

of United States to be reserved or used for air bases or testing fields.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

§ 9773. Acquisition and construction: air bases and depots

(a) The Secretary of the Air Force shall determine the sites of such additional permanent air bases and depots in all strategic areas of the United States and the Commonwealths, possessions, and holdings as he considers necessary. He shall determine when the enlargement of existing air bases and depots is necessary for the effective peacetime training of the Air Force.

(b) In determining the sites of new air bases and depots, the Secretary shall consider the following regions for the purposes indicated—

- (1) the Atlantic northeast, for training in cold weather and in fog;
- (2) the Atlantic southeast and Caribbean areas, for training in long-range operations, especially those incident to reinforcing the defenses of the Panama Canal;
- (3) the southeastern United States, to provide a depot necessary to maintain the Air Force;
- (4) the Pacific northwest, to establish and maintain air communication with Alaska;
- (5) Alaska, for training under conditions of extreme cold;
- (6) the Rocky Mountain area, to provide a depot necessary to maintain the Air Force, and for training in operations from fields in high altitudes; and
- (7) other regions, for the establishment of intermediate air bases to provide for transcontinental movements of the Air Force for maneuvers.

(c) In selecting sites for air bases and depots covered by this section and in determining the alteration or enlargement of existing air bases or depots, the Secretary shall consider the need—

- (1) to form the nucleus for concentration of Air Force units in time of war;
- (2) to permit, in time of peace, training and effective planning in each strategic area for the use and expansion of commercial, municipal, and private flying installations in time of war;
- (3) to locate, in each strategic area in which it is considered necessary, adequate storage facilities for munitions and other articles necessary to facilitate the movement, concentration, maintenance, and operation of the Air Force; and
- (4) to afford the maximum warning against surprise attack by enemy aircraft upon aviation of the United States and its necessary installations consistent with maintaining, in connection with existing or contemplated landing fields, the full power of the Air Force

for operations necessary in the defense of the United States, and in the defense and reinforcement of the Commonwealths, possessions, and holdings.

(d) In carrying out this section, the Secretary, on behalf of the United States, may acquire title, in fee simple and free of encumbrance, to any land that he considers necessary—

- (1) by accepting title without cost to the United States;
- (2) by exchanging military reservations or parts thereof for that land, upon the written approval of the President; or
- (3) by purchase or condemnation, if acquisition by gift or exchange is impracticable.

(e) The Secretary may, by purchase, gift, lease, or otherwise, acquire at desired locations bombing and machine gun ranges necessary for practice by, and the training of, tactical units.

(f) At each air base or depot established under this section, the Secretary shall remove or remodel existing structures as necessary; do necessary grading; and provide buildings, utilities, communication systems, landing fields and mats, roads, walks, aprons, docks, runways, facilities for the storage and distribution of ammunition, fuel, oil, necessary protection against bombs, and all appurtenances to the foregoing.

(g) The Secretary may direct the transportation of personnel, and the purchase, renovation, and transportation of material, that he considers necessary to carry out this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 588; Pub. L. 109-163, div. A, title X, §1057(a)(3), Jan. 6, 2006, 119 Stat. 3440.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------------------------|--|
| 9773(a) | 10:1343a (1st sentence). | Aug. 12, 1935, ch. 511, §§1-3, 49 Stat. 610. |
| 9773(b) | 10:1343a (2d sentence). | |
| 9773(c) | 10:1343a (less 1st and 2d sentences). | |
| 9773(d) | 10:1343b. | |
| 9773(e) | 10:1343c (last sentence). | |
| 9773(f) | 10:1343c (1st sentence). | |
| 9773(g) | 10:1343c (2d sentence). | |

In subsection (a), the word "shall" is substituted for the words "is authorized and directed to". The words "Territories, Commonwealths," are substituted for the word "Alaska" to make it clear that the section covers all territory of the United States. The words "Air Force" are substituted for the words "General Headquarters Air Force and the Air Corps components of our overseas garrisons".

In subsection (b), the words "to provide", "to permit", "in addition", and "incident to the concentration of" are omitted as surplusage.

In subsection (c), the introductory clause is substituted for 10:1343a (1st 41 words of 3d sentence). The words "to locate" are substituted for the words "there shall be provided". The words "aviation of the United States" are substituted for the words "our own aviation". The words, "Territories, Commonwealths," are inserted to conform to subsection (a). The words "The stations shall be suitably located", "of the set-up", "by responsible personnel", "there shall be provided", "General Headquarters", "in peace and war", "such close and distant * * * over land and sea", and "The stations and depots shall be located with a view", and 10:1343a (4th clause of 3d sentence) are omitted as surplusage.

In subsection (d), clause (3) is substituted for 10:1343b (last 26 words). 10:1043b (24 words before 1st proviso) is omitted as surplusage.

In subsection (f), the word “shall” is substituted for the words “is further authorized and directed to”. The word “provide” is substituted for the words “construct, install, and equip, or complete the construction, installation, and equipment”. The words “technical buildings and utilities” are omitted as covered by the words “buildings” and “utilities”. The words “sewer, water, power, station and aerodrome lighting” are omitted as covered by the word “utilities”. The words “communication systems” are substituted for the words “telephone and signal communications”. The words “appurtenances to the foregoing” are substituted for the words “other essentials”.

AMENDMENTS

2006—Subsecs. (a), (c)(4). Pub. L. 109-163 struck out “Territories,” before “Commonwealths, possessions,”.

§ 9774. Repealed. Pub. L. 97-214, § 7(1), July 12, 1982, 96 Stat. 173]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 590; Aug. 30, 1957, Pub. L. 85-241, title IV, § 404(c), 71 Stat. 556; Aug. 10, 1959, Pub. L. 86-149, title IV, § 410(c), 73 Stat. 322; July 27, 1962, Pub. L. 87-554, title V, § 504(a), (c), 76 Stat. 239; Nov. 7, 1963, Pub. L. 88-174, title V, § 503, 77 Stat. 325; Dec. 5, 1969, Pub. L. 91-142, title V, § 510(b), 83 Stat. 312; Oct. 27, 1971, Pub. L. 92-145, title V, § 508(a), (c), 85 Stat. 408; Nov. 29, 1973, Pub. L. 93-166, title V, § 509(e), 87 Stat. 678, related to limitations on construction.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

§ 9775. Repealed. Pub. L. 92-145, title V, § 509(b), Oct. 27, 1971, 85 Stat. 408]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 590, authorized assignment of quarters belonging to United States at an air base or other Air Force installation to officers, grade lieutenant general down to second lieutenant, 10 to 2 rooms, respectively, and prohibited other assignment where quarters existed.

§ 9776. Emergency construction: fortifications

If in an emergency the President considers it urgent, a temporary air base or fortification may be built on private land if the owner consents in writing.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 91-393, § 5, Sept. 1, 1970, 84 Stat. 835.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 9776 | 50:178. | Apr. 11, 1898, J. Res. 21, 30 Stat. 737. |

The word “important” is omitted as covered by the word “urgent”. The words “upon which such work is to be placed” are omitted as surplusage.

AMENDMENTS

1970—Pub. L. 91-393 struck out “In such a case, section 175 of title 50 does not apply.”

§ 9777. Permits: military reservations; landing ferries, erecting bridges, driving livestock

Whenever the Secretary of the Air Force considers that it can be done without injury to the

reservation or inconvenience to the military forces stationed there, he may permit—

- (1) the landing of ferries at a military reservation;
- (2) the erection of bridges on a military reservation; and
- (3) the driving of livestock across a military reservation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 9777 | 10:1348. | July 5, 1884, ch. 214, § 6, 23 Stat. 104. |

The words “may permit” are substituted for the words “shall have authority, in his discretion, to permit”. The words “to permit the extension of State, county, and Territorial roads across military reservations” are omitted as superseded by section 2668 of this title. In clause (3), the word “livestock” is substituted for the words “cattle, sheep or other stock animals”.

§ 9778. Licenses: military reservations; erection and use of buildings; Young Men’s Christian Association

Under such conditions as he may prescribe, the Secretary of the Air Force may issue a revocable license to the International Committee of Young Men’s Christian Associations of North America to erect and maintain, on military reservations within the United States and the Commonwealths and possessions, buildings needed by that organization for the promotion of the social, physical, intellectual, and moral welfare of the members of the Air Force on those reservations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 109-163, div. A, title X, § 1057(a)(6), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--------------------------------------|
| 9778 | 10:1346. | May 31, 1902, ch. 943, 32 Stat. 282. |

The words “may issue” are substituted for the words “Authority is given to * * * in his discretion, to grant permission”. The words “Under such conditions as he may prescribe” are substituted for the words “under such regulations as the Secretary of the Army may impose”. The words “members of the Air Force” are substituted for the word “garrisons”. The words “the Territories, Commonwealths, and possessions” are substituted for the words “or its island possessions”, for clarity.

AMENDMENTS

2006—Pub. L. 109-163 substituted “Commonwealths and possessions” for “Territories, Commonwealths, and possessions”.

§ 9779. Use of public property

(a) When the economy of the Air Force so requires, the Secretary of the Air Force shall establish military headquarters in places where suitable buildings are owned by the United States.

(b) No money appropriated for the support of the Air Force may be spent for base gardens or