

ized by a provision described in subsection (c) or (d).

(b) **MIXING OF FUNDS PROHIBITED ON INDIVIDUAL PROJECTS.**—The Secretary of the Air Force may not combine funds authorized to be appropriated by a provision described in subsection (c) and funds authorized to be appropriated by a provision described in subsection (d) for an individual project for maintenance and repair of real property at a military installation of the Department of the Air Force.

(c) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for research, development, test, and evaluation.

(d) **OPERATION AND MAINTENANCE FUNDS.**—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for operation and maintenance.

(Added Pub. L. 105–85, div. A, title II, §242(a), Nov. 18, 1997, 111 Stat. 1666.)

§ 9783. Johnston Atoll: reimbursement for support provided to civil air carriers

(a) **AUTHORITY OF THE SECRETARY.**—The Secretary of the Air Force may, under regulations prescribed by the Secretary, require payment by a civil air carrier for support provided by the United States to the carrier at Johnston Atoll that is either—

- (1) requested by the civil air carrier; or
- (2) determined under the regulations as being necessary to accommodate the civil air carrier's use of Johnston Atoll.

(b) **AMOUNT OF CHARGES.**—Any amount charged an air carrier under subsection (a) for support shall be equal to the total amount of the actual costs to the United States of providing the support. The amount charged may not include any amount for an item of support that does not satisfy a condition described in paragraph (1) or (2) of subsection (a).

(c) **RELATIONSHIP TO LANDING FEES.**—No landing fee shall be charged an air carrier for a landing of an aircraft of the air carrier at Johnston Atoll if the air carrier is charged under subsection (a) for support provided to the air carrier.

(d) **DISPOSITION OF PAYMENTS.**—(1) Amounts collected from an air carrier under this section shall be credited to appropriations available for the fiscal year in which collected, as follows:

(A) For support provided by the Air Force, to appropriations available for the Air Force for operation and maintenance.

(B) For support provided by the Army, to appropriations available for the Army for chemical demilitarization.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with funds in that appropriation and shall be available, without further appropriation, for the purposes and period for which the appropriation is available.

(e) **DEFINITIONS.**—In this section:

(1) The term “civil air carrier” means an air carrier (as defined in section 40102(a)(2) of title 49) that is issued a certificate of public convenience and necessity under section 41102 of such title.

(2) The term “support” includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.

(Added Pub. L. 106–398, §1 [[div. A], title III, §383(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–86; amended Pub. L. 107–107, div. A, title X, §1048(a)(30), Dec. 28, 2001, 115 Stat. 1225.)

AMENDMENTS

2001—Subsec. (e)(1). Pub. L. 107–107 substituted “40102(a)(2)” for “40101(a)(2)”.

CHAPTER 951—MILITARY CLAIMS

Sec.	Definition.
9801.	Admiralty claims against the United States.
9802.	Admiralty claims by United States.
9804.	Salvage claims by United States.
[9805.	Repealed.]
9806.	Settlement or compromise: final and conclusive.

AMENDMENTS

1972—Pub. L. 92–417, §1(7), Aug. 29, 1972, 86 Stat. 655, substituted “Admiralty claims against the United States” for “Damage by United States vessels; towage and salvage of United States vessels” in item 9802.

1960—Pub. L. 86–533, §1(7)(B), June 29, 1960, 74 Stat. 247, struck out item 9805 “Reports to Congress”.

§ 9801. Definition

In this chapter, the term “settle” means consider, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or by disallowance.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 100–180, div. A, title XII, §1231(19)(B), Dec. 4, 1987, 101 Stat. 1161.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9801	[No source].	[No source].

The revised section is inserted for clarity, and is based on usage in the source laws for this revised chapter.

AMENDMENTS

1987—Pub. L. 100–180 inserted “the term” after “In this chapter,”.

§ 9802. Admiralty claims against the United States

(a) The Secretary of the Air Force may settle or compromise an admiralty claim against the United States for—

(1) damage caused by a vessel of, or in the service of, the Department of the Air Force or by other property under the jurisdiction of the Department of the Air Force;

(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Air Force or to other property under the jurisdiction of the Department of the Air Force; or

(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Air Force or by property under the jurisdiction of the Department of the Air Force.

(b) If a claim under subsection (a) is settled or compromised for \$500,000 or less, the Secretary of the Air Force may pay it. If it is settled or compromised for more than \$500,000, he shall certify it to Congress.

(c) In any case where the amount to be paid is not more than \$100,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person in the Department of the Air Force designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 92-417, §1(6), Aug. 29, 1972, 86 Stat. 655; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9802(a)	10:1861 (less 35 words before 1st proviso, and less last proviso).	Oct. 20, 1951, ch. 524, §1 (less 35 words before 1st proviso), 6 (as applicable to §1), 65 Stat. 572, 573.
9802(b)	10:1861 (last proviso).	
9802(c)	10:1866 (as applicable to 10:1861).	

In subsection (a), the words “consider, ascertain, adjust, determine, compromise” are omitted as covered by the word “settle”, as defined in section 9801 of this title. 10:1861 (1st proviso) is omitted as unnecessary, since other applicable claims laws are restated in this title. 10:1861 (2d proviso) is omitted as surplusage.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1972—Subsec. (a). Pub. L. 92-417 substituted “Admiralty claims against the United States” for “Damage by United States vessels, towage and salvage of United States vessels” in section catchline, in text preceding par. (1), struck out requirement that the Secretary of the Air Force discharge his functions under the direction of the Secretary of Defense, in par. (1), inserted “or by other property under the jurisdiction of the Department of the Air Force”, in par. (2), inserted “or to other property under the jurisdiction of the Department of the Air Force”, and added par. (3).

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

§ 9803. Admiralty claims by United States

(a) Under the direction of the Secretary of Defense, the Secretary of the Air Force may settle, or compromise, and receive payment of a claim by the United States for damage to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damage, if—

(1) the claim is—

(A) of a kind that is within the admiralty jurisdiction of a district court of the United States; or

(B) for damage caused by a vessel or floating object; and

(2) the amount to be received by the United States is not more than \$500,000.

(b) In exchange for payment of an amount found to be due the United States under subsection (a), the Secretary of the Air Force may execute a release of the claim on behalf of the United States. Amounts received under this section shall be covered into the Treasury.

(c) In any case where the amount to be received by the United States is not more than \$100,000, the Secretary of the Air Force may delegate his authority under subsections (a) and (b) to any person in the Department of the Air Force designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9803(a)	10:1862 (1st sentence; 2d sentence, less last 32 words; and provisos of last sentence).	Oct. 20, 1951, ch. 524, §2 (less last 32 words of 2d sentence), 6 (less applicability to §1), 65 Stat. 572, 573.
9803(b)	10:1862 (3d sentence; and last sentence, less provisos).	
9803(c)	10:1866 (less applicability to 10:1861).	

In subsection (a), the words “consider, ascertain, adjust, determine” are omitted as covered by the word “settle”, as defined in section 9801 of this title. The words “receive payment” are substituted for 10:1862 (2d sentence, less last 32 words). The words “of a kind that is within the admiralty jurisdiction” are substituted for the words “cognizable in admiralty”. Clause (2) is substituted for 10:1862 (last proviso of last sentence). 10:1862 (1st proviso of last sentence) is omitted as unnecessary, since other applicable claims laws are restated in this title. The words “by contract or otherwise” are omitted as surplusage.

In subsection (b), the words “of the United States as miscellaneous receipts” and “to deliver” are omitted as surplusage.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

§ 9804. Salvage claims by United States

(a) The Secretary of the Air Force may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Air Force. Amounts received under this section shall be covered into the Treasury.

(b) In any case where the amount to be received by the United States is not more than \$10,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 92-417, §1(8), Aug. 29, 1972, 86 Stat. 655.)