

**AMENDMENT TO H.R. 5136, AS REPORTED**  
**OFFERED BY MR. GRAVES OF MISSOURI**

Page 415, after line 25, insert the following:

1 **SEC. 1046. STUDY AND REPORT ON FEASIBILITY OF TRANS-**  
2 **FERRING AIRCRAFT TO NON-FEDERAL ENTI-**  
3 **TIES.**

4 (a) **STUDY REQUIRED.**—The Secretary of Defense, in  
5 cooperation with the General Services Administration, the  
6 Secretary of Transportation, and the Secretary of Home-  
7 land Security, and in consultation with relevant non-fed-  
8 eral stakeholders (including museums, non-profit founda-  
9 tions, and educational entities), shall carry out a study  
10 to determine the feasibility and advisability of developing  
11 criteria for transferring aircraft from a military depart-  
12 ment to a non-federal entity for the purpose of restoring  
13 and flying the aircraft. In carrying out the study, the Sec-  
14 retary shall consider each of the following:

15 (1) Public safety as well as the safety record of  
16 the non-federal entities to which aircraft are pro-  
17 posed to be transferred.

18 (2) Prevention of the release of sensitive or pro-  
19 prietary information or technology and other secu-  
20 rity concerns.

1           (3) Cost, including any potential costs or cost  
2 savings, both one-time and recurring, to the military  
3 departments.

4           (4) Requirements for demilitarization of air-  
5 craft pursuant to section 2572 of title 10, United  
6 States Code.

7           (5) Statutory considerations and identification  
8 of existing Federal statutes prohibiting or otherwise  
9 impeding a proposed transfer.

10          (6) Liability concerns, and other legal matters  
11 including restrictions against the sale or transfer of  
12 the aircraft by recipient entities to any other entity.

13          (7) The status and availability of aircraft for  
14 transfer and of spare parts necessary to keep the  
15 transferred aircraft airworthy and whether such  
16 parts are needed to sustain any existing depart-  
17 mental assets.

18          (8) The Department of Defense's goals for the  
19 long-term preservation of available aircraft, includ-  
20 ing protection against vandalism, accidents, or com-  
21 plete destruction of the aircraft through a crash or  
22 other means.

23          (9) Public access to aircraft proposed to be  
24 transferred, including such access in museums, pub-  
25 lic displays or air shows.

1           (10) Criteria by which the military departments  
2           should evaluate a request for transfer of aircraft.

3           (11) The ability of the non-federal entity to  
4           which an aircraft is proposed to be transferred to  
5           comply with any standards set by the Secretary of  
6           Defense.

7           (12) Reversionary rights to the aircraft for the  
8           military department of origin should the recipient  
9           entity file for bankruptcy, cease operations or fail to  
10          comply with standards set by the Secretary of De-  
11          fense.

12          (13) Anything else the Secretary of Defense de-  
13          termines is relevant to determining the feasibility  
14          and advisability of conducting such transfers.

15          (b) REPORT.—Not later than April 15, 2011, the  
16          Secretary of Defense shall submit to the Committees on  
17          Armed Services of the Senate and House of Representa-  
18          tives a report on the findings of the study carried out  
19          under subsection (a) together with any recommendations  
20          of the Secretary with respect to establishing criteria for  
21          transferring aircraft to non-federal entities for the pur-  
22          poses of restoring and flying the aircraft.

23          (c) PROHIBITION ON DESTROYING AIRCRAFT.—

24                  (1) PROHIBITION.—Except as provided in para-  
25          graph (2), the Secretary of Defense shall ensure that

1 no surplus military aircraft that is flyable or can be  
2 readily restored to flying condition is destroyed be-  
3 fore the date that is 90 days after the date on which  
4 the report required by subsection (b) is submitted.

5 (2) EXCEPTION.—The Secretary of Defense  
6 may destroy an aircraft described in paragraph (1)  
7 if the Secretary determines the aircraft to be a  
8 threat to national security. The Secretary shall  
9 maintain a list of all aircraft destroyed under this  
10 paragraph that includes for each such aircraft the  
11 reason for destroying the aircraft.

12 (d) INVENTORY OF SURPLUS MILITARY AIRCRAFT.—  
13 Not later than 180 days after the date of the enactment  
14 of this Act, the Secretary of Defense shall submit to the  
15 Committees on Armed Services of the Senate and House  
16 of Representatives a report that contains a comprehensive  
17 list of all surplus military aircraft that are flyable, or that  
18 can be readily restored to flyable condition, and all major  
19 aviation equipment and parts.

