§ 47125. Conveyances of United States Government land

(a) **Conveyances to Public Agencies.**— Except as provided in subsection (b) of this section, the Secretary of Transportation shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems. The head of the department, agency, or instrumentality shall decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality and shall notify the Secretary of that decision not later than 4 months after receiving the request. If the head of the department, agency, or instrumentality decides that the requested conveyance is consistent with its needs, the head of the department, agency, or instrumentality, with the approval of the Attorney General and without cost to the Government, shall make the conveyance. A conveyance may be made only on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance. Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.

(b) **Nonapplication.**— Except as specifically provided by law, subsection (a) of this section does not apply to land or airspace owned or controlled by the Government within—

(1) a national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(2) a unit of the National Wildlife Refuge System or similar area under the jurisdiction of the United States Fish and Wildlife Service; or

(3) a national forest or Indian reservation.


### Historical and Revision Notes

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In subsection (a), the text of 49 App.:2215(a) (last sentence) is omitted as surplus because a “property interest in land or airspace” necessarily includes “title to . . . land or any easement through . . . airspace”. The words “when necessary” are substituted for “whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for”, and the words “for the future development” are substituted for “including lands reasonably necessary to meet future development”, to eliminate unnecessary words. The words “not later than 4 months after receiving the request” are substituted for “Upon receipt of a request from the Secretary under this section” and “within a period of four months
after receipt of the Secretary’s request” for clarity and to eliminate unnecessary words. The words “make the conveyance” are substituted for “perform any acts and to execute any instruments necessary to make the conveyance requested”, and the words “that the property interest conveyed reverts to the Government . . . to the extent it is not” are substituted for “the property interest conveyed shall revert to the United States in the event that the lands in question are not” and “If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States”, to eliminate unnecessary words. The words “the terms of” are omitted as surplus.

Amendments

2000—Subsec. (a). Pub. L. 106–181 inserted at end “Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.”

Effective Date of 2000 Amendment


Construction of 2000 Amendment

Nothing in amendment by Pub. L. 106–181 to be construed to authorize Secretary of Transportation to issue waiver or make a modification referred to in such amendment, see section 125(e) of Pub. L. 106–181, set out as a note under section 47107 of this title.