

under section 2105 of Title 5, Government Organization and Employees.

§ 6972. Chapel: crypt and window spaces

The crypt and window spaces of the Naval Academy Chapel may be used only for memorials to officers of the Navy who have successfully commanded a fleet or squadron in battle or who have received the thanks of Congress for conspicuously distinguished services in time of war. No memorial to an officer may be accepted for, or installed in, the crypt or window spaces until at least five years after the death of that officer. (Aug. 10, 1956, ch. 1041, 70A Stat. 435.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6972	34 U.S.C. 1111.	Mar. 3, 1909, ch. 255, 35 Stat. 773 (2d par.).

The words “United States” in connection with the chapel, the words “of the United States” in connection with naval officers and with Congress, and the words “or may receive” are omitted as surplusage. The proviso is omitted as executed.

§ 6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy

(a) The Secretary of the Navy may accept, hold, administer, and spend any gift or bequest of personal property, and may accept, hold, and administer any loan of personal property other than money, that is made on the condition that it be used for the benefit of, or for use in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services. Gifts and bequests of money and the proceeds from the sales of property received as gifts shall be deposited in the Treasury in the fund called “United States Naval Academy Gift and Museum Fund”. The Secretary may disburse funds deposited under this subsection for the benefit or use of the Naval Academy (including the Naval Academy Museum) subject to the terms of the gift or bequest.

(b) The Secretary shall prescribe written guidelines to be used for determinations of whether the acceptance of money, any personal property, or any loan of personal property under subsection (a) would reflect unfavorably on the ability of the Department of the Navy or any officer or employee of the Department of the Navy to carry out responsibilities or duties in a fair and objective manner, or would compromise either the integrity or the appearance of the integrity of any program of the Department of the Navy or any officer or employee of the Department of the Navy who is involved in any such program.

(c) For the purpose of Federal income, estate, and gift taxes, property that is accepted under this section is considered as a gift or bequest to or for the use of the United States.

(d) Upon the request of the Secretary of the Navy, the Secretary of the Treasury may invest, reinvest, or retain investments of money or securities comprising any part of the United States Naval Academy Gift and Museum Fund in securities of the United States or in securi-

ties guaranteed as to principal and interest by the United States. The interest and benefits accruing from those securities shall be deposited to the credit of the United States Naval Academy Gift and Museum Fund and may be disbursed as provided in this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 436; Pub. L. 106-398, §1 [[div. A], title IX, §942(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-241.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6973(a)	34 U.S.C. 1115.	Mar. 31, 1944, ch. 147, §1, 58 Stat. 135.
	34 U.S.C. 1115a.	Mar. 31, 1944, ch. 147, §2, 58 Stat. 135.
6973(b)	34 U.S.C. 1115b.	Mar. 31, 1944, ch. 147, §3, 58 Stat. 135.
6973(c)	34 U.S.C. 1115c.	Mar. 31, 1944, ch. 147, §4, 58 Stat. 135.

AMENDMENTS

2000—Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(4)], substituted “Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy” for “Gifts and bequests: acceptance for benefit of Naval Academy” as section catchline.

Subsec. (a). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(1)], in first sentence, substituted “any gift or bequest of personal property, and may accept, hold, and administer any loan of personal property other than money, that is” for “gifts and bequests of personal property” and inserted “or the Naval Academy Museum, its collection, or its services” before period at end, in second sentence, substituted “United States Naval Academy Gift and Museum Fund” for “United States Naval Academy general gift fund”, and, in last sentence, inserted “(including the Naval Academy Museum)” after “the Naval Academy”.

Subsecs. (b), (c). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(2)], added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(3)], substituted “United States Naval Academy Gift and Museum Fund” for “United States Naval Academy general gift fund” in two places.

Pub. L. 106-398, §1 [[div. A], title IX, §942(c)(2)(A)], redesignated subsec. (c) as (d).

TEMPORARY AUTHORITY TO DISPOSE OF GIFT PREVIOUSLY ACCEPTED FOR NAVAL ACADEMY

Pub. L. 106-398, §1 [[div. A], title IX, §943], Oct. 30, 2000, 114 Stat. 1654, 1654A-243, provided that during fiscal year 2001, the Secretary of the Navy could dispose of a gift accepted before Oct. 30, 2000 for the United States Naval Academy by disbursing from the United States Naval Academy general gift fund to an entity designated by the donor of the gift the amount equal to the current cash value of that gift.

§ 6974. United States Naval Academy Museum Fund: references to Fund

Any reference in a law, regulation, document, paper, or other record of the United States to the United States Naval Academy Museum Fund formerly maintained under this section shall be deemed to refer to the United States Naval Academy Gift and Museum Fund maintained under section 6973 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 436; Pub. L. 106-398, §1 [[div. A], title IX, §942(d)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-242.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6974(a)	34 U.S.C. 1118.	Mar. 26, 1938, ch. 52, §3, 52 Stat. 119.
6974(b)	34 U.S.C. 1119.	Mar. 26, 1938, ch. 52, §4, 52 Stat. 119.
6974(c)	34 U.S.C. 1120.	Mar. 26, 1938, ch. 52, §5, 52 Stat. 119.

AMENDMENTS

2000—Pub. L. 106-398 amended section catchline and text generally. Prior to amendment, section related to acceptance and administration of gifts, bequests, and loans for the benefit of the Naval Academy Museum.

CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND NAVAL ACADEMY MUSEUM FUND

Pub. L. 106-398, §1 [[div. A], title IX, §942(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-241, provided that:

“(1) The Secretary of the Navy shall transfer all amounts in the United States Naval Academy Museum Fund established by section 6974 of title 10, United States Code, to the gift fund maintained for the benefit and use of the United States Naval Academy under section 6973 of such title. Upon completing the transfer, the Secretary shall close the United States Naval Academy Museum Fund.

“(2) Amounts transferred under this subsection shall be merged with other amounts in the gift fund to which transferred and shall be available for the purposes for which amounts in that gift fund are available.”

§ 6975. Acceptance of guarantees with gifts for major projects

(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Navy may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Naval Academy.

(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Navy may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress or, if earlier, the expiration of 14 days following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Navy may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(e) DEFINITIONS.—In this section:

(1) MAJOR PROJECT.—The term “major project” means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total

cost of which is, or is estimated to be, at least \$1,000,000.

(2) QUALIFIED GUARANTEE.—The term “qualified guarantee”, with respect to a major project, means a guarantee that—

(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Navy, is sufficient to defray a substantial portion of the total cost of the project;

(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

(D) is accompanied by—

(i) an irrevocable and unconditional standby letter of credit for the benefit of the Naval Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

(ii) a qualified account control agreement.

(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term “qualified account control agreement”, with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Navy, and a major United States investment management firm that—

(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Naval Academy with the highest priority available for liens and security interests under applicable law;

(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term “major United States commercial bank” means a commercial bank that—

(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));