

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.

(k) SUNSET.—The authorities in this section shall expire on December 31, 2020.

(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; Pub. L. 112–239, div. A, title X, §§ 1055, 1076(b)(4), (f)(44), Jan. 2, 2013, 126 Stat. 1938, 1949, 1955.)

## REFERENCES IN TEXT

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

## AMENDMENTS

2013—Subsec. (a)(3). Pub. L. 112–239, § 1055(b)(1), struck out “passenger” after “commercial air”.

Subsec. (b). Pub. L. 112–239, § 1076(f)(44), substituted “required by section 356 of the National Defense Authorization Act for Fiscal Year 2008” for “required by section 1356 of the National Defense Authorization Act for Fiscal Year 2008”.

Subsec. (j). Pub. L. 112–239, § 1076(b)(4), made technical amendment to directory language of Pub. L. 111–383, § 1075(b)(50)(C). See 2011 Amendment note below.

Pub. L. 112–239, § 1055(b)(2), struck out “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel” before period at end.

Subsec. (k). Pub. L. 112–239, § 1055(a), substituted “December 31, 2020” for “December 31, 2015”.

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), as amended by Pub. L. 112–239, § 1076(b)(4), struck out “United States Code,” after “title 49,”.

## EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by section 1076(b)(4) of Pub. L. 112–239 effective Jan. 7, 2011, and as if included in Pub. L. 111–383 as enacted.

## 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).”

## § 9516. Airlift service

(a) INTERSTATE TRANSPORTATION.—(1) Except as provided in subsection (d) of this section, the transportation of passengers or property by CRAF-eligible aircraft in interstate air transportation obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service in the United States may be provided only by an air carrier that—

(A) has aircraft in the civil reserve air fleet or offers to place the aircraft in that fleet; and

(B) holds a certificate issued under section 41102 of title 49.

(2) The Secretary of Transportation shall act as expeditiously as possible on an application for a certificate under section 41102 of title 49 to provide airlift service.

(b) **TRANSPORTATION BETWEEN THE UNITED STATES AND FOREIGN LOCATIONS.**—Except as provided in subsection (d), the transportation of passengers or property by CRAF-eligible aircraft between a place in the United States and a place outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a).

(c) **TRANSPORTATION BETWEEN FOREIGN LOCATIONS.**—The transportation of passengers or property by CRAF-eligible aircraft between two places outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a) whenever transportation by such an air carrier is reasonably available.

(d) **EXCEPTION.**—When the Secretary of Defense decides that no air carrier holding a certificate under section 41102 of title 49 is capable of providing, and willing to provide, the airlift service, the Secretary of Defense may make a contract to provide the service with an air carrier not having a certificate.

(e) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—In this section, “CRAF-eligible aircraft” means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.

(Added Pub. L. 113–291, div. A, title X, §1042(a), Dec. 19, 2014, 128 Stat. 3492.)

**§ 9517. Level of readiness of Civil Reserve Air Fleet carriers**

The Civil Reserve Air Fleet program is an important component of the military airlift system in support of United States defense and foreign policies, and it is the policy of the United States to maintain the readiness and interoperability of Civil Reserve Air Fleet carriers by providing appropriate levels of peacetime airlift augmentation to maintain networks and infrastructure, exercise the system, and interface effectively within the military airlift system.

(Added Pub. L. 114–92, div. A, title X, §1085(b)(1), Nov. 25, 2015, 129 Stat. 1005.)

**FINDINGS**

Pub. L. 114–92, div. A, title X, §1085(a), Nov. 25, 2015, 129 Stat. 1004, provided that: “Congress finds the following:

“(1) The National Airlift Policy states that ‘[t]he national defense airlift objective is to ensure that military and civil airlift resources will be able to meet defense mobilization and deployment requirements in support of US defense and foreign policies.’.

“(2) The National Airlift Policy also emphasizes the need for ‘dialogue and cooperation with our national aviation industry,’ and it states that ‘[i]t is of particular importance that the aviation industry be appraised by the Department of Defense of long-term requirements for airlift in support of national defense.’.

“(3) The National Airlift Policy emphasizes the importance of both military and civil airlift resources and their interdependence in the fulfillment of the national defense airlift objective, and it states that the ‘Department of Defense shall establish appropriate levels for peacetime cargo airlift augmentation in order to promote the effectiveness of Civil Re-

serve Air Fleet and provide training within the military airlift system.’.

“(4) Civil Reserve Air Fleet carriers continue to be an important component of the military airlift system in support of United States defense and foreign policies.”

**CHAPTER 963—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**

2018—Pub. L. 115–232, div. A, title VIII, §806(d)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 933 of this title as this chapter.

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**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.