

Lease of land for publicpark.

Granting of right-of-way.

Construction costs.

Virginia, situated between the West Fork River and the line of the Clarksburg and Western Electric Railway and known as the Maxwell estate; (2) to lease to the city of Clarksburg, West Virginia, at a nominal consideration, so much of the westerly portion of such tract as is not presently needed for the purposes of such facility, upon condition that such portion be maintained by the city of Clarksburg as a public park until such time as it may be needed for the purposes of such facility, and upon such further terms and conditions as may be agreed upon by the Administrator and such city; (3) to grant to the State of West Virginia a right-of-way across such tract of land for a public highway connecting United States Highway Numbered 19 with the highway known as the Clarksburg-Mount Clare Road; and (4) to enter into an agreement with the State Road Commission of the State of West Virginia to bear not to exceed 35 per centum of the costs of construction of such public highway and any necessary bridges thereon.

Approved July 30, 1947.

[CHAPTER 404]

AN ACT

July 30, 1947

[S. 364]

[Public Law 289]

To expedite the disposition of Government surplus airports, airport facilities, and equipment and to assure their disposition in such manner as will best encourage and foster the development of civilian aviation and preserve for national defense purposes a strong, efficient, and properly maintained Nationwide system of public airports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 13 of the Surplus Property Act of 1944 (58 Stat. 765), as amended, is amended to read as follows:

“(c) No harbor or port terminal, including necessary operating equipment, shall be otherwise disposed of until it has first been offered, under regulations to be prescribed by the Administrator, for sale or lease to the State, political subdivision thereof, and any municipality, in which it is situated, and to all municipalities in the vicinity thereof.”

SEC. 2. Section 13 of the Surplus Property Act of 1944 (58 Stat. 765), as amended, is hereby amended by adding a new subsection (g) reading as follows:

“(g) (1) Notwithstanding any other provision of this Act, any disposal agency designated pursuant to this Act may, with the approval of the Administrator, convey or dispose of to any State, political subdivision, municipality, or tax-supported institution, without monetary consideration to the United States, but subject to the terms, conditions, reservations, and restrictions hereinafter provided for, all of the right, title, and interest of the United States in and to any surplus real or personal property (exclusive of property the highest and best use of which is determined by the Administrator to be industrial and which shall be so classified for disposal without regard to the provisions of this subsection) which, in the determination of the Administrator of Civil Aeronautics, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport as defined in the Federal Airport Act (60 Stat. 170) or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation businesses at a public airport.

“(2) Except as provided in paragraph (3) hereof, all property disposed of under the authority of this subsection shall be disposed of on and subject to the following terms, conditions, reservations, and restrictions:

Surplus Property Act of 1944, amendments.
58 Stat. 771.
50 U. S. C. app. § 1622 (c).
Harbor or port terminal.

58 Stat. 770.
50 U. S. C. app. § 1622.

Conveyance of property for development of public airport.

49 U. S. C. §§ 1101-1119.

Conditions of disposal.

“(A) No property disposed of under the authority of this subsection shall be used, leased, sold, salvaged, or disposed of by the grantee or transferee for other than airport purposes without the written consent of the Administrator of Civil Aeronautics, which consent shall be granted only if the Administrator of Civil Aeronautics determines that the property can be used, leased, sold, salvaged, or disposed of for other than airport purposes without materially and adversely affecting the development, improvement, operation, or maintenance of the airport at which such property is located: *Provided*, That no structures disposed of hereunder shall be used as an industrial plant, factory, or similar facility within the meaning of section 23 of this Act, unless the public agency receiving title to such structures shall pay to the United States such sum as the Administrator shall determine to be a fair consideration for the removal of the restriction imposed by this proviso.

Disposal for other than airport purposes.

58 Stat. 777.
50 U. S. C. app. § 1632.

“(B) All property transferred for airport purposes shall be used and maintained for the use and benefit of the public, without unjust discrimination.

Property transferred for airport purposes.

“(C) No exclusive right for the use of the airport at which the property disposed of is located shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of this condition, an exclusive right is defined to mean—

Exclusive right, restriction.

“(1) any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

“(2) any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers, and appliances).

“(D) The grantee shall, insofar as it is within its powers, adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

Protection of aerial approaches.

“(E) During any national emergency declared by the President or by the Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport at which the surplus property is located or used, or of such portion thereof as it may desire: *Provided, however*, That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided further*, That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

Control, etc., by U. S. during emergency.

“(F) The United States shall at all times have the right to make nonexclusive use of the landing area of the airport at which the surplus property is located or used, without charge: *Provided, however*, That such use may be limited as may be determined at any time by the Administrator of Civil Aeronautics to be necessary to prevent undue interference with use by other authorized aircraft: *Provided further*, That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute

Use of landing area.

Damages; maintenance.

a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made by it.

Release of U. S.
from liability.

“(G) Any public agency accepting a conveyance or transfer of surplus property under the provisions of this subsection shall release the United States from any and all liability it may be under for restoration or other damages under any lease or other agreement covering the use by the United States of any airport, or part thereof, owned, controlled, or operated by the public agency upon which, adjacent to which, or in connection with which, the surplus property was located or used: *Provided*, That no such release shall be construed as depriving the public agency of any right it may otherwise have to receive reimbursement under section 17 of the Federal Airport Act for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency.

60 Stat. 179.
49 U. S. C. § 1116.

Reversion to U. S.

“(H) In the event that any of the terms, conditions, reservations, and restrictions upon or subject to which the property is disposed of is not met, observed, or complied with, all of the property so disposed of or any portion thereof, shall, at the option of the United States, revert to the United States in its then existing condition.

Omission or inclu-
sion of terms.

“(3) In making any disposition of surplus property under this subsection (g), the disposal agency is authorized, upon the request of the Administrator of Civil Aeronautics, the Secretary of War, or the Secretary of the Navy, to omit from the instruments of disposal any of the terms, conditions, reservations, and restrictions required by paragraph (2) hereof, and to include any additional terms, conditions, reservations, and restrictions, if the Administrator of Civil Aeronautics, the Secretary of War, or the Secretary of the Navy determines that such omission or inclusion is necessary to protect or advance the interests of the United States in civil aviation or for national defense.

Responsibility of
Administrator of Civil
Aeronautics.

“(4) The Administrator of Civil Aeronautics shall have the sole responsibility for determining and enforcing compliance with the terms, conditions, reservations, and restrictions upon or subject to which surplus property is disposed of pursuant to this subsection.

“(5) All surplus property within the purview of this subsection which is not disposed of pursuant hereto shall be disposed of as provided elsewhere in this Act or other applicable Federal Statute.

58 Stat. 774.
50 U. S. C. app.
§ 1627 (e).

“(6) Notwithstanding the provisions of subsection (f) of this section and subsection (e) of section 18, the disposal of surplus property under this subsection, which is determined by the Administrator to be available for the purposes enumerated in this subsection, shall be given priority immediately following transfers to other Government agencies under section 12.”

58 Stat. 770.
50 U. S. C. app.
§ 1621.

Approved July 30, 1947.

[CHAPTER 405]

AN ACT

To amend the Plant Quarantine Act approved August 20, 1912, as amended, by adding a new proviso to section 1.

July 31, 1947
[S. 338]

[Public Law 290]

37 Stat. 315.
7 U. S. C. § 154.

Entry of nursery
stock from foreign
countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Plant Quarantine Act approved August 20, 1912, as amended, be amended by substituting a colon for the period at the end of section 1 and by adding thereto a new proviso as follows:

“*And provided further*, That the Secretary of Agriculture is authorized to limit entry of nursery stock from foreign countries under such rules and regulations as he may deem necessary, including the