

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47152 .....	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
	50 App.:1622(g)(2).	Oct. 3, 1944, ch. 479, 58 Stat. 765, §13(g)(2); added July 30, 1947, ch. 404, §2, 61 Stat. 678; Oct. 1, 1949, ch. 589, §1, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85-726, §1402(c), 72 Stat. 807.

In this section, before paragraph (1), the words “conditions, reservations, and restrictions” and “the authority of” are omitted as surplus. In paragraph (1), the words “A State, political subdivision of a State, or tax-supported organization receiving the interest” are substituted for “grantee or transferee” for clarity. The words “sold” and “disposed of under the authority of this subsection” are omitted as surplus. In paragraph (2), the words “transferred for airport purposes” are omitted as surplus. In paragraph (3), before clause (A), the words “For the purpose of this condition, an exclusive right is defined to mean” and “any exclusive right to” are omitted because of the restatement. The words “exclusive” and “(either directly or indirectly)” are omitted as surplus. The words “or persons” are omitted because of 1:1. The words “disposed of” are omitted as surplus. In clause (A), the word “particular” is omitted as surplus. In paragraph (4), the words “removing, lowering, relocating, marking, or lighting or otherwise” and “the establishment or creation of” are omitted as surplus. In paragraphs (5)–(7), the words “or used” are omitted as surplus. In paragraph (5), before clause (A), the words “exclusive or nonexclusive” and “as it may desire” are omitted as surplus. In clause (A), the word “pay” is substituted for “be responsible for” to eliminate unnecessary words. The words “during the emergency” are substituted for “during the period of such use, possession, or control” to eliminate unnecessary words and for clarity. In clause (B), the words “be obligated to” are omitted as surplus. The words “during the emergency” are added for clarity. In clause (C), the words “exclusively or nonexclusively” are omitted as surplus. In paragraph (6), before clause (A), the words “as may be determined at any time” are omitted as surplus. In clause (B), the words “be obligated to” are omitted as surplus. In paragraph (7), the words “The State, political subdivision, or tax-supported organization accepting the interest” are substituted for “Any public agency accepting a conveyance or transfer of surplus property under the provisions of this subsection” to eliminate unnecessary words and for consistency in this section. The words “any and . . . it may be under for restoration or other . . . lease or other” are omitted as surplus. The text of 50 App.:1622(g)(2)(G) (proviso) is omitted because 49 App.:1116 was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 235). Paragraph (8) is substituted for 50 App.:1622(g)(2)(H) to eliminate unnecessary words.

## AMENDMENTS

2000—Pub. L. 106-181 substituted “conveyances” for “gifts” in section catchline and “conveyance” for “gift” in introductory provisions.

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

## § 47153. Waiving and adding terms

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may waive, without charge, a term of a conveyance of an interest in property

under this subchapter if the Secretary decides that—

(A) the property no longer serves the purpose for which it was conveyed; or

(B) the waiver will not prevent carrying out the purpose for which the conveyance was made and is necessary to advance the civil aviation interests of the United States.

(2) The Secretary of Transportation shall waive a term under paragraph (1) of this subsection on terms the Secretary considers necessary to protect or advance the civil aviation interests of the United States.

(b) WAIVERS AND INCLUSION OF ADDITIONAL TERMS ON REQUEST.—On request of the Secretary of Transportation or the Secretary of a military department, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may waive a term required by section 47152 of this title or add another term if the appropriate Secretary decides it is necessary to protect or advance the interests of the United States in civil aviation or for national defense.

(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1280; Pub. L. 106-181, title I, §§125(d), 135(d)(3), Apr. 5, 2000, 114 Stat. 76, 85.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47153(a) .....	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
	50 App.:1622c.	Oct. 1, 1949, ch. 589, §4, 63 Stat. 700; Aug. 23, 1958, Pub. L. 85-726, §1402(c), 72 Stat. 807.
47153(b) .....	49 App.:1655(c)(1).	Oct. 3, 1944, ch. 479, 58 Stat. 765, §13(g)(3); added July 30, 1947, ch. 404, §2, 61 Stat. 680; Aug. 23, 1958, Pub. L. 85-726, §1402(c), 72 Stat. 807.
	50 App.:1622(g)(3).	

In subsection (a), before clause (1), the words “Notwithstanding any other provision of law” and “further” are omitted as surplus. The word “waive” is substituted for “grant releases from” and “and to convey, quitclaim, or release any right or interest reserved to the United States by” to eliminate unnecessary words. The words “a term of a gift of an interest in property under this subchapter” are substituted for “any of the terms, conditions, reservations, and restrictions contained in . . . any such instrument of disposal” for clarity and consistency. In clause (1), the words “transferred by such instrument” are omitted as surplus. In clause (2), the text of 50 App.:1622c (last proviso) is omitted as executed. The words “protect or” are omitted as surplus.

In subsection (b), the words “In making any disposition of surplus property under this subsection” are omitted as surplus. The words “Secretary of a military department” are substituted for “the Secretary of the Army, or the Secretary of the Navy” for consistency with other titles of the United States Code and to eliminate unnecessary words. The words “Secretary of

the Army” are substituted for “Secretary of War” in section 13(g)(3) of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501). The Secretary of the Air Force is included in “Secretary of a military department” because of section 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 502, 503). The word “waive” is substituted for “omit from the instrument of disposal” to eliminate unnecessary words and for consistency in this subchapter. The words “conditions, reservations, and restrictions” are omitted as surplus.

#### AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-181, §135(d)(3), substituted “conveyance” for “gift” in introductory provisions and subpar. (B) and “conveyed” for “given” in subpar. (A).

Subsec. (c). Pub. L. 106-181, §125(d), added subsec. (c).

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

#### CONSTRUCTION OF 2000 AMENDMENT

Nothing in amendment by section 125(d) of 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.

### SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

#### § 47171. Expedited, coordinated environmental review process

(a) AVIATION PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects that—

(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—

(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(2) AVIATION SAFETY AND AVIATION SECURITY PROJECTS.—

(A) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

(B) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

(i) the importance or urgency of the project;

(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

(iv) the prospect for undue delay if the project is not designated for priority review; and

(v) for aviation security projects, the views of the Department of Homeland Security.

(c) HIGH PRIORITY OF AND AGENCY PARTICIPATION IN COORDINATED REVIEWS.—

(1) HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

(2) AGENCY PARTICIPATION.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.