

(2) The government of a foreign country.

(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

(4) Any source in the private sector of the United States or a foreign country.

(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

(2) the integrity of any program of the Department, or of any person involved in such a program.

(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in subsection (c).

(e) CREDITING OF FUNDS.—Funds accepted by the Secretary under section (a) shall be credited to appropriations available to the Department of Defense for the regional center, combination of centers, or centers generally for which accepted. Funds so credited shall be merged with the appropriations to which credited and shall be available for the regional center, combination of centers, or centers generally, as the case may be, for the same purposes as the appropriations with which merged. Any funds accepted under this section shall remain available until expended.

(f) GIFT OR DONATION DEFINED.—In this section, the term “gift or donation” means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).

(Added Pub. L. 106-65, div. A, title IX, §915(a), Oct. 5, 1999, 113 Stat. 721; amended Pub. L. 107-314, div. A, title X, §1041(a)(17), Dec. 2, 2002, 116 Stat. 2645; Pub. L. 108-136, div. A, title IX, §931(a), (b)(1), (c), Nov. 24, 2003, 117 Stat. 1580, 1581; Pub. L. 108-375, div. A, title X, §1084(f)(2), Oct. 28, 2004, 118 Stat. 2064; Pub. L. 109-163, div. A, title IX, §903(a)(1), Jan. 6, 2006, 119 Stat. 3397.)

AMENDMENTS

2006—Pub. L. 109-163 amended section catchline and text generally. Prior to amendment, text consisted of subssecs. (a) to (f) relating to acceptance of gifts and donations for the Asia-Pacific Center for Security Studies.

2004—Subsec. (a)(1). Pub. L. 108-375 amended directory language of Pub. L. 108-136, §931(a)(1). See 2003 Amendment note below.

2003—Pub. L. 108-136, §931(c), struck out “foreign” before “gifts” in section catchline.

Subsec. (a). Pub. L. 108-136, §931(b)(1)(A), struck out “Foreign” before “Gifts” in heading.

Subsec. (a)(1). Pub. L. 108-136, §931(a)(1), as amended by Pub. L. 108-375, substituted “gifts and donations from sources described in paragraph (2)” for “foreign gifts or donations”.

Subsec. (a)(2), (3). Pub. L. 108-136, §931(a)(2), (3), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 108-136, §931(b)(1)(B), struck out “foreign” before “gift”.

Subsec. (f). Pub. L. 108-136, §931(b)(1)(A), (C), in heading, struck out “Foreign” before “Gift” and in text, struck out “foreign” after “section, a” and “from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country” before period at end.

2002—Subsec. (e). Pub. L. 107-314 struck out heading and text of subsec. (e). Text read as follows: “If the total amount of funds accepted under subsection (a) in any fiscal year exceeds \$2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title X, §1084(f), Oct. 28, 2004, 118 Stat. 2064, provided that the amendment made by section 1084(f)(2) is effective as of Nov. 24, 2003, and as if included in Pub. L. 108-136 as enacted.

§ 2612. National Defense University: acceptance of gifts

(a) The Secretary of Defense may accept, hold, administer, and spend any gift, including a gift from an international organization and a foreign gift or donation (as defined in section 2166(f)(4) of this title), that is made on the condition that it be used in connection with the operation or administration of the National Defense University. The Secretary may pay all necessary expenses in connection with the acceptance of a gift under this subsection.

(b) There is established in the Treasury a fund to be known as the “National Defense University Gift Fund”. Gifts of money, and the proceeds of the sale of property, received under subsection (a) shall be deposited in the fund. The Secretary may disburse funds deposited under this subsection for the benefit or use of the National Defense University.

(c) Subsection (c) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

(d)(1) Upon request of the Secretary of Defense, the Secretary of the Treasury may—

(A) retain money, securities, and the proceeds of the sale of securities, in the National Defense University Gift Fund; and

(B) invest money and reinvest the proceeds of the sale of securities in that fund in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) The interest and profits accruing from those securities shall be deposited to the credit of the fund and may be disbursed as provided in subsection (b).

(e) In this section:

(1) the term “gift” includes a devise of real property or a bequest of personal property and any gift of an interest in real property.

(2) The term “National Defense University” includes any school or other component of the National Defense University specified under section 2165(b) of this title.

(f) The Secretary of Defense shall prescribe regulations to carry out this section.

(Added Pub. L. 107-314, div. A, title IX, §931(a), Dec. 2, 2002, 116 Stat. 2624; amended Pub. L.

108-136, div. A, title IX, § 931(d), Nov. 24, 2003, 117 Stat. 1581.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136 substituted “2166(f)(4)” for “2611(f)”.

§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families

(a) **AUTHORITY TO ACCEPT DONATION OF TRAVEL BENEFITS.**—Subject to subsection (c), the Secretary of Defense may accept from any person or government agency the donation of travel benefits for the purposes of use under subsection (d).

(b) **TRAVEL BENEFIT DEFINED.**—In this section, the term “travel benefit” means—

(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.

(c) **CONDITION ON AUTHORITY TO ACCEPT DONATION.**—The Secretary may accept a donation of a travel benefit under this section only if the business entity referred to in subsection (b) that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the business entity may specify, and the travel benefit so donated may be used only in accordance with the rules established by the business entity.

(d) **USE OF DONATED TRAVEL BENEFITS.**—A travel benefit accepted under this section may be used only for the purpose of—

(1) facilitating the travel of a member of the armed forces who—

(A) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

(2) in the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such a deployment, facilitating the travel of family members of the member in order to be reunited with the member.

(e) **ADMINISTRATION.**—(1) The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall develop rules and procedures to facilitate the acceptance and distribution of travel benefits under this section.

(2) For the use of travel benefits under subsection (d)(2) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

(B) the number of family members who may travel; and

(C) the number of trips that family members may take.

(3) The Secretary of Defense may, in an exceptional case, authorize a person not described in subsection (d)(2) to use a travel benefit accepted under this subsection to visit a member of the armed forces described in subsection (d)(1) if that person has a notably close relationship with the member. The travel benefit may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the business entity referred to in subsection (b) that is the source of the travel benefit.

(f) **SERVICES OF NONPROFIT ORGANIZATION.**—The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

(1) to promote the donation of travel benefits under this section, except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

(2) to assist in administering the collection, distribution, and use of travel benefits under this section.

(g) **FAMILY MEMBER DEFINED.**—In this section, the term “family member” has the meaning given that term in section 481h(b)(1) of title 37.

(Added Pub. L. 108-375, div. A, title V, § 585(a)(1), Oct. 28, 2004, 118 Stat. 1930; amended Pub. L. 109-364, div. A, title X, § 1071(a)(20), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 112-81, div. A, title V, § 576(a)-(d)(1), title VI, § 631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1428, 1429, 1465.)

CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of title 37, United States Code, which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

Another section 2613 was renumbered section 2614 of this title.

AMENDMENTS

2011—Pub. L. 112-81, § 576(d)(1), substituted “Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families” for “Acceptance of frequent traveler miles, credits, and tickets: use to facilitate rest and recuperation travel of deployed members and their families” in section catchline.

Subsec. (b). Pub. L. 112-81, § 576(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) defined travel benefit.

Subsec. (c). Pub. L. 112-81, § 576(b), substituted “the business entity referred to in subsection (b)” for “the air or surface carrier” and substituted “the business entity” for “the surface carrier” and for “the carrier”.

Subsec. (e)(3). Pub. L. 112-81, § 576(c), substituted “the business entity referred to in subsection (b)” for “the air carrier or surface carrier”.

Subsec. (g). Pub. L. 112-81, § 631(f)(4)(A), substituted “481h(b)(1)” for “411h(b)(1)”. See Codification note above.

2006—Subsec. (b). Pub. L. 109-364 substituted “In this” for “In the”.