

mitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (c) for charter air transportation services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (1) to take into account periods during such fiscal year when charter air transportation services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

(g) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of charter air transportation services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (c) is not utilized to purchase charter air transportation services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

(h) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (c) for such fiscal year equivalent to the percentage of the anticipated use of charter air transportation services by such military department during such fiscal year from all carriers under contracts awarded under subsection (c) for such fiscal year.

(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (g) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (g) as of that date.

(i) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of charter air transportation services available for a fiscal year under all contracts awarded under subsection (c) for such fiscal year, a military department shall be entitled to obtain a percentage of such services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (h).

(2) A military department may transfer any entitlement to charter air transportation services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

(j) DEFINITION.—In this section, the term “charter air transportation” has the meaning given such term in section 40102(14) of title 49, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel.

(k) SUNSET.—The authorities in this section shall expire on December 31, 2015.

(Added Pub. L. 110-417, [div. A], title X, §1033(a), Oct. 14, 2008, 122 Stat. 4591; amended Pub. L. 111-383, div. A, title X, §1075(b)(50), Jan. 7, 2011, 124 Stat. 4371.)

#### REFERENCES IN TEXT

Section 1356 of the National Defense Authorization Act for Fiscal Year 2008, referred to in subsec. (b), probably means section 356 of the National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110-181, div. A, title III, Jan. 28, 2008, 122 Stat. 74, which is not classified to the Code. The Act does not contain a section 1356.

#### AMENDMENTS

2011—Subsec. (b). Pub. L. 111-383, §1075(b)(50)(A), which directed substitution of “section 1356 of the National Defense Authorization Act for Fiscal Year 2008” for “Section 1356 of the National Defense Authorization Act for 2008” was executed by making the substitution for “Section 356 of the National Defense Authorization Act for 2008” to reflect the probable intent of Congress.

Subsec. (f)(2). Pub. L. 111-383, §1075(b)(50)(B), substituted “arrangement under paragraph (1)” for “arrangement under paragraph (2)”.

Subsec. (j). Pub. L. 111-383, §1075(b)(50)(C), which directed striking out “United States Code,” after “title 49,” in par. (1), was executed by making the amendment in text of subsec. (j) to reflect the probable intent of Congress. Subsec. (j) does not contain a par. (1).

#### REPORT TO CONGRESS; LIMITATION ON EXERCISE OF AUTHORITY

Pub. L. 110-417, [div. A], title X, §1033(c), Oct. 14, 2008, 122 Stat. 4593, provided that:

“(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a written report on the actions taken under subsections (a) and (b) of section 9515 of title 10, United States Code, as added by subsection (a), along with the anticipated risks and benefits of such actions.

“(2) LIMITATION.—No authority under subsections (c) through (i) [sic] of such section may be implemented until 30 days after the date on which the Secretary submits the report required under paragraph (1).”

#### CHAPTER 933—PROCUREMENT

Sec.	
[9531.	Repealed.]
9532.	Factories, arsenals, and depots: manufacture at.
[9534, 9535.	Repealed.]
9536.	Equipment: bakeries, schools, kitchens, and mess halls.
[9537, 9538.	Repealed.]
9540.	Architectural and engineering services.
[9541.	Repealed.]

#### AMENDMENTS

1993—Pub. L. 103-160, div. A, title VIII, §828(a)(9), Nov. 30, 1993, 107 Stat. 1713, struck out items 9531, “Authorization”, 9534, “Subsistence supplies: contract stipulations; place of delivery on inspection”, 9535, “Exceptional subsistence supplies: purchases without advertising”, 9537, “Military surveys and maps: assistance of United States mapping agencies”, 9538, “Unserviceable ammunition: exchange and reclamation”, and 9541, “Gratuitous services of officers of the Air Force Reserve”.

1982—Pub. L. 97-258, §2(b)(13)(A), Sept. 13, 1982, 96 Stat. 1058, added item 9541.

**[§ 9531. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(2), Nov. 30, 1993, 107 Stat. 1707]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, authorized Secretary of the Air Force to procure aircraft and equipment and facilities necessary for the maintenance and operation of the Air Force.

**§ 9532. Factories, arsenals, and depots: manufacture at**

The Secretary of the Air Force may have supplies needed for the Department of the Air Force made in factories, arsenals, or depots owned by the United States, so far as those factories, arsenals, or depots can make those supplies on an economical basis.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9532 .....	5:626-2(e).	Sept. 19, 1951, ch. 407, §101(e), 65 Stat. 327.

The word "made" is substituted for the words "manufactured or produced". The words "United States" are substituted for the word "Government".

**[§§ 9534, 9535. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(4), (5), Nov. 30, 1993, 107 Stat. 1707]**

Section 9534, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to provisions in contracts for subsistence supplies.

Section 9535, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to purchases without advertising of exceptional subsistence supplies.

**§ 9536. Equipment: bakeries, schools, kitchens, and mess halls**

Money necessary for the following items for the use of enlisted members of the Air Force may be spent from appropriations for regular supplies:

- (1) Equipment for air base bakeries.
- (2) Furniture, textbooks, paper, and equipment for air base schools.
- (3) Tableware and mess furniture for kitchens and mess halls.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9536 .....	10:1334.	June 13, 1890, ch. 423 (1st proviso under "Quartermaster's Department"), 26 Stat. 152.

The words "Money necessary \* \* \* may be spent" are substituted for the words "There may be expended \* \* \* the amounts required". The word "bakeries" is substituted for the words "bake house to carry on post bakeries". The words "each and all" are omitted as surplusage.

**[§§ 9537, 9538. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(6), (7), Nov. 30, 1993, 107 Stat. 1707]**

Section 9537, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Nov. 2, 1966, Pub. L. 89-718, §8(a), 80 Stat. 1117; Dec. 12, 1980, Pub. L. 96-513, title V, §514(13), 94 Stat. 2936, relat-

ed to assistance of United States mapping agencies in making and developing military surveys and maps.

Section 9538, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Dec. 12, 1980, Pub. L. 96-513, title V, §514(14), 94 Stat. 2936, related to exchange and reclamation of unserviceable ammunition by Secretary of the Air Force.

**§ 9540. Architectural and engineering services**

(a) Whenever he considers that it is advantageous to the national defense and that existing facilities of the Department of the Air Force are inadequate, the Secretary of the Air Force may, by contract or otherwise, employ the architectural or engineering services of any person outside that Department for producing and delivering designs, plans, drawings, and specifications needed for any public works or utilities project of the Department.

(b) The fee for any service under this section may not be more than 6 percent of the estimated cost, as determined by the Secretary, of the project to which it applies.

(c) Sections 305, 3324, and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5 do not apply to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577; Pub. L. 89-718, §28, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 95-454, title VII, §703(c)(3), title VIII, §801(a)(3)(I), Oct. 13, 1978, 92 Stat. 1217, 1222; Pub. L. 96-513, title V, §514(15), Dec. 12, 1980, 94 Stat. 2936.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9540(a) .....	5:221 (1st sentence, less last 15 words).	Aug. 7, 1939, ch. 511, §2, 53 Stat. 1240.
9540(b) .....	5:221 (less 1st sentence).	
9540(c) .....	5:221 (last 15 words of 1st sentence).	

In subsection (a), the words "and providing that in the opinion" are omitted as covered by the words "whenever he considers". The words "needed for" are substituted for the words "required for the accomplishment of".

In subsection (c), reference is made in substance to the Classification Act of 1949, instead of the Classification Act of 1923 referred to in the source statute, since section 1106(a) of the Classification Act of 1949, 63 Stat. 972, provides that all references in other acts to the Classification Act of 1923 should be considered to refer to the Classification Act of 1949.

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-513 substituted "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5" for "5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5".

1978—Subsec. (c). Pub. L. 95-454, §801(a)(3)(I), inserted reference to subchapter VI of chapter 53 of title 5.

Pub. L. 95-454, §703(c)(3), substituted "7204" for "7154".

1966—Subsec. (c). Pub. L. 89-718 substituted "Sections 305, 3324, 5101-5115, 5331-5338, 5341, 5342, and 7154 of title 5" for "Sections 1071-1153 of title 5".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 703(c)(3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub.