

- Sec.
9514. Indemnification of Department of Transportation for losses covered by defense-related aviation insurance.
9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.

PRIOR PROVISIONS

Chapter was comprised of subchapter I, sections 9501 to 9507, and subchapter II, sections 9511 to 9513, prior to amendment by Pub. L. 103-160, div. A, title VIII, § 828(a)(8)(A)(ii), Nov. 30, 1993, 107 Stat. 1714, which struck out headings for subchapters I and II.

Prior section 9501, act Aug. 10, 1956, ch. 1041, 70A Stat. 573, related to mobilization by the President in time of war, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(a)(2), Nov. 30, 1993, 107 Stat. 1705. See section 2538 of this title.

Prior section 9502, act Aug. 10, 1956, ch. 1041, 70A Stat. 574, related to maintenance by Secretary of the Air Force of lists of plants equipped to manufacture arms or ammunition and lists of plants convertible into ammunition factories, and provided for a Board on Mobilization of Industries Essential for Military Preparedness, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(a)(2), Nov. 30, 1993, 107 Stat. 1705. See sections 2539 and 2539a of this title.

Prior section 9503, act Aug. 10, 1956, ch. 1041, 70A Stat. 574, related to research and development programs of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 827(c), Nov. 30, 1993, 107 Stat. 1713.

Prior section 9504, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to procurement of ordnance, signal, and chemical warfare supplies for experimental purposes by the Secretary of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(c)(2), Nov. 30, 1993, 107 Stat. 1707. See section 2373 of this title.

Prior section 9505, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to procurement of production equipment by Secretary of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 823(1), Nov. 30, 1993, 107 Stat. 1707.

Prior section 9506, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to sale, loan, or gift of samples, drawings, and information to contractors, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(b)(3), Nov. 30, 1993, 107 Stat. 1706.

Prior section 9507, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to sale of ordnance and ordnance stores to designers, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(b)(3), Nov. 30, 1993, 107 Stat. 1706.

AMENDMENTS

2011—Pub. L. 112-81, div. A, title III, § 366(b), Dec. 31, 2011, 125 Stat. 1381, added item 9511a.

2009—Pub. L. 111-84, div. A, title X, § 1073(a)(32), Oct. 28, 2009, 123 Stat. 2474, transferred item 9515 from chapter 941 of this title to this chapter.

1996—Pub. L. 104-201, div. A, title X, § 1079(a)(2), Sept. 23, 1996, 110 Stat. 2669, added item 9514.

1994—Pub. L. 103-355, title III, § 3033(b), Oct. 13, 1994, 108 Stat. 3336, substituted “Use of military installations by Civil Reserve Air Fleet contractors” for “Commitment of aircraft to the Civil Reserve Air Fleet” in item 9513.

1993—Pub. L. 103-160, div. A, title VIII, § 828(c)(8)(A), Nov. 30, 1993, 107 Stat. 1714, substituted “CIVIL RESERVE AIR FLEET” for “INDUSTRIAL MOBILIZATION, RESEARCH, AND DEVELOPMENT” in chapter heading, struck out subchapter analysis consisting of items for subchapter I “General” and subchapter II “Civil Reserve Air Fleet”, struck out subchapter I heading “GENERAL”, struck out items 9501 “Industrial mobilization: orders; priorities; possession of manufacturing plants; violations”, 9502 “Industrial mobilization: plants; lists; Board on Mobilization of Industries Essential for Military Preparedness”, 9503 “Research and development programs”, 9504 “Procurement

for experimental purposes”, 9505 “Procurement of production equipment”, 9506 “Sale, loan, or gift of samples, drawings, and information to contractors”, and 9507 “Sale of ordnance and ordnance stores to designers”, and struck out heading for subchapter II “CIVIL RESERVE AIR FLEET”.

1989—Pub. L. 101-189, div. A, title XVI, § 1636(c)(2), Nov. 29, 1989, 103 Stat. 1610, substituted “Contracts for the inclusion or incorporation of defense features” for “Contracts to modify aircraft: cargo-convertible features” in item 9512 and “Commitment” for “Contracts to modify aircraft: commitment” in item 9513.

1981—Pub. L. 97-86, title IX, § 915, Dec. 1, 1981, 95 Stat. 1125, added analysis of subchapters, subchapter headings “SUBCHAPTER I—GENERAL” and “SUBCHAPTER II—CIVIL RESERVE AIR FLEET”, and the analysis of sections for subchapter II consisting of items 9511, 9512, and 9513.

§ 9511. Definitions

In this chapter:

(1) The terms “aircraft”, “citizen of the United States”, “civil aircraft”, “person”, and “public aircraft” have the meanings given those terms by section 40102(a) of title 49.

(2) The term “passenger-cargo combined aircraft” means a civil aircraft equipped so that its main deck can be used to carry both passengers and property (including mail) simultaneously.

(3) The term “cargo-capable aircraft” means a civil aircraft equipped so that all or substantially all of the aircraft’s capacity can be used for the carriage of property or mail.

(4) The term “passenger aircraft” means a civil aircraft equipped so that its main deck can be used for the carriage of individuals and cannot be used principally, without major modification, for the carriage of property or mail.

(5) The term “cargo-convertible aircraft” means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.

(6) The term “Civil Reserve Air Fleet” means those aircraft allocated, or identified for allocation, to the Department of Defense under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), or made available (or agreed to be made available) for use by the Department of Defense under a contract made under this title, as part of the program developed by the Department of Defense through which the Department of Defense augments its airlift capability by use of civil aircraft.

(7) The term “contractor” means a citizen of the United States (A) who owns or controls, or who will own or control, a new or existing aircraft and who contracts with the Secretary under section 9512 of this title to modify that aircraft by including or incorporating specified defense features in that aircraft and to commit that aircraft to the Civil Reserve Air Fleet, (B) who subsequently obtains ownership or control of a civil aircraft covered by such a contract and assumes all existing obligations under that contract, or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet.

(8) The term “existing aircraft” means a civil aircraft other than a new aircraft.

(9) The term “new aircraft” means a civil aircraft that a manufacturer has not begun to assemble before the aircraft is covered by a contract under section 9512 of this title.

(10) The term “Secretary” means the Secretary of the Air Force.

(11) The term “defense feature” means equipment or design features included or incorporated in a civil aircraft which ensures the compatibility of such aircraft with the Department of Defense airlift system. Such term includes any equipment or design feature which enables such aircraft to be readily modified for use as an aeromedical aircraft or a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft.

(Added Pub. L. 97-86, title IX, §915(2), Dec. 1, 1981, 95 Stat. 1125; amended Pub. L. 100-180, div. A, title XII, §1231(17), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 100-456, div. A, title XII, §1233(k)(2), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-189, div. A, title XVI, §1636(a), Nov. 29, 1989, 103 Stat. 1609; Pub. L. 103-272, §5(b)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-355, title III, §3031, Oct. 13, 1994, 108 Stat. 3334.)

AMENDMENTS

1994—Pub. L. 103-355, §3031(c), substituted “In this chapter:” for “In this subchapter:” in introductory provisions.

Par. (1). Pub. L. 103-355, §3031(b)(1)(C), which directed substitution of “section 40102 of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”, could not be executed because of the intervening amendment by Pub. L. 103-272 which substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”, see below.

Pub. L. 103-355, §3031(b)(1)(A), (B), inserted “‘civil aircraft,’” before “‘person,’” and substituted “meanings” for “meaning”.

Pub. L. 103-272 substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”.

Par. (6). Pub. L. 103-355, §3031(b)(2), (3), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: “The term ‘civil aircraft’ means an aircraft other than a public aircraft.”

Par. (7). Pub. L. 103-355, §3031(b)(3), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Par. (8). Pub. L. 103-355, §3031(b)(3), redesignated par. (9) as (8). Former par. (8) redesignated (7).

Pub. L. 103-355, §3031(a)(1), inserted “under section 9512 of this title” after “and who contracts with the Secretary” in subpar. (A) and added subpar. (C).

Pars. (9), (10). Pub. L. 103-355, §3031(b)(3), redesignated pars. (10) and (11) as (9) and (10), respectively. Former par. (9) redesignated (8).

Par. (11). Pub. L. 103-355, §3031(b)(3), (4), redesignated par. (12) as (11), substituted “compatibility” for “interoperability”, and inserted “an aeromedical aircraft or” before “a cargo-convertible”. Former par. (11) redesignated (10).

Par. (12). Pub. L. 103-355, §3031(b)(3), redesignated par. (12) as (11).

1989—Par. (2). Pub. L. 101-189, §1636(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The term ‘cargo air service’ means the carriage of property or mail on the main deck of a civil aircraft.”

Par. (5). Pub. L. 101-189, §1636(a)(2), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The term ‘cargo-convertible feature’ means equipment or design features included or incorporated in a passenger aircraft that can readily enable all or sub-

stantially all of that aircraft’s main deck to be used for the carriage of property or mail.”

Par. (8)(A). Pub. L. 101-189, §1636(a)(3), substituted “a new or existing aircraft and who contracts with the Secretary to modify that aircraft by including or incorporating specified defense features” for “a civil aircraft and who contracts with the Secretary of the Air Force to modify that aircraft by including or incorporating cargo-convertible features suitable for defense purposes”.

Par. (12). Pub. L. 101-189, §1636(a)(4), added par. (12).

1988—Par. (1). Pub. L. 100-456 substituted “The terms” for “The term”.

1987—Pars. (1) to (11). Pub. L. 100-180 inserted “The term” after each par. designation, and revised first word in quotes in pars. (1) to (6) and (8) to (10) to make initial letter of each word lowercase.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.

§9511a. Civil Reserve Air Fleet contracts: payment rate

(a) **AUTHORITY.**—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

(c) **COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR.**—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

(d) **INAPPLICABLE PROVISIONS OF LAW.**—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.

(Added Pub. L. 112-81, div. A, title III, §366(a), Dec. 31, 2011, 125 Stat. 1380.)

INITIAL REGULATIONS

Pub. L. 112-81, div. A, title III, §366(c), Dec. 31, 2011, 125 Stat. 1381, provided that: “Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011].”

§9512. Contracts for the inclusion or incorporation of defense features

(a) **AUTHORITY TO CONTRACT.**—Subject to the provisions of chapter 137 of this title, and to the extent that funds are otherwise available for obligation, the Secretary—

(1) may contract with any citizen of the United States for the inclusion or incorporation of defense features in any new or existing aircraft to be owned or controlled by that citizen; and