

Editorial Notes

REFERENCES IN TEXT

The Defense Dependents' Education Act of 1978, referred to in subsec. (e)(1), is title XIV of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2365, which is classified principally to chapter 25A (§921 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 921 of Title 20 and Tables.

AMENDMENTS

2015—Pub. L. 114-92, §573(b)(1), substituted “Authority to use appropriated funds to support student meal programs in overseas defense dependents’ schools” for “Authority to use appropriated funds to support student meal programs in overseas dependents’ schools” in section catchline.

Subsec. (a). Pub. L. 114-92, §573(a)(1), substituted “overseas defense dependents’ schools” for “the defense dependents’ education system” and “students enrolled in such a school” for “students enrolled in that system”.

Subsec. (d). Pub. L. 114-92, §573(a)(2), substituted “overseas defense dependents’ schools” for “Department of Defense dependents’ schools which are located outside the United States”.

Subsec. (e). Pub. L. 114-92, §573(a)(3), added subsec. (e).

1999—Subsec. (b). Pub. L. 106-78 substituted “Richard B. Russell National School Lunch Act” for “National School Lunch Act”.

§ 2244. Security investigations

(a) Funds appropriated to the Department of Defense may not be used for the conduct of an investigation by the Department of Defense, or by any other Federal department or agency, for purposes of determining whether to grant a security clearance to an individual or a facility unless the Secretary of Defense determines both of the following:

(1) That a current, complete investigation file is not available from any other department or agency of the Federal Government with respect to that individual or facility.

(2) That no other department or agency of the Federal Government is conducting an investigation with respect to that individual or facility that could be used as the basis for determining whether to grant the security clearance.

(b) For purposes of subsection (a)(1), a current investigation file is a file on an investigation that has been conducted within the past five years.

(Added Pub. L. 101-510, div. A, title IX, §904(a), Nov. 5, 1990, 104 Stat. 1621; amended Pub. L. 102-190, div. A, title X, §1061(a)(11), Dec. 5, 1991, 105 Stat. 1473.)

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AMENDMENTS

1991—Subsec. (a)(1), (2). Pub. L. 102-190 substituted “Government” for “government”.

§ 2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a modification of

an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR BELOW-THRESHOLD MODIFICATIONS.—The prohibition in subsection (a) does not apply to a modification for which the cost is less than \$100,000.

(2) EXCEPTION FOR TRANSFER OF REUSABLE ITEMS OF VALUE.—The prohibition in subsection (a) does not apply to a modification in a case in which—

(A) the reusable items of value, as determined by the Secretary, installed on the item of equipment as part of such modification will, upon the retirement or disposal of the item to be modified, be removed from such item of equipment, refurbished, and installed on another item of equipment; and

(B) the cost of such modification (including the cost of the removal and refurbishment of reusable items of value under subparagraph (A)) is less than \$1,000,000.

(3) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

(c) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.

(Added Pub. L. 109-163, div. A, title III, §372(a), Jan. 6, 2006, 119 Stat. 3209.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 105-56, title VIII, §8053, Oct. 8, 1997, 111 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 as-

signment 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. Renumbered § 2491a]

[§ 2247. Renumbered § 2491b]

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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.)

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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

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

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.