

(d) CHAIRMAN.—The Chairman of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board referred to in paragraphs (1) and (2) of subsection (b) and shall serve for a term of two years. The position of Chairman shall be held on a rotating basis between members of the Board appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and members of the Board selected under paragraph (2) of that subsection.

(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted to the Civil Air Patrol under section 40304 of title 36.

(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Subject to paragraph (2), the Board of Governors may take such action as is necessary to limit the personal liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

(2) The Board may not limit the liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for any of the following:

(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-298.)

§ 9448. Regulations

(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

(b) REQUIRED REGULATIONS.—The regulations shall include the following:

(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-299.)

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Table with 2 columns: Chap. and Sec. listing various sections like Civil Reserve Air Fleet, Procurement, Issue of Serviceable Material to Armed Forces, etc.

AMENDMENTS

1999—Pub. L. 106-65, div. A, title VII, §721(c)(8), Oct. 5, 1999, 113 Stat. 695, substituted "Disposition" for "Inquests; Disposition" and "9712" for "9711" in item for chapter 945.

1993—Pub. L. 103-160, div. A, title VIII, §823(c)(8)(B), Nov. 30, 1993, 107 Stat. 1715, substituted "Civil Reserve Air Fleet" for "Industrial Mobilization, Research, and Development" and "9511" for "9501" in item for chapter 931.

CHAPTER 931—CIVIL RESERVE AIR FLEET

Table with 2 columns: Sec. and text listing sections like Definitions, Civil Reserve Air Fleet contracts: payment rate, etc.

- 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.