipment, and services for the support of the athletic programs of the Academy.

(2) FUNDS RECEIVED FROM OTHER SOURCES.—The Secretary may charge fees for the support of the athletic programs of the Academy. The Secretary may accept and retain fees for services and other benefits provided incident to the operation of its athletic programs, including fees from the National Collegiate Athletic Association, fees from athletic conferences, game guarantees from other educational institutions, fees for ticketing or licensing, and

other consideration provided incidental to the execution of the athletic programs of the Academy.

(3) LIMITATIONS.—The Secretary shall ensure that contributions accepted under this subsection do not—

(A) reflect unfavorably on the ability of the Department of the Air Force, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) compromise the integrity or appearance of integrity of any program of the Department of the Air Force, or any individual involved in such a program.

(f) LEASES AND LICENSES.—

(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with section 2667 of this title, enter into leases or licenses with the corporation for the purpose of supporting the athletic programs of the Academy. Consideration provided under such a lease or license may be provided in the form of funds, supplies, equipment, and services for the support of the athletic programs of the Academy.

(2) SUPPORT SERVICES.—The Secretary may provide support services to the corporation without charge while the corporation conducts its support activities at the Academy. In this paragraph, the term “support services” includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems in conjunction with the leasing or licensing of property. Any such support services may only be provided without any liability of the United States to the corporation.

(g) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into contracts and cooperative agreements with the corporation for the purpose of supporting the athletic programs of the Academy. Notwithstanding section 3201(e) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 3204(a)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property, services, or travel for the direct benefit or use of the athletic programs of the Academy.

(h) TRADEMARKS AND SERVICE MARKS.—

(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (g) may, consistent with section 2260 of this title (other than subsection (d) of such section), authorize the corporation to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Academy, subject to the approval of the Secretary of the Air Force.

(2) LIMITATIONS.—No licensing, marketing, or sponsorship agreement may be entered into under paragraph (1) if—

(A) such agreement would reflect unfavorably on the ability of the Department of the Air Force, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Air Force, or any individual involved in such a program.

(i) RETENTION AND USE OF FUNDS.—Any funds received under this section may be retained for use in support of the athletic programs of the Academy and shall remain available until expended.

(Added Pub. L. 111–84, div. A, title V, §528(a), Oct. 28, 2009, 123 Stat. 2289, §9362; amended Pub. L. 113–291, div. A, title V, §554, Dec. 19, 2014, 128 Stat. 3377; renumbered §9462, Pub. L. 115–232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832; Pub. L. 116–283, div. A, title IX, §923(d)(15), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3815, 4294.)

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

2021—Subsec. (c)(2). Pub. L. 116–283, §923(d)(15), substituted “personnel of the Department of the Air Force” for “personnel of the Air Force”.

Subsec. (g). Pub. L. 116–283, §1883(b)(2), substituted “section 3201(e)” for “section 2304(k)” and “section 3204(a)(5)” for “section 2304(c)(5)”.

2018—Pub. L. 115–232 renumbered section 9362 of this title as this section.

2014—Subsecs. (e) to (i). Pub. L. 113–291 added subsecs. (e) to (i) and struck out former subsecs. (e) to (g) which related to acceptance of gifts, leases of real and personal property, and cooperative agreements, respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

CHAPTER 957—SCHOOLS AND CAMPS

Sec. 9481.	Establishment: purpose.
9482.	Operation.
9483.	Transportation and subsistence during travel.
9484.	Quartermaster and ordnance property: sales.
9487.	Air War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §806(d)(2), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 907 of this title as this chapter and items 9411 to 9414 and 9417 as 9481 to 9484 and 9487, respectively.