

(Aug. 10, 1956, ch. 1041, 70A Stat. 493, § 8061; renumbered § 9061, Pub. L. 115-232, div. A, title VIII, § 806(c), Aug. 13, 2018, 132 Stat. 1833.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8061	10:16.	July 15, 1870, ch. 294, § 20, 16 Stat. 319; Mar. 1, 1875, ch. 115, 18 Stat. 337.

The word “prescribe” is substituted for the words “make and publish”. 10:16 (last 35 words) is omitted as surplusage.

Editorial Notes

PRIOR PROVISIONS

A prior section 9061 was renumbered section 9381 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8061 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 9062. Policy; composition; aircraft authorization

(a) It is the intent of Congress to provide an Air Force that is capable, in conjunction with the other armed forces, of—

(1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;

(2) supporting the national policies;

(3) implementing the national objectives; and

(4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) There is a United States Air Force within the Department of the Air Force.

(c) In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It shall be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations. It is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(d) The Air Force consists of—

(1) the Regular Air Force, the Air National Guard of the United States, the Air National Guard while in the service of the United States, and the Air Force Reserve;

(2) all persons appointed or enlisted in, or conscripted into, the Air Force without component; and

(3) all Air Force units and other Air Force organizations, with their installations and

supporting and auxiliary combat, training, administrative, and logistic elements; and all members of the Air Force, including those not assigned to units; necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency.

(e) Subject to subsection (f) of this section, chapter 911 of this title, and the strength authorized by law pursuant to section 115 of this title, the authorized strength of the Air Force is 70 Regular Air Force groups and such separate Regular Air Force squadrons, reserve groups, and supporting and auxiliary regular and reserve units as required.

(f) There are authorized for the Air Force 24,000 serviceable aircraft or 225,000 airframe tons of serviceable aircraft, whichever the Secretary of the Air Force considers appropriate to carry out this section. This subsection does not apply to guided missiles.

(g)(1) Effective October 1, 2011, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 301 aircraft. Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.

(2) In this subsection:

(A) The term “strategic airlift aircraft” means an aircraft—

(i) that has a cargo capacity of at least 150,000 pounds; and

(ii) that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.

(B) The term “outsized cargo” means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.

[(h) Repealed. Pub. L. 116-283, div. A, title I, § 132(b), Jan. 1, 2021, 134 Stat. 3430.]

(i)(1) During the period beginning on October 1, 2017, and ending on October 1, 2026, the Secretary of the Air Force shall maintain a total aircraft inventory of fighter aircraft of not less than 1,800 aircraft, and a total primary mission aircraft inventory (combat-coded) of not less than 1,145 fighter aircraft.

(2) In this subsection:

(A) The term “fighter aircraft” means an aircraft that—

(i) is designated by a mission design series prefix of F- or A-;

(ii) is manned by one or two crewmembers; and

(iii) executes single-role or multi-role missions, including air-to-air combat, air-to-ground attack, air interdiction, suppression or destruction of enemy air defenses, close air support, strike control and reconnaissance, combat search and rescue support, or airborne forward air control.

(B) The term “primary mission aircraft inventory” means aircraft assigned to meet the

primary aircraft authorization to a unit for the performance of its wartime mission.

(j)(1) Except as provided in paragraph (2), the Secretary of the Air Force shall maintain a total aircraft inventory of air refueling tanker aircraft of not less than 466 aircraft.

(2) The Secretary of the Air Force may reduce the number of air refueling tanker aircraft in the total aircraft inventory of the Air Force below 466 only if—

(A) the Secretary certifies to the congressional defense committees that such reduction is justified by the results of the mobility capability and requirements study conducted under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91); and

(B) a period of 30 days has elapsed following the date on which the certification is made to the congressional defense committees under subparagraph (A).

(3) In this subsection:

(A) The term “air refueling tanker aircraft” means an aircraft that has as its primary mission the refueling of other aircraft.

(B) The term “total aircraft inventory” means aircraft authorized to a flying unit for operations or training.

(k)(1) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and ending on September 30, 2027, the Secretary of the Air Force may not—

(A) retire an F–22 aircraft;

(B) reduce funding for unit personnel or weapon system sustainment activities for F–22 aircraft in a manner that presumes future congressional authority to divest such aircraft;

(C) keep an F–22 aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions (commonly referred to as “XJ” status); or

(D) decrease the total aircraft inventory of F–22 aircraft below 184 aircraft.

(2) The prohibition under paragraph (1) shall not apply to individual F–22 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents, mishaps, or excessive material degradation and non-airworthiness status of certain aircraft.

(l)(1) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 and ending on September 30, 2029, the Secretary of the Air Force may not—

(A) retire more than 68 F–15E aircraft;

(B) reduce funding for unit personnel or weapon system sustainment activities for retained F–15E aircraft in a manner that presumes future congressional authority to divest such aircraft; or

(C) keep an F–15E aircraft (other than an aircraft identified for retirement under subparagraph (A)) in a status considered excess to the requirements of the possessing command and awaiting disposition instructions (commonly referred to as “XJ” status).

(2) The prohibition under paragraph (1) shall not apply to individual F–15E aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents, mishaps, or excessive material degradation and non-airworthiness status of certain aircraft.

(m)(1) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 and ending on September 30, 2029, the Secretary of the Air Force may not—

(A) retire an RQ–4 aircraft;

(B) reduce funding for unit personnel or weapon system sustainment activities for RQ–4 aircraft in a manner that presumes future congressional authority to divest such aircraft;

(C) keep an RQ–4 aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions (commonly referred to as “XJ” status); or

(D) decrease the total aircraft inventory of RQ–4 aircraft below 10 aircraft.

(2) The prohibition under paragraph (1) shall not apply to individual RQ–4 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents, mishaps, or excessive material degradation and non-airworthiness status of certain aircraft.

(Aug. 10, 1956, ch. 1041, 70A Stat. 493, §8062; Pub. L. 96–513, title V, §504(4), Dec. 12, 1980, 94 Stat. 2916; Pub. L. 99–433, title I, §110(g)(10), Oct. 1, 1986, 100 Stat. 1004; Pub. L. 100–26, §7(g)(3), Apr. 21, 1987, 101 Stat. 282; Pub. L. 100–180, div. A, title XIII, §1314(b)(9), Dec. 4, 1987, 101 Stat. 1176; Pub. L. 109–163, div. A, title X, §1057(a)(6), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 109–364, div. A, title I, §132, Oct. 17, 2006, 120 Stat. 2112; Pub. L. 111–84, div. A, title I, §139, Oct. 28, 2009, 123 Stat. 2223; Pub. L. 112–81, div. A, title I, §131, Dec. 31, 2011, 125 Stat. 1320; Pub. L. 112–239, div. A, title I, §§141(a), 142(a), Jan. 2, 2013, 126 Stat. 1659, 1662; Pub. L. 115–91, div. A, title I, §131(a), Dec. 12, 2017, 131 Stat. 1314; renumbered §9062 and amended Pub. L. 115–232, div. A, title I, §141(a), title VIII, §§806(c), 809(a), Aug. 13, 2018, 132 Stat. 1666, 1833, 1840; Pub. L. 116–283, div. A, title I, §132(b), Jan. 1, 2021, 134 Stat. 3430; Pub. L. 117–81, div. A, title I, §131(a), Dec. 27, 2021, 135 Stat. 1573; Pub. L. 117–263, div. A, title I, §§141(a), 142(a), 143(a), Dec. 23, 2022, 136 Stat. 2452, 2453; Pub. L. 118–31, div. A, title I, §§131(a), 132, Dec. 22, 2023, 137 Stat. 171, 172; Pub. L. 118–159, div. A, title I, §141, Dec. 23, 2024, 138 Stat. 1808.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8062(a)	10:20.	July 26, 1947, ch. 343, §208(a), (f), 61 Stat. 503;
8062(b)	5:626c(a).	Aug. 10, 1949, ch. 412, §12(d), 63 Stat. 591.
8062(c)	5:626c(f).	
8062(d)	10:20r(a).	
	10:1831.	
	50:1091.	July 10, 1950, ch. 454, §§2, 201, 203, 64 Stat. 321, 323, 324.
8062(e)	10:20r(b).	Sept. 19, 1951, ch. 407, §301, 65 Stat. 329.
8062(f)	10:20t.	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
		July 9, 1952, ch. 608, §601, 66 Stat. 501.

In subsection (a), 10:20 (1st 19 words) is omitted as surplusage. The words “any areas occupied by the United States” are substituted for the words “occupied areas wherever located”.

Subsection (b) is substituted for 5:626c(a) (1st sentence). 5:626c(a) (last sentence) is omitted as executed.

In subsection (d), the words “consists of” are substituted for the word “includes”.

In subsection (d)(1), 10:20r(a) is omitted as superseded by 10:1831. The words “all persons serving in the Air Force under call or * * * under any provision of law, including members of the Air National Guard of the several States, Territories, and the District of Columbia when in the service of the United States pursuant to call as provided by law” are omitted as covered by the words “the Air National Guard while in the service of the United States”. 50:1091 (last sentence) is omitted, since the components listed include their members.

In subsection (d)(2), the words “or inducted” are omitted as covered by the word “conscripted”.

In subsection (e), the words “Effective on July 10, 1950” are omitted as executed. The words “the limitations imposed by” are omitted as surplusage. The words “not to exceed” are omitted as surplusage, since the revised section states the authorized number and any number over that would not be authorized. The words “and chapter 31 of this title” are substituted for the reference to 10:20s to make it clear that the authority for a 70 group Air Force is subject to all provisions which prescribe the authorized personnel strength of the Air Force.

In subsection (f), the word “considers” is substituted for the words “may determine is more”. The words “aggregate” and “amount” are omitted as surplusage. The words “carry out this section” are substituted for the words “fulfill the requirements of the Air Force of the United States for aircraft necessary to carry out the purposes of this chapter, section 481 of this title, and sections 235, 235a, 628, and 628a of title 5”, since the purposes to which the reference is made are stated in the revised section. The last sentence is substituted for 10:20t (proviso).

Editorial Notes

REFERENCES IN TEXT

Section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013, referred to in subsec. (g)(1), is section 141(c)(3) of Pub. L. 112-239, div. A, title I, Jan. 2, 2013, 126 Stat. 1661, which is not classified to the Code.

Section 144(b) of the National Defense Authorization Act for Fiscal Year 2018, referred to in subsec. (j)(2)(A), is section 144(b) of Pub. L. 115-91, div. A, title I, Dec. 12, 2017, 131 Stat. 1321, which is not classified to the Code.

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, referred to in subsec. (k)(1), is the date of enactment of Pub. L. 117-263, also known as the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, which was approved Dec. 23, 2022.

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, referred to in subsecs. (l)(1) and (m)(1), is the date of enactment of Pub. L. 118-31, which was approved Dec. 22, 2023.

AMENDMENTS

2024—Subsec. (m)(1). Pub. L. 118-159 substituted “September 30, 2029” for “September 30, 2028” in introductory provisions.

2023—Subsec. (l). Pub. L. 118-31, §131(a), added subsec. (l).

Subsec. (m). Pub. L. 118-31, §132, added subsec. (m).

2022—Subsec. (i)(1). Pub. L. 117-263, §141(a), substituted “1,800” for “1,970”.

Subsec. (j)(1). Pub. L. 117-263, §142(a), struck out “effective October 1, 2019,” after “paragraph (2),” and substituted “466” for “479”.

Subsec. (j)(2). Pub. L. 117-263, §142(a)(2), substituted “466” for “479” in introductory provisions.

Subsec. (k). Pub. L. 117-263, §143(a), added subsec. (k).

2021—Subsec. (h). Pub. L. 116-283 struck out subsec. (h) which read as follows:

“(1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B-1 aircraft.

“(2) The Secretary shall maintain in a common capability configuration not less than 36 B-1 aircraft as combat-coded aircraft.

“(3) In this subsection, the term ‘combat-coded aircraft’ means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.”

Subsec. (i)(1). Pub. L. 117-81 substituted “October 1, 2026” for “October 1, 2022”.

2018—Pub. L. 115-232, §806(c), renumbered section 8062 of this title as this section.

Subsec. (e). Pub. L. 115-232, §809(a), substituted “chapter 911” for “chapter 831”.

Subsec. (j). Pub. L. 115-232, §141(a), added subsec. (j).

2017—Subsec. (i). Pub. L. 115-91 added subsec. (i).

2013—Subsec. (g)(1). Pub. L. 112-239, §141(a), inserted at end “Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.”

Subsec. (h). Pub. L. 112-239, §142(a), added subsec. (h).

2011—Subsec. (g)(1). Pub. L. 112-81 substituted “October 1, 2011” for “October 1, 2009” and “301 aircraft” for “316 aircraft”.

2009—Subsec. (g)(1). Pub. L. 111-84 substituted “2009” for “2008” and “316” for “299”.

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “Commonwealths and possessions” for “Territories, Commonwealths, and possessions”.

Subsec. (g). Pub. L. 109-364 added subsec. (g).

1987—Subsec. (e). Pub. L. 100-26 and Pub. L. 100-180 amended subsec. (e) identically, substituting “section 115” for “section 114”.

1986—Subsec. (e). Pub. L. 99-433 substituted “section 114” for “section 138”.

1980—Subsec. (e). Pub. L. 96-513 substituted “, chapter 831 of this title, and the strength authorized by law pursuant to section 138” for “and chapter 831”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by sections 806(c) and 809(a) of Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

CLARIFICATION OF RELATIONSHIP BETWEEN LIMITATIONS

Pub. L. 118-31, div. A, title I, §131(c), Dec. 22, 2023, 137 Stat. 172, provided that: “The authority of the Secretary of the Air Force to retire F-15E aircraft to the extent allowed under subsection (l)(1)(A) of section 9062 of title 10, United States Code (as added by subsection (a) of this section) shall not apply until the Secretary complies with the requirements of section 150 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263; 136 Stat. 2456) (as amended by subsection (b) of this section).”

MODIFICATION OF FORCE STRUCTURE OBJECTIVES FOR
BOMBER AIRCRAFT

Pub. L. 116-283, div. A, title I, §132, Jan. 1, 2021, 134 Stat. 3430, provided that:

“(a) MINIMUM LEVEL FOR ALL BOMBER AIRCRAFT.—

“(1) IN GENERAL.—During the period beginning on the date of the enactment of this Act [Jan. 1, 2021] and ending on October 1, 2025, the Secretary of the Air Force shall, except as provided in paragraph (2), maintain not less than 92 bomber aircraft based on the Primary Mission Aircraft Inventory (PMAI) of the Air Force.

“(2) EXCEPTION.—The Secretary may reduce the number of aircraft required by the Primary Mission Aircraft Inventory below the number specified in paragraph (1) if the Secretary determines, on a case-by-case basis, that a bomber aircraft is no longer to be so required because such aircraft is no longer mission capable due to mishap or other damage, or being uneconomical to repair.

“(b) REPEAL OF MINIMUM B-1 INVENTORY REQUIREMENT.—[Amended this section.]

“(c) PRESERVATION OF CERTAIN B-1 AIRCRAFT AND MAINTENANCE PERSONNEL.—Until the date on which the Secretary determines that the B-21 bomber aircraft has attained initial operating capability, the Secretary—

“(1) shall preserve four B-1 aircraft that are retired pursuant to subsection (a), in a manner that ensures the components and parts of each such aircraft are maintained in reclaimable condition that is consistent with type 2000 recallable storage, or better; and

“(2) may not reduce the number of billets assigned to maintenance of B-1 aircraft in effect on January 1, 2020.”

RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT

Pub. L. 115-91, div. A, title I, §131(b), (c), formerly §131(b)-(d), Dec. 12, 2017, 131 Stat. 1314, 1315, as amended by Pub. L. 115-232, div. A, title VIII, §809(b)(11), Aug. 13, 2018, 132 Stat. 1841; Pub. L. 117-81, div. A, title I, §131(b), Dec. 27, 2021, 135 Stat. 1573, provided that:

“(b) REPORT ON RETIREMENT OF AIRCRAFT.—

“(1) IN GENERAL.—Beginning with fiscal year 2023, for any fiscal year in which the Secretary of the Air Force expects the total aircraft inventory of fighter aircraft of the Air Force or the total primary mission aircraft inventory of fighter aircraft of the Air Force to decrease below the levels specified in section 9062(i)(1) of title 10, United States Code, the Secretary of the Air Force shall submit to the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] a report setting forth the following:

“(A) A detailed rationale for the retirement of existing fighter aircraft and a detailed operational analysis of the portfolio of capabilities of the Air Force that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the retiring aircraft.

“(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft and how existing aircraft inventory levels and unit personnel levels for the active and reserve components are proposed to change during the fiscal year in which fighter aircraft will be retired.

“(C) A detailed assessment of the current operational risk and the operational risk that will be incurred for meeting—

“(i) the requirements of the National Defense Strategy and combatant commanders; and

“(ii) operational plans for major contingency operations and steady-state or rotational operations.

“(D) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

“(2) TIMING OF REPORT.—Each report required under paragraph (1) shall be included in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for the fiscal year in which applicable decrease in fighter aircraft inventory levels is expected to occur.

“(c) FIGHTER AIRCRAFT DEFINED.—In this section, the term ‘fighter aircraft’ has the meaning given the term in subsection (i)(2)(A) of section 9062 of title 10, United States Code, as added by subsection (a) of this section.”

TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY
PILOTED AIRCRAFT BY ENLISTED PERSONNEL

Pub. L. 114-328, div. A, title X, §1052, Dec. 23, 2016, 130 Stat. 2397, provided that:

“(a) TRANSITION REQUIRED.—The Secretary of the Air Force shall transition the Air Force to an organizational model for all Air Force remotely piloted aircraft that uses a significant number of enlisted personnel as operators of such aircraft rather than officers only.

“(b) DEADLINES.—

“(1) REGULAR COMPONENT.—For the regular component of the Air Force, the transition required by subsection (a) shall be completed not later than September 30, 2020.

“(2) RESERVE COMPONENTS.—For the Air Force Reserve and Air National Guard, the transition required by subsection (a) shall be completed not later than September 30, 2023.

“(c) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

“(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

“(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

“(d) REPORTS.—

“(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

“(A) The objectives of the transition.

“(B) The timeline of the transition.

“(C) The resources required to implement the transition.

“(D) Recommendations for any legislation action required to implement the transition.

“(E) The assumptions used to complete the transition.

“(F) Risks associated with implementing the transition.

“(2) REPORTS ON PROGRESS OF IMPLEMENTATION.—Not later than March 1, 2018, and each March 1 thereafter until the transition required by subsection (a) is completed, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph and in achieving the transition required by subsection (a).”

REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN
THE AIR FORCE INVENTORY

Pub. L. 111-383, div. A, title III, §345, Jan. 7, 2011, 124 Stat. 4191, as amended by Pub. L. 114-92, div. A, title X, §1088, Nov. 25, 2015, 129 Stat. 1014, provided that:

“(a) REQUIREMENTS.—Before making an aircraft transfer described in subsection (c), the Secretary of the Air Force shall ensure that a written agreement regarding such transfer has been entered into between the Chief of Staff of the Air Force and the Director of the Air National Guard or the Chief of Air Force Reserve. Any such agreement shall specify each of the following:

“(1) The number of and type of aircraft to be transferred.

“(2) In the case of any aircraft transferred on a temporary basis—

“(A) the schedule under which the aircraft will be returned to the reserve component;

“(B) a description of the condition, including the estimated remaining service life, in which any such aircraft will be returned to the reserve component; and

“(C) a description of the allocation of resources, including the designation of responsibility for funding aircraft operation and maintenance and a detailed description of budgetary responsibilities, for the period for which the aircraft is transferred to the regular component.

“(3) The designation of responsibility for funding maintenance requirements or modifications to the aircraft generated as a result of the transfer, including any such requirements and modifications required during the period for which the aircraft is transferred to the regular component.

“(4) Any location from which the aircraft will be transferred.

“(5) The effects on manpower that such a transfer may have at any facility identified under paragraph (4).

“(6) The effects on the skills and proficiencies of the reserve component personnel affected by the transfer.

“(7) Any other items the Director of the Air National Guard or the Chief of Air Force Reserve determines are necessary in order to execute such a transfer.

“(b) SUBMITTAL OF AGREEMENTS TO THE DEPARTMENT OF DEFENSE AND CONGRESS.—The Secretary of the Air Force may not take any action to transfer an aircraft until the Secretary—

“(1) ensures that the Air Force has complied with Department of Defense regulations applicable to the transfer; and

“(2) for a transfer described in subsection (c)(1), submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an agreement entered into pursuant to subsection (a) regarding the transfer of the aircraft.

“(c) COVERED AIRCRAFT TRANSFERS.—

“(1) COVERED TRANSFERS.—An aircraft transfer described in this subsection is the transfer (other than as specified in paragraph (2)) from a reserve component of the Air Force to the regular component of the Air Force of—

“(A) the permanent assignment of an aircraft that terminates a reserve component’s equitable interest in the aircraft; or

“(B) possession of an aircraft for a period in excess of 90 days.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

“(A) A routine temporary transfer of possession of an aircraft from a reserve component that is made solely for the benefit of the reserve component for the purpose of maintenance, upgrade, conversion, modification, or testing and evaluation.

“(B) A routine permanent transfer of assignment of an aircraft that terminates a reserve component’s equitable interest in the aircraft if notice of the transfer has previously been provided to the congressional defense committees and the transfer has been approved by the Secretary of Defense pursuant to Department of Defense regulations.

“(C) A transfer described in paragraph (1)(A) when there is a reciprocal permanent assignment of an aircraft from the regular component of the Air Force to the reserve component that does not degrade the capability of, or reduce the total number of, aircraft assigned to the reserve component.

“(d) RETURN OF AIRCRAFT AFTER ROUTINE TEMPORARY TRANSFER.—In the case of an aircraft transferred from a reserve component of the Air Force to the regular component of the Air Force for which an agreement under subsection (a) is not required by reason of subsection (c)(2)(A), possession of the aircraft shall be

transferred back to the reserve component upon completion of the work described in subsection (c)(2)(A).”

CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE

Pub. L. 110-417, [div. A], title III, §324, Oct. 14, 2008, 122 Stat. 4416, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(4), Jan. 7, 2011, 124 Stat. 4374, provided that:

“(a) RESTRICTION ON IMPLEMENTATION OF CONSOLIDATION.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force unless and until the Secretary of the Air Force submits the reports required by (b) and (c), the Chief of the National Guard Bureau submits the assessment required by subsection (d), and the Secretary of Defense submits the certification required by subsection (e).

“(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for its study of the feasibility of the consolidation proposal.

“(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation’s recommendations, the Air Force’s assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

“(d) ASSESSMENT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 30 days after the date on which the report required by subsection (c) is submitted, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and House of Representatives a written assessment of—

“(1) the proposed actions to consolidate aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force; and

“(2) the information included in the report required by subsection (c).

“(e) CERTIFICATION BY THE SECRETARY OF DEFENSE.—After the Secretary of the Air Force submits the reports required by subsections (b) and (c), and before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force, the Secretary of Defense shall certify that such consolidation is in the national interest and will not adversely affect recruitment, retention, or execution of the Air National Guard mission in the individual States.”

§ 9062a. Annual report on Air Force tactical fighter aircraft force structure.¹

(a) IN GENERAL.—Not later than April 1, 2025, and annually thereafter through 2029, the Sec-

¹ So in original. The period probably should not appear.