

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 Repealed.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]**

#### 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 Repealed.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

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#### Editorial Notes

##### 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.

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

##### 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:

“(a) IN GENERAL.—Before making any final rule, statement, or determination regarding the limitation or prohibition of any food or beverage ingredient in military food service, military medical foods, commissary food, or commissary food service, the Secretary of Defense shall publish in the Federal Register a notice of a preliminary rule, statement, or determination (in this section referred to as a ‘proposed action’) and provide opportunity for public comment.

“(b) MATTERS TO BE INCLUDED.—The Secretary shall include in any notice published under subsection (a) the following:

- “(1) The date of the notice.
- “(2) Contact information for the appropriate office at the Department of Defense.
- “(3) A summary of the notice.
- “(4) A date for comments to be submitted and specific methods for submitting comments.
- “(5) A description of the substance of the proposed action.
- “(6) Findings and a statement of reasons supporting the proposed action.

“(c) WAIVER AUTHORITY.—

“(1) MILITARY OPERATIONS AND EMERGENCY RESPONSE.—The Secretary may waive subsections (a) and (b) if the Secretary determines that such a waiver is necessary for military operations or for the response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), a medical emergency, or a pandemic.

“(2) PROTECTION OF HUMAN HEALTH.—The Secretary may waive subsections (a) and (b) if the Food and Drug Administration, the Surgeon General of the United States, or the Surgeons General of the Department of Defense makes a recall or prohibition determination due to certain ingredients being harmful for human consumption.

“(3) NOTIFICATION REQUIRED.—

“(A) IN GENERAL.—The Secretary shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] not later than 60 days after exercising waiver authority under paragraph (1).

“(B) ELEMENTS.—The notification required under subparagraph (A) shall include, with respect to each waiver, the following elements:

- “(i) The date, time, and location of the issuance of the waiver.
- “(ii) A detailed justification for the issuance of the waiver.
- “(iii) An identification of the rule, statement, or determination for which the Secretary issued the waiver, including the proposed duration of such rule, statement, or determination.”

#### § 2251. Household furnishings and other property: personnel outside the United States or in Alaska or Hawaii

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the military department concerned may—

- (1) purchase household furnishings and automobiles from members of the armed forces and civilian employees of the Department of Defense on duty outside the United States or in Hawaii for resale at cost to incoming personnel; and
- (2) provide household furnishings, without charge, in other than public quarters occupied by members of the armed forces or civilian employees of the Department of Defense who are on duty outside the United States or in Alaska or Hawaii.

(b) REQUIRED DETERMINATION.—The authority provided in subsection (a) may be used only when it is determined, under regulations approved by the Secretary of Defense, that the use of that authority would be advantageous to the United States.

(Added Pub. L. 100-370, §1(e)(1), July 19, 1988, 102 Stat. 845.)

##### HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 98-212, title VII, §723, Dec. 8, 1983, 97 Stat. 1443.

#### § 2252. Rewards: missing property

The Secretary of Defense and the Secretary of each military department may pay a reward of not more than \$500 in any case for information leading to the discovery of missing property under the jurisdiction of that Secretary or leading to the recovery of such property.

(Added Pub. L. 100-370, §1(e)(1), July 19, 1988, 102 Stat. 845.)

##### HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99-190, §101(b) [title VIII, §8005(b)], Dec. 19, 1985, 99 Stat. 1185, 1202.

##### Editorial Notes

###### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7209 of this title prior to repeal by Pub. L. 100-370, §1(e)(3)(A).

#### § 2253. Motor vehicles

(a) GENERAL AUTHORITIES.—The Secretary of Defense and the Secretary of each military department may—

- (1) provide for insurance of official motor vehicles in a foreign country when the laws of such country require such insurance; and
- (2) purchase right-hand drive passenger sedans at a cost of not more than \$30,000 each.

(b) HIRE OF PASSENGER VEHICLES.—Amounts appropriated to the Department of Defense for operation and maintenance of the active forces may be used for the hire of passenger motor vehicles.

(Added Pub. L. 100-370, §1(e)(1), July 19, 1988, 102 Stat. 845; amended Pub. L. 105-85, div. A, title