

Sec.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–63, title VII, §727, May 16, 2024, 138 Stat. 1271, struck out item 47306 “Criminal penalty”.

§ 47301. Definitions

In this chapter—

(1) “airport property” means an interest in property used or useful in operating and maintaining an airport.

(2) “airway property” means an interest in property used or useful in operating and maintaining a ground installation, facility, or equipment desirable for the orderly and safe operation of air traffic, including air navigation, air traffic control, airway communication, and meteorological facilities.

(3) “foreign territory” means an area—

(A) over which no government or a government of a foreign country has sovereignty;

(B) temporarily under military occupation by the United States Government; or

(C) occupied or administered by the Government or a government of a foreign country under an international agreement.

(4) “territory outside the continental United States” means territory outside the 48 contiguous States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47301(1)–(3)	49 App.:1151.	June 16, 1948, ch. 473, §2, 62 Stat. 450; Aug. 23, 1958, Pub. L. 85–726, §1403, 72 Stat. 808.
47301(4)	(no source).	

In this section, the words “the purposes of” and “The term” are omitted as surplus.

In clauses (1) and (2), the words “real or personal”, “directly or indirectly”, “administration”, and “(including parts and components thereof)” are omitted as surplus.

In clause (1), the words “including . . . (1) land; (2) runways, strips, taxiways, and parking aprons; (3) buildings, structures, improvements, and facilities, whether or not used in connection with the landing and take-off of aircraft; and (4) equipment . . . furniture, vehicles, and supplies” are omitted as being included in “an interest in property”.

In clause (2), the words “necessary or” are omitted as surplus.

In clause (3), before subclause (A), the words “of land or water” are omitted as surplus. In subclause (A), the words “no government or a government of a foreign country” are substituted for “no nation or a nation other than the United States” for consistency in the revised title and with other titles of the United States Code. The words “(including territory of undetermined sovereignty and the high seas)” are omitted as surplus. In subclause (C), the words “government of a foreign country” are substituted for “other nation” for consistency in the revised title and with other titles of the Code.

Clause (4) is derived from the source provisions of the chapter and is included to avoid repeating the phrase “territory (including Alaska) outside the continental limits of the United States”.

§ 47302. Providing airport and airway property in foreign territories

(a) GENERAL AUTHORITY.—Subject to the concurrence of the Secretary of State and the consideration of objectives of the International Civil Aviation Organization—

(1) the Secretary of Transportation may acquire, establish, and construct airport property and airway property (except meteorological facilities) in foreign territory; and

(2) the Secretary of Commerce may acquire, establish, and construct meteorological facilities in foreign territory.

(b) SPECIFIC APPROPRIATIONS REQUIRED.—Except for airport property transferred under section 47304(b) of this title, an airport (as defined in section 40102(a) of this title) may be acquired, established, or constructed under subsection (a) of this section only if amounts have been appropriated specifically for the airport.

(c) ACCEPTING FOREIGN PAYMENTS.—The Secretary of Transportation or Commerce, as appropriate, may accept payment from a government of a foreign country or international organization for facilities or services sold or provided the government or organization under this chapter. The amount received may be credited to the appropriation current when the expenditures are or were paid, the appropriation current when the amount is received, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47302(a), (b)	49 App.:1152.	June 16, 1948, ch. 473, §3, 62 Stat. 451; Aug. 23, 1958, Pub. L. 85–726, §1403, 72 Stat. 808.
	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.
47302(c)	49 App.:1154.	June 16, 1948, ch. 473, §5, 62 Stat. 451.
	49 App.:1655(c)(1).	

In this chapter, the words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the United States Code.

In this section, the title “Secretary of Commerce” is substituted for “Chief of the Weather Bureau of the Department of Commerce” in section 3, and “Chief of the Weather Bureau” in section 5, of the International Aviation Facilities Act (ch. 473, 62 Stat. 451) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318).

In subsection (a), the words “by contract or otherwise” are omitted as surplus. The words “airport property and airway property (except meteorological facilities)” and “meteorological facilities” are substituted for “within their respective fields” for clarity.

In subsection (b), the words “for the airport” are substituted for “for such purpose” for clarity. The words “by the Congress” are omitted as surplus.

In subsection (c), the words “on behalf of the United States” are omitted as surplus. The words “sold or provided” are substituted for “supplied or . . . performed” for consistency in this chapter. The words “by the Secretary of Transportation or the Secretary of Commerce, either directly or indirectly” and “the authority of” are omitted as surplus. The words “or the Civil Aeronautics Act of 1938, as amended” are omitted as obsolete because the Act was repealed by section 1401(b)

of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 806). The words “including the operation of airport property and airway property in such countries, the training of foreign nationals, the rendering of technical assistance and advice to such countries, and the performance of other similar services” are omitted as being included in “facilities or services sold or provided”. The words “or both” are substituted for “or (C) in part as provided under clause (A) and in part as provided under clause (B)” to eliminate unnecessary words.

§ 47303. Training foreign citizens

Subject to the concurrence of the Secretary of State, the Secretary of Transportation or Commerce, as appropriate, may train a foreign citizen in a subject related to aeronautics and essential to the orderly and safe operation of civil aircraft. The training may be provided—

- (1) directly by the appropriate Secretary or jointly with another department, agency, or instrumentality of the United States Government;
- (2) through a public or private agency of the United States (including a State or municipal educational institution); or
- (3) through an international organization.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47303	49 App.:1153. 49 App.:1655(c)(1).	June 16, 1948, ch. 473, § 4, 62 Stat. 451. 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.

In this section, before clause (1), the title “Secretary of Commerce” is substituted for “Chief of the Weather Bureau” in section 4 of the International Aviation Facilities Act (ch. 473, 62 Stat. 451) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). The words “within or outside the United States” are omitted as surplus. The word “citizen” is substituted for “nationals” as being more appropriate. In clause (1), the word “jointly” is substituted for “or in conjunction” to eliminate unnecessary words. The words “department, agency, or instrumentality of the United States Government” are substituted for “United States Government agency” for consistency in the revised title and with other titles of the United States Code.

§ 47304. Transfer of airport and airway property

(a) GENERAL AUTHORITY.—When requested by the government of a foreign country or an international organization, the Secretary of Transportation or Commerce, as appropriate, may transfer to the government or organization airport property and airway property operated and maintained under this chapter by the appropriate Secretary in foreign territory. The transfer shall be on terms the appropriate Secretary considers proper, including consideration agreed on through negotiations with the government or organization.

(b) PROPERTY INSTALLED OR CONTROLLED BY MILITARY.—Subject to terms to which the parties agree, the Secretary of a military department may transfer without charge to the Secretary of Transportation airport property and

airway property (except meteorological facilities), and to the Secretary of Commerce meteorological facilities, that the Secretary of the military department installed or controls in territory outside the continental United States. The transfer may be made if consistent with the needs of national defense and—

- (1) the Secretary of the military department finds that the property or facility is no longer required exclusively for military purposes; and
- (2) the Secretary of Transportation or Commerce, as appropriate, decides that the transfer is or may be necessary to carry out this chapter.

(c) REPUBLIC OF PANAMA.—(1) The Secretary of Transportation may provide, operate, and maintain facilities and services for air navigation, airway communications, and air traffic control in the Republic of Panama subject to—

- (A) the approval of the Secretary of Defense; and
- (B) each obligation assumed by the United States Government under an agreement between the Government and the Republic of Panama.

(2) The Secretary of a military department may transfer without charge to the Secretary of Transportation property located in the Republic of Panama when the Secretary of Transportation decides that the transfer may be useful in carrying out this chapter.

(3) Subsection (b) of this section (related to the Secretary of Transportation) and section 47302(a) and (b) of this title do not apply in carrying out this subsection.

(d) RETAKING PROPERTY FOR MILITARY REQUIREMENT.—(1) When necessary for a military requirement, the Secretary of a military department immediately may retake property (with any improvements to it) transferred by the Secretary under subsection (b) or (c) of this section. The Secretary shall pay reasonable compensation to each person (or its successor in interest) that made an improvement to the property that was not made at the expense of the Government. The Secretary or a delegate of the Secretary shall decide on the amount of compensation.

(2) On the recommendation of the Secretary of Transportation or Commerce, as appropriate, the Secretary of a military department may decide not to act under paragraph (1) of this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1281.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47304(a)	49 App.:1155. 49 App.:1655(c)(1).	June 16, 1948, ch. 473, §§6, 8(a), (b), 62 Stat. 452; Aug. 23, 1958, Pub. L. 85-726, §1403, 72 Stat. 808. 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.
47304(b)	49 App.:1157(a), (b). 49 App.:1655(c)(1).	
47304(c)(1) ..	49 App.:1156(a), (b). 49 App.:1655(c)(1).	June 16, 1948, ch. 473, §§7, 9, 62 Stat. 452, 453.
47304(c)(2) ..	49 App.:1156(c). 49 App.:1655(c)(1).	
47304(c)(3) ..	49 App.:1156(d).	
47304(d)	49 App.:1158.	