

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §923(e)(16)(B), amended section catchline generally. Prior to amendment, catchline read as follows: “Acceptance of donations: land for mobilization, training, supply base, or aviation field”.

Par. (2). Pub. L. 116-283, §923(e)(16)(A), inserted “or space mission-related facility” after “aviation field”.

[§9772. Repealed. Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 588, authorized unappropriated public land or other property of United States to be reserved or used for air bases or testing fields.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792, provided that this section is repealed effective on and after Oct. 21, 1976.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: installations and depots

(a) The Secretary of the Air Force shall determine the sites of such additional permanent Air Force and Space Force military installations 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 installations and depots is necessary for the effective peacetime training of the Air Force or the Space Force.

(b) In determining the sites of new installations 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 installations to provide for transcontinental movements of the Air Force or Space Force for maneuvers.

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

(1) to form the nucleus for concentration of Air Force or Space 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 or the Space 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 or the Space 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 installation 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; Pub. L. 116-283, div. A, title IX, §923(e)(17)(A), (B), Jan. 1, 2021, 134 Stat. 3818, 3819.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 923(e)(17)(B), amended section catchline generally. Prior to amendment, catchline read as follows: “Acquisition and construction: air bases and depots”.

Subsec. (a). Pub. L. 116-283, § 923(e)(17)(A)(i), substituted “permanent Air Force and Space Force military installations” for “permanent air bases” and “existing installations” for “existing air bases”, and inserted “or the Space Force” after “training of the Air Force”.

Subsec. (b). Pub. L. 116-283, § 923(e)(17)(A)(ii), substituted “installations” for “air bases” in introductory provisions.

Subsec. (b)(7). Pub. L. 116-283, § 923(e)(17)(A)(ii), (iii), substituted “installations” for “air bases” and inserted “or Space Force” after “Air Force”.

Subsec. (c). Pub. L. 116-283, § 923(e)(17)(A)(ii), substituted “installations” for “air bases” in two places in introductory provisions.

Subsec. (c)(1). Pub. L. 116-283, § 923(e)(17)(A)(iv)(I), inserted “or Space Force” after “Air Force”.

Subsec. (c)(3), (4). Pub. L. 116-283, § 923(e)(17)(A)(iv)(II), inserted “or the Space Force” after “the Air Force”.

Subsec. (f). Pub. L. 116-283, § 923(e)(17)(A)(v), substituted “installation” for “air base”.

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

Statutory Notes and Related Subsidiaries

PLAN AND REQUIREMENTS FOR FIELDING AIR BASE AIR DEFENSE SITES AT AIR FORCE INSTALLATIONS

Pub. L. 118-159, div. A, title I, § 152, Dec. 23, 2024, 138 Stat. 1813, provided that:

“(a) PLAN REQUIRED.—The Secretary of the Air Force, in consultation with the Commander of the United

States Northern Command, the Commander of United States European Command, and the Commander of United States Indo-Pacific Command, shall develop and implement a plan to support the fielding of air base air defense sites at Air Force installations and other priority sites identified by the Secretary.

“(b) AIR BASE AIR DEFENSE SITE REQUIREMENTS.—Each air base air defense site fielded under the plan required under subsection (a) shall have the following capabilities:

“(1) Expeditionary mobile protection for dispersed air bases.

“(2) Fixed protection for primary air bases.

“(3) Ground-based protection systems that incorporate kinetic and non-kinetic capabilities.

“(4) Counter-unmanned aircraft systems.

“(5) Counter-fixed and Counter-rotary wing aircraft capabilities.

“(6) Counter-cruise missile capabilities.

“(7) Interoperability with joint command and control networks.

“(8) 360-degree active and passive sensors.

“(9) Systems and software that enable reduced staffing.

“(c) FIELDING REQUIREMENT.—Pursuant to the plan developed under subsection (a), the Secretary shall—

“(1) by not later than September 30, 2027, field a total of not fewer than four air base air defense sites, of which not fewer than two such sites shall be located in the United States; and

“(2) in each of fiscal years 2028 through 2031, field at least four air base air defense sites per year, of which not fewer than two of the sites fielded each year shall be located in the United States.

“(d) REPORT.—Not later than March 1, 2025, the Secretary of the Air Force shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the plan required under subsection (a).”

[§ 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.

Statutory Notes and Related Subsidiaries

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 installation or fortification may be built on private land if the owner consents in writing.